

DECREE OF THE CABINET OF MINISTERS OF THE REPUBLIC OF AZERBAIJAN

On approval of certain normative legal acts related to the application of the 'Law of the Republic of Azerbaijan on Compulsory Insurance against Loss of Occupational Capacity as a result of Industrial Accidents and Occupational Diseases'

In order to provide the implementation of Paras 1.9 and 1.10 of Decree No 289 of President of the Republic of Azerbaijan dated 2 July 2010 'on the application of the Law of the Republic of Azerbaijan on Compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases' the Cabinet of Ministers **decides:**

1. to approve the 'List of documents for establishing the insurance payment for compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases' and 'Regulations on setting, suspending and restoring insurance payment for compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases' (annexed).

2. to determine that, until the 'Law of the Republic of Azerbaijan on Compulsory Insurance against Loss of Occupational Capacity as a result of Industrial Accidents and Occupational Diseases', regulations, conditions and amount of payments to an employee whose health is impaired as a result of an industrial accident or occupational disease, or to the family members and other dependents of the employee who died as a result shall be regulated with Resolution No 3 of the Cabinet of Ministers 'on Approval of the Regulations, conditions and amount of payments to an employee whose health is impaired as a result of an industrial accident or occupational disease, or to the family members and other dependents of the employee who died as a result' dated 9 January 2003 (Legislative Collection of the Republic of Azerbaijan, 2003, No. 1, Article 66; 2004, No. 8, Article 657; 2008, No. 2, Article 130, No. 9, Article 855; 2009, No. 10, Article 857; 2010, No. 3, Article 262).

3. This Resolution shall take effect from the day of signing.

A.RASIZADEH

Prime Minister of the Republic of Azerbaijan

Baku city, 3 November 2010

№ 196

LIST
of documents for establishing the insurance payment for compulsory insurance
against loss of occupational capacity as a result of industrial accidents and
occupational diseases

1. This List has been developed to ensure the implementation of Para 1.9 of Decree No 289 of President of the Republic of Azerbaijan 'on application of the Law of the Republic of Azerbaijan on compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases' dated 2 July 2010 and the insurer sets the insurance payment for compulsory insurance against loss of occupational capacity as a result of industrial accidents and occupational diseases based on the following documents:

1.1. on monthly and one-time insurance payments:

1.1.1. a compulsory insurance agreement on loss of occupational capacity as a result of industrial accidents and occupational diseases;

1.1.2. the insurance claim signed by the insured person, or another beneficiary in case of his/her death or complete loss of physical and (or) mental capabilities as a result of the insurance event;

1.1.3. a copy of the act on the industrial accident drawn up as prescribed by the legislation, or the court decision on an industrial accident related to the insured person;

1.1.4. a copy of the *decision* issued by the Medical and Social Expert Commission (MSEC) in case of loss of occupational capacity of the insured person as a result of the insurance event, confirming the degree of loss of occupational capacity of the insured person as a result of an industrial accident or occupational disease;

1.1.5. in case the insured person dies as a result of an insurance event or due to health disorder directly caused by that event, a ~~notarized~~ copy of his/her death certificate;

1.1.6. in case the insured person dies as a result of an insurance case or due to a health disorder directly caused by that event, a certificate of dependent family members, as well as one of the ~~non-working~~ parents – his/her spouse or another family member who was dependent on the insured person, ~~regardless of their working capacity~~, and a certificate that they take care of their children, grandchildren, brothers and sisters who are under the age of fourteen, or who, despite reaching this age, need the care of someone else due to their health conditions according to the opinion of medical institutions;

1.1.6-1. In the event the insured person, who received the monthly insurance payment due to loss of occupational capacity as a result of an insurance event, dies due to health disorder directly caused by that event, the decision of the MSEC confirming that the death is related to the insurance event;

1.1.7. In the event of the loss of occupational capacity of the insured person as a result of the insurance event, and in the event of his/her death, a ~~notarized~~ copy of the identity card of an/other beneficiary(ies).

1.1.7-1. In case of death of the insured person as a result of an insurance event, if the family members who are considered beneficiaries are his/her parents, a copy of his/her birth certificate; in case of children, their birth certificates, and in case of a spouse, a copy of his/her marriage certificate;

1.2. In the event additional insurance payments are set, a copy of the decision of the MSEC is also required regarding the fact that the insured person is in need of assistance and care in cases where the insurance event is the direct cause of that payment and the right to receive them free of charge is not provided for in the legislation, along with the relevant documents specified in Item 1.1 of this List.

1.3. The determination of insurance payments under an annuity agreement is based on that agreement, and the insurance payment is given to the beneficiary from the date agreed in that agreement.

2. The insurer, having received information on an insurance event, should provide the beneficiary with an insurance claim questionnaire for submitting an insurance claim as specified in Item 1.1.2 of this List and, if necessary, help him/her to fill out that form.

3. The beneficiary should deliver the documents specified in Items 1.1.2, 1.1.5 and 1.1.7 to the insurer and in the event, the beneficiary fails to provide other documents, those documents should be obtained by the insurer based on an/official request(s) made within 3 working days from the date of receipt of the insurance claim.

REGULATIONS
on setting, suspending and restoring insurance payment for compulsory insurance
against loss of Occupational Capacity as a result of industrial accidents and
occupational diseases

1. General provision

1.1. These Regulations have been developed to ensure the implementation of Para 1.10 of Decree No 289 of President of the Republic of Azerbaijan 'on application of the Law of the Republic of Azerbaijan on compulsory insurance against loss of Occupational Capacity as a result of industrial accidents and occupational diseases' dated 2 July 2010 and regulate procedures for setting, suspending and restoring insurance payments.

2. Setting an insurance payment to the insured person who has lost Occupational Capacity as a result of an industrial accident or an occupational disease

2.1. The insurance payment is set at a relevant decision of the insurer in light of Item 2.1.3 of these Regulations, no later than 10 working days from the date on which the degree of loss of the insured person's previous Occupational Capacity as a result of the insurance event was determined by the Medical and Social Expert Commission (hereinafter – MSEC), as well as the date on which the insurance claim and relevant documents for receiving the insurance payment were submitted to it and should be paid in the following periods accordingly:

2.1.1. monthly insurance payments – no later than the 25th day of each calendar month in which the insurance payment is made, calculated from the date on which the degree of loss of the previous Occupational Capacity of the insured was determined by MSEC. If the insurance payment is to be calculated from the relevant date of any month prior to the first month in which the insurance payment is issued, payment amounts related to the previous month(s) are also added to the payment amount intended for the first month in which the insurance payment is issued;

2.1.2. one-time insurance payment – within 3 working days from the date of insurance payment;

2.1.3. additional insurance payment – from the date set by the relevant decision of the MSEC, within the period determined by that decision.

2.2. Based on the insurance agreement, in cases where the insured person loses his/her Occupational Capacity as a result of an industrial accident or an occupational disease, the relevant insurer is responsible for paying him/her the insurance payment in accordance with the legislation.

2.3. *If the insurer fails to pay the insurance payment within the period specified by the Law of the Republic of Azerbaijan on Compulsory Insurance against Loss of Occupational Capacity as a result of Industrial Accidents and Occupational Diseases, it pays a penalty in the amount of 0.1 percent of the insurance payment amount for each delayed day.*

3. Suspension and restoration of monthly insurance payments

3.1. Monthly insurance payments are suspended when:

3.1.1. the insured person who received monthly insurance payments due to loss of Occupational Capacity as a result of the insurance event dies in consideration of Item 3.2 herein;

3.1.2. the MSEC determines that the Occupational Capacity of the insured person who receives monthly insurance payments due to loss of Occupational Capacity as a result of the insurance event is restored;

3.1.3. the insured person refuses to be re-examined for the purpose of determining the degree of occupational incapacity.

3.2. When the insured person, who received the monthly insurance payment due to loss of Occupational Capacity as a result of the insurance event, dies as a result of that event, provided that at least one of the following grounds exists, beneficiaries provided for in those grounds are given a one-time insurance payment calculated in accordance with the law:

3.2.1. in case of determination of disabled persons who were dependents of the insured person or who had the right to receive subsistence from him/her until the day of his/her death;

3.2.2. when the insured person's child is born after his/her death;

3.2.3. one of ~~non-working~~ parents, spouses, or another family member has been identified who was under the care of the insured person and who has not reached the age of fourteen, or who, despite having reached this age, is engaged in taking care of children, grandchildren, brothers and sisters, who, according to the opinion of medical authorities, need the care of someone else due to their health conditions and ~~regardless of their ability to work~~;

3.2.4. when dependents of the insured person who lost their ability to work within five years after his/her death are identified;

3.2.5. if any person defined by subsections 3.2.1-3.2.4 of these Regulations are not available, other family members of the insured person are identified.

3.3. Monthly insurance payment is resumed from the date of termination of the basis provided for in Item 3.1.3 of these Regulations.