ANNEX 7
to the Treaty on the Eurasian
Economic Union

PROTOCOL
on Non-Tariff Regulatory Measures in Relation to Third Countries

I. General Provisions

1. This Protocol has been developed in accordance with Section IX of the Treaty on the Eurasian Economic Union and determines the procedure and cases for application of non-tariff regulatory measures by the Union in respect of third countries.

This Protocol shall not apply to relations concerning the issues of technical regulation, application of sanitary, veterinary and phytosanitary requirements, measures in the field of export control and military-technical cooperation.

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

"automatic licensing (surveillance)" means a temporary measure introduced in order to monitor the dynamics of export and/or import of certain types of goods;

"general license" means a license granted to participants of foreign trade activities for the right to export and/or import certain kinds of licensed goods in a certain licensed amount;

"ban" means a measure prohibiting the import and/or export of certain types of goods;

"import" means importation of goods into the customs territory of the Union from third countries without the obligation of re-export;

"exclusive license" means a license granted to participants of foreign trade activities for the exclusive right to export and/or import certain types of goods;

"exclusive right" means the right of participants of foreign trade activities to export and/or import certain types of goods granted under an exclusive license;

"quantitative restrictions" means quantitative restrictions on foreign trade in goods introduced through setting quotas;

"licensing" means a set of administrative measures determining the procedure for issuing licenses and/or permits;

"license" means a special document granting the right to export and/or import goods;

"single-use license" means a license issued to participants of foreign trade activities on the basis of a foreign trade transaction concerning licensed goods, granting the right to export and/or import these goods in a certain amount;

"permit" means a special document issued to a participant of foreign trade activities on the basis of a foreign trade transaction concerning goods requiring automatic licensing (surveillance);

"authorisation" means a document issued to participant of foreign trade activities or natural person for the right to import and/or export goods in the cases determined by the respective act of the Commission;

"authorised authority" means an executive authority of a Member State with the power to issue licenses and/or permits;

"participants of foreign trade activities"– juridical persons and organisations that are not juridical persons registered in one of the Member

States and established under the legislation of this state, natural persons having permanent or primary residence on the territory of one of the Member States who are nationals of this state or have the right of permanent residence therein, or persons registered as individual entrepreneurs in accordance with the legislation of that state;

"export" means export of goods from the customs territory of the Union to third countries without the obligation of re-import.

II. Introduction and Application of Non-Tariff Regulatory Measures

3. Common non-tariff regulatory measures (hereinafter – "the measures") shall apply in trade with third countries on the territory of the Union.

4. All decisions on the introduction, application, extension and cancellation of these measures shall be adopted by the Commission.

Goods in respect of which it is decided to apply measures shall be included in the common list of goods subject to non-tariff regulatory measures in trade with third countries (hereinafter "the common list of goods").

The common list of goods shall also include all goods in respect of which the Commission has adopted a decision to establish tariff quotas or import quotas as a safeguard measure and to issue licenses.

5. Proposals on the introduction or cancellation of the measures may be submitted both by a Member State and by the Commission.

6. In preparation of Commission's decision on the introduction, application, extension or cancellation of the measures, the Commission shall inform all participants of foreign trade activities of the Member States,

economic interests of which may be affected by such a decision, of the possibility to submit to the Commission their suggestions and comments on this issue and to hold consultations.

7. The Commission shall determine the method and form of such consultations, as well as the method and form of communication of information on the progress and results of these consultations to interested persons having submitted their suggestions and comments.

A failure to hold consultations may not constitute grounds for cancelling any decision of the Commission affecting the right to conduct foreign trade activities as invalid.

8. The Commission may decide not to hold consultations under any of the following conditions:

1) measures envisaged by the draft decision of the Commission affecting the right to conduct foreign trade activity shall remain secret until the date of its entry into force, when holding of consultations will or may result in the failure to achieve any goals of the decision;

2) consultations will cause a delay in the adoption of the Commission's decision affecting the right to conduct foreign trade activities, which may substantially damage the interests of the Member States;

3) when a draft decision of the Commission affecting the right to conduct foreign trade activities provides an exclusive right.

9. The procedure for making proposals for the introduction or cancellation of the measures shall be determined by the Commission.

10. A decision of the Commission on the introduction of a measure may specify the customs procedure used by the customs authorities to control

compliance with the measure as well as the customs procedure that shall not be applicable to goods affected by the measure.

III. Bans and Quantitative Restrictions on the Export and Import of Goods

11. The export and import of goods shall be carried out without the use of bans and quantitative restrictions, except as provided for in paragraph 12 of this Protocol.

12. In exceptional cases, the following may be introduced:

1) temporary bans or temporary quantitative restrictions on export in order to prevent or reduce any critical shortage in the internal market of food products or other goods that are essential for the internal market of the Union;

2) bans or quantitative restrictions on export and import required due to the application of standards or rules for the classification, sorting and sale of goods in international trade;

3) restrictions on the import of aquatic biological resources when imported in any form, if it is required:

to restrict the production or sale of like products originating from the territory of the Union;

to restrict the production or sale of goods originating from the territory of the Union that may be directly replaced by imported goods, if the Union does not have significant production capacities for like products;

to remove from the market a temporary surplus of like products originating from the territory of the Union by offering the surplus to certain consumer groups free of charge or at below-market prices;

to remove from the market a temporary surplus of goods originating from the territory of the Union that may be directly replaced by imported goods, if the Union does not have significant production capacities for like products, by offering the surplus to certain consumer groups free of charge or at below-market prices.

13. Introduction of quantitative restrictions by the Commission on the territory of the Union requires the application of export and/or import quotas.

Quantitative restrictions shall apply:

to export – only in respect of goods originating from the territories of the Member States;

to import – only in respect of goods originating from third countries.

No quantitative restrictions shall apply to import of goods from the territory of a third country or export of goods intended for the territory of a third country, unless such quantitative restrictions apply to import from all third countries or export to all third countries. This provision shall not preclude the Member States from fulfilling their obligations under international treaties.

14. Export bans or quantitative export restrictions may only be imposed in respect of the goods included in the list of goods that are essential for the internal market of the Union and with regard to which, in exceptional cases, temporary export bans or quantitative export restrictions may be introduced as approved by the Commission on the basis of proposals from the Member States.

15. When a ban or quantitative restriction on export of agricultural goods that are essential for the internal market of the Union are introduced in

accordance with sub-paragraph 1 of paragraph 12 of this Protocol, the Commission shall:

take into account the impact of the ban or quantitative restrictions on the food security of third countries that import such agricultural goods from the territory of the Union;

in due time notify the Committee on Agriculture of the World Trade Organisation on the nature and duration of the ban or quantitative restriction on export;

at the request of any importing country hold consultations or provide all the required information on issues related to the measure in question.

In this paragraph, an importing country refers to a country in the import of which the share of agricultural goods that originate from the territory of the Member States and are subject to the ban or quantitative restrictions is at least 5 percent.

16. The Commission shall distribute the volumes of the export and/or import quotas between the Member States and specify the method of distribution of shares of export and/or import quotas between the participants of foreign trade activities of the Member States and, when required, distribute the volume of the import quota between third countries.

The Commission shall distribute the volumes of the export and/or import quotas between the Member States depending on the problems to be solved by the introduction of quantitative restrictions, taking into account the proposals of the Member States and based on the output and/or consumption of goods in each Member State.

17. When deciding to apply export and/or import quotas, the Commission shall:

1) set export and/or import quotas for a specific term (regardless of whether they are distributed between third countries);

2) inform all interested third countries on the volume of import quota allocated to them (if the import quota is distributed between third countries);

3) publish information on the application of export and/or import quotas, their volumes and effective periods, as well as on the distribution of import quota between third countries.

18. The Commission generally shall distribute import quotas between third countries following consultations with all major suppliers from third countries.

Major suppliers from third countries, for this purpose, shall refer to all suppliers with shares of 5 percent or more in the import of specific goods into the territory of the Union.

19. Should it be impossible to distribute import quotas in consultation with all major suppliers from third countries, the decision of the Commission on the distribution of the quotas between third countries shall be made with account of the volume of deliveries of goods from these countries in the preceding period.

20. The Commission may not establish any conditions or formalities that may prevent any third country from fully utilising the allocated import quota, provided that all respective goods are supplied during the effective period of the import quota.

21. The preceding period for determining the volume of deliveries of goods for the introduction of export and/or import quotas shall be selected by the Commission. As a rule, this period is taken equal to any previous 3 years for which information is available reflecting the actual volumes of export

and/or import. Should it be impossible to select a preceding period, export and/or import quotas shall be distributed on the basis of assessment of the most likely distribution of the actual volumes of export and/or import.

In this paragraph, the actual volumes of export and/or import refer to the volumes of export and/or import in the absence of any restrictions.

22. At the request of any third country interested in supplying goods, the Commission shall hold consultations with the country on the following:

1) the need for redistribution of import quota;

2) changing of the preceding period selected;

3) cancellation of any conditions, formalities or other provisions determined unilaterally in relation to the distribution of the import quota or its unrestricted use.

23. Shares of export and/or import quotas shall be distributed between the participants of foreign trade activities by the Member States on the basis of the method established by the Commission and based on the equality of participants of foreign trade activity in respect of shares of export and/or import quotas and non-discrimination on the grounds of the form of ownership, place of registration or market position.

24. Except for the distribution of import quota between third countries, it shall not be allowed to demand the use of licenses for the export and/or import of respective goods to and/or from any particular country.

25. In connection with the use of export and/or import quotas, the Commission shall:

1) at the request of a third country interested in the trade of certain type of goods, provide all information regarding the procedure for distribution of

export and/or import quotas, the mechanism of their distribution between the participants of foreign trade activities and the volumes of licensed quotas;

2) publish information on the total amount or value of the goods the export and/or import of which shall be allowed within a certain period of time in the future, as well as on the start and end dates of the effective period of export and/or import quotas and any changes thereof.

IV. Exclusive Right

26. Foreign trade activities may be restricted by granting the exclusive right.

27. Goods for the export and/or import of which the exclusive right is granted, as well as the procedure for determining by the Member States of participants of foreign trade activities to be granted such exclusive right shall be determined by the Commission.

The list of participants of foreign trade activities to be granted the exclusive right by the Member States based on the decision of the Commission shall be published on the official website of the Union on the Internet.

28. A decision to impose restrictions on foreign trade activities through the granting of the exclusive right shall be adopted by the Commission on proposal from a Member State.

The rationale for the introduction of the exclusive right shall include financial and economic calculations and other information confirming feasibility of the measure.

29. Participants of foreign trade activities who are granted the exclusive right by the Member States based on the decision of the Commission shall

conduct export and/or import transactions with respective goods based on the principle of non-discrimination and guided only by commercial considerations, including the purchase or sale terms, and shall adequately (in accordance with normal business practices) enable organisations of third countries to compete for participation in such purchases or sales.

30. Goods in respect of which participants of foreign trade activities are granted the exclusive right shall be exported and/or imported under exclusive licenses issued by the authorised authority.

V. Automatic Licensing (Surveillance)

31. In order to monitor the dynamics of export and/or import of certain types of goods, the Commission may impose automatic licensing (surveillance).

32. Automatic licensing (surveillance) shall be imposed by initiative of a Member State or the Commission.

The rationale for the introduction of automatic licensing (surveillance) shall contain information about the impossibility of tracking quantitative indicators of export and/or import of certain types of goods and changes thereof using other means.

33. A list of certain types of goods in respect of which automatic licensing (surveillance) is introduced, as well as the effective period of such automatic licensing (surveillance), shall be determined by the Commission.

The goods in respect of which automatic licensing (surveillance) is introduced shall be included in the common list of goods.

34. The goods in respect of which automatic licensing (surveillance) is introduced shall be exported and/or imported upon availability of permits issued by the authorised authority in the manner determined by the Commission.

35. Permits for the export and/or import of goods included in the common list of goods shall be issued in accordance with the rules set out in the Annex.

VI. Authorisation-Based Procedure

36. The authorisation-based procedure for the import and/or export of goods shall be implemented through the introduction of licensing or application of other administrative measures to regulate foreign trade activities.

37. All decision on the introduction, implementation and cancellation of the authorisation-based procedure shall be adopted by the Commission.

VII. General Exceptions

38. With regard to the import and/or export of certain types of goods, measures may be introduced, including on grounds other than those specified in sections III and IV of this Protocol, if these measures are:

1) required to comply with public morality or public order;

2) required to protect human life and health, the environment, animals and plants;

3) related to the export and/or import of gold or silver;

4) used for the protection of cultural values and cultural heritage;

5) required to prevent the exhaustion of non-renewable natural resources and are conducted simultaneously with restrictions on domestic production or consumption associated with the use of non-renewable natural resources;

6) related to a restriction of export of goods originating from the territories of the Member States in order to ensure a sufficient supply of such goods for the domestic manufacturing industry during periods of low domestic prices for such goods as compared to the world prices, as a result of the Government's stabilisation plan;

7) required for the acquisition or distribution of goods in cases of their general or local short supply;

8) required for the fulfilment of international obligations;

9) required for ensuring national defence and security;

10) required to ensure compliance with legal acts related to the application of customs legislation, environmental protection, intellectual property protection that are not inconsistent with the international obligations, and other legal acts.

39. The measures referred to in paragraph 38 of this Protocol shall be introduced on the basis of a respective decision of the Commission and may not serve as a means of arbitrary or unjustifiable discrimination of third countries, as well as a disguised restriction on foreign trade in goods.

40. For the purposes of introduction or cancellation of measures with regard to a certain type of goods on the grounds provided for by paragraph 38 of this Protocol, a Member State shall submit to the Commission documents containing information on the name of the product, its code in CN of FEA

EAEU, the nature of measures proposed and their expected duration as well as a rationale for the introduction or cancellation of such measures.

41. If the Commission refuses to impose measures proposed by a Member State on the grounds provided for by paragraph 38 of this Protocol, the Member State which initiated their introduction may introduce such measures unilaterally in accordance with section X of this Protocol.

VIII. External Financial Status Protection and Ensuring Balance-of-Payments Equilibrium

42. When importing certain types of goods, measures may be introduced, including on grounds other than those specified in sections III and IV of this Protocol, when it is required to protect the external financial status and ensure the balance-of-payments equilibrium.

These measures may be introduced only in case of a critical balance of payments when no other measures are able to stop the sharp deterioration of the status of settlements of foreign accounts.

43. All measures, including those introduced on grounds other than those specified in sections III and IV of this Protocol, may be imposed only if payments for the supply of imported goods are performed in the currencies in which the foreign exchange reserves of the Member States referred to in paragraph 44 of this Protocol are formed.

44. Any restrictions on import shall only be imposed to the extent required to prevent an imminent threat of a serious reduction in foreign exchange reserves of the Member States or to restore a reasonable growth rate of foreign exchange reserves of the Member States.

45. The Commission shall consider each proposal of a Member State to introduce the measures referred to in paragraph 42 of this Protocol.

46. If the Commission refuses to accept the proposal of a Member State to impose such measures, the Member State may decide to impose the measures specified in paragraph 42 of this Protocol unilaterally in accordance with section X of this Protocol.

IX. Licensing in Foreign Trade in Goods

47. Licensing shall be applied in the cases determined by the Commission to the export and/or import of certain types of goods, if the following is imposed in respect of such goods:

quantitative restrictions;

exclusive right;

authorisation-based procedure;

tariff quota;

import quotas as a safeguard measure.

Licensing shall be implemented through the issuance by the authorised authority to participants of foreign trade activities of licenses to export and/or import of goods.

Licenses issued by the authorised authority of a Member State shall be recognised by all other Member States.

48. Export and/or import licensing of goods included in the common list of goods shall be carried out in accordance with the rules provided for by the Annex to this Protocol.

49. Authorised authorities shall issue the following types of licenses:

single-use license;

general license;

exclusive license.

General and exclusive licenses shall be issued in cases determined by the Commission.

X. Unilateral Imposition of Measures

50. In exceptional cases, on the grounds specified in sections VII and VIII of this Protocol, the Member States in trade with third countries may unilaterally impose temporary measures, including on grounds other than those specified in sections III and IV of this Protocol.

51. A Member State introducing a temporary measure shall, in advance, but not later than 3 calendar days prior to the date of its introduction, notify the Commission thereof and submit a proposal to introduce this measure on the customs territory of the Union.

52. The Commission shall consider the proposal of the Member State to impose the temporary measure and may subsequently decide to impose this measure on the customs territory of the Union.

53. The validity period of such a measure in this case shall be established by the Commission.

54. If no decision to introduce the temporary measure on the customs territory of the Union is taken, the Commission shall inform the Member State that has introduced the temporary measure and the customs authorities of the Member States of the fact that the temporary measure shall be effective for up to 6 months from the date of its introduction.

55. Based on the notification on the introduction of a temporary measure received from a Member State, the Commission shall immediately inform the customs authorities of the Member States on the introduction of the temporary measure by one of the Member States, indicating:

1) the name of the regulatory legal act of the Member State governing the introduction of the temporary measure;

2) the name of the goods and its code in CN of FEA EAEU;

3) the date of the introduction of the temporary measure and its validity period.

56. Upon the receipt of the information specified in paragraph 55 of this Protocol, the customs authorities of the Member States shall not allow the following:

the export of the respective goods originating from the territory of the Member State that has applied the temporary measure, the details of which are contained in this information, without a license issued by the authorised authority of that Member State;

the import of the respective goods destined for the Member State that has applied the temporary measure, the details of which are contained in this information, without a license issued by the authorised authority of that Member State. In this case, the Member States that do not apply the temporary measure shall make the required efforts aimed at preventing the import of the respective goods into the territory of the Member State that has applied the temporary measure.

Annex
to the Protocol on Non-Tariff
Regulatory Measures
in Relation to Third Countries

Rules for
Issuing Licenses and Permits for the Export and/or Import of Goods

I. General Provisions

1. These Rules specify the procedure for issuing licenses and permits for the export and/or import of goods included in the common list of goods subject to non-tariff regulatory measures in trade with third countries.

2. These Rules use the terms defined in the Protocol on Non-Tariff Regulatory Measures in Relation to Third Countries (see Annex 7 to the Treaty on the Eurasian Economic Union), as well as the following terms:

"applicant" means a participant of foreign trade activities who submits the required documents to the authorised authority in order to execute a license or permit;

"completion of a license" means the actual import into the customs territory of the Union or export from the customs territory of the Union of goods cleared by the customs authorities upon presentation of an issued (executed) license.

3. For the issuance (execution) of license and duplicate license, the authorised authority shall charge the state fee (license fee) in the manner and amount stipulated by the legislation of the respective Member State.

4. Licenses and permits shall be issued for each good classified in CN of FEA EAEU subject to licensing or automatic licensing (surveillance).

5. Sample signatures of officials of the authorised authorities entitled to sign licenses and permits, as well as sample stamps of the authorised authorities shall be sent to the Commission for notifying customs authorities of the Member States.

6. Documents submitted for execution of a license or permit as well as documents confirming the completion of a license shall be stored by the authorised authorities for 3 years after the expiration date of the license or permit or after the date of the decision to cancel or suspend the license.

Thereafter, the documents shall be destroyed in accordance with the legislation of the Member State that has issued the license or permit.

7. The authorised authorities shall maintain data bases of licenses and permits issued and shall submit respective information to the Commission in the manner and time established by the Commission. The Commission shall submit data on the licenses issued to the customs authorities of the Member States.

II. License Issuance Procedure

8. Applications for licenses and licenses shall be executed in accordance with the instructions on the execution of applications for licenses to export and/or import certain types of goods and on the issuance such licenses, as approved by the Commission.

A license may be issued (executed) in the form of an electronic document according to the procedure approved by the Commission and, prior to its approval, in the procedure determined by the legislation of the Member State.

The structure and format of a license issued in the form of an electronic document shall be approved by the Commission and, prior to their approval, shall be determined in accordance with the legislation of the Member State.

9. The period of validity of a single-use license may not exceed 1 year from its effective date. The effective period of a single-use license may be limited to the duration of a foreign trade contract (agreement) or to the validity period of the document serving as the basis for the issuance of the license.

For all goods subject to active quantitative restrictions on export and/or import or import quota introduced as a safeguard measure, or tariff quotas, the validity period of the license shall end in the calendar year for which the quota is set.

The effective period of a general license may not exceed 1 year from its effective date, and for goods subject to active quantitative restrictions on export and/or import and tariff quotas, shall end in the calendar year for which the quota is set, unless otherwise provided by the Commission.

The effective period of an exclusive license shall be determined by the Commission on a case-by-case basis.

10. In order to execute a license, the applicant or its representative having a written confirmation of respective authority shall submit to the authorised authority the following documents and information:

1) a license application filled in and arranged in accordance with the instructions on the execution of applications for licenses to export and/or import certain types of goods and on the issuance such licenses (hereinafter – "the application");

2) an electronic copy of the application in a format approved by the Commission and, prior to its approval, in the procedure determined by the legislation of the Member State;

3) a copy of the foreign trade agreement (contract), annexes and/or amendments thereto (for a single-use license), and in the absence of a foreign trade agreement (contract), a copy of the document confirming the intent of the parties;

4) a copy of the document (information, if provided for by the legislation of the Member State) on registration with the tax authority or state registration;

5) a copy of the license for carrying out licensed activities or information on the availability of the license for licensed activities (if provided by the legislation of the Member State), if such activities are associated with the circulation of goods subject to licensing on the customs territory of the Union;

6) other documents (information) if determined by the decision of the Commission used as the basis for the introduction of licensing of respective goods.

11. Each page of copies of documents submitted shall be signed and sealed by the applicant, or copies of documents shall be bound and their last pages shall be signed and sealed by the applicant.

Documents submitted by the applicant shall be registered with the authorised authority.

The application and documents (information) may be submitted in electronic form in the procedure provided for by the legislation of the Member State. It shall be allowed to submit documents (information) in the form of scanned documents certified using electronic digital signatures of the applicant, if provided for by the legislation of the Member State.

The license shall be issued after the submission by the applicant of a document confirming payment of the state fee (license fee) charged for the issuance (arrangements) of the license in the procedure and amount provided for by the legislation of the Member State.

12. In cases provided for by the decision of the Commission, prior to its submission to the authorised authority, the application shall be sent by the applicant or the authorised authority, if provided for by the legislation of the Member State, for approval to the relevant executive authority of the Member State assigned by the Member State.

13. The license shall be issued or refused by the authorised authority on the basis of the documents specified in paragraph 10 of these Rules within 15 business days from the date of submission, unless otherwise determined by decision of the Commission.

14. Grounds for refusal of a license are:

1) presentation of incomplete or inaccurate information in the documents submitted by the applicant to obtain the license;

2) failure to comply with the requirements provided for by paragraphs 10-12 of these Rules;

3) cancellation or suspension of one or more documents that serve as the basis for issuance of the license;

4) violation of international obligations of the Member States, which may occur as a result of execution of the agreement (contract) for the implementation of which the license is requested;

5) exhaustion of the quota and tariff quota, or lack thereof (in the case of execution of a license for goods limited by quotas);

6) other grounds provided for by the act of the Commission.

15. Any decision to refuse to issue a license shall be motivated and submitted to the applicant in writing or in electronic form if it is provided by the decision of the Commission, and in the absence of such a decision, in accordance with the legislation of the Member State.

16. The authorised authority shall execute the original license to be issued to the applicant. Prior to the customs declaration of goods, the applicant shall submit the original license to the relevant customs authority, which, when placing the license under control, shall issue to the applicant a copy thereof with a stamp of the customs authority on placing under control.

If the authorised authority has issued (executed) a license in the form of an electronic document, the applicant shall not be required to submit the original license in hard copy to its domestic customs authority.

The procedure for the interaction between the authorised authorities and the customs authorities for controlling the completion of licenses issued in the form of electronic documents shall be determined by the legislation of the Member States.

17. It shall not be allowed to introduce changes in any licenses issued, including for technical reasons.

18. In case of changes in the founding documents of the applicant registered as a juridical person (a change of the legal form, name or location) or in the passport data of the applicant as natural person, the applicant shall request termination of the license issued and arrangements of a new license, providing an application and documents confirming these changes.

19. The authorised authority may decide to terminate or suspend any license in the following cases:

1) by request of the applicant submitted in writing or in electronic form, if provided for by the legislation of the Member State;

2) upon changes in the founding documents of the applicant registered as a juridical person (a change of the legal form, name or location) or changes in the passport data of the applicant as a natural person;

3) identification of false information in the documents submitted by the applicant in order to obtain the license;

4) termination or suspension of one or more documents that serve as the basis for issuance of the license;

5) violation of international obligations of the Member State in the performance of the agreement (contract), on the basis of which the license was issued;

6) revocation of a license for a licensed activity, if such activity is connected with the circulation of goods in respect of which licensing was introduced;

7) identification of any violations committed in the issuance of the license that resulted in the issuance of a licenses that should have been issued under the determined procedure;

8) non-observance by the license holder of any licensing conditions determined by international regulations or regulatory legal acts of the Member State;

9) availability of a respective judicial decision;

10) failure by the licensee to comply with paragraph 22 of these Rules.

20. A license shall be suspended on the date of the respective decision of the authorised authority.

A suspended license may be renewed by the authorised authority upon elimination of the causes for the suspension. Suspension of a license shall not constitute grounds for its extension.

The procedure for suspension or termination of licenses shall be determined by the Commission.

21. In case of loss of a license, the authorised authority shall, upon a written request of the applicant and payment of the state fee (license fee) in the procedure and amount provided by the legislation of the Member State, issue a duplicate license executed similarly to the original license and containing a 'Duplicate' entry.

An application stating the causes and circumstances of the loss of a license may be drawn up in any form.

The duplicate license shall be issued by the authorised authority within 5 business days from the date of the request.

22. Holders of general and exclusive licenses shall be required to submit to the authorised authority reports on the completion of the license on a quarterly basis, by the 15th day of the month following the reporting quarter.

Holders of single-use licenses shall within 15 calendar days after the expiration of the license submit to the authorised authority a certificate of completion of the license.

23. Upon de-registration of a license, the appropriate customs authority of a Member State shall issue to the applicant, on the basis of a written request, a certificate of completion of the license within 5 business days.

The form and procedure for issuing certificates shall be determined by the Commission.

24. Customs authorities shall present information on completion of licenses in electronic form directly to the authorised authority, if the presentation of such information by customs authorities is provided for by the legislation of the Member State.

If information on the completion of licenses is submitted by the customs authorities in electronic form directly to the authorised authority, license holders shall not be required to submit to the authorised authority the reports on and certificates of completion of licenses.

III. Permits Issuance Procedure

25. A permit shall be executed in accordance with the instructions on the execution of the permit for export and/or import of certain types of goods as approved by the Commission.

A permit may be issued (arranged) in the form of an electronic document according to the procedure approved by the Commission and, prior to its approval, in the procedure determined by the legislation of the Member State.

The structure and format of a permit issued in the form of an electronic document shall be approved by the Commission and, prior to their approval, shall be determined in accordance with the legislation of the Member State.

Permits issued by the authorised authority of a Member State shall be recognised by all other Member States.

26. The period for issuing a permit may not exceed 3 business days from the date of application.

Permits shall be issued without restriction to any participants of foreign trade activities on the basis of the following documents to be submitted to the authorised authority:

written application;

draft permit on paper;

an electronic copy of the draft permit in a format approved by the Commission and, prior to its approval, in the format determined by the legislation of the Member State;

27. The permit shall be limited to the calendar year in which the permit has been issued.

28. The authorised authority shall arrange the original permit to be issued to the participant of foreign trade activities or its representative upon presentation of a written confirmation of the respective authority.

Prior to the customs declaration of goods, the participant of foreign trade activities shall present the original permit to the relevant customs authority, which, when placing the permit under control, shall issue to the participant of foreign trade activities a copy thereof with a stamp of the customs authority on placing under control.

If the authorised authority has issued (arranged) a permit in the form of an electronic document, the participant of foreign trade activities shall not be required to present the original permit on paper to its domestic customs authority.

The procedure for the interaction between the authorised authorities and the customs authorities for controlling the completion of permits issued in the form of electronic documents shall be determined by the legislation of the Member States.

29. Issued permits may not be re-issued to other participants of foreign trade activities.

It shall not be allowed to introduce changes to any permits issued.

30. In case of loss of a permit, the authorised authority may, upon a respective written request of the participant of foreign trade activity, within 3 business days, issue a duplicate permit arranged similarly to the original and including a 'Duplicate' entry. The respective request shall state the causes and circumstances of the loss of the permit. The request may be drawn up in any form.