*(unofficial translation by İCNL)*

**Chapter 15-2 of the Criminal Code of the Republic of Azerbaijan**

**Criminal law measures applied to legal entities**

**Article 99-4. Grounds and conditions of applying criminal law measures against legal entities**

99-4.1. Criminal law measures are applied to the crimes committed by following individuals in favor of a legal entity or in order to protect its interests:

99-4.1.1. an official authorized to represent a legal entity;

99-4.1.2. an official which has the power to take decisions on behalf of a legal entity;

99-4.1.3. an officials which has the power to control the activities of legal entity;

99-4.1.4. an employee as a result of a non-performance of supervision by officials provided in articles 99-99-4.1.3-4.1.1 of this Code

99-4.2. application of criminal law measures to the legal entity shall not in any way exclude criminal responsibility of a natural person who participated in the offense.

99-4.4. termination of criminal prosecution in the cases specified by law in respect of a natural person provided for in Article 99 of this Code 4.1 does not prevent the application of criminal law measures to a legal entity.

99-4.5. criminal law measures cannot be applied to state, municipalities and international organizations.

99-4.6. Criminal law measures are applied to legal entities for commission of deeds provided in Articles 144-1, 144-2, 193-1, 194, 214, 214-1, 271-273, 308, 311, 312, 312-1, 313, 316-1 and 316-2 of this Code.

99-4.7. If a legal entity is reorganized before a decision is made on application of criminal law measures to a legal entity, the criminal law measures are applied to the legal successor of the legal person. Until the decision on applying criminal law measures to a legal entity is fully implemented or a legal entity is liquidated, reorganization of a legal entity or its liquidation either by the founders (participants) or in accordance with the charter of a legal entity are prohibited.

**Article 99-5. Types of criminal law measures applied to legal entities**

99-5.1. Criminal law measures applicable to legal entities are as follows:

99-5.1.1. fine;

99-5.1.2. special confiscation;

99-5.1.3. deprivation of the right of a legal entity to be engaged in certain activity;

99-5.1.4. liquidation of a legal entity.

99-5.2. special confiscation shall be applied in accordance with chapter of 15.2 of this Code.

99-5.3. criminal law measure of liquidation of a legal entity shall be applied as a main measure only, fine both as a main and as an additional measure, special confiscation and deprivation of the right of a legal entity to be engaged in certain activity as an additional measure only.

99-5.3. The following circumstances are taken into account when determining the type and extent of criminal law measures applied to legal entities:

99-5.3.1. The nature and degree of the public danger posed by the crime;

99-5.3.2. The volume of income or the nature and degree of provision of interests of a legal entity;

99-5.3.3. The number of crimes and gravity of its (their) consequences;

99-5.3.4. Assistance with solving the crime, exposing its participants, searching and finding the property acquired as a result of the crime;

99-5.3.5. Voluntary compensation of material and moral damage caused by the crimes, or other measures undertaken by the legal entity aimed at reducing damage caused to the injured person.

99-5.3.6. Circumstances characterizing the legal entity, including previous applications of the criminal law measures, or its charitable or other socially useful activities.

**Article 99-6. Fine**

99-6.1. Fine applied to legal entities as a criminal law measure is a mandatory deduction of money in favor of state in the cases established by this Code, appointed by the court.

99-6.2. Fines are determined by Article 99-6.3, 99-6.4, and 99-8.3 of this Code and taking into account the economic and financial situation of a legal entity are from fifty thousand to two hundred thousand manats, or ranging from the amount of damage caused (revenue obtained) to its fivefold.

99-6.3. Fines are applied to legal entities as criminal law measures within the following limits:

99-6.3.1. for the crimes not constituting great public danger – from fifty to seventy five thousand manats manats, or ranging from the amount of damage caused (revenue obtained) to its twofold;

99-6.3.2. for lesser grave crimes - from seventy-five thousand to one hundred thousand manats, or ranging from the twofold amount of damage caused (revenue obtained) to its threefold;

99-6.3.3. for grave crimes - from one hundred thousand to one hundred twenty five thousand manats, or ranging from the threefold amount of damage caused (revenue obtained) to its fourfold;

99-6.3.4. for especially grave crimes - from one hundred twenty five thousand to one hundred and fifty thousand manats, or ranging from the fourfold amount of damage caused (revenue obtained) to its fivefold.

99-6.4. Penalty applied to a legal entity cannot exceed the half of the value of the legal person's property.

**Article 99-7. Deprivation of the right of a legal entity to be engaged in certain activity**

99-7.1. Deprivation of the right of a legal entity to be engaged in certain activity consists in revocation of special permission or special permit (license) to engage in specific type of entrepreneurial activity, prohibition of conclusion of specific transactions, production of shares or other securities, prohibition of access to state subsidies or other privileges, or prohibition from being involved in other activities.

99-7.2. Deprivation of the right of a legal entity to be engaged in certain activity is provided for the following terms, while taking into account the cases provided for in Article 99-5.3 due to impossibility of maintaining the legal right to be engaged in specific activity:

99-7.2.1. for the crimes of great public danger - for a term from one to two years;

99-7.2.2. for lesser grave crimes - for a term from two to three years;

99-7.2.3. for grave crimes - for a term from three to four years;

99-7.2.4. for especially grave crimes - for a term of from four to five years.

**Article 99-8. Liquidation of legal entities**

99-8.1.Liquidation of a legal entity is an exceptional criminal law measure consisting in termination of the existence and activities of a legal entity without legal succession of its rights and obligations to other persons, related to crimes committed to the protection of its interests or in favor of the legal entity.

99-8.2. Liquidation of a legal entity shall be applied when such entity is regularly used to commit crimes or hide traces of crimes, criminally obtained funds or other property, as well as when more than half of its property consists in the property confiscated according to Article 99-1.1 of this Code.

99-8.3. When liquidation of a legal entity is appointed as a criminal law measure, additional criminal law measure of fine in the amount of two hundred thousand manats, while considering the provisions of Article 99-6.4 of this shall be appointed.

99-8.4. Liquidation of legal persons shall not be applied to legal persons which belong to political parties, trade unions, state (municipal) institutions or legal entities in which state (municipality) has controlling amount of shares.

**Article 99-9. Exemption of legal entities from the application of criminal law measures**

In cases when a person who committed crime in favor or to protect interests of a legal entity is relieved from responsibility in the manner provided for in Article 75 of this Code in connection with the passage of statute of limitation time, criminal law measures shall not be applied against the legal person.