

ственности не происходит: несовершеннолетний самостоятельно несет ответственность за причиненный вред на общих основаниях [1].

В соответствии с пунктом 3 статьи 947, в случае, если вред причинен лицом, которое не могло понимать значения своих действий или руководить ими вследствие психического расстройства, обязанность возместить вред может быть возложена судом на проживающих совместно с этим лицом его трудоспособных супруга, родителей, совершеннолетних детей, которые знали о психическом расстройстве причинителя вреда, но не ставили вопрос о признании его недееспособным [2, с. 651].

Имеет место случай, когда причинитель вреда не имеет трудоспособных супруга, родителей, совершеннолетних детей, которые проживают вместе с ним и знают о его психическом расстройстве, а также у него отсутствуют материальные средства для возмещения вреда, то в данном случае причинитель вреда от ответственности освобождается. Это крайне редкий случай, но он имеет место в белорусской судебной практике.

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Concession Law

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Unfortunately it is very difficult to talk about Concession Law, because we don't have such one.

Firstly, it is necessary to understand what it means — Concession Agreement or Concession.

The concept of concession agreements has many definitions. However, they all appear to speak to the same issues.

According to the Investment Code of the Republic of Belarus, art. 50 «The concession is the contract concluded by the Republic of Belarus on assignment on the onerous basis and for the definite term of the right to carry out the certain kind of activity on the territory of the Republic of Belarus, to which the exclusive right of state is distributed, or the right to use the property being under the ownership of the state» [1].

The World Bank explained the concession system as follows: “Under a concession system the state grants a franchise the right to finance, build, own, operate, and maintain a public infrastructure for a given period, and to charge users for that service” [2, c. 10].

Governments today are trying to deal with the tremendous financial burden of creating new infrastructure and/or refurbishing the old. Developing countries generally lack the financial resources and operational experience to develop and properly operate these essential projects. Governments have increasingly looked to the “Public, Private, Partnership” (or “PPP”) as a means of satisfying the needs of the public while simultaneously stimulating economic growth through the involvement of private enterprise. This concept has received world-wide support, and active implementation of the PPP seems to have become recognized as a desirable end [3].

The Concession concept and its derivatives is one of the mechanisms for accomplishing the objectives of the PPP. It symbiotically allows for the partnership between government and the private sector to achieve the goals of both parties.

The concept of the concession has great attraction to government because of the many benefits that are derived. Some of them are:

1. Providing access to new capital, not from the public purse and if structured properly not requiring credit stretching guarantees.
2. Achieving confidence for foreign investors.
3. Local population is trained for operation and as a part of the concession, technological improvement and access thereto, upgrade and education of the indigenous population can be essential part of the agreement.

But, as we know, there is always «A fly in the ointment». The Infrastructure Finance Regional Workshop developed the following list of the factors that contributed to some of the potential problems:

1. Lack of clarity about government objectives and political commitment.
2. Lack of an appropriate legal/regulatory framework.
3. Insufficient transparency and competition leading to high transaction costs.
4. Lack of mechanism to provide long term debt. [2, c. 30]

As we may see — in the Republic of Belarus all of these factors are represented.

The underlying consistency seems to be the fact, that in order to provide the necessary values to encourage and support investment, a comprehensive Concession Law must be developed, containing within it adequate security provisions to allow for the necessary comfort of investor and lender to facilitate the capital requirements.

In our country we don't have separate act of legislation on Concession, but norms on Concession are included in the Investment Code. Also norms concerning Concession are mentioned in the Subsoil Code, Forest Code, Decree of the President № 44 «On approving the list of objects proposed for the concession».

According to the last-named Decree there are 4 new objects: deposits of gypsum “Brinevo”, iron ore “Okolovskaya” and “Novoselkovskoe”, bentonite clay, “Ostrozhdanskoe”. Also in March 2011 Belarus has had negotiations with Russia concerning Concession Agreement on deposits of potassium salts. Canadian “Potash Corp” — the first company in the world producing potash fertilizer also has been interested in it.

But, the real practice of Concessions in our country shows the opposite. 2 foreign investors refused to develop deposits of chalk “Dobrushskoe”, “Podkamenie” and “Shirokoe”.

In conclusion, it is necessary to remind the condition of our roads. And at the same time roads are the great and very popular object of Concession in many countries. So, may be Concession Agreement is a way for our better life?

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Правовое регулирование агроэкотуризма в Республике Беларусь

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В последнее время агроэкотуризм в Республике Беларусь получает распространение, что обусловлено созданием достаточно благоприятных условий для его развития. Причиной интереса к данному виду туризма является