

On the regulation of inspections conducted in the field of entrepreneurship and the protection of the interests of entrepreneurs

LAW OF THE REPUBLIC OF AZERBAIJAN

This Law, in accordance with Clauses 1 and 17 of Part I of Article 94 of the Constitution of the Republic of Azerbaijan, defines the goals and principles of inspections conducted in the field of entrepreneurship in the Republic of Azerbaijan, the rules of organization and conduct, the rights and duties of inspection bodies and their officials during inspections, and entrepreneurs. determines requirements related to protection of rights and interests.

Chapter 1

GENERAL PROVISIONS

Article 1. Basic concepts

1.1. Terms used in this Law have the following meanings:

1.1.1. inspection carried out in the field of entrepreneurship (hereinafter - inspection) - a set of measures to assess whether the inspection bodies fulfill the mandatory requirements for entrepreneurial activity. Inspection involves the possibility of applying responsibility measures on the results obtained;

1.1.2. entrepreneur - legal and natural persons whose main purpose is to profit from the independent use of property, the production and (or) sale of goods, the performance of works or the provision of services;

1.1.3. *inspection body - state body or public legal entities* authorized to conduct inspections in the field of entrepreneurship based on the law ; [\[1\]](#)

1.1.4. inspector - an official authorized to conduct an inspection in the area of control for which the inspection authority is responsible;

1.1.5. planned (next) inspection - an inspection carried out on the basis of an inspection plan drawn up in advance in accordance with the risk assessment system and the periodicity of inspections determined by this Law;

1.1.6. unscheduled (out of turn) inspection - an inspection conducted on the grounds specified in Article 16 of this Law without taking into account the periodicity of inspections determined by this Law;

1.1.7. risk - the possibility of damage to the life or health of people, the environment, and property interests of the state as a result of the entrepreneur's activity;

1.1.8. risk assessment system - application system of data collection and analysis carried out by the inspection body for the purpose of planning and organizing inspections;

1.1.9. criteria for determining risk groups - a set of quantitative and (or) qualitative indicators related to the characteristics of the entrepreneur's activity and used to assign entrepreneurs to different risk groups;

1.1.10. the list of inspection questions - a part of the inspection act that reflects a detailed list of mandatory requirements for entrepreneurial activity, the fulfillment of which is checked by the inspection body during the inspection;

1.1.11. single data register of inspections - single data register of inspections carried out in the field of entrepreneurship provided for in Article 13 of this Law;

1.1.12. direct and significant threat or significant damage to human life or health, the environment, property interests of the state - a threat or damage determined by the relevant executive authority.

1.2. Except for the Civil Code of the Republic of Azerbaijan, concepts given in other laws are applied in the meaning given in this Law, if they are provided in a different sense in this Law.

Article 2. Scope of application of the law

2.1. This Law applies to all types of inspection measures carried out by inspection bodies by visiting the places where entrepreneurial activities are carried out, including investigations, examinations, monitoring, observations, inspections, controls, timings, raids, reviews and other such measures.

2.2. This Law (Articles 3.2, 7.1-7.3, 7.5-7.10, 8, 11.1, 12, 13 and 34.1 of this Law) to inspections related to the implementation of state control of *construction (with the exception of Article 26)* does not apply to tax inspections, *inspections related to the implementation of state control of construction, and inspections conducted in the field of financial markets*. [2]

2.2-1. *This Law does not apply to inspections conducted within the framework of criminal prosecution or court proceedings*. [3]

2.2-2. *Inspections conducted in the field of entrepreneurship in the Tool Free Economic Zone are regulated in accordance with the requirements of the Law of the Republic of Azerbaijan "On the Tool Free Economic Zone"*. [4]

2.3. The activity of representatives of legal entities that are state-owned and have a monopoly position in the provision of relevant services in connection with coming to the places where entrepreneurial activity is carried out and demanding the fulfillment of contract conditions (*except for reading the indicators of electricity, water, heat and gas meters*) is regulated by Articles 3.2, 13 of this Law. Articles 20.1, 20.2 and 34.1 are applicable. [5]

Article 3. Legality of inspections

3.1. Inspections are carried out only in the cases and according to the procedure provided by this Law.

3.2. Inspections conducted in violation of the requirements of this Law and other normative legal acts adopted on its basis, including inspections without registration in the unified information register, have no legal consequences. In the course of such inspections, liability measures cannot be applied in connection with the facts of violations of the laws of the Republic of Azerbaijan and other normative legal acts adopted in accordance with them, which determine mandatory requirements for entrepreneurial activity (hereinafter - law violations).

Article 4. Objectives and principles of inspections

4.1. The purpose of inspections is to ensure compliance by entrepreneurs with the mandatory requirements for entrepreneurial activity, including ensuring the safety of people's lives or health, the environment and the state's property interests by providing assistance to entrepreneurs in this field.

4.2. Inspections are carried out on the basis of the following principles:

4.2.1. rule of law, fairness, objectivity, transparency and accountability;

4.2.2. presumption of innocence of the entrepreneur;

4.2.3. state registration of inspections in the unified data register;

4.2.4. non-interference in the activity of the entrepreneur that is not related to the inspection;

4.2.5. compliance of the inspection with the authority of the inspection body;

4.2.6. failure to inspect the same inspection subject by several inspection bodies;

4.2.7. transparency of regulatory legal acts and other information on the organization and conduct of the inspection for the entrepreneur;

4.2.8. responsibility of the inspection body and its officials for the damage caused to the entrepreneur as a result of violation of the requirements of normative legal acts during inspections;

4.2.9. the advantage of preventing violations of the law without punishment;

4.2.10. financing of the inspection by the inspection body;

4.2.11. high professionalism of officials with inspection authority;

4.2.12. application of the risk assessment system and the list of inspection questions in the field of inspections;

4.2.13. control over the activities of inspection bodies (including internal control);

4.2.14. that the inspection has a preventive and preventive nature and serves to help the entrepreneur in complying with the mandatory requirements for entrepreneurial activity;

4.2.15. the equality of rights and legal interests of all entrepreneurs under review.

Chapter 2

STATE REGULATION OF INSPECTIONS

Article 5. Mandatory requirements for entrepreneurial activity

5.1. Mandatory requirements for entrepreneurial activity are determined by the laws of the Republic of Azerbaijan and other normative legal acts adopted in accordance with them. The subject of the inspection is the assessment of the entrepreneur's compliance with mandatory requirements.

5.2. In case of unclear or contradictory provisions of mandatory requirements for entrepreneurial activity, normative legal acts related to conducting inspections, the provision that is more favorable to the entrepreneur shall be applied.

5.3. Liability measures for violation of mandatory requirements for entrepreneurial activity are determined only by law.

Article 6. Powers of inspection bodies

6.1. The powers of the inspection body are determined by the laws of the Republic of Azerbaijan and other normative legal acts adopted in accordance with them. Duplication of powers of inspection bodies is not allowed.

6.2. It is not allowed to adopt regulatory legal acts related to the organization and conduct of inspections by the inspection body.

6.3. The list of inspection bodies and their areas of control is determined by the relevant executive authority.

Article 7. Powers of the auditor and requirements for the auditor

7.1. The inspector's powers are limited to the powers of the inspection authority. The inspectors cannot be given other powers besides conducting the inspection, including restricting the activity of the entrepreneur, reviewing the inspection materials and making a decision on the results, applying liability measures, and collecting fines.

7.2. The inspector cannot check issues that do not belong to the control area of the inspection body he represents and get acquainted with the materials related to those issues.

7.3. The inspector must meet the requirements of high professionalism. Recruits to the inspection body must be trained in inspection procedures before being allowed to inspect. Training is organized by the inspection body at least once a year in order to improve the professionalism of inspectors.

7.4. The evaluation of the inspectors' activity is carried out in accordance with the Law of the Republic of Azerbaijan "On Civil Service" and other laws of the Republic of Azerbaijan regulating service in special types of civil service.

7.5. Auditors must follow the rules of ethical conduct applied in the auditing body they represent.

7.6. Unless otherwise stipulated in the regulatory legal acts defining the powers of the inspection body, direct control over the activity of the inspectors is carried out by the management of the inspection body and the internal control body.

7.7. The inspectors must ensure the protection of the information whose access is restricted by the Law of the Republic of Azerbaijan "On obtaining information".

7.8. The inspector cannot conduct an inspection in the following cases:

7.8.1. if he is the founder (participant) of the audited legal entity;

7.8.2. in case of a close relative of the inspected individual entrepreneur, founder (participant), members (head) of management bodies. In this Article and in Article 18.2.4 of this Law, the term "close relatives" means parents, grandparents, biological and step-brothers and sisters, adoptive parents, spouses, children and grandchildren.

7.9. When the circumstances specified in Article 7.8 of this Law are determined, the decision on conducting the inspection must be changed by the head of the inspection body or the person replacing him, and that decision must be submitted to the entrepreneur or his authorized representative.

7.10. The number of violations discovered during inspections and the amount of liability measures applied for them, the amount of fines and other financial sanctions cannot be a criterion for evaluating the efficiency of the inspection body, inspector and other employees.

Article 8. Providing advice to entrepreneurs

8.1. Entrepreneurs should be provided with free, free and unrestricted access to normative legal acts (including technical normative legal acts) that determine mandatory requirements for entrepreneurial activity.

8.2. Normative legal acts (including technical normative legal acts) defining mandatory requirements for entrepreneurial activity, as well as rules regulating each stage of the inspection, including the filing of appeals against the decisions made by the inspection body, information reflecting the authority of the inspection body, a list of inspection questions, explanations about the application of mandatory requirements for entrepreneurial activity, answers to frequently asked questions, as well as information that can serve to improve the efficiency of entrepreneurial activity are posted on the official websites of inspection bodies, and they are updated as changes occur in such information.

8.3. The entrepreneur has the right to apply to the inspection body for methodical assistance, advice and to assess the situation and to invite it to the address where it is located or where it actually operates.

8.4. The inspection body is obliged to give written and oral explanations to the entrepreneur on issues related to its powers related to the application of mandatory requirements, as well as to provide methodical assistance to overcome the encountered difficulties.

8.5. The inspection body should establish a free telephone information service for the purpose of more prompt information of entrepreneurs on the issues provided for in Article 8.2 of this Law. In order to make it possible for the entrepreneur who acts in accordance with the explanation received through the telephone information service and the methodical assistance to refer to it, the inspection body must record the information provided with the help of technical means. The entrepreneur has the right to receive a copy of the audio recording of the recorded explanation on an electronic medium within three months from the date of its recording.

8.6. The entrepreneur cannot be held responsible for the violations committed during the activity carried out based on the explanations and methodical assistance provided under Articles 8.4 and 8.5 of this Law.

8.7. Article 8.6 of this Law shall not be applied if there are changes in the legal acts on which the explanation or methodological assistance is based after the inspection body has given explanations or provided methodical assistance.

Chapter 3

RISK ASSESSMENT SYSTEM

Article 9. Distribution of entrepreneurs by risk groups

9.1. For the purpose of organizing and conducting (next) inspections according to the plan, entrepreneurs are divided into high, medium and low risk groups.

9.2. The division of entrepreneurs by risk groups is carried out by the inspection body based on the criteria for determining risk groups in accordance with its control area and applies to all the entrepreneurs it inspects.

9.3. The criteria for identifying risk groups are determined based on the quantitative and (or) qualitative indicators (characteristics) of the activity of entrepreneurs, and the following factors are taken into account:

9.3.1. the extent of the entrepreneur's activity;

9.3.2. the length of time the entrepreneur has been active in the relevant field;

9.3.3. characteristics of the product (work performed, service provided) produced by the entrepreneur and (or) his field of activity;

9.3.4. various statistical data (occurrence of negative consequences in the field of activity of the entrepreneur, violation of mandatory requirements in the field of activity of the entrepreneur, etc.);

9.3.5. the results of previous inspections of the entrepreneur;

9.3.6. presence of inconsistencies and contradictions in the mandatory accountability of the entrepreneur.

9.4. If the entrepreneur can be assigned to two or more risk groups, he is assigned to the higher risk group.

9.5. The criteria for determining the risk groups in the area of control of each inspection body is prepared by that inspection body and approved by the relevant executive authority.

9.6. When dividing entrepreneurs by risk groups, the inspection body must comply with the following conditions:

9.6.1. no more than 10 percent of the inspected entrepreneurs should belong to the high risk group;

9.6.2. no more than 30 percent of the inspected entrepreneurs should belong to the medium risk group;

9.6.3. Entrepreneurs who do not belong to the high and medium risk groups should be assigned to the low risk group.

9.7. The criteria for identifying risk groups (their content and selection) are analyzed and revised no less than once every three years.

9.8. If the criteria for determining the risk groups in the control area of the inspection body are not approved, that inspection body cannot conduct a (next) inspection according to the plan.

Article 10. Periodicity of conducting (next) inspections on the plan

10.1. The periodicity of carrying out (next) inspections of the entrepreneur according to the plan depends on the risk group to which he belongs and cannot be carried out more frequently than the periodicity specified for each risk group in this article.

10.2. With the exception of the areas specified in Article 10.3 of this Law, (next) inspections are carried out according to the plan with the following periodicity:

10.2.1. in relation to an entrepreneur belonging to a high risk group - no more than once a year;

10.2.2. in relation to an entrepreneur belonging to the medium risk group - no more than once in two years;

10.2.3. in relation to the entrepreneur belonging to the low risk group - no more than once in three years.

10.3. Planned (next) inspections in the areas of food safety control , *fire control, safe operation of potentially dangerous facilities and mining areas, and radiation safety control* are carried out with the following periodicity: **[6]**

10.3.1. in relation to entrepreneurs belonging to the high risk group - no more than once every six months;

10.3.2. in relation to entrepreneurs belonging to the medium risk group - no more than once a year;

10.3.3. in relation to entrepreneurs belonging to the low risk group - no more than once in two years.

10.4. If, as a result of the last two inspections, violations of mandatory requirements are not detected in the activity of the entrepreneur, or if the detected violations do not pose a direct and significant threat to the life or health of people, the environment, or the property interests of the state, or do not cause significant damage, the (next) plan inspection of that entrepreneur shall be carried out determined by increasing the periodicity determined for the risk group by 1.5 times.

10.5. The periods specified in Articles 10.2 and 10.3 of this Law are calculated starting from the date of the completion of the last (next) inspection on the plan, from the date of state registration of the entrepreneur for whom the (next) inspection was not carried out on the plan, and if the risk group of the entrepreneur is changed, from the date of the change of the risk group .

10.6. Information about the entrepreneur belonging to a certain risk group must be entered by the inspection body in the unified information register of inspections, and that information must be open to entrepreneurs registered in the unified information register of inspections.

Chapter 4

REGISTER OF INSPECTIONS

Article 11. Electronic accounting of checks

11.1. Regarding the inspections carried out by the inspection body (the number of inspections carried out, their nature, the results of inspections, including whether violations of the law were detected by the inspection, the decisions made about the violations committed, the guilty persons held responsible and the measures taken) and the entrepreneurs in their control area conducts electronic accounting of information about belonging to the risk group.

11.2. The information included in the electronic record of inspections is used for the creation and improvement of the risk assessment system, state control of entrepreneurial activities and providing advice to entrepreneurs.

Article 12. Annual reports on inspections

12.1. At the end of the calendar year, the inspection body prepares an annual report containing the following information:

12.1.1. about the activities of providing advice on the provisions of normative legal acts that require clarification, highlighting more relevant questions for entrepreneurs during the reporting period;

12.1.2. about the number, type, nature, duration and results of the performed inspections (for general and risk groups);

12.1.3. about the scale of violations, frequently violated provisions of regulatory legal acts and adopted decisions, indicating the reasons for the violations committed by entrepreneurs;

12.1.4. on the number of decisions canceled and amended based on the complaints of entrepreneurs;

12.1.5. about the cases provided for in Article 5.2 of this Law, the elimination of gaps in the legislation, the effective organization of control over the activities of entrepreneurs, and about the normative legal acts proposed to be changed or adopted in order to reduce the burden of control in relation to them.

12.2. The information specified in Articles 12.1.1-12.1.4 of this Law is published on the official website together with annual reports on the activities of state bodies, as well as in other sources determined by the Law of the Republic of Azerbaijan "On Obtaining Information".

Article 13. Unified data register of inspections

13.1. In order to obtain complete and operational information about the periodicity, sequence, repetition and results of inspections of entrepreneurs, a single data register of inspections is conducted by the relevant executive authority.

13.2. The form and procedure of the single data register of inspections conducted in the field of entrepreneurship are approved by the relevant executive authority.

13.3. Inspection bodies are obliged to provide information on each inspection they conduct to the relevant executive authority in accordance with the procedure provided for in Article 13.2 of this Law.

13.4. The inspection bodies must provide the information on the inspection registered in the unified data register of inspections conducted in the field of entrepreneurship and not conducted for any reason to the relevant executive power authority within five working days from the date of the inspection. [7]

Chapter 5

ORGANIZATION AND CONDUCT OF INSPECTIONS

Article 14. Type and period of inspections

14.1. Inspection is carried out according to plan (next) or unplanned (out of turn).

14.2. The (next) inspection of the plan shall cover the period of activity of the entrepreneur from the date of completion of the last (next) inspection of the plan, and in the case of an entrepreneur for whom the (next) inspection of the plan has not been carried out, from the date of his state registration until the start of the (next) inspection of the current plan, but every in one case it covers a period not exceeding the last three years.

Article 15. Plan (next) inspection

15.1. The (next) inspection of the plan is carried out on the basis of the annual plan drawn up by the inspection body and included in the single data register, and on the dates specified in that plan. The annual inspection plan is prepared in accordance with the risk assessment system and inspection periodicity determined separately for each risk group.

15.2. The annual inspection plan shows the following information:

15.2.1. the name of the inspection body (in the case of a joint inspection, the names of other inspection bodies should also be indicated);

15.2.2. the name of the entrepreneur to be checked;

15.2.3. identification number of the taxpayer of the entrepreneur to be checked;

15.2.4. the address of the economic object of the entrepreneur to be checked;

15.2.5. the duration of the inspection (indicating the start and end dates);

15.2.6. information about the last planned (next) inspection conducted at the entrepreneur (the date the inspection was completed, the number of the inspection act, whether the fact of violation of the law was revealed or not).

15.3. The plan for conducting inspections for the following year is approved by the head of the inspection body or a person replacing him and submitted to the relevant executive authority in electronic form no later than November 1 of the current year. The relevant executive authority places those plans in the unified data register of inspections.

15.4. An entrepreneur may be jointly inspected by several inspection bodies.

Article 16. Unscheduled (out of turn) inspection

16.1. Taking into account the provisions of Article 16.8 of this Law, an unscheduled (out-of-shift) inspection is carried out in the following cases:

16.1.1. if the entrepreneur does not inform the inspection body about the implementation of the decision issued under Articles 33.2.2-33.2.4 of this Law on the elimination of the violations or their consequences within the specified period of time as a result of the last inspection, or if the given information is found to be incorrect;

16.1.2. when the status of implementation of the decision on the application (re-application) of restrictive measures to the activity of the entrepreneur according to Article 29.2 of this Law is checked;

16.1.3. when official requests (information) based on specific facts are received from legal and natural persons, state and local self-government bodies, about the existence of a direct and significant threat to the life or health of people, the environment, and the state's property interests, as well as in the mass media when information is released;

16.1.4. when the entrepreneur applies to the inspection body to conduct an unscheduled (off-duty) inspection.

16.2. During the unscheduled (out-of-shift) inspection conducted according to Article 16.1.1 of this Law, only the implementation of the decision to eliminate the violations discovered as a result of the last inspection is checked.

16.3. During the unscheduled (out-of-shift) inspection carried out according to Article 16.1.2 of this Law, only the cases that led to restriction (re-restriction) of the entrepreneur's activity and the elimination of legal violations are checked.

16.4. During the unscheduled (off-duty) inspection conducted according to Article 16.1.3 of this Law, only the facts of violation of the mandatory requirements for entrepreneurial activity specified in the official applications of the persons specified in that article or disseminated in the mass media are checked.

16.5. During the unscheduled (out-of-shift) inspection conducted according to Article 16.1.4 of this Law, only issues determined by the entrepreneur are checked.

16.6. An unscheduled (out-of-shift) inspection cannot be carried out in other cases than those specified in Article 16.1 of this Law and for the purpose of checking other issues other than those specified in Articles 16.2-16.5 of this Law.

16.7. In accordance with Article 16.1.3 of this Law, the following factors are analyzed and taken into account when making a decision to conduct an unscheduled (out-of-shift) inspection:

16.7.1. applicant's mental health, accuracy of previous applications;

16.7.2. receiving applications from different persons about the same entrepreneur;

16.7.3. the degree to which the facts stated in the received appeals pose a direct and significant threat to human life or health, the environment, or property interests of the state or cause significant damage;

16.7.4. the state of compliance of the entrepreneur who is required to be checked with the mandatory requirements specified in Article 5.1 of this Law.

16.8. As a result of the analysis of the factors specified in Article 16.7 of this Law, when the inspection body comes to the conclusion that there is no direct and significant threat to the life or health of people, the environment, or property interests of the state, or significant damage is not caused, according to Article 16.1.3 of this Law, unplanned (out of turn)) makes a decision that there are no sufficient grounds for the inspection. This decision must be justified, signed by the head of the inspection body or a person replacing him and sent to the person (body) who applied, and to the mass media that disseminated the information.

16.9. On the basis of anonymous applications (information), an unscheduled (out-of-shift) inspection cannot be carried out with reference to Article 16.1.3 of this Law.

16.10. In the case provided for in Article 16.1.4 of this Law, an unscheduled (out-of-shift) inspection cannot be conducted by the inspectors who conducted the previous inspection.

16.11. The decision to conduct an unscheduled (out-of-shift) inspection must be submitted by the inspection body to the relevant executive authority in electronic form in order to place the inspections in the single information register, and an extract from the register must be obtained before the inspection begins.

Article 17. Adopting a decision on conducting an inspection

17.1. Inspection is carried out on the basis of a decision signed by the head of the inspection body or a person replacing him.

17.2. The following is indicated in the decision on conducting the inspection:

17.2.1. decision number and date;

17.2.2. the name of the inspection body (in the case of a joint inspection, the names of other inspection bodies should also be indicated);

17.2.3. the name of the entrepreneur to be checked and the identification number of the taxpayer;

17.2.4. his (their) address when the inspection is carried out at the economic facility (facilities) of the entrepreneur;

17.2.5. type of inspection;

17.2.6. the type and date of completion of the last inspection;

17.2.7. the duration of the inspection (indicating the start and end dates);

17.2.8. surname, first name, patronymic and position of the verifier (verifiers);

17.2.9. during an unscheduled (out-of-shift) inspection, the numbers of questions to be checked from the list of reference and inspection questions specified in Article 16.1 of this Law.

17.3. At least five working days before the start of the planned (next) inspection, the inspection body sends a copy of the decision on conducting the inspection to the entrepreneur, as well as an explanation of the rights and duties of the entrepreneur and the inspection body during the inspection. The decision to conduct an unscheduled (out-of-shift) inspection is submitted to the entrepreneur at the moment the inspection begins.

17.4. The inspection is carried out only by the inspector (inspectors) specified in the decision on its conduct.

Article 18. Duration of inspection

18.1. The duration of the (next) inspection according to the plan should not exceed ten working days for large entrepreneurs and five working days for *medium, small and micro entrepreneurs*. The duration of an unscheduled (out-of-shift) inspection should not exceed five working days for large enterprises and three working days for *medium, small and micro enterprises*. The criteria of large, *medium, small and micro entrepreneurs are defined in accordance with the Law of the Republic of Azerbaijan "On Entrepreneurial Activity"*. [8]

18.2. The inspection is suspended once by the head of the inspection body or a person replacing him in the following cases and periods:

18.2.1. when the documents required to carry out the inspection are restored by the inspected entrepreneur - for a period not exceeding thirty days;

18.2.2. when requests for documents and information are sent to state and local self-government bodies, legal and natural persons - for a period of no more than thirty days (if those bodies or persons are in foreign countries - for a period of no more than fifty days);

18.2.3. when a decision is made to examine (test) the product - for a period not exceeding the period provided for in Article 25.1 of this Law;

18.2.4. if it is not possible to continue the inspection due to temporary incapacity of the authorized representative of the inspected entrepreneur, illness or death of himself or a close relative, or inability to participate in the inspection due to other valid reasons - for a period of not more than twenty days.

18.3. A reasoned decision on the suspension of the inspection is made by the head of the inspection body or a person replacing him, and information about it is entered in the unified information register of inspections.

18.4. The period during which the inspection is suspended is not included in the total duration of the inspection.

18.5. The inspected entrepreneur should be informed of the decision to stop the inspection and notes should be made about it in the inspection report.

Article 19. List of examination questions

19.1. In order to ensure systematicity, effectiveness, transparency, and simplification of the inspection process in the collection of information about the inspected entrepreneur, analysis and evaluation of inspection results, the inspection body should use the list of inspection questions during inspections.

19.2. The list of inspection questions is an integral part of the inspection act.

19.3. The list of inspection questions reflects the mandatory requirements that are checked during the inspection.

19.4. The list of inspection questions should include important requirements that must be met. Important requirements are those requirements, the violation of which would create a direct and significant threat to human life or health, the environment, and property interests of the state, or cause significant damage.

19.5. Appropriate notes on the status of implementation of the requirements reflected in the list of inspection questions are included in the list of inspection questions during the inspection by the inspector (head of the inspection).

19.6. During the inspection, only the implementation status of mandatory requirements included in the list of inspection questions is checked. If the fact of violation of requirements not included in the list of inspection questions is discovered during the inspection, the measure of responsibility for that fact cannot be applied.

19.7. The list of inspection questions is prepared by each inspection body in accordance with its area of control, approved by its head, and it is ensured that inspections are placed in a single data register. Matters that do not belong to the control area of the inspection body cannot be included in the list of inspection questions prepared and applied by that inspection body.

19.8. The form and application procedure of the list of inspection questions is approved by the relevant executive authority.

19.9. The list of examination questions is posted on the official website of the examination body.

Article 20. Inspection

20.1. Before the start of the inspection, the inspector presents the service card, a copy of the decision on conducting the inspection and the extract of the registration of the inspection in the unified information register of inspections to the entrepreneur or his authorized representative, provides information about the legal basis of the inspection, its subject, duration, and the rights and duties of the parties during the inspection.

20.2. If the documents specified in Article 20.1 of this Law are not submitted, or if the inspection periods specified in the decision on conducting the inspection and the extract from the unified data register of inspections are not observed, the entrepreneur may refuse to let the inspector in for inspection.

20.3. During the inspection process, the entrepreneur must present the documents related to the inspection to the inspector and give verbal and (or) written explanations to the questions that arise during the inspection, *as well as not provide distorted or incorrect information*. The original documents must be returned to the entrepreneur by the inspector during the inspection or immediately after the inspection, along with a copy of the inspection act. [\[9\]](#)

20.4. In order to clarify the issues related to the subject of the inspection, the inspection body can send applications to the state and local self-government bodies, legal entities and individuals for the receipt of documents and information related to the inspection. The request must be answered as soon as possible, but no later than seven working days, in accordance with the Law of the Republic of Azerbaijan "On obtaining information".

20.5. The inspection is carried out only during the entrepreneur's working hours and on working days at the address where the entrepreneur is located or actually operates (the address where the inspection is carried out is indicated in the decision on conducting the inspection and in the extract from the unified information register of inspections). Inspection measures should not disturb the normal working routine of the entrepreneur.

20.6. During the inspection, the inspectors must clarify all the facts and issues, including those favorable to the entrepreneur, in order to make an informed decision.

20.7. In order to complete the inspection measures and to determine the compatibility of the relevant factual information with the information contained in the documents submitted by the inspected entrepreneur, the inspectors visit the area used by the inspected entrepreneur for activity (except for the residential area), production and processing facilities, warehouses, sales areas and service vehicles. reviews. The inspector draws up a protocol on the inspection. *If the inspector complies with the duties specified in Articles 20.1,*

20.5, and 20.9 of this Law, and the rights of the entrepreneur provided for in Articles 20.2, 20.11, and 20.12 of this Law are not hindered, the entrepreneur, during the inspection process, shall comply with Article 20.7 of this Law. should not prevent inspection of the places (objects) provided for in the first sentence of Article [10](#)

20.8. The inspection of the area used for entrepreneurial activity (except residential area), production and processing facilities, warehouses, sales areas and service vehicles is carried out in the presence of the inspected entrepreneur or his representative. If the inspector is not allowed to those places, it is recorded in the inspection act.

20.9. When the inspector decides to use technical means (audio, video and photo equipment, photocopier and scanner), he informs the inspected entrepreneur or his representative about it by obtaining his signature. If the inspected entrepreneur or his representative refuses to confirm the fact of receiving the information with his signature, the inspector draws up an act of refusal and makes appropriate notes about it in the inspection act.

20.10. Photo, audio and video materials, computer data and other data carriers are added to the inspection materials and stored during the storage period. Photo, audio and video materials cannot be presented to mass media without the written consent of the entrepreneur.

20.11. The inspected entrepreneur can take photos, video recording and audio recording of the inspection measures.

20.12. If desired, the inspected entrepreneur may invite representatives of various organizations or any third parties to assist in the inspection.

Chapter 6

PRODUCT TESTING AND PRODUCT SAMPLING

Article 21. Adopting a decision on product research (testing).

21.1. If reasonable doubts arise during the inspection about the conformity of any product or raw material (hereinafter - product) produced or sold (intended for sale) to the specified requirements, research (testing) of that product and taking product samples for this purpose is carried out.

21.2. The decision to examine (test) the product is made by the head of the inspection body or a person replacing him.

21.3. The decision on product research (testing) should be justified, drawn up in written form and should reflect the following:

21.3.1. decision number, date and time of adoption;

21.3.2. position, surname, first name and patronymic of the examiner authorized to take product samples for product research (testing);

21.3.3. the name and address of the entrepreneur (his economic object) whose product will be researched (tested);

21.3.4. the name of the product to be tested;

21.3.5. information that makes it possible to accurately identify the product to be examined (tested) (manufacturer, model, production date, batch, etc.);

21.3.6. the number of product samples to be taken;

21.3.7. parameters to check the conformity of the taken product samples;

21.3.8. the name of the laboratory or other organization that will conduct the research (testing) of the product;

21.3.9. seal of the inspection body, signature, surname, name and patronymic of the head of the inspection body or the person replacing him.

21.4. The sample form of the decision on product research (testing) is approved by the relevant executive authority.

Article 22. Procedure for selecting product samples for product research (testing).

22.1. Taking product samples for the purpose of product research (testing) is carried out within forty-eight hours after the decision on product research (testing) is made.

22.2. Before starting to take product samples for product research (testing) during the inspection, the inspector authorized to take product samples:

22.2.1. must submit a copy of the decision on product research (testing) to the entrepreneur;

22.2.2. must explain to him the procedure for product research (testing) and taking product samples for this purpose, as well as the rights and duties of the entrepreneur in this regard;

22.2.3. shall pay the cost of the product samples taken.

22.3. Product samples are taken by the inspector in the presence of the inspected entrepreneur or his authorized representative and are formalized with the product sampling act.

22.4. The following must be specified in the product sampling act:

22.4.1. the date of drawing up the act and the exact time of taking product samples;

22.4.2. number, date and time of adoption of the decision on which product sampling is based and specified in Article 21.3 of this Law;

22.4.3. the name and address of the entrepreneur (his economic object) from which product samples were taken;

22.4.4. position, surname, first name and patronymic of the inspector who took product samples;

22.4.5. position, surname, first name and patronymic of the representative of the entrepreneur participating in taking product samples;

22.4.6. the name of the sampled product;

22.4.7. information that enables the exact identification of the sampled product (manufacturer, model, production date, batch, etc.);

22.4.8. number of product samples taken;

22.4.9. the total cost paid by the inspector of the product samples taken;

22.4.10. a description of the parameters against which the product samples taken will be compared;

22.4.11. if any, explanation, objection or objection of the entrepreneur;

22.4.12. signature of the examiner who took product samples;

22.4.13. signature of the entrepreneur or his authorized representative who took part in product sampling.

22.5. The exemplary form of the act of taking product samples for the purpose of product research (testing) is approved by the relevant executive authority.

22.6. In the sample form of the product sampling act for the purpose of product research (testing), there should be an appropriate section for reflecting the explanations, comments and objections expressed by the entrepreneur.

22.7. The number of product samples taken for research (testing) should not exceed the minimum sufficient number provided in the relevant research (testing) methodology. If the required number of product samples is not specified in the relevant research (testing) methodology, the inspector has the right to take a number of product samples not exceeding the minimum sufficient number provided for in another similar research (testing) methodology.

22.8. When packing the product samples taken for examination (testing), the examiner must ensure that their integrity and the parameters to be checked for conformity during the examination (testing) remain unchanged during the time sufficient for their delivery to the place where the examination (testing) will be carried out.

22.9. Product samples taken for examination (testing) must be sealed by the examiner in such a way that it cannot be opened without breaking the integrity of the packaging.

22.10. After completing product sampling, the inspector must provide the entrepreneur with a duly formalized copy of the act on product sampling for the purpose of product research (testing).

22.11. If, due to the specific characteristics and (or) characteristics of the product, it is not possible to take product samples and deliver them to the laboratory or other organization that has the right to conduct research (testing) in accordance with Article 27 of this Law, the inspector shall send the product to the place where it is located for its research (testing). organizes the arrival of specialists from a laboratory or other organization that has the right to conduct research (testing). At the same time, this type of research (testing) of the product should not prevent the entrepreneur from carrying out normal activities and (or) should not limit his activities, as well as should not pose a threat to human life or health, the environment and property interests of the state.

22.12. The entrepreneur has the right to participate in the taking of product samples, to demand compliance with the rules stipulated in this Law and the relevant product sampling methodology, as well as to express his explanations, remarks and objections.

Article 23. Product sampling methods

23.1. For the purpose of product research (testing), the methods stipulated in the relevant technical normative legal acts of the Republic of Azerbaijan are used for taking product samples.

23.2. If it is not possible to apply the methods specified in Article 23.1 of this Law or if such technical normative legal acts do not exist, the methods of taking product samples provided for in the technical normative legal acts of the Republic of Azerbaijan relating to other fields shall be applied. If it is not possible to apply these methods or if such technical normative legal acts do not exist, the methods determined by the relevant international organizations of which the Republic of Azerbaijan is a member are used.

Article 24. Procedure and term of delivery of the collected product samples to the laboratory or other organization entitled to conduct their research (testing)

24.1. The inspector must deliver the samples of the taken products to the laboratory or other organization that has the right to conduct research (testing) in accordance with Article 27 of this Law as soon as possible, but no later than the following period:

24.1.1. a sample of a perishable product (with a normative shelf life of less than seventy-two hours) - within three hours from the time of collection;

24.1.2. sample of food product or fodder (excluding perishable products) - within twelve hours from the time of collection;

24.1.3. in other cases - within forty-eight hours after the time of sampling.

24.2. Delivery of product samples taken by the inspector and delivery by the laboratory or other organization with the right to conduct research (testing) in accordance with Article 27 of this Law is formalized by the act of delivery of product samples.

24.3. In accordance with Article 27 of this Law, a laboratory or other organization with the right to conduct research (testing) must refuse to accept product samples and formalize the handover act in the following cases:

24.3.1. when the product samples are delivered after the expiration of the periods specified in Article 24.1 of this Law;

24.3.2. when product samples are packed or delivered in a condition that does not comply with the requirements stipulated in Articles 22.8 and 22.9 of this Law.

Article 25. Periods and order of examination (testing) of taken product samples

25.1. The research (testing) of the collected product samples is carried out in the period provided for in the relevant research (testing) methodology. If the research (testing) period is not provided for in the relevant research (testing) methodology, the research (testing) of the taken product samples is carried out within no more than ten working days from the date of formalization of the handover act specified in Article 24.2 of this Law.

25.2. The results of the study (test) are formalized with a protocol.

25.3. In accordance with Article 27 of this Law, the laboratory or other organization with the right to conduct testing, no later than the next working day after the end of the research (test), a letter confirming the receipt of the report on the results of the research (test) to the inspection body that made a decision on the research (test) of the product sends through

25.4. The following should be reflected in the report on the results of the study (test):

25.4.1. protocol number, date and exact time of drawing up;

25.4.2. delivery date and exact time of product samples;

25.4.3. information on applied research (test) methods;

25.4.4. acceptable level of investigated indicators (parameters) determined by normative requirements;

25.4.5. the level of the examined indicators (parameters) obtained as a result of research (testing);

25.4.6. error in the obtained results (possible accuracy).

25.5. The form of the protocol on the research (test) results is approved by the relevant executive authority.

25.6. The examiner who conducted the study (test) of the product samples must familiarize the entrepreneur with the results of the study (test) and, upon request, give explanations and advice on the results of the study (test).

Article 26. Payment of the cost of work (services) related to taking product samples and their research (testing)

26.1. Product sampling is carried out on the condition that the cost of the product samples taken by the inspection body is fully paid to the entrepreneur from whom the product samples are taken.

26.2. Payment of the cost of product samples should be made no later than the moment of taking product samples and until the act of taking product samples is formalized.

26.3. Payment of the cost of the product samples taken, their storage, keeping the researched (tested) parameters unchanged, transportation, conducting the research (testing), providing information on the obtained results, costs incurred in connection with the further sale or disposal of the product, as well as Article 21.2 of this Law All other costs incurred as a result of the decision specified in Article 1 shall be paid at the expense of the inspection body.

26.4. If the research (test) results of the product samples determine that the product does not meet the specified requirements and this non-conformity creates a direct and significant threat to human life or health, the environment and property interests of the state or causes significant damage, the inspection body shall, in accordance with Article 26.3 of this Law The entrepreneur shall be reimbursed for the costs incurred in accordance with the following exceptions:

26.4.1. the costs were not actually incurred by the inspecting authority;

26.4.2. there is no documentary confirmation of expenditure;

26.4.3. expenses incurred due to the illegal taking of product samples by the inspection body, including taking them without complying with the rules established by this Law.

26.5. In accordance with Article 26.4 of this Law, the rules and terms of reimbursement of costs incurred by the inspection body in connection with taking product samples by the entrepreneur shall be determined by the relevant executive authority.

Article 27. Requirements for laboratories and other organizations conducting research (testing) of product samples

27.1. Taking into account the provisions of Article 27.2 of this Law, the examination (testing) of product samples can be carried out in any laboratories or other organizations accredited for this type of work by *the body (institution) determined by the relevant executive authority*. [\[11\]](#)

27.2. Examination (testing) of taken product samples cannot be carried out in laboratories and other organizations that participated in the assessment of the conformity of this product or are owned or controlled (managed) by the manufacturer or distributor (distributor) of this product.

27.3. In the following cases, the head of the inspection body or a person replacing him may apply to an accredited laboratory or other organization in a foreign country that has concluded a relevant international agreement with the Republic of Azerbaijan for the examination (testing) of product samples:

27.3.1. There are no accredited laboratories or other organizations with the right to conduct research (testing) of relevant product samples in the Republic of Azerbaijan;

27.3.2. Accredited laboratories or other organizations for the examination (testing) of relevant product samples available in the Republic of Azerbaijan participated in the assessment of the conformity of this product or are owned or controlled (managed) by the manufacturer or distributor (distributor) of this product.

27.4. Each inspection body shall post on its official website a list of the following laboratories and other organizations within its control area:

27.4.1. accredited by *the body (institution) determined by the relevant executive authority for conducting studies (tests) according to the relevant product types*;

27.4.2. Accredited in a foreign country that has signed an international agreement with the Republic of Azerbaijan.

Chapter 7

RESTRICTIVE MEASURES DURING INSPECTION

Article 28. Making a decision on the application of restrictive measures during the inspection

28.1. The inspection body makes a decision on the application of restrictive measures to the activity of the entrepreneur in cases where the following conditions coexist during the inspection:

28.1.1. the violation of the law discovered during the inspection poses a direct and significant threat to human life or health, the environment, and property interests of the state or causes significant damage;

28.1.2. it is not possible to eliminate that violation immediately;

28.1.3. the possibility of restrictive measures is stipulated by the law in the area of control of the inspection body.

28.2. The following restrictive measures may be applied to the activity of the entrepreneur:

28.2.1. stopping individual production processes;

28.2.2. stoppage of production;

28.2.3. stopping the sale of the goods (lot of goods);

28.2.4. Prohibition of production of goods (batch of goods);

28.2.5. banning the sale of goods (lots of goods);

28.2.6. removal of the goods (goods batch) from circulation;

28.2.7. recall of goods (batch of goods);

28.2.8. processing, reprocessing, repurposing of goods;

28.2.9. removal of a member (members) of the work staff;

28.2.10. suspension of works and services.

28.3. The application of restrictive measures to the activity of the entrepreneur is considered the last measure of necessity that can be applied against the entrepreneur.

28.4. The restrictive measure applied to the activity of the entrepreneur must correspond to the degree of direct and significant threat to human life or health, the environment and property interests of the state, or the degree of significant damage caused.

28.5. The restrictive measure applied to the activity of the entrepreneur is applied only in that part (field) of the entrepreneur's activity (technique, equipment, rooms, production areas, material goods, operations, personnel, etc.) in that part (field):

28.5.1. to reveal the fact of violation of mandatory requirements for entrepreneurial activity and;

28.5.2. the non-application of the activity restriction measure creates a direct and significant threat to human life or health, the environment, and property interests of the state or causes significant damage.

28.6. When making a decision on a restrictive measure applied to the activity of the entrepreneur, the head of the inspection body or the person replacing him must be guided by the principle of minimum interference in the activity of the entrepreneur.

28.7. A restrictive measure cannot be applied to the entrepreneur's activity in the following cases:

28.7.1. the detected violation of the law does not pose a direct and significant threat to human life or health, the environment, or property interests of the state, or does not cause significant damage (the violation of the law does not correspond to the degree of the danger or damage caused);

28.7.2. it is possible to immediately eliminate the detected violation of the law;

28.7.3. if the possibility of restrictive measures is not provided for by the law in the area of control of the inspection body;

28.7.4. the restrictive measure is applied to the part (area) of the entrepreneur's activity where the fact of violation of the law is not detected (technique, equipment, rooms, production areas, material goods, operations, personnel, etc.).

28.8. The decision on the restrictive measure applied to the activity of the entrepreneur is taken by the head of the inspection body or the person replacing him on the basis of the interim act drawn up by the inspector within one working day from the date of discovery of the fact of violation of the law.

28.9. The decision on the restrictive measure applied to the activity of the entrepreneur must be justified, drawn up in writing and contain the following information:

28.9.1. decision number and date;

28.9.2. the name and address of the entrepreneur (of his/her relevant economic object) on whose activity a restrictive measure has been applied;

28.9.3. explanation of detected violations of law, specifying the numbers of specific questions of the list of inspection questions and specific structural elements of the normative legal acts whose requirements have been violated;

28.9.4. a description of the part (area) of the entrepreneur's activity where restrictive measures are applied (technique, equipment, rooms, production areas, material goods, operations, personnel, etc.);

28.9.5. specific restrictive measure (measures) applied under Article 28.2 of this Law;

28.9.6. specific measures to be taken by the entrepreneur in order to eliminate the cases and violations of the law that led to the application of a restrictive measure to the entrepreneur's activity;

28.9.7. information on the terms and procedure for appealing the decision to apply a restrictive measure to the entrepreneur's activity;

28.9.8. surname, first name, patronymic and signature of the head of the inspection body or the person replacing him.

28.10. A copy of the decision to apply a restrictive measure to the entrepreneur's activity shall be submitted to the entrepreneur no later than the next working day of the date of adoption.

28.11. Information on the decision of the inspection body on the application of a restrictive measure applied to the activity of the entrepreneur must be entered in the unified data register of inspections.

Article 29. Cancellation of the decision to apply a restrictive measure to the activity of the entrepreneur

29.1. After the following conditions are fulfilled, the decision to apply a restrictive measure to the entrepreneur's activity is considered canceled and he can continue his activity:

29.1.1. the entrepreneur has fully and comprehensively implemented the measures specified in the decision on the application of the restrictive measure;

29.1.2. the entrepreneur has sent a warning by any means confirming receipt to the relevant inspection body that he has implemented the measures specified in the decision on the application of the restrictive measure.

29.2. Within three working days from the date of receiving the warning about the implementation of the measures specified in the decision on the application of the restrictive measure, the inspection body shall appoint an unscheduled (out-of-shift) inspection to check the status of the implementation of those measures. Unscheduled (out-of-shift) inspection is conducted in accordance with the period and procedure provided for unscheduled (out-of-shift) inspections by this Law.

Article 30. Adopting a decision on re-imposing a restrictive measure on the activity of the entrepreneur and canceling that decision

30.1. If during the unplanned (off-duty) inspection carried out by the inspection body on the grounds and within the time limits specified in Article 29.2 of this Law, it is revealed that the measures specified in the decision on the application of the restrictive measure have not been implemented or partially implemented by the entrepreneur, the inspection body shall make a decision to re-apply the restrictive measure to the activity of the entrepreneur. does.

30.2. The provisions of Articles 28 and 29 of this Law shall be applied to the decision to re-impose a restrictive measure on the entrepreneur's activity and to cancel it.

Chapter 8

OFFICIAL RESULTS OF INSPECTIONS AND DECISION-MAKING ON THE RESULTS OF INSPECTIONS

Article 31. Formalization of inspection results

31.1. The results of the inspection are formalized with an inspection act.

31.2. The inspection report shows the following:

31.2.1. the name of the inspection body;

31.2.2. the act number and the date it was drawn up;

31.2.3. code issued from the single data register of inspections;

31.2.4. the name of the audited entrepreneur and the identification number of the taxpayer;

31.2.5. the address of the directly inspected business facility of the inspected entrepreneur;

31.2.6. surname, first name, father's name and position of the inspector (inspectors) participating in the inspection;

31.2.7. date and number of the decision on conducting the inspection;

31.2.8. information about explaining his rights and duties to the entrepreneur during the inspection;

31.2.9. the duration of the inspection (indicating the start and end dates);

31.2.10. the content of law violations revealed by indicating the numbers of the specific questions of the list of inspection questions, specific structural elements of the normative legal acts whose requirements have been violated;

31.2.11. if any, explanation, objection or objection of the entrepreneur;

31.2.12. the list of documents attached to the inspection act;

31.2.13. signatures of all inspectors who participated in the inspection and the entrepreneur or his authorized representative.

31.3. The facts discovered during the preparation of the inspection report must be clearly and accurately stated in the inspection report. It is not allowed to enter the numbers of unverified questions of the list of verification questions into the verification act, as well as various unconfirmed facts and information about the activity of the verified entrepreneur.

31.4. The list of inspection questions, as well as other documents that confirm the information specified in the inspection act and are important for making a decision on the results of the inspection, are added to the inspection report.

31.5. The inspection report is signed by all inspectors participating in the inspection no later than the day of the inspection. The inspectors who signed the inspection report are responsible for the correctness of the records and information included in the inspection report and the list of inspection questions.

31.6. The inspection report is submitted to the entrepreneur or his authorized representative for signature after it is signed by the inspectors who participated in the inspection.

31.7. The signing of the inspection act by the entrepreneur or his authorized representative confirms the fact that the entrepreneur is familiar with the contents of the inspection act. The fact of signing the inspection act by the entrepreneur or his authorized representative does not indicate the entrepreneur's agreement with the contents of the inspection act and the documents attached to it (including the list of inspection questions).

31.8. If the entrepreneur does not agree with the content of the inspection act and (or) the documents attached to it (including the list of inspection questions) or with the action (inaction) of the inspector, he may express his explanation, objection and objection by making an appropriate note in the inspection act before signing the inspection act.

31.9. The inspection act is drawn up in two copies. One copy of the inspection act and the documents attached to it is submitted to the entrepreneur or his authorized representative, and the other copy remains with the inspection body.

31.10. If the entrepreneur refuses to receive the inspection act and (or) to sign it, appropriate notes are made by the inspectors in the inspection act. After that, a copy of the inspection act is sent to the entrepreneur within the next three working days from the date of completion of the inspection by any means confirming the receipt.

Article 32. Review of inspection materials

32.1. Officials of the inspection body are obliged to comprehensively, completely and objectively investigate all cases that are important for making a correct decision when reviewing the inspection materials. At this time, the examination and consideration of the circumstances in favor of the entrepreneur cannot be refused.

32.2. The inspection body is obliged to officially notify the entrepreneur and the relevant persons in writing about the time and place of the meeting related to the review of the inspection materials.

32.3. The entrepreneur can participate in the review of inspection materials directly or through a representative or a lawyer.

Article 33. Making a decision based on the results of reviewing the inspection materials (inspection act and documents attached to it) and actions taken on the detected violations

33.1. As a result of the inspection, when violations of the mandatory requirements for entrepreneurial activity are detected, measures established by the law are taken to eliminate the violations discovered by the inspection body, as well as to bring the violators to justice. Legal measures applied on the results of the inspection must be provided by law and must be in accordance with the powers of the inspection body.

33.2. Based on the results of the examination of the inspection materials, the inspection authority shall issue a decision on the following within 15 working days after the formalization of the act specified in Article 31.1 of this Law:

33.2.1. on the non-detection of law violations when the violation of mandatory requirements for entrepreneurial activity is not detected;

33.2.2. when the signs of an administrative offense are detected, on the initiation of administrative offense proceedings and the elimination of detected violations within the time limits and in the manner specified in the Code of Administrative Offenses of the Republic of Azerbaijan;

33.2.3. when signs of crime are detected, on sending the collected materials to the relevant prosecutor's office, investigative or investigative bodies, and on eliminating the detected violations;

33.2.4. on liability measures determined by law and elimination of detected violations in case of detection of other legal violations that lead to liability.

33.3. The decision on the results of the inspection is signed by the head of the inspection body or a person replacing him. A copy of the decision on the results of the inspection is presented to the entrepreneur no later than three working days after it is issued or sent by mail confirming receipt, and the original of the decision is kept in the inspection body.

33.4. The decision on the results of the inspection indicates the following:

33.4.1. date and number of the decision;

33.4.2. the name of the inspection body, the name and address of the inspected entrepreneur (including the address of the directly inspected economic object of the entrepreneurial entity);

33.4.3. if the violation is detected, their details, supporting evidence and specific structural elements of the violated normative legal acts;

33.4.4. measures to be taken to eliminate detected violations;

33.4.5. period for elimination of violations;

33.4.6. decision adopted with reference to Article 33.2 of this Law;

33.4.7. period and procedure for appealing the decision.

33.5. At the request of the owner, the measures to be taken to eliminate the detected violations are carried out with the methodical assistance of the inspection body. After the measures to be taken to eliminate the detected violations are implemented, the entrepreneur informs the inspection body within three working days.

33.6. Within five working days from the date of the decision on the results of the inspection, the following information is submitted to the relevant executive authority for inclusion in the unified data register of inspections:

33.6.1. whether violations of the law are detected by inspection;

33.6.2. law violations detected with reference to specific structural elements of normative legal acts whose requirements have been violated;

33.6.3. the decision taken on the result of the inspection (when the violation was discovered, the guilty persons brought to responsibility, the responsibility measures taken, the relevant state bodies to which the materials were sent, the date and numbers of the letters on sending the materials).

Chapter 9

COMPLAINT AND LIABILITY

Article 34. The procedure for filing a complaint against the decisions and actions (inaction) of the inspection bodies (inspectors)

34.1. When the rights and legal interests of the inspected entrepreneur are violated as a result of the decisions and actions (inaction) of the inspection bodies (inspectors) during the inspection, as well as if the inspected entrepreneur is not satisfied with the results of the inspection, he can file an administrative (to a higher state body or the relevant executive authority) and court procedure .
[\[12\]](#)

34.2. The appeal against the decision of the inspection body is considered by the higher state body within 15 working days and one of the following decisions is taken:

34.2.1. on keeping the decision of the inspection body in force;

34.2.2. on annulment of the decision of the inspection body;

34.2.3. about changing the decision of the inspection body.

34.3. The higher state body for reviewing complaints about the actions (inaction) of inspectors makes a decision on whether or not to satisfy the complaint.

34.4. The decision of the higher state body on the review of complaints from the decisions and actions (inaction) of the inspection bodies (inspectors) is presented to the entrepreneur within three working days from the date of adoption or sent by mail confirming receipt.

34.5. *When, on the basis of a given complaint or other reasons stipulated in the Code of Administrative Offenses of the Republic of Azerbaijan, the relevant executive power body determines the signs of a corresponding administrative offense related to the violation of the rules of conducting an inspection without registering it in the unified data register of inspections or providing information about a registered inspection, and the higher state body, the inspector except for the requirements and procedures related to the registration of inspections by the authorities (inspectors), when they identify the signs of a corresponding administrative offense related to the violation of other requirements and procedures established by this Law, they must take measures in accordance with the Code of Administrative Offenses of the Republic of Azerbaijan to initiate proceedings on administrative offenses. [13]*

Article 35. Responsibility of inspection bodies and inspectors

35.1. Inspectors shall be charged with violations *of the requirements and procedures established by this Law regarding inspections*, as well as non-fulfillment of duties, excess of authority and damage caused to the entrepreneur during inspections, in the Law of the Republic of Azerbaijan "On Civil Service" and other laws of the Republic of Azerbaijan regulating service in special types of civil service, They are responsible in the cases stipulated in the Civil Code of the Republic of Azerbaijan, the Code of Administrative Offenses of the Republic of Azerbaijan and the Criminal Code of the Republic of Azerbaijan. [14]

35.2. The entrepreneur can file an administrative and judicial appeal against the refusal to pay the compensation by the inspection body.

Article 36. Liability of entrepreneurs

Entrepreneurs are responsible for violation of the requirements of this Law in the cases stipulated in the Code of Administrative Offenses of the Republic of Azerbaijan and the Criminal Code of the Republic of Azerbaijan.

Chapter 10

FINAL CONCLUSIONS

Article 37. Entry into force of the law

This Law shall enter into force six months after its publication.

Article 38. Transitional provision

The date of completion of the last plan (next) inspection carried out before the date of entry into force of this Law is taken into account when calculating the periods specified in Articles 10.2 and 10.3 of this Law.

Baku city, July 2, 2013

№ 714-IVQ

LIST OF SOURCE DOCUMENTS USED

1. [Law of the Republic of Azerbaijan No. 170-VQD dated March 4, 2016](#) ("Azerbaijan" newspaper, March 19, 2016, No. 62, Legislative Collection of the Republic of Azerbaijan, 2016, No. 03, Article 428)
2. Law of the Republic of Azerbaijan [No. 340-VQD dated October 14, 2016](#) ("Azerbaijan" newspaper, November 26, 2016, No. 262 , Legislative Collection of the Republic of Azerbaijan, 2016, No. 11, Article 1768)
3. Law of the Republic of Azerbaijan [No. 403-VQD dated November 11, 2016](#) (" Azerbaijan " newspaper, December 16, 2016, No. 279 , Legislative Collection of the Republic of Azerbaijan, 2016, No. 12, Article 2016)
4. Law of the Republic of Azerbaijan [No. 647-VQD dated April 25, 2017](#) ("Azerbaijan" newspaper, May 25, 2017, No. 111 , Legislative Collection of the Republic of Azerbaijan, 2017, No. 5, Article 739)
5. Law of the Republic of Azerbaijan [No. 1247-VQD dated October 1, 2018](#) ("Azerbaijan" newspaper, November 14, 2018, No. 256 , Legislative Collection of the Republic of Azerbaijan, 2018, No. 11, Article 2187)
6. Law of the Republic of Azerbaijan [No. 1269-VQD dated October 12, 2018](#) ("Azerbaijan" newspaper, November 14, 2018, No. 256 , Legislative Collection of the Republic of Azerbaijan, 2018, No. 11, Article 2200)
7. Law of the Republic of Azerbaijan [No. 1412 - VQD dated December 28, 2018](#) ("Azerbaijan" newspaper, February 1, 2019, No. 25, Legislative Collection of the Republic of Azerbaijan, 2019, No. 01, Article 29)
8. Law of the Republic of Azerbaijan [No. 1502 - VQD dated February 12, 2019](#) ("Azerbaijan" newspaper, February 24, 2019, No. 4525, Legislative Collection of the Republic of Azerbaijan, 2019, No. 2, Article 201)
9. Law of the Republic of Azerbaijan [No. 1602-VQD dated May 30, 2019](#) ("Azerbaijan" newspaper, June 20, 2019, No. 131 , Legislative Collection of the Republic of Azerbaijan, 2019, No. 6, Article 1005)
10. Law of the Republic of Azerbaijan [No. 151-VIQD dated June 29, 2020](#) ("Azerbaijan" newspaper, July 23, 2020, No. 143 , Legislative Collection of the Republic of Azerbaijan, 2020, No. 7, Article 857)
11. Law of the Republic of Azerbaijan [No. 288-VIQD dated April 2, 2021](#) ("Azerbaijan" newspaper, May 23, 2021, No. 105 , Legislative Collection of the Republic of Azerbaijan, 2021, No. 5, Article 429)
12. Law of the Republic of Azerbaijan [No. 547-VIQD dated June 17, 2022](#) ("Azerbaijan" newspaper, July 27, 2022, No. 156 , Legislative Collection of the Republic of Azerbaijan, 2022, No. 7, Article 698)

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LIST OF AMENDMENTS AND AMENDMENTS TO THE ACT

[1] With the Law of the Republic of Azerbaijan [403-VQD dated November 11, 2016](#) ("Azerbaijan" newspaper, December 16, 2016, No. 279, Legislative Collection of the Republic of Azerbaijan, 2016, No. 12, Article 2016) In Article 1.1.3, or "public legal entities" were added after the word "authority"

[2] With the Law of the Republic of Azerbaijan [No. 1502-VQD dated February 12, 2019](#) ("Azerbaijan" newspaper, February 24, 2019, No. 45, Legislative Collection of the Republic of Azerbaijan, 2019, No. 2, Article 201) "tax audits" in Article 2.2, and "financial market audits" were added.

2.2 of the Law of the Republic of Azerbaijan No. [1602-VQD dated May 30, 2019](#) ("Azerbaijan" newspaper, June 20, 2019, No. 131 , Legislative Collection of the Republic of Azerbaijan , 2019, No. 6, Article 1005) in the article, after the words " tax inspections " , the words "inspections related to the implementation of state control of construction " were added.

2.2 with the Law of the Republic of Azerbaijan No. [151-VIQD dated June 29, 2020](#) ("Azerbaijan" newspaper, July 23, 2020, No. 143 , Legislative Collection of the Republic of Azerbaijan, 2020, No. 7, Article 857) after the word " items " , the words " , and in relation to inspections related to the implementation of state control of construction, also Article 26 " were added to the article.

[\[3\]](#) With the Law of the Republic of Azerbaijan [No.647-VQD dated April 25, 2017](#) ("Azerbaijan" newspaper, May 25, 2017, No. 111, Legislative Collection of the Republic of Azerbaijan, 2017, No. 5, Article 739) Article 2.2-1 has been added in the new content.

[\[4\]](#) With the Law of the Republic of Azerbaijan [No.1412-VQD dated December 28, 2018](#) ("Azerbaijan" newspaper, February 1, 2019, No. 25, Legislative Collection of the Republic of Azerbaijan, 2019, No. 01, Article 29) Article 2.2-2 has been added in the new content.

[\[5\]](#) Law of the Republic of Azerbaijan [288-VIQD dated April 2, 2021](#) ("Azerbaijan" newspaper, May 23, 2021, No. 105, Legislative Collection of the Republic of Azerbaijan, 2021, No. 5, Article 429) with 2.3 The words (with the exception of reading the indicators of electricity, water and gas meters)" after the word "activity" in Article 2.

2.3 with the Law of the Republic of Azerbaijan No. [547-VIQD dated June 17, 2022](#) ("Azerbaijan" newspaper, July 27, 2022, No. 156 , Legislative Collection of the Republic of Azerbaijan, 2022, No. 7, Article 698) After the word " water " the word " , heat " was added to the article.

[\[6\]](#) With the Law of the Republic of Azerbaijan [1602-VQD dated May 30, 2019](#) ("Azerbaijan" newspaper, June 20, 2019, No. 131, Legislative Collection of the Republic of Azerbaijan, 2019, No. 6, Article 1005) In Article 10.3, the word "in the area" was replaced by the words "in the areas of fire control, control over the safe operation of hazardous facilities and mining areas, and control over radiation safety"

[\[7\]](#) With the Law of the Republic of Azerbaijan [170-VQD dated March 4, 2016](#) ("Azerbaijan" newspaper, March 19, 2016, No. 62, Legislative Collection of the Republic of Azerbaijan, 2016, No. 03, Article 428) Article 13.4 has been added in the new content.

[\[8\]](#) With the Law of the Republic of Azerbaijan [No.1269-VQD dated October 12, 2018](#) ("Azerbaijan" newspaper, November 14, 2018, No. 256, Legislative Collection of the Republic of Azerbaijan, 2018, No. 11, Article 2200) In the first, second and third sentences of Article 18.1, the words "medium and small medium, small and micro" the words "approved by the relevant executive authority" in the third sentence are defined in accordance with the Law of the Republic of Azerbaijan "On Entrepreneurial Activity"." was replaced by the words.

[\[9\]](#) With the Law of the Republic of Azerbaijan [No.340-VQD dated October 14, 2016](#) ("Azerbaijan" newspaper, November 26, 2016, No. 262, Legislative Collection of the Republic of Azerbaijan, 2016, No. 11, Article 1768) In the first sentence of Article 20.3, the word "must give" has been replaced by the words "must give, as well as not give distorted or false information"

[\[10\]](#) With the Law of the Republic of Azerbaijan [170-VQD dated March 4, 2016](#) ("Azerbaijan" newspaper, March 19, 2016, No. 62, Legislative Collection of the Republic of Azerbaijan, 2016, No. 03, Article 428) A new third sentence has been added to Article 20.7.

[\[11\]](#) With the Law of the Republic of Azerbaijan [No.1247-VQD dated October 1, 2018](#) ("Azerbaijan" newspaper, November 14, 2018, No. 256, Legislative Collection of the Republic of Azerbaijan, 2018, No. 11, Article 2187) In Articles 27.1 and 27.4.1, the words "relevant executive power body" have been replaced by the words "body (institution) determined by the relevant executive power body"

[12] With the Law of the Republic of Azerbaijan [170-VQD dated March 4, 2016](#) "Azerbaijan" newspaper, March 19, 2016, No. 62, Legislative Collection of the Republic of Azerbaijan, 2016, No. 03, Article 428) In Article 34.1, after the word administrative (to the higher state body or relevant executive authority)" were added.

[13] With the Law of the Republic of Azerbaijan [170-VQD dated March 4, 2016](#) "Azerbaijan" newspaper, March 19, 2016, No. 62, Legislative Collection of the Republic of Azerbaijan, 2016, No. 03, Article 428) Article 34.5 was added in the new content.

[14] With the Law of the Republic of Azerbaijan [170-VQD dated March 4, 2016](#) "Azerbaijan" newspaper, March 19, 2016, No. 62, Legislative Collection of the Republic of Azerbaijan, 2016, No. 03, Article 428) In Article 35.1, the word "requirements" has been replaced by the words **defined requirements and procedures related to inspections**