

5) harmonization of legislation of member States in the field of control (supervision) in the field of medical products (healthcare products and medical devices) circulation;

2. Functioning of the common market of the medical products (healthcare products and medical devices) within the framework of the EAEU shall be realized in accordance with an international agreement within the framework of the EAEU based on provisions of Article 100 of this Treaty.

SECTION VIII CUSTOMS REGULATION

Article 32

Customs Regulation in the EAEU

Within the EAEU common customs regulations are conducted in accordance with the Customs Code of the Eurasian Economic Union and regulatory customs international treaties and acts constituting the right of the EAEU, as well as in accordance with the provisions of this Treaty.

SECTION IX FOREIGN TRADE POLICY

1. General Provisions on Foreign Trade Policy

Article 33

Objectives and Principles of Foreign Trade Policy of the EAEU

1. The foreign trade policy of the EAEU is aimed at facilitation of sustainable economic development of the member States, diversification of the economy, innovative development, increase in volumes and improvement of structure of trade and investment, acceleration of integration processes, as well as further development of the EAEU as efficient and competitive organization within the global economy.

2. The basic principles of foreign trade policy of the EAEU are as follows:

application of measures and mechanisms for making foreign trade policy of the EAEU that are not more burdensome for participants of foreign trade activity of the member States than necessary to ensure the effective achievement of the objectives of the EAEU;

transparency in the development, adoption and application of measures and mechanisms for making foreign trade policy of the EAEU;

feasibility and objectivity of application of measures and mechanisms for making foreign trade policy of the EAEU;

protection of rights and legitimate interests of participants of foreign trade activity of the member States, as well as the rights and legitimate interests of manufacturers and consumers of goods and services;

observance of rights of foreign trade activity participants.

3. Foreign trade policy is implemented by conclusion of international treaties with third parties, unilaterally by the EAEU or jointly with the member States, in the spheres, where EAEU's bodies take decisions, which are mandatory for the member States; participation in international organizations or autonomous application of measures and mechanisms of foreign trade policy.

The EAEU is responsible for observance of obligations under international treaties concluded with the EAEU and shall exercise its rights under these agreements.

Article 34

Most Favored Nation Regime

The Most Favored Nation regime in the meaning of the General Agreement on Tariffs and Trade (GATT 1994) shall be applied for foreign trade in goods in cases and under conditions, when application of the most favored nation regime is stipulated by international treaties of the EAEU with third countries, and international agreements of the member States with third countries.

Article 35

Free Trade Regime

Free trade regime in the meaning of the GATT 1994 is established in trade with third country based on international agreement of the EAEU with the third country taking into account provisions of Article 102 of this Treaty.

International treaty of the EAEU with third country that establishes free trade regime may include other provisions, related to foreign trade activity.

Article 36

Tariff Preferences on Goods Originating from Developing and (or) Least Developed Countries

1. In order to facilitate economic development of developing and least developed countries, the EAEU may provide tariff preferences for goods originating from developing and/or least developed countries-beneficiaries of the common system of tariff preferences of the EAEU in accordance with this Treaty.

2. In respect of preferential goods originating from developing countries-beneficiaries of the common system of tariff preferences of the EAEU imported into the customs territory of the EAEU, import customs duties at the level of 75 percent of import customs duties of the Common External Tariff of the Eurasian Economic Union, shall be applied.

3. In respect of preferential goods originating from least developed countries-beneficiaries of the common system of tariff preferences of the EAEU imported into the customs territory of the EAEU, zero import customs duty rates of the Common External Tariff of the Eurasian Economic Union shall be applied.

Article 37

Rules for Determination of the Origin of Goods

1. On the customs territory of the EAEU the common rules for the determination of the origin of goods imported into the customs territory of the EAEU shall be applied.

2. For the purpose of application of customs and tariff regulation (except for the purposes of tariff preferences), the application of non-tariff regulation and protection of the internal market, the establishment of requirements for labeling of origin of goods, implementation of government (municipal) procurement, recording statistics of foreign trade the rules for determination of the origin of goods imported into the customs territory of the EAEU (non-preferential rules for determination of the origin of goods) shall be applied.

3. For the purposes of tariff preferences in respect of goods imported into the customs territory of the EAEU from developing or least developed countries the rules for determination of the origin of goods from developing and least developed countries shall be applied and established by the Commission.

4. For the purposes of tariff preferences in respect of goods imported into the customs territory of the EAEU from the States that have trade and economic relations with the EAEU and use the free trade regime the rules for determination of the origin of goods established under the relevant international treaty of the EAEU with a third party providing the application of the free trade regime shall be applied.

5. If in the international treaty of the EAEU with a third party, providing for the application of the free trade regime the rules for determining the origin of goods are not specified or they are not adopted at the time of entry into force of the treaty, until the moment of the appropriate rules for determining of the origin of goods would be adopted in regard to imported goods into the customs territory of the EAEU of originating from that country the rules for determining of the origin of goods stipulated in paragraph 2 of this Article shall be applied.

6. If there are repeated violations in the area of determination (confirmation) of the origin of goods by the third party, the Commission may take a decision to conduct monitoring the correctness of the (confirmation) of origin of goods imported from a particular country by the customs authorities of the member States. In case of systematic violations by a third party in the determination (confirmation) of the origin of goods, the Commission may take a decision to suspend the adoption of the documents confirming the origin of goods by the customs authorities of the member States. The provisions of this

paragraph shall not limit the powers of the member States regarding control of origin of the imported goods and the adoption of measures for its results.

Article 38

Foreign Trade in Services

Member States shall coordinate trade in services with third parties.

Implementation of coordination does not mean supranational competence of the EAEU in this field.

Article 39

Elimination of Restrictive Measures in Trade with Third Countries

The Commission shall provide assistance in access to markets of third parties, monitor restrictive measures of third party in respect of the member States and jointly with the member States shall conduct consultations with the relevant third party in case of application of any measure by third party in respect of the EAEU or trade dispute between the EAEU and the third party in regard to the member States it holds the consultation to the respective third party.

Article 40

Retaliatory Measures With Regard to Third Party

1. In case, if the possibility of application of retaliatory measures provided by international treaty of the EAEU with third party and (or) member States with third parties, the decision on introduction of retaliatory measures on the customs territory of the EAEU, including the increase of import customs duty rates, introduction of quantitative restrictions, temporary suspension of preferences or adoption of other measures within the competence of the Commission, affecting results of foreign trade with the relevant State, shall be taken by the Commission.

2. In cases provided in the international treaties of the member States with third parties that entered into force before 1 January 2015, the member States may unilaterally apply higher import customs duty rates in comparison with the Common External Tariff of the Eurasian Economic Union, as retaliatory measures, and unilaterally suspend granting of tariff preferences provided that administration mechanisms of such measures do not violate provisions of this Treaty.

Article 41

Measures for Exports Development

The EAEU in accordance with international agreements, norms and rules of the World Trade Organization may apply joint measures to develop the exports of member States goods to the markets of the third parties.

Joint measures shall include, in particular, insurance and export credits, international leasing, promoting the concept of “goods of the Eurasian Economic Union” and the introduction of a common labeling of goods of the EAEU, organization of fairs and expositions, advertising and branding activities abroad.

2. Customs and Tariff Regulation and Non-tariff Regulation

Article 42

Common External Tariff of the Eurasian Economic Union

1. The Common Commodity Nomenclature of Foreign Economic Activity of the Eurasian Economic Union and the Common External Tariff, which are approved by the Commission, are applied on the common territory of the EAEU and are the instruments of trade policy.

2. The main objectives of application of the Common External Tariff of the Eurasian Economic Union are as follows:

1) to provide conditions for effective integration of the EAEU into the world economy;

2) to rationalize the structure of the imports of goods to the customs territory of the EAEU;

3) to maintain a rational proportion of exports and imports of goods on the customs territory of the EAEU;

4) to create conditions for progressive changes in the structure of manufacturing and consumption of goods in the EAEU;

5) support of the sectors of the economy of the EAEU.

3. The following types of import customs duties shall be applied at the Common External Tariff of the Eurasian Economic Union:

1) ad valorem, established as a percentage of the customs value of customable goods;

2) specific, established depending on physical characteristics of customable goods in kind (quantity, weight, volume or other characteristics);

3) combined, combining both types specified in subparagraphs 1 and 2 of this paragraph.

4. Import customs duty rates of the Common External Tariff of the Eurasian Economic Union are unified and are not subject to change depending on persons, transferring goods through the customs border of the customs union, except for the cases provided by Articles 35, 36 and 43 of this Treaty.

5. For the purpose of expeditious regulation of imports of goods into the customs territory of the EAEU, seasonal customs duty rates, which are valid no more than 6 months a year, may, if necessary, be established instead of import customs duty rates of the Common External Tariff of the Eurasian Economic Union.

6. The State acceded to the EAEU is eligible to apply import customs duty rates that are different from the rates of the Common External Tariff of the Eurasian Economic Union, in accordance with the list of goods and rates, which are approved by the Commission based on international agreement on the accession of that State to the EAEU.

The State acceded to the EAEU must ensure the use of goods towards which the lower import customs duty rates in comparison with the Common Customs Tariff of the Eurasian Economic Union are applied, only within its territory and adopt measures in order to prevent exports of such goods to other member States without additional payment of import customs duties equal to the difference between the sums of the customs import duties calculated at the rates of the Common External Tariff of the Eurasian Economic Union and the sums of import customs duties paid in imports of the goods.

Article 43

Tariff Exemptions

1. Tariff exemptions in the form of import customs duty exemption or a lower customs duty rate may be applied for goods being imported (imported) into the customs territory of the EAEU.
2. Tariff exemptions may not be individually applied and shall be applied regardless the country of origin.
3. Tariff exemptions shall be granted in accordance with Annex 6 to this Treaty.

Article 44

Tariff Rate Quotas

1. In respect of certain agricultural products originating in third countries and imported into the customs territory of the EAEU it is allowed to establish the tariff quotas, if the like goods are produced (extracted, cultivated) on the customs territory of the EAEU.
2. With regard to goods referred to in paragraph 1 of this Article imported into the customs territory of the EAEU within the established volume of tariff rate quota the relevant import duties according to the Common Customs Tariff of the Eurasian Economic Union shall be applied.
3. Introduction of tariff rate quotas for certain types of agricultural products originating in third countries and imported into the customs territory of the EAEU as well

as the distribution of the volumes of tariff quotas shall be carried out in accordance with the procedure provided in Annex 6 to this Treaty.

Article 45

Competence of the Commission on Customs and Tariff Regulation Issues

1. The Commission shall:

- maintain the common Commodity Nomenclature of Foreign Economic Activity of the Eurasian Economic Union and the Common External Tariff of the Eurasian Economic Union;

- establish import customs duty rates, including seasonal;
- establish cases and conditions for granting tariff exemptions;
- determine the procedure for application of tariff exemptions;
- determine conditions and the procedure of application of the common system of tariff preferences of the EAEU, including approval of:

- the list of developing countries-beneficiaries of the common system of tariff preferences of the EAEU;

- the list of least-developed countries-beneficiaries of the common system of tariff preferences of the EAEU;

- the list of goods originating from developing or least developed countries, towards which tariff preferences shall be granted at the importation into the customs territory of the EAEU;

- establish tariff rate quotas, allocate the volume of tariff rate quota between member States, determine the method and procedure for allocation of volume of tariff rate quota among participants of foreign trade activity, and if necessary allocate volumes of tariff rate quota among third countries or adopt an act under which the member States determine the method and procedure for allocation of tariff rate quotas among participants of foreign trade activities, and if necessary, allocate volume of tariff rate quota among third countries.

2. The list of sensitive goods, towards which the decision on changes to import customs duty rates is taken by the Council of the Commission, shall be approved by the Supreme Council.

Article 46

Non-tariff Measures

1. In trade with third countries the EAEU shall apply the following common non-tariff measures:

- 1) the prohibition of import and (or) export of goods;
- 2) quantitative restrictions on the import and (or) export of goods;
- 3) the exclusive right to export and (or) import of goods;
- 4) automatic licensing (monitoring) of export and (or) import of goods;
- 5) authorization procedure for import and (or) export of goods.

2. Non-tariff measures are to be introduced and applied on the principles of transparency and non-discrimination in the manner prescribed in the Annex no.7.

Article 47

Imposing of Non-tariff Regulation on the Unilateral Basis

Member States in trade with third countries may unilaterally introduce and apply non-tariff measures in the manner prescribed in the Annex 7.

3. Measures for protection of the domestic market

Article 48

General Provisions on Imposition of Measures for Protection of the Internal Market

1. In order to protect the economic interests of producers of goods of the EAEU the measures aimed to protect the internal market of goods originating in third countries and imported into the customs territory of the EAEU could be imposed in the form of

safeguard, antidumping and countervailing measures, as well as other measures in cases specified in Article 50 of this Treaty.

2. Decision on the application of safeguard, antidumping or countervailing measures, modification or cancellation of safeguard, antidumping or countervailing measures as well as non-application of a certain measures in accordance with this section and Annex 8 to this Treaty shall be taken by the Commission.

3. Safeguard, antidumping and countervailing measures shall be applied in the order and on the terms specified in Annex 8 to this Treaty.

4. Application of safeguard, antidumping or countervailing measures on import of products shall be preceded by an investigation carried out in accordance with Annex no.8 to this Treaty by the authorities identified by the Commission as responsible for such investigations (hereinafter – the investigating body).

5. Crediting and distribution of special, antidumping and countervailing duties are carried out in accordance with Annex 8 to this Treaty.

Article 49

Principles of Application of Safeguard, Antidumping and Countervailing Measures

1. A safeguard measure may be applied to the product, if as a result of investigation carried out by the investigating body it was determined that this product is imported into the customs territory of the EAEU in such increased quantities (in absolute terms or relative to the total volume of production in member States of like or directly competitive product) and under such conditions that it causes serious injury to the sector of economy of member States or threatens to cause such injury.

2. Antidumping measure may be applied to the product which is subject to the dumped imports, if as a result of investigation carried out by the investigating body it was determined that imports of such product into the customs territory of the EAEU causes material injury to the sector of economy of member States, threatens to cause such injury or significantly delays the establishment of a certain sector of economy of member States.

3. Countervailing measure may be applied to the imported product during the production, exportation or transportation of which a specific subsidy of the exporting third country was used, if in the result of investigation carried out by the investigating body was found that import of goods into the customs territory of the EAEU causes material injury to the sector of economy of member States, threatens to cause such injury or significantly delays the establishment of a certain sector of economy of the member States.

4. For the purposes of the application of measures for the protection of the internal market under the concept “sector of economy of member States” shall be understood all producers of the like product (for the purposes of antidumping and countervailing investigations) or like or directly competitive product (for the purposes of safeguard investigations) in member States, or those whose share in the total production of like product or like/directly competitive product in member States constitutes a significant proportion, but not less than 25 percent.

Article 50

Other Measures of Protection of the Internal Market

The right to apply measures of protection of the internal market on a bilateral basis, different from safeguard, antidumping and countervailing measures, including those realized in relation to the import of agricultural goods, may be provided by the international treaty of the EAEU with a third party on the establishment of a free trade regime in order to eliminate the negative impact of imports from these third party on the manufacturers of member States could be prescribed

The decision to apply such measures shall be taken by the Commission.

SECTION X

TECHNICAL REGULATION

Article 51

General Principles of Technical Regulation