

confirming their commitment to further strengthen mutually beneficial and equal economic cooperation with other countries, international integration associations, and other international organisations,

taking into account the regulations, rules and principles of the World Trade Organisation,

confirming their commitment to the objectives and principles of the United Nations Charter and other universally recognised principles and regulations of international law,

have agreed as follows.

PART ONE ESTABLISHING THE EURASIAN ECONOMIC UNION

Section I GENERAL PROVISIONS

Article 1 Establishing the Eurasian Economic Union Legal Personality

1. The Parties hereby establish the Eurasian Economic Union (hereinafter “the Union”, “the EAEU”) ensuring free movement of goods, services, capital and labour within its borders, as well as coordinated, agreed or common policy in the economic sectors determined under this Treaty and international treaties within the Union.

2. The Union shall be an international organisation of regional economic integration and shall have international legal personality.

Article 2 Terms and Definitions

For the purposes of this Treaty, the terms below shall have the following meanings:

“harmonisation of legislation” means the approximation of legislation of the Member States aimed at establishing similar (comparable) legal regulations in certain spheres;

“Member States” means the states that are members of the Union and Parties to this Treaty;

“officials” means the nationals of the Member States appointed as Directors of Departments of the Eurasian Economic Commission, Deputy Directors of Departments of the Commission, and the Head of the Secretariat of the Court of the Union, Deputy Head of the Secretariat of the Court of the Union and advisers to judges of the Court of the Union;

“common economic space” means the space consisting of the territories of the Member States implementing similar (comparable) and uniform economy regulation mechanisms based on market principles and the application of harmonised or unified legal norms, and having a common infrastructure;

“common policy” means the policy implemented by the Member States in certain spheres as specified in this Treaty and envisaging the application of unified legal regulations by the Member States, including on the basis of decisions issued by Bodies of the Union within their powers;

“international treaties within the Union” means international treaties concluded between the Member States on issues related to the functioning and development of the Union;

“international treaties of the Union with a third party” means international treaties concluded with third countries, integration associations thereof and international organisations;

“single (common) market” means a set of economic relations within the Union ensuring the freedom of movement of goods, services, capital and labour;

“disposition” means an organisational and administrative document enacted by the Bodies of the Union;

“decision” means a regulatory document enacted by the Bodies of the Union;

“coordinated policy” means policy implying the cooperation between the Member States on the basis of common approaches approved within Bodies of the Union and required to achieve the objectives of the Union under this Treaty;

“agreed policy” means policy implemented by the Member States in various areas suggesting the harmonisation of legal regulations, including on the basis of decisions of the Bodies of the Union, to the extent required to achieve the objectives of the Union under this Treaty;

“employees” means nationals of the Member States employed in Bodies of the Union under concluded employment contracts (agreements), except for the officials;

“Customs Union” means a form of trade and economic integration of the Member States envisaging a common customs territory, within which no customs duties (other duties, taxes and fees having equivalent effect), non-tariff regulatory measures, safeguard, anti-dumping and countervailing measures shall be applied to the mutual trade, while applying the Common

Customs Tariff of the Eurasian Economic Union and common measures regulating foreign trade with a third party;

“third party” means a state which is not a member of the Union, an international organisation or an international integration association;

“unification of legislation” means the approximation of legislation of the Member States aimed at establishing identical mechanisms of legal regulation in certain spheres as specified in this Treaty.

Other terms and definitions used in this Treaty shall have the meanings provided for by the relevant Sections of this Treaty and its Annexes.

Section II

BASIC PRINCIPLES, OBJECTIVES, JURISDICTION AND LAW OF THE UNION

Article 3

Basic Principles of Functioning of the Union

The Union shall carry out its activities within the jurisdiction granted by the Member States in accordance with this Treaty, based on the following principles:

- respect for the universally recognised principles of international law, including the principles of sovereign equality of the Member States and their territorial integrity;

- respect for specific features of the political structures of the Member States;

- ensuring mutually beneficial cooperation, equality and respect for the national interests of the Parties;

- respect for the principles of market economy and fair competition;

ensuring the functioning of the Customs Union without exceptions and limitations after the transition period.

The Member States shall create favourable conditions to ensure proper functioning of the Union and shall refrain from any measures that might jeopardise the achievement of its objectives.

Article 4

Main Objectives of the Union

The main objectives of the Union shall be as follows:

to create proper conditions for sustainable economic development of the Member States in order to improve the living standards of their population;

to seek the creation of a common market for goods, services, capital and labour within the Union;

to ensure comprehensive modernisation, cooperation and competitiveness of national economies within the global economy.

Article 5

Jurisdiction

1. The Union shall have jurisdiction within the scope and limits determined under this Treaty and international treaties within the Union.

2. The Member States shall carry out coordinated or agreed policy within the scope and limits determined under this Treaty and international treaties within the Union.

3. In other spheres of the economy, the Member States shall seek to implement coordinated or agreed policy in accordance with the basic principles and objectives of the Union.

To this end, by decision of the Supreme Eurasian Economic Council, auxiliary authorities may be established (councils of state authorities' heads of the Parties, working groups, special commissions) in the relevant areas and/or the Eurasian Economic Commission may be instructed to coordinate the interaction between the Parties in their respective spheres.

Article 6 Law of the Union

1. The Law of the Union shall consist of the following:

this Treaty;

international treaties within the Union;

international treaties of the Union with a third party;

decisions and dispositions of the Supreme Eurasian Economic Council, the Eurasian Intergovernmental Council, and the Eurasian Economic Commission adopted within the powers provided for by this Treaty and international treaties within the Union.

Decisions of the Supreme Eurasian Economic Council and Eurasian Intergovernmental Council shall be enforceable by the Member States in the procedure provided for by their national legislation.

2. International treaties of the Union with a third party shall not contradict the basic objectives, principles and rules of the functioning of the Union.

3. In case of conflict between international treaties within the Union and this Treaty, this Treaty shall prevail.

Decisions and dispositions of the Union shall not be inconsistent with this Treaty and international treaties within the Union.

4. In case of conflict between decisions of the Supreme Eurasian Economic Council, the Eurasian Intergovernmental Council, or the Eurasian Economic Commission:

decisions of the Supreme Eurasian Economic Council shall prevail over decisions of the Eurasian Intergovernmental Council and the Eurasian Economic Commission;

decisions of the Eurasian Intergovernmental Council shall prevail over decisions of the Eurasian Economic Commission.

Article 7 International Activities of the Union

1. The Union shall be entitled to perform, within its jurisdiction, international activities aimed at addressing the challenges faced by the Union. As part of such activities, the Union shall have the right to engage in international cooperation with states, international organisations, and international integration associations and independently or jointly with the Member States conclude international treaties therewith on any matters within its jurisdiction.

The Procedure for the International Cooperation of the Union shall be determined by decision of the Supreme Eurasian Economic Council. All matters relating to the conclusion of international treaties of the Union with a third party shall be determined under an international treaty within the Union.

2. Negotiations on draft international treaties of the Union with a third party, as well as signing thereof, shall be conducted by decision of the Supreme Eurasian Economic Council upon completion of all internal legal procedures by the Member States.

The decision of the Union to give consent to be bound by an international treaty of the Union with a third party, termination/suspension of or withdrawal from an international treaty shall be adopted by the Supreme Eurasian Economic Council upon completion of all required internal legal procedures by the Member States.

Section III BODIES OF THE UNION

Article 8 Bodies of the Union

1. Bodies of the Union shall be represented by:

Supreme Eurasian Economic Council (hereinafter “the Supreme Council”);

Eurasian Intergovernmental Council (hereinafter “the Intergovernmental Council”);

Eurasian Economic Commission (hereinafter “the Commission”, “the EEC”);

Court of the Eurasian Economic Union (hereinafter “the Court of the Union”).

2. Bodies of the Union shall act within the powers accorded to them by this Treaty and international treaties within the Union.

3. Bodies of the Union shall act on the basis of the principles set forth in Article 3 of this Treaty.

4. Chairmanship of the Supreme Council, the Intergovernmental Council and the Commission shall be arranged on a rotational basis, in the

Russian alphabetic order, with one Member State chairing within 1 calendar year without the right of prolongation.

5. The terms of stay of the Union's Bodies on the territories of the Member States shall be set out in international treaties between the Union and the host states.

Article 9 Appointments in Structural Subdivisions of Permanent Bodies of the Union

1. The right to hold office in the structural subdivisions of Permanent Bodies of the Union shall be provided to nationals of the Member States having relevant specialised education and work experience.

2. Officials of a Department of the Commission may not be nationals of the same state. Candidates for these positions shall be selected by the EEC Competition Commission with regard to the principle of equal representation of the Parties. In order to participate in the competition for these positions, each candidate shall be nominated by a Council member of the Commission from the respective Party.

3. The selection of candidates for other positions in departments of the Commission shall be conducted by the EEC on a competitive basis, with due account of equity participation of the Parties in financing of the Commission.

4. The EEC Competition Commission for the selection of candidates for positions referred to in paragraph 2 of this Article shall be composed of all members of the Board of the Commission, excluding the Chairman of the Board of the Commission.

The EEC Competition Commission shall make decisions in the form of recommendations by a majority vote and submit them to the Chairman of the Board of the Commission for approval. If in respect of a particular candidate

the Chairman of the Board of the Commission decides contrary to the recommendation of the EEC Competition Commission, the Chairman of the Board of the Commission shall refer the issue to the Council of the Commission for a final decision.

The regulation on the EEC Competition Commission (including the rules of competition), its composition and required qualifications of candidates for the positions of Directors and Deputy Directors of the Departments of the Commission shall be approved by the Council of the Commission.

5. The procedure for the selection of candidates and appointment to the positions in the Administration of the Court of the Union shall be in accordance with the documents regulating activities of the Court of the Union.

Article 10 The Supreme Council

1. The Supreme Council shall be the supreme Body of the Union.
2. The Supreme Council shall consist of the heads of the Member States.

Article 11 Procedures of the Supreme Council

1. Meetings of the Supreme Council shall be held at least once a year.

In order to solve urgent issues of the Union, on the initiative of any Member State or the Chairman of the Supreme Council, extraordinary meetings of the Supreme Council may be convened.

2. Meetings of the Supreme Council shall be chaired by the Chairman of the Supreme Council.

The Chairman of the Supreme Council shall:

chair meetings of the Supreme Council;

organise the work of the Supreme Council;

generally manage the preparation of issues submitted to the Supreme Council for consideration.

In the event of early termination of powers of the Chairman of the Supreme Council, the new member of the Supreme Council of the presiding Member State shall exercise the powers of the Chairman of the Supreme Council in the remaining period.

3. Meetings of the Supreme Council may, at the invitation of the Chairman of the Supreme Council, be attended by members of the Council of the Commission, Chairman of the Board of the Commission, and other invited persons.

The list of participants and the format of meetings of the Supreme Council shall be determined by the Chairman of the Supreme Council in consultation with its members.

The agenda for each meeting of the Supreme Council shall be arranged by the Commission based on proposals made by the Member States.

The issue as to the presence of accredited media representatives at meetings of the Supreme Council shall be decided on by the Chairman of the Supreme Council.

4. The procedure for the organisation of meetings of the Supreme Council shall be approved by the Supreme Council.

5. Organisational, information and logistics support in preparation of and holding meetings of the Supreme Council shall be provided by the Commission with the assistance of the host Member State. Financial support of meetings of the Supreme Council shall be provided from the budget of the Union.

Article 12

Powers of the Supreme Council

1. The Supreme Council shall consider the main issues of the Union's activities, define the strategy, directions and prospects of the integration development and make decisions aimed at implementing the objectives of the Union.

2. The Supreme Council shall have the following basic powers:

1) to determine the strategy, directions and prospects for the formation and development of the Union and make decisions aimed at implementing the objectives of the Union;

2) to approve the composition of the Board of the Commission, distribute responsibilities among Board of the Commission members and terminate their powers;

3) to appoint the Chairman of the Board of the Commission and decide on early termination of his/her powers;

4) to appoint judges of the Court of the Union on the recommendation of the Member States;

5) to approve the Rules of Procedure of the Eurasian Economic Commission;

6) to approve the Budget of the Union, the Regulation on the Budget of the Eurasian Economic Union and the report on implementation of the Budget of the Union;

7) to determine the amount (scale) of contributions of the Member States into the Budget of the Union;

8) to consider, on the proposal of a Member State, any issues relating to the cancellation or amendment of decisions adopted by the Intergovernmental Council or the Commission, subject to paragraph 7 of Article 16;

9) to consider, on the proposal of the Intergovernmental Council or the Commission, any issues on which no consensus was reached in decision-making;

10) to make requests to the Court of the Union;

11) to approve the procedure for verifying authenticity and completeness of information on the income, property and property obligations of judges of the Court of the Union, officials and employees of the Administration of the Court of the Union and their family members;

12) to determine the procedure for admission of new members to the Union and termination of membership in the Union;

13) to decide on granting or revocation of an observer status or the status of a candidate country for accession to the Union;

14) to approve the Procedure for International Cooperation of the Eurasian Economic Union;

15) to decide on negotiations with a third party on behalf of the Union, including on the conclusion of international treaties with the Union and empowerment to negotiate, as well as the expression of consent of the Union to be bound by an international treaty with a third party, termination/suspension of or withdrawal from an international treaty;

16) to approve the total staffing of Bodies of the Union and the parameters of representation of officials from amongst the nationals of the Member States in Bodies of the Union presented by the Member States on a competitive basis;

17) to approve the procedure for remuneration of members of the Board of the Commission, judges of the Court of the Union, officials and employees of Bodies of the Union;

18) to approve the Regulation on External Audit (Control) in Bodies of the Eurasian Economic Union;

19) to review the results of external audit (control) in Bodies of the Union;

20) to approve symbols of the Union;

21) to issue instructions to the Intergovernmental Council and the Commission;

22) to decide on the establishment of the auxiliary bodies in the relevant areas;

23) to exercise other powers provided for by this Treaty and international treaties within the Union.

Article 13
Decisions and Dispositions of the Supreme Council

1. The Supreme Council shall issue decisions and dispositions.
2. Decisions and dispositions of the Supreme Council shall be adopted by consensus.

Decisions of the Supreme Council related to the termination of membership of a Member State in the Union shall be taken on the principle of “consensus minus the vote of the Member State declaring its intent to terminate its membership in the Union”.

Article 14
Intergovernmental Council

The Intergovernmental Council shall be a Body of the Union consisting of the heads of governments of the Member States.

Article 15
Procedure of the Intergovernmental Council

1. Meetings of the Intergovernmental Council shall be held as necessary, but at least twice a year.

In order to solve urgent issues of the Union, by initiative of any Member State or the Chairman of the Intergovernmental Council, extraordinary meetings of the Intergovernmental Council may be convened.

2. Meetings of the Intergovernmental Council shall be chaired by the Chairman of the Intergovernmental Council.

The Chairman of the Intergovernmental Council shall:

chair meetings of the Intergovernmental Council;
organise the work of the Intergovernmental Council;
generally manage the preparation of issues submitted to the Intergovernmental Council for consideration.

In the event of early termination of powers of the Chairman of the Intergovernmental Council, the new member of the Intergovernmental Council of the presiding Member State shall exercise the powers of the Chairman of the Intergovernmental Council in the remaining period.

3. Meetings of the Intergovernmental Council may, at the invitation of the Chairman of the Intergovernmental Council, be attended by members of the Council of the Commission, Chairman of the Board of the Commission, and other invited persons.

The list of participants and the format of meetings of the Intergovernmental Council shall be determined by the Chairman of the Intergovernmental Council in consultation with its members.

The agenda for each meeting of the Intergovernmental Council shall be arranged by the Commission based on proposals made by the Member States.

The issue as to the presence of accredited media representatives at meetings of the Intergovernmental Council shall be decided on by the Chairman of the Intergovernmental Council.

4. The procedure for the organisation of meetings of the Intergovernmental Council shall be approved by the Intergovernmental Council.

5. Organisational, information and logistical support in preparation of and holding meetings of the Intergovernmental Council shall be provided by the Commission with the assistance of the host Member State. Financial

support of meetings of the Intergovernmental Council shall be provided from the budget of the Union.

Article 16 Powers of the Intergovernmental Council

The Intergovernmental Council shall have the following basic powers:

- 1) to ensure implementation and control the performance of this Treaty, international treaties within the Union and decisions of the Supreme Council;
- 2) to consider, on the proposal of the Council of the Commission, any issues for which no consensus was reached during decision-making in the Council of the Commission;
- 3) to issue instructions to the Commission;
- 4) to present candidates for members of the Council and the Board of the Commission to the Supreme Council;
- 5) to approve the drafts of the Budget of the Union, the Regulation on the Budget of the Eurasian Economic Union and the report on implementation of the Budget of the Union;
- 6) to approve the Regulation on the audit of financial and economic activity of the Eurasian Economic Union's Bodies, standards and methodology for conducting audits of financial and economic activities of the Bodies of the Union, to decide on the execution of audits of financial and economic activities of the Bodies of the Union and to determine their time periods;
- 7) to consider, when proposed by a Member State, any issues relating to the cancellation or amendment of a decision issued by the Commission, or, in case no agreement is reached, to refer them to the Supreme Council;

8) to decide on suspension of decisions of the Council or the Board of the Commission;

9) to approve the procedure for verifying authenticity and completeness of information on the income, property and property obligations of members of the Board of the Commission, officials and employees of the Commission and their family members;

10) to exercise other powers provided for by this Treaty and international treaties within the Union.

Article 17

Decisions and Dispositions of the Intergovernmental Council

1. The Intergovernmental Council shall issue decisions and dispositions.

2. Decisions and dispositions of the Intergovernmental Council shall be adopted by consensus.

Article 18

Commission

1. The Commission shall be a permanent governing Body of the Union. The Commission shall consist of a Council and a Board.

2. The Commission shall issue decisions, dispositions and recommendations.

Decisions, dispositions and recommendations of the Council of the Commission shall be taken by consensus.

Decisions, dispositions and recommendations of the Board of the Commission shall be taken by a qualified majority or consensus.

The Supreme Council shall compile a list of sensitive issues to be resolved by the Board of the Commission by consensus.

In this case, a two-thirds qualified majority of votes of all members of the Board of the Commission shall be required.

3. The status, tasks, composition, functions, powers and procedures of the Commission shall be determined in accordance with Annex 1 to this Treaty.

4. The place of stay of the Commission shall be the city of Moscow, Russian Federation.

Article 19 The Court of the Union

1. The Court of the Union shall be a permanent judicial Body of the Union.

2. The status, composition, jurisdiction, functioning and formation procedures of the Court of the Union shall be determined by the Statute of the Court of the Eurasian Economic Union in accordance with Annex 2 to this Treaty.

3. The place of stay of the Court of the Union shall be the city of Minsk, Belarus.

Section IV THE BUDGET OF THE UNION

Article 20 The Budget of the Union

1. Activities of the Bodies of the Union shall be funded from the Budget of the Union to be formed in the procedure determined by the Regulation on the Budget of the Eurasian Economic Union.

The Budget of the Union for the next fiscal year shall be compiled in Russian roubles using assessed contributions by the Member States. The amount (scale) of a contribution of each Member State to the budget of the Union shall be determined by the Supreme Council.

The Budget of the Union shall be balanced in terms of income and expenditures. The fiscal year shall begin on January, 1 and end on December, 31 .

2. The Budget of the Union and the Regulation on the Budget of the Eurasian Economic Union shall be approved by the Supreme Council.

Any amendments to the Budget of the Union and the Regulation on the Budget of the Eurasian Economic Union shall be introduced by the Supreme Council.

Article 21 Audit of Financial and Economic Activities of the Bodies of the Union

In order to oversee the implementation of the Budget of the Union, financial and economic activities of the Bodies of the Union shall be audited at least once every 2 years.

Inspections regarding any specific issues of financial and economic activities of the Bodies of the Union may be conducted on the initiative of any Member State.

Audit of financial and economic activities of the Bodies of the Union shall be performed by an audit group consisting of representatives of state financial authorities of the Member States.

Results of the audit of financial and economic activities of the Bodies of the Union shall be referred in the determined procedure for consideration to the Intergovernmental Council.

Article 22 External Audit (Control)

External audit (control) shall be carried out in order to determine the efficiency of the formation, management and disposal of the funds of the budget of the Union and the efficiency of the use of its property and other assets. External audit (control) shall be conducted by a group of inspectors consisting of representatives of supreme state financial authorities of the Member States. Standards and methodology of external audit (control) shall be jointly determined by supreme state financial authorities of the Member States.

Results of external audit (control) in the Bodies of the Union shall be referred in the determined procedure for consideration to the Supreme Council.