

Protocol

on the Social Guarantees, Privileges and Immunities in Eurasian Economic Commission

I. General Provisions

1. The terms used in this Provision have the following meaning:

"the state of residence" - member State on the territory of which the body of the EAEU is located;

"premises of the EAEU bodies" - buildings or parts of buildings used for the official purposes as well as for accommodation of the members of the Collegium of the Commission, judges of EAEU Court, officers and employees;

"representatives of the member States" - heads and members of delegations sent by the member States to the meetings of the EAEU bodies and to other events taking place within the borders of the EAEU;

"Social guarantee (social insurance)" – compulsory insurance against for temporary disability and maternity, compulsory insurance for accidents at work and occupational diseases, compulsory health insurance;

"members of family of the Collegium of the Commission, judges of the EAEU Court, officers of the EAEU bodies " – spouse (husband/wife), minors and dependents of the members of the Collegium of the Commission, judges of the EAEU Court, officers of the EAEU bodies, permanently living with them;

"members of family of the employees" – spouse (husband/wife) and minors permanently living with the employees.

2. Members of the Collegium of the Commission, judges of the EAEU Court, officers and employees shall be considered to be international civil servants. When

executing their authorities (fulfillment of their official duties) they shall neither ask nor receive any instructions from the state authorities or officials of the member State as well as from the authorities of the countries which are not the Members of the EAEU. They shall abstain from all actions incompatible with their status of international civil servants.

3. Each member State shall respect international nature of the authorities of the Collegium of the Commission members, judges of the EAEU Court, officers and employees and do not influence them in the process of fulfillment of their official duties.

II. Privileges and Immunities of the EAEU

4. The property and assets of the EAEU bodies shall have immunity from all forms of administrative or judicial intervention except the cases when the EAEU shall renounce its immunity on its own.

5. Premises of the EAEU bodies as well as their archives and documents (including correspondence) regardless of the place of storage shall not be subjected to search, requisition, confiscation or other form of intervention impeding the normal functioning of these bodies.

6. Representatives of the respective state authorities of the state of residence shall not enter the premises of the EAEU bodies unless with the permission of the Collegium of the Commission President, President of the EAEU Court or persons who act on their behalf, on the conditions approved by them, except cases of fire and other conditions requiring urgent protective actions.

7. Execution of any action in accordance with decision of the respective state authorities of the state of residence shall take place in the premises of the EAEU bodies only with the permission of the Collegium of the Commission President, President of the EAEU Court or persons acting on their behalf.

8. Premises of the EAEU bodies shall not be used as sanctuary to any person, prosecuted in accordance to the law of any member State or persons to be extradited to a member State or to any other state which is not the Member of the EAEU.

9. Immunity of the premises of the EAEU bodies shall not mean that they can be used for goals, which are incompatible with the functions or tasks of the EAEU or which compromise safety and are detrimental to the interests of legal or natural persons of the member States.

10. State of residence shall take all necessary measures in order to protect premises of the EAEU from all kinds of intervention and damages.

11. EAEU Bodies shall be exempt from taxes, fees, duties and other payments collected by the state of residence, except the payments which constitute payment for the certain types of services and payments (deductions and fees) paid in accordance to the paragraphs 44 and 45 of this Provision.

12. Objects and other property, intended for the official use by the EAEU bodies on the territory of the member States are exempt from customs duties, taxes and customs fees.

13. As to the official means of communication the EAEU bodies shall have the same advantageous conditions, which the state of residence grants to the diplomatic missions.

14. The EAEU bodies shall have right to place flag, emblem or other type of the EAEU symbols on the premises they use and vehicles belonging to them.

15. The EAEU bodies, respecting legislation of the member States, shall have the right to publish and spread printed production in accordance with their aims and functions, publishing of which is stipulated in the acts included in the EAEU legislation.

16. The state of residence shall render assistance to the EAEU bodies in acquisition or obtaining of premises which are necessary to them in order to perform their functions.

17. The EAEU shall cooperate with the respective state authorities of the member States in order to provide proper administration of justice and fulfillment of the requirements of law enforcement bodies as well as to prevent any abuse in connection with the privileges and immunities stipulated in this Provision.

III. Privileges and immunities of members of the Collegium of the Commission, the judges of the EAEU Court, officials and employees

18. Members of the Collegium of the Commission and judges of the EAEU Court, if they are not nationals of the receiving State, shall enjoy the privileges and immunities to

the extent provided by the Vienna Convention on Diplomatic Relations of April 18, 1961 for a diplomatic agent.

Such immunity shall not apply to cases:

real action relating to private immovable property situated in the territory of the receiving State;

action relating to succession in which the member of the Board of the Commission, Judge of the EAEU Court or a family member acts as executor, trustee of, heir or legatee as a private individual and not on behalf of the body of the EAEU;

action relating to any professional activities in the State outside of official functions.

Members of the Commission and the Collegium of Judges of the EAEU Court, who are nationals of the receiving State, shall be subject to the provisions of subparagraph 1 of paragraph 19 of this Regulation.

Family members of the Commission and members of the Board of Judges of the EAEU Court residing with them, if these family members are not nationals of the receiving State, shall be subject to the provisions of paragraph 3 - 5 paragraph 19 of this Regulation.

Family members of the Commission and members of the Collegium of Judges of the EAEU Court, if they are nationals of the receiving State and (or) reside in its territory shall not be covered by the immunity from civil jurisdiction of the receiving State in respect of claims for damages in connection with a traffic accident caused by a vehicle belonging to such family member or driven by them.

19. Officials:

1) shall not be subject to criminal, civil and administrative liability for words spoken or written and all acts performed by them in their official capacity;

2) shall be exempt from taxation of wages and other remuneration paid by bodies of the EAEU;

3) shall be exempt from national service obligations;

4) shall be exempt from restrictions on entry into the receiving State and leaving it, from registration as foreign residents and receipt of a temporary residence permit;

5) enjoy the same repatriation facilities as diplomatic envoys during international crises.

20. Officials if they are nationals of and (or) reside in its territory shall not be covered by the provisions of subparagraphs 2 - 5 of paragraph 19 of this Regulation.

21. Family members of officials residing with them, if these family members are not nationals of the receiving State and (or) not permanently residing in its territory, shall be subject to the provisions of paragraph 3 - 5 paragraph 19 of this Regulation.

22. Accreditation issues for members of the Collegium of the Commission, the judges of the EAEU Court, officials and employees are regulated by international agreements on the conditions of stay for the EAEU bodies in the territory of the receiving State.

23. Members of the Collegium of the Commission, the judges of the EAEU Court, officials and employees shall not engage in business and any other activity in interests of their personal benefit or the benefit of other individuals, except for scientific, creative and educational activities.

Income derived from scientific, artistic or teaching activities shall be taxable in accordance with international agreements and legislation of the receiving State.

24. Members of the Collegium of the Commission, the judges of the EAEU Court, officials and their family members shall comply with the legislation of the receiving State in respect of insurance against damage that may be caused to third parties in connection with the use of any vehicle.

25. Employees shall not be subject to the jurisdiction of the judicial or administrative authorities of the State in respect of acts committed with the direct performance of their duties, except in cases of presentation of:

1) claims for damages in connection with a traffic accident caused by a vehicle owned by the employee or driven by them;

2) claims for loss of life or personal injury caused by the actions of employees.

26. Employees shall be exempt from restrictions on entry into the receiving State and leaving it, from registration as foreign residents and receipt of a temporary residence permit.

27. The provisions of paragraphs 25 and 26 of this Regulation shall not apply to the relationship between employees and the public authorities and administration bodies of the member State which they are nationals of.

28. Privileges and immunities enjoyed by members of the Collegium of the Commission, the judges of the EAEU Court, officials and employees, shall be provided to them not for personal gain but for the efficient, independent exercise of their powers (the performance of official (official) duties) in interests of the EAEU.

29. Members of the Collegium of the Commission, the judges of the EAEU Court, officials, employees and members of their families shall enjoy the privileges and immunities provided for in this Regulation, from the moment they entered the territory of the receiving State on proceeding to destination or if they are already on this territory, from the time when members of the Collegium of the Commission, the judges of the EAEU Court, officials, employees began to implement their authorities (official (service) duties).

30. Upon termination of authorities (the performance of official (official) duties) of the member of the Collegium of the Commission, the judge of the EAEU Court, official or employee their privileges and immunities, and privileges and immunities of members of their families living with them shall normally cease at the moment of leaving the state of residence by this individual or after a reasonable period for leaving the receiving State, depending on which of these moments comes first. Privileges and immunities of members of the family are terminated when they cease to be members of family of the member of the Collegium of the Commission, judge of the EAEU Court, official or employee. Moreover, if such individuals intend to leave the receiving State within a reasonable time, their privileges and immunities shall subsist until their departure.

31. In case of death of a member of the Collegium of the Commission, the judge of the EAEU Court, an official or employee the members of their families living with them shall continue to enjoy the privileges and immunities provided to them until time they leave the State or before the expiration of a reasonable period for leaving the receiving State depending on which of these moments comes first.

32. Immunity of the member of the Collegium of the Commission, judge of the EAEU Court or the official from administrative, civil and criminal jurisdiction in respect of words spoken or written in the framework of their functions, and all acts performed as a member of the Collegium of the Commission, the judge of the EAEU Court or an official shall be reserved for them and after the termination of their powers. This paragraph shall operate without prejudice to cases of liability of members of the Collegium of the Commission, or Judges of the EAEU Court or officials provided for in the Agreement on the Eurasian Economic EAEU or international agreements within the EAEU.

33. All persons enjoying such privileges and immunities in accordance with this Regulation, shall be obliged to respect the laws the receiving State without prejudice to their privileges and immunities. They shall also obliged to not to interfere in the internal affairs of that State.

34. Members of the Collegium of the Commission, Judge of the EAEU Court, an official, an employee shall be deprived of immunity, if immunity would impede the course of justice and removal of the immunity shall not bear prejudice to the purposes for which it was granted.

35. Removal the immunity is carried out:

1) against a member of the Collegium of the Commission and judge of the EAEU Court - by the Supreme Council;

2) against officials and employees of the Commission - by the Council of the Commission;

3) in respect of officials and employees of the EAEU Court - by Chairman of the EAEU Court.

36. Waiver of immunity shall be in writing and must be express.

IV. Privileges and immunities of representatives of the member States

37. Representatives of the member States in the exercise of their official functions and during their journey to the place of activities organized by bodies of the EAEU in the territories of the member States shall enjoy the following privileges and immunities:

1) immunity from personal arrest or detention, as well as the jurisdiction of the judicial and administrative authorities in respect of all acts that may be committed by them in that capacity;

2) security of residence;

3) exemption of accompanied baggage and hand luggage from customs inspection, unless there are serious grounds to believe that they contain items or other property not intended for official or personal use, or items and other property, the import or export of which is prohibited or restricted by the legislation of the member State on whose territory the event is carried out;

4) exemption from restrictions on entry into the receiving State and leaving it, from foreign national registration and obtaining of a temporary residence permit.

38. The provisions of paragraph 37 of this Regulation shall not apply to relations between a representative of the member State and the authorities of the member State of national of which he is or was.

39. Privileges and immunities enjoyed by the representatives of the member States, shall be provided to them not for personal gain but for the efficient, independent performance of their official duties for their member States.

40. The premises occupied by representatives of the member States, furnishings and other property, as well as vehicles used for their business need, shall be immune from search, requisition, arrest or execution activities.

41. The archives and documents of the member States shall be inviolable at any time and regardless of the data carriers and their location.

42. In case it is not against the law and regulations concerning zones entry into which is prohibited or regulated for reasons of national security, the receiving State shall provide all representatives of the member States with freedom of movement and travel in its territory to the extent which is necessary to fulfill their official functions.

V. Labor relations and social protection in the bodies of the EAEU

43. Labor relations for members of the Collegium of the Commission, the judges of the EAEU Court, officials and employees shall be governed by the legislation of the receiving State, considering the norms of this Regulation.

44. Pension provision for members of the Collegium of the Commission, the judges of the EAEU Court, officials and employees shall be subject to the legislation of the member State which they are nationals of.

Mandatory contributions to pension provision for members of the Collegium of the Commission, the judges of the EAEU Court, officials and employees of bodies of the EAEU shall be made at the expense of the EAEU budget to the pension funds of the member States, citizens of which the above individuals are, in the manner and amount established by the legislation of the member State.

Expenditure on payment of pensions to members of the Collegium of the Commission, the judges of the EAEU Court, officials and employees shall be at the expense of the member State which they are nationals of.

45. Social insurance (except for pension insurance) and provision of social security benefits for members of the Collegium of the Commission, the judges of the EAEU Court, officials and employees shall be carried out in accordance with the legislation of the receiving State on the same conditions and in the same manner as it carried out to the citizens of the receiving State.

Payment of premiums for social insurance (except for pension insurance) from payments to members of the Collegium of the Commission, the judges of the EAEU Court, officials and employees shall be financed from the EAEU budget in accordance with the laws of the receiving State.

Expenses on payment of social security benefits shall be at the expense of the receiving State without mutual settlements with other member States.

46. When granting a pension or social security benefits the period of work as a member of the Collegium of the Commission, the judge of the EAEU Court, official or employee shall be included in the insurance or employment history in accordance with the legislation of the member State which they are nationals of.

Period of work as a member of the Collegium of the Commission, the judge of the EAEU Court, official or employee shall be included in the insurance or employment history when granting a pension in accordance with the legislation of the member State which they are nationals of, and the appointment of social security benefits (provision) - in accordance with the legislation of the receiving State.

47. Earnings received by members of the Collegium of the Commission, judges of the EAEU Court, officials and employees during the performance of their duties, shall be considered in determining the amount of the pension in accordance with the legislation of the member State which they are nationals of, and in determining the social security benefits - in accordance with the legislation of the receiving State.

48. During the execution of their powers the members of the Commission and the Collegium of the EAEU, judges of the Court shall enjoy the following social guarantees:

- 1) paid annual leave of 45 calendar days;
- 2) medical, health resort and transport services, carried out by the EAEU budget;
- 3) provision from the budget of the EAEU, of official premises members of the Collegium of the Commission and to judges of the EAEU Court who do not have living space in the city, in which the corresponding body of the EAEU is located;

4) inclusion of period of execution of authorities of the Commission Board member into public (state, civil) service period when granting social guarantees, provided for by legislation of a state-member, a citizen of which he / she is, for public (federal, state civil) workers, as well as into duration of execution of minister's authorities (federal minister) when determining of amount (right) of pension (social) coverage (monthly pension supplement), provided for by legislation of state-member a citizen of which a Commission Board member is, for minister (federal minister);

5) Inclusion of period of execution of authorities of EAEU Court judge into a judge period in a state-member, a citizen of which the EAEU Court judge is.

49. Issues related to granting of social guarantees (including medical, sanatoria-resort and transportation) to Commission Board members shall be solved by competent body of the state where he\she stays.

50. Commission Board members who are citizens of Russian Federation, stepped down from office (except for cases of early termination of the powers, provided for by Regulation on Eurasian Economic Commission (attachment # 1 to Eurasian Economic EAEU Agreement), has a right to establishing of monthly supplement to non-contributory pension due to old age (invalidity). Monthly supplement to a pension is granted in amount, order and on conditions provided for by Russian Federation for federal minister. Resolution to establish monthly supplement to a pension is made by head of federal body of executive authority on social protection of population. The monthly supplement is established on account of federal budget funds.

51. Medical and sanatoria-resort coverage is provided for officials and employees on account of the EAEU budget in period of fulfillment of his/her duties (work duties); to directors of the Commission departments - transportation service is provided on account of the EAEU budget as well.

52. For officials and employees in period of fulfillment of their duties (work duties), who do not have dwelling place within a city where relevant body of the EAEU is located – a corporate housing can be provided on account of the EAEU budget.

53. Officials and Commission employees who are Russian Federation citizens, filled in, prior to working in the Commission, positions of federal state (state civil) service, released from positions, filled in the Commission (except for cases of release connected with wrongful acts) and who have public civil service period not less than 15 years, have a right to a length-of-service pension, granted in the order, set forth by legislation of Russian Federation (RF) for federal state civil employees, if right before leaving the Commission they filled in position not less than for 12 months. Resolution on granting of length-of-service pension is reached by head of federal body of executive authority on social protection of population upon decision made by the Commission Board.

Amount of length-of-service pension is calculated out of average monthly salary of official or employee, marginal amount of which is determined in respect to official salaries (monetary compensation), set by positions equivalent to the ones in the state civil service based on List of Compliance of officials' and the Commission employees positions with

federal state civil positions in Russian Federation Government Executive Office, approved by the RF Government.

Length-of-service pension pursuant to RF legislation is granted on account of the federal budget funds.

54. Work period of officials and the Commission employees is included into public (state, civil) service period of a state-member, a citizen of which he / she is for establishing of social guarantees in the period of public (state civil) service and for granting of length-of-service pension for a public service officials (federal state civil officials).

55. Order of medical and sanatoria-resort service for the Commission Board members, the EAEU Court judges, officials and employees is determined by the Supreme Council.