

ANNEX 2
to the Treaty on the
Eurasian Economic Union

STATUTE
of the Court of the Eurasian Economic Union

I. General Provisions. Legal Status of the Court.

1. Court of the Eurasian Economic Union (hereinafter – Court) shall be a judicial body of the Eurasian Economic Union (hereinafter – EAEU), established and acting on a permanent basis in accordance with the Treaty on the Eurasian Economic Union (hereinafter – the Treaty) and this Statute.

2. The purpose of the Court's activity shall be to ensure a uniform application of the Treaty, international treaties within the EAEU, international treaties between the EAEU and third party and decisions of the EAEU's bodies by the member States and bodies of the EAEU, in accordance with the provisions of this Statute.

For the purposes of this Statute EAEU's bodies shall be deemed as EAEU's bodies, except the Court.

3. The Court shall enjoy the rights of a legal entity.

4. The Court shall keep its documentation, have a seal and blanks with its name, create its own official website in the Internet and official bulletin.

5. The Court shall develop proposals for funding its activity and manage the funds allocated for its maintenance, in accordance with the Provision on the budget of the EAEU.

6. Conditions of labour remuneration of judges, officials and employees shall be determined by the Supreme Council.

II. Composition of the Court

7. The Court shall be composed of 2 judges from each member State.

8. Term of powers of judge – 9 years.

9. Judges shall have strong moral qualities, be highly qualified specialists in international law and national legislation of the member States, and also, as a rule, satisfy the requirements for judges of supreme judicial bodies of the member States.

10. Judges shall be appointed by the Supreme Council on the proposal of the member States. At the moment of entrance upon his/her duties judge shall make an oath.

11. Judges shall be discharged from their duties by the Supreme Council.

12. Powers of judge may be terminated on the following grounds:

1) termination of activity of the Court;

2) expiration of term of the office of judge;

3) written application of judge on resignation in connection with his transfer to another job or on any other reason;

4) failure to exercise duties of judge for health reasons or any other reasonable excuse;

5) conducting activity incompatible with the duties of judge;

6) termination of membership in the EAEU of the state by which the judge was proposed;

7) loss by judge of citizenship of the member State by which the judge was proposed;

8) commitment by judge of serious offence that is incompatible with the high status of judge;

9) entry into force of judgment of guilt against the judge or court decision on application of compulsory medical measures to him/her;

10) entry into force of court decision on disability or on recognition of incapacity of the judge;

11) death of the judge or entry into force of court decision declaring him/her dead or missing.

13. Member State by which the judge was proposed, the Court or the judge himself/herself may initiate termination of powers of the judge on the grounds provided by the paragraph 12 of this Statute

Issues on initiative to terminate powers of judge shall be determined by the Regulations of the Court of Eurasian Economic Union, which shall be approved by the Supreme Council (hereinafter – Regulations).

14. Management of the activity of the Court shall be exercised by Chairman of the Court. The Chairman of the Court shall have a deputy.

If participation of the Chairman of the Court in activity of the Court is impossible, his obligations shall be performed by deputy of the Chairman of the Court.

15. Chairman of the Court and his deputy shall be elected to the positions from the composition of the Court by judges of the Court in accordance with the Regulations and approved by the Supreme Council.

Chairman of the Court and his deputy cannot be citizens of the same member State.

Upon termination of powers Chairman of the Court and his deputy shall be elected from the number of judges, proposed by other member States than those that proposed the preceding Chairman of the Court and his deputy respectively.

16. Chairman of the Court and his deputy shall exercise their powers within 3 years.

17. Chairman of the Court shall:

- 1) approve procedure of organization and activity of the Court and judges;
- 2) organize activity of the Court;
- 3) within his/her powers ensure interaction of the Court and authorized bodies of the member States, foreign and international judicial bodies;
- 4) according to the procedures provided by the Statute appoint employees and officials of the Court and dismiss them from the office;
- 5) organize provision of information on Court's activity to the mass media;
- 6) exercise other powers in accordance with this Statute.

18. Judges shall not be able to represent interests of state or interstate bodies and organizations, commercial structures, political parties and movements as well as territories, nations, nationalities, social and religious groups and individuals.

Judges shall not be able to engage in any activity related to receipt of income, except for scientific, creative and teaching activities.

19. Judge shall not be able to participate in any case, in which he/she earlier participated as representative, attorney or advocate of one of the disputing parties, member of national or international court, commission of inquiry or in any other capacity.

20. Judges shall be equal in administration of justice and have an equal status. Chairman of the Court and its deputy shall not be entitled to take actions aimed at obtaining any undue advantage in comparison with other judges.

21. Judge while performing his/her powers as well as in outside-of-duty relationships shall avoid conflict of interests, and everything that may diminish the authority of judicial power, dignity of judge or raise doubts in his/her objectivity, fairness and impartiality.

III. Court Administration. Status of Officials and Employees.

22. Administration of the Court shall provide activity of the Court.

23. Structure of administration of the Court shall include Secretariats of judges and Secretariat of the Court.

24. The Secretariat of judge shall be composed of judge advisor and judge assistant.

25. Legal, organizational, logistic and other maintenance of activity of the Court shall be implemented by the Secretariat of the Court.

26. Structure and number of the Secretariat of the Court shall be approved by the Supreme Council.

27. The Secretariat of the Court shall be headed by the head of the Secretariat of the Court, which shall have two deputies. Head of the Secretariat of the Court and his deputies shall be officials of the Court and shall be appointed and dismissed in accordance

with this Statute and the Treaty. Head of the Secretariat of the Court and his/her deputies cannot be citizens of the same member State.

28. Labour relations shall be regulated by the Treaty, applicable international treaties within the EAEU and legislation of the state of residence of the Court.

29. Advisor of judge shall be an official of the Court, which shall be appointed and dismissed by Chairman of the Court on the proposal of respective judge.

30. Advisor of judge shall exercise information and analytical support to activity of judge.

31. Advisor of judge shall have strong moral qualities, be highly qualified specialist in the field of international law and (or) foreign economic activity.

32. Assistant of judge shall be an employee of the Court, appointed and dismissed by Chairman of the Court on proposal of relevant judge.

33. Assistant of judge shall provide organizational support to activity of judge.

34. Selection of candidates for positions of Heads of the Secretariat and his/her deputies shall be performed on a competitive basis by competitive commission based on principle of equal representation of the member States.

Candidates for participation in competition for such positions shall be proposed by the member States.

35. Secretariat of the Court shall be composed on the competitive basis from the number of citizens of the member States taking into account equity participation of the member States in the budget of the EAEU.

Employees of the Secretariat of the Court shall be recruited on the basis of concluded labour agreements (contracts).

36. Competitive commission of the Court shall be composed of all judges of the Court, except Chairman of the Court.

Members of the competitive commission shall elect a chairman of competitive commission.

Competitive commission shall adopt decisions in the form of recommendations by majority of votes and propose them to Chairman of the Court for adoption of decision on appointment.

37. Procedure of competition for vacant posts in the Secretariat of the Court shall be determined by the Court and approved by Chairman of the Court in accordance with the main rules of competition procedure, determined by the Supreme Council.

38. Technical staff of the Secretariat of the Court shall be recruited by the head of the Secretariat of the Court on the basis of labour agreements (contracts) concluded with them.

IV. Court Jurisdiction

39. The Court shall adjudicate disputes on the issues of implementation of the Treaty, international treaties within the EAEU and (or) decisions of the EAEU's bodies:

1) Upon application of the member State:

On compliance of international treaty within the EAEU or its individual provisions with the Treaty;

On compliance by the other member State (other member States) with the Treaty, international treaties within the EAEU and (or) decisions of bodies of the EAEU and individual provisions specified in international treaties and (or) decisions;

On compliance of decision of the Commission or its specific provisions with the Treaty, international treaties within the EAEU and (or) decisions of bodies of the EAEU;

On contestation of activity (inactivity) of the Commission;

2) Upon application of economic operator:

On compliance of decision of the Commission or its certain provisions, directly affecting rights and legitimate interests of economic operator in the field of entrepreneurial and other economic activity with the Treaty and (or) international treaties within the EAEU, if such decision or its certain provisions entailed violation of rights and legitimate interests of economic operator provided by the Treaty and (or) international treaties within the EAEU;

On contesting action (inaction) of the Commission, which directly affects rights and legitimate interests of economic operator in the field of entrepreneurial and other economic activity, if such action (inaction) entailed a violation of rights and legitimate

interests of economic operator, provided by the Treaty and (or) international treaties within the EAEU.

For the purposes of this Statute economic operator shall mean a legal entity registered according to the legislation of a member State or any third country, or individual, registered as an individual entrepreneur in accordance with the legislation of the member State or third country.

40. The member States may attribute to the competence of the Court other disputes, resolution of which by the Court shall be expressly provided by the Treaty, international treaties within the EAEU, international treaties of the EAEU with any third party or other international treaties of member States.

41. Issue on availability of Court's competence to resolve disputes shall be settled in the Court. The Court in determining whether it is competent to consider disputes shall be guided by the Treaty, international treaties within the EAEU and (or) international treaties of the EAEU with the third party.

42. Provision of EAEU's bodies with additional competence beyond that which is expressly provided by the Treaty and (or) international treaties within the EAEU, shall not be within the competence of the Court.

43. Dispute shall not be accepted for consideration of the Court without prior request of applicant to the member State or the Commission for resolving the issue in the pretrial order through consultations, negotiations and other ways provided by the Treaty and international treaties within the EAEU, except cases expressly provided by the Treaty.

44. If the member State or the Commission within 3 months from the date of receipt of request of applicant fails to take measures on settlement the issue in pretrial order, application on adjudication may be submitted to the Court.

45. By mutual consent of disputing parties, dispute may be submitted for consideration of the Court prior to expiration of the period specified in the paragraph 44 of this Statute.

46. On application of the member State or body of the EAEU, Court shall clarify provisions of the Treaty, international treaties within the EAEU and decisions of EAEU's bodies; as well as on application of employees and officials of the bodies of the EAEU and

the Court, the Court shall clarify provisions of the Treaty, international treaties within the EAEU and decisions of the bodies of the EAEU, related to labor relations (hereinafter – clarification).

47. Clarification by the Court shall mean provision of consultative conclusion and shall not divert the member States of right for their joint interpretation of international treaties.

48. The Court shall clarify provisions of international treaty of the EAEU with third party, if it is provided by such international treaty.

49. Appeal to the Court on behalf of the member State with application on consideration of dispute or clarification shall be made by authorized bodies and organizations of member State, list of which shall be determined by each member State and sent to the Court through diplomatic channels.

50. In the exercise of justice, the Court shall apply:

- 1) generally recognized principles and rules of international law;
- 2) Treaty, international treaties within the EAEU and other international treaties, participants of which are states - parties of dispute;
- 3) decisions and instructions of the EAEU's bodies;
- 4) international custom as evidence of general practice recognized as a principle of law.

51. Provisions of the Treaty, international treaties within the EAEU and international treaties of the EAEU with third party, concerning settlement of disputes, clarification and interpretation, shall be applied in part not contradictory to this Statute.

V. Court procedure

1. Court Procedure on Disputes Settlement

52. Procedure for considering cases on disputes settlement in the Court shall be determined by the Regulations.

53. The Court shall exercise court procedure on the basis of the following principles:

independence of judges;
publicity of judicial examination;
publicity;
equality of disputing parties;
competitiveness;
collegiality.

Procedure for implementing principles of judicial proceedings shall be determined by the Regulations.

54. Receipt of application to the Court in respect of any international treaty within the EAEU and (or) decision of the Commission shall not be a ground for suspension of such international treaty and (or) decision and (or) their certain provisions, except the cases when otherwise expressly provided by the Treaty.

55. The Court may request materials required for consideration of cases from economic operators, which directed application to the Court, authorized bodies and organizations of the member States and bodies of the EAEU.

56. Information of restricted distribution may be obtained by the Court or provided by the person participating in the case in accordance with the Treaty, international treaties within the EAEU, the Regulations and legislation of the member States. The Court shall take appropriate measures to ensure protection of such information.

57. Court procedure shall be implemented with the participation of disputing parties, applicant, their representatives, experts, including experts of specialized groups, professionals, witnesses and interpreters.

58. Persons involved in the case shall use procedural rights and bear procedural obligations in accordance with the Regulations.

59. Experts of specialized groups shall be provided with immunity from administrative, civil and criminal jurisdiction in respect of everything spoken or written due to their participation in the process on consideration of cases by the Court. These persons shall lose their immunity if they violate the order specified for use of information of restricted distribution defined in the Regulations.

60. If the member State or the Commission finds that decision in respect of dispute may affect their interests, such member State or the Commission may apply for permission to intervene as an interested party in the dispute.

61. The Court shall leave without consideration the claim for compensation or any other claims of property character.

62. Economic operator's appeal to the Court shall be subject to payment of judicial duty.

63. A duty shall be paid by economic operator before applying to the Court.

64. In case if the Court satisfies economic operator's requirements specified in the application, the duty shall be returned.

65. Amount, currency of payment, procedure of credit, use and return of the duty shall be determined by the Supreme Council.

66. In the course of hearing of a case each disputing party shall bear its legal costs independently.

67. At any stage of hearing of a case dispute may be settled by the disputing parties by entering into settlement agreement, the applicant's refusal from his claims or cancellation of application.

2. Court Procedure on Clarification

68. Procedure for hearing of cases on clarification shall be determined by the Regulations.

69. The Court shall perform court procedure on clarification on the basis of principles of independence and collegiality of judges.

3. Composition of the Court

70. The Court shall hear cases composed of Grand Collegium of the Court, Collegium of the Court and Appeals Chamber of Court.

71. The Court shall hear cases on dispute resolution at the meetings of the Grand Collegium of the Court in cases provided by the subparagraph 1 of the paragraph 39 of this Statute.

72. The Grand Collegium of the Court shall hear procedural issues provided by the Regulations.

73. The Court shall hear cases on clarification at the meetings of the Grand Collegium of the Court.

74. The Grand Collegium of the Court shall be composed of all judges of the Court.

75. Court meeting of the Grand Collegium of the Court shall be considered duly constituted meeting subject to attendance of all judges of the Court.

76. The Court shall meet as Collegium of the Court in the cases provided by the subparagraph 2 of the paragraph 39 of this Statute.

77. The composition of the Collegium of the Court shall be added with one judge from each member State alternately in Russian alphabetical order (by surname of judge).

78. Court meeting of the Collegium of the Court shall be considered duly constituted meeting subject to presence of one judge from each member State.

79. The Court shall meet as the Appeals Chamber of the Court for consideration of appeal applications for decisions of the Collegium of the Court.

80. The Appeals Chamber of the Court shall be composed of judges of the Court from the member States which did not participate in hearing of the case, decision on which of Collegium of the Court is appealed.

81. Court meeting of the Appeal Chamber of the Court shall be duly constituted meeting subject to presence of one judge from each member State.

VI. Specialized Groups

82. When considering a particular dispute on industrial subsidies, measures of state support for agriculture, application of special safeguard, anti-dumping and countervailing measures, specialized group shall be created.

83. Specialized group shall be composed of three experts: one expert from list presented by each member State for the relevant type of dispute.

84. Composition of specialized group shall be approved by the Court.

85. After consideration of the case, specialized group shall be deactivated.

86. No later than 60 calendar days after the Treaty's entry into force, the member States shall send to the Court lists composed of no less than 3 experts on each type of dispute from those specified in the paragraph 82 of this Statute, which are willing and able to act as members of specialized groups.

The member States shall on a regular basis, but no less than once a year, update lists of experts.

87. Individuals who are highly qualified professionals with special knowledge and experience on the subject of disputes specified in the paragraph 82 of this Statute may act as experts.

88. Experts shall serve in their personal capacity, act independently and shall not be associated with any disputing party and may not obtain any instructions from them.

89. Expert cannot act as a member of specialized group in case of conflict of interests.

90. Specialized group shall prepare conclusion containing an objective assessment of facts of the case and submit it to the Court within the term specified by the Regulations.

91. Conclusion of specialized group shall have a recommendatory character, except for the case provided by the third paragraph of the paragraph 92 of this Statute and assessed by the Court in making its decisions, provided by the paragraphs 104-110 of this Statute.

92. Conclusion of specialized group prepared on the dispute related to industrial subsidies or measures of state support for agriculture shall contain a summary on existence or absence of violation as well as on application of appropriate compensatory measures in case of existence of violation.

With regard to summary of the specialized group on existence or absence of violation, conclusion of the specialized group shall have recommendatory character and

assessed by the Court in making one of the decisions, provided by the paragraphs 104-110 of this Statute.

With regard to summary on application of appropriate compensatory measures, conclusion of the specialized group shall be compulsory for the Court in making its decision.

93. Procedure on formation and activity of specialized groups shall be determined by the Regulations.

94. Procedure on payment for services of specialized groups shall be determined by the Supreme Council.

VII. Judicial Acts

95. Within the period established by the Regulations, the Court shall adopt resolutions on the issues of the Court's activity, including the resolutions:

- 1) on acceptance or refusal to accept application for the proceedings;
- 2) on suspension or resumption of proceedings on the case;
- 3) on termination of proceedings on the case.

96. No later than 90 days from the date of receipt of application on the results of consideration of dispute, the Court shall make a decision and upon application on clarification shall provide advisory opinion.

97. Term for making a decision may be extended in the cases provided by the Regulations.

98. Advisory opinion shall have a recommendatory character.

99. Upon results of disputes consideration, provided by the subparagraph 1 of the paragraph 39 of this Statute, the Court shall make a decision compulsory for implementation by disputing parties.

100. Upon results of disputes consideration, provided by the subparagraph 2 of the paragraph 39 of this Statute, the Court shall make a decision which is compulsory for implementation by the Commission.

101. Decision of the Court shall not be beyond the scope of the issues specified in the application.

102. The Court's decision shall not change and (or) cancel existing provisions of the law of the EAEU, legislation of the member State and shall not create any new provisions.

103. Without prejudice to the provisions of the paragraphs 111-113 of this Statute, disputing parties shall independently determine the form and manner of enforcement of the Court decision.

104. Upon results of consideration of the case on application of the member State on compliance of international treaty within the EAEU or its specific provisions with the Treaty, the Grand Collegium of the Court shall make one of the following decisions:

1) on nonconformity of international treaty within the EAEU or its certain provisions with the Treaty;

2) on conformity of international treaty within the EAEU or its certain provisions with the Treaty.

105. Upon results of consideration of the case on application of the member State on observing by another member State (or other member States) of the Treaty, international treaties within the EAEU and (or) decisions of the EAEU's bodies, as well as certain provisions of specified international treaties and (or) decisions, the Grand Collegium of the Court shall make one of the following decisions:

1) to establish fact of observing by a member State (the member States) of the Treaty, international treaties within the EAEU and (or) decisions of the bodies of the EAEU, as well as certain provisions of international treaties and (or) decisions;

2) to establish fact of non-observance by a member State (the member States) of the Treaty, international treaties within the EAEU and (or) decisions of the bodies of the EAEU as well as certain provisions of specified international treaties and (or) decisions.

106. On results of consideration of the case on application of the member State on compliance of the Commission's decision or its certain provisions with the Treaty, international treaties within the EAEU and (or) decisions of the bodies of the EAEU the Grand Collegium of the Court shall make one of the following decisions:

1) on noncompliance of the Commission's decision or its certain provisions with the Treaty, international treaties within the EAEU and (or) decisions of the bodies of the EAEU;

2) on compliance of the Commission's decision or its certain provisions with the Treaty, international treaties within the EAEU and (or) decisions of bodies of the EAEU.

107. Upon results of consideration of the case on application of a member State on contesting action (inaction) of the Commission, the Grand Collegium of the Court shall make one of the following decisions:

1) to recognize contested action (inaction) as non-complying with the Treaty and (or) international treaties within the EAEU;

2) to recognize contested action (inaction) as complying with the Treaty and (or) international treaties within the EAEU;

108. Upon results of consideration of the case on application of economic operator on complying Commission's decision or its certain provisions, directly affecting rights and legitimate interests of economic operator in the field of entrepreneurial or any other economic activity, with the Treaty and international treaties within the EAEU, if such decision or its certain provisions entailed violation of rights and legitimate interests of economic operators that were provided by the Treaty and (or) international treaties within the EAEU, the Collegium of the Court shall make one of the following decisions:

1) to recognize decision of the Commission or its certain provisions as complying with the Treaty and (or) international treaties within the EAEU;

2) to recognize decision or its certain provisions as non-complying to the Treaty and (or) international treaties within the EAEU.

109. Upon results of consideration of the case upon application of economic operator about contesting action (inaction) of the Commission, the Collegium of the Court shall make one of the following decisions:

1) to recognize contested action (inaction) as non-complying with the Treaty and (or) international treaties within the EAEU and violating rights and legitimate interests of economic operator in the field of entrepreneurial or any other economic activity;

2) to recognize contested action (inaction) of the Commission as complying with the Treaty and (or) international treaties within the EAEU and not violating rights and legitimate interests of economic operator in the field of entrepreneurial or any other economic activity.

110. Upon results of consideration of the case on application of economic operator to appeal decision of the Collegium of the Court, the Appeal Chamber of the Court shall make one of the following decisions:

1) to leave the decision of the Collegium of the Court unchanged, and application on appeal without consideration;

2) to abolish in whole or in part or to change decision of the Collegium of the Court, to adopt a new decision on the case in accordance with the paragraphs 108 and 109 of this Statute.

111. Validity of the Commission's decision or its certain provisions, which the Court recognized as not complying with the Treaty and (or) international treaties within the EAEU, shall be continued after the entry into force of the relevant decision of the Court before fulfilment this Court's decision by the Commission.

The Commission's decision or its certain provisions recognized by the Court as not complying with the Treaty and (or) international treaties within the EAEU, within the reasonable term, but not exceeding 60 calendar days from the moment of entry into force of the Court's decision, shall be brought by the Commission into compliance with the Treaty and (or) international treaties within the EAEU unless any other term is established in the decision of the Court.

The Court in its decision, taking into account the provisions of the Treaty and (or) international treaties within the EAEU, may determine any other term for bringing of the Commission's decision into compliance with the Treaty and (or) international treaties within the EAEU.

112. If there is a reasonable application of disputing party, validity of Commission's decision or its certain provisions, that the Court recognized as not complying with the Treaty and (or) international treaties within the EAEU, may be suspended by decision of the Court from the date of its entry into force.

113. Within a reasonable time period but not exceeding 60 calendar days from the date of the Court's decision entry into force, unless any other term is determined in the Court's decision, the Commission shall implement the Court's decision which has entered into force, where the Court established that contested action (inaction) of the Commission is not complying with the Treaty and (or) international treaties within the EAEU and that the Commission by such action (inaction) violated rights and legitimate interests of economic operators in the field of entrepreneurial and any other activity, provided by the Treaty and (or) international treaties within the EAEU.

114. In case of nonperformance of the Court's decision, the member State may apply to the Supreme Council for adopting required measures for ensuring its performance.

115. In case of nonperformance of Court's decision by the Commission, economic operator can make an application to the Court for taking appropriate measures for its performance.

On application of economic operator, within 15 calendar days from the moment of its receipt, the Court shall apply to the Supreme Council for acceptance of decision on this issue.

116. Acts of the Court shall be published in the official bulletin of the Court and in the official website of the Court in the Internet.

117. The Court's decision may be clarified without changing its essence and content only by the Court upon reasonable application of the parties of the case.

VIII. Final provisions

118. Judges, officials, employees of the Court, persons involved in the case, experts of specialized groups shall not disclose and transfer to the third parties information, which they obtained during the case consideration, without prior written consent of the person, which submitted such information.

119. Procedure of use and protection of information of restricted distribution shall be determined by the Regulations.

120. The Court shall annually file a report on its activity to the Supreme Council.
