

Decision of the Council of Ministers of the Republic of Belarus

No.892 of August 12, 2005

[Amended as of November 26, 2007]

On the Approval of Regulations on the Procedure of Documentary Confirmation of Application of Zero Tax Rate of the Value-Added Tax, Submitted for the Custom Bodies by the Residents of Free Economic Zones in Relation to the Goods Exported from the Territory of Free Economic Zone to the Russian Federation

For the purposes of implementation of Subclause 5.3 of Clause 5 of the Edict of the President of the Republic of Belarus No.262 of June 9, 2005 “On Some Matters of Activity of Free Economic Zones in the Territory of the Republic of Belarus”, the Council of Ministers of the Republic of Belarus has decided:

1. To approve Regulations (enclosed) on the procedure of documentary confirmation of application of zero tax rate of the value-added tax, submitted for the custom bodies by the residents of free economic zones in relation to the goods exported from the territory of free economic zone to the Russian Federation.

2. This Decision comes into force since the date of the entry in force of the Edict of the President of the Republic of Belarus No.262 of June 9, 2005 “On Some Matters of Activity of Free Economic Zones in the Territory of the Republic of Belarus” (the National Register of Legal Acts of the Republic of Belarus, 2005, No.92, 1/6516).

The Prime Minister of the Republic of Belarus S.Sidorsky

REGULATIONS

on the procedure of documentary confirmation of application of zero tax rate of the value-added tax, submitted for the custom bodies by the residents of free economic zones in relation to the goods exported from the territory of free economic zone to the Russian Federation

1. These Regulations determine the procedure of documentary confirmation of application of zero tax rate of the value-added tax in relation to the goods exported from the territory of free economic zone to the Russian Federation, submitted for the custom bodies by the residents of free economic zones (hereinafter referred to as FEZ Residents) for the purposes of exemption from import customs duties and taxes.

2. Documentary confirmation of application of zero rate of the value-added tax in relation to the goods exported from the territory of free economic zone to the Russian Federation, submitted for the custom bodies, in the note certified by taxation body of the Republic of Belarus in the site of registration of FEZ Resident (hereinafter referred to as the Note). For the form of the Note, see Appendix (*not given*).

The Note is issued in two copies. It consists of two sections: Section I is to be completed by FEZ Resident, Section II is to be completed by taxation body.

3. Within five working days since the date of reception of the Note, the taxation body

evaluates the conformity of the data, given by FEZ Resident in section I of the Note, to the documents and the data, submitted by FEZ Resident to the taxation body in accordance with clause 2 of section 2 of the Regulations on the procedure of levying of indirect taxes in the mechanism of control over the payment thereof when moving goods between the Republic of Belarus and the Russian Federation which is an inalienable part of the Agreement between the Government of the Republic of Belarus and the Government of the Russian Federation on principles of levying of indirect taxes when exporting and importing goods, performing work and providing services of September 15, 2004 (hereinafter -- Regulations), and(or) obtained by the taxation body from the taxation bodies of the Russian Federation in accordance with the existing procedure;

registers the Note in the Logbook of Registration of Notes which is kept by the taxation body. In the Logbook, the registration number, date of reception and date of issuing, tax payer registration number, the name of FEZ Resident, tax payer identification number and the name of the tax payer of the Russian Federation are recorded;

certifies the Note by filling the requisites of Section II of both copies of the Note and returns the first copy of the Note to FEZ Resident. The second copy is kept in the taxation body.

4. The Note must not be certified by the taxation body in the following cases:
discrepancies between the data given in Section I of the Note and the documents and the data submitted by FEZ Resident to the taxation body in accordance with clause 2 of section II of the Regulations and(or) obtained by the taxation body from the taxation bodies of the Russian Federation in accordance with the existing procedure;

determination of groundlessness of application, by FEZ Resident, of zero rate of the value-added tax in relation to the goods exported from the territory of the free customs zone to the Russian Federation, e.g. because of the expiration of the three-year term provided by the fourth part of Clause 3 of Section II of Regulations.

5. When the FEZ Resident submits to the taxation body the data on transferring the goods and payment of the value-added tax, mismatching the data received in electronic form from the taxation body of the Russian Federation, concerning the sums of the value-added tax, paid to the budget of the Russian Federation, and (or) determination, as a result of the tax control, of groundlessness of application, by FEZ Resident, of zero rate of the value-added tax in relation to all the goods exported from the territory of the free customs zone to the Russian Federation, or in relation to the part of such goods, listed in the Note, taxation bodies notify the FEZ Resident and the customs body of the Republic of Belarus to which the Note is to be submitted, about invalidity of the Note, completely or in the appropriate part.

6. Excluded

7. Excluded