

ANNEX 3  
to the Treaty on the  
Eurasian Economic Union

PROTOCOL  
on Information And Communication Technologies And Information Interaction within the  
Eurasian Economic Union

1. This Protocol is developed in accordance with the article 23 of the Eurasian Economic Union Treaty (hereinafter - EAEU Treaty) in order to determine fundamental principles of information interaction and coordination of its realization within the EAEU, as well as to determine procedure of creation and development of integrated information system.

2. Definitions used in this Protocol shall mean the following:

“paper copy of electronic document” is a copy of electronic document on paper, certified in accordance with the legislation of the member States ;

“trusted third party” is an organization which in accordance with the legislation of the member States is endowed with the right to perform activity on verification of electronic digital signature (electronic signature) in electronic documents at a fixed time in respect of originator and (or) addressee of electronic document;

“Customer of national segment of a member State” is a state authority of a member State, which perform functions of customer and organizer of works on creation, development and operating of national segment of the member State, determined in accordance with the legislation of the member State;

“protection of information” is acceptance and realization of a set of legal, organizational and technical measures for determining, achievement and maintenance of confidentiality, integrity and availability of information and means of its processing in order to exclude or minimize unacceptable risks for subjects of informational interaction;

“integrated information system of the EAEU” is an organizational set of geographically distributed state informational resources and information systems of authorized bodies, information resources and information systems of the Commission, united by national segments of the member States and integration segment of the Commission;

“Information system” is a set of information technologies and technical means providing processing of information resources;

“information and communicative technologies” is a set of methods and means for realization of information technologies and telecommunication processes;

“information technologies” are processes, methods of search, collection, accumulation, systematization, storage, clarification, processing, supply, distribution and disposal (destruction) of information as well as ways of implementation of such processes and methods;

“information resource” is an ordered set of documented information (databases, other information arrays) contained in information systems;

“classifier” is a systematic, structured and codified list of names of classification objects;

“national segment of a member State”, “integrated segment of the Commission” are information systems, which provide information interaction of information systems of authorized bodies and information systems of the Commission within the integrated information system of the EAEU”;

“normative-reference information” is a set of directories and classifiers used in implementation of information exchange between authorized bodies;

“general infrastructure for documenting of information in electronic form” is a set of informational and technological and organizational and legal measures, rules and decisions, realized in the form of geographically distributed sets of services, provided by operators in order to give legal effect to electronic documents within the EAEU;

“general informational resource” is information resource of the Commission, formed by centralized maintenance or on the basis of information interaction between the member States;

“general process within the EAEU” is operations and procedures, regulated (set) between international agreements and acts, which constitute the EAEU law and legislation of the member States, which are started in the territory of one of the member States and ended (changed) in the territory of any other member State;

“manual” is a systemized, structured and codified list of information uniform in its content or essence;

“subjects of electronic interaction” are state bodies, individuals or legal entities, which interact within relations arising in the process of drafting, sending, transmitting, obtaining, storage and application of electronic documents as well as information in electronic form;

“transboundary space of trust” is a set of legal, organizational and technical conditions, agreed by the member States in order to ensure trust in the interstate exchange of data and electronic documents between authorized bodies.

“unified system of classification and coding of information” is a set of manuals, classifiers of normative-reference information as well as procedure of methodology of their development, keeping and use”;

“authorized body” is a state body of a member State or organization determined by it, empowered to implement state policy in certain fields;

“accounting system” is an information system containing information from title documents of subjects of electronic interaction and with use of which legally relevant electronic documents shall be issued;

“electronic form of interaction” is a method of informational interaction based on application of information and communication technologies;

“electronic type of document” is information, data presented in a form suitable for human perception with the use of electronic computers, and for transmission and processing with use of information and communicative technologies with observance of specified requirements to format and structure;

“electronic document” is a document in electronic form, certified by electronic digital signature (electronic signature) in accordance with a common infrastructure for documenting of information in electronic form.

3. On the basis of expanded functional abilities of integrated informational system of foreign and mutual trade in the EAEU, it is required to perform works on establishing, operation and development of integrated informational system of the EAEU (hereinafter – integrated system), which provide informational support on the following issues:

- 1) customs tariff and non-tariff regulation;
- 2) customs regulation;
- 3) technical regulation, application of sanitary, veterinary and sanitary and quarantine phytosanitary measures;
- 4) credit and distribution of import customs duties;
- 5) credit and distribution of anti-dumping and countervailing duties;
- 6) statistics;
- 7) competitive policy;
- 8) energy policy;
- 9) monetary policy;
- 10) protection and enforcement of intellectual activity and means of individualization of goods, works and services;
- 11) financial markets (banking sector, sector of insurance, monetary market, securities market);
- 12) maintenance of activity of the EAEU authorities;
- 13) macroeconomic policy;
- 14) industrial and agricultural policy;
- 15) circulation of drugs and medical products;
- 16) other issues within the powers of the EAEU (included in the scope of integrated system in the process of its development).

4. The main tasks of formation of integrated system are:

- 1) creation and maintenance of uniform system of normative and reference information of the EAEU on the basis of uniform system of classification and coding;
- 2) establishment of integrated informational structure of interstate exchange of data and electronic documents within the EAEU;
- 3) creating common informational resources for the member States ;

4) ensuring informational interaction based on the provisions of the EAEU Treaty on ensuring formation of common informational resources, informational support for authorized bodies exercising state control and implementation of common processes within the EAEU;

5) providing access to the texts of international agreements and acts constituting the EAEU law, and draft international agreements and acts constituting the EAEU law as well as for common informational resources and informational resources of the member States;

6) establishment and maintenance of common infrastructure of documenting of information in electronic form.

5. It is required to form within the integrated system common informational resources containing:

1) legislative and other normative legal acts of the member States, international agreements and acts constituting the EAEU law;

2) normative and reference information, formed by centralized maintaining database or on the basis of informational interaction of the member States;

3) registers formed on the basis of informational interaction of the member States and the Commission;

4) official statistic information;

5) information and methodical, scientific, technical and other informational and analytical materials of the member States;

6) other information included in the common information resources due to development of integrated system.

6. When forming an integrated system the member States shall proceed from the following principles:

1) community of interests and mutual benefit;

2) use of common methodological approaches to preparing information for an integrated system based on a common data model;

3) availability, reliability and completeness of information;

4) timely provision of information;

5) compliance with the level of modern informational technologies;

6) integration with the information systems of the member States;

7) ensuring equal access of the member States for informational resources contained in integrated system;

8) use of provided information only for the declared purposes without prejudice to the member State that provided it;

9) openness of the integrated system for all categories of users subject to compliance with the requirement for use of information in accordance with the stated objectives;

10) implementation of information exchange on a non-repayable basis between the authorized bodies, the authorized bodies and the Commission using the integrated system.

7. Structure and content of manuals and classifiers included in regulatory and reference information in accordance with the EAEU Treaty and international agreements within the EAEU, shall be determined by the Commission by agreement with authorized bodies.

8. When forming an integrated system, the member States shall be guided by international standards and recommendations.

9. In order to create common information resources, ensure realization of common processes within the EAEU and effective implementation of various types of state control using means of integrated system, it is necessary to ensure electronic form of interaction between authorized bodies, authorized bodies and the Commission and between the Commission and integration associations, international organizations. List of common processes within the EAEU, technology of realization of common processes within the EAEU, procedure and regulation for sending and receipt of messages (requests) in a process of interaction, requirements for electronic form of documents (electronic documents) shall be determined by the Commission in the manner specified by the EAEU Treaty.

10. List of information provided in electronic form in a process of interaction shall be determined by the EAEU Treaty and international agreements within the EAEU.

11. In order to create equal conditions for business entities and individuals on submitting information to authorized bodies, coordinated development of electronic forms of interaction between authorized bodies, business entities and individuals, the

Commission may determine for the stated types of interaction standard uniform requirements within the EAEU for electronic type of documents (electronic documents), for order of sending and receiving messages (requests) in the process of interaction or recommend them for application.

12. In electronic form of interaction with the use of electronic documents as well as in processing them in information systems, it is necessary to observe the following principles:

1) If in accordance with the legislation of a member State it is required that the document was executed on the paper, then electronic document executed according to the rules of documenting, approved by the Council of Commission, shall be considered as corresponding to these rules;

2) electronic document executed according to the rules of documenting, approved by the Council of Commission, shall be recognized equal in legal force to the similar document on paper, certified by signature or signature and a seal;

3) document shall not be invalidated merely on the ground that it is executed in the form of electronic document;

4) while extracting information from electronic documents, including while converting formats and structures in order to process them in informational systems it is necessary to ensure their identity to similar information specified in electronic documents;

5) in the cases provided by international agreements and acts that constitute the EAEU law or by legislation of the member States with a use of accounting system, formation of paper copies of electronic documents may be ensured.

13. Development of transboundary space of trust shall be implemented by the Commission and the member States in accordance with the strategy and concept of use electronic documents and services that have legal force in international information interaction.

14. Common infrastructure of documenting of information in electronic form shall be composed of state components and integration component.

15. The Commission shall act as operator of integration component of common infrastructure of documenting of information in electronic form.

16. Authorized bodies and organizations determined by them in accordance with the legislation of a member State shall act as operators of state components of common infrastructure of documenting of information in electronic form.

17. Integration component of common infrastructure of documenting of information in electronic form shall ensure implementation of transboundary electronic document circulation on the basis of uniform standards and infrastructural decisions.

18. Requirements for creation, development and functioning transboundary space of trust shall be developed by the Commission in interaction with authorized bodies and approved by the Commission. Verification of components of common infrastructure of documenting of information in electronic form for compliance with specified requirements shall be performed by a commission formed from representatives of the member States and the Commission. Provisions on commission that include order of its formation shall be determined by the Council of Commission.

19. Information exchange of electronic documents between subjects of electronic interaction that have different mechanisms of electronic documents protection, shall be ensures with use of services provided by operators of common infrastructure of documenting of information in electronic form, including services of trusted third party.

20. The trusted third party's services shall be provided by the member States and the Commission. Authorized bodies or organizations determined (accredited) by them, shall be operators of services of the trusted third party of the member States. The Commission is an operator of services of trusted third party of the Commission. The member States shall provide subjects of electronic interaction with right to use services of trusted third parties.

21. The main tasks of the trusted third party are:

1) legalization (authentication) of electronic documents, messages and electronic digital signatures (electronic signatures) of the subjects of information interaction at a fixed time;

2) guaranteeing trust in international (transboundary) exchange of electronic documents and messages;

3) ensuring legality of using electronic digital signatures (electronic signatures) in outgoing and (or) incoming electronic documents and messages in accordance with the legislation of the member States and acts of the Commission.

22. Procedure of management and application of informational resources within the accounting system shall be determined by legislation of the member States.

23. The main objectives of the Commission in respect of ensuring electronic form of interaction with use of electronic documents shall be:

1) ensuring mutually acceptable for the member States level of information security in the integration segment of the Commission;

2) development of solutions to protect information in accounting systems and general infrastructure for documenting of information in electronic form, including the means of access for subject of informational interaction;

3) determining composition of components of common infrastructure of documenting of information in electronic form on the basis of international standards of the member States, international standards and recommendations;

4) coordination of development and testing of standard information technology solutions and software and hardware complexes within the common infrastructure of documenting of information in electronic form;

5) coordinating on development of rules of documenting of information in electronic form, regulations of work of individual components and services of common infrastructure of documenting of information in electronic form as well as recommendations on their application for subjects of electronic interaction;

6) preparing recommendations for harmonization of legislation of the member States in application of electronic documents in process of informational interaction within the EAEU as well as unification of interfaces of informational interaction between accounting systems;

7) coordination of interaction of the member States with the Third Countries on certain issues of formation of transboundary space of trust.

24. The member States shall ensure protection of information contained in informational resources, informational systems and information and telecommunication

networks of authorized bodies in accordance with the requirements of legislation of the member States.

25. Exchange of information that the legislation classified as state secret (state secrets) or information of restricted distribution (access) shall be performed in compliance with requirements of legislation of the member States for their protection.

26. Procedure for exchange of information containing data classified in accordance with the legislation of the member States as state secret (state secrets) or information of restricted distribution (access), shall established by international agreements within the EAEU.

27. Establishing integrated system shall be coordinated by the Commission which ensures its functioning and development in interaction with customers of national segments of the member States taking into account strategies of development of integrated system, developed and approved by the Council of Commission. Works on creation and development of integrated system shall be performed on the basis of plans (with an indication of duration and cost of work on creation and development of integration segment of the Commission), developed by the Commission in interaction with authorized bodies and approved by the Council of Commission.

28. The Commission shall exercise rights and obligations of owner in respect of such components of integrated system as integration segment of the Commission, information resources and information systems of the Commission, and organize their designing, development, implementation, acceptance of work results and further support.

29. The Commission shall exercise orders (purchases) of goods (works, services), assessment of competitive bids submitted in exercising orders (purchases) of goods (works, services) and acquisition of property rights with respect to components of integrated system, specified in the paragraph 28 of this Protocol.

30. In order to unify applicable organizational and technical solutions in creation, development and operation of segments of integrated system, maintenance of appropriate level of protection of information, the Commission shall coordinate development of drafts of technical, technological, methodological and organizational documents and approve them.

31. Member State shall determine a customer of national segment of member State which executes rights and obligations on its creation, maintenance of functioning and development.

32. The member States shall have equal rights to use the integrated system.

33. Financing of works on creation, development and maintenance functioning of components of integrated system specified in the paragraph 28 of this Protocol, shall be provided from the budget of the EAEU, at this in respect of works on their creation and development – based on the volumes required for realization of plans specified in the paragraph 27 of this Protocol.

34. Financing of works on creation, development and maintenance of functioning of state informational resources and informational systems of authorized bodies, as well as national segments of the member States shall be provided from budgets of the member States envisages for support of authorized bodies' activity.

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