

# Decree of the President of the Republic of Belarus

28 November 2003

No. 24

Minsk

## On the Receipt and Use of Free Foreign Aid

For the purposes of improving the procedure of the receipt and use by organizations and individuals in the Republic of Belarus of free aid, provided by foreign states, international organizations, foreign organizations and citizens, as well as non-citizens and anonymous donors and in accordance with part three of Article 101 of the Constitution of the Republic of Belarus herewith I rule:

### 1. to establish that:

1.1. free foreign aid means monetary means, including foreign currency; goods (property), provided free of charge for use, ownership and administration to organizations and individuals in the Republic of Belarus (further receivers) by foreign states, international organizations, foreign organizations and citizens, as well as non-citizens and anonymous donors.

This Decree:

does not cover international technical assistance and other types of free foreign aid provided under the projects and programs approved by the President of Belarus, as well as under interstate agreements, to which Belarus is a party;

does not infringe on the rights of foreign citizens, who, under provisions of international agreements, to which Belarus is a party, enjoy rights equal to the rights of Belarusian citizens in the area of civil relations;

1.2. free foreign aid is to be registered in the Department on Humanitarian Activities of the Property Management Department of the President following the application submission.

Volumes of monetary means, goods (property) cost and types of free foreign aid not subject to registration are determined by the Property Management Department of President given the approval of the president of Belarus, with due account of the nature and purpose of the aid.

Document to prove the registration of free foreign aid is a certificate issued by the Property Management Department of the President of Belarus.

The use of free foreign aid subject to registration prior to the receipt of the certificate is prohibited.

Procedure to register free foreign aid is established by the Property Management Department of the President of Belarus.

2. Free foreign aid received in cash, including foreign currency, shall be put on bank account in Belarus within five banking days from the day of its receipt or delivery on the territory of Belarus.

Cash money, including foreign currency brought onto the Belarusian territory, provided it will be used as a free foreign aid, with the exception of money brought from member-states of the Customs Union is subject to mandatory Customs declaration in written form by individuals bringing the money through the Customs border of Belarus.

3. Free foreign aid provided for purposes set forth in part one of Item 4 of this Decree shall be exempt from Customs clearance fees, Customs duties, VAT, excise tax, profit tax and income tax by the Property Management Department of the President of Belarus given the approval of the president of Belarus.

Receivers of free foreign aid are liable to submit to the Customs office covering this area and (or) inspection of the Ministry on Taxes and Collections where they are registered as tax-payers an appropriate application and copies of the certificate of registering free foreign aid, specifications on free foreign aid provided in goods (property) with the indication of their names, quantity, cost and plan of intended use (distribution) of free foreign aid approved by the Department on Humanitarian Activities of the Property Management Department of the President of Belarus.

4. Free foreign aid shall be used for:

reducing the effects of emergencies of natural or technical nature;

conduct of scientific research, development and education, as well as implementation of scientific research programs;

Promotion of protection, renovation, creation of historic and cultural values, development of bio reserves;

Provision of medical aid;

Provision of social aid to low-income and socially insecure citizens;

Other purposes as determined by the Property Management Department of the President of Belarus with the approval of the President of Belarus.

Free foreign aid, as well as property and other means received from the sales thereof cannot be used for executing activities aimed at changing the Constitutional system of Belarus, seizing or toppling state power, instigating such actions; propaganda of war or violence for political purposes, inciting social, national, religious and racial hatred; for other purposes prohibited by law.

Free foreign aid of any kind, as well as property and other means received from sales thereof cannot be used for preparation and conduct of elections, referenda, recall of a deputy, Council of the Republic member; organization and conduct of meetings, rallies, marches, demonstrations, picketing, strikes, production and distribution of canvassing materials, as well as for the conduct of seminars and other forms of political and mass agitation work among population.

State control over the declared use of free foreign aid by its receivers is exercised by the Committee of State Control, Interior ministry, Taxes and Collections Ministry, KGB, State Customs Committee and their local offices, Property Management Department of the President of Belarus, other state agencies and organizations in compliance with the law.

5. Establish that:

5.1. In case receivers disregard the requirements set by parts one, two and three of item four of this Decree, they pay taxes, tariffs, fees and dues in compliance with the law.

Receivers, i.e. organizations that did not use free foreign aid (fully or partially) in compliance with declared purposes shall be fined up to 100% of the cost of received free foreign aid or the received goods (property) shall be confiscated. Money received as fine and from sales of confiscated property shall be transferred to the country's central budget.

Disregarding requirements set forth in parts one, two and three of item four of this Decree by trade unions and other NGO's, foundations, other non-profit organizations, as well as receipt of free foreign aid by political parties, its local offices may entail liquidation (termination of operations) of the above receivers in an established even for one-time violation.

Provision by representative offices of foreign organizations, international NGO's on the territory of Belarus of free foreign aid for purposes prohibited by parts two and three of item four of this Decree may entail termination of operations of the above offices in an established order.

Foreign citizens and non-citizens providing free foreign aid for purposes prohibited by parts two and three of item four of this Decree may be deported from Belarus in an established order.

Prosecution measures established by parts two and three of this sub-item shall be applied through court procedure in compliance with the law.

5.2. Use of free foreign aid by receivers prior to securing the certificate entails 50-200 basic value fine imposed on leaders of organization.

5.3. failure to use free foreign aid, as well as property and other means, received from sales thereof, or use of such aid and (or) means for purposes prohibited by parts two and three of item four of this Decree entails 100-300 basic value fine imposed on leaders of organizations and 20-200 basic value fine imposed on individuals followed by forfeiture of this aid and (or) means received from sales thereof;

5.4. failure to put free foreign aid received in cash, including foreign currency on bank accounts in Belarus within five banking days from the moment of its receipt or bringing onto the territory of Belarus entails 100-300 basic value fine on leaders of organizations and 20-200 basic value fine on individuals;

5.5. the right to draw reports on Admin code violations set forth in sub-items 5.2 and 5.3 of this item is provided to authorized officers of the State Control Committee, Interior Ministry, Taxes and Collections Ministry, KGB, State Customs Committee and its local offices, Property Management Department of the President of Belarus; reports on Admin code violations set forth in sub-item 5.4 of this item is provided to authorized officers of the Interior ministry and its local offices. Above violations shall be prosecuted in court.

6. Council of Ministers of Belarus together with Property Management Department of the President of Belarus shall within two months:

- take necessary steps to implement this Decree;
- bring existing laws in conformity with this Decree.

7. This is to announce void:

Decrees #8 of March 12, 2001; Decree #28 of November 13, 2001; Item 5 of Decree #2 of February 15, 2002; Item 12 of the Decree #10 of April 4, 2002; sub-item 2.5 of item 2 and paragraph three of sub-item 3.1 of item three of the Decree #11 of April 19, 2002; paragraph 12 of Item 1 of the Decree #33 of August 30, 2002.

8. This decree comes into effect in ten days after its official publication, acts temporarily and in compliance with Article 101 of the Belarusian Constitution shall be submitted for consideration to the National Assembly of Belarus

President

A. Lukashenko