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Approach to Force Majeure in Belarus

The BelCCI considers that COVID-19 or the epidemic and pandemic that arose in connection with it are not force-majeure circumstances in themselves; however, if restrictive and other measures aimed to prevent the spread of COVID-19 and its consequences arose after specific contracts were concluded, such measures may be considered as force majeure circumstances.

Restrictive measures may include decisions of state and local authorities, government decisions, including those aimed at restricting the free movement of goods and labor or at closing borders. Moreover, if restrictive measures were taken on the territory of foreign states, documents confirming the presence of force majeure circumstances will include, among other things, certificates of force majeure issued by organizations authorized in these states.

Usually, the following are not considered as force majeure circumstances:

- ▶ change in exchange rates;
- ▶ a decrease in revenue from the sale of goods, works, services, including in connection with the suspension of activities;
- ▶ a decrease in the number of clients in cafes, restaurants, other catering organizations, casinos, hotels, cinemas;
- ▶ increase in transportation cost, including by sea;
- ▶ quantity reduction of ships on sea transport lines.

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