

RULES

of procedure to import goods to the Republic of Belarus as foreign gratis aid

Customs rules of procedure for foreign goods to be imported into the Republic of Belarus shall be stipulated by the international agreements and regulations on legal customs procedures that set forth the legal framework of the Eurasian Economic Union and the legislation on customs regulation.

Belarusian organizations that receive goods as gratis aid from their foreign partners are to observe the following procedures.

1. Registration of the relevant Belarusian organization in the roster of entities receiving foreign gratis aid.

Any Belarusian organization that receives goods as foreign gratis aid for the first time shall submit an application to the Department for Humanitarian Activities under the President Property Management Directorate (hereinafter referred to as the Department) to be included into the roster of entities receiving foreign gratis aid.

This application shall specify the name of the foreign organization that will import goods and the terms of delivery. A certified copy of the Belarusian organisation's state registration certificate and its Charter (provisions) shall be attached to the application.

2. Exemption from toll road fees for vehicles.

Any vehicle registered in a foreign country that transports humanitarian cargo into the Republic of Belarus may be exempt from toll road fees in the Republic of Belarus.

To this end, the corresponding Belarusian organization that receives the cargo shall forward a request to the Department informing it on its intention to do so no less than 10 days before its delivery date. The request shall also contain the exact time and location for the cargo to be delivered across the State Border of the Republic of Belarus, contact data for feedback communication including the following details about the corresponding foreign partner and its vehicle:

- foreign partner company's name and its registration data (UNP);
- country and region;
- foreign partner's registration address and postal code;
- name and surname of company's executive and his job title;
- country's telephone code, region's telephone code; telephone number; fax number;

- vehicle details: the brand (model); vehicle type; gross vehicle weight (applicable to trucks); number of axles; year of manufacture; the number of the vehicle's registration certificate (inspection sticker); state registration (vehicle-borne) plate number; metalized glass windscreen indication if applicable.

The application form for registration in the online payment system as a vehicle exempt from toll road fees in the Republic of Belarus is available on the website of State Institution “Belavtostrada” via the following link: http://www.belavtostrada.by/sites/default/files/docs/zayavlenie_dlya_osvobodzheniya_ts.pdf.

The first thing a foreign partner shall do after he crosses the State Border of the Republic of Belarus is to obtain an electronic on-board unit at the respective pick-up point, after that the vehicle may proceed along its route using the roads of the Republic of Belarus.

Information on the on-board unit pick-up points located near border crossing points in the Republic of Belarus is available on the website of State Institution “Belavtostrada” via the following links: http://beltoll.by/images/toll_road_maps/march2018/Road-Map_beltoll-by_RU.pdf; <http://beltoll.by/index.php/customer-service#>.

3. Formation of cargo consignment.

It is advisable to observe the following rules of formation of cargo consignment before its delivery:

do not use a single package (box, case, etc.) for the goods to be delivered to different consignees. Separate the goods to be delivered to organizations and certain individuals;

food and medical goods (medicinal substances, medical devices and equipment) are to be packed individually to avoid combination of these two categories of goods and other types of goods;

goods to undergo sanitary and epidemiological examination, phytosanitary or veterinary inspection are to be packed individually.

Goods may be packed in a festive small-sized package if they are to be delivered to a group of individuals on the occasion of festive charity activities (events) provided that the goods constituting these gift sets are not prohibited or restricted from import into the customs area of the Eurasian Economic Union and shall be carried collectively as part of a cargo consignment. These types of goods are indicated as “gift sets” in transport (carriage) or commercial documents. Both goods packages and relevant documents are to contain consignees’ data (in case of nominal gift sets, if applicable) and package contents (list of the goods inside the package, their quantity and price).

4. Documents provided by foreign partners.

Documents on cargo provided by a foreign organization shall contain the following details:

for transport (carriage) documents (bills of lading):

indications as to freight’s charitable nature;

consignee’s name and address;

total number of units and net freight weight;

description of goods, total number of packages and their net weight, total estimated price of goods;

details of the vehicle carrying goods.

for goods specification or inventory:

consignor's name and address;

consignees' names and address;

description and number of goods consigned to a Belarusian organization, their estimated price and net weight;

goods shelf life (*applicable only to food and medical goods*);

goods descriptions (commercial and international non-proprietary names), country of manufacture, producer, dosage form (*applicable to medicinal substances*);

code numbers according to the Commodity Nomenclature of Foreign Economic Activity (*a point to be assisted by a Belarusian organization*);

goods descriptions, country of manufacture, producer, year of manufacture (*applicable to medical goods and medical equipment*);

destination details for goods in gift sets, names, surnames and addresses of individual consignees, if known (*applicable to gift sets*);

indications as to freight's charitable nature;

details of the vehicle carrying goods.

The goods packed in a festive small-sized package that are to be delivered to a group of individuals on the occasion of festive charity activities (events) shall be indicated as "gift sets" in transport (carriage) documents, goods specification or inventory. A list of goods in gift sets with price and weight indications shall also be attached.

5. Crossing of the State Border of the Republic of Belarus.

Information on the goods to be imported shall be provided to the customs authority prior to the arrival of humanitarian cargo to the Eurasian Economic Union area.

The procedure for submitting information on the goods to be imported into the customs area of the Eurasian Economic Union by road is set forth by the Decision of the Board of the Eurasian Economic Commission No. 56 of 17 April 2018.

The documents and details may be provided by a customs representative or a Belarusian partner organization acting on behalf of the carrier. The information shall be provided no later than 2 hours before goods will be imported into the Republic of Belarus.

Customs formalities regarding foreign gratis aid shall be completed as a matter of priority.

When a driver carrying humanitarian cargo arrives at the State Border of the Republic of Belarus he shall immediately approach a customs officer and

present relevant documents and information on the cargo, as well as the documents to ensure compliance with prohibitions and restrictions including non-tariff regulation measures, sanitary, veterinary and phytosanitary quarantine measures and radiation requirements.

The list of goods that require special permits from the relevant state bodies to be imported in the country is provided on the official website of the Eurasian Economic Union <http://www.eurasiancommission.org/> (goods are listed according to the type of inspection):

Decision of the Board of the Eurasian Economic Commission No. 30 of 21 April 2015 on Non-Tariff Regulation Measures;

Decision of the Customs Union Commission No. 318 of 18 June 2010 on the Assurance of Plant Quarantine in the Customs Union;

Decision of the Customs Union Commission No. 317 of 18 June 2010 on the Application of Veterinary and Sanitary Measures in the Customs Union;

Decision of the Customs Union Commission No. 299 of 28 May 2010 on the Application of Sanitary Measures in the Customs Union.

Crossing the State Border of the Republic of Belarus one shall submit the following documents and information to a customs officer:

foreign organization's vehicle documents;
 transport (carriage) documents;
 carrier's commercial documents on the goods imported;
 documents to ensure compliance with prohibitions and restrictions (licenses, decisions (permits);

information as to the following details:
 state registration of the international carriage vehicle;
 goods carrier (name and address);
 countries of origin and destination of goods (name);
 goods consignor and consignee (names and addresses);
 number of units, marking of goods and their packaging types;
 goods data (descriptions and code numbers of goods under the Commodity Nomenclature of Foreign Economic Activity (CNFEA) indicating at least the first 6 characters);

gross weight of goods (in kilograms);
 presence (absence) of goods prohibited or restricted from import into the customs area;

where and when the international consignment note was drawn up;
 containers identification numbers;
 documents to ensure compliance with phytosanitary, veterinary or sanitary and epidemiological inspections in case of regulated goods.

Information required to complete customs formalities shall be translated into one of the official languages of the Republic of Belarus.

A transit declaration is to be filled in for the goods to be further transported to the destination point in the Republic of Belarus.

Transit declaration form and the respective filling-in guidelines are set forth by the Decision of the Customs Union Commission No. 289 of 18 June 2010.

The transit declaration shall contain the following information:

- 1) consignor and consignee of goods according to transport (carriage) documents, customs applicant, carrier;
- 2) countries of origin and destination of goods;
- 3) details of the vehicle carrying goods;
- 4) goods descriptions, quantity and value according to commercial, transport (carriage) documents;
- 5) code numbers of goods under the CNFEA indicating at least the first 6 characters;
- 6) gross weight or volume of goods, as well as goods quantity in added units for every code number of the Commodity Nomenclature in case the Common Customs Tariff of the Eurasian Economic Union stipulates an added unit on the goods to be declared. Thus, an added unit of "items" is provided for "pencils with an ejectable or sliding lead". Particular measures are provided for certain clothing types (height and chest, cm).
- 7) a number of freight units;
- 8) goods destination point in accordance with transport (carriage) documents;
- 9) documents to ensure compliance with prohibitions and restrictions (compliance with non-tariff regulation measures, sanitary and epidemiological, phytosanitary and veterinary requirements, as well as intellectual property rights regulations);
- 10) scheduled reloading of goods or freight operations during transit.

The goods packed in a festive small-sized package that are to be delivered to a group of individuals on the occasion of festive charity activities (events) may have the following indications in a transit declaration:

digits "999999" in column 33;

common description of the goods inside gift sets in column 31. Please, note that gift sets shall not contain goods prohibited or restricted from import.

Transport (carriage), commercial and (or) other documents may be submitted to the customs authority as a transit declaration.

After the customs authority issues a permission, a vehicle carrying cargo shall proceed to the specified destination within the timeframe established by the customs and stay there.

In doing so, **one does not have to secure** the payment of customs duties and taxes on humanitarian cargo.

6. Temporary storage of humanitarian cargo.

The period for which the goods can be stored makes up 4 months.

Goods may be put into storage either in permanent or temporary areas of the customs control.

Storage of humanitarian cargo in a permanent customs control area (in a temporary warehouse) will entail extra charges for the consignee – a Belarusian organization – due to paid storage services provided by the owner of a temporary warehouse (an agreement shall be concluded).

Humanitarian cargo may be put into storage in a temporary customs control area. To this end, the consignee – a Belarusian organization – shall submit a request on the establishment of a temporary customs control area to the respective customs. The request shall contain the following details:

- information about the consignee;

- grounds for and purpose of the establishment (temporary storage of goods constituting foreign gratis aid under the customs control in the locations other than temporary warehouses);

- the type of customs control area;

- expected operational period of a temporary customs control area;

- location (address) and territory of a temporary customs control area (space/ size of the area/ site/ premises);

- organizational, technical and other measures to maintain customs control over the established procedure in the specified area;

- customs clearance office to complete customs formalities related to the placement of goods under customs procedures.

The request shall also include a graphic image of a temporary customs control area under construction on the site plan of the area (location) approved by the consignee – a Belarusian organization – and a copy of the state registration certificate (license) on the land lot including its permanent structures (buildings, constructions) where a temporary customs control area is to be established.

The request form on the establishment of a temporary customs control area is available on the customs authority official websites or upon contacting the relevant customs office.

A temporary customs control area is established by a respective customs authority, after a customs authority issues an order to establish a temporary customs control area it shall be equipped and designated.

The procedure to establish and designate a temporary customs control area and its legal regime is stipulated by the Resolution of the Council of Ministers of the Republic of Belarus No. 674 of 24 May 2007 "On the Adoption of the Regulation on the Procedure to Establish and Designate Temporary Customs Control Areas and the Legal Regime of the Customs Control Area".

The placement of cargo in a temporary customs control area shall be validated by the submission of a notification by a Belarusian organization to a respective customs authority via email.

A customs authority issues a permit to place goods in a temporary customs control area via the registered notification on the placement of goods in a customs control area.

A Belarusian organization that temporarily stores goods in its warehouse shall guarantee their safety and deny unauthorized access to them. Temporary storage of foreign goods owned by third parties in the consignee's warehouse is prohibited.

6. Acceptance of goods by a Belarusian organization.

Acceptance of goods is performed by the Commission established by the head of the Belarusian consignee organization together with a representative of the local executive and administrative body located at the site of storage of cargo.

Acceptance certificate is issued after the goods are received by a Belarusian organization. The acceptance certificate form was adopted by the President Property Management Directorate (the Resolution No. 2 of 8 February 2016 "On the Adoption of Documentation Forms", <http://dha.gov.by/zakonodatelstvo>, hereinafter referred to as the Resolution). The acceptance certificate provides for the de-facto availability of goods, their conformity with the description, quantity and cost indicated in transport (carriage) and other documents provided upon import.

In case no transport (carriage) or other documents on goods were provided upon import, the cost of imported goods shall be determined by the Commission according to the cost of identical, congeneric or similar goods.

Should the goods accepted as aid be identified as unsuitable for further use, the Commission issues the certificate of unsuitability in accordance with the form provided for in the Resolution (<http://dha.gov.by/zakonodatelstvo>). In this case, the goods shall be returned to the consignor or otherwise destroyed according to the procedure stipulated by law.

Should any inconsistency be identified, a letter from a foreign company shall be attached explaining the reasons for the inconsistency of data indicated in transport (carriage) and other documents on goods provided upon import and the de-facto information on goods. The consistency of data indicated in the acceptance certificate drawn up by a Belarusian organization (individual entrepreneur) upon the acceptance of goods shall also be agreed upon by the parties.

After the acceptance of foreign gratis aid a Belarusian organization shall inform to the Department thereof.

Accepted aid shall not be used until the registration certificate is issued.

7. Customs procedures and release of cargo.

After the cargo is registered in the Department, a Belarusian consignee organization shall make customs declaration of goods at the customs authority to place them under one of the customs procedures.

Should the quantity of goods imported into the Republic of Belarus as aid not correspond to the quantity specified in the transport (carriage) and other documents on goods upon import (purchase), or should the goods accepted as aid be identified as unsuitable for further use, the customs declaration is issued to place the goods accepted as aid and identified in the acceptance certificate under the customs procedure of release for domestic use. Information on the goods unsuitable for further use and inconsistent with the quantity declared in transport (carriage) and other documents shall be provided to a customs authority.

The goods that are not placed under the customs procedure of release for domestic use as foreign gratis aid shall be placed under the customs procedures stipulated by the Customs Code of the Eurasian Economic Union.

Should humanitarian cargo contain goods prohibited or restricted from import (without the respective permits) or the items subject to veterinary or phytosanitary, sanitary and epidemiological inspection (examination) (without the respective certificates on these control measures), a customs authority shall not authorize the release of such goods.

In case imported goods contain intellectual property items included into the National Customs Intellectual Property Register, customs authorities shall take measures to protect intellectual property items. The National Customs Intellectual Property Register is available on the official website of customs authorities www.customs.gov.by in "Foreign Trade Operators" section, subsection "Business", "Protection of Intellectual Property Rights and Items" (http://www.customs.gov.by/ru/intellectualnaya_sobstvennost-ru/).

Besides, when declaring humanitarian cargo at the customs one may submit the inventory of goods certified by the aid consignor as commercial documents.

In case the inventory is not available, one may use a copy of the acceptance certificate on foreign gratis aid.

Should customs duty and tax relieves be in place for foreign gratis aid, the consignees shall submit the following documents to a customs authority during the customs declaration of goods:

- a copy of the aid registration certificate that has information on the customs duty and tax relieves in place;

- a copy of the scheme on the intended use (distribution) of foreign gratis aid approved by the Department;

- a copy of the acceptance certificate on foreign gratis aid.

The guidelines on how to fill in the declaration on goods are available via the following link:
<http://www.eurasiancommission.org/ru/Lists/EECDocs/Приложение1.doc>.

After the foreign gratis aid is released under the customs procedure of release for domestic use, the goods shall be used by the consignee according to the purposes provided in the scheme on the intended use (distribution) of foreign gratis aid approved by the Department.



Procedure to import goods to the Republic of Belarus as foreign gratis aid

1.



Register the corresponding Belarusian organization in the roster of consignees

2.



Obtain toll road fees exemption for vehicles

3.



Form cargo consignment



Prohibited items



Separate the goods to be delivered to different consignees



Pack goods in individual packages, do not mix them together or combine with other types of goods



Goods to undergo sanitary and epidemiological examination, phytosanitary or veterinary inspection are to be packed individually



Indicate: contents of gift sets; names of consignees, if known

4.



Prepare cargo documentation

5.



Crossing the State Border of the Republic of Belarus



Submit information to customs authority prior to the arrival at the border



Upon arrival at the border, undergo sanitary, veterinary and phytosanitary quarantine inspections (applicable to certain types of goods)

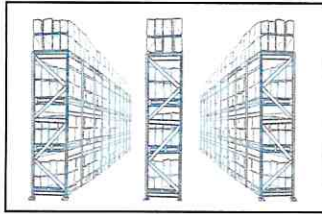


Upon arrival at the border approach a customs officer, provide documents and information on cargo and goods to confirm the compliance with prohibitions and restrictions



After customs authority issues a permission, store goods in a temporary warehouse

6.



Temporary storage of humanitarian cargo (up to 4 months)

Permanent customs control area

Cover the costs of paid storage services provided by the owner of a temporary warehouse (an agreement shall be concluded)

or

Temporary customs control area



Belarusian organization shall submit a request to customs authority



Submit a notification to customs authority

~~temporary storage of goods owned by third parties is prohibited~~

7.



Acceptance of goods by a Belarusian organization

Draw up the acceptance certificate, register it in the Department for Humanitarian Activities.



The aid shall not be used until the registration certificate is issued.

8.



Declaration of goods at customs authority

Fill in the declaration; submit permits, provide information on customs and tax relieves granted to the consignee



The consignee shall use the goods for the purposes set forth in the certified scheme.