

ANNEX 2
to the Treaty on the Eurasian
Economic Union

**STATUTE
of the Court of the Eurasian Economic Union**

CHAPTER I. General Provisions Legal Status of the Court

1. The Court of the Eurasian Economic Union (hereinafter "the Court") shall be the judicial body of the Eurasian Economic Union (hereinafter "the Union") and shall be formed and operate on a permanent basis in accordance with the Treaty on the Eurasian Economic Union (hereinafter "the Treaty") and this Statute.

2. The objective of the Court's activities shall be to ensure, in accordance with the provisions of this Statute, uniform application by the Member States and Bodies of the Union of the Treaty, international treaties within the Union, international treaties of the Union with a third party and decisions of the Bodies of the Union.

For the purpose of this Statute, Bodies of the Union shall include all Bodies of the Union, except for the Court.

3. The Court shall have the rights of a juridical person.

4. The Court shall maintain its documentation, have a seal and letterheads, establish its official website and publish an official bulletin.

5. The Court shall develop proposals for the funding of the Court activities and shall administer the funds allocated to ensure its activities in accordance with the Regulation on the Budget of the Union.

6. The terms of remuneration for judges, officials and employees of the Court shall be determined by the Supreme Eurasian Economic Council.

CHAPTER II. Composition of the Court

7. The Court shall include two judges from each Member State.

8. The term of office of a judge shall be 9 years.

9. All judges shall be of high moral character, highly qualified in the field of international and domestic law, and shall usually meet the requirements applicable to judges of the highest judicial authorities of the Member States.

10. Judges shall be appointed by the Supreme Eurasian Economic Council on the proposal of the Member States. When assuming the office, all judges shall take the oath.

11. Judges shall be dismissed by the Supreme Eurasian Economic Council.

12. Powers of a judge may be terminated on the following grounds:

- 1) termination of the Court;
- 2) expiration of the term of office of the judge;
- 3) a written statement of resignation filed by the judge due to his/her transfer to another job or for other reasons;
- 4) inability to exercise the powers of a judge due to poor health or other valid reasons;
- 5) participation in activities incompatible with the office of a judge;
- 6) termination of membership in the Union of the state represented by the judge;

7) if the judge no longer has the status of a national of the Member State represented;

8) in case of serious misconduct incompatible with the high status of a judge;

9) in case of entry into force of a judgment of conviction against the judge or a court decision on the application of compulsory medical measures with regard to the judge;

10) in case of entry into force of a court decision on the limited capacity or incapacity of the judge;

11) in case of death of the judge or entry into force of a court decision declaring him/her dead or missing.

13. The initiative to terminate the powers of a judge on the grounds provided for in paragraph 12 of this Statute may be put forward by a Member State represented by the judge, the Court or the judge concerned.

The procedure for the initiative to terminate the powers of a judge shall be determined by the Rules of Procedure of the Court of the Eurasian Economic Union approved by the Supreme Eurasian Economic Council (hereinafter - "the Rules of Procedure").

14. All activities of the Court shall be managed by the Chairman of the Court. The Chairman of the Court shall have a Deputy Chairman.

In case of temporary inability of the Chairman of the Court to participate in the activities of the Court, his/her duties shall be performed by the Deputy Chairman of the Court.

15. The Chairman of the Court and the Deputy Chairman shall be elected to their positions from among the judges of the Court by Court judges in accordance with the Rules of Procedure subject to approval by the Supreme Eurasian Economic Council.

The Chairman of the Court and the Deputy Chairman may not be nationals of the same Member State.

Upon termination of office, the new Chairman of the Court or Deputy Chairman shall be elected from among the judges representing other Member States, different from those represented by the former Chairman of the Court and the Deputy Chairman respectively.

16. The term of office for the Chairman of the Court and the Deputy Chairman shall be 3 years.

17. The Chairman of the Court shall:

- 1) approve the structure and activities of the Court and judges;
- 2) organise activities of the Court;
- 3) within his/her powers, ensure cooperation between the Court and authorised authorities of the Member States, foreign and international courts;
- 4) appoint and dismiss employees and officials of the Court in accordance with the procedure envisaged in this Statute;
- 5) arrange the provision of information on the activities of the Court to the media;
- 6) exercise other powers within the this Statute.

18. Judges may not represent the interests of any state or interstate authorities and organisations, businesses, political parties and movements, as well as territories, nations, nationalities, social and religious groups and individuals.

Judges may not engage in any income-generating activities, except for scientific, creative and teaching work.

19. A judge may not participate in the resolution of any case where he/she has participated as a representative, counsel or lawyer of one of the

parties to the dispute, a member of a national or international court or an inquiry commission, or in any other capacity.

20. In the administration of justice, all judges shall be equal and have equal status. The Chairman of the Court and the Deputy Chairman shall not be entitled to take actions aimed at obtaining any undue advantage over other judges.

21. Both in the exercise of their powers and in off-duty relationship, the judges shall avoid conflicts of interest, as well as anything that may diminish the authority of the judiciary power and the dignity of the judges or call into question their objectivity, fairness and impartiality.

CHAPTER III. Administration of the Court Status of Officials and Employees

22. Activities of the Court shall be ensured by the Administration of the Court.

23. The structure of the Administration of the Court shall include the secretariats of judges and the Secretariat of the Court.

24. The secretariat of a judge shall consist of an advisor and a judicial assistant.

25. Legal, organisational, logistical and other support for Court activities shall be provided by the Secretariat of the Court.

26. The structure and staffing of the Secretariat of the Court shall be approved by the Supreme Eurasian Economic Council.

27. The Secretariat of the Court shall be managed by the Head of the Secretariat. The Head of the Secretariat of the Court shall have two deputies. The Head of the Secretariat of the Court and his/her deputies shall be officials of the Court appointed and dismissed in accordance with this Statute

and the Treaty. The Head of the Secretariat of the Court and his/her deputies may not be nationals of the same Member State.

28. All labour relations shall be governed by the Treaty, applicable international treaties within the Union and the legislation of the state of residence of the Court.

29. An advisor to the judge shall be an official of the Court appointed and dismissed by the Chairman of the Court on the proposal of the respective judge.

30. An advisor to the judge shall provide information and analytical support to the judge.

31. An advisor to the judge shall be of high moral character and an experienced specialist in the field of international law and/or foreign economic activities.

32. A judicial assistant shall be an employee of the Court appointed and dismissed by the Chairman of the Court on the proposal of the respective judge.

33. A judicial assistant shall provide organisational support to the judge.

34. Candidates for the positions of the Head of the Secretariat of the Court and his/her deputies shall be selected on a competitive basis by the competition commission of the Court with account of the principle of equal representation of the Member States.

Candidates to participate in the competition for these positions shall be nominated by the Member States.

35. The Secretariat of the Court shall be formed on a competitive basis, with account of share participation of the Member States in the Budget of the Union, from among nationals of the Member States.

Employees of the Secretariat of the Court shall be employed on the basis of employment agreements (contracts).

36. The competition commission of the Court for the selection of candidates for positions in the Secretariat of the Court shall include all judges of the Court, except for the Chairman of the Court.

Members of the competition commission shall elect the chairman of the competition commission.

The competition commission shall adopt its decisions in the form of recommendations by a majority vote and submit them to the Chairman of the Court for appointment.

37. The competition procedure for vacant positions in the Secretariat of the Court shall be determined by the Court and approved by the Chairman of the Court in accordance with the basic rules of competition determined by the Supreme Eurasian Economic Council.

38. Technical staff of the Secretariat of the Court shall be employed by the Head of the Secretariat on the basis of employment agreements (contracts).

CHAPTER IV. Jurisdiction of the Court

39. The Court shall resolve disputes arising in connection with the implementation of the Treaty, international treaties within the Union and/or decisions of the Bodies of the Union:

1) at the request of a Member State:

on compliance of an international treaty within the Union or its certain provisions with the Treaty;

on observance by another Member State (other Member States) of the Treaty, international treaties within the Union and/or decisions of the Bodies of the Union, as well as certain provisions of these international treaties and/or decisions;

on compliance of a decision of the Commission or its certain provisions with the Treaty, international treaties within the Union and/or decisions of the Bodies of the Union;

on challenging actions (omissions) of the Commission;

2) at the request of an economic entity:

on compliance of a decision of the Commission or its certain provisions directly affecting the rights and legitimate interests of the economic entity in the sphere of business and other economic activities with the Treaty and/or international treaties within the Union, if such a decision or its certain provisions entailed a violation of any rights and legitimate interests of the economic entity envisaged by the Treaty and/or international treaties within the Union;

on challenging actions (omissions) of the Commission directly affecting the rights and legitimate interests of the economic entity in the sphere of business and other economic activities, if such actions (omissions) entailed a violation of any rights and legitimate interests of the economic entity envisaged by the Treaty and/or international treaties within the Union.

For the purpose of this Statute, an economic entity shall refer to a juridical person registered under the legislation of a Member State or a third State or a natural person registered as an individual entrepreneur in accordance with the legislation of a Member State or a third State.

40. The Member States may include in the jurisdiction of the Court any other disputes, the resolution of which by the Court is expressly provided for

by the Treaty, international treaties within the Union, international treaties of the Union with a third party or other international treaties between the Member States.

41. All matters regarding the Court's jurisdiction to resolve a dispute shall be resolved by the Court. In determining whether the Court has jurisdiction to resolve a dispute, the Court shall be governed by the Treaty, international treaties within the Union and/or international treaties of the Union with a third party.

42. The jurisdiction of the Court shall not include extension of the competence of Bodies of the Union in excess of that expressly provided for by the Treaty and/or international treaties within the Union.

43. Any dispute may be accepted for examination by the Court only following a prior appeal of an applicant to a Member State or the Commission to address the issue in the pretrial order through consultation, negotiation or other means provided for by the Treaty and international treaties within the Union, except as expressly provided for by the Treaty.

44. If, within 3 months from the date of receipt of an applicant's appeal, a Member State or the Commission have not taken any steps towards pretrial resolution of the issue, the application on resolution of the dispute may be referred to the Court.

45. By mutual consent of the parties to the dispute, it may be referred to the Court before the expiry of the period specified in paragraph 44 of this Statute.

46. At the request of a Member State or a Body of the Union, the Court shall provide clarifications to provisions of the Treaty, international treaties within the Union and decisions of the Bodies of the Union and, at the request of employees and officials of the Bodies of the Union and the Court, to

provisions of the Treaty, international treaties within the Union and decisions of the Bodies of the Union regarding labour relations (hereinafter "the clarifications").

47. Providing clarifications by the Court shall mean providing an advisory opinion and shall not deprive the Member States of the right for joint interpretation of international treaties.

48. The Court shall provide clarifications to provisions of an international treaty of the Union with a third party, if it is provided in the international treaty.

49. An appeal with a request to resolve a dispute or a request for clarification shall be lodged with the Court on behalf of a Member State by its authorised authorities and organisations, the list of which shall be compiled by each Member State and sent to the Court via diplomatic channels.

50. In the exercise of justice, the Court shall apply:

- 1) the generally recognised principles and regulations of international law;
- 2) the Treaty, international treaties within the Union and other international treaties to which the states that are parties to the dispute are participants;
- 3) decisions and dispositions of the Bodies of the Union;
- 4) the international custom as evidence of the general practice accepted as a rule of law.

51. Provisions of the Treaty, international treaties within the Union and international treaties of the Union with a third party relating to the settlement of disputes, clarifications and interpretations shall apply to the extent not inconsistent with this Statute.

CHAPTER V. Judicial Proceedings

Section 1 Dispute Resolution Proceedings

52. The procedure for dispute resolution by the Court shall be determined by the Rules of Procedure.

53. The Court shall conduct its proceedings based on the following principles:

- independence of judges;
- transparency of proceedings;
- publicity;
- equality of the parties to the dispute;
- competitiveness;
- collegiality.

The procedure for implementing these principles shall be determined in the Rules of Procedure.

54. The receipt of an appeal to the Court in respect of any international treaty within the Union and/or decision of the Commission shall not be regarded as grounds for suspension of such international treaty and/or decision and/or any certain provisions thereof, except as otherwise expressly provided for by the Treaty.

55. The Court may request any materials required for the examination of cases from the economic entities, authorised authorities and organisations of the Member States and Bodies of the Union having applied to the Court.

56. Restricted information may be obtained by the Court or submitted by a person involved in the case in accordance with the Treaty, international treaties within the Union, the Rules of Procedure and the legislation of the

Member States. The Court shall take appropriate measures to ensure security of such information.

57. Proceedings before the Court shall be carried out with the participation of the parties to the dispute, the applicant, their representatives, and experts, including experts from specialised groups, technicians, witnesses and interpreters.

58. All persons involved in the case shall enjoy the procedural rights and bear procedural obligations in accordance with the Rules of Procedure.

59. Experts of specialised groups shall have immunity with regard to administrative, civil and criminal jurisdiction in respect of all words spoken or written in connection with their participation in examination of cases by the Court. These persons shall lose their immunity in case of violation of the procedure established for the use and protection of restricted information as specified in the Rules of Procedure.

60. If a Member State or the Commission considers that a decision on the dispute may affect their interests, the Member State or the Commission may apply for permission to intervene as a concerned party to the dispute.

61. The Court shall dismiss without prejudice all claims for damages or other material claims.

62. All appeals of economic entities lodged with the Court shall be subject to charges.

63. The charges shall be paid by the economic entity prior to lodging an application with the Court.

64. If the Court grants the claims of the economic entity stated in the application, the charges shall be refunded.

65. The amount, the currency, the procedure, the use and return of the charges shall be established by the Supreme Eurasian Economic Council.

66. During the proceedings on a case, each party to the dispute shall bear its own court costs.

67. At any stage of the proceedings, the dispute may be settled by the parties through conclusion of a friendly settlement agreement, applicant's revocation of its claims or withdrawal of the application.

Section 2 Clarification Proceedings

68. Clarification proceedings shall be conducted as specified in the Rules of Procedure.

69. The Court shall conduct all clarification proceedings based on the principles of judicial independence and collegiality.

Section 3 Composition of the Court

70. The Court shall examine cases when composed of the Grand Panel of the Court, the Panel of the Court and the Appeals Chamber of the Court.

71. The Court shall conduct dispute resolution proceedings at meetings of the Grand Panel of the Court in the cases envisaged in sub-paragraph 1 of paragraph 39 of this Statute.

72. The Grand Panel shall examine procedural matters prescribed by the Rules of Procedure.

73. The Court shall conduct clarification proceedings at meetings of the Grand Panel of the Court.

74. The Grand Panel of the Court shall include all judges of the Court.

75. A session of the Grand Panel of the Court shall be deemed valid in the presence of all judges of the Court.

76. The Court shall be in session composed of the Panel of the Court in the cases envisaged in sub-paragraph 2 of paragraph 39 of this Statute.

77. The Panel of the Court shall include at least one judge from each Member State participating alternately by the names of the judges, beginning with the first letter of the Russian alphabet.

78. A session of the Panel of the Court shall be deemed valid in the presence of one judge from each Member State.

79. The Court shall be in session composed of the Appeals Chamber when examining appeals against decisions of the Panel of the Court.

80. The Appeals Chamber of the Court shall include judges of the Court from Member States who did not participate in the proceedings that resulted in the decision of the Panel of the Court in question.

81. A session of the Appeals Chamber of the Court shall be deemed valid in the presence of one judge from each Member State.

CHAPTER VI. Specialised Groups

82. Specialised groups shall be created when examining particular disputes concerning the provision of industrial subsidies, agricultural state support measures, the application of safeguard, anti-dumping and countervailing measures.

83. A specialised group shall consist of three experts, one from each list submitted by each Member State for the respective type of disputes.

84. The composition of a specialised group shall be approved by the Court.

85. Each specialised group shall be dissolved after the examination of the case.

86. Each Member State shall, not later than 60 calendar days after the entry into force of the Treaty, submit to the Court a list containing at least three experts willing and able to act as members of specialised groups for each type of disputes referred to in paragraph 82 of this Statute.

The Member States shall regularly update their lists of experts, but not less than once a year.

87. Experts may be represented by individuals who are highly qualified specialists with expertise and experience in matters that are the subjects of disputes referred to in paragraph 82 of this Statute.

88. All experts shall act in their personal capacity and operate independently, shall not be related to either party to the dispute and may not obtain any instructions from them.

89. An expert may not be a member of a specialised group in the case of a conflict of interest.

90. A specialised group shall prepare a report containing an unbiased assessment of the facts of the case and submit the report to the Court within the time limits determined by the Rules of Procedure.

91. The opinion of a specialised group shall be non-binding, except in cases stipulated in the third indent of paragraph 92 of this Statute, and shall be assessed by the Court in making one of the decisions envisaged in paragraphs 104-110 of this Statute.

92. An opinion of a specialised group prepared with regard to a dispute concerning the provision of industrial subsidies or agricultural state support measures shall contain a conclusion on the presence or absence of violations and on the application of appropriate compensatory measures in case of violations.

The part of the opinion of a specialised group regarding the presence or absence of a violation shall be non-binding and shall be assessed by the Court in making one of the decisions envisaged in paragraphs 104-110 of this Statute.

The part of the opinion of a specialised group regarding the relevant compensatory measures shall be binding for the Court in issuing the decision.

93. The procedure for the selection and operation of specialised groups shall be determined by the Rules of Procedure.

94. The procedure for payment for the services of experts of specialised groups shall be determined by the Supreme Eurasian Economic Council.

CHAPTER VII. Acts of the Court

95. The Court shall, within the time limits determined by the Rules of Procedure, adopt judgments on procedural matters of the Court, including judgments on:

- 1) admission or rejection of an application;
- 2) suspension or resumption of proceedings;
- 3) termination of proceedings.

96. Within 90 days of the date of receipt of an application, having examined the dispute, the Court shall issue its decision and provide an advisory opinion following a request for clarification.

97. The term of the decision may be extended in the cases provided for by the Rules of Procedure.

98. Advisory opinion issued following clarification requests shall be non-binding.

99. Having reviewed the disputes envisaged in sub-paragraph 1 of paragraph 39 of this Statute, the Court shall issue a decision that shall be binding on the parties to the dispute.

100. Having reviewed the disputes provided for in sub-paragraph 2 of paragraph 39 of this Statute, the Court shall issue a decision that shall be binding on and enforceable by the Commission.

101. No decision of the Court may extend beyond the issues stated in the application.

102. No decision of the Court may alter and/or override the effective rules of the Union law and the legislation of the Member States, nor may it create new ones .

103. Without prejudice to the provisions of paragraphs 111-113 of this Statute, the parties to the dispute shall be free to determine the form and manner of execution of the Court's decision.

104. Following the proceedings on an appeal lodged by a Member State regarding compliance of an international treaty within the Union or its certain provisions with the Treaty, the Grand Panel of the Court shall issue one of the following decisions:

1) a decision on non-compliance of an international treaty within the Union or its certain provisions with the Treaty;

2) a decision on compliance of an international treaty within the Union or its certain provisions with the Treaty.

105. Following the proceedings on an appeal lodged by a Member State regarding observance by another Member State (other Member States) of the Treaty, international treaties within the Union and/or decisions of the Bodies of the Union, as well as of certain provisions of these international treaties

and/or decisions, the Grand Panel of the Court shall issue one of the following decisions:

- 1) a decision on the finding of observance by Member State (Member States) of the Treaty, international treaties within the Union and/or decisions of the Bodies of the Union, as well as certain provisions of these international treaties and/or decisions;

- 2) a decision on the finding of non-observance by Member State (Member States) of the Treaty, international treaties within the Union and/or decisions of the Bodies of the Union, as well as certain provisions of these international treaties and/or decisions.

106. Following the proceedings on an appeal lodged by a Member State regarding compliance of a decision of the Commission or its certain provisions with the Treaty, international treaties within the Union and/or decisions of the Bodies of the Union, the Grand Panel of the Court shall issue one of the following decisions:

- 1) a decision on non-compliance of a decision of the Commission or its certain provisions with the Treaty, international treaties within the Union and/or decisions of the Bodies of the Union;

- 2) a decision on compliance of a decision of the Commission or its certain provisions with the Treaty, international treaties within the Union and/or decisions of the Bodies of the Union.

107. Following the proceedings on an appeal lodged by a Member State challenging actions (omissions) of the Commission, the Grand Panel of the Court shall issue one of the following decisions:

- 1) a decision on the recognition of the disputed actions (omissions) as non-conforming to the Treaty and/or international treaties within the Union;

2) a decision on the recognition of the disputed action (omission) as conforming to the Treaty and/or international treaties within the Union.

108. Following the proceedings on an appeal lodged by an economic entity on compliance of a decision of the Commission or its certain provisions directly affecting the rights and legitimate interests of the economic entity in the sphere of business and other economic activities with the Treaty and/or international treaties within the Union, if such a decision or its certain provisions entailed a violation of any rights and legitimate interests of the economic entity envisaged by the Treaty and/or international treaties within the Union, the Panel of the Court shall issue one of the following decisions;

1) a decision on the recognition of the decision of the Commission or its certain provisions as conforming to the Treaty and/or international treaties within the Union;

2) a decision on the recognition of the decision of the Commission or its certain provisions as non-conforming to the Treaty and/or international treaties within the Union.

109. Following the proceedings on an appeal lodged by an economic entity challenging any actions (omissions) of the Commission, the Panel of the Court shall issue one of the following decisions:

1) on the recognition of the disputed actions (omissions) of the Commission as non-conforming to the Treaty and/or international treaties within the Union and violating the rights and legitimate interests of the economic entity in the sphere of business and other economic activities;

2) on the recognition of the disputed actions (omissions) of the Commission as conforming to the Treaty and/or international treaties within

the Union and not violating any rights and legitimate interests of the economic entity in the sphere of business and other economic activities.

110. Following the proceedings on an appeal lodged by an economic entity against any decision of the Panel of the Court, the Appeals Chamber of the Court shall issue one of the following decisions:

1) on upholding the decision of the Panel of the Court and dismissal of the appeal;

2) on reversal, in whole or in part, or amendment of the decision of the Panel of the Court and delivering of a new decision on the case in accordance with paragraphs 108 and 109 of this Statute.

111. All decisions of the Commission or its certain provisions recognised by the Court as non-conforming to the Treaty and/or international treaties within the Union shall continue in effect after the entry into force of the relevant decision of the Court until the execution of the decision by the Commission.

Any decision of the Commission or certain provisions thereof found by the Court to be non-conforming to the Treaty and/or international treaties within the Union, shall be brought in compliance with the Treaty and/or international treaties within the Union by the Commission within a reasonable time not exceeding 60 calendar days from the date of entry into force of the decision of the Court, unless a different term is established in the decision of the Court.

Subject to the provisions of the Treaty and/or international treaties within the Union, in its decision, the Court may establish a different term for bringing the Commission's decision in compliance with the Treaty and/or international treaties within the Union.

112. Upon a reasonable request by a party to the dispute, a decision of the Commission or its certain provisions recognised by the Court as non-conforming to the Treaty and/or international treaties within the Union may be suspended by the Court on the date of entry into force of such decision of the Court.

113. The Commission shall execute the effective decision of the Court, establishing nonconformity of the disputed actions (omissions) of the Commission to the Treaty and/or international treaties within the Union and violation thereby of the rights and legitimate interests of economic entities envisaged in the Treaty and/or international treaties within the Union, within a reasonable time not exceeding 60 calendar days from the date of entry into force of the respective decision of the Court, unless a different term is specified in the decision of the Court.

114. In case of failure to execute the decision of the Court, the respective Member State shall be entitled to apply to the Supreme Eurasian Economic Council for measures required for its execution .

115. Should the Commission fail to execute the decision of the Court, the respective economic entity may apply to the Court requesting measures required for its execution.

Following such a request of the economic entity, the Court shall, within 15 calendar days from the date of its receipt, appeal to the Supreme Eurasian Economic Council for resolution of the matter.

116. Acts of the Court shall be published in the official bulletin of the Court and on the official website of the Court.

117. Any decision of the Court may be clarified without changing its essence or content only by the Court upon a reasonable request from the parties in the case.

CHAPTER VIII. Final Provisions

118. Judges, officials and employees of the Court, all persons involved in a case and experts of specialised groups shall not disclose or transmit to third parties any information acquired in the course of the proceedings without the prior written consent of the person providing such information.

119. The procedure for the use and protection of restricted information shall be specified in the Rules of Procedure.

120. The Court shall submit to the Supreme Eurasian Economic Council annual reports on its activities.
