

## **On State Regulation Of Alcoholic Products Output And Turnover**

### **Law of the Republic of Belarus**

*Nº 193-Z, of 20 July, 1998*

*(Law contains all the later amendments and additions. Last amendments of this Law: Law of the Republic of Belarus Nº 103-Z of May 8, 2002)*

#### **Chapter 1. General Provisions**

##### **Article 1.** Main Terms and Notions Used in the Law

Brandy, fruit and ethyl alcohol produced from raw food-stuff as well as alcoholic drinks (vodka, liquors, wines, brandy, champaign) and other drinks containing more than 0,5% of ethyl alcohol by volume (hereinafter - strength) are considered alcoholic products.

The state regulation of the alcoholic products output and turnover includes the system of measures providing the state bodies supervision over the alcoholic products output and turnover on the territory of the Republic of Belarus introduced by the present Law and other legislation acts of the Republic of Belarus.

Export, import, storage, wholesale and retail trade are considered the alcoholic products turnover.

Business when one party (the custodian) assumes obligations to secure the alcoholic products transferred to him by another party (the owner) and to return them back safe is considered the alcoholic products storage.

Business when alcoholic products purchase and sale (exchange) for purposes of their further resale or industrial processing and export is considered wholesale trade.

Business when alcoholic products are sold directly to citizens and other consumers independent of the payment forms is considered retail trade.

##### **Article 2.** Sphere of the Law Application

The Law regulates the relations connected with the alcoholic products output and turnover.

The Law is not applied to production and turnover of beer, kvass and other drinks the strength is less than 7 percent, of the technical ethyl alcohol and other varieties of alcohol not allowed to be used in the alcoholic products output as well as to wines, nastoykas and liquors made at home and intended for personal consumption.

##### **Article 3.** Measures for State Regulation of the Alcoholic Products Output and Turnover

Measures for state regulation of the alcoholic products output and turnover are as follows:

- licensing of alcoholic products output and turnover business;
- limitation of the alcoholic products output volumes;
- state hygienic registration and obligatory certification of alcoholic products;
- introducing of quotes for the alcoholic products export and import;
- introducing of the excise duty on alcoholic products;
- regulation of prices on alcoholic products;
- introducing of requirements to the alcoholic products quality and safety;
- introducing of the order for declaring the volumes of the alcoholic products produced, exported, imported, not used;
- introducing of state supervision over the alcoholic products output and turnover.

Legislative acts of the Republic of Belarus may introduce other measures for the alcoholic products output and turnover regulation.

##### **Article 4.** Legislation Regulating Relations in the Sphere of Alcoholic Products Output and Turnover State Regulation

The legislation of the Republic of Belarus regulating relations in the sphere of alcoholic products output and turnover state regulation consists of the present Law and other legislative acts of the Republic of Belarus.

If an international treaty of the Republic of Belarus introduced other rules than those provided by the present Law the provisions of the international treaty are applied.

## **Chapter 2. Alcoholic Products Output State Regulation**

**Article 5.** Licensing of the Alcoholic Products, Packing for Consumers, Packing Materials, Labels, Counterlabels, Colourets Used in the Alcoholic Products Bottling Production Business

The alcoholic products, packing for consumers, packing materials, labels, counterlabels, colourets used in the alcoholic products bottling production business is licensed in accordance with a special permission (license) granted in the order determined by the Government of the Republic of Belarus on agreement with the President of the Republic of Belarus.

**Article 6.** Limitation of the Alcoholic Products Output Volumes

Limitation of the alcoholic products output volumes may be introduced in the order and on the terms determined by the Government of the Republic of Belarus on agreement with the President of the Republic of Belarus.

**Article 7.** State Regulation of the Alcoholic Products Output Technologies and Quality

The alcoholic products output technologies and quality in the Republic of Belarus are controlled by the state in the order established by the legislation of the Republic of Belarus.

Appliance of the alcoholic products output technologies including those developed in foreign countries that may result in output of alcoholic products not conforming to the requirements to quality and safety introduced by the legislative acts of the Republic of Belarus and to the standardization normative documents is forbidden in the Republic of Belarus.

Alcoholic drinks may be produced on the territory of the Republic of Belarus only from brandy, fruit and ethyl alcohol produced from the raw food-stuff, semi-processed products, ingredients and food additions permitted for utilization by the bodies of the state sanitary supervision of the Republic of Belarus.

The alcoholic drinks produced are grouped by their strength and production technology in accordance with the legislative acts of the Republic of Belarus.

**Article 8.** State Hygienic Registration and Certification of Alcoholic Products

The alcoholic products produced on the territory of the Republic of Belarus are liable to the State hygienic registration and certification in the National system for certification of the Republic of Belarus.

**Article 9.** Alcoholic Drinks Marking

The alcoholic drinks produced must be marked with a special mark confirming the legality of their production on the territory of the Republic of Belarus in the order established by the Government of the Republic of Belarus.

The alcoholic drinks bottled in accordance with the List approved by the Government of the Republic of Belarus need not to be marked with the special mark.

The alcoholic drinks containers for consumers must have the following information:

- the alcoholic drinks name;
- the producer's name and its address;
- the trade mark (if any);
- the alcoholic drinks strength;
- the sugar content in the alcoholic drinks (if any);
- the containers for the alcoholic drinks volume;
- the standardization normative documents designation;
- other marking requisites in accordance with the legislative acts of the Republic of Belarus.

**Article 10.** Alcoholic Drinks Preparation under Home Conditions

Preparation of wines, nastoykas, liquors under home conditions is allowed in the Republic of Belarus for personal consumption.

## **Chapter 3. Alcoholic Products Storage State Regulation**

**Article 11.** Licensing of the Alcoholic Products Storage

The alcoholic products storage on the territory of the Republic of Belarus is realized on the

basis of a special permission (license) granted in the order established by the Government of the Republic of Belarus on agreement with the President of the Republic of Belarus.

**Article 12. Rules and Conditions for the Alcoholic Products Storage**

Rules and conditions for the alcoholic products storage are established by the legislative acts of the Republic of Belarus.

**Chapter 4. Alcoholic Products Trade State Regulation**

**Article 13. Alcoholic Products Trade Licensing**

The alcoholic products wholesale trade on the territory of the Republic of Belarus is carried on the basis of a special permission (license) for the wholesale trade granted in the order established by the Government of the Republic of Belarus on agreement with the President of the Republic of Belarus excluding the cases provided in the second and third parts of the present Article.

Persons having licenses on alcoholic products output on the territory of the Republic of Belarus have right to occupy alcoholic products wholesale trade on the territory of the Republic of Belarus.

Persons having licenses on alcoholic products import have right to occupy alcoholic products wholesale trade on the territory of the Republic of Belarus.

The alcoholic drinks retail trade on the territory of the Republic of Belarus is carried on the basis of a special permission (license) granted in the order established by the Government of the Republic of Belarus on agreement with the President of the Republic of Belarus.

Any license on the alcoholic drinks retail trade must specify groups of the alcoholic drinks allowed to be realized as well as the period and the place for their sale.

The retail trade of the ethyl alcohol produced from raw food staff is permitted only to pharmacies in accordance with the legislation of the Republic of Belarus.

**Article 14. Alcoholic Products Wholesale Trade Prohibition**

It is prohibited on the territory of the Republic of Belarus the following:

the wholesale trade of the alcoholic products not meeting the requirements of the present Law and other legislative acts of the Republic of Belarus;

the wholesale trade (exchange) of alcoholic drinks to persons having no license on wholesale or retail trade;

the wholesale trade of the ethyl alcohol produced from raw food staff except the trade to pharmaceutical net and to institutions of public health protection using the alcohol for medical purposes as well as to persons having licenses on the alcoholic products output;

the wholesale purchase of alcoholic products from persons having neither a license on the alcoholic products output, nor a license on the alcoholic products wholesale trade, nor a license on the alcoholic products import.

**Article 15. State Regulation of Alcoholic Products Prices**

The Government of the Republic of Belarus regulates the order for determining the upper and the lower limits on prices on the alcoholic products realized through the retail trade on the territory of the Republic of Belarus.

**Article 16. Alcoholic Products Retail Trade Prohibition**

The alcoholic drinks retail trade on the territory of the Republic of Belarus is prohibited:

in kiosks, pavilions, stalls and other stationary places for retail trade having no trade halls or in cases when the trade hall area is less than 10 square meters;

off one's hands, from trucks, trailers and other transportation means for retail trade except mobile-shops;

in educational institutions, therapeutic, cultural and show institutions for children, hostels, in industrial enterprises and on construction sites;

inside the buildings for sporting and on their territory;

in diet dining-halls and cafes for children, in trade place intended for children and teenagers;

inside the buildings state bodies are situated in except stationary objects for public meals;

in trade institutions and institutions for public meals at petrol stations;

near religious and cult erections at the distance permitted by the local executive bodies and administrative bodies on agreement with the religious organizations;

in places of holding religious, sports, cultural and other show actions (excluding actions held

under decisions of the state bodies within the dates of the state holidays, the red-letter days, the memorable dates celebrated in the Republic of Belarus) as well as in the radius of 500 meters of territories bordering to them.

**Article 17. Unbottled Alcoholic Drinks Trade Prohibition**

Unbottled alcoholic drinks trade is prohibited on the territory of the Republic of Belarus except the unbottled alcoholic drinks trade in the following places:

stationary objects for public meals except the objects the alcoholic drinks retail trade is prohibited by Article 16 of the present Law;

objects for public meals at industrial enterprises and construction sites situated out of their territory, other objects for public meals when used for celebrating weddings, anniversaries and rituals;

in trains, on river and sea ships of the Republic of Belarus having special places for public meals, in an aircraft flying to foreign states;

wine shops specially equipped (or isolated sections in them);

open cafes, mini-cafes, pavilions the trade hall area is not less than 10 square meters.

**Article 18. Alcoholic Products Sale to Certain Categories of Individuals Prohibition**

The alcoholic products sale to individuals under 18 on the territory of the Republic of Belarus is prohibited.

Employees selling alcoholic products have right to require from the individuals buying alcoholic products to produce a document stating the person's age.

**Article 19. Right on the Alcoholic Products Trade**

Persons reached 18 years age have right to occupy with the alcoholic products trade.

**Article 20. Order for the Alcoholic Drinks Retail Trade**

The order for the alcoholic drinks retail trade is established by the present Law and other legislative acts of the Republic of Belarus.

**Article 21. Prohibition on the Alcoholic Drinks Realization Free of Charge**

It is prohibited on the territory of the Republic of Belarus the following:

alcoholic drinks transfer as a salary, bonus;

alcoholic drinks spread free of charge;

granting of alcoholic drinks for lotteries, competitions,

games as prizes except champagne (sparkling wine);

games organization for the alcoholic drinks realization. The Government of the Republic of Belarus has right to introduce other limitations on the alcoholic drinks realization free of charge.

**Chapter 5. State Regulation of the Alcoholic Products Import and Export**

**Article 22. Alcoholic Products Import Licensing**

Alcoholic products are imported to the territory of the Republic of Belarus on the basis of special permissions (licenses) granted in the order established by the Government of the Republic of Belarus on the agreement with the President of the Republic of Belarus.

Aiming at protecting home alcoholic products producers the quantity of licenses on the alcoholic products import may be limited in the order established by the Government of the Republic of Belarus. The case is an open tender for persons willing to get a license on the alcoholic products import is announced the alcoholic products groups and their volumes (quotes) being declared. The tender terms are approved by the Government of the Republic of Belarus.

**Article 23. The Imported Alcoholic Products State Hygienic Registration and Certification**

The imported alcoholic products are liable to the state hygienic registration and certification in the National certification system of the Republic of Belarus.

**Article 24. The Imported Alcoholic Drinks Marking**

The imported alcoholic products are marked with excise marks of the Republic of Belarus outside the customs territory of the Republic of Belarus. The order for the imported alcoholic

products marking with excise marks is established by the Government of the Republic of Belarus.

Marking of the following imported alcoholic drinks with excise marks is optional:

those imported by the international exhibitions and fairs organizers as samples and exhibits;

those intended for official use by foreign diplomatic offices and consulates as well as by bodies and missions of international organizations equated with them;

those intended for personal consumption by diplomatic agents, officials of consulates and officials of bodies and missions of international organizations equated with them as well as for their families members;

those directed to the free customs zones areas and for realization in duty free shops, in an aircraft, sea and river ships carrying out voyages to foreign states;

those transited through the territory of the Republic of Belarus the corresponding financial guaranties presented in the order established by the legislation of the Republic of Belarus;

those imported by individuals in quantities within the norms established by the legislation of the Republic of Belarus.

Marking with excise marks of the alcoholic drinks bottled into containers of certain volumes and into containers produced as souvenirs included into the List approved by the Government of the Republic of Belarus is optional.

The imported alcoholic drinks containers for consumers must have the following information:

the alcoholic drinks name;

the producer's name and its address;

the trade mark (if any);

the alcoholic drinks strength;

the sugar content in the alcoholic drinks (if any);

the containers for the alcoholic drinks volume.

Marks on alcoholic drinks produced abroad must be translated into the Belorussian or Russian language. Other information about the alcoholic drinks not contradicting the legislation of the Republic of Belarus are permitted.

#### **Article 25. The Alcoholic Products Export State Regulation**

Alcoholic products may be exported on basis if special permissions (licenses) granted in the order established by the Government of the Republic of Belarus.

The volumes (quotes) for the alcoholic products export are established by the Government of the Republic of Belarus.

### **Chapter 6. State Supervision over the Present Law Observance and Liabilities in Case of its Violation**

#### **Article 26. State Supervision over the Present Law Observance**

Specially authorized state bodies shall fulfil the state supervision over the alcoholic products output and turnover within the limits of the responsibility established by the legislation of the Republic of Belarus.

#### **Article 27. Registration of Persons Occupied with Alcoholic Products Output and Turnover**

Persons granted with special permissions (licenses) on the alcoholic products output, import, export, wholesale and retail trade, storage are obliged to be registered in the special state register in the order established by the Government of the Republic of Belarus.

#### **Article 28. Declaring the Alcoholic Products Volumes**

Persons occupied with alcoholic products output and wholesale trade are obliged to present declarations about the volumes of the alcoholic products produced, exported, imported, not realized and not used in the order established by the Government of the Republic of Belarus.

#### **Article 29. Informing the Population about Alcoholic Products Consumption Harm for Health**

Lectures aimed at promoting the healthy way of life, limiting of the alcoholic drinks consumption and presenting information about the harm caused to the citizens' health by their consumption of alcoholic drinks should be read in educational institutions in the order established by the Government of the Republic of Belarus.

The radio- and TV-stations of the Republic of Belarus broadcast TV and radio programs containing information directed to the propaganda of the population healthy way of life in the

order established by the legislation of the Republic of Belarus.

**Article 30.** Responsibility for Violations in the Sphere of the Alcoholic Products Output and Turnover

Legal entities and individuals including entrepreneurs occupied with such business without a legal entities formation are responsible for violating the requirements provided in the present Law in accordance with the legislation of the Republic of Belarus.

#### **Chapter 7. Conclusive Provisions**

**Article 31.** The present Law Entering into Force

The present Law enters into force since the moment of its publication.

**Article 32.** Bringing the Legislation of the Republic of Belarus into Conformity with the Present Law

Before the legislation of the Republic of Belarus is brought into conformity with the present Law it is applied in the part not contradicting the present Law if the Constitution of the Republic of Belarus does not provide otherwise.

To the Government of the Republic of Belarus:

to present to the House of Representatives of the National Assembly of the Republic of Belarus proposals on bringing the legislative acts of the Republic of Belarus into conformity with the present Law;

to bring the decisions of the Government of the Republic of Belarus into conformity with the present Law;

to provide a revision and cancellation of the normative acts contradicting the present Law by the republican bodies of state administration subordinate to the Government of the Republic of Belarus.

\* unofficial translation \*