

Edict of the President of the Republic of Belarus  
dated 16.10.2009 No. 510  
(amended on 08.02.2016)  
“On improving inspection (surveillance) activities  
in the Republic of Belarus”  
(along with “Regulations on procedures for  
organizing and conducting inspections”,  
“Regulations on procedures for monitoring”)  
(along with changes and additions, in force since  
07. 03. 2016)

**EDICT OF THE PRESIDENT OF THE REPUBLIC OF BELARUS**  
**October 16, 2009, No. 510**  
**ON IMPROVING INSPECTION (SURVEILLANCE) ACTIVITIES IN THE REPUBLIC OF BELARUS**

(in revision of the Edicts of the President of the Republic of Belarus dated 16.10.2009 No. 510, dated 09.03.2010 No. 143, dated 26.07.2012 No. 332, dated 08.01.2013 No. 8, dated 16.04.2013 No. 196, dated 01.07.2013 No. 292, dated 25.07.2013 No. 331, dated 25.07.2013 No. 332, dated 07.10.2013 No. 456, dated 27.11.2013 No. 523, dated 29.11.2013 No. 529, dated 25.02.2014 No. 99, dated 30.06.2014 No. 325, dated 28.07.2014 No. 381, dated 03.12.2014 No. 563, dated 09.02.2015 No. 48, dated 16.02.2015 No. 62, dated 23.02.2015 No. 95, dated 06.05.2015 No. 188, dated 04.06.2015 No. 231, dated 26.11.2015 No. 475, dated 08.02.2016 No. 35)

With the purpose of improving the inspection (surveillance) activities in the Republic of Belarus, determining a uniform procedure for its performing, creating additional conditions for development of effective forms of management:

1. To specify that inspections of organizations, their separate subdivisions that have the accounting number (hereinafter – separate subdivisions), representative offices of foreign organizations, individual entrepreneurs, notaries as well as persons carrying out advocacy activities individually, craft activity, farm tourism activity, temporary (anti-crisis) managers not being legal persons or individual entrepreneurs (hereinafter – unless otherwise specified – inspected entities) may only be done by the State Bodies (their structural subdivisions having the rights of legal entities (hereinafter – structural subdivisions), territorial bodies, subordinate organizations) and other organizations authorized by the legislative acts or normative legal acts of the Government of the Republic of Belarus for exercising inspection (surveillance) over the activities of the inspected entities and included into the List of the Inspection (Surveillance) Bodies with indication of the spheres of inspection (surveillance) activity approved by this Edict (hereinafter – Inspection (Surveillance) Bodies).

(in revision of the Edicts of the President of the Republic of Belarus dated 26.07.2012 No. 332, dated 27.11.2013 No. 523).

The issues that are checked by the Inspection (Surveillance) Body should match the competence of this body. (part two of p. 1 in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

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(footnote <\*> excluded since October 1, 2012. - Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

2. The requirements of this Edict are obligatory for all inspection (surveillance) bodies of the inspected entities.

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The first part of paragraph 3 entered into force after six months from the date of official publication (paragraph 29 of this document).

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3. Public inspection in the form of inspections may be exercised by trade unions, their organizational structures, associations of such unions and their organizational structures in the cases and procedures set up by other legislative acts.

Public inspection in the form of inspections by other organizations, except those specified in the first part of this paragraph as well as individuals is prohibited.

4. To prohibit, except as provided in paragraph 5 of this Edict, inspections during two years from the date of: the state registration of the organizations (except those created in the course of reorganization), individual entrepreneurs;

the assignment of accounting number of the payer of the separate subdivisions of organizations (except those created in the course of reorganization);

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

the creation of representative offices of foreign organizations;

the initial issuance of registration certificates for the persons engaged in lawyer activities individually;

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(in revision of the Edict of the President of the Republic of Belarus dated 27.11.2013 No. 523).

the initial payment of the fee for craft activities, fee for rendering services in the sphere of farm tourism – persons carrying out craft activities, activities in the sphere of farm tourism.

5. Within the period specified in paragraph 4 of this Edict the unscheduled inspections may be assigned:

Under instruction of the President of the Republic of Belarus;

By the Committee for State Control (or by its instructions) if it has the information evidencing pseudo-entrepreneurship, or transactions (operations) with the persons in the activities of which there were identified the signs of pseudo-entrepreneurship or financial transactions with violations of the legislative requirements (illegal financial transactions <\*>) in the amount exceeding 1000 base values;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

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<\*> For the purposes of this Edict the term "financial transaction" has the meaning specified in the Law of the Republic of Belarus of July 19, 2000 "On measures to prevent the legalization of income obtained by criminal means and terrorist financing" (national register of legal acts of the Republic of Belarus, 2000, No. 75, 2/201).

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

By the instructions of the Criminal Prosecution Bodies for the initiated criminal case as well as the heads (their deputies) of those bodies on which they are having the investigating materials evidencing the corruption offenses and crimes, legalization of the income obtained by criminal means and terrorist financing;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

In practices of the State sanitary and fire supervision, State supervision over observance of the industrial and pharmaceutical production of medicines, State control over protection and use of flora and fauna. Such inspections may be assigned only in case of presence of the grounds and in compliance with the conditions specified in the paragraph of the second part of subparagraph 9.1 of paragraph 9 of this Edict;

Compliance to the binding requirements of technical normative legal acts in construction (including renovation, restoration, major repairs and improvement), approved project documentation when performing construction works and conformity of the used construction materials, products and structures to the design solutions and to the binding requirements of technical normative legal acts in the sphere of technical regulation and standardization to ensure the operational reliability and safety;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

The paragraph is excluded since October 1, 2012 - Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332;

By the National Bank in supervision of banking activities, including the consolidated basis, as well as within the framework of monitoring of compliance of the non-profit microfinance institutions operating in the form of consumer cooperatives, to the Law which is regulating the procedure for granting and attracting the microloans, and in the framework of monitoring the compliance to the legislation regulating the procedure and conditions for performing, initiated by the individual and legal entities, the operations with non-deliverable OTC (activity in the OTC Forex market);

(in revision of the Edict of the President of the Republic of Belarus dated 30.06.2014 No. 325, dated 04.06.2015 No. 231).

The use (spending), by the inspected entity, of the budgetary funds, the funds of the state target budgetary and extra-budgetary funds, state property, the means of the state support;

For confirming the justification of the credits or refunds, to the inspected entity, of the excess amounts of tax deductions over the sums of value added tax, calculated after realization of goods (works, services), property rights;

On the issues of observing, by the inspected entity, the procedure of wholesale and/or retail trade of the third party products (commercial mediation). However, inspection of other activities of such entity is not done;

For affiliation (confirmation) of the validity and legality of the financial and economic transactions between the inspected entity and its counterparties or third parties related to the inspected financial and economic operations (hereinafter - counter inspection);

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

For inspection of elimination, by the inspected entity, of the violations identified during the previous inspection (hereinafter - control inspection);

For confirmation of the validity of the arguments set forth in the objections to the act (certificate) of inspection or in the appeal against the decision of the Inspection (Surveillance) Body (official person), requirement (regulation) to eliminate the violations, study of additional issues on cases (materials) delivered to the criminal prosecution bodies, courts, except the previously agreed ones by the inspector (head of the inspection) and the officials of criminal prosecution bodies on the initiated criminal case, the heads (their deputies) of criminal prosecution bodies,

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courts with the cases at law (the materials), or due to non-observance by the inspector (head of inspection) of the established order for scheduling and carrying out inspections (hereinafter - additional inspection).

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

According to the application of the Inspected Entity.

Unscheduled inspections in accordance with the first part of this paragraph shall be assigned by the head of the Inspection (Surveillance) Body (including the territorial body, structural division, subordinate organization) or its authorized Deputy within the competence of the Inspection (Surveillance) Body along with compliance with other requirements of this Edict.

6. Upon expiration of the term specified in paragraph 4 of this Edict, the inspection can be conducted when it is included in the coordination plan of Inspection (Surveillance) activities (hereinafter - scheduled inspection):

Depending on attribution of the inspected entity to high, medium or low risk in accordance with the criteria of classifying the inspected entities by a group of risk for assignment of scheduled inspections approved by this Edict;

On the basis of the decision or instruction of the President of the Republic of Belarus indicating that the activities of a specific inspected entity is subject to inspection but not requiring its immediate commencement.

7. Unless otherwise provided in parts two and three of this paragraph, the Inspection (Surveillance) Body is entitled to assign scheduled inspections in relation to the inspected entities classified as:

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

a high risk group – not more than once per a calendar year. If according to the results of the Inspection (Surveillance) Body in the course of a routine inspection no violations of the law by the inspected entity was identified the next scheduled inspection of that entity should be assigned by this Inspection (Surveillance) Body not more than once in two calendar years (including the year in which a planned inspection was done);

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

a medium risk group - not more than once in three calendar years. If according to the results of the Inspection (Surveillance) Body in the course of a routine inspection no violations of the law by the inspected entity was identified the next scheduled inspection of that entity should be assigned by this Inspection (Surveillance) Body not more than once in five calendar years (including the year in which a planned inspection was done);

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

a low risk group - as needed but not more than once in five calendar years.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

Scheduled inspections in respect of inspected entities that are conscientiously fulfilling the obligations towards the budget including the state trust budget funds and having no violations of legislation (irrespective of their classification into risk groups), should be done by the same Inspection (Surveillance) Body and its structural division, territorial body, subordinate organization) not oftener than once in five calendar years. In addition, for the purposes of this paragraph and paragraph 11 of this Edict the inspected entity is considered to be conscientiously fulfilling its obligations towards the budget and having no violations of legislation upon fulfillment of the following conditions:

in the course of the previous routine inspection there were no established facts of non-fulfillment or improper fulfillment by the inspected entity of the obligations towards the budget including the state trust budget funds and there were no violations of the law;

during the period after the end of the previous scheduled inspection and till specifying the next routine inspection by this or other Inspection (Surveillance) Body there were no established facts of non-fulfillment or improper fulfillment by the entity its obligations towards the budget including the state trust budget funds and there were no violations of the law.

(part two of paragraph 7 was introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

Scheduled inspections in respect of the inspected entity classified as a medium risk group may not be assigned and for a low risk group the inspection may not be assigned in one of the following cases:

on the basis of the results analysis of the information available with the Inspection (Surveillance) Body including the information represented by the entity inspected according to the control list of questions (check-list) no signs of violation of the law were identified;

on the date of inspection assignment there is a report containing a positive opinion of the Inspector about the reliability of the accounting (financial) statements (Ledgers of income and expenditure of the inspected entities applying a simplified system of taxation) and compliance of the performed financial (economic) operations to the legislation. In this case the scheduled inspections may not be assigned (not assigned) for the period and on the issues inspected in the course of the inspection except the inspection of correctness of the calculation, timeliness and completeness of payment of taxes, charges (duties), other obligatory payments to the budget including the state trust budget funds and state extra-budgetary funds.

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8. Scheduled inspections of the same inspected entity during the calendar year may be realized by several Inspection (Surveillance) Bodies in the form of a joint inspection only. Conducting several scheduled inspections of the same inspected entity during a calendar year is not allowed.

Within the framework of the scheduled inspection of the organization there may be carried out a scheduled inspection of a separate division on the issues that have not been inspected during a calendar year of the scheduled inspection of that separate division. The scheduled inspection, during a calendar year, of a separate subdivision of the organization does not exclude the possibility of arranging, in the same calendar year, routine inspections of this organization as well as its other separate divisions.

With the purpose of a scheduled inspection the calendar periods are calculated by the Inspection (Surveillance) Body from the end of the previous scheduled inspection (including that year) taking into account the established spheres of the Inspection (Surveillance) activities, assigned after January 1, 2010 by this Body as well as by its parent Body, their structural divisions (territorial bodies, subordinate organizations). In case of absence of the previous scheduled inspection the scheduled inspection may be assigned after the expiration of the period provided for in paragraph 4 of this Edict. The Procedure for establishing the timing for joint inspections is determined by the State Committee on Inspection.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

9. Without inclusion in the coordination plan of Inspection (Surveillance) activities the inspections in relation to the inspected entities (hereinafter - unscheduled inspections):

9.1. are assigned:

By instructions of the President of the Republic of Belarus, Prime Minister of the Republic of Belarus;  
(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

By the Chairman of the Committee of State Control and its deputies, chairmen of committees of the state control of regions, chiefs of managements of the Department of financial investigations of the Committee of State Control for regions, for Minsk region and Minsk city within the limits of their competences;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

By the attorney General and its deputies, prosecutors of the regions, Minsk city, within the limits of their competences;

(as amended by the Edicts of the President of the Republic of Belarus dated 26.07.2012 No. 332, dated 23.02.2015 No. 95).

By the head of another Inspection (Surveillance) Body (except the territorial body, structural division, subordinate organization) and one of the authorized deputies within the limits of the competences of the Inspection (Surveillance) Body.

The order for conducting an unscheduled inspection may be given, an unscheduled inspection - assigned by the persons listed in part one of this subparagraph, for the following reasons:

Availability of the information at the Inspection (Surveillance) Body including the information received from the public authority of a foreign state, any organization or any individual evidencing the committing (committed) violation of the law or the facts of appearing of the threat for inflicting or inflicting the harm to life and health of citizens, animals and plants, environment, state security, cultural values, property of legal entities and individuals, with presentation of the documents confirming such violations or facts (preparation of internal (official) documents containing a reference to such violations or facts and substantiation of the necessity to carry out the inspection). In case of absence, at the applicant party, the documents confirming such violations or facts, the applicant party (including its head, any representative of the State Body or any other organization) should provide a written consent for giving a testimony in relation to such violations or facts. In case of a subsequent refuse of the applicant party to provide the evidences in respect of the specified violations or facts, or non-confirmation, by the result of the inspection, of such violations or facts the inspected entity has the right to claim in the court from the applicant party for compensation of damages caused by dissemination of the information not corresponding to reality and discrediting its business reputation. Anonymous statement is not a ground for the unscheduled inspections;

the use (spending), by the inspected entity, of budgetary funds, resources of the state target budgetary and extra-budgetary funds, state property, measures for the state support;

a significant increase (not less than twice in a calendar year) of the accident rates and documented deterioration of transport discipline of the drivers of the inspected entity performing the transport operations. These inspections are performed by the Inspection (Surveillance) Bodies authorized by this Edict to conduct an inspection and surveillance over the compliance with the legislation on transport activities, securing the road safety;

a significant deterioration in the performance of banks or non-bank financial institutions which are not banks (hereinafter - banks), legal persons not being banks and recognized as members of a bank holding company <\*> on the basis of data of the bookkeeping balance sheet and other reporting forms; failure to comply with the

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regulations of the National Bank; the need to assess the effectiveness of measures to improve the financial status performed by these legal entities; the possibility of the Bank position, which may lead to its insolvency or posing a threat to maintaining stability of the banking system and (or) the interests of depositors and other creditors; the need to inspect the willingness of such entities to introduce new approaches to implementing and organizing activities, risk assessment and management, the assessment of the adequacy of regulatory capital, reporting, establishment of new prudential requirements and/or procedures, or evaluating the approbation results in practice of promising methodological approaches (including the projects accepted on a trial basis), as well as on other grounds specified by the National Bank in order to supervise the banking activity including the supervision on the consolidated basis;

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<\*> For the purposes of this Edict the term "Bank holding company" is used in the meaning defined by article 35 of the Banking code of the Republic of Belarus.

9.2. The head of the Inspection (Surveillance) Body (including the territorial body, structural division, subordinate organization) or its authorized deputy within the competence of the Inspection (Surveillance) Body are appointed on the following grounds:

- a reorganization of the inspected entity, the procedures of economic insolvency (bankruptcy);  
(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)
  - an additional inspection;
  - an instruction of the criminal prosecution bodies on the initiated criminal case, the Heads (their deputies) of the Criminal Prosecution Bodies and Courts on their pending cases (materials);  
(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)
  - obtaining of evidences on the case of the administrative offense;
  - occurrence of infectious diseases or suspicion on them, worsening of the health indicators of the human habitat (on the basis of results of the conducted instrumental and laboratory research);
  - the need of confirming the validity of credits or returns to the inspected entity of excess amounts of tax deductions over the sums of value added tax calculated on realization of goods (works, services), property rights;
  - the need to inspect the restored, by the inspected entity, accounting documents, tax accounting and (or) other documents related to taxation, submitted to the tax authority within the time periods set by the tax legislation;
  - the need of prompt detection and suppression of the legislation violations at the time of their commitment on a limited territory or in relation to trade entities, transport means, other places of activities (hereinafter - unscheduled thematic operational inspection). These inspections are entitled to be conducted by the Inspection (Surveillance) Bodies specified in paragraph 10 of this Edict;
  - the paragraph was removed on October 1, 2012. - Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332;
  - the state supervision over the operation of potentially dangerous objects;
  - the need to inspect the compliance with the binding requirements of technical normative legal acts in construction (including the renovation, restoration, major repairs and improvement), approved project documentation when doing the construction works as well as the compliance of the materials used in construction, products and structures with the design solutions and binding requirements of technical normative legal acts in the sphere of technical regulation and standardization to ensure the operational reliability and safety;  
(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)
  - the counter inspection;
  - the need to inspect the fact of failure, by a legal entity or individual entrepreneur, to perform its activity during the last six consecutive months (in order to acknowledge the indebtedness of such entity as bad debt and its amortization);
  - the reference inspection;
  - the statement of the inspected entity;
- the state inspection (surveillance) in respect to the entities belonging to a high risk group in terms of ensuring the safety of the manufactured or outstanding products. Such inspections, within their competence, are entitled to be carried out by the State inspection (Surveillance) Bodies over observance of the requirements of the technical regulations of the Customs Union, the Eurasian Economic Union in the sphere of consumer market and by the Bodies of the State Control Committee;  
(paragraph introduced by the Edict of the President of the Republic of Belarus dated 09.02.2015 No. 48).

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ConsultantPlus: note.

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Responsibility for violation of antimonopoly laws is established by article 11.24 of the Code of Administrative Offences and article 244 of the Criminal Code of the Republic of Belarus.

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9.3. are assigned by the heads of the Department of pricing policy of the Ministry of Economy, Regional Executive Committees (Minsk City Executive Committee) for the rapid detection and suppression of violations by legal entities and individual entrepreneurs of antimonopoly laws, legislation on prices and pricing.  
(Paragraph 9.3 introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

10. Unscheduled thematic operational checks are carried out, within their competence, by the Bodies of the State Control Committee, by the State Inspectorate for protection of flora and fauna under the President of the Republic of Belarus, by the Ministry for Taxes and Levies, by the Ministry of Natural Resources and Environmental Protection, by the State Committee for Standardization and their territorial bodies, by the National Bank, by the Transport Inspectorate of the Ministry of transport and communications and its affiliates, by the Ministry of health authorities, by the Bodies and Agencies engaged in the state sanitary inspection, by the Ministry of Commerce.  
(in revision of the Edicts of the President of the Republic of Belarus dated 26.07.2012 No. 332, dated 25.07.2013 No. 331)

11. Within the framework of the departmental control <\*> there may only be performed: the scheduled inspections not more than once every two calendar years, regardless of classification of the inspected entities by risk groups. In respect of the inspected entities conscientiously fulfilling their obligations to the budget, including the state trust budget funds and do not have the facts of violations of law the planned inspections shall be conducted no more than once in five calendar years, with the exception of diplomatic missions and consular institutions of the Republic of Belarus, the inspections of which, if there were no violations of the law during the previous scheduled inspections, should be conducted not more than once every three calendar years;  
(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

The unscheduled inspections, under the instructions of the Criminal Prosecution Bodies, on the initiated criminal cases, under the instructions of the Heads (their deputies) of Criminal Prosecution Bodies and Courts on their pending cases (materials);  
(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

The unscheduled inspections of Republican and municipal unitary enterprises converted into joint stock companies in the manner prescribed by the law, to confirm the validity of the balance sheet data of these enterprises on January 1 of the current year.  
(paragraph introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

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<\*> For the purposes of this Edict, under the departmental supervision it should be understood the control exercised by the State Bodies and other State organizations, the Republican state-public associations, structural divisions (subordinate organizations) of these bodies and organizations assigned to Bodies exercising departmental control, the List of the Inspection (Surveillance) Bodies and spheres of their inspection (surveillance) activities approved by this Edict, for compliance with the law, of the activities carried out by the subordinates or members of their structure (system) organizations, including their separate subdivisions having a payer account number.  
(in revision of the Edicts of the President of the Republic of Belarus dated 26.07.2012 No. 332, dated 27.11.2013 No. 523)

Implementation of departmental control is performed in accordance with paragraph 4, fourth paragraph of the first part of paragraph 5, the first subparagraph of paragraph 6, paragraphs 8, 12 - 17 of this Edict, approved by the Regulation on the procedure of organizing and carrying out the inspections.  
(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

12. Inspection, by the Inspection (Surveillance) Body, of the inspected entity for the same issue and for the same period of time including a joint inspection is not allowed, except for inspections carried out by the instructions of the President of the Republic of Belarus, Prime Minister of the Republic of Belarus, Chairman of the State Control Committee, Prosecutor General, the criminal prosecution bodies on initiated criminal cases, inspections by the National Bank, additional and counter inspections, inspections in terms of compliance with the Procedure for calculation and payment of value added tax, if the previously mentioned issues for the relevant periods were inspected as a part of inspection of the validity of credits or refunds, to the inspected entity, of excess amounts of tax deductions over the sums of value added tax, calculated on realization of goods (works, services), property rights and in respect of the entities that were previously inspected within the framework of a departmental control.  
(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

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13. Inspection of the inspected entity is carried out for a period not exceeding three calendar years preceding the year in which, in the established order, the decision on assigning the inspection was taken, as well as for the past period of the current calendar year.

The period, defined in the first part of this paragraph, for which an inspection is carried out, is not limited in the following cases:

conducting an inspection on the instruction of the President of the Republic of Belarus, Prime Minister of the Republic of Belarus, the Chairman of the Committee of state control and his deputies, the General Procurator and his deputies;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

conducting an inspection on the instructions of the criminal prosecution bodies on the initiated criminal cases;

conducting an inspection on compliance with the budget legislation, legislation on using the budgetary funds and tax legislation, usage of measures of State support, as well as the legislation on use of the state property and environment protection;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

surveillance of banking activities, including - on a consolidated basis;

addressing of individuals in case of disagreement with the results of investigation of the job-related accident or occupational disease;

conducting an inspection on compliance with the legislation on pensions for work with special working conditions;

the paragraph removed on October 1, 2012 - Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332;

carrying out an inspection on issues of civil defense, protection of population and territories from emergency situations of natural and technogenic character;

conducting additional and counter inspections.

14. The Inspection (Surveillance) Body is required, prior to the inspection, to put down the information about its conduct into the record book of inspections (upon presentation of this book), except the case stipulated in part three of this paragraph, in cases prescribed in paragraph 24-1 of Provision on the procedure of organizing and carrying out the inspections approved by this Edict, as well as an inspection using the method of control purchase of inventory items or control ordering for execution of works (rendering of services), in the exercise of which such information is entered in the said book after the conduct of test purchases of inventory items or control ordering for execution of works (rendering of services).

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

In case of failure to submit (absence) the record book of inspections, this information is indicated in the Report (Certificate) of inspection.

During the inspection of compliance with the binding requirements of technical normative legal acts in construction (including renovation, restoration, major repairs and improvement), approved design documentation at performance of construction works and compliance of materials, products, structures used in construction with design solutions and binding requirements of technical normative legal acts in the sphere of technical regulation and standardization to ensure operational reliability and security, the information about its conduct is entered into the journal of works.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

The Forms for inspection recording books, register books of work execution and the rules for their maintaining are approved by the Council of Ministers of the Republic of Belarus.

15. Illegal interference in the activities of the inspected entity is prohibited and shall entail the liability of the officials of Inspection (Surveillance) Bodies established by the legal acts of responsibility.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

The inspected entity is recognized faithfully performing the requirements of the law, until proven otherwise.

In case of ambiguous or unclear provisions in the legislative act, the decisions should be made in favor of the inspected entity.

Inspections should not violate the industrial and economic activities of the inspected entities.

(part four of paragraph 15 is introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

Inspection (Surveillance) activity is carried out with the use of measures of prophylactic and preventive nature implemented by the inspection (surveillance) bodies in interaction with the inspected entities subjected to inspection (surveillance), including by way of:

Monitoring, sending recommendations on elimination and prevention of deficiencies detected as a result of monitoring;

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Explaining about compliance with the requirements of legislation, application of its provisions in practice;  
Informing the entities (including the use of global computer network Internet, mass media) about typical violations detected in the course of inspections by Inspection (Surveillance) Bodies;

Arranging seminars, round tables and other.

(part five of paragraph 15 is introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

16. It is not permissible for the Inspection (Surveillance) Bodies to collect payment fee from the inspected entities for conducting inspections, except of reimbursement (payment) in cases and in the order determined by the Council of Ministers of the Republic of Belarus, the costs associated with carrying out research, tests, technical expert examinations, expert evaluation, involvement of experts, specialists, sampling and samples taking.  
(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

17. In case of absence of the inspected entity or the failure to submit the documents of accounting, tax accounting and (or) other documents related to taxation, the Inspection (Surveillance) Body, within its competence, has the right to determine, unless otherwise provided by the President of the Republic of Belarus, by the order instituted by the Council of Ministers of the Republic of Belarus, the amount of payable to the budget taxes, charges (duties) on the basis of information about the movement of funds in Bank accounts and (or) the information about the inspected entity received from other government agencies, legal entities and individual parties, or by the calculation method on the basis of information about the legal entities and individual entrepreneurs engaged in similar activities

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

18. Excluded.

(paragraph 18 excluded on October 1, 2012. - the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

19. The Inspection (Surveillance) Body that revealed the violation qualified by the legislative acts and Edicts of the Council of Ministers of the Republic of Belarus as the rough ones has the right to apply to the economic court of the region (Minsk city) with the claim about liquidation of the entity, unless otherwise stipulated in the legislative acts, to the licensing authority to submit a proposal about termination of the special permit (license) issued to the person carrying out a lawyer activity individually.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332, dated 27.11.2013 No. 523, dated 29.11.2013 No. 529)

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(footnote <\*> excluded on October 1, 2012 - the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

When the economic court of the region (Minsk city) is taking a decision on liquidation of a legal entity, termination of activity of an individual entrepreneur in accordance with the first part of this paragraph, the owner of the property (founder, participant) of the liquidated legal entity, the individual party, the activities of which are terminated, has the right to apply for state registration as a legal entity, individual entrepreneur only upon the expiration of one year from the date of the decision on liquidation (termination of activities).

(in revision of the Edict of the President of the Republic of Belarus dated 29.11.2013 No. 529)

When taking, by the licensing authority, the decision on termination of validity of the special permit (license) in accordance with the first part of this paragraph, the person carrying out a lawyer activity individually, has the right to apply for a special permit (license) necessary for implementation of these activities after one year from the date of adoption of the decision on termination of the issued special permit (license).

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332, dated 27.11.2013 No. 523)

19-1. This Edict establishes the following rules for calculating time limits, associated with the emergence, change or termination of the relations regulated by this Edict and, approved by it, the Regulations on the procedure of organizing and conducting the inspections and Regulations on the procedure for conducting monitoring.

The period calculated in months expires in the corresponding month and day of the last month of the period. This month is a calendar month. If the end of the period falls on a month which has no corresponding number, the period expires on the last day of this month.

If the last day of the period falls on a nonworking day, the period is considered to be expired on the next subsequent working day.

The action, for which the period is set, may be performed before 12 P.M. of the last day of the period.

The period calculated in months or days begins the next day after calendar date or occurrence of the event by which its beginning is determined.

(paragraph 19-1 introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

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20. Approve the attached:  
Regulations on the procedure for organizing and conducting the inspections;  
Regulations on the procedure for monitoring;  
(paragraph introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)  
List of Inspection (Surveillance) Bodies and spheres of their inspection (Surveillance) activities;  
Criteria for designating the inspected entities as groups of risk for assignment of the scheduled inspections.

21. This Edict is not applied when carrying out:  
Inspections (surveillances) over observance of legislation of the state registration and liquidation (termination of activities) of legal entities and individual entrepreneurs, including the inspections when liquidating (terminating the activities) of legal entities and individual entrepreneurs, as well as with the availability of information or facts showing the failure of entrepreneurial activity for twelve consecutive months and failure to inform the tax authority of the reasons for its failure;

Inspection (Surveillance) over observance of the legislation in the field of national security in the military sphere, over the protection of state secrets by the state bodies, legal entities and individuals as well as the state control over the activities of the state bodies and other legal entities of the governmental and operational communications, over protection of the encrypted, classified, and coded communication means, over the use at the territory of the Republic of Belarus the emitting radio-electronic means and high frequency devices of any purpose;

Inspection over the technical and cryptographic protection of information in the state bodies and other organizations being the property owners (owners) of the entities on which such protection is mandatory in accordance with the legislative acts, with the exception of the actions for inspection over observance of the legislation on licensing, licensing requirements and conditions of the licensed activity;  
(paragraph introduced by the Edict of the President of the Republic of Belarus dated 16.04.2013 N 196)

Protective measures in accordance with the Law of the Republic of Belarus dated May 8, 2009 "On the State Protection" (National Register of the Legal Acts of the Republic of Belarus, 2009, No. 119 2/1568);

Justice as well as the procedural actions of the authorized state bodies stipulated by the Criminal Procedure Code of the Republic of Belarus, the operational search activities;

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ConsultantPlus: note.

Types of inspection (except for the border and customs), which may be exercised at the checkpoints across the State border of the Republic of Belarus, are approved by the Edict of the President of the Republic of Belarus dated 10.05.2006 No. 313.

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Border control and also sanitary and quarantine, veterinary, phytosanitary, automobile and other types of inspection conducted at the State border of the Republic of Belarus;

Customs control (except for customs inspections). However when carrying out customs inspections, the provisions of this Edict and the Regulations on the procedure of organizing and conducting the inspections approved by it and Regulations on the procedure of monitoring are applied in the part not regulated by the customs legislation of the Customs Union;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No.332)

Export control;

Commitments in accordance with the international treaties of the Republic of Belarus;

The paragraph excluded on October 1, 2012. - Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332;

Inspection (Surveillance) over observance of the legislation on political parties and other public associations, their unions (associations), Republican state-public associations, their organizational structures, foundations;

Actions on revealing the property of the legal entity or individual entrepreneur and their debtors, conducted for the purposes of recovery of arrears of taxes, charges (duties), penalties and other obligatory payments to the budget, including the state trust budget funds and state non-budgetary funds;

Inspections of the public bodies with the exception of inspections of these bodies conducted in the framework of the departmental inspection;

(in revision of the Edict of the President of the Republic of Belarus dated 27.11.2013 N 523)

Inspections required for preparation and holding of public events;

The paragraph excluded on October 1, 2012. - Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332;

Field activities to ensure a rapid detection and suppression of violations of legislation in the field of protection

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and use of the objects of fauna and flora in carrying out the inspection over protection and use of wild animals belonging to the objects of hunting and fishing, trees and shrubs and other wild plants, forest fund, lands under the wild-growing trees and shrubbery vegetation (plantations), as well as ensuring, by the fish organizations, preservation of the fish contained in ponds of these organizations;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No.332)

Actions associated with the procedures for the issuance of Bank credits, loans, subsidies, sampling and measuring operations in the field of environmental protection;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No.332)

The state sanitary-hygienic examination and other studies, including laboratory tests associated with sampling conducted by the officials of the bodies and institutions performing the state sanitary surveillance, at the request of legal entities and individual entrepreneurs, as well as in accordance with the concluded civil-law contract, the results of which is not the ground for drawing up the act (certificate) of the inspection and passing the judgment, requirement or provision;

Immunological prophylaxis of infectious diseases and disinfection, insecticide and deratization works (services);

Inspections conducted at the location of the Inspection (Surveillance) Body on the basis of studying the documents and information obtained by the Inspection (Surveillance) Body in accordance with the legislation, without discovery of, from the inspected entity, any other documents (desk inspection);

The national Bank of surveillance in the form of analysis of activity of the banks, banking groups and banking holdings on the basis of reports and other information received in accordance with the legislation;

Inspections the validity of the decisions of the Commission on emergency situations on the provision of financial support to legal entities and individuals, individual entrepreneurs, whose property suffered a material damage as a result of emergency situations;

Inspections, the information on which is included in the book of accounting of inspections (inspections) (journal book of works - in case provided for in part three of paragraph 14 of this Edict) before this Edict comes into effect;

Inspections conducted at termination of the activity of representative offices of foreign organizations on the territory of the Republic of Belarus;

(the paragraph introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No.332)

The Ministry of Internal Affairs, Ministry of Defense, Ministry for Emergence Situations, the Investigative Committee, the State Committee of Forensic Examinations, the State Security Committee, State Border Committee, the Department of Financial Investigations of the Committee for State Control, structural units of these state bodies and the subordinate to these state bodies, organizations for inspections of readiness of their subordinate bodies (divisions) and organizations to perform special statutory tasks, entrusted to these bodies (divisions) and organizations by the legislative acts. This paragraph does not apply to the inspection of financial-economic activity of the subordinated bodies (divisions) and organizations;

(the paragraph introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No.332; in revision of the Edict of the President of the Republic of Belarus dated 06.05.2015 N 188).

Inspection (surveillance) over observance of legislation in the sphere of ensuring nuclear and radiation safety in carrying out activities on the use of nuclear power;

(the paragraph introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 N 332)

Inspection (surveillance) over carrying out the assigned to the inspection (surveillance) bodies, non-governmental bodies the inspection (surveillance) functions;

(the paragraph introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 N 332)

Actions when considering the addresses of the citizens, including individual entrepreneurs and legal entities, as well as the cases which require a site visit, without the use of the powers granted to the inspection (surveillance) authorities for examinations;

(the paragraph introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 N 332)

Administrative procedures upon applications of the legal entities, individual entrepreneurs and other individual persons;

(the paragraph introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 N 332)

Activities included in the List of actions of the technical (technological, inspectional) nature approved by the Council of Ministers of the Republic of Belarus with the concurrence of with the President of the Republic of Belarus. The sequence of these activities is established by the legislative acts. The scheduled and unscheduled inspections on the activities mentioned in this list are prohibited;

(the paragraph introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 N 332)

Inspection (surveillance) of safety during the construction and commissioning of the Belarus Nuclear Power

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Plant.

(the paragraph introduced by the Edict of the President of the Republic of Belarus dated 16.02.2015 N 62)

22. Failure of an official of the Inspection (Surveillance) Body to enter a record of the inspection in the record book of the inspections (logbook of work execution – in the case provided for in part three of paragraph 14 of this Edict) (on presentation of the data of the book, logbook), a violation by an official of the inspection (surveillance) body the established procedure for assigning an inspection (including its baseless assignment) are the bases for recognizing the inspections illegal.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 N 332)

The decision on recognition the inspections to be illegal is taken by the superior agency of the Inspection (Surveillance) Body (the head of the Inspection (Surveillance) Body if the superior Inspection (Surveillance) Body is absent), including - on the application (complaint) of the inspected entity. Recognizing the inspection to be illegal entails the invalidity of its results, and if the inspection is not completed - its termination, except for the cases when in the course of the inspection the facts are found pointing to the signs of a crime.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 N 332)

The application (complaint) about recognizing the inspection to be illegal may be submitted by the inspected entity within ten days from the beginning of the inspection and is considered by the Inspection (Surveillance) Body (the head of the Inspection (Surveillance) Body) not later than ten days from the date of its receipt. The failure to submit the complaint in time is the ground for refusal of its consideration. A copy of the decision on the application (complaint) is sent, within three working days from the date of its adoption, to the inspected entity, as well as to the bodies of the Committee of State Control or to the Prosecutor when deciding on the recognition of the inspection to be illegal. In case of disagreement with the decision of the higher authority (head of the Inspection (Surveillance) Body) about the refusal to recognize the inspection to be illegal within ten days from the date of receipt of such decision, and if the answer of the applicant is not received in due time - from the date of expiry of the period of consideration specified in this part by a higher authority (head of Inspection (Surveillance) Body) the complaints (statements) about recognition of the inspection to be illegal and directing a reply on it the actions (inaction) of the officials of the Inspection (Surveillance) Body indicated in the first part of this paragraph may be appealed by the inspected entity to the court in accordance with the established jurisdiction. The submission of an application (complaint) on recognizing the inspection to be illegal or lodging of a judicial appeal against the illegal actions (inaction) of the officials specified in part one part one of this paragraph shall not suspend the inspection.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332, dated 29.11.2013 No. 529)

Parts four and five repealed on January 12, 2011. – paragraph 23 of this Edict.

Commitment, by an official of the Inspection (Surveillance) Body, the acts specified in the first party of this paragraph is considered as an improper performance of its official duties and may result in bringing to a disciplinary responsibility up to dismissal from the office.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 N 332)

Unjustified assignment by an officer of the Inspection (Surveillance) Body, committed by use of the official powers for selfish or other own interest causing an essential harm to the rights and legitimate interests of the inspected entities or state and public interests, shall entail a criminal responsibility .

23. Excluded.

(paragraph 23 excluded on October 1, 2012 - Edict of the President of the Republic of Belarus dated 26.07.2012 N 332)

24. Recognize as invalid the Edicts of the President of the Republic of Belarus and their separate provisions according to the Annex.

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Paragraph 25 came into force from the day of the official publication (paragraph 29 of this document).

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

25.1. ensure a development of the program for creation of the integrated automated system of the inspection (surveillance) activities in the Republic of Belarus on the basis of the integrated automated system of the Council for coordinating inspection activities in the Republic of Belarus, being developed in the framework of the State program of the information system of the Republic of Belarus for 2003 - 2005 and on the prospect till 2010 "Electronic Belarus", approved by the resolution of the Council of Ministers of the Republic of Belarus dated December 27, 2002 No. 1819 (National Register of the Legal Acts of the Republic of Belarus, 2003, No. 3, 5/11734), the approval of this Program and commissioning, date April 1, 2010, the subsystem "Planning of the inspection (surveillance) activities in the Republic of Belarus", dated July 1, 2010 – the subsystem "Recording the results of inspections and analysis of the inspection (surveillance) activities in the Republic of Belarus" of the

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integrated automated system of inspection (surveillance) activities in the Republic of Belarus, determining the possibility of planning the inspection (surveillance) activities, recording and analyzing its results;

25.2. Before April 1, 2010:

develop and approve the program for creating a unified information database of the Inspection (Surveillance) Bodies which would include the information about the inspected entities and about relegating them to the appropriate groups of risk proceeding from the criteria of relegating the inspected entities to the group of risk for assigning the scheduled inspections approved by this Edict, on the basis of the State Register of Payers (other obliged persons);

approve the procedure for determining the amount of taxes, dues (duties) payable to the budget, on the basis of the information about the flow of funds on the accounts of the inspected entity in the Bank and (or) information about the inspected entity, received from other state bodies, legal and physical persons, or by the calculation method on the basis of information about legal entities and individual entrepreneurs engaged in similar activities; submit for consideration by the President of the Republic of Belarus a draft of a legislative act establishing the procedure for trade unions, their organizational structures, associations of such unions and their organizational structures to conduct a public inspection;

25.3. Annually, when forming the Republican budget for the next fiscal year, provide the funds for financing the costs of development, operation, maintenance and refinement of the software system and the database indicated in subparagraph 25.1, second paragraph of subparagraph 25.2 of this paragraph;

25.4. Submit, within the period of three months, for consideration by the President of the Republic of Belarus the proposals on improvement of the procedure for a departmental control including the streamlining of the Bodies and organizations authorized to conduct it;

25.5. Within the period of six months:

ensure the submission, in the prescribed manner to the House of representatives of the National Assembly of the Republic of Belarus, a draft of the law of the Republic of Belarus, providing for bringing the Code of the Republic of Belarus on administrative offences and Procedural-Executive Code of the Republic of Belarus on administrative offenses in compliance with this Edict;

submit, together with the Higher Economic Court, General Prosecutor's office and National Bank for consideration by the President of the Republic of Belarus, the proposals on optimization of the administrative penalties (amount of recovery) for the committed administrative violations in order to establish the proportionality of such penalties to the nature of the offense and the size of the damage inflicted;

ensure bringing the acts of legislation to compliance with this Edict and taking other measures for its implementation.

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Paragraph 26 entered into force from the date of its official publication (paragraph 29 of this document).

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26. The national Bank shall, within six months, ensure that the legislation acts are brought into conformity with this Edict.

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Paragraph 27 entered into force from the date of its official publication (paragraph 29 of this document).

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27. The Committee of State Control shall:

within three months period, approve the procedure for generation and execution of the coordination plans of the inspection (surveillance) activities;

shape the coordination plans of inspection (supervisory) activities for half a half-year period starting from 2010.

28. Control over the execution of this Edict by the Supervisory Bodies exercising a control over the financial and economic activity of the entities shall be entrusted to the Committee of State Control and the surveillance over the implementation of this Edict by the Inspection and Surveillance Bodies – to the Attorney-General and its subordinate prosecutors.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

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Paragraph 29 entered into force from the date of its official publication.

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29. This Edict shall enter into force on January 1, 2010, except for the first part of paragraph 3 which shall enter into force after six months from the date of an official publication of this Edict, paragraphs 25 - 27, of this paragraph and Chapter 4 of the Regulations on the procedure for organizing and conducting the inspections,

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approved by the Edict which enters into force from the date of an official publication of this Edict.

The President Of The Republic Of Belarus

A. Lukashenko

Annex  
to the Edict of the President  
of the Republic of Belarus  
16.10.2009 No. 510

LIST  
OF THE VOID EDICTS OF THE PRESIDENT OF THE REPUBLIC OF BELARUS AND THEIR SEPARATE  
PROVISIONS

(in revision of the Edict of the President of the Republic of Belarus dated 09.03.2010 No. 143)

1. The Edict of the President of the Republic of Belarus dated November 15, 1999 No. 673 "On some measures for improving the coordination of activities of the Inspecting Bodies of the Republic of Belarus" (National Register of Legal Acts of the Republic of Belarus, 1999, No. 89, 1/788).

2. The Edict of the President of the Republic of Belarus dated December 6, 2001 No. 722 "On modifications and additions in the Edict of the President of the Republic of Belarus dated November 15, 1999 No. 673" (National Register of Legal Acts of the Republic of Belarus, 2001, No. 117, 1/3286).

3. Subparagraph 1.1. of paragraph 1 of the Edict of the President of the Republic of Belarus dated November 12, 2003 No. 509 "On entering the additions and changes into some Edicts of the President of the Republic of Belarus and annulment of certain provisions of the Edicts of the President of the Republic of Belarus" (National Register of Legal Acts of the Republic of Belarus, 2003, No. 127, 1/5083).

4. No longer in force.

(paragraph 4 is no longer in force since January 1, 2010. - the Edict of the President of the Republic of Belarus dated 09.03.2010 No. 143.

5. The Edict of the President of the Republic of Belarus dated July 19, 2005 No. 326 "On entering the additions into the Procedure of organizing and carrying out the inspections (revisions) of financial and economic activities and use of economic sanctions" (National Register of Legal Acts of the Republic of Belarus, 2005, No. 112, 1/6623).

6. The Edict of the President of the Republic of Belarus dated December 19, 2005 No. 570 "On entering the additions into the Procedure of organizing and carrying out the inspections (revisions) of financial and economic activities and use of economic sanctions" (National Register of Legal Acts of the Republic of Belarus, 2005, No. 190, 1/6978).

7. The Edict of the President of the Republic of Belarus dated March 15, 2006 No. 151 "On modifications and additions in the Edict of the President of the Republic of Belarus date November 15, 1999 No. 673" (National Register of Legal Acts of the Republic of Belarus, 2006, No. 43, 1/7343).

8. The Edict of the President of the Republic of Belarus dated February 20, 2007 No. 95 "On approval of the structure of Council for coordination of inspection activities in the Republic of Belarus" (National Register of Legal Acts of the Republic of Belarus, 2007, No. 53, 1/8375).

9. Subparagraph 1.4 of paragraph 1 of the Edict of the President of the Republic of Belarus date March 1, 2007 No. 116 "On some issues of legal regulation of administrative responsibility" (National Register of Legal Acts of the Republic of Belarus, 2007, No. 83, 1/8471).

10. Subparagraph 1.14 of paragraph 1 of the Edict of the President of the Republic of Belarus dated May 28, 2008 No. 286 "On entering modifications, additions and recognizing invalid some Edicts of the President of the Republic of Belarus" (National Register of Legal Acts of the Republic of Belarus, 2008, No. 133, 1/9730).

11. The Edict of the President of the Republic of Belarus dated December 19, 2008 No. 689 "On some measures for improvement of inspection and surveillance activities in the Republic of Belarus" (National Register of Legal Acts of the Republic of Belarus, 2009, No. 1, 1/10314).

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APPROVED  
Edict of the President  
of the Republic Of Belarus  
16.10.2009 No. 510

**REGULATION**  
**ON PROCEDURE OF ORGANIZING AND CONDUCTING INSPECTIONS**  
(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332,  
dated 16.04.2013 No. 196, dated 01.07.2013 No. 292, dated 27.11.2013 No 523,  
dated 29.11.2013 No. 529)

SECTION I  
GENERAL PROVISIONS

CHAPTER 1  
GENERAL PROVISIONS

1. This Regulation establishes the procedure of organizing and conducting the inspection (surveillance) in the Republic of Belarus in the form of inspections, as well as the rights, responsibilities of the Inspection (Surveillance) Bodies and the inspected entities, their separate divisions that have an accounting number of the payer (hereinafter - separate divisions), representative offices of foreign organizations, individual entrepreneurs and notaries, persons carrying out advocatory activity individually, craft activity, activity in the field of farm tourism, temporary (anti-crisis) managers not being legal entities or individual entrepreneurs (hereinafter, unless otherwise specified - inspected entities).

(as amended by the Edicts of the President of the Republic of Belarus dated 26.07.2012 No. 332, dated 27.11.2013 No. 523)

2. For the purposes of this Regulation, the terms are used as defined in the Edict approving the present Regulation and the terms having the following meanings:

property - things including money and securities, other property including property rights;

evidentiary purchase of inventory items, verification of placing of orders for execution of works, rendering services – the method of inspection expressed in the form of artificial creation by the Inspection (Surveillance) Bodies the situation for acquisition of inventory items, ordering for execution of works, rendering of services without the purpose of their acquisition (consumption) or their subsequent realization;

control inspection – inspection of how the inspected entities are removing the violations identified as a result of the previous inspection;

control measurement of the volume of work done and the incurred expenditures for the construction projects (including reconstruction, repair, restoration, improvement) - method of inspection (surveillance) by the instrumental measurement (using tools, instruments, equipment), inspection and comparing the actual volume of works done with the monetary, material and other means spent on the execution comparing to the volume (amount, size), provided (reflected) in the design and estimate documentation, construction contracts, accounting documents and other documents serving as the basis for receipt of funds, and determining the compliance with the requirements of the legislation acts including the binding requirements of technical normative legal acts (hereinafter - inspection measurement);

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

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a control checklist of issues (checklist) is an exhaustive List of requirements that can be sued to the inspected entity in accordance with the legislation, subject to inspection by the relevant Inspection (Surveillance) Body. The List of Inspection (Surveillance) Bodies and (or) spheres of inspection (surveillance) which apply (where applicable) such list of issues (checklist), is approved by the Council of Ministers of the Republic of Belarus, the form of the checklist (checklist) is approved by the Republican Bodies of State Management, state organizations which are subordinate to the Government of the Republic of Belarus and are placed on the official sites of the Inspection (Surveillance) Bodies in the global computer Internet network;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

materials - the documents and objects which are a part of the pre-trial or trial judicial procedure or presented as ones to be attached thereto;

Actions of technical (technological, inspecting) nature - actions of the Inspection (Surveillance) Bodies to assess the compliance, of the legal entities and individuals, with the requirements of the legislation acts including the binding requirements of technical normative legal acts on ensuring a good working order and the rules for operating the machines and mechanisms, vehicles, equipment used in technological process, which are in safekeeping, ownership or economic control property, use of natural resources, observance of disposal rules for wastes generated in the course of activities of organizations and individual entrepreneurs of the established order for storage of weapons and ammunition, special rules for attraction and use of employees, ensuring traffic safety, investigation of accidents at the workplace and also at suspicion on occupational disease and in other similar cases included in the approved by the Council of Ministers of the Republic of Belarus on coordination with the President of the Republic of Belarus the List of actions of technical (technological, inspecting) nature;

(paragraph introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

a witness - a competent adult, not interested in the outcome of inspection in respect of the inspected entity and not an officer of the Inspection (Surveillance) Body involved at any stage of inspection for averment of the inspection (surveillance) activity, its progress and results in the cases stipulated by this Regulation;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

a representative of the inspected entity - a legal entity (its separate division), an individual entrepreneur, an employee of the inspected entity or other person, authorized in the manner prescribed by the law to represent the interests of the inspected entity. When conducting an unscheduled thematic operational inspection the representatives of the inspected entity are the persons involved in economic and other operations of the inspected entity;

an inspection - a form of inspection (surveillance) in the course of which the Inspection (surveillance) Body is checking the compliance of the activities undertaken by the inspected entities, with the legal requirements and on detecting the violations of the law applies the powers granted by the legislative acts to prevent the violations and eliminate their harmful consequences;

(paragraph introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

an inspector - an officer of the Inspection (Surveillance) Body authorized to conduct inspections on the matters within the competence of this Inspection (Surveillance) Body;

a head of the inspection - an official of the Inspection (Surveillance) body being in charge of the group of officials representing one or more Inspection (Surveillance) Bodies;

a joint inspection – an inspection conducted by several inspection (surveillance) bodies, except for the inspections conducted by the higher-level Inspection (Surveillance) Body with participation of the officers of the lower inspection (surveillance) bodies as well as the inspection conducted by the bodies of the Committee of the State Inspection, Prosecutor's office with involving the representatives of other inspection (surveillance) bodies;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

participants of the control measurement - the representatives of a developer, an organization or individual entrepreneur exercising functions of the customer in construction activities (technical surveillance), contracting organizations, project organizations involved in conducting the control measurement and signing the Act of Control Measurement;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

experts, specialists – physical persons not interested in the results of the inspection, having special knowledge, experience in the relevant field of science, technology, other spheres of activity, which are attracted by the Inspection (Surveillance) Bodies for enquiry, participation and / or assisting in the conduct of the inspection (surveillance) activities.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

3. Inspection (surveillance) activity is carried out in accordance with the principles of:

presumption of good faith and innocence of the inspected entity;

legality when appointing, conducting, registering the inspection results, making decisions and processing the

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complaints against decisions of the Inspection (Surveillance) Bodies, requirements (prescriptions) to eliminate violations, actions (inaction) of the inspectors;

openness and accessibility of the inspection legal acts, including technical normative legal acts establishing mandatory requirements, the implementation of which is checked during the state inspection (surveillance), constant possibility of inspecting these acts, and through a mandatory placement of their texts on the websites of the State Bodies and other organizations;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

equality of the rights and legitimate interests of all of the entities;

transparency of information on the inclusion of the entities in the coordination plan of inspection (surveillance) activities for the forthcoming period;

responsibility of the Inspection (Surveillance) Bodies and their officials for violation of the legislation when exercising the inspection (surveillance);

prevention of committing the offences.

(paragraph introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

## CHAPTER 2

### RIGHTS AND OBLIGATIONS OF PARTICIPANTS IN INSPECTION (SURVEILLANCE) ACTIVITIES

4. Inspection (Surveillance) and Reviewing Bodies within their competence have the right to:

upon presentation of the service certificates and orders for inspection (in relation to the objects the access to which is restricted in accordance with the legislation - other documents stipulated by the legislation for access to the objects) in the manner prescribed in paragraph 38 of the this Regulations, free entrance to the service, industrial and other premises (facilities), areas of the inspected subject conducting an inspection. The conditions and procedure for access of the inspectors to the dwelling or other lawful property of the individuals beyond or against their will are determined in accordance with parts 2 -4 of paragraph 38 of this Regulations;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

in the course of inspection, check the documents of the representatives of the inspected entity proving the identity, and (or) the documents confirming the legal power, as well as in the cases and order established by the legislative acts, conduct a personal inspection (search) and examination of the personal belongings, documents, valuables and means of transport;

within the framework of the issues to be examined, demand and receive from the inspected entity, inspected members the necessary inspection documents (their copies), including in electronic format, and other information relating to its activities and properties. If such documents (their copies), in accordance with the legislation, may not be available at the place of inspection, the inspector (the head of the inspection) should determine a reasonable time (not less than 2 working days) for submission of the documents (their copies). The features for obtaining the information and/or documents during an unscheduled thematic operational inspection are provided in paragraph 88 of the present Regulations;

request by sending written requests from the contracting parties of the inspected entity the copies of the documents and any other information about operations and transactions being performed with the inspected entity or with the third parties related to the inspected financial and economic operations, and if necessary - to conduct counter inspections;

request, within its competence, free of charge, from the state bodies, other organizations and individuals possessing the information and/or the documents relevant to the activities and (or) the property of the inspected entity required to check the information and/or the documents;

engage experts, specialists;

access, within their competence, to the databases and databanks of the inspected entity, taking into account the requirements of the legislation on the information, Informatization and protection of information;

call, to the Inspection (Surveillance) Bodies, the representatives of the inspected entity, members of the inspection as well as other persons having the documents and (or) information about the activities of the inspected entity;

ConsultantPlus: note.

The Regulation on the use by the tax authorities and their officials during inspections of the technical equipment, including the equipment for audio and video recording, filming and photography, photocopying, devices for scanning documents, identifiers of hidden images for monitoring the compliance with the law, collecting and recording the evidences, proving the facts of offences, is approved by the Edict of the Council of Ministers of the Republic of Belarus dated 31.12.2010 No. 1924.

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For the purpose of inspection use the technical equipment, including the equipment for audio and video recording, filming and photography, photocopying, devices for scanning documents, identifiers of hidden images for inspection (surveillance) of the compliance with the law, collecting and recording the evidences, proving the facts of offences;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

paragraph excluded on October 1, 2012. - Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332;

Withdraw, from the inspected entity in the manner prescribed in paragraph 40-42 of this Regulation, the original documents (and other data storage devices) related to the identified violations and also for the expert review (research) of the documents and other data storage devices in order to establish their authenticity for a period not exceeding the period of the inspection (except the cases of handing over the original documents (other data storage devices) to the criminal prosecution bodies and courts or using them as the sources of evidence in the case of an administrative offense) or to require the furnishing of extracts from them or their copies;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

Perform, in the manner determined by the Council of Ministers of the Republic of Belarus, sample purchases of the inventory items and placing orders for execution of the works, rendering of services;

Withdraw in cases and manner, established by the legislation, for a period not exceeding the period of inspection, for sending the cash register equipment for technical examination;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

In cases and in the manner established by the legislation, during the inspection, for a period not exceeding the period of its implementation, to send, with withdrawal or without withdrawal, the game-playing machines for technical examination;

(paragraph introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

Demand written and oral explanations from the representatives of the inspected entity and other parties on the issues arising during the inspection;

In cases stipulated by the legislative acts, to get from the banks, non-bank financial organizations (further - banks) the information on the accounts and bank deposits (deposits) of the inspected entity, including availability of the Bank account and other information presenting the banking secrecy necessary for an inspection;

In cases and in the order stipulated by the legislation, to study, at the territorial bodies of the State Treasury of the Ministry of Finance with the authentic documents and accounts including the currency, to obtain the data, references and copies of the documents related to the operations of the inspected entities, on other matters arising during the inspection;

Conduct inspections on physical existence of the documents and (or) property at the booking offices, rooms, other places of storage; control measurements, control starts of production of raw and other materials, request the representatives of an inspected entity for conducting an inventory check and check of its results;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

Select, in the manner prescribed by the Council of Ministers of the Republic of Belarus and (or) of the Normative Legal Acts of the State Committee for Standardization, Ministry of Health, the product samples and send them to the accredited test centers (laboratories) for determining their compliance with the binding requirements of the technical normative legal acts;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

Exercise other powers and authorities envisaged by the Legislative Acts.

5. Suspension (ban) of activities of the inspected entity, its departments (production sites), equipment, production and (or) realization of goods (works, services), operation of vehicles, account transactions, imposition of arrest on the property of the inspected entity, detention of vehicles at the time of inspection, arrest and/or seizure of the things and inventory items, which are the infringement matters of the law, as well as the instruments and means of committing violations of the law, sealing of the booking offices, premises, places for keeping the documents and (or) the property, other restrictions on activities of the inspected entity may be used by the Inspection (Surveillance) Body only when such authorities of the Inspection (Surveillance) Body are directly provided in this Regulation or in other legislative acts.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

However, the suspension (ban) of activities of the inspected entity, its departments (production sites), equipment, production and (or) realization of goods (works, services), vehicle operation may be carried out only in certain legislative enactments specifically authorized by the Inspection (Surveillance) Body or by the court solely for the purpose of ensuring the national security, protection of life and health of citizens, environmental protection, and shall be extended only by the court order

(part two of paragraph 5 introduced the Edict of the President of the Republic of Belarus dated 26.07.2012 No.

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6. The Inspection (Surveillance) Bodies and inspectors are required to:  
conduct an inspection in accordance with the prescription for its conducting and according to the legislation;  
present to the inspected entity an official ID and inspection order for conducting an inspection;  
enter the data specified by the law into the record book of the inspections (logbook of production work - in the case provided for in part four of paragraph 33 of this Regulations) (on their submission);  
conduct the inspections during working hours of the inspected entities;

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ConsultantPlus: note.

The List of the documents submitted to the Inspection (Surveillance) Bodies by the individual entrepreneurs, being the payers of the uniform tax, or the natural persons employed by them, is approved by the Resolution of the Council of Ministers of the Republic of Belarus dated 21.04.2005 No. 415.

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require from the inspected entities only the information and documents related to the matters subjected to inspection;

collect the samples (samples) in the amount (at rates) established (established) by the Council of Ministers of the Republic of Belarus and (or) Normative Legal Acts of the State Committee for Standardization, by the Ministry of Health;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

comply with the laws, rights and legitimate interests of the inspected entities;

observe the service ethics during an inspection;

familiarize the representatives of the inspected entity with the results of the inspection;

call the representatives of the inspected entity, other persons to the Inspection (Surveillance) Body, in advance by giving a notice indicating the purpose, time of call, the address to which the representatives are supposed to come. Notification is given to the person against his signature or by any other method ensuring his appropriate notice;

require from the representatives of the inspected entity, members of the control measurements to correct the violations of the Law and monitor the implementation of these requirements;

keep the protected by the Legislative Acts secrets;

use the reasonable efforts to suppress and prevent the violations of the law, to bring to responsibility the persons, the actions (inaction) of which resulted in violations of the law;

take the necessary measures to compensate the damage caused to the state, to other persons;

transfer, in the manner prescribed in paragraph 76 of this Regulations, the inspection results to the prosecution bodies and courts;

make proposals on using the measures of disciplinary punishment to the persons, actions (inaction) of which caused violations;

exercise other powers envisaged by the legislative acts.

7. The inspected entities, their representatives, the participants of the inspection are entitled to:

receive from the Inspection (Surveillance) Agencies the information about the grounds for including the inspection into the coordination plan of Inspection (Surveillance) Activities;

require from the inspector presentation of the service certificate and the order to conduct the inspection;

refuse the admission of the inspectors to the territory of the inspected entity if they have no order for conducting the inspection, no ID certificates, in case of expiration of the inspection period indicated in the order for carrying out the inspection, and in case of visiting the entities, access to which is restricted in accordance with the law - the non-availability of the documents stipulated by the law for access to such entities;

not allow the inspector to conduct an inspection if he refused to put a necessary information in the record book of the inspections (logbook of works) (except in the case provided for in part four of paragraph 33 of this Regulations);

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

not to follow the requirements of the inspector if these requirements are not relevant to the issues to be inspected;

be present at the inspection, give explanations on the matters relevant to the inspection;

challenge the expert, professional;

request for and appointment of the expert, professional from among the persons indicated by him;

put down some additional issues in order to get an explanation on them by the expert, professional;

be present, with the permission of the official of the Inspection (Surveillance) Body, at conducting the expert inspection and give explanations to the expert;

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get acquainted with the conclusion of the expert, professional;  
specify in the Inspection Act of its agreement or disagreement with its results;  
require, in the established order, for reimbursement of the damages caused by the actions (or inaction) of the inspectors;

obtain a copy of the Regulations for conducting an inspection, act (certificate) of the inspection and an intermediate act - in case of its preparation;

appeal, in accordance with Chapter 9 of this Regulations, the decisions of the Inspection (Surveillance) Body on the inspection, the requirements (prescriptions) on elimination of the violations, actions (inaction) of the inspectors.

8. The Inspected Entities, their representatives, the participants of the inspection are required to:

fulfill the legal requirements of the Inspection (Surveillance) Bodies and the inspectors, including a requirement for submitting the book of inspections record (logbook of performance of the work - in the case provided for in part four of paragraph 33 of this Requirements);

ensure an admission of the inspectors to perform inspection and to submit the documents required for inspection, as well as to admit the inspectors for inspection of the territories and premises, vehicles and other facilities used for carrying out activities;

provide an opportunity for the inspectors to exercise their rights and responsibilities, including provision of the rooms (if any) suitable for carrying out an inspection;

ensure an inventory taking, inspection measurements, production test runs of raw and other materials, calculations and examinations as well as other actions on inspecting the inspected entity;

ensure the possibility of sampling, testing, technical inspection;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

make, in the cases envisaged in paragraph 42 of this Regulations, at its own expense, copies of the seized documents;

compensate, in the cases and order established by the Council of Ministers of the Republic of Belarus, the expenses associated with carrying out research works, tests, technical inspections and examinations, involvement of the experts and professionals as well as the cost of the used samples and specimens;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

assist the inspectors in conducting inspections;

give, on the request of inspectors, written and oral explanations on the matters of activities of the inspected entity, submit the background information, calculations;

come to the Inspection (Surveillance) Body on its request. In the case of impossibility to come, to the specified in the notice, place and time the called person is obliged to inform the Inspection (Surveillance) Body specifying the reasons and to agree on the different time of his coming;

present to the inspector, the requested in accordance with paragraph 4 of this Regulations, the information and (or) the documents, or to inform about non-availability of the mentioned documents and such information;

warn the inspectors that the inspected by the them information belongs to the secret protected by the legislative acts;

take measures to eliminate the identified by the Inspection (Surveillance) Body in the course inspection, the violations, compensate the damages caused to the State and to other persons.

The materially responsible persons of the inspected entity are required to be present during the inspection of the assigned to them properties, production test runs of raw and other materials, calculations and examinations as well as other actions on inspecting the inspected entity.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

If it is impossible to ensure the presence of a financially responsible person during the inspection of the assigned properties and when performing other activities, the inspector may undertake such actions without participation of the said person, with the assistance of the employees of the inspected entity, determined by its supervisor, and (or) with participation of at least two witnesses. The persons present at the inspection shall also sign the documents drawn up on its results.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

9. The Inspection (Surveillance) Bodies when organizing and conducting the inspections shall cooperate in the following areas:

determination of the issues to be inspected, timing of the planned inspections;

conducting the joint inspections in order to coordinate the actions aimed at reducing the number of inspections in respect of the inspected entities;

exchange of information on the results of the conducted inspections;

efforts to improve the forms and methods of Inspection (Surveillance) Activities.

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### CHAPTER 3 RESTRICTIONS IN CONDUCTING THE INSPECTIONS

10. The Inspector is not eligible to participate in the inspection and shall refuse to accept his nomination, if:
- he is a founder (shareholder, participant, member) or an employee of the inspected entity;
  - he is a close relative of the inspected entity, of a private individual, including an individual entrepreneur, a founder (participant, property owner, member) or the head of the inspected entity, the person managing the accounting record of the inspected entity (when inspecting the issues related to performing by the inspected entity its financial and business operations), or the other official whose activities will be inspected, or the person who is in relationship with the said persons or married to one of them;
- (in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)
- has been employed by the inspected entity for the period less than three years before the date of commencement of the inspection;
  - there are other circumstances that can cause a direct or indirect interest in the results of the inspection.
- If there are such grounds, the withdrawal may be filed by the inspected entity not later than two working days from the date of the inspection commencement.
11. Self-disqualification or disqualification should be motivated and submitted in a written form.
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ConsultantPlus: note.

In case of declaring, during the inspection, about self-disqualification or disqualification, the decision of the head of the Inspection (Surveillance) Body on changing the inspectors shall be entered in column 11 of the inspection recording book ( paragraph10 of the Rules of the inspection recording book, approved by the resolution of the Council of Ministers of the Republic of Belarus dated 18.03.2010 No. 383).

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12. In case of self-disqualification or disqualification the matter of replacement of the inspector or the motivated refusal of disqualification is settled by the head of the Inspection (Surveillance) Body or by the person fulfilling its duties (hereinafter - the head), not later than within a working day following the date of declaration about self-disqualification or disqualification. In this case, if a self-disqualification or disqualification are declared during the inspection, the inspection is not suspended.

13. If as a result of satisfying the self-disqualification or disqualification it is impossible to form a new inspection body, the inspectors from other territorial or higher-level bodies of the Inspection (Surveillance) Body are invited for the inspections.

14. The decision on refusal of disqualification of an inspector may be appealed by the inspected entity in the manner prescribed by this Regulations.

### SECTION II ORDER OF INSPECTION (SURVEILLANCE) ACTIVITIES, INSPECTIONS

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Chapter 4 came into force on the date of its official publication ( paragraph29 of this Edict).

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### CHAPTER 4 PLANNING OF INSPECTION (SURVEILLANCE) ACTIVITIES

15. Coordination plans of the inspection (surveillance) activities in the Republic of Belarus (hereinafter - coordination plans) are prepared by the bodies of the Committee of State Control for half of the year based on the submitted by the republican bodies of the State Administration, other state organizations subordinated to the Government of the Republic of Belarus, bodies of the Committee of State Control, General Prosecutor's Office, National Bank, Supreme Court, Office of the President of the Republic of Belarus, National Statistic Committee, National Academy of Sciences of Belarus, regional and Minsk city Executive Committees, State Inspectorate for Protection of Flora and Fauna under the President of the Republic of Belarus, State Committee for Forensic Examinations, Operative-Analytical Center under the President of the Republic of Belarus, National State Television and Radio Company, Republican state-public associations (hereinafter - public bodies) of the consolidated plans for inspections including inspections (along with the planned ones for realization within the framework of the departmental control) carried out by the relevant state bodies (their structural divisions, territorial bodies, subordinate organizations, being the inspection (surveillance) bodies) (hereinafter – inspection composite

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plans).

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332, dated 16.04.2013 No. 196, dated 01.07.2013 No. 292, dated 29.11.2013 No. 529)

Into the inspection composite plans of the regional and Minsk city Executive Committees are included the inspections to be carried out by the regional (Minsk city) and district Executive Committees (local administrations of the districts in the cities) as well as by the subordinated to them (included into the system) the Inspection (Surveillance) Bodies.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

The part was excluded on October 1, 2012 - Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332.

16. The order of formation and execution of the coordination plans is set up by the Committee of State Control.

17. Consolidated inspection plans are prepared by the State Bodies in accordance with the requirements of this Regulation and of this Edict, approving it, on each half of the year and are approved by their Heads and submitted to the bodies of the Committee of State Control in an electronic form in the formats of the integrated automated system of the inspection (surveillance) activities in the Republic of Belarus (before putting the system into operation - in an electronic form in the manner established by the Committee of State Control).

The procedure for preparation of the consolidated inspection plans is determined by the State Bodies.

In planning the inspections, the Inspection (Surveillance) Body may use a list of inspection issues (a checklist) that is sent to the inspected entity, assigned to medium or low risk groups, for obtaining by the Inspection (Surveillance) Body the information required for analyzing the compliance of the inspected entity with the legislation and requirement of appointing a planned inspection. The information on the list of inspection issues (a checklist) is to be submitted by the inspected entity to the Inspection (Surveillance) Body not later than within ten working days from the date of receipt of this List (a checklist).

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

If, by the Council of Ministers of the Republic of Belarus is envisaged for the corresponding Inspection (Surveillance) Body and (or) spheres of inspection (surveillance), the use of the checklist (checklist), it is mandatory for the Inspection (Surveillance) Body to use it when planning the inspections.

(part four of paragraph 17 in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 N 332)

18. Coordination of the planned inspections of the State Bodies is carried out by bodies of the Committee of State Control, and coordination of inspections included in the consolidated plans of inspections, - by the State Bodies submitted these plans.

19. When performing a joint planned inspection, the Inspection (Surveillance) Bodies are supposed to start the inspection within one calendar month specified in the coordination plan.

20. Personal responsibility for relevancy of inclusion of the inspections into the consolidated inspection plans and coordination plans are held by the Heads of the State Bodies approved the consolidated plans of inspections and the Heads of structural divisions, territorial bodies, subordinate organizations, being the Inspection (Surveillance) Bodies that submitted the proposals for the consolidated inspection plans.

The Heads of the State Bodies are personally responsible for organization and state of the inspection (surveillance) activities in these State Bodies (their structural divisions, territorial bodies, subordinate organizations which are the Inspection (Surveillance) Bodies).

21. The coordination plan is to be available on the official website of the Committee of State Control or its Bodies in the global computer network Internet, accordingly not later than December 15 of the year preceding the year of inspection, and June 15 of the year in which it is planned to conduct an inspection.

## CHAPTER 5 START OF INSPECTION

22. About appointment of the planned inspection, the inspected entity should be notified in writing not later than 10 working days prior to its conducting. The Notice sent to the last, known to the Inspection (Surveillance) Body, place of location (residence) of the inspected entity, is considered to be received after three days from the date of its sending.

23. A notice on the inspection (hereinafter – notice) is supposed to contain:

the name of the Inspection (Surveillance) Body which will conduct the inspection;

the name (surname, name, patronymic name) of the inspected entity (if there is no name of the inspected separate division - the address of its location);

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the month of starting the inspection;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

the inspected period or periods, if they are not the same for different issues to be inspected (may be entered into the list of issues meant for the inspection);

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

the indication of the basis for the inspection (paragraph of the coordination plan);

the exhaustive list of the issues to be examined.

The Form of notification is specified by the Council of Ministers of the Republic of Belarus.

If it is necessary to do a control measurement the Inspection (Surveillance) Body is supposed, in a written form, to notify the participants of the control measurement of the time and place of its conducting not later than three working days before the commencement of the control measurement.

In case of absence of the participants of the control measurement, who are duly notified, a control measurement is carried out without their participation, and an adequate note is entered into the Act (certificate).

(part four of paragraph 23 introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

If it is necessary to involve, for the inspection carried out at the construction projects (including reconstruction, restoration, capital repair and improvement), the representatives of other stakeholders (a developer, an organization performing the functions of a customer of construction (technical surveillance), a contractor, or a design organization) the Inspection (Surveillance) Body is supposed, in writing, to inform such a person concerned of the time and place of the inspection not later than three working days prior to its conducting. On the basis of the said notice, the interested person defines its representatives, informs the Inspection (Surveillance) Body and ensures their participation in the inspection.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

24. The Inspection is to be conducted on the basis of the Order of the Head of Inspection (Surveillance) Body or its authorized Deputy, certified by the seal of the Inspection (Surveillance) Body or executed on the letterhead.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

The Order for conducting an inspection is to be issued by each Inspection (Surveillance) Body.

This Order shall indicate:

the number and date of issuance of the Order;

the grounds for conducting an inspection (paragraph of the coordination plan for planned inspections);

the name of the Inspection (Surveillance) Body conducting the inspection;

the name (surname, name, patronymic name) of the inspected entity (if there is no name of the inspected separate division - the address of its location);

the surname and initials of the Inspector, his position (the staff of the inspection team, surname and initials of the Head of the inspections, his position);

an exhaustive list of issues to be inspected (in relation to the unscheduled thematic operational inspection, the List of issues is specified in accordance with the List of issues set out in paragraph 84 of this Regulation);

the inspected period or periods, if they are not the same for different issues to be inspected (may be entered into the list of issues meant for the inspection) (not specified when conducting an unscheduled thematic operational inspection);

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

duration of the inspection (start date and end date of the inspection);

other information (if necessary).

(paragraph introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

Features of the content of the Order for the unscheduled thematic operational inspection are provided in paragraph 85 of this Regulation.

In the Order for control measurements which are to be carried out at the construction sites, in addition to those listed in part three of this paragraph, there should be the information about the location and name of the project under construction and about the participants of the control measurement.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

Inspection (Surveillance) Bodies shall keep a separate record of the issued Orders for conducting the inspections by the way prescribed by the Council of Ministers of the Republic of Belarus.

If it is required to conduct inspections of several inspected entities there should be issued one Order for conducting the inspections at these inspected entities with indication of the subject of the inspection and the issues which are supposed to be inspected at each inspected entity, the timing of conducting the inspection at each inspected entity and the inspected periods.

In case of conducting the control measurement, as one of the ways (methods) of the inspection, with the

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availability of the Order for conducting the inspection, the Order for control measurement is not made.  
(part eighth of paragraph 24 introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

If during the period, from the date of issuance of the Order for conducting an inspection until its end, arise the circumstances requiring the need to change the composition of the inspectors, the List of issues to be inspected, the inspected period (inspected periods), the time period for conducting the inspection, the Head of the Inspection (Surveillance) Body or his authorized Deputy are authorized to make the appropriate changes and (or) additions in the Order.

(part nine of paragraph 24 introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

24-1. In case of absence of the inspected entity and the persons referred to in paragraphs 66 and 66 of this Regulation, at the place of location (place of residence), indicated in the constituent documents (certificate of state registration), and (or) the last, known to the Inspection (Surveillance) Body empowered to specify the amount to be paid to the budget, amount of taxes, charges (duties) in accordance with paragraphs 17 of the Edict approving this Regulation, the place of location (place of residence) is to be entered into the Order for conducting the inspection. In this case, the copy of the Order is sent to the inspected entity, to the persons having the powers of the representative of the inspected entity, by mail to the last, known to the Inspection (Surveillance) Body, place of location (place of residence). In this case the inspected entity is considered to be properly acquainted with the Order after three days from the date of such sending.

(paragraph 24-1 introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

25. Counter inspection of the contractors (third parties) of the inspected entity is conducted on the basis of the Order issued in relation to the inspected entity, in the manner prescribed by the Regulations for inspections.

Counter inspections are not to be conducted if the amount of the individual financial transaction (cash evaluation of a business transaction) at the time of the effected transaction with the business entities, legal entities and individual entrepreneurs of the Republic of Belarus does not exceed 250 basic value units, with the business entities - foreign entities and individuals registered as individual entrepreneurs outside of the Republic of Belarus - 500 basic value units. These requirements are not applied in cases of performing financial and economic operations with the use (spending) of budgetary funds, means of the state target budgetary and extra-budgetary funds, state property, measures of state support, in case of finding the facts of registration of financial and economic operations by the documents containing false data and (or) prepared with violations of the Law requirements and in cases when a counter inspection is assigned within the framework of the criminal cases or by the order of the Heads (their deputies) of the criminal prosecution bodies and courts on the pending cases (materials).

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

## CHAPTER 6 TIME PERIODS OF INSPECTIONS

26. The duration period of the inspection, except for unscheduled thematic operational, control and additional inspections shall not exceed when conducting the inspections of:

the individual entrepreneurs, notaries, the persons carrying out advocatory activity individually, craft activity, activity in the field of farm tourism, temporary (anti-crisis) managers not being legal persons or individual entrepreneurs - fifteen working days;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332, date 27.11.2013 No. 523)

the other inspected entities - thirty working days.

The time periods specified in the first part of this paragraph, paragraphs 27 and 28 of this Regulations shall not be applied to the inspections conducted on the instructions of the criminal prosecution bodies on the initiated criminal case, the heads (their deputies) of the criminal prosecution bodies and courts on the pending cases (materials).

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

The duration of the unscheduled thematic operational inspection in respect of one inspected entity or its separate subdivision shall not exceed three working days.

The duration of control inspection shall not exceed five working days.

The duration of the additional inspection shall not exceed ten working days. This period is not to be applied to the additional inspections conducted on the order of the criminal prosecution bodies on the initiated criminal case, the Heads (their Deputies) of the criminal prosecution bodies and courts in the pending cases (materials).

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(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

27. The scheduled inspection may be suspended by the decision of the Head of the State Body or his authorized Deputy, for a period not exceeding three months (in case of forwarding a request to the competent Bodies of the foreign States - not more than six months), with a simultaneous consideration of the issue of the advisability of removing the restrictions on the activities of the inspected entity (if these were used by the inspection (surveillance) body) under the following circumstances:

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

conducting the researches (tests), technical examinations or expert examinations, operational-search actions directed on establishing the facts for the inspection purposes;

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

the need for restoration, by the inspected entity, of the documents required for conducting the inspection;

forwarding a request to the competent authorities, including the foreign States;

the need of obtaining by the inspected entity the documents and information requested by the Inspection (Surveillance) Body, outside of the Republic of Belarus;

inability to continue the inspection due to lack, because of temporary physical disability of the Inspector or temporary disability, or due to another reason, of the representative of the inspected entity.

The period, for which the scheduled inspection is suspended, is not included in the total time period of the scheduled inspection. The fact of suspension of the inspection is registered in the inspection Order, and the representative of the inspected entity gets acquainted with it.

28. By the decision of the Head of the State Body or its authorized Deputy the scheduled inspection may be extended once, but not more than for 15 working days, if there is a significant volume of the documents to be inspected, and if it is necessary to conduct a significant number of inspections (inventories, studies, counter inspections, etc.).

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

29. The unscheduled inspection, except for unscheduled thematic operational and control inspections may be extended or suspended on the grounds and for the period provided for a scheduled inspection.

30. In case of need for undertaking, during the control inspection, the products test, production inspection, the period of the control inspection, on the decision of the Head of the State Body, may be extended for not more than 15 working days.

31. The inspected entity is supposed to ensure the possibility of conducting a scheduled inspection within the period specified in the notice. Upon the application of the inspected entity, filed not later than three working days from the date of receipt of the notification, indicating the reasons preventing the scheduled inspection, the Inspection (Surveillance) Body may take a decision on rescheduling the scheduled inspection. The decision to rescheduling (refusal to rescheduling) the scheduled inspection is taken by the Inspection (Surveillance) Body not later than two working days from the date of receiving the Application of the inspected entity. At the initiative of the inspected entity the rescheduling may be done only once.

32. If during the inspected period the issues specified in the Notification have already been inspected by the other Inspection (Surveillance) Body and the Act (certificate) of the inspection has been made, the inspected entity is required, prior to the scheduled inspection, to inform in writing the Inspection (Surveillance) Body named in the Notification, and to send to the Body a copy of the inspection Act (certificate). In this case the issues inspected during the previous inspection, for the inspected period, are not inspected, except in the cases provided for in paragraph 12 of the Edict approving this Regulation.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

The inspected entities assigned to the medium or low risk group have the right, prior to the scheduled inspection, to send to the Inspection (Surveillance) Body specified in the Notification, a copy of the inspection Report (if available), containing a qualified and positive inspector's opinion on reliability of the accounting (financial) records (Ledger of income and expenses of the inspected entities, using a simplified system of taxation) and compliance of the performed financial (economic) operations with the Law. In this case, the issues inspected during the Inspection (except for inspection of the issues of correctness of calculation, timeliness and completeness of payment of taxes, charges (duties), other obligatory payments to the budget, including the state trust budget funds and state extra-budgetary funds), may not be inspected, if the inspected entity is assigned to a medium risk group, and are not inspected at the inspected entity assigned to a low risk group.

33. Before starting an inspection the Inspector (head of the inspection) is required to present to the inspected entity or to its representative an official ID, the Order for conducting the inspection, and to enter the necessary information in the record Book of inspections (if it is presented).

In case of failure to present (absence) the inspection record book, the information about it is indicated in the inspection Act (certificate).

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If the inspection starts with a control purchase of inventory items or placing orders for execution of the works (rendering services), the official ID and the Order for conducting an inspection are submitted by the Inspectors (head of the inspection) to the inspected entity or to his representative after completion of the control purchase of inventory items or placing orders for execution of the works (rendering services). The information about conducting the inspection using the method of control purchase of inventory items or placing orders for execution of the works (rendering services) is entered in the inspection record book upon presentation by the Inspectors of the official IDs and Orders for conducting the inspection.

When conducting an inspection on compliance with the binding requirements of the technical normative legal acts in construction (including reconstruction, restoration, capital repairs and improvements) and with the approved project documentation for performing the construction works as well as compliance, of the used materials, products and structures, with the design solutions and with the binding requirements of technical normative legal acts in the sphere of technical regulation and standardization to ensure an operational reliability and security, the information about its conduct and its results are to be entered in the work execution Logbook.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

34. The information of the start and completion of the joint inspection as well as the information about its results is entered in the inspection record Book under a single serial number by each Inspection (Surveillance) Bodies taking part in the joint inspection.

35. After completion of the activities provided in paragraphs 33 and 34 of this Regulation, the Inspectors inform the inspected entity or its representative about the List of issues to be inspected. At the same time, it is specified, by which of the Inspection (Surveillance) Bodies, the previously inspected issues meant for inspection were inspected. In case of coincidence of the inspection period and the issues inspected by the other inspection (surveillance) body, the Inspector shall immediately notify the person who assigned the inspection (issued the Order for conducting the inspection) and he is to enter the required amendments in the Order for conducting the inspection or a decision is taken for termination of the inspection, except for the cases stipulated in paragraph 12 of the Edict approving this Regulation.

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ConsultantPlus: note.

Liability for obstructing the inspection is established by Article 23.2 of the Code of the Republic of Belarus on administrative offences.

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## CHAPTER 7 CONDUCTION OF INSPECTION

36. Inspections, by the Inspection (Surveillance) Bodies, are conducted with the use, within the limits of the Bodies competence, the methods and ways established by the Law.

When conducting an inspection, the Inspector individually specifies the methods and ways of its performing.

As a form of reflecting the information, in the process of conducting the inspection, the Inspector (head of inspection) may use (and in the case provided for in part four of this paragraph it is used) the issues checklist (check-list). The issues checklist (check-list) or its part is filled in by the Inspector (head of inspection) on the issues assigned for inspection and it is an integral part of the inspection Act (certificate).

If by the Council of Ministers of the Republic of Belarus, for the corresponding Inspection (Surveillance) Body and (or) spheres of inspection (surveillance) is envisaged the use of an issues checklist (check-list), it is mandatory for use when conducting the scheduled inspections, and can also be used when conducting the unscheduled inspections.

(part four of paragraph 36 in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

37. Inspectors during the inspection are required to find out all the essential facts and circumstances required for taking a justified decision.

38. Access, to the territory or premises of the inspected entity, for the inspectors is allowed upon presentation by these persons of their ID certificates and the Order for conducting the inspection of the inspected entity (in respect of the property entities, access to which is limited in accordance with the Law - other documents stipulated by the Law for access to the entities).

Access of the Inspectors to the living quarters, other lawful possessions of individuals (individual entrepreneurs, founders (owners of property) of the inspected entities, temporary (anti-crisis) managers not being legal persons or individual entrepreneurs, the location of which are such living quarters, properties, and those carrying out craft activities, activities in the sphere of farm tourism in these quarters, properties) beyond or against

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their will is allowed only with the approval of the Prosecutor on the basis of a reasoned decision of the Head (his Deputy) of the Inspection (Surveillance) Body, and with participation of the witnesses and availability of the documents including the internal (official) ones, proving (justifying) the necessity of conducting the inspection, the information about storing and (or) realizing the goods, performing the works, rendering the services in the living quarter and (or) other lawful property, in violation of the established order.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

In case of non-admission of the Inspector to the specified areas or quarters he is required to draw up an Act.

Upon refusal of the inspected entity or its representative to sign the Act, a relevant notation is to be entered into it.

Inspectors may inspect the used, for performing the activities, areas or quarters of the inspected entity or other objects for establishing the compliance of the actual data about the objects with the documentary data submitted by the inspection entity (data available with him).

39. Inspection of the used for activity areas or quarters or other objects is performed in the presence of the inspected entity or its representative, and inspection of the rooms for storing the commodities and materials - in presence of the financially responsible person. The Inspectors are required to take actions for ensuring the inspection to be conducted in the presence of such persons. If it is impossible to ensure the presence of a financially responsible person the inspection is conducted with participation of the employees of the inspected entity, assigned by its Head and (or) in presence of at least two witnesses. The persons present at the inspection also sign the documents on its results.

40. Withdrawal of the original documents, other information carriers is done if it is impossible to make copies of them (to present the extracts from them), in case of refusal of the inspected entity to provide the copies of the documents (extracts from them), in case of need to hand over the original documents or other information carriers to the criminal prosecution bodies and to the courts or using them as the sources of evidences in the case of an administrative offense, as well as the research (examination) of the documents, other information carriers in order to establish their authenticity based on the resolution of the Inspection (Surveillance) Body conducting the inspection, in presence of the representatives of the inspected entity, and in case of their absence - in presence of at least two witnesses.

(paragraph 40 in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

41. The withdrawn documents, other information media are listed and described in the withdrawal Act or are attached to the Descriptions with the exact indication of the name and quantity of the withdrawn documents, other information media. The Copy of the Act of the withdrawn documents, other information media is handed over, against signature, (sent by mail) to the Inspected Entity, from which these documents and other information media were withdrawn, or to its representative.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

42. In cases when the Inspector has an unconditional reason to believe that the original documents and other information carriers will be destroyed, hidden, corrected or replaced (including the fact that the documents are prepared with violation of the requirements of the Law of the Republic of Belarus and (or) contain an inaccurate information or by such documents is furnished the movement of commodities and materials, including their receipt or disposal, whereas these materials remained without motion or are missing), the Inspector has the right to withdraw the original documents and other information carriers.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

In these cases the withdrawal of the original documents, other information carriers is done in compliance with the requirements of paragraph 41 of this Regulation in presence of the inspected entity or its representative (in case of their absence - in presence of at least two witnesses) based on the Order of the Inspection (Surveillance) Body, signed by the Inspector conducting the withdrawal with further approval by the Head of the Inspection (Surveillance) Body (his Deputy) no later than the end of the working day following the day of withdrawal of the documents and other information carriers. When withdrawing such documents, other information carriers the inspected entity is to make their copies at its own expense.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

43. Inspection (Surveillance) Bodies, on a contractual basis are entitled to involve the experts, if for solving the inspection issues a special knowledge in science, technology, art, craft and other fields is required. The contract shall be signed by the Head of the Inspection (Surveillance) Body conducting the inspection or by his Deputy.

A person of the other Inspection (Surveillance) Body may be involved by the Inspection (Surveillance) Body as an expert upon consultation between the Heads of these Bodies (their Deputies) without concluding a contract.

(part two of paragraph 43 introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

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The issues brought about to the expert and his conclusions shall not go beyond the special knowledge of the expert.

44. The expert examination is assigned by the Head of the Inspection (Surveillance) Body conducting the inspection or his Deputy, in which the grounds for the purpose of examination are specified, the name of the Expert or name of the Expert Institution, in which the examination is to be done, the issues brought about to the Expert, and materials made available to the Expert. The inspected entity should be informed of the decision on assigning the examination, he is to be apprised of his rights referred to in paragraph 7 of this Regulation, as recorded in the Order for assigning the examination.

The petition of the inspected entity or its representatives on appointing an expert, from among the persons indicated by them, as well as on the formulation of additional issues for getting on them the expert's conclusion, is satisfied or reasonably rejected by the Head of the Inspection (Surveillance) Body.

45. The expert is entitled to familiarize himself with the inspection materials pertaining to the subject matter of the examination, to request for presenting to him the additional materials, to refuse to give his conclusions if the provided materials are insufficient. The expert is required to refuse to give his opinion, if he does not possess the necessary knowledge for conducting the examination.

46. The expert makes his conclusion in writing in his own name. In his Conclusion the Expert provides the information about the examinations performed by him, the conclusions and substantiated responses to the raised issues. If the expert, in the course of his examination, finds the circumstances having an importance for the examination, but in respect of which he was not asked, he has the right to include his opinion about these circumstances into his Conclusion.

For giving obviously false conclusion the expert is liable under the Code of the Republic of Belarus on administrative offences.

47. The Expert Conclusion or his message on impossibility of giving the conclusion are presented to inspected entity which has the right to give its own explanations and express objections, and to ask for posing additional issues to the expert and for assigning an additional or repeated expert examination.

48. An additional examination is assigned by the Head of the Inspection (Surveillance) Body or by his Deputy in case of insufficient clarity or fullness of the Conclusion, as well as in the case of arising some new issues in relation to the previously examined circumstances and is entrusted to the same or another Expert (experts), the re-examination is assigned in case of inconsistency of the expert conclusion or doubts about its correctness and is entrusted to another expert (experts).

49. Inspection (Surveillance) Bodies, to facilitate and (or) to participate in the specific activities during the inspection, may engage on a contractual basis an expert having special knowledge in science, technology, art, craft and other spheres of activity. The contract shall be signed by the Head of the Inspection (Surveillance) Body conducting the inspection, or by his Deputy.

A person from another Inspection (Surveillance) Body may be involved by the Inspection (Surveillance) Body as an expert by the agreement between the Heads of these Bodies (their deputies) without concluding a contract. (part two of paragraph 49 introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

50. The petition of the inspected entity or its representative, for appointing an expert from among the specified persons, and for formulation of additional issues with the purpose of obtain an opinion of the expert on them is satisfied or reasonably rejected by the Inspector (by the Head of the inspection).

51. The expert is entitled to review the inspection materials related to his participation in the inspection and (or) to his assistance in conducting the control inspections.

52. The expert may refuse to participate and (or) assist in conducting the inspections if the submitted to him materials are inadequate. The expert is obliged to refuse to participate and (or) to assist in conducting the inspections if he does not have the necessary special knowledge.

53. Payment for the examination and for the services of the expert is effected by the Inspection (Surveillance) Bodies at the expense of the budget provided for maintenance of the Inspection (Surveillance) Body (at the expense of the Inspection (Surveillance) Body which is not funded from the budget), and if, based on the results of the inspection, some violations were identified, on the issues which were assigned for examination or an expert was engaged - at the expense of the inspected entity. In case of engaging by the Inspection (Surveillance) Body as an expert or professional specialist the employee of another Inspection (Surveillance) Body the payment for conducting the examination or for services of the expert is not effected by the Inspection (Surveillance) Body. (in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

The payment procedure and amounts payable to the expert and professional specialist are specified by the Council of Ministers of the Republic of Belarus.

54. The sealing of cash desks and cash offices, warehouses, archives, and other places for keeping

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(storage) of the documents and property of the inspected entity (hereinafter - sealing) is performed in the presence of the inspected entity or its representative (in their absence - at least two witnesses), with reflecting this fact in the Act of sealing and with the obligatory indication of:

position, surname, name, patronymic name of the Inspectors, the Inspection (Surveillance) Body performed the sealing;

name of the inspected entity (in absence of the name of the inspected separate division - the address of its place of location), surname, name, patronymic name of the representative of the inspected entity, any other person who was present at the sealing procedure;

ground for sealing;

description of the method of sealing;

acknowledgement by the inspected entity or its representative of taking under protection of the sealed office, any other place and familiarization with the liabilities for opening the sealed room, any other sealed place.

55. If there is a property in the sealed room in the amount exceeding 1000 basic value units and (or) there are assumptions about the possibility of unauthorized opening of this room, by the Head of the Inspection (Surveillance) Body or his Deputy are taken actions to ensure a protection by the staff of the divisions of the Department of the Ministry of Internal Affairs on whose territory the sealed room is located. The safety protection is organized by the division of the Protection Department of the Ministry of Internal Affairs on a free-of-charge basis. (in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

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ConsultantPlus: note.

The Regulation on the use by the Tax Authority and their officials during the inspections of the technical equipment, including the equipment engaged in the audio and video recordings, film and photography, photocopying, devices for documents scanning, identifiers of hidden images for monitoring the compliance with the Law, collecting and recording the evidences confirming the facts of offences, is approved by the Edict of the Council of Ministers of the Republic of Belarus dated 31.12.2010 No. 1924.

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56. An Inspector when making a decision on the use, during the inspection, of technical equipment (including the equipment of carrying out audio and video recordings, film and photography, identifiers of hidden images), except of photocopying and scanning of the documents, notifies the inspected entity or its representative by a written acknowledgement of the receipt. In case of refusal of the inspected entity or its representative to confirm the fact of notification by his signature this fact is entered in the Act (Certificate) of the inspection.

(в in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

57. If the inspection starts with the test purchase of the inventory items of placing the test orders for execution of works (rendering of services), the inspected entity or its representative are notified of the use of technical facilities after completion of the test purchase of inventory items or placing the test orders for execution of the works (rendering of services). The use of technical facilities is marked in the Act (certificate) made on the basis of the inspection results).

58. The obtained materials of photo and film recordings, sound and video recordings, computer data media and other information carries are attached to the materials of inspection and remain there throughout the whole period of storage.

## CHAPTER 8 REGISTRATION OF INSPECTION RESULTS

59. On the basis of the results of the inspection during which the violations of the Legislative Acts were revealed, the Inspection Act is drawn up. On the basis of the facts of violations identified by the Inspector within its jurisdiction, a Protocol on the administrative violations may be drawn up and (or) a decision on the case of an administrative violation may be taken. In these circumstances the day of detection of the administrative violations, found out in the course of the inspection, is considered to be the date of delivery of the inspection Act to the inspected entity (its representative) against written acknowledgement of the receipt or by sending the same to the inspected entity in accordance with paragraph 69 of this Regulation.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

The results of the inspection during which no violations of the Act of the Law were revealed are formalized by the inspection certificate. The Act (Certificate) of the inspection is made out not less than in two copies and signed by the Inspector (Head of the Inspection) no later than five working days after the end of the inspection with

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indication of the date of signing. The date of signing of the inspection Act (Certificate) by the Inspector (Head of Inspection) is considered to be the date of drawing up the Act (Certificate) of the inspection.  
(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

The results of the inspection are to be formalized by the Inspectors of each Inspection (Surveillance) Body in a separate inspection Act (Certificate). If a joint inspection is conducted at the initiative of the Inspection (Surveillance) Body, one copy of the inspection Act (Certificate), after delivery (sending) to the inspected entity or to its representative, is transferred to the Inspection (Surveillance) Body initiated the inspection.

In the inspection Act there should be clarity and precision of presenting the detected facts. It is not allowed to include in the inspection Act various types of unsupported by the documents facts and data on the activities of the inspected entity.

60. In the inspection Act, taking into account the features of separate types of inspections, there should be specified:

the ground for assigning the inspection, date and number of the Order for its conducting, positions, surnames and initials of the persons who conducted the inspection;

the dates of the beginning and ending of the inspection (in case of suspension of the inspection the duration of the suspension period is indicated) as well as the place of making the inspection Act;

the inspected period or inspected periods, if these did not match for various inspected issues;  
(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

positions, surnames and initials of the employees of the inspected entity who, in accordance with paragraphs 66 and 67 of this Regulation, are required to sign the Act with the obligatory indication of the period of their work in the management positions during the inspected period, the same is required for the other persons involved in the inspection;

name (surname, name, patronymic name) of the inspected entity (in case of absence of the name of the inspected separate division - the address of its location), location (place of residence) and subordination (if available), payer account number, current (settlement) account details and other accounts (if any);

availability of a record book of inspections (logbook of performing the works - in the case envisaged in part four of paragraph 33 of this Regulation), as well as the information about the entered recording of this inspection;

when and by whom the above mentioned inspections were conducted for the inspected period on the same issues, on which this inspection was conducted;

what sort of financial and business transactions (documents), by what method and for what period were inspected;

the results of the inspection for each issue to be examined, in accordance with the Order for conducting the inspection;

(paragraph introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

the description of the fact of violation of the Legislation, place and time when it was committed, the Acts of legislation the requirements of which were violated, and (or) the responsibility for such violation stipulated by the Legislative Acts;

the size of the damage caused (if any) and other consequences of the violations;

the positions, surnames and initials of the persons the actions (inactions) of which have entailed the violations of the law by the inspected entity;

other information required for consideration of the materials about the committed violation and taking a decision about the inspection Act and (or) issuing the requirement (regulation) for elimination of the violations.

B In the inspection Act there may be presented the suggestions about elimination of the violations.

Features of drawing up the Act on the results of the unscheduled thematic operational inspection, in the course of which there were established violations of the law provided for in paragraph 89 of this Regulation.

In the inspection notice there should be specified, taking into account the features of conducting some certain types of inspections, the data listed in paragraphs two-ten of the first part of this clause.

(part four of paragraph 60 introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

61. The inspector is responsible for the accuracy of the facts and information about any violations, as well as the established amounts of harm specified in the inspection Act.

For the accuracy of the documents, information and facts indicated, in the submitted on the request of the Inspector, certificates, explanations and calculations, are responsible the officials and representatives of the inspected entity submitted the mentioned certificates, explanations and calculations.

62. Similar violations may be recorded in the statements (tables) attached to each copy of the inspection Act, in which all the necessary data for each fact of violation are mentioned: the size of the damage caused (if any), the period during which the violation was being done, the dates and document numbers.

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63. The integral part of the inspection act (certificate) drawn up on the results of the control measurement are the explanatory note, summary statements of the cost of the inspected construction-erection works and (or) repair-construction works, the costs and the amounts of overpricing identified by the control measurements (if any).

If during the inspection, sampling (samples) was done, to the inspection Act are attached the acts of such samplings (samples), which shall be signed by the Inspector (Head of inspection), by the inspected entity (its Head), in his absence - by the representative of the inspected entity on the day of sampling (samples), as well as the protocols of the research (testing) and examinations (if any).

64. Where necessary, to the inspection Act can be attached the certificates and calculations compiled on the basis of the authenticated documents as well as the copies or extracts from the documents, certified by the inspected entity in accordance with established procedure, the explanations of the representative of the inspected entity.

65. It is not allowed to do any unspecified corrections in the inspection Act (certificate). In cases when the errors (lapses), incomplete clarification of the circumstances are detected in the inspection Act (certificate) or, as a result of additional and (or) counter-inspections it is required to enter amendments and (or) additions into the inspection Act (certificate), into such Act (certificate) are entered the amendments and (or) additions.

In cases when conducting an inspection on the issues of observing the tax legislation some matters arise that require a confirmation by the authorized tax Bodies of other countries, a note is entered into the inspection Act (certificate) about contacting these Bodies for an appropriate confirmation. After receiving a written confirmation, the required amendments and (or) additions are (if required) entered into such inspection Act.

Amendments and (or) additions provided for in the first and second parts of this paragraph shall be signed, handed over (sent) to the inspected entity or to its representative, objections to these are presented in the manner prescribed in paragraphs 66 – 69, 71 of this Regulation for signing, submitting ( sending) of the inspection Act (certificate), presenting the objections to it.

(paragraph 65 in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

66. The inspection Act (certificate) is signed by the Inspector (inspection Head) as well as:

the Head of the inspected entity or individual entrepreneur, in their absence – by another representative of the inspected entity, a notary, a person conducting advocacy individually, craft activities, activities in the field of farm tourism, a temporary (anti-crisis) manager who is not a legal entity or individual entrepreneur;  
(in revision of the Edicts of the President of the Republic of Belarus dated 26.07.2012 No. 332, dated 27.11.2013 No. 523)

by the person responsible for management of the accounting of the inspected entity (when inspecting the issues related to the performing, by the inspected entity, the financial- business operations).

the control measurements Act and mandatory annexes to it are signed by the participants of the control measurements.

67. In the cases provided for in this Regulation, the inspection Act (certificate) is signed by other participants of the inspection.

68. The inspection Act (certificate), within two working days from the date of its signing by the Inspector (Head of Inspection), is handed over, under the signed receipt, (is sent by a registered letter with acknowledgment of its receipt) to the inspected entity or to its representative, except for the need to submit the draft of the Act (certificate), for familiarization, to the official criminal prosecution Body initiated the criminal case, to the Head of the criminal prosecution Body, the Court in charge of the case (materials), which issued the order for conducting the inspection in accordance with paragraph 96 of this Regulation. In this case the inspection Act (certificate) is awarded under the signed receipt (sent by a registered letter with acknowledgment of the receipt) to the inspected entity or to its representative within two working days from the date of such familiarization.

69. If the Persons referred to in paragraph 66 and 67 of this Regulation refuse to sign the inspection Act (certificate), the control measurement Act, a relevant note is made in these documents, and the inspection Act (certificate), the control measurement Act are sent to the inspected entity by a registered letter with acknowledgment of delivery or handed over to the inspected entity or its representative under the signed receipt. The person who refused to sign the inspection Act (certificate), the control measurement Act, has the right to present, in writing, the reasons for refusal of their signing.

In the absence of the inspected entity as well as the persons who have the authority of the representative of the inspected entity at the location (place of residence), specified in the constituent documents (certificate of official registration) and (or) at the last place of location (place of residence), known to the Inspection(Surveillance) Body authorized to specify the amount of taxes, dues (duties) to be paid to the state Budget in accordance with paragraph 17 of the Edict approving this Regulation, signed by the Inspector (Head of inspection) the inspection Act (certificate) may be sent to the last, known to the Inspection (Surveillance) Body, location (residence) of the inspected entity or to its representative. In this case, the inspected entity is considered to be properly acquainted

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with the results of inspection, and the inspection Act (certificate) - received after three days from the date of such sending.

(part two of paragraph 69 introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

70. In case when the revealed violation can be hidden or it is necessary to take immediate corrective measures for removing these revealed facts and prosecuting the persons whose actions (inaction) have entailed a violation of the law by the inspected entity, the Inspector (Head of inspection), before the end of the inspection, makes a separate Intermediate Inspection Act.

Intermediate inspection report shall contain:

reason for assigning the inspection, the date and number of the Order for its conducting, positions, surnames and initials of the persons who conducted the inspection;

date of starting the inspection (in case of suspension of the inspection its duration period is indicated), as well as the place and date of drawing up the intermediate inspection Act;

name, location and subordination (surname, first name, patronymic name, place of residence) of the inspected entity, payer account number, details of the current (settlement) and other accounts;

description of the fact of legislation violation, the place and time (if set up) when it was committed, acts of legislation, the requirements which have been violated, and (or) responsibility for such violation as provided by the legislative Acts;

indication that the inspection Act is an intermediate one;

other information necessary for consideration of the materials about the committed violation.

Intermediate inspection Act signed by the persons referred to in paragraph 66 and 67 of this Regulation.

Based on the intermediate inspection Act the Inspection (Surveillance) Body may adopt a resolution and (or) requirement (order) to eliminate the violations identified during the inspection. On the basis the identified facts of violations the Inspector, within its jurisdiction, may make up a Protocol on an administrative offense and (or) Order on the case of the administrative offense.

The facts indicated in the Intermediate Inspection Act shall be included in the Inspection Act.

71. If there are objections on the Inspection Act (certificate) the inspected entity or its representative enters a notation about these before signing it and no later than 15 working days from the date of signing the Act (certificate) shall submit a written objection about its content to the Inspection (Surveillance) Body.

The validity of the arguments set out in the objections is studied by the Inspector (Head of inspection) and within 15 working days a written conclusion is made on these objections, which is sent to the inspected entity by a registered letter with the acknowledgment of its receipt or delivered to the Inspected Entity or to its representative against signature. In case of necessity, in order to confirm the validity of the arguments set out in the objections, no later than 10 working days from the date of receipt of the objections there can be assigned an additional inspection in respect of the Inspected Entity. This inspection is conducted by the Inspection the (Surveillance) Body which conducted the inspection initially. In this case, a written conclusion on the objections is sent to the inspected entity by a registered letter with acknowledgment of receipt or delivered to the inspected entity or its representative against signature no later than 10 working days after completion of the additional inspection.

72. The inspector may require the written explanations on the causes of the violations from the inspected entity, its representative, as well as from other persons the actions (inaction) of which have entailed a violation of the Law by the inspected entity. These explanations are attached to the inspection Act.

73. On the basis of the Act made on the results of the inspection, within 30 working days from the date of its delivery (sending) to the inspected entity or its representative, and in case of submitting the objections - from the date of delivery (sending) to the inspected entity or its representative the Conclusion on these objections by the official person of the Inspection (Surveillance) Body authorized in accordance with its competence to deal with the materials of the inspection, if there are the grounds a decision is rendered on the Inspection Act and (or) the requirement (Order) to eliminate the violations identified during the inspection. By the decision of the Head of the State Body or his authorized Deputy the mentioned period may be extended by no more than 15 working days. The indicated periods do not include the time of the inspection materials being in the criminal prosecution Bodies and Courts.

(part one of paragraph 73 in revision of the Edicts of the President of the Republic of Belarus dated 26.07.2012 No. 332)

The requirement (Order) for elimination of the violations shall indicate the period during which the violations shall be eliminated and the period of informing the Inspection (Surveillance) Body about elimination of the violations (but not later than two working days after the deadline for elimination of the violations).

(part two of paragraph 73 in revision of the Edicts of the President of the Republic of Belarus dated 26.07.2012 No.

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The first copy of the decision on the inspection Act and (or) Requirement (Order) on elimination of the violations is handed over (sent by a registered letter with acknowledgement of its receipt), against signature to the inspected entity or its representative for taking actions to eliminate the identified violations, the second copy remains with the Inspection (Surveillance) Body for conducting the inspection.

(part three of paragraph 73 in revision of the Edicts of the President of the Republic of Belarus dated 26.07.2012 No. 332)

In case of refusal to get a copy of the Decision, against signature on the inspection Act and (or) the Requirement (Order) on elimination of the violations or in the absence of the inspected entity, as well as the persons authorized to be the representative of the inspected entity at the place of location (place of residence) specified in the constituent documents (certificate of legal registration) and (or) the last, known to the Inspection (Surveillance) Body, place of location (place of residence), in the Decision on the Inspection Act and (or) on the Requirements (Order) a corresponding entry is made and it is sent to the last, known to the Inspection (Surveillance) Body, place of location (residence) of the inspected entity or its representative (in case of refusal to receive it – it is sent by a registered letter with acknowledgment of receipt). In this case, the Decision on the Inspection Act and (or) the Requirement (Order) are considered to be received by the Inspected Entity on the expiry of three days from the date of such sending.

(part four of paragraph 73 in revision of the Edicts of the President of the Republic of Belarus dated 26.07.2012 No. 332)

The Decision on the Inspection Act, the Requirement (Order) to eliminate the violations are binding for the Inspected Entity.

The Inspected Entity informs the Inspection (Surveillance) Body that conducted the inspection, in writing, about fulfillment of each item of the Requirement (Order) for eliminating the violations within the period specified in this Requirement (Order).

The Head of the Inspection (Surveillance) Body or his authorized Deputy (authorized by the Head of the structural unit of the Inspection (Surveillance) Body) that signed (approved) this Requirement (Order) has the right, not later than two working days from the receipt of the information, to assign the conduction of the control inspection on eliminating, by the Inspected Entity, the identified violations.

74. In case of detection of violations of the law, endangering the national security, inflicting harm to the life and health of the population, to the environment, on the day of identification of the violation, there shall be drawn up the Requirement (Order) for suspension (ban) of the activity of the inspected entity, workshops (production sites), equipment, manufacturing and (or) realization of goods (works, services), usage of vehicles, with indication in this Requirement (Order) the period of suspension (ban) and the time period of informing the Inspection (Surveillance) Body conducted the inspection, about elimination of the violations that caused the suspension (ban). This Requirement (Order) is signed by the Inspector (Head of inspection) and handed over immediately or sent by a registered letter with acknowledgment of receipt no later than one working day following the day of identification of the violations, to the Inspected Entity or its representative, and shall enter into force upon receiving it by the inspected entity or its representative. The facts stated in this Requirement (Order) are included in the inspection Act. This Requirement (Order) not later than one working day following the day of its delivery (sending) is approved by the official person of the Inspection (Surveillance) Body authorized in accordance with its competence to consider the inspection materials. If necessary the mentioned official person takes a decision on full or partial cancellation of the Requirement (Order), reducing the period of the suspension (ban) and (or) the period of informing about elimination of the violations that caused the suspension (ban), which on the day of its adoption is awarded (sent by a registered letter with acknowledgment of receipt) to the inspected entity or its representative.

In case of impossibility of making the Requirement (Order) about the suspension (ban) of the activity of the inspected entity, workshops (production sites), equipment, manufacturing and (or) realization of goods (works, services), usage of vehicles, in accordance with the first part of this paragraph, this Requirement (Order) shall be made by an official person of the Inspection (Surveillance) Body authorized to consider the inspection materials, not later than one working day following the day of identification of the violations, and shall indicate the period of such suspension (ban) and the period of informing the Inspection (Surveillance) Body that conducted the inspection, elimination of the violations that caused the suspension (ban) .

About the elimination of the violations that caused the suspension (ban) of the activity of the Inspected Entity, workshops (production sites), equipment, manufacturing and (or) realization of goods (works, services), usage of vehicles, the inspected entity within the period specified in the Requirement (Order) informs in writing the Inspection (Surveillance) Body that rendered this Requirement (Order).

The official person of the Inspection (Surveillance) Body authorized in accordance with its competence to deal with the materials of the inspection, no later than two working days from the date of the receipt of the

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notification shall decide on the resumption of the activities of the inspected entity, workshops (production sites), equipment, manufacturing and (or) realization of goods (works, services), usage of vehicles (if the period of suspension (ban) set in the Request (Order) is not expired) or the Inspection (Surveillance) Body in the prescribed manner assigns to conduct a control inspection of elimination by the Inspected Entity the violations on the results of which, not later than two working days from the date of its end, the mentioned official person makes a decision on resumption of the activities of the inspected entity, workshops (production sites), equipment, manufacturing and (or) realization of goods (works, services), usage of vehicles (if the suspension period (ban) set in the Requirement (Order) is not expired).

If it is necessary to extend the suspension (ban) period of the activities of the entity, workshops (production sites), equipment, manufacturing and (or) realization of goods (works, services), usage of vehicles the Inspection (Surveillance) Body applies to the Court in the prescribed manner with the request for extending the suspension (ban) period. At the same time before the decision is taken by the Court at the request of the Inspection (Surveillance) Body the suspension (ban) remains in force.

(paragraph 74 in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

74-1. If there are objective circumstances not allowing to eliminate the violations specified in the Requirement (Order) for elimination of violations, within the specified in it time periods, according to the Application of the inspected entity submitted no later than three working days before the expiration of that period, with indication of the reasons hindering elimination of the violations within the specified periods, the official person of the Inspection (Surveillance) Body authorized in accordance with its competence to consider the inspection materials may take a decision to postpone the limits of elimination of the violations. The decision on the postponement or on the refusal is taken the Inspection (Surveillance) Body not later than two working days from the date of receipt of the Application. At the initiative of the inspected entity the period for elimination of the violations may be rescheduled only once.

(paragraph 74-1 introduced by the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

75. In case of finding, by the Inspection (Surveillance) Body while conducting the inspection (surveillance), the signs of an administrative violation, maintaining the administrative process on such violation in accordance with the Law, is assigned to the competence of other bodies (organizations), the Inspection (Surveillance) Body shall notify in writing about the administrative violation in the order provided for in Article 9.3 of the Code of Execution Procedure of Administrative Violations of the Republic of Belarus. At the same time the extracts from the Inspection Act and other documents confirming the accuracy of the information shall be attached to the Report.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

76. The Inspection (Surveillance) Body when identifying the facts, in the course of inspection, of harm, unjustified writing-offs of the monetary resources and material assets in the amount more than 1,000 units specified at the time of inflicting the harm, performing the financial and business operations and in case of a lasting violation - at the time of its completion (preparation of the inspection Act), as well as the identification of other facts indicating the signs of the crime, submits the materials of inspection to the criminal prosecution Body in 10-days period from the date of taking a decision about the inspection Act and (or) Requirement (Order) on elimination of the violations, and in absence of the reasons for its (their) issuance - in 10 days from the date of delivery (sending) of the inspection Act to the inspected entity or its representative, or from the date of delivery (sending) to the inspected entity or its representative the Conclusions on the objections (in case of submission of the objections).

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332).

The inspection materials are sent to the Prosecuting Authority with a covering letter, indicating the name (surname, first name) of the inspected entity (in absence of the name of the inspected separate division - the address of its location), its location (place of residence), the identified violations of the Law Requirements, the positions, surnames and initials of the persons the actions (inaction) of which have entailed a violation of the law by the inspected entity.

To the cover letter are attached the copies of the following documents:

the inspection Act;

the documents regulating the duties of the persons, actions (inaction) which have entailed a violation of the law (if any);

the objections on the Inspection Act (if any) and conclusions based on the results of their consideration, the act of an additional inspection (if available);

the decision on the Inspection Act and (or) Requirement (Order) on elimination of the violations, the Order on imposing an administrative penalty in respect of the inspected entity (if any);

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

the explanations of the individuals on the facts of the identified violations (if any).

In case of an appeal (protestation) of the resolution on the Inspection Act, and (or) Requirement (Order) on

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elimination of the violations and (or) the Order on imposing an administrative penalty, the Inspection (Surveillance) Body shall inform the Criminal Prosecution Body within three working days from the date of receipt of the relevant information and the decisions taken on the result of the complaints (protests) are sent to the Inspection (Surveillance) Body that conducted the inspection, to the Criminal Prosecution Body within 10 working days from the date of their acceptance.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

To the materials of inspections transmitted to the Criminal Prosecution Bodies there may be attached the originals or copies of the accounting documents and other documents, including those stored on the storage media in an electronic form, indicating the commitment of the violations of the Law.

Upon a reasonable request of the Criminal Prosecution Body the Inspection (Surveillance) Body is required, within 5 days' time from the date of receipt of the request, to provide the copies of the existing additional materials necessary for taking, by the Criminal Prosecution Body, the Decision in accordance with the law.

The Criminal Prosecution Bodies upon the receipt of the inspection materials shall register and consider them and take a decision in accordance with the criminal prosecution legislation. The relevant information about the taken decision (on initiation of the criminal case and the results of its consideration, on the refusal of initiating a criminal investigation or termination of the criminal proceedings, transfer of the criminal case to the Prosecutor for taking it to the Court) is sent within 10 days from the date of its issuance to the Inspection (Surveillance) Body.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

77. After finishing the inspection, the Inspection (Surveillance) Body that conducted the inspection has the right to inform a Superior Inspection (Surveillance) Body, the property owner of the Inspected Entity or its representative about the revealed facts of violations of the Law and to make proposals for preventing them in future.

## CHAPTER 9

### PROCEDURE OF APPEALING OF DECISIONS OF INSPECTION (SURVEILLANCE) BODIES, REQUIREMENTS (ORDERS) ON ELIMINATION OF VIOLATIONS, ACTIONS (INACTION) OF INSPECTORS

78. The inspected entity has the right to appeal against the decisions of the Inspection (Surveillance) Bodies on the Inspection Act, Requirements (Order) on elimination of the violations, actions (inaction) of the Inspectors if he believes that such decisions, requirements (orders) or actions (inaction) are taken or made with violation of the rules established by this Regulation or any other act of legislation or violate his rights.

The decisions made on the results of the inspection, as per the Act of inspection, the requirement (order) to eliminate the violations, actions (inaction) of the Inspectors may be appealed to the higher Inspection (Surveillance) Body or to the superior officer, to whom the Inspectors are directly subordinated and (or) in the Court if the procedure for appealing or another period of appeal is not established by the Legislative Acts.

(in revision of the Edict of the President of the Republic of Belarus dated 29.11.2013 No.529)

Making a complaint to a higher Inspection (Surveillance) Body or superior officer does not exclude the right to complain to the Court. An appeal against the decision of the Inspection (Surveillance) Body on the Inspection Act, requirements (order) to eliminate the violations, actions (inaction) of the Inspectors is performed in the legal procedure in accordance with the civil procedure or economic procedural legislation. At that the complaint about the decision on the Inspection Act, on the Requirement (Order) for eliminating the violations, actions (inaction) of the Inspectors may be filed with the Economic Court within one year from the date of their issuance.

(in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332, dated 29.11.2013 No. 529)

The provisions of this paragraph shall not be applied to the decisions of the Inspection (Surveillance) Bodies and actions (inaction) of the Inspectors accepted (implemented) during the administrative process.

79. The appeal against the decision on the Inspection Act, the Requirement (Order) for eliminating the violations, actions (inaction) of the Inspectors may be filed in a higher Inspection (Surveillance) Body, a higher official person, to whom the Inspectors are directly subordinated, within 30 calendar days from the date of their issuance (making).

The failure of submitting such a complaint is a ground for refusal of its consideration. In case of missing, for a good reason, the submission of the complaint this period, at the request of the Inspected Entity, may be restored by a higher Inspection (Surveillance) Body or by the superior officer to whom the Inspectors are directly subordinated.

An appeal against the decision on the Inspection Act, the Requirement (Order) to eliminate the violations is addressed to a higher inspection (Surveillance) Body or to a higher official (in the absence of a superior Inspection (Surveillance) Body) to whom the Inspectors are directly subordinated, the complaint against the actions (inaction)

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of the Inspectors – to the superior officer, to whom the Inspectors are directly subordinated.

80. The complaint is considered by the Higher Inspection (Surveillance) Body or by the superior officer of the Inspection (Surveillance) Body, within one month from the date of its receipt.

81. On the results of consideration of the appeal on the decision on the Inspection Act, the Requirement (Order) to eliminate the violations the Superior Inspection (Surveillance) Body, the superior officer may: (in revision of the Edict of the President of the Republic of Belarus dated 26.07.2012 No. 332)

- leave the decision, the requirement (order) without change and the complaint - without satisfaction;
- cancel the decision, the requirement (order) in whole or in part;
- cancel the decision, the requirement (order) and assign an additional inspection;
- amend the decision, the requirement (order).

82. Following the consideration of the complaint against the actions (inaction) of the Inspector the Superior Officer is entitled:

- to satisfy the complaint;
- to leave the complaint without satisfaction.

83. The decision on the complaint, within three working days from the date of its adoption, is sent by a registered letter with the acknowledgment of its receipt or handed over to the entity or his representative against signature. A copy of the decision, within the same period, is sent to the Inspection (Surveillance) Body, the decision, requirement (order) or actions (inaction) of which were appealed.

### SECTION 3 PECULIARITIES OF CERTAIN FORMS (TYPES) OF INSPECTION (SURVEILLANCE)

#### CHAPTER 10 PECULIARITIES OF ORGANIZING AND PERFORMING UNSCHEDULED THEMATIC OPERATIONAL INSPECTION

84. Unscheduled thematic operational inspections are held as prescribed in Sections 1 – 2 of the present Regulations, taking into account peculiarities defined in this Chapter.

In case of unscheduled thematic operational inspection, the entities are verified as to their compliance with:

law on entrepreneurship, in order to find business activities without a special permit (license) or breach of the terms and conditions of the licensed activity;

terms of entrepreneurship activity, in violation of which such activity is illegal and/or prohibited;

cash acceptance upon sales of goods (works, services) for cash, the use of cash terminals, vending machines, payment terminals, including the use and accounting for means of control;

(in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

law on cash payments;

law on combating money laundering and financing of terrorism <\*>;

(in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

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<\*> In this field, unscheduled thematic operational inspections are held by the National Bank in terms of banking supervision.

regulations on currency transactions, currency exchange involving individuals;

regulations on activities in gambling business;

regulations on retail, catering, domestic and other services of customers;

single tax on individual entrepreneurs and other individuals (hereinafter – single tax), VAT in fixed amounts;

presence of documents confirming purchase (delivery) of inventory items and their release to sales facilities;

access of single tax payers to sales of goods;

law on state regulation of production, sale and advertising of alcohol, non-food alcohol-based products and non-food ethyl alcohol;

law on state regulation of production, sale and advertising of raw tobacco and tobacco products;

law on sale, in the territory of the republic of Belarus, of liquid oil fuel;

law on labeling products with control (identification) marks during their sale, storage, or transportation;

law on protection and use of plants and animals;

compulsory observance of the requirements of technical regulations on quality and safety of industrial and

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technical products, food raw materials and food products, goods for private (domestic) use, works and services provided, legislation on public sanitary and epidemiological welfare subject to the availability of information about mass infectious and non-infectious diseases hazard, so as to prevent its occurrence/dissemination associated with sales of poor quality products;

(in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

regulations on the use of measuring instruments during trade in goods and settlements between the buyer and the seller;

environmental protection legislation;

compulsory observance of the requirements of technical regulations with regard to construction (including reconstruction, restoration, overhaul repair, and improvements), approved design documentation for construction and mounting works, as well as conformity of construction materials and tools with design solutions and compulsory observance of technical legislation in the field of technical regulation and standardization for operational reliability and safety assurance;

(in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

compulsory observance of the requirements of technical regulations with regard to transport of dangerous goods;

(in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

law on transport activities, safety and ecological requirements in the use of transport (including presence of accompanying documentation as prescribed by the law, and the technical condition of vehicles);

law on collection, storage, transport, use, purchase, processing, shipment and realization of ferrous and nonferrous metals, their scrap and waste, as well as law on accounting, collection, storage transport, use and realization of rare earth metals in all forms and conditions, and activities involving precious metals and gemstones.

85. A letter of unscheduled thematic operational inspection may not contain the name of the inspection entity, in case inspections are held:

in highways, with regard to observance legislation regulating purchase, transport and relocation of inventories;

in inspections involved in retails in marketplaces <\*> and tent sales in the markets;

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<\*> In terms of this Regulation, a marketplace is defined as a part of counter, as well as part of a vending area of a market necessary for mobile sale.

to monitor compulsory observance of the requirements of technical regulations with regard to transport of dangerous goods;

(in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

in highways, streets not being part of highways, with regard to law on transport activities, safety and ecological requirements in the use of transport (including presence of accompanying documentation as prescribed by the law, and the technical condition of vehicles);

(in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

in construction sites (including reconstruction, restoration, overhaul repair, and improvements) with regard to compulsory observance of technical regulations in construction (including reconstruction, restoration, overhaul repair, and improvements), and approved design documentation for construction and mounting works, as well as conformity of construction materials and tools with design solutions and compulsory observance of technical legislation in the field of technical regulation and standardization for operational reliability and safety assurance.

(in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

In circumstances specified in the first part of this Clause, the Letter of Inspection contains the name of a territory subject to unscheduled thematic operational inspection (if inspecting compulsory observance of technical regulations in construction (including reconstruction, restoration, overhaul repair, and improvements), and approved design documentation during construction and mounting works, as well as conformity of construction materials and products with design solutions and technical legislation in the field of technical regulation and standardization to ensure operational reliability and safety – a construction facility/-ies subject to inspection).

(in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

86. Unscheduled thematic operational inspection may be held at a time in all sales facilities or other places, production facilities and warehouses owned by the Inspected Entity, as well as located in different administrative territories.

In case of inspections specified in Clause 85 of this Regulation, the unscheduled thematic operational may be held with regard to any Inspected Entity acting in the territory mentioned in the Letter, and in order to find activities performed without state registration or observance the requirements on single tax payment, as well as in

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case of inspections specified in Paragraphs 13 – 15, Part 2, Clause 84 of this Regulation – also with regard to individuals performing their activities without entrepreneurship.

87. Unscheduled thematic operational inspection specified in Clause 85 of this Regulation, may not be held by the same Inspection (Surveillance) Body (or its territorial body or subsidiary) more than once a month in the same territory, except for inspections held pursuant to the President of the Republic of Belarus or Prime-Minister of the Republic of Belarus.

(in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

88. The Inspectors are empowered to demand from the Inspected entity the presence of necessary documents (their copies) on issues specified in Clause 84 of this Regulation, and in case of inspections specified in sub-Clause 9/3, Clause 9 of the Edict confirming this Regulation, - on issues of antitrust legislation, and pricing legislation. Should these documents (their copies), as per legislation, are not available in the inspected site, such documents (their copies) are to be submitted not later than on the next working day following the inspector's claim to submit documents (their copies).

(in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

In regard to the documents (their copies) subject to submitting by the Inspected Entity not later than on the next working day, an inspector issues the claim to submit documents (their copies) in writing.

89. Based on results of unscheduled thematic operational inspection during which violations of law were detected, an inspection Act is drawn up by the inspectors (in two copies) except for case specified in Clause 91 of this Regulation; or an inspection certificate if such violations were not detected. The inspection Act must contain the following:

- date and number Letter of inspection, positions, surnames and initials of inspectors;

- start and end dates of the inspection, and location where the Act is finalized;

- positions, surnames and initials of the Inspected Entity representatives, as well as other people involved into inspection;

- name (surname, name, patronymic name) of the Inspected Entity (in case of absence of the subsidiary's name – its address), location (place of residence) and subordination (if any), and the Taxpayer Number;

- presence of Inspections Records Book (or a Log Book – as specified in Part 4, Clause 33 of this Regulation), as well as the record of the present inspection;

- if a control purchase of inventories or a control ordering of works (services) has been made, and their results;

- list of technical means, if applied;

- facts of law violations, location and time (if known) of such violations; legal acts violated, and/or liability for such violations as prescribed by legal acts;

- positions, surnames and initials of persons whose acts (omissions) entailed breach of law;

- other information needed for consideration of breach case and decision making.

Based on results of unscheduled thematic operational inspections made by State Control Committee, Ministry of Taxation and its territorial bodies, in highways with regard to observance the law on purchase, transport and relocation of inventories; Transport Inspection of the Ministry of Transport and Communications and its subsidiaries, with regard to observance the law on transport activities, safety and ecological requirements in the use of transport, no records are made in the Inspections Records Book, as well as no inspection certificate is drawn up if no breach of law has been detected.

(in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

90. The Act (certificate) of unscheduled thematic operational inspection is signed by the Inspector and by the Inspected Entity (his representative), the first copy of Act remains with Inspectors and the second copy - with the Inspected Entity (his/her representative).

91. The Act of unscheduled thematic operational inspection may not be finalized if the inspection detected an administrative offence and the appropriate protocol has been drawn up, or the resolution on imposing an administrative penalty in cases when the administrative protocol is not envisaged by the law, resulting in corresponding record made in Inspections Records Book (or in Log Book, in cases specified in Clause 33 of this Regulation).

92. Should an ownerless property has been detected during the unscheduled thematic operational inspection, the ownerless property detection Act is drawn up by the Inspectors in presence of at least two witnesses.

92-1. Provisions of Part 1 of Clause 86, Clause 88, Part 1 of Clause 89, Clauses 90 and 91 of this Regulation will apply on inspections specified in sub-Clause 9.3 of Clause 9 of the Edict confirming this Regulation.

(Clause 92-1 is introduced by the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

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## CHAPTER 11

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## PECULIARITIES OF INSPECTIONS ON INSTRUCTION OF CRIMINAL PROSECUTION BODIES AND COURTS

93. Inspections in respect of the Inspected entities, subordinates and (or) the members of the (system) of state bodies, other state organizations and republican state-public associations, including their separate subdivisions, with the taxpayer number, on the instruction of criminal prosecution bodies in connection with criminal proceedings; Heads (their deputies) of the criminal prosecution bodies and courts, in pending cases (materials), are held by state bodies, other state organizations, republican state and public associations, structural subdivisions of these state bodies, organizations and associations subordinate to these bodies, organizations and associations; organizations engaged in institutional control, in the manner specified in Sections 1 - 2 of this Regulation, considering peculiarities specified in this Chapter.

(Part 1 of Clause 93 in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

Inspections in respect of the Inspected Entities not mentioned in Part 1 of this Clause on the instruction of the criminal prosecution bodies in connection with criminal proceedings; Heads (their deputies) of the criminal prosecution bodies and the courts, in pending cases (materials) are held by the Ministry of Finances and its territorial bodies.

(in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

Inspections on the instruction of criminal prosecution bodies in connection with criminal proceedings; Heads (their deputies) of the criminal prosecution bodies and courts, in pending cases (materials) in state bodies and managing bodies of public associations, are held by the central office of the Ministry of Finances.

(in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

Inspections of financial and economic activities of the Inspected Entities, including accuracy of calculations, promptness and completeness payment of tax, fees and other obligatory budget dues, may be held by the documentation check Unit of financial investigation body on the instruction of the Department of Financial Investigation of the State Control Committee, subsidiaries of this Department in regions, Minsk Region and the city of Minsk in connection with criminal proceeding, on the instruction of Heads (their deputies) of these bodies in pending cases (materials).

(Part 4 of Clause 93 introduced by the Edict No.332 of the President of the Republic of Belarus of 26.07.2012)

The criminal prosecution bodies in connection with criminal proceedings, Heads (their deputies) of the criminal prosecution bodies and courts in pending cases (materials), have the right to commission the inspection to other control (supervisory) bodies except for State Control Committee, according to their competencies defined in the list of control (supervisory) bodies, and the fields of their control (supervisory) activities approved by the Edict confirming this Regulation.

(Part 5 of Clause 93 introduced by the Edict No.332 of the President of the Republic of Belarus of 26.07.2012)

93-1. A Head of a control (supervisory) body or his/her authorized representative, within three working days after an inspection in connection with criminal proceeding had been commissioned by the criminal prosecution body, Heads (their deputies) of the criminal prosecution bodies and courts, in pending cases (materials), is to decide on performing (not performing) an inspection and to direct the decision to the body (authorized person) who had commissioned the inspection. If a decision is made to perform an inspection, the inspection should start not later than 15 calendar days after the inspection had been commissioned. Once agreed with the body (authorized person) who had commissioned the inspection, the inspection may start in other period.

(Clause 93-1 is introduced by the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

94. Prior to inspection on the instruction of the criminal prosecution bodies in connection with criminal proceeding, Heads (their deputies) of the criminal prosecution bodies and courts in pending cases (materials), based on submitted materials and documentation study results, the control (supervisory) body may verify issues subject to inspection, as well as periods of inspection and the need for other control (supervisory) bodies specialists' involvement. Based on verification results, a list of peculiar issues to be checked harmonized with the corresponding authorized person of the criminal prosecution body or a court, has to be worked out.

(in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

95. The Act (certificate) of inspection, as well as the interim, is submitted for signing (directed for familiarization and signing) to the inspectionee's representative only after an authorized person (his/her deputy) of the criminal prosecution body who had initiated criminal proceeding, a Head (his/her deputy) of the criminal prosecution body, a court, in pending cases (materials), who had commissioned the inspection, has familiarized himself with the Act (certificate).

(in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

96. Familiarization with the draft of Act (certificate) of inspection, including interim, is performed by authorized person (his/her deputy) of the criminal prosecution body who had initiated criminal proceeding, a Head (his/her

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deputy) of the criminal prosecution body, a court, in pending cases (materials), who had commissioned the inspection, within three working days after the draft had been submitted. The fact and the date of familiarizing with the draft of Act (certificate) of inspection is noted in the Act (certificate) of inspection which is directed the same day to the inspectionor (person-in-charge for the inspection) or sent to the control (supervisory) body by registered letter with acknowledgement of receipt.

(in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

97. If, following inspections on the instruction of criminal prosecution bodies in connection with criminal proceedings; Heads (their deputies) of the criminal prosecution bodies and courts, in pending cases (materials), there is a need for additional verifications of issues previously not agreed with the inspectionor (person-in-charge for the inspection), Heads (their deputies) of the criminal prosecution bodies and courts, in pending cases (materials), such verifications are held by the control (supervisory) body who had performed the inspection on the instruction of the aforementioned bodies, Heads (their deputies). Should the need for additional verification arise as a result of failure of the Inspector (person-in-charge for the inspection) to observe the requirements of this Regulation, such verifications are held by a higher authority of the control (supervisory) body or, in the absence thereof, by the Ministry of Finances or its territorial bodies.

(Clause 97 in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

97-1. Upon receipt of inspection materials, the criminal prosecution bodies register and consider the inspection materials and reach decisions according to the law of criminal procedure. The information on decision reached (on refusing initiation of criminal proceeding, initiation of criminal proceeding, and preliminary investigation results) within 10 days' term after decision had been reached is directed to the control (supervisory) body who had sent the inspection materials.

The criminal prosecution bodies along with control (supervisory) bodies are to take all lawful measures as to identify any harm caused, and ensure its complete reimbursement and, if notifications on results of inspections materials consideration and decisions made had been sent to the control (supervisory) bodies, to provide with amounts of (voluntary) reimbursements.

(Clause 97-1 is introduced by the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

#### CHAPTER 12

#### PECULIARITIES OF INSPECTIONS PERFORMED BY NATIONAL BANK WITHIN BANKING SUPERVISION INCLUDING CONSOLIDATED SUPERVISION

98. Inspections performed by the National Bank in terms of banking supervision, including consolidated supervision (hereinafter in present Chapter – the inspections), are made with regard to banks (their separate subdivisions) and the Inspected Entities not being banks, recognized as members of banking holdings, in the manner established in Sections 1 – 2 of this Regulation, Chapters 10 and 11 of the present Section, considering peculiarities specified in the present Chapter.

99. The inspections objectives are on-site identification of financial situation and development prospects of the Inspected Entity, risks taken by the Inspected Entity, management organization (including corporate governance and risk management), the internal control system, compliance with the secure functioning requirements, and other prudential requirements established by the National Bank; validity of information filed with the National Bank, as well as identification of situations threatening the interests of investors and other creditors of Banks, breach of legal acts.

100. The objectives of the inspections performed by the National Bank is overall assessment of circumstances specified in Clause 99 if this Regulation (hereinafter in terms of the present Chapter – overall inspection), and the inspection in order to assess specific areas of the Inspected Entity (hereinafter in terms of the present Chapter – thematic inspection).

101. Scheduled overall inspections are appointed by the Chairman of the Board of the National Bank or his Deputy, and thematic inspections – by the Chairman of the Board of the National Bank (his Deputy) or Head of the Regional Banking Directorate of the National Bank (his Deputy) by an appropriate order (hereinafter in terms of the present Chapter – an official who appointed an inspection).

102. The National Bank is empowered to involve, in order to assist and/or take part in specific acts during inspection, on a contractual basis, an Auditing organization (or an Auditor – individual entrepreneur). The contract must be signed by an official who appointed an inspection (his deputy). Payments for services provided by the Auditing organization (Auditor – individual entrepreneur) are reimbursed under the National Bank funds.

The National Bank is empowered to involve the experts of “the Bank Deposit Insurance Agency” to inspect the registered bank activities, with regard to identifying the volume and the content of the bank obligations before natural persons, as well as to verify calculations accuracy of financial contributions allocated by this bank to the Agency.

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103. When preparing for the inspection, the National Bank is empowered to require:  
programmed documents for the Inspected Entity development;  
the organizational structure and the ownership structure of the Inspected Entity;  
local statutory frameworks regulating the Inspected Entity activity, including those identifying transactions order, risk management and control, internal control organization;  
meeting records of the Inspected Entity managing bodies;  
analytical information related to verified issues, including for each structural unit of the inspectee;  
other information needed to finalize the program of inspection and to reach decision on terms of inspection and composition of Inspectors.

Prior to inspection, the national Bank has the right for an organizational meeting with authorities of the Inspected Entity, including those of structural subdivisions responsible for internal inspection, data safety and protection assurance.

104. During inspection, the National Bank has the right, in manner established by this Regulation, to:  
exempt property and inventories which are violations of law, as well as instruments and means of violations of law;  
seal cash registers, storerooms, archives and other facilities for valuables, financial documents and securities storage;  
use technical instruments for the purposes specified in clause 99 of this Regulation.

105. The Inspected Entity are obliged to:  
appoint persons in charge for interaction with Inspectors in each line of the inspection;  
copy, by the demand of the person-in-chief for the inspection, the necessary documents or to provide him/her with possibility to make such copies independently, as well as to certify copies of the documents with an authorized person's signature and affix by the seal of the Inspected Entity;  
provide Inspectors with working spaces in the office isolated from the Inspected Entity personnel and unauthorized persons; the working space should contain a fireproof safe or a steelcase storage, automated working place with an access to required software used by the Inspected Entity, as well as to relevant data bases developed during the period indicated by the person-in-charge for the inspection (in framework of the inspection period), calculators, telephone connection, alarm system, door and windows with necessary locking equipment.

The Inspected Entity have no right to conduct a body search of the Inspectors, inspect technical means used by the Inspectors, exempt these technical means or otherwise prevent from their use.

106. The Act (certificate) of inspection is subject to finalizing and signing by the person-in-charge for the inspection not later than 15 working days after inspection is over.

Based on decision of the person-in-charge for the inspection, apart from persons indicated in Paragraphs 2 and 3, Part 1, Clause 66 of this Regulation, the Act (certificate) of inspection is signed by inspectors and other participants of the inspection.

The Act (certificate) of inspection must be signed with noting the date of signing (refusal to sign) by persons indicated in Paragraphs 2 and 3, Part 1, Clause 66 of this Regulation, not later than 10 working days after Act (certificate) had been received for signing.

107. The Act of inspection should contain:  
ground for inspection, date and number of Letter of inspection, position, surname and initials of the person-in-charge for the inspection or the Inspector;  
start and end dates of inspection (in case of breaks, their period is indicated), as well as location where the Act is drawn up;  
the checking period;  
positions, surnames and initials of the Inspected Entity staff subject to sign the Act pursuant to this Regulation, with obligatory indication of their term in office as for the checking period;  
name and location of the Inspected Entity, the taxpayer number;  
presence of Inspections Records Book, as well as the record of the present inspection;  
facts of law violations, location and time (if known) of such violations; legal acts violated;  
positions, surnames and initials of persons whose acts (omissions) entailed breach of law by the Inspected Entity, in case the liability for such breach is envisaged by the Code on Administrative Offences of the Republic of Belarus;  
other information needed for consideration of breach case and decision making.

108. Based on results of overall inspection, a resolution is drawn up. Based on results of thematic inspection, the resolution is drawn up if needed on instruction of the official who had appointed the inspection.

The resolution contains the analysis of the Inspected Entity activity (with thematic inspection – specific areas of the activity), financial situation and development prospects, risks taken, management organization (including

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corporate governance and risk management), the internal control system, compliance with the secure functioning requirements, and other prudential requirements established by the National Bank; validity of information filed with the National Bank, as well as identification of situations threatening the interests of investors and other creditors of Banks (if detected).

The resolution on results of the inspection is finalized in a single copy which remains with the National Bank and is an outcome document to determine the objectives of the National Bank's oversight policy in regard to the Inspected Entity.

109. Solution of the National Bank on results of the inspection is made by an official or a collegiate body of the National Bank empowered to consider inspection materials, based on Act (certificate) of inspection and the resolution based on inspection results, within 30 working days from the signing date (refusal to sign) indicated in Paragraphs 2 and 3, Part 1, Clause 66 of this Regulation, or after the deadline stipulated in Part 3, Clause 106 of this Regulation, and, in case of filing of objections – from the date the decision on objections was granted (acknowledgement of receipt was received) to the person who had filed objections on the Act of inspection. Pursuant to resolution of the Chairman of the Board of the National Bank (or acting Chairman of the Board) the aforementioned period is subject to extension for not more than 15 working days.

110. Based on results of the inspection, the National Bank reaches decision on making improvement notice and/or measures to the Inspected Entity.

Types of improvement notices and measures, as well as grounds and order of applying are prescribed by law.

111. Information received by the National Bank during inspection, is not subject to disclosure except for cases envisaged in Part 2 of this Clause and legal acts.

The National Bank has the right to inform the Head of the Inspected Entity governing body, the Inspected Entity participant (property owner), parent organization, and/or members of bank group or bank holding, to which the Inspected Entity is a part of.

112. Provision of Paragraph 15 of Clause 6, Part 1 of Clause 61 (with regard to specified amounts of damage), Clause 62 (with regard to size of damage caused) and Part 1, clause 76 (with regard to damage caused) of this Regulation is not extended to inspections held by the National Bank.

## CHAPTER 13 PECULIARITIES OF INSPECTIONS PERFORMED BY PROSECUTORS

113. When inspecting law observance by the Inspected Entity, the prosecutor exercises his authorities conferred on him by the law and depending on the character of violations detected within his competence: (in revision of the Edict No.332 by the President of the Republic of Belarus of 26.07.2012)

- challenges decisions (actions) of organizations, officials and individual entrepreneurs and, in cases envisaged by legal acts, annuls such decisions;

- submits proposals, issues requirements and official notifications that are binding on corresponding organizations, officials and other persons, including individual entrepreneurs;

- submits, in cases envisaged by legal acts, to court with applications (claims) to protect the rights and lawful interests of individuals, including individual entrepreneurs, organizations, public and national interests;

- writes up protocol of administrative offences;

- rules on disciplinary proceeding, financial liability;

- rules on criminal proceeding.

114. Other peculiarities of the procuratorial body and related inspections are identified by legal acts.

APPROVED  
Edict of President of the  
Republic of Belarus  
No.510 of 16.10.2009  
(in revision of the  
Edict of President of the  
Republic of Belarus  
No.332 of 26.07.2012)

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## **REGULATION ON MONITORING PROCEDURE**

(introduced by the Edict No.332 of the President of the Republic of Belarus of 26.07.2012)

1. The present Regulation prescribes monitoring procedure held by control (supervisory) bodies.

2. In terms of this Regulation, the "monitoring" is a form of control (supervisory), which presumes observing, analysis, assessment, identification of cause-effect links, applied by control (supervisory) body for rapid site conditions and activities conditions assessment in the inspected entity (hereinafter - the entity) for compliance with the legal requirements, detection and prevention of causes and precursors for violations, without use of powers granted to the control (supervisory) bodies and their officials to conduct inspections.

3. While monitoring, the control (supervisory) bodies officials have the right to enter the entity's territory and/or facilities open to public, and, upon entity's consent, another territories and/or facilities; to use Internet, video- and telecommunication resources of remote control (supervision).

4. Decision on monitoring is reached by Head of the control (supervisory) body (including Heads of territorial bodies, structural subdivisions, subsidiaries) or his/her authorized deputy.

5. Should any violations (drawbacks) are detected in the entity's territory and/or facilities during monitoring not causing any threat to national security, public life and health, environment, an authorized person of the control (supervisory) body who holds monitoring, issues statements to the entity against signature, or statements data are directed within two working days from the moment monitoring has been over, or from the moment the head (his/her deputy) of the control (supervisory) body has reached a decision on directing such statements. Statements are sent by registered mail with acknowledgement of receipt to last entity's location (place of residence) known to the control (supervisory) body. In this case the entity is considered as familiarized in due manner with statements, and statements – as received three days after having been directed.

6. The entity who received statements of the control (supervisory) body with demand to rectify violations detected during monitoring, has the right to rectify such violations independently with subsequent and acknowledge the control (supervisory) body in due period that violations has been rectified. If violations detected by the control (supervisory) body during monitoring have been rectified by the entity on voluntary basis in due period, this control (supervisory) body does not take punitive measures in respect to the entity and/or its officials except for if second violations (drawbacks) were detected by the control (supervisory) body during previous monitoring.

7. Should the monitoring detect a breach of law causing threat to national security, harm to public life and health, environment, the official of the control (supervisory) body issues the order to suspend (terminate) the activity of the entity, workshops (production sites), tools, production and (or) sales of goods (works, services), use of vehicles, in the order prescribed in Part 1 or 2, Clause 74 of the Regulation on Inspection Procedures confirmed by Edict confirming this Regulation.

Decision on re-starting activity of the entity, workshops (production sites), tools, production and (or) sales of goods (works, services), use of vehicles, on prolonging suspend (terminate) the activity of the entity, workshops (production sites), tools, production and (or) sales of goods (works, services), use of vehicles, is made in the order and according to conditions prescribed in Parts 3 – 5, Clause 74 of the Regulation on inspections confirmed by Edict confirming this Regulation.

8. Based on monitoring results, an authorized person of the control (supervisory) body writes up an analytical (information) statement based on which the Head (his/her deputy) of this control (supervisory) body is empowered to reach one of the following decisions:

to take account of the monitoring results which has not detected unconformity of the entity's activity with law;

to direct, to the entity's address, statements on rectifying detected violations (drawbacks), if such had been detected but statements on their rectifying were not drawn up;

to take, according to law, punitive measures with regard to the entity and/or its authorized persons if statements to rectify violations (drawbacks) detected during monitoring were not fulfilled, or if second violations (drawbacks) were detected by the control (supervisory) body during previous monitoring.

In case the entity failed to rectify violations (drawbacks) detected during monitoring, Head (his/her deputy) of the control (supervisory) body (except for territorial body, structural subdivision, subsidiary) is empowered to initiate an unscheduled inspection in accordance with sub-Clause 9.1, Clause 9 of the Edict confirming this Regulation, and Head (his/her deputy) of the control (supervisory) body which is the territorial body, structural subdivision, a subsidiary, has the right to propose an authorized official an unscheduled inspection in accordance with sub-Clause 9.1, Clause 9 of the Edict confirming this Regulation.

9. Heads of state governing bodies specified in Clause 15 of the Regulation on Inspection Procedures

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confirmed by the Edict confirming this Regulation, ensure accounting of results and coordinate monitoring activity performed by the aforementioned bodies and their territorial bodies, structural subdivisions, subsidiaries.

APPROVED  
Edict of President of the  
Republic of Belarus  
No.510 of 16.10.2009  
(in revision of the  
Edict of President of the  
Republic of Belarus  
No.332 of 26.07.2012)

**LIST  
OF CONTROL (SUPERVISORY) BODIES <\*>  
AND AREAS OF THEIR CONTROL (SUPERVISORY) ACTIVITIES**  
(in revision of the Edicts by the President of the Republic of Belarus No. 332 of 26.07.2012,  
No. 8 of 08.01.2013, No. 292 of 01.07.2013, No. 331 of 25.07.2013,  
No. 332 of 25.07.2013, No. 456 of 07.10.2013, No. 523 of 27.11.2013,  
No. 529 of 29.11.2013, No. 99 of 25.02.2014, No. 325 of 30.06.2014,  
No. 381 of 28.07.2014, No. 563 of 03.12.2014, No. 48 of 09.02.2015,  
No. 95 of 23.02.2015, No. 188 of 06.05.2015, No. 231 of 04.06.2015,  
No. 475 of 26.11.2015, No. 35 of 08.02.2016)

Name of control (supervisory) body	Area of control (supervision)
1. State Control Committee  Bodies of State Control Committee	control over implementation of the national budget, use of state property, application of Acts by the President of the Republic of Belarus, Parliament of the Republic of Belarus, Government of the Republic of

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Belarus, and other state bodies regulating relationships of the national property, economic, financial, and tax relationships, as well as on other issues in accordance with legal acts and decisions of the President of the Republic of Belarus

currency control

control over observance of requirements of technical regulations of the Customs Union, Eurasian Economic Union

(in revision of the Edict No.48 by the President of the Republic of Belarus of 09.02.2015)

2. General Prosecutor's Office

control over accurate and uniform observance of laws, Edicts, edicts and other statutory frameworks

prosecutor's offices of the regions, the city of Minsk, administrative districts in cities, cities, inter-district, and related Transport Prosecutor's Offices

(Clause 2 in revision of the Edict No.95 by the President of the Republic of Belarus of 23.02.2015)

3. National Bank

control over observance, by banks and non-bank financial institutions, of law regulating banking activity

control over activities of banks and non-bank financial institutions with regard to their conformity with law on combating money laundering and financing of terrorism

control over activities of banks and non-bank financial institutions, legal entities which are not banks and recognized as members of banking holdings

currency control

control over observance by inspection organizations and inspectors - individual entrepreneurs, of law on inspection activity in banks, non-bank financial institutions, banking groups or banking holdings

control over observance of law on leasing business

control over observance by microfinance institutions of law regulating granting and attracting micro-loans

control over observance of law regulating activities relating to transactions in cash settled over-the-counter markets (OTC-markets) (activities in FOREX OTC-market) initiated by natural and legal entities

(in revision of the Edicts by the President of the Republic of Belarus

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No.99 of 25.02.2014, No. 325 of 30.06.2014, No. 231 of 04.06.2015)	
4. National Statistical Committee	control over observance of submitting data of centralized national statistical reporting
territorial bodies of national statistics	
5. National inspectorate for flora and fauna protection of the President of the Republic of Belarus	control over protection and use of wild animals, subject to hunt and fishing, arboreal-shrub vegetation and other wild plants, forest fund, soils under wild arboreal-shrub vegetation
	control over conservation of fish in fish ponds, by fishery entities
6. Directorate of the Presidential Affairs of the Republic of Belarus	
Department for Humanitarian Activity of the Directorate of the Presidential Affairs of the Republic of Belarus	control over inspectionees activity in receipt and distribution of foreign non-refundable assistance, and targeted use of such assistance
	control over inspectionees activity in respect of children's recuperation in places of their temporal stay abroad
National nature protecting and foresting associations subordinate to Directorate of the Presidential Affairs of the Republic of Belarus <*>	control over management of hunting sites, hunt, fisheries, condition, use, security, protection of forest funds, and other control functions in regard of animals and plants protection in territories under jurisdiction thereof
7. Belarusian National Academy of Science	control over effective use of national funds provided for financing fundamental and applied research, innovations (along with National Committee on Science and Technology)
8. Ministry of Internal Affairs	control over drugs, psychotropic preparations and their precursors trafficking
internal affairs bodies and subdivisions - members of system	control over acquisition, storage, transport, send, sale, use, import/export, and destruction of drugs analogues, psychotropic preparations for expert activities, research and education purposes
	control and oversight of road safety assurance
	control over property security activities
	control over employment, by Belarusian employers, of foreigners and stateless persons, without permanent residence permit, including those with temporal stay or temporal residence in the Republic of Belarus

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	control over observance of law on mass media
	control over targeted use of national funds provided to media bodies
	control over telecommunication activities with regard to observing the list of broadcasted radio and television programs
	control over conformity of bodies and entities with law on Internet resources
(in revision of the Edict No.456 by the President of the Republic of Belarus of 07.10.2013)	
11. Ministry of culture	control over observance of law on historical and culture heritage preservation
	control over observance of law during production of national films, and films production of which is in full or partially financed by national or local funds, as well as storage of raw materials of such films
	control over observance of law on museums and Museum fund of the Republic of Belarus
	control over observance of law on cultural events
12. Ministry of forestry	control over condition, use, security, protection of forest fund and forest reproduction, hunting sites and hunt
Territorial bodies of Ministry of forestry <***>	
13. Ministry of defense	control over engineering, test, production, repair and technical diagnostics of weapons, military and specialized machinery, military and technical property
Directorate of Armed Forces on national aviation of the Republic of Belarus	control over activities in national aviation in terms of providing secure flights for the aircrafts of the Republic of Belarus
National supervision Directorate of the Military Inspectorate of Armed Forces	oversight of potentially dangerous facilities, productions and related activities with specific of military use, the list of which is approved by Council of Ministers of the Republic of Belarus
14. Ministry of education	
Department of education quality control	oversight of education control assurance
15. Ministry of taxation	control over conformity of Inspected Entity with law on taxation, entrepreneurship, licensing of certain activities, handcrafting, services in agro-eco-tourism
Inspections of Ministry of taxation for regions, city of Minsk, districts,	

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cities, and  
administrative districts  
in cities

control over accurate calculations, timely and full payment of mandatory payments to budget, including those to national targeted budget funds, in cases established by legal acts

control over observance of cash acceptance during sale of goods (works, services), use of cash equipment, cash equipment, settlements between legal entities and individual entrepreneurs in the Republic of Belarus

control over activities in gambling business and observance of law in related sphere

control over activities of gambling initiators with regard to observance of law on combating money laundering and financing of terrorism

control over observance of procedure of providing and use of non-refundable (sponsor) assistance

control over observance of use of foreign non-refundable assistance, as well as property and means gained from realization of such assistance

control over targeted use of funds, including currency, goods (property), works and services provided in terms of projects (programs) of international technical assistance and tax and levies exemptions subject to pay to budget, including to national targeted funds and national off-budgetary funds

control over complete and timely arrival into the budget of monetary resources from sale or other use of property seized, arrested, forfeited, as well as the property foreclosed against unimplemented tax liability, unpaid penalties

control over observance of law:

regulating production and sale of alcohol, non-food alcohol-based products, non-food ethyl alcohol and tobacco products, sale of raw tobacco

regulating transactions with simple and (or) conversion bills

on financial and tax accounting, revenue and expenditures recognition performed by individual entrepreneurs, revenue and expenditures recognition applied in simplified taxation system

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regulating special tax regimes

on goods labeling with control  
(identification) marks

on cash operations

on sale of liquid oil fuel

currency control (oversight of accepting  
currency as means of payment, currency  
exchange, mandatory sale of foreign  
currency)

control over conformity of Inspected  
Entity with law on book of comments and  
suggestions

control over correct calculations, timely  
and complete payment for organization of  
collection, decontamination and (or) use of  
goods waste or packaging waste

(in revision of the Edict No.381 by the President of the Republic of  
Belarus of 28.07.2014)

16. Ministry of Emergency  
Situations

national fire supervision  
bodies

national fire supervision, oversight of  
conformity with law on fire safety  
assurance

national supervision of observing Technical  
Rules of Customs Union, Eurasian Economic  
Union with regard to fire safety

Department for  
supervision of industrial  
safety, regional, Minsk  
City Directorate of the  
Department

national supervision of industrial safety,  
including works safety related to subsoil  
use, safety of dangerous goods  
transportation

national supervision of observing Technical  
Rules of Customs Union, Eurasian Economic  
Union in industrial safety

Department for nuclear  
and radiation safety

national supervision in nuclear and  
radiation safety assurance

Department for  
liquidation of Chernobyl  
accident consequences

control over observance law in liquidation  
of Chernobyl accident consequences

supervision of security and use of  
territories exposed to radioactive  
contamination

Directorate for exclusion  
and resettlement zones of  
Ministry of Emergency  
Situations

control over observance of legal regime of  
evacuation (exclusion), priority and  
ulterior resettlement zones, where  
population have been resettled

national supervision  
bodies and subdivisions  
for public and  
territorial protection

national supervision and control over  
public and territorial protection from  
natural and technogenic emergency  
situations, as well as civil defense

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from emergency situations

National Institution  
"National Inspectorate  
for small vessels"  
  
(in revision of the Edicts by  
No. 332 of 25.07.2013, No. 48  
of 09.02.2015)

control over safety navigation of small  
vessels in inland waterways of the Republic  
of Belarus, as well as over commissioning  
of such vessels and their holding areas  
(facilities) in inland waterways of the  
Republic of Belarus  
the President of the Republic of Belarus

17. Ministry of natural  
resources and  
environmental protection

territorial bodies of  
Ministry of natural  
resources and  
environmental  
protection<\*\*\*>  
(Clause 17 in revision of the  
Belarus No.331 of 25.07.2013)

control over environmental protection,  
rational use natural resources,  
hydrometeorology activity

control over environmental protection,  
rational use natural resources

Edicts by the President of the Republic of

18. Ministry of Communication  
and Informatization of  
the Republic of Belarus

National Inspectorate of  
the Republic of Belarus  
for telecommunication of  
Ministry of Communication  
and Informatization

Republican Unitary  
Enterprise for  
telecommunication control  
"BelGIE" (Belarusian  
National  
Telecommunication  
Inspectorate)

supervision of postal service

national supervision of telecommunication

19. Ministry of Agriculture  
and Food of the Republic  
of Belarus

Department for veterinary  
and food supervision

national entities  
subordinate to Ministry  
of Agriculture and Food  
<\*\*\*>

national control over pedigree production

control (oversight) over conformity with  
requirements of Technical Rules of Customs  
Union, Eurasian Economic Union with regard  
to veterinary medicine, grains and compound  
feed quality assurance, veterinary and  
sanitary safety of raw food and food  
products

control over fishery management

control over land reclamation

control (oversight) over veterinary  
medicine

control (oversight) over grains and  
compound feed quality assurance

control over seed multiplication,  
quarantine, and plants protection

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	control over technical operation of tractors, trailers and semitrailers, reclamation, road building and agricultural machinery and tools
(in revision of the Edicts by the President of the Republic of Belarus No. 331 of 25.07.2013, No. 563 of 03.12.2014, No. 48 of 09.02.2015)	
20. Sports and Tourism Ministry	control over targeted use by physical training and sports bodies of accepted non-refunded (sponsor) aid in cases set by legal acts, as well as use of goods imported to the Republic of Belarus with privileges
Department for tourism	control over observance of tourism law
21. Ministry of trade of the Republic of Belarus	control in the sphere of trade, catering, protection of customers' rights, advertising, law regulating works, services, price discipline during sale of goods (works, services), requirements to the quality of sold goods (works, services provided), as well as protection of customer market
	control over observance of law in public procurement of goods (works, services)
	national control (oversight) over observance of Technical Rules of Customs Union, Eurasian Economic Union in customers rights protection
(in revision of the Edict by the President of the Republic of Belarus No. 331 of 25.07.2013, No.48 of 09.02.2015)	
22. Ministry of transport and communications	control in transport activity
	control over conformity with law on national technical inspection of vehicles in diagnostic facilities
	control over services on training, re-training and professional improvement of drivers and teachers of driving mechanic vehicles
national institution "Belarusian inspectorate for river navigation"	control over safety and security of navigation in inland waterways
Transport Inspectorate of Ministry of transport and communications	control over conformity of transport works and servicers providers with law on transport activity, safety and ecology requirements during transport commissioning, transportation services inside the Republic of Belarus (control over transport activity)
	control over international road transport inside the Republic of Belarus, as well as based on licenses issued in accordance with international agreements of the Republic of Belarus on international road connection (road inspection)

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	control over transit of heavy and (or) large vehicles on public motor-roads
	control over transport facilities condition
	control over safety assurance in transport activity, aviation safety and flights safety
23. Ministry of Labor and Social Protection	control over observance of law on provision with pension
	control over observance of law on employment
	control over observance of law on labor and provision with pension with regard to remuneration for work in harmful and (or) dangerous environment
Social Protection Fund and its territorial bodies	control over observance of law on social insurance
Department of national inspectorate of labor and its territorial subdivisions	control over observance of law on labor and HSE
24. Ministry of finance	oversight of internal control over financial and economic activity of entities
Territorial bodies of Ministry of finance	control over observance of law on insurance, as well as conformity of insurance companies and insurance brokers with law on labor remuneration
	national assay oversight
	control over observance of law on activities with precious metals and gemstones
	control over balance of state orders for purchase of precious metals into the National fund of precious metals and gemstones of the Republic of Belarus
	control over conformity of inspectors and individual entrepreneurs-inspectors with law on inspection activity, except for control over observance of law on inspection in banks, non-bank financial institution, banking groups and banking holdings
	control over observance of law on lotteries and organizing electronic interactive gambling, and terms and conditions of organizing lottery and electronic interactive gambling
	control over observance of budget law, as

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	well as law envisaging the use of budget funds, including targeted and effective use of funds provided by budgets and national extra-budgetary funds, in all areas and types of expense
	control and oversight of the issuance, flotation and redemption of securities and the activity of professional participants in the securities market and stock exchanges
	control over professional and stock exchange activity with securities, with regard to conformity of people performing such activity with the law on combating money laundering and financing of terrorism
Securities Department	control and oversight of the issuance, flotation and redemption of securities and the activity of professional participants in the securities market and stock exchanges
	control over professional and stock exchange activity with securities, with regard to conformity of people performing such activity with the law on combating money laundering and financing of terrorism
Goznak Department	control over design and manufacturing of securities blanks and documents with a certain degree of protection, as well as design and manufacturing of documents with a certain degree of protection, and of special materials for their protection against forgery
(in revision of the Edict by the President of the Republic of Belarus No. 475 of 26.11.2015)	
25. Ministry of Economy	control over targeted use of funds provided by the national budget in terms of national programs of small business support, as the national financial support to the entities of small business and infrastructure entities of small and medium business support
Pricing Policy Department	control over conformity of Inspected Entity engaged in sale of goods (works, services) with law on prices and pricing, antitrust law, and the law on natural monopolies
Sanation and Bankruptcy Department	control over conformity of temporary (crisis) managers with requirements of law on economic insolvency (bankruptcy)
territorial bodies for sanation and bankruptcy	
(in revision of the Edict by the President of the Republic of Belarus of 25.07.2013)	
26. Ministry of Energy	
bodies of national energy	national energy and gas survey in regard to

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and gas survey <***>	the entities - consumers of electric and heat energy, gas, as well as energy and gas suppliers
27. Ministry of justice	control over conformity of notaries public, Belarusian notary chamber, its substructures, with notary law
National inspectorate for archives and documentation management	control over observance of law on archives and documentation management
(Clause 27 in revision of the Belarus No. 523 of 27.11.2013)	Edict by the President of the Republic of Belarus
28. State Security Committee	control over observance of procedures on acceptance and use of foreign non-refunded assistance, as well as property and means gained as result of realization of such assistance
territorial bodies of state security	
29. State Committee on Science and Technologies	control over the progress of research programs, sections of research provision of national, branch and regional programs, innovation and venture projects, international research and technical projects, as well as realization in production of results of completed R&D backed up by budget funds
	control over effective use of national funds provided for financing fundamental and applied R&D (together with the National Academy of Science of Belarus)
	control over effective work of postgraduate (doctoral) education
National Center of Intellectual Property	control over conformity with law on intellectual property and copyright assessment
30. State Customs Committee and customs	Control over observance of requirements of customs law of the Customs Union and of the Republic of Belarus, as well as tax law in regard to transfer of goods through the customs border of the Customs Union and (or) goods import to the Republic of Belarus
	control over targeted use of goods imported to the Republic of Belarus, as well as conformity with other requirements which are mandatory after customs clearance according to customs law of the Customs Union and the Republic of Belarus
	control over foreign trade transactions
	currency control
31. State Property Committee	control over observance of law on use and managing state property
national entities which are members of State	control over conformity of Inspected

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Property Committee <***>	Entity with law on geodesy and cartography  control over observance of law during property assessment
32. Local executive and regulating bodies	control over conformity of the Inspected Entity engaged in sale of goods (works, services) with law on prices and pricing, antitrust law, and the law on natural monopolies
regional executive committees and Minsk City Executive Committee	control over observance of law on public procurements performed by legal entities and individual entrepreneurs, fully or partially at the expense of local budgets
structural subdivisions of regional, city (except for cities subordinate to districts) district executive committees, local administrations	control over observance of law on cultural events  control over targeted use by physical training and sports bodies of accepted non-refunded (sponsor) aid in cases set by legal acts, as well as use of goods imported to the Republic of Belarus with privileges  control over observance of law on employment, provision with pension and HSE  control over observance of law on labor and provision with pension with regard to remuneration for work in harmful and (or) dangerous environment  control over observance of law on labor remuneration  control over conformity of temporary (crisis) managers with requirements of law on economic insolvency (bankruptcy)  control over observance of law on legal services, control over conformity of notaries public, Belarusian notary chamber, its substructures, with notary law  supervision of veterinary medicine, raw food and food products safety assurance  control over use and land protection  control over observance of budget law, as well as law envisaging the use of budget funds, including targeted and effective use of funds provided by local budgets, in all areas and types of expense  control over targeted use of funds provided by local budgets in terms of national programs of small business support, as the national financial support to the entities of small business and infrastructure entities of small and medium business support

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control over conformity of Inspected Entity with law on book of comments and suggestions

control over observance of law on historical and culture heritage preservation

control over activities, including financial and economic, of construction companies, association of owners, garage cooperatives and car park cooperatives

control over activities of gardening associations

control over observance of housing law

control over observance of law on housing construction

regional, city (including Minsk City executive committee), district executive committees

control over education quality assurance

control in the sphere of trade, catering, domestic services, protection of customers' rights, advertising

(in revision of the Edict by the President of the Republic of Belarus No. 523 of 27.11.2013)

33. State Committee for Standardization

regional (for Minsk region and the city of Minsk) inspectorates of national control over observance of technical rules and national metrology supervision

control (supervision) over observance of law on conformity assessment with regard to mandatory conformity confirmation

control over observance of mandatory requirements of technical legislation in the field of technical regulation and standardization

national control (supervision) over observance of technical regulations of the Customs Union, Eurasian Economic Union, and indicators not included into from technical regulations of the Customs Union and the Eurasian Economic Union but declared by the manufacturer (seller, supplier, importer) in Supply (Sale) Contracts, products labeling or operational documents

national metrology supervision

Department for control and supervision of construction works, Inspectorate of the Department for control and supervision of construction works for regions and the city of Minsk, specialized

control over observance of technical regulations with regard to construction, approved design documentation for construction and mounting works, as well as conformity of construction materials and tools with design solutions and compulsory observance of technical legislation in the field of technical regulation and standardization for operational reliability

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<p>Inspectorate of the Department for control and supervision  Department for energy saving, Office for supervising fuel and energy management for regions and the city of Minsk</p> <p>(Clause 33 in revision of the Belarus No. 48 of 09.02.2015)</p>	<p>and safety assurance</p> <p>supervision of fuel, electric and heat energy management, implementation, by consumers and producers of fuel and energy resources, of measures on saving such resources, and their conformity with consumption rates of boiler fuel, electric and heat energy</p> <p>Edict by the President of the Republic of</p>
<p>34. Republican center for public recuperation and health-resort treatment</p>	<p>control over referral to health-resort treatment as well as control over issue of medical tours acquired by associations at the expenses of state budget funds and the national social insurance</p>
<p>35. Republican state-public association "Belarusian Republican Association for Rescue in Water" (OSVOD)</p> <p>(in revision of the Edict by the President of the Republic of Belarus No. 332 of 25.07.2013)</p>	<p>control over diving rescue service</p>
<p>36. State Committee of Forensic Examination</p> <p>(in revision of the Edict by the President of the Republic of Belarus No. 292 of 01.07.2013, No. 35 of 08.02.2016)</p>	<p>supervision of the quality of medical assistance provided by health care organization regardless form of ownership and subordination</p> <p>the President of the Republic of Belarus No.</p>
<p>37. State bodies and associations responsible for license issue in due order</p>	<p>control (supervision) over conformity of licensees with law on licensing, license requirements, and performing of licensed activity</p>
<p>38. State bodies and state association excluding National statistics bodies, responsible for state statistics in regard to all subordinate associations, as well as on issues under their competence</p>	<p>control over procedure of non-centralized state statistic reporting</p>
<p>39. Institutional control bodies &lt;****&gt;</p>	<p>institutional control</p>

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<\*> In terms of this List, terminology specified in Edict confirming the present List, is used.

<\*> National environmental and forestry associations subordinate to Directorate of Presidential affairs of the Republic of Belarus, are identified by legal acts.

<\*\*\*> The list of bodies empowered for control (supervision) is identified by Council of Ministers of the Republic of Belarus.

40.<\*\*\*\*> The General Prosecutor's Office, State Control Committee, the Central Office of the Investigative Committee, the National Bank, the national Academy of Science, National inspectorate for flora and fauna protection of the President of the Republic of Belarus, Supreme Court, Republican bodies of state governance and other state organizations subordinate to the Government of the Republic of Belarus, the National Statistics

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Committee, Directorate of Presidential affairs of the Republic of Belarus, the central Office of the State Committee of Forensic Examination, the National State Television and Radio Agency, local executive and regulating bodies, as well as Republican state-public associations, related structural subdivisions (subordinate entities) of these bodies and associations.

(in revision of the Edicts by the President of the Republic of Belarus No. 292 of 01.07.2013, No. 529 of 29.11.2013, No. 188 of 06.05.2015)

APPROVED  
Edict of President of the  
Republic of Belarus  
No.510 of 16.10.2009  
(in revision of the  
Edict of President of the  
Republic of Belarus  
No.332 of 26.07.2012)

**CRITERIA OF INSPECTIONEE REFERRAL TO RISK GROUP  
FOR APPOINTMENT OF SCHEDULED INSPECTIONS <\*>**

(in revision of the Edicts by the President of the Republic of Belarus No. 332 of 26.07.2012,  
No. 325 of 30.06.2014, No. 231 of 04.06.2015, No. 475 of 26.11.2015)

Area of control (supervision)	Risk group <*>	Criteria of Inspected Entity referral to risk group for appointment of scheduled inspections
1. Financial and economic activity	high	activities related to expenditures of budget resources, including resources o national targeted budgetary funds, as well as resources of national extra-budgetary funds, national property or measures of national support  loss existence over reporting (tax) period  two and more cases, within calendar year, of failure to submit, late submission of tax- return (calculation), other information, or submitting invalid data on activity within reporting period, in cases and terms set by law  two and more cases, within calendar year, of failure to pay, late payment and /or

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incomplete payment of taxes, duties, and other mandatory payments in due period as set by law

detection, during previous inspection, of acquisition, storage, use in production, transport, sale of goods without mandatory accompanying documents as set by law, or documents confirming acquisition (delivery) or release of goods for sale, or with presence of invalid documents

absence of taxes and duties payment with available information on import, acquisition and/or sale of goods (works, services) over reporting (tax) period, including in the territory of other countries

discrepancies in amounts of paid taxes, duties, revenues from sale shown in tax-returns (calculations), data on actual import and/or sale of goods over reporting (tax) period

failure to provide with accounting reports in cases set by law

failure to pay, in due period, of VAT for goods imported from Russian Federation, the Republic of Kazakhstan, with available information on importing goods from Russian Federation, the Republic of Kazakhstan

realization, within a calendar year, of events envisaged by solutions and instructions of President of the Republic of Belarus and national programs

failure to implement, within a calendar year, of key prognostic social and economic targets, rates of national social standards

failure to implement state order

performing one or several types of activity:

banking, insurance, lottery, professional activity in securities market

production, and/or sale, and/or storage (as kind of business activity) of alcohol products, tobacco products, other excisable goods

gambling business

organizing and holding interactive e-gambling

construction, including reconstruction, restoration, overhaul repair, and improvements

international freight transportation by trucks (except for those involving the use

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of TIR Carnet)

collection, storage, transport, use, purchase, processing, shipment and realization of ferrous and nonferrous metals, their scrap and waste, as well as accounting, collection, storage, transport, use and realization of rare earth metals in all forms and conditions

mediation in trade <\*\*\*> performed as:

wholesale in car parts, units and accessories for vehicles

wholesale in radio-, tele-, and video equipment

wholesale in woods and tools for woods processing

wholesale in building materials, sanitary facilities

wholesale in computers and peripheral devices

off-shop retail (except for mobile sale, sale in fairs, sale with the use of vending machines)

medium the tax burden <\*\*\*\*> for Inspected Entity income per calendar year is lower than its medium rate in the relevant field of economy (by kind of economic activity) within taxation body under which the Inspected Entity is registered, considering type of taxation applied

reduction of tax burden for Inspected Entity income per calendar year as compared to the same period of previous year with stable or increasing tax burden for other legal entities or individual entrepreneurs in this field (kind of economic activity) within taxation body under which the Inspected Entity is registered, considering type of taxation applied

amounts of expenditures reported by Inspected Entity are as close as possible (95% and more) to the amount of its revenue within a calendar year

multiple (two and more) de-registration and registration in different tax bodies (migration between tax bodies) within 3 years

Inspected Entity registered in the Republic of Belarus, staying (residing) in small and medium towns, rural areas subject to encourage business activity, as set by law, and performing in the territory thereof the activities on producing goods (providing

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works, services) of proprietary production related to high risk group

performing one or several types of activity:

other mediation in trade not related to high risk group

activities with precious metals and gemstones

inspection activity

tourism (except for agro-eco tourism)

real estate activity

catering

international freight transportation by trucks involving the use of TIR Carnet

2. Foreign trade

high

absence of taxes and duties payment with available information on import and/or acquisition of goods on the territory of third countries, and/or sale of goods (works, services) on the territory of the Republic of Belarus over reporting (tax) period

import, to the territory of the Republic of Belarus, of goods with use of privileges for payment of customs duties as set by law

performing, by offices (affiliations) of foreign legal entities not performing business activity on the territory of the Republic of Belarus), of foreign trade within a year at a total amount equivalent to €3,000 and more

the value of export, as per customs declarations, exceeds revenue from sale as per tax declarations (calculations)

amounts of loans/credits obtained outside the Republic of Belarus, much exceed the Inspected Entity revenue from sale

installments on currency receipts exceeding US\$50,000, in due terms

performing, by importers, of foreign trade without delivery of goods (works, services), transfer of protected information, exclusive rights for intellectual activity outcomes, to the Republic of Belarus

performing foreign trade based on proxy, commission agreement, consignment agreement, and other analogue agreements

medium

foreign trade operations on processing of goods made on commission

cash resources are not available on settlement

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		accounts of the Inspected Entity participating in foreign trade, as well as if amounts of such resources are lower than value of goods subject to foreign trade
		performing transactions between Inspected Entity-residents and non-residents, based on which non-residents perform sale of goods (works, services) and property rights on the territory of the Republic of Belarus <****>
3. Banking activity	high	bank  non-bank financial organization  legal entity which is not the bank or a financial organization, recognized as a member of a banking holding
4. Licensed activity	high	presence, within a calendar year, of information on violation of license requirements by the licensee (his/her employee) which entails license annulment  presence, within a calendar year, of information on damage caused to life, public health, ecology, national security, property of natural or legal entities as a result of breach of license requirements
	medium	presence, within a calendar year, of information on violation of license requirements by the licensee (his/her employee) which entails license suspension
5. Activities in industrial safety, traffic safety, and safety in the use of transport and transport of dangerous goods	high	transport of dangerous goods of 1 - 7 class of danger  presence of traffic accidents and /or within a calendar year  inconformity of air transport operation with set requirements  organizations of state road facilities responsible for roads and streets maintenance in wintertime
	medium	providing training and retraining of personnel engaged with transport of dangerous goods, production, repair, diagnostics of vehicles, tools, packaging for transport of dangerous goods  transport of dangerous goods of 8 and 9 class of danger  transport of passengers by vehicles
6. Fire safety	high	use of buildings and facilities related to explosions and fire hazards class A, B, A <sub>n</sub> or B <sub>n</sub> (as per TCP 474-2013 (02300) for Republic of

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		Belarus, - <i>note by Translator</i> )
		construction (including reconstruction, restoration, overhaul repair and improvement)
		use of buildings and facilities (except for housing fund) with 24-hour stay or simultaneous presence of children (more than 300)
	medium	use of buildings and facilities related to explosions and fire hazards class B1 - B4 or B <sub>n</sub> (as per TCP 474-2013 (02300) for Republic of Belarus, - <i>note by Translator</i> )
		use of buildings and facilities (except for housing fund) with 24-hour stay or simultaneous presence of people (more than 300)
7. Environmental protection	high	ecologically dangerous activity
		economic and other activity performed within especially protected natural territories
		failure to present with report on release of genetically engineered organisms into environment for tests purposes
	medium	management of stationary sources of emissions with total amount of contaminants release into the atmosphere is 25 tons a year and more, and/or emission of 1 class dangerous contaminants is at least 1 kilogram a year
		management of 50 and more mobile sources of contaminants emissions
		water consumption in the volume of 50,000 m <sup>3</sup> a year and more
		waste water removal directly into environment
		management of facilities for raising and feeding of beef cattle, from 200 heads and more, pigs - 100 heads and more, domestic birds - 5,000 and more
		management of facilities with emissions of greenhouse gas of 5,000 to 20,000 tons a year
		production of hydro-meteorological information
		performing economic and other activities within territories reserved as especially protected natural territories
		presence of permit to conduct tests of non-pathogenic genetically engineered organisms at their release into the environment
		use of land plots with limited exercise of rights, pursuant to Article 18 Code of the Republic of Belarus on Land, and other legal

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		acts, and (or) performing activities in these plots regardless such limitations
		mineral extraction, including charcoal, lignite, peat, crude oil, natural gas, metallic minerals, sapropel, with surface area of the extraction site and amounts of extraction less than those set by legal acts for considering such activities as ecologically dangerous
		management of local waste treatment facilities for waste water treatment and (or) waste water removal into environment with use of irrigated sites, filtration sites, subsoil filtration sites, filtration trenches, sand-gravel filters, earth collectors and other facilities (without waste water release into the water facility)
		management of 1 <sup>st</sup> - 3 <sup>rd</sup> class of danger waste decontamination facility with capacity of less than 10 tons a year
		management of 1 <sup>st</sup> - 3 <sup>rd</sup> class of danger production waste storage facility with the area of less than 0.1 ha
		management of production waste landfills with capacity of less than 1,000 tons a year
		management of municipal waste landfills with capacity of less than 50,000 tons a year
8. Health care	high	managing genetically engineered organisms of 3 <sup>rd</sup> and 4 <sup>th</sup> risk levels of gene engineering activity
	medium	managing genetically engineered organisms of 2 <sup>nd</sup> risk levels of gene engineering activity
		production, storage or sale of medicines, medical products and medical equipment
		providing medical assistance to public
9. Construction	high	construction (including reconstruction, restoration, overhaul repair, improvement) of buildings or facilities belonging to 1 <sup>st</sup> and 2 <sup>nd</sup> classes of responsibility
		failure to observe approved design and estimates documentation (considering inspection of documents subject to payment, and results of previous inspections)
		presence of mixture of three of the following criteria:
		reliable information on overpricing of construction (including reconstruction, restoration, overhaul repair, improvement) of a living house

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		surpassing of due dates of construction (including reconstruction, restoration, overhaul repair, improvement) of a living house
		inclusion of the Inspected Entity into annual schedules of construction (including reconstruction, restoration, overhaul repair, improvement) and funding of living houses construction
		overdue of concessional loans issued to the Inspected Entity for housing construction (including reconstruction, restoration, overhaul repair, improvement)
	medium	presence of mixture of three of the following criteria:  the living house is taken into commissioning or subject to commissioning in the scheduled period  high specific gravity (more than 50%) of concessional loans in the price of construction (including reconstruction, restoration, overhaul repair, improvement) of a living house
10. Sanitary and epidemiologic public welfare assurance	high	hospital of the health care system (except for hospices), hemotransfusion facilities, sanatoriums, dental in-patient - polyclinical facilities of health care system, anti-TB in-patient - polyclinical facilities of health care system, pediatric in-patient - polyclinical facilities of health care system, 1 <sup>st</sup> category pharmacies, laboratories, health resorts and recuperative associations for adults, children, children and adults, social care organizations  organizations of preschool, school, special education, children's homes, children's villages  performing activities related to sale in raw products and food products, catering  performing activities related to production of food products and food additives used for food preparation  providing drinking water supply
	medium	activities connected with collection, removing, disposal of liquid, solid municipal and industrial waste  sanitary and hygienic services to public provided by hairdressers (beauty salons), baths, saunas  institutions for extra-curriculum education for children and youth, technical schools,

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		colleges, universities, special education institutions, special medical and education institutions
		hostels, hotels
		swimming pools operation
		hospices, in-patient-polyclinical canters of health care system (excluding dental in-patient - polyclinical facilities of health care system), first aid stations, special health care centers (except for examinations and tests centers, medical equipment and property storage facilities, medical services, military medical directorates, occupational therapy dispensaries, prosthetic rehabilitation centers, laboratories), pharmacies of health care system (except for 1 <sup>st</sup> category pharmacies)
11. Conformity with labor law and law on labor protection	high	presence, within a calendar year, of three and more cases of occupational injuries and occupational diseases, or existence, within a calendar year, of on-site lethal accident attributable to the employer
		presence, within a calendar year, of five and more cases of breach of law on labor, confirmed by duly made inspection on the individual's claim
		presence, within a calendar year, of not duly paid wages ("in envelopes")
	medium	presence, within a calendar year, of occupational injuries and occupational diseases, not related to high risk
		presence, within a calendar year, of three and more cases of breach of law on labor with regard to untimely paid
		failure to provide with information on certification of working places with regard to working conditions
12. Nuclear and radiation safety	high	managing ionizing radiation sources related to the 1 <sup>st</sup> (highest hazard category) and the 2 <sup>nd</sup> (high hazard category) categories by radiation hazard degree
	medium	managing ionizing radiation sources related to the 3 <sup>rd</sup> (dangerous sources) and the 4 <sup>th</sup> (potentially dangerous sources) categories by radiation hazard degree
		engineering of radiation devices and units, radiation facilities, radiation waste storing facilities, radiation protection means for radiation facilities
		production of radiation devices and units, radiation protection means for radiation

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		facilities
		installation, adjusting, diagnostics, repair and commissioning of radiation devices and units
13. Electric and heating safety	high	presence of operated electric installations with voltage of more than 1,000V
	medium	presence of electric installations with voltage of 380 to 1,000V, systems of heat supply, heat consumption, and heat-using installations
14. Technical regulation, standardizing and assessment of compliance with technical legal acts	high	performing activities with observance of mandatory requirements envisaging absence of unacceptable risk of causing harm to human life, health and heritage, to on-site property and environment, operation, storage, transport and sale of goods or services
		presence, within a calendar year, of information on causing harm to public life and health, ecology, due to breach of requirements of technical legal acts, absence of quality documentations
	medium	Production, management (use), storage and disposal of products or providing services subject to follow requirements of technical and information compatibility, interchangeability of products, national safety and reasonable resources use
15. Assuring the uniformity of measurement, including control over measurements of radioactive contamination	high	metrological control and use of measuring instruments in the field of legal metrology, including measurement of radioactive contamination of environment and all types of raw materials and products
	medium	absence of metrological service or an accredited laboratory inside organization
16. Security	medium	protection, by the legal entity, of owned facilities (property) for which no special permit (license) is required
		design, installation, adjustment and technical operation of individual security means
16-1. Attracting financial resources of individuals (Clause 16-1 is introduced by Edict of the President of the Republic of Belarus No. 231 of 04.06.2015)	high	Forex-companies
17. Other areas of control identified by Edict approving present criteria for control (supervising) bodies	high	activities on design and manufacturing of securities blanks and documents with a certain degree of protection, as well as design and manufacturing of documents with a certain degree of protection, and of special materials for their protection against forgery
		presence, within a calendar year, of

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information on the land user's breach of law on protection and use of lands, including unlawful seizure of land, land damage, non-exploration of lands in due time, non-return, in due time, of land plots provided for temporary use, and untargeted use of lands

medium activities connected with recuperation of children abroad

activities connected with attraction of foreign human resources

management of hunting sites, hunt, fisheries, use of forest funds, animals and plants

providing data of state statistic reporting

activities subject to national assay oversight

activities connected with mass media

activities connected with air traffic safety assurance

activities connected with referral to health-resort treatment as well as issue of medical tours acquired at the expenses of state budget funds and the national social insurance

use by physical training and sports bodies of accepted non-refunded (sponsor) aid in cases set by legal acts

(in revision of the Edict by the President of the Republic of Belarus No. 475 of 26.11.2015)

18. Attraction of microloans from individuals high non-commercial microfinancial institutions (MFI) acting as consumer associations of mutual financial assistance  
(Clause 16-1 is introduced by Edict of the President of the Republic of Belarus No. 325 of 30.06.2014)

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<\*> In terms of these Criteria, terminology specified in Edict confirming the present Criteria, is used.

<\*> With available grounds for referring the Inspected Entity by one area of control to several risk groups at a time, the Inspected Entity is referred to the higher risk group.

The Inspected Entity not related, in terms of these criteria, to high or medium risk group, are under low risk group.

<\*\*\*> In terms of present criteria, mediation in trade is defined as entrepreneurship activity in wholesale and/or retail in goods of non-proprietary production.

<\*\*\*\*> Tax burden is calculated as ratio between taxes and duties paid by the entity, and its revenue from sale.

<\*\*\*\*\*> The place for selling the goods (works, services) property rights is identified in line with the tax legislation.

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