

force of this Treaty.

Article 8

Application of Safeguard Measures in Mutual Trade

1. Nothing in this Treaty shall restrict the right of a Party (customs union)¹ to apply any safeguard measures. Such measures with respect to industrial and agricultural goods shall be applied only in accordance with Article XIX of GATT 1994, the WTO Agreement on Safeguards and by this Treaty.

2. When applying any safeguard measures, a Party (customs union) shall remove from the effect of such measures a commodity originating from the territory of another Party on condition that such commodity has been imported in such quantities and under such conditions which have not caused any injury and/or have not created a threat of causing injury to the domestic industry of this Party (customs union).

Import originating from the territory of another Party shall be considered as not causing any injury and/or not threatening to cause injury to the domestic industry of a Party (customs union) if the other Party is not one of the five main suppliers of the imported commodity for the last three years and the following conditions are simultaneously met:

during the recent three years the import volumes from the other Party have been decreasing or growing in smaller volumes (in absolute and relative indicators) as compared with the import from other countries;

the price level of import of goods from the other Party is equal or higher than the price level of a domestic commodity producer of like or directly competitive goods on the internal market of the importing Party (customs union).

3. If one of the Parties (customs union) intends to apply safeguard measures, then this Party (customs union) shall, not later than 30 days before the completion of the investigation, inform about such intention the other Parties which may be affected by the application of a measure. Interested Parties shall conduct consultations for the purposes of finding a mutually acceptable solution.

4. When choosing a type of safeguard measures, the Parties (customs union) shall give the priority to those measures which will cause the least injury to achieving the purposes of this Treaty.

Article 9

Application of Antidumping and Countervailing Measures in Mutual Trade

1. Nothing in this Treaty prevents a Party (customs union) from applying, with respect to the import of a commodity originating from another Party, any antidumping or countervailing measures. Such measures with respect to industrial and agricultural goods must be applied only in accordance with Articles VI, XVI of GATT 1994, the WTO Agreement on the Application of Article VI of GATT 1994, the WTO Agreement on Subsidies and Countervailing Measures and with this Treaty.

2. If one of the Parties (customs union) intends to apply any antidumping or countervailing measures, then this Party (customs union) shall, before the application of the measures, provide the other interested Parties with the relevant information about the main facts and findings reasoning the application of such measures. For the Parties to be able to protect their interests, such information shall be provided in advance but not later than 30 days before the completion of the

¹For the purposes of Article 8 and Article 9 of this Treaty the customs union means union between the Parties which provides for the uniform application of safeguard, antidumping and countervailing measures.

investigation.

3. A Party (customs union) which intends to apply or prolong certain antidumping or countervailing measures, shall provide adequate possibility for conducting preliminary consultations before the completion of the investigation by the interested Parties.

4. When choosing a type of antidumping or countervailing measures, the Parties (customs union) shall give the priority to those measures which will cause the least damage to achieving the purposes of this Treaty.

Article 10

Granting of Subsidies

1. The Parties shall grant subsidies in accordance with the provisions of Articles VI, XVI of GATT 1994 and of the WTO Agreement on Subsidies and Countervailing Measures.

2. The Parties shall not maintain and shall not grant any prohibited subsidies under Article 3 of the WTO Agreement on Subsidies and Countervailing Measures, except for the measures stipulated in Annex 3 to this Treaty, which is its integral part.

3. The Parties shall refrain from granting any specific subsidies under Article 2 of the WTO Agreement on Subsidies and Countervailing Measures which may cause a serious infringement of interests of other Parties and will entail negative consequences stipulated by Article 6 of the WTO Agreement on Subsidies and Countervailing Measures.

4. Each Party shall ensure transparency of state aid to enterprises by means of annual information of the other Parties about the total amount and distribution of the aid rendered by the state and providing, upon the request of another Party, information about rendering of state aid in concrete cases and schemes of granting such aid.

Article 11

Technical Barriers to Trade

In mutual trade the Parties shall apply technical measures, including technical regulations, standards and procedures of conformity assessment, while being guided by the rules and principles of the WTO Agreement on Technical Barriers to Trade.

The Parties shall cooperate in the field of standardization, metrology, assessment (confirmation) of conformity, accreditation, state control (supervision) within the framework of the Interstate Council for Standardization, Metrology and Certification under the Agreement on Coordinated Policy in the Field of Standardization, Metrology and Certification of March 13, 1992.

Article 12

Sanitary and Phytosanitary Measures

In mutual trade the Parties shall be guided by the rules and principles of the WTO Agreement on the Application of Sanitary and Phytosanitary Measures, as well as international treaties in the relevant fields whose participants they are.

Article 13

Payments

1. The Parties shall not maintain ongoing restrictions and shall not establish new restrictions on international transfers and payments for the supply of goods within the framework of mutual trade in goods, except for the cases stipulated in Article 14 of this Treaty.