

Coordinating Council on Development and Advancement
of Belarus National Business Platform (BNBP)

BELARUS NATIONAL BUSINESS PLATFORM - 2012
TOWARD MODERNIZATION -- TOGETHER

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1. INTRODUCTION

2012 is an important year for Belarusian business and for the country as a whole. We must not only overcome the effects of the 2011 crisis, but also prepare to work within the Common Economic Space (CES) at a new level of competition. Finding solutions to our serious problems cannot be delayed. The principle of free movement of goods, services, money and labor within the three countries will open our country to companies in Russia and Kazakhstan and to the effect of market forces.

The most critical challenge facing the economy and business in Belarus is the need for more rapid restructuring and modernization. The transformational processes that took place over a span of 15-20 years in Russia and Kazakhstan, on one hand, and Poland, Lithuania, and the other countries of Central and Eastern Europe, on the other, will have to happen much faster in our country.

To make the domestic economy and industry competitive, we must modernize our business, government institutions, and society. Together, we must create new opportunities. High technology, innovative technical solutions, new plant and equipment – all this is necessary but not sufficient for the creation of new opportunities.

For Belarus, the world economic recession means that foreign loans become even more expensive, foreign investors impose stricter requirements on potential sellers of assets, competition for new technologies becomes more intense, and demand for raw materials and capital goods declines.

In 2012, the world economy is in a crisis in which market players feel total uncertainty and distrust toward governments and the financial system. Restructuring and modernizing the economy in such difficult external circumstances will require the mobilization of all responsible forces in Belarus, more concentrated political will, and meaningful, civil dialog among business, government, and society.

In 2012, the authorities and the business community in Belarus face a whole series of serious internal imbalances, deficits, and problems. They are the result of both a failure to adapt adequately to the rapidly changing external environment and government interference in manufacturing, investment, and trade.

For Belarusian business, the primary challenges in 2012 are:

1. The precipitous drop in the public's buying power and fewer opportunities available to the country's businesses on the domestic market;
2. The threat that a large number of success-minded professionals will leave the country, worsening the labor shortage in the Belarusian economy;

3. The threat that employees of government agencies and budget-funded organizations will lose their motivation to work due to the sharp drop in salaries in real terms, and the associated danger of higher levels of corruption and crime;
4. The threat that businesses and entrepreneurs will be unable to operate profitably due to the sharp increase in energy costs, fines, and lease rates, while business revenues and the salaries of employees at these companies lag behind;
5. The greatly elevated risk of nonpayment by budget-funded organizations and state enterprises;
6. Accelerated monopolization, more unfair competition, reduced competitiveness of Belarusian businesses, for reasons including Belarus joining the Common Economic Space;
7. The higher cost of borrowing money, which paralyzes the growth of business;
8. The uncertainty of macroeconomic policy and the threat of further devaluation of the Belarusian ruble and high inflation;
9. Increasingly widespread noncompliance with the laws by government agencies and state enterprises.

The President of Belarus announced that 2011 was the year of entrepreneurial spirit. The business community welcomed the adoption of Directive No. 4, dated December 31, 2010. Unfortunately, the implementation of this document, which is so important for small and medium-sized businesses in Belarus, is proceeding very slowly. Moreover, inflation and devaluation have radically worsened the conditions for doing business and have caused enormous losses: companies have lost up to 60% of their current assets. A consensus has not yet emerged within government agencies on whether to fully support the development of private business in the country. Narrow institutional interests, provincialism, the focus on achieving short-term goals, the lack of a common vision for the future of the country, and the ability of officials to escape personal responsibility for failing to implement the provisions of Directive No. 4 – all these factors undermine the great potential of small and medium-sized enterprises to start new businesses and create modern jobs.

For Belarus, 2012 was the beginning of a new level of competition. The government and business must learn together how to succeed in the new environment created by the Common Economic Space and WTO standards. Public-private partnerships should be used not only in government procurement, enhancing SME infrastructure and supporting social, cultural and environmental projects. Key for 2012 is intellectual partnership, conceptual unity, and coordinated action by the business community to implement both the provisions of Directive No. 4 and the proposals of this Platform.

2. OBJECTIVES OF THE 2012 BELARUS NATIONAL BUSINESS PLATFORM

The implementation of the Platform will benefit business, government, and society as a whole.

For business, the Platform means:

- An opportunity for Belarusian business to gain competitive advantages in an environment of open competition and cooperation with businesses in Russia and Kazakhstan;
- A reduction in the tax burden for all businesses, regardless of form of ownership, from 63% of gross profit to 30-35%;
- A reduction in the cost of compliance with the requirements of government agencies in the areas of price formation, licensing, permitting, and inspections to no more than 5% of gross revenue;
- Transfer of title to long-term leased state property and assets and unused real property to SME and sole proprietors;
- “Free” transfer to SME and sole proprietors of unused technologies developed with budget funding;
- An end to discriminatory practices by local governments;
- The creation of a legal system that prevents unlawful acquisitions and corporate raids on Belarusian companies;
- Minimizing the risks that anti-business and contradictory legislation will be enacted;
- The creation of high-quality institutions for the full integration of Belarus into the world economy based on WTO standards;
- Giving businesses in Belarus the opportunity to restructure and prepare for open competition and cooperation with companies in Russia and Kazakhstan in the most favorable business climate;
- The creation of a competitive environment in the labor force due to the additional supply of labor that will result from layoffs of industrial and manufacturing personnel from state enterprises.

For the government, the Platform means:

- Putting unused or inefficiently used property and assets to use in the marketplace, which will expand the tax base and increase tax revenues without raising tax rates;
- Stimulating entrepreneurial activity, which will expand the tax base and lead to higher salaries for government employees;
- Rapid adaptation of legal institutions and economic laws to the requirements of the CES and the WTO at minimal cost;
- Improvements in the quality of government administration through simplification of administrative procedures;
- Minimizing abuse and corruption;
- Successful implementation of government programs and enforcement actions;

- Creating the conditions to stop “brain drain” and migration of professionals and to promote direct foreign investment and repatriation of capital belonging to Belarusians who have left the country over the last 20 years;
- Increased labor productivity at state enterprises;
- Creation of new, modern jobs in the service industry and construction, including road construction;
- Greater civic responsibility of the workforce for their financial security, and development of entrepreneurial initiative;
- Less pressure on local and national government authorities to provide budget funding, and more resources available for targeted social assistance and infrastructure projects, which will enhance the country's competitiveness;
- Stronger technological capability in the primary sectors of the nation's economy, which will make it possible for them to operate on ecological (green) principles.

For society, the Platform means:

- Greater prosperity and buying power for the public;
- Prices that are stable or even falling due to responsible policies and open competition on the domestic market;
- The creation of new, modern jobs and higher salaries;
- More efficient use of labor resources;
- A wider range of goods available, elimination of shortages, and greater human potential;
- More opportunities for people to earn additional income;
- Concentration of government resources on the citizens in greatest need and the most sensitive social projects, instead of supporting chronically unprofitable enterprises;
- Support of favorable trends toward improving the environment;
- Development of a national culture of HIERA: Hard work, Initiative, Entrepreneurial spirit, Responsibility, and Achievement.

In 2012, Belarus must lay the foundation of a new strategy for long-term development of business and government. This is a strategy to mobilize forces and move confidently into the future. Business and government, with the support of the civil society, can work together to implement comprehensive reforms of the business climate that will allow Belarus to set standards for our partners in the CES in an environment of good-faith, open competition.

This is how we see the Belarus of the future: Economically efficient, business oriented, environmentally sustainable, and socially balanced. The 2012 Platform is our proposal for a breakthrough to the future. It is our only chance to be competitive within the framework of Eurasian economic integration.

3. RESULTS OF THE IMPLEMENTATION OF THE 2011 PLATFORM, TIME FOR REAL ACTION

2011 was announced the year of entrepreneurial spirit, and the year saw the beginning of the implementation of Presidential Directive No. 4, dated December 31, 2010. In the 2011 Belarus National Business Platform, the business community warned the authorities of the dangers of macroeconomic imbalances, high inflation, and devaluation. We propose accelerating liberalization and systemic market reforms in order to prepare the country for tougher competition in the CES and reduce the tax and regulatory burden for small and medium-sized businesses. It must be acknowledged that the majority of the provisions of the 2011 Platform are, in the best case, still in the form of drafts of documents to be adopted by the President, the Council of Ministers, and other government agencies. The most important provisions of Directive No. 4 have also not been implemented. Of the 104 proposals in the 2011 National Business Platform, 23 proposals have been fully implemented, and another 32 items have been partially implemented, i.e. these provisions are in the discussion stage in draft documents. Notably, the government understands the importance of establishing uniform rules for commercial organizations of all forms of property.

The business community was particularly pleased with the adoption of Order No. 72, dated February 25, 2011, “On certain matters involving the regulation of prices (or rates) in the Republic of Belarus”, which significantly expanded the application of free market prices. However, at the end of the year, administrative regulation of prices was reinstated, which had a negative effect on many processes.

Small and medium-sized businesses and sole proprietors eagerly awaited the implementation of the provisions of Directive No. 4 regarding the sale of the property they lease. However, this is currently being blocked by certain circles. There is a similar situation with the sale of land. In 2011, Presidential Orders were adopted that regulate legal relationships involving the development, taking, and assignment of land parcels, but a full-fledged market in land has yet to emerge.

Businesses can now register electronically in the country. However, the mechanism for doing this needs to be made more practical and easy for SME and sole proprietors to use.

The easing of the tax burden and the elimination of local taxes have been important moves toward helping Belarusian business. In 2008, tax revenues of the consolidated budget of Belarus were 36.3% of GDP. In 2011 revenues were 24.5% of GDP (excluding the Social Protection Fund), and in 2012 planned revenues are 25.5% of GDP.

Other positive developments include the reduction in the rate of the profit tax from 24% to 18% and the reduction in the rate of the unified tax in the simplified system from 8 to 7 percent without payment of VAT and from 6 to 5 percent with payment of VAT. The government accommodated the business community by allowing businesses to change the method of profit tax payment they have selected during the current tax period and to use accelerated depreciation.

According to the World Bank's method, the aggregate tax rate (the ratio of all taxes paid by a company to its gross profit) in Belarus was 62.8% in 2011. In 2010 it was 80.4%. Progress is evident, but we would note that in 2011 this figure was 28.6% in Kazakhstan and 46.9% in Russia.

On the issue of treating all forms of property equally, it should be noted that since 2011, private institutions of higher education have been exempt from payment of VAT, like public institutions, and starting in 2012 they are exempt from the profit tax.

Finally, another decision long awaited by the business community was to make the Unified Rate Schedule for employees in the Republic of Belarus nonbinding, in order to create flexible working conditions for employees of private commercial organizations (Order No. 181, dated May 10, 2011).

Resolution No. 156 of the Council of Ministers, dated February 17, 2012, adopted the Unified List of Administrative Procedures applicable to legal entities and sole proprietors. The list includes 575 administrative procedures. Business associations, the Belarus office of the International Finance Corporation, and other interested organizations took part in this work.

4. PRIORITIES FOR REFORMING THE BUSINESS CLIMATE IN THE COUNTRY IN 2012

Efforts to reform the business climate in the country must acknowledge the most acute problems which, if they are not addressed, will minimize the impact of the work to create a favorable business environment in our country. Some of the problems are listed below.

1. There is no legal mechanism by which lessees of state property leased for more than three years have the option to purchase the property at its assessed value, with payment in installments for five years;
2. Fines are disproportionate to the severity of the violation, its potential harm to society, and violators' salaries;
3. Sole proprietors are prohibited from hiring up to three employees, regardless of family relationship;
4. Businesses endure an excessive number of inspections and duplicate inspections on the same issues by different enforcement and oversight agencies;
5. Fines are set based on the results of monitoring, research, and audits of activity other than financial and business activity;
6. The tax burden is high in the new context of competition within the CES;
7. There is no government protection for businesses that are good-faith purchasers;
8. There are long delays in the execution of decisions by economic courts.

The successful implementation of Directive No. 4 requires a comprehensive approach. A favorable business climate cannot be created by adopting individual resolutions or orders that are detached from the general context. Entrepreneurs everywhere encounter situations where some obstacles to business development are removed, but other obstacles remain and new ones appear. As a result, neither the government nor business achieves its goals. A coordinated and timely approach to adopting comprehensive solutions developed jointly by the business community and the authorities is the optimal way to modernize the country and promote entrepreneurship in the country.

Realizing the nature of the economic problems and crises in Belarus,

Considering the need for the Belarusian legal and institutional environment to adapt quickly to the rules and standards of the Common Economic Space and the WTO,

Considering the weakening of the financial structures of the European Union and the threat of a recession in the world economy, and

Viewing small and medium-sized business as the most important economic and social institution to a modern, competitive economy and to national security,

We have identified the following priorities for reforming the business climate in the country:

- I. Improvement of the macroeconomic environment.
- II. Demonopolization and fair competition within the CES.
- III. Expanding the scope of private initiative and responsibility.
- IV. Optimizing the regulatory and tax burden.
- V. Improving the quality of corporate governance and government administration.
- VI. Partnership among business, society, and government.

I. Improvement of the macroeconomic environment

1. Reduce the cost of borrowing for businesses by maintaining predictable monetary, credit, and exchange-rate policies, reduce inflation to 10% in 2012, and work with business associations to develop macroeconomic policy.
2. Discontinue the practice of cross-subsidies of public investment projects or programs that pose a threat to loans for small and medium-sized businesses. Make the transition to

financing public programs exclusively through the state-owned Development Bank of the Republic of Belarus.

3. Allow private business to participate in government programs without the requirement to contribute equity, audit existing programs and investment projects, establish clear quantitative and qualitative criteria for evaluating their effectiveness, develop mechanisms for accountability to the public for the implementation of these programs, personalize decision-making on the implementation of government investment programs and projects.
4. Give institutional independence to the National Bank, which should withdraw from being an incorporator of any commercial organization.
5. Involve representatives of business associations in the process of drafting and implementing the Law on the Budget.
6. Design and implement mechanisms to provide targeted social assistance based on clear criteria of need, and simultaneously eliminate government regulation of prices (eliminate the list of socially significant goods).
7. Establish and support the operation of a national guaranty fund to issue repayment guaranties for up to 70% of start-up loans, including subsidized loans.

II. Demonopolization and fair competition within the CES

1. Treat state and private businesses equally in conducting tenders and auctions, providing access to financial resources, land and real property, granting industry-specific tax preferences and non-tariff regulatory measures, and participation in government programs.
2. Discontinue the practice of distributing raw materials by Belarusian monopolies through quotas and at significantly below-market prices; establish a uniform pricing policy for monopolies with respect to companies in the same market segment. Support the uninterrupted sale of all main export goods through the Belarusian Commodities Exchange for Belarusian rubles for export purposes.
3. Introduce a system to counteract monopolistic practices by establishing a State Agency for Anti-Monopoly Policy that is independent from the Council of Ministers, industry concerns, and local governments.
4. Authorize private appraisal organizations and appraisers to appraise state-owned assets.
5. Eliminate the national telecommunications carrier's monopoly on international Internet traffic. Eliminate the requirement to connect telecommunications networks in the Republic of Belarus through the network of the national carrier; within the scope of anti-monopoly regulation, set a maximum limit on international roaming rates at no more than three times the rate for service within the country.

6. Authorize domestic telecommunications carriers to work directly with each other within the Republic of Belarus.
7. Establish a system of independent appraisal of assets and land based on international standards, promote free competition in the profession of asset and land appraisal.
8. Discontinue the practice under which certain types of insurance are provided exclusively by government-owned insurance organizations.
9. Allow state-owned organizations to insure their property interests with insurance companies of all forms of ownership, including companies with foreign ownership. End the monopoly of the national reinsurance system, establish market-based relationships between insurers and the national reinsurance organization, give insurers the unconditional right to enter external reinsurance markets. Extend the terms of licenses to engage in the insurance business to 10 years.
10. Eliminate barriers for insurance brokers on the insurance services market by removing the restrictions on providing mandatory insurance and giving insurance brokers access to international reinsurance. Eliminate licensing requirements for insurance brokers.
11. Prohibit insurance companies from independently determining the amount of harm in claims, require the amount of harm to be determined only by independent appraisers.
12. Prohibit government agencies from setting production, sales, or financial targets for businesses in which the government has an equity stake of less than 50%.
13. Prohibit government enforcement, oversight, regulatory, and licensing agencies from forming or owning equity in any business.
14. Repeal the prohibition on advance payment on imports by businesses and sole proprietors.
15. Allow businesses to deposit cash earnings from wholesale sales of goods in the Russian Federation and Kazakhstan into their foreign-currency accounts.
16. Restore the right of business attorneys to practice before economic and commercial courts.
17. Discontinue the practice of withdrawing funds from companies' accounts pursuant to collection orders by enforcement, oversight, and financial agencies without a court order.
18. Move paid medical services from the system of budget-funded health care into independent self-financing institutions. Eliminate government regulation of prices (or rates) for medical services for organizations that are not budget-funded, on the basis that they do not determine the standard of living of the public.
19. Repeal all restrictions on the number of students that may be accepted by private institutions of higher education, including students in evening, correspondence, and distance learning programs.

III. Expanding the scope of private initiative and responsibility

1. Simplify the procedure and reduce the cost of conveying land to private organizations and entrepreneurs, including under long-term leases of at least 25 years.
2. Transfer to private Belarusian businesses, through trust management or privatization, the assets of enterprises that earn little or no profit.
3. Allow small businesses to purchase small lots of goods, raw materials, and components outside the Republic of Belarus for cash, with subsequent payment of VAT to the Republic of Belarus (up to 1000 basic units per transaction).
4. Introduce and support the institution of private court bailiffs.
5. Establish transparent rules for the issuance of technical specifications for the construction of homes and utility, transportation and social infrastructure projects.
6. Redistribute the personnel and financial resources of political subdivisions in order to promote small and medium-sized business (increase the number of employees in appropriate departments and offices that are responsible for small and medium-sized business development and support).
7. Revise the regulations on electronic document management to make them consistent with Law No. 113-3, dated December 28, 2009, "On electronic documents and electronic digital signatures". Establish a uniform official system for managing open keys with a root certification authority.
8. Give the business community the right to independently formulate and monitor rules of conduct for businesses operating on the consumer waste collection and processing market, by instituting self-regulating mechanisms.
9. Grant tax and other preferences to roadside service businesses, regardless of where they are registered, similar to the preferences given to businesses registered in sparsely populated and rural areas.
10. Increase government funding or tax preferences to cover a portion of the expenses incurred by small and medium-sized businesses to participate in international exhibitions and fairs and conduct market research and advertising, in order to increase exports of Belarusian goods and services.
11. Transfer, with or without payment, intellectual property created with government funding to small innovative businesses for subsequent commercialization.
12. Grant capital amnesty and economic amnesty.
13. Grant amnesty to persons serving sentences for economic crimes, the punishment for which is not proportionate to the danger to society of the offense.

IV. Optimizing the regulatory and tax burden

1. Simplify the procedure and improve the process of forming a business: allow electronic registration of businesses, eliminate the requirement to raise authorized capital before registration; eliminate the appraisal and review of the appraisal of non-cash contributions up to 20 million Belarusian rubles; impose a duty on record-keeping government agencies (offices of the Ministry of Taxes and Fees, the Social Protection

Fund, etc.) to provide the required books and journals as part of the registration fees and to give notice of upcoming administrative procedures and formalities. Allow businesses to register using the home address of one of the incorporators.

2. Allow entrepreneurs and micro-enterprises to perform work and services in residential buildings in their place of registration, as long as the work does not damage the premises or negatively impact neighbors. Apply to this work the rates for utilities and technical service used for individuals.
3. Simplify the procedure for liquidating a business: the registration agency should publish information on liquidations electronically and on paper in a publicly accessible registry for a fee of 1 basic unit; reduce the minimum time for acceptance of creditors' claims to 1 month; allow property to be sold without an auction by decision of the creditors' committee. Reduce reporting requirements in the liquidation procedure. Disallow any restrictions on who may serve as the liquidators (or members of the liquidation committee). Introduce the institution of the creditors' committee.
4. Optimize the regulation of insolvency (bankruptcy) procedures: develop a management-oriented training program for bankruptcy trustees; impose strict

12. Allow issuers of housing bonds to secure performance of the obligations under these bonds with a mortgage on the unfinished and non-abandoned real property to be created.
13. Simplify and reduce the cost of the existing procedure for the approval and use of outdoor advertising.
14. Eliminate specified allowances for issuing personal protective equipment to employees; allow organizations to determine what types of specialized clothing their employees need and the useful life of such clothing.
15. Starting in 2013, introduce the tax principle of "15-15-15": transition to a single VAT rate of 15%, a corporate profit tax rate of 15%, and contributions by businesses to the Social Protection Fund of 15%. Another 15% should be paid by employees. The expenditure portion of the consolidated budget should be revised to eliminate investment in inefficient commercial projects, while maintaining balanced national and local budgets.
16. Eliminate VAT on imports of technological equipment for use by a business in its own operations.
17. Eliminate the value-added tax when Belarusian businesses and sole proprietors purchase goods and services or property rights in the Republic of Belarus from foreign companies that are not doing business in the Republic of Belarus through a permanent representative office and, accordingly, are not registered with the tax authorities of the Republic of Belarus.
18. Introduce a profit tax rate of 0 for small and medium-sized enterprises engaged in innovative businesses.
19. Reduce the number of rates applied in calculating the ecological tax.
20. Allow businesses to count as expenses for their primary type of business amounts of value-added tax that are paid outside the Republic of Belarus and that are counted as unrealized expenses under current law.
21. Allow manufacturers to defer payment of VAT on imports of materials and parts for up to 30 days.
22. Provide verification of the application of the zero rate of VAT on exports of goods to Russia and Kazakhstan by affixing marks when the goods cross the border.
23. Reduce the rates of taxes in the simplified taxation system by one percentage point.
24. Increase to 100, inclusive, the number of employees that a company may have and still use the simplified taxation system, without paying value-added tax and using gross revenue as the tax base.
25. Exclude from the tax base the amount of expenses refunded to a lessor (or capital lessor) that are not included in the rent, for companies and sole proprietors that use the simplified taxation system.
26. Reduce the rate of the land tax for manufacturers to the same rate as the tax on agricultural land, simplify the calculation of land tax rates.

27. Eliminate double taxation on dividends paid to individuals who are incorporators of companies.
28. Provide equal benefits to legal entities that pay for their employees' medical care, regardless of whether they pay the provider directly or purchase health insurance policies from an insurance company, regardless of its form of ownership.
29. Exempt individuals from income tax and contributions to the Social Protection Fund on amounts they spend on medical care and health insurance, whether the payments are made by them or by their employer.
30. Eliminate the requirement to make advance income tax payments on loans granted by consumer mutual financial assistance cooperatives comprising legal entities and individuals (mixed type) or by specialized funds.
31. Allow micro-enterprises to make contributions to the Social Protection Fund based on a level no higher than the average salary in the industry.
32. Allow companies to take advantage of a profit tax credit when they finance capital investment for business purposes.
33. Create extra deductions for businesspeople and companies that sponsor community and other public organizations, orphanages, cultural and artistic facilities, sports, and religious communities that are officially registered in the Republic of Belarus. Prepare a draft Law "On charity".
34. Allocate at least one percent of total tax revenues received from small businesses to subsidized financing of their projects from local budgets.
35. Eliminate the unified and income taxes for sole proprietors who have class 1 and 2 disabilities for the first two years in which they engage in business.
36. Eliminate the restrictions on counting documented business travel expenses in excess of prescribed limits as expenses for tax purposes.
37. Allow application and membership fees for joining business associations and self-regulating organizations to be deducted as expenses on the production and sale of goods and services for tax purposes.
38. Increase threefold the revenue limit for paying the unified tax. Discontinue the payment of the fixed value-added tax within the Common Economic Space for payers of the unified tax.

V. Improving the quality of corporate governance and government administration

1. Adopt a provision requiring all fees for administrative procedures performed by government agencies and organizations authorized by them to be deposited directly in the federal budget.
2. Prohibit local or national government agencies from establishing policies, including verbal policies, regarding payment procedures, the percentage of local or Belarusian goods, or the manner of distributing such goods among retail stores. Eliminate the requirement for approval of merchandise lists.

3. Eliminate licensing and certification requirements for those businesses which do not pose risks to public health and safety or to national security, specifically: legal services, gathering and distributing (including on the Internet) information on individuals for the purpose of making social connections, and the publishing and printing business.
4. Establish a procedure under which a license may be suspended or revoked (for a violation on the laws on licensing, the terms and requirements of the license, or other violation) only by court order and only for a repeated violation after the license has been suspended. If a violation is committed involving a portion of a license, the sanctions should apply only to that portion, and the remainder of the license should remain valid. Require the licensing agency to notify the license holder of the expiration of a license.
5. Work with the business community to put together a list of technical, construction, fire safety, and public health standards that should be repealed or revised.
6. Provide legislative and administrative support for the establishment of an information, communication and technological infrastructure for business, with access to government information resources, systems and networks, in order to improve the quality of electronic services provided by government agencies and to re-engineer business processes.
7. Encourage the use of electronic consignment notes, including international documents (CMR).
8. Allow representatives of business associations to participate, through the Public Expert Council on Electronic Business Development (E-delegation), at all stages of the process of creating information systems to provide “government to business” (G2B) services and testing such services with legal entities and sole proprietors.
9. Impose administrative liability on officials and local government agencies for unlawful interference in the business activities of private companies.
10. Adopt a legal rule that only persons who have an express legal duty to comply with a particular legislative provision can be held liable under the laws of the Republic of Belarus for violating the provision.
11. Post complete information on past, present, and future budgetary expenditures on the website of the Ministry of Finance.
12. Define the type and scope of liability of judges for entering unlawful court orders, impose mandatory civil liability for judges and bailiffs.
13. Clearly define the term "justifiable risk" in the Criminal Code and the Code of Administrative Violations of the Republic of Belarus; modernize the Criminal Code by clearly designating the protection of human rights and liberties as the highest priority.
14. Eliminate the legal practice of assigning quotas to central and local government agencies for the amount of fines collected, the number of citations issued, and the amount of goods confiscated.
15. Impose adequate liability on organizations that are budget-funded or state-owned or in which the government has an equity interest of more than 50% for nonperformance or improper performance of contractual obligations to private businesses for products supplied or services rendered.

16. Eliminate duplication of enforcement functions in multiple agencies; a single government agency should be responsible for a particular business issue. Reduce the number of government agencies authorized to conduct scheduled inspections
17. Draft a Law of the Republic of Belarus On Self-Regulating Organizations, create a legal environment that supports the formation and growth of industry and professional associations that are capable of performing the functions of rulemaking, monitoring and analyzing the conduct of entities operating in their market segment, and making proposals to government agencies for changes to the regulations governing these market segments.
18. Amend the Law on the State Control Committee to shorten the list of reasons for officials of the State Control Committee to conduct inspections of non-government businesses.
19. Reduce the frequency of scheduled inspections of businesses based on their risk group. A business should be placed in a high risk group only if it could cause significant harm to the government, consumer health, or national security. Reduce the burden of inspections on companies that operate profitably and pay their taxes.
20. Change the procedure for conducting inspections based on complaints. Before an inspection is conducted, give the business an opportunity to contest the basis of the complaint. Prohibit enforcement and regulatory agencies from conducting inspections based on anonymous tips alleging violations.
21. Ensure full transparency of financial flows of all government agencies and companies in which the government owns an equity stake of more than 50%. Require annual audits of these agencies and companies and publish the results on their internet sites within one month after the audit is completed.

VI. Partnership among business, society, and government

1. Hold annual public hearings in parliament and in regional and municipal councils of deputies on the status, trends, and problems in business development.
2. Give industry and business associations the right to submit petitions to review the constitutionality of laws regulating economic and business activity directly with the Constitutional Court.
3. Integrate courses in basic economics and business into the curricula of high schools, vocational schools, and colleges and universities.
4. Promote positive images of business and entrepreneurs in the media. Broadcast weekly programs on the television channels Belarus-1, ONT, STV, and regional channels on which business associations provide information and commentary on the progress in implementing the Belarus National Business Platform, opportunities and problems for business, and reforms of overall business climate.
5. Draft a government program to develop and support women's entrepreneurship by improving opportunities for women to start and grow their own businesses and balance family obligations and education with a business career.
6. Allow representatives of business associations in the Republic of Belarus to participate in government reviews of scientific and technical innovations.
7. Transfer technologies developed with government funding to small and medium-sized businesses free of charge.

5. DEVELOPING MANUFACTURING BUSINESS

The development of manufacturing business is a priority for Belarus in our view. Creating and growing a manufacturing operation into a competitive business will require comprehensive solutions to the problems facing manufacturers. They need packaged solutions, not decrees adopted out of context, which only prevent Belarusian business from reaching its full manufacturing potential and undermine the many valuable ideas and solutions of various government agencies.

We propose working together on a set of measures to develop manufacturing business both in large and medium-sized cities (100,000 residents or more) and in small cities and rural areas.

Set of measures to develop manufacturing business in large and medium-sized cities:

1. Work with the business community to develop a modern industrial policy. Draft and enact an Industrial Policy Law.
2. Develop criteria for the efficient use of land and commercial real estate, environmental requirements, level of innovation of goods produced, value added per square meter, etc., redistribute land parcels and commercial real estate to enterprises that meet these criteria and fit established priorities.
3. Allocate land in the area surrounding the city of Minsk and build an industrial zone of at least 500 hectares, finance the infrastructure of the zone from the budget.
4. Transfer free of charge all unused or inefficiently used land and structures owned by government agencies for the purpose of establishing industrial zones and industrial parks.
5. Encourage large companies to place orders with small and medium-sized businesses through a subcontracting system and various modern forms of industrial cooperation.

Set of measures to develop manufacturing business in small cities and rural areas:

1. Allow Belarusian businesses from large and medium-sized cities to engage in manufacturing operations in small cities and rural areas on the same favorable terms enjoyed by local companies formed in these areas.
2. Grant allowances on payments to the Social Protection Fund and subsidize relocation expenses for professionals who move to small cities and rural areas in order to start manufacturing operations.

6. MECHANISMS AND TOOLS TO IMPLEMENT THE 2012 BELARUS NATIONAL BUSINESS PLATFORM

The following mechanisms and tools will be used to implement the 2012 Belarus National Business Platform:

(Possible actions by business circles – business associations, all business leaders in Belarus, nongovernmental organizations, business support centers, small business incubators, educational

institutions, administrators of special economic zones, high technology parks, and research parks, think tanks, consulting and law firms, technology transfer centers, subcontracting centers, business media outlets, internet portals, owners of real estate and intellectual property, etc.)

1. Organize the Coordinating Council to advance the Belarus National Business Platform.
2. Coordinate the efforts of all business-related NGOs, business advisory councils in government agencies, and industry and regional business associations to implement the provisions of the Platform.
3. Organize expert councils to operate effectively within national and local government bodies and agencies. Provide training for the members of the councils.
4. Provide information resources to support advocacy for the Platform's proposals at all stages, organize business clubs and hold business breakfasts, public hearings, press conferences, etc.
5. Coordinate the positions of the business community through consultations, roundtables, surveys, and facilitating public and corporate dialog.
6. Present the positions of the business community to legislatures by holding hearings on the systemic and specific problems in business development and issues of social partnership and socio-economic policy.
7. Draft amendments and comments on current drafts of laws and regulations for submission to legislative bodies and government agencies.
8. Provide recommendations to government agencies, including by participating in working groups, inter-agency commissions, and public advisory councils.
9. Arrange focus groups and panels of analysts and experts to gather feedback from business and industry on the business community's legislative proposals in order to increase business competitiveness.
10. Set up permanent regional discussion forums for small and medium-sized businesses and entrepreneurs, and monitor the SME situation, and promote the growth of large private business.
11. Take action to resist corruption and position the business community as an opponent of bribery, gray market, fraud, and nepotism.
12. Review draft legislation for consistency with anti-corruption principles, lack of ambiguity, feasibility of implementation, and consistency with Directive No. 4, dated December 31, 2010.
13. Support businesspeople in litigation and administrative disputes with government agencies in cases when sanctions and fines are imposed unlawfully.

14. Promote information resources and post information on representing, strategic developing, and protecting the interests of Belarusian business on websites and information portals in Belarus, the countries of the Common Economic Space, and other countries of the world.
15. Hold a competition for "Best City, District, and Region in Belarus for Business".
16. Conduct a survey of 500 businesses and sole proprietors twice per year to determine the Index of Business Optimism of private business in Belarus.
17. Arrange coordinated actions with business associations in Russia and Kazakhstan to advance the proposals of the Platform and understand the positions of business associations in our partner countries in the Common Economic Space.
18. Send copies of the 2012 Platform to the governments of Russia and Kazakhstan, so they can consider the positions of the Belarusian business community in developing a single economic policy to enhance business potential in the Common Economic Space.

The authors of the 2012 Belarus National Business Platform call on the leaders of all government bodies and agencies in the Republic of Belarus, business owners and executives, and representatives of civil society to demonstrate solidarity, professionalism, and determination in implementing the proposals put forward by the business community.

Toward modernization – together!

BUSINESS AND GOVERNMENT MUST WORK TOGETHER TO IMPLEMENT THE PLATFORM

On October 4, 2011, the Prime Minister of the Republic of Belarus, Mikhail Myasnikov, convened an expanded session of the Presidium of the Council of Ministers of the Republic of Belarus to discuss the Belarus National Business Platform, which had previously been delivered to each member of the government on behalf of the entire Belarusian business community.

The session was attended by members of the Government, officials of relevant government agencies, leaders of the country's prominent business associations, the National Bank, the State Control Committee, the Administration of the President, the Federation of Labor Unions of Belarus, and the National Assembly of the Republic of Belarus.

The interests of the business community were represented by Vladimir Karyagin, chairman of the Minsk Capital Association of Entrepreneurs and Employers and chairman of the presidium of the Republican Confederation of Entrepreneurship; Viktor Margelov, co-chairman of the Republican Confederation of Entrepreneurship; Alyaxandr Kalinin, chairman of the Belarusian Union of Entrepreneurs; Anatoly Kharlap, chairman of the Belarusian Association of Industrial Enterprises; Georgy Badey, chairman of the Kuniavsky Business Union of Entrepreneurs and Employers; Sergey Ling, director of the group of advisers of the Belarusian Science and Industry Association; Anatoly Trukhanovich, chairman of the Belarusian Taxpayers Union; and Vyacheslav Reut, first vice chairman of the Belarusian Chamber of Commerce and Industry.

After Prime Minister Mikhail Myasnikovich outlined the issues, reports were presented by Nikolay Snopkov, the Minister of Economy of the Republic of Belarus; and Vladimir Karyagin, the chairman of the Minsk Capital Association of Entrepreneurs and Employers and chairman of the Republican Confederation of Entrepreneurship. Among the speakers discussing the reports were Georgiy Badey, chairman of the Belarusian Union of Entrepreneurs Aleksandr Kalinin, Viktor Margelov, Sergey Ling, Chairman of the Federation of Labor Unions of Belarus Leonid Kozik, Speaker of the House of Representatives of the National Assembly of the Republic of Belarus Vladimir Andreychenko, Chairman of the State Control Committee Aleksandr Yakobson, and First Deputy Chairman of the Brest Regional Executive Committee Mikhail Yukhimuk.

The participants in the meeting approved the initiative of the business community to design measures to promote business initiative and create a favorable environment for doing business as set forth in the 2011 Belarus National Business Platform. A decision was adopted that the efforts to implement and advance the Platform will be implemented in conjunction with the Government. According to the minutes of the meeting, specific actions by the Government in this direction were formulated. The deputy Prime Ministers were assigned to coordinate and oversee the work within their areas of authority. On October 20, the Ministry of Economy of the Republic of Belarus formed a working group, led by Nikolay Snopkov, the Minister of Economy of the Republic of Belarus, to review and implement the provisions of the Belarus National Business Platform. The membership of the working group includes representatives of leading business associations in the country.

Government actions to implement the Belarus National Business Platform

1. Approve the initiative of the business community to design measures to promote business initiative and create a favorable environment for doing business as set forth in the 2011 Belarus National Business Platform.
2. Annually review business development issues at meetings of the Presidium of the Council of Ministers of the Republic Belarus, with an agenda prepared based on dialog between government agencies and the business community.

The business community must think through its proposals fully, taking into account issues of corporate responsibility and the need to treat all businesses equally, regardless of ownership.

3. National government agencies and local executive and regulatory agencies should work to promote and stimulate investment primarily by attracting direct foreign investment in the country.
4. National government agencies and local executive and regulatory agencies should create the conditions making it possible for small and medium-sized businesses to generate at least 30 percent of GDP by the end of 2015.
5. A. S. Gruzlov, Director of the Department of Business in the Ministry of Economy, should be personally responsible for organizing and coordinating work with nongovernmental

business associations and organizations, infrastructure entities, and small and medium-sized businesses on matters of engaging in entrepreneurial activity and creating the most favorable conditions for doing business.

6. N. G. Snopkov, Minister of Economy, should be personally responsible for organizing and coordinating the work of national government agencies, other public organizations subordinate to the Government of the Republic of Belarus, the regional executive committees, and the Minsk City Executive Committee to implement Directive No. 4 of the President of the Republic of Belarus, dated December 31, 2010, “On developing entrepreneurial initiative and stimulating business in the Republic of Belarus”.
7. The Ministry of Economy should form a working group, comprising representatives of government agencies and nongovernmental business associations and organizations, to continue reviewing and implementing the proposals in the Belarus National Business Platform and, when necessary, submit appropriate proposals to the Government of the Republic of Belarus in the prescribed manner.
8. By November 10, 2011, the Ministry of Economy should submit a proposal to the Government of the Republic of Belarus to improve the rules of procedure and method of operation of the public advisory and expert councils within national government agencies and to give them a more prominent role in discussions of draft laws and regulations involving business issues.
9. By November 10, 2011, the Ministry of Economy should submit a proposal to the Government of the Republic of Belarus, jointly with the Supreme Economic Court, to establish a procedure for terminating and revoking licenses (for violations of the licensing laws, requirements and terms or other violations) only by court order.
10. By November 10, 2011, the Ministry of Economy, jointly with the Ministry of Taxes and Fees and other relevant agencies, should submit a proposal to the Government of the Republic of Belarus to grant sole proprietors the right to hire individuals, regardless of whether they are family members or close relatives, to work in the business.
11. By November 10, 2011, the National Statistics Committee of the Republic of Belarus should submit a proposal to the Government of the Republic of Belarus to introduce a random sampling method of inspecting micro-enterprises.
12. By November 10, 2011, the State Committee on Science and Technology, jointly with the Ministry of Economy, should submit a proposal to the Government of the Republic of Belarus on promoting the creation of innovative businesses of various forms of ownership.
13. By November 10, 2011, the State Committee on Property, jointly with the Ministry of Economy, the regional executive committees and the Minsk City Executive Committee, should submit a proposal to the Government of the Republic of Belarus to grant to lessees holding long-term leases of state-owned premises (or structures) the right to purchase such premises (or structures).

14. By November 10, 2011, the Ministry of Justice, jointly with the Supreme Court, the Ministry of Economy and other relevant agencies, should submit a proposal to the Government of the Republic of Belarus on the proportionality of sanctions imposed on executives of private businesses in the course of doing business.
15. By November 10, 2011, the Ministry of Justice, jointly with the Ministry of Economy and other relevant agencies, should submit a proposal to the Government of the Republic of Belarus based on an additional analysis of whether the current laws are consistent with the contemporary business environment, including the Customs Union and the Common Economic Space.
16. The Ministry of Taxes and Fees, jointly with the Ministry of Finance, the National Statistics Committee, and other relevant agencies, should take measures to radically simplify tax administration, reduce the number of documents that must be filed with the tax authorities and prepared by taxpayers to calculate their tax base and amount of taxes, and significantly reduce the amount of time businesses must spend calculating their taxes.
17. The Ministry of Taxes and Fees, jointly with the Ministry of Finance, the National Statistics Committee, and other relevant agencies, and with assistance from experts from the World Bank and the IMF, should develop a joint plan of action to radically simplify tax administration, reduce the number of documents that must be filed with the tax authorities and prepared by taxpayers to calculate their tax base and amount of taxes, and significantly reduce the amount of time businesses must spend calculating their taxes.
18. The Ministry of Finance should conduct annual monitoring and assessment of the implementation of government investment programs and programs to support economic, research, innovation, and social projects.
19. The Supreme Economic Court, jointly with the Ministry of Finance, should consider and adopt measures to make judicial proceedings in cases involving businesses easier and faster, increase funding for court infrastructure in order to increase the number of judges hearing economic disputes and bailiffs to execute judgments, to be reflected in a draft Law of the Republic of Belarus “Amending the Business Procedure Code of the Republic of Belarus”.
20. The Deputy Prime Ministers of the Republic of Belarus should be given the responsibility to coordinate and monitor the performance of these tasks within their areas of authority.

A CHRONOLOGY

OF THE CREATION, DEVELOPMENT, ADVANCEMENT, AND IMPLEMENTATION OF THE

BELARUS NATIONAL BUSINESS PLATFORM
SINCE 2005 IS AVAILABLE AT:
<http://allminsk.biz/content/category/8/235/665/>

BNBP PUBLICATIONS

2006-2007

Belarus National Business Platform, 2006-2007. Business for partnership and responsibility

2008

Belarus National Business Platform, 2008. Partnership and solidarity for the future

2009

Belarus National Business Platform – 2009. Economic recovery through business development --
There is no other way

2010

Belarus National Business Platform – 2010. A new course for business and government

2011

Belarus National Business Platform – 2011, The time for real action

2012

2012 Belarus National Business Platform. Toward modernization – together.

For more information on the history of the creation, development and implementation of the Belarus National Business Platform, see:

www.allminsk.biz

www.primus.by

www.liberty-belarus.info

www.investar.by

www.rce-ale.org

www.bel.biz

www.belapan.by

www.belta.by
www.tut.by
www.naviny.by
www.infobank.by
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www.delo.by
www.direktor.by

ACKNOWLEDGEMENTS

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Coordinating Council on Development and Advancement of BNPB

BUSINESS ASSOCIATIONS, NONGOVERNMENTAL ORGANIZATIONS, AND NONPROFIT ORGANIZATIONS WHOSE REPRESENTATIVES TOOK PART IN THE DRAFTING AND DISCUSSION OF THE 2012 BELARUS NATIONAL BUSINESS PLATFORM

- Republican Center for Technology Transfer (RCTT)
- Association of Home Builders
- Association for Safety and Protection of Brand Names and Trademarks
- Association of International Pharmaceutical Manufactures
- Association for Copyright in Information Technology

- Association of Waste Management and Recycling, Union of Legal Entities “Republican Confederation of Entrepreneurship”
- Small and Medium Business Association
- Association of International Freight Forwarders and Logistics (BAME)
- Association of International Automobile Carriers (BAMAP)
- Belarusian Association of Industrial Enterprises
- Belarusian Association of Insurers
- Belarusian Public Association of Commercial Lawyers
- Belarusian Crisis Management and Bankruptcy Association
- Belarusian Inter-Regional Public Organization “Strength in Friendship”
- Belarusian Social and Environmental Association “Chernobyl”
- Belarusian Builders Association
- Belarusian Employers Association
- Belarus Bar Association
- Belarusian Farmers’ Association
- Belarusian Association “Country Escape”
- Belarusian Trade Union of Workers of Cooperative Societies, Small Businesses and Other Forms of Entrepreneurship “Sadruzhnast”
- Polish-Belarusian Chamber of Commerce
- Belarusian Chamber of Commerce
- Business Union of Entrepreneurs and Employers Named After Kuniavsky
- Eurasian Union of Industrialists and Entrepreneurs
- Coordinating Council of Individual Entrepreneurs
- Confederation of Industrialists and Entrepreneurs (Employers)
- International Socio-Economic Foundation “Idea”
- Golden Heritage of Vitebsk International Foundation
- Local Foundation for Logistical Support of Minsk International Marathon
- Local Foundation for Entrepreneurial Mutual Aid and Solidarity
- Belarusian Union of Lessors
- Belarusian Society of Assessors
- Belarusian Union of Entrepreneurs
- Belarusian Taxpayers Union
- Vitebsk Association of Employers and Entrepreneurs
- Grodno Entrepreneurs Club
- Minsk Capital Association of Entrepreneurs and Employers
- Public Association for Support of Entrepreneurship “Unity”
- Mogilev Regional Business Association
- Brest Regional Business Union
- AgroEcoTour Public Association of Brest
- Public Association and Think Tank “Liberal Club”
- Belarusian Association of Science and Industry
- Belarusian Republican Association of Legal Advisors
- Republican Association of Agriculture and Industry (BelAPS)
- Republican Association of Consumer Credit Unions

- Belarusian Republican Automobile Union
- Republican Entrepreneurship Development Fund
- Republican Association of Forest Industries
- Republic of Belarus Council on Development of Entrepreneurship
- Republican Confederation of Entrepreneurship
- Brewers' Guild
- Eastern Partnership Civil Society Forum

Dear Friends and Esteemed Colleagues!

The Coordinating Council on Development and Advancement of BNBП invites you to review the 2012 Belarus National Business Platform.

Since 2006, the Platform has been drafted annually by proactive representatives of the Belarusian business community. After widespread discussion, the draft of the Platform is reviewed each year at the Assembly of Business Leaders of the Republic of Belarus, which is attended by business founders and executives, representatives of over 50 business associations and nonprofit social and economic organizations, as well as academics, renowned experts, officials of ministries and departments, members of the diplomatic corps, and journalists.

After the Platform is adopted, a copy is delivered to every high-ranking official of the Republic of Belarus in each branch of government, heads of ministries and agencies, members of the National Assembly of the Republic of Belarus, heads of regional executive committees, representatives of civil society, etc.

The Platform represents the consolidated position of the business community. It has had a direct impact on the dialog between business and government, created a platform for negotiations, and facilitated the advancement of constructive proposals to liberalize the economy and improve the business climate and the conditions for doing business in Belarus.

Of the 104 proposals in the 2011 Belarus National Business Platform, 31 items have been partially implemented – these provisions are currently being discussed in draft form. Twenty-one proposals have been implemented in full. The changes proposed by the Belarus National Business Platforms of 2006-2007, 2008, 2009, 2010, 2011 continue to show positive results.

We invite you to get involved in the work on the next set of proposals being drafted by the business community: the 2013 Belarus National Business Platform.

We believe that the more entrepreneurs, experts, and businesspeople who take part in drafting the Belarus National Business Platform, the better it will represent the views, needs, and interests of the emerging private business community in Belarus.

Your opinions, initiatives, arguments, and ideas are extremely important, and we want to hear them!

Send your ideas, marked “Proposals for the 2013 Belarus National Business Platform”, by email to platforma@allminsk.biz or by mail to: V. N. Karyagin, Chairman of the Coordinating Council on Development and Advancement of BNBП, 11 Serafimovich St., Room 104, Minsk, 220033

If you have questions, please call our hotlines: +375-29-399-97-75 or +375-29-555-84-84, or call us at +375-17-298-24-38, +375-17-298-24-50, or +375-17-298-24-41/47.

All constructive proposals will be posted on the websites of the Republican Confederation of Entrepreneurship (www.rce-ale.org), the Minsk Capital Association of Entrepreneurs and Employers (www.allminsk.biz), and the Mises Research Center of the Analytical Center “Strategy” (www.liberty-belarus.info). Updates on the implementation of the 2012 Platform will also be posted here. You can enter your e-mail address to receive additional information on the drafting and advancement of the 2013 Belarus National Business Platform.

We look forward to productive and mutually beneficial cooperation!

Respectfully,

Vladimir N. Karyagin
Chairman, Coordinating Council on the Development and Advancement
of BNBП, Chairman of the Presidium of the Republican Confederation of Entrepreneurship