

Special Procedures for United States and NATO Contractors

New AISA License and its Renewal Procedures

Government of the Islamic Republic of Afghanistan

Afghanistan Investment Support Agency (AISA)

Directorate of Licenses

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Islamic Republic of Afghanistan
Afghanistan Investment Support Agency

Base: These procedures are enacted based on articles 17 and 18 of 1st chapter of Presidential decree No (38) of the Islamic Republic of Afghanistan and Security and Defense Cooperation Agreement between the United States of America and the Islamic Republic of Afghanistan (BSA) and the Agreement between the North Atlantic Treaty Organization and the Islamic Republic of Afghanistan on the Status of NATO forces and NATO personnel conducting mutually agreed NATO-led activities in Afghanistan (SOFA).

Purpose: These procedures provide specific steps and procedures for issuing three-year licenses for US / NATO contractors in order to function effectively and accelerate services provision by AISA

Applicability: These special procedures are only for issuing and extending US / NATO contractors' licenses and AISA is responsible for implementing it.

Enforcement: These procedures are enforced subsequent to the approval of Afghanistan Investment High Commission.

US and NATO Contractors: Based on section No (5) of article No (1) of the BSA and section (8) of Article (1) of the NATO SOFA, US / NATO contractors are defined as follows:

"US Contractors" means persons and legal entities who are supplying goods and services in Afghanistan to or on behalf of United States forces under a contract or subcontract with or in support of United States forces.

The "NATO Contractors" means persons and legal entities who are supplying goods and services in Afghanistan to or on behalf of NATO Forces under a contract or subcontract with or in support of NATO, NATO Member States, or Operation Partners.



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**Chapter One
Issuance of New Licenses**

Terms of New License Issuance:

- Authorized representatives of US / NATO forces should be introduced as “Focal Points” from Resolute Support Office of the Legal Advisor via a formal letter to deal with contractor issues and procedures.
- The “Focal Point” will continuously update the list of the contractors who have contracts with US / NATO.
- The presence of the President, Vice President, or equity partner with the contracted company is obligatory when starting the company registration process; if these individuals are not present, their legal representative with a power of attorney should represent the company. All application documents should be authenticated by the Embassy or Consulate of Afghanistan.
- Upon submission of properly completed application forms, AISA will have four business days to obtain the approval of line agencies for technical evaluation for specialized licenses; the agencies are obliged to notify AISA regarding their agreement or disagreement during limited period.
- Along with the application form, the following documents should be provided by each company when applying for a BSA license:
 - Original passport and visas of the President, Vice President and equity partner or their legal representative along with three color copies of their passport and visas.
 - Original IDs (Tazkera) of the President, Vice President, and equity partners, if they are Afghan citizens.
 - 4 photos of the President, Vice President and equity partners.
 - Official/stamped contract letter or leasing documents confirmed by area representative (village elder) or property owner. If the company is located inside US or NATO base, the contractor must bring an official letter from the Administration of that base.
 - A copy of the contact person's Tazkira, address and telephone number must be provided.
- According to article 109 of Income Tax law, none of the equity partners, company president or vice president can register a new company without tax clearance of their previous company/companies.
- The new license or license extension fee established by Afghanistan's Investment High Commission will be based on the capital and business type according to the relevant approved fee structure table.



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**Chapter Two
Issuance of Branch license**

Conditions for Opening a Branch:

- If the foreign contracting company intends to open a branch in Afghanistan, all the requirements in the General Procedures for AISA licenses shall be applicable, which are as follows:
- Approval letter from the foreign company's Board of Presidents authenticated by the Afghan Embassy in that country or Afghan Ministry of Foreign Affairs.
- The presence of the President, Vice President, or equity partner with the contracted company is obligatory when starting the company registration process; if these individuals are not present, their legal representative with a power of attorney should represent the company. All application documents should be authenticated by the Embassy or Consulate of Afghanistan.
- Along with the application form, the following documents should be provided by each company when applying for a BSA license:
 - Original passport and visas of the President, Vice President and equity partner or their legal representative along with three color copies of their passport and visas.
 - Original IDs (Tazkera) of the President, Vice President, and equity partners, if they are Afghan citizens.
 - 4 photos of the President, Vice President and equity partners.
 - Official/stamped contract letter or leasing documents confirmed by area representative (village elder) or property owner. If the company is located inside US or NATO base, If the company is located inside US or NATO base, the contractor must bring an official letter from the Administration of that base.
 - Address and telephone number must be provided.



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**Chapter Three
License Renewal**

Conditions for License Renewal:

US / NATO contracting companies who obtain an AISA Investment License are obliged to provide their annual financial report to AISA in order to apply for a license extension. The AISA License extension process is as follows:

- The company representative must contact AISA within 90 days of the lunar fiscal year (December – February) in which their license expires in order to obtain an “inquiry letter” and processing it in the relevant agencies.
- The company name must be on the list provided by the Focal Point. The license shall be extended for three years subsequent to a settling of the previous year’s taxation obligations which would be confirmed by receipt of official letter (in response to the inquiry letter) by this Agency. Obtaining the annual tax clearance letter from the Ministry of Finance within the legal timeline is obligatory for the Company; otherwise the Company’s license will be invalidated.
- Photos of company president and vice president (one for each) must be provided.
- If the company's address changes, the contract for the newly rented, leased or purchased property must be provided.
- Providing line companies' licenses through the relevant Ministries (for Risk Management and Security Companies, license from the Ministry of the Interior and other relevant Afghan government agencies).

Note: US/NATO contractors with existing valid licenses should renew their licenses upon expiration. Qualified companies will be issued three year licenses at that time.