

Edict of the President of the Republic of Belarus

No.66 of January 31, 2006

[Amended as of September 10, 2007]

On Approving the Regulations on the Free Customs Zones Established in the Territories of Free Economic Zones

1. To approve the Regulations on the free customs zones established in the territories of free economic zones.

To establish that the territories of free customs zones:

allocated in the territories of free economic zones before coming of this Edict into force, should be brought in conformity with the provisions of this Edict within the year since the date of coming this Edict into force;

not brought, within the term specified, in conformity with the provisions of this Edict, are subject to abolition.

2. To accord a right to the Council of Ministers of the Republic of Belarus to explain, taking into consideration the requirements of this Edict, the matters of functioning of free customs zones established in the territories of free economic zones.

3. The Council of Ministers of the Republic of Belarus should provide bringing of acts of the legislation to conformity with this Edict, and take other measures for implementation of this Edict.

4. This Edict enters into force after 30 days from the official publication.

President of the Republic of Belarus A.Lukashenko

APPROVED
Edict of the President
of the Republic of Belarus
of January 31, 2006 No. 66
(in the edition of the Edict
of the President of the Republic of Belarus
No.425 of September 10, 2007)

**Regulations
on Free Customs Zones Created on the Territory of the Free Economic
Zones**

1. These Regulations regulate the relations connected with free customs zones operation (hereinafter - FCZ), created on the territory of free economic zones (hereinafter - FEZ).

2. In these Regulations the following basic terms and their definitions are used:
the FCZ owner is a resident of the FEZ for which FCZ limits are determined in accordance with the established order;

engineering and technical facilities are fences, warning systems, means of visual observation, and also other facilities used for providing control over movement of goods across the external limits of the FCZ.

Other terms are used in these Regulations in the meanings defined by the customs legislation.

3. The FCZ may not comply with the territory of the FEZ and is defined inside the territory of the FEZ by the decision of its administration in consultation with the State Customs Committee for a specific resident of the FEZ.

In the case when the FCZ may not present by itself the single territory, it is admissible the definition of the FCZ consisting of individual territories, premises distant from each other, under the condition that they are located within the borders of the FEZ territory, are in compliance with the requirements established by these Regulations and are under control and admission regime.

4. The allocation of the goods placed under the customs regime of the free customs zone in the FCZ is permitted since the date of obtaining consent of the State Customs Committee for the decision from the FEZ administration about determination of the FCZ limits.

5. The goods placed under the customs regime of the free customs zone and the goods produced while performing operations for processing of the goods, placed under the customs regime of the free customs zone, may be allocated only within the limits of the FCZ and be used in accordance with the requirements and conditions of the customs regime of the free customs zone established by the

Customs Code of the Republic of Belarus and/or by other acts of the customs legislation.

6. The arrangement and equipment of the FCZ are to meet the following requirements:

the FCZ shall be marked, and also is equipped with the engineering and technical facilities. The ways of its demarcation and equipment are determined by the customs bodies in consultation with the administration of the FEZ taking into account the particularities of the FCZ;

the arrangement of the FCZ shall ensure the possibility to perform operations of the customs control, including the customs inspection, as well as the possibility for the customs bodies to impose the identification means on the premises in which the goods are allocated, placed under the customs regime of the free customs zone, and the goods manufactured while performing operations on processing of the goods placed under the customs regime of the free customs zone.

7. The demarcation, arrangement, protection of the FCZ and ensuring control and admission regime are made by the FCZ owner and at its expense.

8. The FCZ owner is obliged:

to observe the conditions of the FCZ operation, the order of using goods located in the FCZ;

to ensure safety of the identification means imposed by customs bodies on the premises in which the goods are allocated, placed under the customs regime of the free customs zone, and goods manufactured while performing operations of processing of the goods placed under the customs regime of the free customs zone;

to create necessary conditions for performance of operations of the customs control in respect of the goods located in the FCZ, including to provide assistance to the customs bodies in their performance, to ensure access toward the goods access of authorized officials of the customs bodies towards the goods located in the FCZ, and to execute their legitimate requests;

to exclude the possibility of allocation of the goods placed under the customs regime of the free customs zone, and also of the goods manufactured while performing operations of processing of the goods placed under the customs regime of the free customs zone, outside the FCZ without permission of customs bodies.

9. The FCZ owner bears responsibility for execution of his duties in accordance with the legislation.

10. The customs bodies are entitled:

to perform the operations of the customs control in respect of goods, located in the FCZ;

in the event of revealing the facts of violation of the customs legislation, to prohibit realizing performance of operations with the goods in the FCZ.

11. The FCZ operation terminates in the following events:

11.1. at liquidation of the FEZ, including in connection with expiry of its operation period;

11.2. at abolition of the FCZ by the decision of the FEZ administration in consultation with the State Customs Committee, made:

on an application of the FCZ owner, including after realizing by him its investment project;

in connection with deprivation of the FCZ owner of his status of the FEZ resident in the order determined by the legislation;

upon solicitation of the State Customs Committee sent to the administration of the FEZ in the event of revealing facts of repeated violations of the customs legislation by the FCZ owner;

in other events of impossibility to preserve the FCZ in accordance with legislative acts.

12. The FCZ operation in the event specified in sub-clause 11.2 of clause 11 of these Regulations terminates upon expiry of two months from the day of obtaining consent of the State Customs Committee to the decision on abolition of the FCZ, made by the administration of the FEZ.

Since the day following the date of obtaining consent of the State Customs Committee to the decision on abolition of the FCZ, made by the administration of the FEZ, placement of goods under the customs regime of the free customs zone for allocation in that FCZ is not permitted.

13. In the event of termination of the FCZ operation after liquidation of the FEZ in connection with expiry of its operation period or with abolition of the FCZ by the decision of the FEZ administration upon application of the FCZ owner after the realization of its investment project, and also in the event of changing the borders of the FEZ territory on the decision of the President of the Republic of Belarus, the technological equipment put into operation and the goods used at performance of construction and/or of the repair works, placed under the customs regime of the free customs zone, are exempted from the customs control in the order established by the acts of the customs legislation, without placing under the customs regime or the customs procedure, and the tax obligation for payment of the import customs duties, taxes in respect of them is terminated.

14. At termination of the FCZ operation, except for the events specified in clause 13 of these Regulations, the technological equipment put into operation and the goods used at performance of construction and/or of the repair works, placed under the customs regime of the free customs zone, are exempted from the customs control in the order established by the acts of the customs legislation, without placing under the customs regime or the customs procedure, and without termination of the tax obligation for payment of the import customs duties, taxes in

respect of them, arisen for the declarant, when the customs body accepted the customs declaration on placing these goods under the customs regime of the free customs zone, except for cases of the tax termination in accordance with sub-clauses 2.2, 2.3, 2.5-2.7, 2.9 and 2.10 of clause 2 of Article 243 of the Customs Code of the Republic of Belarus.

The tax obligation for payment of the import customs duties, taxes is subject to the performance before termination of the FCZ operation in accordance with the first part of clause 12 of these Regulations.

The import customs duties, taxes are subject to payment in the amount corresponding to the amount of the import customs duties, taxes, which would be subject to payment at placing of such goods under the customs regime of free circulation calculated on the day of acceptance by the customs body of the customs declaration on placing the goods under the customs regime of the free customs zone.

15. When exempting the goods mentioned in clauses 13 and 14 of these Regulations from the customs control, the restrictions for the goods importation into the Republic of Belarus and their exportation from the Republic of Belarus on reasons of an economic nature are not applied.

16. The goods specified in clauses 13 and 14 of these Regulations receive the status of domestic goods after their exemption from the customs control,.

17. In case of necessity of constructing buildings, structures within the FCZ territory, the FEZ administration sends, in the order determined by the State Customs Committee, the respective notice to that Committee.