

Requirements for obtaining permits for representative offices of a foreign investment fund

Documents to be submitted at an appeal (Article 42 of the Law of the Republic of Azerbaijan on Investment Funds (the Law))		
№	Document name	Note
1	an application for obtaining a permit to operate a foreign investment fund's representative office	to be developed as per Form No 4 of the 'Documents submitted for the issuance of licenses and permits to operate in the financial markets, including forms of information on relations between shareholders (participants) and beneficiary owners, as well as on civil impeccability'.
2	a legalized or apostilled copy of the foreign investment fund's charter, state registration document, and a copy of the decision of the authorized body to open a representative office	
3	information on the organizational structure and managerial bodies of the foreign investment fund	
4	a list of qualifying holding owners in a foreign investment fund, indicating the amount of shares owned by them, as of the requested date	
5	information about beneficiary owners of the foreign investment fund as determined by the Central Bank	to be developed as per Form No 13 of the 'Documents submitted for the issuance of licenses and permits to operate in the financial markets, including forms of information on relations between shareholders (participants) and beneficiary owners, as well as on civil impeccability'.
6	audited financial statements and auditor's opinion of the foreign investment fund for recent three financial years, if less than 3 years, for the entire period of operation	
7	the statute of the representative office	
8	a list of the persons appointed to the management positions of the representative office, indicating qualifying holding in that investment fund or the manager or other legal entities, notarized copies of documents showing information about their education and work experience, or legalized or apostilled in the manner specified in the legislation if those persons are foreigners, as well as information about their civil impeccability	If the person is a foreigner, a reference whether he/she was brought to criminal liability from the relevant authority of his/her home country legalized and apostilled as per the legislation
9	copies of licenses and permits of the foreign investment fund in its home country	
10	an opinion of foreign investment fund's relevant regulatory authority on non-objection to opening a representative office	
11	a business plan that determines the representative office's commercial strategy, organizational structure, including financial forecasts for first three years	

Note: In case of possibility to obtain documents or information necessary for issuing permits for activities of representative offices of foreign investment funds or managers in the Republic of Azerbaijan from the relevant executive authority (institution) through the Electronic Government Information System, those documents or information shall not be required from the applicant. In the cases of impossibility to obtain such documents or information through the Electronic Government Information System, their submission shall be required from the relevant public authority (institution) upon request at the consent of the applicant or shall be provided by the applicant.

Other appeal related information

Initial appeal review period - 60 calendar days

Documents may be submitted either in hard or in soft copy

Grounds for the rejection of the appeal

1. the documents specified in Article 42.2 of the Law are not submitted in full (taking into account the requirements of Article 42.2-1 of the Law), or where non-compliance with the requirements of the Law is identified therein, as well as where the information contained in the documents is not supplemented in the manner required under Article 42.4;
2. non-compliance with the requirements of Articles 34.6 and 40 of the Law is identified;
3. the legislation of its home country does not establish a supervisory regime over the activities of investment funds that is equivalent to or more stringent than that provided for under the legislation of the Republic of Azerbaijan.

Revocation of the permit for a representative office of a foreign investment fund (Article 43 of the Law of the Republic of Azerbaijan on Investment Funds (the Law))

Grounds for the revocation of the permit issued

1. there is a decision of a higher managing body of the investment fund ;
2. the joint-stock investment fund is declared bankrupt;
3. erroneous information is revealed in documents submitted for permit;
4. the representative office fails to operate within 12 months after the permit takes effect;
5. the representative office intentionally submits false reports and information to the Central Bank;
6. the representative office fails to comply with binding instructions by the Central Bank regarding the application of this Law and other normative legal acts and regulations regulating the securities market.