

Decree of the President of the Republic of Belarus

No. 2 of January 26, 1999

On Some Measures on Regulation of Activities of Political Parties, Trade Unions, and Other Public Associations

[Amended as of October 6, 2006]

For the purpose of regulation of activities of political parties, trade unions, other public associations, improvement of the control over these activities and in accordance with part three of article 101 of the Constitution of the Republic of Belarus I decree to:

1. Perform the re-registration of political parties, trade unions, other public associations (hereinafter referred to as associations, unless otherwise specified) as well as their symbolics from February 1 till August 1, 1999.

Public associations, the most members of which are legal entities shall be re-registered by January 1, 2000;

2. Create the Republican Commission for Registration (Re-registration) of Public Associations, the composition of which is approved by the President of the Republic of Belarus;

3. Establish that:

the registration and re-registration of political parties, republican trade unions, international and republican public associations and their unions (associations) shall be performed by the Ministry of Justice while the registration and re-registration of territorial trade-unions, local public associations and their unions (associations) by departments of justice of regional executive committees, Minsk City Executive Committee on the basis of the conclusion of the Republican Commission for Registration (Re-Registration) of Public Associations;

there shall be at least 1000 founders (members) from the most oblasts of the Republic of Belarus and city of Minsk for creation and activities of a political party, at least 500 founders from the most oblasts of the Republic of Belarus and city of Minsk for creation and activities of a republican trade union, at least 500 from the most administrative territorial and territorial units of the respective territory for creation and activities of a territorial trade union, at least 10 per cent of the total number of persons working (studying) at the enterprise, institution, organization (but in any case at least 10 persons) for creation and activities of a trade union at an enterprise, institution, organization and other place of work (education);

legal entities are not allowed to be members of associations;

should the legal address (location of body of management) of an association be changed, this association shall present all necessary documents to the registering body within one month for introducing amendments to its Statute;

two and more associations of the same kind may create a union (association) of associations;

activities of the associations, which are neither registered nor re-registered on the territory of the Republic of Belarus, are prohibited;

the associations, which have not been re-registered and have not presented the documents required for re-registration to the re-registering body in the established order, shall cease their activities from August 1, 1999 unless otherwise provided by the present Decree;

the associations, which have not been re-registered, shall be liquidated in the established order.

4. To approve the enclosed Regulation on the state registration (re-registration) of trade unions and their unions (associations).

5. The lists of the associations, which have not been re-registered, shall be published in the "Respublika" newspaper by the Ministry of Justice and in the respective local press by the departments of justice of executive committees of oblasts, Minsk City Executive Committee by October 1, 1999.

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

submit the proposals for establishment of the responsibility for carrying out activities on behalf of the associations, which are neither registered nor re-registered and for the failure to present the information of change of the legal address (place

of location of the body of management) by them to the President of the Republic of Belarus within two months;
take actions on bringing the legislative acts into accord with the present Decree.

7. The present Decree shall enter into force from the date of signing thereof. It is temporary and shall be presented to the National Assembly of the Republic of Belarus for consideration in accordance with the part three of article 101 of the Constitution of the Republic of Belarus.

Approved

Decree of the President
of the Republic of Belarus
No. 2 of January 26, 1999

Regulations

on the State Registration (Re-Registration) of Trade Unions and Their Unions (Associations)

1. These Regulations determine the procedure and conditions of the state registration (re-registration) of trade unions and their unions (associations) (hereinafter referred to as associations).
2. Became invalid.
3. For the state registration of an association the following documents (in addition to those required according to the appropriate legislative acts) shall be presented to the registering body:
became invalid
confirmation of the number of the founders of the association (its numerical composition);
graphic presentation of the organizational structures of the association with the indication of their location;
detailed description of the symbolics of the association with enclosure of the conclusion of the Department on Archives and Records Management of the Ministry of Justice for such kinds as hymn, sign, pennant, cravat and of the Heraldic Council at the President of the Republic of Belarus for such kinds as flag, emblem and image of such symbolics in four copies with the dimensions of 10 x 10 cm as well as the respective decisions of the competent bodies on the approval of the symbolics;
document confirming the payment for the notification of the state registration of the association;
copies of the certificates on registration of associations, extract from the protocols of meeting of their administrative bodies, at which the decisions on acting as founders of unions (associations) of the organizations have been taken, and a founding agreement (for unions (associations) of organizations).
4. For the state re-registration of an association the following documents shall be presented to the re-registering body:
application for the re-registration of the association signed by at least three members of its managing body;
originals of the Statute and Certificate of Registration of the Association as well as Certificate of Registration of the Association's symbolics (if any exists);
Statute of the association (two copies), the provisions of which comply with the requirements of the legislation;
confirmation of the number of the founders of the association (its numerical composition);
graphic presentation of the organizational structures of the association with the indication of their location;
confirmation of the existence of the legal address of the association;
materials confirming that the association complies with the other requirements of legislative acts (including the information of the members of the elective bodies of the association, such as surname, name, patronymic, year of birth, citizenship, place of work and residence, telephone numbers, position in the elective body);
detailed description of the symbolics of the association with enclosure of the conclusion of the Department on Archives and Records Management of the Ministry of Justice for such kinds as hymn, sign, pennant, cravat and of the Heraldic Council at the President of the Republic of Belarus for such kinds as flag, emblem and image of such symbolics in four

copies with the dimensions of 10 x 10 cm as well as the respective decisions of the competent bodies on the approval of the symbolics;

decision of the competent body of the association authorizing at least three members of its managing body to represent the association during its re-registration or in the court;

statement of the person or his/her heirs of the consent to use the own name of this person in the name of the association;

certificate of the inspection of the Ministry on Taxes and Duties on the association's indebtedness (absence of indebtedness) on the payments to the budget with the indication of the taxpayer's registration number assigned to the association before;

document confirming the payment for the notification of the state re-registration of the association;

certificate of the return of the seal or stamp by the association by the association (in case of change of the name).

5. The documents to be presented to the registering body for the state registration (re-registration) shall be drawn up on the paper with the A4 format using typewriting equipment with one-and-half line spacing.

6. The registering bodies are entitled to check the reliability of the materials presented for the state registration (re-registration).

7. After examination of the materials presented for the state registration (re-registration) the registering body shall send them to the Republican Commission for Registration (Re-Registration) of Public Associations, which shall make a conclusion about the possibility of the registration (re-registration) of the association and send the same to the registering body within 5 days from the moment of receiving of the materials.

The registering body on the basis of the conclusion of the Republican Commission for Registration (Re-Registration) of Public Associations shall make the decision on the state registration (re-registration) of the association.

8. Any changes and additions to the Statute of an association shall be made in the established order. In this case for the state registration of the changes and additions to the Statute the association shall present the following documents to the registering body:

application for the registration signed by at least three members of its managing body;

minutes of the meeting of the body authorized to make a decision on making changes and additions to the Statute of the association;

Statute of the association (two copies) with changes and additions (new edition);

bank document confirming the duty payment.

9. The registering body shall consider the application for the state registration (re-registration) of an association (its symbolics), changes and additions to its Statute within one month from its submission.

According to the results of the consideration the registering body shall make one of the following decisions:

on the state registration (re-registration) of the association (its symbolics);

on the postponement of the state registration (re-registration) of the association (its symbolics);

on the refusal of the state registration (re-registration) to the association (its symbolics).

10. The decision on the postponement of the state registration (re-registration) of the association (its symbolics), changes and additions to its Statute for the term of up to one month may be taken in case of violation of the order of creation of the association or introduction of changes and additions to its Statute.

After elimination of the reasons of the postponement of the state registration (re-registration) of the association (its symbolics) the repeated application for the state registration (re-registration) of the association shall be considered in the order established by these Regulations.

11. The decision on the refusal of the state registration (re-registration) of the association shall be taken in case of:

violation of the established order of creation of the association;

noncompliance of the Statute of the association (objectives, tasks, methods of work, territory of activities of the association) with the requirements of the legislation;

failure of the association to present all the documents required for the state registration (re-registration);

noncompliance of the name of the association (including that abbreviated), its symbolics and conditions of membership in the association with the requirements of the legislation and its Statute;

failure to meet the requirements specified in the decision on the postponement of the state registration (re-registration) of the association within one month.

The re-registration of the association may be also refused, if within one year preceding the re-registration the association was informed in writing of the violation of its Statute or legislation in force by the registering or other governmental body within the competence of the latter.

The registration of the changes and additions to the Statute of an association may be refused in case of violation of the order of introducing them, noncompliance of these changes and additions with the requirements of the legislation or failure to meet the requirements specified in the decision on the postponement of the state registration (re-registration) of the association within one month.

12. The registering bodies shall inform the body of management of the association in writing of the decision on postponement or refusal of the state registration (re-registration) of the association indicating the reasons of the postponement or refusal of the registration or re-registration within 5 days from the date of taking such decisions.

13. The symbolics of the association is subject to:

state registration (re-registration) for such kinds as hymn, badge, pennant and cravat along with the state registration (re-registration) of association and separately in order provided for state registration (re-registration) of association;

state registration for such kinds as flag and emblem in accordance with legislation on state registration of official heraldic symbols.

14. The Certificate of Registration (Re-Registration) of the association (its symbolics) and one copy of the Statute shall be issued to the registered association.

15. Should two or more associations having the same name or symbolics apply for the state registration the preference shall be given to the association, which submitted the application for registration under this name or with this symbolics earlier than other and other associations shall be offered to change their names or symbolics. Should an association refuse to fulfill this offer, the registering body shall make the decision on refusal of the state registration of such association (its symbolics).

16. Should the state registration (re-registration) of the association (its symbolics), registration of changes and additions to its Statute be not performed within the established term or the decision of the refusal of the registration be taken for the reasons considered invalid by the founders (bodies of management), the founders shall be entitled to appeal against the decision taken in legal form within one month from the date of receiving this decision.

The decision of the Ministry of Justice shall be appealed against in the Supreme Court, the decisions of the departments of justice of regional executive committees and Minsk City Executive Committee shall be appealed against in the regional courts and Minsk City Court.

17. For registration of organizational structures of the association unless creation of them provided by the Statute of the association the body of management of the association shall submit the following documents to the respective departments of justice of regional executive committees and Minsk City Executive Committee, district (city) executive and administrative bodies at the place of location of the organizational structure within one month:

application for registration of organizational structure;

copies of the Statute and Certificate of Registration of the association;

lists of members of the elective bodies of the organizational structure with the indication of their positions in this body;

confirmation of the existence of the legal address of the organizational structure;

confirmation of the duty payment.

The registration of the organizational structure of the association shall be performed within one month from the date of submission of the respective application by it.

18. The association passed the procedure of the state registration shall confirm the status of the organizational structures registered previously and present the copies of the constituent documents.

The registration of the organizational structures of the associations shall be kept by the departments of justice of regional executive committees and Minsk City Executive Committee in the registers, the patterns of which shall be established by the Ministry of Justice.

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