

Law of the Republic of Belarus

No. 347-Z of November 25, 2004

On State Regulation of Foreign Trade Activities

The present Law specifies the legal bases of state regulation of foreign trade activity, rights and duties of state bodies of the Republic of Belarus in the sphere of foreign trade activity with the aim to ensure the national security of the Republic of Belarus including in the economic sphere, to stimulate the development of the national economy and to provide favorable conditions for foreign trade activity.

Chapter 1. General Provisions

Article 1. Main Terms Applied in the Present Law

1. For the purposes of the present Law the following main terms are applied:

1.1. Belarusian customer of services (works) (further – services) is a resident of the Republic of Belarus who has ordered services or uses them;

1.2. Belarusian provider of services is a resident of the Republic of Belarus who provides services;

1.3. foreign trade activity is an activity on foreign trade of goods and (or) services and (or) objects of intellectual property;

1.4. foreign trade of information is foreign trade of goods, providing that the obtaining of information is directly connected with the transfer of these goods, or foreign trade of objects of intellectual property, provided information is transferred as the result of complete or partial transfer of exclusive rights to these objects on the basis of compensation deals, and in other cases it is foreign trade of services;

1.5. foreign trade of objects of intellectual property is complete or partial transfer of exclusive rights on objects of intellectual property to a nonresident of the Republic of Belarus executed by a resident of the Republic of Belarus, or to a resident of the Republic of Belarus executed by a nonresident of the Republic of Belarus on the basis of compensation deals;

1.6. foreign trade of goods is import and (or) export of goods;

1.7. foreign trade of services is provision of services in ways prescribed by the present Law;

1.8. water biological resources are goods regarded as water biological resources according to the Commodities Nomenclature of the Foreign Economic Activity of the Republic of Belarus;

1.9. free trade zone is customs territories on which according to an international agreement with one or several states (groups of states) customs duties and other measures to restrict foreign trade of goods are not applied to the whole trade of goods, originated from these customs territories, or to its substantial part, excluding possible application of such measures if necessary on the basis of international agreements. At that the participants of a free trade

zone don't coordinate substantially the application of customs duties and other measures to regulate foreign trade of goods with third countries;

1.10. import of goods is the delivery of goods to the customs territory of the Republic of Belarus with the aim to use them on the territory of the Republic of Belarus, and sale of these goods on the territory of the Republic of Belarus;

1.11. foreign customer of services is a nonresident of the Republic of Belarus who has ordered services or uses them;

1.12. foreign provider of services is a nonresident of the Republic of Belarus who provides services;

1.13. commercial presence is any form of organization of commercial activity of nonresidents of the Republic of Belarus on the territory of the Republic of Belarus and residents of the Republic of Belarus on the territory of a foreign state with the purpose of services provision which is allowed by the legislation of the Republic of Belarus, international law or law of a foreign state;

1.14. licensing of foreign trade is issuance by state bodies of the Republic of Belarus of licenses on foreign trade of certain kinds of goods, duplicates of licenses, bringing in amendments and (or) alterations to licenses, prolonging and suspending licenses, their cancellation;

1.15. national regime of foreign trade of goods (services) is a regime characterized by providing for goods (services), originated from territories of foreign states (groups of foreign states) an equal regime in respect of sale of goods (provision of services), offer for sale, purchase, transportation, distribution or use in the internal market of the Republic of Belarus with a regime which is provided for similar or directly competitive goods (services), originated from the territory of the Republic of Belarus;

1.16. nonresidents of the Republic of Belarus:

individuals having permanent residence outside the borders of the Republic of Belarus, including those who are temporally present in the Republic of Belarus;

legal persons and organizations that are not legal persons with location outside the bodies of the Republic of Belarus, established under the legislation of foreign states;

international organizations;

1.17. non-tariff regulation is a method of state regulation of foreign trade of goods, exercised through introduction, termination of quantitative restrictions and other measures of state regulation of foreign trade activity which differ from customs tariff measures;

1.18. products of animal origin are products belonging to those of animal origin according to the Commodity Nomenclature of Foreign Economic Activity of the Republic of Belarus;

1.19. foreign trade regime is a national regime, a regime of tariff preferences, other regimes, established while carrying out foreign trade in accordance with legislation and international law;

1.20. residents of the Republic of Belarus:

individuals having permanent residence in the Republic of Belarus, including those who are temporarily outside the borders of the Republic of Belarus;

legal persons and organizations that are not legal persons with location in the Republic of Belarus, established under the legislation of the Republic of Belarus;

1.21. agricultural goods are goods belonging to agricultural ones in accordance with the classification of the World Trade Organization;

1.22. customs tariff regulation is a method of state regulation of foreign trade of goods, exercised through establishment, introduction, alteration and cancellation of customs duties on goods transferred through the customs border of the Republic of Belarus;

1.23. customs union is an association of states on the basis of an international agreement in according thereto a single customs territory is established, which includes the customs territories of these states and on which customs duties, taxes and other restrictions on foreign trade between customs territories composing it are not applied in respect of the whole trade of goods or its substantial part or in respect of the whole trade of goods, originated from these territories, or its substantial part, excluding possible application, if necessary of restrictions on the basis of international agreements. At that each member state of a customs union applies, as a rule, the same customs duties, taxes and other restrictions on foreign trade of goods with third countries;

1.24. goods are property to sale or assigned to sale, unless the customs legislation requires otherwise;

1.25. export of goods is the removal of goods out of the customs territory of the Republic of Belarus with the aim to sale them out of its borders.

2. The notions “similar goods”, “works”, “services” are applied in conformity with Articles 29, paragraph 2 and 30 of the General Part of the Tax Code of the Republic of Belarus.

Article 2. The Scope of the Present Law

1. The present Law shall be applied to relations in the sphere of state regulation of foreign trade activity, and also to relations, connected directly to such activity.

2. Provisions of the present Law connected to state regulation of foreign trade of services are not applied to:

2.1. services, provided by the state bodies of the Republic of Belarus in the course of performing of functions not on the commercial basis and not on competitive basis with one or several Belarusian and (or) foreign service providers;

2.2. services, provided by the National Bank of the Republic of Belarus in the course of carrying out its activity with the purpose to exercise the functions, determined by the legal acts of the Republic of Belarus;

2.3. financial services, provided in the course of carrying out activity on social support not on the competitive basis with one or several service providers and in the course of carrying out activity under state guarantees (guarantees of the Republic of Belarus, guarantees of the Government of the Republic of Belarus) or with use of state financial resources.

3. The present Law is not applied to relations, arisen while carrying out foreign trade activity with objects of export control, and also to relations, arisen in the course of exercising control over transfer into the Republic of Belarus of money or goods, provision of services while making foreign trade deals. Other exceptions from the scope of application of the present Law, changing of its provisions can be determined in compliance with the Constitution of the Republic of Belarus by the President of the Republic of Belarus, laws on bringing in amendments and alterations to the present Law and provisions of international treaties in force for the Republic of Belarus.

Article 3. Correlation Between Provisions of International Treaties and Present Law

If international treaties in force for the Republic of Belarus prescribe other rules, than those envisaged by the present Law, the rules of international treaties shall be applied, unless international law requires otherwise.

Article 4. Main Principles of State Regulation of Foreign Trade Activity

The state regulation of foreign trade activity in the Republic of Belarus is exercised taking into account the following main principles:

implementation of foreign trade policy as an integral part of the unified foreign policy of the Republic of Belarus;

ensuring the national security of the Republic of Belarus, including the economic sphere;

unity of the customs territory of the Republic of Belarus;

priority of economic measures of the state regulation of foreign trade activity;

non-interference in private business while carrying out foreign trade activity, except cases when such interference is undertaken on the basis of legal norms in the interests of the national security, public order, protection of people's health, protection of morality, rights and freedoms of other persons;

ensuring of fulfillment of commitments of the Republic of Belarus under international treaties and exercising of rights, arisen from the international treaties of the Republic of Belarus;

application of measures of the state regulation of foreign trade activity to another state (a group of states) on the basis of reciprocity;

choosing of measures of the state regulation of foreign trade activity, which are as burdensome for its participants as it is necessary for ensuring efficiency in achieving the goals pursued while applying these measures;

valid and objective application of measures of the state regulation of foreign trade activity;

ensuring the right to judicial protection of rights, freedoms and legal interests of participants of the foreign trade activity;

publicity in application of measures of the state regulation of foreign trade activity.

Article 5. Foreign Trade Policy of the Republic of Belarus

1. Foreign trade policy of the Republic of Belarus is performed with the aim to create favorable conditions for residents of the Republic of Belarus who participate in the foreign trade, producers and customers of goods, customers and providers of services.
2. Relations of the Republic of Belarus with foreign states in the sphere of foreign trade activity are established on the basis of the Constitution of the Republic of Belarus, the present Law, other legislation of the Republic of Belarus, and also on the basis of common principles and norms of international law, including principles of the sovereign equality of states, peaceful settlement of international disputes, non-intervention in matters within domestic jurisdiction of each other, fulfillment in good faith of international obligations assumed by the Republic of Belarus, as well as non-discrimination and reciprocity.
3. The Republic of Belarus can participate voluntarily in free trade zones, customs unions, other inter-state associations in accordance with the Constitution of the Republic of Belarus and international law.

Article 6. Right to Carry out Foreign Trade Activity

All residents and nonresidents of the Republic of Belarus, and also the Republic of Belarus, its administrative territorial units in order determined by the legislation of the Republic of Belarus, international and foreign law, are entitled to carry out foreign trade activity.

Chapter 2. Main Provisions of State Regulation of Foreign Trade Activities

Article 7. Methods of State Regulation of Foreign Trade Activity

The state regulation of foreign trade activities is executed by means of:

customs tariff regulation;

non-tariff regulation;

bans and restrictions on foreign trade of services and objects of intellectual property;

measures of economic and administrative character, promoting development of foreign trade activity, prescribed by Chapter 7 of the present Law.

Article 8. State Bodies Executing State Regulation of Foreign Trade Activity

1. State regulation of foreign trade activity is executed by the President of the Republic of Belarus, the National Assembly of the Republic of Belarus, the Government of the Republic of Belarus and other authorized state bodies of the Republic of Belarus in accordance with the present Law, other act of legislation of the Republic of Belarus and norms of international law in force for the Republic of Belarus.

2. The President of the Republic of Belarus can decide to apply any methods of state regulation of foreign trade activity in respect of foreign trade with a concrete state (a group of states).

3. The President of the Republic of Belarus can authorize the Government of the Republic of Belarus to take decisions on application of methods of state regulation of foreign trade activity that are within the competence of the President of the Republic of Belarus according to the present Law.

4. Coordination of activity of state bodies of the Republic of Belarus on submitting proposals on development of state foreign trade policy of the Republic of Belarus, regulation of foreign trade activity of its participants, conclusion of international treaties of the Republic of Belarus in the sphere of foreign trade activity are exercised by the Government of the Republic of Belarus and an authorized state body within their competence, unless the President of the Republic of Belarus determines otherwise.

Article 9. Publicity in Developing of Measures of State Regulation of Foreign Trade Activity

1. In the course of drafting a normative legal act of the Republic of Belarus that affects the order of carrying out foreign trade activity a legislative body (an official) can decide on public discussion of this draft of a normative legal act in accordance with legislation, including discussion initiated by the state body accountable for its drafting.

2. Normative legal acts in the sphere of foreign trade activity that affect the order of carrying out foreign trade activity are subject to official publication in accordance with legislation.

Article 10. Confidentiality

State bodies of the Republic of Belarus and their officials who exercise activity, connected to the state regulation of foreign trade activity shall ensure in compliance with legislation protection of state secrets and confidentiality of information belonging to trade secrets and other information protected according to legislation, and use it only for the purpose it has been given. The order of using the information, which contains state secrets, or other information protected by legislation is determined by legislation.

Chapter 3. State Regulation of Foreign Trade Activity in the Sphere of Foreign Trade of Goods

Article 11. Customs Tariff Regulation of Foreign Trade of Goods

The main method of regulation of foreign trade of goods applied with the aim to protect the internal market of the Republic of Belarus is customs tariff regulation.

Article 12. Non-tariff Regulation of Foreign Trade of Goods

Measures of non-tariff regulation of foreign trade of goods are established by the President of the Republic of Belarus or by his order by the Government of the Republic of Belarus through introduction of quantitative and (or) other restrictions on foreign trade of goods on account of interests of economic policy of the Republic of Belarus (measures of economic policy) or other reason of non-economic character.

Article 13. Quantitative Restriction on Foreign Trade of Goods

1. Foreign trade of goods is carried out without any quantitative restrictions, except for cases envisaged in paragraph 2 of this Article, and also in Articles 19, 24 and 32 of the present Law.

2. The President of the Republic of Belarus or by his order the Government of the Republic of Belarus can establish:

2.1. temporal restrictions or bans on export of goods in order to prevent or lessen critical deficit in the internal market of the Republic of Belarus of foodstuff or other goods of vital importance for the internal market of the Republic of Belarus. The list of such goods is determined by the President of the Republic of Belarus or by his order by the Government of the Republic of Belarus;

2.2. restrictions on import of agricultural goods or water biological resources, delivered to the Republic of Belarus in any form, if there is a need to:

decrease production or sale of similar goods, originated from the territory of the republic of Belarus;

decrease production or sale of goods, originated from the territory of the Republic of Belarus which can be replaced directly by imported goods, if there is no significant production of similar goods in the Republic of Belarus;

eliminate a temporal surplus in the market of similar goods originated from the territory of the Republic of Belarus through distribution by an owner or an authorized person of this surplus free of charge for some categories of customers or at a price less than the market one;

eliminate a temporal surplus in the market of similar goods originated from the territory of the Republic of Belarus which can be replaced directly by imported goods if there is no significant production of similar goods in the Republic of Belarus through distribution by an owner or an authorized person of this surplus free of charge for some categories of customers or at a price less than the market one;

restrict manufacturing of products of animal origin, dependent on imported to the Republic of Belarus goods, if production of similar goods in the Republic of Belarus is relatively small.

3. The list of agricultural goods and water biological resources is determined for the purpose of this Article by the President of the Republic of Belarus or on his order by the Government of the Republic of Belarus.

Article 14. Non-discriminatory Application of Quantitative Restrictions

1. In the case when the present Law allows establishing quantitative restrictions on foreign trade of goods, these restrictions shall be applied without regard to a state of origin of goods, unless otherwise is envisaged by the present Law.
2. In the case when shares for import of goods are distributed between the interested states when establishing quantitative restrictions, import of goods is taken into consideration for the preceding period from these states.
3. Paragraphs 1 and 2 of the present Article can not be applied to goods, originated from a foreign state (a group of foreign states) with which the Republic of Belarus don't have any mutual obligations under an agreement on establishment of a regime not less favorable than those established for other states (groups of states).
4. Provisions of the present Article are not applied to measures for protection of economic interests of the Republic of Belarus while carrying out foreign trade of goods in accordance with Article 19 of the present Law.
5. Paragraphs 1 and 2 of the present Article don't hinder observance of obligations according to current international treaties of the Republic of Belarus on border trade, a customs union or a free trade zone.

Article 15. Distribution of Shares for Foreign Trade of Goods

When establishment of shares for foreign trade of goods is considered, the President of the Republic of Belarus or on his order the Government of the Republic of Belarus determine the method and the order of distribution of shares. Distribution of shares is carried out on the principles of equal rights of participants of foreign trade activity to get a share and their non-discrimination on the basis of form of property, place of registration and market position.

Article 16. Exclusive Right to Carry out Foreign Trade of Certain Kinds of Goods

1. The right to carry out foreign trade activity of certain kinds of goods can be restricted through granting the state with the exclusive right to carry out foreign trade activity of certain kinds of goods which is executed by the authorized by the President of the Republic of Belarus state bodies, organizations, citizens of the Republic of Belarus.
2. The President of the Republic of Belarus or on his order the Government of the Republic of Belarus defines a list of certain kinds of goods for foreign trade of which the exclusive right is granted.
3. Persons, mentioned in paragraph 1 of the present Article, who have the exclusive right to carry out foreign trade activity of certain kinds of goods make deals on foreign trade of certain kinds of goods on the principle of non-discrimination and in compliance with law, commercial considerations and interests of the Republic of Belarus.

Article 17. Licensing of Foreign Trade of Certain Kinds of Goods

1. Foreign trade of certain kinds of goods can be carried out only on the basis of licenses in compliance with the legislation of the Republic of Belarus.
2. Licensing of foreign trade of certain kinds of goods is introduced:
in the case of introduction of temporal quantitative restrictions on foreign trade of certain kinds of goods;
on grounds, envisaged in Article 24, paragraph 1 of the present Law with the aim to establish a permission order for export and (or) import of goods;
with the aim to fulfill international obligations of the Republic of Belarus.
3. The President of the Republic of Belarus or by his order the Government of the Republic of Belarus determines lists of certain kinds of goods that are subject to licensing, the order of licensing, the state bodies of the Republic of Belarus, authorized to issue respective licenses.

Article 18. Automatic Licensing of Export and (or) Import of Certain Kinds of Goods

1. Automatic licensing of export and (or) import of certain kinds of goods (further – automatic licensing) is control over figures of export and (or) import of certain kinds of goods and their changes exercised by an authorized state body that is accompanied with the obligation of participants of foreign trade activity to inform the authorized state body about foreign trade deals according to the legislation. Automatic licensing is applied as a temporal measure and can not pursue the purposes of quantitative restriction or introduction of permission order for export and (or) import of goods.
2. Automatic licensing is introduced only in cases when it is impossible to monitor figures of export and (or) import of certain kinds of goods and their changes by other means. Automatic licensing is carried out until the grounds for its introduction exist and its purpose can not be achieved by other means.
3. The order of issue of automatic licenses on export and (or) import of goods (further – an automatic license) is established by the legislation taking into account the need to simplify to the maximum receiving an automatic license in order not to restrict export and (or) import of goods.
4. An automatic license can be received on the basis of application of a participant of foreign trade activity on issue of an automatic license. The form of such an application is established by the authorized state body. To issue an automatic license it is not allowed to require submitting other documents, except an application of a participant of foreign trade activity on issue of an automatic license. All participants of foreign trade activity who submit an application on issue of an automatic license have equal rights to receive such a license.
5. An application on issue of an automatic license can be submitted on every working day to customs registration of goods. An automatic license is issued as soon as possible. The term of issue of an automatic license shall not exceed three working days from the date of receiving an application on its issue. The President of the Republic of Belarus or on his order the Government of the Republic of Belarus determines a list of goods that are subject to automatic licensing, a state body of the Republic of Belarus authorized to issue automatic licenses.

6. In term of application of automatic licensing, the absence of an automatic license is a ground for customs bodies of the Republic of Belarus not to permit import of goods to the customs territory of the Republic of Belarus or their export from the customs territory of the Republic of Belarus.

Article 19. Measures to Protect Economic Interests of the Republic of Belarus while Carrying out Foreign Trade of Goods

Regardless of provisions of the present Chapter in order to protect economic interests of the Republic of Belarus while carrying out foreign trade of goods measures on restriction of import of goods through introduction of anti-dumping, compensatory, special protective measures can be applied in accordance with the legislation.

Article 20. The National Regime in Respect of Foreign Trade of Goods Originated from the Territory of Foreign States (Groups of Foreign States)

1. The national regime is granted in respect of goods originated from the territory of a foreign state (groups of foreign states) according to the norms of international treaties valid for the Republic of Belarus and the legislation of the Republic of Belarus. Granting the national regime does not hinder from the application of varied payments, connected to transportation and dependent only on the cost of exploitation of means of transportation and not on a country of origin of goods.

2. In respect of goods, originated from the territory of a foreign state (groups of foreign states) with which there is no international treaties valid for the Republic of Belarus on granting the regime, envisaged in paragraph 1 of the present Article, in respect of goods, originated from the territory of the Republic of Belarus, other regime of foreign trade can be granted according to the legislation of the Republic of Belarus.

3. Provisions of paragraphs 1 and 2 of the present Article are not applied to delivery of goods for state needs, unless the President of the Republic of Belarus, laws and norms of international treaties valid for the Republic of Belarus do not envisage otherwise.

Article 21. Technical, Pharmacological, Sanitary, Veterinary, Phytosanitary and Ecological Standards in Respect of Imported Goods. Control over the Quality of Imported Goods

1. Import of goods to the customs territory of the Republic of Belarus is allowed provided they comply with technical, pharmacological, sanitary, veterinary, phytosanitary and ecological standards envisaged by the acts of legislation and norms of international treaties valid for the Republic of Belarus.

2. Compliance of imported goods to the aforementioned standards is verified in order, established by the legislation.

3. Standards, envisaged by the paragraph 1 of the present Article, and the requirement to verify compliance of goods to these standards are applied to the goods, originated from the

territory of a foreign state in the same order and scope as to the similar goods, originated from the territory of the Republic of Belarus.

Article 22. Influence of Country of Origin of Goods on Application of Measures on Non-tariff Regulation of Foreign Trade Activity

Quantitative restrictions and licensing of foreign trade of goods, and also establishment of minimum and maximum prices for exported and (or) imported goods are not applied while exporting goods, originated from the territory of foreign states, importing goods, originated from the territory of the Republic of Belarus, unless otherwise is envisaged by the legislation.

Article 23. Freedom of International Transit

1. International transit is exercised freely on railway, water, air and motor-car roads which are more appropriate for international transportation, unless otherwise is envisaged by the President of the Republic of Belarus, laws and norms of international treaties in force for the Republic of Belarus. Any distinctions in state regulation, based on a flag of a ship, a place of registration, a place of origin, a place of stopping, a place of leaving or a destination point, a departure point or any circumstances, related to property right on goods, a ship or other means of transportation are not allowed by international transit, unless otherwise is envisaged by the President of the Republic of Belarus, laws and norms of international treaties in force for the Republic of Belarus.

2. In accordance with the customs legislation of the Republic of Belarus requirements can be established concerning import of certain kinds of goods and means of transportation to the customs territory of the Republic of Belarus or export of certain kinds of goods and means of transportation from the customs territory of the Republic of Belarus through the appointed passing points through the State Border of the Republic of Belarus and on their transportation on appointed routes.

3. The present Article is not applied to international transit by air, except air transportation of goods.

Article 24. Measures Affecting Foreign Trade of Goods and Introduced on the Basis of the National Interests

1. Regardless of provisions of the present Chapter, in accordance with international treaties of the Republic of Belarus, laws and acts of the President of the Republic of Belarus on the basis of the national interests measures affecting foreign trade of goods can be introduced, if these measures:

- 1.1. are necessary for observance of public morality or public order;
- 1.2. are necessary for protection of human life or health, environment;
- 1.3. concern export or import of gold or silver;
- 1.4. are applied to protect cultural values;

1.5. are necessary to prevent exhausting of non-replenishable natural resources and are applied simultaneously with restriction of internal production and consumption, connected to using of irreplaceable natural resources;

1.6. are necessary for purchase and distribution of goods in the case of their general or local deficit;

1.7. are necessary to fulfill international obligations of the Republic of Belarus;

1.8. are necessary to ensure the national security of the Republic of Belarus;

1.9. are necessary to ensure observance of normative legal acts of the Republic of Belarus, which are not contrary to international treaties of the Republic of Belarus and relate to, in particular:

application of the customs legislation of the Republic of Belarus;

environment protection;

obligations under the legislation of the Republic of Belarus to remove or destroy the goods which do not comply with technical, pharmacological, sanitary, veterinary, phytosanitary and ecological standards;

prevention and investigation of crimes, and also legal procedure and execution of court decisions in respect of crimes;

protection of objects of intellectual property;

granting of the exclusive right to carry out foreign trade of goods according to Article 16 of the present Law.

2. Measures, envisaged by paragraph 1 of the present Article, shall not be applied in such a way that is means of arbitrary and unjustified discrimination of states or implicit restriction of foreign trade of goods.

3. Provisions of paragraph 2 of the present Article can not be applied to goods, originated from territories of foreign states (groups of foreign states), with which the Republic of Belarus has no mutual agreements on granting the regime not less favorable then that one, granted to other states (groups of states).

Chapter 4. State Regulation of Foreign Trade Activity in the Sphere of Trade of Services and Objects of Intellectual Property

Article 25. Foreign Trade of Services

1. Foreign trade of services are carried out in the following ways:

1.1. from the territory of the Republic of Belarus to the territory of a foreign state;

1.2. from the territory of a foreign state to the territory of the Republic of Belarus;

1.3. on the territory of the Republic of Belarus to a foreign customer of services;

1.4. on the territory of a foreign state to a Belarusian customer of services;

1.5. by a Belarusian service provider without commercial presence on the territory of a foreign state through providing services by it or its authorized person acting on the territory of a foreign state on its behalf;

1.6. by a foreign service provider without commercial presence on the territory of the Republic of Belarus through providing services by it or its authorized person acting on the territory of the Republic of Belarus on its behalf;

1.7. by a Belarusian service provider through commercial presence on the territory of a foreign state;

1.8. by a foreign service provider through commercial presence on the territory of the Republic of Belarus.

2. Foreign trade of services can be restricted through introduction of bans and restrictions, affecting all or certain service sectors, in respect of means of service provision on the basis of acts of the President of the Republic of Belarus, unless otherwise is envisaged by norms of international treaties in force for the Republic of Belarus.

Article 26. The National Regime in Respect of Foreign Trade of Services

1. The national regime is granted in respect of measures, affecting foreign trade of services, to foreign service providers and services, provided by means, envisaged by paragraphs 1.2, 1.4, 1.6 and 1.8 of Article 25 of the present Law in accordance with norms of international treaties in force for the Republic of Belarus and the legislation of the Republic of Belarus. A regime is not considered to be the national one if it changes conditions of competition in favor of Belarusian service providers or provided by them on the territory of the Republic of Belarus services in comparison with similar foreign service providers and services, provided by means, envisaged by paragraphs 1.2, 1.4, 1.6 and 1.8 of Article 25 of the present Law.

2. Provisions of paragraph 1 of the present Article are not applied to providing services for state needs, unless otherwise is envisaged by the President of the Republic of Belarus, laws and norms of international treaties in force for the Republic of Belarus.

Article 27. Measures Affecting Foreign Trade of Services and Introduced on the Basis of the National Interests

1. Regardless of provisions of Article 26 of the present Law, in accordance with international treaties in force for the Republic of Belarus, laws and acts of the President of the Republic of Belarus on the basis of the national interests measures affecting foreign trade of services can be introduced, if these measures:

1.1. are necessary for observance of public morality or public order;

1.2. are necessary for protection of human life or health, environment;

1.3. are necessary to fulfill international obligations of the Republic of Belarus;

1.4. are necessary to ensure the national security of the Republic of Belarus;

1.5. are necessary to ensure integrity and stability of the financial system, protection of rights and legal interests of investors;

1.6. are directed to ensure equal or effective establishment, introduction or changing of taxes, duties in respect of foreign service providers and (or) means of service provision, envisaged by paragraphs 1.2, 1.4, 1.6 and 1.8 of Article 25 of the present Law;

1.7. are measures to fulfill agreements on avoiding double taxation;

1.8. are necessary to ensure observance of normative legal acts of the Republic of Belarus, which are not contrary to provisions of the present Law and relate to, in particular:

prevention and investigation of crimes, and also legal procedure and execution of court decisions in respect of crimes;

prevention of unfair practice or consequences of non-fulfillment of contracts on providing services;

protection from interference in persons' privacy and protection of private, family and bank secrets.

2. Measures, provided by paragraph 1 of the present Article, shall not be applied in such a way that is means of arbitrary and unjustified discrimination of states or implicit restriction of foreign trade of services.

3. Provisions of paragraph 2 of the present Article cannot be applied to services, service providers from foreign states (groups of foreign states), with which the Republic of Belarus has no mutual agreements on granting the regime not less favorable then that one, granted to other states (groups of states).

Article 28. Foreign Trade of Objects of Intellectual Property

1. State regulation of foreign trade activity in the sphere of foreign trade of objects of intellectual property is carried out according to the present Law.

2. In accordance with international treaties in force for the Republic of Belarus, laws and acts of the President of the Republic of Belarus measures affected foreign trade of objects of intellectual property can be introduced, if these measures are necessary for observance of public morality or public order, protection of human life or health, environment, fulfillment of international obligations of the Republic of Belarus, ensuring the national security of the Republic of Belarus, and also in other cases, envisaged by the present Law.

Chapter 5. Special Kinds of Bans and Restrictions on Foreign Trade of Goods, Services and Objects of Intellectual Property

Article 29. Bans and Restrictions on Foreign Trade of Goods, Services and Objects of Intellectual Property

with the Aim for the Republic of Belarus to Participate in International Sanctions

Foreign trade of certain kinds of goods, services and objects of intellectual property can be prohibited or restricted by measures that are necessary for the Republic of Belarus to participate in international sanctions according to the UN Charter, including measures, that do not comply with provisions of Article 13, paragraph 1, Articles 14, 20, 23 and 26 of the present Law.

Article 30. Bans and Restrictions on Foreign Trade of goods, Services and Objects of Intellectual Property

with the Aim to Maintain the Balance of Payment of the Republic of Belarus

1. In order to secure foreign financial position and maintain the balance of payment of the Republic of Belarus, the President of the Republic of Belarus can decide to introduce measures on restriction of foreign trade of goods, services and objects of intellectual property, including measures that do not comply with provisions of Article 13, paragraph 1, Articles 14, 20 and 26 of the present Law. Such measures are introduced or strengthened if there is a need:

1.1. to stop serious reduction of gold and currency reserves of the Republic of Belarus or to prevent the threat of serious reduction of gold and currency reserves of the Republic of Belarus;

1.2. to achieve reasonable rate of growth of gold and currency reserves of the Republic of Belarus, if gold and currency reserves are small.

2. Measures, envisaged by paragraph 1 of the present Article, are introduced for the period necessary for reaching pursued goals taking into account international obligations of the Republic of Belarus.

3. While introducing measures on restriction of foreign trade of goods, services and objects of intellectual property, envisaged by paragraph 1 of the present Article, the President of the Republic of Belarus determines a state body of the Republic of Belarus responsible for implementation of such measures.

4. Decision on restriction of foreign trade of goods, services and objects of intellectual property, envisaged by paragraph 1 of the present Article is taken by the President of the Republic of Belarus by a joint proposal of the Government of the Republic of Belarus and the National Bank of the Republic of Belarus.

Article 31. Bans and Restrictions on Foreign Trade of Goods, Services and Objects of Intellectual Property

Related to Measures of Currency Regulation and Currency Control

Foreign trade of goods, services and objects of intellectual property can be restricted by measures of currency regulation and currency control according to articles of the Agreement of the International Monetary Fund of July 22, 1944, other norms of international law in force for the Republic of Belarus, and also the legislation of the Republic of Belarus.

Article 32. Return Measures in the Sphere of Foreign Trade of Goods, Services and Objects of Intellectual Property

1. The President of the Republic of Belarus or by his order the Government of the Republic of Belarus can introduce restrictions on foreign trade of goods, services and objects of intellectual property, if a foreign state or an inter-state organization:

1.1. do not fulfill obligations under international treaties in regard of the Republic of Belarus;

1.2. take measures in breach of the economic interests of the Republic of Belarus or residents of the Republic of Belarus, including measures that close unfairly access to the market of a foreign state or an inter-state organization for residents of the Republic of Belarus or discriminate unfairly residents of the Republic of Belarus in any other way;

1.3. do not protect adequately and effectively the legal interests of residents of the Republic of Belarus in this state or inter-state organization, in particular do not protect from monopolistic activity and unfair competition;

1.4. do not take reasonable measures to combat illegal behavior of their citizens and (or) organizations on the territory of the Republic of Belarus.

2. Restrictions of foreign trade of goods, services and objects of intellectual property, introduced in cases, envisaged by paragraph 1 of the present Article, establish according to the legislation of the Republic of Belarus, international treaties in force for the Republic of Belarus, and within the limits necessary for ensuring effective protection of the interests of the Republic of Belarus and residents of the Republic of Belarus.

Chapter 6. Special State Regulation of Certain Kinds of Foreign Trade Activity

Article 33. Border-adjacent Trade

1. Border-adjacent trade provides a special favorable regime of foreign trade activity in respect to foreign trade of goods (services), produced within respective border-adjacent territories and assigned for consumption by individuals, having permanent residence on these territories, and by legal persons, having permanent location on these territories, and carries out, as a rule, on the basis of an international treaty of the Republic of Belarus with an adjoining foreign state (a group of adjoining foreign states). The border-adjacent trade is carried out only between residents of the Republic of Belarus, having permanent location (residence) on the border-adjacent territory of the Republic of Belarus, and nonresidents of the Republic of Belarus, having permanent location (residence) on the respective border-adjacent territory.

2. The regime of border-adjacent trade is not applied to other foreign states (groups of foreign states), with which the Republic of Belarus has concluded international treaties on granting the regime not less favorable than the one, granted to other states (groups of states). The order of carrying out border-adjacent trade is determined by the legislation of the Republic of Belarus and international treaties in force for the Republic of Belarus.

Article 34. Special State Regulation of Foreign Trade Activity on Territories of Free Economic Zones

Special state regulation of foreign trade activity on territories of free economic zones is determined by the legislation of the Republic of Belarus on free economic zones.

Chapter 7. Promotion of Development of Foreign Trade Activity

Article 35. Information Support of Foreign Trade Activity

1. With the aim to develop and increase efficiency of foreign trade activity on the territory of the Republic of Belarus, a system of collection, processing, storage and dissemination of foreign trade information operates.
2. The procedure of collection, processing, storage and dissemination of foreign trade information, as well as sources and the procedure of financing of the system of foreign trade information are determined according to the legislation of the Republic of Belarus by the Government of the Republic of Belarus, unless otherwise is envisaged by the President of the Republic of Belarus.
3. The foreign trade information comprises the following data:
 - 3.1. on a development program of foreign trade activity;
 - 3.2. on residents and nonresidents of the Republic of Belarus who carry out foreign trade activity on the territory of the Republic of Belarus;
 - 3.3. on law of the republic of Belarus, international and foreign law in the sphere of foreign trade activity;
 - 3.4. on obligations under international treaties of the Republic of Belarus concerning issues of foreign trade activity;
 - 3.5. on activity of Belarusian banks, insurance and other organizations, which provide services on crediting and insurance in the sphere of foreign trade activity;
 - 3.6. on foreign trade statistics of the Republic of Belarus;
 - 3.7. on situation in the markets of other states (groups of states) by main commodity groups;
 - 3.8. on list of goods prohibited for import to the territory of the Republic of Belarus and for export from its territory;
 - 3.9. other information in the sphere of foreign trade activity.
4. Participants of foreign trade activity have the right to obtain according to the legislation the information necessary for fulfillment of such activity, provided it does not comprise the information containing state secrets or other information under protection of the legislation of the Republic of Belarus.

Article 36. Measures to Promote the Development of Foreign Trade Activity

The Government of the Republic of Belarus with the aim to ensure the economic interests of the Republic of Belarus, creation of favorable conditions for access of residents of the Republic of Belarus to the markets of other states and in conformity with obligations under

international treaties of the Republic of Belarus take measures to promote development of foreign trade activity, including:

drafting development programs of foreign trade activity;

taking measures to provide crediting of participants of foreign trade activity;

ensuring operation of systems guarantees and risk insurance, connected to foreign trade activity;

organization of trade exhibitions and fairs, specialized symposiums and conferences and participation therein;

organization of advertising campaigns and campaigns for development of export of goods, services and objects of intellectual property;

establishment and promotion of development of the system of foreign trade information and of the information and consultancy services;

running of the state system of catalogues of products;

implementation of various forms of stimulation of foreign trade activity.

Article 37. Associations Promoting Development of Foreign Trade Activity

1. Participants of foreign trade activity may form, on the voluntary basis, associations on the territory of the Republic of Belarus on the branch, territorial or other principles in conformity with the legislation.

2. Associations of participants of foreign trade activity are established with the aim to protect the interests of their members, to represent their common interests, to improve the efficiency and bring into order foreign trade of goods, services and objects of intellectual property, to avoid unfair competition, to develop and improve foreign trade connections with nonresidents of the Republic of Belarus and their associations.

3. It is not allowed to use such associations for monopolizing and division of the internal market, for limiting of competition among the participants of foreign trade activity, who are not members of these associations, to discriminate in any form residents and nonresidents of the Republic of Belarus depending on their participation in the associations, to use such associations for restricting of business practice in the internal and external markets, as well as in other cases, envisaged by the legislation of the Republic of Belarus.

Chapter 8. Final Provisions

Article 38. Entry of the Present Law into Force

The present Law shall enter into force in six months from the date of its official publication, except for the present Article and Article 39 that shall enter into force from the date of the official publication of the present Law.

Article 39. Bringing Acts of the Legislation of the Republic of Belarus in Conformity with the Present Law

1. The Government of the Republic of Belarus shall, within three months after official publication of the present Law:

1.1. draft proposals on bringing the legislation of the Republic of Belarus in conformity with the present Law taking into account joining of the Republic of Belarus to the World Trade Organization, and also obligations of parties within the Union State;

1.2. bring decisions of the Government of the Republic of Belarus in conformity with the present Law;

1.3. ensure review and repeal by republican bodies of public administration, accountable to the Government of the Republic of Belarus of their normative legal acts that are contrary to the present Law;

1.4. take other measures necessary for implementation of provisions of the present Law.

2. Before the legislation is brought in conformity with the present Law, it shall apply in the part that is not contrary to the present Law, unless otherwise is envisaged in accordance to the Constitution of the Republic of Belarus.

Article 40. Repeal of Laws

The following laws shall become invalid from the date the present Law enters into force:

Law of the Republic of Belarus of October 25, 1990 “On Basics of Foreign Economic Activity of the Republic of Belarus”;

Law of the Republic of Belarus of December 29, 1998 “On State Regulation of Foreign Trade Activity”.

* unofficial translation *
