

Article 6

Government Procurement

1. With respect to all laws, normative acts, procedures and practice concerning government procurement under paragraph 8(a) of Article III of GATT 1994 covered by the provisions of paragraph 3 of this Article, each of the Parties shall grant, with respect to goods originating from the territory of any other Party and its related suppliers, a not less favorable treatment than the one which is granted to:

- 1) domestic goods and suppliers;
- 2) goods originating from the territory of any other Party and its suppliers.

2. Provisions of paragraph 1 of this Article shall not be applicable with respect to customs duties and any other payments equivalent to customs duties applied on import.

3. Provisions of paragraph 1 of this Article shall be applicable on a bi- or multilateral basis among the interested Parties.

4. Within three months after the entry into force of this Treaty the interested Parties shall enter into negotiations for elaborating a Protocol to this Treaty determining the obligations of the Parties with respect to the rules and procedures regulating government procurement for the purposes of completing it within a three-year period.

Article 7

Freedom of Transit

1. Transit of goods and transport means within the framework of this Treaty shall be regulated in accordance with the provisions of Article V of GATT 1994.

2. The following conditions are applied to transit of goods and transport means:

1) goods being transited through the territory of a Party shall simultaneously:

a) remain unchanged, except for changes due to natural deterioration or loss under normal conditions of transportation and storage;

b) not be used for any purposes other than transit;

c) be delivered to the customs authority of destination within the periods established by the customs authority of departure, proceeding from capacity of the transport means carrying a commodity, the planned route and any other conditions of shipment;

2) in cases where it does not contradict the provisions of this Treaty, a Party may, in accordance with its legislation, establish a list of certain types of goods whose transit is prohibited and also a list of certain types of goods whose transit requires special permits from authorised bodies of the Parties. The Parties shall notify each other about its lists;

3) if transit is interrupted due to an accident or force majeure, then the carrier shall be guided by norms established by the national legislation of the Party on whose territory transit has been interrupted;

4) customs authorities of the Parties shall mutually recognise national means of identification, other means of customs support, and also documents necessary for controlling the goods and transport vehicles carrying them, in accordance with international conventions ratified by the Parties, and/or with the arrangements reached among them;

5) each Party shall grant the goods transiting across the territory of any other Party a regime not less favourable than the regime which would have been granted to such goods if they were transported from the place of origin to the place of destination without being transferred across the territory of such other Party.

3. Provisions of this Article shall not extend to pipeline transport.

4. Interested Parties shall enter into negotiations for elaborating an Agreement on the Transit by Pipeline Transport and shall complete such negotiations within six months after the entry into

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 investigation.

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.