

FAQs on Decree No.8

You can see with the full version of Decree No.8 dated December 21, 2017 "On Digital Economy Development" (Russian version) [here](#).

We draw your attention to the fact that the new Decree is coming into force in three months after its official publication, i.e. on March 28, 2018.

FAQs

Question: How to become an HTP resident?

Answer: To become a resident, a legal entity or an individual entrepreneur of the Republic of Belarus shall submit to the Hi-Tech Park Administration the following documents:

- Application for registration of a set form;
- Copies of the statute (article of incorporation – for a commercial organization which operates only on the basis of article of incorporation) and the certificate of state registration of the legal entity certified by its head, copy of the certificate of state registration of the individual entrepreneur. The originals of the mentioned documents also have to be presented;
- Business project meant for implementation as the resident of the Hi-Tech Park. The said business plan shall specify one or several activities listed in Clause 3 of the Regulations on the Hi-Tech Park, specific arrangements for their implementation, types and volumes of goods (works, services), property rights, which are to be realized, grounding of the necessity of their realization, planned results of financial and economic activity. Currently, the set form of the business project [is approved by the Council of Ministers of the Republic of Belarus](#).

The submitted business-project is subject to scientific and technical expertise and has to be considered by the Supervisory Council.

In case the Supervisory Council takes a positive decision, a legal entity or an individual entrepreneur becomes the resident of the Hi-Tech Park.

Question: Can a foreign company (non-resident of the Republic of Belarus) become a resident of the Hi-Tech Park?

Answer: According to Clause 3 of the Regulations on the Hi-Tech Park legal entities and individual entrepreneurs of the Republic of Belarus (i.e. residents of the Republic of Belarus) may be registered as residents of the Hi-Tech Park.

If a foreign company wants to perform its activity in the Hi-Tech Park, it can establish a legal entity in the Republic of Belarus according to the procedure stipulated by [Decree No.1 of January 16, 2009 "On State Registration and Liquidation of Business Entities"](#). This established legal entity may apply for HTP residency in compliance with all the requirements of the Regulations on the Hi-Tech Park.

Question: Can a legal entity become a resident of the Hi-Tech Park if it is registered (has its legal address) outside of the Hi-Tech Park or even outside of Minsk in Belarus?

Answer: Yes, it can. Clause 1 of the Decree clearly says that the principle of **extritoriality** is preserved.

Question: Can a legal entity perform mining activity and does a legal entity need a license to perform it?

Answer: Starting from March 28, 2018, when the Decree comes into force, legal entities are granted the right to perform mining activities. According to Decree No.8, a legal entity may perform mining activity only after it has become a resident of the Hi-Tech Park. Mining activity does not belong to the licensable types of activities according to Decree No.450 of September 1, 2010 "On licensable types of activities".

Question: How mining activity is regulated by the legislation?

Answer: Decree No.8 was adopted on December 21, 2017. It stipulates the right of physical bodies to perform mining activity. The Decree comes into force on March 28, 2018. It means that before March 28, 2018 mining activity is outside the legal environment (it is not regulated by the legislation). Clause 10 of the Decree, which expands the effect of some provisions of the Decree to relationships arisen prior to the entry into force of this Decree, also comes into force starting from March 28, 2018.