

Annex 2

Approved by
order of the Government
of the Kyrgyz Republic
N 267 dated May 2, 2012

REGULATION on the registration procedure for residents of the High Technology Park of the Kyrgyz Republic

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1. General provisions

1. The Regulation on the registration procedure for residents of the High Technology Park of the Kyrgyz Republic (hereinafter referred to as the «HTP residents») is developed in accordance with the Law of the Kyrgyz Republic «On the establishment of the High Technology Park of the Kyrgyz Republic».

2. HTP residents. Application for registration as an HTP resident

2. For registration as an HTP resident, a legal entity or an individual shall submit an application to the HTP Directorate according to the form approved by the Supervisory Board, with the appendix:

- for legal entities: copies of constituent documents and certificate of state registration of a legal entity certified by its head;

- for individuals: certified in the prescribed manner copies of documents confirming the fact of registration of an individual as an individual entrepreneur, with the presentation of the originals of specified documents;

- documents confirming compliance of the applicant's activities with the requirements of Article 6 of the Law of the Kyrgyz Republic «On the High Technology Park of the Kyrgyz Republic».

The types (type) of activity provided for in the Article 4 of Law of the Kyrgyz Republic «On the High Technology Park of the Kyrgyz Republic» should be indicated in the constituent documents of the legal entity.

3. Procedure for making a decision on registration (on denial of registration) of a legal entity or individual as an HTP resident

3. Documents submitted by legal entities or individuals to the HTP Directorate for registration as an HTP resident are accepted as per checklist, a copy of which with an indication of the date of receipt of documents is handed to the applicant.

4. The HTP Directorate reviews the submitted documents and sends them for examination to the Expert Council in order to obtain an opinion on the possibility of initial registration of the applicant as an HTP resident.

5. The Expert Council carries out the examination (-s) of the documents submitted by the applicant. As the circumstances may require, the Expert Council has the right to involve scientific and other organizations, scientists and specialists in the examination. The term for reviewing documents and making decisions in this case is extended for the period of the examination (-s), but no more than 10 days.

6. The total term for consideration by the HTP Directorate of documents submitted for the primary registration of a legal entity or an individual as an HTP resident, the examination and decision-making may not exceed one month from the day the applicant submits such documents.

7. The HTP Directorate makes a decision on the primary registration (on denial of registration) of a legal entity or individual as an HTP resident on the basis of the relevant conclusion of the Expert Council and issues a certificate of initial registration.

8. The grounds for refusal to register an applicant as a resident of HTP are:

- submission of not all or improperly executed documents defined by this Regulation;
- adverse opinion on the basis of the examination (-s) of documents provided by the applicant for registration as an HTP resident.

9. The Supervisory Board makes a decision on the final registration (on denial of registration) of a legal entity or an individual as an HTP resident in accordance with the set procedure. The term for making a decision by the Supervisory Board on the final registration of HTP resident should not exceed the period of two months.

10. When the Supervisory Board makes a decision on the final registration of the applicant as an HTP resident, the HTP Directorate enters the relevant information into the unified register of HTP residents and issues a certificate of final registration as the HTP resident to the applicant.

11. The procedure for maintaining the register of HTP residents is approved by the Supervisory Board.

12. The form of the certificate of primary and final registration of HTP residents is approved in accordance with the set procedure.

13. The certificate of initial and final registration of an HTP resident or a decision to refuse to register a legal entity or an individual as an HTP resident is issued to the applicant by the HTP Directorate within five business days from the date of the decision on the primary and final registration (on denial of registration).

14. The HTP Directorate is obliged to inform the tax authority in writing about the registration of the HTP resident within five working days from the date of issuance of the certificate of primary and final registration of the HTP resident and send a copy of the issued certificate.

15. The decision to refuse to register a legal entity or an individual as an HTP resident must contain a substantiated indication of the reasons for the refusal and may be appealed in the court.

4. Rights and obligations of HTP residents

16. The HTP resident shall undertake to:

- carry out activities in accordance with the lines of activity of the HTP;
- undergo an accounting tax registration with a tax authority within five days from the date of registration as an HTP resident;
- submit tax reports and pay taxes timely in accordance with the Tax Code of the Kyrgyz Republic;
- submit at the request of the HTP Directorate copies of the statistical reports on their activities submitted to state statistical authorities;
- conduct annually a mandatory audit of the reliability of the annual accounting (financial) statements and submit an auditor's opinion on the reliability of the annual accounting (financial) statements to the HTP Directorate;
- deduct quarterly 1 (one) percent of the revenue received for the previous quarter as a result of the implementation of HTP activities, other income and receipts to finance the activities of the HTP Directorate.

5. Basics of activities of HTP residents

17. An agreement is concluded between the HTP resident and the HTP Directorate, which establishes the rights and obligations of the HTP resident taking into account the requirements of Chapter VII of these Regulations and the HTP Directorate, other provisions upon a mutual agreement of the parties. The standard form of agreement is approved by the Supervisory Board.

6. Deprivation of HTP resident status

18. The deprivation of HTP resident status is performed:

- based on a statement from the HTP resident;
- upon failure by the HTP resident to fulfill the obligations stipulated by this Regulation, as evidenced by the relevant conclusion of the Expert Council;
- in case of liquidation (termination of activity) of HTP resident.

Deprivation of HTP resident status is the basis for termination of agreement.

19. The decision to revoke HTP resident status is taken by the Supervisory Board and may be appealed in the court.

20. The HTP Directorate within three days from the date of making a decision by the Supervisory Board on the deprivation of HTP resident status shall notify the legal entity or individual in writing, as well as the state tax service of the Kyrgyz Republic at the place of registration of the HTP resident, indicating the grounds for the decision and make a corresponding entry in unified register of HTP residents.

21. In the event of deprivation of the status of an HTP resident, a legal entity or an individual is obliged

to return the certificate of an HTP resident to the HTP Directorate within five days.