

RESOLUTION OF THE COUNCIL OF MINISTERS OF THE REPUBLIC OF BELARUS

from December 31, 2013 №1189

On approval of the Regulations on the procedure of opening and activity of foreign representation offices in the Republic of Belarus; introduction of amendments and an addendum to the Resolution of the Council of Ministers of the Republic of Belarus from February 17, 2012 № 156 and revoking of certain resolutions of the Council of Ministers of the Republic of Belarus and some of their structural elements

The Council of Ministers of the Republic of Belarus has decreed:

1. To approve the enclosed Regulations on the procedure of opening and activity of foreign representation offices in the Republic of Belarus.

2. To introduce to the consolidated list of administrative procedures carried out by governmental bodies and other organisations towards legal entities and individual entrepreneurs, which had been approved by the resolution of the Council of Ministers of the Republic of Belarus from February 17, 2012 № 156 "On approval of the consolidated list of administrative procedures carried out by governmental bodies and other organisations towards legal entities and individual entrepreneurs, introduction of addendum to the Resolution of the Council of Ministers of the Republic of Belarus from February 14, 2009 №193 and revoking of certain resolutions of the Council of Ministers of the Republic of Belarus"(National Register of legal acts of the Republic of Belarus, 2012, №35 , 5/35330: the National legal Internet portal of the Republic of Belarus, 16.04.2013, 5/37100), the following amendments and addendum:

2.1. Item 2.34 be hereby amended and restated in its entirety to read as follows:

“2.34 Issuance (renewal) of the authorisation on the setting up of a foreign representation office in the Republic of Belarus (hereinafter referred to as a representation office)	MFA	Application copy of the document confirming the state registration of a foreign organisation by the authorised governmental body of the country of the organisation's foundation issued earlier than 3 months before the date of the submission of the documents for the issuance	10 days (up to 1 month to receive additional information if necessary) for the issuance of the authorisation on the setting up of a representation office	3 years	65 base units for each year of the authorisation's term of validity; for the representation offices of non-profit foreign organisations as well as the representation offices of foreign organisations carrying out only charitable activity on the territory of the Republic of
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of the
authorisation on
the setting up of
a representation
office (for the
issuance of the
authorisation on
the setting up of
a representation
office)

Belarus – 20
base units for
each year of the
authorisation's
term of validity”

the regulations
on a
representation
office (for the
issuance of the
authorisation on
the setting up of
a representation
office)

program
(project) (for the
issuance of the
authorisation on
the setting up of
the foreign
representation
offices planning
to carry out
socially
beneficial
activity in the
Republic of
Belarus)

power of
attorney for the
head of the
representation
office (for the
issuance of the
authorisation on
the setting up of
a representation
office)

power of
attorney for the
individual
authorised to
conduct
activities related
to setting up a
representation
office (for the
issuance of the
authorisation on
the setting up of
a representation
office)

document
certifying the
state fee
payment

2.2. To insert additional item 2.34¹ into the consolidated list to read as follows:

“2.34 ¹ . Issuance of the duplicate of the authorisation on the setting up of a representation office because of its loss (theft), unserviceability	MFA	application	10 days	for the term of validity of the previously issued authorisation on the setting up of a representation office	free of charge”
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2.3. in item 14.6:

to exclude the words "and to the employees of this representation office from amongst foreign citizens and persons without citizenship temporarily staying and temporarily residing in the Republic of Belarus" from the column "Designation of the administrative procedure";

to exclude the word "(employee)" from the column "The consolidated list of the documents and (or) information submitted by interested parties to the authorised governmental body for the implementation of the administrative procedure";

2.4. footnote "12" is to be read in the following wording:

“¹² Documents issued or certified (attested) by the authorised governmental bodies of foreign countries, are accepted if legalised unless otherwise stipulated by the international treaties of the Republic of Belarus. Documents in a foreign language must be accompanied by a translation into the Belarusian or the Russian language (the accuracy of the translation or the authenticity of the translator's signature must be attested by a notary). ”

3. To revoke the resolutions of the Council of Ministers of the Republic of Belarus and some of their structural elements in accordance with the Annex.

4. For the republican governmental administrative bodies to bring their normative legal acts into conformity with the present Resolution and take other measures for its implementation within a month.

5. The present Resolution comes into effect from January 1, 2014

The present Resolution does not extend to the administrative procedures of issuance (renewal) of the authorisation on the setting up a foreign representation offices in the Republic of Belarus set in motion before the entry into force of the present Resolution. Such administrative procedures are carried out in accordance

with the legislation which had been in force before the entry into effect of the present Resolution.

The authorisations on the setting up foreign representation offices in the Republic of Belarus issued before the entry into force of the present Resolution or after its entry into effect on the basis of decisions on administrative procedures stated in the second part of this item shall be valid until the expiration of the term for which they had been issued, with the exception of cases of foreign representation office activity termination on the grounds provided by the present Resolution

Prime Minister of the Republic of Belarus M. Myasnikovich

APPROVED

Resolution of the Council of Ministers
of the Republic of Belarus

31.12.2013 № 1189

REGULATIONS

on the procedure of opening and activity of
foreign representation offices in the Republic of Belarus

1. These Regulations are developed in accordance with item 2 of Article 51-1 of the Civil Code of the Republic of Belarus and establish the procedure of opening and activity of foreign representation offices in the Republic of Belarus.

2. Legal persons and other organisations, duly registered in a foreign country, the administrative bodies of administrative-territorial units of foreign states (hereinafter referred to as foreign organisations) are entitled to open on the territory of the Republic of Belarus their representation offices (hereinafter referred to as a foreign representation office, a representation office) on the basis of authorisations issued by the Ministry of Foreign Affairs, unless otherwise provided by legislative acts.

A foreign representation office is a foreign organisation's separate unit located on the territory of the Republic of Belarus, carrying out protection and representation of the interests of the foreign organisation and other functions which do not contradict the legislation of the Republic of Belarus.

A foreign representation office is not a legal entity.

3. A representation office of a foreign non-profit organisation can be opened only in the name and on behalf of the foreign organisation it represents for the carrying out of the following activities:

3.1. social support and protection of citizens, including the improvement of the financial conditions of low-income individuals, the social rehabilitation of the unemployed, disabled and other persons who due to their physical or mental characteristics or other circumstances cannot independently realise their rights and legal interests;

3.2. preparation of the population for the prevention of industrial and other accidents, any other dangerous technogenic situation, disasters, natural hazards, acts of the elements or other disasters, social, ethnic and religious conflicts and for the assistance in coping with its consequences, as well as the help to refugees, forced migrants and victims of repressions ;

3.3. Promotion of:

the strengthening of peace, friendship and concord amongst nations, prevention of social, ethnic and religious conflicts;

the strengthening of the prestige of family institution in society;

the protection of maternity, paternity and childhood;

the activity in the sphere of education, science, culture, art, enlightenment, spiritual development of an individual;

the activities in the field of disease prevention and health protection, as well as the popularisation of the healthy lifestyle, improvement of the moral and psychological state of the citizens;

the activity in the sphere of physical culture and mass sports;

3.4. protection of environment and animals;

3.5. protection and proper maintenance of buildings, structures and other objects and territories of historical, cultural, religious or environmental value and burial places;

3.6. other socially beneficial activities.

In order to promote international cooperation in the field of education, including the conclusion of agreements on cooperation between the organisations of the educational system of the Republic of Belarus and foreign educational organisations; to study the experience of Belarus education system organisations' functioning; to facilitate the exchange of experience and information in the field of education and science; to carry out informational campaign on the coverage of the educational activities of foreign educational organisations foreign representation offices can be opened.

Issuance of the authorisation on setting up of a representation office of a non-commercial foreign organisation in order to carry out any other than specified in sub-items 3.1 - 3.5 of the first part of this item socially beneficial activities is

performed by the Ministry of Foreign Affairs with the concurrence of governmental bodies of the Republic of Belarus.

4. Representation office of a commercial foreign organisation can be established, unless otherwise stipulated by the international treaties of the Republic of Belarus, or legislative acts of the Republic of Belarus, in the name and on behalf of the represented foreign organisation only for carrying out preparatory and auxiliary activities including:

effective promotion of the implementation of the international treaties of the Republic of Belarus on cooperation in the field of trade, economy, finance, science and technology, transport, the search for possibilities for its further development, improvement of forms of such cooperation, the establishment and expansion of economic, trade, scientific and technical information exchange;

study of commodity markets of the Republic of Belarus;

study of opportunities for investment in the territory of the Republic of Belarus;

the creation of commercial organisations with the participation of foreign investors;

Ticket sale and booking of air, railway, road and sea transport;

Other socially beneficial activities.

Issuance of the authorisation on the setting up a representation office of a commercial foreign organisation in order to implement other than specified in paragraphs two - six of the first part of this item socially beneficial activities is performed by the Ministry of Foreign Affairs with the concurrence of interested governmental bodies of the Republic of Belarus.

5. It is not allowed to establish representation offices of a foreign organisation whose activities are aimed at the overthrow or violent change of the constitutional system, the violation of the integrity and security of the state, the propaganda of war, violence, incitement to national, religious and racial hatred, as well as if their activities may cause damage to the rights and legitimate interests of the citizens.

6. Representation office is considered established and has the right to exercise on the territory of the Republic of Belarus activities aimed at achieving the purposes for which it has been set up, since the date of the receipt of the authorisation on the setting up at the Ministry of Foreign Affairs. This date is indicated on the backside of the authorisation on the setting up of a representation office and recorded in the register of representation offices created on the territory of the Republic of Belarus, which is organised in the manner determined by the Ministry of Foreign Affairs.

7. Representation of the interests of a foreign organisations by the persons sent on a business trip to the Republic of Belarus to negotiate can be carried out without the establishing of a representation office.

8. In order to obtain the authorisation on the setting up of a representation office a foreign organisation should submit to the Ministry of Foreign Affairs the following documents:

1) application that shall indicate:

the purpose(s) of setting up a representation office

the full title of the foreign organisation

the date when the foreign organisation was established

the location of the main office of the foreign organisation

the description of the activities of the foreign organisation

the information about the individuals authorised to carry out activities on behalf of the organisation in Belarus.

2) a copy of the document confirming the state registration of a foreign organisation by the authorised governmental body of the country of the organisation's foundation issued earlier than 3 months before the date of the submission of the documents to the Ministry of Foreign affairs for the issuance of the authorisation on the setting up of a representation office;

3) the Regulations on the representation office approved by the foreign organisation, stating the purpose(s) of the setting up of the representation office, its postal address, organisational structure, authorities of the head of the representation office, the procedure of the representation office's closing;

4) the program (project) - approved by the foreign organisation and relevant to the priority areas of its activity set of measures which is aimed at solving specific problems, which correspond to the purposes of the setting up of the representation office, providing terms and resources for their realisation (for the foreign organisations planning to carry out socially beneficial activity in the Republic of Belarus);

5) the power of attorney for the head of representation;

6) the power of attorney for the individual authorised to conduct activities related to the setting up of a representation office;

7) the document certifying a state fee payment for the authorisation on the setting up of a representation office.

The documents, indicated in paragraphs 2 - 6 of the first part of this item, drawn in a foreign language must be accompanied by a translation into the Belarusian or the Russian language (the accuracy of the translation or the authenticity of the translator's signature must be attested by a notary), and documents issued or certified (attested) by the authorised governmental bodies of foreign countries, are accepted if legalised unless otherwise stipulated by the international treaties of the Republic of Belarus.

9. Authorisation on the setting up of a representation office is issued for three years with an option to extend its validity for the same period. In order to extend the period of validity of the authorisation on the setting up of a representation office a foreign organisation must submit to the Ministry of Foreign Affairs the application and the document confirming the payment of the state fee for the renewal of the authorisation on the setting up of a representation office earlier than ten days prior to the expiration date.

10. Issuance (renewal) of the authorisation on the setting up of a foreign representation office is carried out by the Ministry of Foreign Affairs within ten days since the date of submission by the applicant of the documents specified in items 8 and 9 of the present resolution respectively. If the Ministry of Foreign Affairs considers it to be necessary to send a request to other governmental bodies or organisations the given period is extended up to one month.

11. The following information must be indicated in the authorisation on the setting up of a foreign representation office:

the name of the foreign organisation;

the name of the representation office (with the name and form of incorporation of the foreign organisation, as well as the state where the foreign organisation was established);

date of issue and the number of the authorisation;

the period for which the authorisation is issued;

The number of foreign citizens and individuals without citizenship - the employees of the representation office (must not exceed five persons).

12. In case of the change of the name or the form of incorporation of the foreign organisation that established a representation office, the head of this representation office must apply to the Ministry of Foreign Affairs within one month for the receipt of the authorisation on the setting up of a representation office in accordance with the procedure provided by item 8 of these Regulations.

In case of the loss (theft), unserviceability of the authorisation on the setting up of a foreign representation office upon the application of the foreign organisation a duplicate of the authorisation can be issued. The statement must specify the circumstances of loss (theft) of the previously issued authorisation. The

issuance of the duplicate of the previously issued authorisation is carried out by the Ministry of Foreign Affairs within ten days since the date of the submission of the application.

13. The foreign organisation which has established a representation office within the term and according to the procedure specified by the legislation of the Republic of Belarus is obliged to undertake registration in the tax and other governmental bodies of the Republic of Belarus, as well as to open accounts in banks of the Republic of Belarus in the cases and according to the procedure provided by law.

14. As part of the foreign organisation's approved programs (projects) foreign representation offices are allowed on a competitive basis to allocate financial, material and other resources (grants) to public organisations (associations) and natural persons. The allocation of resources (grants) beyond the realised programs and projects is prohibited.

15. The head of the representation office:

within one month since the date of the receipt of the authorisation on the setting up of a representation office sends to the Ministry of Foreign Affairs the written information about the staff profile, telephone numbers, faxes of the foreign representation office, as well as the registration of the foreign organisation by the tax and other governmental bodies of the Republic of Belarus;

in case of the change of the location of the representation office within ten working days notifies the Ministry of Foreign Affairs and other interested governmental bodies about the new location of the representation office indicating its postal address, telephone numbers, fax numbers; provides the relevant amendments to the Regulations on the representation office and submits them to the Ministry of Foreign Affairs as annexes to the Regulations, organised in accordance with the requirements established by the second part of item 8 of these Regulations;

once a year (from January 1 to January 10) submits to the Ministry of Foreign Affairs the written report on the activities of the representation office including information about the location, the staff profile, telephone numbers, faxes of the representation office, opened bank accounts of the foreign organisation, projects (programs) of the representation office, terms and resources for their implementation, the amount of the resources (grants) allocated to public organisations (associations) and citizens and their beneficiaries, as well as the description of the activity of the representation office thus far;

submits within ten days to the Ministry of Foreign Affairs a new power of attorney in case of expiry of the previous one;

performs other duties stipulated by the present Regulations and other legal acts.

The head of the representation office of a foreign educational organisation (institution) submits the report to the Ministry of Education within the period specified in the fourth paragraph of the first part of this item, which in addition to the information referred to in this paragraph shall include information about the number of the cooperation agreements with the organisations of the educational system of the Republic of Belarus, contracts with natural persons for education concluded with the participation of the representation office, about any other activities of the representation office according to the purposes of its opening, provided by the second part of item 3 of the present Regulations.

If the head of the representation office fails to perform the duties indicated in the first and second parts of this item, the Ministry of Foreign Affairs sends a written warning about the necessity to remedy the violations within one month since the date of warning issuance.

16. The Ministry of Foreign Affairs issues an ID card to the head of the representation office.

In order to receive an ID card the head of the representation office must submit to the Ministry of Foreign Affairs an application and two colour photos, reflecting his/her age, the size of 30 x 40 mm.

The Issuance of an ID card is carried out by the Ministry of Foreign Affairs within ten days since the date of submission by the applicant of the documents mentioned in the second part of this item.

In case of the termination of the powers of the head of the representation office the original ID card is to be submitted to the Ministry of Foreign Affairs within two working days.

17. Foreign representation offices must employ individuals in compliance with the requirements of the employment and labour legislation of the Republic of Belarus.

18. The activities of a representation office are terminated:

in case of the liquidation of a foreign organisation that established the representation office;

in case of the termination of the validity of an international treaty concluded by the Republic of Belarus, which served as the basis for the setting up of a representation office, unless otherwise provided by the treaty;

by the decision of the foreign organisation which established the representation office;

by the decision of the Ministry of Foreign Affairs if a representation office does not carry out the activities it was established for during a six-month period since the date of the setting up, as well as if the head of a representation office fails

to meet the requirement provided by the third part of item 15 hereof. The notification of the decision is sent by the Ministry of Foreign Affairs within 10 working days to the last known mailing address of the foreign organisation and its representation office;

on the basis of a court ruling if any other violations of the legislation of the Republic of Belarus took place;

in case of the expiry of the validity of the authorisation on the setting up of a representation office if it has not been renewed under the procedure provided by item 9 and 10 of these Regulations.

19. The Ministry of Foreign Affairs informs on a monthly basis in writing the Ministry of Taxes and Duties, State Customs Committee, the Ministry of Internal Affairs and the Belarusian Republican Unitary Insurance Company "Belgosstrakh" of established and terminated foreign representation offices on the territory of the Republic of Belarus.

20. A foreign organisation is obliged to close the representation office in compliance with the procedure provided by the Regulations on this representation office and within a month after that to submit to the Ministry of Foreign Affairs the following documents:

a copy of the bank's certificate that a current (operating) bank account is closed;

a copy of the certificate of the status of settlements with the budget issued by the tax inspection agency;

a copy of the certificate of absence (presence) of unpaid customs duties, fines, interest and unterminated obligations to the customs agency issued by the customs agency;

a copy of the document confirming the transfer of documents on the staff of the dissolved representation office to the territorial (city or district) archives;

the original authorisation on the setting up of the representation office.

Copies of the documents indicated in the first part of the present item are to be certified by the seal of the foreign organisation or the signature of the individual authorised to conduct activities related to the dissolution of the representation office.