

## **Code of Civil Procedure of the Republic of Belarus**

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### **SECTION VII INTERNATIONAL CIVIL PROCEDURE**

#### **CHAPTER 46 GENERAL PROVISIONS**

##### **Article 503. Procedural rights and duties of foreign persons**

1. Foreign persons have the right to apply to the courts of the Republic of Belarus to protect their violated or disputed rights and freedoms or to protect their legitimate interests.
2. Foreign persons have the right to apply to the courts of the Republic of Belarus in accordance with the rules of jurisdiction and venue established by this Code.
3. Foreign persons shall enjoy procedural rights and fulfill procedural duties equally with citizens and organizations of the Republic of Belarus, unless otherwise provided by the Constitution of the Republic of Belarus, legislative acts and international treaties of the Republic of Belarus.
4. The Government of the Republic of Belarus may establish retaliatory restrictions (retorsions) in relation to foreign persons of those foreign states in which special restrictions on the civil procedural rights of citizens and organizations of the Republic of Belarus are permitted.

##### **Article 504. Legislation on legal proceedings in cases involving foreign persons**

1. Legal proceedings in cases involving foreign persons shall be carried out in accordance with this Code, other legislative acts and (or) international treaties of the Republic of Belarus.
2. When administering justice in cases involving foreign persons, the courts of the Republic of Belarus are guided by the general principles of civil procedure, as well as the priority of generally recognized principles of international law, the principles of procedural equality of foreign persons with citizens and organizations of the Republic of Belarus, compliance with the jurisdiction of foreign courts and other law enforcement agencies, and reciprocity.

## **Article 505. Procedural legal capacity and procedural active legal capacity of foreign citizens and stateless persons**

1. The procedural legal capacity and procedural active legal capacity of foreign citizens and stateless persons are determined by their personal law.
2. The personal law of a foreign citizen is:
  - 1) the law of the state of which he is a citizen (subject);
  - 2) the law of the state with which he is most closely connected (including the state in which he has a place of residence), if he has citizenship (nationality) of two or more states;
  - 3) the law of the Republic of Belarus, if, along with the citizenship of the Republic of Belarus, he has citizenship (nationality) of two or more foreign states.
3. The personal law of a stateless person is the law of the state in which this person has a permanent place of residence, and in the absence of such, the law of the state of his place of stay.
4. The personal law of an individual who has been granted refugee status or other forms of protection in a state that is not the state of his citizenship (nationality) is the law of the state in which this individual permanently resides.
5. A person who is not procedurally capacitated on the basis of personal law may be recognized as procedurally capacitated in the territory of the Republic of Belarus if he has procedural capacity in accordance with the law of the Republic of Belarus.

## **Article 506. Procedural legal capacity of a foreign organization**

1. The procedural legal capacity of a foreign organization is determined by the law of the foreign state in whose territory it is established.
2. A foreign organization that does not have procedural legal capacity in accordance with the personal law may be recognized as having legal capacity in the territory of the Republic of Belarus in accordance with the law of the Republic of Belarus.

## **Article 507. Procedural legal capacity of an international organization**

The procedural legal capacity of an international organization is established on the basis of the international treaty in accordance with which it was created, its constituent documents, or an agreement with the competent authority of the Republic of Belarus.

## **CHAPTER 47**

### **JURISDICTION OVER CASES INVOLVING FOREIGN PERSONS**

## **Article 508. Rules of jurisdiction**

1. The jurisdiction of the courts of the Republic of Belarus over cases involving foreign persons, as well as disputes in which at least one of the parties resides (is located) abroad, shall be determined in accordance with this Code and other legislative acts, unless otherwise provided by international treaties of the Republic of Belarus or a written agreement of the parties.

2. The courts of the Republic of Belarus shall have jurisdiction over cases involving claims by foreign persons against defendants who have a place of residence (place of stay) or are located in the Republic of Belarus. The courts of the Republic of Belarus shall also have jurisdiction over cases involving claims against foreign citizens and stateless persons if they have a place of residence (place of stay) in the Republic of Belarus, and against foreign organizations if the governing body, a representative office, or a branch of such organizations is located in the Republic of Belarus.

3. Courts of the Republic of Belarus shall also consider cases involving foreign persons where:

- 1) in a case on the collection of alimony, on the establishment of paternity, the plaintiff has a place of residence in the Republic of Belarus;
- 2) in a divorce case, the plaintiff has a place of residence in the Republic of Belarus or at least one of the spouses is a citizen of the Republic of Belarus;
- 3) in a case on compensation for harm caused by injury, other damage to health or in connection with the death of a breadwinner, the harm was caused on the territory of the Republic of Belarus or the plaintiff has a place of residence in the Republic of Belarus;
- 4) in a case concerning compensation for harm caused to property, the action or other circumstance that served as the basis for filing a claim for compensation for harm took place on the territory of the Republic of Belarus;
- 5) the dispute arose from an agreement under which full or partial performance must take place or took place on the territory of the Republic of Belarus;
- 6) the dispute arose from unjust enrichment that took place on the territory of the Republic of Belarus;
- 7) in a case on the protection of honor, dignity and business reputation, the plaintiff has a place of residence or location in the Republic of Belarus;
- 8) the dispute arose from relations related to the circulation of securities, the issue (delivery) of which took place on the territory of the Republic of Belarus;
- 9) the applicant in a case on establishing a fact of legal significance indicates the existence of this fact on the territory of the Republic of Belarus;

10) the person in respect of whom an application is submitted for adoption, for limiting the active legal capacity of a citizen, for recognizing him as incapacitated, for declaring a minor fully capable (emancipated), is a citizen of the Republic of Belarus;

11) the person in respect of whom an application is submitted to recognize him as missing or to declare him dead is a citizen of the Republic of Belarus;

12) the thing in respect of which an application for recognition as ownerless has been submitted is located on the territory of the Republic of Belarus;

13) an application has been filed for the restoration of rights under bearer documents (summons proceedings) issued by a citizen or to a citizen who has a place of residence in the Republic of Belarus, or by an organization or to an organization that is located in the Republic of Belarus;

14) there is a close connection between the disputed legal relationship and the territory of the Republic of Belarus.

#### **Article 509. Exclusive jurisdiction over cases involving foreign persons**

The exclusive jurisdiction of the courts of the Republic of Belarus includes cases involving foreign persons:

1) on disputes regarding state-owned property, including disputes related to the privatization of state property and the forced alienation of property for state needs;

2) if the subject of the dispute is immovable property located on the territory of the Republic of Belarus, including the establishment of the fact of ownership of immovable property or rights to it;

3) on the recognition as invalid of entries in the state register (roster, cadastre) made by a state body (other organization) of the Republic of Belarus, whose competence includes maintaining such register (roster, cadastre);

4) on disputes regarding the release of property from seizure or the exclusion of property from the property inventory act, if the seizure of property was carried out by a state body of the Republic of Belarus;

5) on disputes related to the establishment, state registration or liquidation (termination of activities) of legal entities and individual entrepreneurs on the territory of the Republic of Belarus, as well as challenging decisions of the bodies of these legal entities;

6) for claims arising from administrative and other public legal relations, as provided for in subdivision 3 of section VI of this Code;

7) on the insolvency or bankruptcy of legal entities and individual entrepreneurs whose location or place of residence is the Republic of Belarus.

## **Article 510. Contractual jurisdiction of cases involving foreign persons**

1. The jurisdiction of a court of the Republic of Belarus or a foreign court over cases involving foreign persons may be determined by written agreement of the parties. Such agreement may not change the exclusive jurisdiction of a court of the Republic of Belarus or a foreign court.

2. If the agreement on the jurisdiction of the dispute by the court of the Republic of Belarus does not make a choice between several courts to which the case is subject, and there are no grounds for applying exclusive jurisdiction and the general rules of jurisdiction provided for by this Code, then the claim shall be filed with the court at the place of residence or location of the plaintiff in the Republic of Belarus.

## **Article 511. Immutability of original jurisdiction**

A case admitted by a court of the Republic of Belarus for its proceedings in compliance with the rules of jurisdiction shall be resolved by it on its merits, even if subsequently, due to a change in citizenship, place of residence or location of the parties or other circumstances affecting jurisdiction, it becomes subject to the jurisdiction of a foreign court.

## **Article 512. Adoption of interim measures in cases involving foreign persons**

In cases involving foreign persons, initiated by a court of the Republic of Belarus in compliance with the rules of jurisdiction, the court has the right to take interim measures in the manner established by this Code.

## **Article 513. Consequences of lack of jurisdiction over a case involving foreign persons by a court of the Republic of Belarus**

1. Lack of jurisdiction of a case involving foreign persons by a court of the Republic of Belarus shall be ground for refusing to initiate proceedings on the case.

2. A court of the Republic of Belarus shall terminate proceedings on a case involving foreign persons at any stage of civil proceedings if it finds out that the case is within the jurisdiction of a foreign court, and unless otherwise provided by this Code and international treaties of the Republic of Belarus.

## **Article 514. Consequences of consideration by a foreign court of an identical case involving foreign persons**

1. If a dispute, according to the rules established by this Code, is subject only to the jurisdiction of a court of the Republic of Belarus, it shall consider the case and render a decision even in cases where an identical case is being heard by a foreign court or has already been considered by that foreign court.

2. In case of dual jurisdiction over a dispute involving foreign persons, the court of the Republic of Belarus:

- 1) returns the statement of claim if an identical case is pending before a foreign court;
- 2) leaves the statement of claim without consideration if an identical case, proceedings on which were initiated earlier, is pending in the proceedings of a foreign court;
- 3) refuses to initiate proceedings on a case or terminates proceedings on a case if there is a judgment of a foreign court that has entered into legal force on an identical case, except in cases where the court has refused to recognize and enforce it on the territory of the Republic of Belarus.

## **CHAPTER 48**

### **FEATURES OF CONSIDERATION OF CASES INVOLVING FOREIGN PERSONS**

#### **Article 515. Rules applicable to cases involving foreign persons**

1. Cases involving foreign persons shall be considered by the courts of the Republic of Belarus in accordance with the rules established by this Code, taking into account the specifics of this section, unless otherwise provided by international treaties of the Republic of Belarus.
2. Cases involving foreign organizations, if these organizations or their governing bodies, branches, representative offices or their representatives authorized to conduct the case are located or reside in the Republic of Belarus, shall be considered within the time limits established by Part 1 of Article 122 of this Code.
3. If foreign persons participating in a case considered by a court of the Republic of Belarus have a location or place of residence outside the Republic of Belarus, they shall be notified of the court proceedings in the manner established by an international treaty of the Republic of Belarus on the provision of international legal assistance in civil cases, and in the absence of such an international treaty – in accordance with Article 525 of this Code.

#### **Article 516. Recognition of documents issued, drawn up or certified by competent authorities of foreign states**

1. Documents drawn up in a foreign language, when submitted to a court of the Republic of Belarus, must be accompanied by a duly certified translation into one of the official languages of the Republic of Belarus.
2. Documents issued, drawn up or certified in the established form by competent authorities of foreign states outside the Republic of Belarus in accordance with the legislation of foreign states in relation to citizens and organizations of the Republic of Belarus, as well as foreign persons, shall be accepted by the courts of the Republic of Belarus if they are legalized or apostilled, unless otherwise provided by the legislation and international treaties of the Republic of Belarus.

### **Article 517. Conducting business with the participation of foreign persons through representatives**

Representatives of foreign persons have the right to conduct cases of foreign persons in the courts of the Republic of Belarus in accordance with the rules established by this Code and other legislative acts.

### **Article 518. Diplomatic (consular) representation**

1. Diplomatic and other official missions, consular offices of foreign states located in the Republic of Belarus have the right to represent and protect the interests of their states, their citizens and organizations in the courts of the Republic of Belarus within the limits determined by the legislation and international treaties of the Republic of Belarus.

2. Diplomatic representatives (consular officials) of foreign states accredited in the Republic of Belarus have the right to represent, without authorization or power of attorney, the interests of citizens and organizations of their respective states in the courts of the Republic of Belarus if these citizens and organizations, due to absence or other valid reasons, are unable to defend their rights, freedoms, and legitimate interests. Such representation may continue until the citizen or organization entrusts the case to another representative or assumes the defense themselves.

## **CHAPTER 49**

### **FEATURES OF CONSIDERATION OF CASES INVOLVING PERSONS WITH JUDICIAL IMMUNITY**

### **Article 519. Proceedings in cases involving foreign states**

1. A foreign state, acting in its capacity as a sovereign, has judicial immunity from a claim brought against it in a court of the Republic of Belarus, from its involvement in a case as a third party, from the seizure of property belonging to the foreign state and located on the territory of the Republic of Belarus, as well as from the adoption by a court of the Republic of Belarus of measures to secure the claim and the enforcement of a judgment of a court of the Republic of Belarus.

2. A foreign State shall not be considered as acting as a sovereign in disputes arising from (in relation to):

1) civil law contracts with organizations and individuals, unless the parties to such contracts have expressly agreed otherwise;

2) employment contracts between a foreign state and an employee in relation to work that must be performed in whole or in part on the territory of the Republic of Belarus, with the exception of the performance of specific duties in the exercise of the powers of a foreign state, and also with the exception of cases where the employee is a person enjoying immunity;

3) causing harm to life, health, property, honor and dignity, business reputation of an individual or property, business reputation of a legal entity as a result of the action (inaction) of a foreign state, which took place in whole or in part on the territory of the Republic of Belarus, if the person causing the harm was located on the territory of the Republic of Belarus at the time of its causing;

4) relations regarding the immovable property of a foreign state that is located in the Republic of Belarus, as well as property that a foreign state acquires by virtue of a gift, inheritance, trust management, or recognition of an organization as insolvent or bankrupt or its liquidation;

5) violation by a foreign state of the rights to intellectual property objects protected in the Republic of Belarus, or the establishment of the rights of a foreign state to such objects on the territory of the Republic of Belarus;

6) participation in legal entities of the Republic of Belarus;

7) the operation of a vessel owned by a foreign state or operated by such a state, if at the time the fact that gave rise to the dispute arose, this vessel was used for purposes other than non-commercial purposes (military, auxiliary vessels, etc.).

3. A foreign state shall also be deemed to have waived judicial immunity with respect to a claim brought against it in a court of the Republic of Belarus if it:

1) has provided an explicit waiver of judicial immunity by virtue of a written statement of a foreign state, an international treaty of the Republic of Belarus or a written agreement;

2) filed a claim (including a counterclaim) in a court of the Republic of Belarus, entered into proceedings in a court of the Republic of Belarus, or took other action on the merits of the dispute.

4. In the event of a foreign state's waiver of judicial immunity, the court of the Republic of Belarus shall consider the case in the manner established by this Code.

5. A waiver by a foreign state of judicial immunity in relation to a claim being brought against it in a court of the Republic of Belarus shall not be considered as a waiver by that foreign state of immunity from seizure of property belonging to it, as well as measures to secure the claim and enforce the judgment of a court of the Republic of Belarus.

6. The enforcement of a claim against property belonging to a foreign state and located on the territory of the Republic of Belarus, in the order of compulsory execution of a judgment, shall be permitted only with the consent of the competent authorities of the respective state, unless otherwise provided by this Code or international treaties of the Republic of Belarus.



7. A foreign state shall not have immunity with respect to the seizure of property belonging to it, as well as measures to secure a claim and the enforcement of a judgment in cases where it:

- 1) clearly expressed consent to the adoption of relevant measures and actions;
- 2) has previously notified or otherwise designated the property in the event of satisfaction of the claim that is the subject of the dispute.

8. A foreign state also does not have immunity from the enforcement of a judgment of a court of the Republic of Belarus if it is established that the property of the foreign state is used and (or) intended for use by it for purposes not related to the exercise of official powers.

#### **Article 520. Proceedings in cases involving international organizations**

1. International organizations are subject to the jurisdiction of the courts of the Republic of Belarus in civil cases within the limits determined by legislative acts and international treaties of the Republic of Belarus.
2. The limits of judicial immunity of international organizations are determined by international treaties of the Republic of Belarus.
3. An international organization may waive its judicial immunity in accordance with the rules of the respective international organization. If immunity is waived, the court of the Republic of Belarus shall hear the case in accordance with the procedure established by this Code.

#### **Article 521. Proceedings in cases involving diplomatic representatives of foreign states and other persons enjoying judicial immunity**

1. Diplomatic representatives of foreign states accredited in the Republic of Belarus and other persons enjoying judicial immunity, as specified in legislative acts and international treaties of the Republic of Belarus, shall be subject to the jurisdiction of the courts of the Republic of Belarus within the limits determined by this Code or international treaties of the Republic of Belarus. Unless otherwise provided by an international treaty of the Republic of Belarus, the following may be brought against such persons:
  - 1) real claims relating to private immovable property located on the territory of the Republic of Belarus, if the respective person owns this property not on behalf of the foreign state or international organization he represents;
  - 2) claims arising from the law of succession, if the person in question acts as an executor of a will or a person appointed to protect and manage the estate, an heir or a legatee as a private individual, and not on behalf of a foreign state or international organization represented by him;

3) claims arising from the implementation by the relevant person of any professional or entrepreneurial or other economic activity on the territory of the Republic of Belarus that goes beyond the official functions of this person;

4) claims for compensation for damage caused on the territory of the Republic of Belarus by a vehicle.

2. Waiver of judicial immunity with respect to persons specified in Part 1 of this Article shall be carried out in accordance with the procedure established by the legislation of foreign states, the rules of international organizations, and international treaties of the Republic of Belarus. Waiver of immunity shall be made in writing.

3. If any person specified in Part 1 of this Article, in a case where he could have enjoyed judicial immunity, has filed a claim in a court of the Republic of Belarus, that court shall also have jurisdiction over any counterclaims against him that are directly related to the original claim.

#### **Article 522. Actions of the court after a person leaves the jurisdiction of the courts of the Republic of Belarus after the initiation of proceedings on the case**

If the defendant, in whole or in relation to a specific case, leaves the jurisdiction of the courts of the Republic of Belarus after the claim has been filed, the court shall terminate the proceedings on its own initiative.

#### **Article 523. Countermeasures in case of violation of the immunity of the Republic of Belarus or its representatives**

In cases where the Republic of Belarus, its property or its representatives are not endowed in a foreign state the same with judicial immunity that, in accordance with this Code, is endowed to that foreign state, its property and representative in the Republic of Belarus, the Government of the Republic of Belarus or another authorized body of the Republic of Belarus may order the application of retaliatory measures in relation to that state, its property or representative.

### **CHAPTER 50**

#### **INTERNATIONAL LEGAL ASSISTANCE IN CIVIL CASES**

#### **Article 524. General provisions**

1. The courts of the Republic of Belarus seek legal assistance in civil cases (including family, labor, and those related to the implementation of entrepreneurial and other economic activities) from the courts and other competent bodies of foreign states, and also provide them with legal assistance in civil cases.

2. International legal assistance in civil matters is requested (provided) by the courts of the Republic of Belarus to the extent established by legislative acts and international treaties of the Republic of Belarus on the provision of international

legal assistance in civil matters, and in the absence of such an international treaty, on the basis of reciprocity. International legal assistance in civil matters includes the performance of certain procedural actions (delivery of notices and other documents, obtaining written evidence, explanations of the parties, witness testimony, expert opinions, on-site inspection, etc.).

3. On matters of international cooperation in the field of civil proceedings, the central body of the Republic of Belarus is the Supreme Court of the Republic of Belarus, unless otherwise provided by legislative acts and international treaties of the Republic of Belarus.

4. The courts of the Republic of Belarus communicate with the courts and other competent bodies of foreign states, as well as with diplomatic missions or consular offices of the Republic of Belarus in foreign states through the Supreme Court of the Republic of Belarus, unless otherwise provided by legislative acts and international treaties of the Republic of Belarus.

5. The provisions of Articles 525 and 526 of this Code shall apply to relations in connection with the provision of international legal assistance in the absence of an international treaty of the Republic of Belarus on issues of providing international legal assistance in civil cases or, in the presence of such an international treaty, to the extent not regulated by it.

**Article 525. Applications by courts of the Republic of Belarus with rogatory letters to perform certain procedural actions in civil cases on the territory of foreign states**

1. If, in a civil case, it is necessary to perform certain procedural actions on the territory of a foreign state, a court of the Republic of Belarus has the right to apply with a corresponding rogatory letter to a court or other competent authority of the foreign state, as well as to a diplomatic mission or consular office of the Republic of Belarus in a foreign state, if certain procedural actions in relation to citizens of the Republic of Belarus residing on the territory of that state can be performed by the said diplomatic mission or consular office in accordance with an international treaty of the Republic of Belarus.

2. A rogatory letter to perform specific procedural actions in a foreign state shall be drawn up in writing. Taking into account the nature of the rogatory letter, it shall specify:

- 1) the name of the court hearing the case;
- 2) the name of the court or other competent authority of the foreign state to which the rogatory letter is addressed;

3) if there is an international treaty of the Republic of Belarus – a reference to its provisions;

4) information about the civil case for which legal assistance is requested;

5) information about the citizens in respect of whom assistance is requested, including their last name, first name, patronymic (if any), date and place of birth, citizenship (nationality), occupation, place of residence or place of stay, for organizations – their name and location, as well as procedural status and other information necessary for the execution of the rogatory letter;

6) the content of the rogatory letter;

7) list of attached documents.

3. The rogatory letter to perform certain procedural actions, procedural documents, and other attached documents are certified by the signature of the judge who issues the rogatory letter and are affixed with a seal bearing the State Emblem of the Republic of Belarus. If the rogatory letter and attached documents are addressed to a court or other competent authority of a foreign state, they are accompanied by a certified written translation into the language of the requested state.

4. Costs associated with issuing a rogatory letter incurred within the Republic of Belarus shall be borne by the plaintiff or the party filing the relevant motion. If the motion is filed by both parties or the rogatory letter is issued at the court's initiative, the costs shall be borne equally by the parties, unless otherwise provided by law. Costs incurred in connection with issuing a rogatory letter shall be distributed between the parties in the manner established by this Code.

5. A rogatory letter to perform certain procedural actions on the territory of a foreign state is sent through the Supreme Court of the Republic of Belarus.

6. The Supreme Court of the Republic of Belarus shall consider the issue of requesting international legal assistance on the basis of reciprocity, of forwarding a rogatory letter to the Ministry of Foreign Affairs for transmission through diplomatic channels.

7. When submitting a rogatory letter to a diplomatic mission or consular office of the Republic of Belarus in a foreign state, the Supreme Court of the Republic of Belarus shall consider the issue of forwarding the request to the Ministry of Foreign Affairs for transmission to the diplomatic mission or consular office of the Republic of Belarus in a foreign state. The execution by a diplomatic mission or consular office of the Republic of Belarus in a foreign state of a rogatory letter from a court of the Republic of Belarus to perform a specific procedural action in a civil case shall be carried out in the manner established by this Code.

**Article 526. Provision of international legal assistance by the courts of the Republic of Belarus upon rogatory letters (requests) to perform certain procedural actions in civil cases**

1. A court or other competent authority of a foreign state has the right to apply with a rogatory letter (request) to perform certain procedural actions in civil cases on the territory of the Republic of Belarus to a court of the Republic of Belarus through the Supreme Court of the Republic of Belarus.

2. A rogatory letter (request) from a court or other competent authority of a foreign state to perform certain procedural actions in civil cases on the territory of the Republic of Belarus on the basis of reciprocity shall be sent to the Supreme Court of the Republic of Belarus through the Ministry of Foreign Affairs in a diplomatic manner.

3. The Supreme Court of the Republic of Belarus shall transfer rogatory letters (requests) to the courts of the Republic of Belarus, taking into account the rules of jurisdiction established by Chapter 6 of this Code.

4. A rogatory letter (request) to perform certain procedural actions must contain:

1) the name of the court or other competent authority of the requesting foreign state;  
2) the name of the court of the Republic of Belarus to which the rogatory letter (request) is addressed;

3) if there is an international treaty of the Republic of Belarus – a reference to its provisions;

4) information about the essence of the rogatory letter (request) and the civil case for which legal assistance is requested;

5) information about the citizens in respect of whom assistance is requested, including their last name, first name, patronymic (if any), date and place of birth, citizenship (nationality), occupation, place of residence or place of stay; for organizations – their name and location, as well as procedural status and other information necessary for the execution of the rogatory letter (request).

5. The rogatory letter (request) and the accompanying documents must be submitted in writing, certified by the signature of the judge or official who prepared the rogatory letter (request), and certified by the official seal of the court or competent authority of the foreign state. The rogatory letter (request) and the accompanying documents must be drawn up in the language of the requesting foreign state and accompanied by a certified written translation into one of the official languages of the Republic of Belarus.

6. The courts of the Republic of Belarus shall execute rogatory letters (requests) from courts and other competent bodies of foreign states to perform certain procedural actions in civil cases, transferred to them in the manner established by this article, except in cases where:

- 1) the execution of the rogatory letter (request) would be contrary to the public policy of the Republic of Belarus;
- 2) the execution of the rogatory letter (request) is not within the competence of the court;
- 3) the authenticity of the document containing the rogatory letter (request) to perform certain procedural actions has not been established;
- 4) in other cases provided for by international treaties of the Republic of Belarus.

7. The execution by the court of the Republic of Belarus of rogatory letters (requests) of courts and other competent bodies of foreign states to perform certain procedural actions in civil cases shall be carried out in the manner established by this Code.

8. The execution by a court of the Republic of Belarus of a rogatory letter (request) of a court or other competent authority of a foreign state shall be confirmed by documents drawn up or received during its execution (minutes of the court hearing, notification of delivery of documents, etc.), which are authenticated by the signature of the judge, certified by a seal with the image of the State Emblem of the Republic of Belarus and sent to the requesting court or authority in the same manner in which the rogatory letter (request) was received by the court.

9. In the event of non-compliance with the requirements stipulated by Part 5 of this Article, as well as in the event of the impossibility of executing the rogatory letter (request) of the court or other competent authority of a foreign state for other reasons, it shall be returned unexecuted, with an indication of the circumstances preventing this. The return of the rogatory letter (request) and the documents attached thereto shall be carried out in the same manner in which they were received by the court.

## **CHAPTER 51**

### **PROCEEDINGS ON RECOGNITION AND ENFORCEMENT OF JUDGMENTS OF FOREIGN COURTS, FOREIGN ARBITRAL AWARDS**

#### **Article 527. Recognition and enforcement of judgments of foreign courts, foreign arbitral awards**

1. Judgments of foreign courts and foreign arbitral awards shall be recognized and enforced on the territory of the Republic of Belarus by a court of the Republic of Belarus if their recognition and enforcement are provided for by legislation or international treaties of the Republic of Belarus, or on the basis of reciprocity.

2. In cases stipulated by international treaties of the Republic of Belarus, a judgment of a foreign court does not require a special recognition procedure and is enforced in the same manner as a judicial decision of a court of general jurisdiction of the Republic of Belarus, on the basis of an enforcement document of the foreign court that rendered the judgment.

3. In this chapter, a judgment of a foreign court means:

- 1) a judgment of a foreign court in a civil case (including a case related to the implementation of entrepreneurial and other economic activities);
- 2) a judgment of a foreign court in a criminal case in terms of compensation for harm caused by the crime;
- 3) an act of another competent authority of a foreign state, if this is provided for by international treaties of the Republic of Belarus.

4. In this chapter, the foreign arbitral award shall mean:

- 1) a foreign arbitral award made on the territory of a foreign state;
- 2) an award made on the territory of the Republic of Belarus by an arbitration court located on the territory of a foreign state.

#### **Article 528. Filing an application for recognition and enforcement of a judgment of a foreign court or a foreign arbitral award**

1. The issue of recognition and enforcement of a judgment of a foreign court, foreign arbitral award shall be considered by the court at the request of the claimant (the party in whose favor the judgment was made) at the place of residence (place of stay) or location of the debtor (the party against whom the judgment was made), and if the debtor does not have a place of residence (place of stay) or location in the Republic of Belarus or they are unknown – at the location of his property.

2. Unless otherwise provided by law or international treaties of the Republic of Belarus, a foreign judgment may be submitted for compulsory execution within three years from the date it entered into legal force. A missed deadline for a valid reason may be reinstated by the court in the cases and according to the procedure stipulated by this Code.

#### **Article 529. Filing an objection against the recognition of a judgment of a foreign court or a foreign arbitral award that does not require enforcement**

1. In cases stipulated by legislation or international treaties of the Republic of Belarus, a judgment of a foreign court or a foreign arbitral award, which does not require compulsory execution, is recognized in the Republic of Belarus without any proceedings, unless an interested party objects to this.

2. An interested party may, within one month after becoming aware of the receipt by a competent body, organization, or official of the Republic of Belarus of a judgment of a foreign court, foreign arbitral award, which does not require compulsory execution, file an objection to the recognition of this judgment with the regional (Minsk city) court, the economic court of the region (city of Minsk) at his place of residence or location.

**Article 530. Form and content of an application for recognition and enforcement of a judgment of a foreign court, foreign arbitral award or an objection to the recognition of a judgment of a foreign court, foreign arbitral award that does not require compulsory execution**

1. An application for recognition and enforcement of a judgment of a foreign court, foreign arbitral award or an objection to the recognition of a judgment of a foreign court, foreign arbitral award, which does not require compulsory execution, and the documents attached thereto may be submitted to the court in writing or in the form of an electronic document, unless otherwise provided by an international treaty of the Republic of Belarus.

2. Unless otherwise provided by an international treaty of the Republic of Belarus, the application (objection) shall indicate:

- 1) the name of the court to which the application (objection) is submitted;
- 2) the surname, first name, patronymic (if any) or name of the person filing the application (objection), his representative, if it is submitted by a representative, their place of residence (place of stay) or location, contact telephone numbers, fax numbers and e-mail addresses (if any);
- 3) the name and location of the foreign court (other competent authority of a foreign state) or the name (if any), location, composition of the foreign arbitration tribunal that rendered the award, the arbitration procedure;
- 4) the surname, first name, patronymic (if any) or the name of the parties to the judicial or arbitration proceedings and their place of residence (place of stay) or location, contact telephone numbers, fax numbers and e-mail addresses (if any), and if the debtor does not have a place of residence (place of stay) or location in the Republic of Belarus or they are unknown – the location of his property in the Republic of Belarus;
- 5) the number (if any) of the judgment/award in respect of which the application (objection) is filed, the date and place of its rendering, the subject of the dispute, the content of the operative part of the judgment;



6) the date of entry into force of the judgment of a foreign court or the date from which it is subject to enforcement before entry into force, or the date when the foreign arbitral award became binding (final) for the parties;

7) the request of the person filing the application (objection). If the judgment (award) has previously been enforced, an indication of the part or time from which enforcement is required.

3. The application (objection) also indicates a list of attached documents and may contain other information if it is relevant for its consideration.

4. The application (objection) is signed by the person filing it or by his representative who has the appropriate authority.

5. When submitting an application (objection) in the form of an electronic document, it is signed with an electronic digital signature of the applicant or his representative.

6. The following documents shall be attached to the application (objection), unless otherwise provided by international treaties of the Republic of Belarus:

1) a duly certified copy of the judgment of the foreign court in respect of which the application (objection) has been filed, the original award or a duly certified copy of the foreign arbitral award in respect of which the application has been filed;

2) the original agreement (on determining the contractual jurisdiction of a dispute in the foreign court) or the arbitration agreement or their duly certified copies;

3) a duly certified official document confirming that the judgment of a foreign court has entered into legal force, or confirming that it is subject to execution before it enters into legal force, unless this is indicated in the judgment itself;

4) when filing an application – a duly certified document confirming that the party against whom the judgment was made and who did not take part in the proceedings was promptly and properly notified of the consideration of the case;

5) a duly certified power of attorney or other document confirming the authority of the person who signed the application (objection);

6) a document on the execution of the judgment, if it was previously executed in the territory of a foreign state, indicating the executed part and (or) period – when collecting periodic payments;

7) when applying to the economic courts of the regions (city of Minsk) – a document confirming the payment of the state fee in the manner and amount established by legislative acts, except for the case when the state fee was paid through the use of the ERIP system and the operation (transaction) accounting number in the single settlement and information space is indicated in the application or communicated to the court in another way when filing the application;

8) copies of the application (objection) in a number equal to the number of persons in respect of whom the application (objection) is filed.

7. The documents specified in paragraphs 1–6 of Part 6 of this Article, drawn up in a foreign language, must be accompanied by a duly certified translation into one of the official languages of the Republic of Belarus.

8. An application (objection) filed in violation of the requirements of this Article regarding its form and content, as well as the attached documents, shall be returned to the person who filed the application. The application (objection) and the attached documents shall be returned in the same manner in which they were received by the court.

9. The court shall issue a ruling on the return of the application (objection) no later than five days after its receipt, which may be appealed.

**Article 531. Procedure for considering an application for recognition and enforcement (objection to recognition) of a judgment of a foreign court, foreign arbitral award**

1. An application for recognition and enforcement of a judgment of a foreign court, foreign arbitral award or an objection to the recognition of a judgment of a foreign court, foreign arbitral award, which does not require compulsory execution, shall be considered in a court session within a period of no more than one month after the receipt of the application or objection by the court in accordance with the rules established by this Code, taking into account the specifics provided for in this chapter, unless otherwise provided by international treaties of the Republic of Belarus.

2. The debtor shall be notified of the time and place of the application hearing. The person filing the objection shall be notified of the time and place of the objection hearing. Failure of the said persons, duly notified, to appear shall not prevent the application (objection) from being heard.

3. During the trial, the court shall verify the presence or absence of the grounds provided for in Articles 532 or 533 of this Code, including hearing the explanations of the debtor or the person who has filed an objection, and shall also examine the documents submitted.

4. The court has the right, at the request of the debtor or the person who has filed an objection, to request additional information related to the establishment of circumstances that are important for the correct resolution of the application (objection).

5. When considering an application (objection), the court does not have the right to review the judgment of a foreign court or foreign arbitral award on the merits.

## **Article 532. Grounds for refusal to recognize and enforce a foreign judgment**

1. The court shall refuse to recognize and enforce a judgment of a foreign court if:
  - 1) the judgment of a foreign court, according to the legislation of the state in whose territory it was made, has not entered into legal force;
  - 2) the party against whom the judgment of the foreign court was rendered was deprived of the opportunity to participate in the proceedings due to the fact that it was not promptly and properly notified of the consideration of the case;
  - 3) the consideration of the case in accordance with the legislation or international treaties of the Republic of Belarus falls within the exclusive competence of the court or other body in the Republic of Belarus;
  - 4) there is a judgment of a court of the Republic of Belarus that has entered into legal force, rendered on a dispute between the same parties, on the same subject and on the same grounds, or a case is pending in court on a dispute between the same parties, on the same subject and on the same grounds, proceedings on which were initiated before the initiation of the case in a foreign court;
  - 5) the enforcement of the judgment would be contrary to public policy of the Republic of Belarus;
  - 6) the limitation period for presenting a foreign judgment for compulsory execution, established by Part 2 of Article 528 of this Code, has expired, and this period has not been restored by the court.
2. The court shall also refuse to recognize and enforce a judgment of a foreign court in other cases provided for by international treaties of the Republic of Belarus.
3. Unless otherwise provided by international treaties of the Republic of Belarus, the grounds provided for in paragraphs 3–6 of Part 1 of this Article may be applied by the court, including where the debtor or the person who has filed an objection does not refer to them.

## **Article 533. Grounds for refusal to recognize and enforce a foreign arbitral award**

1. The court may refuse to recognize and enforce a foreign arbitral award at the request of the party against whom it is invoked if it provides proof that:
  - 1) a party to the arbitration agreement was under some capacity or the arbitration agreement is not valid under the law to which the parties have subjected it, and in the absence of an indication of this, under the law of the country where the foreign arbitral award was made;

2) the party against whom the award was made was not given proper notice of the appointment of the arbitrator or of the arbitration proceedings or was otherwise unable to present his case; or

3) the award deals with a difference not contemplated or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration, provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, that part of the award which contains decisions on matters submitted to arbitration may be recognized and enforced; or

4) the composition of the arbitral authority or the arbitral procedure was not in accordance with the agreement of the parties, or, failing such agreement, was not in accordance with the law of the country where the arbitration took place; or

5) the foreign arbitral award has not yet become binding on the parties, or has been set aside or suspended by a competent authority of the country in which, or under the law of which, that award was made.

2. The court shall refuse to recognize and enforce the foreign arbitral award if it finds that:

1) the foreign arbitral award was made on a difference with subject matter not capable of settlement by arbitration under this Code and other legislative acts;

2) the enforcement of the award would be contrary to public policy of the Republic of Belarus.

3. The grounds provided for in Part 2 of this Article may be applied by the court, including where the debtor or the person who has filed an objection does not refer to them.

#### **Article 534. Court ruling on cases of recognition and enforcement of a judgment of a foreign court, foreign arbitral award**

1. Based on the results of the examination of the application for recognition and enforcement of the judgment of a foreign court or a foreign arbitral award, the court shall issue a ruling on the recognition and enforcement of the judgment of the foreign court or a foreign arbitral award or on the refusal to do so.

2. Based on the results of the examination of an objection to the recognition of a judgment of a foreign court or a foreign arbitral award that does not require compulsory execution, the court shall issue a ruling to satisfy the objection and refuse to recognize the judgment of a foreign court or a foreign arbitral award that does not require compulsory execution, or to leave the objection without satisfaction.

3. In a court ruling on cases concerning the recognition and enforcement of a foreign judgment or a foreign arbitral award, the following shall be indicated:

- 1) the name and location of the foreign court or the name (if any), location, composition of the foreign arbitration tribunal that rendered the award;
- 2) the last name, first name, patronymic (if any) or the name of the parties to the judicial or arbitration proceedings;
- 3) the number (if any) of the judgment in respect of which the application (objection) is filed, the date and place of its rendering, the subject of the dispute, the content of the operative part of the judgment;
- 4) the grounds and reasons on which the court reached its conclusions.

4. If the judgment of a foreign court or a foreign arbitral award has previously been executed, the court shall determine in what part or from what time it is subject to enforcement.

5. By a determination on issues of recognition and enforcement of a judgment of a foreign court or a foreign arbitral award, the court may not change the content of the judgment of a foreign court or a foreign arbitral award.

6. Copies of the ruling specified in Part 1 of this Article shall be sent by the court within five days after the ruling is issued to the claimant (the party in whose favor the judgment/award was rendered) in the same manner in which the application was received by the court, and to the debtor (the party against whom the judgment/award was rendered), and copies of the ruling specified in Part 2 of this Article shall be sent within the same period to the person at whose request the judgment/award was rendered and to the person who filed objections.

7. Judgments in cases concerning the recognition and enforcement of a judgment of a foreign court or a foreign arbitral award may be appealed and/or contested in an appellate procedure.

### **Article 535. Compulsory execution of a judgment of a foreign court or a foreign arbitral award**

Compulsory execution of a foreign court judgment or of an arbitral award is carried out in accordance with the procedure established by the legislation on compulsory execution proceedings, based on writs of execution issued by the court that rendered the ruling recognizing and enforcing the foreign court judgment or the arbitral award. The writ of execution is issued in accordance with the rules established by Article 480 of this Code.

**CHAPTER 52**  
**PROCEEDINGS ON RECOGNITION AND ENFORCEMENT OF**  
**INTERNATIONAL MEDIATION SETTLEMENT AGREEMENTS**

**Article 536. Recognition and enforcement of mediation settlement agreements**

1. Mediation settlement agreements shall be recognized and enforced on the territory of the Republic of Belarus by a court of the Republic of Belarus if their recognition and enforcement are provided for by legislation or an international treaty of the Republic of Belarus.
2. An international mediation settlement agreement that is not voluntarily performed shall be recognized and enforced on the territory of the Republic of Belarus in the manner established by this chapter.

**Article 537. Filing an application for recognition and enforcement of an international mediation settlement agreement**

1. The issue of recognizing and enforcing an international mediation settlement agreement in the Republic of Belarus shall be considered by the regional (city of Minsk) economic court upon application of an interested party to the international mediation settlement agreement. The application shall be filed at the place of residence (stay) or location in the Republic of Belarus of the party that failed to comply with the international mediation settlement agreement, or, if these locations are unknown, at the location of that party's property in the Republic of Belarus.
2. An application for recognition and enforcement of an international mediation settlement agreement in the Republic of Belarus may be filed within six months of the expiration of the period for its voluntary compliance. A missed deadline for a valid reason may be reinstated by the court in the cases and according to the procedure stipulated by Article 119 of this Code.

**Article 538. Form and content of an application for recognition and enforcement of an international mediation settlement agreement**

1. An application for recognition and enforcement of an international mediation settlement agreement in the territory of the Republic of Belarus and the documents attached to the application may be submitted to the court in writing or in the form of an electronic document, unless otherwise provided by an international treaty of the Republic of Belarus.
2. Unless otherwise provided by an international treaty of the Republic of Belarus, the following shall be indicated in the application:
  - 1) the name of the economic court of the region (city of Minsk) to which the application is submitted;

2) the last name, first name, patronymic (if any) or name of the interested party to the international mediation settlement agreement filing the application, its representative, if it is submitted by a representative, their location or place of residence (place of stay), contact telephone numbers, fax numbers and e-mail addresses (if any);

3) the surname, first name, patronymic (if any) or name of the parties to the international mediation settlement agreement, their location or place of residence (place of stay), contact telephone numbers, fax numbers and e-mail addresses (if any), and if the debtor does not have a place of residence (stay) or location in the Republic of Belarus or they are unknown – the location of his property in the Republic of Belarus;

4) the last name, first name, patronymic (if any) of the mediator(s), his (their) location, contact telephone numbers, fax numbers and e-mail addresses (if any);

5) the date of conclusion and terms of the international mediation settlement agreement;

6) the date on which the international mediation settlement agreement became binding (final) for the parties;

7) a document on the performance of an international mediation settlement agreement, if it was previously performed, indicating the performed part and (or) period – when collecting periodic payments;

8) a request from the interested party to the international mediation settlement agreement filing the motion. If the international mediation settlement agreement has previously been performed, an indication of the portion or time from which enforcement is required.

3. The application also indicates a list of attached documents and may contain other information if it is relevant for its consideration.

4. The application shall be signed by the person submitting it or by his representative who has the appropriate authority.

5. When submitting an application in the form of an electronic document, it is signed with an electronic digital signature of the applicant or his representative.

6. The following documents must be attached to the application, unless otherwise provided by an international treaty of the Republic of Belarus:

1) a genuine international mediation settlement agreement signed by the parties;

2) evidence of the conclusion of an international mediation settlement agreement with the assistance of a mediator (the presence of the mediator's signature on the international mediation settlement agreement or a document confirming the conduct

of mediation, signed by the mediator or issued by the organization that provided for the conduct of mediation, or other evidence acceptable to the court in accordance with the provisions of this Code);

3) evidence confirming the fact of failure to implement the international mediation settlement agreement within the time period established therein by the other party to this agreement;

4) a duly certified power of attorney or other document confirming the authority of the person who signed the application;

5) a document confirming payment of the state fee, except in cases where the state fee was paid using the ERIP system and the transaction account number in the unified settlement and information space was indicated in the application or communicated to the court in another way when filing the application;

6) copies of the application in a number equal to the number of persons in respect of whom the application is filed.

7. The documents specified in Part 6 of this Article, drawn up in a foreign language, must be accompanied by a duly certified translation into one of the official languages of the Republic of Belarus.

#### **Article 539. Return of an application for recognition and enforcement of an international mediation settlement agreement**

1. The application for recognition and enforcement of an international mediation settlement agreement, as well as the documents attached thereto, shall be returned to the person who filed it in cases where it was submitted:

1) before the expiration of the period for voluntary execution of the international mediation settlement agreement stipulated therein;

2) after six months from the end of the period for voluntary execution of the international mediation settlement agreement (if no application for reinstatement of the missed period was filed or the court refused to reinstate it);

3) without compliance with the requirements established by Article 538 of this Code.

2. The court shall render a ruling on the return of the application no later than five days after its receipt, which may be appealed.

#### **Article 540. Procedure for considering cases on the recognition and enforcement of an international mediation settlement agreement**

1. An application for recognition and enforcement of an international mediation settlement agreement shall be considered in a court hearing within a period of no more than one month after the application is received by the court in accordance with the rules established by this Code, taking into account the specifics provided



for in this chapter, unless otherwise provided by an international treaty of the Republic of Belarus.

2. The party that failed to comply with the international mediation settlement agreement shall be notified of the time and place of the hearing of the application. Failure of a duly notified party to appear shall not prevent the hearing of the application.

3. During the trial, the court verifies the presence or absence of the grounds provided for in Article 541 of this Code, compliance with the requirements established by the international treaty of the Republic of Belarus for the procedure for concluding an international mediation settlement agreement, including hearing the explanations of the party that has not complied with the international mediation settlement agreement, and examines the documents submitted.

4. At the request of a party that has failed to comply with an international mediation settlement agreement, the court has the right to request additional information relevant to establishing circumstances relevant to the proper resolution of the application. Additional documents necessary to verify compliance with the requirements established by an international treaty of the Republic of Belarus for the procedure for concluding an international mediation settlement agreement may be requested at the court's initiative.

5. When considering the application, the court does not have the right to review the international mediation settlement agreement on its merits.

#### **Article 541. Grounds for refusal to recognize and enforce an international mediation settlement agreement**

1. The court may refuse to recognize and enforce an international mediation settlement agreement at the request of the party that has failed to comply with it if it provides proof that:

1) a party to the international mediation settlement agreement was under some incapacity;

2) the international mediation settlement agreement is null and void, inoperative or incapable of being performed under the law to which the parties have validly subjected it, and failing any indication thereon, under the law that the court considering the application deems applicable;

3) the international mediation settlement agreement is not binding or is not final according to its terms or has been subsequently amended;

4) the obligations in the international mediation settlement agreement have been performed or are not clear;

5) the recognition and enforcement of the international mediation settlement agreement on the territory of the Republic of Belarus would be contrary to its terms;

6) there was a serious breach by the mediator of standards applicable to the mediator or the mediation, without which breach that party would not have entered into the international mediation settlement agreement; or

7) there was a failure by the mediator to disclose to the parties circumstances that raise justifiable doubts as to the mediator's impartiality or independence, and such failure to disclose has had a material impact or undue influence on one of a party, without which failure that party would not have entered into the international mediation settlement agreement.

2. The court shall refuse to recognize and enforce an international mediation settlement agreement if it finds that:

1) an international mediation settlement agreement is concluded on a dispute that cannot be settled through mediation in accordance with this Code and other legislative acts;

2) the enforcement of the agreement would be contrary to public policy of the Republic of Belarus.

3. The grounds provided for in Part 2 of this Article may be applied by the court even if the party that has failed to comply with the international mediation settlement agreement does not refer to them when considering the application.

#### **Article 542. Court ruling on a case regarding the recognition and enforcement of an international mediation settlement agreement**

1. Following the consideration of the case, the court renders a ruling on the recognition and enforcement of the international mediation settlement agreement or on its refusal to do so. The ruling shall specify:

1) the last name, first name, patronymic (if any) or name of the parties to the international mediation settlement agreement;

2) the last name, first name, patronymic (if any) of the mediator(s);

3) the date of conclusion and terms of the international mediation settlement agreement;

4) the grounds and reasons on which the court reached its conclusions.

2. If the international mediation settlement agreement has previously been performed, the court shall determine in what part or from what time it is subject to enforcement.

3. In its determination on issues of recognition and enforcement of an international mediation settlement agreement, the court may not exclude from the international mediation settlement agreement any conditions agreed upon by the parties or change it.

4. Copies of the ruling on the recognition and enforcement of an international mediation settlement agreement or on the refusal to do so shall be sent by the court within five days after the ruling is made to the party that filed the application, in the same manner in which the application was received by the court, and to the party that failed to comply with the international mediation settlement agreement.

5. Judgments on the recognition and enforcement of an international mediation settlement agreement or on the refusal to do so may be appealed and/or contested in an appellate procedure.

#### **Article 543. Compulsory execution of an international mediation settlement agreement**

Compulsory execution of an international mediation settlement agreement is carried out in accordance with the procedure established by law on compulsory execution proceedings, based on writs of execution issued by the court that rendered the ruling recognizing and enforcing the international mediation settlement agreement. The writ of execution is issued in accordance with the rules established by Article 480 of this Code.

### **CHAPTER 53**

#### **PROCEEDINGS ON REQUESTS FOR RECOGNITION OR RECOGNITION AND ENFORCEMENT OF JUDGMENTS OF FOREIGN COURTS ON THE RECOVERY OF CHILD SUPPORT, REQUESTS FOR THE RENDERING OR IMPROVEMENT OF JUDGMENTS ON THE RECOVERY OF CHILD SUPPORT INTERNATIONALLY**

#### **Article 544. Features of consideration of requests for the recovery of alimony on the basis of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance of November 23, 2007**

1. Requests for recognition or for the recognition and enforcement of a foreign judgment on the collection of child support, as well as requests for the rendering or improvement of a judgment on the collection of child support internationally on the basis of the Convention on Child Support (hereinafter, unless otherwise specified, requests for the collection of child support), received through the Ministry of Justice, shall be considered by the regional (Minsk City) court at the place of residence (stay) of the person entitled to receive child support (the creditor), or the person obligated to pay child support (the debtor). Requests for the collection of child support shall

also be considered by the regional (Minsk City) court at the location of the property of the person obligated to pay child support (the debtor).

2. Requests for child support payments are procedural documents. Requirements for the form and content of requests for child support payments are established by the Child Support Convention.

3. Copies of judgments based on the results of the review of requests for the collection of child support are sent by the court to the Ministry of Justice within three days of their rendering.

#### **Article 545. Consideration of requests for recognition or for recognition and enforcement of judgments of foreign courts on the collection of child support**

1. Requests for recognition or for recognition and enforcement of judgments of foreign courts on the recovery of child support shall be considered in accordance with the rules established by Chapter 51 of this Code, taking into account the provisions of the Convention on Alimony.

2. A judgment of a foreign court on the collection of child support, which cannot be recognized and enforced in the Republic of Belarus as a whole, must be recognized and enforced in any separable part that can be recognized and enforced, without changing the merits of the judgment.

#### **Article 546. Consideration of a request for a judgment on the collection of child support internationally**

1. A request for a judgment on the collection of child support internationally may be submitted by a person entitled to receive child support (the creditor) in the event that:

- 1) there is no judgment on the collection of child support;
- 2) a judgment of a foreign court on the collection of child support cannot be recognized and enforced in the Republic of Belarus;
- 3) the recognition and enforcement of a foreign judgment on the recovery of child support in the Republic of Belarus is refused due to the absence of grounds for its recognition and enforcement, as provided for by the Convention on Alimony, or due to grounds for refusal to recognize and enforce the judgment, as provided for by the said Convention.

2. A request for a judgment on the collection of child support internationally shall be considered in accordance with the rules of litigation proceedings, taking into account the provisions of the Convention on Alimony.

#### **Article 547. Consideration of a request to improve a judgment on the collection of child support internationally**

1. A request to improve a judgment on the collection of child support internationally, made in the Republic of Belarus or a foreign state, may be submitted by a person entitled to receive alimony (the creditor), or by a person obligated to pay alimony (the debtor), in respect of whom such a judgment was rendered.
2. The court has the right, in the event of a change in the financial and/or family status of the person entitled to receive alimony (the creditor) and/or the person obligated to pay alimony (the debtor), to change the amount of alimony, the methods and procedure for their payment, provided for in the decision on the collection of alimony for children, by rendering a new judgment based on the previously rendered judgment on the collection of alimony for children (improving the judgment on the collection of alimony for children).
3. A request to improve a judgment on the collection of child support in an international context is considered in accordance with the rules of litigation proceedings, taking into account the provisions of the Convention on Alimony.

## **CHAPTER 54**

### **PROCEEDINGS IN CASES CONCERNING THE RETURN OF A CHILD OR THE EXERCISE OF RIGHTS OF ACCESS**

#### **Article 548. Filing an application for the return of a child or for the exercise of rights of access**

1. An application for the return of a child wrongfully removed to the Republic of Belarus or wrongfully retained in the Republic of Belarus, or for the exercise of rights of access in relation to such a child on the basis of the Convention on the Civil Aspects of International Child Abduction of 25 October 1980 (hereinafter referred to as the Child Abduction Convention) shall be submitted by a parent or other person who believes that the defendant has violated their rights of custody or rights of access\* in relation to the child (hereinafter in this chapter referred to as the applicant).

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\* For the purposes of this chapter, custody rights and access rights are understood to mean the concepts used in the Child Abduction Convention.

2. An application for the return of a child who has been wrongfully removed to the Republic of Belarus or wrongfully retained in the Republic of Belarus, or for the exercise of access rights in relation to such a child (hereinafter referred to as an application for the return of a child or for the exercise of access rights) shall be submitted through the Ministry of Justice to the court at the place of residence (place of stay) of the child or directly to the court at the place of residence (place of stay) of the child.

3. An application for the return of a child or for the exercise of access rights is a procedural document. Requirements for the content of an application for the return of a child or for the exercise of access rights are established by the Child Abduction Convention.

**Article 549. Procedure for consideration and resolution of cases on the return of a child or on the exercise of rights of access**

1. Cases on the return of a child wrongfully removed to the Republic of Belarus or wrongfully retained in the Republic of Belarus or on the exercise of access rights in relation to such a child on the basis of the Child Abduction Convention (hereinafter referred to as cases on the return of a child or on the exercise of access rights) on the basis of an application for the return of a child or on the exercise of access rights shall be considered by the court in accordance with the rules of litigation, taking into account the specifics of this chapter and the Child Abduction Convention.

2. Cases regarding the return of a child or the exercise of access rights are considered by the court with the mandatory participation of a prosecutor and a representative of the guardianship and trusteeship authority.

3. Cases regarding the return of a child or the exercise of access rights shall be considered by the court within a period not exceeding forty-two days after the acceptance of the application by the court, including the period for preparing the case for trial.

4. The applicant is notified of the time and place of the court hearing or the performance of procedural actions through the Ministry of Justice.

**Article 550. Security measures**

In necessary cases, along with other measures in accordance with Chapter 19 of this Code, the court may prohibit the defendant, until the entry into force of the judgment in the case on the return of the child or on the exercise of rights of access, from changing the place of residence (place of stay) of the child and temporarily restrict the right of the defendant and (or) the child to leave the Republic of Belarus.

**Article 551. Postponement of court proceedings and suspension of proceedings in a case related to a dispute over children (a child)**

1. The court hearing a case involving a dispute over children (a child) is obliged to postpone the hearing of this case for thirty days if it receives a written notice from the Ministry of Justice of receipt of an application regarding the unlawful transfer of these children (a child) to the Republic of Belarus or their (his) unlawful retention in the Republic of Belarus, with a copy of such application attached.

2. Proceedings on a case related to a dispute about children (a child) shall be suspended until a judgment on the case regarding the return of the child or the

exercise of access rights, or a court determination to terminate proceedings on this case, or a court determination to leave the application without consideration, comes into legal force.

#### **Article 552. Inadmissibility of combining claims and filing a counterclaim**

The combination of several claims, except in the case of the applicant combining claims for the return of two or more children or for the exercise of access rights in relation to two or more children, and the filing of a counterclaim in a case for the return of a child or the exercise of access rights is not permitted.

#### **Article 553. Judgment on the case of return of a child or on the exercise of rights of access**

1. A judgment in a case on the return of a child must comply with the requirements established by Chapter 27 of this Code and contain the justification for the return of the child to the state of permanent residence in accordance with the Child Abduction Convention, if necessary, the procedure and timeframe for the return of the child and an indication of the distribution of legal costs associated with the consideration of the case on the return of the child, or the justification for the refusal to return the child to the state of permanent residence in accordance with the Child Abduction Convention and an indication of the distribution of legal costs.
2. A judgment on a case regarding the exercise of access rights must comply with the requirements established by Chapter 27 of this Code and contain a justification for the applicant's exercise of access rights in accordance with the Child Abduction Convention, where necessary, measures to ensure the applicant's exercise of access rights and an indication of the distribution of legal costs associated with the consideration of the case regarding the exercise of access rights, or a justification for the refusal to exercise access rights in accordance with the Child Abduction Convention and an indication of the distribution of legal costs.

#### **Article 554. Forwarding copies of judgments**

Copies of judgments on the case of the return of a child or the exercise of access rights are sent by the court to the Ministry of Justice within three days of the rendering of these judgments.