



EU4Digital

EU4Digital: supporting digital economy
and society in the Eastern Partnership

eCommerce Report

Recommendations proposed for eCommerce
environment harmonisation in the EaP countries:
Republic of Belarus

15 January 2021



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Table of Content

Table of Content	2
1 Executive summary	3
1.1 Objectives of the report.....	3
1.2 Scope of eCommerce study.....	3
1.3 Approach.....	3
1.4 The state of play in the Eastern partner countries.....	4
1.5 The recommendations to harmonise eCommerce	5
1.6 The next steps and considerations.....	6
2 Introduction	7
2.1 Context.....	7
2.2 Objectives	8
2.3 Scope.....	8
3 Methodology	9
3.1 EU practice of cross-border eCommerce.....	9
3.2 Value chain of eCommerce.....	10
3.3 Approach of assessment in the Eastern partner countries	11
4 Gap analysis report for the Republic of Belarus	16
4.1 Gap analysis in eCommerce ecosystem area.....	16
4.2 Gap analysis in legal area.....	28
4.3 Gap analysis in standards area.....	45
4.4 Summary of gap analysis.....	53
5 Recommendations report for the Republic of Belarus	59
5.1 Ecosystem recommendations to eliminate the barriers for cross-border eCommerce.....	59
5.2 Legislation framework and standards recommendations to enable cross-border eCommerce with the EU	70
6 The next steps and considerations	79



1 Executive summary

In the EU market, eCommerce presents opportunities for retailers from the different countries to grow businesses and revenues. The EU market of eCommerce provides access to over 500 million consumers with the eCommerce market worth more than \$700 billion¹ and an annual growth rate of 15% on average domestically and exceeding 25% for cross-border eCommerce². The EU, being the second biggest in the world cross-border buyer of goods, established own eCommerce rules, processes, know-hows and ways for engagement of stakeholders. The EU member states expect that these rules are considered and followed by trading partners, including non-EU businesses. Otherwise, obstacles and barriers created by different rules in the EU and third countries complicate eCommerce transactions.

To eliminate existing obstacles and barriers for pan-European eCommerce for citizens and businesses requires the harmonisation of the digital environments among the Eastern partner countries and with the EU. This includes harmonisation of eCommerce ecosystem and approximation to relevant EU legislation and standards.

1.1 Objectives of the report

The overall objective of the report is to provide recommendations to harmonise eCommerce among the Eastern partner countries (in particular, the Republic of Belarus, hereafter, Belarus) and the EU in three areas: ecosystem, legal framework and standards. This includes:

- Eliminating the barriers for cross-border eCommerce;
- Boosting cross-border eCommerce volume;
- Preparing countries for the upcoming EU and global changes in eCommerce introduced in 2021.

1.2 Scope of eCommerce study

eCommerce in this study is understood as a sale of goods through electronic transactions carried out on computer networks.

The study **focuses on the B2C** type of electronic exchange, but doesn't exclude C2C, B2B and B2G exchange. This focus is taken as the volume of B2C transactions is increasing in the EU, which is strengthened amid COVID-19. In 2019, the number of EU enterprises using B2C transactions was higher than the number of EU enterprises using B2B and B2G combined³. As B2C eCommerce is facing updates that will shape the area for the next few years, this study aims to provide benefit to harmonise B2C area between the EU and the Eastern partner countries. Also, it is important to note that the topics covered in this study, such as cross-border parcel supply chain, interaction between parcel operators, logistics and the supporting areas of eCommerce legislation, are valid both for B2C and B2B

The basis of the analysis is **the EU baseline** that consists mainly of the EU laws and standards regulating eCommerce as well as best practices in eCommerce ecosystem development. The EU baseline also includes international rules as the EU trades with the rest of the world and there are rules developed by **global cooperation** (e.g. the Universal Postal Union network that enables eCommerce cross-border delivery, the World Customs Organisation model for customs procedures).

In addition, the analysis is based mainly on the **existing legislation**, standards and ecosystem processes. However, as the EU is in the process of major changes that impact eCommerce, the report is also focused on the **upcoming legislation** (i.e. 2021 eCommerce package) that is defined and is to be implemented in 2021.

The report focuses on the eCommerce areas that are the most critical to be harmonised for **cross-border transactions**. Harmonisation of these areas facilitates cross-border eCommerce transactions and reduce obstacles for seamless cross-border trade.

1.3 Approach

The recommendations to harmonise eCommerce among the Eastern partner countries and the EU were developed by performing the following activities by the EU4Digital central eCommerce experts and local experts from the Eastern partner countries:

¹ More at: <https://www.digitalcommerce360.com/2019/05/09/the-delivery-preferences-of-european-online-shoppers/>

² More at: <https://op.europa.eu/en/publication-detail/-/publication/1c50224c-574e-11e9-a8ed-01aa75ed71a1/language-en>

³ Eurostat, *Community survey on ICT usage and e-commerce in enterprises, 2019*



- Developed the EU state of play or [the baseline](#) for the assessment, which is structured around the eCommerce value chain. The value chain describes the players, information and activities involved in the supply, distribution, and post-sales activities of goods for the market. More than 100 key aspects in legal, standards and eCommerce ecosystem areas are described across the value chain and the baseline.
- Performed the state of play analysis of eCommerce in the Eastern partner countries by conducting interviews, workshops and research. More than 50 stakeholders were involved across the Eastern partner countries to provide inputs for analysis of the state of play of eCommerce. Among them the ministries, customs and tax authorities, postal and logistics operators, marketplaces, business associations, local experts.
- Provided professional opinion by the EU4Digital Facility experts on the key gaps for cross-border eCommerce.
- Developed recommendations based on the EU practices aimed to boost eCommerce transactions volume and address the necessary supportive measures for eCommerce to work. Key recommendations for each Eastern partner country include specific actions to be considered on a national level.
- Organised consultations and alignments with the national stakeholders.

1.4 The state of play in the Eastern partner countries

The Eastern partner countries have a varying level of digital commerce enablement. Comparing to the eCommerce baseline, the analysis identified the key common gaps in the following areas provided in the table below. Note that the overview below provides a summary of the most common gaps, while specific gaps are explained in the chapter 4. *Gap analysis report for the Republic of Belarus* of this report.

Table 1: Summary of eCommerce common gaps for cross-border eCommerce in the Eastern partner countries comparing to the EU baseline

No	Area	Key aspects that have gaps and challenges in the Eastern partner countries
Gaps in eCommerce ecosystem		
1.	Marketing and sales	<ul style="list-style-type: none"> • Usage of global marketplaces that operate in the EU is limited (reasons: long/expensive delivery, cash-on-delivery preference, poor awareness). • Local marketplaces selling cross-border are not common, except certain national platforms (reasons: long/expensive delivery, cash-on-delivery preference, poor awareness).
2.	Payment	Payment methods usage is different than in the EU due to still preferred cash-on-delivery payment method and common usage of local solutions rather than global that are popular for the EU.
3.	Parcel delivery	<ul style="list-style-type: none"> • Global private operators face challenge to maintain high eCommerce volumes creating high rates for parcel delivery limiting involvement in eCommerce ecosystem. • Wide network of active postal offices is not aligned with the centralised approach that is common in the EU and within the UPU. • Delivery time is few days longer than in the EU, where delivery within 48 hours is common.
4.	The EU 2021 eCommerce package	Limited ⁴ awareness by stakeholders and only fragmented actions to prepare for changes in VAT (Import One Stop Shop, removal of exceptions), customs (Import Control System 2, mandatory electronic declarations), harmonised ID (item level information exchanged via harmonised IDs).
Gaps in eCommerce legal framework		
5.	Platforms	Limited regulation of terms and conditions explaining ranking of goods on platforms.
6.	Parcel delivery	<ul style="list-style-type: none"> • Limited regulation of postal security requirements for the provision of electronic advance data for consignments of distance sales.

⁴ Limited means not regulated or not (partially) compatible with the EU rules or not implemented regulation.



No	Area	Key aspects that have gaps and challenges in the Eastern partner countries
		<ul style="list-style-type: none"> Insufficient preparation for the EU VAT eCommerce package, including a special scheme as regards certain value added tax obligations for distance sales of goods imported from third territories or third countries to the EU that will be applied from 1 July 2021.
7.	Consumer protection	<ul style="list-style-type: none"> Limited regulation of misleading commercial practices of paid advertisement, including provisions indicating the cases when paid advertisement is considered as a misleading commercial practice. Limited regulation of information requirements for distance contracts of digital content and digital service, including definitions of digital content, digital service supplied by the trader to the consumer and personalised pricing on the basis of automated decision-making. Limited regulation on misleading omissions about consumer reviews of products, where trader providing access to consumer reviews of products must inform the consumer about whether and how the trader ensures that the published reviews originate from consumers who have actually used or purchased the product.
Gaps in eCommerce standardisation aspects		
8.	Interoperability	<ul style="list-style-type: none"> Limited technical specifications for secure, trustworthy and user-friendly opening systems for parcel boxes for home use. Limited requirements for electronic advanced data submission in postal operations in domestic and international postal operations as a pre-requisite for digital customs or transport security related declaration.
9.	Digital postal services	Limited standardisation of electronic advanced data semantic mapping of attributes of commercial single items compliant to the UPU-WCO (the Universal Postal Union – the World Customs Organisation) model from 2021.
10.	The UN, the EU, the UPU: electronic exchange	Limited standardisation of specifications for post, courier, express, parcel operators and customs agents that transport eCommerce items from the country into the EU to prepare the necessary electronic data lodging of digital customs pre-declarations on item level that will become mandatory from 1 July 2021 for items below a value of 150 EUR.
11.	The UPU: technical standards	Limited standardisation of EDI messaging to be exchanged between customs authority/border agency to a postal operator, between destination postal operator and the origin postal operator on risk assessment.
12.	eCommerce websites trust mark	Lack of national eCommerce Trustmark certification scheme(s) which authenticates that an eCommerce company established on the national territory has made a commitment to work in compliance with the Code of Conduct, guaranteeing ethical standards in the digital marketplace.

1.5 The recommendations to harmonise eCommerce

To address the identified gaps and challenges, the EU4Digital Facility prepared the recommendations for harmonisation of eCommerce among the Eastern partner countries and with the EU. The overview is provided in the table below. Note that the overview provides a summary of the recommendations, while specific recommendations and action points are explained in the chapter 5. *Recommendations report for the Republic of Belarus* of this report.

Table 2: Summary of eCommerce recommendations to harmonise cross-border eCommerce among the Eastern partner countries and with the EU

No	Recommendation	Goal
Recommendations in eCommerce ecosystem		
1.	Establish a virtual warehouse as a re-usable database to list goods for sale in the EU.	Cross-border sales volume increase as businesses in the Eastern partner countries list and manage inventory of goods for cross-border sale; and the national postal operators are connected to the database to trigger cross-border delivery once sales happen to deliver within 72 hours.
2.	Establish national pavilion account(s) on the EU marketplace(s) to list goods for sale in the EU.	Cross-border sales volume increase as businesses in the Eastern partner countries list goods for cross-border sale



No	Recommendation	Goal
		through a single national account and get support with marketing.
3.	Establish consolidated central distribution networks with centralised warehouses, fulfilment and sorting facilities to enhance postal capacity for cross-border transportation.	National postal operators and parcel delivery operators use centralised networks for clearance, sorting and transportation of parcels to the cross-border hubs (office of exchange) to enable daily dispatch abroad. The aim is to reduce delivery time for domestic and cross-border delivery of commercial items.
4.	Establish co-sharing agreements and unified parcel identifiers between the post and private parcel operators.	The national postal operator and private sector parcel delivery operators sign cooperation agreements to co-share the last mile delivery and to dispatch cross-border consignments within 24 hours from order (after handing over to postal service provider). The aim is to establish co-sharing agreements for delivery to ensure optimal usage of infrastructure and postal rates.
5.	Further strengthen the integration of the Eastern partner countries eCommerce ecosystem actors into the EU networks.	Increased collaboration of the eCommerce ecosystem stakeholders of the Eastern partner countries with the EU ecosystem actors through transfer of the EU knowledge and practices.
6.	Increase awareness and readiness (legal, systems, processes) of relevant stakeholders for the 2021 changes in customs, taxes, security, parcel delivery areas.	Cross-border trade is possible as customs and taxes authorities, postal and logistics operators can seamlessly exchange electronic advanced data with the EU operators; can use simplified procedures to pay taxes; use harmonised ID to exchange information on an item level.
Recommendations in eCommerce legislation and standards frameworks		
7.	Improve the overall framework of eCommerce by introducing fundamental principles and critical requirements (electronic platforms, contracts and intermediation services, data protection).	The legal framework and main standards related to eCommerce correspond to the EU general framework and the consumers feel safe to shop on-line.
8.	Improve online marketing and electronic sales capacities of traders to increase visibility (on-line marketplaces, unfair commercial practices, price indication, trust mark, CE, products safety, intellectual property).	Products of the Eastern partner countries are presented on the marketplaces selling in the EU, clearly identifiable and promoted to the potential target segments.
9.	Improve compliance with electronic payment (liability for unauthorised payment, removal of surcharges, customer authentication).	Assure the maximum consumer protection when using electronic payment on eCommerce platforms.
10.	Improve safe placing of on-line orders (governance of contracts by residence).	Assure the maximum level of consumer and trader contractual protection in case of contracts concluded on-line.
11.	Improve the time of cross-border parcel delivery (postal security requirements and standards for electronic advanced data, measures for quality of delivery services, interfaces between the e-merchant and logistic operators).	Allow processing of all cross-border data on parcels between the Eastern partner countries and the EU countries in standardised electronic format in advance.
12.	Improve Online Alternative Dispute Resolution mechanism (out-of-court resolution for domestic and cross-border) and transparency in case of security incidents (communication of incidents, complaints handling principles).	Assure the maximum level of consumer support in case of disputes and security incidents.

1.6 The next steps and considerations

The beneficiaries in the Eastern partner countries should use this report to consider implementing the recommendations.



- Recommendations in legal and standards areas include specific points for specific government authorities to use as an input to make necessary changes.
- Recommendations in ecosystem area should be considered by the relevant government and non-government ecosystem stakeholders, who should include the recommendations in national economy development plans for practical actions.

In addition, this report is considered by the European Commission for possible activation of the recommendations on bi-lateral and regional level.

The next step of the EU4Digital Facility is to launch a pilot to facilitate cross-border eCommerce. Recommendation #1 of this report – Establish a virtual warehouse as a re-usable database to list goods for sale in the EU and other Eastern Partnership countries – is confirmed to be a pilot solution, which will support countries to list products on the foreign marketplaces and complete cross-border eCommerce transactions. The pilot activity is scheduled to start in January 2021 and to be completed by April 2021. Updates on the activities are published on eufordigital.eu.

2 Introduction

This analysis report of harmonisation of eCommerce among the Eastern partner countries and with the EU is developed under the European Union's regional facility "EU4Digital Facility: bringing the benefits of the harmonised digital market to the Eastern Partnership countries", thematic area of eTrade, eCommerce activity. The aim of this activity is to harmonise cross-border eCommerce laws, standards and ecosystem among the Eastern partner countries (Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine) and the EU, as well as piloting technical solution to support cross-border eCommerce.

Team: the report is developed by the team of experts from 10 countries.

The central team includes: Artūras Piliponis (EU4Digital Team Lead), Rūta Šalvytė-Tamošiūnienė (EU4Digital Deputy Team Lead, eTrade Stream Lead), Walter Trezek (Chairman of the Universal Postal Union Consultative Committee, Co-chair of e-logistics Working Committee of Ecommerce Europe), Vladimir Abramytchev (Team Lead in European External Action Service and multiple eCommerce studies funded by the European Commission), Jan Hyttel (Board member of GS1 and Transport Innovation Association in Lithuania), Volodymyr Kovalenko (EU4Digital eCommerce expert).

The local country teams: Armenia - Vahagn Marukhyan; Azerbaijan - Anar Jafarzade; Belarus - Natallia Harbuz; Georgia - Nino Esakia; Moldova - Alexandru Florea, Ionela Titirez; Ukraine - Oleksiy Shmuratko.

Acknowledgements: more than 50 stakeholders were involved across the Eastern partner countries to provide inputs for analysis of the state of play of eCommerce. These inputs covered more than 100 aspects in legal, standards and ecosystem areas covering the entire value chain of eCommerce – platforms, payments, order placement, parcel delivery, customer protection. The involved stakeholders included the Ministries, customs and taxes authorities, postal and logistics operators, marketplaces, business associations, local experts. The stakeholders participated in consultation sessions to provide feedback and shape the final set of recommendations to harmonise eCommerce. Involvement of a broad community of stakeholders makes the recommendations actionable and relevant for the beneficiaries in the Eastern partner countries.

2.1 Context

eCommerce of the EU market presents opportunities for retailers from the different countries to grow businesses and revenues. The EU market of eCommerce provides access to over 500 million consumers with the eCommerce market worth more than \$700 billion⁵ and an annual growth rate of 15% on average domestically and exceeding 25% for cross-border eCommerce⁶. The EU, being the second biggest in the world cross-border buyer of goods, established own eCommerce rules, processes, know-hows and ways for engagement of stakeholders. The EU member states expect that these rules are considered and followed by trading partners, including non-EU businesses. Otherwise, obstacles and barriers created by different rules in the EU and third countries complicate eCommerce transactions.

To eliminate existing obstacles and barriers for pan-European eCommerce for citizens and businesses requires the harmonisation of the digital environments among the Eastern partner countries and with the EU. This includes harmonisation of eCommerce ecosystem and approximation to relevant EU legislation and standards.

⁵ More at: <https://www.digitalcommerce360.com/2019/05/09/the-delivery-preferences-of-european-online-shoppers/>

⁶ More at: <https://op.europa.eu/en/publication-detail/-/publication/1c50224c-574e-11e9-a8ed-01aa75ed71a1/language-en>



2.2 Objectives

To ensure harmonisation, the objective of this report is to provide recommendations to harmonise eCommerce practices among the Eastern partner countries and the EU in three areas: ecosystem, legal framework and standards.

Ecosystem recommendations have objectives to:

- Eliminate the barriers for cross-border eCommerce;
- Boost cross-border eCommerce volume;
- Prepare countries for the upcoming EU and global changes introduced in 2021.

Legal framework and standards recommendations have an objective to address the key aspects that must be in place for cross-border eCommerce with the EU to work.

2.3 Scope

2.3.1 Framework of eCommerce

eCommerce is defined as sale of goods through electronic transactions carried out on computer networks. eCommerce comprises the preparation of orders for goods using electronic interfaces. An electronic interface should be understood as a device or programme, which allows two independent systems or the system and the end user to communicate. This is a broad concept and could encompass a website, portal, gateway, marketplace, or application program interface (API). Then, the orders are transmitted through computer networks. The methods of placing of the order such as by telephone calls, facsimile or manually typed e-mail are usually not considered as part of eCommerce. The payment and the ultimate delivery of the goods or services do not have to be conducted online.

eCommerce can operate through websites (which allow online ordering or booking, for example using a “shopping cart”), mobile applications operated on mobile telecommunications networks or through an exchange of electronic messages or EDI messages (electronic data interchange).

The study focuses on the Business to Consumer (B2C) type of electronic exchange, but does not exclude C2C, B2B and B2G exchanges. This focus is privileged as the volume of B2C transaction is increasing in the EU, which is strengthened amid COVID-19. In 2019, the number of EU enterprises using B2C transactions was higher than the number of EU enterprises using B2B and B2G combined⁷. As B2C eCommerce is facing updates that will shape the area for the next few years, this study aims to provide benefit to harmonise B2C area between the EU and the Eastern partner countries. Also, it is important to note that the topics covered in this study, such as cross-border parcel supply chain, interaction between parcel operators, logistics and the supporting areas of eCommerce legislation, are valid both for B2C and B2B.

The EU framework related to eCommerce and the best EU practices in the EU member states offer a comprehensive structure to conduct harmonisation of national legal framework among the Eastern partner countries and with the EU, both for goods and services. The EU baseline is historically more focused on online purchase of physical goods as it occupies a major part in eCommerce transactions. In this study, eCommerce is mainly considered as online purchase of goods and products in the form of merchandise. Many challenges in eCommerce are associated with cross-border delivery of commercial items, which explains the priority of the study on goods.

The study provides a holistic overview of the EU best practices and conducts a comprehensive assessment of the main aspects of eCommerce in the Eastern partner countries. However, it does not treat in detail some aspects, such as trust service, networks security, and cybercrime related to eCommerce, because they are considered within EU4Digital Trust & Security component as well as the other project under EU4Digital Initiative – “EU4Digital: Improving Cyber Resilience in the Eastern Partnership countries”.

2.3.2 Global perspective addressed

To harmonise eCommerce in the Eastern partner countries in line with the EU state of play, mainly the EU regulations, directives and processes are described. To complement this description, rights and obligations set by the global organisations, such as the Universal Postal Union (UPU) and the World Customs Organisation (WCO), are covered as well. This global perspective on eCommerce has to be taken into consideration as the EU member states trade with the Eastern partner countries and the rest of the world. As the EU trades with the rest of the world, there are legislation and procedures developed by global cooperation (e.g. the UPU network

⁷ Eurostat, *Community survey on ICT usage and e-commerce in enterprises, 2019*

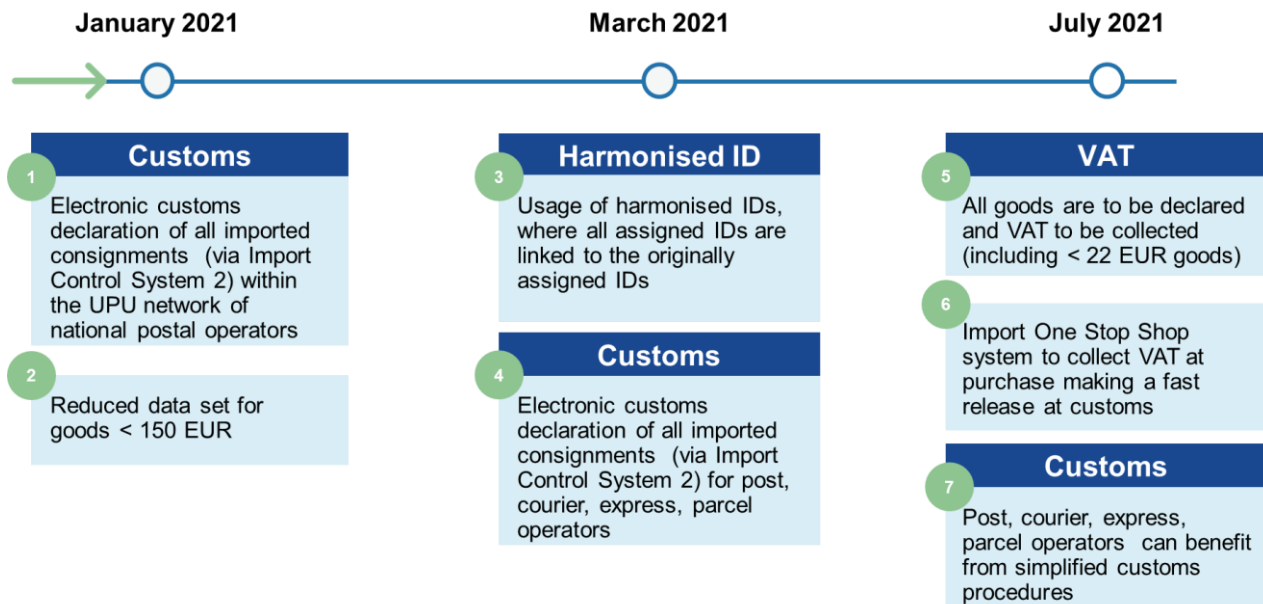


that enables cross-border delivery within eCommerce, the WCO global model for customs requirements). Such systems and procedures influence eCommerce legislation in the EU and the rest of the world.

2.3.3 The future state of play of eCommerce considered

The EU baseline being the basis for harmonisation mainly consists of the existing regulations, directives and processes. However, as the EU is in the process of major changes that impact eCommerce, the report is also focused on the upcoming legislation (i.e. 2021 eCommerce package) that is already defined and is to be implemented in 2021. The changes are presented in the figure below.

Figure 1: Overview of the 2021 changes in eCommerce area



It is crucial for the Eastern partner countries to align to these changes, which is reflected in the recommendations provided to the countries. Failing in doing so might lead to substantial challenges when trying to export goods into the EU, even block trade completely.

2.3.4 Cross-border aspects in focus

This report is focused on the aspects important for cross-border eCommerce harmonisation. This is critical as the EU is developing Digital Single Market⁸ and EU4Digital Facility is bringing the benefits of the harmonised digital market to the Eastern Partnership countries. Thus, the report focuses on the eCommerce areas that are the most critical to be harmonised for cross-border transactions. Harmonisation of these areas facilitates cross-border eCommerce transactions and reduce obstacles for seamless cross-border trade.

3 Methodology

3.1 EU practice of cross-border eCommerce

The Digital Single Market Strategy of the European Commission targets to break down online barriers by applying the four basic freedoms in the EC Treaty (goods, persons, services and capital) to allow people in the EU countries to benefit from full access to goods and services offered online. The Strategy treats the aspects of promoting cross-border access to products and online services, protecting online consumer rights and facilitating cross-border parcels delivery. Its main focus is on ending unjustified cross-border barriers to businesses in the EU.

The European Commission proposes several measures for ending unjustified cross-border barriers to eCommerce. They spread out from making it easier for European consumers to shop online, making safer to pay online, abolishing geo-blocking, facilitating parcel delivery. The measures have impact on online shopping

⁸ More at: <https://eufordigital.eu/discover-eu/eu-digital-single-market/>



activities of consumers that range from searching products and services on web sites, through buying online, paying, delivery, to providing customer support services.

The objective to eliminate existing obstacles and barriers for pan-European eCommerce for citizens and businesses require the harmonisation of the digital environments among the Eastern partner countries and with the EU. This includes the approximation to relevant EU legislation and standards, harmonisation of business processes and data formats, and alignment of eCommerce ecosystems to enable cross-border eCommerce.

3.2 Value chain of eCommerce

The study uses the concept of a value chain to describe eCommerce domain and the interaction between the eCommerce ecosystem of the EU member states and the Eastern partner countries. The proposed method supports that all required eCommerce aspects are included in the study.

3.2.1 Value chain approach

eCommerce value chain describes the players, information and activities involved in the supply, distribution, and post-sales activities of goods. The approach offers an insight about the flow of activities and processes involved in any type of eCommerce cross-border trade between businesses, consumers and public entities. It identifies the key commercial, logistical, regulatory and payment procedures applied in the eCommerce international supply chain.

The value chain defines areas and boundaries of the legal framework, standards and ecosystem related to eCommerce and provides a structure for describing the requirements for interoperable eCommerce exchange among the Eastern partner countries and with the EU.

The lifecycle of an online purchase can involve the consumer accessing a network, searching for an online trader, selecting the product he or she wants to purchase. The consumer enters information related to how he intends to purchase the product and then place the order. From here, the lifecycle continues from the viewpoint of the supplier who receives the order. The supplier locates the product, obtains the product from his inventory (a warehouse, distribution or fulfilment centre), processes payment, ships the order to the consumer and ultimately provides required customer support, such as handling of returns.

For the purpose of this study, the eCommerce value chain is broken down into six business processes: marketing, sales, payment, placing order, delivering parcel, and customer support. These business processes englobe the whole chain of required activities from marketing of a product online to providing customer services after the product is delivered to the customer.

These key business processes are both cross-functional and cross-area in nature. Three functional perspectives define the eCommerce value chain in this study: ecosystem, legislation and standards. The following Figure shows the business processes of eCommerce value chain.

Figure 2. Business processes of the eCommerce value chain



The eCommerce value chain comprises both physical flows of items and digital flows of data. Electronic exchange of information is necessary for operations such as tracking and tracing of items and payments.

- **Marketing.** eCommerce begins with marketing business processes that include different activities conducted by traders to promote and advertise products and services online.
- **Sales.** eCommerce websites and marketplaces sell non-digital, digital products and services. The consumer visits an online shop to search for an item. The eCommerce trader targets to organise the most effective customer journey through the storefront or marketplace in order to present in an optimal way products or services with the purpose to trigger a sale and placement of an online order by the consumer.
- **Payment.** After the consumer selects an item to purchase, the online shop sends a request to the customer to pay. Billing and payment comprise payment platforms used to process monetary transactions made by consumers on the online shop. Electronic payment services are provided by banks, payment processors, and online payment service providers.



- **Placing order.** After the customer pays, payment confirmation and checkout are triggered. Following checkout (submission of online order), payment placement is conducted, which in turn leads to an order. Once a customer has placed an order, the trader provides an order confirmation to the consumer. It contains contractual, order information and estimated shipping dates.
- **Parcel delivery.** The next stage in the eCommerce value chain is transporting the item to the consumer's final delivery destination. Successful delivery is confirmed when the consumer receives the parcel. It triggers the customer's confirmation of receipt.
- **Customer service.** Customer service consists of provision of support to customers before (orientation), during (selection of item, purchase) and after purchase (after sale and post-delivery customer support). It can be personal as well as automated. eCommerce trader offers the flexibility and scope to the consumers to return an item in case it's faulty or not of their choice. This makes the traders to support a reverse supply chain of getting it back from the consumer to their warehouse.

3.3 Approach of assessment in the Eastern partner countries

Three functional perspectives are used in this study to define the EU baseline and to assess eCommerce state of play in the Eastern partner countries: ecosystem, legislation and standards. The value chain guides the assessment through questionnaires of three perspectives of eCommerce in the Eastern partner countries. It facilitates the gathering of recommendations on harmonisation of certain areas to facilitate trade with the EU.

eCommerce ecosystem. The eCommerce value chain is operated by multiple players that interact through a complex network or interconnected system. All together they form an eCommerce ecosystem. It can be defined as a network of interconnected players and functions that comprise the full cycle of the buying and selling of goods and services electronically.

Legislation. The eCommerce ecosystem players interact through a series of activities, and their relationships may be either competition or cooperation. The overarching EU legal framework and the legislation of each EU member state defines the legal rules of interaction between the eCommerce ecosystem players in the European market.

Standards. A set of standards related to eCommerce provide guidelines and characteristics for activities or their results, for common and repeated use. Standards provide individuals, businesses and organisations involved in eCommerce value chain with a common basis for mutual understanding. The EU standards mainly relate to products, services or systems.

3.3.1 eCommerce ecosystem

eCommerce ecosystem is formed by multiple players that interact along the eCommerce value chain. It is a network of interconnected players and functions that cover the full cycle of the buying and selling of goods and services electronically. The following table presents the ecosystem perspective of eCommerce. It shows the main areas of the ecosystem that are associated to each business process of the eCommerce value chain. Several areas are applicable to all business processes (the second row in the table). Other areas are applicable to particular business processes. The table highlights the aspects of eCommerce ecosystem that are critical for the cross-border electronic commerce activities between the EU member states and the Eastern partner countries.

Table 3: Ecosystem perspective of the eCommerce value chain

Marketing	Sales	Payment	Placing order	Delivering parcel	Customer service
Process of cross-border parcel supply chain and stakeholders involved					
Security and trust through:					
<ul style="list-style-type: none"> • Globally recognised barcodes • Advanced payment security providers • Clear return processes for purchased goods • The EU eCommerce trust marks • Goods control and surveillance by public regulatory bodies • Alternative and online dispute resolution • Review platforms for businesses and goods • Insurance of transported goods 					



Marketing	Sales	Payment	Placing order	Delivering parcel	Customer service
Global, continental and local eCommerce platforms operating in the EU Rating of products	Common solutions to create platforms and integrate with other stakeholders of the ecosystem Social media as a marketplace for influencers	Electronic payments ecosystem: <ul style="list-style-type: none"> Common in the EU payment methods Payment gateways and service providers Payment of cross-border taxes and stakeholders involved at every stage		Role of the UPU in parcels delivery rules Common goods delivery methods and fulfilment operations Delivery to remote and rural areas Goods tracking and identification via global IDs Customs clearance process and changes in 2021 De-minimis in the EU and changes in 2021	Return process of damaged or wrong goods

The indicated areas summarise the EU eCommerce ecosystem [baseline](#). It examines the current state of the key areas of eCommerce ecosystem setup in the European Union / EEA market and take into account the systems and procedures developed by global cooperation with the international organisations such as the Universal Postal Union and the World Customs Organisation.

3.3.2 Legislation

The establishment of adequate legal framework can facilitate the take-up of cross-border eCommerce regionally and also between the EU member states and the Eastern partner countries by reducing uncertainties, enhancing trust and addressing potential harms.

The following table presents the legislative perspective of eCommerce. It indicates the main legal areas that are associated to each business process of the eCommerce value chain. The priority areas highlight the best practices of the EU legal framework in eCommerce. Several areas are applicable to all business processes (the second horizontal row in the table). Other legal areas are proper to particular business processes. The focus is on the legislative and regulatory aspects that are critical for the cross-border electronic commerce activities between the EU member states and the Eastern partner countries.

Table 4: Legislation perspective of the eCommerce value chain

Marketing	Sales	Payment	Placing order	Parcel delivery	Customer service
Net neutrality Consumer protection, consumer rights Redress and litigation, public enforcement Injunctions The Universal Postal Union regulations: items, data models Data protection Security of networks and information systems					
Unfair commercial practices Price indication Online marketplaces	Consumer sales and guarantees Product safety rules Rules for protection of intellectual	Electronic payments Limit of payment fees	Unfair contract terms Electronic contracts Prohibitions and restrictions of import of goods	Parcel delivery customs formalities: excise goods, fees for customs procedures Fiscal aspects of parcel delivery:	Consumer alternative dispute resolution Consumer online dispute resolution



Marketing	Sales	Payment	Placing order	Parcel delivery	Customer service
	property and enforcement Online pharmacies Trademarks and designs			duties, VAT, excise duties Transparency of tariffs for cross-border parcel delivery Postal security measures for cargo and mail Import electronic advance data	

The indicated areas are presented in the EU legal [baseline](#). It examines the current state of a number of key areas of law and regulation for eCommerce in the European Union and takes into account the recommendations of the international organisations such as the Universal Postal Union and the World Customs Organisation.

3.3.3 Standards

European Standards are a key component of the European Single Market. Although rather technical, they represent one of the most important issues for the interoperability between businesses and public organisations. They are crucial in facilitating cross-border trade and hence have high visibility among manufacturers and suppliers of goods inside and outside Europe. Standards provide consumers, businesses, public administrations and regulatory organisations with a common basis for mutual understanding and represent the state of the art of business conduct.

The following table indicate the standards important for cross-border eCommerce. It codifies the best EU practice based on the standards of the Universal Postal Union, the United Nations and the World Customs Organisation. Several standards are applicable across all business processes of eCommerce value chain (the second horizontal row). Other standards are applicable to particular business processes. The indicated standards highlight the aspects that are the most critical for the cross-border electronic commerce activities between the EU member states and the Eastern partner countries.

Table 5: Standards perspective of the eCommerce value chain

Marketing	Sales	Payment	Placing order	Delivering parcel	Customer service
Stakeholder and Information exchanges based on WCO/UPU messaging model					
Physical process and associated data					
Information exchanges based on UN/EDIFACT syntax					
Electronic advanced data exchange on item level					
UPU electronic exchange standards					
UPU technical standards					
Information available on postal services	Distance to access point of postal services		Interfaces for cross-border parcels	Quality of postal services	Complaints handling principles for postal services
International postal address component	Open global networks and systems for postal operators		Electronic Data Interchange between postal handling organisations	Interoperability in postal operations	Damage to postal items
Data definition and encoding – Identification of postal items	Packaging for boxable items		Electronic communication of item information	Measurement of the transit time of end-to-end services	Re-forwarding
Identification & codification of postal consignment	Product safety		Item level tracking information	Method for measurement of parcel transit time	Measurement of loss and substantial delay in priority and first-class single piece mail



Marketing	Sales	Payment	Placing order	Delivering parcel	Customer service
EU eCommerce websites trust marks CE marking			Item messages with Customs Consignment messages with carrier Messages between postal operators	for cross-border parcels Apertures of private letter boxes and letter plates Parcel boxes for end use Digital opening and closing systems for parcel receptacles Requirements for electronic advanced data in postal operations	

The indicated standards are described in the EU [baseline](#). Each of the standards represent a model specification or a technical solution against which the actors of eCommerce ecosystem trade across-borders. The baseline examines the status of standards related to eCommerce in the European Union and aligned to the recommendations of the international organisations such as the European Committee for Standardisation (CEN) and the UPU.

3.3.4 Data collection

Data collection in the Eastern partner countries was conducted by local research teams. A detailed methodology for assessment of each of three areas using structured questionnaires facilitated interviews and data collection. Each question corresponds to an evaluation criterion in [the EU legal baseline](#) for eCommerce. The questions are grouped into several thematic categories, as presented in the following table.

Table 6: Thematic categories of three questionnaires used in the data collection

Legal	Standards	Ecosystem
Consumer protection Parcel delivery Universal Postal Union Security of networks and information systems Geo-blocking Data protection Electronic contracts Electronic payments Platforms	Quality of services Interoperability Digital Postal Services Physical process and associated data Stakeholders and Information Exchanges based on UN/EDIFACT Stakeholder and Information Exchanges based on the EU customs model UPU electronic exchange standards UPU technical standards EU eCommerce websites trust marks eCommerce and product safety Terms and Definitions	eCommerce platforms Payments Taxation Logistics and supply chain The process of cross-border sale in the EU

3.3.5 Gaps analysis

Gaps analysis was focused on identifying differences in laws, standards and practices related to eCommerce between the Eastern partner countries and with the EU. EU4Digital Facility developed gap analysis of



eCommerce state of play in each country after comparing it to [the EU baseline](#). The gap analysis covers three areas – legislation, standards and eCommerce ecosystem.

Gap analysis report for the three areas follows the same approach. First, a particular aspect of the state of play in the EU is indicated. Next to it, the state of play of this aspect in an Eastern partner country is summarised. In conclusion, gaps comparing to the EU state of play and analysis of the challenges for cross-border eCommerce are presented. In addition to the identified gaps, the EU4Digital Facility experts provide justification for recommendations to harmonise cross-border eCommerce in each Eastern partner country with the EU.

eCommerce stakeholders of the Eastern partner countries, both from the public and private sectors, were involved to assess the state of play by providing input to the local research teams, to review the collected data and to give feedback on the identified gaps.

3.3.6 Recommendations

The identified gaps have different degree of impact on the cross-border eCommerce between the country and the EU. Some gaps are important to address in order to boost eCommerce flows between the regions. Other gaps serve to improve the conditions of eCommerce nationally and cross-border. Based on the identified gaps, the EU4Digital Facility developed recommendations.

eCommerce ecosystem recommendations have objectives to:

- Eliminate the barriers for cross-border eCommerce;
- Boost cross-border eCommerce volume;
- Prepare countries for the upcoming EU and global changes introduced in 2021.

Legal framework and standards recommendations have an objective to address the key aspects that must be in place for cross-border eCommerce with the EU to work.

The recommendations for each of the Eastern partner country include specific actions to be considered on a national level. The recommendations are designed to provide practical and actionable inputs for the relevant government and non-government stakeholders to make necessary changes and include in national economy development plans.

In this document, the recommendations are presented starting from the overall eCommerce ecosystem aimed to boost eCommerce transactions volume and following with recommendations in legal and standards areas, which are supportive measures to reach the goal.



4 Gap analysis report for the Republic of Belarus

eCommerce stakeholders of Belarus were involved to assess the state of play and provided input for the local research teams, including:

- The Ministry of Finance of the Republic of Belarus;
- The Ministry of Antimonopoly Regulation and Trade of the Republic of Belarus;
- The Ministry of Communications and Informatization;
- State Customs Committee of the Republic of Belarus;
- Republican Union of Participants of Customs Relations;
- National Bank of the Republic of Belarus;
- The national postal operator – Belpochta;
- State Committee for Standardization of the Republic of Belarus;
- Association of Online Trading Enterprises;
- Public Private Dialogue Network (PPD);
- Belarusian Scientific Research Institute of Transport “Transtekhnika”;
- Representatives of eCommerce marketplace;
- Representatives of private sector delivery and logistics operators.

Gaps are presented in three areas: eCommerce ecosystem, legislation framework and standards.

4.1 Gap analysis in eCommerce ecosystem area

The table below provides an overview of the identified gaps in ecosystem area in Belarus comparing to the state of play in the EU. The conclusions are provided next to gaps as:

- ‘Similar practices as in the EU’ if the ecosystem area functions in a way that is similar to the EU or
- ‘Different practices than in the EU’ if the ecosystem area functions in a way that is different from the EU.

The table follows the structure of eCommerce ecosystem as presented in the EU baseline and covers the following areas:

- eCommerce platforms;
- Payments;
- Taxation;
- Logistics and supply chain.

The table is summarised in the section *4.4. Summary of gap analysis*.



- Gaps
- Challenges

Table 7: Belarus: ecosystem gaps comparing to the EU eCommerce baseline

No	State of play in the EU	State of play in Belarus	Gaps comparing to the EU baseline / Challenges
eCommerce platforms			
1.	<p>There is a variety of the major global eCommerce platforms providing services in the EU market, which enables cross-border eCommerce in the EU. Using one of these platforms brings benefits to enter the market quickly and with relatively low costs.</p> <p>Key aspects to consider for the Eastern partner countries:</p> <ul style="list-style-type: none"> Increase awareness and communicate the benefits of activating cross-border eCommerce through the major global eCommerce platforms. Also, assess accessibility of the global eCommerce platforms in the market. 	<p>Availability of the global marketplaces:</p> <ul style="list-style-type: none"> Global marketplaces that are operating in the EU are available for customers and businesses. However, there are no global marketplaces operating in Belarus directly. Despite of that, customers often make purchases and receive their orders (unless goods are in the restriction list) using parcel forwarding services. Such services are provided by the designated postal operator Belpochta. Global delivery services (e.g. UPS, DPD, DHL, TNT, FedEx) can also be used. 	<p>Similar practices as in the EU. Although the global marketplaces are not directly present in Belarus, intermediary services (such as parcel forwarding) and global delivery services enable delivery from the global marketplaces. It is not likely that the global marketplaces will enter Belarus (similarly as in some of the EU countries).</p> <p>Global logistics players (such as UPS, DPD, DHL, TNT, FedEx) entered the market to enable availability of the global marketplaces, but it's challenging for them to maintain high volumes, which influences high rates for parcel delivery.</p> <p>As a result, businesses and customers leverage workarounds to make the global marketplaces available (e.g. parcel forwarding services).</p>
2.		<p>Usage of the global marketplaces:</p> <ul style="list-style-type: none"> Although the global marketplaces that are operating in the EU are available for customers and businesses, purchases are made mostly on local marketplaces. From the global marketplaces, Aliexpress is the most common because of the low prices (as the average eCommerce transaction in Belarus is valued around €9 and has even decreased recently because of the wide portfolio of low cost goods). 	<p>Different practices than in the EU. Usage of global marketplaces is limited. Although intermediary services provided by Belpochta, postal operators that received a license and global delivery services enable delivery from the global marketplaces operating in the EU, consumers and businesses face challenges. First, long delivery time of around two months and/or more expensive delivery provided by private parcel delivery</p>



No	State of play in the EU	State of play in Belarus	Gaps comparing to the EU baseline / Challenges
		<ul style="list-style-type: none"> • The challenges for cross-border transactions: <ul style="list-style-type: none"> ○ Long delivery time (around 2 months); ○ When moving goods through the border it is common to undervalue goods to fall into the threshold of below €22 where goods are not subjects to VAT or customs duties; ○ A lot of European online stores and marketplaces do not deliver to Belarus. Solutions used include: parcel forwarding; storing goods in Polish warehouse with self-pickup; Polish mediators that work with the marketplaces operating in the EU (e.g. Allegro, Amazon, eBay) and deliver goods to Poland, then to Belarus through postal or courier services. 	<p>operators. Second, not all goods sold on the global marketplaces are available for delivery to Belarus.</p> <p>The state of play analysis shows that businesses and customers leverage workarounds, such as:</p> <ul style="list-style-type: none"> • Parcel forwarding services of which customers have to be aware; • Ordering from marketplaces to neighbouring EU countries, such as Poland, and then delivering through courier, post or personally. <p>Local marketplaces are preferred in eCommerce transactions with the exception of Aliexpress offering low priced goods.</p>
3.	<p>In the EU, eCommerce marketplaces play an important role in cross-border sales as they allow SMEs to expand globally at reasonable cost. Such platforms provide support in payments, logistics, localisation and other key areas of cross-border eCommerce.</p> <p>Key aspects to consider for the Eastern partner countries: depending on audience, it may be the most effective to engage with buyers on local platforms.</p>	<p>Local marketplaces selling cross-border:</p> <ul style="list-style-type: none"> • The most visited marketplaces in Belarus are kufar.by, deal.by, catalog.onliner.by, market.yandex.by, shop.by⁹. • Marketplaces selling cross-border are not common with the exception of the Belarusian Universal Commodity Exchange, because of: <ul style="list-style-type: none"> ○ Lack of unified payment system – in Belarus eCommerce stakeholders can not involve third parties to process or transfer money (with the exception of Belpochta). Thus, escrow and courier services cannot be involved to enable cash-on-delivery. Legislation to address this issue is in progress; ○ Lack of knowledge of buying and selling cross-border; 	<p>Different practices than in the EU. It is not common for local marketplaces in Belarus to sell to the EU with the exception of the B2B marketplace BUCE.</p> <p>Some of the problems businesses face to sell cross-border include:</p> <ul style="list-style-type: none"> • Payment system limiting ability of third parties to process or transfer money. • Lack of knowledge of buying and selling cross-border; • High associated costs related to logistics, legal support, technical regulations.

⁹ <https://marketer.by/2019/06/24/marketplejsy-belarusi-internet-magazin-prodat-tovar/>



No	State of play in the EU	State of play in Belarus	Gaps comparing to the EU baseline / Challenges
		<ul style="list-style-type: none"> ○ High cost to enter the global B2C eCommerce market related to logistics, legal support, technical regulations. ● The Belarusian Universal Commodity Exchange (BUCE) is a B2B marketplace, which gets support from the government from strategic perspective, is selling cross-border. It is planned to further strengthen cross-border operations by simplifying processes for foreign businesses to participate in trades, adding interface in different languages, improving customer service. 	
4.	<p>Continental eCommerce platforms focus on markets throughout the European Economic Area (EEA). Such platforms personalise operations to the EU market by providing services in two or three European languages, accepting three or four currencies and localising communication channels.</p> <p>Key aspect to consider for the Eastern partner countries: increase the awareness of the importance for cross-border eCommerce to personalise and localise eCommerce platforms with languages and currencies familiar for audiences.</p>	<p>Localisation and personalisation of local marketplaces:</p> <ul style="list-style-type: none"> ● Belarus marketplaces typically provide services in Russian. ● It is common that prices are indicated and transaction processes in Belarus ruble, which is enforced by law. Prices in other currencies can be indicated upon request of non-resident. However, geo targeting services can be used to identify location of a user allowing to display prices in a foreign currency. ● BUCE operates in Russian and English. 	<p>Different practices than in the EU. For a seamless eCommerce transaction between the EU and Belarus, it is important to indicate prices at least in EUR currency. It is not common for marketplaces in Belarus to localise and personalise services for the EU buyers by offering English language and EUR currency (with the exception of BUCE).</p>
Payments			
5.	<p>Following payment methods are typically offered to the EU customers: Visa/Mastercard, Digital wallets, Domestic bank credit / debit card, Bank transfer, Invoice, Cash-on-delivery, iDeal.</p> <p>Key aspects to consider for the Eastern partner countries: consider implementing the most common electronic payment methods that consumers expect to see on eCommerce platforms, such as bank cards, digital wallets, bank</p>	<p>Payment methods usage:</p> <ul style="list-style-type: none"> ● Accepted payment methods: Visa/Mastercard, digital wallets, domestic bank credit / debit card, cash-on-delivery (provided only by the national postal operator). ● Not common methods: bank transfer, invoice, iDeal. ● There is a strong presence of local electronic money and digital wallets, which is ensured by local stakeholders such as banks. It is a common method to pay. 	<p>Different practices than in the EU. Although some of the most common payment methods in Belarus are aligned with the EU, third parties such as postal operators (except the national postal operator) are not allowed to accept payments in favour of buyers and sellers. It means that services such as escrow services and cash-on-delivery are limited.</p>



No	State of play in the EU	State of play in Belarus	Gaps comparing to the EU baseline / Challenges
	transfer, invoice, cash-on-delivery. The preference varies on country.	<ul style="list-style-type: none"> QR codes are gaining popularity and used on some marketplaces. 	Local Belarusian solutions are typically used in the payment area, including digital wallets and payment gateways to process payments. This makes payments more challenging for the EU consumers, as they cannot see during the checkout the common and trusted services that are used in the EU.
6.	<p>To process payments, it is common for the EU business to use global electronic payments service providers. These providers meet standards for data security and are trusted by both, businesses and consumers. That is why, consumers expect to see payment gateways when shopping cross-border, such as¹⁰: Amazon payments, WePay, PayPal payments standard, Authorize.net, 2Checkout, Stripe, eWay, Payment Express.</p> <p>Key aspects to consider for the Eastern partner countries: Consider implementing the most common and trusted payment gateways that are available on the EU eCommerce marketplaces.</p>	<p>Payment gateways usage:</p> <p>Although global secure gateways are available in Belarus, local payment gateways, such as Webpay, bePaid, Assistant, are used.</p>	
Taxation			
7.	<p>EU businesses and authorities are adjusting their systems and processes to the EU 2021 eCommerce package.</p> <p>For businesses selecting Import One Stop Shop¹¹ (hereafter, IOSS) facility, especially for non-EU businesses, it is important to note that the IOSS representative for the remote seller has to register only in one Member State within the EU - the Member State of Identification (MSI). So, businesses must have an IOSS representative in</p>	<p>Awareness of eCommerce package – IOSS:</p> <p>The key eCommerce stakeholders are not aware of the EU 2021 eCommerce package (IOSS process introduction) and have not done preparatory actions. Normally, they are informed six months in advance of the upcoming changes.</p>	<p>No awareness as of summer 2020. The key stakeholders in Belarus are not aware of the EU changes to cross-border taxation procedures in 2021 and are not doing preparatory actions, which includes establishing a representative in the EU, updating IT systems and cross-border taxes reporting processes.</p> <p>It is important for Belarus to adjust to these changes as IOSS system may help</p>

¹⁰ <https://www.i2store.org/i2store-payment-gateways2/germany.html>

¹¹ https://ec.europa.eu/taxation_customs/business/vat/modernising-vat-cross-border-ecommerce_en. IOSS is the system to declare and pay VAT on business-to-consumer (B2C) distance sales of consignments of an intrinsic value of maximum EUR 150.



No	State of play in the EU	State of play in Belarus	Gaps comparing to the EU baseline / Challenges
	<p>the EU / EEA with a contract with the seller, acting as its fiscal representative¹².</p> <p>When selling through own website, businesses themselves need to appoint an EU intermediary to obtain an EU IOSS VAT number. However, when selling through a marketplace / platform, the operator of this marketplace / platform becomes liable to pay the VAT to the EU tax authorities.</p> <p>Key aspects to consider for the Eastern partner countries:</p> <ul style="list-style-type: none"> • Tax / customs authorities must be connected to the EU IOSS database. • Businesses should consider appointing IOSS representatives in the EU. • Increase awareness and communicate the changes in VAT processes associated with IOSS. 		<p>authorities to control taxes flows and businesses to report cross-border taxes.</p>
Logistics and supply chain			
8.	<p>The most common delivery method in the EU is the post. About 75% of all commercial postal items (EU definition: parcels) sent across borders are enabled through the UPU.</p>	<p>Post delivery:</p> <ul style="list-style-type: none"> • Customers and businesses typically can select different ways to deliver commercial items, including global parcel delivery operators, the national postal operator Belpochta and local parcel delivery services. • Post is the most common delivery method for cross-border purchases. • For the last mile delivery, courier services are the most preferred way, which is foreseen to be replaced with self- 	<p>Similar practices as in the EU. Delivery is enabled by a wide network of local delivery operators. The national postal operator is another key stakeholder in delivery, however, the expected delivery time standards in Belarus are slightly longer than the same or the next day delivery expected in the EU (within 48 hours).</p>

¹² Explanatory notes on VAT eCommerce rules: https://ec.europa.eu/taxation_customs/sites/taxation/files/vatecommerceexplanatory_notes_30092020.pdf



No	State of play in the EU	State of play in Belarus	Gaps comparing to the EU baseline / Challenges
		<p>pickup delivery due to cost optimisation of the last mile delivery.</p> <ul style="list-style-type: none"> • There is a wide network of delivery operators with more than 40 services. Some of the key operators are Belpochta, Autolight Express, DPD, Europost, M&M Express, Pony Express, CDEK, Glavdovostka, Dostavich, TAT, Energy, GTD. • Delivery operators in Belarus have different specialisations in logistics areas such as express and international delivery, documents and parcels delivery, small volume and large volume cargos, customs procedures. • For cross-border delivery, the national postal operator Belpochta is using 11 hubs (offices of exchange)¹³. 	<p>Also, global logistics players (such as UPS, DPD, DHL, TNT, FedEx) entered the market to enable availability of the global marketplaces, but it's challenging for them to maintain high volumes, which influences higher rates for parcel delivery.</p> <p>In the EU, it is common to establish a centralised infrastructure with few cross-border hubs (offices of exchange) to achieve timely and regular transportation of parcels abroad. Wide network of cross-border hubs in Belarus is not fully aligned with the centralised approach and provides possibilities for optimisation.</p>
9.	<p>eCommerce retailers manage their logistics by working with international logistics companies such as DHL, DPD, UPS and FedEx.</p> <p>Key aspects to consider for the Eastern partner countries: Increase awareness of possible fulfilment models that retailers must consider. Depending on volume of sales, consider one of the fulfilment models:</p> <ul style="list-style-type: none"> • Ship purchased goods from the third countries. • Cooperate with logistics business in the EU (outsourcing delivery). • Cooperate with multiple logistics business in the EU to ensure fast delivery. It is common for the EU businesses to cooperate with multiple service providers, because only a few international logistics companies have infrastructure on both sides of the border to 	<p>Availability of international logistics operators:</p> <p>Key international parcel delivery operators are available: FedEx, TNT, DHL Express, UPS, DPD.</p>	

¹³ BYMSQA; BYMSQB; BYMSQC; BYMSQD; BYMSQE; BYMSQF; BYMSQG; BYMSQH; BYMSQI; BYMSQK; BYMSQL.



No	State of play in the EU	State of play in Belarus	Gaps comparing to the EU baseline / Challenges
	<p>cover the full cycle of delivery. Nevertheless, large companies, such as DPD, DHL, UPS, FedEx, are capable to do so.</p> <ul style="list-style-type: none"> • Own warehouse facilities in the EU to manage the delivery. • Enable cross-border eCommerce through the global marketplaces (such as: Amazon or Alibaba) to leverage their own delivery networks. 		
10.	<p>About 66% of the EU retailers use between two to ten carriers to enable delivery services. Half of these retailers use about five carriers for domestic and international needs.</p> <p>Key aspects to consider for the Eastern partner countries: Same as in question No 9.</p>	<p>Parcel delivery network:</p> <ul style="list-style-type: none"> • Customers and businesses are able to select different operators to deliver parcels. • For business it is common to offer between three to five delivery options. 	<p>Similar practices as in the EU. Although international service delivery operators are available in the market and parties can select different delivery services, international service delivery operators face challenge to maintain high eCommerce volumes creating high rates for parcel delivery limiting involvement in parcel delivery network.</p>
11.	<p>The most popular delivery locations are the following: Home, Post office (outlet of the national universal service provider), Work, Parcel shop (local or international service providers such as DHL), Retailer store, Parcel locker station (as an example of unattended delivery).</p> <p>Key aspects to consider for the Eastern partner countries: Same as in question No 9.</p>	<p>Delivery locations:</p> <ul style="list-style-type: none"> • The most popular delivery locations: home, post office, parcel shop (local or international service providers such as DHL, UPS). • The most popular way to deliver to home is via courier services if free service is offered. Alternatively, it is common to pick up at post offices. • Parcel locker services start to develop and are currently available in Minsk. 	<p>Similar practices as in the EU.</p>
12.	<p>In most cases, the EU retailers may deliver purchased goods, when required (for a surcharge) during the same day within cities. In other cases, an additional day may be agreed with the customer.</p>	<p>Delivery time:</p> <ul style="list-style-type: none"> • Parcels are delivered with the following timeline that is enforced by legislation: <ul style="list-style-type: none"> ○ Between the regional centres – up to three working days; 	<p>Different practices than in the EU. The expected delivery time standards in Belarus are slightly longer than the same or the next day delivery expected in the EU (within 48 hours).</p>



No	State of play in the EU	State of play in Belarus	Gaps comparing to the EU baseline / Challenges
	<p>Key aspects to consider for the Eastern partner countries: Enable the same or next-day delivery to get purchased goods to buyers.</p>	<ul style="list-style-type: none"> ○ Between the rest of the settlements of Belarus – up to four working days. ● It is common for delivery operators to offer tracking of parcels. However, only parcels weighted above 2 kg and express parcels are tracked. 	<p>Although the expected delivery time can be checked by consumers through tracking, not all goods can be tracked.</p> <p>This is a challenge for a seamless cross-border delivery of parcels to the EU as it is important to ensure optimised delivery to the border.</p>
13.	<p>High quality service with relatively short delivery time to large, mid-sized and small cities. The major retailers deployed their own warehousing and delivery processing facilities to fulfil growing eCommerce needs for high quality delivery to remote areas. Delivery to remote areas is dependent on the road availability.</p> <p>Key aspects to consider for the Eastern partner countries:</p> <ul style="list-style-type: none"> ● Ensure availability of infrastructure to a pick-up point selected by a consumer. Otherwise, delivery operators may drop shipments in the nearest drop locations. ● For optimised delivery, it is important to ensure a sufficient infrastructure. 	<p>Delivery to remote areas:</p> <p>Belpochta has the widest network of over 3000 postal offices to deliver goods to remote areas and often is the typical operator to deliver to the most remote areas.</p>	<p>Similar practices as in the EU. Decentralised network with active postal offices in all regions of the country is an old state-of-art, which is recommended to be updated according to the global and the EU best practices. In the EU, it is common to establish consolidated central distribution networks to achieve timely transportation of parcels.</p>
14.	<p>EU businesses and authorities are adjusting their systems and processes to the EU 2021 eCommerce package.</p> <p>One of the aims of the 2021 modernisation is to eliminate traditional or physical customs documentation. All logistics businesses will need to adjust and use the IT system – Import control system 2 – to exchange pre-arrival information about goods¹⁴.</p>	<p>Awareness of eCommerce package - electronic declarations only:</p> <ul style="list-style-type: none"> ● National electronic system is used for electronic customs declarations. However, paper documents are still allowed and not planned to be eliminated fully. ● There is no information if the currently used system (the National Automated Information System for Electronic 	<p>No full awareness as of summer 2020. Although the key stakeholders already use electronic declarations in Belarus, paper declarations are still allowed. This will not be allowed in the EU in 2021. The key eCommerce stakeholders (such as private parcel delivery operators) lack awareness about the electronic declarations becoming mandatory for the EU cross-border trade. As the result, they cannot start preparatory</p>

¹⁴ Explanatory notes on electronic advanced data: <https://standards.iteh.ai/catalog/standards/cen/0428799b-5273-45f8-8629-17da8e92f54f/fprcen-tr-17536>



No	State of play in the EU	State of play in Belarus	Gaps comparing to the EU baseline / Challenges
	<p>Key aspects to consider for the Eastern partner countries:</p> <ul style="list-style-type: none"> Increase awareness and communicate that retailers, parcel delivery services and tax / customs authorities will have to use electronic advanced data instead of physical documentation. Retailers, parcel delivery services and tax / customs authorities should consider integrating with the IT system – Import control system 2 – to exchange pre-arrival information about goods. 	<p>Declaration) will be integrated to Import Control System 2 of the EU.</p> <ul style="list-style-type: none"> National postal operator and the customs authorities are now considering introducing requirements for pre-arrival data. 	<p>actions, which includes adjustments to the systems and business processes.</p> <p>Adjusting to these 2021 changes of the EU is important for Belarus to speed up cross-border delivery.</p>
15.	<p>EU businesses and authorities are adjusting their systems and processes to the EU 2021 eCommerce package.</p> <p>One of the aims of the 2021 modernisation is to transport goods using a simplified dataset to be shared with customs authorities, prior to crossing the border into The EU /EEA for low value consignments. It can be used by all stakeholders¹⁵.</p> <p>Key aspects to consider for the Eastern partner countries: increase awareness and communicate that parcel delivery services and tax / customs authorities can benefit from simplified customs procedures, where reduced data set can be used to declare goods to customs in the EU.</p>	<p>Awareness of eCommerce package - simplified customs procedures:</p> <p>The national postal operator is exchanging a minimum necessary set of information with the customs authorities. However, other stakeholders (i.e. parcel services and customs authorities) are not aware or taking actions to align to the EU 2021 update in customs clearance.</p>	<p>No full awareness as of summer 2020. Although the national postal operator in Belarus is exchanging a minimum necessary set of information with the customs authorities, private delivery services are not aware of the possibility to use simplified procedures in 2021 during cross-border transactions with the EU.</p> <p>Adjusting to these 2021 changes of the EU is important for Belarus, which may make private parcel delivery services faster and affordable for cross-border eCommerce.</p>
16.	<p>EU businesses and authorities are adjusting their systems and processes to the EU 2021 eCommerce package.</p> <p>In July 2021, de-minimis will be cancelled and VAT will apply to all purchased goods. The eCommerce stakeholders may expect that imports may</p>	<p>Awareness of eCommerce package - no exceptions to pay VAT:</p> <ul style="list-style-type: none"> According to the current legislation, VAT and customs duties in Belarus are not paid for commercial items below 200 EUR and weight less than 10 kg, which is not subject to change. 	<p>No full awareness as of summer 2020. The key eCommerce stakeholders in Belarus are not aware of the removed exceptions to pay VAT from July 2021.</p> <p>Unawareness of the changes create a risk for stakeholders that they are not ready for</p>

¹⁵ Explanatory notes on simplified customs procedures: <https://standards.iteh.ai/catalog/standards/cen/0428799b-5273-45f8-8629-17da8e92f54f/fprcen-tr-17536>



No	State of play in the EU	State of play in Belarus	Gaps comparing to the EU baseline / Challenges
	<p>become more expensive as VAT will apply to all goods – without exceptions. It may increase burden on national customs authorities having to process additional number of goods¹⁶.</p> <p>Key aspects to consider for the Eastern partner countries: Introduce awareness campaign to communicate that as de-minimis are cancelled there is impact on cross-border parcel delivery, such as:</p> <ul style="list-style-type: none"> • Businesses should consider leveraging local EU fulfilment services to optimise delivery processes by importing larger transportation pallets, rather than individual parcels falling under de-minimis rules. • Burden on national customs authorities may increase having to process additional number of goods. 	<ul style="list-style-type: none"> • Customs and taxes authorities are not aware and don't take actions to align to the EU 2021 update in VAT and customs duties. 	<p>more expensive transactions, additional burden to declare all items at customs. Adjustment to the changes is necessary not to block eCommerce with the EU completely.</p>
17.	<p>Requirements for returns include preservation of the original product (or control of usage) and compliance with deadlines. Consumers do not have to provide reasons for return. Not all logistics companies manage cross-border returns, thus, in addition to the biggest parcel delivery operators that can do it, specialised returns software providers and companies exist. Pick-up drop-off (PUDO) points is a common way to send back purchased goods to retailers.</p> <p>Key aspects to consider for the Eastern partner countries: Introduce awareness campaign to communicate to consumers, businesses and parcel delivery services the key requirements of the return procedure:</p>	<p>Return delivery:</p> <ul style="list-style-type: none"> • The return conditions are specified in a contract. • The consumer has the right to return non-food products within 14 days no reasons have to be given. • The seller checks returned goods in terms of original product preservation. • Cross-border return processes can be done by the national postal operator and by private sector parcel services. • After goods are sent back and received by seller, money should be returned to consumer no later than seven days. • Customs authorities release goods from customs procedures in case of cross-border returns. 	<p>Similar practices as in the EU. Return of goods is one of the key factors that build trust for consumers. To enable cross-border eCommerce it is important for Belarus to fully align the return procedures in the following areas:</p> <ul style="list-style-type: none"> • Shipments are normally dropped at the postal offices for return delivery in Belarus. Enabling other stakeholders such as unattended delivery options might improve the process of return. • In the ecosystem of Belarus no return specialised operators (e.g. specialised software, parcel operators specialised on returns) are observed.

¹⁶ Explanatory notes on VAT eCommerce rules: https://ec.europa.eu/taxation_customs/sites/taxation/files/vatecommerceexplanatory_notes_30092020.pdf



No	State of play in the EU	State of play in Belarus	Gaps comparing to the EU baseline / Challenges
	<ul style="list-style-type: none"> Original product has to be preserved. Businesses can verify if goods have been used and reject the return. Customers have 14 days to decide to return purchased goods without providing any reason. Parcel delivery operators should consider installing unattended delivery options to enable customers to drop goods. Retailers must provide reimbursement as soon as evidences received. The biggest logistics operators provide the cross-border return services. Businesses may consider cooperating with such or domestic stakeholders to manage the cross-border return. Also, they may consider cooperating with the EU or domestic return software. 	<ul style="list-style-type: none"> Most returns are filed when the authorities charge taxes or duties on transported goods. 	<ul style="list-style-type: none"> Customers in Belarus lack awareness of taxes and duties that can be charged by customs, which results in refusal to pay and returns of goods.
18.	<p>EU businesses and authorities are adjusting their systems and processes to the EU 2021 eCommerce package.</p> <p>The newly introduced process in 2021 for cross-border parcel supply:</p> <ul style="list-style-type: none"> Is a standard process to exchange information between stakeholders in advance, i.e. before purchased goods are transported; Is based on an Electronic Advanced Data flow of information; 	<p>Awareness of eCommerce package - cross-border parcel supply chain:</p> <ul style="list-style-type: none"> Harmonised ID is not used. It is considered in the upcoming legislation to identify online retailers in the process of cross-border eCommerce transactions, but, currently, there's no harmonisation between the assigned IDs by parties. Electronic advanced data is used only by few stakeholders, because the legislation doesn't specify it as mandatory. All eCommerce stakeholders assign IDs that allow to track purchased goods on item level. 	<p>Different practices than in the EU. Currently, harmonised ID and advanced electronic data are not commonly used by all the key stakeholders in Belarus – sellers, delivery services, customs and taxes authorities must get the awareness to start preparations.</p>



No	State of play in the EU	State of play in Belarus	Gaps comparing to the EU baseline / Challenges
	<ul style="list-style-type: none"> • Is performed on item level¹⁷; • Is enabled by the global ID (which is explained in detail in the following section); • Will be fully implemented in 2021. It will be mandatory to send this electronic advanced data for each commercial item, prior to any border crossing into the EU /EEA for customs, fiscal and transport security purposes. 		

4.2 Gap analysis in legal area

The table in this section provides an overview of the identified gaps in legislation area in Belarus comparing to the state of play in the EU. The table follows the structure of eCommerce legal framework as presented in the [EU baseline](#) and covers the following areas:

- Consumer protection;
- Parcel delivery;
- Security of networks and information systems;
- Geo-blocking;
- Data protection;
- Electronic contracts;
- Electronic payments;
- Platforms.

The table is summarised in the section *4.4. Summary of gap analysis*.

4.2.1 Country profile

National legislation agenda in relation to eCommerce

At the end of 2019, a public discussion of the draft law "On Payment Systems and Services" was held, the developer of which was the National Bank. In particular, it is assumed that the express delivery service and courier services will be granted the right to accept payments in favour of third parties. This law is expected to be adopted at the end of 2020.

¹⁷ Explanatory notes on item-level tracking rules: <https://standards.iteh.ai/catalog/standards/cen/29395c55-0c81-4a45-8358-059647b5cca7/cen-tr-17535-2020>



Currently, express delivery services, marketplaces, mobile operators, hypermarkets, and order fulfilment companies are interested in accepting payments in favour of third parties. But in accordance with the current legislation, they have no right to do so. The only company that has the status of a paying agent is RUE Belpochta. It accepts cash on delivery for goods with no weight restrictions and also has cross-border cash on delivery capability.

Status of the approximation to the EU legal framework

There are no plans for approximation to EU legal acquis in the Ministry of Antimonopoly Regulation and Trade of the Republic of Belarus (MART).

Identified challenges of the country in eCommerce legal field

In the Republic of Belarus, there are still no regulatory legal acts that comprehensively regulate relationships in the field of electronic commerce, as well as the very concept of electronic commerce, but the constituent elements of a legal system are being created that allow the Republic of Belarus and its business entities to participate in electronic commerce processes. As a constituent element of such a system, one can name the Law of the Republic of Belarus of December 28, 2009 N 113-3 "On electronic documents and electronic digital signatures", since without a legal basis for creating an electronic document and its status, it is impossible to participate in trade transactions and settlements carried out with using the Internet.

The Ministry of Antimonopoly Regulation and Trade of the Republic of Belarus (MART) is working on the issue of adjusting the legislation on trade in terms of payment for goods purchased in online stores (B2C). The reason for this initiative was the numerous appeals of citizens about the legality of selling goods only on a prepayment basis and only through a bank or an info kiosk. The ministry explained that the retail sale contract may provide for a different procedure for paying for the goods - payment at the time of transfer of the goods to the consumer, payment after a certain time after the transfer of goods (sale of goods on credit), or prepayment for the ordered goods, i.e. the procedure for settlements for goods on a prepayment basis is not prohibited by law. On the other hand, the ministry notes that payment in cash by depositing through the banking service points of banks and buying goods solely on a prepayment basis actually levels the very principle of online commerce and creates inconveniences for consumers who pay for goods in cash. In addition, the consumer must also visit the bank to receive a refund in cases where the goods did not fit or turned out to be of poor quality. In this case, settlements with the consumer when returning the money paid for the goods are carried out in the same form in which the payment for the goods was made, unless otherwise provided by agreement of the parties. So, for example, if the goods were paid for by the consumer in cash, the seller is obliged to return the value of the goods in cash upon returning it, unless the consumer himself has expressed a desire to receive money in non-cash form. In this regard, at present, MART, together with interested parties, is working on the issue of adjusting the legislation on trade in terms of the terms of payment for goods purchased by online stores.

4.2.2 Analysis of legislation

Consumer protection

The national legislation (laws, decrees, regulations) related to consumer protection in eCommerce:

- The Civil Code of the Republic of Belarus;
- Law of the Republic of Belarus dated January 9, 2002 No. 90-Z "On Protection of Consumer Rights" (as amended on 13.06.2018);
- Law of the Republic of Belarus dated January 8, 2014 No. 128-Z "On state regulation of trade and public catering in the Republic of Belarus";
- Rules for the sale of goods in retail trade according to samples approved by the Resolution of the Council of Ministers of the Republic of Belarus dated January 15, 2009 No. 31;
- Rules for the sale of goods, catering, approved by the Resolution of the Council of Ministers of the Republic of Belarus dated July 22, 2014 No. 703;
- Recommendations of the Board of the Eurasian Economic Commission dated May 21, 2019 No. 15 "On general approaches to the establishment of special measures to protect the rights and interests of certain categories of consumers.";



- Decree of the President of the Republic of Belarus of December 31, 2013 N 590 (as revised on 18.04.2019) "On some issues of public procurement of goods (works, services)".

Table 8: Belarus: legislation gaps comparing to the EU eCommerce baseline – consumer protection

No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
Contractual obligations				
1.	Consumer contracts, Regulation (EC) No 593/2008, Article 6(1)		Not regulated. For the contract concluded between a consumer and a supplier located in different countries, the national legislation does not stipulate that the contract shall be governed by the law of the country where the consumer has his habitual residence.	
Unfair commercial practices				
2.	Prohibition of unfair commercial practices, Directive 2005/29/EC Articles 5-9	Law of the Republic of Belarus dated January 9, 2002 No. 90-Z "On Protection of Consumer Rights" Article 19	The terms of the contract limiting the rights of the consumer in comparison with the rights established by this Law and other legislation on the protection of consumer rights are considered null and void.	Partially compatible. The national legislation does not detail the types of unfair business to consumer commercial practices, also applicable to the contracts concluded online. It partially and indirectly provides protection of the consumer against unfair business to consumer commercial practices.
3.	Recourse to the codes of conduct, Directive 2005/29/EC Articles 10	Law of the Republic of Belarus dated January 9, 2002 No. 90-Z "On Protection of Consumer Rights" Article 42	The Ministry of Antimonopoly Regulation and Trade of the Republic of Belarus has the right to go to court with a claim to protect the rights of consumers in case of violation of consumer rights.	Partially compatible. The court procedure is the only one available for consumer protection. The national legislation does not encourage the control of unfair commercial practices by recourse to the national bodies providing proceedings in addition to the court or administrative proceedings.
4.	Adequate and effective means to combat unfair commercial practices, Directive 2005/29/EC Articles 11	Law of the Republic of Belarus dated January 9, 2002 No. 90-Z "On Protection of Consumer Rights" , Articles 41,42,43	Article 43. Powers of local executive and administrative bodies in the field of consumer protection. In order to protect consumer rights, local executive and regulatory bodies are obliged to go to court with a claim to protect consumer rights.	Partially compatible. The protection is not available regardless of whether the consumer affected is in the country where the trader is located or in another.



No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
Consumer rights				
5.	Requirements for distance contract, contract medium and language, Directive 2011/83/EU Articles 6-8	Rules for the sale of goods in retail trade according to samples approved by the Resolution of the Council of Ministers of the Republic of Belarus dated January 15, 2009 No. 31; point 2, 8	The legislation determines the list of mandatory information (including the terms of the contract) and the place of its placement, which must be communicated by the seller in the online store. The form of the contract is electronic and is equivalent to the written form. The terms of the contract are communicated to consumers on the website of the online store. The information must be available in Russian and (or) Belarusian.	Compatible
6.	Compulsory information to provide before placing an online order, Directive 2011/83/EU Article 8	Rules for the sale of goods in retail trade according to samples approved by the Resolution of the Council of Ministers of the Republic of Belarus dated January 15, 2009 No. 31, Clauses 4, 6	Until the conclusion of the contract, i.e. on the website of the online store, the seller is obliged to inform consumers about the conditions for the purchase and payment of goods, as well as methods of payment for goods. Information with the obligation to pay for the goods is brought to the attention of consumers on the website of the online store with a confirmation request.	Partially compatible. It is not required that the consumer, when placing an order, to explicitly acknowledge that the order implies an obligation to pay. The legislation does not demand that the trader explicitly indicates whether any delivery restrictions apply.
7.	Formal requirements for confirmation of the distance contracts, Directive 2011/83/EU Article 8	Not regulated		
8.	Obligations of the trader and the consumer in the event of withdrawal, Directive 2011/83/EU Articles 13-14	Law of the Republic of Belarus "On Protection of Consumer Rights", article 28, clauses 1,3, 4	Within fourteen days from the date of transfer of the non-food product. The list of non-food products of good quality, not subject to exchange and return, is approved by the Government of the Republic of Belarus. The maximum period for satisfying the demand of reimbursement may not exceed seven days.	Compatible
9.	Delivery of purchased goods, Directive 2011/83/EU Article 18	Rules for the sale of goods in retail trade according to samples approved by the Resolution of the Council of	Not regulated. The national legislation does not specify the maximum allowed time for the trader to deliver the goods by transferring the physical possession or control of the goods to the customer. These weaknesses negatively affect the trust of local and foreign consumers to buy on local web shops and marketplaces.	



No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
		Ministers of the Republic of Belarus dated January 15, 2009 No. 31, Clause 15		
Consumer Sales and Guarantees				
10.	Conformity of consumer goods with the contract, Directive 1999/44/EC Article 2	Law of the Republic of Belarus "On Protection of Consumer Rights"	The seller is obliged to transfer the goods to the consumer, the quality of which corresponds to the declared characteristics in the contract.	Not regulated. The legislation does not specify the requirements to consumer goods when they are presumed to be in conformity with the contract.
11.	Liability of the seller to the consumer for any lack of conformity of delivered goods, Directive 1999/44/EC Article 3	Law of the Republic of Belarus "On Protection of Consumer Rights". Articles 20, 22, 23	Article 20. Consumer rights in case of sale of goods of inadequate quality.	Compatible
12.	Right of redress by the final seller liable to the consumer, Directive 1999/44/EC Article 4	Articles 15 (clause 5) of the Law of the Republic of Belarus "On Protection of Consumer Rights". Civil Code of the Republic of Belarus, Articles 14, 950.	The seller (supplier) has the right to demand replacement of goods of inadequate quality returned by the consumer from the manufacturer or supplier who sold such goods to them, as well as compensation for losses incurred by the seller (supplier) in connection with the restoration of the violated consumer's right.	Compatible
Better enforcement and modernisation of consumer protection rules				
13.	Misleading commercial practices of paid advertisement, Directive 2005/29/EC Annex 1 (Directive (EU) 2019/2161, Art 3 (7)(a))	Not regulated. The national legislation does not contain provisions indicating the cases when paid advertisement is considered as a misleading commercial practice. Particularly, this is a case when search results in response to a consumer's online search query are provided without clearly disclosing any paid advertisement. Search results for which payments are specifically conducted for achieving higher ranking of products within the search results are not explicitly indicated.		
14.	Misleading omissions for products offered on online marketplaces, Directive 2005/29/EC Annex 1	Not regulated. The legislation does not provide the notion of online marketplace. In the case of an invitation to purchase for products offered on online marketplaces (platforms), the legislation does not require that the consumer must be informed whether the third party offering the products is a trader or not, on the basis of the declaration of that third party to the provider of the online marketplace.		



No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
	(2019/2161, Art 7(f)) / Directive (EU) 2019/2161, Art 3 (4)(f)			
15.	Information requirements for distance contracts of digital content and digital service, Directive (EU) 2019/2161 Art 4 (2)(b) / Directive 2011/83/EU Art 3	Not regulated. The national legislation does not define digital content and digital service supplied by the trader to the consumer. The legislation only partially includes provisions of consumer rights protection where the trader supplies or undertakes to supply digital content which is not supplied on a tangible medium or a digital service to the consumer and the consumer provides or undertakes to provide personal data to the trader.		
16.	Information requirements for distance contracts when price was personalised on the basis of automated decision-making, Directive (EU) 2019/2161, Art 4 (4)(a)ii / Directive 2011/83/EU Art 6	Not regulated. Before the consumer is bound by a distance or off-premises contract, or any corresponding offer, the trader shall inform the consumer, where applicable, that the price was personalised on the basis of automated decision-making. The national legislation of the Republic of Belarus does not apply this provision.		
17.	Fake price reductions, Directive (EU) 2019/2161, Art 2 (1) / Directive 2011/83/EU Art 6a	Not regulated. Any announcement of a price reduction shall indicate the prior price applied by the trader for a determined period of time prior to the application of the price reduction. The prior price of the product is the lowest price in the last 30 days before the price reduction. This assures a better consumer protection for eCommerce transactions against possible price manipulations. The national legislations of the Republic of Belarus do not include any similar provisions.		
18.	Misleading omissions about consumer reviews of products, Directive (EU) 2019/2161, Art 3 (4)(c) / Directive 2005/29/EC Art 7 (4)	Not regulated. The legislation of the Republic of Belarus does not require that the trader providing access to consumer reviews of products must inform the consumer about whether and how the trader ensures that the published reviews originate from consumers who have actually used or purchased the product. This aspect is critical for domestic and cross-border consumers in protecting against misleading omissions about consumer reviews of products.		
19.	Enforcement of proportionate and effective remedies, Directive (EU) 2019/2161, Art 3 (5) 1 / Directive 2005/29/EC Art 11a	Articles 5 (1.5), 18 (1, 2), 20 (1) of the Law of the Republic of Belarus "On Protection of Consumer Rights"	The consumer has the right to compensation in full for losses, harm caused as a result of defects in goods (work, services), including compensation for moral damage.	Compatible



No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
20.	Injunctions for the protection of consumers' interests, Directive 2009/22/EC Art 2 and 3	Articles 42 and 43 of the Law of the Republic of Belarus "On Protection of Consumer Rights".	Article 43. Powers of local executive and administrative bodies in the field of consumer protection: send materials to the bodies authorized to draw up protocols on administrative offenses and (or) initiate criminal proceedings on the grounds of crimes related to violation of consumer rights; go to court with a claim to protect consumer rights.	Compatible
Right to price indication				
21.	Consumer protection in the indication of the prices of products offered to consumers, Directive 98/6/EC Art 1, 3, 5	Article 7 of the Law of the Republic of Belarus "On Protection of Consumer Rights" and paragraph 44 of the Rules for the sale of goods, catering, approved by the Resolution of the Council of Ministers of the Republic of Belarus dated July 22, 2014 No. 703.		Compatible
Alternative dispute resolution for consumer disputes				
22.	Availability of procedures for the out-of-court resolution of domestic and cross-border disputes concerning contractual obligations, Directive 2013/11/EU Art 1, 2, 5-11	Not regulated. The legislation does not stipulate that consumers can, on a voluntary basis, submit complaints against traders to entities offering independent alternative dispute resolution (ADR) procedures. It does not establish harmonised quality requirements for ADR entities and ADR procedures.		
Online dispute resolution for consumer disputes				
23.	Availability of an online dispute resolution platform for consumer disputes,	Not regulated. The rules for the establishment of online dispute resolution platform(s) facilitate the independent, impartial, transparent, effective, fast and fair out-of-court resolution of disputes between consumers and traders online. The legislation of the Republic of Belarus does not provide this mean of the consumer protection. No online dispute resolution platform is available in the Republic of Belarus at the moment.		



No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
	Regulation (EU) No 524/2013 Art 1-5			

Parcel delivery

The national legislation (laws, decrees, regulations) related to parcel delivery:

- Decree of the President of the Republic of Belarus of July 21, 2014 N 360 (as revised on 04.24.2020) "On the movement of goods for personal use";
- Agreement on the Customs Code of the Eurasian Economic Union" (Signed in Moscow on 04/11/2017) (as amended on 04/29/2020);
- Law of the Republic of Belarus of 15.12.2003 N 258-3 (as revised on 18.06.2019) "On postal communication";
- Resolution of the Ministry of Communications and Informatization of the Republic of Belarus of 03.17.2003 N 4 (as amended on 03.11.2017) "On approval of the Instruction on the procedure for the actions of the postal operator in case of suspicion of the content of dangerous substances or objects in the mailing";
- Resolution of the Council of Ministers of the Republic of Belarus of 07.09.2004 N 1111 (as amended on 14.01.2020) "On approval of the Rules for the provision of public postal services";
- Resolution of the Ministry of Communications and Informatization of the Republic of Belarus of January 28, 2009 N 3 "On the timing of forwarding and delivery of postal items, except for universal postal services, and invalidating the Resolution of the Ministry of Communications and Informatization of the Republic of Belarus of July 14, 2006 N 22";
- Resolution of the Council of Ministers of the Republic of Belarus of 20.06.2019 N 406 (as amended on 06.05.2020) "On measures to implement the Treaty on the Customs Code of the Eurasian Economic Union";
- Regulations on the procedure for issuing confirmation of the existence of separate grounds for granting a deferral or instalment plan for the payment of import customs duties and taxes;
- Regulations on the procedure for recognition by customs authorities of the fact of destruction and (or) irrevocable loss of foreign goods under customs control due to an accident or force majeure or the fact of irrevocable loss of these goods as a result of natural loss under normal conditions of transportation (transportation) and (or) storage;
- Regulations on the procedure for checking customs, other documents and (or) information in relation to the declaration for goods filed in relation to goods, the release of which was made before its submission, documents confirming the information declared in the specified declaration, and information declared in this declaration, and (or) contained in the documents submitted to the customs authorities;
- Regulations on the procedure and terms for sending to the payer, as well as to the person (persons) who bears (bears) with the payer a joint and several obligation to pay customs payments, special, anti-dumping, countervailing duties, decisions on the collection of customs payments, special, anti-dumping, countervailing duties, interest, penalties, the procedure and terms for fulfilling the requirements provided for in this decision;



- Regulations on the arrangement and technical equipment of elements of the customs infrastructure located at the locations of customs authorities and institutions that are part of the system of customs authorities, and in other places on the territory of which customs operations can be performed and customs control is carried out.

Table 9: Belarus: legislation gaps comparing to the EU eCommerce baseline – parcel delivery

No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
Customs formalities				
24.	Customs declaration for all consignments of distance sales, Commission Delegated Regulation (EU) 2019/1143 Art 1, Commission Delegated Regulation (EU) 2015/2446	Not regulated. From 1 July 2021, the European Union will introduce the fully electronic customs declaration of all consignments covering distance sales of goods imported from third countries or territories to customers in the EU. The Republic of Belarus has not yet initiated any legislative work on the adaptation of the national legislation to the new EU rules in customs declaration. If not adapted, the flow of eCommerce towards the EU will be restricted.		
Fiscal aspects				
25.	Special scheme as regards certain value added tax obligations for distance sales of goods imported from third territories or third countries, the Directives and Regulations the VAT eCommerce package	Not regulated. Special scheme as regards certain value added tax obligations for distance sales of goods imported from third territories or third countries to the EU will be applied from 1 July 2021. The Republic of Belarus has not yet initiated any legislative work on this adaptation. If not adapted, the flow of eCommerce towards the EU will be restricted.		
Non-fiscal aspects				
26.	Compliance with product safety rules, Commission Notice 'Blue Guide', Section 7.3.	Article 11 of the Law of the Republic of Belarus "On Protection of Consumer Rights" 2/ EAEU Customs Code, Article 286 (c.5,6,7,12), The Treaty on the Customs Code of the Eurasian	Article 286. Features of the performance of customs operations in relation to international postal items and goods sent in international postal items: 5. Goods sent in international mail, which in accordance with the established prohibitions and restrictions are not subject to import into the customs territory of the Union,	Compatible



No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
		Economic Union dated April 11, 2017 entered into force on January 1, 2018	must be immediately exported from the customs territory of the Union.	
27.	Protection of intellectual property regarding products sold online and imported from third countries, Regulation (EU) No 608/2013	Article 1018 of the Civil Code, clause 1 Article 2 Law on Trademarks and Service Marks The Judicial Chamber for Intellectual Property of the Supreme Court Code of Civil Procedure Articles 26, 45	The following authorities may take action in relation to goods suspected of infringing intellectual property rights: The Judicial Collegium for Intellectual Property Affairs of the Supreme Court of the Republic of Belarus; The customs authorities; the Ministry of Antimonopoly Regulation and Trade.	Compatible. No specific provisions regarding eCommerce goods are specified.
28.	Authenticity logo for online sale of medicines, Commission Implementing Regulation (EU) No 699/2014, Directive 2011/62/EU	Not regulated. The national legislation does not introduce a common logo for legally operating online pharmacies and retailers as one of the measures to fight against falsified medicines. This measure improves the consumer protection for cross-border eCommerce of medicines.		
29.	Transparency of cross-border tariffs for parcels, Regulation (EU) 2018/644, Directive 97/67/EC Art 12	Not regulated. The legislation does not require that all cross-border parcel delivery service providers operating in the country shall provide the national regulatory authority with the public list of tariffs applicable each calendar year. The national regulatory authority is not required to objectively assess the cross-border tariffs in order to identify those cross-border tariffs that it considers to be unreasonably high. For distance contracts, the traders concluding sales contracts with consumers that include the sending of cross-border parcels are not required to make available, at the pre-contractual stage, information about the cross-border delivery options in relation to the specific sales contract and charges payable by consumers for the cross-border parcel delivery. These gaps negatively affect the quality of cross-border delivery services.		
Legal framework related to the Universal Postal Union				
30.	Provided services by the national designated postal operator, UPU Convention Manual, Art 1.14 and 17	Decision of the council of ministers of the republic of Belarus January 14, 2020 n 16 "on changing the decisions of the council of ministers of the republic of Belarus of September 7,		Compatible



No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
		2004 n 1111 and of august 7, 2014 n 767"		
31.	Postal security requirements for the provision of electronic advance data, UPU Convention Manual, Article 8.1	Customs Code of the Eurasian Economic Union: Paragraph 3,4 of Article 104 Paragraph 8,11 of Article 286 Paragraph 3,15 of Article 11	Upon arrival of the parcel-post items to the customs territory of the EAEU in Belarus between Belpochta and the customs authorities, an electronic exchange of the minimum set of information necessary for the release of parcel-post items into free circulation is carried out. Currently, information on postal parcels is provided to the customs authorities and other competent authorities of the country (sanitary, phytosanitary, veterinary) in hard copy - customs declarations under the UPU Acts. Electronic exchange of information messages is being developed and will be introduced by January 1, 2021, within the framework of agreements with the customs authorities and Belpochta.	Partially implemented. At present, the State Customs Committee together with the Belpochta is considering the issue of obtaining preliminary information before the arrival of goods to Belarus. Currently, information on postal parcels is provided to the customs authorities and other competent authorities of the country (sanitary, phytosanitary, veterinary) in hard copy.
32.	Security measures for cargo or mail that fly from / to the country outside the EU into the EU	Not regulated. The national legislation does not require that air carriers that fly from the country must ensure that all cargo and mail carried to the EU is physically screened or comes from a secure supply chain which is validated according to the EU regulation. It nether requires that air carriers that fly from the EU countries must ensure that all cargo and mail carried to the country's national territory is physically screened or comes from a secure supply chain which is validated according to the national regulation. This affects the security of eCommerce supply chain.		

Security of networks and information systems

The national legislation (laws, decrees, regulations) related to security of networks and information systems:

- Decree of the President of the Republic of Belarus of December 21, 2017 N 8 "On the development of the digital economy";
- Decree of the President of the Republic of Belarus dated 02.12.2013 N 531(ed. from 27.12.2016) "On some issues of informatization";
- Resolution of the Interparliamentary Assembly of Member States of the Commonwealth of Independent States N 48-9 "On the new edition of the model law" On personal data" (Adopted in Saint Petersburg on 11/29/2018);
- The Republic of Belarus has developed a draft Law "On Personal Data", which was recently adopted in the first reading by the House of Representatives and which was significantly influenced by the EU Regulation.



Table 10: Belarus: legislation gaps comparing to the EU eCommerce baseline – security of networks and information systems

No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
33.	Security requirements and incident notification, Directive (EU) 2016/1148 Art 16	Not regulated.	The legislation does not require that the digital service providers established on the national territory and offering services of Online marketplace, Online search engine, Cloud computing services are responsible to identify and take appropriate and proportionate technical and organisational measures to manage the risks posed to the security of network and information systems which they use in the context of offering services. The legislation does not require that the digital service providers of the indicated services have to notify the competent authority without undue delay of any incident having a substantial impact on the provision of a service that they offer within the national territory and/or abroad.	
34.	Jurisdiction and territoriality of digital service providers, Directive (EU) 2016/1148 Art 18	Not regulated.	The legislation of Belarus does not require from a digital service provider that is not established in the country, but offering services of Online marketplace, Online search engine, or Cloud computing within the country, to designate a legal representative in the country. These measure with a view to achieving a high common level of security of network and information systems within the cross-border eCommerce so as to improve the functioning of the market.	

Geo-blocking

Table 11: Belarus: legislation gaps comparing to the EU eCommerce baseline – geo blocking

No	Reference to the EU baseline	Gaps comparing to the EU baseline / Challenges
35.	Unjustified blocking or limiting a customer's access to the trader's online interface, Regulation (EU) 2018/302 Art 3	Not regulated. The legislation does not require that a trader shall not, through the use of technological measures or otherwise, block or limit a customer's access to the trader's online interface, or shall not apply different general conditions of access to goods or services for reasons related to the customer's nationality, place of residence or place of establishment.

Data protection

Table 12: Belarus: legislation gaps comparing to the EU eCommerce baseline – data protection

No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
36.	Transfers of personal data to third countries or international organisations, Regulation (EU) 2016/679 Art 44, 46	Not regulated.	The national legislation does not stipulate that any transfer of personal data which are undergoing processing or are intended for processing after transfer to a third country or to an international organisation shall take place only if the conditions are complied with by the controller and processor. It does not indicate mechanisms or any special tools for transfer of personal data to third countries (e.g. approved Codes of Conduct and approved certification mechanisms entailing binding commitments by the controllers and processors receiving the data in the third country).	



Electronic contracts

Table 13: Belarus: legislation gaps comparing to the EU eCommerce baseline – electronic contracts

No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
37.	Free movement of information society services, Directive 2000/31/EC Art 3	Article 4 Law on Information, Informatization and Protection of Information No. 455-3 dated 10.11.2008	Legal regulation of information relations is carried out on the basis of the following principles: freedom to search, receive, transfer, collect, process, accumulate, store, distribute and (or) provide information, as well as use information.	Partially compatible. The national legislation does not specifically establish the general principle of the freedom to provide information society services by a service provider established on the territory of a third country.
38.	Liability of intermediary service providers, Directive 2000/31/EC Art 9-11	Not regulated. The legislation does not establish the general conditions under which information society service providers cannot be held liable (liability limitations) for a third-party illegal content.		

Electronic payments

Table 14: Belarus: legislation gaps comparing to the EU eCommerce baseline – electronic payments

No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
39.	Integrated market for electronic payments, Directive (EU) 2015/2366 Title I and II	Not regulated. The legislation does not define the general rules for an integrated national market for safe electronic payments. The provisions may include the guarantee of equivalent operating conditions to existing and new players on the market, enabling new means of payment to reach the market, and ensuring a high level of consumer protection in the use of those payment services.		
40.	Strict security requirements for electronic payments, Directive (EU) 2015/2366 Art 94-96	Resolution of the Board of the National Bank of the Republic of Belarus dated December 28, 2018 No. 636 On the issues of security of the circulation of bank payment cards and the functioning of software and hardware infrastructure facilities and invalidation of some regulatory legal acts of the National Bank of the Republic of Belarus, Clause 1 (1.1.1, 1.1.2)	Resolution of the Board of the National Bank of the Republic of Belarus dated November 26, 2003 No. 201, dated December 8, 2003 (with amendments dated April 28, 2018) on approval of the Rules for conducting transactions with electronic money, Clause 7.	Compatible



No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
41.	Transparency and information requirement, Directive (EU) 2015/2366 Title III	Resolution of the Board of the National Bank of the Republic of Belarus dated January 18, 2013 No. 34, dated January 21, 2013 (subject to changes from 05/18/2020) On approval of the Instruction on the procedure for performing transactions with bank payment cards, Clause 6, 7 (part 11), 9(part 9) Resolution of the Board of the National Bank of the Republic of Belarus dated November 26, 2003 No. 201, dated December 8, 2003 (with amendments dated April 28, 2018) On approval of the Rules for conducting transactions with electronic money, Clause 11-13	Resolution of the Board of the National Bank of the Republic of Belarus , Clause 9: The procedure for informing about the service, methods of notifying the client about each authorized operation when using the card are established in the local legal act of the bank. The issuing bank or a person authorized by it provides the client with the service of informing about each authorized operation when using the card only if the client has the consent to receive such a service, issued on paper or using the remote banking system.	Partially compatible. The national legislation does not contain the requirements for transparency of conditions and information requirements for payment services applied to framework contracts and payment transactions covered by them.
42.	Rights and obligations for providers of payment services, Directive (EU) 2015/2366 Title IV	Resolution of the Board of the National Bank of the Republic of Belarus dated December 28, 2018 No. 636, Clause 1; Resolution of the Board of the National Bank of the Republic of Belarus dated January 18, 2013 No. 34 Clauses 7, 9-10 Resolution of the Board of the National Bank of the Republic of Belarus No. 201, Clause 7,9, 11 (part 10,11,12)	The National Bank of the Republic of Belarus regulates the rights and obligations in relation to the provision and use of: Bank payment cards - Resolution No. 34; Electronic money - Resolution No 201; The resolutions apply to a payment service provider and a payment service user.	Compatible
43.	Reduced liability for unauthorised payment transactions, Directive (EU) 2015/2366 Art 74	Not regulated. The national legislation does not impose a limit that the payer may be obliged to bear due to the losses relating to any unauthorised payment transactions, resulting from the use of a lost or stolen payment instrument or from the misappropriation of a payment instrument. This measure improves trust of cross-border consumers to use local on-line payment services.		
44.	Unconditional refund right, Directive (EU) 2015/2366 Art 73	Instruction on the procedure for performing transactions with bank payment cards, paragraph 7 RESOLUTION OF THE BOARD OF THE NATIONAL BANK REPUBLIC OF BELARUS dated January 18,	Clause 7 of the Rules: When debiting funds from the client's account (increasing the amount of debt on the credit account) for operations not authorized by the cardholder (except for cases established by law), the presence of an application from a client - an individual, the issuing bank has no grounds for refusing the client -	Compatible



No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
		2013 No. 34 On the approval of the Instructions on the procedure for transactions with bank payment cards, clause 7	to an individual in the return of funds in the cases established by part eight of this clause, the issuing bank shall reimburse the written-off funds.	
45.	Removal of surcharges for the use of credit cards and debit cards, Regulation (EU) 2015/751	Not regulated. The legislation does not require that payment service providers shall not offer or request a per transaction interchange fee of more than a certain fixed percentage (0,2% and 0,3 % in the EU) of the value of the transaction for any debit /credit card transaction. The consumer is not protected against abusive service charges that may be applied by payment service providers.		
46.	Development of regulatory technical standards on strong customer authentication and secure communication channels, Directive (EU) 2015/2366 Art 5, 15, 28, 29, 95	Not regulated. There are no legal obligations for the regulatory authority of the country to develop technical standards on strong customer authentication and secure communication channels with which all payment service providers must comply. The absence of such standards presents challenge to provide transparent and harmonised electronic payment services by the local and foreign payment service providers.		

Platforms

The national legislation related to online platforms:

- Law of the Republic of Belarus dated 05.01.2009 No. 10-3 "On Commodity Exchanges";
- Resolution of the Council of Ministers of the Republic of Belarus dated 06.08.2009 No. 1039 "On Some Measures to Implement the Law of the Republic of Belarus" On Commodity Exchanges, which approved: Standard rules for exchange trading on commodity exchanges;
- Regulation on the procedure for the formation of the guarantee fund of the commodity exchange and the use of its funds;
- Regulation on the Coordination Council for Exchange Trading; Resolution of the Council of Ministers of the Republic of Belarus of December 30, 2003 No. 1719 "On the Belarusian Universal Commodity Exchange";
- Law of the Republic of Belarus dated 13.07.2012 №419-Z "On public procurement of goods (works, services)";
- Resolution of the Ministry of Antimonopoly Regulation and Trade of the Republic of Belarus dated 12.04.2019 No. 30 "On conducting procurement from a single source", 29.12.2018 No. 93 "On Approval of Model Forms of Documents on Public Procurement Procedures ";
- The Regulations for Organizing and Conducting Procurement Procedures in Electronic Format on the Electronic Trading Platform of OJSC Belarusian Universal Commodity Exchange, approved by the minutes of the meeting of the Board of OJSC Belarusian Universal Commodity Exchange dated 27.06.2019 No. 119. (part one as amended by the minutes of the meeting of the Management Board No. 58 dated 23.03.2020);
- Resolution of the Council of Ministers of the Republic of Belarus dated 15.03.2012 No. 229 "On improving relations in the field of procurement of goods (works, services) at their own expense";
- The resolution of the Council of Ministers of the Republic of Belarus dated 02.12.2019 No. 826 "On measures to implement the Directive of the President of the Republic of Belarus dated March 4, 2019 No. 7".



Table 15: Belarus: legislation gaps comparing to the EU eCommerce baseline – platforms

No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
47.	Terms and conditions of providers of online intermediation services, Regulation (EU) 2019/1150 Art 3	<p>LAW OF THE REPUBLIC OF BELARUS 5 January 2009 N 10-Z ON COMMODITY EXCHANGE, Article 10, 17</p> <p>Resolution of the Council of Ministers of the Republic of Belarus dated 06.08.2009 No. 1039 "On Some Measures to Implement the Law of the Republic of Belarus" On Commodity Exchanges "Clause 4</p> <p>Exchange trading rules, approved by the Resolution of the Board of JSC "Belarusian Universal Commodity Exchange" dated November 22, 2005 No. 3 (with changes and additions) Clauses 2, 3</p> <p>REGULATIONS for organizing and conducting procurement procedures in electronic format on the electronic trading platform JSC "Belarusian Universal Commodity Exchange", approved Minutes of the meeting of the Board of JSC "Belarusian Universal Commodity Exchange" dated June 27, 2019 No. 119, clause 12</p>	<p>Article 17. Rules for exchange trading of a commodity exchange. The commodity exchange, in the manner determined by its charter, accepts the rules of exchange trading of the commodity exchange.</p> <p>Clause 3 Exchange trading rules.</p>	<p>Partially compatible. The national legislation establish the requirements to the terms and conditions of providers of online intermediation services, except, that the terms and conditions of providers of online intermediation services include general information regarding the effects of the terms and conditions on the ownership and control of intellectual property rights of business users.</p>
48.	Restriction, suspension and termination of online intermediation services, Regulation (EU) 2019/1150 Art 4	<p>Exchange trading rules, approved by the Resolution of the Board of JSC "Belarusian Universal Commodity Exchange" dated November 22, 2005 No. 3 (with changes and additions) Clauses 81,82</p>	<p>Clause 81. The grounds for refusal to accept an application and (or) its exclusion from the register of applications.</p> <p>82. In case of refusal to accept an order, the Exchange informs the exchange trade participant about this prior to the start of exchange trading by posting relevant information in his personal section of the Exchange</p>	<p>Partially compatible. The legislation defines the grounds for refusal to accept an application and (or) its exclusion from the register of applications. However, it does not stipulate that where a provider of online intermediation services decides to restrict or suspend the provision of its online</p>



No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
			website, as well as in other ways determined by the Exchange.	intermediation services to a given business user in relation to individual goods or services offered by that business user, it shall provide the business user concerned, prior to or at the time of the restriction or suspension taking effect, with a statement of reasons for that decision on a durable medium.
49.	Ranking in online intermediation services, Regulation (EU) 2019/1150 Art 5	Not regulated. It is not required that providers of online intermediation services shall set out in their terms and conditions the main parameters determining ranking and the reasons for the relative importance of those main parameters as opposed to other parameters on the online search engines of those providers.		
50.	Differentiated treatment in relation to goods or services offered to consumers through online intermediation services, Regulation (EU) 2019/1150 Art 7	<p>Resolution of the Council of Ministers of the Republic of Belarus, August 6, 2009 No. 1039 On some measures to implement the Law of the Republic of Belarus "On commodity exchanges"</p> <p>Resolution of the Council of Ministers of the Republic of Belarus dated October 8, 2015 No. 839 On measures to implement the Law of the Republic of Belarus dated July 8, 2015 "On Amendments and Additions to the Law of the Republic of Belarus" On Commodity Exchanges " (Clause 3, after part 2)</p>	Resolution No. 839 established the cases, terms and procedure for submitting information to a commodity exchange in the case of an over-the-counter transaction, as well as the procedure for registering over-the-counter transactions by a commodity exchange.	Compatible
51.	Specific contractual terms, Regulation (EU) 2019/1150 Art 8	<p>Exchange trading rules, approved by the Resolution of the Board of JSC "Belarusian Universal Commodity Exchange" dated November 22, 2005 No. 3 (with changes and additions);</p> <p>Regulations for exchange trading by sections</p>		Partially compatible. Only a specific case of trading in ferrous metals and products from them to the domestic market is mentioned.



No	Reference to the EU baseline	National legal act	Provision in national legislation	Gaps comparing to the EU baseline / Challenges
		Internal control rules of JSC BUCE		
52.	Access to data, Regulation (EU) 2019/1150 Art 9	Not regulated. The legislation does not require that the providers of online intermediation services shall include in their terms and conditions a description of the technical and contractual access, or absence thereof, of business users to any personal data or other data, or both, which business users or consumers provide for the use of the online intermediation services concerned.		
53.	Internal complaint handling system, Regulation (EU) 2019/1150 Art 11	<p>Civil Procedure Code of the Republic of Belarus</p> <p>Regulations on the Arbitration Commission of OJSC Belarusian Universal Commodity Exchange (as amended by the minutes of the meeting of the Management Board No. 116 dated July 30, 2018)</p> <p>Regulations of the Arbitration Commission of OJSC Belarusian Universal Commodity Exchange (as amended by the minutes of the Board meeting dated December 10, 2018 No. 184)</p> <p>Memo on applying to the arbitration commission of OJSC “Belarusian Universal Commodity Exchange”</p>	The Arbitration Commission of Belarusian Universal Commodity Exchange considers complaints received from business entities regarding exchange trading. The rules of the arbitration commission, in particular, establish the procedure for filing a complaint, the terms of consideration.	Compatible

4.3 Gap analysis in standards area

The table below provides an overview of the identified gaps in standards area in Belarus comparing to the state of play in the EU. The table follows the structure of eCommerce standards section as presented in the [EU baseline](#) and covers the following areas:

- Quality of standards;
- Interoperability;
- Digital Postal Services;
- Physical process and associated data;
- Stakeholders and Information Exchanges based on UN/EDIFACT;
- Stakeholder and Information Exchanges based on the EU customs model;
- UPU electronic exchange standards;



- UPU technical standards;
- EU eCommerce websites trust marks;
- eCommerce and product safety;
- Terms and Definitions.

The table is summarised in the section *4.4. Summary of gap analysis*.

4.3.1 Country profile

National standardisation landscape

The State Committee for Standardization of the Republic of Belarus (Gosstandart) is a republican body of state administration for the implementation of a unified state policy in the field of technical regulation, standardization, metrology, conformity assessment, energy efficiency, supervision in construction and control over the compliance of projects and estimates with norms and standards. The main efforts in the field of technical regulation are currently focused on the development of a technical regulation system in the Eurasian Economic Union (EAEU).

The regulatory framework of the Republic today covers almost all sectors of the economy, is actively developing and improving. Priority in these works is given to the harmonization of national requirements with international and regional standards.

Gosstandart maintains the National Fund for Technical Regulatory Legal Acts providing industry and business with access to state, international, regional and national standards of other countries, including those based on Internet technologies.

In accordance with the decree of the Gosstandart of July 10, 2017 No. 58, the Belarusian State Institute for Standardization and Certification (BelGISS) was designated as a national institute for standardization. BelGISS is the central state scientific and practical enterprise of Gosstandart in the field of technical regulation, standardization, conformity assessment, information technology support and system management. Gosstandart also implements a set of measures to further harmonize the national accreditation system with international requirements and generally accepted world practice in order to ensure international recognition of the results of accreditation activities.

Gosstandart participates in the work of leading international and European organizations in the field of standardization, metrology, accreditation (ISO, IEC, OIML, UNECE, CEN, CENELEC, ILAC, EA, etc.), takes an active position in carrying out work in the field of technical regulation within the framework of integration entities in the post-Soviet space - the EAEU and the CIS.

Gosstandart carries out the overall coordination of the development of technical regulations and state standards, the formation and approval of plans (programs) for their development, taking into account the proposals of the republican government bodies and organizations. In the field of postal services and eCommerce, standards are developed by the Ministry of Communications and Informatization.

National standardization in the field of postal services is developing much slower than the process of applying international standards in Belarus. The Republican Unitary Enterprise of Postal Service "Belpochta" (i.e. Belpochta) is the national postal operator of Belarus.

Belarus is a member of the Universal Postal Union. Belpochta was awarded certificates confirming the compliance of the quality of services with world standards. Postal cooperation of the member states of the Union provides the ability to deliver mail anywhere in the world. According to the 2019 report of the Universal Postal Union on the Integrated Postal Development Index, Belarus ranks 21st out of 172 countries (in 2018 Belarus was ranked 32nd out of 173 countries).



The strategic objectives of Belpochta are the development of eCommerce, remote services and courier services, the improvement of postal and logistics infrastructure, the digitalization of management and production processes¹⁸.

Belpochta received the international award of the UPU Service Quality Improvement Fund for the best implementation of the project "Participation in the UPU Global Monitoring System (GSM) - period 2016-2018", has the Certificate of the Universal Postal Union, which confirms the international addressing standard S42, the System Compliance Certificate quality management to the requirements of the STB ISO 9001-2015 standard, issued by the Scientific and Production Republican Unitary Enterprise "Belarusian State Institute for Standardization and Certification" (BelGISS).

The Association for Automatic Identification GS1 Bel represents in GS1 and other international organizations that work in the field of automatic identification and bar coding, the interests of Belarusian manufacturers and distributors, as well as foreign companies doing business in our country. In May 1998, the Association was assigned the 481 prefix, which means that all registered users of GS1 bar codes were assigned and assigned registration numbers starting with these numbers by the GS1 Bel Association (formerly EAN Belarus), and bar codes on their products also begin from the numbers 481.

4.3.2 Analysis of standards

Table 16: Belarus: standards gaps comparing to the EU eCommerce baseline – quality of standards

No	Reference to the EU baseline	National standard	Key aspects	Gaps comparing to the EU baseline / Challenges for cross-border eCommerce
Quality of services				
1.	Measurement of the transit time of end-to-end services for single piece priority mail and first-class mail, CEN/EN13850	Resolution of the Council of Ministers of the Republic of Belarus of 07.09.2004 N 1111 RULES FOR PROVISION OF POSTAL SERVICE PUBLIC USE: chapter 15-1 procedure and terms of provision of universal postal services (introduced by the Resolution of the Council of Ministers of 02.01.2009 N1)	131-4. The terms for sending ordinary letters, postcards, parcels include the day of dispatch (D) plus the number of working days required for their forwarding and delivery to the addressee, taking into account the time limit for the submission of the specified mailings and the time limit for the arrival of the vehicle at the destination.	Partially compliant. The national regulatory authority for the postal sector does not mention the use a standardised measurement method that assure that the measurements are done in an objective and equal way for all operators.
2.	Complaints handling principles, CEN/TS14012	Not regulated. The regulatory authority for the postal sector does not enforce the application of a national standard for complaints handling related to domestic and cross-border postal services.		
3.	Damage to postal items, CEN/TR 16915:2015	Not regulated. There is no national standard with regard to complaints handling principles include guidelines / description of best practices for handling of damaged postal items related to domestic and cross-border postal services.		

¹⁸ <https://www.belpost.by/Okompanii>



No	Reference to the EU baseline	National standard	Key aspects	Gaps comparing to the EU baseline / Challenges for cross-border eCommerce
4.	Method for measurement of parcel transit time for cross-border parcels, CEN/TS 15472:2016	Not regulated. The national standards framework does not provide technical specifications or quality of service measurement for transit time of cross-border parcels, based on tracking and tracing events applicable to all postal operators.		
5.	Re-forwarding, CEN/TR 16894	Not regulated. The national standards do not specify methods for measuring the quality of a re-forwarding service of domestic addressed mail that is delivered by postal service operators to an address that deviates from the one presented on the postal item.		
6.	Distance to postal services access points, CEN/TR 15735:2008	Not regulated. The national regulatory authority for the postal sector does not provide a methodology for the quality of services measurement of distance to postal access points.		
7.	Information available on postal services, CEN/TS15511:2008	Not regulated. The national regulatory authority for the postal sector does not provide a methodology for the quality of services measurement of information available on postal services and conditions of access to such information.		
8.	Measurement of loss and substantial delay in priority and first-class single piece mail using a survey of test letters, CEN/TS 14773:2004	Not regulated. The national regulatory authority for the postal sector does not provide a methodology for the quality of services measurement of loss and substantial delay in priority and first-class single piece mail collected, processed and distributed by postal service operators.		
Interoperability				
9.	Requirements for private letter boxes, CEN/EN 13724:2013	Regulation of the Ministry of Communications and Informatization of the Republic of Belarus and the Ministry of Housing and Utilities of the Republic of Belarus No. 21/29 dated December 30, 2019 "On approval of the Instruction on the technical maintenance of subscriber mailboxes in the housing stock of the Republic of Belarus"	The volume and internal dimensions of the cabinet cells must ensure the free placement of postal items, printed media to be delivered through the cabinet, and not less than the following dimensions: width - 385 mm, depth - 195 mm, height - 105 mm.	Compliant
10.	Technical features of parcel boxes for end use, CEN/TS16819: 2015	GOST 27840-93 Containers for parcels and printed matters. General specifications	The standard applies to boxes and boxes made of corrugated or container flat glued cardboard, sheet wood materials, intended for packing, transportation and storage of postal items.	Compliant



No	Reference to the EU baseline	National standard	Key aspects	Gaps comparing to the EU baseline / Challenges for cross-border eCommerce
			Effective date: 01.01.1996. Type of document: State standards of the Republic of Belarus.	
11.	International postal address harmonisation, EN ISO 19160-4:2017	STB 1199-2011 Postage envelopes and cards. Specifications Resolution of the Council of Ministers of the Republic of Belarus of 07.09.2004 N 1111 RULES FOR PROVISION OF POSTAL SERVICE PUBLIC USE, Chapter 13 Addressing postal services, Appendix 3 to the Rules for the provision of public postal services (as amended by the Resolution of the Council of Ministers of the Republic of Belarus 14.01.2020 N 16)	Belarus received updated addressing certificate S42 of the Universal Postal Union.	Compliant
12.	Framework for secure, trustworthy and user-friendly opening systems for parcel boxes for home use, CEN/TS 17457	Not regulated. The national standards framework does not provide technical specifications for unattended delivery solutions (parcel locker systems/ parcel boxes) for home use with free access for the delivery and collection operators. The CEN/TS 17457 standard is not transposed yet. This limits options for final delivery of national and cross-border parcels.		
13.	Requirements for electronic advanced data (EAD) in postal operations, CEN/TR 17535	Not regulated. The national standards framework does not define requirements for electronic advance data submission in domestic or international postal operations (for all commercial items sent to consumers) as a pre-requisite for digital customs or transport security related declaration (data formats must comply with the EU VAT eCommerce package requirements). The governmental authority responsible for postal matters should prepare requirements for electronic advanced data in postal operations regarding commercial items which will be a pre-requisite for any digital customs or transport security related declaration sent to EU authorities prior to any border crossing into the EU (Measure will be applied by the EU in 2021). This can obstruct cross-border eCommerce flow with the EU from July 2021.		
14.	Properties for packaging of boxable items, WI331118	Resolution of the Council of Ministers of the Republic of Belarus of 07.09.2004 N 1111 RULES FOR PROVISION OF POSTAL SERVICE PUBLIC USE	Chapter 12. Postage packaging	Compliant



No	Reference to the EU baseline	National standard	Key aspects	Gaps comparing to the EU baseline / Challenges for cross-border eCommerce
Digital Postal Services				
15.	Requirements for electronic advanced data (EAD) in postal operations, in particular compliant to security and customs requirements, CEN/TR 17536	Not regulated. The national standards framework does not define semantic mapping description of information on the characteristics or attributes of commercial single items compliant to the UPU-WCO customs model. The country should start preparing requirements for electronic advanced data in postal operations (for all commercial items sent to consumers up to 31,5 KG) which will be a pre-requisite for any digital customs or transport security related declaration sent to EU authorities prior to any border crossing into the EU (Measure will be applied by the EU in 2021). This can obstruct cross-border eCommerce flow with the EU from July 2021.		
Physical process and associated data				
16.	Interfaces for cross border parcels, CEN/TS17073:2017	GOST ISO / IEC 15459-1-2016 Information technology. Automatic identification and data collection technologies. The identification is unique. Part 1. Individual transportable units TKP 208-2009 (03220) / (07010) Automatic identification. Bar coding. Automatic identification system GS1 of Belarus. Basic rules of organization and functioning	The standard establishes a unique character string designed to identify individual transported units. This character string is used to represent a barcode label or other AISD media attached to a facility to meet control needs. To support management needs, the relevant parts of the ISO / IEC 15459 suite of standards address different types of objects to accommodate the different requirements for the key identifiers associated with each type of object. The Technical Code defines the goals and objectives of the automatic identification system GS1 of Belarus. GS1 labels use the EAN / UCC – 128 barcode symbology, the specific features of which provide a high degree of security.	Partially Compatible. The national standards framework does not provide technical specifications for an interface between the e-merchant (any commercial supplier sending parcels) and logistic operators (could be partially via GS1).
Stakeholders and Information Exchanges based on UN/EDIFACT				
17.	UN / EDIFACT Exchange Specification, CEN/TR 17536, Regulation (EU) No 952/2013		Preparations are being made in cooperation with the State Customs Committee of the Republic of Belarus and Belpochta, and from January 1, 2021, it is planned to introduce a customs declaration system (CDS).	Compliant
Stakeholder and Information Exchanges based on the EU customs model				
18.	Information Exchanges based on the EU customs		At the moment Belpochta and the State Customs Committee are interacting to develop interfaces for integrating their systems in	Compliant



No	Reference to the EU baseline	National standard	Key aspects	Gaps comparing to the EU baseline / Challenges for cross-border eCommerce
	model, Regulation (EU) No 952/2013, CEN/TR 17536		order to use CDS. From January 01, 2021, it is planned to start the work of customs authorities in CDS, which will ensure the exchange of information between Belpochta and customs authorities in the IPS system and ensure the electronic data lodging of digital customs pre-declarations on item level according to the EU EAD customs model.	
UPU electronic exchange standards				
19.	Electronic Data Interchange between postal handling organisations, UPU M30		Belpochta has established the necessary electronic data interchange interfaces within the use of IPS with the UPU member countries.	Implemented
20.	ITMATT V1 – Electronic communication of item information, UPU M33		The information system of the National Postal Operator Belpochta is being finalized and test operation for use ITMATT postal EDI message standard with the following countries: Canada, China, Cyprus (in terms of imports to the Republic of Belarus), Slovenia, USA (only parcels), Ukraine.	Implemented
21.	CARDIT/RESBIT – Data flow version 2, M39		The information system of the designated postal operator Belpochta applies CARDIT postal EDI messaging standard as well as RESBIT postal EDI messaging standard for exchanging information in industrial operation.	Implemented
22.	EMSEVT V3. Item level tracking information – Tracking events and associated data elements, M17		The information system of the designated postal operator Belpochta applies EMSEVT postal EDI messaging standard to track identified items in industrial operation.	Implemented
23.	EDI Messaging Standards – PREDES, M41		The information system of the designated postal operator Belpochta applies PREDES v2.1 postal EDI messaging standard for exchanging information in industrial operation.	Implemented
24.	CUSITM V1 Customs Item pre-advice message to Customs, UPU M43	Not implemented. The postal operators' information systems do not apply CUSITM postal EDI messaging standard through which a postal operator can send mail item detailed information to its local customs authority / border agency. CUSITM (CUSToms ITeM) is a message that covers the electronic representation of existing UPU paper forms CN 22/CN 23 and CP 72, agreed standards between the UPU and the WCO (the World Customs Organization), plus additional attributes.		
25.	CUSRSP Customs Response, M44	Not implemented. The customs authority information systems do not apply CUSRSP EDI messaging standard through which a customs authority/border agency can send information to a postal operator regarding mail items. CUSRSP (CUSToms ReSPonse) is a message		



No	Reference to the EU baseline	National standard	Key aspects	Gaps comparing to the EU baseline / Challenges for cross-border eCommerce
				for a customs organisation to transmit mail item information to the local designated postal operator, usually in response to a CUSITM message. Both parties must agree on the exact usage of the message. The intended business benefit for both parties is to automate and therefore speed up the customs process. This obstructs timely processing of data of cross-border eCommerce flow with the EU.
26.	ITMREF V1 – Item referral, UPU M53			Not Implemented. The postal operators' information systems do not use ITMREF EDI messaging standard which supports the communication from the destination postal operator to the origin postal operator of information on the pre-loading advance cargo information (PLACI) risk assessment. This obstructs timely processing of data to assure a required level of security for cross-border eCommerce flow with the EU.
27.	REFRSP V1 – Referral response message specification, UPU M54			Not Implemented. UPU M54 – REFRSP V1 adopted in 2020. Information has been received, is being studied. Implementation is planned during 2020-2021. The postal operators' information systems do not use REFRSP EDI messaging standard which supports the communication from the origin postal operator to the destination postal operator of information on action taken and/or information required subsequent a request following the risk assessment carried out by the destination customs authority of pre-loading advance cargo information or destination postal operator assessment of ITMATT data. This obstructs timely processing of data of cross-border eCommerce flow with the EU.
UPU technical standards				
28.	Identification of postal items – 13-character identifier, UPU S10, ISO/IEC 15459-1:2014	UPU S10	The use of a 13-character S10 barcode shipment identifier is mandatory. It can be attached separately or listed in CN 23.	Implemented
29.	Postal Consignments, UPU S32	UPU S32	The specified UPU standard is applied unchanged.	Implemented
EU eCommerce websites trust marks				
30.	Trustmark ethical standards in the digital marketplace, The European Regulation No 524/2013			Not regulated. There is no national eCommerce Trustmark certification scheme(s) which authenticates that an eCommerce company established on the national territory has made a commitment to work in compliance with the national (or regional, Ecommerce Europe or other). Code of Conduct, guaranteeing ethical standards in the digital marketplace. An eCommerce Trustmark shows that the online shop is certified by the national eCommerce association or has made a commitment to work in compliance with the international Code of Conduct. This obstructs building trust of domestic and the EU consumers to buy on Belarus eCommerce websites and marketplaces.
eCommerce and product safety				
31.	CE marking, Blue Guide - Comprehensive guidance on the implementation of EU product rules	"Cooperation Agreement in Confirming the Compliance of Mutually Supplied Products"	In 2004, the Office for Technical Standardization, Metrology and State Testing Services of the Czech Republic and the Committee for Standardization, Metrology and Certification under the Council of Ministers of the Republic of Belarus signed a "Cooperation	Compliant



No	Reference to the EU baseline	National standard	Key aspects	Gaps comparing to the EU baseline / Challenges for cross-border eCommerce
			<p>Agreement in Confirming the Compliance of Mutually Supplied Products".</p> <p>Within the framework of this Agreement, RUE "Belarusian State Institute of Metrology" signed a Cooperation Agreement with the Czech Institute for Testing and Certification (ITC) (Czech Republic, Zlin). ITC is a notified certification organization registered under No. 1023 and has the right to issue European certificates (EC-certificates), guided by the terms of the International Cooperation Agreement.</p>	
Terms and Definitions				
32.	Terms and Definitions, Regulation 2018/644	STB 1936-2009 Postal communication. Terms and Definitions	The standard establishes the basic terms and definitions concerning postal services on the territory of the Republic of Belarus.	Partially compatible. Several terms are not defined: Postal Service Provider, Universal Service Provider, Parcel, Parcel Delivery Service Provider, Parcel Delivery Service.

4.4 Summary of gap analysis

The table below provides an overview of the identified gaps in Belarus comparing to the state of play in the EU. The gaps are mapped to the eCommerce value chain to have an overview of the areas that have to be addressed the most in order to provide recommendations to harmonise eCommerce state of play between the EU and Belarus.

The summary of the gaps is mostly focused to identify gaps between Belarus and the EU. Addressing these gaps will help to eliminate the barriers for cross-border eCommerce between EU and the Republic of Belarus. In addition, once the state of play in the Eastern partner countries (including Belarus) is harmonised with the EU, it will facilitate eCommerce transactions among the Eastern partner countries as well.

- Several gaps identified
- Multiple gaps identified
- No gaps identified

The identified gaps have different degree of impact on the cross-border eCommerce between the country and the EU. Several aspects are critical for eCommerce flow. These gaps are important to reduce in order to boost eCommerce. Other gaps serve to improve the local conditions of eCommerce market. They indicate the areas of suitable harmonisation of practices between the country and the EU. In the following section, the identified gaps are classified in two categories according to their priority:



- Aspects critical for boosting cross-border eCommerce between the country and the EU
- Aspects harmonising the difference between the EU and the country's practices in eCommerce

Table 17: Belarus: overview of three gap areas mapped to the eCommerce value chain

Value chain	Ecosystem	Legal	Standards
Marketing / Sales	<p>Q1. Availability of the global marketplaces is similar as in the EU. Challenge: global private logistics services enable delivery from the global marketplaces operating in the EU, but they face challenge to maintain high eCommerce volumes creating high rates for parcel delivery.</p> <p>Q2. Usage of the global marketplaces is limited. Challenge: long or expensive delivery, preference of local marketplaces, buyers have to be aware of intermediary services, consumers and businesses use workarounds to buy and sell (e.g. ordering to the neighbouring EU countries with self-pickup or delivery through courier or post services).</p> <p>Q3. Local marketplaces selling cross-border are not common. Challenge: payment system limiting cash-on-delivery and escrow services, lack of knowledge of buying and selling cross-border, high associated costs related to logistics, legal support, technical regulations.</p> <p>Q4. Localisation and personalisation of local marketplaces are not common as EUR currency and English are not common on marketplaces (with the exception of BUCE).</p>	<p>■ Q2. Prohibition of unfair commercial practices is partially compatible as it does not detail the types of unfair practices.</p> <p>■ Q3. Recourse to the codes of conduct (Unfair commercial practices) is partially compatible as court procedure is the only one available for consumer protection.</p> <p>Q4. Adequate and effective means to combat unfair commercial practices is partially compatible as the protection is not available regardless of whether the consumer affected is in the country where the trader is located or in another.</p> <p>Q6. Compulsory information to provide before placing an online order is partially compatible as it is not required to acknowledge that the order implies an obligation to pay and for trader to indicate delivery restrictions.</p> <p>■ Q7. Formal requirements for confirmation of the distance contracts (Consumer rights) is not regulated.</p> <p>Q10. Conformity of consumer goods with the contract is not regulated as the legislation does not specify the requirements to consumer goods when they are presumed to be in conformity with the contract.</p> <p>■ Q13. Misleading commercial practices of paid advertisement (Consumer protection) is not regulated.</p>	<p>■ Q30. Trustmark ethical standards in the digital marketplace are not regulated.</p>



Value chain	Ecosystem	Legal	Standards
		<p>Q14. Misleading omissions for products offered on online marketplaces (Consumer protection) is not regulated.</p> <p>Q15. Information requirements for distance contracts of digital content and digital service (Consumer protection) is not regulated.</p> <p>Q16. Information requirements for distance contracts when price was personalised on the basis of automated decision-making (Consumer protection) is not regulated.</p> <p>Q17. Fake price reductions (Consumer protection) is not regulated.</p> <p>Q18. Misleading omissions about consumer reviews of products (Consumer protection) is not regulated.</p> <p>Q28. Authenticity logo for online sale of medicines (Non-fiscal aspects) online interface is not regulated.</p> <p>Q29. Transparency of cross-border tariffs for parcels is not regulated.</p> <p>Q35. Unjustified blocking or limiting a customer's access to the trader's online interface is not regulated.</p>	
<p>Payment</p>	<p>Q5. Payment methods usage is different than in the EU due to inability for third parties (e.g. courier, express delivery) to accept payments in favour of buyers and sellers. Challenge: local solutions of digital wallets are preferred over international solutions but are less/not familiar to the EU buyer.</p> <p>Q6. Payments gateways usage is limited as global secure, trusted and transparent payment gateways are not common. Challenge: local solutions are used that are less familiar to the EU buyer.</p>	<p>Q39. Integrated market for electronic payments is not regulated.</p> <p>Q41. Transparency and information requirement is partially compatible as there are no specified requirements for transparency.</p> <p>Q43. Reduced liability for unauthorised payment transactions is not regulated.</p> <p>Q45. Removal of surcharges for the use of credit cards and debit cards is not regulated.</p> <p>Q46. Development of regulatory technical standards on strong customer authentication and secure</p>	



Value chain	Ecosystem	Legal	Standards
		communication channels (payments) is not regulated.	
Placing order		Q1. Consumer contracts are not regulated.	
Parcel Delivery	<p>Q8. Post delivery is similar as in the EU. Challenge: expected delivery time standards in Belarus are slightly longer than 'the same or the next day delivery' expected in the EU (within 48 hours); wide network of cross-border hubs in Belarus is not fully aligned with the centralised approach (common in the EU) and provides possibilities for optimisation.</p> <p>Q9. Availability of international logistics operators is similar as in the EU. Challenge: global private logistics services face challenge to maintain high eCommerce volumes creating high rates for parcel delivery limiting involvement in eCommerce ecosystem.</p> <p>Q10. Parcel delivery network is similar as in the EU. Challenge: although global logistics players are available, they face challenge to maintain high eCommerce volumes creating high rates for parcel delivery limiting involvement in parcel delivery network.</p> <p>Q12. Delivery time is few days longer than in the EU, where delivery within 48 hours is</p>	<p>Q9. Delivery of purchased goods is not regulated.</p> <p>Q31. Postal security requirements for the provision of electronic advance data (UPU) is partially compatible as information on postal parcels is provided in hard copy.</p> <p>Q32. Security measures for cargo or mail that fly from / to the country into the EU is not regulated.</p>	<p>Q1. Measurement of the transit time of end-to-end services for single piece priority mail and first-class mail is partially compliant as no standardised measurement method is specified.</p> <p>Q4. Method for measurement of parcel transit time for cross-border parcels is not regulated.</p> <p>Q5. Re-forwarding is not regulated.</p> <p>Q6. Distance to postal services access points is not regulated.</p> <p>Q7. Information available on postal services is not regulated.</p> <p>Q8. Measurement of loss and substantial delay in priority and first-class single piece mail using a survey of test letters is not regulated.</p> <p>Q12. Framework for secure, trustworthy and user-friendly opening systems for parcel boxes for home use (Interoperability) is not regulated.</p>



Value chain	Ecosystem	Legal	Standards
	<p>common. Challenge: not all goods can be tracked.</p> <p>Q13. Delivery to remote areas is similar as in the EU. Challenge: wide network of active postal offices is not fully aligned with the centralised approach (common in the EU) and provides possibilities for optimisation.</p> <p>Q17. Return delivery is similar as in the EU. Challenge: commercial items for return are commonly dropped only at postal offices; customers lack awareness of taxes and duties to be charged by customs, which results in refusal to pay and returns of goods; presence of specialised return operators, as well as unattended delivery services, has to be improved.</p>		<p>Q13. Requirements for electronic advanced data (EAD) in postal operations (Interoperability) is not regulated.</p> <p>Q15. Requirements for electronic advanced data (EAD) in postal operations, in particular compliant to security and customs requirements are not regulated.</p> <p>Q16. Interfaces for cross border parcels is partially compliant as it doesn't provide technical specifications for an interface.</p> <p>Q24. CUSITM V1 Customs Item pre-advice message to Customs is not implemented.</p> <p>Q25. CURSP Customs Response is not implemented.</p> <p>Q26. ITMREF V1 – Item referral is not implemented.</p> <p>Q27. REFRSP V1 – Referral response message specification is not implemented.</p>
Customer service		<p>Q22. Availability of procedures for the out-of-court resolution of domestic and cross-border disputes concerning contractual obligations (ADR) is not regulated.</p> <p>Q23. Availability of an online dispute resolution platform for consumer disputes (ADR) is not regulated.</p> <p>Q33. Security requirements and incident notification (security) is not regulated</p>	<p>Q2. Complaints handling principles is not contradicting, but is not aligned with CEN.</p> <p>Q3. Damage to postal items is partially compliant as guidelines or description of best practices are not included.</p>
The EU 2021 eCommerce package	<p>Q7. The EU 2021 eCommerce package – IOSS: is not familiar to all stakeholders and no preparatory actions done.</p> <p>Q14. The EU 2021 changes – electronic declarations only: is n</p>	<p>Q24. Customs declaration for all consignments of distance sales is not regulated.</p> <p>Q25. Special scheme as regards certain value added tax obligations for distance sales of goods imported from third territories or third countries is not regulated.</p>	



Value chain	Ecosystem	Legal	Standards
	<p>not familiar to all stakeholders and only fragmented preparations are done.</p> <p>Q15. The EU 2021 changes – simplified customs procedures: is not familiar to all stakeholders, including private delivery services, and no preparatory actions are done.</p> <p>Q16. The EU 2021 eCommerce package - no exceptions to pay VAT: is not familiar to all stakeholders and no preparations are done.</p> <p>Q18. Harmonised ID, advanced electronic data and item level information exchange on parcels: are not commonly used by all the key stakeholders.</p>		
<p>Overall subjects</p>		<p>Q34. Jurisdiction and territoriality of digital service providers is not regulated.</p> <p>Q36. Transfers of personal data to third countries or international organisations is not regulated.</p> <p>Q37. Free movement of information society services is partially compatible as it doesn't specify principle of the freedom to provide information society services by a service provider established on the territory of a third country.</p> <p>Q38. Liability of intermediary service providers (contracts) is not regulated.</p> <p>Q47. Terms and conditions of providers of online intermediation services are not regulated.</p> <p>Q48. Restriction, suspension and termination of online intermediation services is partially compatible as requirements to provide reasons for termination are not specified.</p> <p>Q49. Ranking in online intermediation services is not regulated.</p>	



Value chain	Ecosystem	Legal	Standards
		<p>Q51. Specific contractual terms is partially compatible as it's limited to specific case of trading in ferrous metals and products from them.</p> <p>Q52. Access to data is not regulated.</p>	

5 Recommendations report for the Republic of Belarus

EU4Digital Facility developed gap analysis of eCommerce state of play in Belarus after comparing it to [the EU baseline](#). Based on the identified gaps, the EU4Digital Facility developed 13 recommendations to eliminate the barriers for cross-border eCommerce between EU and the Republic of Belarus. These recommendations are presented starting from the overall eCommerce ecosystem aimed to boost eCommerce transactions volume and following with recommendations in legal and standards areas, which are supportive measures to reach the goal.

5.1 Ecosystem recommendations to eliminate the barriers for cross-border eCommerce

Eight key recommendations for Belarus are presented below including specific actions to be considered on a national level. The recommendations and action points will support Belarus to eliminate the barriers for cross-border eCommerce (including preparation for the upcoming EU and global changes introduced in 2021) and boost cross-border eCommerce volume. The recommendations are based on the best EU and global practices.

Table 18: Belarus: Ecosystem recommendations to eliminate the barriers for cross-border eCommerce

Recommendation / Action	Specification
<p>1. Establish a virtual warehouse as a re-usable database for marketplaces in the EU to place Belarusian goods for sale in the EU market.</p> <p>Final goal: cross-border sales volume increases as businesses in Belarus list and manage inventory of goods that are sold through the EU marketplaces; and Belpochta is connected to the database to trigger cross-border delivery once sales happen to deliver within 72 hours.</p> <p>Gaps addressed:</p> <p>E1. Availability of the global marketplaces is similar as in the EU. <i>Challenge:</i> global private logistics services enable delivery from the global marketplaces operating in the EU, but they face challenge to maintain high eCommerce volumes creating high rates for parcel delivery.</p> <p>E2. Usage of the global marketplaces is limited. <i>Challenge:</i> long or expensive delivery; preference of local marketplaces; buyers have to be aware of intermediary services; consumers and businesses use workarounds to buy and sell (e.g. ordering to the neighbouring EU countries with self-pickup or delivery through courier or post services).</p> <p>E3. Local marketplaces selling cross-border are not common. <i>Challenge:</i> payment system limiting cash-on-delivery and escrow services; lack of knowledge of buying and selling cross-border; high associated costs related to logistics, legal support, technical regulations.</p>	



Recommendation / Action	Specification
<p>E4. Localisation and personalisation of local marketplaces are not common as EUR currency and English are not common on marketplaces (with the exception of BUCE).</p> <p>E12. Delivery time is few days longer than in the EU, where delivery within 48 hours is common. <i>Challenge</i>: not all goods can be tracked.</p> <p>E17. Return delivery is similar as in the EU. <i>Challenge</i>: commercial items for return are commonly dropped only at postal offices; customers lack awareness of taxes and duties to be charged by customs, which results in refusal to pay and returns of goods; presence of specialised return operators, as well as unattended delivery services, has to be improved.</p>	
<p>1.1. Define a concept of a virtual warehouse for business in Belarus to list goods for cross-border sales in the EU and manage the inventory in real time</p>	<p>A national virtual warehouse can become a point for eCommerce ecosystem players in Belarus to complete cross-border transactions. Sellers list and manage in real time the inventory of goods in the virtual warehouse (database). Cross-border transactions are enabled by connecting the EU marketplaces and the national postal operator to this virtual warehouse. The UPU already introduces software to connect eCommerce ecosystem players for cross-border transactions, which is accessible for UPU designated postal operators, including Belpochta.</p> <p>To establish such virtual warehouse, consultation with the Belarusian Universal Commodity Exchange (BUCE) should be considered. BUCE is already involved in B2B cross-border sales and could share best practices on product and seller listings and technical standards. Also, options to establish a virtual warehouse as part of the BUCE initiative could be explored.</p> <p>Possible steps:</p> <ol style="list-style-type: none"> 1. Develop concept and business case. 2. Validate the concept with the key involved stakeholders – businesses, Belpochta (including UPU's Postal Technology Centre¹⁹), possibly BUCE, the State Customs Committee, several EU marketplaces and EU national postal operators²⁰ – and agree on cooperation. 3. Prepare technical specifications for the virtual warehouse, including API connection, availability in English and displaying prices in EUR (currency converter based on the daily fixed rate provided by the European central bank for free and can be used).
<p>1.2. Initiate pilot programme enabled by the virtual warehouse to connect businesses in Belarus, postal operators and the EU marketplaces</p>	<p>Businesses in Belarus postal operators and the EU marketplaces should be able to integrate through API to list real time inventory of goods via their interfaces. Once a sale is complete, they should notify through API the virtual warehouse. Then, Belpochta trigger cross-border delivery to ensure cross-border delivery within 72 hours, including picking up the goods, pre-filling customs declaration forms and creating labels and IDs (barcodes) that are in line with the UPU standards (UPU S10 / CEN/TS17073) for the track- and traceable barcodes on the parcels; as well as the unique digital description of the goods in the parcel (e.g. HS codes for establishing the necessary electronic pre-declaration in advance) to be shared with the national postal operators/or private postal service providers (e.g. CEP operators) in the EU for the last mile delivery. It is recommended to make available the UPU standards (S10) and CEN/TS 17073 related systems of parcel identification for private parcel delivery operators and logistics services as well as Belpochta (to enable both in parallel). Private parcel delivery operators, logistics services and the national postal operator should be able to use in parallel the UPU standards and CEN/TS 17073 related systems of parcel identification.</p>

¹⁹ UPU's Postal Technology Centre (PTC) is the global technology provider for designated postal operators, just like Belpochta. The PTC may provide the necessary IT support and systems to Belpochta to a very large extend already today.

²⁰ "National Postal Operators": please note, the definition of postal operators in the EU includes Courier-, Express-, and Parcel delivery service operators, as well national UPU designated postal operators.



Recommendation / Action	Specification
	<p>Such cooperation schemes already used in projects in the EU and within the UPU network. Connection through API makes the concept a reusable database for marketplaces in the EU to place goods of Belarus for sale in the EU market.</p> <p>Possible steps:</p> <ol style="list-style-type: none"> 1. Knowledge transfer from similar projects in the EU and within the UPU network, as well as consultation with BUCE. 2. Define and complete preparatory actions to launch the pilot (e.g. planning, organisational set up, allocate budget). 3. Identify and sign cooperation agreements with interested businesses, postal operators to ensure support, cooperation and usage of the virtual warehouse. Support signing agreements with the EU marketplaces, including agreeing on the payment terms and conditions. 4. Ensure that Belpochta is technically capable to assign barcodes in line with the UPU standards (UPU S10 / CEN/TS17073 standard; HS-codes / GTIN) and share electronic advanced data within the UPU postal network. 5. Ensure that businesses are technically capable to assign Global Trade Item Number (GTIN) to listed goods to enable cross-border tracking in related customs documents, including the necessary HS Codes. 6. Introduce training programme for businesses (including the marketplaces in the EU) to use the virtual warehouse. Share information and benefits among stakeholders regarding the virtual warehouse and its concept through the eCommerce association (APOT), Ecommerce Europe, European Business Associations, European Commission and other relevant parties. 7. Support marketplaces in the EU technically to connect to the virtual warehouse through the developed API. Ensure that the EU marketplaces support cross-border return operations. Consider involving and signing agreement with specialised return operators to enable cross-border returns. 8. Launch and monitor the pilot implementation, including setting up regular observation workshops involving the stakeholders. 9. Complete the pilot programme and define the required improvements (if needed). 10. Consider scaling up and implementing the tested solution with a broader scope.
<p>2. Establish national pavilion account(s) ("Best of Belarus") on the EU marketplace(s) allowing businesses to list goods for cross-border sales, while reducing cost to enter the market and consolidating marketing efforts.</p> <p>Final goal: <i>cross-border sales volume increase as businesses in Belarus inquire to list goods for cross-border sale through a single national account and get support with marketing.</i></p> <p>Gaps addressed:</p> <p>E1. Availability of the global marketplaces is similar as in the EU. <i>Challenge:</i> global private logistics services enable delivery from the global marketplaces operating in the EU, but they face challenge to maintain high eCommerce volumes creating high rates for parcel delivery.</p> <p>E2. Usage of the global marketplaces is limited. <i>Challenge:</i> long or expensive delivery; preference of local marketplaces; buyers have to be aware of intermediary services; consumers and businesses use workarounds to buy and sell (e.g. ordering to the neighbouring EU countries with self-pickup or delivery through courier or post services).</p>	



Recommendation / Action	Specification
<p>E3. Local marketplaces selling cross-border are not common. <i>Challenge:</i> payment system limiting cash-on-delivery and escrow services; lack of knowledge of buying and selling cross-border; high associated costs related to logistics, legal support, technical regulations.</p> <p>E4. Localisation and personalisation of local marketplaces are not common as EUR currency and English are not common on marketplaces (with the exception of BUCE).</p>	
<p>2.1. Identify cooperating parties in Belarus and the EU</p>	<p>Best practices: public bodies register a national account on cross-border marketplaces and invite local businesses to list goods under one account. This concept is called national pavilion of local brands. This practice exists in different countries and can complement bi-lateral governmental agreements subsidised by states. Examples: Lithuania, New Zealand, Austria, Hungary. Businesses benefit as they experience lower cost to enter cross-border markets and save on marketing efforts as one national account is being promoted instead of different national brands. Such national accounts also add trust and credibility.</p> <p>Possible steps:</p> <ol style="list-style-type: none"> 1. Define the budget and confirm funding sources (possibly based on trade related subsidies and beneficial treatment) for registration, operation and marketing at the cross-border marketplaces operating in the EU. 2. Identify responsible representatives in Belarus, possibly by involving the eCommerce association (APOT), to own a national account at the cross-border marketplaces operating in the EU. 3. Identify businesses in Belarus who are willing to sell cross-border through the concept of the national pavilion. 4. Identify the cross-border marketplaces operating in the EU who are willing to cooperate by allowing Belarus to be an intermediary by creating a national account and registering goods of local businesses for sale. 5. Explore opportunities to involve payment provider that can act as an intermediary for processing payments from the owner of the account to businesses selling goods. As the current legislation doesn't allow third parties to accept payments in favour of buyers and sellers, possibly, the launch of the activity should be postponed until the law on "On Payment Systems and Services" is adopted. 6. Facilitate signing agreements between the parties. It is recommended that services to the businesses in Belarus are funded by the authorities and provided free of charge for the businesses.
<p>2.2. Open a pilot national pavilion account on selected marketplace(s)</p>	<p>Possible steps:</p> <ol style="list-style-type: none"> 1. Register a pilot national pavilion account on selected marketplace(s) operating in the EU. 2. Consult with the marketplaces selling in the EU and identify commercial items that have the best fit for the market creating good opportunities for sales. 3. Introduce training programme for businesses on awareness and usage of cross-border marketplaces operating in the EU, including through a national pavilion account. Share information and benefits among stakeholders through the eCommerce association (APOT) and other relevant parties.



Recommendation / Action	Specification
	<ol style="list-style-type: none"> 4. Consult with the businesses in Belarus on inventory to be listed for sales. Agree on the fulfilment processes – e.g. businesses handle delivery themselves after sales notification, delivery is implemented by marketplaces if businesses decide to use their fulfilment infrastructure. 5. List goods to launch sales. Owner of the account should assign responsible contact person to operate the account on a daily basis. 6. Launch marketing campaign (e.g. "Best of Belarus") for the national pavilion account on the EU marketplace(s). 7. Launch and monitor the pilot implementation, including setting up regular observation workshops involving the stakeholders. 8. Complete the pilot programme and define the required improvements (if needed). 9. Consider scaling up and implementing the tested solution with a broader scope.
<p>3. Enhance capacity of Belpochta and private parcel service providers to deliver commercial items within 24 hours inside Belarus for cross-border transportation by establishing consolidated central distribution networks with centralised warehouses, fulfilment and sorting facilities.</p> <p>Final goal: <i>Belpochta and parcel delivery operators use centralised networks for clearance, sorting and transportation of parcels to the cross-border hubs (office of exchange) to enable daily dispatch abroad. The aim is to reduce delivery time for domestic and cross-border delivery of commercial items.</i></p> <p>Gaps addressed:</p> <p>E12. Delivery time is few days longer than in the EU, where delivery within 48 hours is common. <i>Challenge:</i> not all goods can be tracked.</p> <p>E13. Delivery to remote areas is similar as in the EU. <i>Challenge:</i> wide network of active postal offices is not fully aligned with the centralised approach (common in the EU) and provides possibilities for optimisation.</p>	
<p>3.1. Assess understanding of the benefits/best practices of centralised postal networks for clearance and delivery of commercial items to the cross-border hubs (office of exchange)</p>	<p>As Belpochta uses 11 centralised warehouses for cross-border transportation²¹ and has over 3000 postal offices across the country, it is recommended to support clearing process of postal points where items are received, sorted and transported to the centralised hubs, as well as clearing process of the centralised hubs. Decentralised network with active postal offices in all regions of the country is an old state of art, which is recommended to be updated according to the global UPU best practices. The network of post offices should be used for the clearance (i.e. collection) of postal items in general (in most cases on a per item basis). Commercial collection should happen until a given time to achieve timely transportation to the Office of exchange for sorting and handling for dispatch to a third country. This "closing time" shall be in line with time required to achieve up to 24 hours for dispatch to a third country postal territory. It is recommended to use the existing network of cross-border centralised warehouses as a basis to enable cross-border transportation.</p> <p>Possible steps:</p>

²¹ International Mail Processing Centres: BYMSQA; BYMSQB; BYMSQC; BYMSQD; BYMSQE; BYMSQF; BYMSQG; BYMSQH; BYMSQI; BYMSQK; BYMSQL.



Recommendation / Action	Specification
	<ol style="list-style-type: none"> 1. Consult stakeholders involving Belpochta, private parcel operators and logistics businesses by organising workshops for awareness and practice transfer of centralised postal infrastructure for domestic clearance according to the UPU requirements and practices of the EU countries. 2. Consult Belpochta to explore actions and possibilities to centralise postal infrastructure to achieve a speedy clearing (including postal offices) in urban and rural areas, transporting consignments to parcel operations in central hubs (i.e. offices of exchange or OE).
<p>3.2. Consider clearance of certain postal offices that deliver items to the central hubs (offices of exchange) to establish efficient networks capable to dispatch abroad within 24 hours</p>	<p>Possible steps:</p> <ol style="list-style-type: none"> 1. Prepare the state-of-play and impact assessment and design of the future infrastructure and organisational (including processes) scheme with centralised postal infrastructure (warehouses, fulfilment and sorting facilities) for the clearance and sorting of commercial items (parcels); 2. Implement an action plan to collect parcels (including the usage of certain regional postal offices) to establish a highly efficient, centralised postal infrastructure as per the UPU and commercial requirements, in line with best practices in the EU.
	<p>4. Facilitate cooperation between Belpochta, private parcel delivery and logistics operators by establishing co-sharing agreements and the usage of unified parcel identifiers (such as outlined in standards CEN/TS17073) to track last mile delivery to urban and rural areas of Belarus.</p> <p>Final goal: <i>the national postal operator and private sector parcel delivery operators signed cooperation agreements to co-share the last mile delivery in Belarus and to dispatch cross-border consignments within 24 hours from order (after handing over to postal service provider). The aim is to establish co-sharing agreements for delivery to ensure optimal usage of infrastructure and postal rates.</i></p> <p>Gaps addressed:</p> <p>E10. Parcel delivery network is similar as in the EU. <i>Challenge:</i> although global logistics players are available, they face challenge to maintain high eCommerce volumes creating high rates for parcel delivery limiting involvement in parcel delivery network.</p> <p>E12. Delivery time is few days longer than in the EU, where delivery within 48 hours is common. <i>Challenge:</i> not all goods can be tracked.</p>
<p>4.1. Initiate stakeholder consultations to promote the benefits and best practices of co-sharing on the last mile delivery. Identify potential parties willing to co-share delivery and set</p>	<p>Best practices: in the EU countries, it is common for the national postal operator to use barcodes and identifiers, which can be read by private parcel operators. This makes cooperation and co-sharing practices in the last mile possible for the public and private operators.</p> <p>Due to service parameters (Quality of Service), volumes sent to Belarus could be delivered by the operator best suited on the last mile. "Downstream access" may allow private postal service operators to use the existing postal infrastructure for the last mile delivery of pre-sorted parcels. "Up-stream access" may allow private postal operators to collect consignments from senders to transfer them for sorting at the cross-border hub, or even to dispatch to a third country – allowing related rebates (equivalent to the cost savings of Belarus).</p> <p>The national operator remains the owner of the transaction, but the private parcel operator receives a share of revenue for the delivery. Tracking is enabled by usage of the common barcodes and identifiers. Such cooperation is based on bilateral agreements.</p>



Recommendation / Action	Specification
<p>conditions according to the EU benchmarks</p>	<p>Possible steps:</p> <ol style="list-style-type: none"> 1. Organise a workshop to promote the benefits and best practices (including terms and conditions and suggested sharing schemes) of cooperation to co-share the last mile delivery between Belpochta and private parcel operators. Involve Belpochta and the key private postal operators. 2. Identify the key parcel delivery operators in Belarus who are willing to enter bilateral agreements for last mile delivery cooperation. Additional assessment of their capability to deliver according to quality standards is required (e.g. ability to deliver within 24 hours).
<p>4.2. Set and technically support requirements for cooperating parcel operators to use common barcode to identify parcel at any point of the cross-border supply chain</p>	<p>To enable cooperation between the parcel delivery operators, it is recommended to use common barcodes. This makes it possible for parcel delivery operators to identify content of parcels and for parties to track items at any point of the supply chain. The European Committee for Standardisation (CEN) has developed the appropriate specification. Such a harmonised labelling specification shall be supported by the usage of the Global Trade Item Number (GTIN) and HS codes to achieve an automated description of the content of the consignment according to the UPU-WCO customs data model and mandatory use of Electronic Advanced Data (EAD).</p> <p>Possible step:</p> <p>Consult Belpochta, the State Customs Committee and, the Ministry of Communications and Informatization and other relevant stakeholders, about the need to make available the UPU standards (M33-12) and CEN/TS 17073 related systems of parcel identification for private parcel delivery operators and logistics services as well as for Belpochta (to enable both in parallel). Private parcel delivery operators, logistics services and the national postal operator should be able to use in parallel the UPU standards and CEN/TS 17073 related systems of parcel identification.</p>
<p>4.3. Initiate pilot programme to test cooperation between Belpochta and 2-3 private parcel delivery operators/logistics operators using the common barcodes to identify parcels when co-sharing the last mile delivery</p>	<p>Possible steps:</p> <ol style="list-style-type: none"> 1. Develop concept and business case. 2. Validate the concept with the key involved stakeholders. 3. Define and complete preparatory actions to launch the pilot (e.g. planning, organisational set up, allocate budget). 4. Set terms and condition of ownership of transactions – i.e. which parcel delivery operator receives is generally responsible for a transaction and co-shares revenues for a delivery. Agree on the revenue split model according to the EU benchmarks. Agree on the expected standards of the quality of service provided by operators. 5. Sign bilateral agreements. 6. Launch and monitor the pilot implementation, including setting up regular observation workshops involving the stakeholders. 7. Complete the pilot programme and define the required improvements (if needed). 8. Consider scaling up and implementing the tested solution with a broader scope.
<p>5. Further strengthen the integration of Belarusian eCommerce ecosystem actors into EU networks.</p>	



Recommendation / Action	Specification
<p>Final goal: <i>increased collaboration of the eCommerce ecosystem stakeholders of Belarus with the EU ecosystem actors through transfer of the EU knowledge and practices.</i></p> <p>Gaps addressed:</p> <p>E7. The EU 2021 eCommerce package – IOSS: is not familiar to all stakeholders and no preparatory actions done.</p> <p>E14. The EU 2021 changes – electronic declarations only: is not familiar to all stakeholders and only fragmented preparations are done.</p> <p>E15. The EU 2021 changes – simplified customs procedures: is not familiar to all stakeholders, including private delivery services, and no preparatory actions are done.</p> <p>E16. The EU 2021 eCommerce package -- no exceptions to pay VAT: is not familiar to all stakeholders and no preparations are done.</p>	
<p>5.1. Consider for the eCommerce association (APOT) to join Ecommerce Europe's national member associations</p>	<p>To ensure exchange of critical information about the changes that are introduced consistently, it is advised for Belarus to participate on a national level in regular events between the stakeholders.</p> <p>Possible steps:</p> <ol style="list-style-type: none"> 1. Establish responsibility for the eCommerce association (APOT) as an institutional partner to inform eCommerce stakeholders of Belarus about the global and the EU eCommerce changes/updates. 2. Explore possibilities to join Ecommerce Europe as a member. Also, consider involving the private sector parties as business members of Ecommerce Europe. 3. Ensure that Belarus is informed on a national level about the EU and global eCommerce agenda. 4. Ensure sufficient funding sources to cover participation of Belarus on a national level in regular meetings including travel, accommodation, facilitation, venue costs. 5. If needed, facilitate agreements to involve Belarus in meetings with the aim to exchange information on upcoming global changes in eCommerce area (e.g. the EU VAT Ecommerce package, EU Single Customs Window, Digital Services Act). 6. Through the eCommerce association (APOT) introduce training programme for customers on buying online. Trainings should also include a range of topics, such as data and consumer protection, dispute resolution possibilities.
<p>6. Adjust legislation, standards, IT systems and business processes of the State Customs Committee, postal and logistics operators to prepare for electronic advanced data and simplified customs procedures.</p> <p>Final goal: <i>cross-border trade is possible as customs authorities, postal and logistics operators can seamlessly exchange electronic advanced data with the EU operators. Courier, express or parcel operators are able to perform customs clearance using simplified procedures.</i></p> <p>Gaps addressed:</p> <p>L24. Customs declaration for all consignments of distance sales are not regulated.</p> <p>E15. The EU 2021 changes – simplified customs procedures: is not familiar to all stakeholders, including private delivery services, and no preparatory actions are done.</p>	



Recommendation / Action	Specification
E16. The EU 2021 eCommerce package -- no exceptions to pay VAT: is not familiar to all stakeholders and no preparations are done.	
<p>6.1. Implement applicable clauses from the EU Regulation on customs declarations (applicability of electronic declaration for all consignments of distance sales)</p>	<p>Implement the regulation of customs declaration for all consignments of distance sales according to Commission Delegated Regulation (EU) 2019/1143 of 14 March 2019 amending Commission Delegated Regulation (EU) 2015/2446, including provisions:</p> <ol style="list-style-type: none"> 1. Goods the intrinsic value of which does not exceed €22 shall be deemed to be declared for release for free circulation by their presentation to customs until July 2021. All imports into the EU will have to be declared at the border using an electronic customs declaration, as well import duties will apply without threshold by July 2021. 2. Possibility to declare goods destined to an EU Member state (including Norway) up to €150 (i.e. Low value consignment or LVC) using a customs declaration that requires three times less data (super-reduced dataset) than a standard declaration. 3. Requirements to designated postal operators as well as to courier, express or parcel operators to present the documents according to the value of consignments – i.e. reduced or full procedures and documentation – in advance. 4. Duty relief for LVC (intrinsic value of the goods not exceeding €150) when using the Import-One-Stop-Shop; or when the IOSS is not used special arrangements according the EU Customs Code. <p>Possible owner: the Customs Committee.</p>
<p>6.2. Adapt processes and IT systems of the State Customs Committee, postal and logistics operators to the requirements of the pre-arrival information exchange by connecting to Import Control System 2</p>	<p>Possible steps:</p> <ol style="list-style-type: none"> 1. Assess the current state of awareness and preparatory actions for the mandatory electronic customs declarations and simplified customs procedures from 1 January 2021. 2. Assess the current IT systems and prepare for any updates needed to connect to the new system – Import Control System 2. This includes exit and entry summary declarations, as well unique transport ID on consignment level (including connectivity to e-AWBs). 3. Assess and adapt processes and IT systems to the data requirements for the pre-arrival information exchange²². Identify potential software developers who could help to adjust. 4. Assess changes needed in businesses process as simplified procedures²³ become available to parcel delivery services. 5. Introduce training programme for stakeholders to use electronic customs declarations and simplified customs procedures. <p>Possible owner: the State Customs Committee, Belpochta, private postal and logistics operators.</p>
<p>7. Adjust legislation, IT systems and business process to prepare the State Customs Committee, the Ministry of Finance, private parcel delivery and logistics operators, and online retailers for introduction of Import One Stop Shop (IOSS) and removed VAT exceptions.</p>	

²² Explanatory notes on electronic advanced data: <https://standards.iteh.ai/catalog/standards/cen/0428799b-5273-45f8-8629-17da8e92f54f/fprcen-tr-17536>

²³ Explanatory notes on simplified customs procedures: <https://standards.iteh.ai/catalog/standards/cen/0428799b-5273-45f8-8629-17da8e92f54f/fprcen-tr-17536>



Recommendation / Action	Specification
<p>Final goal: cross-border trade is not delayed and is faster as the State Customs Committee, the Ministry of Finance, private parcel delivery and logistics operators, and online retailers aware of procedures to collect VAT at the point of sale and ready to declare VAT for all commercial items. VAT is paid to a country of destination.</p> <p>Gaps addressed:</p> <p>L25. Special scheme as regards certain value added tax obligations for distance sales of goods imported from third territories or third countries is not regulated.</p> <p>E7. The EU 2021 eCommerce package – IOSS: is not familiar to all stakeholders and no preparatory actions done.</p> <p>E16. The EU 2021 eCommerce package -- no exceptions to pay VAT: is not familiar to all stakeholders and no preparations are done.</p>	
<p>7.1. Implement special scheme as regards certain value added tax obligations for distance sales of goods imported from third territories or third countries</p>	<p>Implement the special scheme as regards certain value added tax obligations for distance sales of goods imported from third territories or third countries according to the Directives and Regulations of the VAT eCommerce package.</p>
<p>7.2. Adapt processes and IT systems of the Customs Committee, the Ministry of Taxes, private parcel delivery and logistics operators, and online retailers to be able to collect VAT and/or recognise commercial items cleared from VAT by connecting to IOSS</p>	<p>Possible steps:</p> <ol style="list-style-type: none"> 1. Assess the current state of awareness and preparatory actions for the removed VAT exceptions and integration with the Import One Stop Shop from 1 July 2021²⁴. 2. Adjust systems and procedures of the State Customs Committee and online retailers to connect to the new system – IOSS – to be able to collect VAT or recognise commercial items cleared from VAT (below €150). 3. Adjust systems and procedures of the State Customs Committee and online retailers for the data storage requirements, if needed. 4. Adjust systems and procedures of the State Customs Committee, the Ministry of Finance, private parcel delivery and logistics operators to deal with the increase in the volume of packages that are subject to VAT (cost, time, space wise), as all items will be subjects to VAT. 5. Adjust systems and procedures of the Customs Committee, the Ministry of Finance, private parcel delivery and logistics operators that would allow to distinguish between the packages that the VAT has already been collected for by platforms (via IOSS system at the point of sales) vs those which have to be collected by postal delivery operator. 6. Adjust systems and procedures of the Ministry of Finance that would allow to send taxes collected from IOSS system to tax authorities of a destination country. Also, assess the needed change in processes when businesses will have opportunity to cancel VAT registrations for cross-border taxes procedures, which will be replaced with IOSS.

²⁴ Explanatory notes on VAT eCommerce rules: https://ec.europa.eu/taxation_customs/sites/taxation/files/vatecommerceexplanatory_notes_30092020.pdf



Recommendation / Action	Specification
	<p>7. Review contracts (and terms of use) with sellers and buyers.</p> <p>8. Introduce training programme for stakeholders to use IOSS.</p> <p>Possible owner: the State Customs Committee, the Ministry of Finance, Belpochta, private postal and logistics operators, online retailers.</p>
	<p>8. Adjust IT systems and business process to prepare the State Customs Committee, private parcel delivery and logistics operators, and online retailers for usage of the harmonised ID system ensuring interoperability of item identification.</p> <p>Final goal: <i>the State Customs Committee, private parcel delivery and logistics operators, and online retailers assign harmonised identifiers (ISO/IEC 15459 compliant Serial Shipping Container Code (i.e. SSCC by GS1) as well as the UPU's mandatory S10 13-digit Item ID for postal items) to items making it possible for any eCommerce stakeholder to read and re-use identifiers for own purposes. Such harmonised usage of identifiers creates interoperable solution making cross-border transactions faster (e.g. faster customs clearance as parcels can be identified on item level) and easily tracked on item level.</i></p> <p>Gaps addressed:</p> <p>E18. Harmonised ID, advanced electronic data and item level information exchange on parcels -- are not commonly used by all the key stakeholders.</p>
<p>8.1. Adapt processes and IT systems of the State Customs Committee, private parcel delivery and logistics operators, and online retailers to be able to assign and read harmonised identifiers on item level</p>	<p>Possible steps:</p> <ol style="list-style-type: none"> 1. Assess the current state of awareness and preparatory actions for the item-level tracking using harmonised ID system from March 2021²⁵. 2. Identify alternative service providers to implement item-level tracking (ISO/IEC 15459 compliant barcodes, as well as UPU S10 mandatory codes for postal items). 3. Assess the current IT systems and prepare for any updates needed to connect to solution to assign and read harmonised identifiers on item level. 4. Introduce training programme for stakeholders to assign and read harmonised identifiers on item level. <p>Possible owner: the State Customs Committee, Belpochta, private postal and logistics operators, online retailers.</p>

²⁵ Explanatory notes on item-level tracking rules: <https://standards.iteh.ai/catalog/standards/cen/29395c55-0c81-4a45-8358-059647b5cca7/cen-tr-17535-2020>



5.2 Legislation framework and standards recommendations to enable cross-border eCommerce with the EU

Six key recommendations for Belarus are presented below including specific actions to be considered on a national level. The recommendations and action points will support Belarus to harmonise legal and standards frameworks to enable seamless cross-border eCommerce. These recommendation form aspects that must be in place for cross-border eCommerce with the EU to work. The recommendations are based on the best EU and global practices.

The identified gaps have different degree of impact on the cross-border eCommerce between the country and the EU. Several aspects are critical for eCommerce flow. These gaps are important to reduce in order to boost eCommerce. Other gaps serve to improve the local conditions of eCommerce market. They indicate the areas of suitable harmonisation of practices between the country and the EU. In the following section, the identified gaps are classified in two categories according to their priority:

- Aspects critical for boosting cross-border eCommerce between the country and the EU
- Aspects harmonising the difference between the EU and the country's practices in eCommerce

Table 19: Belarus: Legislation framework and standards recommendations to enable cross-border eCommerce with the EU

Recommendation / Action	Specification
<p>9. Improve the overall legal framework of cross-border eCommerce by introducing fundamental principles and critical requirements.</p> <p>Final goal: <i>the legal framework and main standards related to eCommerce correspond to the EU general framework and the consumers feel safe to shop online.</i></p> <p>Gaps addressed:</p> <p>L34 Jurisdiction and territoriality of digital service providers are not regulated.</p> <p>L36. Transfers of personal data to third countries or international organisations is not regulated.</p> <p>L37. Free movement of information society services is partially compatible as it doesn't specify principle of the freedom to provide information society services by a service provider established on the territory of a third country.</p> <p>L38 Liability of intermediary service providers (contracts) is not regulated.</p> <p>L47 Terms and conditions of providers of online intermediation services are not regulated.</p> <p>L48 Restriction, suspension and termination of online intermediation services is partially compatible as requirements to provide reasons for termination are not specified.</p> <p>L49 Ranking in online intermediation services is not regulated.</p> <p>L51. Specific contractual terms are partially compatible as limited to specific case of trading in ferrous metals and products from them.</p> <p>L52. Access to data of business users or consumers provided for the use of the online intermediation services is not regulated.</p>	
<p>9.1. Align the national legal framework and standards by binding</p>	<p><i>Enhance legal security of networks and information systems:</i></p>



Recommendation / Action	Specification
<p>with the fundamental principles allowing cross-border eCommerce between Belarus and the EU countries</p>	<ul style="list-style-type: none"> • L34. Require a legal representative in the country of foreign digital service provider of marketplace, search engines, cloud computing. Directive (EU) 2016/1148 on the level of security of network and information systems. <p><i>Improve data protection of transfers of personal data to third countries:</i></p> <ul style="list-style-type: none"> • L36. Stipulate that any transfer of personal data which are undergoing processing or are intended for processing after transfer to a third country shall take place only if the conditions are complied with by the controller and processor. Indicate legible mechanisms or any special tools for transfer of personal data to third countries. <p>Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, Art 44, 46</p> <p><i>Improve the usage of electronic contracts:</i></p> <ul style="list-style-type: none"> • L37. Establish the general principle of the freedom to provide information society services by a service provider established in a third country. • L38. Limit liability of information service providers for a third-party illegal content. Directive 2000/31/EC on legal aspects of information society services, Art 3, 9-11. <p><i>Introduce critical requirements for electronic platforms (online intermediation services):</i></p> <ul style="list-style-type: none"> • L47. Establish the requirements to the terms and conditions of providers of online intermediation services. • L48. Stipulate that where a provider of online intermediation services decides to restrict or suspend the provision of its online intermediation services to a given business user in relation to individual goods or services offered by that business user, it shall provide the business user concerned, prior to or at the time of the restriction or suspension taking effect, with a statement of reasons for that decision on a durable medium. • L49. Require that providers of online intermediation services shall set out in their terms and conditions the main parameters determining ranking of products on the marketplace and the reasons for the relative importance of those main parameters as opposed to other parameters. • L51. Require that providers of online intermediation services include specific contractual terms in order to ensure that contractual relations between providers of online intermediation services and business users are conducted in good faith and based on fair dealing. • L52. Include technical and contractual access, or absence thereof, of business users to any personal data of businesses or consumers. Regulation (EU) 2019/1150 on promoting fairness and transparency for business users of online intermediation services, Art 3-5, 8-9.
<p>10. Improve online marketing and electronic sales capacities of Belarus traders to improve visibility for the EU customers by introducing legislative and standardisation compliance aspects of eCommerce marketplaces and platforms.</p>	



Recommendation / Action	Specification
<p>Final goal: <i>products of Belarus are presented on the marketplaces selling in the EU, clearly identifiable and promoted to the potential target segments.</i></p> <p>Gaps addressed:</p> <p>L2. Prohibition of unfair commercial practices is partially compatible as it does not detail the types of unfair practices.</p> <p>L3. Recourse to the codes of conduct (Unfair commercial practices) is partially compatible as court procedure is the only one available for consumer protection.</p> <p>L4. Adequate and effective means to combat unfair commercial practices is partially compatible as the protection is not available regardless of whether the consumer affected is in the country where the trader is located or in another.</p> <p>L6. Compulsory information to provide before placing an online order is partially compatible as it is not required to acknowledge that the order implies an obligation to pay and for trader to indicate delivery restrictions.</p> <p>L7. Formal requirements for confirmation of the distance contracts (Consumer rights) is not regulated.</p> <p>L10. Conformity of consumer goods with the contract is not regulated as the legislation does not specify the requirements to consumer goods when they are presumed to be in conformity with the contract.</p> <p>L13. Misleading commercial practices of paid advertisement are not regulated.</p> <p>L14. Misleading omissions for products offered on online marketplaces (Consumer protection) is not regulated as online marketplace is not defined.</p> <p>L15. Information requirements for distance contracts of digital content and digital service (Consumer protection) is not regulated.</p> <p>L16. Information requirements for distance contracts when price is personalised on the basis of automated decision-making are not regulated.</p> <p>L17. Fake price reductions are not regulated.</p> <p>L18. Misleading omissions about consumer reviews of products is not regulated.</p> <p>L28. Authenticity logo for online sale of medicines is not regulated.</p> <p>L29. Transparency of cross-border tariffs for parcels is partially compatible as transparency is not regulated.</p> <p>L35. Unjustified blocking and limiting a customer's access to the trader's online interface are not regulated.</p> <p>S30. Trustmark for ethical standards in the digital marketplace is not regulated.</p>	
<p>10.1 Legally define online marketplaces and introducing rules of their accessibility</p>	<p><i>Improve the legal framework for better enforcement and modernisation of consumer protection rules by introducing the rules and practices of operating online marketplaces and sales of products on marketplaces:</i></p> <ul style="list-style-type: none"> L14. Legalise the principle of online marketplace operated by or on behalf of a trader which allows consumers to conclude distance contracts with other traders or consumers. Require that the consumer must be informed whether the third party offering the products on a marketplace is a trader or not.



Recommendation / Action	Specification
	<p>Directive 2005/29/EC concerning unfair business-to-consumer commercial practices in the internal market.</p> <p><i>Improve the legal protection and accessibility of foreign consumers to Belarus-based online marketplaces:</i></p> <ul style="list-style-type: none"> L35. Prohibit unjustified blocking or limiting a customer's access to the trader's online interface. <p>Regulation (EU) 2018/302 on addressing unjustified geo-blocking.</p>
<p>10.2 Improve the protection of consumers when buying on eCommerce platforms in Belarus by improving the legal framework and compliance to standards of digital platforms</p>	<p><i>Improve the legal framework in the identified critical aspects of consumer protection when buying on eCommerce platforms against unfair commercial practices:</i></p> <ul style="list-style-type: none"> L2. Introduce the types of unfair business to consumer commercial practices, also applicable to the contracts concluded online, such as misleading, omissions, aggressive or other commercial practice. L3. Encourage the control of unfair commercial practices by recourse to the national bodies providing codes of conduct. L4. Include legal provisions under which persons or organisations having a legitimate interest in combating unfair commercial practices may take legal action and/or bring such unfair commercial practices before a competent administrative authority regardless of whether the consumer affected is in the country where the trader is located or in another. <p>Directive 2005/29/EC on unfair commercial practices, Art 5-11.</p> <p><i>Improve the legislation on consumer rights:</i></p> <ul style="list-style-type: none"> L6. For a contract concluded online that requires a payment from the consumer, require the consumer, when placing his order, to explicitly acknowledge that the order implies an obligation to pay. Require that the trader explicitly indicates whether any delivery restrictions apply, and which means of payment are accepted before the consumer places his order. L7. Improve requirements for distance contracts by requiring contract on durable medium and time limit for confirmation. <p>Directive 2011/83/EU on consumer rights. Art 8.</p> <p><i>Assure the conformity of consumer goods with the contract:</i></p> <ul style="list-style-type: none"> L10. Specify the requirements to consumer goods when they are presumed to be in conformity with the contract <p>Directive 1999/44/EC on certain aspects of the sale of consumer goods, Article 2. 4.</p> <p><i>Provide better enforcement, modernisation of consumer protection rules:</i></p> <ul style="list-style-type: none"> L15. Define digital content and service supplied by the trader to the consumer. Include provisions of consumer rights protection where the trader supplies or undertakes to supply digital content which is not supplied on a tangible medium or a digital service to the consumer and the consumer provides or undertakes to provide personal data to the trader. L16. Introduce the requirement for the trader to inform in case when the price is personalised by automated decision-making.



Recommendation / Action	Specification
	<p>Directive (EU) 2019/2161 on consumer rights. Art 4.</p> <p><i>Improve the acceptance of national products for online sale on the EU markets:</i></p> <ul style="list-style-type: none"> S30. Implement a national trust mark certification scheme or adopt an international one to improve the level of trust by local and international consumers. This scheme authenticates that an eCommerce company established on the national territory has made a commitment to work in compliance with the national (or regional, international) Code of Conduct, guaranteeing ethical standards in the digital marketplace. <p>The Ecommerce Europe Trustmark.</p>
<p>10.3 Enhance the performance of national platforms by enforcement and modernisation of consumer protection rules</p>	<p><i>Provide better enforcement of consumer protection rules for online sale:</i></p> <ul style="list-style-type: none"> L13. Introduce cases when paid advertisement is considered as a misleading commercial practice: providing search results in response to a consumer's online search query without clearly disclosing any paid advertisement or payment specifically for achieving higher ranking of products within the search results. L17. Require indicating the prior price applied by the trader for a determined period of time prior to the price reduction (sales). L18. Require informing about the ways of collecting reviews on products by actual customers and their authenticity. <p>Directive (EU) 2019/2161 on better enforcement of consumer protection rules.</p> <p><i>Create the legal framework enhancements on parcels delivery related to non-fiscal aspects of support of local traders and the consumer protection of both EU and local buyers:</i></p> <ul style="list-style-type: none"> L28. Introduce a common logo for legally operating online pharmacies/retailers. L29. Require that for distance contracts for online sale of goods, all traders concluding sales contracts with consumers that include the sending of cross-border parcels shall make available, at the pre-contractual stage, information about the cross-border delivery options in relation to the specific sales contract and charges payable by consumers for the cross-border parcel delivery.
<p>11. Enhance the security aspects of Belarus eCommerce platforms and their attractiveness for the EU customers by introducing legislative and standardisation compliance aspects of <u>electronic payment</u>.</p> <p>Final goal: <i>assure maximum consumer protection when using electronic payment on eCommerce platforms.</i></p> <p>Gaps addressed:</p> <p>L39 Integrated market for electronic payments is not regulated.</p> <p>L41. Transparency and information requirement for payment services is partially compatible as there are no specified requirements for transparency of conditions and information requirements for payment services applied to framework contracts and payment transactions covered by them.</p>	



Recommendation / Action	Specification
<p>L43. Reduced liability for unauthorised payment transactions is not regulated.</p> <p>L45. Removal of surcharges for the use of credit cards and debit cards is not regulated.</p> <p>L46. Development of regulatory technical standards on strong customer authentication and secure communication channels (payments) is not regulated.</p>	
<p>11.1 Improve consumer protection mechanisms by enhancing requirements applied to electronic payment on eCommerce platforms</p>	<p><i>Improve the legal framework on the critical aspects of secure electronic payment on eCommerce platforms:</i></p> <ul style="list-style-type: none"> • L39. Define the general rules for an integrated national market for safe electronic payments to ensure choice and transparency of payment services. • L41. Introduce conditions and information requirements for payment services applied to single payment transactions, framework contracts. • L43. Impose a limit that the payer may be obliged to bear due to the losses relating to any unauthorised payment transactions, resulting from the use of a lost or stolen payment instrument. Directive (EU) 2015/2366 on payment services in the internal market, Title I, II, III, IV, Articles 73-74. • L45. Require that payment service providers shall not offer or request a per transaction interchange fee of more than a certain fixed percentage. Regulation (EU) 2015/751 on interchange fees for card-based payment transactions. • L46. Assign responsibility of a regulatory authority to develop technical standards on strong customer authentication with which all payment service providers must comply. Directive (EU) 2015/2366 on payment services.
<p>12. Allow safe <u>placing of online orders</u> for contracts concluded online, especially for cross-border sales.</p> <p>Final goal: assure the maximum level of consumer and trader contractual protection in case of contracts concluded online.</p> <p>Gaps addressed:</p> <p>L1. Consumer contracts are not regulated as legislation does not stipulate that the contract shall be governed by the law of the country where the consumer has his habitual residence.</p>	
<p>12.1 Assure the availability of fair and transparent contractual mechanism for</p>	<p><i>Improve the consumer contracts for contracts concluded online with foreign consumers:</i></p> <ul style="list-style-type: none"> • L1. For the contract concluded between a consumer and a supplier located in different countries, stipulate that the contract shall be governed by the law of the country where the consumer has his habitual residence. Regulation (EC) No 593/2008 on the law applicable to contractual obligations, Article 6(1).



Recommendation / Action	Specification
contracts concluded online	
<p>13. Improve the time of cross-border <u>parcel delivery</u> between Belarus and the EU countries by implementing standardised electronic data interexchange.</p> <p>Final goal: <i>allow processing of all cross-border data on parcels between Belarus and the EU countries in standardised electronic format in advance.</i></p> <p>Gaps addressed:</p> <p>Q9. Delivery of purchased goods is not regulated as the legislation does not specify the maximum allowed time for the trader to deliver the goods.</p> <p>L31. Postal security requirements for the provision of electronic advance data (UPU) are partially compatible as information on postal parcels is provided in hard copy.</p> <p>Q32. Security measures for cargo or mail that fly from / to the country into the EU is not regulated.</p> <p>S1. Measurement of the transit time of end-to-end services for single piece priority mail and first-class mail is partially compliant as no standardised measurement method is specified.</p> <p>S4. Method for measurement of parcel transit time for cross-border parcels is not regulated.</p> <p>L5. Re-forwarding is not regulated.</p> <p>L6. Distance to postal services access points is not regulated.</p> <p>L7. Information available on postal services is not regulated.</p> <p>L8. Measurement of loss and substantial delay in priority and first-class single piece mail using a survey of test letters is not regulated.</p> <p>S12. Framework for secure, trustworthy and user-friendly opening systems for parcel boxes for home use is not regulated.</p> <p>S13. Requirements for electronic advanced data (EAD) in postal operations are not regulated.</p> <p>S15. Requirements for electronic advanced data (EAD) in postal operations, in particular compliant to security and customs requirements are not regulated.</p> <p>S16. Interfaces for cross border parcels is partially compliant as it doesn't provide technical specifications for an interface.</p> <p>S25. CUSRSP Customs Response is not implemented.</p> <p>S26. ITMREF V1 – Item referral is not implemented.</p> <p>S27. REFRSP V1 – Referral response message specification is not implemented.</p>	



Recommendation / Action	Specification
<p>13.1 Improve the legal framework for faster and more reliable cross-border parcels delivery</p>	<p><i>Improve consumer rights protection:</i></p> <ul style="list-style-type: none"> L9. Specify the maximum allowed time for the trader to deliver the goods by transferring the physical possession or control of the goods to the customer <p>Directive 2011/83/EU on consumer rights, Article 18.</p> <p><i>Improve postal security requirements for the provision of electronic advance data:</i></p> <ul style="list-style-type: none"> L31. Require the national designated postal operator exchanging advance data about parcel-post items with the other authorities of the country (sanitary, phytosanitary, quality standards, IPR) via electronic data interchange messaging. L32. Require that air carriers that fly from the country must ensure that all cargo and mail carried to the EU is physically screened or comes from a secure supply chain which is validated according to the EU regulation. Require that air carriers that fly from the EU countries must ensure that all cargo and mail carried to the country's national territory is physically screened or comes from a secure supply chain which is validated according to the national regulation. <p>UPU Convention Manual, Article 8.1.</p>
<p>13.2 Accelerate processing of cross-border data on parcels by implementing Digital Postal Services and electronic data interexchange standards</p>	<p><i>Improve the quality of delivery services by learning from the international standards:</i></p> <ul style="list-style-type: none"> S1. Introduce a standard method for measuring of the transit time of end-to-end services for single piece priority mail. Provide a standardised measurement method that assure that the measurements are done in an objective and equal way for all operators, CEN/EN13850. S4. Introduce quality of service measurement for transit time of cross-border parcels, based on tracking and tracing events, CEN/TS 15472:2016. S5. Specify methods for measuring the quality of a re-forwarding service of domestic addressed mail that is delivered by postal service operators to an address that deviates from the one presented on the postal item, CEN/TR 16894. S6. The national regulatory authority for the postal sector should provide a methodology for the quality of services measurement of distance to postal access points, CEN/TR 15735:2008 - Postal services – Quality of service – Distance to access points. S7. The national regulatory authority for the postal sector should provide a methodology for the quality of services measurement of information available on postal services and conditions of access to such information, CEN/TS15511:2008 – Postal services – Quality of services. S8. The national regulatory authority for the postal sector should provide a methodology for the quality of services measurement of loss and substantial delay in priority and first-class single piece mail collected, processed and distributed by postal service operators, CEN/TS 14773:2004. <p><i>Assure the interoperability of parcels delivery between the EU and Belarus by introducing national standards for:</i></p>



Recommendation / Action	Specification
	<ul style="list-style-type: none"> • S12. Unattended delivery solutions (i.e. parcel locker systems/ parcel boxes) for home use (requires prior consent by the recipient), CEN/TS 17457. • S13. Requirements for electronic advanced data (EAD) in postal operations compliant with UPU-WCO customs data model and the EU Customs Data Model, CEN/TR 17535. <p><i>Introduce Digital Postal Service's standards :</i></p> <ul style="list-style-type: none"> • S15. Define semantic mapping description of information on commercial single items compliant to the UPU-WCO customs model and the EU customs data model, CEN/TR 17536. • S16. Provide technical specifications (of physical label and electronic exchanges, as well data formats used within delivery chain) for an interface between the e-merchant and logistic operators, CEN/TS17073:2017. <p><i>Implement Electronic Data Interchange between postal handling organisations based on UPU electronic exchange messaging standards in line with the mandatory UPU-WCO data model:</i></p> <ul style="list-style-type: none"> • S25. CUSRSP Customs response to postal operator on mail items, UPU M44. • S26. ITMREF which supports the communication from the destination postal operator to the origin postal operator, UPU M53. • S27. REFRSP supports the communication from the origin postal operator to the destination postal operator UPU M54.
<p>14. Set up the required conditions to assure eCommerce <u>customer service</u> by creating online Alternative Dispute Resolution mechanism and assuring transparency in case of serious security incidents.</p> <p>Final goal: <i>assure the maximum level of consumer support in case of disputes and security incidents.</i></p> <p>Gaps addressed:</p> <p>L22. Availability of procedures for the out-of-court resolution of domestic and cross-border disputes concerning contractual obligations (ADR) is not regulated.</p> <p>L23. Availability of an online dispute resolution platform for consumer disputes (ADR) is not regulated.</p> <p>L33. Security requirements and incident notification (security) is not regulated.</p> <p>S2. Complaints handling principles is not regulated. The regulatory authority for the postal sector does not enforce the application of a national standard for complaints handling related to domestic and cross-border postal services.</p> <p>S3. There is no national standard with regard to complaints handling principles for handling of damaged postal items.</p>	
<p>14.1 Assure the availability of online procedures for the out-of-court</p>	<p><i>Create a national legal framework of Alternative Dispute Resolution (ADR) for consumer disputes supporting eCommerce:</i></p> <ul style="list-style-type: none"> • L22. Introduce alternative dispute resolution (ADR) means that allow settling a complaint out of court with the assistance of an impartial dispute resolution body. Establish harmonised quality requirements for ADR entities and ADR procedures in order to ensure that



Recommendation / Action	Specification
<p>resolution of domestic and cross-border disputes concerning eCommerce contractual obligations</p>	<p>consumers have access to high-quality, transparent, effective and fair out-of-court redress mechanisms to provide a higher level of consumer protection. Introduce the type of ADR such as Conciliation, Ombudsmen, Arbitration, and Complaints boards.</p> <ul style="list-style-type: none"> • L23. Lay down rules for online dispute resolution platform for consumer disputes facilitating the independent, impartial, transparent, effective, fast and fair out-of-court resolution of disputes between consumers and traders online. • Directive 2013/11/EU on alternative dispute resolution.
<p>14.2 Assure the transparency of eCommerce services in case of serious security incidents</p>	<p><i>Improve the framework of security requirements and incident notification to manage the risks posed to the security of Online marketplace, Online search engine, Cloud computing services:</i></p> <ul style="list-style-type: none"> • L33. The digital service providers established on the national territory and offering services of Online marketplace, Online search engine, Cloud computing services should be responsible to identify and take appropriate and proportionate technical and organisational measures to manage the risks posed to the security of network and information systems. They must be required to notify the competent authority without undue delay of any incident having a substantial impact on the provision of a service that they offer within the national territory and/or abroad. • The competent national authority may have authority to inform the public about individual incidents or require the digital service provider to do so, where public awareness is necessary in order to prevent an incident or to deal with an ongoing incident, or where disclosure of the incident is otherwise in the public interest. • Directive (EU) 2016/1148 concerning measures for a high common level of security of network and information systems across the Union, Art 16
<p>14.3 Improve the quality of customer services for parcels delivery by introducing quality standards</p>	<ul style="list-style-type: none"> • S2. Enforce the application of a national standard for complaints handling related to domestic and cross-border postal services. Request that the standard's guidelines for compensation and redress procedures are mandatory to be applied by the postal organisations of the country, CEN/TS14012. • S3. Introduce a national standard with regard to complaints handling principles, including guidelines / description of best practices, for handling of damaged postal items related to domestic and cross-border postal services, CEN/TR 16915:2015 – Damage to postal items.

6 The next steps and considerations

As the next step, the beneficiaries in the Eastern partner countries should use this report to consider implementing the recommendations.

Recommendations in legal and standards areas include specific points for specific government authorities to use as an input to make necessary changes. These recommendations and action points are presented in *chapter 5.2* of this report.

Recommendations in ecosystem area should be considered by the relevant government and non-government ecosystem stakeholders, who should include the recommendations in national economy development plans for practical actions. These recommendations are presented in *chapter 5.1* of this report.

In addition, this report is considered by the European Commission for possible activation of the recommendations on bi-lateral and regional levels.



EU4Digital

The next step of the EU4Digital Facility is to launch a pilot to facilitate cross-border eCommerce. Recommendation #1 of this report – Establish a virtual warehouse as a re-usable database to list goods for sale in the EU and other Eastern Partnership countries – is confirmed to be a pilot solution, which will support countries to list products on the foreign marketplaces and complete cross-border eCommerce transactions. The pilot activity is scheduled to start in January 2021 and to be completed by April 2021. Updates on the activities are published on eufordigital.eu.