

Council of Ministers of the Republic of Belarus

**DECREE**

No. 27 of 10 January 1998

Minsk

**ON THE IMPROVEMENT OF STATE CONTROL OF THE PASSAGE OF SPECIFIC GOODS (WORK, SERVICES) THROUGH THE CUSTOMS BORDER OF THE REPUBLIC OF BELARUS**

In the aims of improving state control of the passage of specific goods (work, services) through the customs border of the Republic of Belarus, ensuring national and international security, and fulfilling the international obligations undertaken by the Republic of Belarus, the Council of Ministers of the Republic of Belarus DECREE:

1. To enact for the territory of the Republic of Belarus a uniform procedure for licensing the export (import) of specific goods (work, services).

The export of specific goods (work, services) to the Russian Federation is contingent on the registration of the contract with the Ministry of Foreign Economic Relations after it has been approved by the Republic of Belarus authority on export and import control of specific goods (work, services).

2. To adopt the attached Statute on the Procedure for Licensing the Export (Import) of Specific Goods (Work, Services) and the Statute on the Procedure for Preparing Obligations To Use Exported (Imported) Specific Goods (Work, Services) for the Declared Purposes and Organizing Control of Their Fulfillment.

3. To establish that:

foreign trade operations involving specific goods (work, services) shall be carried out in consideration of the requirements of the Statute on the Procedure for Licensing the Export (Import) of Specific Goods (Work, Services) adopted by the present decree; the publication by mass media of information about the passage of specific goods (work, services) through the customs border of the Republic of Belarus, the announcements of this information on television and radio and in reports at seminars, conferences, and international forums, and the presentation of statistical reports and information at the request of state agencies shall be done with the permission of the Republic of Belarus authority on export and import control of specific goods (work, services) and in compliance with the norms of the Republic of Belarus Law "On State Secrets";

draft decisions of the Republic of Belarus Government and draft international treaties on export control shall be submitted to the Council of Ministers of the Republic of Belarus upon the approval by the Ministry of Foreign Economic Relations and by the Republic of Belarus authority on export and import control of specific goods (work, services).

4. For the Ministry of Foreign Economic Relations together with the State Customs Committee within a two-month period to develop and adopt:

4.1. lists, approved by the interested parties, of the specific goods (work, services) for which the export (import) is subject to licensing in accordance with the present decree:

- nuclear materials and equipment, special non-nuclear materials, and corresponding technologies that can be used to make nuclear weapons;

- chemicals, equipment, and technologies that have a peaceful use, but can be used to make chemical weapons;
  - agents of disease (pathogens) in humans, animals, or plants, genetically altered forms of them, fragments of genetic material, and equipment that can be used to make bacteriological (biological) and toxin weapons;
  - equipment, materials, and technologies used to make rocket weapons;
  - military goods (work, services) ;
  - dual-use goods and technologies;
  - coding means (work, services), including coding equipment, as well as special technical devices for surreptitiously obtaining information;
- 4.2. forms for an import certificate, a delivery confirmation certificate, an end user certificate, and an application for issuance of an import certificate;
- 4.3. procedures for compiling and exchanging information with interested parties on the passage of specific goods (work, services) through the customs border of the Republic of Belarus;
- 4.4. instructions on the procedures for issuing licenses for foreign-trade operations involving specific goods (work, services), registering contracts, and preparing applications for issuance of these documents.
5. For the Ministry of Foreign Economic Relations to:
- license the export of specific goods (work, services) and the import of military goods (work, services) and coding means;
  - coordinate the interactions of the interested ministries and other state administrative agencies of the republic on questions of export control;
  - prepare, record, and monitor the issued licenses and import certificates related to the export (import) of specific goods (work, services);
  - perform pre- and post-licensing verifications on questions of foreign-trade operations involving specific goods (work, services);
  - verify the use of imported dual-use goods for the declared purposes.
6. For the Ministry of Defense, the Ministry of Foreign Affairs, the Ministry of the Economy, the Ministry of Industry, the Ministry of Health Care, the State Security Committee, the Committee for Supervising the Safe Conduct of Work in Industry and Nuclear Energy under the Ministry for Emergency Situations, and the Belarus National Academy of Sciences within one month to designate subdivisions for organizing the work of export control within the established limits of staff size and wage fund.
7. For the managers of enterprises, associations, organizations, and establishments that manufacture specific goods and (or) perform specific work or offer specific services within one month to designate the persons (not less than two) responsible for ensuring compliance with the requirements of the present decree.
8. For the Committee for Supervising the Safe Conduct of Work in Industry and Nuclear Energy under the Ministry for Emergency Situations together with the interested parties within three months to organize control over the movement within the territory of the Republic of Belarus of goods under safeguards of the International Atomic Energy Agency and to ensure the physical security of those goods.
9. For the State Security Committee within three months to organize at the National Security Institute the initial and advanced training of personnel engaged in export control.
- The expenses related to the training of specialists at this institute shall be funded by the delegating organizations.
10. To establish that payment to the republic budget:

10.1. shall be made for:

- issuing an individual license and registering a contract for the export of specific goods (work, services) in the sum of 0.5 percent of the transaction amount, but not less than 20 minimum wage units;
- issuing a general license for the export of specific goods (work, services) in the sum of 1 percent of the contract amount, but not less than 40 minimum wage units (the fee for a general license shall be enumerated when the contract and the additional agreements thereto are submitted to the Ministry of Foreign Economic Relations);
- making changes in a previously issued license for the export of specific goods (work, services) in the sum of 10 minimum wage units;
- issuing a duplicate license for the export (import) of specific goods (work, services) in the sum of 10 minimum wage units;
- issuing an import certificate and a duplicate thereof in the sum of 10 minimum wage units;
- extending the duration of a license for the export (import) of specific goods (work, services) in the sum of 10 minimum wage units;
- issuing a delivery confirmation certificate in the sum of 2 minimum wage units;

10.2. shall not be made for:

- issuing a license and registering a contract for the export of specific goods (work, services) under intergovernmental agreements;
- issuing a license for the import of military goods (work, services) and coding means (work, services), including coding equipment, as well as special technical devices for surreptitiously obtaining information.

If the transaction obligations under an issued license for the export (import) of specific goods (work, services) are not fulfilled for reasons not dependent on the business subject, the license issuance fee shall be returned to the subject with a deduction of 20 minimum wage units. If such a license is canceled by an authorized state agency for reasons not dependent on the business subject, 50 percent of the fee paid for the license shall be returned to the subject if the actual fulfillment of this license comprises less than 50 percent of the transaction price.

11. That persons guilty of violating the requirements of the present decree shall bear responsibility in accordance with the laws of the Republic of Belarus.

12. To repeal:

- decree of the Council of Ministers of the Republic of Belarus No. 366-15 of 16 June 1992 "On the Export of Certain Types of Military Products";
- decree of the Council of Ministers of the Republic of Belarus No. 516 of 21 August 1992 "On the Establishment in the Republic of Effective Control in the Area of the Export of Specific Goods (Services)";
- decree of the Council of Ministers of the Republic of Belarus No. 81-3 of 19 February 1993 "On Amending the Decrees of the Council of Ministers of the Republic of Belarus No. 366-15 of 16 June 1992 and No. 516 of 21 August 1992."

Prime Minister  
Republic of Belarus  
S. Ling