

[EMBLEM]

Decree of the President of the Republic of Belarus

January 24, 2019

№ 2

Minsk

On amending decrees of the President of the
Republic of Belarus

In accordance with part three of Article 101 of the Constitution
of the Republic of Belarus I d e c r e e :

1. Changes and additions shall be made to the Decree of the President of the Republic of Belarus of December 17, 2002 No. 28 “On State Regulation of the Production, Sale and Consumption of Tobacco Raw Materials and Tobacco Products,” as set forth in the following new version:

“Decree of the President of the Republic of Belarus

On State Regulation of the
Production, Sale and Consumption
of Tobacco Raw Materials and Tobacco
Products

In order to strengthen state control over the production, sale and consumption of tobacco raw materials and tobacco products, production, sale and use of electronic cigarette smoking systems, liquids for electronic smoking systems, systems for the consumption of tobacco, creating conditions for the protection of public health, protection of the economic interests of the state and in accordance with part three of Article 101 of the Constitution of the Republic of Belarus I d e c r e e :

1. The Provision on the state regulation of the production, sale and consumption of tobacco raw materials and tobacco

products, the production, sale and use of electronic smoking systems, liquids for electronic smoking systems, systems for the consumption of tobacco (attached) shall be approved.

2 It be established that:

2.1. the following shall be prohibited:

in the production of goods that are not tobacco products, electronic smoking systems, systems for the consumption of tobacco, imitation of the appearance of tobacco products and (or) use of the names of types of tobacco product in the names of (additional names) of such goods, as well as the wholesale, retail sale of such goods;

advertising liquids for electronic smoking systems, except advertisements placed on the websites of their manufacturers and importers in the national segment of the global computer network – the Internet;

providing free (sponsorship) assistance in the form of tobacco products, electronic smoking systems, liquids for electronic systems smoking systems for tobacco use;

2.2. control shall be carried out for:

compliance with the law governing the production and sale of tobacco products, sale of tobacco raw materials, - by the Ministry of Taxes and Duties, inspections by the Ministry of Taxes and Duties in the regions, Minsk, the districts, cities and districts in the cities;

the sale of tobacco products, electronic smoking systems, liquids for electronic smoking systems, systems for the consumption of tobacco – by the Ministry of Antimonopoly Regulation and Trade within the framework of control for compliance with laws on trade, public dining, consumer services, consumer protection, on advertising, by regional, city (including Minsk city), district executive committees, local administrations within the framework of control in the field of trade, public dining, public consumer services, consumer protection, advertising activities.

3. Information on the form and name of the tobacco product, its physical, chemical and other consumer properties, the name of the organization-manufacturer (for organizations - customers and importers of tobacco products), as well as the image of consumer tobacco product packaging shall be placed on the websites of the organizations – manufacturers of tobacco products, organizations – customers of tobacco products and importers of tobacco products in the national segment of the global computer network – the Internet.

4. In stores and pavilions with retail space of 1000 or more square meters, as of January 1, 2020, the sale of tobacco products, electronic smoking systems, liquids for electronic smoking systems, systems for tobacco consumption shall be carried out through trade departments, the creation of which is determined by the Ministry of Antitrust Regulation and Trade.

5. The use of equipment placed over the checkout area for the storage and sale of tobacco products in stores and pavilions shall be prohibited as of January 1, 2022.

APPROVED
Decree of the President
of the
Republic of Belarus
No. 28 of 12/17/2002
(in the version of the Decree of the
President of the Republic of Belarus No.
2 of 01/24/2019)

PROVISION

on the State Regulation of the Production,
Sale and Consumption of Tobacco Raw Materials
and Tobacco Products, the Production, Sale
and Use of Electronic Smoking Systems,
Liquids for Electronic Smoking Systems,
Systems for the Consumption of Tobacco

CHAPTER 1 GENERAL PROVISIONS

1. This Provision governs the production, sale and consumption of tobacco raw materials and tobacco products, the production, sale and use of electronic smoking systems, liquids for electronic smoking systems; systems for tobacco consumption.

This Provision does not apply to the import to the Republic of Belarus of:

raw tobacco by organizations - manufacturers of tobacco products as samples for quality assessment (testing) and organoleptic indicators in the amount of not more than 3 kilograms for each sample;

cigarettes by organizations - manufacturers of tobacco products as samples of cigarettes intended for quality control and safety checks, for measurements in accordance with international standards, the performance of

interlaboratory, comparative tests, measurements of normalized parameters in accordance with the requirements of technical regulations of the Customs Union, Eurasian Economic Union, calibration of equipment, comparative tests, design studies, in quantities of not more than 10 thousand cigarettes per calendar year *.

2. Contract production of tobacco products, as well as sale and consumption of tobacco products produced under contractual production shall be carried out taking into account the requirements of this Provision.

3. Prohibited in the Republic of Belarus are:

the wholesale (exchange) of tobacco products to legal entities not authorized to engage in wholesale and/or retail trade, individual entrepreneurs who are not authorized to engage in retail trade in such products;

the wholesale purchase of tobacco on the territory of the Republic of Belarus by legal entities not authorized to engage in the production or wholesale trade of these products;

the production, storage of smokeless tobacco products, intended for their chewing and/or sucking, wholesale and/or retail trade;

the wholesale of tobacco raw materials, except for the sale of such raw materials by legal entities exercising the exclusive right of the government to import tobacco raw materials;

the wholesale purchase of tobacco raw materials, except for the purchase of such raw materials by organizations - manufacturers of tobacco products;

processing on a give-and-take basis of tobacco raw materials for production of tobacco products, with the exception of processing carried out by decision of the Council of Ministers of the Republic of Belarus;

import to the Republic of Belarus, movement through its territory, storage on it by individual entrepreneurs or legal persons of tobacco products, not marked in the prescribed manner with excise stamps of the Republic of Belarus (hereinafter referred to as the excise stamp) and/or special stamps and/or without standard accompanying documents confirming the legality of their import, acquisition, production, as well as trade in these products;

movement on the territory of the Republic of Belarus, storage on it by individuals who are not individual entrepreneurs of more than 200 cigarettes or 50 cigars (cigarillos), more than 250 grams of tobacco or other tobacco products not marked in the prescribed manner by excise and/or special stamps;

* For the purposes of this Provision, a calendar year is the period from January 1 to December 31.

the sale of tobacco products to individuals entering the Republic of Belarus from a member state of the Eurasian Economic Union in duty-free shops operating in places where goods move across the customs border of the Eurasian Economic Union by air transport in a volume of more than 200 cigarettes or 50 cigars (cigarillos), more than 250 grams of tobacco or other tobacco products;

the sale of filter cigarettes by legal entities and individual entrepreneurs in their retail trade of such cigarettes at prices lower than the minimum retail prices and higher than the maximum retail prices;

the movement of tobacco products on the territory of the Republic of Belarus (with the exception of those under customs control) to storage places of a legal entity engaged in the wholesale trade of tobacco products, vehicles (except railway vehicles), not equipped with special technical means of automatically registering the movement of these vehicles;

the use on signboards at trade sites with words identical or similar, to the point of confusion, with the name of the types of tobacco products.

CHAPTER 2
RIGHT TO ENGAGE IN ACTIVITIES ASSOCIATED
WITH THE PRODUCTION AND SALE OF TOBACCO RAW MATERIALS AND
TOBACCO PRODUCTS, THE PRODUCTION AND SALE OF ELECTRONIC
SMOKING SYSTEMS, LIQUIDS FOR ELECTRONIC SMOKING SYSTEMS,
SYSTEMS FOR THE CONSUMPTION OF TOBACCO. LICENSING THESE
ACTIVITIES

4. In the Republic of Belarus, unless otherwise specified by the President of the Republic of Belarus, legal entities of the Republic of Belarus (hereinafter referred to as legal entities) shall have the right to export, import, produce, store (as a type of business activity) tobacco raw materials, tobacco products and to engage in their wholesale trade.

Retail trade in tobacco products shall be carried out by legal entities as well as individual entrepreneurs registered in the Republic of Belarus (hereinafter - individual entrepreneurs).

5. In the Republic of Belarus, unless otherwise specified by the President of the Republic of Belarus, legal entities and individual entrepreneurs shall have to right to export, import, produce, store (as a type of business activity) electronic smoking systems, fluids for electronic smoking systems, systems for tobacco consumption as well as engage in the wholesale and retail trade of these systems.

6. The production, storage (as a type of business activity) of tobacco products, and their wholesale and retail trade shall be carried out on the basis of a special permit (license) for the relevant activities issued in the cases and manner prescribed by the law of the Republic of Belarus on licensing.

The import of tobacco products and tobacco raw materials shall be carried out by legal entities on the basis of an import license issued by the Ministry of Antimonopoly Regulation and Trade in accordance with the legislation of the Republic of Belarus, international treaties of the Republic of Belarus, international legal acts constituting the law of the Eurasian Economic Union, taking into account the requirements of this Provision.

7. Information on legal entities engaged in the production, storage (as a type of business activity) of tobacco products, the wholesale, retail trade of them, and individual entrepreneurs engaged in the retail sale of tobacco products must be entered in the State Register of Legal Entities and Individual Entrepreneurs Engaged in the Production, Storage (as a type of business), Wholesale, Retail Trade in Tobacco Products.

The State Register of Legal Entities and Individual Entrepreneurs Engaged in the Production, Storage (as a type of business), Wholesale, and Retail Trade in Tobacco Products is managed by the Ministry of Taxes and Duties in the manner established by the Council of Ministers of the Republic of Belarus.

CHAPTER 3 REQUIREMENTS FOR EQUIPMENT FOR PRODUCTION OF TOBACCO PRODUCTS

8. The main technological equipment for production of tobacco products under the ownership, economic management of organizations – manufacturers of tobacco products shall be subject to state registration in the manner determined by the Council of Ministers of the Republic of Belarus.

9. The main technological equipment for the production of tobacco products must be equipped with properly operating and certified metering devices of finished products that have passed state tests and are included in the State Register of Measuring Instruments of the Republic of Belarus or have received metrological certification. The State Register of Measuring Instruments of the Republic of Belarus shall be managed by the State Committee for Standardization.

The specified devices must have installed control devices, fiscal memory ensuring long-term storage and protection against unauthorized changes to registration details, the ability to connect to a personal computer and work in conjunction with it, and valid verification stamps.

The accounting procedure for tobacco products during their production using metering devices of finished products shall be determined by the Council of Ministers of the Republic of Belarus.

CHAPTER 4
REQUIREMENTS FOR INFORMATION SPECIFIED
ON CONSUMER PACKAGING OF TOBACCO PRODUCTS,
ELECTRONIC SMOKING SYSTEMS, LIQUIDS FOR ELECTRONIC
SMOKING SYSTEMS, SYSTEMS FOR TOBACCO CONSUMPTION,
THEIR PACKAGE INSERTS

10. On consumer packaging of tobacco products, electronic smoking systems, liquids for electronic smoking systems, systems for consumption of tobacco produced in the Republic of Belarus or imported on its territory, information must be indicated in Russian or Belarusian on the ban on the sale of these products, systems, liquids to persons under 18 years old.

11. Consumer packaging (package insert) of the tobacco product, with the exception of smokeless tobacco products, must include information as defined by the technical regulations of the Customs Union, Eurasian Economic Union.

Consumer packaging (package insert) of smokeless tobacco products should include the following information:

- name of product;
- name (company name) of the manufacturer, and, if available, the importer, their location;
- name (company name) of the legal entity authorized by the producer organization to accept claims from consumers, its location;
- the number of pieces of smokeless tobacco products and net weight of the tobacco mixture contained in them or the net weight for weighed smokeless tobacco products;
- date of manufacture, expiration date or shelf life;
- method of use;
- warning about the dangers of consumption of tobacco products;
- other information provided by law.

12. The consumer packaging (package insert) of a system for tobacco consumption should include the following information:

name of product;

name (company name) of the manufacturer, and, if available, the importer, their location;

name (company name) of the legal entity, authorized by the producer organization to accept claims from consumers, its location;

month and year of manufacture, expiration date or shelf life;

method of use;

other information provided by law.

Consumer packaging (package insert) of an electronic smoking system, of a liquid for an electronic smoking system should include:

name of product;

name (company name) of the manufacturer, and, if available, the importer, their location;

name (company name) of the legal entity, authorized by the organization – producer to accept claims from consumers, its location;

month and year of manufacture, expiration date or shelf life;

number of electronic smoking systems in consumer packaging;

method of using electronic smoking systems (disposable and whether reusable);

the completeness of the electronic smoking system;

the composition of the liquid for the electronic smoking system;

volume of liquid for electronic smoking system (in milliliters);

other information provided by law.

CHAPTER 5 LABELING OF TOBACCO PRODUCTS WITH EXCISE AND/OR SPECIAL STAMPS

13. Tobacco products, imported or produced in the Republic of Belarus, packaged in consumer packaging and intended for sale on its territories, with the exception of those specified in clause 14 of this Provision must be marked with excise stamps.

14. The following products are not subject to marking with excise stamps:
those imported into the Republic of Belarus by the organizers and participants of international exhibitions and fairs as samples and exhibits;

imported into the Republic of Belarus and intended for official use of diplomatic missions, consular offices, institutions of foreign states, international interstate and intergovernmental organizations and their representative offices, State representations at international organizations;

imported into the Republic of Belarus for personal use by diplomatic agents, consular officials and equated to them by staff of bodies and missions of international organizations as well as members of their families;

intended for sale in duty free shops, as well as sold in such stores;

intended for sale on air, sea and river vessels engaged in international travel;

transported through the territory of the Republic of Belarus in transit

or imported under customs control to temporary storage warehouses or customs warehouses with subsequent export outside the Eurasian Economic Union;

manufactured in the Republic of Belarus and intended for export from the territory of the Republic of Belarus;

imported into the Republic of Belarus by individuals who are not individual entrepreneurs for personal use within the limits established by the law of the Republic of Belarus, international treaties of the Republic of Belarus and international legal acts constituting the law of the Eurasian Economic Union;

produced in the Republic of Belarus, previously exported from the Republic of Belarus and imported back into the Republic of Belarus by organizations - producers of these items, if these products are unchanged, except for changes due to normal wear and attrition during normal transport and/or storage conditions.

15. Tobacco products produced in the Republic of Belarus and intended for export from the territory of the Republic of Belarus must be stamped by the organization - manufacturer of tobacco products in accordance with the requirements of the law of the country of destination prior to their shipment from the production site.

The organization - manufacturer of tobacco products is obliged to provide separate accounting and storage of tobacco products that are not marked with excise stamps and intended for export from the territory of the Republic of Belarus.

16. Tobacco products converted into state income are subject to marking with special stamps in the manner and cases established by law of the Republic of Belarus.

17. The Council of Ministers of the Republic of Belarus shall approve:

samples of excise stamps for marking tobacco products imported into the Republic of Belarus, as well as the procedure for their manufacture and sale, their marking of tobacco products, accounting, storage, destruction of these stamps, control over their use, the procedure and deadlines for submitting reports on their use

samples of excise stamps for marking tobacco products produced on the territory of the Republic of Belarus, as well as the procedure for their manufacture and sale, their marking of tobacco products, registration, storage, destruction of these stamps, control over their use

samples of special stamps, as well as the procedure for the production, issuance, use, accounting, storage, destruction of these stamps.

18. Excise stamps shall be applied to consumer packaging of tobacco products from outside the Republic of Belarus imported into the Republic of Belarus.

19. The cost of an excise stamp is set by the Ministry of Finance in coordination with the Ministry of Antimonopoly Regulation and Trade and relates to the cost of the tobacco products and may not exceed half of the maximum excise rate calculated in accordance with the law of the Republic of Belarus for one unit of the corresponding tobacco product.

Importers of tobacco products, organizations – producers of tobacco products pay the cost of the excise stamps in the manner established by the Council of Ministers of the Republic of Belarus.

The cost of excise stamps that are not used and are returned to the agencies (organizations) selling these stamps shall be reimbursed to the legal entities that bought them.

The cost of damaged excise stamps shall not be subject to reimbursement.

The manufacture of excise and special stamps shall be financed from funds of the state budget stipulated by the Ministry of Finance for these purposes.

20. Excise stamps acquired by legal entities shall not be subject to alienation or transfer in other forms to other persons, with the exception of transferring them in the prescribed manner for placement on tobacco products, as well as returning unused excise stamps.

21. The import, storage (as a type of business activity) of tobacco products, wholesale, retail trade of these products by legal entities and retail trade of tobacco products by individual entrepreneurs shall be carried out with the mandatory presence of their serviceable instruments for the authentication of excise

and/or special stamps entered in the State Register of Instruments for Control of the Authenticity of Forms of Securities and Documents with a Certain Degree of Protection, as well as Documents with a Certain Degree of Protection.

22. The owner of these products shall be responsible for the correctness of the marking of tobacco products with excise stamps and the authenticity of these stamps, as well as the person who has rights to own and dispose of tobacco products (except for individuals who purchased tobacco products for personal use), in accordance with the law.

Legal entities importing, storing (as a type of business activity) tobacco products, wholesale and retail trade in these products, individual entrepreneurs engaged in retail trade in tobacco products shall be obliged to provide verification of the authenticity of excise and/or special stamps on tobacco products belonging to them that are in storage, including in separate subdivisions, and shall be responsible for non-compliance with the requirements for the authentication of these stamps in accordance with legislative acts.

The verification of the authenticity of excise and/or special stamps on tobacco products shall be carried out in the manner established by the Ministry of Antimonopoly Regulation and Trade as agreed with the Ministry of Taxes and Duties.

23. The importer of tobacco products must ensure:

the acquisition of excise stamps, as well as their application to tobacco products subject to marking with excise stamps in the established manner outside the Republic of Belarus;

submission to the customs authorities in a timely manner of tobacco products with applied excise stamps, a report on their use, as well as ensuring the performance of the obligation to pay customs duties and taxes in the manner prescribed by the law of the Republic of Belarus and international treaties of the Republic of Belarus.

In case of loss of excise stamps or if the importer of tobacco products does not submit a report on the use of the excise stamps, the customs authorities, within the limits of providing assurance of the performance of the obligation to pay customs duties and taxes and, due to such assurance, shall collect amounts that would be payable if the tobacco products were placed under the customs procedure for release for domestic consumption, in proportion to the number of lost excise stamps or excise stamps for which no report has been submitted.

CHAPTER 6

REQUIREMENTS FOR THE MOVEMENT OF TOBACCO RAW MATERIALS AND TOBACCO PRODUCTS

24. Tobacco raw materials and tobacco products in transit through the territory of the Republic of Belarus must be accompanied in the lawfully established manner by units of the Security Department of the Ministry of the Interior (when moving by road) and paramilitary guards of the Belarusian railway (when moving by rail).

Not subject to mandatory accompaniment are:

tobacco raw materials and tobacco products moved across the territory of the Republic of Belarus in accordance with the customs procedure of customs transit;

tobacco products transported by individuals who are not individual entrepreneurs when imported into the Republic of Belarus for personal use within the limits established by the law of the Republic of Belarus, international treaties of the Republic of Belarus and international legal acts constituting the law of the Eurasian Economic Union.

Documents issued in the prescribed manner by divisions of the Department of Security of the Ministry of Internal Affairs (with movement of tobacco raw materials and tobacco products by road) and paramilitary guards of the Belarusian Railways (with movement of tobacco raw materials and tobacco products by railway transport), refer to the documents confirming the legality of the import into the Republic of Belarus of tobacco raw materials and tobacco products for the purpose of their transit through the territory of the Republic of Belarus.

25. Vehicles (with the exception of railway vehicles) used to move tobacco products (except for those under customs control) within the territory of the Republic of Belarus to the storage facilities of a legal entity engaged in wholesale trade in tobacco products must be equipped with special technical means of automatically registering the movement of these vehicles in the manner established by the Council of Ministers of the Republic of Belarus.

CHAPTER 7
SETTLEMENT PROCEDURE FOR WHOLESALE TRADE
IN TOBACCO RAW MATERIALS AND TOBACCO PRODUCTS
ON THE TERRITORY OF THE REPUBLIC OF BELARUS

26. In the case of wholesale trade in tobacco raw materials and tobacco products, settlements are carried out on a cashless basis on the basis of bilateral contracts only through the accounts of participants to the transactions, with the exception of transactions in which settlements are made using funds provided by banks or non-bank credit and financial organizations in the form of a loan to the buyer of these raw materials and products that are credited to the accounts of the sellers, as well as from the accounts of the state treasury.

With respect to tobacco raw materials and tobacco products, transactions involving the assignment of a claim, transfer of debt, exchange, payment by issuing or transferring a security, termination of obligations by granting compensation, and substitution are prohibited.

27. This chapter shall not apply to foreign trade agreements involving the export and import of tobacco raw materials or tobacco products.

CHAPTER 8
DECLARATION AND REGULATION OF THE VOLUMES OF PRODUCTION
AND SALE OF TOBACCO RAW MATERIALS AND TOBACCO PRODUCTS

28. Legal entities engaged in the import of tobacco raw materials, production, import of tobacco products, wholesale trade in them, shall declare the volumes of manufacture of tobacco products, the sale of tobacco raw materials and tobacco products and submit declarations on volumes of production of tobacco products, as well as the sale of tobacco raw materials and tobacco products.

The declarations specified in the first part of this clause shall be composed quarterly on a cumulative basis from the beginning of the year and submitted no later than the 20th of the month following the reporting quarter to the inspectorate of the Ministry of Taxes and Dues at the place of registration of the legal entities.

If the last day of the deadline for the submission of declarations falls on a non-business day, the next business day shall be considered the deadline for their submission.

The declarations shall indicate the volumes of received (including manufactured, imported), used, withdrawn, shipped according to sources of receipt and purposes of use, non-shipped and unused tobacco raw materials and tobacco products.

Declaration forms and the procedure for their submission shall be approved by the Ministry of Taxes and Duties.

29. Legal entities importing tobacco raw materials, manufacturing, importing tobacco products, on a monthly basis from the beginning of the year, shall compile their production and sales balance sheets and submit these balance sheets to the relevant inspectorates of the Ministry of Taxes and Duties by regions and the city of Minsk no later than the ninth day of the month following the reporting month.

If the last day of the deadline for the submission of balance sheets falls on a non-business day, the next business day shall be considered the deadline for their submission.

The balance sheets shall indicate the volumes received (including produced, imported), used, withdrawn (including losses), shipped (sold), unloaded and unused of tobacco raw materials and tobacco products.

The balance sheet forms and the procedure for their submission shall be approved by the Ministry of Taxes and Duties.

30. Production of tobacco products intended for sale on the territory of the Republic of Belarus and subject to marking with excise stamps shall be carried out within the quotas established in the manner determined by the Council of Ministers of the Republic of Belarus.

CHAPTER 9 STATE REGULATION OF PRICES FOR TOBACCO PRODUCTS

31. Retail prices for tobacco products shall be set in the manner prescribed by law.

32. The minimum retail price per pack for each brand (each item) of filter cigarettes shall be set at 85 percent of the maximum retail prices, determined in the manner established by the Tax Code of the Republic of Belarus.

CHAPTER 10 STATE REGULATION OF THE SALE OF TOBACCO PRODUCTS, ELECTRONIC SMOKING SYSTEMS, SYSTEMS FOR CONSUMPTION OF TOBACCO, LIQUIDS FOR ELECTRONIC SMOKING SYSTEMS IN THE IMPLEMENTATION OF RETAIL TRADE AND PUBLIC DINING

33. Retail trade in tobacco products, electronic smoking systems, liquids for electronic smoking systems, systems for tobacco consumption can be carried out in stores,

pavilions, kiosks, uninsulated shopping facilities, auto shops, public dining facilities, as well as at shopping sites owned by postal service operators with obligations to provide universal postal services, unless otherwise specified by the President of the Republic of Belarus.

It shall be prohibited to sell tobacco products without:

excise and/or special stamps of the established sample, unless otherwise stipulated by this Provision;

the information stipulated in clauses 10 and 11 of this Provision applied to the consumer packaging (package insert) of these products;

documents and/or marking stipulated by law and the technical regulations of the Customs Union, the Eurasian Economic Union to confirm the quality and safety (if such requirements exist);

consumer packaging, from open consumer packaging of these products, by weight, individually, with the exception of trade in cigars and cigarillos in individual consumer packaging.

It shall be prohibited to sell electronic smoking systems, liquids for electronic smoking systems, systems for tobacco consumption without:

information applied to the consumer packaging (package insert) of these systems, fluids as stipulated in clauses 10 and 12 of this Provision;

documents and/or marking stipulated by law (if such requirements exist).

It shall be prohibited to sell tobacco products, electronic smoking systems, liquids for electronic smoking systems, systems for tobacco consumption:

at trade sites not specified in the first part of this clause;

through trade fairs, auctions, trading places in markets, commission trade, trade outside the trading sites (except for trade outside the trading sites of electronic smoking systems, systems for tobacco consumption), peddling (with the exception of peddling on aircraft engaged in international flights of tobacco products, electronic smoking systems, liquids for electronic smoking systems, systems for tobacco consumption, the declarant of which is the owner of a duty free shop), in the implementation of public dining outside of public dining takeout sites;

in specialized stores (commodity departments, sections of other stores), in which goods are sold for children, including adolescents;

on the territories and in the premises occupied by the organizations of physical education and sports, sports-health and other camps, physical training and sports facilities;

on the territories and in the premises occupied by institutions of education, organizations implementing postgraduate educational programs, as well as other organizations, individual entrepreneurs, which according to the law of the Republic of Belarus have the right to carry out educational activities;

in premises occupied by theatrical, cultural and educational organizations of culture;

in premises occupied by health organizations , sanatorium-resort and health organizations (with the exception of stationary shopping facilities, stationary public dining facilities located in sanatoriums for adults, sanatoriums for adults and children);

with the use of Internet technologies (with the exception of trade in electronic smoking systems, systems for tobacco consumption), vending machines and other electronic devices, as well as self-service methods in other ways in which the buyer has direct access to these products and systems.

In store windows and on/in other retail equipment, open displays of tobacco products (their images) and liquids for electronic smoking systems (their images) are not permitted, with the exception of store windows or other retail equipment of duty-free shops. Information about tobacco products and liquids for electronic smoking systems placed in retail facilities and public dining establishments may be displayed in the form of a list of tobacco products and liquids for electronic smoking systems, with a listing of their name and price. The requirements for generating the list of tobacco products and liquids for electronic smoking systems, along with the terms of their sale, are governed by the regulations on the sale of the individual types of goods and public dining activities, which are approved by the Council of Ministers of the Republic of Belarus.

34. The sale of tobacco products, liquids for electronic smoking systems to persons under the age of 18 is prohibited.

CHAPTER 11
STATE REGULATION OF SMOKING (CONSUMPTION)
OF TOBACCO PRODUCTS, USE OF ELECTRONIC
SMOKING SYSTEMS, SYSTEMS FOR THE CONSUMPTION OF TOBACCO

35. Smoking (consumption) of tobacco products, use of electronic smoking systems, systems for tobacco consumption (hereinafter - smoking) shall be prohibited:

- in elevators and auxiliary premises of multi-apartment residential buildings, dormitories; on playgrounds;
- in workplaces organized on the premises;
- on the territories and in the premises occupied by sports-health camps and other camps;
- in the premises and on the territories occupied by educational institutions, organizations implementing post-graduate educational programs;
- in underground passages, at metro stations;
- at stops on routes of vehicle transportation of passengers and transportation of passengers by city electric transport, areas used for passengers to embark and disembark;
- in all types of public transport, except for those specified in paragraph eleven of the second part of this clause;
- in cars if they contain children under the age of 14;
- in other places specified by the law of the Republic of Belarus.

Smoking shall be prohibited, with the exception of specially created places:

- in shopping sites and consumer services centers, shopping centers and markets;
- in public dining facilities, on the territory of summer terraces (continuations of halls);
- within the boundaries of the territories occupied by beaches;
- on the territories and in the premises occupied by the organizations of physical education and sports, physical training and sports facilities;
- in industrial buildings (premises);
- in the premises and on the territories occupied by state bodies, cultural and health care institutions, sanatorium-resort and health organizations, organizations providing communication services, social, banking, insurance, hotel and other services, as well as organizations and individual entrepreneurs, which in accordance with the law of

the Republic of Belarus have been granted the right to carry out educational activities, with the exception of those specified in paragraph six of the first part of this clause;

in premises intended for the reception of citizens, including for the implementation of administrative procedures;

in the premises of passenger terminals of road transport, ports and airports;

in the premises and on the territories of railway stations intended for servicing passengers of public railway transport;

on sea vessels, vessels of mixed (river - sea) navigation.

For sites specified in part two of this clause which are under the ownership, economic management, operational management or legal grounds of legal entities and individual entrepreneurs, special places shall be created (allocated) on the territories of these sites or rooms for smoking equipped in the established manner and posted with the sign "Smoking Area."

Organizations-producers of tobacco products shall be entitled to carry out tastings of tobacco products and tobacco raw materials in industrial buildings (premises) in the manner established by these organizations-producers.

36. At the facilities specified in paragraphs two to nine and eleventh of the first and second parts of clause 35 of this Provision, legal entities and individual entrepreneurs under the ownership, economic management, and operational management or on any other legal basis of which these objects are located shall place a sign on the prohibition of smoking. A sample and placement requirements for such a sign shall be established by the Ministry of Health.

CHAPTER 12 DEFINITIONS

37. For the purposes of this Provision, the Decree approving this Provision, and other legislative acts of the Republic of Belarus regulating the production, sale and consumption of tobacco raw materials and tobacco products, production, sale and use of electronic smoking systems, fluids for electronic smoking systems,

systems for tobacco consumption, the following terms and their definitions are used:

excise stamp - a document with a certain degree of protection intended for marking tobacco products produced in the Republic of Belarus or imported into the Republic of Belarus;

import to the Republic of Belarus - actions related to crossing the State Border of the Republic of Belarus, as a result of which tobacco raw materials, tobacco products, electronic smoking systems, fluids for electronic smoking systems, systems for tobacco consumption arrived in the customs territory of the Eurasian Economic Union in the Republic of Belarus in any way, and when crossing a part of the border of the State Border of the Republic of Belarus where there is no customs control, the actual place where the line of this border is crossed;

type of tobacco product - a set of smoking and smokeless tobacco products, similar in consumer properties and method of consumption;

liquids for electronic smoking systems - substances that are in a liquid state (including their mixtures containing propylene glycol, glycerin, nicotine, food flavors, food coloring), intended for use in electronic smoking systems;

import into the Republic of Belarus of tobacco raw materials, tobacco products, electronic smoking systems, fluids for electronic smoking systems, systems for the consumption of tobacco for the purpose of permanent placement for use and/or sale on the territory of the Republic of Belarus;

contract manufacturing of tobacco products - the production of tobacco products, carried out by the organization - manufacturer of tobacco products on the main process equipment owned by the company and under its economic management, within the approved quota for their production using its own tobacco raw materials and auxiliary materials, as well as auxiliary materials of the customer with the subsequent transfer from the organization to the customer of the tobacco products;

smoking tobacco product - a tobacco product intended for smoking (cigarette, cigar, cigarillo, papirosy, hookah tobacco, pipe and smoking tobacco, makhorka smoking tobacco and other tobacco);

summer terrace (continuation of the hall) - a lightly built temporary structure (terrace, veranda, etc.), portable tables located on the territory immediately adjacent

to the capital structure (building, construction), or on its roof, or on another open area of the capital structure (building, construction), in the premises of which a public dining facility is located;

package insert - A sheet with information on it for consumers that is used when selling tobacco products, electronic smoking systems, fluids for electronic smoking systems in consumer packaging on which information for the consumer cannot be printed, as well as when selling cigars and cigarillos by the piece;

smokeless tobacco products - tobacco product intended for sucking and/or chewing (snus, nasvay and others made from tobacco (purified tobacco dust) and the alkaline component (chalk, lime or other alkaline components) with or without the addition of other ingredients), sniffing or use in systems for tobacco consumption;

sale - storage, import, export of tobacco raw materials and wholesale trade in them, storage, import, export of tobacco products and their wholesale and/or retail trade, storage, import, export of electronic smoking systems, liquids for electronic smoking systems, systems for tobacco consumption, wholesale and/or retail trade in them;

organization - customer of tobacco products - a legal entity that is the owner of a trademark(s), or a legal entity that has the right to use a trademark(s), place orders for the manufacture of such products under this trademark at the organization - manufacturer of tobacco products under this trademark (trademarks) and acquire the right of ownership, economic management or operational management of the manufactured tobacco products;

organization - manufacturer of tobacco products - a legal entity engaged in business activities for the production of tobacco products on the territory of the Republic of Belarus, including under license agreements, for their implementation, as well as carrying out orders for contract manufacturing of tobacco products;

retail trade in tobacco products, electronic smoking systems, liquids for electronic smoking systems, systems for on tobacco consumption - entrepreneurial activities related to the acquisition and sale of such products, systems and liquids for personal, family, household or other similar use, not associated with business activities, as well as sales and organization of consumption of such products in the implementation of public dining;

tobacco consumption system - a device used to heat tobacco and/or otherwise affect tobacco without burning or smoldering to form an aerosol;

special stamp - a document with a certain degree of protection, intended for marking tobacco products, converted into state income;

a tobacco product is a product made entirely or partially of tobacco raw materials in such a way as to be used for smoking, sucking, chewing or sniffing, other consumption methods, packaged in consumer packaging for retail;

tobacco raw materials - tobacco with an unseparated, partially or completely separated midrib, other industrially manufactured tobacco and industrial tobacco substitutes, "homogenized" or "reconstituted" tobacco, tobacco extracts and essences;

counterfeit tobacco products - tobacco products with composition, properties and characteristics intentionally changed by the manufacturer and/or persons involved in the sale of these products, information about which, represented by these persons, is obviously incomplete and (or) unreliable;

export from the Republic of Belarus of tobacco raw materials, tobacco products, electronic smoking systems, liquids for electronic smoking systems, systems for tobacco consumption for purposes of permanent placement outside the territory of the Republic of Belarus;

electronic smoking system - an electronic device used to transform by heating a liquid for electronic smoking systems into an aerosol.

2. In clause 2 of the Decree of the President of the Republic of Belarus of October 18, 2007 No. 4 "On State Regulation of the Import of Tobacco Raw Materials and Tobacco Products and the Introduction of Amendments and Additions to the Decree of the President of the Republic of Belarus of December 17, 2002 No. 28":

in the first part the words "Customs Union" shall be replaced with the words "Eurasian Economic Union";

part two shall read as follows:

"The provision of the first part of this clause does not apply to import into the Republic of Belarus:

of tobacco raw materials and tobacco products by the organizers and participants of international exhibitions and fairs as samples and exhibits;

tobacco products intended to be sold in duty free stores and sold in such stores;

cigarettes by organizations-manufacturers of tobacco products as samples for quality and safety control, for measurements in accordance with international standards, interlaboratory, comparative tests, measurements of standardized parameters in accordance with the requirements of the technical regulations of the Customs Union, the Eurasian Economic Union, equipment calibration, comparative tests, design studies, in the amount of not more than 10 thousand cigarettes per calendar year *.

*** For the purposes of this Provision, a calendar year is the period from January 1 to December 31.**

3. To the Council of Ministers of the Republic of Belarus within six months: to insure introduction in the prescribed manner to the Palace of Representatives of the National Assembly of the Republic of Belarus of the draft law providing for bringing the Code of Administrative Offenses of the Republic of Belarus and the Procedural-Executive Code of the Republic of Belarus on Administrative Offenses in accordance with the requirements of this Decree;

to take other measures to implement this Decree.

4. This Decree shall enter into force in the following order:
clause 1 - six months after the official publication of this Decree;
other provisions of this Decree - after its official publication.

5.. This Decree is provisional and in accordance with the third part of Article 101 of the Constitution of the Republic of Belarus is submitted for consideration to the National Assembly of the Republic of Belarus.

President of the
Republic of Belarus

A.Lukashenko

[Stamp: ADMINISTRATION OF THE PRESIDENT OF THE REPUBLIC OF BELARUS
For legal files]