

PART FOUR
TRANSITIONAL AND FINAL PROVISIONS

Section XXVII
TRANSITIONAL PROVISIONS

Article 99
General Transitional Provisions

1. International treaties of the Member States concluded in the establishment of the legal framework of the Customs Union and the Common Economic Space and effective on the date of entry into force of this Treaty shall form part of the Union law as international treaties within the Union and shall be applied to the extent not inconsistent with this Treaty.

2. Decisions of the Supreme Eurasian Economic Council at the level of heads of states, the Supreme Eurasian Economic Council at the level of heads of governments and the Eurasian Economic Commission effective on the date of entry into force of this Treaty shall remain in force and shall be applied to the extent not inconsistent with this Treaty.

3. Starting from the effective date of this Treaty:

all functions and powers of the Supreme Eurasian Economic Council at the level of heads of states and the Supreme Eurasian Economic Council at the level of heads of governments effective in accordance with the Treaty on the Eurasian Economic Commission of November 18, 2011 shall be carried out by the Supreme Council and the Intergovernmental Council, respectively, in accordance with this Treaty;

The Eurasian Economic Commission established in accordance with the Treaty on the Eurasian Economic Commission of November 18, 2011, shall operate in accordance with this Treaty;

members of the Board of the Commission appointed prior to the entry into force of this Treaty shall continue in office until the expiration of their official term of office;

the Directors and Deputy Directors of departments employment contracts with which have been concluded before the entry into force of this Treaty shall continue in office until the expiration of the period specified in their employment contracts;

vacancies in the structural subdivisions of the Commission shall be filled as provided for by this Treaty.

4. Respective international treaties listed in Annex 31 to this Treaty shall also apply within the Union.

Article 100

Transitional Provisions for Section VII

1. The common market of medicines within the Union shall function starting from January 1, 2016, in accordance with an international treaty within the Union outlining the common principles and rules for the circulation of medicines to be signed by the Member States not later than January 1, 2015.

2. The common market of medical devices (medical products and equipment) within the Union shall function starting from January 1, 2016, in accordance with an international treaty within the Union determining the common principles and rules for the circulation of medical devices (medical products and equipment) to be signed by the Member States not later than January 1, 2015.

Article 101
Transitional Provisions for Section VIII

1. Prior to the entry into force of the Customs Code of the Eurasian Economic Union, customs regulations within the Union shall be in accordance with the Treaty on the Customs Code of the Customs Union of November 27, 2009, and other international treaties of the Member States concluded in the establishment of the legal framework of the Customs Union and the Common Economic Space governing the customs relations and forming part of the Union law in accordance with Article 99 of this Treaty, subject to the provisions of this Article.

2. For the purposes of the application of international treaties referred to in paragraph 1 of this Article, the terms used shall have the following meanings:

“Member States of the Customs Union” means the Member States within the meaning of this Treaty;

“common customs territory of the Customs Union (customs territory of the Customs Union)” means the customs territory of the Union;

“Single Commodity Nomenclature of Foreign Economic Activity of the Customs Union (Foreign Economic Activity Commodity Nomenclature)” means a Single Foreign Economic Activity Commodity Nomenclature of the Eurasian Economic Union;

“Common Customs Tariff of the Customs Union” means the Common Customs Tariff of the Eurasian Economic Union;

“Commission of the Customs Union” means the Eurasian Economic Commission;

“international treaties of the Member States of the Customs Union” means international treaties within the Union, including international agreements of the Member States that form part of the Union law in accordance with Article 99 of this Treaty;

“customs border of the Customs Union” (customs border)” means the customs border of the Eurasian Economic Union;

“good of the Customs Union” means the good of the Eurasian Economic Union.

3. For the purposes of the application of international treaties referred to in paragraph 1 of this Article, the prohibitions and restrictions shall include non-tariff regulatory measures (also those imposed on the basis of general exceptions, for the protection of the external financial position and for unilaterally ensuring a balance of payments), technical regulation measures, export control measures and measures for military products, as well as sanitary, veterinary-sanitary and phytosanitary quarantine measures and radiation requirements applied in respect of goods transported through the customs border of the Union.

The measures determined by Articles 46 and 47 of this Treaty shall relate to non-tariff regulatory measures, introduced inter alia on the basis of general exceptions, the protection of the external financial position and unilaterally ensuring a balance of payments.

Provisions of the international treaties referred to in paragraph 1 of this Article, except for paragraphs 3 and 4 of Article 3 of the Customs Code of the Customs Union on the definition and application (non-application) of prohibitions and restrictions, shall not apply.

In the movement of goods across the customs border of the Union, including goods for personal use, and/or in customs clearance of goods, compliance with the prohibitions and restrictions shall be confirmed in the cases and procedure determined by the Commission or regulatory legal acts of the Member States in accordance with this Treaty or determined in accordance with the legislation of the Member States, by submission of documents and/or information demonstrating compliance with the prohibitions and restrictions.

Veterinary-sanitary, phytosanitary quarantine, sanitary and epidemiological, radiation and other forms of state control (supervision) when moving goods across the customs border of the Union shall be performed and documented in accordance with this Treaty, or acts of the Commission or regulations of the Member States adopted pursuant thereto, or in accordance with the legislation of the Member States.

4. Article 51 of the Customs Code of the Customs Union regarding the maintenance of the Common Foreign Economic Activity Commodity Nomenclature of the Customs Union shall be applied subject to the provisions of Article 45 of this Treaty.

5. Chapter 7 of the Customs Code of the Customs Union shall be applied subject to the provisions of Article 37 of this Treaty.

6. Paragraph 2 of Article 70 of the Customs Code of the Customs Union shall not be applicable.

Safeguard, anti-dumping, and countervailing duties shall be set in accordance with the provisions of this Treaty and shall be collected in the procedure provided for by the Customs Code of the Customs Union for the

collection of customs duties, subject to the provisions of Articles 48 and 49 of this Treaty, as well as with account of the following.

Safeguard, anti-dumping, and countervailing duties shall be payable in case of customs clearance of goods when its terms, pursuant to the international treaties referred to in paragraph 1 of this Article, require compliance with the restrictions with the use of safeguard, anti-dumping and countervailing measures.

The calculation of safeguard, anti-dumping and countervailing duties, the emergence and termination of the obligations to pay these duties, the timing and procedure of their payment shall be as set out in the Customs Code of the Customs Union for import customs duties, with into account of specific features determined by this Treaty.

In case of application of anti-dumping or countervailing duties in accordance with paragraphs 104 and 169 of the Protocol on the application of safeguard, anti-dumping and countervailing measures in relation to third countries (Annex 8 to this Treaty), anti-dumping and countervailing duties shall be payable not later than within 30 business days from the effective date of the decision of the Commission on the application of the anti-dumping or countervailing duties and shall be transferred and distributed in the procedure determined in the annex to the said Protocol.

The timing of payment of safeguard, anti-dumping and countervailing duties may not be changed to deferred payments or payment in instalments.

In case of non-payment or partial payment of safeguard, anti-dumping or countervailing duties within the determined period, they shall be recovered in the procedure provided for the import customs duties in the legislation of a Member State, the customs authorities of which perform the collection of

customs duties and taxes with the imposition of penalties. The procedure of calculation, payment, collection and recovery of penalties is similar to the procedure determined for penalties paid or recovered due to non-payment or partial payment of import customs duties.

The provisions of this paragraph shall be applied to the calculation, payment and collection of provisional safeguard, provisional anti-dumping and provisional countervailing duties.

7. Article 74 of the Customs Code of the Customs Union regarding tariff exemptions shall be applied subject to the provisions of Article 43 of this Treaty.

8. The second part of paragraph 2 of Article 77 of the Customs Code of the Customs Union shall not be applicable.

For the purposes of calculation of export customs duties, the rates shall be applied as provided by the legislation of the Member State on the territory of which the goods are cleared in the customs or on the territory of which illegal movement of goods across the customs border of the Union is detected, unless otherwise determined under international treaties within the Union and/or bilateral international treaties between the Member States.

Article 102 Transitional Provisions for Section IX

1. Notwithstanding the provisions of Article 35 of this Treaty, the Member States may unilaterally grant preferences in trade with a third party on the basis of an international treaty concluded by the respective Member State with such a third party before January 1, 2015 or an international treaty to which all the Member States are participants.

The Member States shall unify all treaties that imply granting preferences.

2. Following revision of safeguard, anti-dumping and countervailing measures in force in accordance with the legislation of the Member States, such measures adopted in respect of goods imported into the customs territory of the Union shall be applied until the expiration of the period determined for them by the appropriate decision of the Commission and may be subject to review in accordance with the provisions of Section IX of this Treaty and Annex 8 to this Treaty.

3. For the purposes of implementing the provisions of Article 36 of this Treaty before the entry into force of a decision of the Commission determining the conditions for the application and procedure for the common system of tariff preferences of the Union in respect of goods originating from developing countries and/or least developed countries, the Protocol on the Common System of Tariff Preferences of the Customs Union of December 12, 2008 shall be applied.

4. Prior to the entry into force of a Commission's decision determining the rules for identification of the origin of goods stipulated in paragraph 2 of Article 37 of this Treaty, the Agreement on the common rules for determining the country of origin of goods of January 25, 2008, shall be applied.

5. Prior to the entry into force of a Commission's decision determining the rules for identification of the origin of goods stipulated in paragraph 3 of Article 37 of this Treaty, the Agreement on the rules for determining the origin of goods from developing and least developed countries of December 12, 2008 shall be applied.

Article 103
Transitional Provisions for Section XVI

1. In order to achieve the objectives set out in paragraph 1 of Article 70 of this Treaty, the Member States shall have completed the harmonisation of their legislation in the sphere of financial markets by 2025 in accordance with an international treaty within the Union and the Protocol on Financial Services (Annex 17 to this Treaty).

2. After the harmonisation of legislation in the sphere of financial markets, the Member States shall decide on the powers and functions of a supranational authority to regulate financial markets and shall establish the authority to be located in the city of Almaty in 2025.

Article 104
Transitional Provisions for Section XX

1. In order to ensure the development of indicative (projected) balances of gas, oil and petroleum products of the Union, contributing to the efficient use of the aggregate energy potential and optimisation of interstate supplies of energy resources, authorised authorities of the Member States shall draft and approve the methodology for preparing indicative (projected) balances of gas, oil and petroleum products before July 1, 2015.

2. In order to create the common electric power market of the Union, the Supreme Council shall approve its concept prior to July 1, 2015, and the programme for its creation before July 1, 2016, providing a time frame for the implementation of the programme until July 1, 2018.

3. Upon completion of the programme for the creation of the common electric power market of the Union, the Member States shall conclude an

international agreement within the Union on the establishment of the common electric power market of the Union, including the common rules of access to the services of natural monopoly entity in the electrical power sector, and shall ensure its entry into force no later than on July 1, 2019.

4. In order to create the common gas market of the Union, the Supreme Council shall approve its concept prior to January 1, 2016, and the programme for its creation before January 1, 2018, providing a time frame for the implementation of the programme until January 1, 2024.

5. Upon completion of the programme for the creation of the common gas market of the Union, the Member States shall conclude an international treaty within the Union on the establishment of the common gas market of the Union, including the common rules of access to gas transportation systems located on the territories of the Member States, and shall ensure its entry into force no later than on January 1, 2025.

6. In order to create the common markets of oil and petroleum products of the Union, the Supreme Council shall approve their concept prior to January 1, 2016, and the programme for their creation before January 1, 2018, providing a time frame for the implementation of the programme until January 1, 2024.

7. Upon completion of the programme for the creation of common markets of oil and petroleum products of the Union, the Member States shall conclude an international treaty within the Union on the establishment of the common markets of oil and petroleum products of the Union, including the common rules of access to oil and petroleum products transportation systems located on the territories of the Member States, and shall ensure its entry into force no later than on January 1, 2025.

8. The Protocol on the access to services of natural monopoly entities in the electrical power sector, including fundamental pricing and tariff policy (Annex 21 to this Treaty) shall be valid until the entry into force of the international treaty referred to in paragraph 3 of this Article.

9. The Protocol on the rules of access to services of natural monopoly entities in the sphere of gas transportation using gas transportation systems, including fundamental pricing and tariff policy (Annex 22 to this Treaty) shall be valid until the entry into force of the international treaty referred to in paragraph 5 of this Article.

10. The Protocol on the organisation, management, functioning and development of the common markets of oil and petroleum products (Annex 23 to this Treaty) shall be valid until the entry into force of the international treaty referred in paragraph 7 of this Article.

Article 105

Transitional Provisions for Section XXIV

1. The Member States shall ensure the entry into force of the international treaty within the Union referred to in paragraph 7 of the Protocol on the common rules for the provision of industrial subsidies (Annex 28 to this Treaty) on January 1, 2017.

Starting from the date of entry into force of the international treaty, the provisions of sub-paragraphs 3 and 4 of paragraph 6 of Article 93 of this Treaty and paragraphs 6, 15, 20, 87 and 97 of the Protocol on the common rules for the provision of industrial subsidies (Annex 28 to this Treaty) shall come into force.

2. The provisions of Article 93 of this Treaty and the Protocol on the common rules for the provision of industrial subsidies (Annex 28 to this Treaty) shall not apply to subsidies granted on the territories of the Member States before January 1, 2012.

Article 106 Transitional Provisions for Section XXV

1. With respect to the provisions of the first indent of paragraph 8 of the Protocol on measures of state support for agriculture (Annex 29 to this Treaty), a transitional period until 2016 shall be determined for the Republic of Belarus, during which the Republic of Belarus shall be committed to reduce the allowed amount of state support for agriculture as follows:

in 2015 – by 12 percent;

in 2016 – by 10 percent.

2. The methodology for calculating the permitted level of support measures affecting the trade, stipulated in the second indent of paragraph 8 of the Protocol on measures of state support for agriculture (Annex 29 to this Treaty), shall be developed and approved before January 1, 2016.

3. Obligations stipulated in the third indent of paragraph 8 of the Protocol on measures of state support for agriculture (Annex 29 to this Treaty) shall enter into force for the Republic of Belarus not later than on January 1, 2025.

Section XXVIII FINAL PROVISIONS

Article 107 Social Guarantees, Privileges and Immunities

On the territory of each Member State of the Union, all members of the Council of the Commission and Board, judges of the Court of the Union, officials and employees of the Commission and the Court of the Union shall enjoy all social guarantees, privileges and immunities required for the implementation of their powers and service duties. The scope of these social guarantees, privileges and immunities shall be determined in accordance with Annex 32 to this Treaty.

Article 108 Accession to the Union

1. The Union shall be open for accession to any state sharing its objectives and principles on the terms agreed upon by the Member States.

2. In order to obtain the status of a candidate state for accession to the Union, the state concerned shall send a corresponding appeal to the Chairman of the Supreme Council.

3. The decision on granting a state the status of a candidate for accession to the Union shall be made by the Supreme Council by consensus.

4. Based on the decision of the Supreme Council, a working group shall be formed consisting of representatives of the candidate state, the Member States and Bodies of the Union (hereinafter “the working group”) for examining the degree of preparation of the candidate to assume the obligations resulting from the law of the Union, drafting an action

programme for accession of the candidate state to the Eurasian Economic Union, as well as for drafting an international agreement on the accession of the state to the Union, which shall determine the extent of the rights and obligations of the candidate state, as well as the format of its participation in the work of the Bodies of the Union.

5. The action programme for the accession of a candidate state to the Eurasian Economic Union shall be approved by the Supreme Council.

6. The working group shall regularly submit to the Supreme Council a report on the implementation of the action programme by the candidate for its accession to the Eurasian Economic Union. When the working group concludes that the candidate has fulfilled the obligations arising from the law of the Union in full, the Supreme Council shall adopt a decision on the signing an international agreement of accession to the Union with the candidate state. This agreement shall be subject to ratification.

Article 109 Observer States

1. Any state may request the Chairman of the Supreme Council for the provision of the status of an observer state within the Union.

2. The decision to grant or refuse the observer status within the Union shall be made by the Supreme Council in the interests of integration development and achievement of the objectives of this Treaty.

3. Authorised representatives of an observer state of the Union may be present at meetings of the Bodies of the Union by invitation and obtain those documents adopted by the Union that do not contain any confidential information.

4. The observer status within the Union shall not entitle any state to participate in decision-making process conducted by Bodies of the Union.

5. Any state obtaining the observer status within the Union shall be obliged to refrain from any action that may infringe the interests of the Union and its Member States, as well as the object and purpose of this Treaty.

Article 110

Working Language of the Bodies of the Union.

Language of International Treaties within the Union and Decisions of the Commission

1. Russian language shall be the working language of the Bodies of the Union.

2. International treaties within the Union and decisions of the Commission that are binding on the Member States shall be adopted in Russian with subsequent translation into the official languages of the Member States, if it is provided for by their legislation, in the procedure determined by the Commission.

Translations of documents into national languages of the Member States shall be performed at the expense of the funds allocated in the budget of the Union for this purpose.

3. In case of conflicts between versions of international treaties and decisions referred to in paragraph 2 of this Article with regard to their interpretation, the Russian version shall prevail.

Article 111
Access and Publication

1. International treaties within the Union, international treaties with a third party and decisions of the Bodies of the Union shall be officially posted on the official website of the Union in the procedure determined by the Intergovernmental Council.

The date of posting a decision of a Body of the Union on the official website of the Union on the Internet shall be deemed the date of its official publication.

2. No decision referred to in paragraph 1 of this Article shall enter into force before its official publication.

3. Each decision of the Bodies of the Union shall be forwarded to the Member States no later than within 3 calendar days from the date of the decision.

4. Bodies of the Union shall ensure preliminary publication of draft decisions on the official website of the Union on the Internet at least 30 calendar days prior to the planned adoption date. Draft decisions of the Bodies of the Union taken in exceptional cases requiring a rapid response may be published under other terms.

All interested persons may submit to the Bodies their comments and suggestions.

The procedures for the collection, analysis and consideration of such comments and suggestions shall be set out in the operating rules of the relevant Bodies of the Union.

5. It shall not be required to officially publish draft and final decisions of the Bodies of the Union containing classified information.

6. The provisions of this Article shall not apply to decisions of the Court of the Union, the entry into force and publication of which shall be governed by the Statute of the Court of the Eurasian Economic Union (Annex 2 to this Treaty).

7. The provisions of paragraph 4 of this Article shall not apply to decisions of the Bodies of the Union in cases where preliminary publication of drafts decisions may prevent their execution or is otherwise contrary to the public interest.

Article 112 Settlement of Disputes

Any disputes relating to the interpretation and/or application of provisions of this Treaty shall be settled through consultations and negotiations.

If no agreement is reached within 3 months from the date the formal written request for consultations and negotiations sent by one party to another party to the dispute, unless otherwise provided for by the Statute of the Court of the Eurasian Economic Union (Annex 2 to this Treaty), the dispute may be referred by either party to the Court of the Union, if the parties do not agree on the use of other resolution procedures.

Article 113 Entry of the Treaty into Force

This Treaty shall enter into force on the date of receipt by the depositary of the last written notification of the fulfilment by the Member States of the internal legal procedures required for its entry into force.

Upon the entry into force of this Treaty, all international treaties concluded within the establishment of the Customs Union and the Common Economic Space shall be terminated, according to Annex 33 to this Treaty.

Article 114
Correlation between this Treaty
and other International Treaties

1. This Treaty shall not preclude the conclusion by the Member States of international treaties that are not inconsistent with the objectives and principles of this Treaty.

2. Bilateral international treaties between the Member States envisaging deeper integration as compared to the provisions of this Treaty or international treaties within the Union or stipulating any additional benefits for their natural and/or juridical persons shall be applied in the relations between the contracting states and may be concluded only provided that they do not affect the their rights and obligations and rights and obligations of other Member States under this Treaty and international treaties within the Union.

Article 115
Amendments to the Treaty

This Treaty may be amended and supplemented in the form of protocols which shall form an integral part of this Treaty.

Article 116
Treaty Registration with the Secretariat
of the United Nations

This Treaty shall be registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter of the United Nations.

Article 117
Reservations

No reservations to this Treaty shall be allowed.

Article 118
Withdrawal from Treaty

1. Any Member State may withdraw from this Treaty by sending to the Depositary of this Treaty via diplomatic channels a written notice of its intention to withdraw from this Treaty. The effect of this Treaty in respect of such state shall cease after 12 months from the date of receipt of the notice by the Depositary of this Treaty.

2. A Member State which has notified in accordance with paragraph 1 of this Article its intention to withdraw from this Treaty shall be obliged to settle all financial obligations incurred in connection with its participation in this Treaty. This obligation shall remain in force even after the withdrawal of the state from this Treaty, until its full implementation.

3. On the basis of the notice referred to in paragraph 1 of this Article, the Supreme Council shall decide to begin the process of settlement of obligations arising in connection with the participation of a Member State in this Treaty.

4. Withdrawal from this Treaty automatically entails termination of membership in the Union and withdrawal from all international treaties within the Union.

This Treaty is executed in the city of Astana on May 29, 2014, in a single copy in Belarusian, Kazakh and Russian languages, all texts being equally authentic.

In case of divergence of interpretations of the Treaty, the text in the Russian language shall prevail.

The original of this Treaty shall be stored by the Eurasian Economic Commission, which, being the Depositary of this Treaty, shall send each Party a certified copy thereof.

**For the Republic of
Belarus**

**For the Republic of
Kazakhstan**

**For the Russian
Federation**