

Edict of the President of the Republic of Belarus

No. 460 of July 17, 2006

[Amended as of June 11, 2009]

On Measures of State Regulation of Importation and Exportation of Specific Goods (Works, Services)

In the purposes of improvement of the state regulation of importation and exportation of the specific goods (works, services), fulfillment of the international obligations of the Republic of Belarus I enact:

1. To approve the enclosed:

Regulations on the procedure of licensing of importation and exportation of the specific goods (works, services) in the Republic of Belarus;

Regulations on the procedure of registration of the obligations on using of imported specific goods (works, services);

Regulations on the procedure of organization of control over fulfillment of obligations on using of imported (exported) specific goods (works, services) in the declared purposes.

2. To set forth that:

2.1. measures of state regulation of importation and exportation for non-economic purposes are carried out in respect of the following kinds of specific goods (works, services) which are included in the lists of specific goods (works, services):

causative agents (pathogens) of man, animals and plants, their genetically modified forms, fragments of genetic material and equipment that can be used in development of bacteriological (biological) and toxic weapons;

chemicals, equipment and technologies of peaceful use, but which can be used in development of chemical weapons;

nuclear materials, equipment, special non-nuclear materials and appropriate technologies that can be used in development of nuclear weapons;

equipment and materials of dual application, respective technologies applied for nuclear purposes (related to the nuclear fuel circle and the production of nuclear materials);

equipment, materials and technologies used in development of rocket weapons and other means of delivery of nuclear, chemical, bacteriological (biological) and toxic weapons;

goods and technologies of dual application which can be applied in development of weapons and military equipment;

production of military purposes;

cryptographic devices (works, services) including cryptographic equipment, as well as special technical articles designed for secret obtaining of information (hereinafter referred to as “cryptographic and special devices”);

2.2. the lists of specific goods (works, services) provided for in subclause 2.1 of the present clause are approved by the State Military Industrial Committee upon agreement with the State Customs Committee, and applied for the purpose to establish whether the importation and exportation of the specific goods (work, services) are subject for licensing or applying for other permits specified in subclause 2.8 of this clause, as well as for the purposes of customs registration;

2.3 classification of goods, information, works, services, results of the intellectual activities as specific goods (works, services) (hereinafter – the identification) is made by the legal and natural persons of the Republic of Belarus intended to carry out the foreign economic activity in respect of specific goods (works, services) on their description, technical characteristics, as well as according to the Commodity Nomenclature of Foreign Economic Activity of the Republic of Belarus.

When it is impossible to identify definitely the goods, information, works, services, results of the intellectual activities as specific goods (works, services), the state bodies, legal and natural persons shall refer, in the order established in the legislation of the Republic of Belarus, to the State Military Industrial Committee with application for identification.

The State Military Industrial Committee shall organize the identification procedure and issues a conclusion. The identification of goods, information, works, services, the results of the intellectual activities is executed by:

the Ministry of Defense – in respect of production of military purposes;

the State Security Committee – in respect of cryptographic and special technical equipment;

the National Academy of Sciences of Belarus, other state bodies (organizations) within their competence – if the knowledge in the sphere of science and technology is needed for execution of identification.

The National Academy of Sciences of Belarus performs the identification on the requests of legal and natural persons on the contractual basis.

When it is necessary, the State Military Industrial Committee has the right to organize the execution of identification on the commission basis with experts' involving;

2.4. If at customs registration, importation and exportation of goods (information, works, services) including the goods containing the results of intellectual activities the grounded doubt arises at the customs body (another state body) about correctness of their identification as specific goods (works, services), the customs body (another state body) shall forward to the State Military Industrial Committee the request on execution of identification of them;

2.5. The State Military Industrial Committee issues the licenses for:

importation of the production of military purposes, cryptographic and special technical equipment;

exportation of the specific goods (works, services);

rendering of intermediary services by legal persons of the Republic of Belarus related to the transfer (delivery) of the specific goods from one foreign state to another.

The State Military Industrial Committee carries out registration and issue of licenses, keeps records of the issued licenses;

2.6. the state duty is collected in accordance with legislative acts for issue of single and general licenses for importation (import) of the production of military purpose, cryptographic facilities (works, services) including cryptographic equipment and special technical products intended for private obtaining of information and exportation (export) of the specific goods (works, services), single licenses for re-import, importation for processing, temporary importation of the production of military purpose, cryptographic and special technical equipment, re-export, exportation for processing, temporary exportation including in case of giving in rent, of the specific goods (works, services), introduction of changes and (or) additions into license, issue of license duplicate, issue of import certificate and its duplicate, as well as of license for rendering intermediary services by legal persons of the Republic of Belarus connected with transfer of the specific goods from one foreign state to another;

2.7. *Excluded;*

2.8. importation of the production of military purpose, cryptographic and special technical equipment and export of the specific goods (works, services) are carried out without registration:

2.8.1. in accordance with the international treaties of the Republic of Belarus (under the documents provided by given international treaties);

2.8.2. under the permit of the standard pattern issued by the resolution of the Interdepartmental Commission on Military Technical Cooperation and Export Control at the Security Council of the Republic of Belarus (hereinafter – Interdepartmental commission),

the Ministry of Defense, the Ministry of Internal Affairs, the State Security Council, the Border Committee in cases of:

carrying out peacekeeping actions;

exercise of training on the territory of the Republic of Belarus or other states;

temporary importation and temporary exportation of the specific goods for repair, guarantee service, modernization;

importation in the purposes of purchase for own needs by the republican bodies of state administration indicated in paragraph one of the present subclause;

2.8.3. in the case of:

return of the specific goods to consignor, except for the production of military purposes, cryptographic and special technical equipment, after their temporary placement on the territory of the Republic of Belarus, is carried out without drawing up (issue) of licenses;

exportation of the specific goods on the reclamation acts for their repair or exchange under the guarantee except for production of the military purposes, cryptographic and special technical equipment;

2.9. exportation of the production of military purpose, cryptographic and special technical equipment earlier temporarily imported into the territory of the Republic of Belarus under the licenses on importation for processing, temporary importation is carried out under the same licenses;

importation of the production of military purpose, cryptographic and special technical equipment temporarily exported earlier from the territory of the Republic of Belarus under the licenses on exportation for processing, temporary exportation, giving in rent are carried out under the same licenses;

2.10. the procedure of importation and exportation of chemicals covered by the control regime of the Convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction signed on January 13, 1993 in Paris, transit of the specific goods across the territory of the Republic of Belarus, as well as exportation of jet fuel is specified by the other acts of legislation, unless otherwise set forth by the President of the Republic of Belarus;

2.11. providing of information about the actually imported and exported specific goods (works, services) for the purposes not related to the export control, publication of statistical reports and other documents contained such data, or dissemination of such information in the mass media, Internet network, as well as use of them in the international cooperation, organization and holding of sessions, seminars, conferences, forums, including international ones, shall be carried out by upon authorization of the Interdepartmental Commission.

The transfer of documents (copies thereof) related to carrying out foreign trade operations with the specific goods (works, services) is allowed in the cases provided for in legislation, and/or to ensure realization of the respective foreign trade agreements (contracts). In other cases the transfer of the above documents (copies thereof) is executed upon the authorization of the State Military Industrial Committee issued for the term of no more than 30 days from the day of receiving of the written request of a legal person on such authorization.

3. Legal and natural persons of the Republic of Belarus are prohibited from conclusion, making of foreign economic transactions with goods, information, works, services, results of intellectual activity or taking part in them by other ways in case if they truly know that given goods, information, works, services, results of intellectual activity will be used by foreign state, international organization or other foreign person for production of weapons of mass destruction and (or) means of their delivery.

Legal and natural persons of the Republic of Belarus in accordance with legislation are obliged to obtain the permission of the Interdepartmental commission for carrying out foreign economic transactions with goods, information, works, services, results of intellectual activity not covered by the authority of the lists of the specific goods (works, services) in case if such persons:

are informed by the State military industrial commission about that given goods, information, works, services, results of intellectual activity may be used in the purposes indicated in part one of the present clause;

have the grounds to suspect that given goods, information, works, services, results of intellectual activity may be used in the purposes indicated in part one of the present clause;

plan to import such goods, information, works, services, results of intellectual activities for the purposes of their delivery on agreements (contracts) with the military forces, military and militarized organizations of foreign states.

4. Legal persons of the Republic of Belarus given the right for carrying out of foreign trade activity in relation to the specific goods (works, services) in the established procedure are obliged:

to observe the legislation in the field of export control;

to provide the documents, explanations and other information necessary for fulfillment of the authorities by the Interdepartmental commission and state bodies exercising the authorities in the field of export control on their request;

to inform immediately the State military industrial committee and State Security Council about received data that testifies the violation of the norms of the international law and the legislation of the Republic of Belarus in the field of export control by the Belarusian and foreign persons;

to specify the employees that will be entrusted with the duties of enforcement of observance of international obligations and the legislation of the Republic of Belarus in the field of the export control (operation of internal company system of export control) having provided their appropriate training.

5. Information and methodological maintenance of operation of internal company system of export control is assigned to the State Military Industrial Commission in coordination with the Ministry of Foreign Affairs, State Customs Committee and State Security Council.

6. The republican bodies of state administration and organizations exercising authorities in the field of export control should have structural subdivisions for the work in the field of export control within the limits of the established number of workers and labor compensation fund.

7. The Council of Ministers of the Republic of Belarus shall:

7.1. bring the acts of legislation into conformity with the present Edict and take other measures on its implementation within the term of six months;

7.2. explain the issues of application of the present Edict.

8. Within the term of six months:

8.1. the State Military Industrial Committee shall approve:

8.1.1. in collaboration with State Customs Committee:

the procedure of issue of licenses on importation of the production of military purpose, cryptographic and special technical equipment and exportation of the specific goods (works, services), as well as registration of agreements (contracts) for general license with specification of the form of the license on importation (exportation) of such goods (works, services) and the forms of the lists of goods (works, services) for importation (exportation) under general license;

lists of the specific goods (works, services) provided by subclause 2.1 of clause 2 of the present Edict;

8.1.2. in coordination with the Ministry of Defense, State Security Council, State Customs Committee and National Academy of Sciences of Belarus – the procedure of execution of identification of goods (works, services) as the specific goods (works, services) in the Republic of Belarus;

8.1.3. in coordination with the Ministry of Defense, the Ministry of Internal Affairs, State Security Council and State Committee of Border Troops – the procedure of issue and form of import certificate, as well as certificate of final user;

8.2. the Ministry of Defense in collaboration with the Ministry of Internal Affairs, State Security Committee, State Committee of Border Troops, State Customs Committee shall approve the procedure of issue of permits for importation (exportation) of the specific goods (works, services) providing usage of a unified form of the permit;

8.3. the Ministry of Defense shall approve the procedure of execution of identification of goods (works, services) as the production of military purpose;

8.4. the State Security Committee shall approve the procedure of execution of identification of goods (works, services) as cryptographic and special technical equipment;

8.5. the National Academy of Sciences of Belarus shall approve:

8.5.1. the procedure of execution of identification of goods (works, services) as specific goods (works, services) in case if the knowledge in the sphere of science and technology is needed for its execution within the competence of the National Academy of Sciences of Belarus;

8.5.2. in coordination of the State Committee on Science and Technology and the Ministry of Economy shall approve the procedure of rendering paid services on execution of identification of goods (works, services) as the specific goods (works, services) and the tariffs for the services being rendered, except for the production (services) of military purpose.

9. The Edict enters into force from the day of its official publication.

Approved

the Edict of the President

of the Republic of Belarus

17.07.2006 No. 460

Regulations on the Procedure of Licensing of Importation and Exportation of the Specific Goods (Works, Services)

in the Republic of Belarus

1. The present Regulations specify the procedure of issue of licenses on importation of the production of military purpose, cryptographic equipment, as well as special technical articles designed for secret obtainment of information (hereinafter – cryptographic and special technical equipment) and exportation of the specific goods (works, services) (hereinafter – licenses), their duplicates, introduction of changes and (or) additions into licenses, suspension, renewal of license validity, their revocation and annulment.

2. Exportation (export, re-export, exportation for processing, temporary exportation, including in case of giving in rent (without providing of the right to purchase the rental property to the lessee) from the territory of the Republic of Belarus of the specific goods (works, services) and importation (import, re-import, importation for processing, temporary importation) into the territory of the Republic of Belarus of the production of military purpose, cryptographic and special technical equipment are carried out under the licenses issued by the State Military Industrial Committee on the ground of resolution of the Interdepartmental Commission on military technical cooperation and export control at the Security Council of the Republic of Belarus (hereinafter – Interdepartmental commission).

Decision of the Interdepartmental commission is not required at issue of licenses on:

exportation of goods and technologies of dual application which can be used in development of weapons and military equipment;

importation and exportation of the production of military purpose, cryptographic and special technical equipment under reclamation reports to the agreements (contracts) permitted earlier by the Interdepartmental commission for implementation;

exportation of spares, units, assemblies, devises, components, training and auxiliary property (dummies, trainers and simulators of different types of weapons and military equipment), technical documentation for the production of the military purposes, systems of communication and control of troops, weapons and military equipment, services on repair, modernization of weapons and military equipment, training of specialists for support (integration) of the export foreign trade agreements (contracts) which have been authorized for implementation by the Interdepartmental Commission;

exportation of the specific goods (works, services) under the international treaties of the Republic of Belarus (if given international treaties provide licensing);

temporary importation of the production of military purpose, cryptographic and special technical equipment for demonstration to potential customers, participation in exhibitions and showings, carrying out of tests, guarantee and service maintenance of specific goods being in ownership (economic control, operative management, possession, use) of legal persons of the Republic of Belarus, except for the specific goods being in operative management of republican bodies of state administration that have military formations;

temporary exportation of the specific goods for demonstration to potential customers, participation in exhibitions and showings, carrying out of tests, guarantee and

service maintenance of the specific goods being in ownership (economic control, operative management, possession, use) of legal persons of the Republic of Belarus, except for the specific goods being in operative management of republican bodies of state administration that have military formations;

At that terms “export”, “re-export”, “exportation for processing”, “temporary exportation”, “import”, “re-import”, “importation for processing”, “temporary importation” are not considered as customs regimes provided by the Customs Code of the Republic of Belarus and specify the purposes of importation and exportation in accordance with foreign economic transactions.

3. In accordance with the legislation of the Republic of Belarus the license may provide special terms of carrying out of foreign trade operations, as well as requirements for the specific goods (works, services) being the objects of such operations.

4. Licenses on carrying out of foreign trade operations are issued to legal persons of the Republic of Belarus obtained the certificate of the right to carry out foreign trade activity in the established procedure in respect of the specific goods (works, services) (hereinafter – organization-applicant).

5. Licenses, as well as the lists of the specific goods (works, services) subject to importation and (or) exportation enclosed to them are drawn up in one copy on the blanks having a certain level of protection, are signed by the Chairman of the State Military Industrial Committee or Deputy Chairman of the State Military Industrial Committee authorized by him and are attested by a seal.

6. The licenses are divided into single and general.

The single license is issued for one agreement (contract), the subject of which is a specific article (work, service), and provides the right of export or import of the given article (work, service) at the certain amount.

The general license provides the right of export or import of the specific goods (works, services) at the amount specified by the license irrespective of the number of concluded agreements (contracts). It is issued in the following cases:

at the export of the specific goods (works, services) of own production;

at the export of works, services on repair, modernization, service and guarantee maintenance of the specific goods, as well as other works, services in relation to the specific goods connected with supply of spare parts, component parts, expandable materials and special equipment;

at the import of the production of military purpose, cryptographic and special technical equipment for own needs.

7. The licenses are issued for the term not more than 12 months.

In case if the time of manufacture, repair of the specific goods exceeds 12 months, the license may be issued for the term of agreement (contract) validity on the basis of decision of the Interdepartmental Commission.

The term of license validity may be prolonged by the term specified by the Interdepartmental Commission in each certain case on the basis of essence of the appropriate agreement (contract).

Upon expiration of license validity the organization-applicant should obtain a new license for continuation of the appropriate activity with the specific goods (works, services).

8. For obtaining of license the organization-applicant submits to the State Military Industrial committee an application on issue of license drawn up according to the procedure established by the legislation of the Republic of Belarus and the following documents:

8.1. for obtaining of single license on export (re-export) of the specific goods (works, services), import (re-import) of the production of military purpose, cryptographic and special technical equipment:

original and a copy of agreement (contract) on export (re-export) or import (re-import) of the specific goods (works, services) certified in the established procedure;

documentary confirmation of sources of origin of the specific goods (works, services) at their export (re-export);

documents certifying the right of the organization-customer to carry out foreign trade operations with the specific goods (works, services) in accordance with the law of the country of its location;

certificate of final user (international import certificate) or other document issued by the authorized body of the foreign state (international organization) containing the obligations on usage of the specific goods (works, services) imported from the Republic of Belarus only in the declared purposes and non-admission of their re-export or transfer to third countries (international organizations) without permission of the authorized body of the Republic of Belarus. At import or re-import of the specific goods (works, services) the organization-applicant submits a copy of the certificate of final user, if the certificate of final user has been submitted to a foreign state.

The certificate of final user is submitted within 6 months from the date of its issue, unless the other term of validity is specified in it. Upon expiration of the indicated term the documentary confirmation of its legal force is required.

The certificate of final user is subject to the obligatory legalization, including consular, unless otherwise is provided by the international treaties of the Republic of Belarus and other obligations of the Republic of Belarus in the field of export control;

8.2. for obtaining of a single license on export of the specific goods (works, services) with subsequent re-export to the third country (in case of additional equipping by importer of the specific goods and shipment to the third country):

original and copy of agreement (contract) certified according to the established procedure;

documentary confirmation of the sources of origin of the specific goods (works, services);

certificate of final user (international import certificate) or other document issued by the authorized body of the foreign state (international organization) containing the obligations of usage of the specific goods (works, services) imported from the Republic of Belarus only in the declared purposes with indication of the country (international organization) to which they are planned to be exported;

documents certifying the right of an organization-customer to carry out foreign trade operations with the specific goods (works, services) in accordance with the law of the country of its location;

notarized copy of the legalized certificate of final user of the country to which shipment of the specific goods (works, services) will be carried out;

8.3. for obtaining of single license on temporary importation of the production of military purpose, cryptographic and special technical equipment and temporary exportation of specific goods:

original and copy of agreement (contract) certified according to the established procedure justifying the necessity of the temporary importation (exportation) of the specific goods;

obligation of applicant on importing (exporting) back the specific goods (works, services);

8.4. for obtaining of single license on temporary importation of the production of military purpose, cryptographic and special technical equipment and temporary exportation of the specific goods in case of giving in rent (without providing the right of purchase of the rental property to the lessee):

original and copy of agreement (contract) on rent with a foreign lessee (lessor) certified in the established procedure, in which there should be indicated purpose and location of use of rental property;

obligation of lessor or authorized body of the country of lessor to use the property exclusively in the declared purposes;

8.5. for obtaining of single license on importation for processing of the production of military purpose, cryptographic and special technical equipment and exportation for processing of the specific goods”:

original and copy of agreement (contract) with a foreign customer (supplier) and organization-processor (when exporting for processing) certified in the established procedure;

documents certifying the right of organization-processor to carry out operations with the specific goods (works, services) in accordance with the law of the country of its location (when exporting for processing);

8.5¹. for obtaining of a single license to render by legal persons of the Republic of Belarus of intermediary services related to the transfer (delivery) of specific goods from one foreign state to another:

the original and a certified in the established order copy of an foreign trade agreement (contract) of agency (commission);

the original and a certified in the established order copy of an agreement (contract);

legalized in the established order the original or a notarized copy of the certificate of final user of a country where the delivery of production of the military purposes is to be carried out;

8.5². for obtaining of a single license for temporary export of production of the military purposes being in the operative administration of the republican bodies of state governance having the military formations, for demonstration to the prospective clients or testing on the territory of a client:

the original and a certified in the established order copy of an agreement (contract) on holding the demonstration, testing on the territory of a client with indication of the security value of the goods to be exported;

a certificate of final user or another document issued by the authorized body of a foreign state with the request to organize the demonstration (testing) of the production of the military purposes on the territory of a client, the commitment not to use the temporarily imported production of the military purposes in the armed conflicts and other military operations, and with the guarantee of return of this production;

the commitment of an applicant organization on the backward import of production of the military purposes;

8.6. for obtaining of general license – ground for the necessity of receiving general license.

For registration of agreements (contracts) for general license the organization-applicant obtained general license submits to the State military industrial committee the documents indicated in subclauses 8.1-8.5 of the present clause depending on purpose of importation or exportation;

8.7. Excluded.

9. The documents in foreign language are submitted to the State military industrial committee with the translation into Belarusian (Russian).

Authenticity of translation should be certified by the organization-applicant or other organization having the right to perform such translations in accordance with the legislation of the Republic of Belarus.

The documents drawn up in a foreign state are subject to legalization according to the established procedure, unless otherwise provided by the international treaties valid for the Republic of Belarus and given foreign state.

10. The organization-applicant is obliged by request of the State Military and Industrial Committee to represent the additional data and (or) other information, necessary for licensing and the further realization of the export control.

The organization-applicant is responsible for reliability of the represented information.

11. The State Military Industrial Committee shall, within 5 working days, verify a submitted application on issue of a license to import the production of military purposes, cryptographic and special technical equipment or to export specific goods (works, services) with documents enclosed on conformity with requirements of legislation of the Republic of Belarus in the sphere of the export control. If there is not any observation the documents shall be forwarded for coordination with the state bodies (organizations) (hereinafter – the coordinating organizations) in the order established in the resolution of the Interdepartmental Commission.

For coordinating organizations the extract from the resolution of the Interdepartmental Commission is the base to make necessary actions for agreement of the applications of legal person for licensing.

The term for the application's coordination for issuing of license (note with grounded refusal for coordination) by each of the coordinating organizations should not exceeds 5 working days from the day of the receiving of receipt of the State Military and Industrial Committee on the coordination of the application for licensing.

For the confirmation of reliability of the documents presented by the organization-applicant including about scientific and technical production, inventions, useful models, industrial samples, computer programs, databases and other objects of intellectual property, the coordinating organization can inquire the additional information, appoint the additional check about which a coordinating organization shall inform in writing the State Military Industrial Committee. In such cases the terms of coordination by reference about an opportunity of issuing the licenses can be increased for the period of representation of the additional information or for carrying out of check-up which shall not, as a rule, exceed a month.

The organization-applicant is obliged to represent the additional information on demand of coordinating organization.

The decision on coordination or on refusal in coordination of the application, including special opinions, is represented by the coordinated organization to the State Military and Industrial Committee.

To decide on issue of a license to export the goods and technologies of dual application which can be used in development of weapons and military equipment the State Military Industrial Committee may submit to the coordinating organizations the request on expediency of issue of a license.

12. On the basis of the submitted conclusions made by the coordinating organizations The State Military Industrial Committee shall make conclusion on expediency of implementation of an agreement (contract) on importation of the production of military purposes, cryptographic and special technical equipment or exportation of the specific goods (works, services) (hereinafter – the conclusion of the State Military Industrial Committee).

The conclusion of the State Military Industrial Committee, an application of an applicant organization on the issue of a license with copies of documents enclosed shall be submitted for coordination to the State Secretariat of the Security Council of the Republic of Belarus in the term not exceeding 5 working days from the day of receiving the last conclusion of the coordinating organization. If an additional check-up is to be done by the coordinating organizations, the term of submission of the conclusion of the State Military Industrial Committee for coordination to the State Secretariat of the Security Council of the Republic of Belarus shall be prolonged for the period of such check-up.

The State Secretariat of the Security Council of the Republic of Belarus shall, within 10 working days from the day of receiving the documents specified in part 2 of this clause, agree decision on issue of a license or refuse to issue it, and inform about the results the State Military Industrial Committee.

The State Military Industrial Committee shall, within 5 working days from the day of receiving the information of the State Secretariat of the State Security Council of the Republic of Belarus on the results of coordination of decision on issue of a license or on refusal to issue it, issue a license or give grounded refusal to issue it, and inform about it an applicant organization.

13. An applicant organization is given the original and a certified copy of a license. An agreement (contract) shall be certified by imprinting with the seal of the State Military Industrial Committee “Export control” with the image of the State Emblem of the Republic of Belarus.

In the case of exportation of the specific goods specified in indents 4-6, 8 and 9 of subclause 2.1 of clause 2 of the Edict approving these Regulations a copy of a license shall be given for applying for the transit authorization documents. The original of a license shall be given after submission of the documents proving the authorization on transit of the production of military purposes and of certain kinds of the specific goods through the territories of foreign states.

A license (its copy) shall be given to an applicant organization after presentation of:

a card – by the head of an applicant organization; identity document and a certificate of authority – by the representative of the head of an applicant organization;

a document evidencing that the state due for the issue of a license has been paid (if a general license is issued the document evidencing that the state due for the issue of a license has been paid shall not be presented).

A license shall not be transferred to another person.

A license is a ground for the customs registration of the production of military purposes, cryptographic and special technical equipment imported into the Republic of Belarus, or the specific goods (works, services) exported from the Republic of Belarus.

An applicant organization is authorized to present by itself the certified by its head copies of a license to the customs bodies of the Republic of Belarus for the customs registration of the production of military purposes, cryptographic and special technical equipment, the specific goods (works, services), as well as to forward them to the authorized bodies of foreign states for applying for transit authorization, execution of bank and other documents specified in the agreement (contract).

14. In case of loss of the license the organization-applicant should immediately inform the State Military and Industrial Committee and the State Customs Committee. The State Military and Industrial Committee by the written application of the organization-applicant issue the duplicate of the license. From the date of issuing of the duplicate of the license the lost original became invalid.

The State Military and Industrial Committee informs the State Customs Committee on issuing of the duplicate of the license within three working days from the date of its issuing.

15. The bases for refusal in licensing are:

contradiction of the conditions of the foreign trade contract to the international obligations of the Republic of Belarus;

sanctions or other forced measures of the Security Council of the United Nations Organization concerning the country of destination (end user);

infringement by the organization-applicant of the legislation of the Republic of Belarus in sphere of the export control;

realization of the external economic operation with the specific goods (works, services) on conditions at which can be harmed or exists threat of causing of harm to interests of the Republic of Belarus;

presence in the documents presented by the organization-applicant, the inadequate, distorted or incomplete information;

wrong drawing up of necessary documents, other non-conformance of documents to the established requirements;

decision of the Interdepartmental Commission on refusal in licensing.

16. Bringing in changes and amendments to the license is made by State Military and Industrial Committee in the form of the letter which is inseparable part of the license. The customs body makes a mark of presence of such letter on the form of this license.

For bringing in of changes and amendments to the license the organization-applicant not later than 5 working days before expiry date of the license represents to the State Military and Industrial Committee the following documents:

application for bringing in of changes and amendments to the license with explanation;

the inquiry on execution of license.

17. The State Military and Industrial Committee has the right to suspend the license for the established term. Validity of the license is suspended from the date of acceptance of the corresponding decision. The bases for such suspending are:

sanctions concerning the country of destination (end user) by the Security Council of the United Nations Organization;

realization of the external economic operation with the specific goods (works, services) on conditions at which can be harmed or exists threat of causing of harm to interests of the Republic of Belarus;

contradiction of the conditions of the foreign trade contract to the international obligations of the Republic of Belarus;

infringement by the organization-applicant on realization of the contract of license's conditions and the procedure of foreign trade activities concerning the specific goods (works, services);

the decision of the Interdepartmental Commission on suspension of the license.

18. After the elimination of the circumstances that have caused the suspension of the license, the State Military and Industrial Committee makes a decision on its renewal.

In case if the license is suspended on the basis of the decision of the Interdepartmental Commission, the Interdepartmental Commission must accept the decision on its renewal.

19. The State Military and Industrial Committee has the right to cancel or withdraw the license.

The license is considered as cancelled from the date of its issuing or withdrawn from the date of acceptance of the decision.

The bases for cancellation or withdrawn of the license are:

appearing of the circumstances on which the foreign trade operation, carried out according to the issued license, can break the international obligations of the Republic of Belarus and (or) harm the national safety and interests of the Republic of Belarus;

infringement by the organization-applicant of the legislation of the Republic of Belarus in the field of the export control;

submission by the organization-applicant of the application (petition) for a withdraw of the license issued in the established order;

termination or suspension of the activity of organization-applicant according to the legislation of the Republic of Belarus;

presence of a reliable information that organization-applicant presented false data for obtaining the license;

the decision of the Interdepartmental Commission on cancellation or on withdraw of the license.

20. The State Military and Industrial Committee after the decision on suspending and stay and renewal of the license, its withdraw or cancellation immediately informs the Interdepartmental commission, the State Customs Committee, State Security Committee and the organization-applicant..

21. The decisions on refusal in licensing for import of production of military purpose, cryptographic and special technical equipment and export of the specific goods (works, services), suspending of the license, its withdraw or cancellation can be appealed against by the organization-applicant in the court.

Approved

the Edict of the President

of the Republic of Belarus

17.07.2006 No. 460

Regulations on the Order of Organization of the Control Over the Implementation of Obligations to Use of Imported (Exported) Specific Goods (Works, Services) for the Declared Purposes

1. The Regulations determines the order of the organization of the control over the implementation of obligations to use the imported (exported) specific goods (works, services) in declared purposes.

2. For the state control by the state bodies and other organizations which are carrying out import of the specific goods (works, services) over the implementation of obligations on use of the imported specific goods (works, services) in the declared purposes the State Military and Industrial Committee together with State Security Committee in coordination with the Interdepartmental Commission on Military and Technical Cooperation and Export Control of the Security Council of the Republic of Belarus (further - the Interdepartmental Commission) forms a commission of experts for carrying out of inspection check-up (further – check-up) among the experts are necessary for this.

The order for check-up officially goes to the organization carrying out import of the specific goods (works, services), not later than three working days before the beginning of check.

Check-up is made in a place of use of the imported specific goods (works, services).

The organization carrying out import of the specific goods (works, services), is obliged to present the necessary documentation for the commission of experts and to assist its work.

Results of check-ups are made by the corresponding act and send by the State Military and Industrial Committee to the Interdepartmental Commission.

If the foreign trade contract on import of the specific goods (works, services) stipulates the check-up by the foreign exporter of correctness of their use by the Belarusian consumer, the check-up should be carried out with the observance of the regime requirements in force on the territory of the Republic of Belarus unless otherwise not established by the treaties of the Republic of Belarus.

In that case the State Military and Industrial Committee after the agreement on place, terms and procedures of carrying out of check-up with the organization which has carried out import of the specific goods (works, services) and the interested republican state bodies confirms through the Ministry for Foreign Affairs by diplomatic channels to the foreign exporter an opportunity of its carrying out.

3. Control over the implementation of obligations by foreign importers of the specific goods (works, services) exported from the Republic of Belarus can be made after their delivery to the place of final use.

In case if the country of final use of the specific goods (works, services) for making a check-up the State Military and Industrial Committee together with State Security Committee in coordination with the Interdepartmental Commission forms a commission of experts and determines terms of a such check-up. Representatives of other republican state bodies and other state organizations can take part in work in commission`s body.

The inquiry on carrying out of check-up is directed by the State Military and Industrial Committee through the Ministry of Foreign Affairs by diplomatic channels to the government of the country-importer and (or) to the countries of destination.

Results of check-ups are made by the corresponding act and send by the State Military and Industrial Committee to the Interdepartmental Commission.

If the obligations accepted by the foreign importer and (or) by the consumer of the goods are violated, the State Military and Industrial Committee in coordination with the Interdepartmental Commission through the Ministry of Foreign Affairs directs by diplomatic channels the note to address of the authorized bodies of the country-importer or to the country of the destination, carrying out the export control, with the facts of the revealed violations.

In case of the official refuse to realize the check-up by the government of the country-importer and (or) by the countries of destination the State Military and Industrial Committee informs the Interdepartmental Commission which makes a decision to inform the interested international organizations on this fact.

Approved

the Edict of the President

of the Republic of Belarus

17.07.2006 No. 460

Regulations on the Order of Filling In of Obligations to Use the Imported Specific Goods (Works, Services)

1. This Regulations determines the order of filling in of obligations to use the imported specific goods (works, services)

2. The obligations to use the imported specific goods (works, services) can be filled only by the exporter's demand in the way of granting to him the certificates of final user or import certificate in the established way. These certificates are delivered to the foreign exporter for the registration of export to the Republic of Belarus of the specific goods (works, services).

3. The certificate of the final user is the document which is filled according to the legislation by the consumer of the specific goods (works, services), containing his (her) obligations to use the specific goods (works, services) imported to the Republic of Belarus only in the declared purposes and not letting their re-export or transfer to the third countries without the permission of the country of export.

If necessary the obligations of the consumer of specific goods (works, services) being the legal person of the Republic of Belarus, can be confirmed by the State Military and Industrial Committee.

In cases if the consumers of the specific goods (works, services) are the Ministry of Defense, the Ministry of Internal Affairs, the State Security Committee, the Border Committee, these republican state bodies independently confirms the obligations to use the specific goods (works, services) by registration way in the order established by legislation, certificates of the final user which can be unconfirmed by the State Military and Industrial Committee.

4. The Certificate of Import is the document which should be filled according to the legislation by the State Military and Industrial Committee, containing obligations of the Republic of Belarus to use of the specific goods (works, services) imported on its territory only in the declared purposes and not letting their re-export or transfer to the third countries (the international organizations) without the permission of the authorized body of export control of the Republic of Belarus and the country of export.

The Certificate of Import can be issued by request of the authorized body of the country of export of the specific goods (works, services), when the confirmation is required on behalf of the Republic of Belarus of obligations of the consumer to use the specific goods (works, services) imported to the Republic of Belarus only in the declared purposes and not letting their re-export or transfer to the third countries (the international organizations).

5. By request of the authorized bodies of the country of export the document confirming delivery by the exporter of the specific goods (works, services), a certificate issued by the customs bodies on the placement thereof under the customs regime of free circulation is represented.

* unofficial translation *