ANNEX 15
to the Treaty on the Eurasian
Economic Union

PROTOCOL
on Measures Aimed at Implementation of Agreed Monetary Policy

I. General Provisions

1. This Protocol has been developed in accordance with Article 64 of the Treaty on the Eurasian Economic Union and determines the measures taken by the Member States in order to conduct agreed monetary policy.

2. The terms used in this Protocol shall have the following meanings:

"currency legislation" means the legislation of the Member States in the field of currency regulation and control and regulatory legal acts adopted in execution thereof;

"currency restrictions" means restrictions on foreign exchange transactions determined by international treaties and acts constituting the law of the Union or the currency legislation of the Member States and implying their direct prohibition, limitation of the volume, quantity, timing and payment currency used in such transactions, determining of requirements for obtaining special permits (licenses) for their conduct, partial or full reservation of the amount or amounts multiple of the full amount of a foreign exchange transaction, as well as restrictions associated with the opening and maintenance of accounts on the territories of the Member States and requirements of mandatory sale of foreign currency;

"integrated currency market" means a set of internal currency markets of the Member States united by common operation and state regulation principles;

"liberalisation measures" means actions aimed at easing or elimination of currency restrictions on foreign exchange transactions between residents of the Member States, as well as on transactions with residents of third countries;

"resident of a Member State" means a person that is a resident of a Member State in accordance with the currency legislation of the Member State;

"resident of a third country" means a person that is not a resident of any Member State;

"authorised organisations" means juridical persons that are residents of the Member States authorised to conduct banking operations in foreign currency in accordance with the legislation of the state of their incorporation;

"authorised authorities on currency regulation" means executive authorities and other state authorities of the Member States empowered to exercise foreign exchange controls, as well as national (central) banks of the Member States.

In the regulation of currency relations, the Member States shall apply the term of "non-resident" in accordance with the national currency legislation.

II. Measures Aimed at Implementing Agreed Monetary Policy

3. For the purposes of the agreed monetary policy, the Member States shall take the following measures:

1) coordinate the policy on the exchange rates of their national currencies (hereinafter – "exchange rate policy") for expanding the use of national currencies of the Member States in mutual settlements between residents of the Member States, including the organisation of mutual consultations in order to develop and coordinate the activities under the exchange rate policy;

2) ensure convertibility of their national currencies for the current and capital balance of payment items, without restrictions, by enabling unrestricted purchase and sale of foreign currency by residents of the Member States through the banks of the Member States;

3) enable direct mutual quotations of national currencies of the Member States;

4) ensure mutual settlements between residents of the Member States in the national currencies of the Member States;

5) improve the mechanism for payment and settlements relations between the Member States through the increased use of national currencies in mutual settlements between residents of the Member States;

6) prevent multiplicity of official exchange rates hindering mutual trade between residents of the Member States;

7) ensure that national (central) banks of the Member States set official exchange rates for the national currencies of the Member States on the basis of the rates prevailing in the stock market or on the basis of the rates of cross-national currencies of the Member States to the US dollar;

8) ensure regular exchange of information on the status and development prospects of the foreign exchange market;

9) form an integrated currency market of the Member States;

10) each Member State shall ensure admission to its internal foreign exchange market of banks that are residents of the Member States and entitled, in accordance with the legislation of this Member State, to conduct foreign exchange operations for the purpose of interbank conversion transactions subject to national treatment;

11) grant to banks of the Member States the right for free conversion of their funds in the national currencies of the Member States within their correspondent accounts into the currency of third countries;

12) facilitate allocation of foreign currency assets of the Member States in the national currencies of other Member States, including in their state securities;

13) further develop and improve liquidity of internal currency markets;

14) develop trade in national currencies in organised markets of the Member States and make it accessible to foreign exchange market participants of the Member States;

15) develop an organised derivatives market.

4. For the purposes of approximation of the legislation of the Member States governing legal currency relationship and liberalisation measures, the Member States shall:

1) ensure gradual elimination of currency restrictions hindering effective economic cooperation and imposed on foreign currency transactions and opening or maintenance of accounts by residents of the Member States in banks located on the territories of the Member States;

2) identify agreed approaches to the procedures of opening or maintenance of accounts of third-country residents in banks located on the territories of the Member States, as well as accounts of residents of the Member States in banks located in third countries;

3) be governed by the principle of national sovereignty in the elaboration of approaches to demand repatriation by residents of the Member States of funds subject to mandatory transfer to their bank accounts;

4) determine a list of currency transactions carried out between residents of the Member States in respect of which no currency restrictions shall apply;

5) determine the necessary amount of rights and obligations of residents of the Member States in the implementation of foreign exchange transactions, including the right to carry out settlements without the use of bank accounts in banks located on the territory of the Member States;

6) ensure harmonisation of requirements for the repatriation by residents of the Member States of funds subject to mandatory transfer to their bank accounts;

7) ensure the free circulation by residents and non-residents of the Member States of funds and monetary instruments within the customs territory of the Union;

8) ensure harmonisation of requirements to accounting and control of foreign exchange operations;

9) ensure harmonisation of rules on liability for violations of the currency legislation of the Member States.

III. Interaction of Authorised Authorities on Currency Regulation

5. Authorised authorities on currency regulation shall interact through the following:

1) the exchange of information:

on practices of regulatory and law enforcement authorities of the Member States in the field of control of compliance with the currency legislation;

on measures to improve and ensure the functioning of the system to control compliance with the currency legislation;

on the organisation of currency control, as well as of legal information, including on the legislation of the Member States in the field of currency control and modifications of respective legislation of the Member States;

2) cooperation in the prevention, detection and suppression of violations of the legislation of the Member States by residents of the Member States in the implementation of foreign exchange transactions, including the exchange of information, including on the basis of requests from authorised authorities on currency regulation, on transactions conducted in violation of the currency legislation;

3) conduct of joint analytical studies on issues affecting the mutual interests of the Member States in the field of currency regulation and currency control;

4) provision of practical assistance on issues arising in the process of cooperation, including the establishment of working groups, exchange of experience and staff training;

5) exchange of statistical information on currency regulation and currency control, including:

on the amounts of payments and transfers of funds under foreign currency transactions between residents of the Member States;

on the number of accounts opened by residents of a Member State in authorised organisations of another Member State;

6) joint action on other issues of cooperation between authorised authorities on currency regulation.

6. Authorised authorities on currency regulation shall cooperate in specific spheres of currency controls, including for the continuous provision of information under individual protocols on cooperation between authorised authorities on currency regulation.

7. Practical assistance shall be rendered by:

organising working visits of representatives of authorised authorities on currency regulation;

holding seminars and consultations;

development and exchange of guidelines.

IV. Exchange of Information on Request by Authorised Authorities on Currency Regulation

8. Requests for information shall be sent and implemented as follows:

1) requests shall be sent in writing or using text transfer devices.

When using text transfer devices, as well as when there is doubt as to the authenticity or content of a request received, the requested authorised authority on currency regulation may request confirmation in writing;

2) a request for information under the proceedings on administrative offences shall indicate:

the name of the requesting authorised authority on currency regulation;

the name of the requested authorised authority on currency regulation;

a brief description of the factual circumstances of the case with the application, if necessary, of copies of supporting documents;

qualification of the offence under the legislation of the state of the requesting authorised authority on currency regulation;

other information required for the execution of the request;

3) each request and responses thereto shall be executed in Russian.

9. Should it be required to transfer to a third party any information obtained under this Protocol, a written consent of the authorised authority on currency regulation that has provided the information shall be required.

10. All requests shall be executed so as to enable the requesting authorised authority on currency regulation to comply with the procedural deadlines determined by the legislation of the state of the requesting authority on currency regulation.

For the purposes of clarification, a requested authorised authority on currency regulation shall be entitled to request additional information required to execute the request.

11. If it is impossible to execute a request, the requested authorised authority on currency regulation shall notify the requesting authorised authority on currency regulation thereof, stating the reasons.

12. The authorised authorities on currency regulation shall bear the costs of the information exchange in the framework of cooperation in the sphere of currency regulation and control.

In the case of requests requiring additional expenditures, the settlement procedure shall be determined by the authorised authorities on currency regulation by mutual agreement.

V. Currency Restrictions

13. In exceptional cases (if the situation may not be resolved by other economic policy measures), each Member State may introduce own currency restrictions for a period not exceeding 1 year.

For this purpose, the exceptional cases shall refer to:

the occurrence of any circumstances under which the implementation of liberalisation measures may lead to deterioration of the economic and financial situation in a Member State;

negative developments in the balance of payments, which may result in a decrease in the international reserves of a Member State below the acceptable level;

the occurrence of circumstances under which the implementation of liberalisation measures may damage the security interests of a Member State and hinder the maintenance of public order;

sharp fluctuations of the exchange rate of the national currency of a Member State.

14. A Member State having introduced currency restrictions shall notify all other Member States and the Commission thereof not later than within 15 days from the date of introduction of such restrictions.