

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.