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Changes in the Legislation in Belarus

On the extension of the validity period of documents.

Presidential Edict of the Republic of Belarus of May 19, 2020 No. 172.

In order to prevent prosecution of persons who were not able to extend the validity period of permission documents due to COVID-19, if their period has expired (expires) from April 30 to July 31, 2020 inclusive, the validity period of issued certificates or other documents has been extended by three months.

Pursuant to the Decree, the Council of Ministers of the Republic of Belarus adopted Resolution No. 299 of May 20, 2020 "On Documents for which validity period is extended," which approved a list of administrative procedures for legal entities and individual entrepreneurs, which are required to extend the period for three months.

For example, the list now includes the issuance of a document of consent to conclude a transaction with shares, shares in the authorized capital of legal entities; issuing a duplicate of a certificate of registration of a vehicle (technical passport); coordination of routes for the transport of dangerous goods and many others - a total of 167 administrative procedures, the list corresponds to administrative procedures that are carried out by state bodies and other organizations in relation to legal entities and individual entrepreneurs, in accordance with the Decree of the Council of Ministers of the Republic of Belarus dated February 17, 2012 No. 156 .

On the changes of the features of transit automobile transportation of goods through the territory of Belarus during the COVID-19 period.

Resolution of Council of Ministers of Republic of Belarus of May 28, 2020 No. 321

The features of transit automobile transportation of goods through Belarus during the COVID-19 period were established by the Decree of the Council of Ministers of the Republic of Belarus dated March 25, 2020 No. 171. From May 30, 2020 a number of changes were made:

Drivers who enter the territory of Belarus on vehicles without goods and passengers are required to be in self-isolation prior to the start of the next international carriage (flight) or for 14 calendar days to start performing international road transportation.

The exhaustive list of reasons in connection with which the period of stay in Belarus for drivers can be extended beyond the established departure period (during the next day after the day of entry) - for example, in the event of a vehicle breakdown or transshipment of cargo - is supplemented with such a reason as receiving a special permits for the transport of dangerous goods during international road transport of goods.

From now on, drivers who carry out international road transport of passengers in regular traffic are not obliged to follow only those republican roads that were previously established in Appendix 1 to the regulation governing transit travel.

On the use of navigation devices (container seals).

Resolution of Council of Ministers of Republic of Belarus of May 25, 2020 No. 311

The resolution provides for measures to be applied to violators of the order of transit automobile transportation of goods through the territory of Republic of Belarus during the COVID-19 period (for example, when following undefined routes or

leaving outside the day following the day of entry, if there were no grounds for extending the term). The resolution entered into force on June 7, 2020 and will be valid until September 30, 2020.

Carriers who violate the established rules will be able to carry out automobile transit through the territory of Belarus only if navigation seals are applied to the cargo areas (compartments) of automobile vehicles for monitoring purposes. Seals will not be hung if customs escort is applied. Seals are hung at the entrance to the territory of Belarus through the Belarusian part of the external border of the EAEU at checkpoints.

When applying the seal, the driver will conclude a contract for the provision of services at the checkpoint. Currently, the tariff for filling a container seal for 1 car is 3 basic units (81 Belarusian rubles, approximately 30 Euros), including VAT. In the future, the cost can be adjusted.

On foreign gratuitous aid.

From August 27, 2020, Decree of the President of the Republic of Belarus dated May 25, 2020 No. 3 enters into force; it will replace the previously existing Decree No. 5 of 08/31/2015. The main changes are as follows:

The meaning of foreign gratuitous aid has been expanded. It now also includes goods, works and services that recipients purchased for foreign aid money and donated to secondary recipients.

Purposes of using foreign aid are changed. For example, new purposes are the payment for medical services, spa treatment and public health, the purchase of medicines and medical products, supplies.

At the same time, purposes such as payment for research, development, training and implementation of research programs were excluded.

It is possible to use foreign aid for other purposes not fixed in the Decree No. 3, but it is necessary to obtain the approval of the Interdepartmental Commission on Foreign Granted Assistance.

From August 27, 2020 for the registration of foreign assistance will be charged. For the registration of assistance from recipients – legal entities and individual entrepreneurs, a fee of 0.5 percent of the amount (cost) of the assistance received is not exempted from taxes, fees (duties). For registration of assistance exempted from taxes, fees (duties) in full, no fee will be charged.

Measures to protect money in charity accounts are established. It will not be possible to foreclose on executive and other documents, according to which money is debited in an indisputable manner.

Some approaches regarding the taxation of foreign granted assistance (income tax, VAT, etc.) have been changed.

On the amendment of the Law of the Republic of Belarus “On measures to prevent the legalization of proceeds from crime, the financing of terrorist activities and the financing of the proliferation of weapons of mass destruction”.

Law of the Republic of Belarus of May 13, 2020 No. 14-3

Attention should be paid to expanding the list of persons who carry out financial transactions – now they also include residents of the High Technology Park (HTP), special financial organizations, tax consultants, investment fund management organizations.

HTP residents will need to develop internal control rules.

After the law comes into force, the financial institution will be able to request additional information on transactions with less than 100 basic units (approximately EUR 1015), which were not previously controlled.

Also, after the law comes into force, the list of information that is provided on financial transactions that fall under control, for example, about founders who own at least 10% of the shares (shares), will be expanded.

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