

PROTOCOL

On Amending, in Connection with the Accession of the Republic of Armenia, the Agreement on the Eurasian Economic Union dated 29 May 2014 and the International Treaties Concluded in the Framework of Forming the Contractual-Legal Basis for the Customs Union and the Common Economic Space

I. Amendments to the Treaty on the Eurasian Economic Union dated 29 May 2014

1. In the Protocol on the Procedure of Accruing and Distributing the Sums of Import Customs Duties (and Other Duties, Taxes and Fees of Equivalent Effect) and Their Transfer to the Budget Revenues of Member States (Annex 5 to the Treaty on the Eurasian Economic Union dated 29 May 2014):

Paragraph 12 shall be restated to read as follows:

“12. The standards for the distribution of sums of import customs duties for each Member State shall be set as follows:

The Republic of Armenia: 1.13 percent;

The Republic of Belarus: 4.65 percent;

The Republic of Kazakhstan: 7.25 percent;

and

The Russian Federation: 86.97 percent.”

In Paragraph 40, the words “for the Republic of Belarus” shall be replaced with the words “for the Republic of Armenia – Yerevan City time, and for the Republic of Belarus”;

In Paragraph 53, the words “the State Control Committee of the Republic of Belarus” shall be replaced with the words “the Control Chamber of the Republic of Armenia, the State Control Committee of the Republic of Belarus”.

2. Section IV, to read as follows, shall be added to Annex 2 to the Protocol on Trade in Services and the Making, Operation, and Implementation of Investments (Annex 16 to the Treaty on the Eurasian Economic Union dated 29 May 2014):

“IV. The Republic of Armenia

1. Only legal entities created in accordance with the legislation of the Republic of Armenia shall have the right to be subsidized, regardless of who the capital owner is.	Paras 23 and 26	Republic of Armenia Law on the Budgetary System of the Republic of Armenia dated 24 July 1997 (Law number HO-137); Republic of Armenia Government Decree 1937-N dated 24 December 2003
2. Foreign citizens and stateless persons shall not have the right to own land, with the exception of cases provided by law. The term of lease of land plots, which are under state and/or municipal ownership, cannot exceed 99 years, with the exception of agricultural land plots, for which the lease term shall not exceed 25 years.	Paras 23 and 26	Republic of Armenia Constitution; Land Code of the Republic of Armenia

3. A user of mineral resources must be a legal entity, including a commercial organization of a foreign state.	Paras 23 and 26	Minerals Code of the Republic of Armenia
4. Mapping, geodesy, record-keeping, and land development may be performed only by Republic of Armenia citizens, which have received a certificate of qualification from the authorized state body.	Paras 23 and 26	Republic of Armenia Law on State Registration of Property Rights dated 14 April 1999 (Law number HO-295); Republic of Armenia Government Decree 1411-N dated 29 September 2011

3. In the Protocol on Financial Services (Annex 17 to the Treaty on the Eurasian Economic Union dated 29 May 2014):

Section IV, to read as follows, shall be added to Annex 1 to the aforementioned Protocol:

“IV.THE REPUBLIC OF ARMENIA

1. Insurance of risks related to:	No restrictions	-	-	-
- International marine transport; - International commercial air transport; - International				

commercial spaceships; - International insurance that fully or partially covers: - International transportation of natural persons; - International transportation of export (import) cargo and the vehicles transporting them, including liability arising out of it, as well as the transportation of goods by international transport; - Liability for trans- border movement of individual vehicles, but only after acceding to the international “Green Card” system of treaties and insurance certificates.				
2. Reinsurance and retrocession	No restrictions	-	-	-
3. Services of insurance agents and insurance brokers	Restricted	The following is not permitted:	Republic of Armenia	Not defined

		- Insurance intermediation related to the conclusion and distribution of insurance contracts on behalf of foreign insurers in the territory of the Republic of Armenia (with the exception of the sectors listed in Paragraph 1 of this List, as well as with the exception of the performance by insurance brokers of reinsurance intermediary activities).	Law on Insurance and Activities of Insurance dated 9 April 2007 (Law number HO-177-N), Articles 89 and 91	
4. Insurance support services, including counseling and actuarial services, risk assessment, and claim regulation services.	No restrictions	-	-	-"

Section IV, to read as follows, shall be added to Annex 2 to the aforementioned Protocol:

“IV.THE REPUBLIC OF ARMENIA

1. Restrictions under Paragraphs 6 and 11 of Annex 17	In the territory of the Republic of Armenia, financial services may be provided by financial organizations and/or their branches licensed and registered in the Republic of Armenia and founded in an organizational-legal form defined by the Republic of Armenia legislation, with the exception of insurance agents that register and are recorded in accordance with the Republic of Armenia legislation	Republic of Armenia Law on Insurance and Activities of Insurance dated 9 April 2007 (Law number HO-177-N), Articles 8 and 87; Republic of Armenia Law on the Securities Market dated 11 October 2007 (Law number HO-195-N), Articles 28, 103, and 175; Republic of Armenia Law on Investment Funds dated 22 December 2010 (Law number Ho-245-N), Article 52; Republic of Armenia Law on Banks and Banking dated 30 June 1996 (Law number HO-68), Article 12	Not defined
2. Restriction under Paragraph 6 of Annex 17	A foreign bank, a foreign insurance company, a	Republic of Armenia Law on Banks and Banking dated 30	Not defined

	foreign investment company, or a foreign manager of an investment fund may create a branch in the territory of the Republic of Armenia through the licensing and registration of such branch by the Central Bank of the Republic of Armenia.	June 1996 (Law number HO-68), Article 14; Republic of Armenia Law on Insurance and Activities of Insurance dated 9 April 2007 (Law number HO-177-N), Article 47; Republic of Armenia Law on the Securities Market dated 11 October 2007 (Law number HO-195-N), Article 43; Republic of Armenia Law on Investment Funds dated 22 December 2010 (Law number Ho-245-N), Article 54; Regulations of the Central Bank of the Republic of Armenia (Regulation 1, dated 12 April 2005, number 145-N; Regulation 3/01 dated 30 October 2007, number 344-N, and Regulation 4/01 dated 15 January 2008, number 16-N)	
3. Restriction under Paragraph 6	A permission to manage a	Regulation 10/01 of the Central Bank of	Not defined

of Annex 17	mandatory pension fund may be issued to a manager that is created in the territory of the Republic of Armenia, has at least one participant (shareholder) that is an international financial organization or foreign reputable organization specialized in managing pension funds (including other similar investment funds). Such international financial organization/-s and/or foreign reputable organization/-s must own more than 50 percent of the voting share in the statutory capital of the pension fund manager created in the territory of the Republic of Armenia, and such	the Republic of Armenia dated 2 May 2011 (number 116-N), para 33	
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	organization/-s shall have the right to a decisive vote in the determination of the pension fund manager's strategy and in the formation of such manager's executive body and internal control system.		
4. Restriction under Paragraph 6 of Annex 17	The following may act as a custodian of securities: investment companies, branches of foreign investment companies, and banks licensed and registered in the territory of the Republic of Armenia. The following may act as a custodian of the securities of investment funds: only a bank (licensed and registered in the territory of the Republic of Armenia).	Republic of Armenia Law on the Securities Market dated 11 October 2007 (Law number HO-195-N), Article 27; Republic of Armenia Law on Investment Funds dated 22 December 2010 (Law number Ho-245-N), Article 86.	Not defined
5. Restriction	The operator of	Republic of Armenia	Not

under Paragraph 6 of Annex 17	the regulated market (the exchange) and the Central Depository may be created only in the form of a joint-stock company.	Law on the Securities Market dated 11 October 2007 (Law number HO-195-N), Articles 103 and 175.	defined
6. Restriction under Paragraph 6 of Annex 17	An organization granted the status of the Central Depository in accordance with the legislation of the Republic of Armenia is the only organization in the territory of the Republic of Armenia, which may carry out the functions of a central depository in accordance with the legislation of the Republic of Armenia.	Republic of Armenia Law on the Securities Market dated 11 October 2007 (Law number HO-195-N), Article 175.	Not defined
7. Restriction under Paragraph 6 of Annex 17	A bureau of an insurance companies that perform mandatory insurance of liability (MloL) arising out of the use of automotive	Republic of Armenia Law on Mandatory Insurance of Liability Arising out of the Use of Automotive Vehicles dated 18 May 2010 (Law number HO-63-N), Articles 3 and 28.	Not defined

	vehicles shall have the organizational-legal form of a non-for-profit union of legal entities. The goal of the activities of such bureau shall be the protection of interests of victims and the safeguarding of the stability and development of the MLoL system. The bureau shall be the only self-regulatory organization, the members of which shall, in accordance with the Republic of Armenia Law on Mandatory Insurance of Liability Arising out of the Use of Automotive Vehicles, be insurance companies that have the right to perform MLoL, and in cases provided by the Law, also the Central Bank		
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	of the Republic of Armenia.		
8. Restriction under Paragraph 6 of Annex 17	The organization performing the mandatory guaranteeing of bank deposits of natural persons shall be a no-for-profit legal entity, the founder of which shall be the Central Bank of the Republic of Armenia.	Republic of Armenia Law on Guaranteeing the Compensation of Bank Deposits of Natural Persons dated 24 November 2004 (Law number HO-142-N), Article 17.	
9. Restriction under Paragraph 6 of Annex 17	A credit bureau is a specialized commercial organization created in the organizational-legal form of a joint-stock company, which shall, on the basis of a license issued by the Central Bank of Armenia, have the right to carry out the activities of collecting credit information and other data it needs, as well as to compile,	Republic of Armenia on the Sharing of Certain Credit Information and the Activities of Credit Bureaus dated 22 October 2008 (Law number HO-185-N), Article 3.	Not defined.”

	formulate, and save credit histories and prepare credit reports based on such histories.		
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4. In the Protocol on the Common Principles and Rules of Regulating the Activities of Natural Monopoly Entities (Annex 20 to the Treaty on the Eurasian Economic Union dated 29 May 2014):

In Annex 1 to the aforementioned Protocol:

- Add a fifth column (“Republic of Armenia”) with the following text:

In item 2: “Services of electricity transmission”;

In item 3: “Services of the electricity system operator”;

In item 4: “Services of ensuring use of the railway infrastructure”.

In Annex 2 to the aforementioned Protocol:

- Add a fifth column (“Republic of Armenia”) with the following text:

In item 1: “Services of transportation of natural gas; services of distribution of natural gas, and services of the gas supply system operator”;

In item 5: “Services of non-competitive water supply and sewerage”;
and

Add items 10 and 11 with the following contents:

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10.				Electricity distribution services
11.				Clearing center services

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5. In the Protocol on the Common Rules of the Provision of Industrial Subsidies (Annex 28 to the Treaty on the Eurasian Economic Union dated 29 May 2014):

The second text sub-paragraph of Paragraph 2 shall be restated to read as follows:

“ “Administrative-territorial units”: administrative-territorial units of the Republic of Armenia, the Republic of Belarus (including the City of Minsk), and the Republic of Kazakhstan including the City of Astana and the City of Almaty), as well as the entities and municipal formations of the Russian Federation.”

Section IV, to read as follows, shall be added to the Annex to the aforementioned Protocol:

“IV.THE REPUBLIC OF ARMENIA

Exemption from customs duties and taxes for goods, which are recognized as Armenian prior to 1 January 2017, subject to the criteria of sufficient processing, when being exported from the territories of free economic zones and from the territories of free warehouses to the remaining parts of the customs territory of the Customs Union in accordance with the Republic of Armenia Law on Free Economic Zones dated 18 June 2011, or in accordance with the Republic of Armenia Government Decree number 1772-N dated 30 December 2010 (“On Approving the Procedure of

Country-of-Origin Certificates and Conducting Expert Examination”), or the Agreement on Aspects of Free (or Special or Particular) Economic Zones in the Customs Territory of the Customs Union and the Free Customs Zone Customs Procedure dated 18 June 2010, or the Agreement on Free Warehouses and the Free Warehouse Customs Procedure dated 18 June 2010.”

6. The second text sub-paragraph of Paragraph 2 of the Protocol on Measures of State Support to Agriculture (Annex 29 to the Treaty on the Eurasian Economic Union dated 29 May 2014) shall be restated to read as follows:

“ “Administrative-territorial units”: administrative-territorial units of the Republic of Armenia, the Republic of Belarus (including the City of Minsk), and the Republic of Kazakhstan including the City of Astana and the City of Almaty), as well as the entities and municipal formations of the Russian Federation.”

II. Amendments Made in International Treaties Concluded in the Framework of Forming the Contractual-Legal Basis for the Customs Union and the Common Economic Space

7. In Paragraph 1 of Article 2 of the Customs Code of the Customs Union, which is an integral part of the Treaty on the Customs Code of the Customs Union dated 27 November 2009,

after the words “territories”, add the words “of the Republic of Armenia.”

8. In Article 4 of the Agreement on the Requirements concerning Information Sharing between the Customs Bodies and Other State Bodies of the Member States of the Customs Union dated 21 May 2010, after the second text sub-paragraph, the following text paragraph shall be added:

“On behalf of the Republic of Armenia – the Ministry of Finance of the Republic of Armenia.”

9. In the second text sub-paragraph of Paragraph 1 of Article 4 of the Agreement on the Grounds, Conditions, and Procedure of Changing the Time Periods for Payment of Customs Duties dated 21 May 2010, the words “in the Republic of Belarus” shall be replaced with the words “in the Republic of Armenia, in the Republic of Belarus”.

10. In Paragraph 2 of Article 1 of the Agreement on the Provision and Exchange of Preliminary Information of Goods and Vehicles Moved across the Customs Border of the Customs Union dated 21 May 2010, add the words “the Ministry of Finance of the Republic of Armenia” after the words “of the Customs Union”.

11. In the Agreement on Some Aspects of the Provision of Security for the Payment of Customs Duties and Taxes with Respect to Goods Transported in Accordance with the Customs Transit Customs Procedure, the Peculiarities of Collecting Customs Duties and Taxes, and the Procedure of Transferring the Sums Collected with Respect to Such Goods dated 21 May 2010:

In Article2:

In the fifth text sub-paragraph, add the words “the Ministry of Finance of the Republic of Armenia” after the words “central customs bodies”;

In the sixth text sub-paragraph, add the words “the central government bodies of the Republic of Armenia” after the words “the state bodies of the Parties”;

In Paragraph 4 of Article 9, add the words “the Republic of Armenia” after the words “shall be taken into consideration in”;

In Annex 2, the footnote with the asterisk shall be restated to read as follows:

“*If the customs body registering the Certificate is a customs body of the Republic of Armenia, a customs body of the Republic of Belarus, or a customs body of the Republic of Kazakhstan, the code of such customs body shall be indicated with due consideration for the following peculiarities:

For the Republic of Armenia: 051000 and further, the code of the customs body in line with the classification of customs bodies (05100000);

For the Republic of Belarus: 112 and further, the code of the customs body in line with the classification of customs bodies (11200000);

For the Republic of Kazakhstan: 398 and further, the code of the customs body in line with the classification of customs bodies (39800000).”

12. In Article 2 of the Agreement on the Common Customs Register of Intellectual Property Objects of Member States of the Customs Union dated 21 May 2010, add the words “the Ministry of Finance of the Republic of Armenia—on behalf of the Republic of Armenia” after the word “are”.

13. In Article 2 of the Agreement on Mutual Administrative Support between the Customs Bodies of Member States of the Customs Union dated 21 May 2010:

After the first text sub-paragraph of Paragraph 1, add a new text sub-paragraph to read as follows:

“The Ministry of Finance of the Republic of Armenia – for the Republic of Armenia”;

After the first text sub-paragraph of Paragraph 2, add a new text sub-paragraph to read as follows:

“The customs authority – for the Republic of Armenia”.

14. In Article 2 of the Agreement on the Procedure of Movement by Natural Persons of Goods for Personal Use across the Customs Border of the Customs Union and the Procedure of Performing Customs Operations Related to Their Release dated 18 June 2010, add a new Paragraph 5 to read as follows:

“5) The Chief of Staff of the Presidential Executive Office of the Republic of Armenia, the Chairman of the Constitutional Court of the Republic of Armenia, the Chairman of the Cassation Court of the Republic of Armenia, the General Prosecutor of the Republic of Armenia, the Chairman of the Central Bank of the Republic of Armenia, and the Head of the Security Service of the President of

the Republic of Armenia, if such persons cross the customs border in connection with the performance of their official duties.”

15. In the Agreement on Aspects of Free (Special) Economic Zones in the Customs Territory of the Customs Union and the Free Customs Zone Customs Procedure dated 18 June 2010:

The fifth text sub-paragraph of Paragraph 2 of Article 10 shall be restated to read as follows:

“The determination of the status of goods produced (made) using foreign goods placed under the customs procedure of a free customs zone by residents registered in the Republic of Belarus, the Republic of Kazakhstan, and the Russian Federation prior to 1 January 2012 and in the Republic of Armenia prior to 1 December 2016 shall be performed in accordance with Article 19 of this Agreement up to 1 January 2017, taking into consideration the provisions of Paragraphs 3 and 4 of this Article”;

In Article 23 of the Agreement:

In Paragraph 1, add the words “the Republic of Armenia” after the words “created in”;

In Paragraph 2, add the words “the status of domestic goods in the Republic of Armenia” after the words “for customs purposes, had”;

In the second sub-paragraph of Paragraph 3, add the words “a certificate of origin of the goods in the CT-1 form for the Republic of Armenia” after the words “the origin of which from a Member State of the Customs Union has been proven by”.

16. In the Agreement on Free Warehouses and the Free Warehouse Customs Procedure dated 18 June 2010:

The fifth text sub-paragraph of Paragraph 2 of Article 8 shall be restated to read as follows:

“The determination of the status of goods produced (made) using foreign goods placed under the customs procedure of a free warehouse in a warehouse owned by an entity included in the Register of Owners of Free Warehouses in the Republic of Belarus, the Republic of Kazakhstan, and the Russian Federation prior to 1 January 2012 and in the Republic of Armenia prior to 1 December 2016, if such goods are not exported out of the customs territory of the Customs Union, shall be performed in accordance with Article 16 of this Agreement up to 1 January 2017, taking into consideration the provisions of Paragraphs 3 and 4 of this Article”;

In Article 19:

In Paragraph 1, add the words “the Republic of Armenia” after the words “in free warehouses created in”;

In Paragraph 2, add the words “the status of domestic goods in the Republic of Armenia” after the words “for customs purposes, had”;

In the second sub-paragraph of Paragraph 3, add the words “a certificate of origin of the goods in the CT-1 form for the Republic of Armenia” after the words “the origin of which from a Member State of the Customs Union has been proven by”.

17. In the Agreement on the Procedure of Movement by Natural Persons of Goods for Personal Use across the Customs Border of the Customs Union and the Procedure of Performing Customs Operations Related to Their Release dated 18 June 2010:

In Paragraph 2 of Article 6, add the words “the Ministry of Finance of the Republic of Armenia – on behalf of the Republic of Armenia” after the word “namely”;

In Paragraph 4.3 of Section 2 of Annex 2 to the said Agreement, add the words “of the Republic of Armenia” after the words “are included in the Red Books”.

18. In Article 3 of the Agreement on the Peculiarities of Customs Operations with Respect to Goods Sent as International Mail dated 18 June 2010:

In Paragraph 4, add the words “the Ministry of Finance of the Republic of Armenia – on behalf of the Republic of Armenia” after the word “namely”;

In Paragraph 5, add the words “the Ministry of Finance of the Republic of Armenia – on behalf of the Republic of Armenia” after the word “namely”.

19. In the first text sub-paragraph of Paragraph 2 of Article 1 of the Agreement on Legal Assistance and Cooperation between Customs Bodies of the Member States of the Customs Union in Criminal Matters and in Cases of Administrative Offences dated 5 July 2010, add the words “the Ministry of Finance of the Republic of Armenia – on behalf of the Republic of Armenia” after the word “namely”.

20. In Paragraph 4 of Article 14 of the Treaty on the Peculiarities of Criminal and Administrative Liability for Violating the Customs Legislation of the Customs Union and of the Member States of the Customs Union dated 5 July 2010, add the words “unless otherwise

stipulated by agreement between the Parties” after the words “into force”.

21. In Paragraph 4 of Article 17 of the Agreement on Legal Assistance and Cooperation between Customs Bodies of the Member States of the Customs Union in Criminal Matters and in Cases of Administrative Offences dated 5 July 2010, add the words “unless otherwise stipulated by agreement between the Parties” after the words “into force”.

22. In Article 1 of the Agreement on the Organization of Information Sharing for the Performance of Analytical and Control Functions by the Customs Bodies of the Member States of the Customs Union dated 19 October 2011, after Paragraph 2, add a new paragraph to read as follows:

“The Ministry of Finance of the Republic of Armenia – for the Republic of Armenia”.

23. In Article 15 of the Agreement on Cooperation in Countering Illegal Labor Migration from Third Countries dated 19 November 2010, add a new paragraph to read as follows:

“The Parties may define a different procedure for joining this Agreement.”