

Unofficial translation from Belarusian and Russian to English

C O U R T D E C I S I O N

I n t h e n a m e o f t h e R e p u b l i c o f B e l a r u s

August 31, 2021

The city of Minsk

The Judge of the Supreme Court of the Republic of Belarus A. M. Sokolovskaya,, in presence of N.A. Velitchenko, Secretary, with the participation of Prosecutor I.I. Rudenko, representative of the Ministry of Justice of the Republic of Belarus A.V. Pechkurov, representatives of Public Association Ecohome G. Yu. Fedorov and S. A. Magonov, having considered in open court hearing the case under the claim of the Ministry of Justice of the Republic of Belarus to the Public Association Ecohome on liquidation,

f o u n d t h e f o l l o w i n g :

In the claim addressed to the court, the plaintiff indicated that Public Association Ecohome (hereinafter referred to as Ecohome) was registered by the Ministry of Justice of the Republic of Belarus on June 21, 1996 (certificate of state registration No. 01469) in the Unified State Register of Legal Entities and Individual Entrepreneurs No. 101127301). The latest amendments to the Statute of the Public Association were registered by the Ministry of Justice of the Republic of Belarus on March 20, 2018.

On June 22, 2021, in the framework granted to the registering authority by the Law of the Republic of Belarus of October 04, 1994 "On Public Associations" (hereinafter referred to as the Law), the Ministry of Justice of the Republic of Belarus requested Ecohome to provide information and documents from for conducting control measures regarding the activities of this public association.

The audit finds violations that served as grounds for imposing legislatively prescribed measures.

By Order of the Ministry of Justice No. 158 of July 13, 2021, a Written Caution was issued to Ecohome, in which it was proposed to take measures to eliminate the established violations no later than July 20, 2021.

As of July 26, 2021, the Ministry of Justice of the Republic of Belarus had not received information on the elimination of violations that led to issuing a Written Caution. Consequently, the requirements of the registering authority were not met, and the plaintiff requested a resolution on liquidation of Ecohome.

At the hearing, A.V. Pechkurov, representative of the Ministry of Justice of the Republic of Belarus, supported the claim.

Messrs. Fedorov and Magonov, representatives of Ecohome, did not admit the claim of the Ministry of Justice of the Republic of Belarus and requested dismissal thereof. The court, having heard representatives of the parties and the opinion of I.I. Rudenko, Prosecutor, who believed that the claim is subject to satisfaction, has come to the following.

As provided by Article 5 of the Law of the Republic of Belarus "On Public Associations", public associations shall conduct their activity in accordance with the Constitution of the Republic of Belarus, this Law, other legislative acts and on the basis of their Statutes.

According to part 3 of Article 27 of the above mentionaed Law, public associations are to inform the registering authority in writing about elimination of violations that led to issuing a Written Caution and submit supporting documents no later than three days following elimination of violations identified in the Written Caution.

Paragraph 1.1. of the Statute of Ecohome states that this public association is a voluntary association of citizens of an environmental nature, which they formed for the development and promotion of an environmentally friendly lifestyle and the joint enforcement of civil, social and

cultural rights, and that this association was created and operates in accordance with the Constitution of the Republic of Belarus, the Law of the Republic of Belarus "On Public Associations", other legislative acts of the Republic of Belarus and the said Statute.

The purpose of the activity of this public association is to develop and promote ideas of sustainable development and an environmentally friendly lifestyle. To achieve the statutory goals and attain statutory objectives, Ecohome employs the following methods: develops educational programs, conducts seminars, conferences, sports events, environmental monitoring and other activities; organizes voluntary labor camps, exhibitions and concerts; carries out publishing activity, establishes mass media related to the implementation of the statutory tasks and goals; conducts business in accordance with the established procedure only insofar as it is necessary to attain statutory objectives for which Ecohome was created, and shall live up to these goals and meet the purpose of its activity.

According to paragraph 3 of Part 1 of Article 29 of the Law, public associations shall be liquidated by a court resolution if they violate the legislation and (or) their Statutes within one year following issuance of a Written Caution.

in the course of the judicial proceedings it was established that the Ministry of Justice of the Republic of Belarus, within the authority granted to it under Article 24 of the above Law, on June 22, 2021, requested Ecohome to provide information and documents related to the statutory activity of this public association, in particular, documents confirming the presence of a legal address; a list of members of the public association as of July 01, 2021; information about persons who terminated their membership in this public association for the period from January 01, 2018 to July 01, 2021; documents related to holding (including online) lectures classes, exhibitions, educational and scientific conferences and other events, as well as those concerning participation of this public association in international meetings, conferences, forums, etc. held outside the Republic of Belarus for the specified period; minutes of meetings of elected bodies of the public association; annual activity plans; documents related to the public association's financing and expenditure in the period from January 01, 2018 to July 01, 2021; documents related to publishing activities etc.

The registering authority set July 09, 2021, as the deadline for submission of these documents and information.

Since the documents and information were not submitted to the registering authority by the specified date, on July 13, 2021, the Ministry of Justice of the Republic of Belarus issued Order No.158 on issuing a Written Caution to Ecohome. A copy of this order No. 06 - 12/308 was sent to the public association on July 14, 2021.

It appeared from letter No.18 by Ecohome dated July 26, 2021 that the defendant did not agree with the Written Caution issued to them and, instead of taking urgent measures to eliminate the shortcomings identified by the Ministry of Justice of the Republic of Belarus, engaged correspondence with the registering authority on issues related to confirming the legal address, the format of lists of members of the public association, interaction with such organizations as the Belarusian National Youth Council "Rada", the Assembly of NGOs, the Belarusian National Platform of the Civil Society Forum, while actually challenging the need to submit the requested documents and information to the registering authority.

The Written Caution issued to the defendant by the Order of the Ministry of Justice of the Republic of Belarus No. 158 dated July 13, 2021, was challenged by the defendant in accordance with the procedure established by Article 27 of the said Law. By Decision of the Supreme Court of the Republic of Belarus of August 23, 2021, Ecohome's complaint was dismissed.

In the course of consideration of the public association liquidation claim, the defendant's representatives drew the court's attention to the fact that information about the legal address (administrative premises located in Minsk at 50B-6N Zakharova Street) contained in the Statute

confirmed the right of the public association to be placed in the specified premises provided to it on the basis of a gratuitous use agreement concluded with I.G. Sukhy, lender.

The court additionally requested written evidence related to conclusion of the specified agreement. It is established that according to the Uniform State Register of Real Estate Property Rights and Transactions, as of November 21, 2017, the administrative premises with an area of 61.3 sq. m, located in Minsk at 50B-6N Zakharova Street, belonged to Ya.S. Bekish (owned share - 23/50), E. B. Tonkacheva (owned share - 7/25), O. I. Smolyanko (owned share - 11/100), I. G. Sukhiy (owned share - 3/20).

As outlined in Article 250 of the Civil Code, possession and use of property in shared ownership shall be executed by agreement of all owners thereof, and in case of failure to come to an agreement - in accordance with the procedure established by court. A participant in shared ownership has the right to receive in possession and use a part of the property commensurate with their share, and if this is not possible, they have the right to demand appropriate compensation from other participants who own and use their share of property.

Documents confirming the ownership right of I. G. Sukhiy to the specified administrative premises were not submitted to the registering authority. Accordingly, as of August 31, 2021 (the date of the court decision), the defendant failed to take appropriate measures to eliminate violations of the current civil legislation with regard to location of Ecohome at the legal address specified in Paragraph 1.8 of the Statute of this public association.

The court considers unjustified the defendant's arguments that information provided to the registering body about the members of the public association lacking data on their dates of birth, places of residence and home phone numbers, places of work (study), work phone numbers, and personal signatures was sufficient.

Information provided to the registering authority about the members of the public association did not meet the requirements of Annexes No. 2 and No. 3 to the Decree of the Ministry of Justice of August 30, 2005 No. 48 "On approval of regulatory legal acts on registration and consideration of documents related to the state registration of political parties, trade unions, other public associations, unions (associations) thereof, as well as state registration and exclusion from the register of state registration, registration and de-registration of organizational structures of trade unions".

Furthermore, the defendant failed to provide evidence to refute the plaintiff's arguments regarding relevance of publications on the public association's website concerning activity of the Belarusian National Youth Council "RADA", the Assembly of NGOs, the Belarusian National Platform of the Civil Society Forum, organizations not registered in the Republic of Belarus that demonstrate features of a public association (union, association), and the connection of Ecohome with them.

Arguments of the representative of the Ministry of Justice of the Republic of Belarus stating that such actions of the Ecohome do not meet the requirements of the current legislation and the Statute of this public association are recognized by the court as justified.

Thus, in the course of consideration of this case, the Ministry of Justice presented evidence that violations of its own Statute and of the current legislation regulating activity of public associations committed by Ecohome were not eliminated by the defendant after a Written Caution had been issued, and therefore, based on paragraph 3 of Part 1 of Article 29 of the said Law, the public association is subject to liquidation.

On the basis of the above and guided by Articles 302-311 of the Civil Procedure Code of the Republic of Belarus, the judge

r e s o l v e d :

to liquidate the Ecohome public association registered by the Ministry of Justice of the Republic

of Belarus on June 21, 1996 (certificate of registration No. 01469; in the Unified State Register of Legal Entities and Individual Entrepreneurs - No. 101127301).

to collect from the Ecohome public association a state duty in the amount of 87 rubles to the state revenue.

The resolution shall enter into legal force immediately after its proclamation and shall not be subject to appeal or protest.

Judge of the Supreme Court
of the Republic of Belarus

A. M. Sokolovskaya

Certified true copy

Judge of the Supreme Court
of the Republic of Belarus

September 8, 2021

[SEAL with state emblem of Belarus in the middle and text]: Supreme Court of the Republic of Belarus * 2*

[signed] A. M. Sokolovskaya

[On the reverse side of page]: There are stitched, numbered and sealed by stamp with State emblem of the Republic of Belarus 6 (six) pages

Judge of the Supreme Court of the Republic of Belarus

[SEAL with state emblem of Belarus in the middle and text]: Supreme Court of the Republic of Belarus * 2*

[signed] A. M. Sokolovskaya