

Decision of the Council of Ministers of the Republic of Belarus No. 929 of July 22, 1997 “On the Procedure of Opening and Operation of Missions of Foreign Organizations in the Republic of Belarus”

**On the Procedure of Opening and Operation of Missions of Foreign Organizations
in the Republic of Belarus**

Decision of the Council of Ministers of the Republic of Belarus

No. 929 of July 22, 1997

[As amended at May 22, 2004]

The Council of Ministers of the Republic of Belarus decrees:

1. To approve the attached Regulations on the Procedure of Opening and Operation of Missions of Foreign Organizations in the Republic of Belarus.

2. To establish that:

2.1. In the Republic of Belarus a registration fee shall be charged (unless otherwise stipulated by the international treaties of the Republic of Belarus):

from foreign companies and organizations:

for granting a permit to open a mission in the sum of 2,000 US Dollars;

for granting a permit to extend the operation period of a mission — in the sum of 1 thousand US Dollars;

from legal entities — residents of the member-states of the CIS:

for granting a permit to open a mission — in the sum of 1 thousand US Dollars;

for granting a permit to extend the operation period of a mission — in the sum of 500 US Dollars;

2.2. Granting permits to open and extend the operation period of missions of non-commercial foreign companies and organizations, as well as missions of those foreign companies and organizations, which are executing exclusively charity activities on the territory of the Republic of Belarus, shall be executed without payment of the registration fee.

2.3. legal entities of the countries — members of the Agreement on Cooperation in the Field of investment activities signed in the city of Ashgabad, dated December 24, 1993, with the aim of executing their activities in the Republic of Belarus shall

register on the territory of the Republic of Belarus an enterprise with the rights of a legal entity at the executive committee in the place of location of such enterprise, or a mission by means of accrediting it at the Ministry of Foreign Affairs;

affiliates of legal entities of the countries — members of the above Agreement who have received, prior to adoption of the present Decision, a permit at the executive committee to locate on the territory of the Republic of Belarus, without registration on its territory, an enterprise with the rights of a legal entity, or a mission of a foreign legal entity without accreditation at the Ministry of Foreign Affairs, shall execute, before 1 August 1998 registration at the executive committee of the place of location as an enterprise with the rights of a legal entity of the Republic of Belarus, or at the Ministry of Foreign Affairs as a mission;

operation of legal entities of the countries — members of the above Agreement in any other organizational and legal forms on the territory of the Republic of Belarus shall be prohibited.

3. To recognize invalidated the Decision of the Council of Ministers of the BSSR, dated June 21, 1991, No. 242 “On Approval of the Regulations on the Procedure of Opening and Operation in the Republic of Belarus of Missions of Foreign Companies and Organizations, of Branches (Affiliates) thereof” (Collection of Decisions (CD) of the BSSR, 1991, No. 18, art. 217).

Approved
by the Decision of the
Council of Ministers of
the Republic of Belarus
No. 929 of July 22 1997

Regulations on the Procedure of Opening and Operation of Missions of Foreign Companies and Organizations in the Republic of Belarus

1. Foreign companies and organization (hereinafter — foreign companies) shall open their missions on the territory of the Republic of Belarus upon the permit of the Ministry of Foreign Affairs.

Permits to open may be granted on the basis of international treaties, concluded by the Republic of Belarus with foreign states.

Accreditation of missions of regions, lands, other administrative units, institutions and departments, interested in representing their economic interests on the territory of the Republic of Belarus, shall be executed by the Ministry of Foreign Affairs of the Republic of Belarus.

2. As a mission of a organization shall be understood its isolated structural department, located on the territory of the Republic of Belarus, through which representative and other functions not in conflict with the legislation of the Republic of Belarus in the interests of a foreign legal entity.

A mission of an organization is not a legal entity.

Missions of foreign countries whose activities are regulated by the present Regulations shall have the right to execute their own economic activities on the territories of the Republic of Belarus only on behalf of the organization represented by it.

3. Missions of foreign companies may be opened with the following purposes: execution of activities on behalf and upon direction of the organization represented by it, the name thereof being indicated in the permit to open a mission, inclusive:

3.1. for a mission of the commercial organization:

efficient assistance to implementation of international treaties of the Republic of Belarus on cooperation in the sphere of trade, economy, finance, science and technology, transport, search of possibilities for their further development, improvement of form of these cooperation, establishment and expansion of volume of economic, commercial, and scientific and engineering information;

investigation of commodity markets of the Republic of Belarus;

investigation of possibilities for investments activities in the Republic of Belarus, of establishment of foreign and joint enterprises;

creation of the foreign and joint enterprises;

promotion of developments of the trade economic relations between countries;

presentation and protection of the interests of the company;

sale and booking tickets of the companies of air, railway, automobile and sea transports;

execution of other activities not prohibited by the legislation of the Republic of Belarus for these missions.

3.2 for the mission of a non-commercial organization:

social support and protection of citizens including the improvement of the financial state of the power, social rehabilitation of the unemployed, invalids and other persons who because of their physical or intellectual peculiarities, other circumstances cannot independently realize their rights and legal interests;

training of the population to overcome the consequences of the natural disasters, ecological, industrial and other catastrophes, to prevention of accidents;

granting aid to the victims of the natural disasters, ecologic, industrial and other catastrophes, social, ethnic, religious conflicts, victims of repressions, refugees and forces migrants;

assisting the strengthening of peace, friendship and consent among nations, prevention of social, ethnic and religious conflicts;

assisting the strengthening of prestige of the family in the society;

assistance to the protection of motherhood, childhood, and fatherhood;

assistance to the activity in the sphere of education , science, culture, art, enlightenment, spiritual development of a person;

assistance to the activity in the sphere of prophylactics and protection of health of the citizens, and also propaganda of the healthy way of life, improvement of the moral psychological state of the citizens;

assistance in the activity in the sphere of physical culture and mass sport;

protection of the environment and protection of animals;

protection and duly maintenance of the buildings and other objects and territories having the historical, cultural, cult or nature protection importance and burial places;

in other public useful purposes.

For the purposes to hold an advertising and informational work, study of experience of activity of educational organizations of the Republic of Belarus, assisting to concluding agreements on cooperation between educational organizations, promotion of experience exchange and information exchange in the sphere of education and science, missions of educational organization may be opened.

Issue of the permission on opening the mission for the other public useful purposes is carried out by the Ministry of Foreign Affairs under the agreement with the state bodies that are interested.

4. Activity of the mission of the non-commercial organization and commercial organization for the purposes provided in the sub-point 3.2 of point 3 of the present Regulation is carried out on the ground of the programs and projects appropriate to the priority directions of activity of the organization approved by the highest body of its management.

Program and the project of the mission of the organization is a complex of measures directed on decision of the concrete tasks according to the purposes of opening the mission providing the terms and resources for their fulfillment.

Within the frameworks of the programs and projects by the missions of the organizations at the competitive basis the financial, material and other resources (grants) can be presented by the public associations (organizations).

Giving the grants by the missions of the organization outside the realized programs and projects is prohibited.

5. In order to receive a permit to open a mission, an organization shall submit to the Ministry of Foreign Affairs the following documents:

5.1. an application, in which the following should be indicated:

the aim (aims) of opening a mission;

complete name of the company;

date of establishment of the company;

location of the main office;

description of the activities of the company;

information about the persons authorized to run business on behalf of the company in the Republic of Belarus;

5.2. copies of constituent documents of the organization, legalized in the established order;

5.3. a copy of a document, confirming the state registration of the company in the authorized body of the country of the applicant (excerpt from the Trade Register, a registration certificate of the company, etc.), legalized in the established order;

5.4. a proxy to the name of the manager of the mission of the company, legalized in the established order;

5.5. a recommendation letter of the bank, which is serving the company;

5.6. a copy of a special permit from state bodies of the location country of the company, if required by the legislation of the applicant's country;

5.7. Regulations (Statute) of the mission, in which the following should be indicated: the aim (aims) of opening of the mission on the territory of Republic of Belarus, the legal status, the address, the organizational structure, the competence of the manager of the mission, the order of closing the mission;

5.8. a proxy to the name of the person, authorized to execute actions, connected with opening of a mission, legalized in the established order.

6. The documents, indicated in items 4.2–4.6, shall be submitted in one of state languages of the Republic of Belarus. The translation of documents must be certified in the established order by a notary, or by diplomatic or consular institutions of the Republic of Belarus abroad.

7. Accreditation of missions of regions, lands and other administrative units, institutions and departments of foreign states may be executed on the basis of international treaties without submission of the typical package of documents envisaged by items 5.1–5.6.

8. The organization shall pay, prior to receiving the permit to open and to extend the period of activities of its mission in the Republic of Belarus, the established fee to Ministry of Foreign Affairs, unless otherwise stipulated by the international treaties of the Republic of Belarus and by the present Regulations.

In receiving a permit to open or to extend the period of activities, a document shall be submitted to confirm the payment of the established fee, unless otherwise stipulated by the international treaties of the Republic of Belarus and by the present Regulations.

9. Missions of organizations may be opened for the period of up to three years with a possibility of further extension of the activities for the same period under the condition of addressing to the Ministry of Foreign Affairs of the Republic of Belarus not later than one month before the termination of the permit to open a mission.

The Ministry of Foreign Affairs of the Republic of Belarus shall be entitled to take a decision to extend the period of accreditation of the mission under the condition of a proven appeal by the organization within three months since the termination of the permit to open a mission.

The period of accreditation of missions of regions, lands, other administrative units, institutions and departments of foreign states, opened on the basis of international treaties of the Republic of Belarus, shall not be limited.

10. A mission shall be considered opened since the date of granting a permit by the Ministry of Foreign Affairs of the Republic of Belarus, in which the following is indicated:

name of the organization;

aim of opening the mission;

conditions, on which the organization was permitted to open a mission;

date of issue and the number;

period to which the permit is issued;

number of foreign citizens — employees of the mission.

11. Mission of the organization have the right to carry out the activity directed on achieving he aims, for which it is opened, form the moment of reception of permit to open mission.

Activity of the foreign organization on the territory of the Republic of Belarus without opening a mission is prohibited. A permit to open a mission shall serve as the basis for:

11.1. addressing:

to diplomatic missions and consular institutions of the Republic of Belarus abroad for receiving visas to enter the Republic of Belarus for foreign citizens — employees of the missions, members of their families and managers of foreign companies, having their missions on the territory of the Republic of Belarus, in case the visa support of the Ministry of Foreign Affairs is available;

to the authorized bodies of the Republic of Belarus to get a permit to employ foreign employees in the mission for the period of its operation;

to the authorized body of the Republic of Belarus for registration of passports and for receiving visas for foreign employees of the mission;

to the authorized body of the Ministry of Internal Affairs for reception of permit to make the seal of the mission.

11.2. opening of accounts in banks of the Republic of Belarus;

11.3. registration and receiving in the bodies of State Road Police of the Ministry of Interior Affairs of the Republic of Belarus of corresponding number plates for the automobile transport which is at disposal of the mission;

11.4. executing customs clearance of imported things (property, equipment), necessary for operation of the mission;

11.5. putting on account in tax body.

12. The permit to open a mission may be denied in the event if:

the necessary documents were not submitted;

the data was reported which is not truthful;

the activities of the organization is contradictory to the legislation of the Republic of Belarus.

13. A permit shall lose its force if an organization has not used its right to open a mission within six months after the date of being input into the Register of missions opened on the territory of the Republic of Belarus.

14. Decision of the Ministry of Foreign Affairs on refusal to permit to open a mission, and also decision on termination of the activity of the presentation can be appealed by the organization in judicial order.

15. The organization shall:

authorize its representative to execute the necessary actions connected with opening of a mission on the territory of the Republic of Belarus;

pay the fee established for opening a mission prior to issuance of a permit to open a mission, unless otherwise stipulated by the international treaties of the Republic of Belarus and by the present Regulations;

design and approve Regulations (Statute) of the mission, regulating its operation on the territory of the Republic of Belarus;

notify in writing, within the period of one month before the end of the period of the permit, the Ministry of Foreign Affairs about the desire to extend the period of activities of the mission on the territory of the Republic of Belarus;

make the payment, prior to the end of the period for which the permit was granted, of the fee established for the extension of the period of activities of the mission, unless otherwise stipulated by the international treaties of the Republic of Belarus and by the present Regulations;

notify in writing, in the event of taking a decision about closing the mission, the Ministry of Foreign Affairs about the decision taken;

authorize a representative of a organization to execute all the necessary actions, connected with the closing of the mission.

16. A mission, within the period, determined by the legislation of the Republic of Belarus, must get registered as a tax-payer in taxation, as well as other bodies of the Republic of Belarus in compliance with the regulations in power.

A mission shall be governed by the normative acts of the Republic of Belarus on issues of accountancy and reporting; shall pay taxes, duties and make deductions in compliance with the legislation of the Republic of Belarus.

17. The Ministry of Foreign Affairs of the Republic of Belarus shall:

take, within one month after submission of the documents, a decision to issue, or to deny issuance of the permit to open a mission;

inform, on a monthly basis, the Ministry on Taxes and Dues about the opened and closed missions of foreign companies;

keep centralized accounting of missions, opened in the Republic of Belarus;

deliver for publication in mass media the lists of opened and closed representatives on the territory of Republic of Belarus;

notify in writing, in the event of taking a decision about closing a mission, the organization or other body who opened the mission, about the decision taken;

if necessary, request additional information from the Republican bodies of state management of the Republic of Belarus, as well as from diplomatic missions about the activities of the organization;

exercise control over compliance of the activity of the mission to the requirements of the present Regulations;

pass the written warning in case of revealing the facts of violation by the mission of the requirements of the present Regulations.

18. The manager of the mission of a organization shall:

act on the basis of a proxy legalized in the established order;

notify, within the terms as stipulated by the legislation of the Republic of Belarus, the interested bodies about the location of the mission with indication of the mail address, telephone numbers, fax numbers, as well as submit the staff schedule;

timely inform the Ministry of Foreign Affairs about any changes, taking place in the activities of the mission;

submit, once every half a year (from 1 to 10 July and from 1 to 10 January), a written report about the operation of the mission to the Ministry of Foreign Affairs.

The head of the representative office of the organization of education in the report represented to the Ministry of Foreign Affairs in addition specifies the amount of contracts with natural persons for the training, concluded with participation of representative office, quantity of workers in representative office, including of hourly payment, the list of rendered services, including for payment. The given data also is represented to the Ministry of Education in the terms, established by the present Regulations.

To the information included to the report on activity of the mission of the organization the information on location of the mission, its employees, projects and programs realizes, terms and resources for their fulfillment, size of the grants issued to the public associations and citizens and their receptors and also other information determined by the Ministry of Foreign Affairs upon the agreement with the interested state bodies are included.

19. Missions must open their accounts in the authorized banks of the country of stay.

20. Legal entities or individuals of the Republic of Belarus whose activities in relation to foreign legal entities is regulated by sub-item "b" of item 3 of Article 7 of the Law of the Republic of Belarus "On Taxes on Profit and Incomes of Enterprises, Associations and Organizations" shall undergo registration by means of being registered at the tax bodies in the place of their location as a permanent mission of a organization. In this case no accreditation is needed at the Ministry of Foreign Affairs.

21. Accreditation of employees of missions of foreign companies from among foreign citizens shall be executed by the Ministry of Foreign Affairs of the Republic of Belarus within the limits indicated in the permit to open a mission.

Accreditation of the manager of a mission of an organization shall be executed on the basis of a proxy, issued by the organization and legalized in the established order.

The accredited employees of the mission of an organization shall be given service (business) cards of the established form.

Service cards shall be delivered to the authorized body in the event of termination of the activities of their owner in the mission.

22. Employment of citizens of the Republic of Belarus in missions of foreign companies is executed on the basis of labour agreements (contracts) in compliance with the legislation of the Republic of Belarus.

23. If the state bodies reveals the violations of the legislation of the Republic of Belarus by representative offices of the foreign organizations, the information about this violations must be directed to the Ministry of Foreign Affairs during a month after its revealing.

For the violation of the requirements of this Decision by representative offices of the organizations, the Ministry of Foreign Affairs issues a warning to eliminate of such violations. The written warning must be given on hands or mailed to the head of the representative office not later than three days from the moment of issuing of such warning.

24. Operation of missions of foreign companies shall be terminated:

in the event of liquidation of the organization;

in the event of termination of the concluded international treaty, on the basis of which the mission was opened, in case it is envisaged by the treaty;

upon a decision of the organization that opened the mission;

upon a decision of the court in the event of breaching the legislation of the Republic of Belarus;

upon a decision the Ministry of Foreign Affairs of the Republic of Belarus in the event of breaching by the mission of the order of activities established by the present Regulations.

25. In the event of closing a mission, the organization or the body who opened the mission shall submit to the Ministry of Foreign Affairs of the Republic of Belarus the following:

an application to close the mission;

a bank's certificate about closing of the current account;

a certificate of the state taxation inspection about settlements performed with the budget;

a receipt from the bodies of interior affairs about liquidation of seals (stamps);

the original of the permit to open the mission;
service cards.