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Dear Readers,

This *LawtrendMonitor* presents an overview of the situation with freedom of association and the situation of civil society organisations in October 2023. The newsletter traditionally presents information on new normative legal acts relating to civil society organisations adopted in the Republic of Belarus, as well as legislative activities in this area. We kindly offer you to familiarise yourselves with the information about a public facilities map.

Situation of Civil Society Organizations

1. *Lawtrend* experts prepared a review of the situation of freedom of association and the environment for civil society organizations in Belarus in November 2023. It is available on the [Lawtrend website](#).

Legislative News

2. The Law of the Republic of Belarus of 13 November 2023 № 312-3 "[On Amendments to the Codes](#)" amended the Civil Code, the Labor Code, the Banking Code, and the Housing Code.

In particular, it is established that, from 19 November 2023, a lease agreement of a permanent structure (building), isolated premises, or car parking space is to be concluded for a term of not less than three years. Conclusion of such agreement for a shorter term is allowed only with the consent of a lessee.

The Law's main provisions will come into force on 19 November 2024.

3. By [the Resolution of the Council of Ministers No. 756](#) of 1 November 2023 "On Amending the Resolutions of the Council of Ministers of the Republic of Belarus No. 571 dated 12 June 2014 and of No. 240 deleted 31 March 2018," the commissions for coordination of promoting employment activities are entitled to revise the lists of able-bodied citizens not employed in the economy who pay for housing and utility services with full reimbursement of their costs of provision and the lists of able-bodied citizens not employed in the economy who left the Republic of Belarus for previous periods by including the above categories of citizens in them in accordance with the law valid on the date of compiling the lists.

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Recalculation of payments for housing and communal services and payments for the use of public housing living quarters is envisaged for the recalculation periods specified in the revised lists.

Thus, it is necessary to pay for housing and communal services at increased rates starting from the month when a homeowner was considered not to be employed in the economy according to the norms of the Belarusian law.

The Resolution came into force on 4 November 2023.

4. The Resolution of the Ministry of Foreign Affairs of the Republic of Belarus and of the Ministry of Internal Affairs of the Republic of Belarus No. 13/238 dated 31 October 2023 "[On the Procedure of Keeping Passports of a Citizen of the Republic of Belarus](#)" establishes that personalised, issued but unreceived passports of citizens of the Republic of Belarus residing in the Republic of Belarus and temporarily staying outside the Republic of Belarus must be kept in diplomatic missions or consular offices of the Republic of Belarus for one year from the date of issue, and after that they must be sent for keeping to the law enforcement units on citizenship and migration for the locality where these citizens are registered.

The Resolution entered into force on 13 November 2023.

5. [The Resolution of the Ministry of Labor and Social Protection No. 41 of 10 November 2023](#) adjusted the labour contract sample form and the Model Internal Labor Regulations.

The Resolution is to enter into force simultaneously with the law introducing substantial amendments to [the Labor Code of the Republic of Belarus](#), from 1 January 2024.

6. On November 20, [Decree of the President of the Republic of Belarus of May 16, 2023, No. 138 "On the lease and free use of property"](#) came into force, [which adjusts the procedure for using](#) state-owned property and the property of business companies with more than 50% of shares (shares in the authorized capital) in state ownership, and the procedure for determining the amount of rent when leasing it.

Thus, Decree No. 138, in particular, establishes the provision of a reduction factor of 0.1 to the base rental rate for areas leased:

- public associations and their organizational structures, funds, associations and unions by the list determined by the Council of Ministers of the Republic of Belarus (currently 23 organizations are included in the list);



- non-profit organizations that don't carry out entrepreneurial activities, for the organization of children's and youth sports sections and groups, children's theatres, studios, dance, literary and artistic groups;
- trade unions (associations of trade unions), their organizational structures (divisions).

In the development of Decree No. 138, resolutions of the Council of Ministers were adopted: [dated October 24, 2023, No. 726 "On the establishment of additional reducing factors to the base rent rate"](#) and [dated November 17, 2023, No. 787 "On measures to implement the Decree of the President of the Republic of Belarus dated 16 May 2023 No. 138"](#) (came into force on November 20, 2023).

In particular, Resolution No. 787 defines a list of state bodies and organizations, local executive and administrative bodies, legal entities and individual entrepreneurs to which state-owned real estate is transferred for free use.

Resolution No. 726 defines a list of religious organizations for which, when determining the amount of rent, an additional reduction factor of 0.1 is established in addition to the base rent rate.

The Resolution of the Council of Ministers of 25 June 2012 № 590 "On approval of the Regulation on the procedure for granting to legal entities and individual entrepreneurs for free use of permanent structures (buildings), isolated premises, car parking places and their parts under the contractual obligations to create jobs" was declared null and void.

Decree No. 138 also cancelled [the Decree of the President of the Republic of Belarus of March 29, 2012, No. 150 "On some issues of rent and free use of property,"](#) which previously determined rental benefits for non-profit organizations, as well as a list of organizations to which state-owned premises can be provided for free use. With the entry into force of Decree No. 138 and the adoption of several regulations in its development, these issues are regulated by other norms of legislation.

7. On September 22, 2023, the Mahiliou Regional Council of Deputies adopted [Decision No. 50-12 "On the implementation of civic initiatives in the Mahiliou region"](#) (published on November 2, 2023, entered into force on November 5, 2023).



8. On September 14, 2023, the Hrodna Regional Council of Deputies adopted [Decision No. 556 “On the implementation of civic initiatives in the Hrodna region”](#) (published on November 2, 2023, entered into force on November 5, 2023).

9. On September 26, 2023, the Brest Regional Council of Deputies adopted [Decision No. 428 “On the implementation of civic initiatives in the Brest region”](#) (published on November 9, 2023, entered into force on November 11, 2023).

10. On September 27, 2023, the Minsk Regional Council of Deputies adopted [Decision No. 471 “On the implementation of civic initiatives”](#) (published on November 10, 2023, entered into force on November 12, 2023).

11. On September 27, 2023, the Homiel Regional Council of Deputies adopted [Decision No. 488 “On the procedure for implementing civic initiatives and conducting open competitive selection of projects of civic initiatives”](#) (published on November 1, 2023, came into force on November 4, 2023).

Legal Drafting News.

12. The Draft Law of the Republic of Belarus "On Amendments to the Laws" was adopted in the first reading.

It contains amendments to the Law of the Republic of Belarus dated 4 January 2010 "On the Legal Status of Foreign Citizens and Stateless Persons in the Republic of Belarus" and to the Code of Administrative Offences of the Republic of Belarus.

In particular, Article 1 of the Draft Law proposes to revise Article 43-1 of the Law by specifying the list of subjects which are obliged to inform internal affairs bodies on providing premises for accommodation to foreigners temporarily staying in the Republic of Belarus. This norm applies to legal entities and individuals, including individual entrepreneurs.

Article 2 of the Draft Law amends para 6 of Article 24.35 of the Code of Administrative Offences to establish administrative liability for persons who provide residential premises for accommodation to foreigners temporarily staying in the Republic of Belarus, but do not fulfil the obligation to inform internal affairs bodies on the foreigners.



13. The draft Resolution of the Council of Ministers of the Republic of Belarus "On the Economic Assessment of Ecosystem Services" was submitted for [public discussion](#).

The organiser of the public discussion is [the Ministry of Natural Resources and Environmental Protection](#).

From 22 November 2023 to 2 December 2023, you can submit your comments and suggestions to a [special topic](#) on the Legal Forum of Belarus or send them to the organiser of the public discussion by email: an_work@minpriroda.gov.by.

14. The public discussion results of the Draft Law of the Republic of Belarus 'On Amendments to the Law of the Republic of Belarus "On the Consumer Rights Protection"' held by the Ministry of Antimonopoly Regulation and Trade from 31 October 2023 to 10 November 2023 were summed up.

Public facilities map.

15. [According to](#) the Ministry of Labor and Social Protection, a map of public facilities which are accessible to all categories of citizens, including people with disabilities and the physically impaired will be launched in 2025.

This map is being created on the basis of the resolution on the creation of an automated information system to record the accessibility of facilities - AIS "Accessible Environment."

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