

## **On Advertising**

### **Law of the Republic of Belarus**

No. 225-Z of May 10, 2007

*[Amended as of December 28, 2009]*

#### **Article 1. Scope of this Law**

1. This Law covers the relations arising among state bodies, other organizations, citizens of the Republic of Belarus, foreign citizens, stateless persons (unless otherwise is provided by this Law – organizations and (or) citizens) in the process of production and (or) placement (distribution) of advertisement in the territory of the Republic of Belarus.

2. This Law does not cover the relations arising in the process of production and (or) placement (distribution) of:

information, being placed (distributed) in the course of election propaganda, propaganda on referendum (on popular vote), recall of the deputy of the House of Representatives of the National Assembly of the Republic of Belarus or of local Council of Deputies, recall of the member of the Council of the Republic of the National Assembly of the Republic of Belarus and also of other information being placed (distributed) for political purposes;

information, responsibility for production and (or) placement (distribution) of which is charged on the organizations or citizens by the legislation unless otherwise is provided by this Law.

#### **Article 2. Basic Terms Being Used in this Law and Their Definitions**

The following basic terms and their definitions are used in this Law:

“counter advertisement” - information on improper advertisement being placed (distributed) by the advertiser, advertisement producer or distributor, who violate the legislation on advertising (further - violator), on the basis of the decision of a state body;

“outdoor advertisement” - advertisement, being placed (distributed) on the building (construction) surface or out of them, using technical facilities for advertisement placement (distribution), with the exception of transport;

“improper advertisement” - unfair, unreliable, unethical, hidden and other advertisement during production and (or) placement (distribution) of which the legislation was violated;

“object of advertising” - a product, good, work or service (further, unless otherwise is provided by this Law, - good), organization or citizen, rights, interests protected by the law or responsibilities of organizations or citizens, means of individualization of organizations or citizens, or of goods, intellectual activities results, contests, lotteries, games, other playing, advertising and other events, bets, actions (events) of social character;

“advertisement consumer” - organization or citizen to the notice of which the advertisement is brought;

“advertisement” – information on the object of advertising, distributed in any form by any means, oriented to indefinite sets of people (advertising consumers), directed to attraction of attention to the advertising object, to forming or maintenance of interest to it and (or) its promotion on the market;

“advertising activity” – activity of organization or citizen on advertisement designing, production and (or) rendering services on its placement (distribution);

“promotional game” – activity of organizations or individual entrepreneurs carried out by them for the purposes of stimulating realization of goods (works, services) and providing drawing of prizes between the participants of promotional game, except for the activity which doesn't relate to promotional games in accordance with the acts of the President of the Republic of Belarus;

“advertiser” - organization or citizen, activity or goods of which are advertised or which have defined the object of advertising and (or) advertisement content;

“advertisement producer” - organization or citizen, producing advertisement by full or partial bringing it up to the form ready for placement (distribution);

“advertisement distributor” - organization or citizen, placing (distributing) advertisement by provision and (or) use of necessary property (including technical facilities of broadcasting and television), and also different communication channels, broadcast time and by other means;

“low alcoholic beverage” - beverage (except for sour-milk drinks, kvass and beer) with ethyl alcohol volume share from 0,5 to 7 percent;

“social advertisement” - advertisement of rights, interests protected by the law or of responsibilities of organizations or citizens, healthy life-style, measures for health protection, public safety, social protection, crime prevention, environment protection, efficient use of nature resources, Belarusian culture and arts development, international cultural cooperation, state programs in the spheres of health care, education, culture and sport or other actions (events) of social character, which is oriented to the protection or satisfaction of public or state interests, has noncommercial character and the advertisers of which are state bodies;

“mean of outdoor advertisement” - technical facility specially dedicated and (or) used for placement (distribution) of outdoor advertisement, except for vehicle.

### **Article 3. Application of Provisions of Treaties**

Should the provisions of the treaties being in force for the Republic of Belarus establish the rules different from those provided by this Law, the provisions of the treaties shall be applied.

### **Article 4. Copyright and Neighbouring Rights to Advertisement**

Advertisement can, fully or partially, be the object of copyright and neighbouring rights. In this case the copyright and neighbouring rights are the subjects to protection in accordance with the legislation on copyright and neighbouring rights.

#### **Article 5. Bodies Carrying out State Regulation in the Sphere of Advertising**

State regulation in the sphere of advertising is carried out by the President of the Republic of Belarus, National Assembly of the Republic of Belarus, Council of Ministers of the Republic of Belarus, Ministry of Trade of the Republic of Belarus, local executive and administrative bodies and other state bodies within their competence.

#### **Article 6. Powers of the President of the Republic of Belarus in the Sphere of Advertising**

In accordance with the Constitution of the Republic of Belarus the President of the Republic of Belarus determines the unified state policy and realizes other powers in the sphere of advertising.

#### **Article 7. Powers of the Council of the Republic of Belarus in the Sphere of Advertising**

The Council of Ministers of the Republic of Belarus in the sphere of advertising within its competence:

provides implementation of the unified state policy;

organizes working-out and realization of plans and measures on the development of advertising activity taking into account the national interests;

determines the order of state control over carrying out of advertising activity;

establishes the order of placement (distribution) in the territory of the Republic of Belarus of advertisement of the goods, produced in this territory, of advertisement of alcoholic beverages in mass media, and also outdoor advertisement and its instruments, advertisement on automobile vehicles, tramways, trolleybuses, unless otherwise is established by the President of the Republic of Belarus;

establishes the order of coordination of outdoor advertisement and advertisement on automobile vehicles, tramways, trolleybuses by regional (Minsk City) executive committees;

realizes international cooperation;

exercises other powers entrusted to it by the Constitution of the Republic of Belarus, laws and acts of the President of the Republic of Belarus.

#### **Article 8. Powers of the Ministry of Trade in the Sphere of Advertising**

The Ministry of Trade of the Republic of Belarus in the sphere of advertising within its competence:

carries out the unified state policy;

works out and realizes plans and measures on the development of advertising activity taking into account the national interests;

exercises state control over carrying out of advertising activity;

prevents the facts of improper advertisement;

gives instructions to violators on elimination of the revealed violation of the legislation on advertising;

makes and directs the decisions on recognizing the advertisement as being improper to violators;

considers appeals of organizations or citizens and other materials on violation of the legislation on advertising;

directs the materials on violation of the legislation on advertising to local executive and administrative bodies for ceasing of placement (distribution) of improper advertisement in the cases established by this Law, bodies of the prosecutor's office or other law enforcement bodies;

exercises other powers in accordance with the legislation.

### **Article 9. Powers of Local Executive and Administrative Bodies in the Sphere of Advertising**

Local executive and administrative bodies in the sphere of advertising in the territory of corresponding administrative and territory units within their competence:

prevent facts of improper advertisement;

give instructions to violators on elimination of the revealed violation of the legislation on advertising;

make and direct the decisions on recognizing the advertisement as being improper to violators, except for the decisions on considering the advertisement as being unfair;

cease the placement (distribution) of improper advertisement in the cases established by this Law by dismantling of means of outdoor advertisement, giving instructions to the distributors of advertisement on ceasing of placement (distribution) of improper advertisement or by other means;

consider appeals of organizations or citizens and other materials on violation of the legislation on advertising;

direct to the bodies of prosecutor's office and other law enforcement bodies the materials on violation of the legislation on advertising;

issue permits to the placement of means of outdoor advertisement and placement (distribution) of advertisement on automobile vehicles, tramways, trolleybuses; exercise other powers in accordance with the legislation.

## **Article 10. General Requirements to Advertisement**

1. The advertisement, placed (distributed) in the territory of the Republic of Belarus, of goods which are produced in this territory shall be manufactured only with involvement of organizations of the Republic of Belarus and (or) citizens of the Republic of Belarus, unless otherwise is established by legislative acts.

2. Advertisement in the territory of the Republic of Belarus shall be placed (distributed) in Belarusian and (or) Russian languages. This provision does not cover the advertisement being placed (distributed) on the radio, television or in printed editions, which exercise their activity only in foreign languages, the advertisement of registered trade marks and (or) service trademarks, and also the advertisement, containing generally accepted foreign terms and determinations which become to be used in the original writing and which have not any determinations in Belarusian and (or) Russian languages, or containing offer for appointment or studies to the persons, who feel at home in foreign languages.

It is possible to use in advertisement a foreign language along with Belarusian and (or) Russian languages on condition that content and design of text in Belarusian and (or) Russian languages and of text in foreign language are identical.

3. The advertisement of means of good individualization (firm names, trade marks and service trademarks, geographic indications) are covered by all restrictions and prohibitions, established by legislative acts in respect of the advertisement of this product. This requirement does not cover the advertisement of the mean of individualization of the good if it is also used for designation of other good which is not restricted and prohibited for advertising, of organization or citizen and if the advertisement contains indication on such good, organization or citizen.

4. The advertisement containing information on realization of the good which is connected with carrying out of entrepreneurial activity by the advertiser, shall contain advertiser's name, its account number of payer, and if the advertiser is the citizen carrying out the activity as an individual entrepreneur, - also surname and initials. In the case, if the advertiser is a foreign or international legal person (organization, which is not a legal person), foreign citizen or stateless person, and if they have no account number of payer, in the advertisement instead of such number the name of the country and settlement are indicated, in the territory of which the advertiser is situated or permanently resides. Requirements of this clause do not cover the advertisement being placed (distributed) on television and radio, and also the advertisement, being placed (distributed) in the network Internet and containing the link to the web-site where the information indicated in this clause is placed.

5. Advertisement, containing information on legal person of the Republic of Belarus is allowed only if this legal person has the certificate on its state registration or has the charter (foundation agreement – for commercial organization acting only on the basis of foundation agreement) with the stamp testifying that the state registration was carried out. .

Advertisement containing information on foreign or international legal person (organization, which is not a legal person) is allowed only if this legal person (organization) has the document, confirming its registration (legalized extract from the trade register of the country of its establishment or other equivalent proof of legal status of the organization in accordance with the legislation of the country of its establishment).

Advertisement, containing the information on the citizen the activity of which requires the state registering of him/her as individual entrepreneur in accordance with the legislation, is allowed if only this citizen has a certificate on state registration of individual entrepreneur.

6. Advertisement, containing information on the kind of activity of organization or citizen which is the subject to licensing, is allowed if only this organization or this citizen has a respective special permit (license) (further – the license) for carrying out of such kind of activity.

Advertisement, containing the information on the kind of activity of organization or citizen being subject to licensing, shall contain the registration number of license, the date of taking decision on its issuing, the period of validity and the name of the body or state organization having issued the license. This requirement does not cover the advertisement being placed (distributed) on the radio or in the Internet and which contain the link to the web-site where the information indicated in this clause is placed.

7. Requisites of the license, warning notices and other necessary information should be made by clear letters and color contrasted with the background color of advertisement space on which the information is placed. Footnotes used in the advertisement for specifying of the information contained in it shall be made by clear letters and type, the size of which shall not be less than a half of a type size of specified text.

8. Advertisement shall not:

encourage, propagandize cult of violence and cruelty or induce to violence, cruelty, dangerous actions, which can do harm to the health of citizens, property of the state, organizations or citizens or threatening their safety, or other actions which violate the legislation;

contain promise, guarantee or suggest about future effectiveness (profitability) of the kind of activity being advertised. It is allowed to use in the advertisement the information on effectiveness (profitability) of the kind of activity being advertised for preceding period, if the advertiser has the data of statistical reporting or accounting balance-sheet the accuracy of which is confirmed by the auditing organization ( the auditor – individual entrepreneur).

9. In the advertisement it is not allowed to use:

surnames, names and patronymic names (further - name), pseudonyms, images or statements of the citizens of the Republic of Belarus without their consent or without the consent of their legal representatives, unless otherwise is provided by this Law or by the President of the Republic of Belarus;

images or statements of medical or pharmaceutical staff, noncommercial organizations, carrying out the activity in the sphere of public health service, except for such usage in the advertisement, consumers of which is medical or pharmaceutical staff only and which is placed (distributed) in the location of medical or pharmaceutical exhibitions, seminars, conferences and other similar events or in specialized printed publications, oriented to medical or pharmaceutical staff;

names of organizations, trademarks and (or) service trademarks, emblems and other symbols, picturing the property of organizations or citizens by the persons who have no right to this usage;

other information, which is not allowed to be used in advertisement according to the laws, acts of the President of the Republic of Belarus or treaties being in effect for the Republic of Belarus.

10. The following advertisement is not allowed:

of the goods prohibited for production and (or) realization in accordance with the legislation, or the activity carrying out of which is prohibited by the legislation;

of the goods which are subject to obligatory confirmation of conformity in the Republic of Belarus, but which have not a document of evaluation of conformity to the requirements of technical normative legal acts in the sphere of technical regulation and standardization;

of narcotic drugs, psychotropic substances, their precursors for the purposes of their illegal usage;

of offers of men's organs and (or) tissues;

of pornographic materials, printed editions, images or other goods of pornographic character;

directed to involving of potential victims into human traffic, rendering sexual services under the guise of legal activity, anti-social behavior;

expressly or by implication disclosing the information classified as state secrets of the Republic of Belarus;

substitutes of women milk (child milk formula) in mass media, with the exception of placement (distribution) of such advertisement in specialized printed editions, oriented to medical and pharmaceutical staff;

of goods, services (activities) of hypnotists, psychics, fortune-tellers, spiritualists, astrologers, magicians, soothsayers, other persons who are declared or considered to be able to predict events, influence people, spiritual life, property, environment by using supernatural abilities or powers;

of services of sexual character, including under the guise of psychological help, communication, relaxation, massage, pleasant pastime, other lawful activities.

11. In the premises where state bodies are located, with the exception of the bodies of foreign relations of the Republic of Belarus, it is not allowed to place (distribute) advertisement, except for the advertisement of state organizations and the advertisement being placed (distributed) in such premises by means of television, radio or printed editions.

12. It is not allowed to place (distribute) advertisement materials having been imported into the territory of the Republic of Belarus with violation of customs legislation, including without paying of customs payments.

## **Article 11. Advertisement in Mass Media**

1. Advertisement in mass media, which are not registered as specialized ones for placement (distribution) of advertisement shall not exceed:

25 percent of the content of one issue of state periodical printed editions;

30 percent of content of one issue of other periodical printed editions;

20 percent of content of radio and television programs within the twenty-four hours. At that within the period from 6 p.m. to 10 p.m. the advertisement shall not exceed 30 percent of content of broadcasting within every hour.

2. At broadcasting of radio and television programs it is not allowed to interrupt the following by the advertisement or to combine with the advertisement, including advertisement in the form of overlapping and roll titles:

public speeches of the President of the Republic of Belarus, the Prime-Minister of the Republic of Belarus, the Chairman of the Council of the Republic of the National Assembly of the Republic of Belarus, the Chairman of the House of Representatives of the National Assembly of the Republic of Belarus, broadcastings of sessions of the House of Representatives and the Council of the Republic of the National Assembly of the Republic of Belarus, state events, funeral and other official ceremonies;

religious programs;

child programs, except for child feature films;

programs with duration of less than 15 minutes;

programs, including radio shows and feature films, without consent of rights possessors.

3. Educational programs with the time of broadcasting from 15 minutes and more, and also child feature films can be interrupted by the advertisement in the very beginning and before ending of the program for the period not exceeding 60 seconds. Object of advertising and content of such advertisement shall correspond to the peculiarities of child and juvenile viewing audience.

4. Live or record broadcasting of sport competition can be interrupted by the advertisement only in the breaking periods in the course of sport competitions or while stopping them. Live or record broadcasting of sport competition, which does not foresee breaking periods or stopping, can be interrupted by the advertisement in such way, that the part of essential information on sport competition would not be lost.

5. Duration of every interruption of the program by the advertisement, including feature film, shall not exceed 4 minutes.

6. Advertisement in the form of overlapping, including of roll titles, shall be placed along the edges or in the corner of the frame and shall not:

exceed 7 percent of frame space;

be overlapped on the subtitles, and also on the inscriptions of explanatory character.

7. It is not allowed to advertise one and the same organization, citizen or good more than two times with total duration of more than 2 minutes within the hour of broadcasting time of TV or radio program at one frequency of broadcasting.



8. It is not allowed to advertise beer and low alcohol beverages, produced out of the territory of the Republic of Belarus, and civil weapon, allowed for circulation in the territory of the Republic of Belarus more than 2 times within every interruption of the program by the advertisement.

9. Restrictions, established by this article, do not cover the advertisement being placed (distributed) in the place of event being broadcasted in live or in record, with the exception of shows specially made for broadcasting.

10. Requirements of this article do not cover the information being placed (distributed) in radio and TV programs:

about these radio and TV programs, including the information on radio and TV programs name, frequency of program broadcasting, program logotype;

about broadcasts forming these radio and TV programs.

11. At broadcasting of the advertisement its volume level and also volume level of a message on the subsequent broadcasting of advertisement shall not exceed the average volume level of the program interrupted by the advertisement. Correlation characteristics of volume level of the advertisement and volume level of the program interrupted by the advertisement are determined by the requirements of technical normative legal acts.

## **Article 12. Advertising with Usage of Telecommunications**

1. Placement (distribution) of advertisement by means of phone, telex, fax, cellular communications and e-mail is allowed only with the consent of subscriber or addressee on getting of the advertisement. Distributor of advertisement is obliged to stop without delay the placement (distribution) of the advertisement to the address of the subscriber or addressee upon the demand if this subscriber or addressee.

2. At rendering reference or other information services with usage of telecommunication the placement (distribution) of the advertisement is allowed only after submission of reference or other information requested by the subscriber, and this placement (distribution) should be forestalled by the message about subsequent placement (distribution) of advertisement. At that before rendering reference or other information service the subscriber should be noticed about the possibility of disconnection right after getting the reference or other information in the case of his/her refusal of getting the advertisement. The time within which the notice is placed (distributed) shall not be taken into account at determining of the cost of telecommunication services for advertisement consumers.

3. Placement (distribution) of advertisement by using of free phone numbers of militia, ambulance service, bodies and subdivisions on emergency situations or other similar services is prohibited.

## **Article 13. Outdoor Advertisement**

1. Outdoor advertisement shall be produced by organizations and (or) citizens of the Republic of Belarus, and advertising of goods shall be carried out only with participation of the citizens of the Republic of Belarus, unless otherwise is established by legislative acts.
2. Placement of a mean of outdoor advertisement is allowed if there is the permission of a respective local executive and administrative body. Outdoor advertisement being placed (distributed) on such mean of outdoor advertisement shall be agreed with regional (Minsk City) executive committee functioning in the territory in which the outdoor advertisement is placed (distributed).
3. It is not allowed to place a mean of outdoor advertisement within right-of-way of automobile roads and railroads.

#### **Article 14. Advertisement on a Vehicle**

1. Placement (distribution) of advertisement on a vehicle shall not threaten to the safety of traffic.
2. Placement (distribution) of advertisement on automobile vehicles, tramways, trolleybuses is allowed if there is the permission of local executive and administrative body functioning in the territory in which these vehicles are registered. At that such permission is given only after agreement of the advertisement on automobile vehicles, tramways, trolleybuses with regional (Minsk City) executive committee functioning in the territory in which these vehicles are registered, and also with the subdivision of the State Automobile Inspection of the Ministry of Internal Affairs of the Republic of Belarus having registered these vehicles, except for the cases provided by clause 3 of this article.
3. Placement on automobile vehicle, tramway, trolleybus of information on the organization or citizen which carry out transportation of passengers and (or) cargoes on this vehicle on the basis of corresponding license or of information on the owner of this vehicle, trade marks or service trademarks being used for goods designation of indicated persons, and also of information on sale of this vehicle is allowed without drawing up of permission.
4. On vehicles it is not allowed to place (distribute) the advertisement accompanied by sound, except for placement (distribution) of such advertisement in the compartments of the vehicles and at the subway stations.

#### **Article 15. Advertising of Remedies, Medical Methods, Means, Works and Services in the Sphere of Prophylaxis, Diagnostics, Treatment, Rehabilitation and Prosthesis, Medical Engineering and Medical Goods, Medical Technologies, Bioactive Food Additives, Cosmetics and Some Other Goods**

1. It is allowed to advertise remedies, medical methods, means, works and services in the sphere of prophylaxis, diagnostics, treatment (including alternative), rehabilitation and prosthesis, medical engineering and medical goods, medical technologies, bioactive food additives, and also advertisement of goods containing information on their positive effect at diseases or impairments of health only if the advertiser has the coordination of the Ministry of Health of the Republic of Belarus. This requirement do not cover the advertisement, the consumers of which is exclusively medical or pharmaceutical staff and which is placed

(distributed) in the places of holding medical or pharmaceutical exhibitions, seminars, conferences and other similar events, and also do not cover the advertisement of remedies, medical engineering and medical goods placement of which is allowed only in specialized printed editions and the list of which is approved by the Ministry of Health of the Republic of Belarus.

It is prohibited to advertise methods of prophylaxis, diagnostics and treatment of diseases, medical technologies and remedies which are not permitted by the Ministry of Health of the Republic of Belarus, and also to advertise works, services (activities) in the sphere of folk medicine which do not fall under the category of works, services classified as medical activities (medical activities), including dissemination of such advertisements by the organizations of health care, by other organizations and individual entrepreneurs licensed to carry out medical activities.

2. Placement (distribution) of advertisement of the remedies dispensed only on the doctor's prescription, and also of advertisement of medical engineering and medical goods, usage of which requires specialized training, is allowed only in specialized printed editions the list of which is approved by the Ministry of Health of the Republic of Belarus.

3. Advertisement of remedies shall contain:

name of remedy;

name of remedy's manufacturer (producer);

information that the advertised product is a remedy;

information on the necessity to familiarize with the instructions on medical use of the remedy and (or) insert sheet to it having been approved at the registration of the remedy in the territory of the Republic of Belarus (further – instructions on use), and (or) on the necessity to consult the doctor before using the remedy;

registration number and the date of state registration of the remedy.

Information about curative effects and methods of usage of the remedy shall correspond to the information which is contained in the instruction on use.

For the information on the necessity to familiarize with the instructions on medical use of the remedy and (or) on the necessity to consult the doctor before using the remedy in the advertisement of the remedy shall be allocated not less than three seconds on the radio, on television – not less than five seconds and seven percent of frame space, and at the placement (distribution) of the advertisement of remedy by other means - five percent of the advertisement space. This requirement doesn't cover the advertisement, the consumers of which is exclusively medical and pharmaceutical staff, and which is placed (distributed) at the places of holding medical or pharmaceutical exhibitions, seminars, conferences and other similar events or in specialized printed editions oriented to medical or pharmaceutical staff.

Advertisement of remedies shall not contain:

statements about therapeutic effects of the remedy in respect of the diseases which are not cured or cured hardly;

statements that curative (therapeutic) effect from taking the remedy is absolutely guaranteed;

information which can create the impression that in the case of taking the remedy the consultation with the doctor is not necessary;

statements or suppositions that advertisement consumers has one or another diseases or impairments of health or the statements which create the impression at healthy man about the necessity to take the remedy.

4. Advertisement of bioactive food additives shall contain:

name of bioactive food additive;

name of bioactive food additives producer;

information that this product is the bioactive food additive;

information about the necessity to familiarize with the instruction (recommendation) on using the bioactive food additive;

number and validity period of the certificate on state hygienic registration of bioactive food additive.

5. Advertisement of cosmetics, bioactive food additives and other goods, except for the remedies, shall not contain the information on their curative (therapeutic) effect at their using.

6. Another requirements to the advertisement of remedies, methods and means of prophylaxis, diagnostics, treatment (including alternative), rehabilitation and prosthesis, medical engineering and medical goods, medical technologies, bioactive food additives are established by the Ministry of Health of the Republic of Belarus.

#### **Article 16. Advertising of Veterinary Services**

It is allowed to advertise veterinary services only if the advertiser has the coordination of the Ministry of Agriculture and Food of the Republic of Belarus.

#### **Article 17. Advertising of Alcoholic Beverages and Tobacco Products**

It is prohibited to place (distribute) the advertisement of alcoholic beverages:

on radio and television;

in buildings (premises, structures) of organizations of system of education, organizations of health care, culture, physical culture and sports;

in airports, ports, at the stations, at public transport stops, at underground stations;

on vehicles, including the ones being in personal use of citizens;

on posters, stands, light panels and other means of outdoor advertisement;

on the front and last pages of newspapers or on the front and last pages or covers of magazines, other periodicals;

in the editions, mass media oriented to the citizens under 18 years or specialized in the issues of ecology, education, health protection;

on sport goods and (or) toys;

containing the information on physical, chemical, and other consumer properties of alcoholic beverages, their price, pictures of alcoholic beverages and their consumer container (package), name of kinds of the indicated beverages, except for the advertisement being placed (distributed) at the points of purchase of alcoholic beverages;

using images of people and animals, including drawn and cartoon (animation) ones, with exception of using such images in the registered trade marks used for designation of alcoholic beverages;

using images, statements, convincing that taking alcoholic beverages helps to achieve success or makes better physical or psychical state of a man;

having pictures or text, calling to take these beverages.

2. It is prohibited to organize and hold contests, lotteries, games, other playing, promotional, cultural, educational and sport events, bets for stimulating realization of alcoholic beverages.

It is prohibited to distribute alcoholic beverages free of charge (*gratis*) (except for tasting carried out for marketing purposes), including granting more than 5 liters of such beverages as prizes (presents) at holding contests, lotteries, games, other playing, promotional, cultural, educational and sports events, bets.

3. It is prohibited to advertise (disseminate the advertisement of) tobacco products, to distribute tobacco products free of charge (*gratis*), including usage of them as prizes (presents) at holding contests, lotteries, games, other playing, promotional, cultural, educational and sport events, bets, and also to offer for citizens, buying tobacco products or presenting evidence of such purchase, of goods or rights to participate in contests, lotteries, games, other playing or promotional events, bets.

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5. At organization and holding cultural, educational, sport and other humanitarian events it is prohibited to place (distribute) the advertisement containing the names of sorts and trademarks of alcoholic beverages.

6. Advertisement of alcoholic beverages shall contain the information on the harm which is done to man's health through their consumption.

7. The President of the Republic of Belarus can establish other restrictions on the advertisement of alcoholic beverages.

## **Article 18. Advertisement of Beer and Low Alcoholic Beverages**

It is prohibited to place (distribute) the advertisement of beer and low alcoholic beverages:

on radio and television from 7.00 to 20.00;

in buildings (premises, structures) of organizations of system of education, organizations of health care, culture, physical culture and sports;

in airports, ports, at the stations, except for the stationary trade units of catering located in their territories;

at public transport stops, at underground stations;

on vehicles, including the ones being in personal use of citizens;

on posters, stands, light panels and other means of outdoor advertisement;

on front and last pages of newspapers or on front and last pages or covers of magazines, other periodicals;

in the editions, mass media oriented to the citizens under 18 years or specialized in the issues of ecology, education, health protection;

using images of people and animals, including drawn and cartoon (animation) ones, with exception of using such images in the registered trade marks used for designation of beer;

using images, statements convincing that taking beer or low alcoholic beverages helps to achieve success or makes better physical or psychical state of a man;

using images, statements making an impression that beer or low alcoholic beverages are harmless or useful for the health or are one of the ways of slaking thirst;

calling to take beer or low alcoholic beverages or discrediting the abstinence from their usage.

Provisions of indents 1-9 of part 1 of the present clause shall not be applied to advertisements of beer contained only the information about the producers of beer, including their name (firm name), and about the registered trade marks used for designation of beer, with exception of dissemination of such advertisements in the buildings (premises, constructions) of organizations of the educational system, health care organizations.

2. It is prohibited to organize and hold contests, lotteries, games, other playing, promotional, cultural, educational and sport events, bets for stimulating realization of beer and low alcoholic beverages.

It is prohibited to distribute beer and low alcoholic beverages free of charge (gratis) (except for tasting carried out for marketing purposes), including granting more than 5 liters of such beverages as prizes (presents) at holding contests, lotteries, games, other playing, promotional, cultural, educational and sports events, bets.

3. The President of the Republic of Belarus may introduce other restrictions on advertising of beer and low-alcohol beverages.

## **Article 19. Advertisement of Weapon and Military Goods**

1. Advertisement of weapon or military goods, except for the advertisement of civil weapon permitted for turnover in the territory of the Republic of Belarus, is carried out for the purposes of military-technical cooperation of the Republic of Belarus with foreign states and is allowed only in the points-of-production, -realization and -exhibiting.

2. Advertisement of civil weapon permitted for turnover in the territory of the Republic of Belarus is allowed only in printed publication oriented to users of this weapon, on television and radio from 10 PM to 7 AM in the points-of-production, -realization and -exhibiting, and also in the points for shooting.

#### **Article 20. Advertisement on Employment and Studying of the Citizens of the Republic of Belarus Abroad**

1. Advertisement on employment of citizens of the Republic of Belarus abroad is allowed if only the advertiser has an agreement of the Ministry of Internal Affairs of the Republic of Belarus.

2. Advertisement on studying of citizens of the Republic of Belarus abroad is allowed if only the advertiser has an agreement of the Ministry of Internal Affairs of the Republic of Belarus and the Ministry of Education of the Republic of Belarus.

#### **Article 21. Advertisement of Realtor Services**

1. Realtor organization has the right to advertise only its own activity. The advertisement shall contain the number of license to carry out the activity on rendering legal services with indication of the services composing the licensable type of activities – realtor services, date of its issuance, period of validity and name of the body having issued the license.

2. Realtor organization has the right to advertise real estate object only with the consent of consumer after concluding the contract on rendering realtor services. At that realtor organization, after concluding contract on rendering realtor services with the consumer, who acquires the rights to the real estate object, shall stop advertising the object for a period, indicated in the contract.

#### **Article 21-1. Advertisement of Cultural and Entertainment Events**

1. Advertising of a cultural and entertainment event is allowed for the subject of the concert and guest performance activities after receiving the permit to organize and hold cultural and entertainment events on the territory of the Republic of Belarus (hereinafter - the permit), with exception of cases when it is not required to receive such permit.

2. The advertisement of a cultural and entertainment event shall contain the information about the subject of the concert and guest performance activities, its contact phone numbers, the date of issue and the number of the permit, the body issued the permit (with exception of cases when it is not required to receive the permit), specific character of the cultural and entertainment event to be held (a phonogram is to be used or not), and other information required by the legislation.

#### **Article 22. Advertisement of Securities and Services Connected With Attraction, Using of Monetary Funds of Organizations and (or) Citizens**

1. It is not allowed, while producing and (or) placing (distributing) the advertisement of securities, banking, insurance or other services, connected with attraction, using of monetary funds of organizations and (or) citizens:

to guarantee dividend rates on ordinary (common) shares;

to advertise securities before state registration of the data on their issuance (emission);

to announce about securities market value;

to advertise the securities being proposed for public sale, without publication of brief information on such a sale attested by the Ministry of Finance of the Republic of Belarus.

2. Advertisement of securities shall not contain the information, contradicting the texts of brief information attested by the Ministry of Finance of the Republic of Belarus and registered prospectus.

Advertisement of securities shall contain dividend rates paid on such securities within last financial year, if this type of securities provides dividends payment, date and number of registration of issue of the securities advertised, place of their registration and place of familiarization with the conditions of issue.

In the case of placing (distributing) of improper advertisement of securities the Ministry of Finance of the Republic of Belarus has the right to suspend or prohibit the placement of these securities issue. At that all the losses inflicted on organization or a citizen as a result of such a suspension or prohibition are indemnified at the expense of advertiser.

3. The advertisement on attraction of monetary funds at interest shall contain interests, paid on different deposits types within last financial year, with breaking by months (quarters) in the case of monthly (quarterly) payment.

4. It is not allowed to use the words “exchange”, “stock exchange”, “bank” or “non-bank credit and financial organization” in the advertisement in the names of advertisers not being exchanges, stock exchanges, banks or non-bank credit and financial organizations accordingly.

### **Article 23. Promotional Games and Advertisement of Lotteries, Games, Other Playing, Promotional and Entertaining Events, Bets**

1. The order of carrying out promotional games in the territory of the Republic of Belarus is determined by the President of the Republic of Belarus.

2. Advertisement of lotteries, games, other playing, promotional and entertaining events, bets shall contain the source of information on these lotteries, games, other playing, promotional and entertaining events, bets, and also information on the terms of carrying out them if such lotteries, games, other playing, promotional and entertaining events, bets are terminable.

Advertisement of lotteries, games, including promotional games and other games based in risk, bets shall not:

create an impression that winnings are guaranteed to each participant of these events;

contain statements, exaggerating the chance to win or underestimating the degree of risk;



condemning nonparticipation in lotteries, games, including promotional games and other games based on risk.

Advertisement of a lottery, an electronic interactive game or a promotional game held on the territory of the Republic of Belarus, except for the advertisements on radio and outdoor advertisements, shall contain the number of the certificate on the state registration of this lottery, electronic interactive game or of the certificate on the state registration of rules of the promotional game, the date of registration of the lottery, electronic interactive game in the state registers of lotteries, electronic interactive games or the date of the state registration of rules of the promotional game, and a name of the body issued the corresponding certificate.

#### **Article 24. Social Advertisement**

1. Activity of organizations or citizens on placing (distributing) social advertisement, and also on transferring of their property to other organizations or citizens for placing (distributing) social advertisement is carried out on a free basis.

2. Advertisement distributors – editorial staffs of mass media are obliged to place (distribute) social advertisement, provided by its advertisers, in the limits of 5% of broadcasting (main print space) per day which was allotted for advertising.

Advertisement distributors, who are not mass media editorial staffs, are obliged to place (distribute) social advertisement, provided by its advertisers, in the limits of 5% of annual cost of services on placing (distributing) advertisement which are rendered by them, calculated on the result of previous financial year.

3. The terms concerning time and way of placement (distribution) of social advertisement which are proposed by its advertiser, are obligatory for advertisement distributor, if the advertiser applies to him/her/it not later than a month of supposed term of its placement (distribution). If placement (distribution) of social advertisement at the time proposed by the advertiser is forbidden by the legislation or at this time it has been planned to place (distribute) another social advertisement, on which placement (distribution) there was applied earlier, the advertisement distributor shall inform the advertiser about it and offer another time of social advertisement placement (distribution).

#### **Article 25. Protection of Under-age Persons While Producing and (or) Placing (Distributing) Advertisement**

For the purposes of protection of under-age persons at producing and (or) placing (distributing) advertisement it is not allowed:

to show under-age persons in dangerous places and situations;

to discredit parents' authority (tutors', guardians'), to shatter under-age persons' confidence in their parents;

to suggest to under-age persons to persuade their parents or others to buy goods advertised;

to call attention of under-age persons to the fact that possession of one or another goods gives them priority before other under-age persons, and also to that absence of these goods provides inverse effect;

to underestimate the level of skills being necessary for under-age persons to use the good, and also to create wrong idea about age group of under-age persons, whom these goods are oriented to;

to create for under-age persons the distorted idea about the price of the good oriented to them, particularly by using the words “only”, “merely” and all that, and also by direct or indirect pointing out that the product advertised is available for any family budget.

## **Article 26. Improper Advertisement**

1. Improper advertisement is the advertisement, containing false and other unreliable data about goods, kind of advertiser’s activity, dissemination of which can lead to violation or violates the right and legally protected interests of organization or citizen, including in respect of:

composition, method and date of manufacture, intended purpose, consumer properties, usage conditions, presence of the document on conformance evaluation and marks of conformity, quantity and place of origin and other characteristics of good;

good’s availability on the market, possibility to purchase it in the indicated volume, period of time and place;

price and terms of payment for the good at the moment of placement (distribution) of advertisement (for electronic mass media the moment of placement (distribution) of advertisement is considered to be the date of its publication; for periodical printed publications – the period before publication of the next issue, but not more than one month; for mailing advertisement – two days after its sending (on the date of postmark); and for other advertisement – one month);

delivery, exchange, return, repair and service period;

guarantee obligations, life time, expiration date and (or) shelf life of the good;

official or public recognition of the good, awarding medals, prizes, diplomas and other rewards to it;

informing about ways of purchasing full product line, if it is a part of it;

using words in the superlative degree or other words, creating an impression about the good’s advantage in comparison with another goods, if it is impossible to confirm it documentary;

exclusiveness of the rights to realization of a good and (or) its service.

2. Unreliable advertisement is the advertisement, not corresponding to the reality in respect of:

the rights to usage of state symbols (flag, state emblem, hymn), and also symbols of international organization;

the results of intellectual activity, researches and tests;

statistical data, presented distortedly;

references to any recommendations or approval of organizations or citizens;

name and place of location of organization, name or place of residence of a citizen, and other data about this organization or this citizen, except for the data about advertiser's kind of activity;

comparison of the rights or position of organizations or citizens with the rights or position of other organizations or citizens;

holding contests, lotteries, games and other playing, advertising and other events, bets.

3. Unethical advertisement is the advertisement, which:

contains textual, visual and (or) audio information, violating common norms of morality and ethics, including offensive words, comparisons, images in respect of race, nationality, appearance, age group, sex, language, profession, social category, religious, political and other views of citizens;

defame the objects being historical and cultural values;

defame state symbols (flag, state emblem, hymn), official monetary unit of the Republic of Belarus or another state, international organization, and religious symbols;

defame any organization or citizen, any activity, profession, good;

discredit organization or citizen not using the product advertised;

contain negative evaluation of the quality of the good of organization or citizen;

contain comparison of the good advertised with the good of another organization or citizen;

mislead the advertisement consumers, including by imitation (copying) of general composition, text, picture, music and (or) audio effects, used in the advertisement of another advertiser.

4. It is not allowed to use in radio-, TV-, video-, audio, and film products, and also in other products and to place (distribute) by other means of hidden advertisement, that is the advertisement influencing non-consciously on perception of the advertisement consumer, including by using special video inserts (double audio recording) and by other ways.

5. Improper advertisement is not allowed.

## **Article 27. Rights and Duties of Advertiser, Advertisement Producer and Advertisement Distributor on Providing Information at Producing and (or) Placing (Distributing) Advertisement**

1. If the advertisement, except for the advertisement being placed (distributed) in the Internet, contains the information on legal person of the Republic of Belarus, the advertisement producer and advertisement distributor are obliged to require, and the advertiser is obliged to

present a copy of the certificate on state registration of this legal person or the charter (foundation agreement – for commercial organization acting only on the basis of foundation agreement) with the stamp testifying that the state registration was carried out, with showing the original of corresponding document or its notarized copy.

If advertisement, except for the advertisement in the Internet, contains the information about foreign or international legal person (organization not being legal person), the advertisement producer and advertisement distributor are obliged to require, and the advertiser is obliged to present a copy of the document confirming registration of foreign or international legal person (organization not being legal person) (legalized extract from trade register of the country of its establishment or other equivalent proof of legal status of the organization in accordance with the legislation of the country of its establishment).

If the advertisement, except for the advertisement being placed (distributed) in the Internet, contains information about the citizen carrying out the activity as an individual entrepreneur, the advertisement producer and advertisement distributor are obliged to require, and advertiser is obliged to present a copy of the certificate on state registration of this individual entrepreneur with showing its original.

2. If the advertisement contains the information on the kind of activity of organization or citizen being subject to registration, the advertisement producer and advertisement distributor are obliged to require, and the advertiser is obliged to present a copy of respective license with showing its original.

3. If for placement (distribution) of the advertisement this Law or other legislation provides obtaining of permit (agreement) of respective state body, the advertisement producer and advertisement distributor are obliged to require, and the advertiser is obliged to present a copy of the document confirming obtaining of such permit (agreement) with showing its original.

3-1. If the advertising (dissemination of advertisements) is allowed, in accordance with this Law and other acts of legislation, provided that an organization or a citizen have other documents except for those required by clauses 1-3 of this article, the producer of the advertisement or disseminator thereof have the right to require and the advertiser shall submit copies of such documents and present their originals.

4. Advertisement producer and advertisement distributor have the right to require, and the advertiser is obliged to present copies of the documents confirming reliability of the advertisement with showing their originals.

5. Advertisement distributor has the right to require, and advertiser and advertisement producer are obliged to present the copies of the documents confirming production of outdoor advertisement, and also of the advertisement of the goods being produced in the territory of the Republic of Belarus only with involvement of organizations of the Republic of Belarus and (or) citizens of the Republic of Belarus, which is placed (distributed) in this territory, with showing their originals.

6. Advertisement distributor has the right to require, and advertiser and advertisement producer are obliged to present the copies of the documents confirming that the advertiser or advertisement produces has the rights to use objects of copyright and (or) neighbouring rights, with showing their originals.

**Article 28. Duty of Advertiser, Advertisement Producer and Advertisement Distributor to Present the Information to the Ministry of Trade of the Republic of Belarus and (or) Local Executive and Administrative Body**

Advertisers, advertisement producers and advertisement distributors are obliged upon the request of the Ministry of Trade of the Republic of Belarus and (or) of local executive and administrative body within 7 days period from the date of receiving such a request to present reliable documents and explanations orally or in written form, video and audio records, and also other information being necessary for exercising by these state bodies of the powers provided by this Law.

**Article 29. Duties of Advertiser, Advertisement Producer and Advertisement Distributor on Keeping the Materials or Their Copies Containing Advertisement, and Copies of Requested Documents**

1. Advertiser and advertisement distributor are obliged to keep the materials or their copies containing advertisement, except for the advertisement being placed (distributed) in the Internet, including all the following changes introduced into it within six months from the date of its last placement (distribution) by the advertisement distributor, and advertisement producer – from the date of executing by him/her/it of a contract on performing the work on producing the advertisement.

2. Advertisement distributor is obliged to keep in the established order the copies of the documents being requested in accordance with this Law within six months from the date of last placement (distribution) of the advertisement by him/her/it, and the advertisement producer – from the date of executing by him/her/it of the contract on performing the work on producing the advertisement.

**Article 30. Recognition of an Advertisement as Being Improper and Carrying out of Counter-advertising**

1. In the case of placement (distribution) of improper advertisement the Ministry of Trade of the Republic of Belarus has the right to take a decision on recognition of the advertisement as being improper, and local executive and administrative bodies – the decision on recognition the advertisement as being improper, except for the decision on recognition of the advertisement as being unfair. In accordance with the decision on recognition of an advertisement as being improper violator is obliged to stop its placement (distribution) within 3 days period from the date of receiving such decision. In the case the violator is absent or doesn't fulfill the indicated requirement, placement (distribution) of improper advertisement is ceased by local executive and administrative body. At that placement (distribution) of improper advertisement is ceased by a city or regional executive committee. Local executive and administrative body has the right to compensate incurred costs at the expense of violator.

2. Decisions of the Ministry of Trade of the Republic of Belarus on recognition of the advertisement as being improper are obligatory for all organizations and citizens.

Decisions of local executive and administrative bodies on recognition of the advertisement as being improper, except for the decisions on recognition of the advertisement as being unfair,

are obligatory for organizations and citizens in the territory of respective administrative and territory units.

3. Decision on recognition of the advertisement as being improper can contain request to carry out counter-advertising. Counter-advertising is carried out by violator at his/her/its expense within the period established by this decision.

Counter-advertisement shall be carried out by the same way, with using the same characteristics of duration, place and procedure of placement (distribution), as the improper advertisement, and shall contain a mark “counter-advertisement”, to which shall be allocated not less than five percent of counter-advertisement space, and also not less than five seconds of the time of counter-advertisement at its placement (distribution) with using electronic technical means. Content of counter-advertisement is agreed with the Ministry of Trade of the Republic of Belarus or local executive and administrative body, having taken a decision on recognition of the advertisement as being improper, and also shall contain the request on carrying out of counter-advertisement.

4. Organization or citizen being responsible for placement (distribution) of improper advertisement have the right to appeal the decision on recognition of the advertisement as being improper to the court in the order established by the legislation.

### **Article 31. Responsibility for Violation of the Legislation on Advertising**

1. For violation of the legislation on advertising organizations and citizens bear responsibility provided by legislative acts.

2. Individuals, whose rights and interests have been violated in the result of production and (or) placement (distribution) of improper advertisement, have the right in the order established by the legislation to file claims, including claims for material compensation for moral damages.

### **Article 32. Introducing Changes into Some Laws of the Republic of Belarus and Considering as Being Invalid of Some Legislative Acts of the Republic of Belarus and of Certain Provision of the Law of the Republic of Belarus “On Introducing Changes into Some Legislative Acts of the Republic of Belarus”**

*Not given.*

### **Article 33. Transitional Provisions**

*Withdrawn.*

### **Article 34. Bringing Legislation into Conformity with This Law**

*Not given.*

**Article 35. Entry into Force of This Law**

This Law enters into force in 6 months after its official publication, except for this article and article 34, which enter into force from the date of official publication of this Law.

**President of the Republic of Belarus**

**A. Lukashenko**

\* unofficial translation \*

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