

**International Technical Assistance
to the Republic of Belarus:**
questions and answers

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Introduction

Since such an institution as international technical assistance appeared in international relations in the middle of the last century, a new and very powerful tool to accelerate development and progress has emerged. According to statistical data of the Organization for Economic Cooperation and Development (hereinafter referred to as OECD), international technical assistance was responsible for more than a quarter in the total official development assistance. International technical cooperation has essentially become a macroeconomic development factor. Currently international technical assistance is viewed as an integral part of global and national development programs, a tool for strengthening human capacity and creating an enabling environment.

International technical assistance considerably influences socio-economic processes and developments in Belarus. The amount of international technical assistance afforded to the country since 1992 until now could be compared to the amount of external funding that comes from other financial transactions to the country. Over this period, under the form of international technical assistance, Belarus received USD 195 million (1992-1996), USD 47 million (1997-1998), USD 32 million (1999-2001). During the period under review, the size of direct foreign investments in the authorized capital of companies and businesses created in Belarus amounted to slightly over USD 500 million, while international credits given to the country under the government's guarantees totaled nearly USD 2 billion.

International technical assistance is a past and current vehicle for investing in Belarus' human capital, the most important of all. It is by no accident that foreign investors

speak of highly qualified labor force available in Belarus as the most significant incentive to invest in the Belarusian economy.

It is the intention of this book to analyze mechanisms and arrangements for preparing and implementing international technical assistance projects and programs in Belarus, and to identify international technical assistance priority areas, global trends and impact on socio-economic processes occurring in Belarus at the moment.

List of abbreviations

OECD	- Organization for Economic Cooperation and Development
UNDP	- United Nations Development Programme
EPTA	- UN Expanded Program of Technical Assistance
DAC	- Development Assistance Committee
SIDA	- Swedish International Development Agency
USAID	- Agency for International Development, USA
TICA Agency	- Turkish International Cooperation
UNIDO Organization	- United Nations Industrial Development
UNAIDS	- Joint United Nations Programme on HIV/AIDS

- EU - European Union
- ODA - Official Development Assistance
- TACIS - Technical Assistance to CIS
- PHARE - Program of Assistance in Economic Restructuring for CEE region
- CAS - Country Assistance Strategy
- Commission - Commission on International Technical Cooperation under the Council of Ministers of Belarus
- Listings - listings of goods (property, including moneys), services provided for the implementation of international technical assistance projects (programs)

Glossary

Interstate agreement of the Republic of Belarus is an international agreement made on behalf of the Republic of Belarus with one or more foreign states, one or more international organizations.

Intergovernmental agreement of the Republic of Belarus is an international agreement made on behalf of the Council of Ministers of the Republic of Belarus with one or more foreign governments, one or more international organizations.

International organization is an interstate (intergovernmental) organization founded to perform certain international tasks under its own constituent act.

Central government bodies and other state organizations subordinate to the Government of the Republic of Belarus responsible for cooperation of the country with foreign organizations are bodies and organizations contained in the list endorsed by the Council of Ministers in Resolution N° 1504 dated 30 October, 2002 "On Cooperation of the Republic of Belarus with International Organizations" as worded in Council of Minister's Resolutions N° 381 (20 March, 2003), N° 9 (9 January, 2004), N° 282 (15 March, 2004), N° 303 (17 March, 2004), N° 333 (25 March, 2004).

Subjects with the power of initiative - rule-making bodies (officials), who, within the powers vested in them, have the right to introduce draft legal acts, proposals on the adoption (issuance) of legal acts, their amendment, suspension, as

well as to adopt (issue) legal acts.

Legislative initiative is a submission of draft legal acts, proposals on the adoption (issuance) of legal acts, their amendment, suspension, as well as to adopt (issue) legal acts to a rule-making body (official).

Rule-making body (official) is a body (official) authorized to adopt (issue) legal acts.

International technical assistance donor is an international organization, foreign state, as well as governmental and non-governmental institutions of these states that provide international technical assistance.

International technical assistance recipient is the Republic of Belarus or its administrative-territorial entity represented by authorized government bodies, legal entities and citizens of Belarus receiving international technical assistance.

Chapter 1.

Goals and objectives of international technical assistance.

1.1. What is international technical assistance?

There are many definitions of the term 'international technical assistance', because every donor and recipient have their own national legislation pertaining to legal relations in this area and, as a result, their own definition of the term. On this account, we deem it necessary to refer to the definitions of 'international technical assistance' provided by the most authoritative international organizations.

United Nations Development Programme (hereinafter referred to as UNDP) defines 'international technical assistance' as provision of means to transfer expertise and know-how on preferential terms, and creation of infrastructure within national organizations supportive of development activities. International technical assistance includes transferred resources in the form of staff, training and equipment¹.

World Bank provides the following definition to technical assistance: activities transferred or adapted, ideas, know-

¹ Source: UNDP glossary.

how, technologies or expertise to promote economic development².

For the purposes of EU TACIS, the national legislation of Belarus defines 'international technical assistance' as "cooperation in which the Republic of Belarus is provided on a gratis basis advanced expertise and knowledge through consultation, advice, expert evaluation, training, business planning, pilot project implementation" (Resolution N 621 of the Council of Ministers of the Republic of Belarus of 30 May, 1997 "On the National Coordinator and Coordinating Unit of EU TACIS Program in the Republic of Belarus")

OECD, as an organization keeping records of international technical assistance allocated throughout the world for more than 40 years, offers the following definition³:

International technical assistance is a transfer of knowledge through training, staff, research and related cost processes.

OECD distinguishes two types of technical assistance:

- investment-related technical assistance;
- unrelated technical assistance.

In the former case, international technical assistance covers costs of a country (international organization) providing financial resources, related to project (program) execu-

² Source: World Bank document "Managing Technical Assistance" 1991.

³ Source: OECD Development Assistance Committee document "DAC STATISTICAL REPORTING DIRECTIVES", 2000

tion and implementation, namely: services of experts on project technical support, equipment installation, advice and training.

Unrelated technical assistance is financing by donor states of activities chiefly designed to enhance knowledge and skills, acquire new technologies, develop capacities of the population of recipient states, including through intellectual and human capacity development and improved efficiency.

International technical assistance can take the shape of:

- transfer of intellectual property, including copyright, patents for inventions, utility models, designs, know-how, technology as well as transfer of knowledge;
- equipment needed to ensure proper implementation of international technical assistance projects;
- financial resources.

Belarus employs the definition of 'international technical assistance' passed into currency by Presidential Decree № 460, October 22, 2003 "On International Technical Assistance to the Republic of Belarus" (hereinafter referred to as Decree № 460):

"international technical assistance is one of the types of aid provided to Belarus on a gratis basis by international technical assistance donors with the aim to support social and economic changes, environmental protection, mitigation of the aftermath of the Chernobyl Nuclear Power Plant disaster, infrastructure development through research, training, exchange of experts, post-graduates and students, experience and technology transfer, money transfer, procurement of equipment and other goods (property) under the approved technical assistance projects and programs".

Thus, international technical assistance differs from other

types of international assistance (international loans and investments, humanitarian aid) in that it is provided on a gratis basis and used specifically to develop human capacity, advanced knowledge and know-how.

It should be mentioned that Presidential Decree № 24 of 28 November, 2003 "On Receiving and Using Gratis Foreign Aid" (hereinafter referred to as Decree № 24) does not apply to international technical assistance and other types of gratis foreign assistance provided under programs and projects approved by the President or the Government of Belarus and in accordance with international agreements.

Thus, Decree № 460 is essentially a basic legal instrument regulating the provision of international technical assistance re implementation of projects (programs) approved by the President or the Government or implemented under international agreements, while Decree № 24 regulates other types of gratis foreign assistance (chiefly, humanitarian aid).

At the same time, gratuitousness in international technical assistance donor/recipient relationships does not mean that during the implementation of a specific project or program a recipient will not incur any expenses. International technical assistance practices have developed a co-financing mechanism as a way of recipient's contribution to a project. There is both direct co-financing suggesting that a recipient makes a financial input to the project budget and indirect co-financing when a recipient of international technical assistance allocates financial, tangible and intangible, human and other resources to be utilized jointly with donor resources that are not directly credited to the project budget. Indirect co-financing could be made under the forms of allowing a project to use office space without charging rent or equipment without covering operating costs, etc. In addition to that, technical assistance could be used on a non-gratis basis in case a donor grants the right to use equipment gratuitously for the project term and subsequently return it.

1.1.1. History of international technical assistance

Historically, official development assistance dates back to the times when countries provided assistance to their colonies and remote island territories. Assistance institutions and programs were developed after the Second World War under the auspices of the United Nations. Successes of the U.S. Marshall Plan which created conditions for economic stimulation in non-communist countries based on external aid sparked a large-scale use of technical assistance institutions and programs. Below are the historical landmarks of that process.

1945

Representatives of 50 states, including Belarus, signed the Charter of the United Nations;

Great Britain adopts the Colonial Development and Welfare Act stipulating developing assistance to United Kingdom colonies.

1946

France creates the Fund of Social and Economic Development of Marine Areas.

1947

U.S. State Secretary K. Marshall in his 5 June, 1947 address speaks of a plan to create a U.S.-sponsored development program to restore post-war Europe. The Marshall Plan included massive versatile assistance for European countries.

1948

Countries receiving assistance under the Marshall Plan sign a Convention on the Creation of the Organization of European Economic Cooperation. USA creates the Agency for Economic Cooperation to manage the European Recovery Program;

Great Britain founds the Colonial Development Corporation to manage colony development funds and resources.

1949

UN founds the Expanded Program of Technical Assistance (EPTA);

During his inauguration, U.S. President Harry Truman proposes to implement a development assistance program which was later approved by the Congress as "Point Four"⁴.

1950

Colombo Plan is adopted ("Council for Technical Co-operation in South and South-East Asia") envisaging technical assistance to India, Pakistan and Ceylon from Canada, Great Britain, Australia and New Zealand.

1951

The UN published report "Evaluation of Economic Development in Developing Countries" proposing a creation of a Special UN Fund for Economic Development.

1959

To expand technical assistance and promote development, the UN founds the Special UN Fund.

1960

The Organization of European Economic Cooperation is transformed into OECD, under which DAC is created comprising USA,

⁴ "Point Four" borrows its name from appearing as the fourth point in H. Truman's inaugural address text. The program was launched in 1950 and provided assistance to developing countries in education, health care and technology transfer.

Canada, Great Britain, Germany, Italy, Portugal, Belgium, France and European Economic Council. DAC creation led to the development of specialized agencies in these countries that provided technical assistance to developing countries.

1965

UNDP is founded by a merger of the Special UN Fund and the Expanded Program of Technical Cooperation. UNDP becomes a UN agency providing assistance to developing countries through allocation of UN international technical assistance funds and resources.

1969

The Development Assistance Committee approves the Official Development Assistance Concept which identified state transactions designed to assist foreign states. The document defines the notion 'international technical assistance'.

1970

UN approves a 0.7 percent of the gross national product of developed countries to provide official development assistance. Since then, donor states have committed themselves to technical assistance to developing countries from national income.

March 2002

The International Conference on Financing Development in Monterrey (Mexico) adopts a document called the Monterrey Consensus highlighting new approaches to development financing and technical assistance.

February 2003

The Rome Declaration on Harmonization is endorsed calling for a need to develop and adopt standardized reporting format, content and frequency for every project and to simplify related procedures.

Chapter 2.

International technical assistance partners and implementation arrangements

2.1. Types of international technical assistance donors

Using definitions adopted by international organizations, international technical assistance donors are international organizations, foreign states, governmental and non-governmental organizations of these states providing international technical assistance to other countries or their national institutions.

Decree № 460 provides a definition of an international technical assistance donor in the Belarusian legislation, namely:

"international technical assistance donors are an international organization or its representative office, a foreign state or its administrative-territorial entity, legal entities authorized by them that provide international technical assistance".

Thus, pursuant to the present legislation of Belarus, there could be the following types of international technical assistance donors:

1) international organizations (their representative offices);

- 2) foreign states;
- 3) administrative-territorial entities of foreign states;
- 4) legal persons authorized by the state or its administrative-territorial entities that provide international technical assistance.

According to the OECD classification, international technical assistance donors are divided into:

donors providing international technical assistance based on bilateral cooperation - donor states, their governmental and non-governmental institutions providing assistance to countries or their national institutions directly and without mediation;

multilateral donors - international agencies, organizations and institutions whose members are donor governments, or funds created and managed by them.

Donor states are part of the OECD DAC. The Committee is currently comprised of 22 countries: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Greece, Italy, Japan, Luxemburg, the Netherlands, Ireland, New Zealand, Norway, Spain, Portugal, Sweden, Switzerland, Great Britain and USA. Apart from the countries included in the DAC, other countries also provide international technical assistance, according to OECD: Israel, United Arab Emirates, Kuwait, South Korea, the Czech Republic, Turkey, Saudi Arabia, Taiwan, etc. In order to manage technical assistance flows, DAC countries created specialized development agencies in the early 60's of the last century. Belarus, for example, benefited from international technical assistance coming via the Canadian International Development Agency (CIDA), Swedish International Development Agency (SIDA), U.S. Agency for International Development (USAID), KfW (Germany), Japanese International Cooperation Agency (JICA), Turkish International Cooperation Agency (TICA), etc.

Multilateral donors also include UN agencies and organizations, such as UNDP, UNIDO, UNAIDS, etc. In addition to UN agencies, a considerable portion of technical assistance globally originates from Bretton Woods organizations: World Bank and IMF Group, and regional development banks such as the European Bank of Reconstruction and Development, Asian Bank of Reconstruction and Development.

EU is responsible for significant technical assistance. At the moment, EU member states provide 55 % of the official development assistance (further referred to as ODA) and two-thirds of gratuitous aid. For example, in 2001, the European Commission appropriated Euro 10 billion - three times as much as a decade ago when TACIS, PHARE and INTERREG (Trans-European Co-operation for Balanced Development)⁵ were launched. The current EU share is 10% of the total ODA funding (5% - 15 years ago).

EU is the largest multilateral technical assistance donor of Belarus through the TACIS vehicle. Under TACIS, the European Commission has implemented 220 projects in Belarus or 40% of all technical assistance provided to the country since 1991.

2.2. International technical assistance recipients

The current Belarusian legislation, more specifically Decree № 460, contains the following definition of 'international technical assistance recipient':

the Republic of Belarus or its administrative-territorial entity represented by authorized government bodies, legal entities and citizens of Belarus implementing international technical assistance projects (programs) or benefiting from them.

⁵ Trans-European Co-operation For Balanced Development (INTERREG) (the name is formed by combining prefix 'inter' and 'reg' (abbreviation of 'region') - one of the largest and most significant EU programs on interregional project cooperation.

In order to elucidate the notion 'international technical assistance recipient', it is useful to analyze Resolution № 1522 of the Council of Ministers of Belarus issued 21 November, 2003 "Certain Measures to Enforce Decree № 460 of the President of the Republic of Belarus Dated October 22, 2003" (hereinafter referred to as Resolution № 1522) stating that recipients could be subjects with the power of initiative, and those who do not have this status and are classified as state and non-state legal entities and citizens of Belarus.

Thus, in Belarus, international technical assistance can be received by both the state and its administrative-territorial subdivisions, and government bodies, legal entities and citizens of Belarus authorized by the state who benefit from these projects.

2.3. International technical assistance implementation mechanisms, project similarities and differences. Small Grants Program: who usually receives them and on what grounds?

It has been an established international technical assistance practice to provide assistance through projects or programs. Project-oriented approach enables stakeholders - donors and recipients - to achieve their objectives in the best possible way avoiding overlaps and duplication.

As a vehicle of international technical assistance, a project (program) is defined under Decree № 460 as a document envisaging a set of concerted organizational and technical activities under a common goal that are covered in part or in full by financial resources, including in hard currency, goods (property), services provided by international technical assistance donors.

The national legislation of Belarus does not distinguish between a 'project' and 'program' of international technical assistance having established a common definition for the two.

In reality, an international technical assistance project implies a set of activities designed to reach set objectives connected by partner commitments (donors and recipients), timeframes and resources.

A program is normally understood as a series of projects with a similar focus, for example, sectoral projects or those that identify strategic objectives, policies and priorities of cooperation between Belarus and donor community.

Small grants program represents one of the specific mechanisms for implementing international technical assistance projects. Salient features of this mechanism include:

- projects included in the small grants program pipeline are collected on a competition basis by grantors or their authorized agencies;
- project proposals submitted for competition are to have a specific focus (e.g., 'economic development');
- small grants programs announced by donors, other project proposals are not subject to consideration;
- the size of funds released for each of these projects is significantly smaller than a donor's average project budget.

Normally international technical assistance donors incorporate projects and programs into a Country Assistance Strategy (further - CAS). CAS is a work plan of cooperation between an international organization or donor state and a recipient. Each donor has a different name for this strategy which covers a certain period of time, again depending on a donor.

For example, UNDP employs the Country Cooperation Framework to implement projects and programs through within the UNDP programmatic cycle (3-4 years). Currently the second CCF is in progress in Belarus (2001-2004).

Normally the strategy contains a donor's comprehensive program of action in a recipient country for a specific planned period of time, including current and planned projects, and their funding. Strategy planning takes into account economic conditions of a country, development priorities and economic performance.

2.4. National program of international technical assistance: development and implementation stages

In conformity with Resolution № 1522, "the national program of international technical cooperation (hereinafter referred to as - the National Program determines main international technical assistance national policy areas and includes:

- the fundamentals of international technical assistance national policy;
- national priorities of ITA for Belarus;
- a list of project proposal forms used to develop ITA projects (programs) corresponding to national programs;
- current and future needs of Belarus in international technical cooperation.

The National Program of International Technical Assistance for 2001-2005 is currently in effect. It has been approved by the Council of Ministers of Belarus in Resolution № 51 issued January 17, 2002 "On Issues of International

Technical Assistance" (as worded by Resolution N° 1522) and pursues the following key objectives:

1. Attracting international technical assistance to Belarus in accordance with national socio-economic development priorities contained in the 2001-2005 Socio-Economic Development Program of the Republic of Belarus;

2. Fostering more effective use of international technical assistance coming to Belarus.

National Program planning and implementation comprises several stages shown on Figure 1 (not available). These stages include identification of ITA priority areas, development of a project proposal list and the National Program itself, its approval, submission to the donor community and, finally, implementation and monitoring.

2.5. Which goals and objectives does Belarus strive to address via international technical assistance? ITA priorities of Belarus and why are they set?

The National Program identifies ITA priorities of the Republic of Belarus. They reflect the socio-economic specifics and ITA needs of the country, and aim to attract international assistance in areas requiring external support most urgently.

The priorities are to agree strategic cooperation between the Belarusian Government and international donor community in the field of international technical assistance. Coordination of activities of the Government and international donor community allows to channel technical assistance resources into priority areas of the country.

The ITA priority areas of the Republic of Belarus for 2001 - 2005 set forth in the current National Program are:

- 1) facilitating economic reforms;
- 2) promoting a supportive environment for foreign trade and international cooperation;
- 3) developing investment, innovation, science and technology;
- 4) supporting social sector;
- 5) environmental protection and mitigation of the consequences of the Chernobyl Nuclear Power Plant accident.

2.6. Role and responsibilities of the Commission on International Technical Cooperation under the Council of Ministers of Belarus

The Commission on International Technical Cooperation under the Council of Ministers of Belarus (hereinafter referred to as the Commission) was created to coordinate and effectively use international technical assistance provided to Belarus by ITA donors. The legal status of the Commission is defined in the Regulations Concerning the Commission on International Technical Cooperation approved by Resolution № 1522.

Within its purview and acting under the Regulations, the Commission:

- is involved in ITA national policy making and implementation;
- develops the National Program of International Technical Assistance taking into account socio-economic development priorities of Belarus and national programs;
- approves the listings of tax-exempt goods (property, including moneys), services provided for the implementation of ITA projects (programs);

- reviews the progress of implementation of ITA projects (programs) and their efficiency;
- considers draft international agreements of Belarus on international technical assistance; during regular meetings, listens to reports of central government bodies on international technical assistance;
- submits to the Council of Ministers of the Republic of Belarus in the way that has been established proposals on:
 - approves ITA projects (programs); prepares annual summary report to the President of the Republic of Belarus about the progress of implementation of ITA projects (programs), their efficiency, as well as about targeted use of ITA funds.

The composition of the Commission is approved by Resolution № 1522. The Commission acts in accordance with the plan endorsed by its Chairman. The Commission meets when the necessity calls for it, at least once a month. The Commission is empowered to vote by a simple majority if more than a half of its members attend the meeting. If votes split equally, the decision supported by the person chairing the meeting shall prevail.

The decisions of the Commission come out in the form of protocols signed by the chair of the meeting and the secretary.

The Commission puts forward to the government proposals on the approval of the National Program of International Technical Cooperation, ITA projects (programs), draft resolutions of the Council of Ministers on these issues, and the annual summary report to the President of the Republic of Belarus about the progress of implementation of ITA projects (programs), their efficiency, as well as about targeted use of ITA fund are put forward to the Council of Ministers of the Republic of Belarus.

Decisions of the Commission on the approval of the list-

ings of tax-exempt goods (property, including moneys), services provided for the implementation of ITA projects (programs) are communicated by the Ministry of Economy to the Ministry of Taxes and Duties, State Customs Commission, as well as to recipients of international technical assistance by sending copies of the minutes of Commission meetings. These decisions of the Commission are communicated to recipients of international technical assistance by the Ministry of Economy as copies of the Commission's decisions signed by Deputy Chairman of the Commission, with the attachment of one copy of the listing with the stamp and signature of the Commission secretary affixed.

Meetings of the Commission can be attended, if invited, by high-ranking officials of central government bodies and other state organizations subordinate to the Government of the Republic of Belarus selected as key institutes for cooperation of Belarus with foreign organizations, representatives of ITA recipients and donors, and mass media.

2.7. Responsibilities of central government bodies and other state organizations subordinate to the Government of Belarus with regard to international technical assistance

The Ministry of Economy of Belarus is responsible for:

- 1.** registration of ITA projects (programs), overall management coordination of the approved ITA projects (programs), as well as control over the progress of implementation;
- 2.** development of a draft National Program and Council of Ministers' resolutions on its approval, and their submission to the Commission for review after a proper negotiating procedure

3. coordination of the preparation of the National Program and its supervision;

4. based on decisions by the Commission submits to the Ministry of Taxes and Duties and the State Customs Committee letters of confirmation regarding the listings of goods (property, including moneys), services provided for the implementation of ITA projects (programs);

5. coordination of preparation of annual reports about the progress of implementation of ITA projects (programs) and their efficiency and their submission to the Commission for review.

The Ministry of Foreign Affairs of Belarus:

1. carries out activities to attract ITA into priority areas defined in the National Program of International Technical Cooperation;

2. coordinates activities of central government bodies, Belarusian legal entities in order to ensure the single national ITA policy provided by foreign states and their administrative-territorial entities;

3. ensures the preparation of a report on whether ITA projects (programs) prepared by foreign states or their administrative-territorial entities meet the national interests of Belarus;

4. ensures the confirmation of applicability of the rules of international agreements signed by Belarus if they set the rules different from those contained in Decree № 460.

The Ministry of Finances of Belarus:

1. considers proposals of government bodies and agrees on possible co-funding of ITA projects (programs);

2. based on requests by central government bodies provides for the allocation of co-funding from the state budget for the benefit of the duly approved ITA projects (programs);

Resolution № 1504 of the Council of Ministers of Belarus issued 30 October, 2002 "On Cooperation of the Republic of

Belarus with International Organizations" as worded by Resolutions. № 381 of 20 March 2003r, № 9 of 9 January 2004, № 282 of 15 March 2004, № 303 of 17 March 2004, № 333 of 25 March 2004 (further Resolution № 1504) determines a list of central government bodies or other state organizations subordinate to the Government of the Republic of Belarus selected as key institutes for cooperation of Belarus with foreign organizations shall.

Central government bodies and other state organizations subordinate to the Government of the Republic of Belarus selected as key institutes for cooperation of Belarus with foreign organizations:

1. develop long-term plans of cooperation with international organizations, whose copies are submitted to the Ministry of Foreign Affairs, as well as specific proposals on cooperation development;

2. develop ITA areas and prospective projects (programs) and submit them to the Ministry of Economy and Ministry of Foreign Affairs;

3. submit to the Ministry of Economy proposals on ITA priority areas according to project proposal forms established by the Ministry of Economy (in Russian and English), which must contain the project title, brief description, including reference to national programs upon which project proposals build, a list of ITA recipients, project goals and objectives, required ITA (funding, expertise, training, equipment, materials and other kinds of technical assistance);

4. until February 1 of the year following the accounting year, submit to the Ministry of Economy the information on ITA attraction, co-financing of ITA projects (programs), as well as on the level of return of this aid for Belarus;

5. no later than 25 January, sends to the Ministry of Foreign Affairs annual reports on the participation in activities of international organizations containing: general information about the work with a respective international organization

over an accounting period; cooperation performance evaluation; number of on-going projects and size of funding received over the period under review; fiscal and financial aspects and major barriers to Belarus' participation in activities of international organizations; capacity-building proposals concerning Belarus' participation in international organizations.

2.8. Co-financing of ITA projects (programs). Types of co-financing. Why do donors normally insist on national co-financing of ITA projects?

ITA project co-financing (hereinafter referred to as - co-financing) is the allocation by an ITA recipient financial, technical and human resources for their joint and coordinated use with the resources made available by donor during the implementation of ITA projects (programs).

National co-financing of ITA projects normally allows to attract additional financial, technical and human resources, motivates ITA recipients to utilize resources in a dedicated way, ensures sustainability in achieving long-term objectives beyond the delivery of international technical assistance. This contributes to improved efficiency of ITA projects (programs) implemented in Belarus by pooling available resources. That is why frequently donors insist that ITA projects (programs) have co-financing and direct co-financing, that is the consolidation of financial resources released by the recipient for the implementation of ITA projects on a single account of these projects (programs).

The legal basis of co-financing in the Republic of Belarus is secured in the Regulations Concerning Co-Financing of ITA Projects (Programs) Implemented in Belarus, approved by Resolution № 1522.

The Council of Ministers of Belarus or authorized national central government bodies or local executive bodies, legal persons of Belarus can act as co-funders.

The co-financing from the national and local budget, innovation funds of central government bodies can benefit ITA projects (programs) initiated by the Government of Belarus, authorized central government bodies, local councils, executive bodies, as well as projects (programs) initiated by ITA donors that have been approved by the Government of Belarus, when the recipients are central government bodies, local councils, executive bodies.

The co-financing sourced from legal persons of Belarus or other sources whose use does not contradict the national laws can benefit any ITA projects (programs) that have been approved by the Government of Belarus, in which these legal persons are interested, except for projects (programs) designated by law to state legal persons (defense, national security), as well as projects liable to affect the status of environment or jeopardize public health. In cases explicitly provided by law, certain types of activities require a special license and other kinds of authorization.

The possible sources of the co-funding are national and local budgets; innovation funds of central government bodies; funds of legal persons and citizens of Belarus; other sources whose use does not contradict the national laws.

The co-financing is possible in Belarusian rubles and hard currency, under other forms (depending on the nature and requirements of on-going ITA projects (programs)).

Proposals of authorized central government bodies calling for the direct co-financing from the state budget are submitted to the Ministry of Finances for considering the possibil-

ity of co-financing ITA projects (programs), in which central government bodies are concerned.

With regard to ITA projects (programs) approved by the Council of Ministers of Ministers, authorized central government bodies submit proposals to the Ministry of Finances regarding the amount and timeframe of the direct co-financing from the state budget for the next fiscal year.

Heads of respective central government bodies and local executive bodies decide on co-funding from innovation funds of central authorized bodies, as well as from local budgets.

State legal persons of Belarus effect direct co-financing using funds of their own with consent of central government bodies and other organizations subordinate to the Government of Belarus only if they are recipients of international technical assistance. The head of a respective state-owned legal entity decides on direct co-financing of that entity.

Non-state legal persons of Belarus effect co-financing of ITA projects (programs), in which they are involved, using their own funds.

Chapter 3.

International and national legal basis of international technical cooperation

3.1. International agreements regulating international technical assistance. Under what conditions are they binding for Belarus?

The Constitution of the Republic of Belarus recognizes priority of the generally accepted principles of the international law and ensures compliance of the national legislation with them. In the event the international agreements effective in Belarus specify other rules than those contained in Decree № 460, the rules of the international agreements shall apply.

Under clause 1.5 of Regulation № 1522, the Ministry of Foreign Affairs ensures the confirmation of applicability of the rules of international agreements signed by Belarus if they are different from those contained in Decree № 460;

Apparently, it is therefore important to define the notion 'international agreement effective in Belarus'.

The Law of the Republic of Belarus of 23 October, 1991 "On International Agreements of the Republic of Belarus" as

worded by the Laws of Belarus of 8 July 1998, 14 June 1999, 16 June 2000 defines 'international agreement' as:

an interstate or intergovernmental agreement, made in writing with one or more foreign states, one or more foreign governments, or one or more international organizations, which is regulated by the international law regardless of whether they are composed of one or several interrelated documents and irrespective of their specific title and form in which they are concluded (contract, agreement, convention, decision, pact, protocol, exchange of letters or notes, etc).

An international agreement effective in Belarus is an interstate or intergovernmental agreement which has entered into force for Belarus following the consent of Belarus to be legally bound by it in the form of ratification, signature or accession.

Article 15 of the Law of the Republic of Belarus "On International Agreements of the Republic of Belarus" states that international agreements of Belarus are subject to conscientious execution according to the international law. Pursuant to Article 27 of the Vienna Convention on the Right of Agreements between States and International Organizations or Between International Organizations, which Belarus acceded to based on the Law of Belarus dated 9 November 1999 "On the Accession of the Republic of Belarus to the Vienna Convention on the Right of Agreements between States and International Organizations or Between International Organizations", states parties cannot refer to their national laws to justify non-fulfillment of the agreement.

The generally recognized principles of the international law are an integral part of the law effective in Belarus.

The rules contained in the international agreements of Belarus that have entered into force are part of the legislation

effective in Belarus and subject to direct implementation unless it derives from an international agreement that a national act is to be issued to implement those rules.

It should be emphasized that in accordance with Article 8 of the Constitution of the Republic of Belarus and Article 20 of the Law on Normative Legal Acts (10 January, 2000), as amended by the Law of Belarus issued on 4 January 2002, the Republic of Belarus recognizes priority of the generally accepted principles of the international law and ensures compliance of the national legislation with them.

As regards international technical assistance, of particular importance are the principles of international law set forth in the 1966 International Covenant on Economic, Social and Cultural Rights 1966 (hereinafter referred to as the Covenant), Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights, adopted 2-6 June, 1986, in Maastricht (hereinafter referred to as the Limburg Principles).

Pursuant to Article 2 of the Covenant, each State Party to the present Covenant undertakes *to take steps*, individually and *through international assistance and co-operation*, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

Expounding on the notion "*to the maximum of available resources*", used in Article 2 of the Covenant, the Limburg Principles stated that:

- states parties are obligated, regardless of the level of economic development, to ensure respect for minimum subsistence rights for all;
- 'its available resources' refers to both the resources with-

in a State and those available from the international community through international co-operation and assistance;

– international co-operation and assistance pursuant to the Charter of the United Nations (arts. 55 and 56) and the Covenant shall have in view as a matter of priority the realization of all human rights and fundamental freedoms, economic, social and cultural as well as civil and political;

– international co-operation and assistance must be directed towards the establishment of a social and international order in which the rights and freedoms set forth in the Covenant can be fully realized (cf. art. 28 Universal Declaration of Human Rights).

Thus, *the observance of the international law principles in the field of international technical assistance*, particularly, the use of resources provided by international community for the implementation of the Covenant and other international agreements is *an obligation* of the Republic of Belarus.

3.2. International agreements effective in Belarus

International commitments arising out of international agreements of Belarus are honored under Articles 15, 16 and 17 of the Belarusian Law on International Agreements of the Republic of Belarus and other statutory acts relating to this field.

To date, Belarus has signed more than 2,700 international agreements, of which about 1,400 are bilateral and over 1,300 are multilateral.

Being pro-actively involved in activities of international organizations, Belarus is party to their international agree-

ments: e.g. over 200 agreements within the UN and other UN specialized agencies, over 650 - within the CIS. Certain international agreements apply to relations in the field of international technical assistance.

For example, the Standard Basic Assistance Agreement (SBAA) between the Government of Belarus and the United Nations Development Programme, signed by the parties on 24 September 1992 (entry into force for Belarus 9 November, 1999);

Articles of the Agreement of the International Monetary Fund, endorsed by the UN Monetary and Financial Conference in Bretton Woods, New Hampshire, USA on 22 July, 1944 (entry into force for Belarus 10 July, 1992);

Articles of the Agreement of the International Bank of Reconstruction and Development of 3 December, 1945, amended on 17 December, 1965 (entry into force for Belarus 10 July 1992);

Articles of the Agreement of the International Financial Corporation of 2 November, 1992 (entry into force for Belarus 2 November, 1992);

Agreement on the Establishment of the European Bank of Reconstruction and Development of 29 May, 1990 (entry into force for Belarus 10 June 1990);

Belarus cooperates with international organizations on the basis of memoranda of understanding, such as:

Memorandum of Understanding between the Government of Belarus and the European Bank of Reconstruction and Development of 19 February, 1992;

Memorandum of Understanding between the Government of Belarus and the European Community Commission of 12 November 1993, General rules applicable to the Memorandum of Financing of 10 May, 1994;

Memorandum of Understanding between the Government of Belarus and the World Bank of 18 June, 1997.

Intergovernmental agreements are also included in international agreements of Belarus. An example of such an inter-

national act is the Agreement between the Government of Belarus and the United States of America Concerning Cooperation to Alleviate Assistance Provision of 18 July, 1996 (entry into force for Belarus December 2002).

3.3. Areas of application of ITA international agreements and national legal acts

To one or another degree of detail, ITA international agreements define:

- goals and objective of technical assistance,
- priority areas of technical assistance and international cooperation,
- entities and forms of technical assistance,
- conditions for the implementation of TA projects,
- provision of information about TA projects,
- terms and procedure of TA project co-financing,
- privileges, immunities and preferences granted in the implementation of TA projects,
- technical assistance suspension,
- settlement of disputes arising out of the implementation of TA projects,
- project timeframe, in case of urgency.

National legal acts in the field of international technical assistance define:

- the notion of international technical assistance and other types of assistance provided by donors on a gratis basis,

- national priorities in the field of technical assistance,
- list and responsibilities of government agencies and organizations selected as key institutes for cooperation of Belarus with foreign organizations,
- procedure for approval and registration of TA projects (programs), if necessary,
- procedure for ITA project (program) co-financing,
- principles and procedure for exercising control over the targeted use of funds (property) received during the implementation of TA projects (programs),
- legal mechanisms of tax breaks and other preferences for TA projects and penalties applied in case of a mismanagement of TA funds.

3.4. Salient features of legal acts of Belarus in the field of international technical assistance, their hierarchy.

It should be noted that the Belarusian system of legal acts applicable to international technical assistance includes effective international agreements Belarus is party to, as well as legal acts of Belarus in conformity with the Belarusian Law on Normative Legal Acts of 10 January, 2000.

According to Article 20 of said law, the rules contained in the international agreements of Belarus that have entered into force are part of the legislation effective in Belarus and subject to direct implementation unless it derives from an international agreement that a national act is to be issued to implement those rules. They are in force as the legal act in which Belarus expresses consent to being bound by a respective international agreement.

At the core of the ITA legal acts' system is Decree № 460.

Further to the Decree, Resolution № 1522 of the Council of Ministers was adopted endorsing the Regulations Concerning the Commission on International Technical Cooperation under the Council of Ministers of Belarus, Regulations Concerning the Procedure for Preparation, Consideration and Approval of ITA Projects (Programs) as well as the Listings of Goods (Property, Including Moneys), Services Provided for the Implementation of These Projects, and the Co-financing Regulations for ITA Projects (Programs) Implemented in Belarus.

The aforementioned normative legal acts were further developed in Resolution N 246 of the Ministry of Economy of Belarus dated 19 December, 2003 "On the Approval of the Regulations Concerning International Technical Assistance Project (Program) Registration in the Republic of Belarus and their Monitoring" (hereinafter referred to as - Resolution № 246) endorsing the procedure for ITA project (program) registration and their monitoring. Also amendments have been made to customs and tax legislation which regulates certain preferences.

It should be stressed that these legal acts issued by the Council of Ministers and the Ministry of Economy were to enforce Decree № 460, which follows from the titles and preambles of these acts.

Paragraph 1.6 of Decree № 460 states that in the event the international agreements effective in Belarus specify other rules than those contained in this Decree, the rules of the international agreements shall apply. What is more, provisions set out in international agreements (interstate and intergovernmental) take application priority irrespective of the force of a legal act in which expresses consent to being bound by a respective international agreement (law, decree or resolution of the Council of Ministers).

It is worth mentioning that Decree № 460, hence all enabling acts that followed it, do not regulate the full scope of relations in delivery of gratuitous assistance provided to Belarus by the donor community. In particular, the definition of 'international technical assistance' given in subparagraph 1.1, paragraph 1 of the Decree underscores that the notion of international technical assistance used for the purposes of this Decree implies "...one of the types of assistance provided to Belarus on a gratis basis by donors".

In particular, Decree № 460 does not regulate the delivery of gratuitous foreign assistance to organizations and individuals of Belarus by dint of Decree № 24.

In addition, based on the essence of such relations, Decree № 460 does not regulate technical assistance gratuitously provided to organizations and individuals based on a small grants competition.

Let it be duly noted that pursuant to Article 67 of the Law on Normative Legal Acts of Belarus, Decree № 460 (and hence all enabling follow-up acts) is not retroactive, which means it does not apply to relations that emerged before it entered into force, except when it extenuates or removes liability or otherwise improve the situation of persons, to whom the legal act applies, or when the legal act itself or its implementing regulations directly stipulate that it applies to the full scope of relations that emerged before it became effective.

Chapter 4.

ITA project development and implementation

4.1. Who can initiate an ITA project? Can an individual initiate and implement an ITA project?

According to the Regulations Concerning Preparation, Consideration and Approval of ITA Projects (Programs) as well as the Listings of Goods (Property, Including Moneys), Services Provided for the Implementation of These Projects approved by Resolution N° 1522:

International technical assistance is provided to Belarus through ITA projects (programs) developed by duly authorized central government bodies, legal persons and citizens of Belarus in accordance with national priorities and project proposals defined by the National Program of International Technical Cooperation (hereinafter referred to as the National Program), as well as projects (programs) initiated and developed by ITA donors which have been approved by the Council of Ministers of Belarus.

Given the established procedure, ITA projects (programs) can be initiated by any participating party of international technical assistance in Belarus, in particular:

1. central government bodies;

2. legal entities;
3. individuals;
4. ITA donors.

4.2. Project initiation by donors

In accordance with Resolution № 1522 "ITA donors jointly with recipients can initiate specific ITA projects (programs) in Belarus.

ITA projects (programs) developed by recipients together with donors based on cooperation programs between ITA donor community and Belarus, that are not listed in the National Program are to be approved by the Council of Ministers in respective resolutions".

These provisions give ITA donors a project initiation power.

Already at the project initiation stage, a donor identifies a recipient partner or a group of partners, since a prospective recipient of assistance, be it a government body, legal entity or citizen of Belarus benefiting from an ITA project, is to carry out all formalities relating to project preparation and implementation.

Following the confirmation of ITA donors of an intention to release resources to fund ITA projects (programs), the recipient thereof must have a report of central government bodies and other state organizations subordinate to the Government of the Republic of Belarus selected as key institutes for cooperation of Belarus with international organizations or a report of the Ministry of Foreign Affairs for projects initiated by foreign states or their administrative-territorial entities on whether ITA projects (programs) meet the national interests of Belarus.

If the report confirms that the national interests are being met, ITA recipients who have the power of initiative duly prepare and submit to the Commission an ITA project (program) as well as a draft resolution of the Council of Ministers approving it.

ITA recipients without the power of initiative, if they are state legal persons of Belarus, submit proposals to a superior central government body and other state organizations subordinate to the Government of the Republic of Belarus, while non-state legal persons and individuals of Belarus submit their proposals to regional executive committees and Minsk City Executive Committee subject to their state registration. Central government bodies, regional executive committees and Minsk City Executive Committee draft a resolution of the Council of Ministers on this matter and in the way that has been established submit it along with the ITA project (program) to the Commission for review.

ITA projects (programs) approved by the Council of Ministers is submitted by the recipient to the Ministry of Economy for registration.

4.3. Project proposal and project document: what is the difference?

Project proposal is a document which indicates intentions of an ITA recipient or donor to accept, or respectively provide, financial and other resources for the implementation of an ITA project. To avoid confusion, let it be reminded that for the purposes of international technical assistance a project is understood as "a set of concerted organizational and technical activities under a common goal that are covered in part or in full by financial resources, including in hard currency, goods (property), services provided by internation-

al technical assistance donors". According to Resolution № 1522, project proposals (in Russian and English) must contain the project title, brief description, including reference to national programs upon which project proposals build, a list of ITA recipients, project goals and objectives, required ITA (funding, expertise, training, equipment, materials and other kinds of technical assistance).

Project document is a document(s) of proof that ITA donor and recipient have entered into relations pertaining to the implementation of a specific ITA project.

4.4. Main requirements to project document content

The national legislation does not stipulate requirements as to the content of a project document. In practice, an ITA project document could be documents worked out in every detail and letters of exchange establishing relationships between donors and recipients. On this account, it is necessary to single out those aspects of a project document that are looked at first of all. These requirements stem from the project registration and reporting procedure. They are approved by Resolution N 246 of the Ministry of Economy and are, by definition, to be included in every project document:

1. names of recipients;
2. full (and brief, if available) name and ID number (if available) of a project;
3. project goal, objectives and activities;
4. project term;
5. size of funding with source references, including of co-financing, timeframes and itemized distribution (staff, procurement of goods and services, training and workshops, etc.)

4.5. ITA project preparation criteria

The following criteria need to be borne in mind when preparing an ITA project (program):

- compliance of ITA project (program) goals with the principles of international law and provisions of international agreements effective in Belarus;
- compliance of ITA project (program) goals with national priorities of socio-economic development formulated in the 2001-2005 Program of Socio-Economic Development of Belarus;
- compliance of ITA project (program) goals with priority areas of international technical assistance of Belarus identified in the National Program;
- compliance of ITA project (program) goals with those identified as legally relevant for the identification of international technical assistance provided to Belarus;
- absence of provisions and commitments contradicting the Belarusian legislation or inconsistent with one another or mutually exclusive ones in ITA projects (programs).

Under Decree № 460, the goals identified as legally relevant for the identification of international technical assistance provided to Belarus are:

- support of socio-economic changes;
- environmental protection;
- mitigation of the aftermath of the Chernobyl Nuclear Power Plant disaster;
 - infrastructure development through research, training, exchange of experts, post-graduates and students;
 - experience and technology transfer, money transfer, procurement of equipment and other goods.

4.6. ITA project approval procedure

The procedure for approval of ITA projects (programs) (hereinafter referred to as - the project (program) approval procedure is stipulated by the Regulations Concerning Preparation, Consideration and Approval of ITA Projects (Programs) as well as the Listings of Goods (Property, Including Moneys), Services Provided for the Implementation of these Projects, approved by Resolution №1522.

The approval procedure for projects (programs) implemented in accordance with project proposals listed in the National Program differs from the approval procedure for projects (programs) initiated by ITA donors and recipients.

The approval procedure for projects (programs) implemented in accordance with project proposals listed in the National Program comprises the following stages:

1. The Ministry of Economy reviews and summarizes project proposals submitted by central government bodies and other organizations subordinate to the Government of Belarus, has the right to include them to the draft National Program which is submitted to the Commission on International Technical Cooperation under the Council of Ministers of Belarus for consideration.

2. The Council of Ministers approves the National Program. The approved National Program is dispatched to those central government bodies and other state organizations subordinate to the Government of Belarus, and ITA donors.

3. ITA projects (programs) listed as project proposals in the National Program are also considered approved if they do not make changes to project proposals under goals, objectives, list of ITA recipients and do not call for national co-financing. Otherwise, ITA projects (programs) must be approved by the Council of Ministers through a respective resolution.

4. ITA projects (programs) listed as project proposals in the National Program or approved by the Council of Ministers in its resolutions are to be registered with the Ministry of Economy before their launch.

The approval procedure for projects (programs) initiated by ITA donors and recipients:

1. ITA donors jointly with recipients can initiate specific ITA projects (programs) in Belarus.

2. ITA donors and recipients jointly develop ITA projects (programs) based on cooperation programs between ITA donor community and Belarus not listed in the National Program.

3. Following the confirmation of an intention of ITA donors to release resources to fund ITA projects (programs), the recipient thereof must have a report of central government bodies or other state organizations subordinate to the Government of the Republic of Belarus selected as key institutes for cooperation of Belarus with international organizations or a report of the Ministry of Foreign Affairs for projects initiated by foreign states or their administrative-territorial entities on whether ITA projects (programs) meet the national interests of Belarus.

4. If the report confirms that the national interests are being met, ITA recipients with the power of initiative duly prepare and submit to the Commission an ITA project (program) as well as a draft resolution of the Council of Ministers approving it.

5. ITA recipients without the power of initiative, if they are state legal persons of Belarus, submit proposals to a superior central government body or other state organizations subordinate to the Government of the Republic of Belarus.

Non-state legal persons and individuals of Belarus submit their proposals to regional executive committees and Minsk City Executive Committee subject to their state registration. Central government bodies, regional executive committees and Minsk City Executive Committee draft a resolution of the Council of Ministers on this matter and in the way that has been established submit it along with the ITA project (program) to the Commission for review. ITA projects (programs) approved by the Council of Ministers is submitted by the recipient to the Ministry of Economy for registration ITA projects (programs) are to be approved within 30 days of the Commission's meeting. The approval refusal of ITA project (program) has be justified and submitted by the Ministry of Economy to ITA recipient in writing within a week of such a decision by the Commission.

ITA project (program) can be refused if:

- ITA (project) program fails to meet the national interests of Belarus;
- it is impossible to confirm national co-financing commitments for ITA project (program);
- some provisions and commitments in ITA project (program) contradict the laws of Belarus, inconsistent with one another or exclude one another.

4.7. ITA project registration procedure

The registration procedure for ITA projects (programs) is regulated by Resolution N 246 of the Ministry of Economy as a follow-up to Decree N°460.

ITA projects (programs) listed in the 2001-2005 National Program that have been registered in the way established by the law before this resolution became effective are not required to repeat registration.

Registration of projects (programs) listed in the National Program or approved by the Council of Ministers or implemented in accordance with international agreements of Belarus is effected by the Ministry of Economy based on an ITA recipient's project registration application. The form of this application is given in Annex 1 to the Regulations of International Technical Assistance Project (Program) Registration in Belarus and their Monitoring, approved by Resolution № 246 of the Ministry of Economy.

The registration application is to be supplemented by the original or duly certified copy of a project (program).

In case a project (program) does not stipulate endorsement by the Council of Ministers and was prepared on the basis of an international agreement which specifies the terms other than those contained in the Belarusian legislation, the application is to be supplemented by a confirmation of the Ministry of Foreign Affairs concerning the applicability of international agreements.

If necessary, the Ministry of Economy can require and receive from a recipient in writing additional information and documents relating to the project (program) endorsement or approval, co-financing, as well as certified copies of constituents acts and certificates of recipient's state registration.

If the original of a project (program) is written in a foreign language, a translation certified by the recipient's signature and stamp is to be provided.

The Ministry of Economy considers the documents received within five days of their receipt.

When supplemental information and documents are required from the recipient to the Ministry of Economy of

Belarus, the term for application consideration shall be extended respectively.

Registration covers the implementation period of projects (programs).

In the absence of implementation period in a project (program), the period mentioned in the recipient's application shall apply. The Ministry of Economy of Belarus specifies the implementation period of a project (program) on the project (programs)'s first page.

The registration shall be made effective by the Office of Cooperation with International Organizations and International Technical Assistance Coordination under the Department of Foreign Economic Relations of the Belarusian Ministry of Economy through entering into the unified register (project (program) database) and issuing to the recipient the original or a duly certified copy of the project (program) affixed with a stamp specifying the date and registration number on the first page. The form of said stamp is given in Annex 2 to the Regulations concerning registration of ITA projects in Belarus and their monitoring.

No erasures, blots and corrections are allowed in the registered project (program).

Should a project (program) be amended due to changes or additions made to the recipient list, funding, goals, objectives and activities of a project (program), the recipient shall apply to the Ministry of Economy of Belarus with a registration request within ten days of the formal execution of changes or additions to a project (program).

4.8. ITA project execution regime

Who can implement a project? Who performs management functions with regard to ITA projects (programs)? What is the involvement of ITA donor and recipient in project implementation?

Answers to these questions differ depending on project execution arrangements - mechanism for ITA project management and implementation.

It is possible to single out the most frequently used arrangements. We shall employ the terminology of UNDP, the organization which basically passed this term into currency:

- national execution (NEX) - execution and management of a project (program) is performed by a national agency authorized by the government of the country;
- direct execution (DEX) - execution and management of a project (program) is performed by UNDP;
- NGO execution - project execution and management is ensured by NGOs;
- project execution through the UN system.

With regard to EU projects, there is an execution regime in which management functions are entrusted with an organization from the EU member states appointed specifically for this purpose.

According to the geography of recipients, ITA projects and programs are divided into national (one country or institutions of one country receive assistance), regional (several countries or their institutions) and global (international technical assistance is delivered to countries according to a global assistance program). Execution regime largely depends on a type of a project, because the best possible management

arrangements are opted for. Therefore when it comes to national projects, the most frequently used regimes are national execution and NGO execution, or by an organization itself or a donor state, whereas regional and global projects are executed by international organizations.

4.9. Project staff and selection criteria? Recruitment procedure

How is it possible to be hired by a project? The answer is straightforward - you have to be well-qualified in the field of knowledge and skills required by a project. So, regardless of what procedures might be involved, only qualified specialists should be on project staff. This precept leads to a general requirement for staff recruitment procedures - they should profess sound competition-driven HR principles.

But there is one specific criterion applied to project staff by the national legislation and practically all donors alike: project work cannot be combined with civil service. However, civil servants can be hired for research activities, lectures, etc., out of hours.

4.10. National coordinators

To optimize ITA project management, many donors employ a mechanism by which the government appoints a national coordinator for each project or program. The national coordinator is to assist project implementation and act as a manager on the part of the government. This function is designed to contribute to maintaining efficient contacts between donors and recipients, as well as joint monitoring and project performance supervision.

In Belarus, the system of national coordinators is used by UN agencies, EU TACIS, and Transform Program of the German Government.

In case of the UN system, there is a national coordinator for each UN project implemented in Belarus, normally appointed by an implementing agency from among own employees. The appointment of a national coordinator does not require donor's approval and is often made by an order of an implementing agency's director.

TACIS coordination system in Belarus is somewhat different using a two-level approach. The national coordinator of the Program of Technical Assistance to CIS and Mongolia (TACIS) of the European Union in Belarus (hereinafter referred to as the National Coordinator) coordinates technical cooperation of Belarus with the EU and also coordinates activities of ministries, other central government bodies, associations, organizations, agencies and enterprises in TACIS project planning and implementation. The EU TACIS Program's Coordinating Unit in the Republic of Belarus created under the National Coordinator in accordance with Resolution N 1050 of the Council of Ministers of August 12, 1997 "On the Coordinating Unit of EU TACIS Program in the Republic of Belarus" ensures day-to-day management of the TACIS Program activities and record-keeping based on instructions of the National Coordinator.

4.11. Project performance evaluation

Project results are important for every party involved in the process of international technical assistance.

Since the primary objective of technical assistance is for development, project performance and efficiency is evalu-

ated against the progress achieved in a specific development area.

In practice, at the microlevel (organizations, individuals and other recipients), it is important for international technical assistance recipients how a project performed in terms of improving office and other equipment and enhancing skills of staff via training and study tours. At the macrolevel (recipient states), ITA projects and programs are evaluated from the standpoint of national priorities.

In Belarus, Decree № 460 introduced a control mechanism for international technical assistance coming to the country: "The Council of Ministers of Belarus and the State Control Committee shall submit a joint annual report to the President of Belarus about the progress of implementation of ITA projects (programs) and their efficiency, as well as about targeted use of ITA funds".

Table 1 contains elements of the system evaluating projects vis-a-vis different criteria.

The monitoring and evaluation system is based on the analysis of reporting provided by international technical assistance recipients.

For monitoring purposes, ITA recipients submit to the Ministry of Economy semiannual reports on the progress of project implementation (hereinafter referred to as the report) in keeping with the established form. The report is to be submitted no later than 15 July and 15 January.

After the completion of a project (program), recipients shall have no later than a month after the project completion date to submit a final report to the Ministry of Economy of Belarus according to the set rules.

Table 1

**Key differences in international technical assistance evaluation
and monitoring mechanisms**

	Evaluation	Project efficiency monitoring	Targeted use monitoring (audit)
Subject	Analysis of project activities, progress toward achieving results and project indicators	Project efficiency and performance analysis	Compliance check of financial transactions and reports with legal and contractual obligations
Objective	Determining the extent to which project results, goals and objectives are achieved. Working out recommendations to specify project activities before its completion, project planning	Increasing reversibility of recipients, project managers. Developing recommendations for planning cooperation with TA donors.	Detection and prevention of abuse and mismanagement of funds
Extent	Comprehensive analysis	General analysis	Checking financial records
Human resources	Managers and staff of recipients, project managers and staff, external experts.	Supervising Staff of central government bodies, ITA donors	Control authorities (State Committee, Ministry of Taxes and Duties, State Customs Committee)
Periods	Quarterly, after completion of project activities	Annually and semiannually	Annually
Level	Project	Project - program	Project

Based on the reports submitted and the information provided by the Ministry of Foreign Affairs of Belarus, international organizations and foreign states, the Ministry of Economy annually submits to the Commission data about the progress of project (program) implementation and their efficiency.

4.12. ITA project reporting procedures

Resolution N 246 of the Ministry of Economy establishes reporting requirements for recipients during the implementation of ITA projects (programs).

The Office of Cooperation with International Organizations and International Technical Assistance Coordination under the Department of Foreign Economic Relations of the Belarusian Ministry of Economy maintains a unified project (program) register and monitors their implementation.

Recipients of ITA projects (programs) registered in the ITA unified register shall submit to the Ministry of Economy of Belarus semiannual project (program) reports in keeping with the form provided in Annex 3 to the Regulations for international technical assistance project (program) registration in the Republic of Belarus and monitoring of their implementation (hereinafter referred to as the regulations)

Semiannual project (program) reports are to be submitted no later than July 15 and January 15.

After the completion of a project (program), recipients shall submit the final report to the Ministry of Economy of Belarus in conformity with Annex 3 of the regulations.

The project final report is to be submitted no later than a month after the project (program) completion date.

Based on the reports submitted and the information provided by the Ministry of Foreign Affairs of Belarus, international organizations and foreign states, the Ministry of Economy annually submits to the Commission data about the progress of project (program) implementation and their efficiency.

The repeated breach of the deadline for submitting project (program) progress reports to the Ministry of Economy of Belarus and misuses of international technical assistance ascertained and reported to the Ministry of Economy by authorized government agencies shall cause the Ministry of Economy (given the information queried of the recipient) to send to the State Control Committee of Belarus the aforementioned information and put before the Commission a proposal to render the project (program) null and void. Should the Commission take this decision, the Ministry of Economy of Belarus within five days directs a copy of the meeting's minutes to the Commission, the State Control Committee, the Ministry of Taxes and Duties, the State Customs Committee of Belarus and the recipient.

Chapter 5.

Tax exemption of international technical assistance

5.1. Procedure for ITA tax exemption

Pursuant to subparagraph 1.3, paragraph 1 of Decree № 460, the following ITA is not included in taxation basis:

- goods entering the customs area of the Republic of Belarus as ITA are exempt from value-added tax, excise and customs duties;

- financial resources, including in hard currency, other property (including those equated to fixed assets, commodity stocks and supplies, intangible assets) received as ITA are exempt from profit tax;

- proceeds from the sale of goods purchased and services performed on the territory of Belarus for ITA purposes are exempt from value-added tax, deductions and duties levied upon proceeds from sales of goods and services for the benefit of state dedicated budgetary and extra-budgetary funds as well as local taxes and duties;

- property purchased at the expense of or received as ITA in order to implement this very assistance is exempt from real estate tax for the period it is used specifically for these purposes;

- incomes received by individuals from ITA funds are exempt from personal income tax;

To settle the issue of tax exemption, an ITA recipient is to obtain approval of the Commission regarding the listings of goods (property, including moneys), services provided for the implementation of international technical assistance projects (programs).

Based on the Commission's decision, the Ministry of Economy forwards letters of confirmation to:

the State Customs Committee - about goods entering the customs areas of Belarus as international technical assistance;

the Ministry of Taxes and Duties - about financial resources, including in hard currency, goods, services, property, purchased at the expense of or received as ITA to implement this very assistance.

5.2. Stages of submitting listings of goods (property, including moneys) and services for Commission's approval

In accordance with Resolution № 1522, the Commission considers and approves of the listings of goods (property, including moneys), services provided for the implementation of ITA projects (hereinafter referred to as the Listing).

1. Application to the Ministry of Economy by ITA recipients

The basis for Commission's consideration and approval of the listing is a formal application (written in a free form) by ITA recipients to the Ministry of Economy containing the following documents:

– four copies of the listing that must contain the name of goods (property, including moneys), services (including unit of measurement, quantity, cost), and the name of ITA recipient

ents. The list is to be sealed with a signature and stamp of ITA recipient;

- copy of document where ITA recipient is designated a taxpayer number;

- if at this stage there are records of goods delivery (property, including moneys), services - original and copies of acceptance act, contract on the receipt of financial resources, including in hard currency, goods (property), services under ITA projects (programs). The acceptance act and contract must contain a reference to the duly registered ITA project (program).

Copies of documents are sealed with a signature and stamp of ITA recipient. If a recipient is an individual, he/she must provide a notarized signature. ITA recipient is responsible for providing correct documents and information contained therein.

2. Listing Expert Review

The expert review of the listing is made by a working group comprising specialists of central government bodies, whose members sit on the Commission as well as a representative of TACIS Bureau in Belarus. The Ministry of Economy is responsible for preparing info packs for meetings and working group's record keeping. The working group is headed by the secretary of the Commission.

The working group effects expert review of the listing with regard to ITA project's goals and objectives within 10 days of the arrival of documents to the Ministry of Economy involving, if needed, specialists from other central government bodies, writes an expert report which subsequently appears before the Commission together with the listing.

If there are major discrepancies found between the purpose of listed goods (property, including moneys), services and ITA project's goals and objectives, the Ministry of

Economy is entitled to request additional information from ITA recipients to support the conformity of the list to project's goals and objectives, in which case the expert report is postponed until such documents arrive to the Ministry or to move to refuse the listing before the Commission.

3. Listing approval decision

The Commission's decision to approve the listing is made based on an expert report.

Upon complete presentation of all the documents, the listing approval can be refused if:

the listing is drawn up incorrectly or contains false information;

ITA project (program) is not registered;

– the contract contains inconsistent or mutually exclusive provisions, obligations;

– progress reports of ITA projects (programs) are submitted later than what the law sets;

– the acceptance act, contract fails to contain reference to a relevant ITA project (program).

The Ministry of Economy sends the decision of the Commission approving the list and one copy of the list to the Ministry of Taxes and Duties and the State Customs Committee.

The Ministry of Economy provides the ITA recipient with a copy of the Commission's decision signed by the deputy Chairman of the Commission and a copy of the listing with the stamp and signature of the Committee Secretary to be kept by the technical assistance recipient.

5.3. International technical assistance tax exemption mechanisms

The taxing and customs legislation contains legal provisions for freeing financial resources, goods (services), other property designated as international technical assistance in compliance with Decree № 460 of taxes.

So, according to the Personal Income Tax Instruction approved by Resolution N16 of the Ministry of Taxes and Duties of 20 February, 2002, income tax preferences on income received by individuals from resources of international organizations and countries (governments), other foreign organizations and citizens under programs (projects) approved by the President or the Government of Belarus, as well as in accordance with international agreements of Belarus that are duly registered in the Ministry of Economy as ITA programs (projects), are granted to individuals when they perform work (provide services) and in other cases consistent with a program's objectives and mentioned in it.

When receiving technical assistance from a technical assistance donor, documents confirming the right of an individual to tax preferences are:

- personal application to a local tax authority detailing the name of the project under which income has been received, the amount of work done (services performed), timeframe, terms and amount of payment (payments) and other obligations relating to technical assistance;
- a copy of project document with the registration stamp of the Ministry of Economy on the front page;
- a copy of agreement (contract) with a technical assistance donor or other document confirming the fact that technical assistance has been provided to an individual.

If technical assistance originates from a foreign organization which distributes technical assistance, extra documents

confirming the right of an individual to tax preferences include:

- a copy of contract or other written commitment of a foreign organization with a technical assistance donor;
- a copy of agreement (contract) with a foreign organization or other document confirming the provision of technical assistance to an individual by a foreign organization.

When receiving technical assistance from central government bodies and associations subordinate to the Government of Belarus, local executive bodies, other state bodies or organizations of Belarus distributing technical assistance (hereinafter referred to as organizations), documents confirming the right of an individual to tax preferences include:

- a copy of project document with the registration stamp of the Ministry of Economy on the front page;
- a copy of contract or other written commitment of an organization(s) with a technical assistance donor;
- a copy of agreement (contract) with an organization or other document confirming the provision of technical assistance to an individual by a organization.

Documents written in a foreign language should have a duly certified translation into Russian or Belarusian.

Should the project registration be declared void, the Ministry of Economy shall notify the Ministry of Taxes and Duties thereof within ten days.

Within 10 days of the receipt of this notice from the Ministry of Taxes and Duties, a tax authority sends a written notification to an individual informing him/her of the need to file a tax return because of a preference loss.

A respective legal mechanism of making international

technical assistance exempt from profit and value-added tax is contained in the Instruction on the Payment and Supervision of Payment of Customs Duties, Excise Duties and VAT approved by Resolution №45 of the State Customs Committee of 16 August 2001, as worded by Resolutions №17 of 27 March 2002, №80 of 23 August 2002, №101 of 12 December 2002, №13 of 6 February 2004. Said instruction sets the terms and procedure for duty exemption for customs clearance, exemption of excise duties and VAT with regard to goods entering Belarus as international technical assistance.

5.4. Monitoring of targeted use of ITA project (program) resources

The State Control Committee, Ministry of Taxes and Duties, State Customs Committee, other government bodies shall oversee, within their purview, targeted use of financial resources, including in hard currency, goods (property), services provided under ITA projects (programs) and exempt from taxation levied for the benefit of national dedicated budgetary funds and extra-budgetary funds;

Targeted use of financial resources, including in hard currency, goods (property), services provided under ITA projects (programs) means using them according to an ITA project (program)'s goals and objectives, property assignment.

Pursuant to paragraph 1.4 of Decree № 460, in the event of ITA mismanagement or misuse, financial resources, including in hard currency, goods (services) and other property received under ITA are included in the taxation basis. In this case, taxes, duties and levies shall be paid (collected) with penalties and fines in accordance with the national legislation.

The Council of Ministers and the State Control Committee shall submit a joint annual report to the President of Belarus about the progress of implementation of ITA projects (programs) and their efficiency, as well as about targeted use of ITA funds.

Chapter 6.

Key objectives of Belarus in the field of international technical cooperation for the near future and prospects for expansion

6.1. What issues and objectives will need to be addressed to develop and expand international technical cooperation?

Over the past half century, human capacity and economy have developed at such an enormous pace like during no other 50-year period in human history. Everywhere the level of literacy is rising, infant mortality is declining, life expectancy is increasing. At the same time, some very real problems still remain. More than a fifth of the world population still lives in extreme poverty (less than one dollar per day), nearly half of the population lives on less than the subsistence level which is two dollars a day.

In this context, the UN Millennium Declaration adopted at the UN General Assembly in September 2000 has a special role to play. The Declaration sets the eight Millennium Development Goals to be achieved by 2015:

1. Eradicate extreme poverty and hunger

2. Achieve universal primary education
3. Promote gender equality and empowerment of women
4. Reduce child mortality
5. Improve maternal health
6. Combat HIV/AIDS, malaria and other diseases
7. Ensure environmental sustainability
8. Develop a global partnership for development

It is envisaged to halve the proportion of the world's people whose income is less than one dollar a day and the proportion of people who suffer from hunger and who are unable to reach, or to afford, safe drinking water; ensure that children everywhere, boys and girls alike, will be able to complete a full course of primary schooling; and that girls and boys will have equal access to all levels of education; reduce maternal mortality by three quarters, and under-5 child mortality by two thirds, of their current rates; halt and begin to reverse the spread of HIV/AIDS; provide special assistance to children orphaned by HIV/AIDS; achieve a significant improvement in the lives of at least 100 million slum dwellers.

Unlike many previous sustainable development initiatives, the UN Millennium Declaration and MDGs pay a great deal of attention to the task of mobilizing financial resources needed to achieve international millennium goals and, in a broader sense, for financing of development process of the developing world. The International Conference on Financing of Development in March 2002 in Monterrey, Mexico, was a milestone in global efforts to agree a more effective strategy for resource mobilization. The conference was essential to development processes, in particular, to issues related to financing of development, mobilization of national and international resources for these purposes, promotion of international trade, global governance and external debt relief of less developed and developing countries.

According to UN experts, in order to achieve international development goals alone, additional USD 50 billion of ODA would be required, which is almost 2.5 times greater than the current ODA level. In light of this fact, the International Conference on Financing of Development largely focused on the ODA commitments of developed countries. The final document contained agreed commitments to reach a target of 0.7 percent of developed countries' GNP.

For Belarus, as a country in transition, the final document of the Conference provided a positive outcome in the matters of ensuring favorable conditions for sustained development, access to developed countries' markets, attraction of foreign investment, technology transfer, etc.

24 out of 64 paragraphs of the final document of the International Conference on Financing of Development make references to countries with economies in transition.

The Monterrey Consensus places a considerable emphasis on specific interests and needs of countries with economies in transition covered by the following issues:

- mobilization of financial resources for development purposes;
- export access of countries with economies in transition to developed countries' markets;
- broader participation of countries with economies in transition in decision-making of international financial institutions (IMF, World Bank);
- taking into account interests of countries with economies in transition when investing in their economies;
- transfer of modern technologies;
- facilitating accession to WTO;
- benefits from globalization, etc.

A logical follow-up to the Millennium Declaration and the

Monterrey Consensus was a forum held in February 2003 in Rome with the aim to harmonize donors' practices for the effective delivery of assistance. During the Forum, discussions were held on good practice standards or principles in such areas as donor cooperation, country-level analytical work, monitoring and evaluation, financial reporting and audit, procurement, environmental assessment and delegated cooperation. This resulted in the outline of specific actions designed to eliminate ineffective use of assistance resources. The results of the forum largely contributed to tasks of both ITA recipient and donor states.

Accords and commitments on the implementation of specific actions are laid out in the Rome Declaration on Harmonization adopted 25 February, 2003. These actions include:

- Reviewing and identifying ways to amend, as appropriate, our individual institutions' and countries' policies, procedures, and practices to facilitate harmonization;
- Implementing progressively the good practice standards or principles in development assistance delivery and management;
- Expanding or mainstreaming country-led efforts to streamline donor procedures and practices, including enhancing demand-driven technical cooperation;
- Promoting harmonized approaches in global and regional programs.

6.2. How and where can one get more detailed information about international technical assistance in Belarus?

Information about international technical assistance in Belarus can be found on the website <http://www.belita.org/>. This information and reference system is a joint UNDP/Belarus

Government initiative. The website contains ITA-related legislation, information about the amount and allocation of technical assistance in Belarus by sector, donor and implementing agency over the periods 1992-1996, 1997-1998, 1999-2001. Besides, it lists current projects and project proposals by Belarusian organizations interested in implementing international technical assistance projects. The information and reference system is bilingual, in Russian and English.

Annexes

Major legal acts of the Republic of Belarus in the field of international technical assistance:

1. Presidential Edict № 24 of November 28, 2003, "On Receiving and Using Gratis Foreign Aid" (National Register of Legal Acts of Belarus, 2003, № 135, 1/5134);

2. Presidential Decree № 460 of October 22, 2003, "On International Technical Assistance to the Republic of Belarus" (National Register of Legal Acts of Belarus, 2003, № 119, 1/5020);

3. Presidential Decree № 338 of 12 June, 2000 "On Exemption from Customs Duties, Taxes, Fees and Deductions within EU TACIS Program on Trans-Border Cooperation" (National Register of Legal Acts of Belarus, 2000, № 58, 1/1363);

4. Law of the Republic of Belarus on International Agreements of the Republic of Belarus (Official Gazette of the National Assembly of the Republic of Belarus, 1998, № 29-30, p. 469);

5. Law of the Republic of Belarus on the Accession of the Republic of Belarus to the Vienna Convention on the Right of Agreements between States and International Organizations or Between International Organizations (Official Gazette of the National Assembly of the Republic of Belarus, 2000, № 1-2, p. 12);

6. Law of the Republic of Belarus on Normative Legal Acts

of the Republic of Belarus (National Register of Legal Acts of Belarus, 2000, № 7, 2/136);

7. Resolution № 621 of the Council of Ministers of the Republic of Belarus of 30 May, 1997 "On the National Coordinator and Coordinating Unit of EU TACIS Program in the Republic of Belarus" (Collection of Presidential Edicts and Decrees, and Resolutions of the Government of Belarus, 1997, № 16, p. 599);

8. Resolution № 1050 of the Council of Ministers of the Republic of Belarus of 12 August, 1997 "On the Coordinating Unit of EU TACIS Program in the Republic of Belarus" (Collection of Presidential Edicts and Decrees, and Resolutions of the Government of Belarus, 1997, № 22-23, p. 806);

9. Resolution № 51 of the Council of Ministers of Belarus of 17 January, 2002 "On Issues of International Technical Assistance" (National Register of Legal Acts of Belarus, 2002, № 12, 5/9792);

10. Resolution № 1522 of the Council of Ministers of Belarus of 21 November, 2003 "On Certain Measures to Enforce Decree № 460 of The President of the Republic of Belarus Dated October 22, 2003", National Register of Legal Acts of Belarus, 2003, № 133, 5/13426);

11. Resolution of the Ministry of Taxes and Duties of Belarus "On Personal Income Tax Instruction Approval" (National Register of Legal Acts of Belarus, 2002, № 45, 8/7956);

12. Resolution № 16 of the State Customs Committee of Belarus of 16 August, 2001 "On the Approval of Instruction on Payment and Payment Control of Customs Clearance Fees, Customs Duties, Excise Duties and VAT; Amendments to the Regulations on the Procedure of Customs Duty and VAT Payment Grace with Regard to Accessories, Spare Parts, Raw Materials imported to Belarus to Produce Export Products, and to the Instruction on the Procedure of Filling Out Cargo Customs Declaration for the Purpose of Declaring

Goods" (National Register of Legal Acts of Belarus, 2001, № 87, 8/6927);

13. Resolution № 246 of the Ministry of Economy of Belarus of 19 December, 2003 "On the Approval of Regulations for International Technical Assistance Project (Program) Registration in the Republic of Belarus and Monitoring of their Implementation" (National Register of Legal Acts of Belarus, 2004, № 7, 8/10394).

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questions and answers

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