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Complete text of the new A. Lukashenko's Decree

On Certain Measures of Regulation of the Procedure of Receipt and Use of the Foreign Gratuitous Aid

With the aim to improve the procedure of receiving and use by legal entities and individuals of the Republic of Belarus of gratuitous aid granted by foreign countries, international organisations and citizens, as well as by stateless persons and anonymous donors, and pursuant to part three of Article 101 of the Constitution of the Republic of Belarus, I hereby decree:

1. To establish that:

1.1. The foreign gratuitous aid is money, including that in foreign currency, goods (property), gratuitously provided into use, ownership and disposal of legal entities and individuals of the Republic of Belarus (hereinafter – the recipients) by foreign countries, international organisations and citizens, as well as by stateless persons and anonymous donors.

The operation of the present Decree:

- does not cover technical assistance and other types of foreign gratuitous aid provided within the framework of projects and programs, approved by the President or the Government of the Republic of Belarus, as well as pursuant to international treaties of the Republic of Belarus;
- does not affect the rights of foreign citizens to whom, pursuant to the norms of international treaties valid for the Republic of Belarus, equal rights have been provided to the citizens of the Republic of Belarus in the field of civil relations.

1.2. The foreign gratuitous aid shall be registered at the Department for Humanitarian Activities under the President of the Republic of Belarus upon applications of recipients.

The minimum sums of money, cost of goods (property) and types of foreign gratuitous aid not subject to registration, shall be determined by the Department for Humanitarian Activities under the President of the Republic of Belarus with account of the character and purpose of such aid.

A document to confirm registration of the foreign gratuitous aid is a Certificate issued by the Department for Humanitarian Activities under the President of the Republic of Belarus.

Use of the foreign gratuitous aid prior to receipt of the Certificate is prohibited.

The procedure of registration of the foreign gratuitous aid shall be defined by the Department for Humanitarian Activities under the President of the Republic of Belarus.

2. The foreign gratuitous aid received in cash money, including that in foreign currency, is subject to deposition by the recipients to the accounts in the banks of the Republic of Belarus within 5 banking days after the day of its receipt or importing into the territory of the Republic of Belarus.

The cash money, including that in foreign currency, imported into the territory of the Republic of Belarus, if it should be used as the foreign gratuitous aid, except for that imported from the member-states of the Customs Union, is subject to compulsory customs declaration in writing by the persons who are transporting the above money across the customs border of the Republic of Belarus.

3. Privileges on taxes and customs duties for recipients of the foreign gratuitous aid are granted by the President of the Republic of Belarus upon presentation of the Department for Humanitarian Activities under the President of the Republic of Belarus on the basis of written applications of the recipients.

4. A foreign gratuitous aid shall be used for:

- liquidation of complications of emergency situations of natural and technogeneous character;
- conducting of scientific investigations, developments, education, as well as for implementation of scientific and research programs;
- promotion of protection, restoration, creation of historical and cultural values and development of wildlife reserves, rendering of medical help;
- provision of social assistance to needy and socially unprotected citizens;
- other purposes upon decision of the Department for Humanitarian Activities under the President of the Republic of Belarus co-ordinated with the President of the Republic of Belarus.

The foreign gratuitous aid may not be used for activities directed at change of the constitutional order of the Republic of Belarus, seizure or overthrow of the State power, as well as for encouragement to such actions, propaganda of war or violence with political aims, kindling of social, national, religious and race enmity, as well as for other actions prohibited by the legislation.

The foreign gratuitous aid in any form may not be used for preparation and holding of elections, referendums, recall of a deputy, member of the Council of the Republic, for holding gatherings, meetings, street marches, demonstrations, picketing, strikes, production and dissemination of agitation materials, as well as for holding seminars and other forms of agitation and mass work with the population.

The State control over the earmarked use of the foreign gratuitous aid and its recipients is executed by the Committee for State Control, Ministry of Internal Affairs, State Tax Committee, State Customs Committee, State Committee for Financial Investigations and their territorial bodies, as well as by the Department for Humanitarian Activities under the President of the Republic of Belarus and other state bodies pursuant to the legislation.

5. To establish that:

5.1. In case of violation by the recipients of the requirements envisaged by parts 1-3 of point 4 of the present Decree, they shall pay taxes, duties, collections and deductions pursuant to the legislation.

The recipients-legal entities who have used the foreign gratuitous aid (completely or partially) not for the earmarked purpose, shall be fined in the amount up to 100 percent of the value of the foreign gratuitous aid received, or confiscation of the goods (property) received. The sum of the fine and the sums received from the sale of confiscated property are deposited into the Republican budget revenues.

Violation of the requirements envisaged by parts one-three of point 4 of the present Decree by trade unions and other public associations, foundations, other non-commercial organisations, as well as receipt of the foreign gratuitous aid by political parties, their

organisational structures may entail liquidation (termination of activities) of the above recipients in the established order, including after a single such violation.

Granting of the foreign gratuitous aid to representative offices of foreign organisations, international non-governmental organisations in the territory of the Republic of Belarus for the purposes prohibited by parts 2 and 3 of point 4 of the present Decree may entail termination of activities of the above representative offices in the established order.

Foreign citizens and stateless persons who have provided the foreign gratuitous aid for the purposes prohibited by parts 2 and 3 of point 4 of the present Decree may be deported (expelled) from the territory of the Republic of Belarus in the established order.

Liabilities established by parts two and three of the present sub-point are applied in the legal order pursuant to the legislation.

5.2. Use by the recipients of the foreign gratuitous aid prior to receipt of the Certificate shall entail imposition of a fine on the managers of legal entities in the amount of 50 to 200 minimum wages, and 50 to 100 minimum wages on individuals.

5.3. Non-earmarked use by recipients of the foreign gratuitous aid, as well as its use for the purposes prohibited by parts 2 and 3 of point 4 of the present Decree shall entail imposition of a fine on the managers of legal entities in the amount of 100 to 300 minimum wages, and 20 to 200 minimum wages on individuals with confiscation of the foreign gratuitous aid received.

5.4. A failure to deposit the foreign gratuitous aid received in cash money, including in foreign currency, to accounts in the banks of the Republic of Belarus within 5 banking days from the day of its receipt or import to the territory of the Republic of Belarus shall entail imposition of a fine on the managers of legal entities in the amount of 100 to 300 minimum wages, and 20 to 200 minimum wages on individuals.

5.5. The right to make records of administrative offences envisaged by sub-points 5.2, 5.3 of the present point is granted to the authorised officials of the Committee for State Control, Ministry of Internal Affairs, State Tax Committee, State Customs Committee, State Committee for Financial Investigations and their territorial bodies, as well as by the Department for Humanitarian Activities under the President of the Republic of Belarus; of administrative offences envisaged by sub-point 5.4 of the present point – to the authorised officials of the Ministry of Internal Affairs, State Committee for Financial Investigations and their territorial bodies. Cases on above offences shall be considered judicially.

6. The Council of Ministers of the Republic of Belarus shall take necessary measures in order to bring the legislation in conformity with the present Decree.

7. The present Decree shall enter into force one month after its official publication, it is a provisional one and is submitted, pursuant to part 3 of Article 101 of the Constitution of the Republic of Belarus, for consideration of the National Assembly of the Republic of Belarus.

A. LUKASHENKO
President of the Republic of Belarus

March 12, 2001, Minsk