

4. Regulation of protection and enforcement of intellectual property rights, including legal regime with regard to specific objects of intellectual property shall be provided in the Annex No. 26 to the present Treaty.

Article 91

Enforcement

1. Member States shall perform enforcement measures on effective protection of intellectual property rights.

2. Member States shall perform activity on enforcement with regard to objects of intellectual property rights, including those measures provided in the Customs Code of the Eurasian Economic Union and international treaties and acts of the EAEU on customs regulations.

3. Member States shall provide cooperation and interaction of competent authorities of member States in the sphere of enforcement of intellectual property with the purpose of coordination of activity on detection, prevention and restraint of infringements on intellectual property at the territories of member States.

SECTION XXIV

INDUSTRY

Article 92

Industrial Policy and Cooperation

1. Member States independently shall develop, formulate and implement national industrial policies, as well as adopt national programs on industry development and other measures of industrial policy, and also determine methods, forms and directions of granting industrial subsidies which are not contrary to Article 93 of this Treaty.

Industrial policy within the framework of the EAEU shall be established by member States by the main directions of industrial cooperation, which approved by the

Intergovernmental Council and carried out by them with consultative assistance and coordination of the Commission.

2. Industrial policy within the framework of the EAEU shall be carried out by member States on the basis of the following principles:

- 1) equality and consideration of member States' national interests;
- 2) mutual benefit;
- 3) fair competition;
- 4) non-discrimination;
- 5) transparency.

3. The purposes of industrial policy implementation within the framework of the EAEU shall be an acceleration and increase of industrial development stability, increase of competitiveness of member States' industrial systems, implementation of effective cooperation, which shall be addressed to increase of innovation activity, elimination of barriers in industrial area as well as on the way of movement of member States' industrial products.

4. Member States to achieve the goals of industrial policy implementation within the framework of the EAEU can:

- 1) carry out mutual informing about plans on industry development;
- 2) carry out regular meetings (consultations) of the representatives of member States' competent authorities, which are responsible for the development and implementation of national industry policy, as well as at the Commission forum;
- 3) develop and implement joint programs on development of priority economic activities for industrial cooperation;
- 4) develop and coordinate the list of sensitive goods;
- 5) implement joint projects, as well as on development of infrastructure, which is necessary to increase the effectiveness of industrial cooperation and deepening of industrial cooperation of member States;
- 6) develop technological and informative resources for the goals of industrial cooperation;

7) carry out joint research and development works with the goals of promoting hi-tech production;

8) implement alternative measures, which are directed to the elimination of barriers and development of mutually beneficial cooperation.

5. If so required by the decision of the Intergovernmental Council the relevant procedures on implementation of measures which are provided in paragraph 4 of this Article shall be developed.

6. Member States shall develop Main Directions of Industrial Cooperation Within the Framework of the EAEU (hereinafter - Main directions), which are approved by the Intergovernmental Council and as well as include priority economic activity for industrial cooperation and sensitive goods.

The Commission shall monitor and analyze the results of implementation of Main directions on the annual basis, and if so required, in coordination with member States prepare the proposals on interpretations of Main directions.

7. In the process of development and implementation of policy in the trade, customs and tariff, competitive areas, and in the areas of government procurement, technical regulation, development of business activity, transport and infrastructure and in other areas the interests of member States on industrial development shall be accommodated.

8. In respect of sensitive goods member States before the adoption of measures of industrial policy shall carry out consultations for mutual consideration of positions.

Member States shall provide preliminary mutual informing about planned directions on implementation of national industrial policy under the approved list of sensitive goods.

Member States jointly with the Commission shall develop the procedure on carrying out the indicated consultations and (or) mutual informing which shall be approved by the Council of the Commission.

9. To implement industrial cooperation within the framework of the EAEU member States with consultative assistance and coordination of the Commission can develop and apply following instruments:

1) promotion of mutually beneficial industrial cooperation with the aim of creation of hi-tech, innovative and competitive production;

2) joint programs and projects with the participation of member States on mutually beneficial base;

3) joint technological platforms and industrial clusters;

4) other instruments, which assist for development of industrial cooperation.

10. To implement the provisions of this Article member States with a participation of the Commission can develop additional documents and mechanisms. 11. The Commission shall carry out the consultative assistance and coordination of member States activity on the main directions of industrial cooperation within the limits of authorities, which are provided by the Annex 27 to this Treaty.

For the purposes of this Article, the terms and definitions shall be used in accordance with the Annex 27 to this Treaty.

Article 93

Industrial Subsidies

1. For the purpose of providing conditions for the sustainable and efficient development of member States economies, as well as conditions encouraging the development of mutual trade and fair competition between member States, within the territories of the member States common rules for granting subsidies with regard to the industrial goods, including during rendering or receiving services that are directly associated with the production, sale and consumption of the industrial goods, under Annex 28 of this Treaty shall be effective.

2. Commitments of member States arising from the provisions of this Article and Annex 28 to this Treaty shall not apply to the legal relations between member States and third countries.

3. For the purposes of this Article a subsidy shall mean:

a) financial contribution made by the subsidizing body of member State (or a body authorized by member State), in the result of which benefits are created (provided) and which is carried out by:

direct transfer of funds (e.g, in the form of irrevocable loans, loans) or acquisition of shares in the charter capital, or its increase, or an obligation to transfer such funds (e.g. loan guarantees);

full or partial waiver of the collection of payments that would have to flow into the revenue of the member State (for example, tax exemptions, debt relief). In this case exemption of exported industrial goods from duties and taxes borne by the like product when destined for domestic consumption or reduction of duties and taxes or refund of such duties or taxes in amounts not exceeding those which have been accrued, is not regarded as a subsidy;

provision of industrial goods or services (except industrial goods or services for the maintenance and development of common infrastructure);

purchase of industrial goods ;

b) any other form of income or price support which operates (directly or indirectly) to reduce import of industrial goods from territory of any member State or to increase the export of industrial goods to the territory of any member State in the result of which advantage is provided.

Types of subsidies are provided in Annex 28 to this Treaty.

4. Subsidizing body may entrust or prescribe to any other organization to carry out one or more functions related to the provision of subsidies. Actions of such organizations shall be deemed as actions of subsidizing body.

Legal acts signed by the Head of member State aimed at providing subsidies shall be deemed as actions of the subsidizing body.

5. Investigation to analyze the conformity of subsidies granted on the territory of a Member-state to the provisions of this Article and Annex 28 to this Treaty shall be conducted pursuant to the procedure provided by the Annex No 28 to this Treaty.

6. The Commission shall control the implementation of provisions of this Article and Annex 28 to this Treaty and shall have the following authorities:

1) monitoring and carrying out of comparative legal analysis of member States legislation for its compliance with the provisions of this Treaty in respect of granting

subsidies as well as preparation of annual reports on the compliance of member States with the provisions of this Article and Annex 28 to this Treaty;

2) assisting in organization of consultations of member States on the issues of harmonization and unification of the member States legislation in the sphere of provision of subsidies;

3) the adoption of decisions binding for the member States provided by Annex 28 to this Treaty, following the procedure on the voluntary approval of specific subsidies to be provided or provided, including :

making decisions on accessibility or non accessibility of specific subsidies in accordance with paragraph 6 of Annex 28 to this Treaty on the basis of criteria which are provided by international agreement within the framework of the EAEU provided for in paragraph 7 of Annex 28 to this Treaty;

conducting investigations on the facts of provision of specific subsidies and making decisions binding in relation to them, in cases specified by the international agreement within the framework of the EAEU provided for in paragraph 7 of Annex 28 to this Treaty;

resolution of disagreements on matters related to the implementation of the provisions of this Article and Annex 28 to this Agreement, and provision of explanations on their application;

4) requesting and receiving information on the granted subsidies in the manner and on the terms set by the international agreement within the EAEU provided for in paragraph 7 of Annex 28 to this Treaty.

Application of subparagraphs 3 and 4 of this Article shall be based on the transitional provisions, provided for in paragraph 1 of Article 105 of this Treaty.

7. Disputes in respect of the provisions of this Article and Annex 28 to this Treaty shall be primarily resolved through the negotiations and consultations. If the dispute is not settled through negotiations and consultations within 60 calendar days from the date of a formal written request for their conduct sent by the member State that initiated the dispute to the respondent member State, than the complainant member State has the right to appeal to the Court of the EAEU.

If the decision of the Court of the EAEU is not implemented within the specified period of time or if the Court of the EAEU decides that the measures which were notified by the respondent member State are not consistent with the provisions of this Article and Annex 28 to this Treaty, the complainant member State shall be entitled to take proportionate counter measures.

8. The period when member States may challenge a specific subsidy, provided in violation of Annex 28 to this Treaty, shall be 5 years from the date of provision of specific subsidy.

SECTION XXV

AGRO-INDUSTRIAL COMPLEX

ARTICLE 94

Objectives and Tasks of Harmonized (Coordinated) Agro-Industrial Policy

1. In order to ensure the development of agriculture and rural areas in favor of the population of each member State and of the EAEU as a whole as well as of economic integration in the framework of the EAEU, the member States shall implement harmonized (coordinated) agro-industrial policy by, among other things, the following:

application of regulatory mechanisms provided for in this Agreement and other international agreements within the EAEU in the sphere of agro-industrial complex;

mutual provision by each member State to the other and to the Commission of production development plan for each of sensitive agricultural product. The list of such products shall be developed based on proposal of the member States and approved by the Council.

2. The aim of harmonized (coordinated) agro-industrial complex is the efficient realization of the member States resource potential for optimizing the volumes of production of competitive agricultural and food products, meeting the needs of the common agricultural market, and increasing export of agricultural and food products.

3. Implementation of harmonized (coordinated) agro-industrial complex shall cover the following objectives: