

CODE OF THE REPUBLIC OF BELARUS
21 April 2003, No. 194-3

ON ADMINISTRATIVE OFFENCES

Adopted by the House of Representatives, 17 December 2002
Approved by the Council of the Republic, 2 April 2003

The Code of Administrative Offences to reflect changes and additions made to the Laws of the Republic of Belarus, marked with an "*" - entered into force on March 1, 2007 Law of the Republic of Belarus of December 31, 2006 № 208-Z

Changes and additions through Law of the Republic of Belarus dated December 18, 2019 No. 276-3 Law of the Republic of Belarus dated December 18, 2019 No. 276-3.

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Article 12.24. Non-compliance with the requirements for verifying the authenticity of excise labels of the Republic of Belarus, and of special labels on tobacco products and alcoholic beverages

Non-compliance by an individual entrepreneur, or an executive of a legal entity, with the requirements stipulated by law for verifying the authenticity of excise labels of the Republic of Belarus, and of special labels of tobacco products and alcoholic beverages, or with the requirements for the availability of serviceable devices authorized for use in verifying the authenticity of these labels –

shall incur a warning, or the imposition of a fine in an amount of up to twenty base units.

Article 12.25. Violation of the requirements for the quality and safety of alcoholic, non-food, alcohol-containing products, non-food ethyl alcohol, raw tobacco and tobacco products, and for information contained on the consumer package of alcoholic beverages and tobacco products

1. Violation, by an individual entrepreneur or legal entity, of the requirements of technical statutory and regulatory enactments in the area of conformity assessment and standardization extending to alcoholic, non-food, alcohol-containing products and non-food ethyl alcohol, or of the law concerning the assessment of the compliance of such products and spirits with the requirements of technical statutory and regulatory enactments in the area of conformity assessment and standardization, as well as the repeated (two or more times within a one-year period) violation, by an individual entrepreneur or legal entity, of the requirements

of technical statutory and regulatory enactments in the area of conformity assessment and standardization extending to raw tobacco and tobacco products, or of the law concerning the assessment of the compliance of such raw material and products with the requirements of technical statutory and regulatory enactments in the area of conformity assessment in the area of standardization –

shall incur the imposition of a fine in an amount ranging from ten to twenty base units, and for an individual entrepreneur or legal entity – from eighty to one hundred base units, along with or without the confiscation of the object of administrative offense.

2. Trade in tobacco products, electronic smoking systems, liquids for electronic smoking systems, systems for tobacco consumption executed by an individual entrepreneur or legal entity without the documents and/or labels statutorily required by law and/or the technical regulations of the Customs Union or Eurasian Economic Union for confirmation of their quality and safety compliance with the established requirements, –

shall incur the imposition of a fine in an amount ranging from ten to twenty base units, and for an individual entrepreneur or legal entity – from thirty to fifty base units, along with confiscation of the object of administrative offense.

3. Trade in alcoholic, non-food alcohol-containing products, non-food ethyl alcohol, if executed by a legal entity without the documents and/or labels statutorily required for the confirmation of their compliance with the technical statutory and regulatory enactments in the area of conformity assessment and standardization, as well as the retail sale of alcoholic beverages in public drinking establishments, the retail of non-food, alcohol-containing products, if executed by an individual entrepreneur without the specified documents and/or labels, –

shall incur the imposition of a fine in an amount ranging from ten to twenty base units, and for the individual entrepreneur or legal entity – from two hundred fifty to five hundred base units, along with confiscation of the object of administrative offense.

4. Violation, by an individual entrepreneur or legal entity, of the legal requirements for information contained on the retail consumer packaging (package insert) of alcoholic beverages, tobacco products, electronic smoking systems, liquids for electronic smoking systems, or systems for tobacco consumption, when executing the manufacture or importation of such beverages, products, systems, liquids, or their wholesale and/or retail sale –

shall incur a warning or the imposition of a fine in an amount of up to twenty base units.

5. The production (manufacture) or distribution, by an individual entrepreneur or legal entity, of adulterated alcoholic beverages, as well as the transport or storage, by an individual entrepreneur or legal entity, of knowingly adulterated alcoholic beverages, or the act of trading in them –

shall incur the imposition of a fine in an amount ranging from one hundred to two hundred base units, for the individual entrepreneur – from four hundred to five hundred base units, along with confiscation of the adulterated alcoholic beverages, equipment, raw material and other materials used in their production (manufacture), and for the legal entity – from eight hundred to one thousand base units, along with confiscation of the adulterated alcoholic beverages, equipment, raw material and other materials used in their production (manufacture).

Article 12.26. Violation of the law pursuant to the advertising of alcoholic beverages, beer, lightly-alcoholic beverages, tobacco products, and the rules for selling alcoholic beverages and tobacco products, the prohibition of retail sale of ethyl alcohol, and the manufacture and sale of goods that are not tobacco products

1. Violation, by an individual entrepreneur or legal entity, of the established rules for advertising alcoholic beverages, beer and lightly-alcoholic beverages, taking the form of its

placement (distribution) in places where it is prohibited, or by violation of the legal requirements regarding the content of advertising for such beverages and beer, –

shall incur the imposition of a fine in an amount ranging from fifty to one hundred base units.

2. Violation, by an individual entrepreneur or executive of a legal entity, of the prescribed procedure for advertising alcoholic beverages, beer and lightly-alcoholic beverages, in the form of use in the arrangement and conduct of humanitarian events for naming types of alcoholic beverages and trademarks used for designating alcoholic beverages, the free (uncompensated) distribution of alcoholic beverages, beer, lightly-alcoholic beverages (with the exception of taste-testing events done for marketing purposes), including when more than five liters of such beverages are provided as prizes (gifts) for conducting contests, lotteries, games, other game-related, promotional, cultural, educational and athletic events, wagers, or the arrangement and conduct of such events in order to stimulate sales of alcoholic beverages, beer, or lightly-alcoholic beverages –

shall incur the imposition of a fine in an amount ranging from fifty to one hundred base units.

3. The advertisement of tobacco products or liquids for electronic smoking systems with the violation of legally established prohibitions, the use of words on the signboards of retail outlets when such words are identical or analogous to the point where they can be confused with the name of types of tobacco products, the free (uncompensated) distribution of tobacco products, including their use as prizes (gifts) when conducting contests, lotteries, games, other game-related, promotional, cultural, educational and athletic events, wagers, as well as when citizens purchasing tobacco products or providing proof-of-purchase are offered goods or eligibility to participate in contests, lotteries, games, other game-related and promotional events or wagers executed by an individual entrepreneur or legal entity, –

shall incur the imposition of a fine in an amount ranging from fifteen to one hundred base units.

4. Violation, by an individual entrepreneur or executive of a legal entity, of the statutorily prescribed procedure for selling tobacco products, electronic smoking systems, liquids for electronic smoking systems, and systems for tobacco consumption, exhibited as the retail sale of such products, systems, or liquids in the places and forms in which it is prohibited by legal statutes, –

shall incur a warning or the imposition of a fine in an amount ranging from twenty to fifty base units.

5. Violation, by an individual entrepreneur or legal entity, of the legally prescribed procedure for selling alcoholic beverages, exhibited as the retail sale of alcoholic beverages in places and forms in which it is prohibited by legal statutes, –

shall incur the imposition of a fine in an amount of up to two hundred base units, and for the individual entrepreneur or legal entity – from two hundred to five hundred base units.

6. The retail sale of ethyl alcohol obtained from raw material, or of non-food ethyl alcohol, executed by a legal entity in violation of the legally prescribed statutes is prohibited, –

shall incur the imposition of a fine in an amount ranging from fifty to one hundred base units, and for the legal entity – from one hundred fifty to two hundred base units, along with confiscation of the object of administrative offense.

7. The production of goods that are not tobacco products, electronic smoking systems, or systems for tobacco consumption, involving the imitation of the outward appearance or using the names of types of tobacco products in the naming (additional names) of such products, as well as the wholesale and retail sale of such products, executed by an individual entrepreneur or legal entity in violation of the statutory enactments is prohibited, –

shall incur the imposition of a fine on the individual entrepreneur or legal entity in an amount ranging from ten to fifty base units.

8. The sale, by an individual entrepreneur or legal entity, of tobacco products with no consumer retail packaging, from out of open consumer packages, by weight, as single-piece items, except for the selling of cigars and cigarillos (cigarettes) in an individual consumer package, –

shall incur a warning or the imposition of a fine in an amount of up to twenty base units.

9. The sale, by a legal entity to physical entities entering the Republic of Belarus from a member state of the Eurasian Economic Union, in duty-free shops functioning in places where goods transit the customs border of the Eurasian Economic Union by air freight, of tobacco products in a volume greater than 200 cigarettes or 50 cigars (cigarillos), or more than 250 grams of tobacco or other tobacco products –

shall incur a warning or the imposition of a fine in an amount of up to twenty base units.

10. The sale, by an individual entrepreneur or legal entity, of tobacco products, electronic smoking systems, liquids for electronic smoking systems, and systems for tobacco consumption, in shops and showrooms having a retail space of 1000 square meters or more in area, outside of retail section created according to prescribed statutory procedure –

shall incur a warning or the imposition of a fine in an amount of up to twenty base units.

11. Not cited as having entered into force.

Article 12.27. The illegal transfer or storage of tobacco products and alcoholic beverages, manufacturing, processing, storage, movement of non-food alcohol-containing products, ethyl alcohol, raw tobacco, and the sale of such products, spirits, raw material and alcoholic beverages

1. The transfer of more than two hundred cigarettes or fifty cigars (cigarillos), of more than two hundred and fifty grams of tobacco or other tobacco products across the territory of the Republic of Belarus, or their storage within the specified territory, by a physical entity that is not an individual entrepreneur, and if they are not duly labeled with the excise labels of the Republic of Belarus and/or special labels, –

shall incur the imposition of a fine in an amount up to fifty base units, with or without confiscation of the tobacco products exceeding the quantity allowed for transfer and storage.

2. The transfer of more than five liters of alcoholic beverages across the territory of the Republic of Belarus by a physical entity that is not an individual entrepreneur, and if they are not duly labeled with the excise labels of the Republic of Belarus and/or special labels, –

shall incur the imposition of a fine in an amount up to one hundred base units, with or without confiscation of the alcoholic beverages exceeding the quantity allowed for transfer.

2¹. An action as described in part 2 of this article, committed repeatedly during one year after the imposition of an administrative penalty for the same violation, –

shall incur the imposition of a fine in an amount ranging from twenty to one hundred base units, with confiscation of the alcoholic beverages exceeding the quantity allowed for transfer, as well as the means of transportation used for movement of the alcoholic beverages (other than public transport), regardless of under whose ownership they exist, or without the confiscation of such means of transportation.

3. The production (manufacture), processing, and storage on the territory of the Republic of Belarus, or the transfer across it of more than five liters (five kilograms) of non-food, alcohol-containing product, more than five liters of ethyl alcohol obtained from food-grade raw material, more than five liters of non-food ethyl alcohol, more than ten kilograms of raw tobacco, as well as the sale of the named products, spirits and raw material (regardless of volume), if undertaken by a physical entity who is not an individual entrepreneur –

shall incur the imposition of a fine in an amount ranging from ten to one hundred base units, with or without confiscation of the non-food, alcohol-containing product, spirits, or raw tobacco in excess of the allowed quantity of production (manufacture), processing, storage, or transfer, as well as the equipment and raw material used for their production (manufacture) or processing.

4. The sale (if there are no indications of illegal entrepreneurial activity), by a physical entity who is not an individual entrepreneur, of alcoholic beverages not duly labeled with the excise labels of the Republic of Belarus and/or special labels, or of alcoholic beverages of one's own manufacture –

shall incur the imposition of a fine in an amount ranging from five to twenty base units, along with confiscation of the alcoholic beverages being sold, as well as the confiscation of alcoholic beverages that are not duly labeled with the excise labels of the Republic of Belarus and/or special labels, of alcoholic beverages of one's own manufacture and belonging to the guilty party or located at the site where the offense was committed at the time when the offense was committed, or without the confiscation of such alcoholic beverages.

4¹. An action as described in part 4 of this article, committed repeatedly during one year after the imposition of an administrative penalty for the same violation, –

shall incur the imposition of a fine in an amount ranging from ten to thirty base units, along with confiscation of the alcoholic beverages being sold, as well as the confiscation of alcoholic beverages that are not duly labeled with the excise labels of the Republic of Belarus and/or special labels, of alcoholic beverages of one's own manufacture and belonging to the guilty party or located at the site where the offense was committed at the time when the offense was committed.

5. The production (manufacture) or distribution, by a legal entity who is not an individual entrepreneur, of adulterated alcoholic beverages, as well as the storage by such a person, or the transport of knowingly adulterated alcoholic beverages across the territory of the Republic of Belarus, or the act of trading in them –

shall incur the imposition of a fine in an amount ranging from one hundred to two hundred base units, along with confiscation of the adulterated alcoholic beverages, equipment, raw material and other materials used for their production (manufacture).

6. The transfer across the territory of the border zone or borderline, or the storage within the confines the specified territory, by physical entities, including individual entrepreneurs not possessing the right to engage in wholesale or retail sale of tobacco products, or the right to store tobacco products (as a form of entrepreneurial activity), of more than a thousand cigarettes, more than a thousand grams of tobacco or other tobacco products without any indications of illegal entrepreneurial activity –

shall incur the imposition of a fine in an amount ranging from ten to fifty base units, with or without confiscation of the transferred or stored tobacco products.

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Article 17.9. Smoking in prohibited areas

Smoking (consumption) of tobacco products, the use of electronic smoking systems, and systems for the consumption of tobacco in areas where they are prohibited by statutes –

shall incur the imposition of a fine in an amount up to four hundred base units.