

TREATY ON THE EURASIAN ECONOMIC UNION

The Republic of Belarus, the Republic of Kazakhstan and the Russian Federation, hereinafter referred to as the Parties,

based on the Declaration on the Eurasian Economic Integration of 18 November 2011,

guided by the principle of States sovereign equality, the necessity of unconditional compliance with the principle of prevalence of constitutional rights and liberties of an individual and a citizen,

desiring to enhance the solidarity and deepen the cooperation between their nations while respecting their history, culture and traditions,

expressing the confidence that further development of the Eurasian economic integration corresponds to the national interests of the Parties,

motivated by the desire to strengthen the economies of the member States of the Eurasian Economic Union and to ensure their harmonious development and convergence, as well as to ensure sustainable growth in business activity, balanced trade and fair competition,

ensuring economic progress by means of joint activities intended to solve faced by member States of the Eurasian Economic Union common problems on sustainable economic development, comprehensive modernization and strengthening the competitiveness of national economies within the framework of the global economy,

confirming the efforts for further strengthening of mutually beneficial and economic cooperation with other countries and also with international integration associations and international organizations,

taking into account the norms, rules and principles of the World Trade Organization,

reaffirming their commitments to the purposes and principles of the Charter of the United Nations Organization, and other generally accepted principles and norms of

international law,

have agreed as follows.

FIRST PART
ESTABLISHMENT OF THE EURASIAN ECONOMIC UNION
SECTION I
GENERAL PROVISIONS

Article 1

Establishment of the Eurasian Economic Union.

Legal Personality

1. Under the present Treaty Parties shall establish the Eurasian Economic Union (hereinafter - the Union, the EAEU) and ensure free movement of goods, services, capital and labor as well as coordinated, agreed or common policy in the economic sectors defined in the present Treaty and in the international agreements within the EAEU.

2. The EAEU shall be an international organization of regional economic integration that holds the international legal personality.

Article 2

Definitions

For purposes of the present Treaty the following terms shall be used and understood as follows:

“harmonization of legislation” - approximation of legislation of the member States aimed at the establishment of a similar (comparable) legal regulatory framework in particular areas;

“member States” – states that are members of the EAEU and the Parties of the present Treaty;

“officials” - citizens of the member States appointed at the positions of the Directors of the Commission Departments, and deputy Directors of the Commission Departments, as well as Head of the Secretariat of the Court of the EAEU, and deputy

Head of the Secretariat of the Court of the EAEU and advisers of the judges of the Court of the EAEU;

“single economic space” - area consisting of the territories of the member States that provides for similar (comparable) and uniform mechanisms for economic regulation based on market principles and application of harmonized or unified legal norms, and common infrastructure;

“common policy” - policy implemented by the member States in particular areas provided under the present Treaty, assuming application by member States of uniform legal regulation, also on the basis of decisions of the bodies of the EAEU within their authorities;

“international agreements within the EAEU” - international agreements concluded between the member States on the issues related to the functioning and development of the EAEU;

“agreements of the EAEU with a third party” - international agreements concluded with third States, their integration associations and international organizations;

“common (single) market” - a set of economic relations within the EAEU that provides free movement of goods, services, capital and labor;

“order” - an act of the institutions of the EAEU, having organizational and administrative nature;

“decision” - an act of the institutions of the EAEU, having a legal nature;

“coordinated policy” - a policy, assuming the implementation of cooperation among member States on the basis of common approaches, approved within the bodies of the EAEU, aimed to achieve the objectives of the EAEU under the present Treaty;

“agreed policy” – a policy implemented by member States in various fields, assuming harmonization of legal regulation, also on the basis of the decisions of the EAEU, to the extent necessary to achieve the objectives of the EAEU under the present Treaty;

“employees” - nationals of the member States of the EAEU, working in the bodies of the EAEU on the basis of concluded labor agreements (contracts) and who at the same time work as non-officials;

“Customs union” - a form of trade and economic integration of the member States that provides for a unified customs territory free from customs duties (other duties, taxes and charges having equivalent effect), non-tariff measures, special protective antidumping and countervailing measures, but with common customs tariff and common assessment methods regulating foreign trade with third countries;

“third party” - a state that is non-member of the Union, an international organization or international integration association;

“unification of legislation” - approximation of legislation of the member States aimed at establishing of the identical mechanisms of legal regulation in particular areas defined under the present Treaty.

Other terms used in the present Treaty shall have the definition specified in the relevant Sections and Annexes to the present Treaty.

SECTION II

BASIC PRINCIPLES, OBJECTIVES, COMPETENCE AND LAW OF THE EAEU

Article 3

Basic Principles of the EAEU

The EAEU shall operate within the competence granted to it by the member States in accordance with the present Treaty, based on the following principles:

- respect the commonly recognized principles of the international law, including the principles of sovereign equality of the member States and their territorial integrity;

- respect the differences of political structures of the member States;

- provide the mutually beneficial cooperation, equality and the national interests of the Parties;

- ensure the principles of market economy and fair competition;

- functioning of the Customs union without exceptions and limitations after the transitional periods.

Member States shall create favorable conditions for fulfillment of the functions of the EAEU and shall refrain from measures that could prevent the achievement of the objectives of the EAEU.

Article 4

Main Objectives of the EAEU

The main objectives of the EAEU shall include:

to create conditions for stable economic development of the member States in order to improve the living standards of their people;

the desire to create a common market for goods, services, capital and labor within the EAEU;

comprehensive modernization, cooperation and competitiveness of national economies within the global economy.

Article 5

Competence

1. The EAEU shall perform the scope of functions within the limits established under the present Treaty and international agreements within the EAEU.

2. Member States shall carry out coordinated and agreed policy within the limits established under the present Treaty and international agreements within the EAEU.

3. In other spheres of the economy the member States shall make an effort to implement a coordinated or agreed policy in accordance with the basic principles and objectives of the EAEU.

With this purpose by decision of the Supreme Eurasian Economic Council the subsidiary bodies (boards of the heads of state bodies of the Parties, working groups, special commissions) could be established in the corresponding areas and (or) the instructions for coordination of the interaction between Parties in the corresponding areas could be given by the Eurasian Economic Commission.

Article 6

The Law of the EAEU

1. The law of the EAEU shall include:

the present Treaty;

international agreements within the EAEU;

international agreements between the EAEU and the third party;

decisions and resolutions of the Supreme Eurasian Economic Council, Eurasian Intergovernmental Council as well as Eurasian Economic Commission that were accepted according to their authorities provided under the present Treaty as well as international agreements within the EAEU.

Resolutions of the Supreme Eurasian Economic Council and the Eurasian Intergovernmental Council shall be performed by member States in accordance with their national legislation.

2. International agreements of the EAEU with a third party shall not contradict to the basic objectives, principles and rules of functioning of the EAEU.

3. In case of conflict between international agreements within the EAEU and the present Treaty, the present Treaty shall have a priority.

Resolutions and orders of the EAEU shall not be inconsistent with the present Treaty and international agreements within the EAEU.

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

decisions of the Supreme Eurasian Economic Council take precedence over the decisions of the Eurasian Intergovernmental Council and the Eurasian Economic Commission;

decisions of the Eurasian Intergovernmental Council take precedence over the decisions of the Eurasian Economic Commission.

Article 7

International Activity of the EAEU

1. The EAEU shall have the right to exercise within its competence international activity aimed at achievement of objectives of the EAEU. Within such activity, the EAEU shall have the right to engage in international cooperation with states, international organizations and international integration associations and independently or together with the member States conclude agreements on matters corresponding to its competence.

The procedure of international cooperation of the EAEU shall be established by the decision of the Supreme Eurasian Economic Council. The issues concerning conclusion of agreements of the EAEU with a third party shall be determined by the international treaty within the EAEU.

2. Negotiations on the drafts of international agreements of the EAEU with a third party, as well as their signing shall be performed according to the decision of the Supreme Eurasian Economic Council after implementation of the relevant internal procedures of the member States.

The decision on the expression of consent of the EAEU to be bound by an international Treaty between the EAEU and a third party, termination, suspension or withdrawal of an international Treaty shall be adopted by the Supreme Eurasian Economic Council after implementation of the relevant internal procedures of the member States.

SECTION III

BODIES OF THE EAEU

Article 8

Bodies of the EAEU

1. Bodies of the EAEU shall include:

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 EAEU).

2. Bodies of the EAEU shall act within the authorities that are given to them under the present Treaty and international agreements within the EAEU.

3. Bodies of the EAEU shall act on the basis of principles specified in Article 3 of the present Treaty.

4. Presidency at the Supreme Council, the Intergovernmental Council and the Council of the Commission shall be performed on a rotation basis in the Russian alphabetical order by one member State of the EAEU within one calendar year without right for prolongation.

5. Conditions of residence for the bodies of the EAEU on the territory of the member States shall be determined by separate international agreements between the EAEU and the states of residence.

Article 9

Appointments Within the Structural Subdivisions of the Permanent Bodies of the EAEU

1. The right to take an appointment in the structural subdivisions of the permanent bodies of the EAEU shall belong to nationals of the member States with relevant education and experience.

2. Officials of the Commission department cannot be citizens of one state. The selection of candidates for these positions shall be performed by the competition commission of the EEC with respect to the principle of equal representation of the Parties. Candidates of the competition for these positions shall be presented by the member of the Council of the Commission from the relevant Party.

3. Selection of candidates for positions at the Commission departments shall be performed by the Commission on a competitive basis, taking into account the Parties' equity in the financing of the Commission.

4. Composition of competition commission on selection of candidates for positions referred to in paragraph 2 of the present article shall include all members of the Council of the Commission, except for the Chairman of the Council of the Commission.

Competition committee of the EEC shall take its decisions in the form of recommendations by a majority vote and submit them to the Chairman of the Collegium of the Commission for approval. If the Chairman of the Collegium of the Commission takes a decision in regard to a particular candidate that conflicts with the recommendation of the competition commission, the issue shall be submitted to the Council of the Commission for a final decision.

Regulations concerning the competition commission of the EEC (including the rules of the competition), its composition, as well as qualification requirements for candidates for positions of directors and deputy directors of departments of the Commission shall be approved by the Council of the Commission.

5. Procedure for the selection of candidates and appointment to positions in the Apparatus of the Court of the EAEU shall be established in accordance with the documents governing the activity of the Court of the EAEU.

Article 10

Supreme Council

1. Supreme Council shall be the supreme body of the EAEU
2. The members of the Supreme Council shall be the Heads of the member States.

Article 11

Procedure of Work 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 EAEU the extraordinary meetings of the Supreme Council shall be held on the initiative of any member State or the Chairman of the Supreme Council.

2. Meetings of the Supreme Council shall be held under the guidance of the Chairman of the Supreme Council.

Chairman of the Supreme Council shall:

held meetings of the Supreme Council;

organize the work of the Supreme Council;

performs general management in preparation of the issues that shall be submitted to the Supreme Council for consideration.

In the case of early termination of authorities of the Chairman of the Supreme Council a new member of the Supreme Council of the presiding member State shall exercise the authority of the Chairman of the Supreme Council for the remaining period.

3. Chairman of the Supreme Council can invite members of the Council of Commission, the Chairman of the Collegium of Commission and other persons to participate at the meetings of the Supreme Council.

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

The agenda of the meetings of the Supreme Council shall be formed by the Commission on the basis of proposals from member States.

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

4. Procedure for organization of the meetings of the Supreme Council shall be approved by the Supreme Council.

5. Organizational, informational and logistical preparation and conduction of the meetings of the Supreme Council shall be provided by the Commission with assistance of the host member State. Financial support of the meetings of the Supreme Council shall be provided from the budget of the EAEU.

Article 12

Authorities of the Supreme Council

1. The Supreme Council shall consider fundamental issues of activity of the EAEU, define the strategy, direction and prospects of integration and take decisions aimed at achieving the objectives of the EAEU.

2. The Supreme Council shall have the following responsibilities:

1) determine the strategy, direction and prospects for the formation and development of the EAEU and take decisions aimed at achieving the objectives of the EAEU;

2) approve the membership of the Collegium of Commission, allocate responsibilities among members of the Collegium of Commission and terminate their powers;

3) appoint the Chairman of the Collegium of Commission and, if necessary, take a decision on early termination of his powers;

4) upon presentation of member States appoint the judges of the Court of the EAEU;

5) approve the rules on procedures of the Commission;

6) approve the budget of the EAEU, regulation on the budget of the EAEU and the report on implementation of budget of the EAEU;

7) determine the size (scale) of the equity assessments of the Parties to the budget of the EAEU;

8) upon request of any member State of the EAEU reconsider decisions adopted by the Intergovernmental Council and the Commission subject to the provisions of paragraph 7 of Article 16;

9) on the initiative of the Intergovernmental Council or the Commission consider the issues on which consensus was not achieved;

10) request the opinion of the Court of the EAEU;

11) approve the procedure for checking accuracy and completeness of information about income, assets and obligations of the judges of the Court of the EAEU, officials and staff of the Court of the EAEU and their family members;

12) determine the order of admission of new members of the EAEU and termination of the membership in the EAEU;

- 13) take decisions on granting observer or candidate status on accession to the EAEU;
- 14) approve the procedure on implementation of international activity of the EAEU;
- 15) take decisions on negotiations on behalf of the EAEU with third parties, including decisions on conclusion of international agreements and granting the right to negotiate as well as on expression of consent of the EAEU to be bound by international agreement with third party, temporary application, termination or suspension of international agreement;
- 16) approve the overall number of staff of the EAEU, the characteristics of officials representation from the nationals of member States in the bodies of the EAEU, provided by the member States on a competitive basis;
- 17) approve procedure of payment for the work of members of the Collegium of the Commission, judges of the Court of the EAEU, officials and employees of the EAEU;
- 18) approve the rules on the external audit (control) within the bodies of the EAEU;
- 19) consider the results of the external audit (control) within the bodies of the EAEU;
- 20) approve the symbols of the EAEU;
- 21) give orders to the Intergovernmental Council and the Commission;
- 22) decide on establishment of subsidiary bodies in the relevant areas;
- 23) exercise other powers provided under the present Treaty and international agreements within the EAEU.

Article 13

Decisions and Orders of the Supreme Council

1. The Supreme Council shall take decisions and instructions.
2. Decisions and instructions of the Supreme Council shall be taken by consensus.

Decisions of the Supreme Council, related to the termination of membership of a member State in the EAEU, shall be taken by “consensus minus the vote of the member State that has notified its intention to terminate its membership in the EAEU”.

Article 14

Intergovernmental Council

Intergovernmental Council shall be the body of the EAEU that consists of the Heads of Governments of the member States.

Article 15

Procedure of Work of the Intergovernmental Council

1. Meetings of the Intergovernmental Council shall be held if necessary but at least two times a year.

In order to solve urgent issues of the EAEU extraordinary meeting of the Intergovernmental Council shall be imposed on the initiative of any member State or the Chairman of the Intergovernmental Council;

2. Meetings of the Intergovernmental Council shall be held under the guidance of the Chairman of the Intergovernmental Council.

Chairman of the Intergovernmental Council shall:

held meetings of the Intergovernmental Council;

organize the work of the Intergovernmental Council;

perform general management in preparation of the issues that shall be submitted to the Intergovernmental Council for consideration.

In the event of early termination of powers of the Chairman of the Intergovernmental Council a new member of the Intergovernmental Council of the presiding member State shall exercise the authority of the Chairman of the Intergovernmental Council for the remaining period.

3. Members of the Council of Commission, the Chairman of Collegium of the Commission and other persons shall participate at the meetings of the Intergovernmental Council by the invitation from the Chairman of the Intergovernmental Council.

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

The agenda of the meetings of the Intergovernmental Council shall be formed by the Commission on the basis of proposals from member States.

The presence of accredited media representatives at the meetings of the Intergovernmental Council shall be agreed by the Chairman of the Intergovernmental Council.

4. Procedure for organization of the meetings of the Intergovernmental Council shall be approved by the Intergovernmental Council.

5. Organizational, informational and logistical preparation and conduction of the meetings of the Intergovernmental Council shall be provided by the Commission with the assistance of the host member State. Financial support of the meetings of the Intergovernmental Council shall be provided from the budget of the EAEU.

Article 16

Authorities of the Intergovernmental Council

Intergovernmental Council shall perform the following functions:

1) ensure the implementation and control of the implementation of the present Treaty, international agreements within the EAEU and the decisions of the Supreme Council;

2) upon proposal of the Council of the Commission consider issues on which consensus is not achieved in reaching a decision of the Council of the Commission;

3) give instructions to the Commission;

4) propose to the Supreme Council candidates to the members of the Council and Collegium of the Commission;

5) approve drafts of the budget of the EAEU, regulations on the budget of the EAEU and reports on performance of the budget of the EAEU;

6) approve Rules on audit of financial and economic activities of the bodies of the EAEU, standards and methodology of audit of financial and economic activities of the bodies of the EAEU, take decisions on audit of financial and economic activities of the bodies of the EAEU and determines the terms of their conduction;

7) upon proposal of any member State of the EAEU consider issues on reversal or amendment of the approved decision of the Commission or, if not agreed, take them for consideration of the Supreme Council;

8) approve decision on suspension of implementation of decisions of the Council or Collegium of the Commission;

9) approve the procedure for checking accuracy and completeness of information about income, assets and obligations of the members of the Collegium of the EAEU, officials and staff of the Commission and their family members;

10) exercise other powers provided under the present Treaty and international agreements within the EAEU.

Article 17

Decisions and Orders of the Intergovernmental Council

1. The Intergovernmental Council shall takes decisions and orders.

2. Decisions and orders of the Intergovernmental Council shall be taken by consensus.

Article 18

Commission

1. The Commission shall be an institutional body of the EAEU. The Commission shall consist of the Council and Collegium.

2. Commission shall take decisions, orders and recommendations.

Decisions, orders and recommendations of the Council of the Commission shall be made in terms of consensus;

Decisions, orders and recommendations of the Collegium of the Commission shall be taken by the qualified majority or by consensus.

The Supreme Council shall define a list of sensitive issues on which the Collegium of Commission shall take decisions by consensus.

The qualified majority shall consists of two thirds of the total number of members of the Collegium of Commission.

3. Status, objectives, composition, functions, powers and procedures of the Commission shall be determined according to Annex No. 1 to the present Treaty.

4. Residence of the Commission shall be the city of Moscow, Russian Federation.

Article 19

The Court of the EAEU

1. The Court of the EAEU shall be an institutional judicial body of the EAEU.

2. Status, structure, competence, procedure of functioning and establishment of the Court of the EAEU shall be determined by the Statute of Court of the EAEU according to Annex No. 2 to the present Treaty.

3. Residence of the Court of the EAEU shall be the city of Minsk, Belarus.

SECTION IV

EAEU BUDGET

Article 20

EAEU Budget

1. Financing of the activity of the EAEU bodies shall be provided from the EAEU budget, that shall be formed in the manner determined under the Regulation on the EAEU Budget.

The EAEU budget for the next fiscal year shall be formed in Russian rubles by means of member States contributions. Size (scale) of member States contribution to the budget of the EAEU shall be established by the Supreme Council.

EAEU budget must be balanced in income and expenditure. The fiscal year shall begin on the 1st of January and ends on the 31st of December.

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

Amendments to the EAEU budget and in the Regulation on a Budget of the Eurasian Economic Union shall be made by the Supreme Council.

Article 21

Audit of Financial and Economic Activity of the EAEU bodies

To carry out control over the execution of the EAEU budget an audit of financial and economic activity of the EAEU shall be conducted at least once in 2 years.

At the initiative of any member State an audit on specific issues of financial and economic activity of EAEU bodies might be carried out. Audits of financial and economic activity of the EAEU bodies shall be carried out by the group of auditors which consists of representatives of the state financial control authorities of the member States.

The results of conducted audits of financial and economic activity of the EAEU bodies shall be submitted in the prescribed manner for the consideration of the Intergovernmental Council.

Article 22

External Audit (control)

The external audit (control) shall be carried out in order to determine the efficiency of formation, management and disposal of the funds of the EAEU budget, the efficiency of the use of property and other assets of the EAEU. External audit (control) shall be carried out by the group of inspectors that formed from the representatives of the supreme bodies

of state financial control of the member States. Standards and methodology of the external audit (control) jointly shall be determined by the supreme bodies of state financial control of the member States.

The results of conducted external audit (control) in the EAEU bodies shall be submitted in the prescribed manner for consideration to the Supreme Council.

SECOND PART
CUSTOMS UNION
SECTION V
INFORMATION AND STATISTICS

Article 23

Information Exchange Within the EAEU

1. Measures aimed at ensuring information cooperation using the information and communication technologies and cross-border space of trust within the EAEU shall be developed and implemented in order to ensure informational support of the integration processes in all areas affecting the functioning of the EAEU,

2. Exchange of information during the performance of common processes within the EAEU is carried out by use of an integrated information system of the EAEU, supporting the integration of geographically distributed state information resources and information systems of the authorized bodies, as well as information resources and information systems of the Committee.

3. To ensure effective integration of state information resources and information systems the member States shall carry a coordinated policy in the field of information and information technology.

4. While using the software and hardware and information technologies the member States shall ensure the protection of intellectual property used or produced during the process of interaction.

5. Fundamental principles of information exchange and coordination of its implementation within the EAEU as well as the procedure of formation and development of an integrated information system are determined according to the Annex 3.

Article 24

Official Statistical Information of the EAEU

1. In order to provide effective functioning and development of the EAEU the official statistical information of the EAEU shall be formed.

2. Formation of official statistical information provided of the EAEU shall be carried out in accordance with the following principles:

- 1) professional independence;
- 2) scientific validity and comparability;
- 3) completeness and accuracy;
- 4) the relevance and timeliness;
- 5) open and available for everyone;
- 6) cost effectiveness;
- 7) statistical confidentiality.

3. Formation and distribution of official statistical information of the EAEU shall be performed in accordance with the procedure specified in the Annex 4.

SECTION VI

FUNCTIONING OF THE CUSTOMS UNION

Article 25

Principles of Functioning of the Customs Union

1. Within the framework of the Customs Union of member States:
 - 1) internal market of goods shall operate;

- 2) Common External Tariff of the Eurasian Economic Union and other common measures regulating foreign trade in goods with third parties shall be applied;
- 3) common regime for trade in goods with third parties shall operate;
- 4) common customs regulation shall be conducted;
- 5) free movement of goods without customs declarations and state control (transport, sanitary, veterinary and sanitary, phytosanitary quarantine, is applied between territories of the member States, except for the cases, provided in this Treaty.

2. For the purposes of this Treaty, the following definitions are used:

“import customs duty” – compulsory payment, imposed by customs bodies of the member States in terms of imports to the customs territory of the EAEU;

“Common Commodity Nomenclature of Foreign Economic Activity of the Eurasian Economic Union” - commodity nomenclature of foreign economic activity based on Harmonized Commodity Description and Coding System of the World Customs Organization and Common Commodity Nomenclature of Foreign Economic Activity of the Commonwealth of Independent States;

“Common External Tariff of the Eurasian Economic Union (CET)” – a set of customs duty rates applied for goods being imported (imported) to the customs territory of the EAEU from third countries, classified in accordance with the Common Commodity Nomenclature of Foreign Economic Activity of the Eurasian Economic Union;

“tariff preferences” – import customs duty exemption or lower import customs duty rates in respect of goods, originating from countries, which form a free trade zone with the EAEU, or lower import customs duty rates in respect of goods originating from developing and least-developed countries-beneficiaries of the common system of tariff preferences of the EAEU

Article 26

Enrollment and Distribution of Import Custom Duties (Other Duties, Taxes and Charges Having Equivalent Power)

Paid (recovered) import custom duties shall be enrolled and distributed among the budgets of the member States.

Enrollment and distribution of amounts of import customs duties and their transition to the budgets revenue of the member States shall comply with the procedure specified in the Annex 5.

Article 27

Establishment and Functioning of Free (Special) Economic Zones and Free Warehouses

In order to facilitate social and economic development of the member States, attract investments, establish and develop industries, based on new technologies, develop transport infrastructure, tourism and health resort areas and other aims within the territories of member States free (special) economic zones (SEZs) and free warehouses shall be established and functioned.

Conditions of establishment and functioning of free (special) economic zones and free warehouses shall be stipulated by international agreements within the framework of the EAEU.

Article 28

Internal Market

1. The EAEU shall take measures to ensure the functioning of the internal market in accordance with the provisions of this Treaty.

2. Internal market covers economic space in which under the provisions of this Treaty shall be provided a free movement of goods, persons, services and capital.

3. Within the functioning of the internal market in mutual trade of goods the member State shall not apply customs duties (other duties, taxes and charges having equivalent power), non-tariff measures, special protective, antidumping and countervailing measures, except otherwise provided in this Treaty.

Article 29

Exceptions From the Functioning Procedure of

Internal Market of Goods

1. Member States during the mutual trade of goods may apply restrictions (subject to the fact that these measures do not serve as unjustifiable discrimination or covered restriction on trade), if such restrictions are necessary for:

- 1) protection of human life and health;
- 2) protection of public morals and public order;
- 3) environmental protection;
- 4) the protection of animal and plant species and cultural values;
- 5) implementation of international obligations;
- 6) the defense and security of the member State.

2. Due to the reasons set out in paragraph 1 of this Article, at the internal market could be imposed sanitary, veterinary and sanitary and phytosanitary quarantine measures in the manner determined under the Section XI of this Treaty

3. Due to the reasons set out in paragraph 1 of this Article, the turnover of certain categories of goods can be limited.

Procedure of moving or handling of such goods at the customs territory of the EAEU is determined in accordance with this Treaty and the international treaties within the EAEU.

SECTION VII

REGULATION OF DRUGS AND MEDICAL PRODUCTS CIRCULATION

Article 30

Formation of a Common Market of Drugs

1. Member States within the framework of the EAEU shall establish a common market of drugs which are consistent to standards of appropriate pharmaceutical practice, based on the following principles:

- 1) harmonization and unification of the legal requirements of member States in the field of drugs circulation;

2) ensuring the unity of the mandatory requirements for the quality, effectiveness and safety of drugs which are circulated at the territory of the EAEU;

3) adoption of common rules in the field of drugs circulation;

4) development and application of the identical or comparable methods of research and monitoring in assessment of the quality, effectiveness and safety of drugs;

5) harmonization of member States legislation in the field of control (supervision) in the field of drugs circulation;

6) implementation of licensing and enforcement functions in the field of drugs circulation through the relevant competent authorities of the member States.

2. Functioning of the common market of drugs within the framework of the EAEU shall be realized in accordance with international agreement within the framework of the EAEU based on provisions of Article 100 of this Treaty.

Article 31

Establishment of Common Market of Medical Products (Healthcare Products and Medical Devices)

1. Member States within the framework of the EAEU shall establish the common market of medical products (healthcare products and medical devices) based on the following principles:

1) harmonization of the legal requirements of the member States in the field of medical products (healthcare products and medical devices) circulation;

2) ensuring the unity of the mandatory requirements for the effectiveness and safety of medical products (healthcare products and medical devices) in circulation at the territory of the EAEU;

3) adoption of common rules in the field of medical products (healthcare products and medical devices) circulation;

4) determination of common approaches for the establishment of system on provision of safety of medical products (healthcare products and medical devices);

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

1. Technical regulation within the EAEU shall be implemented in accordance with the following principles:

1) establishment of mandatory requirements to products or services and product related requirements to design processes (including research), manufacturing, construction, installation, adjustment, operation, storage, transportation, marketing and utilization;

2) establishment of common mandatory requirements in technical regulations of the EAEU or national mandatory requirements in the legislation of the member States in respect to the products included in the common list of products for which established mandatory requirements within the EAEU are established (hereinafter - the common list);

3) application and enforcement of technical regulations of the EAEU at the territories of the member States without exceptions;

4) compliance of technical regulations within the EAEU to the level of economic development of member States and the level of scientific and technological development;

5) independence of accreditation bodies of the member States, the certification bodies of the member States and the supervisory(control) authorities of the member States from manufacturers, sellers and purchasers and consumers;

6) unity of the rules and methods of research (tests) and measurements during the mandatory conformity assessment procedures;

7) unity of application of technical regulations of the EAEU regardless of the types and (or) characteristics of the transactions;

8) inadmissibility of restriction of competition in conducting conformity assessment procedures;

9) implementation of state control (supervision) over observance of technical regulations of the EAEU on the basis of the harmonization of legislation of the member States;

10) voluntary application of standards;

11) development and implementation of intergovernmental standards;

12) harmonization of the intergovernmental standards with international and regional standards;

13) unity of the rules and procedures of mandatory conformity assessment procedures;

14) to ensure harmonization of legislation of member States with regard to establishing liability for violation of the mandatory requirements for products, mandatory conformity assessment procedures and rules;

15) coherent policies in the area of traceability within the EAEU;

16) preventing the formation of exceeding barriers on the business activities;

17) establishment of the transitional period provisions aimed at phased transition to the new requirements and documents.

2. Provisions of this section do not apply to the establishment and application of sanitary, veterinary and sanitary and phytosanitary quarantine measures.

3. Policies, regulations and procedures of technical regulation within the EAEU shall be established in accordance with Annex 9.

4. Coherent policies in the area of traceability within the EAEU shall be established in accordance with Annex 10.

Article 52

Technical Regulations of the EAEU and Standards

1. Technical regulations of the EAEU shall be used for the purpose of protecting life and (or) human health, property, the environment, protecting life and (or) health of animals and plants, prevention of actions misleading consumers as well as to ensure energy efficiency and cost-effective use of resources within the EAEU.

Adoption of technical regulations of the EAEU for other purposes is not allowed.

Procedure for development and adoption of technical regulations of the EAEU as well as the procedure for introduction of amendments and their cancellation are adopted by the Commission.

The technical regulations of the EAEU or national mandatory requirements apply only to the products included in common list approved by the Commission.

Procedure for the formation and maintenance of the common list shall be approved by the Commission.

Member States do not allow imposing the mandatory requirements in their legislation for products not included in the common list.

2. Technical Regulations of the EAEU are directly applicable at the territory of the EAEU.

The procedure for entering into force of the technical regulations of the EAEU and transitional provisions are to be determined under the technical regulations of the EAEU and (or) an act of the Commission.

3. To meet the requirements of technical regulations and conformity assessment to the requirements of technical regulations of the EAEU on a voluntary basis international, regional (intergovernmental) standards, and in their absence (before the adoption of the regional (intergovernmental) standards) - the national (state) standards of the member States can be applied.

Article 53

Circulation of Products and Technical Regulations of the EAEU

1. Products manufactured and put into the circulation on the territory of the EAEU shall be safe.

Rules and procedures for ensuring the safety and circulation of products, for which requirements are not established under the technical regulations of the EAEU, shall be determined by the international treaty within the EAEU.

2. Products that are subject to the enforced technical regulation of the EAEU (technical regulations of the EAEU) can be put into the circulation at the territory of the EAEU, provided that it has passed the necessary conformity assessment procedures established under the technical regulation of the EAEU (technical regulations of the EAEU).

Member States shall ensure circulation of products conforming to the requirements of the technical regulation of the EAEU (technical regulations of the EAEU) on its territory without application of additional with regard to the technical regulation of the EAEU (technical regulations of the EAEU) requirements to such products and without additional conformity assessment procedures.

The provisions of the second paragraph of this paragraph shall not be applied with respect to the sanitary, veterinary and sanitary as well as phytosanitary quarantine measures.

3. From the date of entry into force of the technical regulations of the EAEU at the territories of the member States the relevant mandatory requirements for products or services and related requirements for product design process (including research), manufacturing, construction, installation, adjustment, operation, storage, transportation, marketing and utilization established under the legislation of the member States or the Commission's acts are to be applied only in part determined by the transitional provisions and from the date of termination of the transitional provisions, determined under the technical regulation of the EAEU and (or) under the Commission's act shall not be applied for the putting of the products into circulation, conformity assessment of the objects of the technical regulation, state control (supervision) over observance of technical regulations of the EAEU.

The provisions of the first subparagraph of this paragraph shall not be applied to the sanitary, veterinary and sanitary as well as phytosanitary quarantine measures.

Mandatory requirements for products or services and related requirements for product design processes (including research), manufacturing, construction, installation, adjustment, operation, storage, transportation, marketing and utilization established under the acts of the Commission prior to the entry into force of the technical regulation of the EAEU shall be included into the technical regulations of the EAEU.

4. State control (supervision) over observance of technical regulations of the EAEU shall be carried out in accordance with the legislation of the member States.

Principles and approaches to the harmonization of legislation of member States in the sphere of state control (supervision) over observance of technical regulations of the EAEU shall be defined under the international treaty within the EAEU.

5. Responsibility for non-compliance with the technical regulations of the EAEU, as well as for violation of procedures for assessment of conformity of products with the technical regulations of the EAEU are established in accordance with the legislation of the member States.

Article 54

Accreditation

1. Accreditation within the EAEU shall be implemented in accordance with the following principles:

- 1) harmonization of rules and approaches in the field of accreditation with international standards;
- 2) provision of voluntary accreditation, transparency and accessibility of information on procedures, rules and results of accreditation;
- 3) ensuring objectivity, impartiality and competence of the accreditation bodies of the member States;
- 4) ensuring that applicants for accreditation faced equal conditions in respect of accreditation and ensuring of the confidentiality of information obtained during the accreditation;
- 5) inadmissibility of combination of accreditation functions with functions of state control (supervision) by the same authority of the member State, except for carrying out monitoring the activities of accredited conformity assessment bodies of the member States (including certification bodies, testing laboratories (centers));
- 6) inadmissibility of combination by one authority of the member State of the accreditation and conformity assessment functions.

2. Accreditation of conformity assessment bodies of the member States shall be carried out by the accreditation bodies of member States authorized in accordance with the laws of the member States on the implementation of these activities.

3. Accreditation bodies of one member State shall not compete with the accreditation bodies of the other member States.

To avoid competition between accreditation bodies of the member States, the conformity assessment body of a member State shall for accreditation purposes apply to the accreditation body of the member State, on which territory it was registered as a legal entity.

If the accreditation body of one member State applies for accreditation purposes to the conformity assessment body registered as a legal entity at the territory of another member State, this accreditation body shall inform the accreditation body of the member State at whose territory the conformity assessment body is registered. In this case it is allowed to carry out accreditation by the accreditation bodies of the member States, if the accreditation body of the member State, at whose territory this conformity assessment body is registered, does not exercise accreditation in the required area. In this case the accreditation body of the member State, at whose territory conformity assessment body is registered has the right to act as an observer.

4. Accreditation bodies of member States carry out mutual comparative evaluation in order to achieve equivalence of the procedures.

Recognition of the results of the accreditation of conformity assessment bodies of the member State shall be carried out according to Annex 11.

Article 55

Elimination of Technical Barriers in Mutual Trade with Third Countries

Procedures and conditions for the elimination of technical barriers in trade with third countries shall be defined under the international treaty within the EAEU.

SECTION XI
SANITARY, VETERINARY AND SANITARY AND PHYTOSANITARY
QUARANTINE MEASURES

Article 56

General Principles of the Application of Sanitary, Veterinary and Sanitary and
Phytosanitary Quarantine Measures

1. Sanitary, veterinary and sanitary and phytosanitary quarantine measures shall be applied on the basis of principles having a scientific basis and only to the extent necessary to protect human, animal and plant life and health.

Sanitary, veterinary and sanitary and phytosanitary quarantine measures applied within the EAEU shall be based on international and regional standards, guidelines and (or) recommendations except for the cases when, based on appropriate scientific justification, sanitary, veterinary and sanitary and phytosanitary quarantine measures that ensure a higher level of sanitary, veterinary and sanitary and phytosanitary quarantine protection than measures based on relevant international and regional standards, guidelines and (or) recommendations are applied.

2. In order to ensure sanitary and epidemiological welfare of the population, as well as veterinary and sanitary, quarantine phytosanitary safety in the EAEU a coordinated policy in the sphere of application of sanitary, veterinary and sanitary and phytosanitary quarantine measures shall be conducted.

3. Coordinated policy is implemented through joint development, adoption and implementation of international agreement and acts of the Commission by the member States in the field of application of sanitary, veterinary and sanitary and phytosanitary quarantine measures.

4. Each member State has the right to develop and implement temporary sanitary-epidemiological, veterinary and sanitary and phytosanitary quarantine measures.

The Commission shall approve the procedure of interaction of the member States authorized bodies with the introduction of temporary sanitary, veterinary and sanitary and phytosanitary quarantine measures.

5. Coordinated approaches when conducting identification, registration and traceability of animals and products of animal origin shall be applied in accordance with the acts of the Commission.

6. Application of sanitary, veterinary and sanitary and phytosanitary quarantine measures and interaction of the member States authorized bodies in the field of sanitary, veterinary and sanitary and phytosanitary quarantine measures shall be implemented in accordance with Annex 12 to this Treaty.

Article 57

Application of Sanitary Measures

1. Sanitary measures shall be applied to persons, vehicles, as well as products (goods) subject to sanitary-epidemiological supervision (control), included into the common list of products (goods) subject to state sanitary-epidemiological supervision (control) in accordance with the acts of the Commission.

2. Common sanitary-epidemiological and hygienic requirements and procedures shall be established to products subject to state sanitary-epidemiological supervision (control).

Common sanitary and epidemiological and hygienic requirements to products (goods), in respect of which technical regulations of the EAEU are being developed, shall be included into the technical regulations of the EAEU in accordance with the acts of the Commission.

3. The Commission shall approve the procedure for the development, approval, amendment and implementation of the common sanitary-epidemiological and hygienic requirements and procedures.

4. In order to ensure sanitary-epidemiological welfare of the population, the authorized bodies of the member States in the field of the sanitary-epidemiological welfare

of the population shall implement state sanitary and epidemiological supervision (control) in accordance with the legislation of the member States and acts of the Commission.

Authorized bodies in the field of sanitary and epidemiological welfare of the population can implement state supervision (control) over compliance with requirements of technical regulations of the EAEU within the framework of state sanitary and epidemiological supervision (control) in accordance with the legislation of the member States.

Article 58

Application of Veterinary and Sanitary Measures

1. Veterinary and sanitary measures shall be applied to goods (including goods for personal use), imported into the custom territory of the EAEU and transported within the custom territory of the EAEU, included in the Common list of goods subject to veterinary control (supervision) approved by the Commission, as well as to objects subject to veterinary control (supervision).

2. Common veterinary (veterinary and sanitary) requirements approved by the Commission shall be applied to goods and objects subject to veterinary control (supervision).

3. In order to prevent importation and distribution of agents of infectious animal diseases, including those common to humans and animals, and goods not corresponding to a common veterinary (veterinary-sanitary) requirements veterinary control (supervision) over goods subject to veterinary control (supervision), including goods for personal use, as well as objects subject to the veterinary control (supervision) shall be implemented according to the acts of Commission.

Interaction of the member States in prevention, diagnosis, localization and liquidation of centers of particularly dangerous, quarantine and zoonotic animal diseases shall be carried out in the order established by the Commission.

4. Authorized bodies in the veterinary field shall implement veterinary control (supervision) at the transition of goods controlled by the veterinary control (supervision) across the customs border of the EAEU at checkpoints of the state border of the member

States or at other locations specified in national legislation of the member States that are fitted and equipped with means of veterinary control in accordance with the legislation of the member States.

5. Each batch of goods subject to veterinary control (supervision) shall be imported into the customs territory of the EAEU according to the Common veterinary (veterinary and sanitary) requirements approved by the Commission and in a presence of a permit issued by the authorized body of the member States in the veterinary field in whose territory these goods are imported and/or a veterinary certificate issued by the authorized body of the country of dispatch of these goods.

6. Goods subject to veterinary control (supervision) shall be transported from the territory of one member State into the territory of the other member State according to the Common veterinary (veterinary and sanitary) requirements. A veterinary certificate shall accompany these goods, unless otherwise determined by the Commission.

The member States mutually recognize veterinary certificates issued by authorized bodies in the veterinary field as per single forms approved by the Commission.

7. The basic principle of ensuring safety of goods subject to veterinary control (supervision) in their production, processing, transportation and/or storage in a third country, is an audit of foreign official supervision.

Authorized bodies in the veterinary field shall conduct audits of foreign official systems of supervision and inspections of objects subject to veterinary control (supervision) in accordance with the acts of the Commission.

8. The member States have the right to develop and implement temporary veterinary (veterinary and sanitary) requirements and measures in case of receiving official information from the relevant international organizations, the member States, as well as third countries on the deterioration of the epizootic situation in the territories of third countries or member States.

In case of presence of such information, but in the absence of adequate scientific evidence or if such evidence cannot be submitted when required, the member States may take immediate veterinary and sanitary measures.

Article 59

Quarantine Phytosanitary Measures

1. Quarantine phytosanitary measures shall be applied to the products included in the List of quarantineable products (quarantineable cargo, quarantineable substances, quarantineable goods) subject to quarantine phytosanitary control (supervision) at the customs border of the EAEU and in the customs territory of the EAEU (hereinafter - the List of quarantineable products), quarantine objects included in the Common list of quarantine objects of the EAEU, as well as quarantineable objects.

2. Quarantine phytosanitary control (supervision) in the customs territory of the EAEU and the customs border of the EAEU shall be carried out in respect of the products included in the List of quarantineable products, quarantine objects included in the Common list of quarantine objects of the EAEU, as well as quarantineable objects.

3. The List of quarantineable products, the Common list of quarantine objects of the EAEU and the Common quarantine phytosanitary requirements shall be approved by the Commission.

SECTION XII

CONSUMER RIGHTS PROTECTION

Article 60

Guarantees for the Consumer Rights Protection

1. Consumer rights protection is guaranteed under the legislation of the member State on the consumer rights protection as well as under this Treaty.

2. The citizens of member States as well as other persons living on the territory of other member States shall enjoy the same legal protection in the field of consumer protection as citizens live at the territories of the other member States, and shall have the right to apply to state and non-governmental organizations for the protection of consumer rights and other organizations as well as to the courts and carry out other procedural actions on the same conditions as the citizens of the other member States.

Article 61
Policy in the Area of Consumer Protection

1. Member States shall conduct a coordinated policy in the field of consumer protection aimed at formation of the equal conditions for citizens of member States to protect their interests from unfair activities of commercial entities.

2. Implementation of harmonized policies of consumer protection is provided in accordance with this Treaty and the legislation of the member States on the protection of consumer right on the basis of the principles specified in the Annex 13.

PART III
SINGLE ECONOMIC SPACE
SECTION XIII
MACROECONOMIC POLICY

Article 62
Main Directions of the Coordinated Macroeconomic Policy

1. Within the EAEU a coordinated macroeconomic policy providing for the development and implementation of joint actions by the member States shall be carried out in order to achieve balanced economic development of the member States.

2. Coordination of the implementation by the member States of the coordinated macroeconomic policy shall be carried out by the Commission in accordance with the Annex 14 to this Treaty.

3. Main directions of the coordinated macroeconomic policy of the member States include:

1) ensuring sustainable economic development of the member States with the use of integration potential of the EAEU and competitive advantages of each member State;

2) creation of common principles of functioning of the economy of the member States and their effective interaction;

3) providing for the conditions for the increase of the internal stability of the economy of the member States, including macroeconomic stability, as well as resistance to external effects;

4) development of common principles and guidelines for social and economic development of the member States.

4. Implementation of the main directions of coordinated macroeconomic policy shall be carried out in accordance with the Annex 14 hereto.

Article 63

Main Macroeconomic Indicators Determining Sustainability of Economic Development

Member States form the economic policy within the following quantitative parameters of macroeconomic indicators determining sustainability of economic development:

annual deficit of consolidated general governmental budget - does not exceed 3 percent of gross domestic product;

general governmental debt - does not exceed 50 percent of gross domestic product;

inflation rate (consumer price index) on annual basis (from December to December of the previous year, in percentage) - does not exceed by more than 5 percentage points the inflation rate in the member State where this index is the lowest.

SECTION XIV

MONETARY POLICY

Article 64

Purposes and Principles of Coordinated Monetary Policy

1. Member States for the purposes of deepening economic integration, development of cooperation in the monetary and financial field, ensuring free movement of goods, services and capital in the territories of the member States, enhancing the role of national currencies of the member States in foreign trade and investment transactions as well as providing mutual convertibility of these currencies, shall develop and carry out coordinated monetary policy based on the following principles:

1) gradual implementation of harmonization and convergence of approaches to the formation and conduction of the currency policy to the extent where it corresponds the current macroeconomic integration cooperation demand;

2) creation the necessary organizational and legal conditions at national and intergovernmental levels for the integration processes development in the monetary field, coordination and correlation of monetary policy;

3) prevention of actions in the monetary field that may adversely affect the integration processes development, and in case of its forced application - minimization of the consequences of such actions;

4) economic policy aimed at increasing confidence as regards national currencies of the member States both in the domestic market of each member State as well as in the international monetary markets.

2. For the purposes of the coordinated monetary policy the member States shall implement the measures in accordance with the Annex 15 to the Treaty.

3. Coordination of the exchange rate policy is carried out by a separate body that consists of the heads of national (central) banks of the member States and its operation procedures are determined by the international treaty within the EAEU.

4. Correlated approaches are used by the member States in respect of monetary relations regulation and adoption of liberalization measures shall be determined under an international agreement within the EAEU.

SECTION XV

TRADE IN SERVICES, ESTABLISHMENT, ACTIVITIES AND INVESTING

Article 65

Objectives and Purposes, Scope of Application

1. The objective of this Section is to ensure the freedom of trade in services, establishment, activities and investments within the EAEU in accordance with the conditions of this Section and the Annex 16 to this Treaty.

The legal basis of regulation of trade in services, establishment, activities and investments in the territories of the member States is determined in accordance with the Annex 16 to this Treaty.

2. Provisions of this Section shall be applied to measures of the member States affecting supply and consumption of services, establishment, activities and investments.

The provisions of this Section shall not apply:

to the state (municipal) procurement regulated by the Section XXII of this Treaty;

to the supply of services and activities carried out in the exercise of governmental authority.

3. Services covered by Sections XVI, XIX, XX and XXI of this Treaty shall be regulated by the provisions of this sections, respectively. The provisions of this section shall be applied to the extent not inconsistent with the specified sections.

4. Specificities of relations arising in relation to the trade of electric communication services shall be determined in accordance with the Procedure for Trade in Electric Communication services (Annex 1 to the Annex 16 hereto).

5. Specificities of the entry, departure, stay and employment of natural persons shall be regulated by Section XXVI of this Treaty to the extent not inconsistent with this Section.

6. Nothing in this Section shall be interpreted as:

1) a requirement to any member State to furnish any information, the disclosure of which it considers contrary to its essential security interests;

2) a prevention for any member States from taking any action it considers necessary for the protection of its the essential security interests through the adoption of legislation, including:

relating to the supply of services as carried out directly or indirectly for the purpose of provisioning a military establishment;

relating to fissionable and fusionable materials or the materials from which they are derived;

taken in time of war or other emergency in international relations;

3) a prevention for any member States from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

7. Provisions of this Section shall not prevent the member States to adopt or enforce the measures:

1) necessary for the protection of the public morals or for maintaining the public order. Exceptions for the reasons of public order can only be applied in cases when there is a genuine and sufficiently serious threat for one of the fundamental interests of the society.

2) necessary for the protection of human, animal or plant life or health;

3) necessary for compliance with the legislation of the member States that are not contrary to the provisions of this section, including those related to:

the prevention of deceptive and fraudulent practices or to deal with the effects of a default on civil contracts;

the protection of the privacy of individuals in relation to the processing and dissemination of personal data and the protection of confidentiality of individual records and accounts;

safety;

4) inconsistent with paragraphs 21 and 24 of the Annex 16 to this Treaty, provided that the difference in actual treatment is aimed at ensuring the equitable or effective imposition or collection of direct taxes from persons of another member States or of third States in respect of trade in services, establishment and activities and such measures should not be inconsistent with the provisions of international treaties of the member States;

5) inconsistent with paragraphs 27 and 29 of the Annex 16 to this Treaty, provided that the difference in treatment is the result of an agreement on taxation matters, including

on the avoidance of double taxation where the respective member States is a party to such an agreement.

8. Application of measures stipulated in paragraph 7 of this Article shall not result in arbitrary or unjustifiable discrimination between member States or a disguised restriction on trade in services, establishment, activities and investments.

9. If a member States retains restrictions or prohibitions on trade in services, establishment, activities and investments against a third State, nothing in this section shall be interpreted as obliging this member States to apply the provisions of this section to the persons of another member States if such person is owned or controlled by a person of the specified third State, and the application of the provisions of this section will lead to circumvention or violation of these prohibitions and restrictions.

10. Member States may not apply its obligations under this Section, on the person of another member States in respect of trade in services, establishment, activities and investments if it is proven that the entity of another member States does not exercise significant business operations in the territory of another member States, and that it is owned or controlled by a person of the first member State or by a person of a third State.

Article 66

Liberalization of Trade in Services, Establishment, Activities and Investments

1. Member States shall not introduce new discriminatory measures in respect of trade in services, establishment, and activities of persons of the other member State as compared to the treatment in force at the date of entry into force of this Treaty.

2. To ensure free trade in services, establishment, activities and investments, the member States carry out gradual liberalization of conditions for mutual trade in services, establishment, activities and investments.

3. Member States aspire to create and ensuring operation of a single services market stipulated by paragraph 38 - 43 of the Annex 16 to this Treaty, in the maximum number of services sectors.

Article 67

Principles of Liberalization of Trade in Services, Establishment, Activities and Investments

1. Liberalization of trade in services, establishment, activities and investments is carried out with consideration of the international principles and standards through the harmonization of the legislation of the member States and organization of mutual administrative cooperation between the competent authorities of the member States.

2. Within the process of liberalization of trade in services, establishment, activities and investments the member States are guided by the following principles:

1) optimization of domestic regulation - gradual simplification and (or) elimination of excessive domestic regulation, including approval requirements and procedures for service suppliers, service consumers, persons carrying out establishment or activities as and investors with consideration of the best international practice of regulation the specific services sectors, and in case of lack of such a practice - by selecting and applying the most advanced models used by the member States;

2) proportionality - a necessary and sufficient level of harmonization of legislation of the member States and the mutual administrative cooperation for the effective functioning of the services market , establishment, activities or investment;

3) mutual benefit - the liberalization of trade in services, establishment, activities and investments on the basis of fair distribution of benefits and obligations, taking into account the sensitivity of the services sectors and types of activities for each member State;

4) consistency – the adoption of any measures in respect of trade in services, establishment, activities and investments including the harmonization of legislation of the member States and administrative cooperation that are to be based on the following:

deterioration of conditions of mutual access in comparison with the conditions prevailing at the date of completion of this Treaty as well as with the conditions set forth in this Treaty in any sectors of services and activities is unacceptable;

gradual reduction of restrictions, exemptions, additional requirements and

conditions stipulated by individual national lists of restrictions, exemptions, additional requirements and conditions approved by the Supreme Council stipulated in subparagraph 4 of paragraph 2 and paragraphs 15-17, 23, 26, 28, 31, 33 and 35 of the Annex 16 to this Treaty;

5) the economic feasibility – conduction within the single services market, provided by paragraphs 38 - 43 of the Annex 16 to this Treaty, of liberalization of trade in services as a priority in relation to the services sectors that have the most significant impact on the cost price, competitiveness and (or) the volumes of produced and sold goods in the domestic market of the EAEU.

Article 68

Administrative Cooperation

1. The member States shall assist each other in ensuring effective cooperation between the competent authorities on matters regulated by this Section.

To ensure the effectiveness of cooperation including the exchange of information the competent authorities of the member States should conclude the agreements.

2. Administrative cooperation includes:

1) an operational information exchange between the competent authorities of the member States in respect of services sector as a whole, as well as in relation to individual market participants;

2) creation of a mechanism for preventing the violation by services suppliers of rights and interests of consumers, fair market participants as well as public (state) interests.

3. Competent authorities of a member State may request under the concluded agreements the competent authorities of other member States information within the competence of the latter and necessary for the effective implementation of the requirements of this section, including:

1) on the persons of these other member State carrying out establishment or providing services in the territory of the first member State, and in particular the

information on the evidences confirming that such persons are established in their territories and that according to the competent authorities these persons are engaged in business activities;

2) on the approvals issued by the competent authorities, and types of activities to be implemented under these approvals;

3) on administrative measures, penal sanctions or decisions on the recognition of insolvency (bankruptcy) of a person, that were taken by the authorities in respect to this person and that directly affect their competence or business reputation. The competent authorities of a member State shall provide the relevant information requested from the competent authorities of another member State, including the grounds for bringing to justice those who carried out establishment or supplied services in the territory of the first member State.

4. Administrative cooperation of the competent authorities of the member States (including the monitoring and supervision of the activities) aimed at:

1) creation of an effective system to protect the rights of services consumers of one member State with the supply of these services by services supplier of another member State;

2) fulfillment of tax obligations and other obligations by the services consumers and services suppliers;

3) preventing unfair business practices;

4) ensure the reliability of statistical data on the amounts of services supplied by the member States.

5. If the member State became aware of the actions of any of the services suppliers or persons carrying out establishment or activities, or investors who are capable of causing damage to the health or safety of humans, animals, plants or the environment in the territory of that member State or in the territories of other member States, the first member State shall as soon as possible inform all the member States and the Commission about it.

6. Commission promotes the development and participates in the process of operation of the information systems of the EAEU on matters regulated by this Section.

7. The member States may inform the Commission on cases of non-compliance of

the obligations under this Article by other member States.

Article 69

Transparency

1. Each member State shall ensure openness and availability of its legislation on matters regulated by this Section.

For these purposes, all of the normative legal acts of the member State which affect or may affect the matters regulated by this Section shall be published in the sources of official information, and if possible also on the respective website in the Internet so that any person whose rights and (or) obligations might be affected by such normative legal acts had the opportunity for comment.

2. Normative legal acts of the member States specified in paragraph 1 of this Article shall be published within the period providing legal certainty and the reasonable expectations of persons whose rights and (or) obligations might be affected by these normative legal acts, but in any case prior to the date of their entry into force.

3. Member States shall ensure the publication of the preliminary draft of normative legal acts specified in paragraph 1 of this Article.

Member States shall place the draft normative legal act, information on the procedure of submission by persons of comments and proposals on those draft normative legal acts, as well as information on the time period for public comment of draft normative legal act in the Internet on the official websites of government agencies responsible for the development of the draft normative legal acts, or on specially created websites in order to provide all interested persons with the opportunity to submit their comments and proposals.

The drafts normative legal acts are to be published usually within 30 calendar days before the date of their adoption. Such prior publication is not required in exceptional cases that require a rapid response and in cases where prior publication of draft regulations may prevent their application or otherwise be contrary to the public interest.

Comments and (or) proposals received by the competent authorities of the member

States during the public consultations shall be taken into account while revising draft normative legal acts.

4. Publication of normative legal acts (their drafts) referred to in paragraph 1 of this Article shall be accompanied by an explanation of the purposes of their adoption and application.

5. The member States create a mechanism providing for responding to written or electronic requests of any person in respect of the normative legal acts in force and (or) normative legal acts planned for adoption referred to in paragraph 1 of this Article.

6. The member States shall provide for consideration of applications of persons of other member States on matters regulated by this Section, in accordance with its legislation in the manner prescribed for its persons.

SECTION XVI

REGULATION OF THE FINANCIAL MARKETS

Article 70

Purposes and Principles of the Regulation of Financial Markets

1. Member States within the EAEU shall carry out the coordinated regulation of financial markets in accordance with the following objectives and principles:

1) to deepen economic integration of member States in order to create within the EAEU a common financial market and to ensure non-discriminatory access to the financial markets of the member States;

2) to ensure a secure and effective protection of the rights and legitimate interests of financial services consumers;

3) to create the conditions for mutual recognition of licenses in the banking and insurance sectors as well as in the services sector within the securities market issued by authorized bodies of one member State in the territories of other member States;

4) to determine approaches in respect of risk management in the financial markets of the member States in accordance with international standards;

5) to determine the requirements for banking activities, insurance activities, and activities in the securities market (prudential requirements);

6) to determine the order of supervising of the financial market participants;

7) to ensure transparency of financial market participants.

2. In order to create the conditions within the financial market for free movement of capital the member States shall apply the following basic forms of cooperation, including:

1) exchange of information including the confidential one between the competent authorities of the member States on the matters related to regulation and development of banking activities, insurance activities and activities in the securities market, control and supervision in accordance with the international agreement within the EAEU;

2) conduction of the agreed actions concerning the discussion of current and potential issues in the financial markets and development of proposals for solution of those issues;

3) mutual consultations carried out by the competent authorities of the member States in respect of regulation of banking activities, insurance activities and activities in the securities market .

3. To achieve the objectives set out in paragraph 1 of this Article, the member States in accordance with an international agreement within the EAEU and subject to Annex 17 of this Treaty and Article 103 of this Treaty shall harmonize their legislation in respect of financial market.

SECTION XVII

TAXES AND TAXATION

Article 71

Principles of Member States Cooperation in the Field of Taxation

1. Goods imported from the territory of one member State into the territory of another member State shall be levied by indirect taxes.

2. Member States in mutual trade shall collect taxes, other charges and payments so that taxation in the member State in which territory the goods of other member States are sold is no less favorable than the taxation applied by this member State under the similar circumstances in respect of like goods, originating from its territory.”

3. Member States shall determine directions, as well as forms and procedure of harmonization of tax legislation that affect mutual trade in order to avoid violation of competition conditions and not to prevent free movement of goods, works and services at the national level or at the level of the EAEU, including:

- 1) harmonization (approximation) of excise rates on the most sensitive excisable goods;
- 2) further improvement of the system on collection of value added tax in mutual trade (including the use of information technologies).

Article 72

Principles of Indirect Taxes Collection in Member States

1. Collection of indirect taxes in mutual trade of goods shall be carried out by the principle of country of destination, provided for an application of zero rate of value added tax and (or) exemption from payment of excise taxes on export of goods, as well as levying of import of goods by indirect taxes.

Collection of indirect taxes and the mechanism of control over their payment on export and import of goods shall be carried out under the procedure, provided for in Annex 18 of this Treaty.

2. Collection of indirect taxes on performing work and services supply shall be carried out in a member State, which territory is recognized as a place of selling works, supply of services.

Collection of indirect taxes on performing works, services supply shall be carried out under the procedure, provided for in Annex 18 of this Treaty.

3. Exchange of information between tax authorities of member States, which is required to ensure the full payment of indirect taxes, shall be carried out in accordance

with separate international interagency agreement, which shall establish the procedure on exchange of information, form of application on import of goods and payment of indirect taxes, rules of filling and requirement for exchange format.

4. While importing goods to the territory of one member State from the territory of another member State indirect taxes shall be collected by tax authorities of the importing member State, unless otherwise provided by the legislation of this member State in relation to the goods subject to marking with excise stamps (accounting control marks, signs).

5. The rates of indirect taxes in mutual trade while importing goods to the territory of a member State shall not exceed the rates of indirect taxes levied on similar domestically produced goods that are being sold in the territory of this member State.

6. Indirect taxes should not be collected while importing to the territory of a member State:

1) goods, which in accordance with the legislation of this member State are not subject to taxation (exempted from taxation) when importing in its territory;

2) goods being imported into the territory of a member State by natural persons not for the purposes of business activity;

3) goods, import of which into the territory of one member State from the territory of another member State is carried out in connection with their transfer within one juridical person (obligation of notification tax authorities on import (export) of such goods could be established in accordance with the legislation of a member State).

Article 73

Income Taxation of Natural Persons

If one member State in accordance with its legislation and provisions of international treaties is entitled to levy the income of a tax resident (person with a permanent place of residence) of another member State earned in connection with employment in the first member State, such income shall be levied in the first member State as of the first day of employment at the rates established for such incomes of natural

persons that are tax residents (persons with permanent place of residence) of this first member State.

The provisions of this Article shall apply to taxation of income related to employment earned by the citizens of member States.

SECTION XVIII

COMMON PRINCIPLES AND RULES OF COMPETITION

Article 74

General Provisions

1. The subject of this Article is establishment of common principles and rules of competition, providing detection and restraint of anticompetitive practices in the territory of the member States and actions, adversely affecting competition on transboundary markets in the territory of two and more member States.

2. The provisions of this sector are applied to relationship, connected with implementation of competition (antimonopoly) policy in the territory of the member States, and to the relationship with participation of business entities (market participants) of the member States, which adversely affect or may affect competition on transboundary markets in the territory of two and more member States. Criteria of reference of the market to transboundary for the purposes of determining competence of the Commission are established by the decision of the Supreme council.

3. The member States are eligible to establish additional prohibitions in the legislation, and additional requirements and limitations regarding prohibitions, provided for in Article 75 and 76 of this Treaty.

4. The member States pursue the aligned competition (antimonopoly) policy regarding actions of business entities (market participants) of the third countries, if these actions may adversely affect the condition of competition on the goods markets of the member States.

5. Nothing in this Section should not be interpreted as preventing any member State from taking any measures it considers necessary for protection of the major interests of national defense or security of the State.

6. Provisions of this Section are applied to natural monopoly entities as provided for by this Treaty.

7. Implementation of provisions of this Article is performed pursuant to Annex 19 to this Treaty.

Article 75

Common Principles of Competition

1. Application by the member States of the provisions of their competition (antimonopoly) legislation to business entities (market entities) of the member States is carried out similarly and equally irrespective of legal form and place of registration of such business entities (market entities) on equal terms.

2. The member States establish prohibitions in their legislation, including on the following:

1) agreements between public authorities, local governments, other authorities or organizations carrying out their function or between them and business entities (market entities) if such agreements lead to or may lead to prevention, restriction or elimination of competition, except for the cases provided by this Treaty and/or by other international agreements of the member States;

2) granting of the State or municipal preferences, except for the cases provided for in the legislation of the member States and with consideration of specificities as provided for by this Treaty and/or other international agreements of the member States.

3. The member States take effective measures for the prevention, identification and suppression of the actions (inaction) provided by subparagraph 1 of paragraph 2 of this Article.

4. The member States in accordance with their legislation ensure effective control over economic concentration to the extent necessary for the protection and development of competition in the territories of each member State.

5. Each member State provides existence of the national authority of the government whose competence includes implementation and (or) carrying out competition (antimonopoly) policy, which means, *inter alia*, granting to such authority powers to control observance over prohibition of anti-competitive actions and prohibition of unfair competition, control over economic concentration, and also powers on prevention, identification of violation of the competition (antimonopoly) legislation, take measures on termination of the mentioned violation and bringing to responsibility for such violation (hereinafter – the authorized body of the member State).

6. The member States establish in their legislation effective sanctions for conducting anticompetitive actions regarding business entities (market entities) and officials of authorized bodies, based on the principles of effectiveness, proportionality, security, inevitability and definiteness, and provide control of their application. The member States recognize that in case of application of penalties, the highest penalties have to be established for the violations constituting the greatest threat for competition (agreements limiting competition, abuse of the dominant position by business entities (market entities) of the member States), thus the preferable fines are estimated from the sum of revenues of the offender gained from sale of goods or from the sum of expenses of the offender on purchase of goods, in the market where the violation took place.

7. The member States pursuant to their legislation provide informational openness of competition (antimonopoly) policy pursued by them, including by publication of information on activity of the authorized bodies of the member States in mass media and the Internet.

8. Authorized bodies of the member States in accordance with the legislation of their State and this Treaty carry out cooperation by sending notices, requests for providing information, carrying out consultations, informing on the investigations (hearing of cases) affecting interests of the other member State, carrying out investigations (hearing of cases)

at the request of the authorized body of one of the member States and informing on its results.

Article 76

Common Rules of Competition

1. Actions (inaction) of the business entities (market entities) with a dominant position resulted in prevention, restriction, elimination of the competition and (or) infringement of interests of other persons, including the following actions (inaction), are forbidden:

1) establishment, support of monopolistically high or monopolistically low price of a good;

2) withdrawal of a good from circulation, if such withdrawal resulted in increase of the price of goods ;

3) imposition on the counter-partner economically or technologically unreasonable terms of the agreement which are unprofitable for him or do not relate to subject of the agreement;

4) economically or technologically unreasonable reduction or termination of goods production if there is a demand for these goods or orders are placed for its deliveries with the possibility of its profitable production, and also if such reduction or such termination of goods production isn't directly provided for by this Treaty and/or other international agreements of the member States;

5) economically or technologically unreasonable refusal or avoidance of the conclusion of the agreement with certain buyers (customers) with the possibility of production or delivery of the corresponding goods with specificities provided for in this Treaty and/or other international agreements of the member States;

6) economically, technologically or otherwise unreasonable establishment of various prices (tariffs) for the same goods, creation of discriminatory conditions with specificities provided for in this Treaty and/or other international agreements of the member States;

7) creation of restrictions on access to the goods market or exit from the goods market for other business entities (market entities).

2. Unfair competition is not allowed, including:

1) dissemination of the false, inadequate or distorted information which can cause losses to a business entity (market entity) or can cause damage of its business reputation;

2) misleading concerning character, method and place of production, consumer properties, quality and quantity of goods or concerning its producers;

3) incorrect comparison by the business entities (market entities) of the goods produced or sold by it with the goods produced or sold by other business entities (market participants).

3. Agreements are forbidden between business entities (market entities) - competitors acting in one goods market which lead or can lead to:

1) establishment or maintenance of the prices (tariffs), discounts, extra charges (surcharges), margins;

2) increase, decrease or support of the prices at the auctions;

3) division of the goods market by the territorial principle, volume of sale or purchase of goods, the range of goods sold or structure of sellers or buyers (customers);

4) reduction or termination of goods production;

5) refusal of the conclusion of agreements with certain sellers or buyers (customers).

4. Vertical agreements are forbidden between business entities (market entities) (except for vertical agreements which are admissible according to the criteria of admissibility established by the Annex 19 to this Treaty), if:

1) such agreements lead or can lead to establishment of the price of resale of goods, except for the case when the seller establishes a ceiling price of resale of goods for the buyer;

2) such agreements stipulate the obligation of the buyer not to sell goods of the business entity (market entity), who is a competitor of the seller. Such prohibition does not concern agreement on organization by the buyer of sale of goods under the trademark or other means of individualization of the seller or the producer.

5. Other agreements are forbidden between the business entities (market entities) (except for vertical agreements which are admissible according to the criteria of admissibility established by the Annex 19 to this Treaty) if it is established that such agreements lead or can lead to competition restriction.

6. Natural persons, commercial organizations and non-commercial organizations are forbidden to carry out coordination of economic activity of business entities (market entities) if such coordination leads or can lead to the consequences, stated in paragraphs 3 and 4 of this Article, which cannot be admitted as admissible under the criteria of admissibility, established by Annex 19 to this Treaty. The member States are entitled to establish in their legislation prohibition of coordination of economic activity, if such coordination leads or may lead to the consequences stated also in paragraph 5 of this Article, which cannot be admitted as admissible under the criteria of admissibility, established by Annex 19 to this Treaty.

7. Prevention of violation by business entities (market entities) of the member States, and also by natural persons and non-commercial organizations which do not carry out business activity, of common rules of competition established in this section if such violations affect or can adversely affect competition on transboundary markets in the territory of two and more member States, except for financial markets, is carried out by the Commission in the order provided by the Annex 19 to this Treaty.

Article 77

State Price Regulation

The order of introduction of the State price regulation, and also challenging the decisions of the member States on its introduction are determined by the Annex 19 to this Treaty.

SECTION XIX

NATURAL MONOPOLIES

Article 78

Spheres and Subjects of the Natural Monopolies

1. Membern States regulate the activity of natural monopolies entities in accordance with the rules and regulations provided in Annex 20 to this Treaty.

2. Provisions of the present section shall be applied to the relations that involve such entities as monopolies, consumers, executive authorities and local governments of the member States in the areas of natural monopolies affecting trade between member States as well as those specified in Appendix 1 to Annex 20 to this Treaty.

3. Relations in specific spheres of natural monopolies are defined under this Section taking into account features specified in Sections XX and XXI of this Treaty.

4. The spheres of natural monopolies in the member States also include the spheres of natural monopolies specified in Appendix 2 of the Annex 20 of this Treaty.

Regarding spheres of natural monopolies, specified in Appendix 2 to Annex 20 to this Treaty, the requirements of the national legislation of the member States shall be applied.

5. List of the services of natural monopolies that are attributable to the spheres of natural monopolies shall be defined by the national legislation of the member States.

6. Member States aspire to harmonize the spheres of natural monopolies provided in Appendices 1 and 2 to the Annex 20 to this Treaty, by their reduction and by possible (potential) determination of the transition period in sections XX and XXI of this Treaty.

7. Expansion of natural monopolies' spheres in the member States is carried out:

in accordance with the national legislation of the member States if a member State intends to refer to the sphere of natural monopolies which is the sphere of natural monopolies in another member State and is provided in Appendix 1 or 2 to the Annex 20 to this Treaty .

in accordance with the decision of the Commission if a member State intends to refer to the sphere of natural monopolies another sphere of natural monopolies, that were not provided in Appendix 1 and 2 to the Annex 20 to this Treaty after the proper (due) request of such member State to the Commission.

8. This Section does not include the relationships regulated by effective international bilateral agreements between the member States. The newly concluded international bilateral agreements between member States shall not be in contradiction with the present Section.

9. Provisions of Section XVIII of this Treaty shall be applied to the entities of natural monopolies subject to the specifics provided in this Section.

SECTION XX

ENERGY

Article 79

Interaction of the Member States in the Energy Sector

1. For the purposes of the effective use of the potential of fuel and energy complexes of the member States as well as providing national economies with the main types of energy (electricity, gas, oil and petroleum products), member States shall develop a long-term mutually beneficial cooperation in the energy sector, conduct a coordinated energy policy, implement the gradual formation of common markets of energy resources in accordance with international treaties provided for in Articles 81, 83 and 84 of this Treaty, with a view to ensure energy security, based on the following basic principles:

- 1) ensuring the market pricing of energy resources;
- 2) ensuring the development of competition in the common market of energy resources;
- 3) lack of technical, administrative and other barriers to trade in energy resources, appropriate equipment, technology and related services;
- 4) provision of transport infrastructure development of common markets of energy resources;
- 5) ensuring non-discriminatory conditions for economic entities of member States in the common markets of energy resources;

6) creation of favorable conditions for attracting investments in the energy sector of the member States;

7) harmonization of national regulations and functioning rules of the technological and commercial infrastructure of common markets of the energy resources.

2. The relations of economic entities of member States operating in the sphere of electric power, gas, oil and petroleum products not covered by this section shall be implemented in accordance with the legislations of the member States.

3. Provisions of section XVIII of this Treaty with respect to economic entities of member States in the fields of electric power, gas, oil and petroleum products are applied subject to particularities provided by this section and Section XIX of this Treaty.

Article 80

Indicative (Estimated) Balances of Gas, Oil and Petroleum Products

1. For the purpose of effective use of the total interstate energy potential and optimization of energy supply, the competent authorities of the member States shall develop and coordinate:

indicative (estimated) gas balance of the EAEU;

indicative (estimated) oil balance of the EAEU;

indicative (estimated) petroleum products balances of the EAEU.

2. Development of the balances referred to in paragraph 1 of this Article shall be carried out with the participation of the Commission and in accordance with the methodology of developing indicative (estimated) balances of gas, oil and petroleum products, developed within the period provided in paragraph 1 of Article 104 of this Treaty and agreed by the competent authorities of the member States.

Article 81

Formation of a Common Energy Market of the EAEU

1. Member States shall carry out phased formation of a common energy market of the EAEU on the basis of parallel operation of electric power systems subject to the transitional provisions specified in paragraphs 2 and 3 of Article 104 of this Treaty.

2. Member States shall develop the concept and program of formation of a common energy market of the EAEU approved by the Supreme Council.

3. Member States conclude an international agreement within the EAEU on the formation of a common energy market based on the provisions of the approved concept and program of formation of a common energy market of the EAEU.

Article 82

Providing the Access to Services of Natural Monopolies in the Energy Sector

1. Within existing technical capabilities the member States shall ensure free access to services of entities of natural monopolies in the energy sector, provided the priority use of these services for the domestic demand in electric energy (power) of the member States in accordance with common principles and rules according to the Annex №21 to this Treaty.

2. Principles and rules of access to the services of natural monopolies in the electricity sector, including the basics of pricing and tariff policy set out in the Annex №21 to this Treaty shall be applied to the Republic of Belarus, Republic of Kazakhstan and the Russian Federation. In the case of accession of new members the indicated Annex shall be amended accordingly.

Article 83

Formation of a Common Gas Market of the EAEU and Access to Services of Natural Monopolies in the Field of Gas Transportation

1. Member States shall carry out the phased formation of a common market of gas of the EAEU in accordance with Annex №22 subject to the transitional provisions provided for in paragraphs 4 and 5 of Article 104 of this Treaty.

2. Member States shall develop the concept and program formation of a common gas market of the EAEU approved by the Supreme Council.

3. Member States conclude an international agreement within the EAEU on the formation of the common gas market, based on the provisions of the approved concept and program for the formation of a common market of gas in the EAEU.

4. Member States within the existing technical capabilities, free capacities of gas transmission systems taking into account the agreed indicative (estimated) gas balance of the EAEU and on the basis of civil contracts of the economic entities shall provide free access for the economic entities of other member States to gas transmission systems located in the territories of the member States, to transport natural gas on the basis of common principles, conditions and rules provided under the Annex №22 to this Treaty.

Article 84

Formation of Common Oil and Petroleum Products Market of the EAEU and Access to Services of Natural Monopolies in the Field of Oil and Petroleum Products Transportation

1. Member States shall carry out the phased formation of a common market of oil and petroleum products of the EAEU in accordance with Annex №23 subject to the transitional provisions provided for in paragraphs 4 and 5 of Article 104 of this Treaty.

2. Member States shall develop the concept and program formation of a common oil and petroleum products market of the EAEU approved by the Supreme Council.

3. Member States conclude an international agreement within the EAEU on the formation of the common oil and petroleum products market, based on the provisions of the approved concept and program for the formation of a common market of oil and petroleum products in the EAEU.

4. Member States within the existing technical possibilities in regard to the agreed indicative (estimated) oil balance of the EAEU as well as agreed indicative (estimated) petroleum products balance of the EAEU and on the basis of civil contracts of the economic entities shall provide free access for the economic entities of other member

States to transmission systems located in the territories member States on the basis of common principles, conditions and rules provided under the Annex №23 hereto.

Article 85

The Authority of the Commission in the Energy Sector

In the energy sector the Commission monitors the enforcement of this section.

SECTION XXI

TRANSPORT

Article 86

Coordinated (Correlated) Transport Policy

1. The EAEU carries out coordinated (correlated) transport policy aimed at ensuring economic integration, consistent and gradual creation of a single transport space on the principles of competition, openness, security, reliability, availability and environmental compatibility.

2. Objectives of coordinated (correlated) transport policy are:

- 1) creation of a common market for transport services;
- 2) adoption of correlated measures ensuring common benefits in the transport field and the implementation of best practices ;
- 3) integration of the transport systems of the member States into the global transport system;
- 4) efficient use of transit potential of the member States;
- 5) improvement of quality of transport services;
- 6) provision of transport security;
- 7) reduction of the harmful effects of transport on the environment and human health;
- 8) creation of a favorable investment climate.

3. The main priorities of the coordinated (correlated) transport policy are:
- 1) forming a single transport space;
 - 2) creation and development of the Eurasian transport corridors;
 - 3) implementation and development of the transit potential within the EAEU;
 - 4) coordination of the development of transport infrastructure;
 - 5) creation of logistics centers and transport organizations providing the transportation process optimization;
 - 6) involvement and use of human resources capacity of the member States;
 - 7) development of science and innovation in the field of transport.
4. Coordinated (correlated) transport policy is formed by the member States.
5. The main directions and stages of coordinated (aligned) transport policy are determined by the Supreme Council.
6. Monitoring of the implementation by the member States of the coordinated (aligned) transport policy is conducted by the Commission.

Article 87

Scope of Application

1. Provisions of this Section shall apply to road, air, water and rail transport taking into account provisions of Sections XVIII and XIX of this Treaty and the peculiarities stipulated in Annex 24 to this Treaty.

2. The member States shall seek a gradual liberalization of transport services between the member States.

Procedures, conditions and stages of liberalization are determined by international treaties within the EAEU with peculiarities stipulated in Annex 24 to this Treaty.

3. Requirements for transport security (transport safety and transport operation security) are determined by the legislation of the member States and international agreements.

SECTION XXII

GOVERNMENT (MUNICIPAL) PROCUREMENT

Article 88

Objectives and Regulatory Principles in the Field of Government (Municipal) Procurement

1. The member States shall determine the following objectives and principles of regulation in the government (municipal) procurement (hereinafter - Procurement):

regulation of relations in the field of procurement by the legislation of the member States on procurement and international treaties of the member States;

ensuring optimal and efficient expenditure of funds used for procurement in the member States;

granting national treatment in procurement to member States;

inadmissibility to third countries in the field of procurement of a more favorable treatment than that accorded between the member States;

ensuring openness of information and transparency of procurement;

ensuring unhindered access of potential suppliers and suppliers of the member States to participate in the procurement conducted electronically through the mutual recognition of electronic signature, designed in accordance with the legislation of a member State, by another member State;

ensuring the availability of authorized regulatory and supervisory authorities of the member State in procurement (it is allowed that these functions shall be carried out by one body);

establishment of liability for violation of the legislation of the member States of the procurement;

development of competition and opposition of corruption and other abuses in procurement.

2. This Treaty shall not apply to the procurement, the details of which are in accordance with the legislation of a member State are referred to as the state secret (state secrets).

3. Procurement in the member States shall be conducted in accordance with Annex No 25.

4. This section shall not apply to procurement conducted by the national (central) banks of the member States, subject to the provisions of paragraphs second - fourth of this item.

The national banks (central) banks of the member States shall conduct procurement for administrative purposes, construction work and capital repair in accordance with their internal rules for procurement (hereinafter – rules for procurement). Regulations on procurement should not be contrary to the purposes and principles set out in this article, including provision of equal access to potential suppliers of the member States. In exceptional cases the decision of the supreme body of the national (central) bank may establish exceptions to these principles.

Rules for procurement should include requirements for procurement, including the procedure for the preparation and conduct of procurement procedures (including procurement methods) and the conditions for their application, the procedure for concluding agreements (contracts).

The rules for procurement and information on planned and implemented procurement by the national (central) banks of the member States shall be posted on the official websites of national (central) banks of the member States on the Internet in the manner determined by the rules for procurement.

SECTION XXIII INTELLECTUAL PROPERTY

Article 89 General Provisions

1. Member States shall perform cooperation in the sphere of protection and enforcement of intellectual property rights and provide protection and enforcement of

intellectual property rights in accordance with provisions of international law, legal acts of the EAEU and legislation of member States.

Cooperation shall be performed in order to:

- harmonize legislation of member States in the sphere of protection and enforcement of intellectual property rights;

- protect interests of right owners of intellectual property rights of member States.

2. Cooperation of member States shall be performed in accordance with the following directions:

- 1) support of scientific and innovative development;

- 2) improvement of mechanisms for commercialization and use of intellectual property objects;

- 3) creation of favorable conditions for copyright and related rights owners;

- 4) introduction of system of registration for trademarks and service marks of the Eurasian Economic Union and appellations of origin of goods of the Eurasian Economic Union;

- 5) enforcement of intellectual property rights also in Internet;

- 6) effective customs enforcement, including introduction of common customs registry of intellectual property rights objects;

- 7) application of coordination measures in order to prevent circulation of counterfeit goods.

3. In order to provide effective protection and enforcement of intellectual property rights member States shall participate in consultations organized by the Commission.

Upon results of the consultations, the member States shall develop proposals on problem issues defined within their cooperation.

Article 90

Legal Regime of Intellectual Property Objects

1. Persons of one member State at the territory of another member State shall be granted national treatment with regard to the protection of intellectual property.

Legislation of member State may provide for exception to national treatment in relation to judicial and administrative procedures, including the designation of an address for service or the appointment of an agent.

2. Member States may implement in their law more extensive protection and enforcement of intellectual property than is required in international legal acts applicable to member States and legal acts of the EAEU.

3. Member States shall perform its activity in the sphere of protection and enforcement of intellectual property rights in accordance with provisions of the following international treaties:

- The Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886;
- Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure of December 20, 1996;
- The WIPO Performances and Phonograms Treaty of December 20, 1996;
- The WIPO Copyright Treaty of December 20, 1996;
- The Patent Law Treaty of June 1, 2000;
- The Patent Cooperation Treaty of June 19, 1970;
- The Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms of October 29, 1971;
- The Madrid Agreement Concerning the International Registration of Marks of April 14, 1891, and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks of June 27, 1989;
- The International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations of October 26, 1961 (the Rome Convention);
- The Paris Convention for the Protection of Industrial Property of March 20, 1883 (hereinafter referred to as the Paris Convention);
- The Singapore Treaty on the Law of Trademarks of March 27, 2006.

Member States, which are not member States of the international treaties above, shall take an obligation to accede to these treaties.

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:

balanced development of production and markets of agricultural and food products;
ensuring fair competition between entities of the member States, including equal access to the common agricultural market;
unification of requirements relating to circulation of agricultural and food products;
protection of the interest of agricultural producers on domestic and foreign markets.

Article 95

Basic Areas of Harmonized (Coordinated) Agro-Industrial Policy and Measures of State Support to Agriculture

1. Development of objectives of harmonized (coordinated) agro-industrial complex shall provide interstate cooperation in the following areas:

- 1) forecasting in the agro-industrial complex;
- 2) state support to agriculture;
- 3) regulation of common agricultural market;
- 4) unified requirements relating to the production and circulation of the products;
- 5) development of export process of agricultural and food products;
- 6) scientific and innovative development of agro-industrial complex;
- 7) integrated information support for agro-industrial complex.

2. To implement measures of harmonized (coordinated) agro-industrial complex, regular consultations regarding, among other things, sensitive agricultural products shall be held at least once a year by the member States organized by the Commission. Based upon the results of consultations, recommendations regarding implementation of harmonized (coordinated) agro-industrial complex shall be developed within areas specified in the paragraph 1 of this Agreement.

3. In implementing harmonized (coordinated) agro-industrial complex, member States shall take into account peculiar nature of activity of the agro-industrial complex, which may include not only industrial and economic significance of the sector, but social

significance of the sector as well as structural and natural-climatic differences between regions and territories of member States.

4. Implementation of policy in other areas of integrative cooperation, including in the sphere of sanitary, phytosanitary and veterinary (veterinary-sanitary) measures for agricultural products, shall be made based upon aim, objectives and areas of harmonized (coordinated) agro-industrial complex.

5. Within the EAEU, state support to agriculture shall be implemented in accordance with the "Protocol on Measures of State Support for Agriculture (Annex No. 29 to this Treaty).

6. Disputes relating to this Article and to the Annex 29 to this Treaty shall be primarily settled through negotiations and consultations with participation of the Commission. In the event that the dispute is not resolved through negotiations and consultations within 60 calendar days from the date of a formal request for consultations made by the member State that initiated the dispute to a member State defendant, member State appellant has the right to submit the dispute for settlement to the Court of the EAEU. When submitting a formal request for consultation, a member State appellant shall inform the Commission within 10 days after the date the request is submitted.

7. To implement harmonized (coordinated) agro-industrial complex, the Commission shall perform the following duties:

- to develop, harmonized (coordinate) and implement together with member States areas of harmonized (coordinated) agro-industrial complex within the limits of its competence;

- to coordinate the preparation by member States of joint forecasts of agro-industrial complex development as well as of demand and supply of agricultural and food products;

- to coordinate member States' mutual provision of agricultural development programs;

- to monitor member States' agriculture development and measures of state support to agriculture;

- to monitor prices and to analyze competitiveness of products based on the HS Code mutually agreed by member States;

to assist in consultation and negotiation regarding the harmonization of legislation in the sphere of agro-industrial complex, including state support to agriculture and disputes settlement related to compliance of the commitment on state support to agriculture;

to monitor and implement comparative legal analysis of the legislation of member States' in the sphere of state support to agriculture on its compliance with the commitment under the EAEU;

to prepare and provide to the member States state policy review in the sphere of agriculture and state support to agriculture, including recommendations to improve the effectiveness of state support;

to provide an assistance to the member States on issues related to the calculation of state support to agriculture;

to develop together with member States recommendations on implementation of coordinated measures aimed at developing export potential in agro-industrial complex;

to coordinate joint scientific and innovative activities in the sphere of a agro-industrial complex, including those under the implementation of interstate programs by member States;

to coordinate the development and implementation by member States of unified requirements for import, export and movement of breeding products on the territory of Customs Union as well as of methods for determining the breeding value of breeding animals and breeding certificates;

to coordinate the development and implementation of unified requirements in the sphere of testing varieties and seed crops as well as the mutual recognition by member States of documents certifying varietal and sowing qualities of seeds;

to promote equal conditions for competition within the areas of harmonized (coordinated) agro-industrial complex.

Section XXVI LABOR MIGRATION

Article 96

Cooperation between Member States in the Field of Labor Migration

1. The member States shall cooperate to coordinate policies in the field of labor migration within the EAEU, as well as to assist the organized recruitment and attracting member States employee for the their employment in the member States.

2. Cooperation of member States in the field of labor migration is carried out by collaboration of the public authorities of the member States who have the competence regarding relevant issues.

3. Cooperation of the member States in the field of labor migration within the EAEU is carried out in the following forms:

1) coordination of common approaches and principles in the field of labor migration;

2) exchange of regulatory legal acts;

3) information exchange;

4) implementation of measures aimed at preventing the spread of false information;

5) the exchange of experiences, organization of internships, seminars and training courses;

6) cooperation within advisory bodies.

4. Upon agreement the member States may define other forms of cooperation in the field of migration.

5. The definitions used in this section mean the following:

“State of entry” – the member State in whose territory a citizen of another member State is going to;

“State of residence” - a member State where the member State employee is a citizen;

“State of employment” - the member State in whose territory the work activity is carried out;

“Educational documents” - documents of State education, as well as documents on education, recognized at the level of public education documents issued by educational

organizations (educational institutions and organizations in education) of the member States;

“Customer of works (services)” - a legal or natural person who provides a employee of a member State on the basis of a civil agreement concluded with him under terms and conditions prescribed by the legislation of the state of employment;

“Migration card (card)” - a document that contains information about a citizen of a member State to enter the territory of another member State and is used for accounting and control of their temporary stay in the territory of State of entry;

“Employer” - a legal or natural person who provides a member State employee a job on the basis of an employment agreement concluded with him in the manner and conditions prescribed by the legislation of the State of employment;

“Social insurance” – a compulsory insurance against temporary disability and maternity, compulsory insurance against accidents at work and occupational diseases and compulsory health insurance;

“Work activity” - activity based on the employment agreement or work performance (supply of services) on the basis of a civil law contract carried out in the territory of the state of employment in accordance with the legislation of that State;

“A member State employee” - a person who is a national of a member State lawfully residing and lawfully performing work in the territory of the State of employment, of which he is not citizen and who does not permanently reside in it;

“Family member” - a person married to the member State employee as well as children dependent on them and other persons who are recognized as members of the family in accordance with the legislation of the State of employment.

Article 97

Labor Activity of the Member States Employees

1. Employers and (or) customers of works (services) of a member State are entitled to employ member States employees without restrictions for the protection of the national

labor market. At the same time, the member States employees are not required to obtain a permit for conduction of the work activities in the State of employment.

2. The member States shall not impose or apply restrictions set by their legislation in order to protect the national labor market, with the exception of restrictions established by this Treaty and the legislation of the member States in order to ensure national security (including the economic sectors of strategic importance) and public order regarding the occupation, work activity and residence area.

3. For the purposes of conduction of work activities by the member States employees in the State of employment the education documents, issued by education organizations (educational institutions, educational organizations) shall be recognized without referring to the procedures for the recognition of the education documents set by the legislation of the State of employment.

member States employees who aspire to engage in the educational, medical or pharmaceutical activities in other member State, shall undergo a procedure for the recognition of education documents established by the legislation of the state of employment and may be allowed accordingly to educational, medical or pharmaceutical activities in accordance with the legislation of the State of employment.

Documents of academic degrees and academic titles issued by the authorized bodies of the member States are recognized in accordance with the legislation of the State of employment.

Employers (customers of works (services)) have the right to request certified translations of documents on education to be translated into the language of the State of employment, as well as, if necessary, for the purpose of verification of documents on education of the member States employees to send requests, including by reference to information databases, in educational organizations (educational institutions, educational organizations) that issued the document on education and receive appropriate answers.

4. Labor activity of a member State employee is regulated by the legislation of the State of employment subject to the provisions of this Treaty.

5. Period of temporary stay (residence) of a member State employee and their family members in the State of employment are determined by the expiration period of an

employment or a civil law contract conducted by the member State employee with the employer or customer of works (services).

6. Citizens of a member State who arrived for the purpose of conduction of the work activity or employment in the territory of another member State shall be exempt from the obligation to register (registration) for 30 days from the date of entry.

In the case of stay of a national of one member State in the territory of another member State for more than 30 days from the date of entry, these citizens are required to register (registration) in accordance with the legislation of the State of entry, if such obligation is established by the legislation of the state of entry.

7. Citizens of a member State when entering the territory of another member State in cases specified by the legislation of the State of entry, use the migration cards (cards), unless otherwise is stipulated by international treaties of the member States.

8. Citizens of the member States when entering the territory of another member State with one of the valid documents that allow putting the state border crossing marks by border control bodies, provided that the period of their stay does not exceed 30 days from the date of entry, shall be exempt from the use of migration cards (cards), if such a requirement set by the legislation of the State of entry.

9. In case of termination of employment or civil law contract after the expiration of 90 days from the date of entry into the territory of the State of employment, a member State employee has the right without leaving the territory of the State of employment within 15 days to sign a new labor or civil law contract.

Article 98

Rights and Obligations of a Member State Employee

1. A member State employee has the right to conduct professional activities in accordance with the specialty and qualifications specified in the education documents, documents awarding academic degrees and (or) academic title, recognized in accordance with this Treaty and legislation of the Sate of employment.

2. A member State employee and their family members realize in accordance with the legislation of the State of employment, the right to:

- 1) to own, use and dispose their property;
- 2) protect their property ;
- 3) to freely transfer their funds.

3. The social protection (except for pensions) of member States employees and their family members is provided on the same terms and conditions as for the citizens of the State of employment.

Employment (insurance) experience of member States employees shall be counted in the total employment (insurance) experience for the purposes of social protection (except for pensions) in accordance with the legislation of the State of employment.

Retirement of member States employees and their family members is regulated by the legislation of the State of residence, as well as in accordance with separate international agreements between member States.

4. The right of member States employees and their family members to receive emergency medical care (in emergency and urgent forms) and other health care is regulated in accordance with the Annex 30, as well as the legislation the State of employment and international agreements to which it is a Party.

5. A member State employee shall have the right to join trade unions on par with the citizens of the State of employment.

6. A member State employee is entitled to receive information regarding the order of their stay, the conditions of conduction of work activities, as well as the rights and obligations stipulated by the legislation of the State of employment from the public authorities of the state of employment (which are competent in relevant issues) and from the employer (customer of works (services)).

7. At the request of a member State employee (including the former employee), the employer (customer of works (services) shall at no charge to give him a certificate (certificate) and (or) a certified copy of the certificate (certificates) with the profession (specialty, qualifications and positions) , the period of work and wages in the terms established by the legislation of the State of employment .

8. Children of a member State employee residing with them in the territory of the state of employment are entitled to attend preschool, get education in accordance with the legislation of the State of employment.

9. member States employees and their family members must observe the legislation of the state of employment, respect the culture and traditions of the state of employment and be liable for offenses committed under the legislation of the State of employment.

10. Revenues of a member State employee received as a result of conduction of the work activity in the territory of the state of employment shall be subject to taxation in accordance with international treaties and legislation of the State of employment subject to the provisions of this Treaty.

PART FOUR
TRANSITIONAL AND FINAL PROVISIONS
SECTION XXVII
TRANSITIONAL PROVISIONS

Article 99

General Transitional Provisions

1. International agreements of member States concluded within the framework of formation of the legal framework of the Customs Union and the Single Economic Space, and are effective on the date of entry into force of this Treaty, shall be the part of the law of the EAEU and shall be applied in the part which is not inconsistent with this Treaty.

2. The Decisions of the Eurasian Economic Supreme Council at the level of Heads of States, level, Eurasian Economic Supreme Council at the level of Heads of Governments and Eurasian Economic Commission, which are effective on the date of entry into force of this Treaty, shall remain in force and shall be applied in the part which is not inconsistent with this Treaty.

3. From the date of entry into force of this Treaty:

functions and powers of the Eurasian Economic Supreme Council at the level of Heads of States and Eurasian Economic Supreme Council at the level of Heads of Governments, were effective in accordance with the Treaty on the Eurasian Economic Commission of 18 October 2011, shall be carried out by the Supreme Council and the Intergovernmental Council acting in accordance with this Treaty;

Eurasian Economic Commission, established in in accordance with the Treaty on the Eurasian Economic Commission of 18 October 2011, shall act in accordance with this Treaty;

the Members of the Collegium of the Commission appointed before the entry into force of this Treaty, shall continue to fulfill their functions until the expiration of the term for which they have been assigned;

the Directors and Deputy Directors of departments, that have signed their labor agreements up to the entry into force of this Treaty, shall continue to perform their duties until the expiration of the terms stipulated in the labor agreements;

the vacant positions in the structural units of the Commission shall be carried out based on procedure, provided by this Treaty.

4. International agreements listed in the Annex 31 to this Treaty shall also act in the framework of the EAEU.

Article 100

Transitional Provisions for Section VII

1. Functioning of common market of drugs within the framework of the EAEU shall be carried out since 1 January 2016 in accordance with an international agreement within the framework of the EAEU, defining the common principles and rules for the circulation of drugs which shall be concluded by member States no later than 1 January 2015.

2. Functioning of common market of medical products (healthcare products and medical devices) within the framework of the EAEU shall be carried out since 1 January 2016 in accordance with an international agreement within the framework of the EAEU, defining the common principles and rules for the circulation of medical products

(healthcare products and medical devices), which shall be concluded by member States no later than 1 January 1.

Article 101

Transitional Provisions for Section VIII

1. Customs regulation in the EAEU shall be conducted in accordance with the Treaty on the Customs Code of the customs union of 27 November 29 and other international treaties of the member States, stipulating customs legal relations, which were concluded within the framework of formation of the legal base of the Customs Union and Single Economic Space, and included in to the Law of the EAEU in accordance with Article 99 of this Treaty, taking into account the provisions of this Article.

2. For the purpose of application of international agreements, provided in Paragraph 1 of this Article, the following definitions are used:

Member States of the Customs Union – member States in the meaning, determined by this Treaty;

“common customs territory of the customs union (customs territory of the customs union)” – customs territory of the EAEU;

“common commodity nomenclature of foreign economic activity of the customs union (commodity nomenclature of foreign economic activity)” – common Commodity Nomenclature of Foreign Economic Activity of the Eurasian Economic Union;

“common external tariff of the customs union” – Common External Tariff of the Eurasian Economic Union;

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

“international treaties of the member States of the customs union” - international treaties within the framework of the EAEU, including international treaties of the member States, included into the Law of the EAEU according to Article 99 of this Treaty;

“customs border of the customs union (customs border)” – customs border of the Eurasian Economic Union;

“product of the customs union” – product of the Eurasian Economic Union.

3. Article 51 of the Customs Code of the Customs Union concerning maintenance of the common Commodity Nomenclature shall be applied taking into account Article 45 of this Treaty.

4. Article 74 of the Customs Code of the Customs Union concerning tariff exemptions shall be applied taking into account Article 43 of this Treaty.

Article 102

Transitional Provisions for Section IX

1. Regardless the provisions of Article 35 of this Treaty, member States are eligible to grant tariff preferences in trade with third countries unilaterally based on international treaty of the member State with the third country concluded before 1 January 2015, or international treaty concluded by all member States.

Member States shall unify treaties based on which tariff preferences are granted.

2. Safeguard, antidumping and countervailing measures applied in respect of goods imported into the customs territory of the EAEU through the review of safeguard, antidumping and countervailing measures in force in accordance with the legislation of member States shall apply until the expiry of the measures established by the relevant 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 it.

3. For the purpose of implementation of Article 36 of this Treaty, the Protocol on Common System of Tariff Preferences of the Customs Union of 12 December 2008 shall be applied until a Commission Decision, stipulating conditions and procedure for application of common system of tariff preferences of the EAEU in respect of goods originating from developing and (or) least-developed countries, enters into force.

4. Prior to the entry into force of the decision of the Commission under paragraph 2 of Article 37 of this Treaty and establishing the rules for determining the country of origin

of goods, the Agreement on common rules for determining the country of origin of goods, as of January 25, 2008 is applied.

5. Prior to the entry into force of the decision of the Commission under paragraph 3 of Article 37 of this Agreement establishing the rules for determining the country of origin of goods, there is applied the Agreement on Rules of Origin of goods from developing and least developed countries as of December 12, 2008.

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, member States will accomplish harmonization of their legislation in the field of financial markets by 2025 in accordance with an international agreement within the framework of the EAEU and the Protocol on financial services (Annex 17 to this Treaty).

2. Member States upon harmonization of legislation in the field of financial markets will decide on the powers and functions of a supranational body to regulate financial markets and create this supranational body in Almaty in 2025.

Article 104

Transitional Provisions for Section XX

1. For the purpose of providing for the development of indicative (estimated) balances of gas, oil and petroleum products of the EAEU, contributing to the effective use of the total energy potential and optimization of interstate supply of fuel and energy resources, the competent authorities of member States before 1 January 2016 shall develop and approve methodology for forming of indicative (estimated) balances of gas, oil and petroleum products.

2. For the purpose of forming common energy market of the EAEU the Supreme Council before 1 July 2015 shall approve a concept, and before 1 July 2016 a program for

establishment of a common energy market of the EAEU, providing a terms for execution of the program until 1 July 2018.

3. After the completion of the execution of program for forming a common energy market of the EAEU the member States shall conclude an international agreement within the EAEU on the formation of a common energy market of the EAEU, containing common rules for access to the services of subjects of natural monopolies in the electricity sector, and will ensure its entry into force no later than 1 July 2019.

4. For the purposes of forming a common gas market of the EAEU the Supreme Council before 1 January 2016 shall approve a concept, and before 1 January 1 the program for the formation of common gas market of the EAEU, providing time frames for the execution of program activities until 1 January 2024.

5. After the completion of the execution of program for forming a common gas market of the EAEU the member States shall conclude an international agreement within the EAEU on the formation of a common gas market of the EAEU, containing common rules for access to the transmission systems located on the territories of the member States, and will provide its entry into force not later than 1 January 2025.

6. For the purposes of forming a common markets of oil and petroleum products the Supreme Council before 1 January 2016 shall approve a concept and before 1 January 2018 a program for the formation of common markets of oil and petroleum products of the EAEU, providing a time frame for the execution of the program until 1 January 2024.

7. After the completion of the execution of program for forming a common markets for oil and petroleum products of the EAEU member States shall conclude an international agreement on the formation of common markets for oil and petroleum products of the EAEU, containing common rules for access to the systems of transportation of oil and petroleum products, located in the territories of member States, and ensure its entry into force no later than 1 January 2025.

8. Protocol on providing for an access to services of subjects of natural monopolies in the electricity sector, including the basics of pricing and tariff policy (Annex 21 to this Treaty) shall be effective before the international agreement provided in paragraph 3 of this Article come into force.

9. Protocol on the rules of access to services of subjects of natural monopolies in the sphere of transportation of gas on transportation systems, including the basics of pricing and tariff policy (Annex 22 to this Treaty) shall be effective before the international agreement provided in paragraph 5 of this Article come into force.

10. Protocol on the organization, management, operation and development of common markets of oil and petroleum products (Annex 23 of this Treaty) shall be effective before the international agreement provided in paragraph 7 of this Article come into force.

Article 105

Transitional Provisions for Section XXIV

1. The member States shall ensure the entry into force of an international treaty within the EAEU, provided by paragraph 7 of the Protocol on Common Rules for Granting Industrial Subsidies (Annex 28 to this Protocol), from January 1, 2017.

From the date of entry into force of the international agreement the provisions of sub-paragraphs 3 and 4 of paragraph 6 of Article 93 of this Agreement, paragraphs 6, 15, 20 , 87 and 97 of the Protocol on Common Rules for the Granting of Industrial Subsidies (Annex 28 to this Protocol) shall enter into force.

2. Provisions of Article 93 of this Agreement and Protocol on Common Rules for Granting of Industrial Subsidies (Annex 28 to his Protocol) shall not apply to the subsidies granted to the territories of the member States before January 1, 2012.

Article 106

Transition Provisions for Section XXV

1. For the Republic of Belarus regarding paragraph 8 of the Protocol on Measures of State Support to Agriculture (Annex No. 29 to this Treaty) transition period is established

until 1 of January 2016, during which the Republic of Belarus takes a commitment to reduce trade-distorting level of support as follows:

in 2015 – 12 per cent;

in 2016 - 10 per cent.

2. Methodology for calculation of state support volumes provided for in paragraph 8 of the Protocol on Measures of State Support to Agriculture (Annex No. 29 to this Treaty), shall be developed and approved by 1 of January 2016.

3. Commitments provided for in the third point of paragraph 8 of the Protocol on Measures of State Support to Agriculture (Annex No. 29 to this Treaty) shall come into force for the Republic of Belarus no later than 1 January 2025.

SECTION XXVIII FINAL PROVISIONS

Article 107

Social Guarantees, Privileges and Immunities

On the territories of each member State, the members of the Council of the Commission and Collegium of the Commission, judges of the Court of the EAEU, officers and employees of the Commission and the Court of the EAEU shall have social guarantees, privileges and immunities which are necessary for the execution by them their mandates and official (service) duties. The volume of these social guarantees, privileges and immunities is determined according to Annex 32 to this Treaty.

Article 108

Accession to the EAEU

1. The EAEU shall be open for the accession by any State that shares its aims and principles, on terms agreed by the member States.

2. To obtain the status of a candidate State to access to the EAEU interested State shall send its appeal to the Chairman of the Supreme Council.

3. A decision to grant a State the status of a candidate State for accession in the EAEU shall be taken by the Supreme Council by consensus.

4. Based on the decision of the Supreme Council working group of representatives of the candidate State, member States and bodies of the EAEU (hereinafter - the working group) shall be formed to examine the degree of preparedness of the candidate State to take on the obligations arising from the law of the EAEU, development of the draft program on actions for accession of candidate State in the Eurasian Economic Union, as well as a draft of international agreement on accession of the State in the EAEU, which defines the scope of the rights and responsibilities of the candidate State, as well as the format of its participation in the work of the bodies of the EAEU .

5. The Program of Actions on the accession of the candidate State into the EAEU shall be approved by the Supreme Council.

6. The working Group on a regular basis shall submit to the Supreme Council a report on the implementation by the candidate State of the Program on Action for accession of the candidate State to the Eurasian Economic Union. Based on the conclusion of the working group that the candidate State fully met the obligations arising from right of EAEU, the Supreme Council shall take a decision on signing with the candidate State of the international treaty of accession to the EAEU. The above said agreement shall be subject to ratification.

Article 109

Observer States

1. Any State has a right to address to the Chairman of the Supreme Council to obtain the status of an Observer State in the EAEU.

2. Decision on granting the status of an Observer State in the EAEU or on the refusal to grant such status shall be made by the Supreme Council based on interests of development of integration and achievement of the objectives of this Treaty.

3. Authorized representatives of an Observer State in the EAEU may be present by the invitation at meetings of the bodies of the EAEU, to receive taken by the bodies of the EAEU documents that are not confidential.

4. The status of an Observer State in the EAEU does not give the right to participate in decision-making of the bodies of the EAEU.

5. A State receiving the status of the Observer State in the EAEU is obliged to refrain from any action that could harm the interests of the EAEU and its member States, the object and purpose of this Treaty.

Article 110

Working Language of the EAEU Bodies.

Language of International Agreements Within the Framework of the EAEU and the Commission Decisions

1. The working language of the EAEU shall be the Russian language.

2. International agreements with the EAEU and the Commission decisions that are binding on the member States shall be adopted in Russian and then translated into national languages of the member States, if it is provided by their legislation, in the manner determined by the Commission.

Translation into the national languages of the member States shall be made at the expense of the funds allocated in the budget of the EAEU for the purpose.

3. In case of divergence of interpretation of the international agreements and the decisions referred to in paragraph 2 of this Article, the Russian text shall be used.

Article 111

Access and Publication

1. International agreements concluded within the EAEU, international agreements with third countries and decisions of the EAEU bodies shall be published in the official website of the EAEU in the order determined by the Intergovernmental Council.

The date of publication of decision of the EAEU's body in the official website is considered to be as a date of official publication of the decision.

2. None of decisions, stipulated in Paragraph 1, shall not enter into force before their official publication.

3. Decisions of the EAEU body shall be sent to the Parties no later than three calendar days from the date of the decision.

4. The EAEU bodies shall provide preliminary publication of the draft decisions on the official website of the EAEU, at least 30 calendar days before the date on which a decision is scheduled for adoption. Draft decisions of the EAEU bodies taken in exceptional cases that required immediate reaction could have another date of entry into force.

The interested persons may submit to this body their comments and proposals.

The procedure for collection, analysis and assessment of these comments and proposals shall be determined by the rules of the relevant body of the EAEU.

5. The decisions of the EAEU bodies, containing information of restricted distribution and its decision drafts shall not be officially published.

6. This Article shall not apply to decisions of the Court of the EAEU. The procedure of entering into force and the publication the EAEU Court decisions are stipulated by Statute of the EAEU Court of the Eurasian Economic Union (Annex № 2 to this Treaty).

7. Paragraph 4 of this Article shall not apply to decisions of the EAEU bodies in cases when preliminary publication of such decision drafts precludes to their enforcement or otherwise be contrary to the public interests.

Article 112

Dispute Settlement

Disputes relating to the interpretation and (or) the application of provisions of this Treaty shall be settled through the consultation and negotiation.

If no agreement has been reached within 3 months from the date when one party of dispute send the other party of the dispute a formal written request for conducting

consultations and negotiations, unless otherwise is provided by the Statute of the Court of the Eurasian Economic Union (Annex No. 2 to this Treaty), the dispute may be submitted by either party of dispute to the Court of the EAEU, if the parties of dispute have not agreed to use other mechanisms for its resolution.

Article 113

Entry of the Treaty into Force

This Treaty shall come into force from the date of receipt by the Depositary of the last written notification that the member States have executed their internal procedures necessary for its entry into force.

With the entry into force of this Treaty, the international agreements concluded in the framework of the Customs Union and the Common Economic Union according to the Annex No. 33 to this Treaty shall be terminated.

Article 114

Relation of this Treaty to Other International Agreements

1. This Treaty shall not prevent the member States from concluding international agreements that are not contrary to the purposes and principles of this Treaty.

2. Bilateral international agreements between the member States, providing more in-depth compared with the provisions of this Treaty or international agreements within the EAEU, level of integration or provision of additional benefits in favor of their natural and (or) legal persons can be concluded provided that they do not affect implementation of these and other member States of the EAEU of their rights and perform their obligations hereunder and international treaties within the EAEU.

Article 115

Introduction of Amendments to the Treaty

This Agreement may be amended by separate protocols, which shall be formed as separate Protocol and shall be an integral part of this Treaty.

Article 116
Registration of the Treaty in the Secretariat
of the United Nation Organization

This Treaty in accordance with Article 102 of the Statute of the United Nation Organization shall be registered with the Secretariat of the United Nation Organizations.

Article 117
Clauses

Clauses to this Treaty shall not be permitted.

Article 118
Withdrawal from the Treaty

1. Any member State may withdraw from this Treaty, having sent to the Depositary of this Treaty through diplomatic channels a written notice of its intention to withdraw from this Treaty. This Treaty in respect of that State shall cease after 12 months from the date of receipt by the depositary of this Treaty of such notification.

2. A member State which has notified in accordance with paragraph 1 of this Article on its intention to withdraw from this Treaty shall be obliged to settle its financial obligations incurred in connection with its participation in this Treaty. This obligation remains in force despite the withdrawal of the State from this Treaty, up to its full implementation.

3. On the basis of the notification 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 shall automatically entail the termination of membership in the EAEU and withdrawal from the international agreements in the framework of the EAEU.

Done in Astana on 29 May 2014, signed in a single copy in the Belarusian, Kazakh and Russian languages, all texts shall be equally authentic.

In case of any divergence of interpretation of this Treaty the Russian text shall be used.

The original of this Treaty shall be deposited in the Eurasian Economic Commission, which, as the depositary of this Treaty, shall send each Party a certified copy of this Treaty.