



Doing Business in Belarus

A Country Commercial Guide for U.S. Companies

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Chapter 1: Doing Business In Belarus

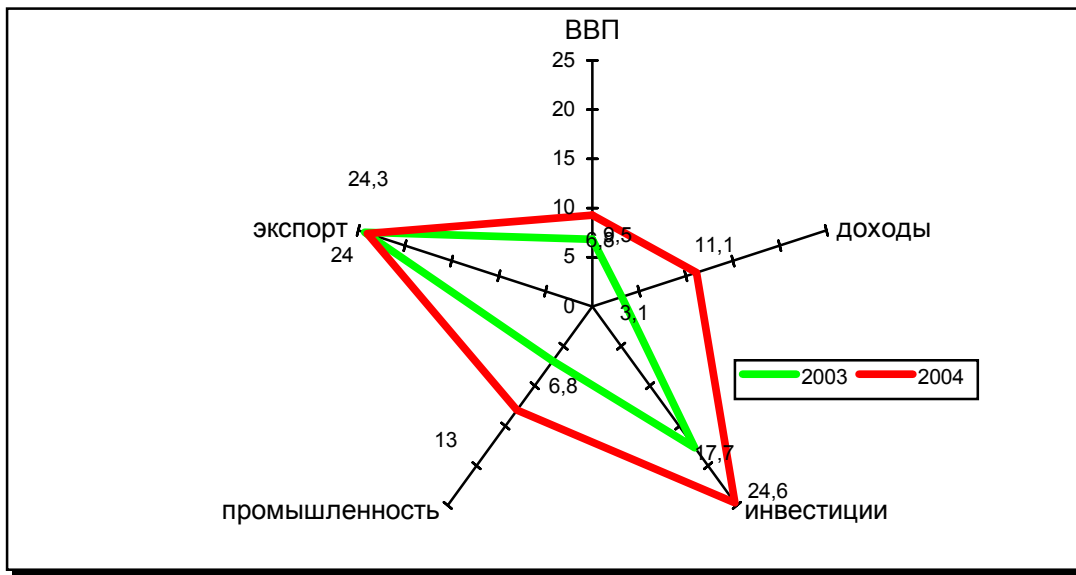
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Market Overview

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The Government of Belarus and independent observers agree that 2006 was the best in the country's economic history. Belarus' gross domestic product (GDP) reached 79 trillion Belarusian rubles (\$37 billion), up 9.9% on the year. The country's industrial output was up 11.3% and its agricultural output was up 6.1%. The state budget surplus was 2.4% of the GDP and inflation was 7-7.5%. Belarus' gold and foreign exchange reserves rose 9.6% in 2006 to \$1.753 billion. The U.S. dollar - Belarusian ruble rate at the end of 2006 (\$1 / BR2,140) was the lowest since November 2003. By the end of 2006 official unemployment stood at 1.2% and the average salary was \$289.

The basic macroeconomic indicators in 2006



While the Government refers to this success as an economic miracle and ascribes it to its thoughtful economic policy, independent experts believe cheap imports of Russian oil and gas were the main propellant. In January 2007 Russia significantly reduced its energy subsidies and it remains to be seen how successful Belarus' economy will be by the end of the year.

Belarus is still very much a Soviet-style command economy with government dominance in all major sectors of the economy. Private business is often discriminated against and despite proclaimed equality legal proceedings do not always provide sufficient protection against the government.

Belarus' foreign commodity trade reached a new record high in 2006. Overall exports and imports amounted to \$41.3 billion, a rise of 29.1% over 2005. However, foreign commodity trade deficit reached \$2.2 billion last year, including a \$5.6 billion deficit in trade with the CIS, compared with a \$3.9 billion deficit in 2005.

Exports in monetary terms amounted to \$19.8 billion, an increase of 24.4% over 2005, and imports increased 34.5% to \$21.5 billion.

The list of Belarus' major exports in 2006 (in monetary terms) follows:

- oil products – 33.9%
- potassium fertilizers – 5.6%
- tractors and related products – 4.2%
- trucks – 3.6%
- crude oil – 2.7%
- tires and tire castings – 2.1%
- iron bars and non-alloy steel bars – 1.7%
- refrigerators and freezers – 1.6%
- parts and accessories for vehicles – 1.3%
- semi-finished materials from iron, non-alloy steel – 1.2%
- condensed milk and cream – 1.2%

furniture and parts of furniture– 1.2%
cheese and cottage cheese – 1.1%.

Despite a generally favorable export situation, Belarus' major exports (tractors, trucks, refrigerators, chemical fibers, etc.) started losing their competitive edge on their traditional markets in Russia and CIS countries.

In 2006, Belarusians' real income grew faster than domestic production of consumer goods. This prompted a hike in consumer imports. Also, equal import tariffs on cars for organizations and individuals established in late 2005, resulting in lower tariffs on individual importers, made cars the leading import from outside the CIS.

The list of Belarus' major imports in 2006 (in monetary terms) follows:

crude oil – 26.4%
oil gas and gas hydrocarbons – 4.6%
motorcars – 3.8%
oil products – 2.3%
ferrous metal scrap – 1.4%
medicines – 1.2%
internal combustion engines – 1.1%
flat hot-rolled iron and non-alloy steel – 1.1%
farm machines for harvesting and thrashing – 0.9%.

Belarus' Key Trade Partners in 2006

Country	Share in Belarus' trade turnover	Export, U.S. dollar, millions	2006 on year in %	Import, U.S. dollars, millions	2006 on year in %
Russia	47.4%	6,796.9	up 19.9%	12,754.3	29.5%
Netherlands	9.0%	3,489.1	up 45.3%	220.0	36.3%
Ukraine	5.9%	1,233.4	up 35.8%	1,220.8	36.6%
Germany	5.9%	779.0	up 13.0%	1,672.8	49.1%
Poland	4.4%	1,033.3	up 21.1%	765.5	32.1%
United Kingdom	4.0%	1,474.9	up 31.7%	184.8	28.3%
China	2.3%	395.3	down 91.3%	553.6	93.5%
United States	1.8%	444.9	up 78.5%	283.4	22.0%
Italy	1.6%	172.4	up 7.9%	498.2	26.3%
Lithuania	1.5%	432.5	up 21.7%	170.3	19.6%
Latvia	1.4%	462.1	up 43.2%	111.8	23.3%
Sweden	1.2%	365.7	up 38.9%	114.8	28.9%
France	1.1%	202.9	down 73.8%	270.6	53.5%

Trade with the European Union amounted to \$14 billion, or 33.9% of Belarus' total foreign trade turnover. Exports to Europe were at \$9 billion in 2006, and imports were at \$5 billion.

Prospects for Belarus' foreign trade in 2007

Belarus' foreign trade in 2007 is likely to be less successful than it was over the past few years because of significantly higher prices the country has to pay for energy supplies from Russia. Another potential danger is new tariff and non-tariff regulations that Russia may very well introduce on the exports of Belarusian sugar, confectionery, farm machines, TV sets and other products. Nevertheless, the government of Belarus has set ambitious plans for 2007 - achieve a \$500 million surplus in foreign trade. Government agencies were tasked to take more vigorous efforts to promote exports, commodity distribution networks abroad and import substitution at home.

Market Challenges

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Major challenges for doing business in Belarus include:

- the government's overly high ownership/control in major sectors of the economy;
- excessive red-tape;
- contradictory and inconsistent business legislation;
- discrimination against private business. A few sectors of the economy are completely open to competition. State-owned businesses often enjoy benefits that are denied to the private sector;
- suspicion towards private business and socialist stereotypes shared by the older generation in particular;
- undeveloped market of financial services;
- Soviet mentality and style of leadership of some government bureaucrats;
- some realities peculiar to Belarus. For example, government sometimes approaches businesses with persistent requests to donate money for some large construction projects.

Nevertheless, there are examples of U.S. companies' successful operations in Belarus. See Chapter 6.

Market Opportunities

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The most promising sectors of Belarus' economy are construction, chemical industry, metallurgy, transport machine building and milk processing.

Major economic projects currently underway in Belarus are in construction businesses. This has been a tendency over the last few years. For example, the government of the capital city of Minsk is funding the construction of a multi-million dollar sports complex, the MinskArena, that will reportedly be the largest in Europe. The complex will house world-class championships in ice hockey, skating, bicycling and 25 other sports. Belarus has a program of constructing so-called agricultural towns (agro towns) – modern settlements throughout the country.

Belarus High Tech Park is another big project supported by the government.

<http://www.park.by/en/>

Market Entry Strategy

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Independent economic observers in Belarus believe that the best market entry strategy is to come to Belarus with brands and products that work well in the U.S. and are not known yet on the Belarusian market. Such products could include anything from ice cream to motor vehicles and new construction technologies. It is essential to find a potential local partner with good knowledge of the local market and establish a team of local managers and market specialists. The type of partnership – distributorship/dealership, representation office, joint venture or anything else – is really up to a foreign business and depends on its plans in Belarus. Culturally, it seems to be important to have good working relations with government officials and key industry players.

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Chapter 2: Political and Economic Environment

For background information on the political and economic environment of the country, please use the link below to the U.S. Department of State Background Notes.

<http://www.state.gov/r/pa/ei/bgn/5371.htm>

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Chapter 3: Selling U.S. Products and Services

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Using an Agent or Distributor

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Distributorship is widely developed in Belarus. Distributors usually have an umbrella agreement with brand-name suppliers. Distributors receive their products and pay for them as they are sold to retailers. Many world brand-name companies have their distributors in Belarus. The U.S. Embassy has never heard of any other than the usual difficulties/obstacles with distributorships in Belarus.

Interested U.S. businesses are welcome to approach the U.S. Embassy in Minsk for the International Partner Search (IPS). Through this reasonably priced service the Embassy helps find agents and distributors in Belarus. For more information please e-mail: semenovdv@state.gov.

Establishing an Office

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The establishment of a representative office of a foreign firm is supervised by Belarus' Foreign Ministry. Such an office is not a legal entity and does not have the right to perform independent economic activities in the country.

A foreign business applies to the Foreign Ministry for permission to establish its representative office in Belarus and submits the following documents:

- Application, which states rep office's purpose, business's full name, the date of its establishment, description of its operations, info on its authorized agent(s) in Belarus;
- Copies of the founding documents legalized as required by applicable law;
- Copy of the document confirming the applicant company's registration in its home country (extract from the trade register, registration certificate, etc.) legalized as required by applicable law;
- Power of attorney issued to the head of the representative office legalized as required by applicable law;
- Letter of reference from the bank serving the organization;
- Copy of the special permission from the government of the applicant's home country, when required by the legislation of the applicant's country;
- Regulations of the representative office which include the purpose(s) of the representative office in the territory of the Republic of Belarus, address, corporate structure, authority of the head of the representative office, representative office closedown procedure;
- Properly legalized power of attorney issued to the person authorized to perform actions related to the opening of the representative office.

The above documents submitted in one of the official languages of the Republic of Belarus (Russian and Belarusian). Translated documents should be notarized at diplomatic or consular agencies of the Republic of Belarus abroad.

The establishment of a representative office provides for payment of \$2000 duty to the national budget for three-year term. The prolongation of the term costs \$1000.

Franchising

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The concept of franchising exists in Belarus. While the legal basis for franchising is in place, it is not widely used yet. Belarus' first franchising outlet (TGIF restaurant) was opened in Belarus in 2006.

Direct Marketing

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Direct marketing is viewed by the government as one of the variants of retailing and is governed by the same law. Businesses wishing to do direct marketing should apply to Belarus' Trade Ministry for a license. Direct marketing is widely practiced in Belarus, especially in cosmetics, vitamins and some other areas. It is often conducted in violation of the law though, since receipts are seldom issued.

Joint Ventures/Licensing

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Discuss the legal requirements/options for JV/Licensing in your market.

The establishment of a business with foreign investment may take place through its incorporation, or acquisition by a foreign investor of an interest (shares) in an existing legal entity that did not previously have foreign investment, or through the acquisition of an enterprise's assets in whole or in part.

Businesses with foreign investment, except for insurance companies, banks and businesses in free economic zones, are registered by regional governments and the Minsk City government. Banks and non-banking credit and financial organizations with foreign investment are registered by the National Bank. The Finance Ministry registers insurance businesses with foreign investment. Businesses, including businesses with foreign investment, non-commercial organizations, private entrepreneurs in free economic zones, except for banks, non-banking credit and financial organizations and insurance businesses are registered by the administration of free economic zones.

The list of application papers includes

- an application letter signed by all founders;
- two notarized originals or copies of the constituent documents;
- for founders - legal entities of the Republic of Belarus – a notarized copy of the decision of the property owner to establish a joint venture or a copy of the respective decision of the body authorized by the owner, as well as notarized copies of documents confirming the state registration and notarized copies of foundation documents (for each Belarusian legal entity);
- for founding parties which are foreign legal entities (organizations) – a legalized extract from the trade register of the country of origin or other equivalent proof of the legal status of the foreign investor in accordance with the legislation of the country of incorporation or residence at the date of establishment of the commercial joint organization (the extract must be dated not later than one year prior to the submission of the registration application), with a translation into the Belarusian/Russian language (the translator's signature must be notarized);
- for founding parties which are citizens of foreign states – a copy of the passport with a translation into the Belarusian/Russian language (the translator's signature must be notarized);
- documents confirming the formation of the charter capital (for commercial joint organizations established in the form of open joint stock companies);
- a letter of guarantee or other document confirming the right of the commercial joint organization to reside at its place of location;
- a document confirming the payment of the state registration fee.

State registration of businesses with foreign investment is normally completed within 15 days from the date of submission of appropriate application papers. Denials to register commercial organizations with foreign investment may be issued if an applicant does not follow all registration proceedings, or if the application and other relevant papers do not meet the requirements established by Belarusian law. It is not allowed under the law to deny registration to a business with foreign investment on the grounds of inexpedience of its existence. Denials can be appealed in court.

At least 50% of the charter fund announced in the constituent documents of a business with foreign investments (except for joint-stock companies) must be established within one year from the date of registration. The remaining balance must be settled within a

period of two years following registration. The Government may extend the period for the formation of the charter fund of businesses with foreign investment. The charter fund announced in the constituent documents of a commercial organization with foreign investment in the form of an open joint stock company shall be established in full prior to the registration of such organization.

Once the commercial organization with foreign investment has presented the documentary proof of share capital formation, the registration authority shall issue a certificate of share capital formation within 10 days of the receipt of the said documentary proof.

Selling to the Government

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Government solicits tender bids when it buys goods and services for public needs. Foreign businesses are officially welcome to participate, although local bidders (especially public) are usually given a strong preference.

Government publicizes all tender bids on www.icetrade.by

Distribution and Sales Channels

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Discuss the distribution network within the country from how products enter to final destination. What are the major distribution centers, ports, etc.? The most common distribution network in Belarus includes the establishment of a representative office and/or finding a distributor(s) who normally does advertising, warranty, technical servicing, troubleshooting, storage, pricing, etc. Then, distributor finds dealers, who wholesale products to retailers.

Selling Factors/Techniques

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Common practice for selling in Belarus in the first place includes researching the market, followed by establishing a distribution network, calculating prices and making sure goods are high quality, have a good image and are in ample supply.

Electronic Commerce

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How widely used is E-Commerce, what does a company need to know to take advantage of it in the local market? Include any B2B websites.

Electronic commerce is still not very common, although it is growing steadily.

One of the few examples of B2B commerce is soliciting tender bids on the government website www.icetrade.by. Under Belarusian law, business to customer (B2C) trade is

considered a variant of a regular retail trade. Businesses wishing to start electronic commerce have to secure a license from the Trade Ministry. E-shops do not accept payment cards yet. A courier brings ordered goods and collects cash payment.

Trade Promotion and Advertising

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Include weblinks to local fair authorities and local newspapers, trade publications, radio/TV/cable information and your BSP, FUSE or Single Company Promotion services.

Trade promotion and advertising are known well in Belarus and mechanisms employed are similar to those existing in Russia and other neighboring countries. It includes all kinds of trade promotion activities, establishment of customer support and service centers, etc. However, given Belarus' business climate, in particular the low share of private business and competition, advertising and trade promotion instruments are still in their infancy. The Belarusian advertising market is estimated at \$60 million.

Newspapers

Russian language newspapers:

7 Days Weekly information newspaper
<http://7days.press.net.by/>

BDG Delovaya Gazeta (Business Newspaper)
www.bdg.by

Belorusskaya Gazeta (Belarusian Newspaper)
www.belgazeta.by

Belorusy i Rynok (Belarusians and the Market)
www.belmarket.by

Komsomolskaya Pravda v Belarusi (Komsomol Pravda in Belarus)
www.minsk.kp.ru

Narodnaya Gazeta (Public Newspaper)
www.ng-daily.com

Narodnaya Volya (People's Will)
nv.promedia.by

Natsionalnaya Ekonomicheskaya Gazeta (National Economic Newspaper)
www.neg.by

Respublika (Republic)
www.respublika.info

Sovietskaya Belarussia (Soviet Belarus)

www.sb.by

Vecherny Minsk (Evening Minsk)
www.newsvm.com

English Language newspapers:

The Belarus Today
www.belarustoday.info

The Minsk Times
<http://sb.by/minsktimes/>

Specialized press:

Autogazeta (Autonewspaper)
www.autogazeta.com

Belaruskaya Lesnaya Gazeta (Belarusian Forest Newspaper)
www.lesgazeta.info

Belaruskaya Stroitel'naya Gazeta (Belarusian Construction Newspaper)
<http://cnb.nsys.by/>

Gastronom
om.by www.gastron

Kompyuterniye Vesti (Computer News)
www.kv.by

Rabota dlya Vas (Job for You)
www.rdw.by

Magazines

Bank Vestnik (Bank News) Informative and analytical magazine of the National Bank of Belarus.
www.nbrb.by/bv/

Jurist (Lawyer) Specialized magazine for economic layers.
www.jurist.by

Informatika (Informatics) the latest results of fundamental and applied science Issue and problems of info researches, developed and integrated scientific technological innovations, Russian and Belarusian projects in the field of informatics, conference report etc.
www.uip.bas-net.by/magazine/

Elektronika (Electronics)

The latest innovation in the field of electronic, microelectronic, electrical engineering, opto-fiber technologies, electronics, power engineering, communications etc.

<http://electronica.nsys.by/>

"Delo Vostok + Zapad" (Business: East + West) Business to Business magazine.

www.delobelarus.com

Director - magazine for top managers

www.economy-law.com

Beloruski Economicheskiy Journal (Belarusian Economic Magazine)

www.bem.bseu.by

Glavni Bugalter (Main Bookkeeper)

www.gb.by

Radio

alpharadio - radio for business people

www.alpharadio.com.by

ROCKS – Belarus

www.roks.com

Unistar

star.by www.uni

Television

TV company - official site BelTeleRadioCompany

www.tvr.by

National Television

www.ont.by

Capital Television

www.belros.info/ctv

OTHER BUSINESS RESOURCES

Priorbank

www.priorbank.by/

Institute of Privatization and Management

www.research.by

Belarusian Union of Entrepreneurs and Employers

www.bspn.nsys.by

Mises Center
www.liberty-belarus.info

Belarusian Society of Assessors
<http://www.valuer-cis.ru/seedepart.asp?ID=37>

Business Belarus - Information Directory
www.b2b.by

Infoline 085 - Phone directory
www.085.by

A-Zimut - professional directory of IT companies
www.azimut.by

IT in Belarus
www.it-belarus.net

Belarusian Export
www.export.by

Council of Entrepreneurship Development in the Republic of Belarus
www.sovpr.org

National Internet portal of judicial information of the Republic of Belarus
www.pravo.by

National centre for judicial information of the Republic of Belarus
<http://ncpi.gov.by/>

BELEXPO – Exhibitions
www.belexpo.by

MINSKEXPO - Exhibiting company
www.minskexpo.com.by

International exhibitions in the Republic of Belarus
www.tc.by

Pricing

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Regular price structure for any product sold in Belarus includes self-cost, 18% VAT, 200-300% excise for some groups of products, 36% social insurance, 24% profit tax, extraordinary, road and agricultural taxes. There are also some minor duties that are paid in local budgets.

The government subsidizes domestic producers of staple food products (milk, bread and some others) and controls prices for some categories of goods. There are no price limitations for imported goods. The importer/distributor of goods can set the mark-up at

their own discretion. All other intermediaries/wholesalers cannot mark-up goods more than 20%. In addition, all businesses have to declare and register their prices with the local governments. This procedure is fairly formal and does not pose a serious problem to businesses.

For more information on prices and taxes please see www.nalogi.by

Sales Service/Customer Support

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Customer support is provided only occasionally in Belarus, and the quality is not always good. At the same time local governments throughout the country have “market development’ sections, which are purely bureaucratic but can provide trustworthy information on local businesses, as well as local area and industry development projects.

In 2002 the Government of Belarus adopted a long-term State Program “Electronic Belarus”. Under the program, which will be implemented through 2010, there will be established a nation-wide information system. For more information please e-mail the Embassy at semenovdv@state.gov

Protecting Your Intellectual Property

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Belarus has established a legal framework to secure intellectual property rights and the prevalence of rights declined in 2006, although significant barriers remain to enhance enforcement. See more info in Chapter 6.

Due Diligence

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Belarus has plenty of auditing firms, including transnational ones - Deloitte and Touche, and Ernst and Young. Their activities are governed by the law on auditing.

Interested U.S. companies are welcome to contact the U.S. Embassy in Belarus for the International Company Profile (ICP). This reasonably priced service provides for background check of a Belarusian business and providing information collected from open sources to interested U.S. businesses. For more information please e-mail the Embassy at semenovdv@state.gov.

Local Professional Services

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Belarus has a number of engineering and consulting firms that provide application, infrastructure and other services. For more information see web resources below.

Consulting firm SATIO

www.satio.by

Consulting, audit, marketing, judicial and similar services Aksioma
Training programs for top managers, consulting projects.

www.axioma.by

Belorgconsult - consulting company. The company site features information about main projects, clients and services.

www.consulting.by

Deloitte is the biggest audit and consulting company in Belarus. It provides services in audit, consulting, corporate finances, taxation, jurisprudence and corporate management.

www.deloitte.com

KO recruiting agency. KO is the company operating in personnel recruiting only. Job opportunities for qualified specialists.

www.konet.ru

National Centre for Marketing and Price Study of the Ministry of Foreign Affairs of the Republic of Belarus

www.icetrade.by

Project Financing Provides assistance in own finances and credit management in the course of investment projects.

<http://finance.iatp.by/>

Register: information and judicial agency.

Register provides: internet-based information system on Law and provides judicial consultations.

www.iparegistr.com

Uniter Group

Facilitating entry to the Belarusian market, legal advice and representation, business investment consulting, professional services and business advise: accounting, audit, tax planning, custom clearance, commercial court litigation, business and strategic consulting.

www.uniter.by

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Chapter 4: Leading Sectors for U.S. Export and Investment

The U.S. Embassy has no Commercial Section, which could research what agricultural and non-agricultural sectors provide the best opportunities for U.S. exports and investment to Belarus. Nevertheless, based on the information occasionally received by the Embassy from its local business contacts and Belarusian mass media, IT technologies, equipment for nuclear plants, motor vehicles, pharmaceuticals, industrial and agricultural equipment, new milk processing technologies, construction technologies and building products can find potentially good markets in Belarus.

Web Resources

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Belarusian government agencies

<http://www.mfa.gov.by/eng/index.php?id=2&d=contacts/links>

Exhibitions in Belarus

BELEXPO – Exhibitions

www.belexpo.by

MINSKEXPO - Exhibition company

www.minskexpo.com.by

International exhibitions in the Republic of Belarus

www.tc.by

Green Expo - exhibition

<http://www.greenexpo.by/>

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Chapter 5: Trade Regulations and Standards

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Import Tariffs

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While the scale of import tariffs in Belarus varies from 5 to 50%, the average import tariff is 15%. See the list of import tariffs in web resources below. The import tariffs were established by the Resolution of the Council of Ministers No. 865 of June 28, 2002. The system of import tariffs includes

- advalorem - added on in percentage terms to the customs value of taxable goods;
- specific - charged in fixed rates per unit of taxable goods;
- combined - comprising both types of customs registration.

All calculations of imported duties are based on the customs costs (CIF).

Trade Barriers

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Belarus has no special trade barriers (tariff and non-tariff) for U.S. exporters. In January 2006 the President of Belarus signed edict #57, which allows the Belarusian government to apply non-tariff measures in foreign trade only with prior approval of the President.

For more on Belarus' tariff and non-tariff foreign trade policies see the website of Belarus' Foreign Ministry below.

I suggest we skip this part, since I found no detailed list of required documents. As for U.S. Export controls, as of now, there are no limitations on exports to Belarus, except some products of dual use.

Temporary Entry

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In April 2002 Belarus' State Customs Committee issued a resolution governing temporary entry of goods to Belarus. Temporary entry includes goods brought into the country for industrial and commercial purposes. Such regime cannot be applied to food products, tobacco, clothing, footwear, or industrial waste. Temporary entry cannot exceed six months for goods brought to trade shows, as samples of products, goods brought for testing, CD's, etc. Temporary entry cannot exceed twelve months for radio,

television and cinematographic equipment, equipment and materials for scientific research and education, goods and equipment brought for sports competition. Temporary entry cannot exceed two years for all other goods. Such goods (when in Belarus) are under control of the Customs Committee. For more information see the Resolution of the State Customs Committee # 22, dated April 8, 2002.

Labeling and Marking Requirements

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All goods retailed in Belarus should be clearly labeled in one of the state languages, Russian or Belarusian. All labels should contain general info for consumers in compliance with Belarus' 2002 law on Protection of Consumers Rights. Liquor and tobacco products should be marked with excise stamps. More information on labeling and marking can be purchased from

Belarusian State Institute of Standardization and Certification
Attn: Mr. Nikolai Kusakin, Director
3, Melezha St. 221013, Minsk, Belarus
e-mai: belgiss@mail.belpak.by
tel/fax + 375 (17) 262-1520 262-0552, 237-2118
website: <http://www.belgiss.org.by/>

Prohibited and Restricted Imports

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The list of prohibited imports includes weapons and ammunition, narcotics, and photographs and printed matter directed against Belarus (in practice this means political material). The list of restricted imports includes alcoholic drinks, tobacco and some other products.

Customs Regulations and Contact Information

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The list of major laws governing the activities of the State Customs Committee of Belarus includes the Customs Code (enacted in July 1998) and the law on customs duty (enacted in January 1998). Under the Customs Code the Customs Committee issues customs regulations that are mandatory to all legal entities and individuals crossing the Belarusian border.

Customs regulations establish the procedure of determining the country of origin, verifying the customs cost and classification of the cleared goods, as well as levying VAT on imported goods.

Declaration of imported or exported goods for the purposes of customs clearance is the responsibility of the owner of the goods or a customs agent. Such agent is a legal entity of Belarus licensed by the State Customs Committee. Before the customs declaration is submitted an owner or an agent can under customs control inspect, measure and take

samples of the shipped product. For more information on customs regulations please see the following links

<http://www.mfa.gov.by/rus/index.php?d=economic/trade&id=1> (о Таможенном тарифе Республики Беларусь)

<http://gtk.gov.by/>

Address and contact information of the State Customs Committee of Belarus:

Belarus, 220007, Minsk, Mogilevskaya 45/1

Phone: +375 (17) 218-90-00

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Mr. Alexander Shpilevsky, Chairman

Standards

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Overview

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Belarus' system of technical norms and standardization is based on 2004 law On Technical Norms and Standardization. The law introduced technical regulations, which are cleared by the government and set requirements that any product should meet. In 2001 State Standardization Committee adopted a Code of Established Practices on drafting, adopting and applying standards. Belarus seeking WTO membership, such Code is required under WTO agreement on technical barriers and trade. In compliance with the Agreement, Belarus set up a National Information Center on Technical Barriers in Trade, Sanitary and Phytosanitary Measures (www.nicwto.by).

For complete information on standards and certification in Belarus, please see the website of the State Committee for Standardization, Metrology and Certification under the Council of Ministers of the Republic of Belarus. <http://gosstandart.gov.by/>

Contact information:

Mr. Valery N. Koreshkov, Chairman

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Standards Organizations

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State standards are cleared by the State Committee on Standardization, which also represents the country in ISO and IEC. The standards are drafted in compliance with annually set plans by the national technical committees on standards, research institutes and industrial organizations. The list of draft standards is posted on Belarus' Standards Committee website (www.gosstandart.gov.by) and everybody is welcome to comment on them.

Conformity Assessment

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See Product Certification below.

Testing

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Product Certification

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Product certification as one of the form of conformity assessment is based on Belarus' law On the Assessment of Conformity to Technical Regulations in the Field of Technical Norms and Standards

Products are certified for conformity to safety, health, environment, security and other regulations if such certification is mandated by law and technical requirements..

Certification rules and procedures are governed by the National System of Conformity Confirmation and are based on patterns adopted by the International Standards Organization (ISO).

Certification is performed by accredited organizations and agencies.

Belarus has no agreements with the U.S. on mutual recognition of certificates

Accreditation

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National accreditation agency is the State committee Committee for Standardization, Metrology and Certification under the Council of Ministers of the Republic of Belarus. It accredits certification agencies and laboratories throughout the country. Such

laboratories provide testing and measurement services to ensure compliance with technical regulations

State Standardization Committee keeps a Log of such laboratories with information on their areas of responsibility.

Publication of Technical Regulations

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The State Standardization Committee's website has information on products liable to certification, accredited certification agencies and testing laboratories.

Labeling and Marking

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All goods retailed in Belarus should be clearly labeled in one of the state languages, Russian or Belarusian. More information on labeling and marking can be purchased from

Belarusian State Institute of Standardization and Certification
Attn: Mr. Nikolai Kusakin, Director
3, Melezha St. 221013, Minsk, Belarus
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website: <http://www.belgiss.org.by/>

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The State Committee for Standardization, Metrology and Certification under the Council of Ministers of the Republic of Belarus. <http://gosstandart.gov.by/>

Trade Agreements

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Belarus has ratified more than 30 agreements on the Promotion and Mutual Protection of Investment with other countries.

See web resources below.

Web Resources

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Ratified Bilateral investment agreements (in Russian and Belarusian only)
<http://www.pravo.by/classifier/classif.asp?code=16.13.11&sp=1&bl=1>

Import tariffs
<http://www.mfa.gov.by/rus/index.php?id=1&d=economic/trade>

Tariff and non-tariff regulations in Belarus' foreign trade
<http://www.mfa.gov.by/eng/index.php?id=1&d=economic/trade>

Belarusian State Institute of Standardization and Certification
<http://www.belgiss.org.by/>

State Committee for Standardization, Metrology and Certification under the Council of Ministers of the Republic of Belarus
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Chapter 6: Investment Climate

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Openness to Foreign Investment

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The GOB officially welcomes foreign investment, which is seen as a source of new production technologies, jobs and hard currency. The factors that attract foreign businessmen to Belarus include good geographical position, fairly stable economic and political situation, a well-developed infrastructure, highly qualified and relatively inexpensive labor force.

The year of 2006 was the most successful in Belarus' economic history. The country had an investment boom that originated primarily from high revenues from exporting oil products, fertilizers, metal and some other products. According to independent economic analysts, the success of 2006 should be attributed in the first place to the extremely beneficial regime that Belarus enjoyed in its trade with Russia. It bought Russian oil and gas at prices several times lower than other countries. This added more competitive edge to Belarus' main exports (oil products).

Some independent observers assess Belarus' 2006 investment market as high as U.S. \$7 billion. Most investments in the national economy (U.S. \$ 4 billion) came from various domestic sources (profits of Belarusian businesses, loans of local banks and private investments). So, the country's investment boom in recent years has been in the first place featured by the self-financing of Belarusian industries.

According to Belarus' official statistics, in 2006, foreign investments were **USD 4 billion** and rose 122% on the year. Foreign Direct Investment (FDI) was \$748.6 million and increased by 65.9%. However, the share of FDI declined to 18.5% from 25% in 2005.

Most FDI came to industry, \$133.6 million; trade and public catering, \$67.1 million; and construction, \$10.3 million.

At the same time, the country's business climate did not improve much and generally cautious attitude of the authorities toward FDI prevailed. The President of Belarus noted on several occasions in 2005 and 2006 that he does not want FDI, which would create extra competition to Belarus' main exports: tractors, trucks, etc. but welcomed such investment in productions that are not or insufficiently existent in the country.

The Investment Code of the Republic of Belarus, passed on June 22, 2003, is the major Belarusian law affecting all forms of investment activities. The list of such activities includes acquisition of assets, stocks, intellectual property rights, concessions and greenfield creation of a business.

The judicial system generally upholds sanctity of contracts. However, courts may give up to pressure of authorities.

There is no particular discrimination against foreign investors in Belarus at the initial or any later stages. The tax regime for businesses with and without foreign investments is now identical. However, government discriminates against foreign firms in its tender policies. Also, the government discriminates in favour of Belarusian government-owned businesses.

Generally, both central and local governments' policies sometimes seem to reflect a distrust and discrimination against private enterprise and profit and are therefore not always conducive to a favorable business climate. It should be noted, however, that such discrimination equally applies to private businesses with and without foreign investment. The government of Belarus openly states that it wants to maintain tight control over all economic activity in Belarus.

In 2006, there were certain improvements in foreign ownership and control issues. E.G. in Belarus' banking sector the notorious "Golden Share" rule and limits on foreign shares in the charter fund were removed. Nevertheless, "Golden Share" is still applied every now and then in other industries, if the government has or ever had at least one share in a company.

As was said before, foreign investments are no longer unconditionally welcome in Belarus. The government claims it works to create equal conditions for domestic and foreign investors in Belarus. In practice, however, foreign investments undergo additional screening and allowed only on a case-by-case basis. Major screening criteria

used by local governments include modern technology, the number of created jobs, scope of financial investment, potential competition with existing domestic producer(s), etc. Also, while under the law there are no unconditional requirements on the local content, workforce, exports, etc., the government highly recommends them to foreign investors. Sometime, other criteria come into play, e.g. in 2006 a Belarusian-Iranian JV started assembling Iranian cars Samand (outdated equivalent of the French Peugeot).

Most of the sectors of Belarus' economy are open for investment. Industries generally closed for investment for all countries except Russia include defense, state security and related industries.

The Embassy is not aware of any instances in which a foreign investor was formally denied national treatment or MFN treatment. However, as noted above, the president has made public statements against foreign investment in some sectors. It should also be noted that the most profitable business areas in Belarus (e.g. refining crude oil, trade in tobacco and alcohol, lotteries, etc.) have been gradually taken over by businesses connected to the Presidential Administration. So, in this context, other private businesses, domestic and foreign alike, are discriminated equally.

The Embassy has not received any complaints of discrimination against foreign investors in connection with privatization, although there were very few instances of such participation. Under the law, foreign investors enjoy the same privatization rights as their Belarusian counterparts. In reality, however, the government tries to keep tight control over the country's all major industries, let alone those of them that are highly profitable. It took Russia's Gazprom many years of painful talks with the Belarusian government to finally receive a permission to buy 50% of Belarus' gas transportation company Beltransgaz . The deal was signed in January 2007. It came in the wake of long and dramatic energy stand-off between the governments of both countries and was in a sense political.

Conversion and Transfer Policies

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There have been no reported problems with converting and transferring funds to or from Belarus. According to the National Bank of Belarus, conversion/remittance system in the country is more organized and streamlined than in many other countries of the former USSR. Embassy is not aware of any plans to change remittance policies, although some independent economic analysts predict possible difficulties in 2007 with acquiring freely convertible currencies.

Expropriation and Compensation

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Expropriation of private property happens in Belarus every now and then. It should be noted that in most cases expropriation happens in the form of de-privatization. It is not expropriation or nationalization per se, but government seeks to secure majority share in many joint stock companies sometimes under flimsy pretexts, though officially claiming it seeks to secure the interests of workers, e.g. long loss-making, wage payment arrears,

etc. Such acts are not related to any particular industry and are not anti-foreign, i.e. foreign and domestic assets alike are subject to expropriation, sometimes to the benefit of businesses under the Presidential Administration. Most profitable “independent” businessmen are often forced out of business through commonly employed bureaucratic methods, e.g. licensing, Golden Share, etc.

In the recent past there have been instances of confiscation/nationalization of business property as a penalty for some violations of law, although the Embassy received no such reports in 2006. Under the Investment Code, fair compensation for the nationalized/expropriated property should be offered. However, the government, when nationalizing/expropriating property, refers to breaches of business law and, consequently, offers no compensation.

Private businesses in Belarus, foreign and domestic alike often prefer to start a project from scratch and thus avoid potential risks connected with privatization.

Dispute Settlement

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The judiciary is not independent from the executive and therefore cannot always provide a reliable and impartial mechanism for resolving disputes.

The tax authorities have the power to seize money from bank accounts based on their unilateral determination that taxes are due.

The Embassy is not aware of any large investment disputes over the last few years involving U.S. or other foreign investors or contractors.

The country has a written commercial law, though it contains inconsistencies and is largely not business friendly.

Belarus' bankruptcy law was passed in 1991 and significantly amended in 2001 and 2003. Nevertheless, independent observers note that many state enterprises operate at a significant loss, but bankruptcy proceedings are seldom contemplated.

Belarus is a member of the International Center for the Settlement of Investment Disputes (ICSID) (also known as the Washington Convention). It is also a member of the New York Convention of 1958 on the recognition and enforcement of foreign arbitral awards. In principle, the government of Belarus accepts binding international arbitration of investment disputes between foreign investors and the state, although the Embassy is not aware of any cases where this has been put to the test.

Performance Requirements and Incentives

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It is most unlikely that Belarus will become WTO member in the foreseeable future.

In private projects, there is no limitation on foreign content. In public projects the share of foreign investment normally cannot exceed 49%. As an exception, in early 2007, it was announced Gazprom would be allowed to buy 50% of shares in Beltransgaz, Belarus' gas transportation monopoly, by 2010.

According to the Belarus Investment code, foreign investment is prohibited in areas affecting the defense and security of the country, unless the president decides otherwise. It is also prohibited in the manufacturing and sale of narcotic and toxic substances, per the list established by the Ministry of Health.

Belarus seldom applies performance requirements or incentives to both domestic and foreign investors. Largely command-style and prohibitive regulations and instructions prevail. Often, they have no direct connection to what companies do for business. For example, it has become common that businesses in Belarus are approached by the authorities with all kinds of informal and sometimes exotic "requests", e.g. donate money for the construction of the National library, pave the sidewalk or paint the fence on the neighboring street, etc. If companies refuse, authorities normally exert all kinds of pressure, e.g. start special tax, firefighting or militia inspections, etc. Most companies have to concede just to be left alone. Nevertheless, large international businesses seldom give in to pressure – they appeal directly to the central government, or Embassies of their respective countries, and/or make noise in the what independent media remain. That normally helps. Good personal contacts in the government are essential for many local businesses when addressing more than normal businesses concerns.

Sometimes in large-scale projects with foreign investment there is a requirement that nationals own shares, or that the share of foreign equity be reduced over time, or that technology be transferred on certain terms. However, Belarus has had few such projects so far and it did not become a common practice.

The Embassy is not aware of any "offset" requirements imposed by government.

Foreign investments are screened by central or local governments and are allowed only on a case by case basis. Major criteria used by local government for screening include the number of created jobs, scope of financial investment, potential competition with existing domestic producer(s), etc. Also, the authorities usually require that investors purchase from local sources and export a certain percentage of output but that normally depends on the project, its volume and industry.

In 2005 and 2006 enterprises with foreign investment lost substantial customs, tax and other privileges. Belarusian parliament changed the Investment Code accordingly to make conditions for foreign and domestic investors equal. Sometimes, the Belarusian government provides additional benefits ad hoc, particularly to major "big name" investors.

To the Embassy's knowledge, U.S. and other foreign firms are able to participate in government financed and/or subsidized research and development programs. E.g. Belarus High Tech Park (<http://www.park.by/en>). There are occasional reports that preference is sometimes given to businesses with a considerable state share.

To date, there have been no discriminatory or excessively onerous visa, residence or work permit requirements inhibiting foreign investors, nor have there been restrictions placed on the numbers or duration of employment of foreign managers brought in to supervise foreign investment projects. In practice, however, few firms employ significant numbers of foreigners, apart from Russian citizens, who benefit from special visa treatment.

The government has an announced policy of import substitution and actively encourages people, as well as state-owned and private businesses to buy locally made goods and services. The government tries to control prices on goods and services, as well as salaries of workers and managers. Businesses have to provide information on their prices to the local authorities and they, in turn, provide instructions on the time and amount of salary increases. The government also has onerous non-tariff trade barriers, e.g. excessive number of licenses/clearances that businesses have to secure, etc.

Right to Private Ownership and Establishment

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The Belarusian Constitution proclaims the equality of private and public enterprises. In theory, both foreign and domestic business enterprises may establish and engage in most forms of remunerative activity. In practice, however, private businesses are often disadvantaged against their public counterparts. For example, tax exemptions and benefits are provided usually to fully state-owned businesses or joint stocks with government share.

Disputes and problems that arise over foreign investors' activities in Belarus are not different from those experienced by local businesses.

Speaking to Russian journalists in November 2005, the Belarusian president articulated the following: "The private entrepreneur cares little about the state and people. He cares more about his income. Government should not ignore this, especially in cases when private property results from privatization. I welcome property created at the expense of entrepreneur's own labor, rather than through the purchase of business from a state for \$1 million. Then, billions of dollars are earned over ten years and the business is sold back to the state for \$10-15 billions. I am against such tricks with property and against such private property".

In accordance with the Belarusian law, in exclusive state ownership are the following items:

- munitions;
- objects of defense infrastructure including civil defense;
- facilities producing, storing and selling narcotic and psychotropic substances, as well as organizations growing, processing and selling plants containing narcotic substances (including hemp);
- facilities producing, storing and selling drastic and poisonous substances which can pollute environment and create seats of chemical lesion of human beings, except facilities providing agrochemical services in agriculture;
- disposal of household, industrial, radioactive and chemical waste;

- extraction and processing precious metals ores, precious stones, potassium ores, radioactive and rare earth elements;
- patenting, standardization, metrology, certification, geodesy and cartography;
- pre-school education, out-of-school educational services, institutions, orphanages, boarding schools for orphans and disabled children;
- water-supply and sewage, city street lighting;
- backbone and international power grids;
- heat supply;
- natural gas supply: gas-distributing points, underground depots of liquefied gas;
- oil and oil-products pipelines;
- grain storages;
- public motor roads, bridges, overpasses, tunnels;
- railroad transportation;
- air traffic control, aerodromes of national airports and military aerodromes;
- underground and urban electric transport;
- forestry enterprises;
- water and melioration;
- production and storage of non-issued national bank notes and coins;
- production and storage of state securities;
- historical and cultural heritage (state archives, state libraries, state art galleries);
- interregional and regional stations and laboratories, posts and other organizations of the state authority on hydrometeorology, as well as laboratories and organizations of the state authority on nature resources and environmental protection;
- scientific organizations of the National Academy of Sciences and the Academy of Agrarian Sciences of Belarus;
- customs infrastructure;
- enterprises and objects of correctional labor institutions;
- cemeteries and crematoriums;
- state sanitary control;
- cryptographic equipment;
- research-production organizations of the Belarusian State Research-Production Concern of Machinery and Instruments, Belarusian State Research-Production Concern of Powder Metallurgy.

Protection of Property Rights

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The concept of mortgage exists and is governed by the Civil Code. However, the draft law on mortgage is still in the pipeline.

Belarusian law gives land ownership rights to individuals only. Businesses cannot own land, unless they secure land ownership permission from the president of Belarus. Sales of state-owned buildings are allowed, though sales above certain level are subject to

clearance of the president of the country. The procedure, like most in Belarus, is highly bureaucratic and imposes considerable time costs.

Intellectual property

Belarus is a member of the Paris Convention for the protection of industrial property, the Geneva Universal Convention, Bern Convention for the protection of literary and artistic works, WIPO copyright treaty and WIPO performances and phonograms treaty. In addition, Belarus joined the Geneva Phonogram Convention. Nevertheless, there still is no retroactive protection for works or sound recordings under Belarus' intellectual property law, which came into effect in August 1998. Belarus has amended its Criminal Code to adopt penalties for intellectual property rights violations. The country significantly improved its IPR record over the last year. Nevertheless, pirated copies of video, audio, and printed materials as well as computer software can still be purchased in Belarus.

Belarus has taken steps to implement and enforce the WTO TRIPS agreement. The Civil Code and laws pertaining to IP rights include provisions that facilitate implementation of TRIPS agreement.

Transparency of Regulatory System

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The government of Belarus announced efforts to reduce bureaucracy and red tape. Nevertheless, bureaucratic procedures, including those for licenses and permits are not sufficiently streamlined and transparent and unnecessary red tape is a problem. The rules of the game often remain inconsistent and change more often than not.

The government claims the country's legal, regulatory, and accounting systems are transparent and consistent with international norms. However, businesses often call them burdensome, inconsistent and unfriendly. The regulatory policies are not fully transparent. Observers of the economic scene say that it is not so much existing laws that make foreign investors uncertain and cautious. Rather, it is the lack of respect for law. Lack of consistency in numerous laws, and presidential decrees and edicts is a big concern. This state of affairs is exacerbated by inefficient bureaucratic procedures. The Embassy has received complaints alleging officials often give inconsistent or contradictory advice, fail to answer questions clearly, and fail to take responsibility for their actions. The time that the government in Belarus needs to issue licenses/permissions to requesting businesses is one of the longest in the former USSR.

At the same time tax laws do not normally impede investment. They have become more stable and predictable, and there were no instances of their retroactive application.

The Embassy has received no reports that labor, health, environment and safety laws have impeded investment.

Draft laws are seldom discussed publicly before being adopted. Independent observers note that the system of book keeping in Belarus is not completely consistent with international standards.

Belarus is a signatory of the 1958 Convention on the Recognition and Enforcement of Foreign Arbitral Awards - the "New York" Convention. Under the Convention Belarus recognizes and enforces awards made in other States, subject to specific limited exceptions.

Efficient Capital Markets and Portfolio Investment

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Economic policies of the Belarusian government are not always conducive to free movement of financial resources, since the government control is sometimes overly tight.

Private businesses have access to a variety of credit instruments, though interests are high. The time and cost of preparing all necessary paperwork often makes it difficult for small and medium businesspeople to try to secure many of existing credit instruments.

There is a legal system for portfolio investment, though the level of such investment is low (0.1% of the total foreign investment in 2006) primarily because Belarus does not have a developed or efficient stock market. As of January 1, 2007, Portfolio investment was at \$3.224 million compared with \$247,000 in 2005.

Mutual shareholding is not common.

Belarus' banking system is stable. According to official sources the non-payment of loans is low. Belarusian banks offer interest rates of up to 15% on deposits of individuals and issue loans to enterprises with interest rates from 14 to 16%. The legal, regulatory, and accounting systems used by banks are fairly consistent with international norms.

Foreign investors are able to get credit on the local market. Statistics on the total assets of the country's largest banks are fairly reliable. As of January 1, 2007, they were USD 14 billion – 40.5 percent growth on the year.

The banking system is considered sound though banks are not rich. Belarus' four largest banks Belarusbank, Belagropormbank, Belpromstroibank and Belinvestbank (each with a majority of its shares owned by the governments) have 78.6 percent of the total assets.

Political Violence

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In Embassy's estimation, the potential for widespread politically inspired violence that would adversely affect foreign property interests is low.

Corruption

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Belarus has laws, regulations and penalties to combat corruption. While the Embassy has received credible reports of corruption, particularly at the local level, U.S. firms have not identified corruption as a particularly significant obstacle to foreign direct investment. Belarusian business representatives, particularly those involved in import and export transactions, however, complain often of pervasive corruption.

Although the number of corruption investigations in 2006 has increased, there were no reports of corruption cases at high government level where, according to independent observers, it is pervasive.

Belarus signed and ratified the Civil Law Convention on Corruption on December 26, 2005; the UN Anticorruption Convention on November 25, 2004; Criminal Law Convention on Corruption on May 26, 2003; the UN Convention against Transnational Organized Crime on May 3, 2003. Belarus is not a signatory to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

The list of major Belarusian agencies responsible for fighting corruption includes the Ministry of the Interior, the State Security Committee (KGB), the State Control Committee and the Security Council. In July 2006, Belarusian President signed into law a bill on fighting corruption, complementing Belarus' existing anti-corruption legislation. The new law defines professions vulnerable to corruption, designates the Prosecutor General's Office as the coordinator of anti-corruption efforts and establishes limitations on GOB officials' family members.

Giving or accepting a bribe is a criminal act, penalties can be quite severe - up to 15 years of imprisonment. However, senior officials convicted of large-scale corruption can be released without penalty.

According to independent polls, corruption is most pervasive among local government officials, directors of large state enterprises, militia and especially road police officers, doctors and teachers.

To the Embassy's knowledge, there are no local or international NGO's that help fight corruption in Belarus. The government is generally hostile to any NGO that is not explicitly pro-government.

To the Embassy's knowledge, there have been no reports that any foreign investors have been implicated in bribery schemes.

Bilateral Investment Agreements

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In January 1994, the U.S. and Belarus signed a bilateral investment treaty, which has been ratified by both sides but not implemented. Implementation is unlikely in the near future. In addition, due to continuing repression of labor rights in Belarus, the U.S. removed Belarus from the Generalized System of Preferences (GSP) in 2000.

According to the Ministry of Foreign Affairs, as of January 1, 2006, Belarus also has bilateral investment treaties with Poland, Vietnam, Finland, China, Germany, Switzerland, France, Great Britain, Sweden, the Netherlands, Romania, Iran, Italy,

Turkey, Ukraine, Bulgaria, Yugoslavia, Czech Republic, Pakistan, Egypt, South Korea, Latvia, Syria, Cyprus, Tajikistan, Lithuania, UAE, Israel, Singapore, Cuba, Libya, Qatar, Austria, Armenia, Mongolia, Lebanon, Macedonia, Croatia, Kuwait, Belgium and Luxemburg economic union, Bahrain, Jordan, Yemen, Denmark, Oman, India, Bosnia and Herzegovina. Belarus has a multilateral investment treaty with Azerbaijan, Armenia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Uzbekistan and Ukraine.

The USG has discontinued negotiations on the development of a bilateral taxation treaty. Belarus has forty-five such agreements with other countries.

Belarus is a member of the Multilateral Investment Guarantee Agency of the World Bank since December 1992.

OPIC and Other Investment Insurance Programs

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In 1997, OPIC paid an expropriation claim filed by an American investor in a joint defense-conversion venture in Belarus, after the government nationalized the company without compensation. Shortly thereafter OPIC suspended underwriting insurance in Belarus, until the government provides reimbursement for this claim.

Labor

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Belarus has a highly skilled and well-educated work force, due to its good system of higher and specialized education. Wages are much lower than in Western Europe, the United States and even Russia. The government is actively raising all salaries by fiat, in public and private enterprises, unconnected to increases in productivity. The government plans to double the average wage by 2010 to \$500 a month.

Belarus' Labor Code is the major law regulating all labor issues. Joint ventures and foreign businesses anywhere in Belarus are bound by the existing Labor code. The Embassy has received no reports that the requirements of the Labor Code, per se, hinder foreign investment. State-owned industries are often overstaffed and not attractive to private investors unless the private investor can make personnel cutbacks. The GOB, however, is reluctant to allow private investors to make these cutbacks.

In July 2000, President Clinton signed a proclamation withdrawing benefits under the Generalized System of Preferences (GSP) from Belarus. This decision was based on a 1997 American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) petition to the United States Trade Representative (USTR), which requested that the United States remove Belarus from GSP. The petition alleged that Belarus was not acting in accordance with the Trade Act of 1974, as amended, regarding internationally recognized worker rights. These include the freedom to form independent trade unions and the right to organize and bargain collectively. The rights of independent trade unions are often subject to government attack, as documented in the Department of State's 2006 Human Rights Report.

In November 1998, President Lukashenko signed a law on free economic zones (FEZ) in Belarus. The first such zone was established, before the adoption of the law, in the city of Brest. At present, each of Belarus' six regions has its own free economic zone.

The tax and regulatory scheme applicable to businesses in these zones is, in principle, much simpler and more rational than elsewhere in Belarus. Significant tax benefits for businesses registered and operating inside the zones include, among others, import tariff and VAT exemptions and reduced income tax (50% and more). In October 2005 the president of Belarus signed an edict that established uniform rules for all FEZ. In order to avoid unfair competition of FEZ businesses with the ones outside the zones, the edict made all benefits contingent upon two major conditions – exporting products manufactured in FEZ outside Belarus and/or selling them inside Belarus, unless there is competition with local producers. This is intended to make the country less dependent on imports. In 2006, the aggregate output of companies registered in Belarus' six free economic zones increased on the year by 41.8%.

Foreign Direct Investment Statistics

Official Belarusian government statistics are fairly reliable. The figures below were drawn from statistics provided by the GOB.

Foreign investment in 2006 was more than USD 4 billion, of which direct investment was \$859 million (18.5%). The FDI was only 2.6 % of the total investment in Belarus' economy. In 2007 the government plans to increase the share to 15-20 percent.

According to official statistics, 80 percent of FDI came as loans from foreign investors, 10 percent came as contributions to charter funds and the remaining 10 percent came as other types of FDI. Most FDI came from Switzerland (66.4%), Russia (6.1%), Cyprus (3.8%), USA (3.2 %), Great Britain (3.1%).

The total volume of foreign investment in Belarus in 2006 (USD 4 billion) was 11% of the GDP (USD 37 billion).

In 2006, Belarus' FDI abroad was USD 5.5 million, of which USD 2.6 million was in the CIS (primarily Russia – USD 1.9 million) and USD 2.9 million was invested outside CIS (primarily United Arab Emirates - USD 2.4 million and European Union – USD 468 thousand)

As of January 1, 2007 Belarus had more than 3.5 thousand organizations with FDI.

The list of major FDI in Belarus includes:

American:

Coca-Cola Beverages Byelorussia (Coca-Cola's bottler);
McDonald's Restaurants (five restaurants in the capital city of Minsk);
Syabr (Detroit Belarus Brewing Company);

Double Star International Ltd – production of confectionary.

International:

MAZ-MAN (Germany) - truck production;
Mobile TeleSystems (Russia) - provision of mobile phone services;
Milavitsa (Italy, Estonia) - lingerie production;
Henkel Bautechnik (Austria) - chemical production;
Inko-Food (Poland) - meat processing;
Vicos Nahrungsmittel GMBH (Germany) - production of confectionary;
Maersk Medical A/S (Denmark) production of syringes;
SB Telecom (Cyprus) - provision of mobile phone services;
Karl Zeiss (Germany) production of optics);
Fresenius Beteiligungsgesellschaft GMBH (Germany) – production of medical equipment;
Raiffeisenbank (Austria) – banking services;
Fenox Automotive GMBH (Germany) – production of replacement parts for automobiles.

In late 2006, Belarus and Russia signed a USD 2.5 billion deal on Gazprom's purchase of 50% of Belarus' Beltransgaz (natural gas transportation company). So far, this has been the largest investment project in Belarus' history. Nevertheless, the payment is scheduled in equal installments in the course of next four years.

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<http://www.mfa.gov.by/eng/index.php?d=economic/investment&id=24>

<http://www.belarusembassy.org/economic/investments/investments.htm>

<http://www.nbrb.by/engl/> (National Bank of Belarus)

http://www.pravo.by/win/other_legacts.asp .

<http://w3.economy.gov.by/ministry/bip.nsf/alleng.html> (Belarus' major investment projects)

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Chapter 7: Trade and Project Financing

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- [How Does the Banking System Operate](#)
- [Foreign-Exchange Controls](#)

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How Do I Get Paid (Methods of Payment)

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All common methods of payment, including open account, letter of credit, documentary collections, factoring, etc. are used in Belarus. Credit-rating agencies and collection agencies are just starting to emerge in Belarus.

How Does the Banking System Operate

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Belarus' Banking Code govern the country's banking system. The National Bank issues resolutions with detailed instructions to banks. To establish a bank, founders shall contribute only their own resources to a charter fund that cannot be less than the equivalent of 5 million Euro.

Belarusian banking system is the primary, if not the only, provider of financial services. As of January 1, 2007, Belarus had 30 banks, of which 26 had foreign investments. Ten banks were one hundred percent in foreign ownership. Eleven foreign banks have their representative offices in Belarus. The total assets of Belarus banks were USD 14 billion, a 40.1% rise on the year. Belarus' four largest banks Belarusbank, Belagropormbank, Belpromstroibank and Belinvestbank (in each of which the state owns more than 50 percent stake) account for 78.6 percent of the total assets.

The National Bank has imposed certain limitations on currency movement for Belarusian businesses.

-- Direct and portfolio investments by Belarusian businesses abroad, loans provided by Belarusian businesses for more than 180 days and certain capital operations have to be cleared by the National Bank.

-- The National Bank clears any export payments and imports shipments exceeding 180 days.

-- Belarusian businesses are not allowed to open bank accounts abroad without prior clearance of the National Bank.

-- Belarusian businesses are not allowed to pay each other in foreign currencies.

-- Belarusian businesses have to sell 30% of their export revenues (in hard currency) to the state at the Belarusian Currency and Stock Exchange.

-- Belarusian businesses can buy hard currency only for certain purposes (import payments, loan payments, remittance of dividends, etc.) and are obliged to spend it within seven days from the date of purchase.

Belarusian businesses have to secure clearance of the Ministry of Trade on any delays in export payments (above 90 days) and imports shipments (above 60 days).

Businesses with foreign investment are considered Belarusian businesses regardless of the percentage of foreign share and the above limitations are fully applicable to them.

U.S. Banks and Local Correspondent Banks

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There are no U.S. banks in Belarus but most Belarusian banks have correspondent accounts with U.S. banks.

Project Financing

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Major projects in Belarus are financed from central and local budgets, e.g. Minsk-Arena Sports Complex, upgrading utilities in small provincial towns, etc. These are not commercial projects and no domestic or foreign investments came to support them.

International Financial Corporation (IFC) of the World Bank and European Bank for Reconstruction and Development (EBRD) are the only international institutions that provide funding to small and medium-sized business projects in Belarus. For more information, please see their websites below. OPIC, Eximbank and TDA are not operational in Belarus.

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IFC <http://www.ifc.org/ifcext/belarus.nsf/Content/IFC+in+Belarus>

EBRD <http://www.ebrd.com/country/country/belarus/index.htm>

Export-Import Bank of the United States: <http://www.exim.gov>

Country Limitation Schedule: http://www.exim.gov/tools/country/country_limits.html

OPIC: <http://www.opic.gov>

National Bank of the Republic of Belarus <http://www.nbrb.by/>

Trade and Development Agency: <http://www.tda.gov/>

SBA's Office of International Trade: <http://www.sba.gov/oit/>

USDA Commodity Credit Corporation: <http://www.fsa.usda.gov/cc/default.htm>

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Chapter 8: Business Travel

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Business Customs

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Business customs in Belarus are generally identical to those in Russia.

Like in Russia, obtaining an appointment can be difficult, making persistence and patience essential. Appointments should be scheduled far in advance and, if possible, confirmed.

Scheduling a business trip to Belarus in the first half of May, July and August may not be a good idea, because many people take their vacations at these times.

An old Russian proverb says - "People meet you depending on how you're dressed and they say good bye depending on how wise you seem." Belarusian businesspeople pay a lot of attention to how they and their potential partners are dressed. Casual wear is unacceptable at business meetings.

Travel Advisory

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Travelers entering Belarus by air with more than 50 kilograms of luggage (110 pounds) will be charged Euro 2 per kilogram in excess of that limit. The fee must be paid in dollars or Euros. Travelers should declare all electrical and electronic equipment or devices upon entry; failure to do so will require the traveler to pay up to 30 percent customs duty on these items upon departure. Travelers should complete two customs declarations at the time of entry and should retain one copy and produce it at the time of exit in order to prove that items were not acquired while in Belarus.

Belarus requires all foreign nationals (other than accredited diplomats) entering the country to purchase medical insurance at the port-of-entry regardless of any other insurance they might have. Costs for this insurance will vary according to the length of stay. (Subject to change, current information puts costs at \$1.00 for a one-or two-day stay, \$15.00 for a stay up to 30-31 days, and \$85.00 for a stay of one year.)

A presidential decree adopted in June 2005 requires citizens of foreign countries to pay a one-time fee when entering/exiting Belarus. The entry/exit tax currently amounts to approximately \$3.00 per person. Travelers should receive a receipt and produce this document at the request of Border Control Officers at border crossing points. Diplomats and their family members, as well as members of official delegations and representatives of international organizations, are exempt from the duty.

U.S. citizens traveling through Belarus to other countries are strongly reminded that there is a transit visa requirement for entering and leaving Belarus. Transit visas should be obtained prior to any journey that requires travel through Belarus. Commonwealth of Independent States (CIS) and Russian visas are no substitute for this transit visa. Most travel agencies, including those in Russia and CIS countries as well as train ticket sales personnel, are often not aware of this visa requirement and may not seek a transit visa for a traveler unless instructed by the traveler to do so. U.S. citizens traveling to Belarus via Russia are reminded that they must possess a Russian transit visa in addition to their Belarusian visa. The Russian Embassy generally does not issue transit or tourist visas to Americans in Belarus.

U.S. citizens attempting to transit Belarus without a valid Belarusian transit visa have been denied entry into the country and forcibly removed from trains. In some instances, local border and train authorities have threatened passengers who did not possess a valid transit visa with jail or extorted "fines." American citizens are advised not to pay any border or train officials for transit visas or "transit visa fines" as these officials are not authorized to issue such visas. Americans finding themselves in Belarus without transit visas should, if confronted by border or train personnel, demand to be put in contact with consular officials at the U.S. Embassy in Minsk. Travelers who enter and then leave Belarus in a private vehicle at two different points are often required to pay a "green" tax, or ecology tax, which is levied by the regional authorities.

In addition to the above, the Belarusian government sometimes enforces a requirement for special permits to travel in "protected border zones." The Government of Belarus has not provided information defining the parameters of those zones. Travelers should be alert for warning signs, road barriers, and/or border guard posts, and are advised not to cross into such areas without permission.

http://travel.state.gov/travel/cis_pa_tw/cis/cis_1033.html

Visa Requirements

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A passport and visa are required. A visa must be obtained before entering Belarus. Travelers who do not have a visa cannot register at hotels. U.S. citizens residing in Belarus are required to register with the local office of visas and registration (OVIR) within three working days after arrival. Failure to do so can result in fines and visits from local law enforcement authorities. U.S. citizens staying in hotels are automatically

registered at check-in. Visa validity dates are strictly enforced; travelers should request sufficient time to allow for delays in arrival and departure.

U.S. Companies that require travel of Belarusians to the United States should be advised that visa processing may require several weeks.

State Department Visa Website: <<http://travel.state.gov/visa/index.html>>

United States Visas.gov: <<http://www.unitedstatesvisas.gov/>>

Consular section of the U.S. embassy in Belarus:
http://minsk.usembassy.gov/general_information3.html

Telecommunications

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Telecommunication services are fairly reliable in Belarus. The Belarusian Ministry of Communications pursues a “socially-oriented” policy. Its priorities are: extension of fixed-line telephony in rural regions and low fixed-line tariffs. The state - owned Beltelecom holds a monopoly as the only provider of fixed line telephony services in Belarus. Being a monopolist, Beltelecom keeps prices for international calls very high and uses profits to subsidize domestic services. Old analog PBX’s are being extensively replaced by digital ones throughout the country and the quality of regular telephone lines is improving.

At present, there are three GSM mobile phone services providers in Belarus (Velcom, MTS, Best) and one CDMA-450 mobile phone services provider (Belcel). Internet access is readily available, though largely consists of slow dial-up connections. High speed Internet is primarily available in large cities and is fairly expensive.

Transportation

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While in a foreign country, U.S. citizens may encounter road conditions that differ significantly from those in the United States. The information below concerning Belarus is provided for general reference only, and may not be totally accurate in a particular location or circumstance.

Individual U.S. state drivers’ licenses are not recognized in Belarus unless accompanied by an international drivers’ license. When U.S. state licenses are used in conjunction with an international drivers’ license, U.S. citizens may drive in Belarus for up to three months. U.S. citizens should, therefore, always carry with them their passports to prove date of entry into the country in the event that police stop them. After residing in Belarus for three months, one may apply for a local driver’s license. Drivers will be required to successfully complete a two-part test in Russian. The first part is a computer-based multiple-choice test on local driving rules. The second part of the test is a driving test. To receive a local driver’s license, drivers will also need to complete a medical exam at a

special medical clinic, which will include a general physical, a chest x-ray, and an eye exam.

Driving with caution is urged at all times. Radio dispatched taxi services are generally reliable, arrive promptly once called and usually offer the lowest fare. Most radio-dispatched taxis are metered, although fares can vary greatly and are considerably higher in the late evening and overnight hours. Unmetered taxis and private autos are also available; however, using such taxis is not recommended, as they are often more expensive for foreigners and less safe. In the event a traveler must use such a taxi, he or she should not travel alone and should agree to the price of the trip before getting into the vehicle.

Minsk has a clean, safe, and efficient subway system that easily reaches most of the city's core. Service is stopped briefly during the early morning hours, but otherwise runs regularly throughout the day. Tickets cost approximately the equivalent of 25 cents one way. Though their routes are extensive, buses and trolleys lack cooling capabilities and are usually crowded.

Travelers on all public transportation should be wary of pickpockets and other petty crime. For travelers interested in car rental, only AVIS currently operates in Minsk. In general, rental car networks in Belarus are not well developed.

Travelers may experience significant delays (of several hours) in crossing the border by road into neighboring countries.

Please refer to our [Road Safety](#) page for more information http://travel.state.gov/travel/tips/safety/safety_1179.html at http://travel.state.gov/travel/tips/safety/safety_1179.html or visit the website of the Republic of Belarus National Tourism Agency at <http://www.touragency.by/>.

AVIATION SAFETY OVERSIGHT: As there is no direct commercial air service between the United States and Belarus, the U.S. Federal Aviation Administration (FAA) has not assessed Belarus' Civil Aviation Authority for compliance with ICAO international aviation safety standards. For more information, travelers may visit the FAA's Internet web site at http://www.faa.gov/safety/programs_initiatives/oversight/iasa.

SPECIAL CIRCUMSTANCES: Traveler's checks are not widely accepted in Belarus. Most hotels accept either American Express or Visa credit cards. In addition, one hotel in Minsk, "Planeta," provides cash from Visa credit cards during business hours. Travelers face arrest if they attempt to buy items with currency other than Belarusian rubles. Authorized currency exchange centers are widely available throughout major cities. ATMs are also available for use. Travelers should be aware that there is a high incidence of credit card fraud in Belarus. If they choose to use credit cards, they should regularly check their account status to ensure its integrity.

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Both Belarusian and Russian are official languages. Russian is widely spoken throughout the country, particularly in the cities. Many business people in Belarus speak English or some other European language.

Health

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Medical care in Belarus is limited. Basic medical supplies, including anesthetics, vaccines and antibiotics are not always readily available. Elderly travelers and those with existing health problems may be at risk due to inadequate medical facilities. Information on vaccinations and other health precautions, such as safe food and water precautions and insect bite protection, may be obtained from the Centers for Disease Control and Prevention's hotline for international travelers at 1-877-FYI-TRIP (1-877-394-8747) or via the CDC's Internet site at <http://www.cdc.gov/travel>. For information about outbreaks of infectious diseases abroad consult the World Health Organization's (WHO) website at <http://www.who.int/en>. Further health information for travelers is available at <http://www.who.int/ith>.

The U.S. Department of State strongly urges Americans to consult with their medical insurance company prior to traveling abroad to confirm whether their policy applies overseas and whether it will cover emergency expenses such as a medical evacuation. Please see the information on medical insurance overseas at http://travel.state.gov/travel/cis_pa_tw/cis/cis_1470.html.

Chapter 9: Contacts, Market Research, and Trade Events

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Contacts

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INFORMATION RESOURCES
OF THE REPUBLIC OF BELARUS

FREE ECONOMIC ZONES

Minsk
www.fezminsk.by

Brest
www.fezbrest.com

Vitebsk
www.fez-vitebsk.com

Grodno invest
www.invest.grodno.by

Gomel-Raton
www.gomelraton.com

Mogilev
www.region.mogilev.by

Government agencies

Official site of state bodies of the Republic of Belarus
www.main.gov.by

Presidential Administration of the Republic of Belarus
www.president.gov.by

Council of the Republic of the National Assembly of the Republic of Belarus
www.sovrep.gov.by

Chamber of Representatives of the National Assembly of the Republic of Belarus
www.house.gov.by

Council of Ministers Official Site of the Government of Belarus
www.government.by

Constitutional Court of the Republic of Belarus
<http://ncpi.gov.by/constsud/>

Supreme Economic Court of the Republic of Belarus
www.court.by

The National Bank of the Republic of Belarus
www.nbrb.by

Ministry of architecture and construction of the Republic of Belarus
www.minstroyarch.gov.by

Ministry of Internal Affairs of the Republic of Belarus
<http://mvd-belarus.nsys.by/>

Ministry of Health of the Republic of Belarus
www.minzdrav.by

MFA Ministry of Foreign Affairs of the Republic of Belarus
www.mfa.gov.by

Ministry of Information of the Republic of Belarus
www.mininform.gov.by

Ministry of Culture of the Republic of Belarus
www.kultura.by

Ministry of Defense of the Republic of Belarus
www.mod.mil.by

Ministry of Education of the Republic of Belarus
www.minedu.unibel.by

Ministry of Taxes and Collection of the Republic of Belarus
www.nalog.by

Ministry of Rescue of the Republic of Belarus
www.rescue01.gov.by

Ministry of Natural Resources and Environmental Protection of the Republic of Belarus
www.minpriroda.by

Ministry of Posts and Telecommunications of the Republic of Belarus
www.mpt.gov.by

Ministry of Agriculture and Food of the Republic of Belarus
<http://mshp.minsk.by/>

Ministry of Sport and Tourism of the Republic of Belarus
www.mst.by

Ministry of Statistics and Analysis of the Republic of Belarus
<http://www.president.gov.by/Minstat/>

Ministry of Transportation and Communications of the Republic of Belarus
www.mintrans.by

Ministry of Finances of the Republic of Belarus
<http://ncpi.gov.by/minfin>

Ministry of Economy of the Republic of Belarus
www.economy.gov.by

Ministry of Justice of the Republic of Belarus
<http://ncpi.gov.by/minjust/>

Official Site of Minsk City Executive Committee
www.minsk.gov.by

Official Site of Vitebsk Region Administration
www.regadmin.vitebsk.by

Official Site of Mogilev Region Administration
www.region.mogilev.by

Official Site of Gomel Region Executive Committee
<http://gomel-region.gov.by/>

Official Site of Grodno Region Administration
www.region.grodno.by

REPRESENTATIONS OF INTERNATIONAL ORGANISATIONS

United Nations Office in Belarus
www.un.minsk.by

World Bank in Belarus
www.worldbank.org.by

Chamber of Commerce and Industry of Belarus
<http://www.cci.by>

International Financial Corporation in Belarus
<http://ifcln1.ifc.org/ifcext/ceu.nsf/Content/Belarus/>

Executive Committee of the Commonwealth of the Independent States
www.cis.minsk.by

OTHER BUSINESS RESOURCES

Business Belarus - Information Directory
www.b2b.by

Infoline 085 - Phone directory
www.085.by

A-Zimut - professional directory of IT companies
www.azimut.by

IT in Belarus
www.it-belarus.net

Belarusian Export
www.export.by

Council of Entrepreneurship Development in the Republic of Belarus
www.sovpr.org

National Internet portal of judicial information of the Republic of Belarus
www.pravo.by

National center for judicial information of the Republic of Belarus
<http://ncpi.gov.by/>

BELEXPO – Exhibitions

www.belexpo.by

MINSKEXPO - Exhibition company
www.minskexpo.com.by

International exhibitions in the Republic of Belarus
www.tc.by

Green Expo - exhibition
<http://www.greenexpo.by/>

MISCELLANEOUS

Belavia national air company
www.belavia.by

Belarusian railway
www.rw.by

National Airport
www.airport.by

All Hotels of Belarus
www.belarustravel.by
<http://hotels.by.com/>

Weather in Belarus
www.meteo.by

Maps of all regions and cities of the Republic of Belarus
www.emaps-online.com

Map of Minsk
www.kartaminska.by.ru

Press portfolio of Belarus
<http://photo.bymedia.net/>

Belarus: XXI - Photo Gallery
www.babinets.com

History of Belarus
<http://albaruthenia.by.ru/>

History of Belarus
www.hf.uib.no/Andre/Vesti/belohist.htm

Globe of Belarus - architectural sights of Belarus
<http://globus.tut.by/>

NON-PROFIT ORGANISATIONS OF THE REPUBLIC OF BELARUS

Information portal of Non-governmental organisations
www.ngo.by

Minsk Capital Association of Entrepreneurs and Employers
www.allminsk.biz

Brest Region Association of Entrepreneurs
<http://spbo.iatp.by/>

Vitebsk Region Association of Employers and Entrepreneurs
<http://anp2003.at.tut.by/>

Mogilev Region Public Association of Entrepreneurs
www.mogilevbiz.net

Rotary Club Minsk
www.rotary.org.by

Anticrisis management corporation
www.kay.by

Belarusian public association of economic lawyers
www.lex.by

Ecotourism in Belarus
www.ruralbelarus.by

Market Research

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To view market research reports produced by the U.S. Commercial Service please go to the following website: <http://www.export.gov/marketresearch.html> and click on Country and Industry Market Reports.

Please note that these reports are only available to U.S. citizens and U.S. companies. Registration to the site is required, but free of charge.

Trade Events

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Please click on the link below for information on upcoming trade events.

<http://www.export.gov/tradeevents.html>

For more information on trade events in Belarus visit the following sites:

BELEXPO – Exhibitions
www.belexpo.by

MINSKEXPO - Exhibition company
www.minskexpo.com.by

International exhibitions in the Republic of Belarus
www.tc.by

Green Expo - exhibition
<http://www.greenexpo.by/>

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Chapter 10: Guide to Our Services

The U.S. Commercial Service terminated its operations in Belarus in August 2002. Nevertheless, the U.S. Embassy in Minsk tries to provide information support to interested U.S. businesses to the extent possible. For more information please see the U.S. Embassy's website <http://minsk.usembassy.gov/> or contact the Political/Economic Section of the Embassy semenovdv@state.gov

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U.S. exporters seeking general export information/assistance or country-specific commercial information should consult with their nearest **Export Assistance Center** or the **U.S. Department of Commerce's Trade Information Center** at **(800) USA-TRADE**, or go to the following website: <http://www.export.gov>

To the best of our knowledge, the information contained in this report is accurate as of the date published. However, **The Department of Commerce** does not take responsibility for actions readers may take based on the information contained herein. Readers should always conduct their own due diligence before entering into business ventures or other commercial arrangements. **The Department of Commerce** can assist companies in these endeavors.