

**LAW OF THE REPUBLIC OF BELARUS**  
**10 May 2007, No. 225-3**

**ON ADVERTISING**

Adopted by the House of Representatives, 2 April 2007  
Approved by the Council of the Republic, 20 April 2007

**Article 1. Field of application of this Law**

1. This Law covers the relations arising between state authorities, other organizations, nationals of the Republic of Belarus, foreigners and stateless persons (hereinafter called organizations and/or nationals, unless stated otherwise in this Law) in the process of production and/or placement (distribution) of advertising (advertisements) in the Republic of Belarus.

2. This Law does not cover relations arising in the process of production and/or placement (distribution) of:

Information placed (distributed) during election campaigns, referendum campaigns, recall of a deputy of the House of Representatives of the National Assembly of the Republic of Belarus or of a local Council of Deputies, a member of the Council of the Republic of the National Assembly of the Republic of Belarus, as well as of other information placed (distributed) for political purposes;

Information that is produced and/or placed (distributed) by organizations or nationals according to the legislation, unless stated otherwise in this Law.

**Article 2. Basic terms used in this Law, and their definitions**

The following basic terms and their definitions are used in this Law:

**Counteradvertising**, meaning information about improper advertisements placed (distributed) by the advertiser, producer of advertisements or distributor of advertisements, who violated legislation on advertising (hereinafter the violator), based on a decision of a state authority;

**Outdoor advertising**, meaning advertisements placed (distributed) on external surfaces of buildings (constructions) or outside buildings (constructions), using technical components specially designed and/or used for placement (distribution) of advertisements, with the exception of transport facilities;

**Improper advertising**, meaning unfair, inadequate, unethical, concealed or other advertisements which were produced and/or placed with violations of the legislation;

**Subject of advertising**, meaning products, goods, work or service (hereinafter called goods, unless stated otherwise in this Law), organizations or nationals (individuals), rights protected by the law, interests or duties of organizations or individuals, means of individualization of organizations or individuals, goods, results of intellectual activity, contests, lotteries, games, other game, advertising and other activities, betting, social events (activities);

**Advertisement user**, meaning an organization or an individual to whom the advertisement is made known;

**Advertisement(s)**, meaning information on the subject of advertising distributed in any form by any means, designed for unlimited groups of people (advertisement users), and aimed at attracting attention to the subject of advertisements, generating or maintaining interest in it and/or its promotion on the market;

**Advertising activities**, meaning activities of an organization or individual related to the performance of work on design or production or advertising and/or provision of services on placement (distribution) of advertisements;

**Advertising game**, meaning group or massive game for the purpose of stimulating sales of goods, the organizer of which aims to allocate the prize funds from this game among its participants;

**Advertiser**, meaning an organization or individual whose activities or goods are advertised or who have defined the subject of advertising and/or the content of advertising;

**Advertisement producer**, meaning an organization or individual producing the advertisement by making it, in full or in part, ready for placement (distribution);

**Advertisement distributor**, meaning an organization or individual who place (distribute) the advertisements by giving and/or using the required property (including radio and television broadcast technologies) as well as different communication channels, air time or otherwise;

**A low-alcohol beverage**, meaning a beverage (with exception of sour-milk drink, kvass and beer) with the volume share of ethyl alcohol from 0.5 to 7 percent;

**Social advertisements**, meaning advertising of rights, law-protected interests or duties of organizations or individuals, healthy lifestyle, health protection measures, safety of population, social protection, prevention of offences, environmental protection, rational use of natural resources, development of the Belarusian culture and arts, international cultural cooperation, state programmes in health, education, culture and sport or other social events (activities), which is aimed at protecting or meeting social or governmental interests, has no commercial character, and whose advertisers are state authorities;

**Outdoor advertising means**, meaning technical means specially designed and/or used for placement (distribution) of outdoor advertising, with exception of transport facilities.

### **Article 3. Application of norms of international agreements**

If norms of international agreements in force for the Republic of Belarus establish rules other than the rules of this Law, then norms of international agreements shall apply.

### **Article 4. Copyright and associated rights to advertisements**

Advertisement may, in full or in part, be the subject of copyright and associated rights. In such case copyright and associated rights shall be protected according to the legislation on copyright and associated rights.

### **Article 5. Authorities making state regulation in the field of advertising**

State regulation in the field of legislation shall be made by the President of the Republic of Belarus, the National Assembly of the Republic of Belarus, the Council of Ministers of the Republic of Belarus, the Ministry of Trade of the Republic of Belarus, local executive and administrative authorities and other state authorities within their competence.

### **Article 6. Powers of the President of the Republic of Belarus in the field of advertising**

According to the Constitution of the Republic of Belarus, the President of the Republic of Belarus defines the uniform state policy and exercises other authorities in the field of advertising.

### **Article 7. Powers of the Council of Ministers of the Republic of Belarus in the field of advertising**

The Council of Ministers of the Republic of Belarus within its competence in the field of advertising shall:

Organize implementation of the uniform state policy;

Organize development and implementation of plans and activities for development of advertising activities with due account of national interests;

Define the procedure of state monitoring of advertising activities;

Establish the procedure of placement (distribution) in the territory of the Republic of Belarus of advertisements of goods manufactured in this territory, advertisements of alcoholic beverages in mass media as well as outdoor advertisements and its facilities, advertisements on automotive transport facilities, trams and trolleybuses, unless otherwise established by the President of the Republic of Belarus;

(As formulated in the Law of the Republic of Belarus, dated 05 August 2008, No. 428-3)

Establish the procedure of coordination of outdoor advertising and advertisements on transport facilities, trams and trolleybuses by the Regional (Minsk City) Executive Committees;

Exercise international cooperation;

Exercise other authorities imposed on it by the Constitution of the Republic of Belarus and acts of the President of the Republic of Belarus.

### **Article 8. Powers of the Ministry of Trade of the Republic of Belarus in the field of advertising**

The Ministry of Trade of the Republic of Belarus within its competence in the field of advertising shall:

Implement the uniform state policy;

Develop and implement plans and actions on development of advertising activities with due account of national interests;

Exercise state control over advertising activities;

Prevent facts of improper advertising;

Order violators to correct the identified violations of the advertising legislation;

Make decisions on recognition of advertisements as improper, and inform violators about such decisions;

Consider appeals by organizations or individuals and other materials on violations of advertising legislation;

Forward materials on violations of advertising legislation to local executive and administrative authorities so as to stop placing (distributing) improper advertisements in cases specified by this Law, to prosecution departments and other law-enforcement authorities;

Exercise other authorities according to the legislation.

### **Article 9. Powers of the local executive and administrative authorities and other state authorities in the field of advertising**

Local executive and administrative authorities and other state authorities within their competence in the field of advertising in the territory of respective territorial administrative units shall:

Prevent facts of improper advertising;

Order violators to remove the identified violations of the advertising legislation;

Make decisions on recognition of advertising as improper, and inform violators about such decisions, with the exception of decisions on recognition of advertising as unfair;

Stop placing (distributing) improper advertising in cases specified by this Law by way of dismantling outdoor advertisements, or ordering distributors of advertisement to stop placing (distributing) improper advertising, or by other methods;

Consider appeals by organizations or individuals and other materials on violations of advertising legislation;

Forward to prosecution departments and other law-enforcement authorities materials on violation of advertising legislation;

Issue permits for placing outdoor advertisements and placing (distributing) advertisements on motor transport facilities, trams and trolleybuses; and

Exercise other authorities according to the legislation.

## **Article 10. General requirements to advertising**

1. Advertisement of goods manufactured in the Republic of Belarus, placed (distributed) in the territory of the Republic of Belarus, must be made only through organizations of the Republic of Belarus and/or nationals of the Republic of Belarus, unless specified otherwise by legislation acts.

2. Advertisement must be placed (distributed) in the territory of the Republic of Belarus in the Belarusian and/or Russian languages. This provision shall not cover advertisements placed (distributed) by radio, television or in printed publications that use exclusively foreign languages, advertisements of the registered trademarks and/or service marks, as well as advertisements containing common foreign terms and designations used in their original writing and having no designations in the Belarusian and/or Russian languages, or work or study invitations for persons who have free command of foreign languages.

It is allowed to use in advertisements, along with the Belarusian and/or Russian languages, a foreign language provided texts in the foreign language are identical in their content and technical arrangement with texts in the Belarusian and/or Russian languages.

3. Advertisement of means used to identify individual goods (brand names, trademarks and service marks and geographical references) shall be covered by all restrictions and bans specified by legislation acts in relation to advertisement of such goods. This requirement does not pertain to advertising means used to identify individual goods, if it is used to designate other goods, not restricted or banned for advertising, of an organization or individual and the advertisement contains reference to such goods, organization or individual.

4. Advertisements containing information on sales of goods which are related to entrepreneurial activities of the advertiser must contain the name of the advertiser, its registered taxpayer number, and if the advertiser is a person exercising activities as an individual entrepreneur, also his/her surname and initials. When the advertiser is a foreign or international legal entity (an organization that is not a legal entity), the foreigner or the stateless person, if they have no registered taxpayer number, should indicate instead of this number the name of the country and the population centre where the advertiser has his/her location or residence. The requirements of this item shall not pertain to advertisements placed (distributed) on television and radio as well as advertisements placed (distributed) in internet and containing reference to the site where the data indicated in this item are placed.

5. Advertisements containing information on a legal entity of the Republic of Belarus shall be allowed only if this legal entity has a state registration certificate.

Advertisements containing information on a foreign or international legal entity (an organization that is not a legal entity) shall be allowed only if such legal entity (organization) has a document confirming its registration (a legalized extract from the trade register of the country of its establishment or another equivalent proof of the legal status of the organization according to the legislation of the country where it is established).

Advertisements containing information on an individual whose activities require state registration as individual entrepreneur according to the legislation shall be allowed only if this individual has a certificate on state registration of the individual entrepreneur.

6. Advertisements containing information on the type of activities of an organization or individual subject to licensing shall be allowed only if this organization or individual has the respective special permit (license) (hereinafter the license) for such type of activities.

Advertisements containing information on the type of activities of an organization or individual subject to licensing shall include the license registration number, the date when the decision on the issue of the license was made, the period of its validity and the name of the authority or the governmental organization which issued the license. This requirement shall not pertain to advertisements placed (distributed) on radio as well as advertisements placed (distributed) in internet and containing reference to the site where the data indicated in this item are placed.

7. The details of the license, warning texts and other information that is to be indicated in the advertisements must be made in legible letters and a colour contrasting the advertisement

background colour in the field where the information is placed. References used in the advertisements to detail its information must be made in legible letters and a font the size of which must be at least half the size of the font used in the detailed text.

8. Advertising must not:

Encourage or promote the cult of violence and cruelty or instigate to violence, cruelty or hazardous actions that can be damaging to people's health, property of the State, organizations or individuals, or threatening their safety, or other actions violating the legislation; or

Contain a promise or a guarantee or a supposition on the future effectiveness (profitability) of the advertised activities. The use of data on effectiveness (profitability) of the advertised activities over the past period is allowed in the advertisements, provided the advertiser has statistical data or an accountancy statement the validity of which has been confirmed by an auditing organization or an auditor who is an individual entrepreneur.

9. It is not allowed to use in the advertisements:

Surnames, proper names and patronymic names (hereinafter the name), pseudonyms, images or statements of nationals of the Republic of Belarus without their consent or consent of their legal representatives, unless specified otherwise by this Law or the President of the Republic of Belarus;

Images or statements of medical or pharmaceutical workers, non-commercial organizations operating in the field of health, with the exception of such use in the advertisements the users of which are exclusively medical or pharmaceutical workers and which are placed (distributed) in places of medical or pharmaceutical exhibition, seminars, conferences or other similar events, or in specialized printed matters designed for medical or pharmaceutical workers;

Names of organizations, trademarks and/or service marks, emblems and other symbols, images of property of organizations or individuals by persons who have no right to such use;

Other information that is not allowed to be used in advertisements by laws, acts of the President of the Republic of Belarus or international agreements obligatory for the Republic of Belarus.

10. It is not allowed to advertise:

Goods prohibited for production and/or sale according to the legislation, or activities that are banned by the legislation;

Goods that are subject to compliance confirmation in the Republic of Belarus, but that have no documents on evaluation of their compliance with the technical requirements of regulatory and legal acts on technical regulation and standardization;

Narcotic drugs, psychotropic substances and their precursors for the purpose of their illegal use;

Offers of human organs and/or tissues;

Pornography materials, printed matters, images or other subjects of pornography;

Advertisements aimed at involving into human trafficking, sexual services disguised as legal activity, and antisocial behaviour;

Advertisements that directly or indirectly disclose data that are state secrets of the Republic of Belarus;

Breast milk substitutes (baby's formulas) in mass media with the exception of placement (distribution) of such advertisements in specialized printed matters designed for medical or pharmaceutical workers;

11. In rooms that locate governmental authorities, with the exception of foreign relations authorities of the Republic of Belarus, it is not allowed to place (distribute) advertisements with the exception of advertisements of governmental organizations and advertisements placed (distributed) in such rooms by television, radio or printed publications.

12. It is not allowed to place (distribute) advertising materials imported to the Republic of Belarus with violation of customs legislation, inter alia, without paying customs duties.

## **Article 17. Advertising of alcoholic beverages and tobacco products**

1. It is banned to place (distribute) advertisements of alcoholic beverages and tobacco products:

On radio and television;

In buildings (rooms, structures) of educational, health, culture, fitness and sport organizations;

In airports, seaports, railway or bus stations, public transport stops, metro stations;

On transport facilities, including the ones owned by individuals;

On posters, stands, displays and other outdoor advertising facilities;

On the first and last pages of newspapers or on the first and last pages of cover pages of journals, magazines and other periodicals;

In issues and mass media designed for people under 18, or specializing in issues of environment protection, education or health;

On goods designed for sport and/or toys;

Containing information on physical, chemical and other consumer properties of alcoholic beverages, their prices, images of alcoholic beverages and their consumer packaging, names of alcoholic beverages with the exception of advertisements placed (distributed) in places where alcoholic beverages are sold;

Using images of humans or animals, inter alia, drawings, cartoons, with the exception of the use of such images in registered trademarks used to designate alcoholic beverages;

Using images or statements promoting that the use of alcoholic beverages helps achieve success or improves physical or mental condition of humans;

Including images or text encouraging the use of such beverages and products.

2. It is banned to organize or conduct contests, lotteries, games, other play, advertising, cultural, educational or sport activities or betting to stimulate sales of alcoholic beverages.

It is banned to distribute alcoholic beverages free of charge (with the exception of sampling by taste for marketing), including provision of more than five litres of such beverages as prizes (gifts) during contests, lotteries, games, other play, advertising, cultural, educational or sport activities or betting

3. It is banned to place (distribute) advertisements of tobacco products, distribute tobacco products free of charge, including their use as prizes (gifts) during contests, lotteries, games, other play, advertising, cultural, educational or sport activities or betting.

4. In organizing contests, lotteries, games or other game and advertising activities or betting when people who buy tobacco products or prove that they make such purchase, are offered goods or the right to take part in the enumerated activities and betting, it is banned to offer such goods or rights to people under 18. Such contests, lotteries, games or other game and advertising activities or betting shall be organized only in places of sale of tobacco products located in rooms (shopping areas) of shopping centres and/or public meals centres or within the area owned or used by the above centres.

5. In organizing and conducting cultural, educational, sportive or other charity actions, it is banned to place (distribute) advertisements containing names and trademarks of alcoholic beverages and tobacco products.

6. Advertisements of alcoholic beverages and tobacco products must include information about harm to human health through their use.

(As formulated in the Law of the Republic of Belarus, dated 05 August 2008, No. 428-3)

7. The President of the Republic of Belarus can introduce other restriction on the advertising of alcoholic beverages and tobacco products.