

WORLD TRADE ORGANIZATION

RESTRICTED

WT/ACC/TJK/13
29 March 2006

(06-1449)

**Working Party on the
Accession of Tajikistan**

Original: English

ACCESSION OF TAJIKISTAN

Additional Questions and Replies

The following submission, dated 27 February 2006, is being circulated at the request of the Delegation of the Republic of Tajikistan.

TABLE OF CONTENTS

II.	ECONOMY, ECONOMIC POLICIES AND FOREIGN TRADE	1
2.	Economic policies	1
(a)	Main directions	1
(c)	Foreign exchange and payments system	3
III.	FRAMEWORK FOR MAKING AND ENFORCING POLICIES AFFECTING FOREIGN TRADE IN GOODS AND TRADE IN SERVICES	4
1.	Powers of executive, legislative and judicial branches of government.....	4
3.	Division of authority between central and sub-central governments.....	4
4.	Any legislative programme or plans to change the regulatory regime	5
IV.	POLICIES AFFECTING TRADE IN GOODS	6
1.	Import Regulation.....	6
(a)	Registration requirements for engaging in importing.....	6
(b)	Characteristics of national tariff	8
(d)	Other duties and charges, specifying any charges for services rendered	8
(e)	Quantitative import restrictions, including prohibitions, quotas and licensing systems	11
(f)	Import licensing procedures	14
(g)	Other border measures.....	16
(h)	Customs valuation.....	18
(k)	Application of internal taxes on imports.....	20
(m,n,o)	Anti-dumping, Countervailing Duty and Safeguard Regimes.....	21
2.	Export Regulation.....	21
-	Export Subsidies	23
3.	Internal Policies Affecting Foreign Trade in Goods	23
(a)	Industrial policy, including subsidy policies.....	23
(b)	Technical regulations and standards, including measures taken at the border with respect to imports	24
(c)	Sanitary and phytosanitary measures, including measures taken with respect to imports	25
(e)	State-trading practices.....	29
(l)	Government procurement practices.....	30
V.	TRADE-RELATED INTELLECTUAL PROPERTY REGIME.....	31
1.	General.....	31
2.	Substantive Standards of Protection	31
(b)	Trademarks, including service marks.....	31
(e)	Patents.....	32

(f)	Plant variety protection.....	33
(h)	Requirements for undisclosed information, including trade secrets and test data.....	33
4.	Enforcement	34
(a)	Civil judicial procedures and remedies.....	34
(c)	Any administrative procedures and remedies.....	34
(d)	Any special border measures	34
(e)	Criminal procedures.....	35
	ANNEX I.....	36
	ANNEX II	40

II. ECONOMY, ECONOMIC POLICIES AND FOREIGN TRADE

2. Economic policies

(a) Main directions

- Pricing Policies

Question 1

Regarding Paragraph 34 of JOB(05)/55: Could you please clarify the following sentence: "A similar procedure for the approval of airfares had also been established? As airports in Tajikistan were subdivisions of the Tajik Air Company "Tajikistan", the services of these airport facilities were factored in the tariffs for air transportation services and were not considered separately." We would expect the airport owners in Tajikistan to establish separate and non-discriminatory tariffs for services, in particular for ground handling.

Answer:

According to the Law of the Republic of Tajikistan "On Natural Monopolies" the State Antimonopoly Agency implements pricing regulation by way of fixing prices, tariffs or their mark-ups. All types of works and services, related to take-off and landing of air transport, including terminal services are reflected in the cost of the air ticket. The cost of the ticket for air transport is fixed with agreement of the State Antimonopoly Agency.

- State Ownership and Privatization

Question 2

With regard to WT/ACC/TJK/11, Question 2, we appreciate the additional explanation on Tajikistan's privatization plans.

Please describe which agricultural sectors have been privatized. In other words, which agricultural sectors are represented in the 91 per cent of agricultural state-owned enterprises?

Answer:

All existing agricultural sectors of the Republic are represented in the 91 per cent of privatized State-owned enterprises, except for enterprises and objects in the areas of scientific and experimental manufacturing, which are part of the Academy of Sciences of the Republic of Tajikistan and Academy of Agricultural Sciences (excluding enterprises providing services), as well as state seeds and pedigree farms and agencies, selective hybrid centers, centers and stations of new products testing, garden-plants nurseries, nurseries of experimental animals, veterinary services and protection of plants that are not subjected to privatization.

Question 3

What specific agricultural sectors are still not privatized?

Answer:

See answer to Question 2.

Question 4

We require further information on Tajikistan's state-owned sector, and on any companies that trade on behalf of the government or enjoy any privileges in trade. Please provide the following information:

- **Please list all firms and enterprises in Tajikistan that have significant levels of government or other forms of public ownership, e.g. 50 per cent or more.**

Answer:

List of all joint companies, where the participation of the Government exceeds 50 per cent is attached (Annex I). Please note that these enterprises are in the process of privatization.

Question 5

Please list all "natural monopolies".

Answer:

As it was mentioned in the answer to Question 2 of WT/ACC/TJK/12 the following enterprises are classified as subjects of natural monopoly:

1. Open Stock Company "Barki Tojik", providing services on production and transmission of electric and thermal energy;
2. State Unitary Enterprise (SUE) "Tojigaz", providing purchasing, transportation and supplying services of natural gas through pipelines;
3. State Unitary Enterprise "Tojikiston", rendering services on aviation passenger and freight transportation, transport terminal and airport services;
4. SUE "Rohi Ohan" providing railway transportation services; transport terminal services;
5. Stock Company "Tojiktelekom", providing services of public electric connection;
6. State Department "Pochtai Tojikiston", providing public postal services; and
7. Enterprises of the Ministry of Industry of the Republic of Tajikistan manufacturing products of military purpose.

Question 6

In what sectors of the economy does the government have a significant presence through state owned and state controlled companies, e.g. mining, chemical production, or transmission? What is the government share in the sectors?

Answer:

At present in mining sector of the economy there are 8 enterprises, 4 of them involving foreign investors, with the share of government from 25 per cent to 51 per cent; the other 4 - being state owned enterprises. All of them are subject to privatization by the end of 2007. There are also mining enterprises with 100 per cent of private capital in the Republic ("Zari Kuhiston").

In the chemical sector presently out of 5 enterprises 2 are joint ventures with the share of the government from 20 per cent to 40 per cent (JV "Tojikazot" and JV "Kimiyo"), 1 private enterprise, 2 state owned enterprises, which are also planned to be privatized by the end of 2007.

Government also retains a significant share in energy sector.

Question 7

Has the government retained control over any of the recently privatized large companies?

Answer:

Yes. The Government retains control over large companies, privatized on tender basis for two years.

Question 8

Please list all firms and enterprises, whether or not private or including government equity ownership, that trade on behalf of the government or where the government has designated granted privileges to it in Tajikistan not available to other firms or enterprises, e.g. designated traders.

Answer:

1. State Unitary Enterprise (SUE) "Tojikgaz", providing purchasing, transportation and supplying services of natural gas through pipelines;
2. Open Stock Company "Barki Tojik", providing services on production and transmission of electric and thermal energy;
3. "Tajiknefteproduct", dealing with importation of oil products;
4. State Unitary Aviation Enterprise "Tojikiston", rendering services on aviation passenger and freight transportation, transport terminal and airport services;
5. SUE "Rohi Ohan" providing railway transportation services; transport terminal services;
6. TadAZ (Tajik Aluminum Plant);
7. SUE "Khurokvori"; and
8. Stock company "Tojiktelecom", providing services on public electric connection.

(c) Foreign exchange and payments system

Question 9

With regard to WT/ACC/TJK/11, Question 3, Tajikistan states that legal entities and physical persons must obtain permission from the National Bank of the Republic of Tajikistan before establishing an account in a foreign bank. In addition, residents must obtain permission from the National Bank of the Republic of Tajikistan to use foreign currency funds for capital account transactions abroad.

Please describe the process for obtaining such permission. Is permission automatically granted? What are the decision criteria applied by the Bank?

Answer:

Terms and procedures of issue of permissions are set out in the Instruction "Procedure of issue of permissions for opening accounts in foreign currency in banks outside the Republic of Tajikistan by residents" approved by the Board of the National Bank of Tajikistan on 16 September 1997.

Translation of the Instruction is available through document WT/ACC/TJK/13/Add.1.

The main decision criteria applied by the National Bank of Tajikistan for taking the decision on issue of permission is impossibility of realization of expected payments by applicant through his accounts opened in the banks of Tajikistan or through correspondent accounts of the serving Tajik banks, opened in foreign banks.

Another basis is terms of treaties, contracts, agreements (export-import transactions, investments, loans) when the counterpart requires from the resident of the Republic of Tajikistan to open an account in a foreign bank.

III. FRAMEWORK FOR MAKING AND ENFORCING POLICIES AFFECTING FOREIGN TRADE IN GOODS AND TRADE IN SERVICES

1. Powers of executive, legislative and judicial branches of government

Question 10

Thank you for your description of the provisions for publishing the laws, regulations, decrees, administrative rulings and other ruling of general application prior to enactment, contained in WT/ACC/TJK/11. However, we note that your explanation provides that these provisions "can be published in the mass media" and that "Draft Laws *may* be published..."

- **Please describe whether, in practice, such drafts are actually published or otherwise made available to public. In addition, please describe how the decision is made whether to publish or not.**
- **Are the drafts published sufficiently in advance of consideration by the legislature so that interested persons have an opportunity to comment?**

Answer:

- There are no special criteria established for what exact kinds of draft normative-legal acts are to be published. The responsible legislative body shall generally publish important draft normative-legal acts that directly involve the interests of citizens, including any constitutional amendments. Importance of a particular draft is determined by the legislative body.
- There are no norms, determining the term for the advance circulation of drafts in the Tajik legislation. However, in practice time limit of about one month is given for comments by interested parties.

3. Division of authority between central and sub-central governments

Question 11

Thank you for the expanded description of the relationship between the Republic of Tajikistan and the Gorno-Badakhshan Autonomous Oblast.

- **WT/ACC/TJK/11 states that the laws, legislative regulations, presidential decrees, etc. apply in the GBAO "if otherwise is not determined...". Please explain this qualification. Under what circumstances would the laws, regulations, decrees, etc. of Tajikistan not apply in GBAO?**
- **If there is a conflict between the laws of Tajikistan and those of the GBAO, which law has precedence?**

Answer:

- Any laws, legislative regulations, decrees, etc. are equally applied in the territory of GBAO. There are no predetermined cases where laws and regulations are not applied in the territory of GBAO. Laws and regulations are not applied in the territory of GBAO if it is stipulated in

those legislative acts. For example, if a special quarantine regime is imposed in Khatlon region, then naturally this regulation shall not be applied in the territory of GBAO. Thus, the issue of concern shall be the character of the laws and not the autonomy of GBAO.

- According to Article 16 of the Constitutional Law of the Republic of Tajikistan "On Gorno-Badakhshan Autonomous Oblast" legislation of Tajikistan would prevail over legislation of GBAO if there is any contradiction.

4. Any legislative programme or plans to change the regulatory regime

Question 12

Thank you for the list of recent legislative developments provided in WT/ACC/TJK/11, Question 7. In addition, we appreciate the Legislative Action Plan, provided in WT/ACC/TJK/7.

Please provide an update as to the progress of the legislation listed in response to Question 7 of WT/ACC/TJK/11, as well as the legislation listed in WT/ACC/TJK/7.

Answer:

An updated legislation action plan will be submitted before the next Working Party meeting.

A Legislation Plan was submitted to WTO Secretariat in document WT/ACC/TJK/7/Rev.1. All the relevant legal texts are now in force.

Question 13

When will Tajikistan be able to provide translations of these important pieces of legislation for the Working Party to review?

Most importantly, when will Tajikistan make a translated version of the new Customs Code available to the Working Party?

Answer:

Translation of all the legislation listed in the Answer to Question 7 of WT/ACC/TJK/11, including the new Customs Code is available in the WTO Secretariat through document WT/ACC/TJK/13/Add.1.

Question 14

In addition, there are numerous other laws, decrees and regulations that pertain to Tajikistan's accession that should be reviewed by the Working Party. The legal acts include:

- Law "On regulation of foreign exchange and foreign exchange control";
- New Law "On technical regulations";
- Law "On foreign investment in the Republic of Tajikistan";
- New laws on anti-dumping, countervailing duties and safeguard measures;
- Law on "Free Economic Zones";
- Law "On government procurement of goods, works and services";
- Law No. 73 "On Veterinary Practices";
- Excerpts from the Civil Code (Part III, and Articles. 140-147);
- Excerpts from the Criminal Code (Article 80, portions relevant to enforcement of IPR violations and amendments No. 35);

- Law "On quarantine plants";
- Regulation: "On the procedure to implement hard currency control on exchange earnings in Tajikistan coming from the export of merchandise";
- New Regulation "On the order of export and import of precious metals and stones";
- Regulation No. 546 (dated 5 October 2001);
- Regulation(s) implementing the new Customs Code;
- Decree No. 62 (20 February 1998);
- Decree No. 424: "On liberalization of currency and export operations and measures to ensure the complete return of currency proceeds";
- Decree No. 310: "On approval of the Regulation on forming and application of free prices and tariffs";
- Decree No. 533: "On Regulation of state Patent Fees";
- Resolution No. 111 "On measures to improve foreign economic activities in the Republic of Tajikistan"; and
- Temporary Regulation "On inventions, utility models and industrial designs".

Answer:

All laws listed in the question have been submitted to the WTO Secretariat, except for the Law on "Free Economic Zones", Part III of the Civil Code, which will be submitted upon completion of their translation.

Draft laws "On Technical Regulation" and on antidumping, countervailing measures and safeguards, Regulation "On the order of export and import of precious metals and stones" are being worked out and will be presented to the Secretariat upon their completion.

IV. POLICIES AFFECTING TRADE IN GOODS

1. Import Regulation

(a) Registration requirements for engaging in importing

Question 15

Regarding Paragraph 48 of JOB(05)/55: Please confirm that following the elimination of registration requirements no restrictions on trading rights for foreign economic operators exist.

Answer:

The Republic of Tajikistan confirms that following the elimination of registration requirements no restrictions on trading rights for foreign economic operators, which may contradict WTO rules and regulations, exist.

Question 16

With regard to WT/ACC/TJK/11, Question 11, we applaud Tajikistan's decision to eliminate the requirement that importers and exporters obtain a certificate from the Ministry of Economy and Trade and a registration card. The abolishment of this registration requirement is a positive step forward in making your trading rights system more transparent and user friendly.

Could Tajikistan please confirm that there are no plans to impose a new registration requirement for importers and exporters in the future?

Answer:

The Republic of Tajikistan confirms that there are no plans to impose new registration requirements for importers and exporters, which may contradict WTO rules and regulations.

Question 17

Could Tajikistan please describe what the remaining requirements are to import and export, e.g. to be the importer of record and responsible for paying duties and securing any necessary import licenses. Please distinguish these requirements from those necessary to distribute imported or domestic goods in Tajikistan.

Answer:

Any legal entity or physical person registered in Tajikistan for making business has the right to be the importer of record and be responsible for paying duties and obtaining any necessary import licenses. Such persons may implement the distribution of import on behalf of themselves in Tajikistan.

Question 18

Can a foreign natural or legal person be the importer of record in Tajikistan?

Answer:

Any foreign physical person and legal entity, engaged in import and export activity in the Republic of Tajikistan has the right to be the importer of record.

Question 19

Tajikistan's answer does not address the process for obtaining an Individual Taxpayer Number (ITN). Could Tajikistan please provide a detailed description of the process that a foreign trader must follow to obtain an ITN.

Answer:

Any legal entity and physical person, exercising entrepreneurial activity, including export-import activities must be registered and should obtain ITN. Foreign exporter that is non-resident in Tajikistan and making deliveries to Tajikistan is not obliged to have ITN. In this case, the importer-resident of the Republic of Tajikistan should have the ITN. The procedure for obtaining of ITN is regulated in Articles 45-46 of the Tax Code of the Republic of Tajikistan. Text is available through document WT/ACC/TJK/13/Add.1.

Question 20

Is the process to obtain an ITN the same for a domestic trader as for a foreign trader?

Answer:

Foreign non-resident exporters are not obliged to obtain ITN in Tajikistan. The process of issuance of ITN is same for all foreign and domestic legal entities and physical persons that are residents of Tajikistan.

Question 21

We note that Tajikistan has not described anywhere in its Working Party documentation the regulatory regime for business entity formation. For example, we assume that both domestic and foreign individuals can form sole proprietorships, joint ventures, corporations, or limited liability companies.

Could Tajikistan please provide a thorough description of the legal entities that can be formed and any and all requirements that must be met to register?

Answer:

Both foreign and domestic persons may create legal entities in any form provided for in the Civil Code of the Republic of Tajikistan. Main regulations, forms of creation, responsibilities of legal entities are envisaged in Chapter 4 (Articles 48-135) of the Civil Code of the Republic of Tajikistan.

The procedure for state registration of a legal entity is provided for in Article 9 of the Law of the Republic of Tajikistan "On state registration of legal entities".

Translation of Chapter 4 of the Civil Code and translation of the Law of the Republic of Tajikistan "On state registration of legal entities" are available in the WTO Secretariat (see WT/ACC/TJK/13/Add.1).

(b) Characteristics of national tariff

Question 22

We look forward to reviewing Tajikistan's new Customs Code, and will likely have additional questions on this issue at that time.

According to WT/ACC/TJK/11, Question 16, seasonal duties may be implemented for up to six months, during which the regular duties are suspended.

- **Would Tajikistan please explain how and when would these duties be notified?**
- **Although Tajikistan does not currently apply seasonal duties on any products, does Tajikistan plan to apply seasonal duties to any industrial goods? If so, please provide a list of goods.**

Answer:

- Agricultural products on which seasonal duties are to be applied will be indicated in tariff offers of the Republic of Tajikistan. Application periods will be notified in advance on their application.
- Presently, the Republic of Tajikistan has no plans to apply seasonal duties to industrial goods.

(d) Other duties and charges, specifying any charges for services rendered

Question 23

We look forward to reviewing Tajikistan's Customs Code, and may add additional questions on this topic at that time.

With regard to WT/ACC/TJK/11, Question 19, we welcome Tajikistan's assurance that customs fees will be commensurate with the services offered and will not constitute indirect protectionism.

Could Tajikistan please confirm that Customs fees will not be assessed on an *ad valorem* basis?

Answer:

Yes. Tajikistan confirms that upon accession the customs fees will not be assessed on an *ad valorem* basis. The new Customs Code stipulates that the fees will conform to Article VIII of the GATT.

Question 24

With regard to WT/ACC/TJK/11, Question 20, we commend Tajikistan's efforts to bring its broker licensing requirements into conformity with the WTO, and look forward to reviewing the new provisions in the new Customs Code. Until we have the opportunity to review the new Customs Code, we have the following questions.

What is the process for registering as a customs broker? To which Ministry must a customs broker register, and is there an application process?

Answer:

Registration is done in a customs body as defined in the Customs Code. In order to be registered it is necessary to submit an application and attach the necessary documents. Criteria and registration process for inclusion in the Register of Customs Brokers are described in Articles 140-141 of the Customs Code of the Republic of Tajikistan enacted on 1 January 2005. The text of the Code is available in the WTO Secretariat (see WT/ACC/TJK/13/Add.1).

Question 25

Regarding the requirement that all customs brokers must obtain a certificate of competence before they can be registered and listed in the Register of Customs Brokers, how do customs brokers receive a certificate of competence?

Answer:

In order to obtain a certificate of competence one should pass the qualification exam in the customs body. The process and criteria for obtaining the certificate are described in Article 147 of the Customs Code of the Republic of Tajikistan. Text is available in the WTO Secretariat (see WT/ACC/TJK/13/Add.1).

Question 26

Concerning "the regulations, which will determine the fee for the issuance of a certificate of competence of an expert on customs clearance are being drafted", how will the fee for the issuance of a certificate of competence be determined?

Answer:

Resolution of the Government of the Republic of Tajikistan No. 472 as of 2 December 2005 has approved the rates of customs fees for provision of customs services. The translation of the text of the Resolution and its Annex will be submitted to WTO Secretariat.

Question 27

With regard to WT/ACC/TJK/11, Question 21, could Tajikistan please give us an update on the status of the new fee schedule for certificate of origin?

Answer:

The issue is still under consideration. During the process of accession the fee structure for certificate of origin will be improved in conformity with WTO requirements.

Question 28

In reference to WT/ACC/TJK/11, Question 28, we appreciate the explanation of the charges for customs clearance and welcome the change in the fee structure for this charge.

Please describe the new fee structure. Can Tajikistan confirm that the fee will not be an *ad valorem* charge?

Answer:

The new fee structure is attached to the Resolution of the Government of the Republic of Tajikistan No. 472 as of 2 December 2005 on Approval of the Rates of Customs Fees for Rendering of Customs Services. Translation of the Resolution and its Annex will be submitted to WTO Secretariat.

For the second part of the question see the answer to Question 23.

Question 29

Tajikistan did not provide a description of the purpose for charges collected for the issuance of the licence to the customs brokers and renewal of the licence. Could Tajikistan please explain this charge?

Answer:

According to the old Customs Code of the Republic of Tajikistan the customs bodies collected charges for the issuance and renewal of the licence for engaging in activity in the capacity of customs broker. However, these requirements were abolished by the new Customs Code of the Republic of Tajikistan.

See also answer to Question 26 of WT/ACC/TJK/11.

Question 30

Regarding Paragraph 57 of JOB(05)/55: Please keep the Working Party informed about the ongoing review with a view to eliminating all WTO-inconsistent fees.

Answer:

Government of the Republic of Tajikistan adopted Resolution No. 472 "On Approval of the Rates of Customs Fees for Rendering of Customs Services" as of 2 December 2005. Translation of the Resolution and its Annex will be submitted to WTO Secretariat.

(e) Quantitative import restrictions, including prohibitions, quotas and licensing systems

Question 31

Regarding Paragraph 68 of JOB(05)/55: If possible, could you please also provide the volumes of alcohol imports, rather than only the monetary value?

Answer:

An updated information with 2005 data will be submitted to the Working Party as soon as prepared.

Question 32

Please clarify whether any activity licence requirements exist in Tajikistan and if so, which ones.

Answer:

According to the Law of the Republic of Tajikistan "On Licensing of Separate Types of Activities" No. 37 as of 17 May 2004 more than 100 types of activities are subject to licensing. Activity licence requirements are determined by "Regulation on specifics of licensing of separate types of activities", which was adopted by the Resolution of the Government of the Republic of Tajikistan No. 337 as of 1 September 2005.

The texts of the Law "On Licensing of Separate Types of Activity" and Regulation "On speciality of licensing of separate types of activities" are available in the WTO Secretariat (see WT/ACC/TJK/13/Add.1).

Question 33

With reference to WT/ACC/TJK/11, Question 31, Tajikistan has justified the introduction of quantitative restrictions on the import of alcohol and tobacco products as measures "necessary to protect human, animal, or plant life or health", i.e. Article XX(b) of GATT. However, quantitative restrictions on agricultural products are inconsistent with Article 4 of the WTO Agreement on Agriculture and seem to be more trade-restrictive than necessary. In addition, there is no evidence that comparable restrictions are applied domestically. Tajikistan should develop less trade-restrictive and WTO-consistent measures (i.e. not quantitative restrictions) and eliminate the current measures.

With reference to WT/ACC/TJK/11, Question 32 and 37, we appreciate the description of how the quotas for tobacco and alcohol are determined.

- **Could Tajikistan please describe the process by which the quotas are calculated? Does Tajikistan first calculate the amount of total consumption, and then apportion that amount between imports and domestic production?**

Answer:

Imposing quota on the import of ethyl alcohol was dictated by necessity of protection of health and life of the population. Free import and sale of ethyl alcohol as a primary product for production of alcohol products resulted in that large number of unlicensed illegal productions having used this primary product produced low quality and harmful alcohol products. Introduction of quota and allotment system limited the access to the primary product for illegal producers. Quotas on import of ethyl alcohol are formed on the basis of demands of legal producers and consumers. At the same time, the quantity of import for such legal producers is not limited on the condition that such enterprises will

not allow outflow of the primary product to the illegal productions. Thus, demands shall be formed on the basis of planned volume of production, which is declared by the producers. That is, on the basis of need in primary product of each declarant. In fact, total amount of quota makes up the total of all received declarations without any restriction. Thus, even though called *quota* it does not limit the amount of imported ethyl alcohol.

Quotas on other alcohol products are calculated as difference between total volume of domestic consumption and volume of domestic production.

According to the Law of the Republic of Tajikistan on Licensing of Separate Types of Activity export and import of tobacco is not included in the list of activities subject to licensing. According to Article 17 of the Law only production of tobacco products is subject to licensing. That is, no quantitative restrictions on the import of tobacco goods are applied any more.

Question 34

Does the calculation provide for annual growth?

Answer:

As it was mentioned in the answer to the Question 33, quotas on import of ethyl alcohol are formed on the basis of demands and accordingly the volume is not predetermined. Depending on the number of declarations received quotas on ethyl alcohol for the next year may be higher or lower than those determined for the current year.

Volume of consumption of other alcohol products provides for annual growth of 3 per cent.

Question 35

Does the percentage of total consumption supplied by imports fluctuate over the years, or is that percentage fixed?

Answer:

It is fluctuating.

Question 36

Could Tajikistan please provide the size of the quotas for imported tobacco and alcohol for the past three years, as well as the domestic volume of consumption, production capacities and production for the past three years for tobacco and alcohol?

Answer:

Information on the size of quotas will be submitted in tabular form taking into account the year 2005 in the nearest future.

Question 37

How does Tajikistan ensure that the administration of such quotas does not afford protection to domestic production?

Answer:

Import of ethyl alcohol is implemented without any restrictions and consequently does not afford protection to domestic production.

Quota system for import of other alcohol products reserves the market share for domestic production.

Question 38

With regard to WT/ACC/TJK/11, Question 33, we look forward to receiving a copy of the charter or law that establishes the responsibilities of the "Khurokvory" Corporation.

Please describe the specific functions of the "Khurokvory" SOE.

Answer:

Specific functions and responsibilities of SUE "Khurokvori" are stipulated in the Charter of the Enterprise. Copy of the Charter is available through document WT/ACC/TJK/13/Add.1.

Question 39

Is the only function of the "Khurokvory" SOE to issue licenses that administer the quota for imports of alcohol and tobacco products?

Answer:

See the answer to Question 38 above.

Question 40

Please explain the process by which the Corporation decides who is issued import quotas and licenses.

Answer:

Quotas on import of ethyl alcohol are issued to all legitimate producers and consumers. Legitimate producers are those enterprises, which have licence for production of alcohol products. Legitimate consumers are those organizations that have special permission of the Government.

Corporation collects declarations from all interested persons and on the basis of these declarations the size of quota for the next year is determined. All declarations of legitimate producers and consumers submitted in due time are included in quota. All declarants whose declarations were included in the quota automatically obtain the right for import.

Any person has the right for import of other alcohol products. Quotas are granted on the principal of first come first served.

Question 41

With regard to WT/ACC/TJK/11, Question 39, we appreciate the narrative description of the covered products.

Could Tajikistan please provide the HS numbers for the products on which it maintains quantitative restrictions?

How are the quantitative restrictions administered, if not by licenses?

Answer:

Please note that these quantitative restrictions do not apply to imports. See Export Regulation section below.

Question 42

We do not understand Tajikistan's response that "imports of these products are carried out without any restrictions...". Could you please explain this statement?

Answer:

It means that quantitative restrictions for import of these goods are not applied.

(f) Import licensing procedures

Question 43

In Table 3 of the Secretariat's Factual Summary (JOB(05)/55), the Secretariat has listed the products subject to import licensing restrictions. It would be very helpful if Tajikistan could supplement the list to add a column identifying the relevant ministry(ies) that issue the licence for each product and a third column summarizing the procedures for obtaining a licence.

Answer:

Please see Annex II.

Question 44

Does Tajikistan require an import licence (i.e. besides any activity license) to import live plants?

Answer:

No. Import licence for live plants is not required.

Question 45

Tajikistan has acknowledged that authorization from the Ministry of Agriculture is required to import agricultural, decorative herbaceous crops (including their seeds) and silkworms according to the Decree No. 62 of 20 February 1998 of the Government of Tajikistan. Please provide us with a copy of this decree and a description of how these requirements are administered.

Answer:

Please note that Resolution of the Government of the Republic of Tajikistan No. 62 as of 20 February 1998 set measures applied only during 1998. So, this Resolution is not applied any more.

Question 46

With regard to WT/ACC/TJK/11, Question 42, we appreciate the extensive description of Tajikistan's import licensing regime. For further clarity though, we would appreciate responses to the following questions:

Regarding the import licensing regime for drugs and chemicals:

- **Do domestic entities have to follow the same procedures to obtain an import licence?**
- **What is the purpose of having the licence notarized?**
- **Are licenses automatically renewed? If not, what steps does the licensee need to take to renew the licence?**
- **What is the fee for processing and issuing the import licence?**

Answer:

- Yes. Procedures for obtaining permission for export and import of medicines and medical goods are same for domestic and foreign enterprises.
- It is not required to notarize the licence.
- The licenses are not automatically renewed. In order to renew the licence a licensee has to apply for a new licence in accordance with the procedures to be followed for obtaining a licence.
- The issue of fees for processing and issuing of an import licence is dealt with in the new Regulation No. 337 "On specifics of licensing of separate types of activities" adopted on 1 September 2005. The translation of the Regulation is available from WTO Secretariat (see WT/ACC/TJK/13/Add.1).

Question 47

Tajikistan estimates that the time required for obtaining an import licence is between one and 25 working days. The WTO Agreement on Import Licensing requires that all automatic licenses be approved immediately if administratively feasible, but within a maximum of 10 working days.

- **When does Tajikistan plan to bring its import licensing system into compliance with the WTO Agreement on Import Licensing?**
- **Are the licenses at issue automatic or non-automatic licenses?**

Answer:

- Definition of automatic and non-automatic licensing is not embodied in the legislation of Tajikistan. The licensing system will be changed if it contradicts to the WTO requirements before accession to WTO.
- Non-automatic.

Question 48

Regarding the discussion of non-automatic licenses for pharmaceutical and medical products could Tajikistan please provide a table that lists all the goods subject to licensing by HS number.

Answer:

There is no licensing requirement for import of individual pharmaceutical and medical products. To import such products, the importer must have an activity licence. The product concerned and its producer must be registered in Tajikistan. If these two criteria are met, any quantity of the product may be imported, with exception of narcotics and psychotropic where quotas are imposed. In connection with the registration of the product, a manufacturer should indicate in which countries it is already registered. After the end of a 5 year period, the registration can be extended for further periods for half the fee for the first period. In emergency situations pharmaceuticals and medical equipment may be imported without registration. The normal period for obtaining a registration is 2-6 month from the date of application.

Question 49

Tajikistan has acknowledged that it requires an import licence for the importation of cryptographic devices, including cryptographic equipment, spare parts, and cryptographic software. Nearly all WTO members require licenses only for the export of products with cryptographic equipment, in accordance with the Wassenaar Agreement. Tajikistan has provided very little information on the scope, product coverage and procedures for obtaining an import licence for cryptographic equipment. This broad licensing requirement could jeopardize trade in everyday technology goods such as cell phones and laptops which contain encryption equipment and software. We would like Tajikistan to provide some additional information on this licensing regime and how it is applied.

- a) Please provide by HS number the products that are subject to import licensing.
- b) What are the registration requirements? How long does it take to get an import licence?
- c) Are the licenses issued on an automatic or non-automatic basis?

Answer:

- a) This licensing requirement does not apply to daily technological goods such as cell phones and laptops, which contain cryptographic equipment and software.
- b) Detailed information on these issues is provided in the Regulation No.337 as of 1 September 2005. The text is available from WTO Secretariat (see WT/ACC/TJK/13/Add.1).
- c) The licenses are non-automatic.
- (g) Other border measures

Question 50

Regarding Paragraph 88 of JOB(05)/55: Please keep the Working Party informed about the planned elimination of the *ad valorem* fee for certificates of origin.

Answer:

The matter is still under consideration. In the meantime, we confirm, that this practice will be abolished before accession to the WTO.

Question 51

We appreciate Tajikistan's willingness to work to eliminate the Tajik Universal Commodity exchange. However, with regard to WT/ACC/TJK/11, Questions 45 and 80 and WT/ACC/TJK/5, Question 17, Tajikistan's answers still do not fully respond to the request for information. We are concerned with Tajikistan's lack of responsiveness on this issue, and about the conformity of the commodity exchange with the WTO. As noted, we will need to understand the measures before we can "agree" to any transition period for their elimination.

Could Tajikistan please "explain in full the operation of the requirements for mandatory sale of specified commodities through the commodity exchange..."

Answer:

Please note that Tajikistan does not plan to eliminate Tajik Universal Commodity Exchange (TUCE) as it is mentioned in the comment above. The issue was gradual elimination of a requirement on mandatory sale of certain goods for export through the TUCE. In order to export goods, listed in the Resolution No. 237 of 8 June 2001 it is necessary to obtain them in the auctions of TUCE. However, if sale for export is not implemented through TUCE, then the exporter is obliged to register his contract at the TUCE. TUCE issues conclusion for such a contract that should be submitted to the customs bodies while exporting. Without the conclusion the customs bodies shall not release the good for export. A criterion for registration at TUCE is the price of a contract. If the price of the contract is equal or higher than the price at the exchange the contract is registered and the conclusion is issued. But, if the price is significantly lower than the exchange price, then TUCE issues negative conclusion, which becomes the basis for refusal to export. It should be taken into account that prices at TUCE are set on the basis of market principles of demand and supply. Thus, this measure is directed at restraint of capital outflow by way of understating prices in the export contracts.

Question 52

We would appreciate a detailed explanation of how this exchange works in conjunction with the mandatory requirement for pre-payment of certain exports.

Answer:

Administration of mandatory sale and 100 per cent prepayment requirements is implemented separately. TUCE is not involved in the process of administering the 100 per cent prepayment requirement. Requirement for 100 per cent prepayment is administered through the National Bank of Tajikistan and commercial banks of Tajikistan. Serving bank in Tajikistan issues confirmation that 100 per cent payment on export contract has been received and on the basis of it the customs bodies issue permission for release of goods for export. Thus, requirement for mandatory sale through the TUCE is directed at prevention of price understating, and 100 per cent prepayment requirement is directed at securing full earnings from the export of goods to the Republic of Tajikistan. 100 per cent prepayment requirement was imposed for fighting with capital outflow in the cases when a good is exported and payment for export is left in off-shore zones outside the country.

Question 53

How does your government decide which commodities are subject to the prepayment requirement?

Answer:

In determining the list of goods subject to 100 per cent prepayment the Government makes its decision on the principle of most frequent used goods the export of which is used for capital outflow.

Question 54

Does Tajikistan have plans to eliminate the mandatory prepayment requirements, and if not, please explain how this measure is consistent with Article XI of the GATT.

Answer:

Prepayment requirement is not directed to restriction of the quantity of export. This requirement is necessary for securing the implementation of measures on prevention of deceptive practices. Nevertheless, Tajikistan plans to eliminate this measure before accession to WTO.

Question 55

Could Tajikistan please explain why it needs a transition period to eliminate the exchange? How long does Tajikistan expect the transition period to last? Does Tajikistan envision that the commodity exchange mechanism be phased out, or eliminated all at once?

Answer:

At present, the Government is working on creating control mechanisms over capital outflow, which shall be less restrictive and burdensome for legitimate trade. It is planned that this requirement will be eliminated gradually by way of reducing the number of goods subject to mandatory sale through TUCE. It is expected that the work will be completed within two years.

Question 56

With regard to WT/ACC/TJK/12, Question 5, please explain why the goods listed are considered "strategic products". In addition, please provide the law that regulates this mandatory 100 per cent pre-payment requirement.

Answer:

The term "strategic" is not precisely determined in the Tajik legislation. These are important export goods often having significant share in the structure of exports.

Translation of the Presidential Decree No. 424 "On liberalization of currency and export operations and measures to ensure the complete return of currency proceeds" of 24 February 1996 is available at WTO Secretariat (see WT/ACC/TJK/13/Add.1).

(h) Customs valuation

Question 57

Regarding Paragraph 76 of JOB(05)/55: Please transmit a copy of the new Customs Code to the WTO Secretariat.

Answer:

A translated copy of the new Customs Code is available in the WTO Secretariat in electronic format (see WT/ACC/TJK/13/Add.1).

Question 58

As noted above, we look forward to having the opportunity to review Tajikistan's new Customs Code. Concerns remain as to the consistency of Tajikistan's customs laws with the WTO, and hence we will submit additional questions at that time.

With regard to WT/ACC/TJK/11, Question 47, we applaud Tajikistan's move to incorporate the WTO Customs Valuation Code and its Interpretive Notes into the new Customs Code and implementing legislation. We request that Tajikistan provide a translation of the regulations as soon as possible for our review.

Answer:

Draft of the Regulation on methods of applying customs valuation has been worked out, where provision of Interpretive Notes is envisaged. Presently, this Regulation is supplied to the relevant ministries and agencies for agreement. Upon adoption the translation of the Regulation will be provided for your reference.

Question 59

With regard to WT/ACC/TJK/11, Question 53, Tajikistan claims that the publication requirements set forth under Article 12 of the WTO Valuation Agreement are fully implemented by Regulation No. 546, dated 5 October 2001. Tajikistan should provide a translation of this regulation in order for us to assess whether Article 12 has been implemented.

Answer:

"Regulation No. 546" should be read as "Regulation No. 456". Item 14 of the Regulation contains requirement on publication. A copy of the Regulation is available from WTO Secretariat (see WT/ACC/TJK/13/Add.1).

Question 60

Tajikistan has not yet responded to the WTO Customs Valuation Questionnaire. We look forward to Tajikistan's response to this questionnaire based on the information in the new Customs code, as we believe that it will facilitate our understanding of Tajikistan's customs valuation procedures.

Answer:

Answers to the questionnaire will be submitted as soon as available.

(k) Application of internal taxes on imports

Question 61

Value Added Tax:

With regard to WT/ACC/TJK/11, Question 68, are the services listed exempt from VAT if performed by a foreign national as well as by a Tajik national?

Answer:

Yes. According to Article 211 of the Tax Code of the Republic of Tajikistan services listed in Answer to Question 68 WT/ACC/TJK/11, are exempted from VAT regardless if performed by a foreign national or by a Tajik national.

Question 62

With regard to WT/ACC/TJK/12, Question 13, imports of cotton and cotton fiber are not exempted from VAT. We note that laws that applying additional charges to imported products violate Article III (National Treatment) and should be eliminated upon accession.

Answer:

Answer pending.

Question 63

Regarding Paragraph 60 of JOB(05)/55: Please provide further clarification on the requested transitional period.

Answer:

With adoption of the new Tax and Customs Codes of the Republic of Tajikistan (enacted on 1 January 2005) working groups were created in the Ministry of State Duties and Revenues, on development of normative-legal acts for implementation of provisions of the Tax and Customs Codes of the Republic of Tajikistan.

The transitional period is required for bringing the existing national legislation in conformity with adopted Tax and Customs Codes of the Republic of Tajikistan, as well as preparation and enacting of normative-legal acts on realization of provisions of the Tax and Customs Codes of the Republic of Tajikistan

Question 64

Regarding Paragraph 63 of JOB(05)/55: We do not share Tajikistan's view that cognac and vodka are not like products.

Answer:

Answer pending.

(m,n,o) Anti-dumping, Countervailing Duty and Safeguard Regimes

Question 65

We look forward to reviewing Tajikistan's new legislation on trade remedy laws. Until translations have been provided, we have the following questions:

- **Can Tajikistan confirm that it will not apply any anti-dumping, countervailing or safeguard measures until it has notified and implemented laws in conformity with the provisions of the WTO Agreements on the implementation of Article VI, on Subsidies and Countervailing Measures and on Safeguards?**
- **Also can Tajikistan please confirm that any new legislation is in full conformity with the relevant WTO provisions?**

Answer:

- Tajikistan confirms that it will not apply any antidumping, countervailing or safeguard measures unless the laws in conformity with WTO Agreements are enacted.
- Yes, upon accession the relevant legislation will be in full conformity with WTO provisions.

2. Export Regulation

Question 66

Regarding Paragraph 103 of JOB(05)/55: Please provide further clarification on the request for a transitional period to abolish the requirement to export specified commodities only via the Tajik Universal Commodity Exchange.

Answer:

At present, the Government is working on creating control mechanisms over capital outflow, which shall be less restrictive and burdensome for legitimate trade. It is planned that this requirement will be eliminated gradually by way of reducing the number of goods subject to mandatory sale through Tajik Universal Commodity Exchange. It is expected that the work will be completed within two years.

Question 67

Regarding Paragraph 109 of JOB(05)/55: Can the required export licence for scrap metal be obtained automatically?

Answer:

In Tajikistan there are no procedures for granting automatic licensees.

Question 68

Tajikistan has noted that export duties have been levied only in exceptional circumstances. Please describe in detail under what circumstances duties may be levied and what products have been subject to duties.

Answer:

Tajikistan does not levy export duties and has not levied such duties in the past.

Question 69

Other than the fee for the mandatory certificate of origin, are there other fees on export (e.g. customs fees or export licenses)?

Answer:

A customs clearance fee will have to be paid. See answer to Question 23.

Question 70

Please address whether Law No. 3 and Law No. 822 are consistent with Article XI of the GATT with regard to quantitative export restrictions, bans and quotas.

Answer:

Yes. The Law No.3 on Foreign Economic Activity of the Republic of Tajikistan" (27 December 1993) and the Law No. 822 on State Registration of Foreign Economic Activity do not provide for imposition of quantitative restrictions that are not in conformity with Article XI of the GATT.

Question 71

How does the export licence by the Ministry of Industry for ferrous non-ferrous scrap exports differ from the licenses issued by the Ministry of Finance? Are these licenses automatic? Are there fees associated with these licenses? We would appreciate your assurances that these licenses would be reformed to be in conformity with WTO rules and disciplines.

Answer:

According to Chapter 51(2) of the Resolution of the Government of the Republic of Tajikistan No. 337 as of 1 September 2005 Ministry of Industry of the Republic of Tajikistan is responsible for licensing processing of scrap and diet of precious metals into final output; refining of precious metals; recuperation of precious stones.

Ministry of Finance of the Republic of Tajikistan issues licenses for purchasing from the population of jewelry and other household goods made of precious metals or stones as well as scrap of such goods, wholesale and retail activity.

These licenses are non-automatic and are activity licenses, not licenses for export of particular products.

According to the law of the Republic of Tajikistan on Licensing of Separate Types of Activity for consideration of application for licence issuance the licensing agency levies a fee equal to 4 minimal wage rates. Besides, a licence fee equal to 10 minimal wage rates is determined for obtaining a licence. These fees are not to be refunded. In total for obtaining a licence for ferrous and non-ferrous metals 14 minimal wage rates are required.

The text of the Resolution No. 337 as of 1 September 2005 is available from WTO Secretariat (see WT/ACC/TJK/13/Add.1).

- **Export Subsidies**

Question 72

The Factual Summary, in paragraph 110, reports that the Representative of Tajikistan has asserted that "the introduction of any such schemes in the future would be in conformity with the WTO Agreement on Subsidies and Countervailing Measures".

Can Tajikistan confirm that it does not maintain prohibited subsidies within the meaning of Article 3 of the Agreement on Subsidies and Countervailing Measures and that it will not introduce such prohibited subsidies in the future?

Answer:

Tajikistan confirms that it does not apply export subsidies and import substitution subsidies in the meaning of Article 3 of the Agreement of Subsidies and Countervailing measures and has no plans to introduce such subsidies in the future.

3. Internal Policies Affecting Foreign Trade in Goods

(a) Industrial policy, including subsidy policies

Question 73

With regard to WT/ACC/TJK/11, Question 82, we would appreciate Tajikistan's confirmation that it does not provide any "indirect subsidies" as defined under Article 1(a)(1)(iv) of the Agreement on Subsidies and Countervailing Measures (Subsidies agreement).

Answer:

Tajikistan confirms that it does not provide any "indirect subsidies", as it is defined in Article 1(a)(1)(iv) of Agreement on Subsidies and Countervailing Measures.

Question 74

In addition, we would like to request further information regarding Tajikistan's indirect tax system. In particular, we seek explanations concerning how Tajikistan provides rebates under its VAT tax system that conform to items (g) and/or (h) of Annex 1 of the Subsidies Agreement.

Answer:

The tax legislation provides for return of VAT and excise tax paid on import on their reexport from the territory of the Republic. The refundable amount corresponds to the exact size of taxes paid on import. It should be taken into account that size of VAT and excise tax paid on import is equal to the one levied on the domestic goods. Thus, size of refundable taxes on export does not exceed the size of taxes, which are paid in regard to identical goods for domestic consumption.

Question 75

We appreciate the information on industrial subsidies provided thus far by the Government of Tajikistan in various Working Party documents. However, in order to facilitate progress in this area, we would like to encourage Tajikistan to make a comprehensive subsidy notification that would include information on all subsidies administered by the Government of Tajikistan

(including subsidies provided by sub-federal governments) as provided under Article 25 of the Agreement on Subsidies and Countervailing Measures.

Answer:

Answer pending.

(b) Technical regulations and standards, including measures taken at the border with respect to imports

Question 76

Regarding Paragraph 117 of JOB(05)/55: We understand that a Working Group has been established for the drafting of the Law. What is its composition?

Answer:

For drafting of the Law on Technical Regulation a Working Group headed by a Deputy Minister of Economy and Trade and Deputy Director of the agency of Standardization, Metrology, Certification and Trade Inspection was established. Representatives of a number of interested ministries and agencies, including Ministry of Industry, Ministry of Agriculture, Ministry of Health, Ministry of State Revenues and Duties, Ministry of Economy and Trade, Ministry of Justice, Antimonopoly Agency, Chamber of Commerce and Industry, etc. as well as a representative of PRAGMA/USAID compose the Working Group.

Question 77

With regard to WT/ACC/TJK/11, Question 87, we applaud Tajikistan's efforts to conform its fee schedule to the WTO. We look forward to reviewing Tajikistan's new legislation.

Please describe how the fees for TBT certification will be determined.

Answer:

The Draft Law of the Republic of Tajikistan On Technical Regulation contains an item in Article 24 in the following formulation: "Work payment is implemented by claimant and is summed from actual costs for conducting of works on compulsory conformity approval. The cost of such works should be equal for local producers and importers.

At present charges are formalized according to document RD 50-002-2002 "Standards of labour output ratio and order of work payment on verification and calibration of medium of measurement, standardization and certification of products, services and accreditation of testing units" agreed with a number of ministries and approved by the Ministry of Economy and Trade of the Republic of Tajikistan.

Question 78

How many mutual recognition agreements exist, and with which countries? Does Tajikistan's legislation provide for the acceptance of conformity assessment procedures of in other members based on conformity with applicable technical regulations in the absence of mutual recognition agreements?

Answer:

To date intergovernmental agreements on cooperation in the area of standardization, metrology and certification are signed with CIS countries such as: Armenia, Byelorussia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russian Federation, Ukraine, Uzbekistan.

Item 2 of Article 30 of the Draft Law On Technical Regulation reads: "Conformity assessment documents, conformity marks, protocols of tests of products implemented outside of the Republic of Tajikistan are recognized in accordance with international agreements of the Republic of Tajikistan. In case of absence of international agreements recognition of the results of conformity assessment and conformity marks may be carried out in the order established by the Government of the Republic of Tajikistan."

Question 79

How does Tajikistan plan to ensure that its mandatory standards (technical regulations) meet the requirements of the WTO from the date of accession regarding relevance for the health, safety, or life of plants, animals, or humans?

Answer:

The Draft Law of the Republic of Tajikistan On Technical Regulations contains an item, setting requirements for technical rules of procedure in the following formulation.

Technical rules of procedure are adopted only for the purpose of securing:

- human life and health protection, including their separate categories;
- prevention of actions that mislead consumers of goods;
- environment protection; and
- protection of animal and plant life and health.

Adoption of technical rules of procedure in other than this purposes is not allowed.

This Item corresponds to the provision of Item 2.2. of Article 2 of the WTO TBT Agreement.

Question 80

When will Tajikistan provide a functioning enquiry point for TBT issues?

Answer:

The matter is still under consideration and Working Party will be kept informed of the result. In the meantime, the WTO Division of the Ministry of Economy and Trade will perform these functions.

(c) Sanitary and phytosanitary measures, including measures taken with respect to imports

Question 81

Regarding Paragraph 131 of JOB(05)/55: Please provide further clarification on how Tajikistan intends to incorporate all provisions of the SPS Agreement in Tajik legislation.

Answer:

Some of provisions of SPS Agreement are included in the law "On Veterinary" No. 73 as of 8 December 2003 and Law "On plants quarantine" No. 25 as of 12 May 2001. Tajikistan intends to make further amendments after review of these laws by Members. (see WT/ACC/TJK/13/Add.1)

Recently new draft Law "On Technical Regulations" is being working out, which also takes into account provisions of the SPS Agreement.

Question 82

As noted above, please provide a translation of Law No. 73 "On Veterinary Practices".

Answer:

The translation of the Law is available in the WTO Secretariat (see WT/ACC/TJK/13/Add.1).

Question 83

We have several questions about Tajikistan's WTO SPS checklist and how Tajikistan intends to comply with the provisions of the WTO SPS Agreement.

Standstill: Please list all the SPS international standard-setting bodies and agreements of which Tajikistan is a member. Under what conditions would Tajikistan use different standards than those in the SPS international standard-setting bodies?

Answer:

To date Tajikistan is member of the International Epizootic Bureau, the Intergovernmental Council on cooperation in the field of veterinary of CIS member countries, and Eurasian Economic Community. It is the intention of Tajikistan to join the European Organization for the Protection and Quarantine of Plants. However, technical assistance will be required for this purpose. Tajikistan applies FAO standard for Save and/or Harmless Fodders and Fodders Additives and cooperates with FAO in veterinary matters. Tajikistan would use different standards only when national conditions make it necessary.

Question 84

Enquiry point: When does Tajikistan plan to have its enquiry point in operation? Once completed, please provide the name and contact information of your SPS point of contact.

Answer:

The issue is under consideration. In the meantime, the WTO Division of the Ministry of Economy and Trade will perform these functions.

Question 85

Identification of authority: Please provide us with this information as soon as the authority has been established.

Answer:

Upon completion of the process the required information on this issue will be submitted.

Question 86

Establish guidance: Does Tajikistan plan on establishing guidance and/or amending Article 45 of the Law on Normative Legal Acts to require agencies proposing legislation to publish them for comments?

Answer:

A proposal to this effect is being elaborated and when adopted, it will be submitted to the Working Party.

Question 87

Provision in law: The response here is unclear. Does Article 49 only provide for the possibility of submitting draft legislation? Can Tajikistan confirm that any interested parties can contact the enquiry point for referral to information for a specific measure?

Answer:

When the Enquiry Point has been established, information will be available from it.

Question 88

Necessity: Could Tajikistan provide a copy of the Law on Quarantine Plants? Can Tajikistan confirm that any SPS measures are based on risk assessments appropriate to the circumstances to achieve and appropriate level of risk? We also notice that no mention is made of any laws or regulations concerning human health. If Tajikistan has such laws or regulations, could Tajikistan provide a translation of the laws as well as an explanation of the relevant portions?

Answer:

Translation of the Law No. 25 on Quarantine Plants as of 12 May 2001 was submitted to the WTO Secretariat in WT/ACC/TJK/6/Add.1 dated 27 January 2004. In respect of risk assessment, see the answer to the Question 92 below. In respect of human health, the main law is the Law on Protection of Health of the Population (15 May 1997, No. 419). There is also legislation concerning sanitary measures.

Question 89

Regulations based on science: Will Tajikistan amend legislation to specifically state that regulations governing animals and plant health and food safety shall be based on scientific evidence, before accession.

Answer:

Yes.

Question 90

Harmonization: We notice that animal and plant international standards are mentioned, but food safety standards are not. Could Tajikistan please explain the harmonization of any laws or regulations concerning food safety standards?

Answer:

The intention is to harmonize the legislation concerning animal and plant standards and food safety standard with the international standards.

Question 91

Equivalence: While we recognize that Tajikistan has no provision in legislation concerning equivalence, does Tajikistan have a process of determining equivalence? If not, could Tajikistan briefly explain how it would determine equivalence?

Answer:

The principle of equivalence is recognized by Tajikistan.

Question 92

Risk assessment: Does Tajikistan plan to introduce any legislation or make any commitments that food safety and animal and plant health regulations are based on risk assessments? If so, when? How does Tajikistan implement policies related to food safety? Does Tajikistan perform its own independent risk assessment?

Answer:

The relevant legislation of Tajikistan is already based on risk assessment. In respect of food safety, Tajikistan performs its own independent risk assessment.

Question 93

Regional conditions: Does Tajikistan plan to introduce any legislation or make any commitments that food safety and animal and plant health regulations take into account regional characteristics?

Answer:

There is no need to take into account regional characteristics. The legislation relates to the country as a whole.

Question 94

Non-discrimination: Does Tajikistan plan to introduce any legislation or official provisions to ensure that imported products are treated the same as domestically produced products?

Answer:

In terms of ensuring equal treatment for imported and domestically produced goods, the Draft Law of the Republic of Tajikistan On Technical Regulation provides for the following:

"Technical regulation is applied equally and evenly irrespective of the country and (or) place of origin of a product", "ensuring identity of rules and procedures for confirming the conformity of products of domestic and import production".

Question 95

Control, inspection, and approval procedures: Which regulatory agencies in Tajikistan have the appropriate control, inspection and approval procedures? It is also stated that *some* provisions of Annex C are reflected in Tajik regulations. Which regulations are not?

Answer:

The following agencies are responsible for control, inspection and approval procedures:

- Agency of Standardization, Metrology, Certification and Trade Inspection;
- Sanitary and Epidemiologic Inspection on examination and certification of pharmaceutical and medical products;
- Agency on Protection of Environment and Forestry;
- Veterinary Inspection; and
- Quarantine Inspection.

All provisions of Annex C are now reflected in the legislation of Tajikistan.

Question 96

We have also previously asked Tajikistan to commit to the requirements to publish proposed SPS measures. It will be necessary for Tajikistan to establish laws or guidance requiring publication of proposed measures, notification to the WTO, and reasonable time for comments from Members. Is Tajikistan prepared to make this commitment?

Answer:

Tajikistan is ready to make commitments on all WTO and SPS requirements.

Question 97

Tajikistan has acknowledged that there is currently a ban on imports of products treated with biostimulators, antibiotics and hormones. Other similar bans on imports of meat products from cattle treated with growth hormones have found to be inconsistent with the WTO SPS Agreement. We ask that this ban be removed upon accession unless Tajikistan can show how it is compliant with the WTO Agreements.

Answer:

Answer pending.

(e) **State-trading practices**

Question 98

With regard to WT/ACC/TJK/11, Question 93, could Tajikistan please tell us when the Charter of SUE "Khurokvori" will be available?

Answer:

The Charter of SUE "Kurokvori" is available through document WT/ACC/TJK/13/Add.1.

Question 99

How does Khurokvori determine the total volume of imports that will be permitted into the country?

Answer:

See answers to Questions 33-37.

(l) Government procurement practices

Question 100

Regarding Paragraph 140 of JOB(05)/55: How is the Law on Procurement of Goods, Works and Services in practice enhancing participation of foreign suppliers in public procurement?

Answer:

The Law of the Republic of Tajikistan on State Procurement of Goods, Works and Services No. 511 as of 12 December 1997 secures the right of foreign economic operators to participate in state procurement. Thus, Article 1 of the Law provides that the term "supplier (contractor)" implies any potential party or concrete party to procurement agreement. Moreover, Article 3 of the Law clearly confirms that one of the objects of this Law is to increase participation and improve competition between suppliers and contractors both domestic and foreign in the process of implementing state procurements.

At the same time, it should be noted, that the Law of the Republic of Tajikistan on State Procurement of Goods, Works and Services consists of norms which could be characterized as protectionist. In particular, Article 4 of the Law provides that if there are enough claimants for implementation of supply of goods (works, services) in the territory of the Republic of Tajikistan, then the purchasing organization has the right to limit participation in the procurement procedures only to domestic suppliers and contractors.

At present, a new Law of the Republic of Tajikistan on State Procurements of Goods, Works and Services is being drafted taking into account stabilization of the economy and development of market relations, where the mentioned restrictions will be lifted.

Question 101

Is there any rule of price reference for domestic goods or services, or any other policy that favours domestic goods or services?

Answer:

Process of pricing the domestic goods is implemented by rules applicable to market relations. It means applying the principal of price flexibility. However, bans and restrictions provided for in the Law of the Republic of Tajikistan on Competition and Restriction of Monopoly Activity in Commodity Markets are taken into consideration.

Question 102

Regarding Paragraph 142 of JOB(05)/55: Is the open competitive bidding procedure always open to foreign suppliers?

Answer:

In accordance with the legislation in force of the Republic of Tajikistan the principal recognized method of state procurements is bidding with unlimited participation of suppliers and contractors. Moreover, according to Part 6 of Article 4 of the Law of the Republic of Tajikistan on State Procurements of Goods, Works and Services "domestic and foreign suppliers and contractors should be given equal opportunities for participation in the procurement procedures".

Question 103

Regarding Paragraph 143 of JOB(05)/55: We welcome the fact that Tajikistan is considering accession to the WTO Agreement on Government Procurement following accession to the WTO. We suggest Tajikistan becomes an observer to the GPA upon accession to the WTO and submits an application for membership together with a coverage offer one year after.

Answer:

The proposal for Tajikistan to become an observer after accession to WTO and to become member of this Agreement a year after creates no objections.

V. TRADE-RELATED INTELLECTUAL PROPERTY REGIME

1. General

Question 104

Regarding Paragraph 131 of JOB(05)/55: Please keep the Working Party informed of the planned reform to bring the fee structure in line with WTO provisions.

Answer:

At present, double scale (one for national claimants and another for foreign claimants) taxation is used for committing legally significant actions related to legal protection of industrial property objects.

The Patent Agency has drafted a new regulation on patent duties in which single scale taxation is envisaged. However, adoption of this regulation is delayed until the draft Law "On other payments in budget of the Republic of Tajikistan", which is to be introduced to the Parliament by the Government of the Republic of Tajikistan, is enacted.

2. Substantive Standards of Protection

(b) Trademarks, including service marks

Question 105

With regard to WT/ACC/TJK/11, Question 114, please indicate the manner in which "significant damage" is determined with regard to trademark infringement.

Answer:

In this instance "significant damage" implies damage 500 times exceeding the minimal wage rate. Acknowledgment of "significant damage" is made on the base of concrete cases. The techniques of calculation of damage in such kind contravention still are not regulating by legal acts. There is no adequate juridical practice. Plenum of Supreme Court of the Republic of Tajikistan has authority to

adopt decrees on juridical practice of criminal acts against intellectual property, which will contain explanations and instructions on application of terms and conception. Such explanations are expected in future with the development of juridical practice.

(e) Patents

Question 106

Are layout designs of integrated circuits that are otherwise new, have an inventive step, and are industrially applicable, patentable inventions? If not, why not?

Answer:

Layout designs of integrated circuits are referred to protected objects of intellectual property by the Civil Code (Part 3, Article 1126). Formulation of Article 6 of the Law of the Republic of Tajikistan "On Inventions" should be interpreted so that legal protection of this object is to be provided for not in the Law on Inventions but in another law, namely, the Law "On Layout Designs of Integrated Circuits". The draft of the Law is presently being worked out by the Patents Agency.

Question 107

Please specify how the compulsory licence provisions of Article 28 of the draft law on inventions comply with each sections of TRIPS Article 31.

Answer:

Article 28 of the Law on Inventions stipulates for cases of compulsory licenses issuance: 1) non-use or insufficient use of patent by an owner or person, who received the license; 2) failure to use an invention without infringing rights of other owner of a patent for invention or utility model; 3) use of patent under emergencies (natural disaster, catastrophes, large accidents), as well as in the interests of national security.

Simultaneously Article 28 of the Law On Inventions stipulates for terms of each case of compulsory licenses. The first case covers non-use (insufficient use) during five years as of the date of publication of data on issuance of protecting documents if efforts to sign licensing agreement on the terms corresponding to the established practice failed due to refusal by the patent holder, and if the patent holder fails to provide valid reasons for non-use or insufficient use (corresponds to point (b), Article 31, TRIPS Agreement). Thus, in case the court makes a decision to issue compulsory licence, requirements of Article 31 of the TRIPS on prompt notification of a patent holder about the use of an invention without his authorization will be fulfilled automatically as the court's decision shall be sent to the parties of the proceedings. The second case covers the situation when a compulsory licence is issued to a person, who requires the licence for normal use of his invention. In this case the scope of use of the invention and patent issued to another person, as well as size, terms and procedure for licensing payment shall be established by the court, which is in compliance with Article 31 (c) and (h), TRIPS Agreement.

In the third case the requirement on prompt notification of the patent holder shall be fulfilled during the issuance of a permit to use the patented invention by the Government (under emergencies) as in this case the permit must be accompanied by payment of commensurable compensation to the patent holder, and the scope and duration of such use is limited to the purpose for which it was authorized.

Compulsory licence in accordance with Article 28 of the Law On Inventions is non-exclusive, which is in compliance with Article 31 (d) and may not be assigned, consistently with Article 31 (e) of the TRIPS Agreement.

According to Article 37 of the Law On Inventions all disputes concerning the application of the Law On Inventions, thus, all disputes regarding compulsory licence shall be considered by the court. Therefore, the procedure for review of courts decisions existing in the Republic of Tajikistan shall also be applied to the disputes arising from the issuance of compulsory licenses. This ensures implementation of Article 31(i) of the TRIPS Agreement.

Question 108

Please explain the scope of the exception from infringement for uses of a patented invention "for needs without aiming to derive any income".

Answer:

This provision of Article 30 of the Law "On Inventions" limits the area of applicability of exclusive right of patent holder not to allow its extension for satisfaction of private, family and other needs, not related to business activities, if it is not aiming at deriving any income. This, on the one hand, reflects the effort to set the balance of interests of patent holder and society in whole. On the other hand, in question is a sphere in which the number of persons using an invention may be so large and the scope of use by each of them so small that realization of patent holder rights and protection of its interests on the part of governmental structures would be conjugated with significant practical difficulties.

Question 109

How does Tajikistan's draft law on inventions comply with TRIPS Article 34?

Answer:

In accordance with Article 5 of the Law "On Inventions" validity of protection document, issued for processes for obtaining a product is expanded to the product obtained in same process. New product is considered to be obtained by the patented process in the absence of proof to the contrary. This provision complies with TRIPS Article 34, Item (a).

(f) Plant variety protection

Question 110

Please provide us with a copy of the most recent legislation regarding plant variety protection for our review.

Answer:

Such a copy will be prepared.

(h) Requirements for undisclosed information, including trade secrets and test data

Question 111

Please explain how Tajikistan complies with the requirements of TRIPS Article 39(3), and provide all relevant laws, decrees, rules. Does Tajikistan permit third parties to obtain marketing approval for a pharmaceutical or agricultural chemical product by relying on data submitted by another party, without that party's consent?

Answer:

In accordance with Article 7 of the Law on competition and limitations of monopoly activity in the goods markets (10 November 2000, No. 147) receiving, using, spreading of scientific and technical, production or trade information, including commercial secrets is not allowed without permission of the owner, it being a form of unfair competition.

In accordance with Article 154 of the Civil Code, civil legislation protects information, containing commercial secrets, in case when the information has real or potential commercial value because of its unavailability to third parties and its inaccessibility by legal means. The owner of information should take measures to protect the confidentiality of the information.

In respect of undisclosed test data, in accordance with Article 26 of the Law on medical equipment and pharmaceutical activity (6 August 2001, No. 39) clinical tests of medicines are to take place in health institutions under special permission of the Ministry of Health. The discipline of conduct and suspension of clinical tests is determined by the Ministry of Health.

4. Enforcement

(a) Civil judicial procedures and remedies

Question 112

With regard to WT/ACC/TJK/11, Question 127, please provide a copy of draft of Part III of the Civil Code and referenced amendments to the Criminal Code upon translation into English.

Answer:

These texts will be provided as soon as translated.

(c) Any administrative procedures and remedies

Question 113

With regard to WT/ACC/TJK/11, Question 130, reference is made to Article 158(2). Please indicate the Code in which this Article is located and provide a translation of the Article.

Answer:

Article 158(2) is a part of Code of the Republic of Tajikistan on Administrative Violations of 11 December 1999. Translation of the Article is available through document WT/ACC/TJK/13/Add.1.

(d) Any special border measures

Question 114

With regard to WT/ACC/TJK/11, Question 135, please indicate the manner in which "insignificant quantities" would be determined.

Answer:

In the legislation there are no methods of determining "insignificant quantity", nor is there a definition in practice.

(e) Criminal procedures

Question 115

With regard to WT/ACC/TJK/11, Question 140, please indicate the minimal wage rate.

Answer:

According to the Decree of the President of the Republic of Tajikistan No. 403 "On measures for reinforcement of the level of social security of population and wage increase for existing official salary of employees of budget offices and organizations, pensions and stipends" dated 4 November 2004, from 1 January 2005 the minimal wage rate is equal to 12 somoni.

ANNEX I

List of Medium and Large Enterprises That Are Not Sold As of 15 February 2006

No.	Name	Region	Area	Section	communal property	State share	Collective share	Year
"Rural Technical Supply"								
1	"Dovud"	Khatlon	Temurmalik dist.	com.	x	100%	0%	2004
2	Kubod	Khatlon	Kabodiyon dist.	com.		100%	0%	2005
3	Selmontazh	DRS	Rudaki dist.	costr.		100%	0%	2005
4	Madadgor	DRS	Rudaki dist.	com.		100%	0%	2006
5	Taminoti Tavildara	DRS	Tavildara distr.	com.		100%	0%	2004
6	Taminoti Tojikobod	DRS	Tojikobod	com.		100%	0%	2004
7	Khatlonbek	Khatlon	Beshkent distr.	com.	x	100%	0%	2004
8	Madadi Yovon	Khatlon	Yovon	com.	x	100%	0%	2004
9	Sokhtmoni Dehot	Khatlon	Hamadoni distr.	costr.		100%	0%	2005
10	Madadi Jirghatol	DRS	Jirghatol	com.		100%	0%	2005
11	SPMKNo.15	Khatlon	Vose' distr.	constr.				2005
12	Badakhshonagroservis	GBAO	Khorug city	com.		100%	0%	2005
13	Taminoti Badakhshon	GBAO	Khorug city	com.		100%	0%	2005
14	"Spec. ATP No.7 "	DRS	Rudaki dist.	trans.		100%	0%	2006
15	"SPMK No.13 Khojamaston"	Khatlon	Khojamaston	constr.		100%	0%	2006
16	"Ayni Rayagropromtehsnab	Sogd	Ayni distr.	com.	x	100%	0%	2006
17	"Agropromtehsnab Gonchi "	Sogd	Gonchi distr.	com.	x	100%	0%	2006
18	Madad	DRS	Vahdat city	trans.	x	100%	0%	2006
19	Project-construction technological institut "Seltechproject"	Dushanbe	Dushanbe city	other				2007
20	"Vodokanalproject"	Dushanbe	Dushanbe city	other		100%	0%	2004
21	"Gonchi brick-field"	Sogd	Gonchi distr.	constr.	x	100%	0%	2005
22	"PMKNo.53"	Khatlon	Ghozimalik distr.	constr.		100%	0%	2005
23	Sorbon 1	DRS	Rudaki dist.	trans.		100%	0%	2005
24	Giprom	Dushanbe	Dushanbe city	other		100%	0%	2005
25	Specstroy	Dushanbe	Dushanbe city	constr.		100%	0%	2006
26	Bahodur 2	DRS	Rudaki dist.			100%	0%	2005
27	Khimstroy	Khatlon	Yovon	constr.		100%	0%	2006
28	Taminoti teknikii sokhtmon	Sogd	Khujand city	constr.		100%	0%	2006
29	Specselstroy	DRs	Rudaki dist.	constr.		100%	0%	2006
30	Sanjar	Dushanbe	Dushanbe city	ind.		100%	0%	2006

No.	Name	Region	Area	Section	communal property	State share	Collective share	Year
31	ATPNo.7	DRS	Rudaki dist.	trans.				2007
32	KSH	Khatlon	Kulob city	ind.		100%	0%	2007
State Company of construction of energetic objects "Nurafzo"								
33	Bunafsha	Dushanbe	Dushanbe city	trans.				2007
State Unitary Enterprise "Khojagii manziliyu komunali"								
34	"SAP Specremstroytrest"	Sogd	B. Gafurov distr.	constr.		100%	0%	2004
35	"Communal techniques plant"	Dushanbe	Dushanbe city	ind.		10%	0%	2006
36	Tamir-2	Sogd	J.Rasulov distr.			100%	0%	2004
37	"Kurgantuberemstroytrest"	Khatlon	Kurgan-tyube city	constr.		100%	0%	2004
38	SKHRU Ayni	Sogd	Ayni distr.	constr.		100%	0%	2005
39	Vose'	Khatlon	Vose' distr.	constr.		100%	0%	2005
40	Tamirkor-2	DRS	Jirghatol	constr.		100%	0%	2006
41	State project institute "Tajikcomunproject"	Dushanbe	Dushanbe city	other				2007
Ministry of Industry of the Republic of Tajikistan								
42	Zaynab-bibi	Dushanbe	Dushanbe city	com.	x	100%	0%	2004
43	Khosiyat	Dushanbe	Dushanbe city	com.	x	51%	49%	2004
44	Firuza	Dushanbe	Dushanbe city	com.	x	51%	49%	2004
45	Ravshan	Sogd	Kayrokum	ind.		100%	0%	2005
46	"Kulob shoes"	Khatlon	Kulob city	ind.		100%	0%	2007
47	Tori zarrin	Dushanbe	Dushanbe city	ind.		100%	0%	2006
48	Stoneprocessing enterprise "La'l"	GBAO	Shughnon distr.	ind.				2007
49	"Korkhonai tamiri tekhniki"	DRS	Vahdat city	com.		100%	0%	2007
50	Kolinhoi Kulob	Khatlon	Kulob city	ind.		100%	0%	2007
51	Bunafsha	Khatlon	Norak city	ind.		100%	0%	2006
52	"Factory after Boymatov	Sogd	Asht distr.	ind.		100%	0%	2006
Ministry of Agriculture of the RT								
53	Kimoyi Faizobod	DRS	Fayzobod distr.	com.		100%	0%	2004
54	Tojikdehotkimyo	Dushanbe	Dushanbe city			100%	0%	2007
55	Central base of supply Cotton-Service	Dushanbe	Dushanbe city	cotton		100%	0%	2005
56	Kimiyo	Sogd	Khujand city	com.	x	100%	0%	2005
57	Nonpazi Kulob	Khatlon	Kulob city	ind.		100%	0%	2006
58	Guliston-2	DRS	Rudaki dist.	XK	x	100%	0%	2006
59	Kimoyoi drband	DRS	Nurobod distr.	com.		100%	0%	2006
60	Selkhozkhimiya	Khatlon	Shahrituz distr.	com.	x			2006
61	Bokhatr Selkhozkhimiya	Khatlon	Kurgan-tyube city	com.				2006
62	Kimoyoi Vakhsh	Khatlon	Vakhsh	com.		100%	0%	2006

No.	Name	Region	Area	Section	communal property	State share	Collective share	Year
63	Kimiyoi Kabodiyon	Khatlon	Kabodiyon distr.	com.		100%	0%	2006
64	Kimiyoi Panj	Khatlon	Panj distr.	com.		100%	0%	2006
65	Kimiyoi Ghozimalik	Khatlon	Ghozimalik distr.	com.		100%	0%	2006
66	Kimyogar	Sogd	Panjakent city	com.	x	100%	0%	2006
67	Kimyoi Ahst	Sogd	Asht distr.	com.	x	100%	0%	2006
68	Buston Kimiyo	Sogd	Mastchoh distr.	com.	x	100%	0%	2006
69	Khujand Kimiyo	Sogd	B. Gafurov distr.	com.	x	100%	0%	2006
70	Jamovar	Khatlon	Ghozimalik distr.	food		100%	0%	2007
71	Khonaobod	Khatlon	Kulob city	food		100%	0%	2005
72	"Parandaparvarii Bokhtar "	Khatlon	Bokhtar	food		100%	0%	2004
73	Signal-Service"	DRS	Rudaki dist.	constr.				2007
Ministry of Transport of the RT								
74	MNA Shurobod	Khatlon	Shurobod distr.	trans.		100%	0%	2004
75	ATPNo.47	Khatlon	Khojamaston	trans.		100%	0%	2005
76	TATPNo.39	Khatlon	Kurgan-tyube city	trans.	x	100%	0%	2006
77	Rohsoz5	DRS	Rudaki dist.	trans.		100%	0%	2007
78	Barakat	Khatlon	Kolkhozobod distr.	trans.		100%	0%	2005
79	BHA	Khatlon	Beshkent distr.	trans.		100%	0%	2006
80	MNA Sovet district	Khatlon	Temurmaliq dist.	trans.		100%	0%	2006
81	Gund	GBAO	Khorug city	constr.		100%	0%	2006
82	Doston	Khatlon	Muminobod distr.	trans.		100%	0%	2006
83	Tajikabadservis	DRS	Tojikobod	trans.		100%	0%	2006
84	ATP-24	Khatlon	Kolkhozobod distr.	trans.		100%	0%	2006
85	"ATP-MTL	DRS	Nurobod distr.	trans.		100%	0%	2007
86	"Kurgonteppa Passenger Terminal"	Khatlon	Kurgan-tyube city	trans.		100%	0%	2006
87	DSU No.14	Sogd	Konibodom city	constr.	x			2007
88	Badakhshonroh	Dushanbe	Dushanbe city	other				2007
89	DSU-8 Badakhshonroh	GBAO	Khorug city	constr.				2007
90	SU-35 Badakhshonroh	GBAO	Khorug city	constr.				2007
91	DSU-34 Badakhshonroh	GBAO	Shughnon distr.	constr.				2007
92	CPMK-2 Tajiktransstroy	Khatlon	Bokhtar	constr.				2007
93	SPM Tajiktransstroy	Khatlon	Danghara	constr.				2007
94	PSH Kurbonov Khatlonroh	Khatlon	Temurmaliq dist.	constr.				2007
95	UPTK road construction	Sogd	Kayrokum	com.				2007
96	DSU-19 Khatlonroh	Khatlon	Danghara	trans.				2007
97	Tajiktransstroy Trust	Dushanbe	Dushanbe city	constr.				2007

No.	Name	Region	Area	Section	communal property	State share	Collective share	Year
98	ATP-9	DRS	Gharm	trans.		100%	0%	2007
99	PAP-30	Khatlon	Kolkhozobod distr.	trans.		100%	0%	2007
100	MNA 2929	DRS	Vahdat city	trans.		100%	0%	2007
101	ATPNo.52	Khatlon	Kulob city	trans.				2007
Ministry of Energy of RT								
102	Shurob SHSU	Sogd	Isfara city	constr.				2005
103	Suzishvorii Khujand	Sogd	Kayrokum	com.		100%	0%	2006
104	Neftebazai ayni	Sogd	Ayni distr.	com.		100%	0%	2006
105	HRU Kulob	Khatlon	Kulob city	constr.		100%	0%	2006
106	Chinor	DRS	Nurobod distr.	com.		100%	0%	2006
107	Naftanbori Tojikobod	DRS	Tojikobod	com.		100%	0%	2006
108	Vostokenergoremont	Dushanbe	Dushanbe city	other		100%	0%	2006
109	Korhonai taminoti gaz	Dushanbe	Dushanbe city	com.		100%	0%	2006
110	Sohtmoni barki Yovon	Khatlon	Yovon	constr.		100%	0%	2007
111	Electrostroy	Sogd	Panjakent city	constr.		100%	0%	2007
Others								
112	ATP No.3	Khatlon	Sarband	trans.				2006
113	Plazmatron	Sogd	Kayrokum	ind.		100%	0%	2006
114	Marble Plant	Sogd	Shahriston distr.	ind.	x			2006
115	Hotel Khujand	Sogd	Chkalovsk city	household	x	100%	0%	2005
116	HO Shkolnoe pitanie	Sogd	Khujand city	food	x			2005
117	Dushanbe taksomotor enterprise	Dushanbe	Dushanbe city	trans.	x	51%	49%	2005

ANNEX II

Goods Subject to Import Licensing

According to the Regulation on Specifics of Licensing of Separate Types of Activities (No. 337 as of 1 September 2005) the following documents are required for obtaining a licence in addition to additional documents for each separate licensing activity indicated in the table below.

1. To obtain a license a license applicant shall submit to the respective licensing authority the following documents:
 - an application for issuance of a license indicating the licensable type of activity and the following details:
 - for a legal person - name and legal organizational form of the entity, its legal address and location, settlement account number and banking facility; and
 - for an individual entrepreneur - surname, name and patronymic, place of residence and identification document;
 - required duration of the license;
 - other data depending on specifics of the activity;
 - for a legal person - copies of constituent documents and a copy of certificate confirming state registration of the license applicant as a legal person; and
 - for an individual entrepreneur - a copy of certificate confirming state registration of the citizen as an individual entrepreneur;
 - a copy of certificate confirming registration of the license applicant with a taxation authority;
 - a document confirming payment of license fee for review by the licensing authority of the license application;
 - information about qualifications of the license applicant's staff; and
 - submission date of the license application and signature of the applicant.
2. Apart from the above documents the special part of this Regulation can stipulate submission of other documents that are prerequisite for a specific type of activity.
3. It shall be prohibited to demand from a license applicant submission of documents not envisaged by the Law of the Republic of Tajikistan "On licensing certain types of activities" and by this Regulation.
4. Documents shall be submitted by the license applicant in the Tajik or Russian language. Documents submitted by foreign citizens or documents submitted abroad should be certified in a manner provided for by regulatory legal acts of the Republic of Tajikistan.
5. The application form shall be approved by the licensing authority to comply with requirements of this Regulation.
6. A licensing authority must set up an information stand and put up a list of documents required for issuance of a license together with specimens of such documents.

7. A license applicant is responsible for accuracy of submitted data and documents. The licensing authority, as appropriate, has the right to check accuracy of data and documents submitted by the license applicant.
8. All documents submitted to a respective licensing authority for issuance of a license shall be received according to a list. The licensing authority issues the license applicant a statement in a set form indicating the date of documents receipt and stating the registration number for all of the received documents.

Code	Description	Issuing Authority	Licensing procedure
1302 11 000 0	Opium	Ministry of Health	Additional documents: opinion of appropriate authorities of the interior about the possibility of storing narcotic and psychotropic substances in the facilities for implementation of the proposed activity; statement from authorities of the interior about clean record of persons having access to narcotic and psychotropic substances; statement from the narcology service with regard to persons having access to narcotic and psychotropic substances; order of the head of the institution about appointment of persons having access to narcotic and psychotropic substances; copies of diplomas of persons having access to narcotic and psychotropic substances; in case of proposed cultivation of drug-containing plants for scientific purposes as well as development of new narcotic and psychotropic substances a positive expert report from the Academy of Sciences of the Republic of Tajikistan about expedience of conducting that particular activity is required.
0300	Malt beer	Ministry of Agriculture	No additional documents except for those indicated in the general part. A licensing fee in the amount of seventy six minimal wages for each year of the license period is charged for issuance of a license to organization engaged in production and turnover of ethyl alcohol, alcoholic beverages and spirit-based goods irrespective of forms of ownership. A licensing fee in the amount of twelve minimal wages for each year of the license period is charged for issuance of a license to organizations (irrespective of organizational and legal form) and individual entrepreneurs engaged in retail trade of alcoholic beverages and spirit-based goods.
2204	Grape wines, natural wines, including fortified; stum, except for mentioned in merchandise position 2009 (including wine materials);		
2205	Vermouths and natural wines, other wines with vegetation and aromatic substances;		
2206 00	Other fermented drinks (for example, cider, pear cider, and honey drink); mixes from fermented drinks, and mixes from fermented drinks and soft drinks not listed somewhere else;		
2207	Ethyl non-denatured alcohol with ethyl concentration of no less than 80% or more; ethyl alcohol and other denatured alcohols of any concentration;		
2207 10 000 0	Ethyl non-denatured alcohol with ethyl concentration of no less than 80% or more;		
2207 20 000 0	Ethyl alcohol, other denatured alcohols of any concentration;		
2208	Ethyl non-denatured alcohol with ethyl concentration of no less than 80%; alcohol liqueurs, liqueurs, and other alcoholic drinks;		

Code	Description	Issuing Authority	Licensing procedure
2939 91 110 0	unrefined cocaine	Ministry of Health	Additional documents: opinion of appropriate authorities of the interior about the possibility of storing narcotic and psychotropic substances in the facilities for implementation of the proposed activity; statement from authorities of the interior about clean record of persons having access to narcotic and psychotropic substances; statement from the narcology service with regard to persons having access to narcotic and psychotropic substances; order of the head of the institution about appointment of persons having access to narcotic and psychotropic substances; copies of diplomas of persons having access to narcotic and psychotropic substances; in case of proposed cultivation of drug-containing plants for scientific purposes as well as development of new narcotic and psychotropic substances a positive expert report from the Academy of Sciences of the Republic of Tajikistan about expedience of conducting that particular activity is required.
2939 11 000 0	concentrates from poppy straws; buprenorphine (INN), codeine, dihydrocodeine (INN), ethylmorphine, ethorphine (INN), heroin, hydrocodone (INN), hydromorphone (INN), morphine, nicomorphine (INN), oxycodone (INN), oxymorphone (INN), folcodine (INN), tebacone (INN), and tebaine; salts of these compounds;		
2939 91	cocaine, ecgonine, levometamphethamine, metamphethamine (INN), metamphethamine racemate; salts, esters, and other derivative substances; cocaine and its salts;		
2922 14 000 0	dextropropoxiphene (INN) and its salts;		
2922 31 000 0	amphepamone (INN), metadone (INN), and normetadone (INN); salts of these compounds;		
2922 44 000 0	Tilidine (INN) and its salts;		
2926 30 000 0	phenoproporex (INN) and its salts; metadone (INN) –an interim product (4-cyano-2-dimethylamino-4.4-diphenylbutane);		
2933 33 000 0	alfentanil (INN), anileridine (INN), bezitramide (INN), bromazepam (INN), diphenoxine (INN), diphenoxilate (INN), dipipanone (INN), fentanyl (INN), ketobemidone (INN), methylphenidate (INN), pentazocine (INN), pethidine (INN), pethidine (INN) – an interim A product, phencyclidine (INN) (PCP), phenoperidine (INN), pipradrol (INN), piritramide (INN), propirame (INN), and trimeperidine (INN); salts of these compounds;		
2933 11 100 0	propiphenazone (INN)		
2915 24 000 0	acetic anhydride		
2922 43 000 0	anthranilic acid and its salts		
2914 11 000 0	Acetone		
2924 29	others: (acetylanthranilic acid)		
2924 29 100 0	lidocaine (INN)		
2924 29 300 0	paracetamol (INN)		
2932 91 000 0	Isosafrole		
2939 63 000 0	lysergic acid and its salts		
2932 92 000 0	1-(1.3-benzodioxole-5-il) propane-2-on		
2914 12 000 0	butanone (methyl ethyl ketone)		
2933 32 000 0	piperidine and its salts		
2932 93 000 0	Piperonal		
2841 61 000 0	potassium permanganate		
2939 42 000 0	pseudoephedrine (INN) and its salts		
2932 94 000 0	Safrole		
2807 00 100 0	sulphuric acid		
2806 10 100 0	hydrogen chloride (hydrochloric acid)		
2902 30	Toluol		
2916 34 000 0	phenylacetic acid and its salts		

Code	Description	Issuing Authority	Licensing procedure
2914 31 000 0	phenylacetone (phenylpropane-2-on)		
2939 41 000 0	ephedrine and its salts		
2939 61 000 0	ergometrine (INN) and its salts		
2939 62 000 0	ergotamine (INN) and its salts		
2909 11 000 0	Diethyl ether		