On Ratification of Agreement on the Eurasian Economic Union

Unofficial translation

The Law of the Republic of Kazakhstan dated 14 October, 2014 № 240-V LRK.

Unofficial translation

Ratify the Agreement on Eurasian Economic Union, executed in Astana city 29 May, 2014.

The President of the Republic of Kazakhstan *N. Nazarbayev*

The Agreement on the Eurasian economic union

Entered into force from 29 May, 2014 – Bulletin of international treaties of the Republic of Kazakhstan 2015, № 2, Article 11

Republic of Belarus, Republic of Kazakhstan and the Russian Federation, hereinafter referred to as the Parties,

based on the Declaration on Eurasian Economic Integration dated 18 November, 2011,

guided by the principle of the sovereign equality of the states, the need of unconditional observation of the principle of supremacy of constitutional rights and freedoms of person and citizen,

wishing to strengthen solidarity and deepen cooperation between their peoples while respecting their history, culture and traditions,

convinced that the further development of the Eurasian economic integration satisfy to the national interests of the Parties,

aspired to strengthen the economics of the member states of the Eurasian Economic Union and to ensure their harmonious development and approximation, as well as to guarantee the stable growth of business activity, a balanced trade and fair competition,

ensuring economic progress by joint actions, directed to solving of common tasks facing the member states of the Eurasian Economic Union on sustainable economic development, comprehensive modernization and strengthening of competitiveness of national economics in the global economy,

approving aspiration to the further strengthening of economic mutually and equal cooperation with other countries, as well as international integration associations and international organizations,

taking into consideration the regulations, rules and principles of the World Trade Organization,

approving its commitment to the purposes and principles of the Charter of the United Nations Organization, as well as other generally recognized principles and regulations of international law,

have agreed that.

PART ONE
ESTABLISHMENT OF THE EURASIAN ECONOMIC UNION
Section I
GENERAL PROVISIONS

Article 1. Establishment of the Eurasian Economic Union.

Legal personality

1. By this Agreement, the Parties shall establish the Eurasian Economic Union (hereinafter - Union, EEU), within which ensures free movement of goods, services, capital and labour power, conducting of coordinated, systematic and unified policy in the industry determined by this Agreement and international treaties within the Union.

2. The Union shall be an international organization of regional economic integration, having international legal personality.

Article 2. Definition

For the purposes of this Agreement shall be used the concepts, which mean the following:

“harmonization of the legislation” - approximation of the legislation of Member States, directed to establishing a similar (comparable) regulatory legal regulation in the separate scopes;

“Member States” - the states being the member of the Union and the Parties of this Agreement;

“civil servants” - the citizens of the Members- States, assigned to the posts as directors of the Eurasian Economic Commission and deputy directors of the departments of Commission and the head of the Secretariat of the Court of the Union, deputy head of the Secretariat of the Court of the Union and advisers judges of the Court of the Union;

“single economic space" - the space consisting of the territories of the Member States, on which operate the similar (comparable), and uniform mechanisms of regulation the economy, based on market principles and the application of harmonized or unified legal norms, and there is a single infrastructure;

“unified policy""- a policy carried out by the Member States in certain scopes, provided by this Agreement, supposing the use of the unified legal regulation by the member states, as well as on the basis of the decisions of the Union bodies within their powers;

“international agreements within the Union” - international agreements concluded between the member states on issues, related to the functioning and development of the Union ;

"international treaties of the Union with a third party" - international agreements, concluded with the third states and their integration associations and international organizations;

"common (single) market" - a set of economic relations within the Union, which provide freedom of movement of goods, services, capital and labour power;

"instruction" - an act adopted by the bodies of Union, which has the organizational and administrative nature;

"decision" - an act adopted by the bodies of Union, containing provisions of regulatory legal nature;

"coordinated policy" - a policy, supposing implementation of cooperation of member states on the basis of common approaches, approved within the bodies of Union needed to achieve the objectives of the Union, provided by this Agreement;

"systematic policy" – policy, implemented by the member states in the different scopes, supposing harmonization of the legal regulation, as well as on the basis of decisions of the bodies of Union, to the extent which necessary to achieve the objectives of the Union, provided by this Agreement;

"employees" - the citizens of the member states, working in the bodies of the Union on the basis of the labor agreements (contracts), concluded with them and not being the civil servants;

"customs union" - a form of trade and economic integration of the member states, providing a single customs territory, within which the mutual trade shall not apply the customs duties (other duties, taxes and charges having equivalent effect), non-tariff measures, special protective, antidumping and compensative measures, acting the Unified customs tariff of the Eurasian Economic Union and unified measures of regulation of foreign trade by the goods with a third party;

"third party" - a state which is not a member of the Union, an international organization or association of international integration;

"unification of the legislation" -approximation of the legislation of the member states, directed to establishement of identical mechanisms of legal regulation in the separate scopes determined by this Agreement.

Other concepts used in this Agreement, shall have the meaning given in the relevant sections of this Agreement and its annexes.

Section II
GENERAL PRINCIPLES, PURPOSES, COMPETENCE AND UNION LAW

Article 3 General principles of functioning of the Union

The Union shall carry out its activity within the competence, provided it by the member states in accordance with this Agreement, on the basis of the following principles:

respect for the generally recognized principles of international law, including principles of sovereign equality of the member states and their territorial integrity;

respect for the features of political structure of the member states;

ensuring of mutually beneficial cooperation, equality and taking into account of the national interests of the Parties;

observation of principles of market economy and fair competition;

functioning of the customs union without exceptions and limitations after termination of transitional periods.

Member states shall create favorable conditions for performance of its functions by the Union and shall refrain from measures that could endanger the achievement of the objectives of the Union.

Article 4. The main objectives of the Union

The main objectives of the Union shall be:

creation conditions for stable development of economics of the members-states in the interests of improvement of living standard of their population;

aspiration to formation a single market of goods, services, capital and labour forces within the Union;

comprehensive modernization, co-operation and competitiveness of national economies in the global economy.

Article 5 Competence

1. The Union shall have the competence within the limits and volumes established by this Agreement and international agreements within the Union.

2. Member states shall carry out coordinated or systematic policy within the limits and volumes established by this Agreement and international agreements within the Union.

3. In other scopes of economy, the member states shall aspire to the implementation of coordinated or systematic policy with basic principles and purposes of the Union.

Subsidiary bodies (the advices of the heads of the state bodies of Parties, working groups, special commissions) on the relevant directions may be created for this by the decision of Superior Eurasian Economic Council and (or) instructions on coordination of interaction of Parties in the relevant scopes shall be given by Eurasian Economic commission.

Article 6 The rights of Union

1. The rights of Union shall consist:

the Agreement;

international agreements within the Union;

international agreements of the Union with the third party;

decisions and orders of Superior Eurasian Economic Council, Eurasian Intergovernmental Council and Eurasian Economic Commission, adopted within their powers, provided by this Agreement and international agreements within the Union.

Decisions of Superior Economic Council and Eurasian Intergovernmental Council shall subject to implementation by the member states in the manner provided by their national legislation.

2. International agreements of the Union with the third party shall not contradict to the basic purposes, principles and rules of functioning of the Union.

3. In the case of occurrence of contradictions between international agreements within the Union and this Agreement, this Agreement shall have priority.

Decisions and orders of bodies of the Union shall not contradict to this Agreement and international agreements within the Union.

4. In the case of occurrence of contradictions between decisions of Superior Eurasian Economic Council, Eurasian Intergovernmental council and Eurasian Economic commission;

decisions of Superior Eurasian Economic Council shall have priority over the decisions of Eurasian intergovernmental council and Eurasian economic commission;

decisions of Eurasian intergovernmental council shall have priority over the decisions of Eurasian Economic commission.

Article 7. International activity of the Union

1. The Union shall have a right to carry out within its competence the international activity, directed to solution of tasks, facing the Union. Within such activity the Union shall have a right to carry out international cooperation with the states, international organizations and international integration associations and independently or jointly with member states conclude the international treaties on issues, referred to its competence.

Procedure of implementation of the Union of international cooperation shall be established by the decision of Superior Eurasian Economic council. Issues of conclusion of international treaties of the Union with third party shall be determined by international agreements within the Union.

2. Conducting negotiations on projects of international treaties of the Union with third party, as well as their signing shall be carried out on the basis of decision of Superior Eurasian Economic council after execution of the relevant intergovernmental procedures by the member states.

Decision on expression of consent of the Union to the compulsory of international treaty of the Union with third party, termination, suspension or withdrawal from the international treaty for it shall be adopted by Superior Eurasian Economic council after execution of necessary intergovernmental procedures by all member states.

Section III
BODIES OF THE UNION

Article 8 Bodies of the Union

1. Bodies of the Union shall be:

Superior Eurasian Economic council (hereinafter – Superior council);

Eurasian intergovernmental council (hereinafter – Intergovernmental council);

Eurasian Economic commission (hereinafter – Commission, EEC);

The Court of Eurasian Economic Union (hereinafter – The Court of the Union).

2. The bodies of the Union shall act within the powers, which provided them by this Agreement and international agreements within the Union.

3. Bodies of the Union shall act on the basis of principles, specified in Article 3 of this Agreement.

4. Presidency in the superior council, Intergovernmental council and the Council of Commission shall be carried out on the rotating basis in the manner of Russian alphabet by one member state during one calendar year without the right of extension.

5. Conditions of residence of bodies of the Union in the territories of the member states shall be determined by separate international treaties between the Unions and states of residence.

Article 9. Holding positions in the structural subdivisions of permanent bodies of the Union

1. The citizens of member states with relevant specialized education and work experience shall have the right to hold positions in the structural subdivisions of permanent bodies of the Union.

2. Civil servants of department of Commission may not be the citizens of one and the same state. Selection of candidates for holding of specified positions shall be conducted by the competitive commission EEC in recognition of principle of equal representation of the Parties. Candidacies for participation in the competition for holding of specified positions shall be presented by the member of Council of Commission from relevant Party.

3. Selection of candidates for holding of other positions in the departments of Commission shall be carried out by EEC on the competitive basis in recognition of share participation of Parties in financing of commission.

4. All members of Commission College, except for the Chairman of the College of Commission shall be included to the composition of competitive commission EEC on selection of candidates for holding of positions, specified in paragraph 2 of this Article.

Competitive commission EEC shall take its decisions in the form of recommendations by majority of votes and represent them to the Chairman of the College of Commission for approval. If the decision, including to the contradiction with recommendation of competitive commission EEC is adopted by the Chairman of the College of Commission in relation of particular candidate, the issue shall be made by the Chairman of the College of Commission for consideration of the council of Commission for adoption of a final decision.

Provision on competitive commission EEC (including the rules of conducting of competition), its composition, as well as qualifying requirements and candidates for holding of positions of directors and deputies of directors of departments of Commission shall be approved by the council of Commission.

5. Procedure of selection of candidates and appointment to the positions in the Apparatus of the Court of Union shall be conducted in accordance with documents, regulating activity of the court of Union.

Article 10. Superior council

1. Superior council shall be superior body of the Union.

2. The Superior council shall consist of heads of the member states or heads of governments of the member states provided that the latter are granted authority by the legislation of their state to make decisions on issues within the competence of the Superior council.

Footnote. Article 10 as amended by Law of the Republic of Kazakhstan № 223-VI as of 08.02.2019.

Article 11. Procedure of work of the superior council

1. The meetings of Superior council shall be held at least 1 time per year.

Extraordinary meetings of Superior council may be called for solution of urgent issues of activity of the Union at the initiative of any of the member states or Chairman of Superior council.

2. The meetings of Superior council shall be held under the management of the Superior Council.

Chairman of Superior council shall:

conduct meetings of superior council;

organize the work of Superior council;

carry out general management of preparation of issues presented for consideration of superior council.

In the case of early termination of powers of the Chairman of Superior council, the new member of Superior council from preceding member state shall carry out powers of the Chairman of Superior council during the remaining period.

3. The members of the Council of Commission, Chairman of the College of Commission and other invitees may participate in the meetings of Superior council by invitation of the Chairman of the Superior Council.

The list of participants and the form of meetings of Superior council shall be determined by the Chairman of superior council by coordination with members of superior council.

Agenda of the meetings of Superior council shall be formed by the Commission on the basis of suggestions of the member states.

An issue on presence of accredited representatives of mass media in the meetings of Superior council shall be decided by the Chairman of superior council.

4. Procedure of organization of holding of meetings of Superior council shall be approved by the Superior council.

5. Organizational, informational and logistical support of preparation and holding of meetings of Superior council shall be carried out by the Commission with the assistance of

receiving member state. Financial assistance of holding of meetings of Superior council shall be carried out at the expense of the budget funds of Council.

Article 12 Powers of superior council

1. Superior council shall consider the principle issues of activity of the Union, determine the strategy, directions and prospects of development of integration and make decisions, directed to implementation of purposes of the Union.

2. Superior council shall carry out the following basic powers:

1) determine the strategy, directions and prospects of formation and development of the Union and make decisions, directed to implementation of the purposes of the Union;

2) approve the composition of the College of Commission, distribute the obligations between the members of the college of commission and terminate their powers;

3) appoint the Chairman of the College of Commission and make decision on early termination of its powers;

4) appoint the judges of the Court of Union by presentations of the member states;

5) approve the Regulation of the work of Eurasian Economic commission;

6) approve the budget of the Union, Provision on the budget of Eurasian Economic union and report on execution of the budget of Union;

7) determine the amounts (scale) of assessed contributions of the member states in the budget of Union;

8) consider the issues, concerning cancellation or changes of decision, adopted by the Intergovernmental council or Commission by the suggestion of the member state in recognition of provisions of paragraph 7 of Article 16;

9) consider the issues by suggestion of Intergovernmental council or Commission, on which upon adoption of decision the consensus was not reached;

10) apply with requests to the Court of Union;

11) approve procedure of verification of reliability and completeness of details on incomes, property and obligations of property nature of judges of the Court of Union, civil servants and employees of Apparatus of the Court of Union, as well as their family members;

12) determine procedure of acceptance of new members to the Union and termination of membership in the Union;

13) adopt decision on provision or cancelation of the observer status or candidate state status to the entry into the Union;

14) approve Procedure of implementation of international cooperation by the Eurasian Economic union;

15) adopt decisions on negotiations with the third party on behalf of the Union, as well as on conclusion of international treaties of the Union with it and authorization to hold negotiations, as well as on expression of consent of the Union to the compulsory of international treaty with third party, termination, suspension or withdrawal from the international treaty for it;

16) approve the general staff number of the bodies of Union, parameters of representation of civil servants from the number of citizens of the member states in the bodies of Union, directed by presentation of the member states on the competitive basis;

17) approve procedure of payment for labour of members of the College of Commission, judges of the Court of the Union of civil servants and employees of bodies of the Union;

18) approve Provision on external audit (control) in the bodies of Eurasian Economic union;

19) consider the results of conducted external audit (control) in the bodies of the Union;

20) approve the symbols of the Union;

21) give instructions to the Intergovernmental council and Commission;

22) adopt decisions on creation of subsidiary bodies on the relevant directions;

23) exercise other powers, provided by this agreement and international agreements within the Union.

Article 13. Decisions and orders of the Superior council

1. Superior council shall make decisions and orders.

2. Decisions and orders of Superior council shall be made by the consensus.

Decisions of Superior council, related with termination of membership of the member state in the Union shall be made by principle "consensus minus the vote of the member state, notified its intention to terminate its membership in the Union".

Article 14 Interdepartmental council

Interdepartmental council shall be the body of the Union, consisting of the heads of governments of the member states.

Article 15 Procedure of the work of Interdepartmental council

1. The meetings of Interdepartmental council shall be hold as necessary, but at least 2 times a year.

Extraordinary meetings of Interdepartmental council may be called for solution of urgent issues of activity of the Union at the initiative of any of the member states or Chairman of Interdepartmental council.

2. Meetings of Interdepartmental council shall be held under the management of the Interdepartmental council.

Chairman of Interdepartmental council shall:

conduct meetings of Interdepartmental council;

organize the work of Interdepartmental council;

carry out general management of preparation of issues presented for consideration of Interdepartmental council.

In the case of early termination of powers of the Chairman of Interdepartmental council, the new member of Interdepartmental council from preceding member state shall carry out powers of the Chairman of Interdepartmental council during the remaining period.

3. The members of the Council of Commission, Chairman of the College of Commission and other invitees may participate in the meetings of Interdepartmental council by invitation of the Chairman of the Interdepartmental Council.

The list of participants and the form of meetings of Interdepartmental council shall be determined by the Chairman of Interdepartmental council by coordination with members of superior council.

Agenda of the meetings of Interdepartmental council shall be formed by the Commission on the basis of suggestions of the member states.

An issue on presence of accredited representatives of mass media in the meetings of Interdepartmental council shall be decided by the Chairman of superior council.

4. Procedure of organization of holding of meetings of Interdepartmental council shall be approved by the Interdepartmental council.

5. Organizational, informational and logistical support of preparation and holding of meetings of Interdepartmental council shall be carried out by the Commission with the assistance of receiving member state. Financial assistance of holding of meetings of Interdepartmental council shall be carried out at the expense of the budget funds of Council.

Article 16 Powers of Interdepartmental council

Interdepartmental council shall carry out the following basic powers:

1) ensure implementation and control of execution of this Agreement, international treaties within the Union and decisions of Superior council;

2) consider the issues by suggestion of the Council of Commission, on which upon adoption of decision in the Council of Commission the consensus was not reached;

3) give instructions to the Commission;

4) present the candidates of members of the Council and members of the College of commission to the Superior council;

5) approve the projects of budget of the Union, Provisions on budget of Eurasian Economic Union and report on execution of budget of the Union;

6) approve Provision on the audit of financial and economic activity of bodies of Eurasian economic union, standards and methodology of audits of financial and economic activity of bodies of the Union, adopt decisions on conducting of audits of financial and economic activity of bodies of the Union and determine the terms of their conducting;

7) consider the issues, concerning cancellation or changes of adopted decisions of Commission by the suggestion of the member state, in the case of failure to reach agreement, submit them for consideration of the Superior Council;

8) adopt decision on suspension of effect of decisions of the Council of College of Commission;

9) approve procedure of verification of reliability and completeness of details on incomes, property and obligations of property nature of members of the College of Commission, civil servants and employees of Commission, as well as their family members;

10) exercise other powers, provided by this Agreement and international treaties within the Union.

Article 17 Decisions and orders of the Interdepartmental council

1. Interdepartmental council shall make decisions and orders.

2. Decisions and orders of Interdepartmental council shall be made by the consensus.

Article 18 Commission

1. Commission shall be permanently operating regulatory body of the Union. Commission shall consist of the Council and College.

2. Commission shall adopt decisions, instructions and recommendations.

Decisions, instructions and recommendations of the Council of Commission shall be adopted by the consensus.

Decisions, instructions and recommendations of the College of Commission shall be adopted by the qualified majority or by consensus.

Superior council shall determine the list of sensitive issues, on which the decisions of the College of Commission shall be adopted by the consensus.

Upon that the qualified majority shall consist two-thirds of the total number of members of the College of Commission.

3. Status, tasks, compositions, functions, powers and procedure of the work of Commission shall be determined according to annex № 1 to this Agreement.

4. The place of residence of Commission shall be the Moscow city, Russian Federation.

Article 19 The Court of the Union

1. The Court of the Union shall be permanently operating judicial body of the Union.

2. Status, composition, competence, procedure of functioning and formation of the Court of the Union shall be determined by the status of the Court of Eurasian Economic Union according to the annex №2 to this Agreement.

3. The place of residence of Commission shall be the city of Minsk, Republic of Belarus.

Section IV
BUDGET OF THE UNION

Article 20 Budget of the Union

1. Financing of the activities of the Union bodies, as well as the provision by the Commission of financial assistance in the implementation by Member States of cooperation projects in industrial sectors in the manner prescribed by Article 92 of this Treaty, shall be carried out at the expense of the Union budget. The procedure for the formation and expenditure of Union budget funds shall be determined by the Regulation on the budget of the Eurasian Economic Union.

Budget of the Union for the next financial year shall be formed in the Russian rubles by assessed contributions of the member states. The amounts (scale) of assessed contributions of the member states to the budget of the Union shall be established by Superior council.

The budget of the Union shall be balanced in incomes and expenses. Financial year begins on January 1 and ends on December 31.

2. The budget of the Union and Provision on budget of Eurasian economic union shall be approved by superior council.

Making amendments to the budget of the Union and Provision on budget of Eurasian economic union shall be carried out by the superior council.

Footnote. Article 20 as amended by the Law of the Republic of Kazakhstan dated 27.05.2024 № 88-VIII.

Article 21 Audit of financial and economic activity of bodies of the Union

Audit of financial and economic activity of bodies of the Union shall be conducted for implementation of control of execution of budget of the Union at least once every 2 years.

Verifications on separate issues of financial and economic activity of bodies of the Union may be conducted at the initiative of any member states.

Audits of financial and economic activity of bodies of the Union shall be carried out by group of auditors, consisting of representatives of bodies of the state financial control of the member States.

Results of conducted audits of financial and economic activity of bodies of the Union shall be introduced for consideration of Interdepartmental council in the established procedure

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Article 22. External audit (control)

External audit (control) shall be conducted for the purposes of determination of effectiveness of formation, management and disposition of budget funds of the Union, effectiveness of the use of property and other assets of the Union. External audit (control) shall be carried out by the group of inspectors, formed from the representatives of superior bodies of the state financial control of the member states. Standards and methodology of external audit (control) shall be jointly determined by superior bodies of the state financial control of the member states.

Results of conducted external audit (control) in the bodies of the Union shall be introduced for consideration of Superior body in the established procedure.

PART TWO
CUSTOMS UNION
Section V
INFORMATION INTERACTION AND STATISTICS

Article 23 Information interaction within the Union

1. The measures, directed to ensuring of information interaction with the use of information and communication technologies and trans-border space of trust within the Union shall be developed and implemented for the purposes of information ensuring of integration processes in all scopes, affecting the functioning of the Union.

2. Information interaction upon implementation of general processes within the Union shall be carried out with the use of integrated information system of the Union, ensuring integration of geographically distributed state information resources and information systems of the authorized bodies, as well as information resources and information systems of Commission.

3. The member states shall conduct systematic policy in the field of informatization and information technologies for ensuring of effective interaction and coordination of the state information resources.

4. Upon use of program and technical means and information technologies, the member states shall ensure protection of intellectual property, used or received in the process of interaction.

5. Fundamental principles of information interaction and coordination of its carrying out within the Union, as well as procedure of creation and development of integrated information system shall be determined according to the annex № 3 to this Agreement.

Article 24 Official statistical information of the Union

1. Official statistical information of the Union shall be formed for the purposes of effective functioning and development of the Union.

2. Formation of official statistical information of the Union shall be carried out in accordance with the following principles:

1) professional independence;

2) scientific justification and comparability;

3) completeness and reliability;

4) relevance and timeliness;

5) openness and accessibility;

6) cost effectiveness;

7) statistical confidentiality.

3. Procedure of formation of distribution of official statistical information of the Union shall be determined according to the annex №4 to this Agreement.

Section VI
FUNCTIONING OF CUSTOMS UNION

Article 25 Principles of functioning of customs union

1. Within the customs union the member states shall:

1) function internal market of goods;

2) applied the Common customs tariff of Eurasian economic union and other unified measures of regulation of external trade of goods with the third parties;

3) act the unified regime of the trade of goods in relation with third parties;

4) carried out the unified customs regulation;

5) free movement of goods between the territories of Member States shall be carried out without the use of customs declarations and state control (transport, sanitary-epidemiological, veterinary, quarantine, phytosanitary), except for cases provided for in this Agreement.

2. For the purposes of this Agreement shall be used the concepts, which mean the following:

"import customs duty"- a compulsory payment collected by the customs authorities of member states in connection with the importation of goods into the customs territory of the Union;

"Unified Tradable nomenclature of foreign economic activity of the Eurasian Economic Union" (TN FEA EEU) – tradable nomenclature of foreign economic activity based on the harmonized system of description and coding of goods of World customs organization and unified Tradable nomenclature of foreign economic activity of Commonwealth of Independent States;

"Common customs tariff of Eurasian economic union" (CCT EEU) – a set of the rates of customs duties, applied to the goods, imported (imported) into the customs territory of the Union from the third countries, classified in accordance with the unified tradable nomenclature of foreign economic activity of the Eurasian Economic Union;

"tariff preference" – exemption from payment of import customs duties or reduction of rates of import customs duties in relation of the goods, originated from the countries, forming the foreign trade zone together with the Union, or reduction of the rates of import customs duties in relation of goods, originated from the developing countries – users of the unified system of tariff preferences of the Union and (or) the least developed countries - users of a unified system of tariff preferences of the Union.

Footnote. Article 25 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

Article 26 Transfer and distribution of import customs duties (other duties, taxes and charges having equivalent effect)

Paid (collected) import customs duties shall subject to transfer and distribution between the budgets of the member states.

Transfer and distribution of the amounts of imported customs duties, their transfer to the incomes of budget of the member states shall be carried out in the manner according to the annex №5 to this Agreement.

Article 27 Creation and functioning of free (special, specific) economic zones and free warehouses

Free (special, specific) economic zones and free warehouses shall be created and functioned for the purposes of assistance to the socio-economic development of the member states, attracting investments, creation and development of productions, based on the new technologies, development of transport infrastructure, tourism and sanatorium-resort scope, as well as in other purposes in the territories of the member states.

Conditions of creation and functioning of free (special, specific) economic zones and free warehouses shall be determined by international agreements within the Union.

Article 28 Internal market

1. The Union shall take measures on ensuring of functioning of internal market in accordance with provisions of this Agreement.

2. Internal market shall covering economic space, in which free movement of goods, persons, services and capitals is ensured according to the provisions of this Agreement.

3. Within the limits of functioning of internal market in mutual trade of goods of the member states shall not apply import and export customs duties (other duties, taxes and charges having equivalent effect), non-tariff measures of regulation, antidumping and compensative measures, except for the cases provided by this Agreement.

Article 29 Exclusion from the procedure of functioning of internal market of goods

1. Member states in the mutual trade of goods shall have a right to apply restrictions (on condition that such measures are not the means of unjustified discrimination or hidden restriction of trade) in the case, if such restrictions are necessary for:

1) protection of human life and health;

2) protection of public morals and legal order;

3) environmental protection;

4) protection of animals and plants;

4 [1)] protection of cultural values;

5) fulfilment of international obligations;

6) ensuring of defense of country and security of member state.

2. Sanitary, veterinary and quarantine phytosanitary measures may be also introduced in the internal market in the manner determined by section XI of this Agreement on the grounds specified in paragraph 1 of this Article.

3. Rotation of separate categories of goods may be restricted on the grounds, specified in paragraph 1 of this Article.

Procedure of transfer or circulation of such goods in the customs territory of the Union shall be determined in accordance with this Agreement, international agreements within the Union.

4. When introducing restrictions on mutual trade in goods on the grounds specified in paragraph 1 of this Article and when lifting them, a Member State shall notify the Commission and other Member States of this in writing in a manner approved by the Commission.

Footnote. Article 29 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

Article 29[1]. State control (supervision) at the customs border of the Union

1. When crossing the customs border of the Union at checkpoints across the state borders of the Member States and (or) in other places determined by the legislation of the Member States, control (supervision) (customs, transport, sanitary and epidemiological, veterinary, quarantine, phytosanitary, radiation and other types of state control (supervision)) shall be carried out concerning persons, goods and vehicles in accordance with this Treaty, other international treaties and acts included in the law of the Union, and (or) the legislation of the Member States.

2. Acts of the Commission may establish standard requirements for equipment and material and technical support of buildings, structures, premises, open areas necessary for the organization of customs, transport (automobile), sanitary and epidemiological, veterinary, quarantine, phytosanitary, radiation control carried out in accordance with this Treaty, other international treaties and acts included in the law of the Union, at checkpoints across the state borders of the Member States and (or) in other places determined by the legislation of the Member States.

Footnote. Section VI is supplemented by Article 29[1] in accordance with the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

Section VII
REGULATION OF CIRCULATION OF MEDICINAL PRODUCTS AND MEDICAL GOODS

Article 30 Formation of common market of medicinal products

1. Member states shall create common market of medicinal products, relevant to the standards of appropriate pharmacy practice within the Union and based on the following principles:

1) harmonization and unification of requirements of the legislation of the member states in the scope of circulation of medicinal products;

2) ensuring the unity of mandatory requirements to the quality, effectiveness and safety of medicinal products, being in circulation in the territory of the Union;

3) adoption of uniform rules in the scope of circulation of medicinal products;

4) development and application of the same or comparable methods of research and control in the evaluation of the quality, effectiveness and safety of medicinal products;

5) harmonization of the legislation of the member states in the field of control (supervision) in the scope of circulation of medicinal products;

6) implementation of permissive, control and supervisory functions in the scope of circulation of medicinal products by the relevant authorized bodies of the member states.

2. Functioning of common market of medicinal products within the Union shall be carried out in accordance with international agreement within the Union in recognition of provisions of Article 100 of this Agreement.

Article 31 Formation of common market of medical goods (goods of medical assignment and medical equipment)

1. Member states shall create the common market of medical goods (goods of medical assignment and medical equipment) within the Union and based on the following principles:

1) harmonization of requirements of the legislation of the member states in the scope of circulation of medical goods (goods of medical assignment and medical equipment);

2) ensuring the unity of mandatory requirements to the effectiveness and safety of medical goods (goods of medical assignment and medical equipment), being in circulation in the territory of the Union;

3) adoption of uniform rules in the scope of circulation of medical goods (goods of medical assignment and medical equipment);

4) determination of common approaches to creation of the system of ensuring of the quality of medical goods (goods of medical assignment and medical equipment);

5) harmonization of the legislation of the member states in the field of control (supervision) in the scope of circulation of medical goods (goods of medical assignment and medical equipment);

2. Functioning of common market of medical goods (goods of medical assignment and medical equipment) within the Union shall be carried out in accordance with international agreement within the Union in recognition of provisions of Article 100 of this Agreement.

Section VIII
CUSTOMS REGULATION

Article 32 Customs regulation in the Union

Common customs regulation shall be carried out in the Union in accordance with the Customs Code of the Eurasian Economic Union and regulating the customs legal relations by the international agreements and acts, constituting the right of the Union, as well as in accordance with regulations of this Agreement.

Section IX
FOREIGN TRADE POLICY
1. General provisions on foreign trade policy

Article 33 Purposes and principles of foreign trade policy of the Union

1. Foreign trade policy of the Union is directed to assistance of sustainable economic development of the member states, economic diversification, innovative development, increase the volumes and improvement the structure of trade and investments, acceleration of the integration processes, as well as further development of the Union as efficient and competitive organization within the global economy.

2. The basic principles of implementation of foreign trade policy of the Union shall be:

application of measures and mechanisms of implementation of foreign trade policy of the Union, being more burdensome for participants of foreign trade activity of the member states, than necessary to ensure the effective achievement of the objectives of the Union;

publicity in development, adoption and application of measures and mechanisms of implementation of foreign trade policy of the Union;

justification and objectivity of application of measures and mechanisms of implementation of foreign trade policy of the Union;

protection of rights and legal interests of participants of foreign trade activity of the member states, as well as the rights and legal interests of producers and consumers of goods and services;

observation of rights of participants of foreign trade activity.

3. Foreign trade policy shall be implemented through the conclusion of the Union independently or jointly with the member states in the scopes, in which the bodies of the Union make decisions, compulsory for the member states, international agreements with the third party, participation in the international organizations or autonomous application of measures and mechanisms of foreign trade policy.

The Union shall bear responsibility for execution of obligations on international agreements, concluded by them and implement their rights on these agreements.

Article 34 Regime of the most favored nations

In relation of foreign trade of goods shall be applied the regime of the most favored nations within the meaning of the General Agreement on tariffs and trade 1994 (GATT 1994) in the cases and conditions, when application of the regime of the most favored nations is provided by international agreements of the Union with the third party, as well as international agreements of the member states with third party.

Article 35 Regime of free trade

Regime of free trade of goods within the meaning of GATT 1994 shall be established in the trade with third party on the basis of international agreement of the Union with such third party in recognition of provisions of Article 102 of this Agreement.

International agreement of the Union with third party, establishing the regime of free trade may include other provisions, related with foreign trade activity.

Article 36 Tariff preferences in relation of goods, originated from the developing countries and (or) the least developed countries

1. The Union may provide the tariff preferences in accordance with this Agreement for the purposes of assistance to the economic development of developing and least developed countries in relation of goods, originated from developed countries – users of the unified system of tariff preferences of the Union and (or) the least developed countries – users of the unified system of tariff preferences of the Union.

2. In relation of preferential goods, imported to the customs territory of the Union, originated from the developing countries – users of the unified system of tariff preferences of

the Union shall be applied the rates of imported customs duties in the amount 75 percent from the rates of imported customs duties of the Common customs tariff of the Eurasian Economic Union.

3. In relation of preferential goods, imported to the customs territory of the Union, originated from the least developing countries – users of the unified system of tariff preferences of the Union shall be applied the zero rates of imported customs duties of the Common customs tariff of the Eurasian economic union.

Article 37 The rules of determination of origin of goods

1. The common rules of determination of origin of goods, imported to the customs territory shall be applied in the customs territory of the Union.

2. The rules of determination of origin of goods, imported to the customs territory of the Union (non-preferential rules of determination of origin of goods), established by Commission shall applied for the purposes of application of measures of customs and tariff regulation (except for the purposes of provision of tariff preferences), application of measures of non-tariff regulation and protection of internal market, establishment of requirements to the marking of origin of goods, carrying out of the state (municipal) purchases, maintenance of statistics of internal trade of goods.

3. The rules of determination of origin of goods from the developing and least developed countries, established by the commission shall be applied for the purposes of provision of tariff preferences in relation of goods, imported to the customs territory of the Union from the developing or least developed countries – users of unified system of tariff preferences of the Union.

4. For the purposes of provision of tariff preferences in relation of goods, imported to the customs territory of the Union from the states, in the trade and economic relations of which the Union applies the rules of determination of origin of goods, established by the relevant international agreement of the Union with third party, providing application of the regime of free trade.

5. In the case if the rules of determination of origin of goods are not established by international agreement of the Union with third party, providing application of the regime of free trade, or they are not applied for the moment of entering into force of such agreement, in relation of goods, originated from this country, imported to the customs territory of the Union , the rules of determination of origin of goods, provided by paragraph 2 of this Article shall be applied before the moment of application of relevant rules of determination of origin of goods .

6. In the existence of repeated facts of violation by the third party in the field of determination (approval) of origin of goods, the Commission may make decision on conducting of monitoring of correctness of determination (approval) of origin of goods, imported from the particular country by the customs services of the member states. Decision on suspension of reception of documents, approving the origin of goods by the customs

services of the member states may be made in the case of revelation of systematic violations by the third party in the field of determination (approval) of origin of goods by the Commission. Provisions of this paragraph shall not restrict the powers of the member states in relation of control of origin of imported goods and adoption of measures on its results.

Article 38 Foreign trade of services

The member states shall carry out coordination in the scope of the trade of services with third parties.

Carrying out of coordination does not mean the supranational competence of the Union in this scope.

Article 39 Elimination of restriction measures in the trade with third parties

Commission shall render assistance upon access to the markets of third parties, conduct monitoring of restrictive measures of third party in relation of member states and in the case of application of any of measure by the third party in relation of the Union or occurrence of trade dispute between the Union and third party jointly with the member states shall consult with the relevant third party.

Article 40 Retaliatory measures in relation of third party

1. In the case if the possibility of application of retaliatory measures is provided in accordance with international agreement of the Union with the third party and (or) member states with the third parties, decision on introduction of retaliatory measures in the customs territory of the Union shall be applied by the Commission, as well as by increase of the level of rates of import customs duties, introduction of quantitative restrictions, temporary suspension of provision of preferences or acceptance of other measures, affecting to the results of foreign trade with the relevant State within the competence of Commission.

2. In the cases, provided by international agreements of the member states with third parties, concluded before 1 January, 2015, the member states shall have a right to unilaterally apply the rates of import customs duties as retaliatory measures, increased compared to the Common Customs Tariff of the Eurasian Economic Union, as well as unilaterally suspend provision of tariff preferences upon condition, that administration mechanisms of such retaliatory measures do not violate provisions of this Agreement.

Article 41 Measures on development of export

The Union may apply the joint measures on development of export of goods of the member states to the markets of third parties in accordance with international agreements, standards and rules of the World trade organization.

Joint measures shall include, in particular, insurance and export crediting, international leasing, promoting the concept “the good of the Eurasian Economic Union” and introduction of unified marking of goods of the Union, exhibitions and fairs, expositional activity, advertising and image-based measures abroad.

2. Customs and tariff regulation and non-tariff regulation

Article 42 Common Customs Tariff of the Eurasian Economic Union

1. The Unified Tradable nomenclature of foreign economic activity of the Eurasian economic union and Common customs Tariff of the Eurasian economic union, approved by the Commission and being the instruments of the trade policy of the Union shall be applied in the customs territory of the Union.

2. Basic purposes of application of the Common Customs Tariff of the Eurasian Economic Union shall be:

1) ensuring of conditions for effective integration of the Union to the world economy;

2) rationalization of the trade structure of import of goods into the customs territory of the Union;

3) support of rational correlation of export and import of goods to the customs territory of the Union;

4) creation of conditions for the progressive changes in the structure of production and consumption of goods in the Union;

5) support of branches of the economy of the Union.

3. The Common Customs Tariff of the Eurasian Economic Union shall apply the following types of the rates of import customs duties:

1) ad valorem, established as a percentage of the customs value of taxable goods;

2) specific established depending on the physical characteristics in kind of the taxable goods (number, mass, volume or other characteristics);

3) combined, combine both types specified in paragraphs 1 and 2 of this paragraph.

4. The rates of import customs duties of the Common Customs Tariff of the Eurasian Economic Union are unified and shall not be subject to change depending on the persons moving the goods across the customs border of the Union, the origin of the goods (including in cases where the origin of the goods is unknown or considered unconfirmed), types of transactions and other circumstances.

The rates of import customs duties of the Common Customs Tariff of the Eurasian Economic Union shall apply with due regard for the provisions of Articles 35, 36 and 40, paragraph 6 hereof, and paragraph 43 of this Treaty, international treaties within the Union and international agreements of the Union with a third party.

The provisions of this paragraph shall apply also in the event that the most favoured nation treatment provided for in Article 34 of this Treaty does not apply to foreign trade in goods.

5. If necessary the seasonal customs duties, validity of which may not exceed 6 months of the year and which are applied instead of the import customs duties, provided by the Common customs tariff of the Eurasian Economic Union may be established for operative regulation of importation of goods to the customs territory of the Union.

6. A state that has joined the Union shall be entitled to apply import customs duty rates different from those of the Common Customs Tariff of the Eurasian Economic Union, in

compliance with the list of goods and rates approved by the Commission under the international treaty on the accession of such state to the Union.

A state that has joined the Union shall be bound to ensure that goods subject to lower rates of import customs duties as compared to the rates of duties of the Common Customs Tariff of the Eurasian Economic Union are used only within its territory, and to take measures to prevent export of such goods to the territory of other Member States without paying additional import customs duties in the amount of the difference of import customs duties calculated on the rates of duties of the Common Customs Tariff of the Eurasian Economic Union.

Footnote. Article 42 as amended by Law of the RK № 6-VII of 15.02.2021.

Article 43 Tariff benefits

1. In relation of goods, imported to the customs territory of the Union may be applied the tariff benefits in the form of exemption from payment of import customs duty or reduction of the rate of import customs duty.

2. Tariff benefits may not be individual and apply irrespective of the country of origin of goods.

3. Provision of tariff benefits shall be carried out according to the annex №6 to this Agreement.

Article 44 Tariff quota

1. In relation of separate types of agricultural goods, originated from the third countries and imported to the customs territory of the Union shall be allowed establishment of tariff quotas, if similar goods are produced (mined, grown) in the customs territory of the Union.

2. The relevant rates of import customs duties of the Unified customs tariff of the Eurasian Economic Union shall be applied to the goods, specified in paragraph 1 of this Article, imported to the customs territory of the Union within established volume of tariff quota.

3. Establishment of tariff quotas in relation of separate types of agricultural goods, originated from the third parties and imported to the customs territory of the Union, and distribution of volumes of tariff quotas shall be carried out in the manner provided by the annex № 6 to this Agreement.

Article 45 Powers of the Commission on issues of customs and tariff regulation

1. Commission shall:

carry out maintenance of the Unified Tradable nomenclature of foreign economic activity of the Eurasian Economic Union and Common Customs Tariff of the Eurasian Economic Union;

establish the rates of import customs duties, including seasonal;

establish events and conditions of provision of tariff benefits;

determine procedure of application of tariff benefits;

determine conditions and procedure of application of the unified system of tariff preferences of the Union, as well as approve:

the list of developing countries – users of unified system of tariff preferences of the Union ;

the list of the least developed countries – users of the unified system of tariff preferences of the Union;

the list of goods, originated from the developing countries or from the least developed countries, in relation of which the tariff preferences are provided upon importation to the customs territory of the Union;

establish the tariff quotas, distribute the volume of tariff quotas between the member states, determine the method and procedure of distribution of the volume of tariff quota between participants of foreign economic activity, and if it is necessary distribute the volume of tariff quota between the third countries or accept the act, in accordance of which the member states determine the method and procedure of distribution of the volume of tariff quota between participants of foreign economic activity, and if necessary distribute the volume of tariff quota between the third countries.

2. The list of sensitive goods, in relation of which decision on change of the rate of import customs duty is adopted by the Council of Commission shall be approved by the Superior Council.

Article 46 Measures of non-tariff regulation

1. In the trade with the third countries of the Union shall be applied the following unified measures of non-tariff regulation:

1) prohibition of import and (or) export of goods;

2) quantitative restrictions of import and (or) export of goods;

3) exclusive right for export and (or) import of goods;

4) automatic licensing (observation) of export and (or) import of goods;

5) permissive procedure of import and (or) export of goods.

2. Measures on non-tariff regulation shall be introduced and applied on the basis of principles of publicity and nondiscrimination in the manner according to the annex №7 to this Agreement.

Article 47 Introduction of measures of non-tariff regulation in the unilateral procedure

Member states in the trade with the third countries may unilaterally introduce and apply the measures of non-tariff regulation in the manner provided by the annex № 7 to this Agreement.

3. Protective measures of internal market

Article 48 General provisions on introduction of protective measures of internal market

1. For protection of economic interests of producers of goods in the Union may be introduced protective measures of internal market in relation of goods, originated from the

third countries and imported to the customs territory of the Union, in the form of special protective, antidumping and compensatory measures, as well as in the form of other measures in the cases, provided by Article 50 of this Agreement.

2. The Commission shall take decision on application of special protective, antidumping or compensatory measure, on change or cancellation of special protective, antidumping or compensatory measure or on non-application of measure.

3. Application of special protective, antidumping or compensatory measures shall be carried out on the conditions and in the manner according to the annex №8 to the Agreement.

4. Application of special protective, antidumping or compensatory measure upon import of goods is preceded by investigation, conducted in accordance with the annex №8 to this Agreement by the body, determined by Commission as responsible for conducting of investigations (hereinafter – the body, conducting investigations).

5. Transfer and distribution of special, antidumping, compensatory duties shall be carried out in accordance with the annex №8 to this Agreement.

Article 49 Principles of application of special protective, antidumping and compensatory measures

1. Special protective measure may be applied to the goods in the case, if at the results of investigation, conducting by body, conducted investigation, established, that import of such goods to the customs territory of the Union shall be carried out in such increased quantities (in absolute or relative indices to the total volume of production in the member states of similar or directly competitive goods) and upon such conditions, that it causes serious damage to the branch of economy of the member states, or create a threat of causing such damage.

2. Antidumping measure may be applied to the goods, being the subject of dumping import, in the case if at the results of investigation, conducted by body, conducting investigation, established that import of such goods to the customs territory of the Union causes material damage to the branch of economy of the member states, creates a threat of cause of such damage or significantly reduce creation of branch of economy of the member states.

3. Compensatory measure may be applied to the imported goods, upon production, export or transportation of which the specific subsidy of exporting third country is used, in the case if at the results of investigation, conducted by body, conducting investigation established that import of such goods to the customs territory of the Union causes material damage to the branch of economy of the member states, creates a threat of cause of such damage or significantly reduce creation of branch of economy of the member states.

4. For the purposes of application of measures of protection of internal market under the branch of economy of the member states means all the producers of the similar goods (for the purposes of antidumping and compensatory investigations) or similar or directly competitive goods (for the purposes of special protective investigation) in the member states or those of them whose share in the total volume of production in the member states of respectively the

same or similar or directly competitive goods constitutes a significant part, but not less than 25 percent.

Article 50 Other measures of internal market

The right of application of protective measures of internal market on bilateral basis, other than the special protective, antidumping and compensatory measures, as well as in relation of import of agricultural goods may be provided by international agreement of the Union with third party on establishment of the regime of free trade for the purposes of elimination of negative impact of import from this third party on the producers of the member states.

Decision on application of such measures shall be applied by the Commission.

Section X
Technical regulation Article 51 General principles of technical regulation

1. Technical regulation within the Union shall be carried out in accordance with the following principles:

1) establishment of compulsory requirements to products and related with requirements to the products of processes of design (including research), production, construction, installation , arrangement, operation, storage, transportation, implementation and utilization;

2) establishement of unified mandatory requirements in the technical regulations of the Union or national mandatory requirements in the legislation of the member states to the products, included to the unified list of products, in relation of which the mandatory requirements within the Union (hereinafter – the unified list) are established;

3) application and execution of technical regulations of the Union in the member states without withdrawal;

4) conformity of technical regulation within the Union to the level of economic development of the member states and level of scientific and technical development;

5) independence of bodies on accreditation of the member states, bodies on approval of conformity of the member states and bodies on supervision (control) of the member states from producers, sellers, executors and acquirers, as well as the consumers;

6) the unity of rules and methods of investigations (tests) and measurements upon conducting of procedures of compulsory assessment of conformity;

7) the unity of application of requirements of technical regulations of the Union irrespective of the types and (or) features of transactions;

8) inadmissibility of restriction of competition upon implementation of conformity assessment;

9) carrying out of the state control (supervision) of compliance with the requirements of technical regulations of the Union on the basis of harmonization of the legislation of the member states;

10) voluntary application of standards;

11) development and application of interstate standards;

12) harmonization of interstate standards with international and regional standards;

13) the unity of rules and procedures of conducting of compulsory conformity assessment;

14) ensuring the harmonization of the legislation of the Member States in terms of establishing liability for violation of the requirements of the Union's technical regulations, rules and procedures for conducting conformity assessment;

15) conducting of systematic policy in the field of ensuring of the unity of measurements within the Union;

16) non-admission of establishment of excessive barriers for maintenance of entrepreneurial activity;

17) establishment of transitional provisions for the purposes of phased transition to the new requirements and documents.

2. Provisions of this section shall not be distributed to the establishment and application of sanitary, veterinary and sanitary, quarantine phytosanitary measures.

3. Procedure, rules and procedures of technical regulation within the Union shall be established according to the annex №9 to this Agreement.

4. Systematic policy in the field of ensuring of the unity of measurements within the Union shall be conducted according to the annex № 10 to this Agreement.

Footnote. Article 51 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

Article 52 Technical regulations of the Union and standards

1. For the purposes of protection of human life and (or) health, property, environment, life and (or) health of animal and plant, prevention of actions, misleading the consumers, as well as for the purposes of ensuring of energy effectiveness and resource-saving within the Union shall be adopted the technical regulations of the Union.

Adoption of technical regulations of the Union in other purposes shall not be allowed.

The procedure for the elaboration, adoption, amendment, and revocation of technical regulations of the Union shall be approved by the Commission.

Technical regulation of the Union or national mandatory requirements shall operate only in relation of products, included to the unified list, approved by the Commission.

Procedure of formation and maintenance of the unified list shall be approved by the Commission.

The member states shall not allow establishment of mandatory requirements in its legislation in relation of products, not included to the unified list.

2. Technical regulations of the Union shall have a direct effect in the territory of the Union.

Procedure of introduction into effect of adopted technical regulation of the Union and transitional provisions shall be determined by the technical regulation of the Union and (or) act of the Commission.

3. For implementation of requirements of technical regulation of the Union and conformity assessment to the requirements of technical regulation of the Union on a voluntary basis may be applied the international, regional (interstate) standards, and in the case of their absence (before adoption of regional (interstate) standards) – national (state) standards of the member states.

Footnote. Article 52 as amended by Law of the RK № 6-VII of 15.02.2021.

Article 53 Circulation of products and action of technical regulations of the Union

1. Products released in circulation in the territory of the Union shall be safe.

Rules and procedure of ensuring of the safety and circulation of products, requirements of which are not established by the technical regulations of the Union shall be determined by international; agreement within the Union.

2. Products, in relation of which the technical regulation of the Union (technical regulations of the Union) is entered into force shall be released in circulation in the territory of the Union upon condition that it passed the necessary procedures of conformity assessment , established by technical regulation of the Union (technical regulation of the Union).

The member states shall ensure circulation of products, relevant to the requirements of technical regulation of the Union (technical regulations of the Union), in its territory without presentation of additional requirements to such products in relation of contained in the technical regulation of the Union (technical regulations of the Union) and without conducting of additional procedures of conformity assessment.

Provisions of the second item of this paragraph shall not be distributed to application of sanitary, veterinary and sanitary, quarantine phytosanitary measures.

3. From the date of entering into force of technical regulation of the Union in the territories of the member states, the relevant mandatory requirements to the products or related with requirements to the products of the processes of design (including research), production, construction, installation, arrangement, operation, storage, transportation, implementation and utilization, established by the legislation of the member states or acts of the Commission shall act only in the part, determined by transitional provisions, and from the date of termination of action of transitional provisions, determined by technical regulation of the Union and (or) act of the Commission shall not be applied for release of products in circulation, conformity assessment of objects of technical regulation, state control (supervision) of observance of requirements of technical regulations of the Union.

Provisions of the first item of this paragraph shall not be distributed to application of sanitary, veterinary and sanitary, quarantine phytosanitary measures.

Mandatory requirements to products or products and related with requirements to the products of processes of design (including research), production, construction, installation, arrangement, operation, storage, transportation, implementation and utilization, established by the acts of the Commission shall be include to the technical regulations of the Union before the date of entering into force of technical regulation of the Union.

4. The state control (supervision of observance of requirements of technical regulations of the Union shall be conducted in the manner established by the legislation of the member states.

Principles and approaches to harmonization of the legislation of the member states in the scope of the state control (supervision) of observance of requirements of technical regulations of the Union shall be determined by international agreement within the Union.

5. Responsibility of non-compliance with requirements of technical regulations of the Union, as well as for violation of procedures of conducting of conformity assessment of products to the requirements of technical regulations of the Union shall be established in accordance with the legislation of the member states.

To establish similar (comparable) regulations, general principles and approaches concerning establishing in the legislation of member states liability for violation of mandatory requirements for products, rules and procedures for conducting mandatory conformity assessment shall be determined by the Supreme Council.

Footnote. Article 53 as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

Article 54 Accreditation

1. Accreditation within the Union shall be carried out in accordance with the following principles:

1) harmonization of rules and approaches in the field of accreditation with international standards;

2) ensurance of voluntary accreditation, openness and accessibility of information on procedures, rules and results of accreditation;

3) ensuring the objectivity, impartiality and competence of the accreditation bodies of the member states;

4) ensuring of equal conditions for the applicants for accreditation in relation of accreditation and ensuring of privacy of information, received upon accreditation;

5) inadmissibility of combining of powers on accreditation by one body of the member state with powers on the state control (supervision), except for the carrying out of control of activity of accredited bodies on conformity assessment of the member states (as well as bodies on certification, testing laboratories (centers));

6) inadmissibility of combining of powers on accreditation and on conformity assessment by one body of the member state.

2. Accreditation of bodies on conformity assessment shall conduct the bodies on accreditation of the member states, authorized in accordance with the legislation of the member states for implementation of this activity.

3. A body on accreditation of one member state shall not compete with the bodies on accreditation of other member states.

A body on conformity assessment of one member state shall be applied for the purposes of accreditation to the body on accreditation of another member state, in the territory of which it is registered as a legal entity for non-admission of competition of bodies on accreditation of the member states.

In the case if the body on accreditation of one member state for the purposes of accreditation is applied to the body on conformity assessment, registered in the territory of another member state as a legal entity, this body on accreditation shall inform on that the body on accreditation of another member state, in the territory of which the body on conformity assessment is registered. In the specified case it is allowed to conduct accreditation by the bodies on accreditation of the member states, if body on accreditation of another member state, in the territory of which this body on conformity assessment is registered shall not carry out accreditation in the required area. Upon that the body on accreditation of the member state, in the territory of which the body on conformity assessment is registered shall have a right to participate as an observer.

4. Bodies on accreditation of the member states shall carry out mutual comparative assessments for the purposes of achievement of equivalence of applied procedures.

The procedure for carrying out peer reviews by accreditation bodies of the Member States shall be approved by the Board of the Commission.

Recognition of results of works on accreditation of bodies on conformity assessment of the member states shall be carried out according to the annex № 11 to this Agreement.

Footnote. Article 54 as amended by Law of the RK № 6-VII of 15.02.2021.

Article 55 Elimination of technical barriers in the mutual trade with third countries

Procedure and conditions of elimination of technical barriers in mutual trade with third countries shall be determined by international agreement within the union.

Section XI SANITARY, VETERINARY-SANITARY AND QUARANTINE PHYTOSANITARY MEASURES, EMERGENCY PHYTOSANITARY MEASURES

Footnote. Title of Section XI as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

1. Sanitary, veterinary and sanitary, quarantine phytosanitary measures shall be applied on the basis of principles, having scientific justification, and only to the extent that is necessary to protect the human life and health, animals and plants.

Sanitary, veterinary and sanitary, quarantine phytosanitary measures, applied within the Union shall be based on international and regional standards, guidelines and (or) recommendations, except for the cases, when on the basis of relevant scientific justification introduced the sanitary, veterinary and sanitary, quarantine phytosanitary measures, which ensure a higher level of sanitary, veterinary and sanitary, quarantine phytosanitary protection, than measures based on the relevant international and regional standards, guidelines and (or) recommendations.

2. For the purposes of ensuring of sanitary and epidemiological welfare of the population, as well as veterinary and sanitary, quarantine phytosanitary security within the Union shall be conducted the systematic policy in the scope of application of sanitary, veterinary and sanitary, quarantine phytosanitary measures.

3. The systematic policy shall be implemented by joint development, application and implementation of international treaties and acts of the Commission by the member states in the field of application of sanitary, veterinary and sanitary, quarantine phytosanitary measures .

4. Each of the member states shall have a right to develop and introduce temporary sanitary, veterinary and sanitary, quarantine phytosanitary measures.

Procedure of interaction of authorized bodies of the member states upon introduction of temporary sanitary, veterinary and sanitary, quarantine phytosanitary measures shall be approved by the Commission.

5. Coordinated approaches upon conducting of identification, registration and traceability of animals and animal products shall be applied in accordance with the acts of commission.

6. Application of sanitary, veterinary and sanitary, quarantine phytosanitary measures and interaction of authorized bodies of the member states in the field of sanitary, veterinary and sanitary, quarantine phytosanitary measures shall be carried out according to the annex №12 to this Agreement.

Article 57 Application of sanitary measures

1. Sanitary measures shall be applied in relation of persons, transport vehicles, as well as controlled to the sanitary and epidemiological supervision (control) of products (goods), included in accordance with the acts of Commission to the unified list of products (goods), subjected to the state sanitary and epidemiological supervision (control).

2. The unified sanitary and epidemiological, hygienic requirements and procedures shall be established to the products (goods), subjected to the state sanitary and epidemiological supervision (control).

The unified sanitary and epidemiological, hygienic requirements to the products (goods), in relation of which the technical regulations of the Union are developed shall be included to the technical regulations of the Union in accordance with the acts of Commission.

3. Procedure of development, approval, change and application of the unified sanitary and epidemiological, hygienic requirements and procedures shall be approved by the Commission .

4. To ensure the sanitary and epidemiological well-being of the population, authorized bodies in the field of sanitary and epidemiological well-being of the population carry out state sanitary and epidemiological supervision (control) using risk assessment in accordance with the legislation of the Member States and acts of the Commission.

Authorized bodies in the field of sanitary and epidemiological welfare of the population may carry out the state supervision (control) of observance of requirements of technical regulations of the Union within the state sanitary and epidemiological supervision (control) in accordance with the legislation of the member states.

Footnote. Article 57 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

Article 58 Application of veterinary and sanitary measures

1. Veterinary and sanitary measures shall be applied in relation of the goods (as well as goods for the private use), imported to the customs territory of the Union and transported through the customs territory of the Union, included to the unified list of goods, subjected to the veterinary control (supervision), approved by the Commission, as well as in relation of objects, subjected to the veterinary and sanitary control (supervision).

2. The unified veterinary (veterinary and sanitary) requirements, approved by the Commission shall be applied to the goods and objects, subjected to the veterinary control (supervision).

3. For the purposes of prevention of import and distribution of agents of contagious animal diseases, as well as general for human and animals, and goods, not relevant to the unified veterinary (veterinary and sanitary) requirements shall be carried out by the veterinary control (supervision) of goods controlled to the veterinary control (supervision), including the goods for the private use, as well as objects, subjected to the veterinary control (supervision) in accordance with the acts of Commission.

Interaction of the member states upon prevention, diagnosis, localization and liquidation of the centers of especially dangerous, quarantine and zoonotic animal diseases shall be carried out in the manner established by the Commission.

4. Authorized bodies in the field of veterinary shall carry out veterinary control (supervision) upon movement of goods, controlled to the veterinary control (supervision) through the customs border of the Union in the checkpoints through the state borders of the member states or in other places, determined by the legislation of the member states, which are fitted and equipped by the means of veterinary control (supervision) in accordance with the legislation of the member states.

5. Each lot of goods, controlled to the veterinary control (supervision) shall be imported to the customs territory of the Union in accordance with the unified veterinary (veterinary and sanitary) requirements, approved by Commission, and upon condition of existence of permission, issued by the authorized body in the field of veterinary member state, in the territory of which the specified goods are imported, and (or) veterinary certificate, issued by the component body of country of sending of specified goods.

6. The goods, controlled to the veterinary control (supervision) shall be transferred from the territory of one member state to the territory of another member state in accordance with the unified veterinary (veterinary and sanitary) requirements. The specified goods shall be accompanied by a veterinary certificate, unless otherwise determined by the Commission.

The member states shall mutually recognize veterinary certificates issued by the authorized bodies in the field of veterinary on the unified forms, approved by the Commission .

7. The basic principles of ensurance of security of goods, controlled to the veterinary control (supervision) upon their production, processing, transportation and (or) storage in the third countries shall be conducting of an audit of foreign official system of supervision.

Authorized bodies in the field of veterinary shall conduct the audits of official foreign systems of supervision and verification (inspection) of objects, subjected to the veterinary control (supervision) in accordance with the acts of the Commission.

8. The member states shall have a right to develop and introduce temporary veterinary (veterinary and sanitary) requirements and measures in the case of reception of official information from the relevant international organizations, member states, as well as from the third countries on deterioration of epizootic situation in the territories of third countries or member states.

In the case of existence of specified information, but in the absence of sufficient scientific justification or impossibility of its presentation in the necessary terms, the member states may take urgent veterinary and sanitary measures.

Article 59 Quarantine phytosanitary measures

1. Quarantine phytosanitary measures shall be applied in relation of products, included to the list of quarantine products (quarantine cargo, quarantine materials, quarantine goods), subjected to the quarantine phytosanitary control (supervision) in the customs border of the Union and in the customs territory of the Union (hereinafter – the list of quarantine products), quarantine objects, included to the unified list of quarantine objects of the Union, as well as quarantine objects.

2. Quarantine phytosanitary control (supervision) in the customs territory of the Union and customs border of the Union shall be carried out in relation of products, included to the list of quarantine products, quarantine objects, included to the unified list of quarantine objects of the Union, as well as quarantine objects.

3. The list of quarantine products, the unified list of quarantine objects of the Union and unified quarantine phytosanitary requirements shall be approved by the Commission.

Article 59[1] Emergency phytosanitary measures

1. Emergency phytosanitary measures shall be applied concerning harmful organisms that are not included in the indicated list of quarantine objects of the Union and that pose a phytosanitary risk, for the period until the relevant harmful organisms are included in the indicated list or until the results of the phytosanitary risk analysis concerning harmful organisms are received, confirming the absence of such risk.

2. A Member State shall have the right to introduce emergency phytosanitary measures in the following cases:

1) the absence of appropriate and sufficient scientific justification for the application of phytosanitary measures or the impossibility of providing such justification within the required timeframes upon receipt of official information from relevant international organizations, Member States, and also from third countries on the phytosanitary measures taken;

2) obtaining the results of the analysis of phytosanitary risk concerning harmful organisms , confirming the existence of such risk.

3. A Member State introducing an emergency phytosanitary measure shall notify the Commission and the other Member States thereof and shall submit to the Commission a proposal, providing the relevant justification, for the introduction of such a measure in the customs territory of the Union.

The Commission shall consider proposals from Member States to introduce an emergency phytosanitary measure and, based on the results of the consideration, may decide to introduce such a measure in the customs territory of the Union.

4. Member States shall cooperate on issues related to the introduction of emergency phytosanitary measures in accordance with the procedure approved by the Commission.

Footnote. Section XI is supplemented by Article 59[1] in accordance with the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

Section XII

PROTECTION OF RIGHTS OF CONSUMERS Article 60 Guarantee of protection of rights of consumers

1. The rights of consumers and their protection shall be guaranteed by the legislation of the member states on protection of rights of consumers, as well as by this Agreement.

2. Citizens of the member states, as well as other persons, residing in its territory shall be used in the territories of other member states the same legal protection in the field of protection of consumers as the citizens of other member states and shall have a right to apply

to the state and social organizations on protection of rights of consumers, other organizations, as well the courts and (or) carry out other procedural actions on the same conditions, as the citizens of other member states.

Article 61 Policy in the scope of protection of consumers

1. The member states shall conduct the systematic policy in the scope of protection of consumers, directed to formation of equal conditions for citizens of the member states on protection of their interests from unfair activity of business subjects.

2. Conducting of systematic policy in the scope of protection of consumers shall be ensured in accordance with this Agreement and legislation of the member states on protection of consumers on the basis of principles according to the annex № 13 to this Agreement.

3. As part of the implementation of a coordinated policy in the field of consumer protection, the Commission, together with Member States, shall develop a program of joint actions by Member States in the field of consumer protection, approved by the Intergovernmental Council.

4. The Commission, together with the Member States, shall monitor the implementation of the programme of joint actions of the Member States in the field of consumer protection.

Footnote. Article 61 as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

PART THREE
COMMON ECONOMIC SPACE
Section XIII
MACROECONOMIC POLICY Article 62 Basic directions of systematic macroeconomic policy

1. Systematic macroeconomic policy, providing development and implementation of joint actions of the member states for the purposes of achievement of balanced development of economy of the member states shall be conducted within the Union.

2. Coordination of conducting of systematic macroeconomic policy by the member states shall be carried out by the Commission according to the annex № 14 to this Agreement.

3. Basic directions of systematic macroeconomic policy conducted by the member states shall include:

1) ensuring of sustainable development of economy of the member states with the use of integration potential of the Union and competitive advantages of each member state;

2) formation of unified principles of functioning of economy of the member states and ensuring of their effective interaction;

3) creation conditions for increasing of internal stability of economy of the member states, including ensurance of macroeconomic stability, as well as stability to the external effect;

4) development of general principles and guidelines for the prediction of socio-economic development of the member states.

4. Implementation of basic directions of systematic macroeconomic policy shall be carried out in accordance with annex № 14 to this Agreement.

Article 63 Basic macroeconomic indices, determining stability of economic development

The member states shall form the economic policy within the following quantitative values of macroeconomic indices, determining stability of economic development:

the annual deficit of the consolidated budget of the state management sector

- does not exceed 3 percent of gross domestic product;

the debt of the state management sector

- does not exceed 50 percent of gross domestic product;

rate of inflation (consumer price index) in the annual terms (December to December of the previous year, in the percent) - does not exceed more than 5 percentage points of rates of inflation in the member state in which the index has lower-range value.

Section XIV

CURRENCY POLICY Article 64 Purposes and principles of systematic currency policy

1. The member states for the purposes of deepening of economic integration, development of cooperation in the currency and financial scope, ensuring of free movement of goods, services and capital in the territories of the member states, increase the role of national currencies of the member states in the foreign trade and investments operations, as well as ensuring of mutual convertibility of specified currencies shall develop and conduct the systematic currency policy on the basis of the following principles:

1) phased implementation of harmonization and approximation of approaches to formation and conducting of currency policy in to the extent to which it corresponds to the prevailing macroeconomic needs of integration and cooperation;

2) creation of necessary organizational and legal conditions in national and interstate level for development of integration processes in the currency scope, coordination and harmonization of currency policy;

3) non-application of actions in the currency scope, which may adversely affect to the development of integration processes, and in the case of forced application - minimizing the consequences of such actions;

4) conducting of economic policy, directed to increasing confidence to the national currency of the member states, both in the internal currency market of each member states, as in the international currency markets.

2. For the purposes of systematic currency policy, the member states shall implement measures according to the annex № 15 to this agreement.

3. Coordination of exchange rate policy shall be carried out by the separate body, in the composition of which the heads of the national (central) banks of the member states are

included and procedure of activity of which is determined by international agreement within the Union.

4. Coordinated approaches of the member states to regulation of currency legal relations and adoption of liberalization measures shall be determined by international treaty within the Union.

Section XV
TRADE IN SERVICES, INSTITUTION, ACTIVITY AND IMPLEMENTATION OF INVESTMENTS Article 65 Purposes and subject of regulation, the scope of application

1. The purpose of this section shall be ensuring of freedom of trade in services, institutions, activities and implementation of investments within the Union in accordance with conditions of this section and annex №16 to this Agreement.

The legal basis of regulation of trade in services, institutions, activities and implementation of investments in the member states shall be determined by the annex №16 to this Agreement.

2. Provisions of this section shall be applied to the measures of the member states, affecting the suuply and reception of services, institution, activity and implementation of investments.

Provisions of this section shall not be applied:

to the state (municipal) purchases, regulated by section XXII of this Agreement;

to the supplied services and carried out activity in execution of functions of the state power.

3. Services covered by sections XVI, XIX, XX and XXI of this Agreement respectively shall be regulated by provisions of these sections. Provisions of this section shall operate in a part, not contradicting to the specified sections.

4. Features of legal relations, arising in connection with the trade in services of telecommunication shall be determined in accordance with Procedure of the trade in services of telecommunication (annex №1 to the annex № 16 of this Agreement).

5. Features of entry, departure, residing and labour activity of individual shall be regulated by section XXVI of this Agreement in a part, not contradicting to this section.

6. Nothing in this section shall be interpreted as:

1) requirement to any member state to provide any information, the disclosure of which it considers as contrary to its essential security interests;

2) prevention to any member state to take any actions, which it considers as necessary for protection of essential interests of its security by adoption of the legislative act, as well as:

relating to supply of services, carrying out directly or indirectly for the purpose of supplying a military establishment;

relating to fissile and thermonuclear materials or the materials from which they are derived;

adopted in war time or other emergency circumstances in the international relations;

3) prevention for any member state to take any action for execution of obligations in accordance with the United Nation Charter for the purposes of preservation of international security and peace.

7. Provisions of this section shall not prevent to the member state to take or apply measures:

1) necessary for protection of public morals or support of public order. Exceptions for reasons of public order may be applied only in the cases, when justifiable and sufficiently serious threat is formed in relation of one from fundamental interests of society;

2) necessary for protection of life or health of human, animal or plant;

3) necessary for observance of the legislation of the member states, not contradicting to the provisions of this section, including measures, relevant to:

prevention of misleading and abusive practice or consequences of non-observance of civil agreements;

protection from intervention to private life of individuals upon processing and dissemination of details of personal character and protection of confidentiality of details on private life and accounts;

security;

4) inconsistent with paragraphs 21 and 24 of annex № 16 to this Agreement, upon condition, that the difference in actually provided regime is aimed at ensuring the justified or effective imposition of direct taxes and their collection from persons of another member state or third states in relation of the trade in services, institutions and activities and such measures shall not contradict to provisions of international treaties of the member states;

5) inconsistent with paragraphs 27 and 29 of annex № 16 to this agreement, upon condition, that the difference in relation of regime is the result of agreement on issues of imposition of tax, as well as on avoidance of double taxation, participant of which shall be the relevant member state.

8. Application of measures, provided by paragraph 7 of this Article shall not lead to arbitrary or unjustified discrimination between the member states or to latent restrictions in the trade in services, institutions, activity and implementation of investments.

9. If the member state preserves, in relation of third state, restrictions or prohibitions in relation of trade in services, institutions, activity and implementation of investments, nothing in this section shall be construed as obligation of such member state to distribute to the persons of another member state the provisions of this section, if such person owned or controlled by persons of specified third state, and distribution of provisions of this section will lead to circumvention or violation of these prohibitions and restrictions.

10. Member state may not distribute its obligations, assumed them in accordance with this section to the person of another member state in relation of trade in services, institutions, activity and implementation of investments, in the case if it is proved that such person of another member state does not implement essential business operations in the territory of this member states and owned or controlled by person of first member state or person of third state.

Article 66 Liberalization of the trade in services, institutions, activity and implementation of investments

1. The member states shall not introduce new discriminatory measures in relation of the trade in services, institutions and activity of persons of other member states in comparison with the regime effective on the date of entry into force of this Agreement.

2. For the purposes of ensuring of freedom of trade in services, institutions, activity and implementation of investments, the member states shall conduct phased liberalization of conditions of mutual trade in services, institutions, activity and implementation of investments.

3. The member states shall seek to creation and ensuring of functioning of unified market of services, provided by paragraphs 38-43 of the annex № 16 to this Agreement, in the maximum number of sectors of services.

Article 67 Principles of liberalization of the trade in services, institutions, activity and implementation of investments

1. Liberalization of the trade in services, institutions, activity and implementation of investments shall be carried out in recognition of international principles and standards by harmonization of the legislation of the member states and organization of mutual administrative cooperation of component bodies of member states.

2. In the process of liberalization of trade in services, institutions, activity and implementation of investments of the member state shall be managed by the following principles:

1) optimization of internal regulation - the gradual simplification and (or) abolition of excessive internal regulation, as well as permissive requirements and procedures for suppliers, service recipients, persons, carried out institution or activity, and investor in recognition of international best practice of regulation of specific sectors of services, and in the case of its absence - by selection and application of the most advanced models of the member states;

2) proportionality – necessity and sufficiency of levels of harmonization of the legislation of member states and mutual administrative cooperation for the effective functioning of the market of services, institutions, activity or implementation of investments;

3) mutual benefit – liberalization of the trade in services, institutions, activity and implementation of investments on the basis of equitable distribution of benefits and obligations in recognition of sensitivity of sectors of services and types of activity for each member state;

4) subsequence – taking any measures in relation of the trade in services, institutions, activity and implementation of investments, as well as harmonization of the legislation of the member states and administrative cooperation on the basis of the following:

in any of the sectors of services and types of activity inadmissible deterioration of conditions of mutual access in comparison with the conditions effective on the date of signing of this Agreement and conditions vested in this Agreement;

phased reduction of restrictions, exemptions, additional requirements and conditions, provided by individual national lists of restrictions, exemptions, additional requirements and conditions, approved by the Superior Council, specified in the item 4 of paragraph 2, and paragraphs 15 - 17, 23, 26, 28, 31, 33 and 35 of the annex №16 to this Agreement;

5) economic practicability – conducting within formation of the unified market of services , provided by paragraphs 38-43 of the annex №16 to this Agreement, liberalization of the trade in services in the priority procedure in relation of sectors of services, in the greatest extend affecting on the cost price, competitiveness and (or) volumes of produced and sold in the internal market of the Union of goods.

Article 68 Administrative cooperation

1. The member states shall render assistance to each other in ensuring of effective cooperation between the component bodies on issues, regulated by this section.

The component bodies of the member states shall conclude an agreement for ensuring of effective cooperation, as well as for exchange of information.

2. Administrative cooperation shall include:

1) operative information exchange between the component bodies of the member states in general both on the sectors of services, as in relation of specific participants of the market;

2) creation of a mechanism of prevention of violation of rights and legal interests of consumers, fair market entities, as well as public (state) interests by the suppliers of services.

3. The component bodies of the member state may request from the component bodies of other member states within the concluded agreements, information, relating to the scope of the competence of the last and necessary for effective implementation of requirements, provided by this section, as well as:

1) on persons of other member states, carried out institution or supplying services in the territory of the first member state, and in particular on details, approving that such persons is really established in their territories and that according to the competent bodies, these persons carry out an entrepreneurial activity;

2) on permissions, issued by the component bodies and types of activity, on carrying out of which the permission is issued;

3) on administrative measures, criminal law sanctions or decisions on recognition of insolvency (bankruptcy) of the person, which were accepted by the component bodies in relation of this person and which directly affect his (her) competence or professional reputation. The component bodies of one member state shall present the relevant information to the component bodies of another member state, requested it, as well as on the grounds of involvement to responsibility of persons, implemented institution or supplying services in the territory of the first member state.

4. Administrative cooperation of the component bodies of the member states (as well as carrying out control and supervision of activity) shall be carried out for the purposes of:

1) creation of effective system of rights protection of reception of services of one member state upon supply of these services by the supplier of another member state;

2) execution of tax and other obligations by suppliers and recipients of services;

3) suppression of unfair business practices;

4) ensuring the reliability of statistical data on volumes of services of the member states.

5. In the case if the member state became aware on actions of any of suppliers of services, persons, carrying out institution or activity, or investors, who are able to cause damage to health or safety of people, animal, plants or environment in the territory of this member state or in the territories of other member states, the first member state shall inform on that all member states and Commission as soon as possible.

6. Commission shall assist to creation and participate in the process of functioning of information systems of the Union on issues, regulated by this section.

7. The member states may inform Commission on the cases of non-execution of obligations, provided by this Article by other member states.

Article 69 Transparency

1. Each member state shall ensure the openness and accessibility of its legislation on issues regulated by this section.

In these purposes all regulatory legal acts of the member state, which affect or may affect the issues, regulated by this section shall be published in the official source, and if it is possible at an appropriate site in the information and telecommunications network “Internet” (hereinafter – Internet), so that any person, rights and (or) obligations of which may be affected by these regulatory legal acts has the opportunity to become acquainted with them.

2. Regulatory legal acts of the member state, specified in paragraph 1 of this Article shall be published in the term, ensuring the legal certainty and reasonable expectations of persons, rights and (or) obligations of which may be affected by these regulatory legal acts, but in any case before the date of their entry into legal force (introduction into effect).

3. The member states shall ensure preliminary publication of projects of regulatory legal acts, specified in paragraph 1 of this Article.

The member states shall post projects of regulatory legal acts, information on procedure of direction by persons the comments and suggestions on them, as well as details on the term of conducting of public discussion of project of regulatory legal act in the Internet on the official websites of the state bodies, responsible for development of project of regulatory legal act, or on the specially created sites for the purposes of provision possibilities to direct their comments and suggestions to all interested persons.

Projects of specified regulatory legal acts shall be published, in general, 30 calendar days before the date of their adoption. Such preliminary publication shall not be required in the exceptional cases, requiring operative regulation, as well as in the cases, when preliminary publication of projects of regulatory legal acts may intervene to their execution or otherwise contradict to the public interests.

Comments and (or) suggestions, received by the component bodies of the member states within the public discussion, as possible shall be considered upon updating of projects of regulatory legal acts.

4. Publication of regulatory legal acts (their projects), specified in paragraph 1 of this Article shall be accompanied by an explanation of the purposes of their adoption and application.

5. The member states shall create mechanism, ensuring presentation of responses to written or electronic requests of any person on effective and (or) planned to adopt regulatory legal acts, specified in paragraph 1 of this Article.

6. The member states shall ensure consideration of applications of persons of other member states on issues regulated by this section, in accordance with their legislation in the manner established for their persons.

Section XVI
REGULATION OF FINANCIAL MARKETS Article 70 Purposes and principles of regulation of financial markets

1. The member states within the Union shall carry out the coordinated regulation of financial markets in accordance with the following purposes and principles:

1) deepening of economic integration of the member states for the purposes of creation within the Union of common financial market and ensuring of non-discriminated access to the financial markets of the member states;

2) ensuring of guaranteed and effective protection of rights and legal interests of consumers of financial services;

3) creation of conditions for the mutual recognition of licenses in the banking and insurance sectors, as well as in the sector of services in the security market, issued by the authorized bodies of one member state, in the territories of other member states;

4) determination of approaches to regulation of risks in the financial markets of the member states in accordance with the international standards;

5) determination of requirements, presented to the banking activity, insurance activity and activity in the security market (prudential requirements);

6) determination of procedure of carrying out of supervision of activity of participants of financial market;

7) ensuring of transparency of activity of participants of financial market.

2. For the purposes of creation of conditions in the financial market for ensuring of free movement of capital, the member states shall apply the following basic forms of cooperation, as well as:

1) exchange of information, as well as confidential, between the authorized bodies of the member states on issues of regulation and development of banking activity and activity in the security market, control and supervision in accordance with international treaty within the Union;

2) conducting of coordinated measures on discussion of current and possible problems, arising in the financial markets, and on development of suggestions on their decision;

3) conducting of mutual consultations by the authorized bodies of the member states on issues of regulation of banking activity, insurance activity and activity in the security market.

3. For achievement of purposes, set out in paragraph 1 of this Article, the member states shall carry out harmonization of its legislation in the scope of financial market in accordance with international treaty within the Union and in recognition of annex № 17 to this Agreement and Article 103 of this Agreement.

Section XVII
TAXES AND TAXATION Article 71 Principles of interaction of the member states in the scope of taxation

1. The goods, imported from the territory of one member state to the territory of another member state shall be imposed indirect taxes.

2. The member states in the mutual trade shall collect taxes, other levies and charges in such a way that taxation in the member state, in the territory of which the sale of goods of other member states is carried out, was no less favorable than the taxation applied by that member state under the same circumstances in relation of similar goods originating from its territory.

3. The member state shall determine directions, as well as forms and procedure of carrying out of harmonization of the legislation in relation of taxes, which has influence on the mutual trade, not to violate conditions of competition and does not impede the free movement of goods, works and services at the national level or at the level of the Union, including:

1) harmonization (approximation) of rates of excise duties for the most sensitive excisable goods;

2) further improvement of the system of collection of tax to the added cost in the mutual trade (as well as with application of information technologies).

Article 72 Principles of collection of indirect taxes in the member states

1. Collection of indirect taxes in the mutual trade in goods shall be carried out on the principle of the country of destination, providing application of a zero rate of tax to the added cost and (or) the exemption from payment of excise duties upon export of goods, as well as their taxation of indirect taxes upon import.

Collection of indirect taxes and mechanism of control for their payment upon export and import of goods shall be carried out in the manner according to the annex № 18 to this Agreement.

2. Indirect taxes on the performance of work and provision of services shall be collected in the Member State whose territory shall be recognized as the place of supply of work and services, in accordance with Annex № 18 to this Agreement.

Collection of indirect taxes upon execution of works, rendering of services shall be carried out in the manner provided by the annex №18 to this Agreement.

3. Exchange of information, necessary for ensuring of full payment of indirect taxes between the taxation bodies of the member state shall be carried out in accordance with the separate international interdepartmental agreement, which establishes the procedure of exchange of information, the form of application on the import of goods and payment of indirect taxes, the rules of its filling and requirements to the interchange format.

4. Upon import of goods to the territory of one member state from the territory of another member state, the indirect taxes shall be collected by the taxation bodies of the member state to the territory of which the goods are imported, unless otherwise established by the legislation of this member state in a part of goods, subjected to marking with excise stamps (accounting and control marks, trademarks).

5. Rates of indirect taxes in the mutual trade upon import of goods to the territory of the member state shall not exceed the rates of indirect taxes, which the similar goods are imposed upon their sale in the territory of this member state.

6. Indirect taxes shall not be collected upon import to the territory of the member state of:

1) goods, which in accordance with the legislation of this member state do not subject to taxation (exempted from taxation) upon import to its territory;

2) goods, which are imported to the territory of the member state by individuals for the purposes of entrepreneurial activity;

3) goods, the import of which to the territory of one member state from the territory of another member state is carried out in connection with their transfer within one legal entity (

the obligation on notification of taxation bodies on import (export) of such goods may be established by the legislation of the member state).

Footnote. Article 72 as amended by the Law of the Republic of Kazakhstan dated 22.02.2024 № 63-VIII.

Article 73 Taxation of incomes of individuals

In the case if one member state in accordance with its legislation and provisions of international treaties shall have a right to impose taxes of incomes of tax resident (persons with permanent residence) of another member state in connection with the hired labour, carried out in the first mentioned member state, such income shall be imposed in the first member state from the first day of hired labour on the tax rates, provided for such incomes of individuals – tax residents (persons with permanent residence) of this first member state.

Provisions of this Article shall be applied to the taxation of incomes in connection with the hired labour, received by citizens of the member state.

Section XVIII
GENERAL PRINCIPLES AND RULES OF COMPETITION Article 74 General provisions

1. The subject of this section shall be establishment of general principles and rules of competition, providing revelation and suppression of anticompetitive actions in the territories of the member states, and actions, rendering a negative effect on the competition in the trans-border market in the territory of two and more member states.

2. Provisions of this section shall be distributed to the relations, linked with implementation of competitive (antimonopoly) policy in the territories of the member states, and on relations with participation of economic entities (market entities) of the member states, which render or may render a negative effect on competition in the trans-border markets in the territories of two and more member states. Criteria of referring of market to the trans-border for the purposes of determination of competence of Commission shall be established by decision of Superior council.

3. The Member States may establish in their legislation:

1) additional prohibitions, as well as additional requirements and restrictions on the prohibitions envisaged by Articles 75 and 76 of this Treaty;

2) other (additional) conditions for recognising the dominant position of a business entity (market participant);

3) the grounds and procedure for issuing warnings when exercising powers to prevent and detect indications of breaches of competition (antitrust) law in a Member State;

4) the grounds and procedure for issuing warnings on the inadmissibility of acts (omissions) that may entail a breach of competition (antitrust) law of a Member State.

4. The member states shall conduct the systematic competitive (antimonopoly) policy in relation of actions of economic entities (market entities) of third countries, if such actions may render a negative effect on the state of competition in the goods markets of the member states.

5. Nothing in this section shall be construed as impediment for any member state to assume any measures, which it considers necessary for protection of important interests of national defense or state security.

6. Provisions of this section shall be applied to the subjects of natural monopolies in recognition of features, provided by this Agreement.

7. Implementation of provisions of this section shall be carried out according to the annex №19 to this Agreement.

Footnote. Article 74 as amended by Law of the RK № 6-VII of 15.02.2021.

Article 75 General provisions of competition

1. Application by the member states the regulations of its competitive (antimonopoly) legislation to the economic entities (market entities) of the member states shall be carried out in the same way and equally irrespective of organization and legal form and place of registration of such economic entities (market entities) on the equal conditions.

2. The member states shall establish in its legislation, including prohibitions on:

1) agreements between the bodies of state authorities, local authorities, other bodies or organizations, carrying out their functions or between them and economic entities (market entities), if such agreements lead or may lead to non-admission, restriction or elimination of competition, except for the cases, provided by this Agreement and (or) other international treaties of the member states;

2) provision of the state or municipal preferences, except for the cases, provided in the legislation of the member states and in recognition of features, provided by this Agreement and (or) other international treaties of the member states.

3. The member states shall take efficient measures on prevention, revelation and suppression of actions (omission), provided by subparagraph 1 of paragraph 2 of this Article.

4. The member states shall ensure effective control of economic concentration to the extent that is necessary for protection and development of competition in the territories of each member state in accordance with its legislation.

5. Each member state shall ensure existence of body of the state authority, the competence of which includes implementation and (or) conducting of policy, which means, among other things, granting of such body of powers on control of observance of prohibition to the anticompetitive actions and prohibition to unfair competition, of economic concentration, as well as powers on prevention and revelation of violations of competitive (antimonopoly) legislation, taking measures on termination of specified violations and bringing to responsibility for such violations (hereinafter – authorized body of the member state).

6. The member states shall establish in its legislation the fine sanctions for commission of anticompetitive actions in relation of economic entities (market entities) and civil servants of authorities, based on the principles of efficiency, proportionality, security, necessity and certainty and ensure control for their application. Upon that the member states recognize that in the case of application of fine sanctions, the highest fine sanctions shall be established for violations, representing the greatest threat for competition (restricting the competition of agreement, abuse of dominant position by economic entities (market entities) of the member states), upon that preferred the fine sanctions, calculated from the amount of sales of violator from sale of goods or from the amount of incomes of violator on the purchase of goods, in the market of which the infraction is committed.

7. The member states shall ensure information openness of competitive (antimonopoly) policy, conducted by them in accordance with its legislation, as well as by placement of details on activity of authorized bodies of the member states in the mass media and on the Internet.

8. Authorized bodies of the member states shall carry out interaction by direction of notifications, requests on provision of information, conducting of consultations, informing on investigations (consideration of cases), affecting the interests of another member state, conducting of investigations (consideration of cases) on request of the authorized body of one of the member states and informing on its results in accordance with the legislation of its state and this Agreement.

Article 76 General rules of competition

1. Shall be prohibited actions (omission) of economic entity (market entity), holding a dominant position, the result of which is or may be non-admission, restriction, elimination of competition and (or) infringement of the interests of other persons, including the following actions (omission):

1) establishment, maintaining monopolistically high or low prices of goods;

2) withdrawal of goods from circulation, if the result of such withdrawal was increase the price of the goods;

3) imposing of economically or technologically unjustified conditions of agreement to the contractor, unfavorable for him (her) or not related to the subject of agreement;

4) economically or technologically unjustified reduction or termination of production of goods, if the goods are in demand or placed the orders for its delivery in the presence of possibility of its profitable production, as well as if such reduction or termination of production of goods are not directly provided by this Agreement and (or) other international treaties of the member states;

5) economically or technologically unjustified refusal or evasion from conclusion of agreement with separate buyers (customers) in the case of existence of possibility of

production or delivery of relevant goods in recognition of features, provided by this Agreement and (or) other international treaties of the member states;

6) economically, technologically or otherwise unjustified establishement of different prices (tariffs) for the same goods, creation of discriminatory conditions in recognition of features, provided by this Agreement and (or) other international treaties of the member states ;

7) creation of obstacles to entry into the goods market or exit from the goods market to other economic entities (market entities).

2. Shall not be allowed unfair competition, as well as:

1) distribution of false, inadequate or distorted details, which may incur losses to the economic entity (market entity) or cause damage to its business reputation;

2) misrepresentation in relation of nature, method and place of production, consumer properties, quality and quantity of goods or in relation of its producers;

3) incorrect comparison of goods, produced or sold by the economic entities (market entity) with goods, producing or selling by other economic entities (market entities).

3. Shall be prohibited agreements between the economic entities (market entities) of the member states, being competitors, acting on the same goods market, which lead or may lead to:

1) establishement or support of prices (tariffs), discounts, additional charges (extra charges), markups;

2) increase, reduction or support of prices at auctions;

3) division of goods market on territorial principle, volume of sales or purchase of goods, assortment of sold products or composition of sellers or buyers (customers);

4) reduction or termination of production of goods;

5) refusal of conclusion of agreements with certain sellers or buyers (customers).

4. Shall be prohibited “vertical” agreements between the economic entities (market entities), except for the “vertical” agreements, which are recognized as admissible in accordance with criterions of admissibility, established by the annex №19 to this Agreement, in the case if:

1) such agreement lead or may lead to establishement of prices of resale of goods, except for the case, when seller established the maximum price of resale of goods for buyer;

2) such agreements provide the buyer’s obligation not to sell the goods of economic entity (market entity) which is a competitor of the seller. Such prohibition shall not be distributed to agreements on organization by the buyer of sale of goods under the trademark or by other means of identification of the seller or producer.

5. Shall be prohibited other agreements between the economic entities (market entities), except for the “vertical” agreements, which are recognized as admissible in accordance with criterions of admissibility, established by the annex №19 to this Agreement, in the case if it is established that such agreements lead or may lead to restriction of competition.

6. Individuals, commercial organizations and non-commercial organizations shall be prohibited to carry out coordination of economic activity of economic entities (market entities) of the member states, if such coordination leads or may lead to any of consequences, specified in paragraphs 3 and 4 of this Article, which may not be recognized as admissible in accordance with criterions of admissibility, established by the annex №19 to this Agreement. The member states shall have a right to establish in its legislation the prohibition to coordination of economic activity, if such coordination leads or may lead to the consequences , specified also in paragraph 5 of this Article, which may not be recognized as admissible in accordance with criterions of admissibility, established by the annex №19 to this Agreement.

7. Suppression of violations by the economic entities (market entities) of the member states, as well as individuals and noncommercial organizations of the member states, not carrying out an entrepreneurial activity, general rules of competition, established by this section, in the case of such violations render or may render a negative effect to competition in the trans-border markets in the territories of two and more member states, except for the financial markets shall be carried out by Commission in the manner provided by the annex № 19 to this Agreement.

Article 77 The state price regulation

The order of introduction of the state price regulation, as well as challenge of decisions of the member states on its introduction shall be determined by the annex №19 to this Agreement.

Section XIX
NATURAL MONOPOLIES Article 78 Scopes and subjects of natural monopolies

1. The member states upon regulation of activity of subjects of natural monopolies shall be guided by regulations and provisions, provided by the annex №20 to this Agreement.

2. Provisions of this section shall be distributed to the relations with participation of subjects of natural monopolies, consumers, executive bodies, local authorities of the member states in the scopes of natural monopolies, having influence with the trade between the member states and specified in the annex №1 to the annex №20 to this Agreement.

3. Legal relations in the specific scopes of natural monopolies shall be determined by this section in recognition of features, provided by sections XX and XXI of this Agreement.

4. In the member states the scopes of natural monopolies shall also include the scopes of natural monopolies, specified in the annex №2 to the annex № 20 to this Agreement.

In relation of scopes of natural monopolies, specified in the annex №2 to the annex №20 to this Agreement shall be applied the requirements of the legislation of the member states.

5. The list of services of subjects of natural monopolies, referred to the scopes of natural monopolies shall be established by the legislation of the member states.

6. The member states shall seek to harmonization of the scopes of natural monopolies, specified in the annexes №1 and 2to the annex №20 to this Agreement, by their reduction and with possible determination of transitional period in the sections XX and XXI of this Agreement.

7. Expansion of scopes of natural monopolies in the member states shall be carried out:

in accordance with the legislation of the member states in the case, if the member state intends to include to the scope of natural monopolies the scope, which is the scope of natural monopoly in another member state and given in the annex №1 or №2 to the annex №20 to this Agreement;

by the decision of Commission in the case, if to the scope of natural monopolies the member state intends to include other scope of natural monopolies, not specified in the annex №1 or 2 to the annex №20 to this Agreement, after relevant application of this member state to the Commission.

8. This section shall not be distributed to the relations, regulated by existing bilateral international treaties between the member states. The newly concluded bilateral treaties between the member states may not be contrary to this section.

9. Provisions of the section XVIII of this Agreement shall be applied to the subjects of natural monopolies in recognition of features, provided by this section.

Section XX
ENERGETICS Article 79 Interaction of the member states in the scope of energetics

1. For the purposes of effective use of potential fuel and energy complexes of the member states, as well as ensuring of national economics with main types of energy resources (electric energy, gas, oil and petroleum products), the member states shall develop the long term mutually beneficial cooperation in the scope of energetics, conduct coordinated energy policy, carry out the gradual formation of common markets of energy resources in accordance with international treaties, provided in Articles 81,83 and 84 of this Agreement, in recognition of ensuring of energy security, based on the following basic principles:

1) ensuring of market pricing for energy resources;

2) ensuring development of competition in the common markets of energy resources;

3) absence of technical, administrative and other obstacles to the trade in energy resources , with appropriate equipment, technologies and related services;

4) ensuring development of transport infrastructure of common markets of energy resources;

5) ensuring of nondiscriminatory conditions for economic entities of the member states in the common markets of energy resources;

6) creation of favorable conditions for involvement of investments to the energy complex of the member states;

7) harmonization of national regulations and rules of functioning of technological and commercial infrastructure of common markets of energy resources.

2. The legislation of the member states shall be applied to the relations of economic entities of the member states, carrying out its activity in the scopes of electric energy, gas, oil and petroleum products, not regulated by this section.

3. Provisions of section XVIII of this Agreement in relation of activity of economic entities of the member states in the scopes of electric energy, gas, oil and petroleum products shall be applied in recognition of features, provided by this section and section XIX of this Agreement.

Article 80 Indicative (forward) gas balances, oil and petroleum products

1. For the purposes of effective use of complex energy potential and optimization of interstate supplies of energy resources, the authorized bodies of the member states shall develop and coordinate:

indicative (forward) gas balance of the Union;

indicative (forward) oil balance of the Union;

indicative (forward) petroleum products balance of the Union.

2. Development of balances, specified in paragraph 1 of this Article shall be carried out in recognition of Commission and in accordance with methodology of formation of indicative (forward) gas balance, oil, petroleum products balances, provided by paragraph 1 of Article 104 of this Agreement, and coordinated by the authorized bodies of the member states.

Article 81 Formation, operation and development of the common electric power market of the Union

Formation, operation and development of the common electric power market of the Union shall be guided by the principles and rules pursuant to Annex 21 hereto, subject to Article 104 , paragraph 8 hereof.

Footnote. Article 81 - as reworded by Law of the Republic of Kazakhstan № 109-VII of 16.03.2022 (see Article 2 for the enactment procedure).

Article 82 Ensuring access to the services of subjects of natural monopolies in the scope of electric-power industry

1. To the extent technically possible, the member states shall ensure unimpeded access to services of natural monopoly entities in the field of electric power, provided the priority use of these services to satisfy internal needs for electric power (capacity) of the member states under Annex 21 hereto and the act of the Union authority stipulated by paragraph 5 of the said Annex.

2. Repealed by Law of the Republic of Kazakhstan № 109-VII of 16.03.2022 (See Article 2 for the enactment procedure).

Footnote. Article 82 as amended by Law of the Republic of Kazakhstan № 109-VII of 16.03.2022 (see Article 2 for the enactment procedure)..

Article 83 Formation of common market of gas of the Union and ensuring of access to the services of subjects of natural monopolies in the scope of gas transportation

1. The member states shall carry out the gradual formation of common market of gas of the Union according to the annex №22 in recognition of transitional provisions, provided by paragraphs 4 and 5 of Article 104 of this Agreement.

2. The member states shall develop the concept and program of formation of common market of gas of the Union, approved by the Superior council.

3. The member states shall conclude an international treaty within the Union on formation of common market of gas, based on the provisions of approved concepts and program of formation of common market of the Union.

4. The member states within the current technical capabilities, free capacity of gas transmission systems in recognition of coordinated indicative (forward) gas balance of the Union and on the basis of civil agreements of economic entities shall ensure unimpeded access of economic entities of other member states to the gas transmission systems, placed in the territories of the member states, for gas transportation on the basis of unified principles, conditions and rules, provided by the annex № 22 to this Agreement.

Article 84 Formation of common markets of oil and petroleum products of the Union and ensuring of access to the services of subjects of natural monopolies in the scope of oil and petroleum products transportation

1. The member states shall carry out the gradual formation of common market of oil and petroleum products of the Union according to the annex №23 to this Agreement in recognition of transitional provisions, provided by paragraphs 6 and 7 of Article 104 of this Agreement.

2. The member states shall develop the concept and program of formation of common markets of oil and petroleum products of the Union, approved by the Superior council.

3. The member states shall conclude an international treaty within the Union on formation of common market of oil and petroleum products, based on the provisions of approved concepts and program of formation of common markets of oil and petroleum products of the Union.

4. The member states within the current technical capabilities in recognition of coordinated indicative (forward) oil balance of the Union, coordinated indicative (forward) petroleum products balance of the Union and on the basis of civil agreements of economic entities shall ensure unimpeded access of economic entities of other member states to the oil and petroleum products transmission systems, placed in the territories of the member states, on the basis of unified principles, conditions and rules, provided by the annex № 23 to this Agreement.

Article 85 Powers of the Commission in energy

In the field of energy, the Commission shall:

monitor the implementation of this section;

provide organisational and technical support for interaction between the state bodies of the Member States authorised to regulate the energy sector, organisations of technological and commercial infrastructure, and participants of the energy markets of the Member States in the formation and functioning of common energy markets;

monitor the implementation of the acts of the Union bodies concerning the formation of common markets for energy resources.

Footnote. Article 85 as amended by Law of the RK № 6-VII of 15.02.2021.

Section XXI

TRANSPORT Article 86 Coordinated (systematic) transport policy

1. The Union shall carry out the coordinated (systematic) transport policy, directed to ensuring of economic integration, consistent and gradual formation of unified transport space on the principles of competition, openness, security, reliability, accessibility and environmental disposal.

2. The tasks of coordinated (systematic) transport policy shall be:

1) creation of common market of transport services;

2) adoption of coordinated measures on ensuring of common advantages in the scope of transport and implementation of best practices;

3) integration of transport systems of the member states to the world transport system;

4) effective use of transit potential of the member states;

5) improving the quality of transport services;

6) ensuring of transport security;

7) reducing the harmful effects of transport on the environment and human health;

8) formation of favorable investment climate.

3. Basic priorities of coordinated (systematic) transport policy shall be:

1) formation of unified transport space;

2) creation and development of Eurasian transport corridors;

3) implementation and development of transit potential within the Union;

4) coordination of development of transport infrastructure;

5) creation of logistics centers and transport organizations, ensuring optimization of transport processes;

6) involvement and use of human capacity of the member states;

7) development of science and innovation in the scope of transport.

4. Coordinated (systematic) transport policy shall be formed by the member states.

5. Basic directions and implementation phases of coordinated (systematic) transport policy shall be determined by the Superior council.

6. Monitoring of implementation by the member states of coordinated (systematic) transport policy shall be carried out by Commission.

Article 87 The scope of application

1. Provisions of this section shall be applied to motor, air, water and rail transport in recognition of provisions of sections XVIII and XIX of this Agreement and features, provided by annex №24 to this Agreement.

2. The member states shall seek to the gradual liberalization of transport services between the member states.

Procedure, conditions and stage by stage liberalization shall be determined by international treaties within the Union in recognition of features, provided by annex №24 to this Agreement.

3. Requirements to the transport security (transport security and transport operation security) shall be determined by the legislation of the member states and international agreements.

Section XXII

THE STATE (MUNICIPAL) PURCHASES Article 88 Purposes and principles of regulation in the scope of the state (municipal) purchases

1. The member states shall determine the following purposes and principles of regulation in the scope of the state (municipal) purchases (hereinafter – purchases):

regulation of relations in the scope of purchases by the legislation of the member state on purchases and international treaties of the member states;

ensuring of efficient and effective spending of means, used for purchases in the member states;

provision of national regime in the scope of purchases to the member states;

inadmissibility of provision of regime in the scope of purchases to the third countries more favorable than provided to the member states;

ensuring of informational openness and transparency of purchases;

ensuring of unimpeded access of potential suppliers and suppliers of the member states to participation in purchases, conducted in the electronic format, by mutual recognition of electronic digital signature, produced in accordance with the legislation of one member state, by other member state;

ensuring the existence of a body(ies) of a Member State that exercises regulatory and/or control functions in the area of procurement;

establishement of responsibility for violation of the legislation of the member states on purchases;

development of competition, as well as counteraction of corruption and other abuse in the scope of purchases.

2. Effect of this Agreement shall not be distributed to the purchases, details on which consist the state secret (state secrets) in accordance with the legislation of the member state.

3. Purchases in the member states shall be carried out according to the annex №25 to this Agreement.

4. Effect of this section shall not be distributed to the purchases, carried out by the national (central) banks of the member states, in recognition of provisions of second item – fourth paragraph.

National (central) banks of the member states shall carry out purchases for ensuring of administrative and economic needs, execution of construction works and capital repair in accordance with their internal rules of carrying out of purchases (hereinafter – provision on purchases). Provision on purchases shall not contradict to the purposes and principles, imposed in this Article, as well as shall ensure the equal access to the potential suppliers of the member states. In the exceptional cases by the decision of superior body of national (central) bank may be established the seizure from the specified principles.

Provision on purchases shall contain requirements to the purchases, as well as procedure of preparation and conducting of procedures of purchases (including the methods of purchases) and conditions of their application, procedure of conclusion of agreements (contracts).

Upon that provision on purchases and information on purchases planned and implemented by the national (central) banks of the member states shall be posted on the official websites of national (central) banks of the member states in the Internet in the manner determined by provision on purchases.

Footnote. Article 88 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

Section XXIII
INTELLECTUAL PROPERTY Article 89 General provisions

1. The member states shall carry out cooperation in the scope of security and protection of rights to the objects of intellectual property and ensure in its territory security and protection of rights to them in accordance with regulations of international law, international treaties and acts, constituting the law of the Union, and legislation of the member states.

Cooperation of the member states shall be carried out for decision of the following basic tasks:

harmonization of the legislation of the member states in the scope of security and protection of rights to the objects of intellectual property;

protection of interests of holders of rights to the objects of intellectual property of the member states.

2. cooperation of the member states shall be carried out on the following basic directions:

1) support of scientific and innovative development;

2) improvement of mechanisms of commercialization and use of objects of intellectual property;

3) provision of favorable conditions for holders of copyright and related rights of the member states;

4) introduction of the system of registration of trademarks and service marks of Eurasian Economic Union and names of origin of goods of Eurasian Economic Union;

5) ensuring of protection of rights to the objects of intellectual property, as well as in the Internet;

6) ensuring of effective customs protection of rights to the objects of intellectual property, as well as by maintenance of unified customs register of objects of intellectual property of the member states;

7) implementation of coordinated measures, directed to prevention and suppression of rotation of counterfeit products.

3. For the purposes of ensuring of effective security and protection of rights to the objects of intellectual property shall be conducted consultations of the member states, organized by Commission.

By the results of consultations shall be developed suggestions of problematic issues identified in the course of cooperation by the decision of the member states.

Article 90 Legal regime of objects of intellectual property

1. Persons of one member state in the territory of another member state shall be provided the national regime in regard to the legal regime of objects of intellectual property. Exclusions from the national regime in relation of judicial and administrative procedures, including indication of an address for correspondence and the appointment of a representative may be provided by the legislation of the member state.

2. The member states may provide in its legislation the regulation, which ensure the greater level of security and protection of rights to the objects of intellectual property, than it is provided in the international legal acts, applied to the member states, as well as in the international treaties and acts, constituting the law of the Union.

3. The member states shall carry out an activity in the scope of security and protection of rights to the objects of intellectual property in accordance with regulation of the following fundamental international treaties:

Berne Convention for the Protection of Literary and Artistic Works from 9 September, 1886 (is in the wording 1971);

Budapest Agreement on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure from 28 April, 1977;

Agreement of the World Intellectual Property Organization on Copyright from 20 December, 1996;

Agreement of the World Intellectual Property Organization on Performances and Phonograms from 20 December, 1996;

Agreement on the Patent Law from 1 June, 2000;

Agreement on the Patent Cooperation from June 19, 1970;

Convention for the Protection of Interests of Producers of Phonograms from Illegal Production of their Phonograms from 29 October, 1971;

Madrid Agreement on International Registration of Marks from April 14, 1891 and the Protocol Relating to the Madrid Agreement on International Registration of Marks from 28 June, 1989;

International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations from 26 October, 1961;

Paris Convention for the Protection of Industrial Property from 20 March, 1883;

The Singapore Agreement on the Laws of Trademarks from 27 March, 2006.

The member states, which are not the participants of specified international agreements shall assume obligation on accession to them.

4. Regulation of relations in the scope of security and protection of rights to the objects of intellectual property, including determination of features of legal regime applied to certain types of objects of intellectual property shall be carried out according to the annex №26 to this Agreement.

Article 91 Enforcement

1. The member states shall carry out the enforcement measures on ensuring of effective protection of rights to the objects of intellectual property.

2. The member states shall carry out actions on protection of rights to the objects of intellectual property, as well as in accordance with the Customs Code of the Eurasian Economic Union, as well as with international treaties and acts, constituting the law of the Union, regulating the customs legal relations.

3. Authorized bodies of the member states, vested with powers in the scope of protection of rights to the objects of intellectual property shall carry out cooperation and interaction for the purposes of coordination of actions on prevention, identification and suppression of violations of rights to the objects of intellectual property in the territories of the member states .

Section XXIV

INDUSTRY Article 92 Industrial policy and cooperation

1. The member states shall independently develop, form and implement the national industrial policy, as well as taking the national programs of industrial development and other measures of industrial policy, as well as determine the methods, forms and directions of provision of industrial subsidies, not contrary to Article 93 of this Agreement.

Industrial policy within the Union shall be formed by the member states on the basic directions of industrial cooperation, approved by Intergovernmental council and carried out by them upon consultative support and coordination of Commission.

2. Industrial policy within the Union shall be carried out by the member states on the basis of the following principles:

1) equality and account of the national interests of the member states;

2) mutually beneficial relationship;

3) fair competition;

4) nondiscrimination;

5) transparency.

3. The purposes of implementation of industrial policy within the Union shall be acceleration and improvement of stability of industrial development, improvement of competitive ability of industrial complexes of the member states, implementation of effective cooperation, directed to improvement of innovative activity, elimination of barriers in the industrial scope, as well as on the way of movement of industrial goods of the member states.

4. The member states for achievement of purposes of implementation of industrial policy within the Union may:

1) carry out mutual provision of information on plans of industrial development;

2) hold regular meetings (consultations) of representatives of authorized bodies of the member states, responsible for formulation and implementation of national industrial policy, as well as at the site of the Commission;

3) develop and implement the joint programs of development of priority types of economic activity for industrial cooperation;

4) develop and coordinate the list of sensitive goods;

5) implement the joint projects, as well as on development of infrastructure, necessary for improvement of effective industrial cooperation and deepening of industrial cooperation of the member states;

6) develop technological and information resources for the purposes of industrial cooperation;

7) conduct the joint scientific researches and engineering developments for the purposes of promotion of high-technology productions;

8) implement other measures, directed to elimination of barriers and development of mutual cooperation.

5. In the case of necessity, the relevant procedures of implementation of measures, specified in paragraph 4 of this Article shall be developed by the decision of Intergovernmental council.

6. The basic directions of industrial cooperation within the Union (hereinafter - the Basic directions), approved by the Intergovernmental council and including priority types of economic activity for industrial cooperation and sensitive goods shall be developed by the member states.

Commission shall annually conduct monitoring and analysis of results of implementation of basic directions and if necessary prepare suggestions on specification of Basic directions in coordination with the member states.

7. Upon development and implementation of politics in trade, customs and tariff, competitive, in the field of state purchases, technical regulation, development of entrepreneurial activity, transport and infrastructure and other scopes shall be considered the interests of development of industry of the member states.

8. In relation of sensitive goods, the member states shall conduct the consultations for mutual accounting of positions before adoption of measures of industrial policy.

The member states shall ensure the preliminary mutual provision of information on planned directions of implementation of national industrial policy on approved list of sensitive goods.

The member states jointly with Commission shall develop procedure of conducting of specified consultations and (or) mutual provision of information, which is approved by the Commission Council.

9. For implementation of industrial cooperation within the Union, the member states upon consultative support and coordination of Commission may develop and apply the following instruments:

1) stimulation of mutually beneficial industrial cooperation to create high-tech, innovative and competitive products, including through the implementation of cooperation projects in industrial sectors in accordance with Annex № 27 to this Agreement;

2) joint programs and projects upon participation of the member states on the mutually beneficial basis;

3) joint technology platforms and industrial clusters;

4) other instruments, contributing to the development of industrial cooperation.

10. Additional documents and mechanisms may be developed by the member states with participation of Commission for implementation of this Article.

11. Commission shall carry out consultative support and coordination of activity of the member states on the basic directions of industrial cooperation within the powers, determined by this Agreement according to the annex №27 to this Agreement.

For the purposes of this Article shall be used the concepts in accordance with the annex № 27 to this Agreement.

Footnote. Article 92 as amended by the Law of the Republic of Kazakhstan dated 27.05.2024 № 88-VIII.

Article 93 Industrial subsidies

1. For the purposes of ensuring of conditions for stable and efficient development of economics of the member states, as well as conditions, contributing to the development of mutual trade and fair competition between the member states, in the territories of the member states shall act the unified rules of provision of subsidies in relation of industrial goods, as well as upon provision or receiving of services, that are directly related with production, sale and consumption of industrial goods, according to the annex № 28 to this Agreement.

2. Obligation of the member states, arising from the provisions of this Article and annex №28 to this Agreement shall not be distributed to the legal relations of the member states with third countries.

3. For the purposes of this Article under the subsidy means:

a) financial assistance, which is subsidizing body of the member state (or structure authorized by the member state) in the result of which the advantages are created (ensured) and which is carried out by:

direct transfer of funds (for example, in the form of non-performing loans, credits), or acquisition of the share in the charter capital, or its increase, or obligation to transfer such funds (for example, loan guarantees);

full or partial non-collection of payments, which should enter to the income of the member state (for example tax benefits, debt forgiveness). Upon that exemption of exported industrial goods from duties and taxes, collected from the similar goods, intended for domestic consumption, or reduction of such duties and taxes, or return of such duties and taxes in the amount, not exceeding the actually assessed amount shall not be considered as subsidy;

provision of goods or services (except for the industrial goods or services, intended for support and development of common infrastructure);

purchase of industrial goods;

b) any other form of income or price support, which operates (directly or indirectly) to reduce the import of industrial goods from the territory of any member state or to increase the export of industrial goods to the territory of any member state, in the result of which provided an advantage.

Types of subsidies are provided by annex №28 to this Agreement.

4. Subsidizing body may entrust or order any other organization to execute one or several functions, imposed on it, relating to the provision of subsidies. Actions of such organization shall be considered as actions of subsidizing body.

Acts of the head of the member state, directed to provision of subsidies shall be considered as actions of subsidizing body.

5. Investigation shall be conducted according to the manner provided by the annex №28 to this Agreement for the purposes of analysis of conformity of subsidies, provided in the territory of the member state, provisions of this Article and annex №28 to this Agreement.

6. Commission shall ensure control of implementation of provisions of this Article and annex №28 to this Agreement and vested with the following powers:

1) carrying out monitoring and conducting of comparative legal analysis of the legislation of the member states for the subject of conformity to the provisions of this Agreement in relation of provision of subsidies, as well as preparation of annual reports on observation of provisions of this Article and annex №28 to this Agreement by the member state;

2) assistance in organization of consultations of the member states on issues of harmonization and unification of the legislation of the member states in the scope of provision of subsidies;

3) adoption of decisions, compulsory for execution by the member states, and provided by the annex №28 to this Agreement, in the results of procedure of voluntary coordination of planned to provision and provided specific subsidies, as well as:

adoption of decisions on admissibility or inadmissibility of specific subsidies in accordance with paragraph 6 of the annex №28 to this Agreement on the basis of criterions, determined by international treaty within the Union, provided by paragraph 7 of the annex № 28 to this Agreement;

conducting discussion on facts of provision of specific subsidies and adoption of decision, compulsory in relation of them, in the cases, determined by international treaty within the Union, provided by paragraph 7 of Annex №28 to this Agreement.

resolution of disputes on issues concerning implementation of this Article and annex №28 to this Agreement and provision of explanations on their application;

4) direction of requests and receiving information on provided subsidies in the manner and on conditions, which are established by international treaty within the Union, provided by paragraph 7 of annex №28 to this Agreement.

Application of subparagraphs 3 and 4 of this paragraph shall be carried out in recognition of transitional provisions, provided by paragraph 1 of Article 105 of this Agreement.

7. Disputes in relation of provisions of this Article and annex №28 to this Agreement in the first place shall be resolved through negotiations and consultations. If dispute is not settled by negotiations and consultations during 60 calendar days from the date of official written request on their conducting, directed by the member state, initiated a dispute, to the respondent state, the claimant state shall have a right to apply to the Court of the Union.

In the case if the Court decisions of the Union are not executed during established period of time or if the Court of the Union decides that measures, on which the respondent state is notified, do not comply with provisions of this Article and annex №28 to this Agreement, the claimant state shall have a right to take proportionate retaliatory measures.

8. The term, during of which the member states may challenge specific subsidy, provided in violation of annex №28 to this Agreement shall consist 5 years from the date of provision of specific subsidy.

Section XXV
AGROINDUSTRIAL COMPLEX Article 94 Purposes and tasks of coordinated (systematic) agroindustrial policy

1. For the purposes of ensuring of development of agroindustrial complex and countryside in the interests of population of each member state and Union as whole, as well as economic integration within the Union shall be conducted the coordinated (systematic) agroindustrial policy, suggesting also application of mechanisms of regulation, provided by this Agreement and other international treaties within the Union in the scope of agroindustrial complex, mutual provision of plans (programs) of development of production on each of sensitive agricultural goods, the list of which is formed on the basis of suggestions of the member states and approved by the Council of Commission to each other by the member state and to the Commission.

2. The basic purpose of coordinated (systematic) agroindustrial policy shall be effective implementation of resource potential of the member states for optimization of volumes of production of competitive agricultural products and foodstuffs, satisfaction of wants of common agricultural market, as well as increasing export of agricultural products and foodstuffs.

3. Implementation of coordinated (systematic) agricultural policy shall ensure decision of the following tasks:

1) balanced development of production and markets of agricultural products and foodstuffs;

2) ensure fair competition between the subjects of the member states, as well as equal conditions of access to the common agricultural market;

3) unification of requirements, related with application of agricultural products and foodstuffs;

4) protection of interests of producers of the member states in the domestic and foreign markets.

Article 95 Basic direction of coordinated (systematic) agricultural policy and measures of the state support of agriculture

1. Tasks solution of coordinated (systematic) agroindustrial policy shall suppose the use of mechanisms of interstate interaction on the following basic directions:

1) forecasting in the agricultural complex;

2) state support of agriculture;

3) regulation of common agricultural market;

4) unified requirements in the scope of production and application of products;

5) development of export of agricultural products and foodstuffs;

6) scientific and innovative development of agroindustrial complex;

7) integrated information support of agricultural complex.

2. For implementation of measures of coordinated (systematic) agricultural policy shall be conducted regular consultations of representatives of the member states, organized by Commission, as well as on sensitive agricultural goods, at least once a year. According to the results of consultations shall be developed recommendations on implementation of coordinated (systematic) agroindustrial policy within the basic directions, determined in paragraph 1 of this Article.

3. Upon conducting of coordinated (systematic) agroindustrial policy, the member states shall consider the special nature of activity in the field of agriculture, conditioned not only by industrial, economic, but social importance of the industry, structural and climatic differences between regions and territories of the member states.

4. Implementation of policy in other scopes of integration interaction, as well as in the scope of ensuring of sanitary, phytosanitary and veterinary (veterinary and sanitary) measures in relation of agricultural products and foodstuffs shall be carried out in recognition of purposes, tasks and directions of coordinated (systematic) agroindustrial policy.

5. The state support of agriculture within the Union shall be carried out in accordance with approaches according to the annex №29 to this Agreement.

6. Disputes in relation of this Article and annex №29 to this Agreement primarily shall be resolved by conducting of negotiations and consultations upon participation of Commission. If dispute does not settle by negotiations and consultations during 60 calendar days from the date of official written request on their conducting, directed by the member state, initiated the dispute, to the member state, acting as respondent, the member state, being the claimant shall have a right to apply to the Court of the Union. Upon direction of official request on conducting of negotiations and consultations, the member state, being a claimant shall inform on that the Commission during 10 calendar days from the date of direction of such request.

7. For implementation of coordinated (systematic) agroindustrial policy of the Commission shall carry out:

1) development, coordination and implementation of basic directions of coordinated (systematic) agroindustrial policy jointly with the member states within presented powers;

2) coordination of activity upon preparation of joint forecasts of development of agroindustrial complex, demand and proposals by the member states in relation of agricultural products and foodstuffs;

3) coordination of mutual provision of development programs of agroindustrial complex and its separate branches by the member states;

4) monitoring of development of agroindustrial complexes of the member states, application of the measures of the state regulation of agroindustrial complexes by the member states, as well as measures of the state support of agriculture;

5) price monitoring and analysis of competitive ability of released products on coordinated nomenclature by the member states;

6) assistance in organization of consultations and negotiations on issues of harmonization of the legislation of the member states in the scope of agroindustrial complex, as well as the legislation in the field of the state support of agriculture, as well as on issues of disputes resolution, related with observance of the obligations in the field of the state support of agriculture;

7) monitoring and conducting of comparative legal analysis of the legislation of the member states in the field of the state support of agriculture for the subject of its conformity to the obligations within the Union;

8) preparation and provision of reviews of the state policy in the scope of agroindustrial complex and state support of agriculture in the member states to the member states, including recommendations on improvement of effectiveness of the state support;

9) render assistance to the member states on issues, related with calculating the volumes of the state support of agriculture;

10) preparation of recommendations on carrying out of coordinated actions, directed to development of export potential in the scope of agroindustrial complex jointly with the member states;

11) coordination of actions upon carrying out by the member states the joint scientific and innovative activity in the scope of agroindustrial complex, as well as within implementation of interstate programs by the member states;

12) coordination of development and implementation of unified requirements by the member states in relation of conditions of import, export and transfer within the customs territory of the Union of breeding products, methods of determination of breeding value of breeding animals, as well as forms of breeding licenses (certificates, passports);

13) coordination of development and implementation of unified requirements in the scope of test of breeds and seed breeding of agricultural plants, as well as mutual recognition of documents, certifying varietal and sowing quality of seeds by the member states;

14) rendering assistance in ensuring of equal competitive conditions within the basic directions of coordinated (systematic) agricultural policy.

Section XXVI
LABOUR MIGRATION Article 96 Cooperation of the member states in the scope of labour migration

1. The member states shall carry out cooperation in coordination with policy in the scope of regulation of the labour migration within the Union, as well as on rendering of assistance

to the organized recruitment and involvement of workers of the member states for carrying out by them the labour activity in the member states.

2. Cooperation of the member states in the scope of labour migration shall be carried out by interaction of the state bodies of the member states, to the competence of which the relevant issues are referred.

3. Cooperation of the member states in the scope of labour migration within the Union shall be carried out in the following forms:

1) coordination of common approaches and principles in the scope of labour migration;

2) exchange of regulatory legal acts;

3) exchange of information;

4) implementation of measures, directed to prevention of dissemination of false information;

5) exchange of experience, conducting of probations, seminars and training courses;

6) cooperation within the consultative bodies.

4. In coordination of the member states may be determined other forms of cooperation in the scope of migration.

5. Concept, used in this section are as follows:

"the state of entry" – the member state, in the territory of which is the citizen of another member state;

"the state of permanent residence" – the member state, the citizen of which is the workers of the member state;

"the state of employment " – the member state, in the territory of which the labour activity is carried out;

"documents on education" – documents of the state sample on education, as well as documents on education, recognized on the level of the state documents on education;

"customer of works (services) – legal entity or individual, which provide the work to the worker of the member state on the basis of civil agreement, concluded with it in the manner and conditions, which are provided by the legislation of the state of employment;

"migration card (card)" – a document, which contains the details on the citizen of the member state, entering to the territory of another member state, and serve for accounting and control of its temporary residence in the territory of the state of entry;

"employer" – legal entity or individual, which provides the work to the worker of the member state on the basis of labour agreement concluded with it in the manner and conditions , which are provided by the legislation of the state of employment;

"social security (social insurance)" – compulsory insurance on the case of temporary disability and in connection with motherhood, compulsory insurance from labour accidents, industrial diseases and compulsory health insurance;

"labour activity" – an activity on the basis of labour agreement or activity on execution of works (rendering of services) on the basis of civil agreement, carrying out in the territory of the state of employment in accordance with the legislation of this state;

"workers of the member state" – a person, being the citizen of the member state, lawfully residing and lawfully carrying out the labour activity in the territory of the state of employment, the citizen of which he (she) is not, and where does not permanently reside;

"family member" – a person who is married with the workers of the member state, as well as their dependents, children and other persons who are recognized as members of the family in accordance with the laws of the state of employment.

Article 97 Labour activity of workers of the member states

1. Employers and (or) customers of works (services) of the member state shall have a right to engage to carrying out of labour activity of the workers of the member states without accounting of restrictions on protection of national market of labour. Upon that the working member states are not required to obtain permission for carrying out of labour activity in the state of employment.

2. The member states shall not establish and not apply restrictions, established by their legislation for the purposes of protection of national market of labour, except for the restrictions, established by this Agreement and legislation of the member states for the purposes of ensuring of national security (as well as in the branches of economy, having strategic importance) and public order, in relation of carrying out labour activity, occupation and residence area by the workers of the member states.

3. For the purposes of carrying out of labour activity by the workers of the member states in the state of employment shall be recognized the documents on education, issued by the educational organizations (educational institutions, organizations in the scope of education) of the member states, without conducting of procedures of recognition of documents on education, established by the legislation of the state of employment.

Workers from one Member State applying to engage in medical or pharmaceutical activities in another Member State shall undergo the procedure established by the legislation of the State of employment for the recognition of educational documents and may be admitted to medical or pharmaceutical activities in accordance with the legislation of the State of employment.

To carry out work activities by workers of the Member States, documents on academic degrees and academic titles issued in accordance with the legislation of the Member States shall be recognized in the state of employment in accordance with individual international treaties within the Union. In the absence of international treaties, the indicated documents shall be recognized in accordance with the legislation of the state of employment.

Employers (customers of works (services)) shall have a right to request certified translation of documents on education in the language of the state of employment, as well as

in the case of necessity for the purposes of verification of documents on education of workers of the member states to direct the requests, as well as by application to the information databases, educational organizations (educational institutions, organizations in the scope of education), issued a document on education and receive the relevant responses.

4. Labour activity of worker of the member state shall be regulated by the legislation of the state of employment in recognition of provisions of this Agreement.

Citizens of the Member States who are legally in the territory of another Member State, in the presence of an employment or civil law contract concluded by an employee of a Member State with an employer or customer of works (services), shall have the right to apply to the competent authorities of that Member State directly or using public information and telecommunications networks, including the Internet (if such a possibility exists in the state of employment), to change the purpose of entry without leaving the state of employment, if it is necessary to change the purpose of stay in the state of employment to carry out work activities.

5. The term of temporary stay (residence) of worker of the member state and family members in the territory of the state of employment shall be determined by the term of effect of labour or civil agreement, concluded by the worker of the member state with employer or customer of works (services).

6. Citizens of the member state, arrived to the territory of another member state for the purposes of carrying out of labour activity or employment, and family members shall be excused from obligation of registration (putting on record) within 30 days from the date of entry.

In the case of stay of citizens of the member state in the territory of another member state for more than 30 days from the date of entry, these citizens shall be obliged to register (register) in accordance with the legislation of the state of entry, if such obligation is established by the legislation of the state of entry.

7. Citizens of the member state upon entry to the territory of another member state in the cases, provided by the legislation of the state of entry shall use migration cards (cards), unless otherwise provided by separate international treaties of the member states.

8. Citizens of the member state upon entry to the territory of another member state of one of valid documents, allowed affixing marks of bodies of border control on suppression of the state border, upon condition, that the term of their stay does not exceed 30 days from the date of entry shall be excused from using of migration card (card), if such obligation is established by the legislation of the state of entry.

9. In the case of early dissolution of labour or civil agreement after expiration 90 days from the date of entry to the territory of the state of employment, the workers of the state member shall have a right to conclude a new labour or civil agreement without departure from the territory of the state of employment during 15 days.

Footnote. Article 97 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

Article 98 Rights and obligation of the worker of the state member

1. The workers of the state member shall have a right to engage in professional activity in accordance with speciality and qualification, specified in the documents on education, documents on awarding of academic degree and (or) awarding of academic rank, recognized in accordance with this Agreement and legislation of the state of employment.

2. The workers of the member state and family members shall implement a right in the manner established by the legislation of the state of employment to:

1) possession, use and disposition of its property;

2) protection of property;

3) free transfer of funds.

3. Social assistance (social insurance) (except for the retirement) of the workers of the member states and family members shall be carried out on the same conditions and in the same manner, that the citizen of the state of employment.

Labour (insurance) experience of the workers of the member states shall be included to the total labour (insurance) experience for the purposes of social assistance (social insurance), except for the retirement, in accordance with the legislation of the state of employment.

Retirement assistance of the workers of the member states and family members shall be regulated by the legislation of the state of permanent residence, as well as in accordance with separate international treaty between the member states.

4. A right of workers of the member states and family members to receive emergency medical assistance (in emergency and urgent forms) and in other medical assistance shall be regulated in the manner according to the annex №30, as well as by the legislation of the state of employment and international treaties, the participant of which it is.

5. The workers of the member state shall have a right to enter to the trade unions equally with the citizens of the state of employment.

6. The workers of the member state shall have a right to obtain employment from the state bodies of the state (to the competence of which the relevant issues are referred) and information from employer (customer of works (services)), concerning the order of its stay, conditions of carrying out of labour activity, as well as rights and obligations, provided by the legislation of the state of employment.

7. On the request the worker of the member state (as well as former) the employer (customer of works (service)) shall be obliged to issue him (her) certificate (certificates) and (or) certified copy of certificate (certificates) on free basis with specification of professions (specialties, qualifications and positions), period of work and amount of salary in the terms, established by the legislation of the state of employment.

8. Children of the worker of the member state, living together with him (her) in the territory of the state of employment shall have a right to visit preschools, getting education in accordance with the legislation of the state of employment.

9. The workers of the member state and family members shall be obliged to observe the legislation of the state of employment, respect the culture and traditions of people of the state of employment, bear responsibility for committed infractions in accordance with the legislation of the state of employment.

10. The incomes of worker of the member state, received by them in the result of carrying out of labour activity in the territory of the state of employment shall subject to taxation in accordance with international agreements and legislation of the state of employment in recognition of provisions of this Agreement.

PART FOUR
TRANSITIONAL AND FINAL PROVISIONS
Section XXVII
TRANSITIONAL PROVISIONS Article 99 General transitional provisions

1. International treaties of the member states, concluded within formation of the legal base of Customs Union and Common Economic Space, operating at the date of entering into force of this Agreement shall include to the right of the Union as international treaties within the Union and applied in a part, not contradicting to this Agreement.

2. Decisions of Superior Eurasian Economic council on the level of heads of the states, Superior Eurasian economic council on the level of heads of governments and Eurasian economic commission, operating at the date of entering into force of this Agreement shall remain in the legal force and applied in a part, not contradicting to this agreement.

3. From the date of entering into force of this Agreement:

functions and powers of Superior Eurasian Economic Council on the level of heads of the states and Superior Eurasian Economic Council on the level of heads of governments, operated in accordance with Agreement on Eurasian Economic Commission from 18 November, 2011 shall be respectively carried out by the Superior Council and Intergovernmental council, operating in accordance with this Agreement.

Eurasian Economic Commission, approved in accordance with Agreement on Eurasian Economic Commission from 18 November, 2011 shall carry out its activity in accordance with this Agreement;

members of the College of Commission, appointed before entering into force of this Agreement shall continue exercise its functions before expiration of the term of powers, on which they are appointed;

directors and deputy directors of departments, labour agreements of which are concluded with them before entering into legal force of this Agreement, shall continue execute of obligations, imposed on them before expiration of terms, provided in the labour agreements;

substitution of vacant positions in the structural subdivisions of Commission shall be carried out in the manner provided by this Agreement.

4. The international agreements, specified in the annex №31 to this Agreement shall also operate within the Union.

Article 99[1] Transitional provisions relating to Section VI

Prior to the entry into operation of the Union's integrated information system, the information referred to in paragraphs 40 and 41 of Annex № 5 to this Treaty shall be sent by electronic communication channels in the form of graphical electronic copies of documents containing this information.

Footnote. Section XXVII as supplemented by Article 99[1] in obedience to Law of the RK № 6-VII of 15.02.2021.

Article 100 Transitional provisions in relation of section VII

1. Functioning of common market of medicinal products within the Union shall be carried out starting from 1 January, 2016 in accordance with international treaty within the Union, determined the unified principles and rules of treatment of medicinal products, which shall be concluded by the member states not later than 1 January, 2015.

2. Functioning of common market of medicinal goods (medical devices and medical equipment) within the Union shall be carried out starting from 1 January, 2016 in accordance with international treaty within the Union, determined the unified principles and rules of treatment of medicinal goods (medical devices and medical equipment), which shall be concluded by the member states not later than 1 January, 2015.

Article 101 Transitional provisions in relation of section VIII

1. Before entering to the force of the Customs Code of the Eurasian Economic Union, the customs regulation in the Union shall be carried out in accordance with Agreement of the Customs Code of the Customs Union dated 27 November, 2009 and other international treaties of the member states, regulating the customs legal relations, concluded within formation of the legal base of Customs Union and Unified Economic space and including in accordance with Article 99 of this Agreement and Union Law, in recognition of provisions of this Article.

2. For the purposes of application of international treaties, specified in paragraph 1 of this Article under the concepts used in them refers to the following:

“member states of the customs union” – the member states in the meaning, determined by this Agreement;

“unified customs territory of the customs union (customs territory of customs union)” – customs territory of the Union;

"unified Tradable nomenclature of foreign economic activity of the customs union (" Tradable nomenclature of foreign economic activity)" – unified Tradable nomenclature of foreign economic activity of the Eurasian economic Union;

"Unified customs tariff of the customs union" – Unified customs tariff of the Eurasian economic union;

"Commission of the customs union" – Eurasian economic commission;

"international treaties of the member states of the customs union" – international treaties within the Union, as well as international treaties of the member states, including in accordance with Article 99 of this Agreement to the Union Law;

"customs border of the customs union (customs border)" – customs border of the Eurasian economic union;

"goods of the customs union" – goods of the Eurasian economic union.

3. For the purposes of application of international treaties, specified in paragraph 1 of this Article, the prohibitions and restrictions shall include the measures of non-tariff regulation (as well as introduced on the basis of general exceptions, protection of foreign financial position and ensuring of equality of balance of payment on unilaterally basis), applied in relation of goods, transferred through the customs border of the Union, the measures of technical regulation, measures of export control and measures in relation of products of military purpose, as well as sanitary, veterinary and sanitary, quarantine phytosanitary measures and radiation requirements.

Upon that the measures of non-tariff regulation, as well as introduced on the basis of general exceptions, protection of foreign financial position and ensuring equality of balance of payments on unilaterally basis shall include the measures, determined by Article 46 and 47 of this Agreement.

Provisions of international agreements, specified in paragraph 1 of this Article, except for the paragraphs 3 and 4 of Article 3 of the Customs code of customs union, concerning determination and application (non-application) of prohibitions and restrictions shall not be applied.

Upon transfer of goods through the customs border of the Union, as well as the goods for personal use and (or) placement of goods under the customs procedure of observance of prohibitions and restrictions shall be approved in the cases and procedure, established by Commission or regulatory legal acts of the member states in accordance with this Agreement or established in accordance with the legislation of the member states, by presentation of documents and (or) details, approving observance of prohibitions and restrictions.

Veterinary and sanitary, quarantine phytosanitary, sanitary and epidemiological, radiation and other types of the state control (supervision) upon transfer of goods through the customs border of the Union shall be carried out and formed in accordance with this Agreement or acts of Commission, adopted in accordance with it or regulatory legal acts of the member states or in accordance with the legislation of the member states.

4. Article 51 of the Customs Code of customs union in a part of maintenance of unified Tradable nomenclature of foreign economic activity of the customs union shall be applied in recognitions of provisions of Article 45 of this Agreement.

5. Chapter 7 of the Customs code of customs union shall be applied in recognitions of provisions of Article 37 of this Agreement.

6. Paragraph 2 of Article 70 of the Customs Code of customs union shall not be applied.

Special, antidumping, compensatory duties shall be established in accordance with provisions of this Agreement and collected in the manner provided by the Customs code of customs union for collection of import customs duties, in recognition of provisions of Article 48 and 49 of this Agreement, as well as in recognition of the following.

Special, antidumping, compensatory duties shall subject to payment upon transfer of goods under the customs procedure, conditions of which in accordance with international treaties, specified in paragraph 1 of this Article shall provide observance of restrictions in connection with application of special protective, antidumping and compensatory measures.

Calculation of special, antidumping, compensatory duties, occurrence and termination of obligation on payment of these duties, determination of terms and procedure of their payment shall be carried out in the manner, provided by the Customs Code of the customs union for the import customs duties, in recognition of features, established by this Agreement.

Upon application of antidumping or compensatory duties in accordance with paragraphs 104 and 169 of Protocol on application of special protective, antidumping and compensatory measures in relation to the third countries (annex №8 to this Agreement), the antidumping, compensatory duties shall subject to payment not later than 30 business days from the date of entering into force of decision of Commission on application of antidumping or compensatory duties, as well as transfer and distribution in the manner determined in the annex to the specified Protocol.

Change of terms of payment of special, antidumping, compensatory duties in the form of deferral or instalment shall not be conducted.

In the case of non-payment or incomplete payment of special, antidumping, compensatory duties in the established terms of their recovery shall be carried out in the manner, provided for the import customs duties by the legislation of the member state, customs body of which the collection of customs duties, taxes with accrual of penalties is carried out. Upon that procedure of calculation, payment, collection and return of penalties similar to the procedure, established for the penalties, paid, collected in connection with non-payment or incomplete payment of import customs duties.

Provisions of this paragraph shall be distributed to calculation, payment and collection of preliminary special, preliminary antidumping, preliminary compensatory duties.

7. Article 74 of the Customs Code of customs union in a part of tariff benefits shall be applied in recognition of provisions of Article 43 of this Agreement.

8. Second part of paragraph 2 of Article 77 of the Customs Code of customs union shall not be applied.

For the purposes of calculation of export customs duties shall be applied the rates, established by the legislation of the member state, in the territory of which the goods are placed under the customs procedure or in the territory of which the fact of illegal movement of goods through the customs border of the Union is identified, unless otherwise established by international treaties within the Union and (or) bilateral international treaties between the member states.

Article 102 Transitional provisions in relation of section IX

1. In despite of provision of Article 35 of this Agreement, the member states shall have a right to provide preferences in the trade with third party on unilaterally basis by virtue of concluded international treaty of this member state with such third party before 1 January, 2015 or international treaty, participants of which are the all the member states.

The member states shall carry out unification of agreements, on the basis of which the preferences are provided.

2. Special protective, antidumping and compensatory measures, applied in relations of goods, imported in the customs territory of the Union, by revision of special protective, antidumping and compensatory measures, acting in accordance with the legislation of the member states shall be applied prior expire of the term of validity of specified measures, established by the relevant decision of commission, and may subject to revision in accordance with provisions of section IX of this Agreement and annex №8 to it.

3. For the purposes of implementation of provisions of Article 36 of this Agreement before entering into force of decision of Commission, establishing conditions and procedure of application of unified system of tariff preferences of the Union in relation of goods, originating from the developing countries and (or) the least developed countries shall be applied the Protocol on the unified system of tariff preferences of the Customs union dated 12 December 2008.

4. Before entering into force of decision of commission, establishing the rules of determination of origin of goods, provided by paragraph 2 of Article 37 of this Contract shall be applied Agreement on the unified rules of determination of country of origin of goods dated 25 January, 2008.

5. Before entering into force of decision of Commission, establishing the rules of determination of origin of goods, provided by paragraph 3 of Article 37 of this Contract shall be applied Agreement on the rules of determination of origin of goods from the developing and least developed countries dated 12 December, 2008.

Article 103 Transitional provisions in relation of section XVI

1. For achievement of objectives, set out in paragraph 1 of Article 70 of this Agreement, the member states shall implement harmonization of its legislation in the scope of financial market to 2025 in accordance with international treaty within the Union and Protocol on financial services (annex №17 to this Agreement).

2. The member states after termination of harmonization of the legislation in the scope of financial market shall adopt decision on powers and functions of supranational body on regulation of financial market and create it with location in the city of Almaty in 2025.

Article 104 Transitional provisions in relation of section XX

1. For the purposes of ensuring of development of indicative (forward) gas balance, oil and petroleum products of the Union, ensuring to the effective use of the total energy potential and optimization of interstate supplies of fuel and energy resources, authorized bodies of the member states shall develop and approve the methodology of formation of indicative (forward) gas balance, oil and petroleum products before 1 July, 2015.

2. Repealed by Law of the Republic of Kazakhstan № 109-VII of 16.03.2022 (see Article 2 for the enactment procedure).

3. Repealed by Law of the Republic of Kazakhstan № 109-VII of 16.03.2022 (see Article 2 for enactment procedure).

4. For the purposes of formation of common market of gas of the Union, the Superior council shall approve the concept before 1 January, 2016 and the formation program of common market of gas of the Union before 1 January, 2018, providing the term of implementation of measures of program before 1 January, 2024.

5. On termination of implementation of measures of formation program of common market of gas of the Union, the member states shall conclude an international treaty within the Union on formation of common market of gas of the Union, as well as containing the unified rules of access to the transportation systems of gas, located in the territories of the member states and ensure entering it into force not later than 1 July, 2019.

6. For the purposes of formation of common market of oil and petroleum products, the Superior council shall approve the concept before 1 January, 2016 and the formation program of common market of oil and petroleum products of the Union before 1 January, 2018, providing the term of implementation of measures of program before 1 January, 2024.

7. On termination of implementation of measures of formation program of common market of oil and petroleum products of the Union, the member states shall conclude an international treaty on formation of common market of oil and petroleum products of the Union, as well as containing the unified rules of access to the transportation systems of oil and petroleum products, located in the territories of the member states and ensure entering it into force not later than 1 July, 2019.

8. Since the date of entry into force of the last of the acts enacted under paragraphs 5 to 8 of the Protocol on the Common Electricity Market of the Eurasian Economic Union (Annex № 21 hereto):

paragraphs 43 to 49 of the said Protocol and its annex shall cease to have effect;

paragraph 2, indents 1 and 2, paragraph 5, paragraphs 10 to 38, indents 3 and 4, paragraph 39, paragraph 40 of the said Protocol shall become effective..

9. Protocol on rules of access to the services of subjects of natural monopolies in the scope of transportation of gas on transportation systems of gas, including the basics of pricing and tariff policy (annex №22 to this Agreement) is valid until entering to the force of international treaty, provided by paragraph 5 of this Article.

10. Protocol on procedure of organization, management, functioning and development of common markets of oil and petroleum products (annex №23 to this Agreement) is valid until entering to the force of international treaty, provided by paragraph 7 of this Article.

Footnote. Article 104 as amended by Law of the Republic of Kazakhstan № 109-VII of 16.03.2022 (see Article 2 for the enactment procedure).

Article 105 Transitional provisions in relation of section XXIV

1. The member states shall ensure entering into force of international treaty within the Union, provided by paragraph 7 of Protocol on the unified rules of provision of industrial subsidies (annex №28 to this Agreement), from 1 January, 2017.

Provisions of subparagraphs 3 and 4 of paragraph 6 of Article 93 of this Agreement, paragraphs 6, 15, 20, 87 and 97 of Protocol on the unified rules of provision of industrial subsidies (annex №28 to this Agreement) shall enter into the force from the date of entering into force of the specified international treaty.

2. Provisions of Article 93 of this Agreement and Protocol on the unified rules of provision of industrial subsidies (annex №28 to this Agreement) shall not be distributed on the subsidies, provided in the territories of the member states before 1 January, 2012.

Article 106 Transitional provisions in relation of section XXV

1. For the Republic of Belarus in relation of provisions of first item of paragraph 8 of Protocol on measures of the state support of agriculture industry (annex №29 to this Agreement) shall be established the transitional period before 2016, during of which the Republic of Belarus is obliged to reduce the permissible amount of the state support of agricultural industry as follows:

in 2015 – 12 percent;

in 2016 – 10 percent.

2. Methodology of calculation of permitted level of measures, rendering of distorting effect on the trade, provided by second item of paragraph 8 of Protocol on measures of the

state support of agricultural industry (annex №29 to this Agreement) shall be developed and approved before 1 January, 2016.

3. Obligations provided by the third item of paragraph 8 of Protocol on measures of the state support of agricultural industry (annex №29 to this Agreement) shall enter into the force for the Republic of Belarus not later than 1 January, 2025.

Article 106[1] Transitional Provisions in relation to Section XXVIII

The right to a long-service pension under the procedure prescribed by paragraph 53 of the Regulation on Social Guarantees, Privileges and Immunities in the Eurasian Economic Union (Annex № 32 to this Agreement) shall be retained, notwithstanding the changes in the length of civil service experience introduced by the Protocol amending the Agreement on the Eurasian Economic Union of May 29, 2014 concerning pension provision for officials and employees of the Eurasian Economic Commission and the Court of the Eurasian Economic Union who are nationals of the Russian Federation, signed on March 24, 2022 (hereinafter referred to as the "Protocol on Amendments"):

for persons entitled to a long-service pension under paragraph 53 of the Regulation on Social Guarantees, Privileges and Immunities in the Eurasian Economic Union (Annex № 32 to this Agreement) and discharged from positions held in the Commission or Court of the Union prior to the entry into force of the Protocol on Amendments;

for persons serving on the Commission or the Court of Justice of the Union on the date of entry into force of the Protocol on Amendments and who, on that date, have at least 20 years' seniority in the civil service for the purpose of the long-service pension;

for persons who, as of the date of entry into force of the Protocol on Amendments, serve on the Commission or the Court of Justice of the Union, who as of that date have at least 15 years' seniority in the civil service for the purpose of the long-service pension and who, prior to the entry into force of the Protocol on Amendments, are entitled to an old age (disability) insurance pension under the laws of the Russian Federation.

The mentioned categories of persons shall receive a long-service pension under the conditions and pursuant to the procedure determined by the legislation of the Russian Federation for federal civil servants in force as of December 31, 2016.

Footnote. Section XXVII as supplemented by Article 106[1] under Law of the Republic of Kazakhstan № 151-VII of 02.11.2022 (shall become effective on the date of receipt by the depositary, through diplomatic channels, of the last written notification of the member states' compliance with the domestic procedures necessary for its entry into force).

Section XXVIII
FINAL PROVISIONS Article 107 Social guarantees, privileges and immunities

In the territory of each of the member state of the Union, the members of Council of Commission and College of Commission, judges of the Court of the Union, civil servants and

employees of Commission and the Court of the Union shall be used the social guarantees, privileges and immunities, which are necessary for exercise them the powers and official (service) obligations, imposed on them. Amount of specified social guarantees, privileges and immunities shall be determined according to the annex №32 to this Agreement.

Article 108 Entry into the Union

1. The Union is open to entry of any state, sharing its purposes and principles, on conditions agreed by the member states.

2. The interested state shall direct the relevant application addressed to the Chairman of Superior council for obtainment of status of the state candidate for entry into the Union.

3. Decision on provision of the status of the state candidate for entering into the Union to the state shall be adopted by Superior council by consensus.

4. On the basis of decision of Superior council shall be formed the working group from representatives of the state candidate, member states and bodies of the Union (hereinafter – working group) for study of level of readiness of the state candidate to assume obligations, arising from the Union law, development of project of Program of actions on entering of the state candidate into the Eurasian economic union, as well as project of international treaty on entering of relevant state into the Union, by which the amount of rights and obligations of the state candidate is determined, as well as the format of its participation in the work of bodies of the Union.

5. Program of actions on entering of the state candidate into the Eurasian economic union shall be approved by Superior council.

6. Working group shall present the report on the course of implementation by the state candidate of the Program of actions on entering of the state candidate into the Eurasian economic union on a regular basis for consideration of Superior council. Based on the findings of working group that the state candidate fully comply with the obligations, arising from the Union law, the Superior council shall adopt decision on signing of international treaty with the state candidate on entering into the Union. The specified international treaty shall subject to ratification.

Article 109 The state observers

1. Any state shall have the right to apply to the Chairman of the Supreme Council with a request to be granted the status of an observer state in the Union. The procedure for such an application, as well as other issues related to the status of an observer state, shall be determined by a regulation approved by the Supreme Council.

2. Decision on provision of status of the state observer upon Union or on refusal in provision of such status shall be adopted by Superior council in recognition of interests of development of integration and achievement of objectives of this Agreement.

3. Authorized representatives of the state observer upon Union may present at the sittings of bodies of the Union at the invitation, receive the documents taken by the bodies of Union, not being the documents of confidential character.

4. The status of the state observer upon Union shall not give the right to participate in adoption of decision in the bodies of Union.

5. The state receiving the status of the state observer upon Union is obliged to keep from any actions, capable to cause damage to the interests of the Union and member states, object and purposes of this Agreement.

Footnote. Article 109 as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

Article 110 Working language of bodies of the Union

Language of international treaties within the Union and decisions of Commission

1. The working language of bodies of the Union is Russian language.

2. International treaties within the Union and decision of Commission, having compulsory nature for the member states shall be applied in Russian language with subsequent translation into the state languages of the member states, unless otherwise provided by their legislation in the manner determined by Commission.

Translation into the state languages of the member states shall be carried out at the expense of funds, provided in the budget of Union for these purposes.

3. In the case of occurrence of disagreements for the purposes of interpretation of international treaties and decisions, specified in paragraph 2 of this Article shall be used the text in Russian language.

Article 111 Access and publication

1. International treaties within the Union, international treaties with third party and decisions of bodies of the Union shall subject to official publication on the official website of the Union in the Internet in the manner established by the Intergovernmental council.

The date of publication of decision of body of the Union on the official website of the Union in the Internet shall be recognized the date of official publication of this decision.

2. None of decision, specified in paragraph 1 of this Article may not enter into force before its official publication.

3. Decisions of bodies of the Union shall be directed to the member states not later than 3 calendar days from the date of adoption of decision.

4. Bodies of the Union shall ensure preliminary publication of projects of decisions on official website of the Union in the Internet, at least 30 calendar days before the date when this decision is planned to take. Projects of decisions of bodies of the Union, adopted in the exceptional cases, requiring operative reaction may be published in other terms.

Interested persons may present to this body their comments and suggestions.

Procedure of collection, analysis and accounting of such comments and suggestions shall be determined by regulation of the work of relevant body of Union.

5. Decisions of bodies of the Union, containing information of restrictive distribution and projects of such decisions shall not subject to official publication.

6. Provisions of this Article shall not be applied in relation of decisions of the Court of the Union, procedure of entering into force and publication of which is determined by the Status of the Court of Eurasian economic union (annex №2 to this Agreement).

7. Provisions of paragraph 4 of this Article shall not be applied in relation of decisions of bodies of the Union in the cases, when preliminary publication of projects of such decisions may prevent to their execution or otherwise contrary to the public interest

Article 112 Disputes resolution

The disputes, related with interpretation and (or) application of provisions of this Agreement shall be resolved by consultations and negotiations.

In the case of failure to reach of the consent during 3 months from the date of direction of official written request on conducting of consultations and negotiations by one party of dispute to another party of dispute, unless otherwise provided by the Status of the Court of Eurasian economic union (annex №2 to this Agreement), the dispute may be submitted by any of the parties of dispute for consideration to the Court of the Union, if the parties of the dispute do not reached an agreement on the use of other mechanisms of its resolution.

Article 113 Entering of Agreement into force

This Agreement shall enter into force from the date of reception by depository of the last written notification on execution by the member states of interstate procedures, necessary for its entering into force.

In connection with entering into force of this Agreement, the effect of international treaties, concluded within formation of the Customs union and Unified economic space shall be terminated according to the annex №33 to this Agreement.

Article 114 Correlation of this Agreement with other international treaties

1. This Agreement shall not prevent to conclusion of international treaties, not contradicting to the purposes and principles of this Agreement, by the member states.

2. Bilateral international treaties between the member states, providing more deep level of integration in comparison with provisions of this Agreement or international treaties within the Union or providing additional advantages in favour of their individuals and (or) legal entities shall be applied in relation between the states, concluded them and may be concluded upon condition, that they do not affect the implementation of their rights and execution of

obligations on this Agreement and international treaties within the Union by them and other member states.

Article 115 Making amendments to the Agreement

Amendments and additions, which are formed by protocols and are an integral part of this Agreement may be made in this Agreement.

Article 116 Registration of Agreement in the Secretariat of Organization of United Nations

This Agreement shall subject to registration in the Secretariat of Organization of United Nations in accordance with Article 102 of the Charter of Organization of the Unified Nations.

Article 117 Reservations

Reservations to this Agreement shall not be allowed.

Article 118 Withdrawal from Agreement

1. Any of the member state shall have a right to withdraw from this Agreement by directing the written notification on its intention to withdraw from this Agreement to the depository of this Agreement on diplomatic channels. Effect of this Agreement in relation of this state shall be terminated upon expire of 12 months from the date of reception of this Agreement of such notification by depository.

2. The member state, notified on its intention to withdraw from this Agreement in accordance with paragraph 1 of this Article shall be obliged to regulate financial obligations, arising in connection with its participation in this Agreement. This obligation shall remain in force, despite of withdrawal of the state from this Agreement up to its full implementation.

3. Superior council shall adopt decision on beginning of process of regulation of obligations, incurred in connection with participation of the member state in this Agreement on the basis of notification, specified in paragraph 1 of this Article.

4. Withdrawal from this Agreement shall automatically entail termination of membership in the Union and withdrawal from international treaties within the Union.

It is performed in Astana on May 29, 2014 in one copy in the Belarusian, Kazakh and Russian languages??, all texts being equally authentic.

In the case of occurrence of disagreements for the purposes of interpretation of this Agreement shall be used the text in Russian language.

The original copy of this Agreement shall be stored in the Eurasian economic commission which was depository of this Agreement will direct to each Party its certified copy.

For the Republic of Belarus	For the Republic of Kazakhstan	For the Russian Federation

Annex № 1

to the Agreement
on Eurasian Economic Union

PROVISION on Eurasian Economic Commission

I. General provisions

1. In accordance with paragraph 1 of Article 18 of Agreement on Eurasian economic union (hereinafter – Agreement), Commission shall be permanently effectual regulatory body of the Union.

Basic tasks of Commission shall be ensuring of conditions of functioning and development of the Union, as well as development of suggestions in the scope of economic integration within the Union.

2. Commission shall carry out its activity on the basis of the following principles:

1) ensuring of mutual benefit, equality and accounting of national interests of the member states;

2) economic justification of adopted decisions;

3) openness, transparency and objectivity.

3. Commission shall carry out its activity within the powers, provided by Agreement and international treaties within the Union in the following scopes:

1) customs tariff and non-tariff regulation;

2) customs regulation;

3) technical regulation;

4) sanitary, veterinary-sanitary and quarantine phytosanitary measures, emergency phytosanitary measures;

5) transfer and distribution of import customs duties;

6) establishment of trade regimes in relation of third parties;

7) statistics of foreign and mutual trade;

8) macroeconomic policy;

9) competitive policy;

10) industrial and agricultural subsidies;

11) energy policy;

12) natural monopolies;

13) state and (or) municipal purchases;

14) mutual trade in services and investments;

15) transport and transportation;

16) currency policy;

17) intellectual property;

18) labour migration;

19) financial markets (banking sector, scope of insurance, currency market, securities market);

20) other scopes, determined by Agreement and international treaties within the Union.

Footnote. Paragraph 3 as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

4. Commission shall ensure implementation of international treaties, including in the Union law within their powers.

5. Commission shall exercise functions of depository of international treaties within the Union, decision of Superior council and Intergovernmental council.

6. Commission may be vested with right by Superior council to sign international treaties on issues, including in the competence of Commission.

7. For the purposes of ensuing of effective functioning of the Union, Commission shall have a right to create consultative bodies for conducting of consultations on separate issues, making decisions on which is referred to the competence of Commission.

8. Commission shall have a right to request position on issues, considered by Commission of the member states. Request on provision of positions shall be directed to the governments of the member states. Commission shall also have a right to request information, necessary for exercise their powers by Commission from bodies of the member states, legal entities and individuals. Copies of requests of Commission to the address of legal entities and individuals, except for the requests, containing confidential information shall be simultaneously directed to the authorized body of executive power of the member state. Request on presentation of position or information on behalf of Commission shall be directed by the chairman or member of College of Commission, unless otherwise established by Agreement.

Executive bodies of the member states shall ensure provision of requested information within the term, established by Regulation of work of Commission, upon condition, that information does not contain details, referred to the state secret (state secrets) or to details of limited distribution in accordance with the legislation of the member states.

Procedure of exchange of information, containing details, referred to the state secret (state secrets) or details of limited distribution in accordance with the legislation of the member states shall be established by international treaties within the Union.

9. Commission is responsible for budget process of the Union and preparation of report on its execution and shall be manager of funds of the budget estimate of the Commission.

10. Commission shall be used the rights of legal entity.

11. Commission shall consist of the Council of Commission and College of Commission. Procedure of activity of Council of Commission and College of Commission shall be governed by Regulation of work of Eurasian economic commission, approved by the Superior council (hereinafter – Regulation).

12. Council of Commission shall have a right to form structural subdivisions (hereinafter – departments of Commission).

13. Commission within their powers shall make decision, having regulatory legal nature and instructions, compulsory for the member states, having organizational-administrative nature and recommendations, not having compulsory nature.

Decisions of Commission shall be a part of the Union Law and shall subject to the direct application in the territories of the member states.

14. Decisions, instructions and recommendations of Commission shall be applied by the Council of Commission and College of Commission within the powers, established by Agreement and international treaties within the Union and in the manner, provided by Agreement and Regulation.

Distribution of powers and functions of Council of Commission and College of Commission shall be determined by Regulation.

15. The Commission shall conduct:

assessment of the regulatory impact of draft decisions of the Commission and draft international treaties within the Union that may have an impact on the conditions for doing business (hereinafter referred to as the Regulatory impact assessment);

assessment of the actual impact of decisions taken by the Commission that affect the conditions for doing business (hereinafter referred to as the Assessment of the actual impact).

The decisions of the Commission that may affect the conditions for doing business shall be taken taking into account the results of the assessment of the regulatory impact of drafts of such decisions.

The conclusion on the assessment of the regulatory impact of a draft international treaty within the Union shall be sent to the member states at the same time as the draft international treaty shall be sent for domestic approval.

An assessment of the actual impact shall be carried out, as a rule, after every 3 years of the relevant Commission decision being in force.

The conclusion on the assessment of the actual impact shall be taken into account when making changes to the relevant decision of the Commission.

The procedure for conducting regulatory impact assessment procedures and actual impact assessment procedures shall be determined by the Regulation.

Footnote. Paragraph 15 – as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

16. Unless otherwise provided by Agreement and international treaties within the Union, decisions of Commission shall enter into force not earlier than 30 calendar days from the date of their official publication.

Decisions of Commission, specified in paragraph 18 of this Provision, as well as decisions of Commission, applied in the exceptional cases, requiring operative response may provide other term of entering into force, but not less than 10 calendar days from the date of their official publication.

Procedure of adoption and entering into force of decisions of Commission, specified in the second item of this paragraph shall be established by Regulation.

Decisions of Commission, containing details of limited distribution shall enter into force in the term, determined in them.

Instructions of Commission shall enter into force in the term, determined in them.

17. Decisions of Commission, aggravating position of individuals and (or) legal entities shall not have a retroactive effect.

18. Decisions of Commission, improving position of individuals and (or) legal entities may have retroactive effect, unless directly provide it.

19. Publication of decisions of Commission and ensuring of access to them shall be carried out in the manner established by Article 111 of agreement.

20. Making decisions of Commission shall be carried out in accordance with Article 18 of Agreement and this Provision by voting of members of Council of Commission or members of the College of Commission.

21. Votes in the Commission shall be distributed as follows:

1) in the Council of Commission – one vote of the member of Council of Commission shall be one vote;

2) in the College of Commission – one vote of member of College of Commission shall be one vote.

II. The Council of Commission

22. The Council of Commission shall carry out general regulation of integration processes in the Union, as well as general management of activity of commission.

23. The Council of Commission shall include one representative from each member state, being a deputy of the head of government and vested with necessary powers in accordance with the legislation of the state.

The member state shall notify each other, as well as the College of Commission on representative in the Council of Commission in the manner established by Regulation.

24. The Council of Commission shall carry out the following functions and powers:

1) organize the work on improvement of legal regulation of activity of the Union;

2) submit the basic directions of integration within the Union for approval of Superior council;

3) consider the issue on cancellation of decisions of Commission, adopted by the College of Commission or making amendments in the manner provided by paragraph 30 of this Provision;

4) consider results of monitoring and control of execution of international treaties, including in the Union Law;

5) submit for consideration by the Intergovernmental Council a report on monitoring the implementation of regulatory impact assessment procedures and actual impact assessment (once every 2 years);

6) approve the list of departments of Commission, their structure and staff number, as well as distribution them between the members of College of Commission by presentation of Chairman of the College of Commission;

7) approve qualifying requirements to the civil servants and employees of Commission;

8) make decision on the withdrawal of privileges and immunities from the employees of Commission on the grounds provided by Provision on social guarantees, privileges and immunities in the Eurasian economic union (provision №32 to the Agreement);

9) approve the project of budget of Union;

10) approve procedure of payment of labour of members of College of Commission, civil servants and employees of Commission;

11) approve general limited staff number of departments of Commission;

12) approve the plan on creation and development of integrated information system of the Union;

13) for the purposes of ensuring of observance of rights of citizens of the member states, provided by Agreement for employment to the departments of Commission shall form Ethics Commission upon Council of Commission and approve provision on it;

14) give instructions to the College of Commission;

15) exercise other functions and powers in accordance with Agreement, international treaties within the Union and Regulation.

Footnote. Paragraph 24 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

25. The Council of Commission shall have a right to determine the issues, on which the College of Commission is obliged to conduct consultations within the consultative body, created in accordance with paragraph 44 of this Provision before making decision of the Council of Commission or College of Commission.

26. Meetings of the Council of Commission shall be conducted in accordance with Regulation. Any member of the Council of Commission may initiate holding of meeting of the Council of Commission, as well as submit proposals to the agenda of meeting of the Council of Commission.

Meeting of the council of Commission shall be valid if it is attended by all members of the Commission.

27. In the meetings of the Council of Commission shall participate the Chairman of College of Commission, as well as by invitation of Council of Commission the members of College of Commission. Members of the Council of Commission may invite to the meetings of the Council of Commission the representatives of the member states and other persons.

In the meetings of the Council of Commission may participate the representatives of third countries in the manner and conditions, which are determined by Agreement.

28. Chairmanship in the Council of Commission shall be carried out in accordance with paragraph 4 of Article 8 of Agreement.

In the case of early termination of powers of Chairman of the Council of Commission, the new member of the Council of Commission from presiding member state shall exercise powers of Chairman of the Council of Commission during remaining period.

Chairman of the Council of Commission shall:

carry out general management by preparation of issues, submitted for consideration at the next meeting of the Council of Commission;

determine the agenda;

open, hold and close the meetings of the Council of Commission.

29. The Council of Commission shall make decision, instructions and recommendations within their powers.

The Council of Commission shall make decision, instructions and recommendations by consensus.

In the case if consensus is not reached, the issue shall be submitted for consideration to the Superior council or Intergovernmental council by suggestion of any member of the Council of Commission.

30. The member state or member of the Council of Commission shall have a right to submit proposal on its cancellation or making amendments to the College of Commission during 15 calendar days from the date of publication of decision of the College of Commission.

Chairman of the College of Commission shall direct materials on the relevant decision to the members of the Council of Commission in a day of reception of specified proposal.

After reception of such materials the Council of Commission shall consider them and make decision during 10 calendar days.

The member state in the case of disagreement with the decision taken by the Council of Commission according to the results of consideration of issue on cancellation of decision of the College of Commission or making amendments, or in the case of expire of the term, provided by the third item of this paragraph, but not later than 30 calendar days from the date of official publication of decision of the Council of Commission may direct a letter to the Commission signed by the head of government with proposal on submission of relevant issue for consideration of the Intergovernmental council and (or) Superior council.

Head of the government of the member state shall have a right to apply to the Commission with proposal on submission of issue in relation of decisions of commission, specified in the second item of paragraph 16 of this Provision, for consideration of Intergovernmental council and (or) Superior council at any stage before the date of their entering into force.

Decision of the College of Commission in relation of which the proposal on cancellation or making amendments in accordance with this paragraph was made shall not enter into force and shall be suspended for the term necessary for consideration of issue in relation of this decision by the Intergovernmental council and (or) Superior council and making of relevant decision according to the results of such consideration.

III. The College of Commission

31. The College of Commission shall executive body of Commission.

The College of Commission shall consist of the members of the College, one of which is the Chairman of the College of Commission.

The College of Commission shall be formed of representatives of the member states based on the principle of equal representation of the member states.

Numeral Composition of the College of Commission and distribution of obligations between the members of the College of commission shall be determined by Superior council.

The college of Commission shall carry out management by the departments of Commission.

32. The member of the College of Commission shall be the citizen of the member state, in which it is presented.

The members of the College of Commission shall meet the following requirements: have professional preparation (qualification), relevant to the official duties, as well as work experience on profile of official duties at least 7 years, as well as at least 1 year to replace the executive position in the state bodies of the member states.

33. The members of the College of Commission shall be appointed by Superior council for the term of 4 years with a possible extension of powers.

Chairman of the College of Commission shall be appointed by Superior council for the term of 4 years on the rotating basis without the right of extension. Rotation shall be carried out alternatively in the Russian alphabetical order by name of the member state.

34. The members of the College of Commission shall work in Commission on a permanent basis. The members of the College of Commission in the exercise of their powers are independent of the state bodies and civil servants of the member states and may not request or receive instructions from authorities or officials of the member states.

Mechanism of interaction of members of the College of Commission with the member states on issues of international activity shall be determined in accordance with Procedure of carrying out of international cooperation by the Union, approved by the Superior council.

35. The members of the College of Commission shall not have a right to combine the work in the College of Commission with other work or engage in other paid activity, except for teaching, scientific or other creative activity, during the term of their powers.

36. The members of the College of Commission shall not have a right to:

1) participate in activity of body of management of commercial organization on a paid basis;

2) carry out entrepreneurial activity;

3) receive remuneration from individuals and legal entities (gifts, monetary rewards, loans , services, payment for entertainment, rest, transportation charges and other remunerations) in connection with exercise of powers. The gifts received by the member of College of Commission in connection with protocol events, with official business trips and other official events (except for the symbolic) shall be recognized as the property of the Commission and transferred to the Commission by the act. The member of the College of Commission, transferred such gift may reacquire it in the manner approved by the Council of Commission;

4) carry out the trips in connection with execution of official duties at the expense of funds of individuals and legal entities;

5) use the means of logistical and other ensurance, other property of Commission for the purposes, not related with exercise of powers, as well as transfer them to other persons;

6) disclose or use details of confidential nature or official information, which became known to it in connection with the exercise of powers for the purposes, not related with exercise of powers;

7) use the powers of the member of the College of Commission in the interests of political parties, other public associations, religious associations and other organizations, as well as publicly express attitude to the specified associations and organizations as a member of the College of Commission, if it is not enter to their powers;

8) create the structure of political parties in the Commission, other public associations (except for the professional unions, veterans and other bodies of public self-activity) and religious associations or contribute to the creation of these structures.

37. A member of the College of Commission in the case of commercial holding of securities and (or) shares (shares of participation in the charter capitals of organization) shall be obliged to transfer their securities and (or) shares (shares of participation in the charter capitals of organizations) to the trust management within a reasonable time.

38. Restrictions, established by paragraphs 35-37 of this Provision shall be also distributed to the civil servants and employees of Commission.

39. Any violation of restrictions, established by paragraphs 35-37 of this Provision shall be the ground for early termination of powers of a member of the college of Commission, dissolution of labour agreement (contract) with civil servant, employee of Commission.

40. Each member state shall present the candidates for the post of a member of the College of Commission to the Superior council.

Personal composition of the College of Commission, including Chairman of the College of Commission shall be approved by Superior council by presentation of the member states.

In the case of non-approval of candidate of a member of the College of Commission by Superior council, the member state shall present a new candidate during 30 calendar days.

41. Member states shall not have a right to recall a member of the College of Commission , except for the cases of unfair execution of their official duties or cases, specified in paragraphs 35-37 of this Provision.

Early termination of powers of a member of the College of Commission (except for the cases of voluntary removal) shall be carried out by presentation of the member state on the basis of decision of Superior council.

In the case of early termination of powers of a member of the College of Commission, a new member of the College of Commission shall be assigned by presentation of the same member state, by whom a member of the College of Commission, terminated the powers was presented, for the remaining period of powers of the previous member of the College of Commission.

42. Assignment of responsibilities between members of the College of Commission, as well as total number of staff of departments of Commission and procedure of payment of labour of the members of the College of Commission, civil servant and employees of Commission (as well as their supplies) shall be approved by Superior council.

43. College of Commission shall ensure implementation of the following functions and powers:

1) carry out development of proposals and set of proposals, presented by the member states in the scope of integration within the Union (including development and implementation of basic directions of integration);

2) adopt decisions, instructions and recommendations;

3) execute decisions and instructions, adopted by Superior council and Intergovernmental council, and decisions, adopted by the Council of Commission;

4) carry out monitoring and control of execution of international treaties, included in the right of the Union, and decisions of Commission, as well as inform the member states on necessity of their execution;

5) annually present a report on executed work for consideration by the Council of Commission;

6) develop recommendations on issues, concerning formation, functioning and development of the Union;

7) prepare expert findings (in a written form) on the proposals of the member states, received to the Commission;

8) render assistance to the member states in the adjustment of disputes within the Union before application to the Court of the Union;

9) ensure presentation of interests of Commission in the judicial instances, including the Court of the Union;

10) carry out interaction with bodies of the state power of the member states within their powers;

11) consider requests, received to the Commission;

12) approve the plan of foreign business trips of members of the College, civil servants and employees of Commission for the regular year by presentation of Chairman of the College of Commission;

13) approve a plan of research works for the regular year by presentation of Chairman of the College of Commission after its consideration on the consultative committees, inform the Council of Commission on the specified plan;

14) carry out development of project of budget of the Union and preparation of projects of reports on its execution, ensure execution of budget estimate of Commission;

15) develop projects of international treaties and decisions of Commission, adopted by the Council of Commission, as well as other documents, necessary for implementation of powers of Commission;

16) carry out, in accordance with the established procedure, procedures for assessing regulatory impact and assessing actual impact, and also ensure the preparation of a report on monitoring the implementation of procedures for assessing regulatory impact and assessing actual impact;

17) ensure holding of meetings of the Council of Commission, Intergovernmental council and Superior council, as well as subsidiary bodies, created in accordance with paragraph 3 of Article 5 of Agreement;

18) present proposals on removal of privileges and immunities from civil servants and employees of Commission, for consideration of the Council of Commission;

19) place orders and conclude agreements for the supply of goods, execution of works and rendering of services for the needs of Commission in the manner approved by the Council of Commission;

20) ensure observation of procedure of the work with documents of limited distribution (confidential and for official use), approved by the Council of Commission.

Footnote. Paragraph 43 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

44. The College of Commission shall have a right to create consultative bodies upon College of Commission, an activity and procedure of which are determined by the relevant provisions, approved by the College of Commission. Upon that the relevant consultative body shall be created by the College of Commission on a mandatory basis for consideration of issues, determined by the Council of Commission.

45. Authorized representatives of bodies of the state power of the member states shall include to the composition of consultative bodies upon the College of Commission.

Representatives of business community, scientific and public organizations, and other independent experts shall be included to the composition of consultative bodies upon the College of Commission at the suggestion of the member states.

46. Consultative bodies upon the College of Commission shall carry out preparation of recommendations for the Commission within their powers on issues, referred to their

competence. Suggestions of members of consultative bodies, presented them at the meetings of consultative bodies may not be considered as final position of the member states.

47. Organizational and technical support of activity of consultative bodies upon the College of Commission shall be carried out by Commission.

Directing member states shall bear expenses related with participation of authorized representatives of bodies of the state power of the member states in the work of consultative bodies upon the College of Commission. The specified persons shall bear expenses related with participation of representatives of business community, scientific and public organizations, and other independent experts in the work of consultative bodies upon the College of Commission independently.

48. College of Commission shall adopt decisions, instructions and recommendations within their powers.

Decisions, instructions and recommendations of Commission, adopted by the College of Commission shall be signed by the Chairman of College of commission.

49. Meetings of the College of Commission shall be generally held at least 1 time per week.

Members of the College of Commission shall participate in the meeting of the College of commission personally, without the right to replace. In the case of objective impossibility of participation in the meeting of the College of Commission, a member of the College of Commission shall have a right to state its position in a written form in the manner established by Regulation or to delegate the right to present its position to the director of department of Commission, in the competence of which the issue under consideration is included, by attorney and with the consent of Chairman of the College of Commission. Upon that a director of department of Commission shall not have a right to vote in the voting.

One representative form the member state may present in the meetings of the College.

Extraordinary meetings shall be held at the request of at least one of the members of the College of Commission on the basis of decision of the Chairman of the College of Commission. Procedure of holding of meetings of the College of Commission and procedure of voting shall be established by Regulation.

50. A set of documents and materials for each of the issues of the project of agenda for the meetings of the College of Commission shall be distributed to the member states on a mandatory basis in accordance with Regulation, but not later than 30 calendar days before the date of meeting of the College of Commission.

51. Chairman of the College of Commission shall:

1) organize an activity of the College of Commission and bear responsibility for performance of functions, imposed on it;

2) form the projects of plans of meetings of the College of Commission and the Council of Commission in accordance with the established procedure for the next period and agendas of meetings of the College of Commission, Council of Commission, as well as projects of

agendas of the meetings of Superior council and Intergovernmental council, which subject to approval at the meeting of the council of Commission and are directed to the member states no later than 20 calendar days before the date of holding of the relevant meeting with the annex of necessary materials;

3) report to the Council of Commission, Intergovernmental council and Superior council on issues, requiring their decisions, and on other documents with relevant proposals on the results of their consideration at the meeting of the College of Commission;

4) establish procedure of the work of departments of Commission, as well as determine the issues, including in the scope of maintenance of departments of Commission;

5) organize the work on preparation of meetings of the College of Commission, Council of Commission, Intergovernmental Council and Superior council;

6) conduct meetings of the College of Commission;

7) participate in the meetings of the Council of Commission;

8) present the College of Commission in the Council of Commission;

9) present proposals on assignment of departments of Commission for the members of the College of Commission for consideration of the Council of Commission in coordination with the members of the College of Commission;

10) determine procedure of interaction with representatives of mass media, rules of public speeches of civil servants and employees of Commission and provision of official information ;

11) speak on behalf of Commission as administrator of the Union budget, is the manager of funds of the budget estimates of Commission, control the material resources of Commission, conclude civil agreements and appear in court;

12) assign directors of departments of Commission and their assistants on the results of competition and conclude the contracts with them;

13) conclude the labour agreements (contracts) with employees of Commission on behalf of Commission on the results of competition;

14) approve provisions on departments of Commission;

15) assign acting Chairman of the College of Commission from the number of members of the College of Commission;

16) exercise the powers of representative of the employer in relation of civil servants and employees of Commission, approve official regulations (instructions), approve the leave schedules, grant leaves and adopt decisions on detachment;

17) ensure conducting of verification on facts, imposed in application of the member state to recall of a member of the College of Commission on the grounds, specified in paragraphs 36 and 37 of this Provision, in the manner approved by the Council of Commission;

18) exercise other functions, necessary for ensuring of activity of the College of Commission and departments of Commission in accordance with Regulation.

52. A member of the College of Commission in accordance with assignment of responsibilities shall:

1) carry out preparation of proposals on issues, referred to its competence;

2) report at the meetings of the College of Commission and Council of Commission on issues, referred to its competence;

3) coordinate and control an activity of supervised departments of Commission;

4) prepare projects of decisions, instructions and recommendations of the College of Commission on issues, referred to its competence;

5) carry out monitoring of execution of international treaties, including to the Union law by the member states, on issues referred to its competence;

6) carry out monitoring of execution of decisions of Commission by the member states on issues, referred to its competence;

7) prepare projects of expert conclusions (in a written form) for the proposals of the member states, received to the Commission on issues referred to its competence;

8) carry out interaction with bodies of the state power of the member states within the powers of the College of Commission on issues referred to its competence (as well as request information, necessary for exercise of powers, from the bodies of the state power of the member states, legal entities and individuals);

9) ensure development of projects of international treaties, decisions, instructions and recommendations of Commission, adopted by the Council of Commission, as well as other documents, necessary for implementation of Commission on issues referred to its competence ;

10) ensure participation of supervised departments of Commission in conducting of evaluation procedure of regulatory impact according to the established procedure;

11) submit proposals on creation of consultative bodies for consideration of the College of Commission upon the College of Commission on issues, referred to its competence.

53. The issues, related with provision of privileges and immunities, social guarantees to the members of the College of Commission, as well as issues, related with labour relations and compulsory state social and retirement insurance shall be regulated in accordance with Provision on social guarantees, privileges and immunities in the Eurasian economic union (annex № 32 to the Agreement).

IV. Department of Commission

54. Ensuring of activity of the Council of Commission and College of Commission shall be carried out by departments of Commission.

Civil servants and employees shall include to the composition of departments of Commission.

Hiring of civil servants and employees of Commission shall be carried out in accordance with Article 9 of Agreement.

Directors of departments of the Commission and their deputies shall be appointed by the Chairman of the Collegium of the Commission upon the recommendation of the Competition Commission.

Employment agreements (contracts) shall be concluded with the directors of departments of the Commission and their deputies for a term not exceeding the term of office of the Collegium of the Commission, established under paragraph 33 of these Regulations.

The Chairman of the Collegium of the Commission may extend the employment agreements (contracts) of the directors of departments of the Commission and their deputies for up to 3 months on one occasion.

Should the employment agreement (contract) with the Director of the Department of the Commission or the Deputy Director of the Department of the Commission be terminated (terminated prematurely), the employment agreement (contract) with the person appointed to the vacant position of the Director of the Department of the Commission or the Deputy Director of the Department of the Commission shall be executed for the period remaining until the end of the term of the Board of the Commission, established under paragraph 33 of these Regulations.

Directors of departments of Commission and their assistants shall comply with the following requirements:

have the nationality of one of the member states;

have professional preparation (qualification) and work experience at least 5 years on the profile, relevant to the official duties.

Departments of the Commission shall be staffed through a competitive process from among the nationals of member states complying with the relevant qualification requirements for the position approved by the Council of the Commission and based on the outcomes of a qualification selection carried out in a member state, if the need for such a selection is provided by the legislation of a member state.

Commission officials shall be hired under employment agreements (contracts) concluded with the Chairman of the Collegium of the Commission for a period of 5 years. The labor agreement (contract) with an official of the Commission may be prolonged for the same period by the Chairman of the Collegium of the Commission upon the proposal of a member of the Collegium of the Commission, overseeing the activities of the relevant structural unit of the Commission including in view of the results of the performance appraisal.

Procedure of conclusion of labour agreement (contract), its extension and grounds for its dissolution shall be approved by the Council of Commission.

Additional requirements, which are specified in the manner of conducting of competition may be imposed to the candidates.

Employees of Commission shall be certified in the manner, approved by the Council of Commission.

Footnote. Paragraph 54 as amended by Law of the Republic of Kazakhstan № 145-VII of 10.10.2022 (shall become effective on the date of receipt by the depositary via diplomatic channels of the last written notification on completion by member-states of domestic procedures necessary for its entry into force).

55. Departments of Commission shall implement the following functions:

1) carry out preparation of materials of projects of decisions, instructions and recommendations on issues of functioning of the Union (as well as proposals on conclusion of international treaties and making amendments) for consideration by the members of the College of Commission;

2) carry out monitoring of execution of international treaties, including to the Union law, decisions and instructions of the College of Commission, Council of Commission, Intergovernmental council and Superior council by the member states, for the purposes of presentation of results for consideration by the members of the College of Commission;

3) carry out preparation of proposals on the results of monitoring and analysis of the legislation of the member states in the scopes, regulated by the Union law for consideration by the members of the College of Commission;

4) carry out preparation of projects of international treaties and other documents, necessary for functioning of the Union;

5) interact with bodies of the state power of the member states;

6) carry out preparation of projects of budget of the Union and report of its execution, develop the project of budget estimates of Commission and ensure its execution;

7) ensure execution of functions of depositary of international treaties within the Union by Commission;

8) participate in the established manner in the implementation of procedures for assessing regulatory impact and assessing actual impact, and also monitor the implementation of these procedures;

9) exercise other functions, determined by international treaties, including in the Union law, decisions of Superior council, Intergovernmental council and Commission (as well as directed to organization of the work of bodies of the Union, information and technical support of activity of Commission).

Footnote. Paragraph 55 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

56. Civil servants and employees of Commission shall be international civil servants.

Upon performance of official duties, the civil servants and employees of Commission are irrespective of the state bodies and civil servants of the member states and may not request or receive instructions from bodies of power or civil servants of the member states.

Each member state shall be obliged to respect the status of civil servants and employees of Commission and not have influence on them upon performance them their official duties.

During the work in the Commission, the civil servants and employees of Commission shall not have a right to combine work in the Commission with other work or engage in other paid activity, except for teaching, scientific or other creative activity, during the term of its professional and official duties.

57. The members of the College of Commission, civil servants and employees of Commission shall annually present details on their incomes, property and property obligations , as well as on incomes, property and property obligations of the family members (husband (wife) and the minors) according to the procedure and terms, which are determined by the Council of Commission.

58. Details on incomes, property and property obligations, presented by the members of the College of Commission, as well as civil servants and employees of Commission in accordance with this Provision shall be details of a confidential nature.

59. Persons, guilty in disclosure of details, specified in paragraphs 57 and 58 of this Provision shall bear responsibility in accordance with the legislation of the member states.

60. Verification of reliability and completeness of details, specified in paragraphs 57 and 58 of this Provision shall be carried out in the manner approved by the Intergovernmental council.

61. Members of the College of Commission, civil servants and employees of Commission shall be obliged to take measures to settlement or prevention of conflict of interests, which may arise by virtue of availability of personal interest of the member of the College of Commission, civil servant or employee of Commission.

62. The issues related with provision of privileges and immunities, social guarantees to the civil servants and employees of Commission, as well as the issues related with labour relations and compulsory state social and retirement insurance shall be regulated in accordance with Provision on social guarantees, privileges and immunities in the Eurasian economic union (annex №32 to Agreement).

ANNEX №2
to the Agreement
on Eurasian economic union

STATUTE
of the Court of Eurasian economic union
CHAPTER I. General provisions
Legal status of the Court

1.The Court of Eurasian economic union (hereinafter – Court) shall be judicial body of the Eurasian economic union (hereinafter – Union), which is created and operates on a permanent basis in accordance with Agreement on Eurasian economic union (hereinafter – Agreement) and this Statute.

2. The purpose of activity of the Court shall be ensuring of uniform application of Agreement, international treaties by the member states and bodies of the Union in accordance with provisions of this Statute within the Union, international treaties of the Union with third party and decisions of bodies of the Union.

For the purposes of this Statute under the bodies of the Union shall be regarded the bodies of the Union, except for the Court.

3. The Court shall be enjoyed rights of legal entity.

4. The Court shall maintain its documentation have a seal and forms with its name, approve its official website and official bulletin.

5. The Court shall develop proposals on financing of activity of the Court and manage funds, allocated for provision of its activity, in accordance with Provision on the Union budget.

6. Conditions of payment for labour of judges, civil servants and employees of the Court shall be determined by Superior Eurasian economic council.

CHAPTER II. Composition of Court

7. Composition of Court shall include two judges from each member state.

8. The term of office of judge- nine years.

9. The judges shall have high moral quality, be highly qualified specialists in the field of international and domestic law and, as a rule, comply with the requirements, presented to the judges of the highest judicial authorities of the member states.

10. The judges shall be assigned for the post by Superior Eurasian economic union by presentation of the member state. Upon assumption of an office the judges shall take an oath.

11. The judges shall be dismissed by the Superior Eurasian economic union.

12. The powers of judge may be terminated on the following grounds:

1) termination of activity of Court;

2) expire of period of powers of judge;

3) written application of judge on abdication in connection with transfer to other work or for other reasons;

4) inability for health reasons or other reasonable excuses to exercise the powers of a judge;

5) engage in activity incompatible with the judicial appointment;

6) termination of membership in the Union of the state, to which the judge is represented;

7) loss of judge the nationality of the member state, to which the judge is represented;

8) commission of a serious offence by judge, incompatible with the high status of a judge;

9) entering of judgment of conviction into legal force in relation of judge or court decision on application of compulsory medical measures to him (her);

10) entering of court decision on disability of judge or recognition him (her) as incapable into legal force;

11) death of judge or entering of court decision on declaring him (her) dead or recognition as missing into legal force.

13. Member state, submitted a judge, Court or the judge may act with initiative on termination of powers of judge on the grounds, provided by paragraph 12 of this Statute.

The issues on making of initiative on termination of powers of judge shall be determined by Regulation of court on Eurasian economic union, which is approved by Superior Eurasian economic union (hereinafter – Regulation).

14. Court Chairman shall carry out the management of the Court activity. Court Chairman shall have the assistants.

Upon temporary impossibility of participation of Court Chairman in the Court activity, an assistant of the Court Chairman shall exercise its obligations.

15. Court Chairman and its assistant shall be elected for the post from the composition of the Court by judges of Court in accordance with Regulation and approved by Superior Eurasian economic union.

Court Chairman and its assistants may not be the citizens of the same member state.

Upon termination of powers, the Court Chairman or its assistant shall be elected from the number of judges, presented by other member states than those that had been submitted the previous Court Chairman and his (her) assistant, respectively.

16. Court Chairman and his (her) assistant shall exercise his (her) powers during three years.

17. Court Chairman shall:

1) approve procedure of organization and activity of the Court and judges;

2) organize activity of the Court;

3) ensure interaction of the Court with authorized bodies of the member states, foreign and international judicial bodies within the powers;

4) appoint to a post and dismiss from the post of employees and civil servants of Court according to the procedure established by this Statute;

5) organize provision of details on activity of the Court to mass media;

6) exercise other powers within this Statute.

18. Judges may not present the interests of the state or interstate bodies and organizations, commercial structures, political parties and movements, as well as territories, nations, nationalities, social and religious groups and individuals.

Judges shall not have a right to engage in any activity, related with receipt of incomes, except for the scientific, creative and teaching.

19. Judge may not participate in solution of any case, in which he (she) is participated as representative, attorney or lawyer of one of the parties of dispute, member of national or international court, investigating commission or in any other kind of activity.

20. Upon administration of justice the judges are equal and have the same status. Court Chairman and his (her) assistant shall not have a right to take actions, directed to reception of any illegal advantage in comparison with other judges.

21. The judge both upon exercise their powers, and in out-of-office relations shall avoid the conflict of interests, as well as anything that may belittle the authority of judicial power, the dignity of the judge or call into question in its objectivity, fairness, impartiality.

CHAPTER III. Court Apparatus

Status of civil servants and employees

22. Court Apparatus shall ensure an activity of Court.

23. Secretariat of judges and secretariat of Court shall include in the structure of Court Apparatus.

24. Secretariat of judge shall consist of counsellor of judge and judge assistant.

25. Legal, organizational, material and other support of activity of Court shall be carried out by the Secretariat of Court.

26. Structure and number of Secretariat of Court shall be approved by the Superior Eurasian economic council.

27. Head of the Secretariat of the Court shall head the Secretariat of Court. Head of the Secretariat of Court shall have two assistants. Head of the Secretariat of Court and its assistants shall be civil servants of Court, which are assigned to the posts and dismissed from post in accordance with this Statute and Agreement. Head of the Secretariat of the Court and its assistants may not be the citizens of the same member state.

28. Labour relations shall be regulated by Agreement, applied by international treaties within the Union and legislation of the state of residence of the Court.

29. Counsellor of the judge shall be a civil servant of the Court, assigned to the post and dismissed from post by the Chairman of Court at the suggestion of relevant judge.

30. Counsellor of judge shall carry out information and analytical support of activity of judge.

31. Counsellor of judge shall have high moral quality, be highly qualified specialists in the field of international law and (or) international economic activity.

32. The assistant of judge shall be an employee, assigned to a post and dismissed from post by the Chairman of court at the suggestion of relevant judge.

33. An assistant of judge shall carry out organizational support of activity of judge.

34. The selection of candidates for holding of posts of the head of Secretariat of the Court and its assistants shall be conducted on a competitive basis by the competition committee of the Court in recognition of principle of equal representation of the member states.

Candidates for participation in competition for holding of specified posts shall be presented by the member states.

35. Secretariat of the Court shall be formed on a competitive basis in recognition of share participation of the member states in the budget of the Union from the number of citizens of the member states.

Employees of the Secretariat of Court shall be employed on the basis of labour agreements (contracts) concluded with them.

36. Composition of competition committee of the Court for the selection of candidates for holding of posts of the Secretariat of Court shall include all the judges of the Court, except for the Chairman of the Court.

Members of competition committee shall select the chairman of competition committee.

Competition committee shall make their decisions in the form of recommendations by the majority of votes and present them to the Chairman of the Court for the appointment.

37. Procedure of conducting of competition for holding of vacant posts in the Secretariat of the Court shall be determined by Court and approved by the Chairman of the Court in accordance with basic rules of conducting of competition, determined by the Superior Eurasian economic council.

38. Technical staff of the Secretariat of the Court shall be employed by the head of Secretariat of the Court on the basis of labour agreements (contracts), concluded with them.

CHAPTER IV. Competence of the Court

39. The Court shall consider the disputes, arising on issues of implementation of Agreement, international treaties within the Union and (or) decisions of bodies of the Union:

1) by application of the member state:

on compliance of international treaties within the Union or its separate provisions with the Agreement;

on observance of Agreement, international treaties within the Union and (or) decisions of bodies of the Union, as well as separate provisions of specified international treaties and (or) decisions by other member state (other member states);

on compliance of decisions of Commission or its separate provisions with the Agreement, international treaties within the Union and (or) decisions of bodies of the Union;

on contestation of action (omission) of commission;

2) by application of business entity:

on compliance of decisions of Commission or its separate provisions, directly affecting the rights and legal interests of business entity in the scope of entrepreneurial and other economic activity with the Agreement and (or) international treaties within the Union, if such decision or its separate provision is entailed a violation of rights and legal interests of business entity, provided by Agreement and (or) international treaties within the Union;

on contestation of action (omission) of Commission, directly affecting the rights and legal interests of business entity in the scope of entrepreneurial and other economic activity, if such

action (omission) is entailed a violation of rights and legal interests of business entity, provided by Agreement and (or) international treaties within the Union;

For the purposes of the Statute the business entity shall be regarded as legal entity, registered in accordance with the legislation of the member state or third state, or individual, registered as individual entrepreneur in accordance with the legislation of the member state or third state.

40. The member states may include to the competence of the Court other disputes, permission of which the Court directly provides by Agreement, international treaties within the Union, international treaties of the Union with third party or other international treaties between the member states.

41. The question on availability of competence of the Court on solution of dispute shall be resolved by the Court. The Court in determining whether it has the competence to consider the dispute shall be governed by Agreement, international treaties within the Union and (or) international treaties of the Union with third party.

42. The competence of the Court shall not include vesting of bodies of the Union with additional competence other than that directly provided by Agreement and (or) international treaties within the Union.

43. The dispute shall not be accepted for consideration by the Court without preliminary application of applicant to the member state or Commission for settlement of the question according to the pre-judicial procedure by consultations, negotiations or other methods, provided by Agreement and international treaties within the Union, except for the cases, directly provided by Agreement.

44. If the member state or Commission did not take measures on settlement of a question according to the pre-judicial procedure during 3 months from the date of reception of application of applicant, the application on consideration of dispute may be directed to the Court.

45. The dispute may be transferred for consideration of the Court before expire of the term, specified in paragraph 44 of this Statute by mutual consent of the parties.

46. The court shall carry out explanation of provisions of Agreement, international treaties within the Union and decisions of bodies of the Union by application of the member state or body of the Union, as well as by application of employees and civil servants of bodies of the Union and the Court of provisions of Agreement, international treaties within the Union and decisions of bodies of the Union, related with labour law relations (hereinafter – explanation).

47. Carrying out of explanation by the Court means provision of consultative conclusion and does not deprive the right of the member state to a joint interpretation of international treaties by them.

48. The Court shall carry out explanation of provisions of international treaty of the Union with third party, unless otherwise provided by this international treaty.

49. Appeal to the Court on behalf of the member state with application on consideration of dispute or with application on explanation shall be carried out by the authorized bodies and organizations of the member state, the list of which is determined by each member state and directed to the Court through the diplomatic channels.

50. The Court upon implementation of justice shall apply:

1) generally recognized principles and regulations of international law;

2) an Agreement, international treaties within the Union and other international treaties, the participants of which are the state parties of dispute;

3) decisions and instructions of bodies of the Union;

4) international custom, as evidence of a general practice accepted as legal norm.

51. Provisions of Agreement, international treaties within the Union and international treaties of the Union with third party, concerning resolution of disputes, explanations and interpretations shall be applied in a part, not contradicting to this Statute.

CHAPTER V. Judicial proceedings

Section 1
Judicial proceedings on the cases of resolution of disputes

52. Procedure of consideration of cases on resolution of disputes in a Court shall be determined by Regulation.

53. The Court shall carry out judicial proceedings on the basis of the following principles:

independence of the judges;

transparency of proceedings;

publicity;

equality of dispute parties;

contentiousness;

collegiality.

Procedure of implementation of principles of judicial proceedings shall be determined by Regulation.

54. Receipt of the application in a Court in relation of any international treaty within the Union and (or) decision of Commission shall not be the basis for suspension of effect of such international treaty and (or) decision and (or) their separate provisions, except for the cases, directly provided by Agreement.

55. The Court may request materials, necessary for consideration of cases, from business entities, authorized bodies and organizations of the member states, as well as bodies of the Union, directed the application in a Court.

56. Classified information may be received by the Court or presented by person, participating in the case, in accordance with the Agreement, international treaties within the

Union, Regulation and legislation of the member states. The Court shall take the appropriate measures on ensuring of protection of such information.

57. Judicial proceedings in the Court shall be carried out with the participation of parties of dispute, applicant, and their representatives, experts, including the experts of specialized groups, specialists, witnesses and translators.

58. Persons, participating in the case shall be used by procedural rights and incur procedural obligations in accordance with Regulation.

59. the immunity from administrative, civil and criminal jurisdiction in relation of all words spoken or written in connection with their participation in the process on consideration of the case by the Court shall be provided to the experts of specialized groups. These persons shall lose immunity in the case of violation of procedure of the use and protection of classified information, determined by Regulation.

60. If the member state or Commission considers that the decision on the dispute may affect their interests, this member state or Commission may be applied with application on permission to intervene as the interested participant of dispute.

61. The Court shall dismiss the requirements on compensation of losses or other property requirements without consideration.

62. Application of business entity in a Court shall be imposed duty.

63. Duties shall be paid by the business entity before filing of application in a Court.

64. In the case of meeting by the Court the requirements of business entity, specified in application shall be carried out the return of duties.

65. The amount, currency of payment, procedure of crediting, use and return of duty shall be determined by the Superior Eurasian Economic Union.

66. In the course of consideration of the case, each party of dispute shall bear their expenses of the court independently.

67. In any stage of consideration of the case, the dispute may be settled by the parties of dispute by conclusion of amicable agreement, refusal of an applicant of their requirements or cancellation of application.

Section 2
Judicial proceedings on the cases of explanation

68. Procedure of consideration of cases on explanation shall be determined by Regulation.

69. The Court shall carry out the judicial proceedings on the cases of explanation on the basis of principles of independence of judges and collegiality.

Section 3
Composition of Court

70. The Court shall consider the cases in the composition of Grand college of Court, the College of Court and Appeals chamber of Court.

71. The Court shall consider the cases on settlement of disputes at the meetings of Grand college of Court in the cases, provided by subparagraph 1 of paragraph 39 of this Statute.

72. Grand college shall consider the procedural issues, provided by Regulation.

73. The Court shall consider the cases on explanation at the meetings of Grand college of the Court.

74. Composition of Grand college of the Court shall include all judges of Court.

75. Judicial meeting of Grand college of Court shall be considered as valid upon condition of presence of all the judges of the Court.

76. The Court shall sit in the composition of College of Court in the cases, provided by subparagraph 2 of paragraph 39 of this Statute.

77. The composition of the College of Court shall include one judge from each member state in turn by the name of the judge, beginning with the first letter of the Russian alphabet.

78. Judicial meeting of the College of Court shall be considered as valid upon condition that the presence of one judge from each member state.

79. The Court shall sit in the composition of Appeals Chamber of the Court upon consideration of applications on appeal of decisions of the College of Court.

80. The composition of Appeals Chamber of the Court shall include the judges of Court form the member states, not participating in consideration of the case, decision of the College of Court of which is appealed.

81. Judicial meeting of Appeals Chamber of the Court shall be considered as valid upon condition of presence of one judge from each member state.

CHAPTER VI. Specialized groups

82. The specialized group shall be created upon consideration of specific dispute, the subject of which is the issues of provision of industrial subsidies, measures of the state support of agricultural industry, application of special protective, antidumping and compensatory measures.

83. Specialized group shall consist of three experts, one from the list, presented by each member state on the relevant type of dispute.

84. The composition of specialized group shall be approved by Court.

85. Specialized group shall be dissolved after consideration of the case.

86. The member states shall direct the lists of at least three experts for each type of disputes, specified in paragraph 82 of this Statute, who are ready and able to serve as members of the specialized groups, to the Court not later than 60 calendar days after entering of Agreement into legal force.

The member states shall update the lists of experts on a regular basis, but not less than once a year.

87. Individuals, being highly qualified specialists, having special knowledge and experience in matters which constitute the subject of disputes specified in paragraph 82 of this Statute shall act as experts.

88. Experts shall act in their personal capacity, independently and not related with any party of dispute and may not receive from them any instructions.

89. Expert may not act as a member of specialized group in the case of existence of conflict of interests.

90. Specialized group shall prepare conclusion, containing objective assessment of factual circumstances of case, and present it in a Court in the terms, established by Regulation.

91. Conclusion of specialized group shall have recommendatory nature, except for the case provided by third item of paragraph 92 of this Statute and shall be estimated by the Court in making one of the decisions, provided by paragraphs 104 – 110 of this Statute.

92. Conclusion of specialized group, prepared on dispute, the subject of which is the issues of provision of industrial subsidies or measures of the state support of agricultural industry shall contain the conclusion on the existence or absence of violations, as well as on application of relevant compensatory measures in the case of existence of violation.

In a part of conclusion of specialized group on existence or on absence of violation of conclusion of specialized group shall have recommendatory nature and shall be estimated by the Court upon rendering of one of decisions, provided by paragraphs 104-110 of this Statute.

In a part of conclusion on application of relevant compensatory measures, the conclusion of specialized group shall be compulsory for the Court upon rendering of decision.

93. Procedure of formation and activity of specialized groups shall be determined by Regulation.

94. Procedure of payment of services of experts of specialized groups shall be determined by Superior Eurasian economic union.

CHAPTER VII. Acts of the Court

95. The Court in the terms, established by Regulation shall adopt provision on procedural issues of activity of Court, including provisions:

1) on adoption or refusal in adoption of application to proceedings;

2) on suspension or resumption of proceedings on the case;

3) on termination of proceeding on the case.

96. The Court shall render decision on the results of consideration of dispute, and on application of explanation shall provide the advisory conclusion in the term not later than 90 days from the date of reception of application.

97. The term of rendering of decision may be extended in the cases, provided by Regulation.

98. Advisory conclusion on application of explanation shall have recommendatory nature.

99. The Court shall render decision, which is compulsory for execution by the parties of dispute, according to the results of consideration of disputes, provided by subparagraph 1 of paragraph 39 of this Statute.

100. The Court shall render decision, which is compulsory for execution by Commission, according to the results of consideration of disputes, provided by subparagraph 2 of paragraph 39 of this Statute.

101. Decision of the Court may not be beyond the scope of issues, specified in application .

102. Decision of the Court does not change, and (or) cancel the existing regulations of the Union law, legislation of the member states and does not create new ones.

103. The parties of dispute shall independently determine the form and method of execution of decision of the Court without damage to the provisions of paragraphs 111-113 of this Statute.

104. According to the results of consideration of the case on application of the member state on compliance of international treaty within the Union or its separate provisions with the Agreement, the Grand college of the Court shall render one of the following decisions:

1) on non-compliance of international treaty within the Union or its separate provisions with the Agreement;

2) on compliance of international treaty within the Union or its separate provisions with the Agreement.

105. According to the results of consideration of the case on application of the member state on observation of Agreement, international treaties within the Union and (or) decisions of bodies of the Union, as well as separate provisions of specified international treaties and (or) decisions by other member state (other member states), the Grand college of the Court shall render one of the following decisions:

1) on establishment of fact of observation of Agreement, international treaties within the Union and (or) decisions of bodies of the Union as well as separate provisions of specified international treaties and (or) decisions by the member state (member states);

2) on establishment of fact of nonobservance of Agreement, international treaties within the Union and (or) decisions of bodies of the Union as well as separate provisions of specified international treaties and (or) decisions by the member state (member states).

106. According to the results of consideration of case on application of the member state on compliance of decisions of Commission or its separate provisions with the Agreement, international treaties within the Union and (or) decisions of bodies of the Union, the Grand college of the Court shall render one of the following decisions:

1) on non-compliance of decision of Commission or its separate provisions with the Agreement, international treaties within the Union and (or) decisions of bodies of the Union;

2) on compliance of decision of Commission or its separate provisions with the Agreement, international treaties within the Union and (or) decisions of bodies of the Union.

107. According to the results of consideration of the case on application of the member state on contestation of action (omission) of Commission, the Grand college of the Court shall render one of the following decisions:

1) on recognition of contested action (omission) as not corresponding to the Agreement and (or) international treaties within the Union;

2) on recognition of contested action (omission) as corresponding to the Agreement and (or) international treaties within the Union.

108. According to the results of consideration of the case on application of business entity on compliance of decision of Commission or its separate provisions, directly affecting the rights and legal interests of business entity in the scope of entrepreneurial and other economic activity, with the Agreement and (or) international treaties within the Union, if such decision or its separate provisions are entailed a violation of rights and legal interests of business entity , provided by Agreement and (or) international treaties, the College of the Court shall render one of the following decisions:

1) on recognition of decision of Commission or its separate provisions as corresponding to the Agreement and (or) international treaties within the Union;

2) on recognition of decision of commission or its separate provisions as not corresponding to the Agreement and (or) international treaties within the Union.

109. According to the results of consideration of the case on application of business entity on contestation of action (omission) of Commission, the College of the Court shall render one of the following decisions:

1) on recognition of contested action (omission) of Commission as not corresponding to the Agreement and (or) international treaties within the Union and violating the rights and legal interests of business entity in the scope of entrepreneurial and other economic activity;

2) on recognition of contested action (omission) of Commission as corresponding to the Agreement and (or) international treaties within the Union and not violating the rights and legal interests of business entity in the scope of entrepreneurial and other economic activity.

110. According to the results of consideration of the case on application of business entity on appeal of decision of the College of the Court, Appeals Chamber of the Court shall render one of the following decisions:

1) on leaving the decision of the College of Court without change, and application on appeal – without satisfaction;

2) on fully or partially revocation or on change of decision of the College of the Court, rendering of a new decision on the case in accordance with paragraphs 108 and 109 of this Statute.

111. The effect of decision of the Commission or its separate provisions, recognized by Court as not corresponding to the Agreement and (or) international treaties within the Union shall be continued after entering of relevant decision of the Court into legal force before execution of this Court decision by Commission.

Decision of Commission or its separate provisions, recognized by Court as not corresponding to the Agreement and (or) international treaties within the Union, within a reasonable time, but not exceeding 60 calendar days from the date of entry into force of the decision of the Court shall be brought by Commission to correspondence with Agreement and (or) international treaties within the Union, unless another term is not established in the Court decision.

The Court may establish the term for bringing of decision of Commission to correspondence with Agreement and (or) international treaties within the Union in its decision in recognition of provisions of agreement and (or) international treaties within the Union.

112. In the existence of reasonable application of the dispute party, the effect of decision of Commission or its separate provisions, recognized by Court as not corresponding to the Agreement and (or) international treaties within the Union may be suspended by the decision of Court from the date of entering into legal force of such Court decision.

113. Commission shall be obliged to execute the Court decision, entered into legal force, in which the Court is established that contested action (omission) of Commission does not correspond to the Agreement and (or) international treaties within the Union and that the rights and legal interests of business entities, provided by Agreement and (or) international treaties within the Union are violated by such action (omission) of Commission, within the reasonable time, but not exceeding 60 calendar days from the date of entry into force of the decision of the Court, unless another term is not established in the Court decision.

114. In the case of execution of Court decision, the member state shall have a right to apply to the Superior economic union in order to adopt necessary measures, related with its execution.

115. In the case of execution of Court decision by Commission, the business entity shall have a right to apply to the Court with application on adoption of measures on its execution.

The Court shall be applied to the Superior Eurasian economic union for adoption of decision by them on this question on application of business entity during 15 calendar days from the date of its reception.

116. The acts of the Court shall subject to publication in the official bulletin of the Court and on official website of the Court.

117. The Court decision may be explained without change of its essence and content only by the Court on the reasonable application of the parties in the case.

CHAPTER VIII. Final provisions

118. Judges, civil servants, employees of the Court, persons, participating in the case, experts of specialized groups shall not disclose and transfer information, received by them in the process of consideration of the case to the third persons, without written consent of person , provided such information.

119. Procedure of the use and protection of classified information shall be determined by Regulation.

120. The Court shall present a report on its activity to the Superior Eurasian economic council.

ANNEX №3
to the Agreement on Eurasian
economic union

Minute on information and communication technologies and information interaction within the Eurasian economic union

1. This Minute is developed in accordance with Article 23 of Agreement on Eurasian economic union (hereinafter – Agreement) for the purposes of determination of fundamental principles of information interaction and coordination of its implementation within the Union, as well as determination of procedure of creation and development of integrated information system.

2. The concepts used in this Minute shall have the following meanings:

"paper copy of the electronic document" – a copy of electronic document on paper medium, certified in the manner established by the legislation of the member states;

"trusted third party" – an organization, vested with the right to carry out an activity on verification of electronic digital signature (electronic signature) in the electronic documents in the fixed time in relation of person, signed the electronic document in accordance with the legislation of the member states;

"the customer of the national segment of a member state" – the state body of the member state, exercising functions of the customer and organizer of works on creation, development and operation of national segment of the member state, determined in accordance with the legislation of the member state;

"protection of information" – adoption and implementation of the set of legal, organizational and technical measures on determination, achievement and maintenance of confidentiality, integrity and accessibility of information and processing means for the purposes of exclusion or minimization of unacceptable risks for the subjects of information interaction;

"integrated information system of the Union" – organizational set of geographically distributed state information resources and information systems of authorized bodies, information resources and information systems of Commission, associated with national segments of the member states and integrated segment of Commission;

"information system" – a set of information technologies and technical means, ensuring processing of information resources;

"information and communication technologies" – a set of methods and means of implementation of information technologies and telecommunications processes;

“information technologies” – processes, search methods, collection, acquisition, systematization, storage, qualification, processing, provision, distribution and removal (destruction) of information, as well as the methods of implementation of such processes and methods;

“information resource” – an ordered set of documented information (data base, other amounts of information), containing in the information systems;

“classifier” - classified, structured and codified list of names of objects of classification;

“national segment of the member state”, “integration segment of Commission” – information systems, ensuring information interaction of information systems of authorized bodies and information systems of Commission within the integrated information system of the Union;

"regulatory and reference information" - a set of directories and classifiers that are used when carrying out information exchange between the electronic interaction entities;

“general infrastructure of documentation of information in electronic form” – a set of information and technology, organizational and legal measures, rules and decisions, implemented for the purposes of validation to the electronic documents, used within the Union;

“general information resource” – information resource of Commission, formed by centralized maintenance or on the basis of information interaction of the member states;

“general process within the Union” – operations and procedures, regulated (established) by international treaties and acts, constituting the Union law, and the legislation of the member states, which is started in the territory of one of the member states and terminated (changed) in the territory of another member state;

“reference” – systematized, structural and codified list of information, homogeneous on its content or essence. A variety of directories are collections, lists, indexes, inventories, dictionaries and other alphabetical, systematic, subject-oriented, chronological or other types of listings of information.

“subjects of electronic interaction” – the state bodies, individuals or legal entities, interacting within relations, arising in the process of preparation, sending, transfer, obtaining, storage and use of electronic documents, as well as information in the electronic form;

"cross-border trust space" - a set of legal, organizational and technical conditions agreed upon by member states to ensure trust in the interstate exchange of data and electronic documents between authorized bodies, as well as between economic entities and authorized bodies in the process of drawing up, sending, transmitting and receiving electronic documents , information in electronic form;

“unified system of classification and coding of information” – a set of references, classifiers of referenced information, as well as procedure and methodology of their development, maintenance and use;

"authorized body" – the state body of the member state or organization determined by them and vested with powers on implementation of the state policy in the separate scopes;

"accounting system" – information system, that contains information from the title documents of subjects of electronic interaction and with the use of which the legally significant electronic documents are prepared or issued;

"electronic form of interaction" – a method of information interaction, based on application of information and communication technologies;

"electronic form of document" – information, details, data, presented in the form, suitable for human perception with the use of electronic computers, as well as for transfer and processing with the use of information and communication technologies with compliance with the established requirements to the format and structure;

"electronic document" – a document in electronic form, certified by electronic digital signature (electronic signature) and meeting the requirement of general infrastructure of documentation of information in the electronic form.

Footnote. Paragraph 2 as amended by Law of the RK № 6-VII of 15.02.2021; dated 19.04.2024 № 75-VIII.

3. On the basis of extending of functional capabilities of integrated information system of foreign and mutual trade shall be conducted the works on creation, ensuring of functioning and development of integrated information system of the Union (hereinafter – integrated system), which provides information support for 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) crediting and distribution of imported customs duties;

5) crediting and allocation of special, anti-dumping and countervailing duties;

6) statistics;

7) competitive policy;

8) energy policy;

9) currency policy;

10) intellectual property;

11) financial markets (banking, the scope of insurance, currency market, the securities market);

12) ensuring of activity of bodies of the Union;

13) macroeconomic policy;

14) industrial and agro-industrial policy;

15) circulation of pharmaceuticals and medical products;

16) other issues within the powers of the Union (including in the field of coverage of integrated system as it develops).

Footnote. Paragraph 3 as amended by Law of the RK № 6-VII of 15.02.2021.

4. The basic tasks of formation of integrated system shall be:

1) creation and maintenance on the basis of unified system of classification and coding of a single system of referenced information of the Union;

2) creation of integrated information structure of interstate exchange of data and electronic documents within the Union;

3) creation of general information resources for the member states;

4) ensuring of information interaction on the basis of provisions of Agreement for ensuring of formation of general information resources, information ensuring of authorized bodies, carrying out the state control, as well as implementation of general processes within the Union;

5) providing access to the texts of international treaties and acts, constituting the Union law, and projects of international treaties and acts, constituting the Union law, as well as to the general information resources and information resources of the member states;

6) creation and ensuring of functioning of general infrastructure of documentation of information in the electronic form.

5. Within the integrates system shall be formed the general information resources, containing:

1) the legislation and other regulatory legal acts of the member states, international treaties and acts, constituting the Union law;

2) referenced information, formed by the centralized maintenance of database or on the basis of information interaction of the member states;

3) registers, formed on the basis of information interaction of the member states and Commission;

4) official statistical information;

5) information and methodical, scientific, technical and other reference and analytical materials of the member states;

6) other information, included to the composition of general information resources on the development of integrated system.

6. Upon formation of integrated system, the member states shall proceed from the following principles:

1) community of interests and mutual benefit;

2) application of unified methodological approaches to preparation of information for the integrated system on the basis of common data model;

3) accessibility, reliability and completeness of information;

4) timeliness of provision information;

5) correspondence to the level of foreign information technologies;

6) integration with information systems of the member states;

7) ensuring of equal access of the member states to the information resources, contained in the integrated system;

8) use of provided information only for the purposes without prejudice to the member state, provided it;

9) openness of integrated system for all categories of users in recognition of observation of requirements on the use of information in accordance with the stated purposes;

10) implementation of information exchange between the authorized bodies, authorized bodies and Commission with the use of integrated system on a grant basis.

7. Composition and content of references and classifiers, including in the composition of referenced information in accordance with Agreement and international treaties within the Union shall be determined by Commission in coordination with the authorized bodies.

8. Upon formation of integrated system, the member states shall be governed by the international standards and recommendations.

9. The electronic form of interaction between the authorized bodies, authorized bodies and Commission, as well as between Commission and integrated associations, international organizations shall be ensured for the purposes of formation of general information resources, ensuring of implementation of general processes within the Union and effective implementation of various types of the state control with the use of means of integrated system. The list of general processes within the Union, technology of implementation of general processes within the Union, procedure and regulation of direction and reception of messages (requests) in the process of interaction, requirements to the electronic type of documents (electronic documents) shall be determined by Commission in the manner established by Agreement.

10. The list of information, presented in the process of interaction in the electronic form shall be determined by Agreement or international treaties within the Union.

11. Commission shall have a right to determine the single, unified within the Union requirements to the electronic type of documents (electronic documents) for the specified types of interaction, to the procedure of direction and reception of messages (requests) in the process of interaction or recommend them for application for the purposes of creation of equal conditions for business entities and individuals by presentation of details to the authorized bodies, coordinated development of electronic forms of interaction between the authorized bodies, business entities and individuals.

12. Upon electronic form of interaction with the use of electronic documents, as well as upon their processing in the information systems shall be complied with the following principles:

1) if in accordance with the legislation of a member state requires that the document is formed in hard copy, the electronic document formed according to the rules and requirements of the documentation approved by the Council of Commission considered as corresponding to these rules and requirements;

2) electronic document, formed according to the rules and requirements of documentation, approved by the Council of Commission shall be recognized as equal on a legal force to the same document in hard copy, certified by signature or signature and seal;

3) a document cannot be invalidated on the sole ground that it is an electronic document;

4) upon extracting of details from the electronic documents, as well as upon interchange of formats and structures for the purposes of their processing in the information systems shall be ensured their identity, to the same details, specified in the electronic document;

5) in the cases provided by international treaties and acts, constituting the Union law, or the legislation of the member states with the use of accounting system may be ensured formation of paper copies of electronic documents.

Footnote. Paragraph 12 as amended by Law of the RK № 6-VII of 15.02.2021.

13. Development of cross-border space of trust shall be carried out by Commission and the member states in accordance with strategy and concept of the use upon interstate information interaction of legally operative electronic documents and services.

14. General infrastructure of documentation of information in electronic form shall consist of the state components and integration component.

15. The operator of integration component of general infrastructure of documentation of information in electronic form shall be the Commission.

16. The operator of the state components of general infrastructure of documentation of information in electronic form shall be the authorized bodies or organizations, determined by them in accordance with the legislation of the member state.

17. Integration component of general infrastructure of documentation of information in the electronic form shall represent a set of elements of cross-border space of trust, providing implementation of cross-border electronic document management on the basis of coordinated standards and infrastructure decisions.

18. Requirements to creation, development and functioning of cross-border space of trust shall be developed by Commission in interaction with the authorized bodies and approved by Commission. Verification of components of general infrastructure of documentation of information in the electronic form on compliance with the specified requirements shall be carried out by commission, formed from the representatives of the member states and Commission. Provision on commission, including procedure of its formation and carrying out of activity shall be determined by the Council of Commission.

19. Information exchange of electronic documents between the subjects of electronic interaction, using different mechanisms of protection of electronic documents shall be ensured with the use of services, provided by operators of general infrastructure of documentation of information in the electronic form, as well as services of a trusted third party.

20. Services of trusted third party shall be provided by the member states and Commission. The operators of services of trusted third party of the member states shall be the

authorized bodies or organizations determined (accredited) by them. The operator of services of trusted third party of Commission shall be Commission. The member states shall ensure the right of subjects of electronic interaction to use the services of trusted third party.

21. The basic tasks of trusted third party shall be:

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

2) ensuring of guarantees of trust in the international (cross-border) exchange of electronic documents;

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

22. Procedure of maintenance and use of information resources within the accounting system shall be determined by the legislation of the member states.

23. The basic tasks of Commission in a part of ensuring of electronic form of interaction with the use of electronic documents shall be:

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

2) development of decisions for ensuring of protection of information in the accounting systems and general infrastructure of documentation of information in the electronic form, including the means of access of subjects of information interaction;

3) determination of composition of components of general infrastructure of documentation of information in the electronic form on the basis of interstate standards of the member states, international standards and recommendations;

4) coordination of development and testing of standard information and technological decisions and hardware-software complexes within the general infrastructure of documentation of information in the electronic form;

5) coordination of development of rules of documentation of information in the electronic form, regulations of the work of separate components and services of general infrastructure of documentation of information in the electronic form, as well as recommendations on their application for the subjects of electronic interaction;

6) preparation of recommendation for harmonization of the legislation of the member states upon the use of electronic documents in the process of information interaction within the Union, as well as for unification of the interfaces of information interaction between the accounting systems;

7) coordination of interaction of the member states with third parties on the separate issues of formation of cross-border space of trust.

24. The member states shall ensure protection of information, containing in the information resources, information systems, information and telecommunication networks of the authorized bodies in accordance with requirements of the legislation of the member states.

25. Information exchange, referred by the legislation of the member states to the state secret (state secrets) or details of limited distribution (access) shall be carried out with observation of requirements of the legislation of the member states on their protection.

26. Procedure of information exchange, containing details, relating in accordance with the legislation of the member states to the state secret (state secrets) or details of limited distribution (access) shall be established by the international treaties within the Union.

27. Creation of integration system shall be coordinated by Commission which ensures its functioning and development in interaction with the customers of national segments of the member states in recognition of strategy of development of integration system, developed by Commission and approved by the Council of Commission. The works on creation, ensuring of functioning and development of integration system shall be carried out on the basis of plans (with specification of terms and cost of works on creation, ensuring of functioning and development of integration segment of Commission), developed by Commission in interaction with the authorized bodies and approved by the Council of Commission.

28. Commission shall exercise the rights and execute the obligations of owner in relation of such components of integration system as integration segment of Commission, information resources and information systems of commission, as well as organize their planning, development, implementation, and receiving the results of works and further maintenance.

29. Commission shall carry out the orders (purchases) of goods (works, services), assessment of competitive proposals, submitted upon carrying out of orders (purchases) of goods (works, services) and acquisition of property rights in relation of components of integration system, specified in paragraph 28 of this Minute.

30. For the purposes of ensuring of unification of applied organizational and technical decisions upon creation, development and functioning of segments of integration system, support of appropriate level of protection of information of Commission shall coordinate development of projects of technical, technological, methodological and organizational documents and approve them.

31. The member state shall determine the customer of national segment of the member state which exercises the rights and executes obligations on its creation, ensuring of functioning and development.

The procedure for the interaction of the contracting authority of the national segment of a Member State with the competent authorities shall be laid down in the legislation of that Member State.

Footnote. Paragraph 31 as amended by Law of the RK № 6-VII of 15.02.2021

32. The member states shall have equal rights of the use of integration system.

33. Financing of the works on creation, development and ensuring of functioning of components of integration system, specified in paragraph 28 of this Minute shall be carried out at the expense of budget of the Union, upon that in relation of works on their creation and development – based on the volumes, necessary for implementation of plans, specified in paragraph 27 of this Minute.

34. Financing of works on creation, development and ensuring of functioning of the state information resources and information systems of the authorized bodies, as well as national segments of the member states shall be carried out at the expense of budget of the member states, provided for ensuring of activity of the authorized bodies.

ANNEX №4
to the Agreement
on Eurasian economic union

MINUTE
on procedure of formation and distribution of official statistical information of the Eurasian economic union

1. This Minute is developed in accordance with Article 24 of agreement on Eurasian economic union for the purposes of determination of procedure of formation and distribution of official statistical information Union.

2. The concepts used in this Minute shall have the following meanings:

“official statistical information of the member states” – statistical information, formed by the authorized bodies within the national programs of statistical works and (or) in accordance with the legislation of the member states;

“official statistical information of the Union” – statistical information, formed by Commission on the basis of official statistical information of the member states, official statistical information of international organizations and other information from resources, not prohibited by the legislation of the member states;

“authorized bodies” – the state bodies of the member states, including national (central) banks, on which the functions of formation of official statistical information of the member states are imposed.

3. The authorized bodies shall carry out maintenance of statistics of mutual trade in goods with other member states for the purposes of provision of the member states and Commission with official statistical information on goods, transferred between the member states in the mutual trade.

4. Maintenance of statistics of mutual trade in goods shall be carried out by the authorized bodies in accordance with methodology, approved by Commission.

5. The authorized bodies shall provide the official statistical information of the member states to the Commission according to the list of statistical indicators.

6. The list of statistical indicators, terms and formats of provision of official statistical information of the member states shall be approved by Commission in coordination with the authorized bodies.

7. Commission shall have a right to request other official statistical information of the member states, not included to the list of statistical indicators, from the authorized bodies.

8. Authorized bodies shall take measures on ensuring of completeness, reliability and timeliness of provision of official statistical information of the member states to the Commission, and inform the Commission on impossibility of provision of official statistical information in the established terms.

9. Provisions of this Minute shall not be distributed on the official statistical information of the member states, referred to the state secret (state secrets) or details of limited distribution (access) in accordance with the legislation of the member states.

10. Commission shall carry out collection, acquisition, systematization, analysis and distribution of official statistical information of the Union, provision of specified information at the requests of the authorized bodies, as well as coordination of information and methodological interaction of the authorized bodies in the scope of statistics within this Minute.

11. Commission shall develop and approve the methodology of formation of official statistical information of the Union, made on the basis of official statistical information of the member states, provided to the Commission.

12. Commission shall take measures, directed to ensuring of comparability of official statistical information of the member states, by adoption of relevant recommendations on application of unified standards, comparable on the international level by the authorized bodies, including classification and methodology.

13. Distribution of official statistical information of the Union shall be carried out by Commission in accordance with the program of statistical works, approved by Commission, by publication in the official editions of commission and posting on the official website of the Union and Internet.

14. Commission jointly with the authorized bodies shall develop and approve the programs of development of integration in the scope of statistics.

ANNEX №5
to the Agreement
on Eurasian economic union

MINUTE
on procedure of crediting and distribution of amounts of imported customs duties (other duties, taxes and charges having equivalent action), transferring to the budget of the member states.

Footnote. In the text of the Minute the word "payer" in the appropriate number and case is excluded by Law of the Republic of Kazakhstan № 50-VII of 14.06.2021.

I. General provisions

1. This Protocol has been developed in accordance with Article 26 of the Treaty on the Eurasian Economic Union and shall determine the procedure for the transfer and distribution between Member States of amounts of import customs duties, the obligation to pay which concerning goods imported into the customs territory of the Union arose from September 1, 2010, and for new members that accede to the indicated Treaty - from the date of the beginning of their application of this Protocol.

This Minute shall be also applied in relation of amounts of fines (percent), charged on the amounts of imported customs duties in the cases and procedure, provided in accordance with the international treaties and acts, constituting the Union law, regulating the customs legal relation.

Footnote. Paragraph 1 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

2. The concepts used in this Minute shall have the following meanings:

"single account of the authorized body" - an account opened for the authorized body in the national (central) bank or in the authorized body that has a correspondent account (single treasury account) in the national (central) bank, for the crediting and distribution of receipts between the budgets of the given member state;

“reporting day” – business day of the member state, in which the crediting of amounts of imported customs duties to the unified account of the authorized body is carried out;

“late charges” – an amount subjected to transferring by the member state to other member states for violation of provisions of this Minute, which caused nonfulfillment, incomplete and (or) untimely execution of obligations of the member state on transferring of amounts from distribution of imported customs duties;

“foreign currency account” – an account, opened to the authorized body of one member state in the national (central) bank in the currency of another member state for crediting by this other member state of revenues from distribution of imported customs duties;

“present day” – the following day after reporting business day of the member state, in which the operation on distribution of amounts of imported customs duties for the reporting day is carried out;

"authorized body" - a government body of a member state that provides cash (treasury) services for the execution of the budget of that member state.

Other concepts used in this Minute shall be applied in the meanings, determined by Agreement on Eurasian economic union and Customs Code of Eurasian economic union.

Footnote. Paragraph 2 as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

II. Procedure of crediting and distribution of amounts of imported customs duties between the member state

3. The amounts of imported customs duties shall subject to crediting in the national currency on the unified account of the authorized body of the member state, in which they are payable in accordance with international treaties and acts, constituting the Union law, regulating the customs legal relations, as well as upon collection of imported customs duties.

Imported customs duties shall be paid by on the unified account of the authorized body by separate calculated (payment) documents (instructions).

Advance payments, export customs duties, taxes and levies, as well as other payments (except for special, anti-dumping and countervailing duties), paid in compliance with the legislation of the Member State and received in the unified account of the authorised body may be offset against import customs duties.

Amounts of money credited to a single account of the authorized body as an import customs duty, but not identified by amounts of import customs duties in respect of specific goods, shall for the purposes of this Minute be treated as import customs duties.

Where advance payments against import customs duties are offset against import customs duties based on an order of the person who made the advance payments in respect of goods placed under the customs procedure, the offset of such payments against the single account of the authorised body shall be made in obedience to the legislation of the Member State in which the import customs duties are payable, not later than 5 working days from the day following the day the customs body of the Member State releases the goods, if the release of goods was performed prior to the submission of the goods declaration - no later than 5 working days from the day following the day the customs authority of the Member State sent the declarant an electronic document or putting the appropriate marks on the goods declaration, filed on paper, and (or) commercial, transport (shipping) documents containing information on the release of goods before the submission of the goods declaration.

In compliance with the Regulation on the crediting and allocation of special, anti-dumping and countervailing duties (Appendix to Annex № 8 to the Treaty on the Eurasian Economic Union), amounts of special, anti-dumping and countervailing duties to be refunded in obedience to the Customs Code of the Eurasian Economic Union may be credited against import customs duty arrears.

Refunds (offset) of import customs duties shall be made in conformity with the Customs Code of the Eurasian Economic Union, considering the provisions of this Minute.

Amounts of import customs duties to be refunded in conformity with the Customs Code of the Eurasian Economic Union cannot be offset against other payments, except for offsetting against arrears of customs payments, special, anti-dumping and countervailing duties, as well as penalties (interest) (hereinafter - offsetting against arrears).

Footnote. Paragraph 3 as amended by Law of the RK № 6-VII of 15.02.2021; № 50-VII of 14.06.2021.

4. Collection may not be recovered on the monetary assets, being in the unified account of the authorized body in the procedure of execution of judicial acts or by any other means, except for the cases of debt service payment of on payment of customs payments, special, antidumping and compensatory duties as well as fines (percent).

5. Authorized bodies of the member states shall separately consider the following receipts :

the amounts of revenues (returns, credit in the account of debt service payment) of imported customs duties on the unified account of the authorized body;

the amounts of distributed imported customs duties, transferred on the foreign currency accounts of other member states;

the amounts of incomes credited to the budget of the member states from distribution of amounts of imported customs duties by this member state;

the amounts of imported customs duties, received to the budget of the member state from other member states;

late charges, received to the budget of the member state, established by this Minute;

the amounts of distributed imported customs duties, transfer of which on the foreign currency accounts of other member states is suspended.

The specified amounts of receipts are separately recorded in the accounting on execution of budget of each of the member states.

6. The amounts of imported customs duties, received on the unified account of the authorized body of the member state for the last business day of calendar year shall be recorded in the report on execution of budget of this member state for the reporting year.

The amounts of distributed imported customs duties for the last business day of calendar year of the member state shall be transferred in the budget of this member state and on the foreign currency account of other member states no later than the second business day of current year of the member state, as well as recorded in the report on execution of budget for the reporting year.

The amounts of incomes from distribution of imported customs duties, received in the budget of the member state from the authorized bodies of other member states for the last business day of calendar year of other member states shall be recorded in the report on execution of budget for the current year.

7. Return of amounts of imported customs duties to, their credit to the account of debt service payment shall be carried out from the unified account of authorized body in the current day within the amounts of imported customs duties, received to the unified account of authorized body, as well as credited to the account of payment of imported customs duties in the reporting day, in recognition of amounts of return of imported customs duties, not received by the national (central) bank to execution in the reporting day.

Return of amounts of imported customs duties to, their credit to the account of debt service payment shall be carried out from the unified account of authorized body of the Republic of Kazakhstan in the reporting day within the amounts of imported customs duties, received (counted) to the unified account of this authorized body in a day of carrying out of return (credit).

8. Determination of amounts of imported customs duties, subjected to return and (or) credit to the account of debt service payment in the current day shall be carried out before distribution of amounts of received imported customs duties between the member states.

9. In case of insufficiency of funds for carrying out of return of imported customs duties and (or) credit to the account of debt service payment in accordance with paragraph 7 of this Minute, the specified return (credit) shall be carried out by the member states in the following business days.

Fines (percent) for the late return of amounts of imported customs duties to shall be paid to from the budget of this member state and shall not be included to the composition of imported customs duties.

10. Distribution of amounts of imported customs duties by the authorized body of the member state between the member states shall be carried out on the following business day of the member state after reporting day, in which the amounts of imported customs duties are counted to the unified account of the authorized body.

Distribution of amounts of imported customs duties of the authorized body of the Republic of Kazakhstan between the member states shall be carried out in the reporting day of credit of the amounts of imported customs duties to the unified account of the authorized body.

11. Calculation of amounts of imported customs duties, subjected to transfer from the unified account of the authorized body of the member state to the budget of this member state , as well as to the foreign currency accounts of other member states shall be carried out by multiplying of general amount of imported customs duties, subjected to distribution between the member states for the standards of distribution, establishing in the percent.

In this case, the total amount of import customs duties subject to distribution between member states shall be determined by subtracting from the amounts of import customs duties received (executed by the authorized body by offset) on the reporting day, taking into account the settlement (payment) documents (instructions) for the transfer of amounts of refund of import customs duties not accepted for execution by the national (central) bank on the reporting day, the amounts of import customs duties subject to refund on the current day, and the amounts of import customs duties offset against the debt on the current day.

In the Republic of Kazakhstan, the total amount of import customs duties to be distributed among member states shall be determined by subtracting from the amounts of import customs

duties received (fulfilled by the authorized body by offset) on the reporting day, the amounts of import customs duties subject to refund on the reporting day, and the amounts of import customs duties offset against debt on the reporting day.

In the case if the calculated (payment) document (instruction) for return of the amount of imported customs duty, subjected to execution in the current day to is not received by the national (central) bank to execution, this amount shall subject to distribution between the member states in the following business day of the member state.Upon that the amount of imported customs duties, not transferred to the foreign currency accounts of other member states in accordance with this paragraph shall be recognized as overdue for one day.

Footnote. Paragraph 11 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

12. The standards for the apportionment of import duties for each Member State shall be as follows:

the Republic of Armenia – 1.220 per cent;

the Republic of Belarus - 4.860 per cent;

the Republic of Kazakhstan - 6.955 per cent;

the Kyrgyz Republic - 1.900 per cent;

the Russian Federation - 85.065 per cent.

Footnote. Paragraph 12 as amended by Law of the RK № 369-VI of 26.10.2020.

13. Transfer of amounts of imported customs duties to the member states shall be carried out by the authorized bodies of the member states to the foreign currency accounts of other member states on the next business day of the member state following of the day of crediting to the unified account of the authorized body.

Calculated (payment) document (instruction) for transfer of amounts of imported customs duties to the member states shall be directed by the authorized body in the national (central) bank for further transfer to the foreign currency accounts of other member states on a daily basis not later than 14 hours on a local time. The date for which the distribution of imported customs duties is carried out and the amounts subjected to distribution between the member states in the national currency shall be specified in the determined calculated (payment) document (instruction).

In the case if the specified calculated (payment) document (instruction) is directed to the national (central) bank of the member state in the current day not later than 14 hours on a local time, the relevant payment shall be recognized as overdue for one day.

14. Procedure of transfer of amounts of imported customs duties, received to the foreign currency accounts from the authorized bodies of the member states to the income of budget of the member state shall be regulated by section III of this Minute.

15. Accounting of amounts of imported customs duties distributed and transferred to the budgets of the member states shall be carried out by the authorized bodies of the member states.

16. An authorized body of the member state shall inform the authorized bodies of other member states on nonbusiness days established in accordance with the legislation of this member state not later than 10 calendar days before the start of the next calendar year.

In the case of change of nonbusiness days, the authorized body of the member state, in which such changes occur shall inform the authorized bodies of other member states on specified changes not later than 2 calendar days before their entering into legal force.

17. In the case of change of requisites of foreign currency account, on which the transfer of the amount of imported customs duties is subjected, the authorized body of the member state shall bring refined requisites of the account to the authorized bodies of other member states not later than 10 calendar days before the day of entering of specified changes into legal force.

In the case of change of other details, necessary for implementation of this Minute, the authorized body shall bring information on such changes to the authorized bodies of other member states not later than 3 calendar days before the day of entering of specified changes into legal force.

18. In the case of absence of amounts of imported customs duties, subjected to distribution between the member states, the authorized body of the member state shall direct the relevant information to the authorized bodies of other member states in the electronic form with the use of integrated information system of the Union, and before implementation of the specified system – on electronic communication channels in the form of graphic electronic copy of document, containing this information in the term, established by this Minute for direction of calculated (payment) document (instruction) to the national (central) bank for transfer of funds to the foreign currency accounts of other member states.

19. Central customs bodies of the member states shall ensure application of unified principles of maintenance of record of imported customs duties on the method of charge in accordance with rules, approved by Commission.

20. Upon non-transfer or incomplete transfer of funds to the foreign currency account of any member state in the terms established by this section and non-reception of information from the authorized body of this member state on absence of amounts of imported customs duties subjected to distribution, the authorized body of the member state, which has not received the funds to the foreign currency account shall inform the authorized bodies of the member states and Commission on non-transfer or incomplete transfer of funds.

21. The member state, not transferred the amounts of distributed imported customs duties to other member states shall pay the percent for delay to these other member states on the entire amount of resulting debts on the rate in the amount of 0, 1 percent for each calendar day of delay, including the day, in which the amount from distribution of imported customs duties was not transferred to other (other) member state (member states).

22. In the case of direction of information on absence of amounts of imported customs duties, subjected to distribution, by the member states, in the conditions of actual existence of

specified amounts, as well as upon incomplete transfer of funds from the unified account of the authorized body to the foreign currency accounts of other member states, the member state committed such violation shall be obliged to transfer the amounts from distribution of imported customs duties, subjected to crediting to the budgets of other member states to other member states not later than the following business day of the member states in accordance with this section, based on the amount, which was not transferred to the foreign currency accounts of other member states.

Upon that the member state committed such violation shall pay the percent for delay in the amount, established by paragraph 21 of this Minute for each calendar day of delay, which recognizes the period of time from the date, in which the violation is committed, not including the day, in which the transfer of funds to the member states is carried out in accordance with this paragraph.

23. Upon non-reception (incomplete reception) of funds from any member state and absence of notification of the authorized body of this member state on the absence of amounts of imported customs duties, subjected to distribution between the member states, the authorized body of the member state, the funds of which is not received to the foreign currency account shall have a right to suspend the transfer of amounts of imported customs duties from their unified account to the foreign currency account of first member state on the third business day of the member state after the date of such non-reception (incomplete reception).

24. In the case of adoption of decision by the member state on suspension of transfer of amounts of imported customs duties, the funds subjected to transfer to the foreign currency account of other member state shall subject to crediting to the income of budget of first member state before the revocation of decision on suspension of transfer and shall be separately considered in the budget of this member state.

Authorized body of the member state, suspended the transfer of amounts of imported customs duties to the foreign currency account of other member state shall immediately inform the authorized bodies of other member states and Commission on adopted decision.

25. Commission shall conduct consultations with executive bodies of the member states not later than a business day, following of the day of adoption of decision on suspension of transfer of amounts of imported customs duties for the purposes of early renewal of functioning of mechanism of distribution of amounts of imported customs duties in the full amount.

26. In the case if decision on renewal of functioning of mechanism of distribution of amounts of imported customs duties is not adopted by the results of consultations, specified in paragraph 25 of this Minute, this issue shall be presented for consideration of Commission.

In the case of impossibility of adoption of decision by Commission on renewal of functioning of mechanism of distribution of amounts of imported customs duties, this issue shall be presented for consideration of Intergovernmental council.

27. Upon renewal of transfer of amounts of imported customs duties, the amounts specified in paragraph 24 of this Minute shall subject to transfer to the foreign currency account of those member states, to which they are intended in accordance with this Minute, not later than business day of the member state, following of the day of reception of notification on adopted decision, upon that the percent for delay is not charged for the specified amount.

28. The amounts of apportioned import customs duties not transferred by a Member State to the foreign currency accounts of other Member States, as well as the amounts of outstanding obligations of the national (central) banks of Member States to transfer the funds provided for in section III of this Protocol, shall be attributed to the public debt.

Footnote. Paragraph 28 as amended by the Law of the RK dated 10.02.2025 № 162-VIII.

III. Procedure of transfer of amounts of imported customs duties, received from the authorized bodies of the member states on the foreign currency accounts, to the income of budget of the member state

29. National (central) bank of one (first) member state shall be obliged to sell the funds in USA dollars for the amount of national currency of first member state equal to the amount of national currency of first member state, transferred in accordance with this Minute, to the national (central) bank of another (second) member state to the foreign currency account of the authorized body of second member state. Sold amount of USA dollars shall be determined on official exchange rate of national currency of first member state to the USA dollars, established by the national (central) bank of first member state on the business day, following of the day of transfer of funds in the national currency of first member state to the foreign currency account of second member state.

The obligation to sell funds in the USA dollars shall be executed by the national (central) bank of first member state not later than the following business day after the date of transfer of equivalent amount of national currency of first member state to the foreign currency account of second member state.

Upon that the obligation to sell the funds in the USA dollars shall be executed by the national (central) bank of each member state regardless of implementation of similar rights and execution of obligations in relation between other member states.

National (central) banks of two member states may establish in the separate agreement, that execution of cross obligations on transfer of funds in the USA dollars, as well as obligations, not executed in the term established in the second item of this paragraph, and obligation on payment of fines in accordance with paragraph 31 of this Minute shall be carried out by transfer the funds in the USA dollars by the national (central) bank, the value

of obligation in the USA dollars of which exceeds the value of cross obligation in the USA dollars of another national (central) bank, to another national (central) bank in the amount equal to the difference between the values of specified cross obligations.

Satisfaction of requirements on monetary obligations in the USA dollars, specified in this paragraph shall be carried out in the following order:

firstly the requirements on payment of fines in accordance with paragraph 31 of this Minute are satisfied;

on a second-priority basis the requirements on obligation, the term of execution of which is occurred and which are not overdue are satisfied;

on a third-priority basis the requirements on obligations, not executed in the term, established in the second item of this paragraph are satisfied.

On the obligation of national (central) bank of first member state, specified in this paragraph, to sell the funds in the USA dollars to the national (central) bank of second member state, the first member state shall bear responsibility solidary with national (central) bank of first member state before second member state.

29[1].The national (central) banks of the Member states may, in agreements concluded between them in pursuance of this Protocol, by mutual agreement on a temporary basis for a period not exceeding 2 years, shall establish that the amounts of the counter obligations in United States dollars arising from January 1, 2022 specified in paragraph one of paragraph 29 of this Protocol or the amounts of the difference between the amounts of these obligations in United States dollars specified in paragraph four of paragraph 29 of this Protocol shall be transferred in Russian roubles at the official rates established by the national (central) banks of the Member states.

In the case of transfers made by national (central) banks of Member states in accordance with paragraph one of this paragraph, the provisions of this Protocol shall be applied subject to the following peculiarities:

obligations to transfer funds in Russian roubles shall be fulfilled within the time limit set by the second paragraph of paragraph 29 of this Protocol;

the priority of satisfaction of claims provided for by paragraphs five to eight of paragraph 29 of this Protocol, as well as the joint liability of the Member state with the national (central) bank provided for by paragraph nine of paragraph 29 of this Protocol, shall apply to monetary obligations in Russian roubles;

mutual settlements between Member states provided for in paragraph 30 of this Protocol shall be made in Russian roubles at the official rates established by the national (central) banks on the working day following the day of transfer of funds in national currency;

the amounts of penalties provided for in paragraph 31 of this Protocol shall be paid in Russian roubles at the official exchange rates established by the national (central) bank which is the payer of the said penalties on the date of their transfer;

in applying paragraph 35 of this Protocol, a working day on which settlements between two Member states shall be effected (including settlements between the national (central) banks of two Member states) shall mean a day which shall be simultaneously a working day for those two Member states and for the Russian Federation.

Footnote. Section III as added by the paragraph 29[1] in accordance with the Law of RK from 10.02.2025 № 162-VIII.

30. For the purposes of conducting of further mutual exchanges between the first member state and second member state in the case of non-performance or improper performance of obligation of national (central) bank of first member state specified in paragraph 29 of this Minute, to sell the funds in the USA dollars to the national (central) bank of second member state, the requirements to the national (central) bank of first member state shall be fixed in the USA dollars on official exchange rate, established by the national (central) bank of first member state on the business day, following of the day of transfer of funds in the national currency of first member state to the foreign currency account of the member state.

31. For non-performance or improper performance of obligation of national (central) bank of first member state, specified in paragraph 29 of this Minute, to sell the funds in the USA dollars to the national (central) bank of second member state, the national (central) bank of first member state or first member state shall pay the fines, the amount of which is calculated on the following formula:

A penny = The amount _USD X (SOFR usd,o/n+2%)/360X Days,

where:

The amount USD – the amount (in the USA dollars), subjected to transfer by the national (central) bank of first member state to the national (central) bank of second member state;

SOFR_(usd,o/n)- the overnight rate in US dollars set by the Federal Reserve Bank of New York for the day on which the default or improper performance of the obligation began (Secured Overnight Financing Rate (SOFR));

Days – the amount of calendar days, calculated from the date of non-performance or improper performance of obligation (inclusively) until the date of proper performance of obligation (excluding the date of proper performance of obligation).

Footnote. Paragraph 31 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

32. In the case of non-performance or improper performance of obligation, specified in paragraph 29 of this Minute by the first member state, the national (central) bank of second member state, in relation of which non-performance or improper performance of obligation is occurred shall have a right to transfer the requirement on non-performance or improper performance of obligation, including requirement on payment of fines in accordance with

paragraph 31 of this Minute to the second member state on a remuneration basis without the consent and preliminary notification of first member state and national (central) bank of first member state.

33. National (central) bank of the member state shall not bear responsibility before the government or authorized body of the member state for non-performance of improper performance of obligations by other member state, as well as for non-performance or improper performance of obligation by the national (central) bank of another member state.

34. Charges and losses, arising at the national (central) bank of first member state in connection with implementation of calculations by them, provided by this section, as well as charges and losses, arising due to the change of foreign exchange rates, non-performance or improper performance of obligations by other member states and national (central) banks of other member states shall not subject to compensation by other member states. Conditions and procedure of compensation of specified charges and losses to the national (central) bank of first member state shall be established by the first member state.

35. For the purposes of this section the business day, in which the calculations between two member states (as well as calculations between the national (central) banks of two member states) is carried out shall be the day, which is also a business day for these two member states and for the United States of America.

36. To the correspondent account of national (central) bank of one (first) member state, opened in the national (central) bank of another (second) member state for implementation of calculations in accordance with this Minute, as well as to the funds, being in the this correspondent account, the judicial and other authorities of second member state may not apply arrest, blocking, other secured, prohibitive or restrictive measures, that making impossible to use the funds in this correspondent account.

37. Debiting of funds being in the correspondent account of national (central) bank of one (first) member state, opened in the national (central) bank of another (second) member state for implementation of calculations in accordance with this Minute, state shall not be allowed without the consent of national (central) bank of first member, unless otherwise established by conditions of agreement of correspondent account.

38. If the obligation to sell funds specified in paragraph 29 and paragraph 291 of this Protocol is not fully or partially fulfilled by the national (central) bank of the first member state within 30 calendar days, then the national (central) bank of the second Member state, until the national (central) bank of the first Member state fully fulfills this obligation, shall have the right to use without restrictions the funds in the national currency of the first Member state held in the correspondent account of the national the (central) bank of the second member state opened in the national (central) bank of the first member state.

Footnote. Paragraph 38 as amended by the Law of the Republic of Kazakhstan dated 10.02.2025 № 162-VIII.

39. National (central) bank of one (first) member state shall implement the rights and execute obligations, provided by agreements, concluded by it with national (central) bank of another (second) member state on a grant basis in execution of this Minute and in accordance with it.

IV. Procedure of information exchange between the authorized bodies of the member states.

40. The authorised body of a Member State shall send to the authorised bodies of other Member States the following information for the reporting day, no later than 4 PM local time daily (for the Republic of Armenia - Yerevan time, for the Republic of Belarus - Minsk time, for the Republic of Kazakhstan - Nur-Sultan time, for the Kyrgyz Republic - Bishkek time, for the Russian Federation - Moscow time):

1) the amount of imported customs duties, credited to the unified account of the authorized body of the member state;

2) the amount of advance payments against import customs duties performed by the authorised body on the reporting day;

2.1) the amounts of offsets of export customs duties, taxes and levies and other payments against import customs duties fulfilled by the authorised body on the reporting day;

3) the amounts of imported customs duties, counted in the reporting day to the account of debt service payment and separately the amounts of imported customs duties, counted in the current day in the account of debt service payment;

4) the amounts of imported customs duties, returned in the reporting day, and separately the amounts of imported customs duties, subjected to return in the current day;

5) the amounts of return of imported customs duties, not accepted by the national (central) bank for execution in the reporting day;

6) the amounts of imported customs duties, subjected to distribution between the member states;

7) the amounts of distributed imported customs duties, transferred to the foreign currency accounts of other member states;

8) the amount of receipts of incomes from distribution of imported customs duties, transferred from the unified account of the authorized body of this member state in the budget of the member state;

9) the amounts of receipts of incomes from distribution of imported customs duties, received to the foreign currency accounts of the authorized body to the budget of the member state;

10) the amounts of distributed imported customs duties, the transfer of which to the foreign currency accounts of other member states is suspended;

11) the amount of percent for the delay, received to the member state from other member states upon violation of performance of requirements, provided by this Minute.

Footnote. Paragraph 40 as amended by the Law of the Republic of Kazakhstan dated 24.12.2014 №. 265-V; № 346-V as of 02.08.2015; № 369-VI of 26.10.2020; № 6-VII of 15.02.2021; № 50-VII of 14.06.2021.

41. Every month, on the fifth working day of the month following the reporting month, the authorised body shall forward to the Commission the information specified in paragraph 40 of this Minute, cumulatively from the beginning of the calendar year.

Footnote. Paragraph 41 as reworded by Law of the RK № 6-VII dated 15.02.2021.

41[1]. The information referred to in paragraphs 40 and 41 of this Minute shall be communicated electronically using the Union's integrated information system.

Footnote. The Minute as supplemented by paragraph 41[1] in obedience to Law of the RK № 6-VII of 15.02.2021.

42. The form of provision of information, provided by paragraphs 40 and 41 of this Minute shall be considered by the authorized bodies and approved by Commission.

43. The designated authorities of the Member States shall perform an operational reconciliation of data received in compliance with paragraph 40 of this Minute.

If discrepancies are found, a Minute shall be drawn up and action shall be taken by the Member States to resolve the discrepancies.

Footnote. Paragraph 43 as amended by Law of the RK № 6-VII of 15.02.2021.

44. Information directed to the authorized bodies of one member state to the authorized bodies of other member states and to the Commission shall be signed by the head of this authorized body or person authorized by him (her) in accordance with paragraphs 40 and 41 of this Minute.

V. Procedure of information exchange, related with payment of imported customs duties

45. Central customs bodies of the member states shall present information, related with payment of imported customs duties, not referring to the details, constituting the state secret (state secrets) to each other, as well as to the Commission in the electronic form on a regular basis.

46. Information relating to the payment of import duties shall be drawn from the following sources:

1) data contained in information resources of customs authorities of the Member States from declarations of goods (including in case of using transport (shipping), commercial and (or) other documents as declaration of goods), calculation of customs duties, taxes, special, anti-dumping, countervailing duties and statement on performance of operations, which in compliance with the Customs Code of the Eurasian Economic Union, may not be performed

outside the customs territory of the Union in relation to temporarily exported vehicles of international transport, including information that amends the information in such customs documents;

2) information from personal accounts, registers and documents containing data on import customs duties actually paid and transferred to the budgets of the Member States in conformity with the unified principles of recording import customs duties on an accrual basis in accordance with the rules approved by the Commission, contained in information resources of customs authorities of the Member States.

Footnote. Paragraph 46 – as reworded by Law of the RK № 50-VII dated 14.06.2021.

47. Information relating to the payment of import duties shall not include information on the payment of customs duties and taxes by natural persons in respect of goods for personal use.

Footnote. Paragraph 47 – as reworded by Law of the RK № 50-VII of 14.06.2021.

48. Information related with payment of imported customs duties (unit of measurement – the USA dollars, the average monthly exchange rate of the USA dollars to the national currency of national (central) bank of the member state for the reporting month is applied for recalculation of amounts in the national currency to the USA dollars) shall be presented on a grant basis in Russian language (the use of Latin alphabet is allowed on the separate positions) and include the following details for the reporting period:

1) the amount of carry-overs of imported customs duties at the beginning and end of the reporting period;

2) documentary recorded amounts of imported customs duties in the formalized customs documents on their payment (collection);

3) the amounts of imported customs duties, credited to the account of debt service payment;

4) refunds of import duties;

5) the amounts of provided deferrals and instalments of payment of imported customs duties;

5.1) advance payments credited against import duties;

5.2) export customs duties, taxes and levies and other charges offset against import customs duties;

6) other details, related with payment of imported customs duties.

Footnote. Paragraph 48 as amended by Law of the RK № 50-VII of 14.06.2021.

49. Technological regulations for the exchange of information related to the payment of import customs duties shall be developed and approved by the Commission.

The said technological regulations shall determine the composition, structure and format of the information referred to in paragraph 48 of this Minute, the manner, timing and modalities of its exchange.

Footnote. Paragraph 49 as amended by Law of the RK № 50-VII of 14.06.2021.

50. Information exchange in the electronic form between the central customs bodies of the member states, as well as its presentation to the Commission shall be carried out after ensuring of technical readiness of these customs bodies and Commission, on that they notify each other. After introduction of integrated information system of the Union into effect, the information exchange between the central customs bodies of the member states and presentation it to the Commission shall be carried out in the electronic form with the use of specified system.

51. Prior to the date of application of the technological regulations for the exchange of information relating to the payment of import customs duties, the central customs authorities of the Member States shall provide to each other and to the Commission the information referred to in paragraph 48 of this Minute in the form approved by the Commission no later than the last day of the month following the reporting month.

Footnote. Paragraph 51 as amended by Law of RK № 50-VII of 14.06.2021.

52. Central customs bodies of the member states, as well as Commission shall take the necessary measures on protection from illegal distribution of information, received in accordance with this section.

The central customs bodies of the member states shall provide the limited number of persons, having an access to the specified information, as well as its protection in accordance with the legislation of the member states.

Commission shall use information, received in accordance with this section for the purposes of implementation of paragraph 54 of this Minute.

VI. Monitoring and control

53. The supreme audit institutions of the Member States shall verify annually the compliance of the competent authorities of the Member States with the provisions of this Minute within the framework of joint control activities.

Footnote. Paragraph 53 as reworded by Law of the RK № 369-VI of 26.10.2020.

54. Commission shall annually present a report on crediting and distribution of amounts of imported customs duties to the Intergovernmental council.

55. The special committee may be created according to the decision of Commission from the employees of authorized, customs and other state bodies of the member states, as well as invited specialists for control (audit) of observation of procedure of crediting and distribution of received amounts of the imported customs duties by the member states.

ANNEX №6
to the Agreement
on Eurasian economic union

MINUTE
on the unified customs tariff regulation
I. General provision

1. This Minute is developed in accordance with section IX of Agreement on Eurasian economic union and determine the principles and procedure of application of measures of customs tariff regulation in the customs territory of the Union.

2. The concepts used in this Minute shall have the following meanings:

"similar goods" – goods which in its functional purpose, application, quality and technical characteristics fully identical to the goods, imported to the customs territory of the Union within the tariff quota, or (in the absence of such fully identical goods) goods, which have the characteristics, close to the characteristics of goods imported to the customs territory of the Union within the tariff quota, allowing to use it on a functional purpose, similar to the goods, imported to the customs territory of the Union within the tariff quota and may be replaced by them in the commercial relation;

"substantial suppliers from third countries" – suppliers of goods, having a share in the import of goods to the customs territory of the Union of 10 percent and more;

"the amount of the tariff quota" – the quantity of goods in the natural or value terms, allocated for the import within the tariff quota;

"proceeding period" – period, in relation of which the analysis of volumes of consumption of goods in the customs territory of the Union and volumes of production of similar goods in the customs territory of the Union is conducted;

"the real volume of import" – the volume of import in the conditions of absence of its restrictions;

"agricultural goods" – goods, classified in the groups 1-24 ТН ВЭД EEU, as well as such goods, as mannite, D – glucitol (sorbite), essential oil, casein, albumin, gelatin, dextrin, modified starch, sorbite, hides, leather, down and fur raw materials, raw silk, silk waste, animal dander, raw cotton, cotton waste, cotton carding fiber, raw flax and raw hemp;

"tariff quota" – measure of regulation of import to the customs territory of the Union of separate types of agricultural goods, originated from third countries, providing application of differentiated rates of imported customs duties ETT EEU in relation of goods, imported within the established amount (in the natural or value terms) during certain period and over this quantity.

II. Tariff preferences

3. Tariff preferences in the form of exemption from payment of imported customs duties shall be provided in relation of imported (imported) to the customs territory of the Union from the third countries:

1) goods as the contribution of foreign founder in the charter (reserve) capital (fund) within the terms, established by the constitutive documents for formation of this capital (fund) . Procedure of application of tariff preferences in relation of such goods shall be established by Commission;

2) goods, imported within the international cooperation in the field of research and use of space environment, as well as rendering of services on start of spacecraft, in accordance with the list, approved by Commission;

3) products of offshore operation of vessels of the member state, as well as vessels, rented (chartered) by legal entities and (or) individuals of the member states;

4) currency of the member states, currency of third countries (except for those used for numismatic purpose), as well as securities in accordance with the legislation of the member states;

5) goods imported as humanitarian aid and (or) for the purposes of relieving the consequences of natural disasters, accidents or catastrophes;

6) goods, except for excisable (except for the auto cars, specially intended for medical purposes), imported through the third countries, international organizations, governments for the charitable purposes and (or) recognized in accordance with the legislation of the member states as grant aid (assistance), as well as technical aid (assistance).

4. Tariff preferences in relation of goods, imported (imported) to the customs territory of the Union from third countries may be provided in other cases, established by Agreement on Eurasian economic union, international treaties of the Union with third party, acts of Commission.

III. Conditions and mechanism of application of tariff quotas

5. The volume of tariff quota in relation of separate type of agricultural goods, originated from the third countries and imported to the customs territory of the Union shall be established by Commission and may not exceed the difference between the volume of consumption of such goods in the customs territory of the Union and volume of production of similar goods in the customs territory of the Union.

Upon that for one member state the volume of production of similar goods is equal to the volume of consumption of such goods or exceeds it, such difference may not be taken into consideration upon calculation of volume of tariff quota for the customs territory of the Union .

6. If the volume of production of similar goods in the customs territory of the Union is equal to the volume of consumption of such goods in the customs territory of the Union or exceeds it, establishment of tariff quota shall not be allowed.

7. The following conditions shall be observed upon making decision on establishment of tariff quota:

1) establishment of tariff quota for a certain period (irrespective of results of consideration of issue on distribution of volume of tariff quota between the third countries);

2) informing all interested third countries on volume of tariff quota, allocated by it (in the case of making decision on distribution of volume of tariff quota between the third countries;

3) publication of information on establishment of tariff quota, its term of validity and volume, as well as on volume of tariff quota, allocated to the third countries (in the case of making decision on distribution of volume of tariff quota between the third countries), as well as on rates of imported customs duties, applied in relation of goods, imported within the volume of tariff quota.

8. Distribution of volume of tariff quota between the participants of foreign trade activity of the member state shall be based on their equality in relation of reception of tariff quota and discrimination on the signs of form of ownership, place of registration or market position.

9. The volume of tariff quota shall be distributed between the member states within the difference between the volumes of consumption and production in every member state, which are taken into consideration upon calculation of the volume of tariff quota for the customs territory of the Union in accordance with paragraphs 5 and 6 of this Minute.

Upon that for the member state, being a member of World trade organization, the volume of tariff quota may be established based on the obligations of such member state before the World trade organization.

10. Distribution of volume of tariff quota between the third countries shall be carried out by Commission or in accordance with decision of Commission – member state on the basis of results of consultations with all significant suppliers from the third countries, unless otherwise established by international treaties within the Union, international treaties of the Union with third party or decision of Superior council.

Upon impossibility of distribution of volume of tariff quota on the results of consultations with all significant suppliers from the third countries, decision on distribution of volume of tariff quota between the third countries shall be made in recognition of volume of supplies of goods from these countries during the preceding period.

As the previous period, as a rule shall accept any of the preceding three years, in relation of which the information reflecting the real volumes of import is available.

If it is impossible to choose such preceding period, the volume of tariff quota shall be distributed on the basis of assessment of most likely distribution of real volume of import.

11. Upon supplies of goods during the term of validity of tariff quota, the conditions and (or) formalities, preventing to any third country to fully use allocated volume of tariff quota shall not be established.

12. At the request of third country, interests in the supply of goods, Commission shall conduct consultations on issues:

1) necessity of redistribution of allocated volume of tariff quota;

2) change of elected preceding period;

3) necessity of cancellation of conditions, formalities or any other provisions, established according to the unilateral procedure in relation of distributed volume of tariff quota or its unlimited use.

13. In connection with establishment of tariff quotas, the Commission:

1) at the request of third country, interested in supply of goods shall provide information, concerning the method and procedure of distribution of volume of tariff quota between participants of foreign trade activity, as well as volume of tariff quota, in relation of which the licenses are issued;

2) publish information on total number or cost of goods, intended for supply within the allocated volume of tariff quota, on dates of beginning and end of the term of validity of tariff quota and their any changes.

14. Commission shall not have a right to require using the licenses for the import of goods from any determined third country, except for the cases of distribution of volume of tariff quota between the third countries.

ANNEX №7
to Agreement
on Eurasian economic union

MINUTE
on measures of non-tariff regulation in relation
of third countries
I. General provisions

1. This Minute is developed in accordance with section IX of Agreement on Eurasian economic union and determines procedure and the case of application of measures of non-tariff regulation in relation of third countries by the Union.

Validity of this Minute shall not be distributed to the relation, concerning the issues of technical regulation, application of sanitary, veterinary and phytosanitary requirements, measures in the field of export control and military-technical cooperation.

2. The concepts used in this Minute shall have the following meanings:

“automatic licensing (observation)” – a temporary measure, established for the purposes of monitoring of behavior of export and (or) import of separate types of goods;

“general license” – a license, providing to participant of foreign trade activity the right to export and (or) import of separate type of licensing goods in the number determined by license;

“prohibition” – a measure, prohibiting import and (or) export of separate types of goods;

“import” – import of goods to the customs territory of the Union from third countries without obligation on re-export;

“exclusive license” – a license, providing to participant of foreign trade activity the exclusive right to export and (or) import of separate type of goods;

“exclusive right” – a right to implementation of export and (or) import of separate types of goods by participants of foreign trade activity, and provided on the basis of exclusive license;

“quantitative restrictions” – measures on quantitative restriction of foreign trade of goods, which are introduced by establishment of quotas;

“licensing” – a set of administrative measures, establishing procedure of issuance of licenses and (or) permissions;

“license” – special document to the right of implementation of export and (or) import of goods;

“individual license” – a license, issued to participant of foreign trade activity on the basis of foreign trade transaction, the subject of which is the licensed goods and providing a right to export and (or) import of these goods in a certain amount;

“permission” – special document, issued to participant of foreign trade activity on the basis of foreign trade transaction, the subject of which is the goods, in relation of which the automatic licensing (observation) is established;

“permit” – a document, issued to participant of foreign trade activity or individual for the right to import and (or) export of goods in the cases, determined by the act of Commission;

“authorized body” – a body of executive body of the member state, vested with the right to issue licenses and (or) permissions;

“participants of foreign trade activity” – individuals and organizations, not being legal entities, registered in one of the member states and created in accordance with the legislation of this state, individuals, having permanent or preferential residence in the territory of one of the member states, being the citizens of this state, or having the right of permanent residence in it, or registered as individual entrepreneurs in accordance with the legislation of this state;

“export” – export of goods from the customs territory of the Union to the territory of third countries without the obligation on re-export.

II. Introduction and application of measures of non-tariff regulation

3. The unified measures of non-tariff regulation (hereinafter – measures) shall be applied in the trade with third countries in the territory of the Union.

4. Decision on introduction, application, extension and cancellation of measures shall be adopted by the Commission.

The goods in relation of which the decision on application of measures is adopted shall be included to the unified list of goods, to which the measures of non-tariff regulation in the trade with third countries (hereinafter – the unified list of goods) are applied.

The single list of goods shall also include goods for which the Commission has decided to establish a tariff quota or an import or special quota as a special protective measure and to issue licenses.

Footnote. Paragraph 4 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

5. The proposal on introduction or cancellation of measures may be represented as by the member state as by the Commission.

6. Upon preparation of decision of Commission on introduction, application, extension or cancellation of measures, the Commission shall inform participants of foreign trade activity of the member states, the economic interests of which may be affected by adoption of such decision, on possibility to present proposals and remarks on this issue and on conducting of consultations to the Commission.

7. Commission shall determine the method and form of conducting of consultations, as well as method and form of bringing of information on the course of conducting and results of consultations to the notice of interested persons, presenting their proposals and remarks.

Non-conducting of consultations may not be the ground for recognition of decision of Commission, affecting the right of carrying out of foreign trade activity as invalid.

8. Commission may adopt decision not to conduct consultations in the existence of any of the following conditions:

1) on measures provided by project of decision of Commission, affecting the right of carrying out of foreign trade activity shall not be known until the date of entering it into legal force, in connection with which conducting of consultations will result or may result in failure to achieve the purposes, provided by this decision;

2) conducting of consultations will result a delay in adoption decision of Commission, affecting the right of carrying out of foreign trade of activity that may cause substantial damage to the interests of the member states;

3) provision of exclusive right is provided by the project of decision of Commission, affecting the right of implementation of foreign trade activity.

9. Procedure of making suggestions on introduction or cancellation of measures shall be determined by Commission.

10. Decision of Commission on introduction of measures may determine the customs procedures, upon placement of which the observation of measures are controlled by the customs bodies, as well as the customs procedures, placement of which the goods, in relation of which the measure is introduced shall not be allowed.

III. Prohibitions and quantitative restrictions of export and import of goods

11. Export and import of goods shall be carried out without application of prohibitions and quantitative restrictions, except for the cases, provided by paragraph 12 of this Minute.

12. In the exceptional cases may be established:

1) temporary prohibitions or temporary quantitative restrictions of export for prevention or reduction of critical shortage in the domestic market of food or other goods, being essential for domestic market of the Union;

2) prohibitions or quantitative restrictions of export and import, necessary in connection with application of standards or rules of classification, sorting and sale of goods in international trade;

3) restrictions of import of aquatic biological resources uponzimportation in any form, if it is necessary:

restrict production or sale of similar goods, originated from the territory of the Union;

restrict production or sale of goods, originated from the territory of the Union which may be directly substituted by the imported goods, in the case if the Union does not have significant production of similar goods;

remove from the market a temporary surplus of the similar goods, originated from the territory of the Union by provision of this surplus to some groups of consumers for free or at below market prices;

remove from the market a temporary surplus of goods, originated from the territory of the Union, which may be directly substituted by the imported goods, if the Union does not have significant production of similar goods by provision of this surplus to some groups of consumers for free or at below market prices.

13. Upon introduction by Commission of quantitative restrictions to the territory of the Union shall be applied the export and (or) import quotas.

Quantitative restrictions shall be applied:

upon export – only in relation of goods, originated from the territory of the member states;

upon import – only in relation of goods, originated from third countries.

Quantitative restrictions shall not be allowed in relation of import of goods from the territory of any third country or export of goods, intended for the territory of any third country , if such quantitative restrictions are not applied in relation of import from all third countries or export to all third countries. Such provision shall not prevent to observation of obligations of the member states in accordance with international treaties.

14. Prohibitions or quantitative restrictions of export may be introduced only in relation of goods, included to the list of goods, which are essential for the domestic market of the Union and in relation of which in the exceptional cases may be introduced the temporary prohibitions or quantitative restrictions of export, approved by Commission on the basis of suggestions of the member states.

15. Upon introduction of prohibition or quantitative restriction of export of agricultural goods, being essential for the domestic market of the Union in accordance with subparagraph 1 of paragraph 12 of this minute, the Commission shall:

consider consequences of prohibition or quantitative restriction for the food security of third countries, imported such agricultural goods from the territory of the Union;

preliminary inform the Committee on agriculture of the World trade organization on nature and duration of application of prohibition or quantitative restriction of export;

organize consultations or present all necessary information on issues, relating to the considered measure at the request of any imported country.

In this paragraph under importing country shall be regarded as the country, in the import of which is the share of agricultural goods originated from the territory of the member states, in relation of export of which is planned to introduce a prohibition or quantitative restriction shall consist not less than 5 percent.

16. Commission shall distribute the volumes of export and (or) import of quotas between the member states and determine the method of distribution of shares of export and (or) import of quotas among participants of foreign trade activity of the member states, as well as upon necessity shall distribute the volumes of quota between the third countries.

Distribution of volumes of export and (or) import quotas between the member states shall be carried out by Commission depending on the tasks, which are supposed to solve by introduction of quantitative restrictions, in recognition of suggestions of the member states and based on the volumes of production and (or) consumption of goods in each of the member states.

17. Commission upon adoption of decision on application of export and (or) import quotas shall:

1) establish the export and (or) import quotas for a definite period (regardless of whether they are distributed between third countries);

2) inform all interested third countries on volume of import quota allocated to them (in the case if the import quota is distributed between the third countries);

3) publish information on application of export and (or) import quotas, their volumes and terms of validity, as well as distribution of import quota between the third countries.

18. Distribution of import quotas between third countries shall be carried out, as a rule, by the Commission according to the results of consultations with all substantial suppliers from third countries.

Upon that under the significant suppliers from third countries shall be regarded as suppliers with a share of 5 percent or more in the import of goods in the territory of the Union .

19. In the case if distribution of import quotas is not be carried out on the basis of results of consultations with all significant suppliers from third countries, decision of Commission on distribution of quotas between third countries shall be adopted in recognition of volume of supplies of goods from these countries during preceding period.

20. Commission shall not establish any conditions or formalities, which may prevent to any third country to fully use the import quota allocated to it, upon condition that supply of relevant goods will be executed during validity of import quota.

21. Selection of the preceding period for determination of volume of supplies of goods, in relation of which the export and (or) import quota is introduced shall be carried out by Commission. Upon that, as a rule, any of the previous 3 years shall be accepted for this period

, in relation of which information, reflecting the real volumes of export and (or) import is available. In the absence of possibility to choose the preceding period, the export (and) or) import quotas are distributed on the basis of assessment of the most probable distribution of real volumes of export and (or) import.

In this paragraph under the real volumes of export and (or) import shall be regarded as the volumes of export and (or) import in the conditions of absence of their restrictions.

22. At the request of any third country, interested in the supply of goods, the Commission shall conduct consultations with this country concerning:

1) necessity of redistribution of established import quota;

2) change of selected preceding period;

3) necessity of termination of conditions, formalities or any other provisions, established in accordance with unilateral procedure in relation of distribution of import quota or its unlimited use.

23. Distribution of share of export and (or) import quotas among participants of foreign trade activity shall be carried out by the member states on the basis of method, determined by Commission and based on equality of participants of foreign trade activity in relation of reception of share of export and (or) import quotas and on nondiscrimination on the grounds of form of ownership, place of registration and market position.

24. Except for the cases of distribution of import quota between the third countries shall not be allowed to demand that the license is used for the export and (or) import of relevant goods to any particular country and (or) from any particular country.

25. In connection with application of export and (or) import quotas, the Commission shall :

1) provide information, concerning procedure of distribution of export and (or) import of quotas, mechanism of foreign trade activity and volumes of quotas, on which the licenses are issued, at the request of third country, interested in trade of certain type of goods;

2) publish information on total number or cost of goods, export and (or) import of which will be permitted within a certain time in the future, as well as on dates of commencement and termination of validity of export and (or) import quotas and any changes.

IV. Exclusive right

26. Carrying out of foreign trade activity may be restricted by provision of exclusive right.

27. The goods, the exclusive right of which is provided for export and (or) import, as well as procedure of determination by the member states of participants of foreign trade activity, to which such exclusive right is provided shall be determined by Commission.

The list of participants of foreign trade activity, to which the exclusive right is provided by the member states on the basis of act of Commission shall subject to publication on the official website of the Union in the Internet.

28. Decision on introduction of restriction on carrying out of foreign trade activity by provision of exclusive right shall be adopted by Commission by suggestion of the member state.

The ground of necessity of introduction of exclusive right shall contain financial and economic calculations and other information, approving feasibility of application of this measure.

29. Participants of foreign trade activity, the exclusive right of which is provided by the member state on the basis of decision of Commission shall make transactions on export and (or) import of relevant goods, based on the principle of nondiscrimination and governed only by the business considerations, including conditions of purchase or sale and provide an adequate opportunity to the organizations of third countries (in accordance with standard business practice) to compete in relation of participation in such purchases or sales.

30. Export and (or) import of goods, in relation of which the exclusive right is provided to the participants of foreign trade activity shall be carried out on the basis of exclusive licenses, issued by the authorized body.

V. Automatic licensing (observation)

31. For the purposes of monitoring of behavior of export and (or) import of separate types of goods, the Commission shall have a right to introduce the automatic licensing (observation).

32. Introduction of automatic licensing (observation) shall be carried out at the initiative of both the member state, and the Commission.

The ground of necessity of introduction of automatic licensing (observation) shall contain information on impossibility of tracking of quantitative indicators of export and (or) import of separate types of goods and their changes by other methods.

33. The list of separate types of goods, in relation of which the automatic licensing (observation) is introduced, as well as the terms of such automatic licensing (observation) shall be established by Commission.

The goods in relation of which the automatic licensing (observation) is introduced shall be included to the unified list of goods.

34. Export and (or) import of goods, in relation of which the automatic licensing (observation) is introduced shall be carried out in the existence of permissions, issued by the authorized body in the manner determined by Commission.

The procedure for issuing (executing) a permit, its structure and format in the form of an electronic document shall be approved by the Commission, and before their approval shall be determined in accordance with the legislation of the Member State.

Permits issued by the authorized body of one Member State are recognized by all other Member States.

Footnote. Paragraph 34 as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

35. The issuance of permits for the export and/or import of goods included in the single list of goods shall be carried out in accordance with the rules provided for in paragraph 48 of this Protocol.

Footnote. Paragraph 35 as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

VI. Authorization procedure

36. Authorization procedure of import and (or) export of goods shall be implemented by introduction of licensing or application of other administrative measures of regulation of foreign trade activity.

37. Decision on introduction, application and cancellation of authorization procedure shall be adopted by Commission.

VII. General exceptions

38. Upon import and (or) export of separate types of good may be introduced the measures, as well as on the grounds other than those specified in sections III and IV of this Minute, if these measures are:

1) necessary for observation of public morality or legal order;

2) necessary to protect human life and health, the environment, animals and plants;

3) referred to export and (or) import of gold or silver;

4) applied for protection of cultural values and cultural heritage;

5) necessary for prevention of depletion of irreplaceable natural resources and conducted simultaneously with restriction of internal production or consumption, related with the use of irreplaceable natural resources;

6) related with restriction of export of goods, originated from the territory of the member states for provision of domestic manufacturing industry with sufficient number of such goods during the period, when the domestic price of such goods is kept at a lower level than the world price as a result of the government's stabilization plan;

7) necessary for purchase or distribution of goods upon general or their local deficit;

8) necessary for execution of international obligations;

9) necessary for ensuring of defence and security;

10) necessary for ensuring of observation, not contradictory to the international obligations of legal acts, relating application of customs legislation, environmental protection, protection of intellectual property, and other legal acts.

39. The measures specified in paragraph 38 of this Minute shall be introduced on the basis of act of Commission and may not serve as a means of arbitrary or groundless discrimination of third countries, as well as covert restriction of foreign trade of goods.

40. For the purposes of introduction or cancellation of measures in relation of separate type of goods on the grounds, provided by paragraph 38 of this Minute, the member state shall present the documents, containing details on the name of goods, its code TH ВЭД EEU, the nature of presented measures and expected term of validity, as well as the ground of necessity of introduction or cancellation of measures, to the Commission.

41. In the case if Commission does not accept the offer of the member state on introduction of measures on the grounds, provided in paragraph 38 of this Minute, the member state, initiated their introduction may introduce such measures according to unilateral procedure in accordance with section X of this Minute.

VIII. Protection of external financial position and ensuring the equilibrium in balance of payments

42. Upon import of separate types of goods may be introduced the measures, as well as on the grounds other than those specified in sections III and IV of this Minute, in the case if it is necessary for protection of external financial position and ensuring of equilibrium in balance of payments.

Such measures may be introduced, if only by virtue of critical state of balance of payments, other measures do not stop sharp deterioration of position with external calculations.

43. The measures introduced, as well as on the grounds other than the specified in sections III and IV of this Minute may be applied if only the payments for supplies of imported goods are made in the currencies in which the currency reserves of the member states, mentioned in paragraph 44 of this Minute are formed.

44. Restrictions in relation of import shall not be more significant than it is necessary for prevention of imminent threat of serious decline in currency reserves of the member states and for restore a reasonable rate of growth of currency reserves of the member states.

45. Commission shall consider a proposal of the member state on introduction of measures, specified in paragraph 42 of this Minute.

46. In the case if Commission does not accept the proposal of the member state on introduction of measures, the member state may adopt a decision on introduction of measures, specified in paragraph 42 of this Minute unilaterally in accordance with section X of this Minute.

IX. Licensing in the scope of foreign trade of goods

47. Licensing in the cases established by commission shall be applied upon export and (or) import of separate types of goods, if in relation of these goods are introduced:

quantitative restrictions;

exclusive right;

authorization procedure;

tariff quota;

imported or a special quota as a special protective measure.

Licensing shall be implemented by issuance of license on export and (or) import of goods by the authorized body to the participant of foreign trade activity.

Licenses issued by the authorized body of one member state shall be recognized by all other member states.

Footnote. Paragraph 47 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

48. The rules for issuing licenses and permits for the export and (or) import of goods included in the single list of goods shall be approved by the Commission.

The procedure for issuing (registering) a license, its structure and format in the form of an electronic document shall be approved by the Commission, and before their approval shall be determined in accordance with the legislation of the Member State.

Footnote. Paragraph 48 – as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

49. The following types of licenses shall be issued by the authorized bodies:

individual license;

general license;

exclusive license.

Issuance of general and exclusive licenses shall be carried out in the cases determined by Commission.

X. Application of measures according to unilateral procedure

50. In the exceptional cases on the grounds provided by sections VII and VIII of this Minute, the member states in the trade with third countries may introduce the temporary measures according to unilateral procedure, as well as on the grounds other than the specified in sections III and IV of this Minute.

51. The member state which introduces the temporary measure shall inform the Commission on that and make proposal on introduction of such measure in the customs territory of the Union in advance but not later than 3 calendar days before the date of its introduction.

52. Commission shall consider a proposal of the member state on introduction of temporary measure and at the results of consideration of proposal of the member state may adopt a decision on introduction of such measure in the customs territory of the Union.

53. Term of validity of such measure in this case is established by Commission.

54. In the case if decision on introduction of temporary measure in the customs territory of the Union is not adopted, the Commission shall inform the member state which introduced the temporary measure, and customs bodies of the member states on that the temporary measure operates not more than 6 months from the date of its introduction.

55. On the grounds of notification on introduction of temporary measure, received from the member state, the Commission shall immediately inform the customs bodies of the member states on introduction by one of the member states of temporary measure with specification of:

1) the name of regulatory legal act of the member state, in accordance with which the temporary measure is introduced;

2) the name of goods and its code TH ВЭД EEU;

3) the dates of introduction of temporary measure and term of its validity.

56. After reception of information, specified in paragraph 55 of this Minute, the customs bodies of the member states shall not allow:

export of relevant goods, originated from the territory of the member state, applied the temporary measure, the details of which are contained in this information, without a license, issued by the authorized body of this member state;

import of relevant goods, intended for the member state applied the temporary measure, details of which are contained in this information, without a license, issued by the authorized body of this member state. Upon that the member states, not applying the temporary measure shall take the necessary efforts, directed to non-admission of import of relevant goods to the territory of the member state, applied the temporary measure.

Annex
to the Minute on measures
of non-tariff regulation
in relation of third countries

Rules for issuing licenses and permits for the export and (or) import of goods

Footnote. The Annex ceased to be in force by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

ANNEX №8
to Agreement
on Eurasian economic union

MINUTE
on application of special protective, antidumping and compensatory measures in relation to the third countries

Footnote. The word "payer" in the text of the Minute is excluded by Law of the RK № 50-VII of 14.06.2021.

I. General provisions

1. This Minute is developed in accordance with Articles 48 and 49 of agreement on Eurasian economic union (hereinafter – Agreement) and determine application of special protective, antidumping and compensatory measures in relation to the third countries for the purposes of protection of economic interests of producers of goods in the Union.

2. The concepts used in this Minute shall have the following meanings:

“similar goods” – the goods fully identical to the goods, that are or may be the object of investigation (reinvestigation), or in the absence of such goods – another goods, having characteristics, close to the characteristics of goods, which are or may be the object of investigation (reinvestigation);

"anti-dumping measure" - a measure to counter dumping imports that is applied through the introduction of an anti-dumping duty, including a preliminary anti-dumping duty, or the approval of voluntary price commitments accepted by the exporter;

“antidumping duty” – the duty, which is applied upon introduction of antidumping measure and charged by the customs bodies of the member states irrespective of imported customs duties;

“margin of dumping” – expressed as a percentage the ratio of the normal value of the goods after deduction of export price of these goods to its export price or the difference between the normal value of goods and its export price, expressed in the absolute terms;

"import quota" means the volume (in physical and/or value terms) of goods imported into the customs territory of the Union, above which the goods shall not be supplied into the customs territory of the Union;

"countervailing measure" - a measure to neutralize the impact of a specific subsidy of an exporting third country on a sector of the economy of Member States, applied through the introduction of countervailing duty (including a preliminary countervailing duty) or the approval of voluntary commitments accepted by the authorized body of the subsidizing third country or the exporter;

“compensatory duty” – the duty, which is applied upon introduction of compensatory measure and charged by the customs bodies of the member states, irrespective of imported customs duty;

“material damage of branch of economy of the member states” – deterioration of a branch of economy of the member states approved by the evidences, which may be expressed, in particular, in reduction of volume of production of similar goods in the member states and volume of its implementation in the market of the member states, reduction of profitability of production of such goods, as well as in the negative impact on the stock of goods, employment, salary level in this branch of the economy of the member states and the level of investments in this branch of economy of the member states;

"directly competitive goods" - the goods comparable with the goods, which are or may be the object of investigation (reinvestigation), on its own purpose, application, quality and technical characteristics, as well as on other basic features in such a way that the buyer can replace or ready to replace by them the goods, which are or may be the object of investigation (reinvestigation) in the process of consumption;

"ordinary course of trade" – purchase and sale of similar goods in the market of exporting third country on the price not lower than its weighted average cost, determined based on the weighted average costs of production and weighted average trade, administrative and general costs;

"preliminary antidumping duty" – the duty, applied upon import of goods to the customs territory of the Union, in relation of which the preliminary conclusion on existence of dumped import and material damage of a branch of economy of the member states conditioned by this, threat of its damage or significant slowdown of creation of the branch of economy of the member states, is made by the body, conducted investigation in the course of investigation;

"preliminary compensatory duty" – the duty, applied upon import of goods to the customs territory of the Union, in relation of which the preliminary conclusion on existence of subsidized import and material damage of a branch of economy of the member states conditioned by this import, threats of its damage or significant slowdown of creation of the branch of economy of the member states, is made by the body, conducted investigation in the course of investigation;

"preliminary special duty" – the duty, applied upon import of goods to the customs territory of the Union, in relation of which the preliminary conclusion on existence of increased import, which caused or threatened to cause a serious damage to the branch of economy of the member states, is made by the body, conducted investigation in the course of investigation;

"preceding period" – 3 calendar years, directly preceding the date of filing of application on conducting of investigation, for which there are the necessary statistical data;

"connected persons" – the persons, who meet one or several of the following criteria:

each of these persons is an employee or head of organization, created with participation of another person;

the persons are business partners, in other words related by contractual relations, act for the purposes of deriving of profit and jointly bear expenses and losses, related with carrying out of joint activity;

the persons are employers and employees of the same organization;

any person directly or indirectly holds, controls or is a nominee shareholder of 5 percent or more of the voting stocks or shares of both persons;

one of the persons directly or indirectly controls the other person;

both persons are directly or indirectly controlled by a third person;

both persons together directly or indirectly control a third person;

the persons are in the marital relations, relations of consanguinity or affinity, adoptive parents and adoptee, as well as the trustee and the ward.

Upon that under the direct control shall be regarded the possibility of legal entity or individual to determine decisions, applied by legal entity by commission of one or several of the following actions:

exercise of the functions of its executive body;

obtainment of a right to determine the conditions of maintenance of entrepreneurial business of legal entity;

disposal of more than 5 percent of the total number of votes on stocks (shares), constituting the charter (reserve) capital (fund) of a legal entity.

Under the indirect control shall be regarded the possibility of legal entity or individual to determine decision, adopted by legal entity, through the individual or legal entity or through several legal entities, between of which there is a direct control;

“serious damage of a branch of economy of the member states” – the general deterioration of situation, approved by the evidences and related with production of similar or directly competitive goods in the member states, which is expressed in the significant deterioration of industrial, trade and financial position of the branch of economy of the member states and determined, as a rule, for the preceding period;

“special protective measure” – the measure on restriction of increased import to the customs territory of the Union, which is applied by decision of Commission by introduction of import quota, special quota or special duty, as well as preliminary special duty;

special quota" - the volume (in physical and/or value terms) of goods imported into the customs territory of the Union, within the limits of which the goods are supplied into the customs territory of the Union without payment of a special duty, and above which a special duty is payable;

“special duty” – the duty, which is applied upon introduction of special protective measure and charged by the customs bodies of the member states irrespective of imported customs duty;

“subsidized import” – import of goods to the customs territory of the Union, upon production, export or transportation of which the specific subsidy of exporting third country is used;

“third countries” – countries and (or) association of countries, not being the participants of Agreement, as well as territories, included to the classifier of countries of the world, approved be Commission;

“subsidizing body” – the state body or local government body of exporting third country or person, acting by order of relevant state body or local government body or authorized by the relevant state body or local government body in accordance with legal act or on the basis of factual circumstances;

“threat of causing of material damage of a branch of economy of the member states” – the inevitability of causing of material damage to the branch of economy of the member states, approved by the evidences;

“threat of causing of serious damage of a branch of economy of the member states” - the inevitability of causing of serious damage to the branch of economy of the member states, approved by the evidences;

“export price” – the price, which is paid or should be paid upon import of goods to the customs territory of the Union.

Footnote. Paragraph 2 as amended by Law of the RK № 6-VII of 15.02.2021; № 50-VII of 14.06.2021; dated 30.01.2024 № 56-VIII.

II. Investigation

1.The purposes of conducting of investigation

3. The introduction of special protective, antidumping or compensatory measure upon import of goods is preceded by an investigation conducted for the purposes of establishment of:

existence of increased import to the customs territory of the Union and serious damage of a branch of economy of the member states conditioned by this or threat of its causing;

existence of dumping or subsidized import to the customs territory and material damage of a branch of economy of the member states conditioned by this, or threat of its causing or significant slowdown of creation of the branch of economy of the member states.

2. The body conducting the investigations

4. The body conducting the investigations shall act within the powers, provided to it by international treaties and acts, constituting the right of the Union.

5. The body conducting the investigations shall present a report, containing proposals on feasibility of application or extension of the term of validity of special protective, antidumping or compensatory measure or revision or cancellation of special protective, antidumping or compensatory measure, with the annex of project of relevant decision of Commission to the Commission according to results of investigation.

6. Revision of special protective, antidumping or compensatory measure shall provide its change, cancellation or liberalization on the results of the reinvestigation.

7. The body conducting the investigations shall present a report, containing suggestions on feasibility of introduction and application of preliminary special, preliminary antidumping or preliminary compensatory duty, with the annex of project of relevant decision of Commission before completion of the investigation in the cases, provided by paragraphs 15-22, 78-89, 143-153 of this Minute.

8. Provision of evidences and details to the body conducting the investigations, as well as correspondence with the body, conducting the investigation shall be carried out in Russian language, and original documents which are composed in a foreign language shall be accompanied by a translation in Russian language (with certificate of such translation).

III. Special protective measures

1. General principles of application of special protective measure

9. Special protective measure shall be applied in relation of goods, imported to the customs territory of the Union from exporting third country, irrespective of the country of its origin, except for:

1) the goods, originating from the developing or least developed third country-user of the system of tariff preferences of the Union, until the share of import of these goods from such country does not exceed 3 percent from the total volume of import of such goods to the customs territory of the Union, upon condition, that the total share of import of these goods from the developing or least developed third countries, on the share of each of which is not more than 3 percent of the total volume of import of these goods to the customs territory of the Union does not exceed 9 percent from the total volume of import of these goods to the customs territory of the Union;

2) the goods, originating from the state-participant of Commonwealth of Independent States, being the party of Agreement on the free trade area dated 18 October, 2011, upon execution of conditions, established by Article 8 of specified Agreement.

10. Commission shall adopt decision on distribution of special protective measure to the goods, originating from developing or least developed third country and excluded from validity of special protective measure in accordance with paragraph 9 of this Minute, in the case if according to the results of reinvestigation, conducted by the body, conducting the investigation in accordance with paragraphs 31,33 and 34 of this Minute is established, that the share of import of goods from such developing or least developed third country exceeds the indicators, established by paragraph 9 of this Minute.

11. Commission shall adopt decision on distribution of special protective measure to the goods, originating from the state – participant of Commonwealth of Independent States, being the party of Agreement on the free trade area dated 18 October, 2011, excluded from validity of special protective measure in accordance with paragraph 9 of this Minute, in the case if according to the results of reinvestigation, conducted by the body, conducting the investigation, in accordance with paragraphs 31,33 and 34 of this Minute is established that conditions, specified in article 8 of specified Agreement are not performed.

2. Establishment of serious damage of a branch of economy of the member states or threat of its causing due to increased import

12. For the purposes of establishment of serious damage to the branch of economy of the member states or threat of its causing due to increased import to the customs territory of the Union, the body conducting the investigations, in the course of investigation shall access the objective factors, which may be expressed in the quantitative indices and which render assistance to the economic position of the branch of economy of the member states, as well as the following:

1) rate and volume of increase of import of goods, being the object of investigation, in the absolute indices and relative indices to the total volume of production or consumption of similar or directly competitive goods in the member states;

2) the share of imported goods, being the object of investigation, in the total sales of these goods and similar or directly competitive goods on the market of the member states;

3) the price level of imported goods, being the object of investigation, in comparison with the price level for similar or directly competitive goods, produced in the member states;

4) change of the volume of sales on the market of the member states of similar or directly competitive goods, produced in the member states;

5) change of the volume of production of similar or directly competitive goods, productivity, use of production capacities, the amounts of profit and losses, as well as employment level in the branch of economy of the member states.

13. Serious damage to the branch of economy of the member states or threat of its causing due to increased import shall be established on the basis of results of analysis of all evidences and details, relating to the case and available to the body, conducting the investigation.

14. The body conducting the investigations, in addition to increased import shall analyze other known factors, due to which the serious damage to the branch of economy of the member states is caused or the threat of its causing is created in the same period. The specified damage shall not be referred to the serious damage to the branch of economy of the member states or threat of its causing due to increased import to the customs territory of the Union.

3. The introduction of preliminary special duty

15. In the critical circumstances where a delay of application of a special protective measure would result in damage to the branch of economy of the member states, which will be difficult to eliminate later, the Commission may adopt decision on introduction of preliminary special duty on the basis of preliminary conclusion of the body, conducting the investigation for the term, not exceeding 200 calendar days before completion of relevant

investigation, in accordance with which there are clear proofs that the increased import of goods, being the object of investigation, is caused or threatens to cause a serious damage to the branch of economy of the member states.

16. The body conducting the investigations shall inform the authorized body of exporting third country, as well as other known interested persons on possible introduction of preliminary special duty in written form.

17. At the request of the authorized body of exporting third country on conducting of consultation on the issue of introduction of preliminary special duty, such consultations shall be initiated after adoption of decision on introduction of preliminary special duty by Commission.

18. In the case if according to the results of investigation the absence of the ground for introduction of special protective measure is established by the body, conducting the investigation, or decision on non-application of special protective measure is adopted in accordance with paragraph 272 of this Minute, the amounts of preliminary special duty shall subject to return to in the manner according to the annex to this Minute.

The body conducting the investigations shall timely inform the customs bodies of the member states on the absence of grounds for introduction of special protective measure or on adoption of decision on non-application of special protective measure by Commission.

19. In the case if according to the results of investigation the decision on application of special protective measure (as well as by introduction of import or special quota) is adopted, the term of validity of preliminary special duty shall be counted to the total term of validity of special protective measure, and the amounts of preliminary special duty shall subject to crediting and distribution from the date of entering of decision on application of special protective measure, adopted according to the results of investigation, to the legal force, in the manner provided by the annex to this Minute, in recognition of provisions of paragraphs 20 and 21 of this Minute.

20. In the case if according to the results the investigation the introduction of a lower rate special duty, than the rate of preliminary special duty is recognized as appropriate, the amounts of preliminary special duty, relevant to the amounts of special duty, calculated according to the established rate of special duty shall subject to crediting and distribution in the manner provided by the annex to this Minute.

The amounts of preliminary special duty, exceeding the amounts of special duty, calculated according to established rate of special duty shall subject to return to in the manner provided by the annex to this Minute.

21. In the case if according to the results of investigation the introduction of a higher rate of special duty, than the rate of preliminary special duty is recognized as appropriate, the difference between the amounts of special duty and preliminary special duty shall not be charged.

22. Decision on introduction of preliminary special duty shall be applied, as a rule, not later than 6 months from the date of commencement of investigation.

4. Application pf special protective measure

23. The special protective measure shall be applied by decision of the Commission in the amount and during the term, which are necessary for prevention or elimination of serious damage to the branch of economy of the member states or threat of its causing, as well as for facilitation the adaptive process of the branch of economy of the member states to the changing economic conditions.

24. Where a special safeguard measure is applied by establishing an import or special quota, the amount of such import or special quota shall not be less than the average annual volume of imports of the product under investigation (in quantitative or value terms) for the preceding period, except in cases where it is necessary to establish a smaller amount of import or special quota to eliminate serious damage to a sector of the economy of Member States or the threat of causing it.

Footnote. Paragraph 24 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

25. When distributing an import or special quota between exporting third countries, those who are interested in delivering the goods that are the subject of the investigation to the customs territory of the Union shall be allowed to hold consultations on the issue of distributing the import or special quota between them.

Footnote. Paragraph 25 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

26. If it is not possible to hold the consultations provided for in paragraph 25 of this Protocol or if no agreement on such distribution is reached during the consultations, the import or special quota shall be distributed among exporting third countries that have an interest in exporting the goods that are the subject of the investigation to the customs territory of the Union in the proportion established during the import of these goods from these exporting third countries in the previous period based on the total volume of imports of such goods in quantitative or value terms.

In this case, any special factors that could or may affect the course of trade in the given product shall be taken into account.

Footnote. Paragraph 26 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

27. Where the percentage increase in imports of a product that is the subject of an investigation from individual exporting third countries has increased disproportionately concerning the overall increase in imports of such product over the 3 years preceding the date of applying an investigation, the Commission may distribute the import or special quota between such exporting third countries, taking into account the absolute and relative

indicators of the increase in imports of that product into the customs territory of the Union from such exporting third countries.

The provisions of this paragraph shall apply only if the investigating body establishes the existence of serious damage to a sector of the economy of the Member States.

Footnote. Paragraph 27 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

28. The procedure for applying a special protective measure in the form of an import or special quota shall be established by a decision of the Commission. If such a decision provides for import licensing, licenses shall be issued in the manner established by Article 46 of the Treaty.

Footnote. Paragraph 28 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

29. Ceased to be in force by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

5. The term of validity and revision of special protective measure

30. The term of validity of special protective measure shall not exceed 4 years, except for the case of extension of the term of validity of such measure in accordance with paragraph 31 of this Minute.

31. The term of validity of special protective measure, specified in paragraph 30 of this Minute may be extended by decision of the Commission, if according to the results of reinvestigation, conducted by the body, conducting the investigation, it is established that for elimination of serious damage to the branch of economy of the member states or threat of its causing it is necessary extension of the term of validity of special protective measure, and there are the evidences that the measures, contributing the adaptation of the branch to the changing economic conditions are taken by the relevant branch of economy.

32. Upon adoption of decision on extension of the term of validity of special protective measure by Commission, such measure may not be more restrictive than the special protective measure valid on the date of adoption of this decision.

33. In the case if the term of validity of special protective measure exceeds 1 year, the Commission shall defuse such special protective measure through the equal time intervals during the term of its validity.

In the case if the term of validity of special protective measure exceeds 3 years, the body, conducting the investigation shall conduct reinvestigation, not later than expiration of the half of the term of validity of such measure according to the results of which the special protective measure may be maintained, defused or cancelled.

For the purposes of this paragraph under mitigation of special protective measure shall be regarded the increase of the volume of import quota or special quota or reduction of the rate of special duty.

34. In addition to the reinvestigation, specified in paragraph 33 of this Minute, the reinvestigation may be conducted at the initiative of the body, conducting the investigation, or upon application of the interested person for the purposes of:

1) determination of feasibility of the change, liberalization or cancellation of special protective measure in connection with the changed consequences, as well as specification of goods, being the object of the special protective measure, if there are the grounds to believe that such goods may not be produced in the Union in the course of application of this special protective measure;

2) establishment of the share of developing or least developed third countries in the total volume of import of goods to the customs territory of the Union;

3) establishment of the fact of performance of criteria, determined by Article 8 of specified Agreement for the state - participant of Commonwealth of Independent States, being the party of Agreement on the free trade area dated 18 October, 2011.

35. Application on conducting of the reinvestigation for the purposes, specified in subparagraph 1 of paragraph 34 of this Minute may be applied by the body, conducting the investigation, if after introduction of special protective measure has passed at least one year.

36. Upon conducting of reinvestigation in recognition of relevant differences shall be applied provisions, relating to conducting of investigation.

37. The total term of validity of special protective measure, including the term of validity of preliminary special duty and the term, on which the validity of special protective measure is extended shall not exceed 8 years.

38. Special protective measure may not be re-applied to the goods, to which the special protective measure is previously applied during the term equal to the term of validity of previous special protective measure. Upon that the term during of which the special protective measure is not applied may not be less than 2 years.

39. The special protective measure, the term of validity of which is not more than 180 calendar days, irrespective of provisions, established by paragraph 38 of this Minute may be re-applied to the same goods, if passed at least 1 year from the date of introduction of preceding special protective measure and special protective measure is not applied to such goods more than 2 times within 5 years, preceding the date of introduction of a new special protective measure.

IV. Antidumping measure

1. General principles of application of antidumping measure

40. The goods shall be subject of dumped import, if the export price of these goods is lower than their normal value.

41. Period of investigation for which the details are analyzed for the purposes of determination of existence of dumped import shall be established by the body, conducting the investigation. Upon that such period shall be established, as a rule, equal to 12 months, preceding the date of filing of application on conducting of investigation, for which there are the statistical data, but in any case this period shall not be less than 6 months.

2. Determination of margin of dumping

42. Margin of dumping shall be determined by the body, conducting the investigation on the basis of comparison:

1) weighted-average normal value of goods with weighted-average export price of goods;

2) normal value of goods on individual transactions with export priced of goods on individual transactions;

3) weighted-average normal value of goods with export prices of goods on individual transactions upon condition of significant differences in price of goods depending on buyers, regions or period of supply of goods.

43. Comparison of export price of goods with its normal value shall be carried out on the same stage of trade operation and in relation of cases of sale of goods, occurring as far as possible at the same time.

44. Upon comparison of export price of goods with its normal value shall be carried out their correction in recognition of differences, having an influence on comparability of prices, as well as differences of conditions and characteristics of supplies, taxation, stages of trade operations, quantitative indicators, physical characteristics, as well as any other differences, in relation of which the evidences of their impact on comparability of prices are presented.

The body, conducting the investigations is convinced that corrections in recognition of specified differences do not duplicate each other and distort the results of comparison of export price with normal value of goods.

The body conducting the investigations shall have a right to request information, necessary for ensuring of appropriate comparison of export price of goods with its normal value from the interested persons.

45. In the case if purchase and sales transactions of similar goods upon ordinary course of trade on the market of exporting third country are absent or due to the low volume of sales of the similar goods upon the ordinary course of trade or by virtue of special situation on the market of exporting third country is impossible to conduct an appropriate comparison of export price of goods with the price of similar goods upon sale on the market of exporting third country, the export price of goods shall be compared or with the comparable price of similar goods, imported from the exporting third country to other third country (upon condition that the price of similar goods is representative), or with the costs of production of goods in the country of its origin in recognition of necessary administrative, trade and general costs and profits.

46. In the case if the goods are imported to the customs territory of the Union from the third country, not being the country of its origin, the export price of such goods shall be compared with comparable price of similar goods on the market of third country.

Export price of goods may be compared with comparable price of similar goods in the country of its origin, if these goods are only transshipped through a third country, from which it is exported to the customs territory of the Union, or its production is not carried out in this third country, if there is no comparable price of similar goods.

47. In the case if upon comparison of export price of goods with its normal value require recalculation of their values of one currency to another, such recalculation shall be conducted with the use of official currency rate at the date of sale of the goods.

The currency rate, applied upon sale of currency for the term shall be used in the case if sale of foreign currency was directly related to the corresponding export supply of goods and is carried out for the term.

The body, conducting the investigations shall not consider currency movement and in the course of investigation provide at least 60 calendar days to the exporters for correction of their export prices in recognition of sustainable changes of currency rates in the period of investigation.

48. The body conducting the investigations, as a rule shall determine the individual margin of dumping for each known exporter and (or) producer of goods, presented the necessary details, allowing to determine the individual margin of dumping.

49. In the case if the body, conducting the investigations comes to the conclusion on irreceivability of determination of individual margin of dumping for each known exporter and (or) producer of goods by reason of total number of exporters, producers or importers of goods, variety of goods or for any other reason, it may use restriction of determination of individual margin of dumping based on the reasonable number of interested persons or determine the margin of dumping in relation of selection of goods from each exporting third country, which on available information of the body, conducting the investigations is statistically representative and may be researched, not violating the progress of the investigation.

The selection of interested persons for the purposes of restriction of determination of individual margin of dumping shall be carried out by the body, conducting the investigations, preferably on the basis of consultations with relevant foreign exporters, producers and importers of goods, being the object of investigation, and with their consent.

In the case if the body, conducting the investigations uses the restriction in accordance with this paragraph, it shall also determine the individual margin of dumping in relation of each foreign exporter or foreign producer, which were not primarily selected, but provided the necessary details according to the established period for their consideration, except for the

cases, when the number of foreign exporters and (or) foreign producers is so large that individual consideration may lead to violation by the body, conducting the investigations, the term of conducting of relevant investigation.

Voluntary provided responses of such foreign exporters and (or) foreign producers shall not be rejected by the body, conducting the investigation.

50. In the case if the body, conducting the investigations uses the restriction of determination of individual margin of dumping in accordance with paragraph 49 of this Minute, the amount of margin of dumping, calculated in relation of foreign exporters or foreign producers of goods, being the subject of dumped import shall not exceed the amount of weighted-average margin of dumping, determined in relation of foreign exporters or foreign producers of goods, being the subject of dumped import, selected for determination of individual margin of dumping.

51. If the exporters or producers of goods, being the object of investigation do not provide the requested information in a required form and established terms to the body, conducting the investigations or information, provided by them may not be verified or does not correspond to validity, the body conducting the investigations may determine the margin of dumping on the basis of another available information.

52. Except for the determination of individual margin of dumping for each known exporter and (or) producer of goods, which are presented the necessary details, allowing to determine the individual margin of dumping, the body conducting the investigations may determine the unified margin of dumping for all other exporters and (or) producers of goods, being the object of investigation on the basis of highest margin of dumping, determined in the course of investigation.

3. Determination of normal value of the goods

53. Normal value of the goods shall be determined by the body, conducting the investigations on the basis of prices of similar goods upon their sale in the period of investigation in the internal market of exporting third country upon ordinary course of trade to the buyers, not being the related persons with producers and exporters, being the residents of this third country for the use in the customs territory of exporting third country.

For the purposes of determination of normal value may be considered the prices of similar goods upon their sale in the internal market of exporting third country to the buyers, being the related persons with producers and exporters, being the residents of this third country, in the case if it is established that this relationship does not affect on the price policy of foreign producer and (or) exporter.

54. The volume of sale of similar goods upon ordinary course of trade in the internal market of exporting third country shall be considered as sufficient for determination of normal value of goods, if this volume is not less than 5 percent from the total volume of export of goods to the customs territory of the Union from exporting third country.

The lower volume of sale of similar goods upon ordinary course of goods shall be considered as acceptable for determination of normal value of goods, if there are the evidences that such volume is sufficient for ensuring of appropriate comparison of export price of goods with the price of similar goods upon ordinary course of trade.

55. Upon determination of normal value of goods in accordance with paragraph 53 of this Minute, the price of goods upon their sales to the buyers in the internal market of exporting third country shall be the averaged weighted price, on which the similar goods are sold to the buyers during the period of investigation, or the price of goods on each separate sale to the buyers within this period.

56. The sale of similar goods in the internal market of exporting third country or from exporting third country to other third country on low cost prices of production of the unit of similar goods in recognition of administrative, trade and general costs may be considered upon determination of normal value of goods only in the case, if the body, conducting the investigations establishes that such sale is carried out during investigation in the significant volume and at the prices, which may not ensure compensation of all costs for this period.

57. In the case if the price of similar goods, which at the time of its sale is below of production of the unit of similar goods in recognition of administrative, trade and general costs, exceeds the weighted - average cost of production of the unit of goods in recognition of administrative, trade and general costs in the period of investigation, such price shall be considered as ensuring compensation of all costs during the period of investigation.

58. Sale of similar goods at the low cost prices of production of the unit of similar goods in recognition of administrative, trade and general costs shall be considered as implemented in the significant amount, in the case if weighted-average price of similar goods on transactions, considered upon determination of normal value of goods is below of the weighted - average cost of production of the unit of similar goods in recognition of administrative, trade and general costs or volume of sale at the prices that is below of such cost of price shall consist at least 20 percent from the volume of sale on transactions, considered upon determination of normal value of the goods.

59. Cost of production of the unit of the similar goods in recognition of administrative, trade and general costs shall be calculated on the basis of data, presented by exporter or producer of goods, upon condition that such data correspond to the generally accepted principles and rules of accounting and reporting in the exporting third country and fully reflect the costs, related with production and sale of goods.

60. The body, conducting the investigation shall consider all available evidences of proper distribution of costs of production, administrative, trade and general costs, including the data, presented by the exporter or producer of goods, being the object of investigation, upon condition that such distribution of costs is usually practiced by this exporter or producer of goods, in particular in relation of establishment of relevant period of depreciation, deductions on capital investments and covering of other costs of development of production.

61. Costs of production, administrative, trade and general costs shall be corrected in recognition of one-time costs, related with development of production, or consequences, upon which in the period of investigation make an impact of operations, carried out in the period of organization of production on the costs. Such corrections shall reflect the costs at the end of period of organization of production, and in the case if the period of organization of production exceeds the period of investigation – for the latest stage of the organization of production, corresponding to the period of conducting of investigation.

62. Total quantitative indicators of administrative, trade and general costs and profits that are typical for this branch of economy shall be determined on the basis of actual data on production and sale of similar goods upon ordinary course of trade, presented by exporter or producer of goods, being the subject of dumped import. If such total quantitative indicators are impossible to determine by the specified method they may be determined on the basis:

1) actual amounts, received and spent by the exporter or producer of goods, being the object of investigation, in connection with production and sale of the same category of goods in the internal market of exporting third country;

2) weighted-average actual amounts, received and spent in connection with production and sale of similar goods in the internal market of exporting third country by other exporters or producers of such goods;

3) other method upon condition, that the amount of profit, determined in this manner does not exceed the profit, usually received by other exporters or producers of the same category of goods upon their sale in the internal market of exporting third country.

60. In the case of dumped import from the exported third country, in which the prices in the internal market are directly regulated by the state or there is a state monopoly of foreign trade, the normal value of goods may be determined on the basis of price or calculated value of similar goods in an appropriate third country (comparable for the purposes of investigation with the specified exporting third country) or price of similar goods upon their supplies from such third country on export.

In the case if determination of normal value of goods in accordance with this paragraph is not possible, the normal value of goods may be determined on the basis of price, paid or subjected to payment for the similar good in the customs territory of the Union and corrected in recognition of profit.

4. Determination of export price of goods

64. Export price of goods shall be determined on the basis of data on its sale in the period of investigation.

65. In the absence of data on export price of goods, being the subject of dumped import, or upon incurrence of reasonable doubts in reliability of details on export price of these goods of the body, conducting the investigations due to the fact that exporter and importer of goods are the related persons (as well as by virtue of connection of each of them with the third

person), or in the existence of restrictive business practice in the form of collusion in relation of export price of such goods, its export price may be calculated on the basis of price, on which the imported goods shall be firstly resold to the independent buyer, or by other method, which may be determined by the body, conducting the investigations, if the imported goods are not resold to the independent buyer or not resold in the form in which it was imported to the customs territory of the Union. Upon that for the purposes of comparison of export price of goods with its normal value shall be also considered the expenses (as well as the customs duties and taxes), paid in the period between the import and resale of goods, as well as profit.

5. Establishment of damage of a branch of the economy of the member states due to the dumped import

66. For the purposes of this section under the damage of a branch of economy of the member states shall be regarded the material damage to the branch of economy of the member states, threat of its damage or significant slowdown of creation of the branch of economy of the member states.

67. Damage to a sector of the economy of Member States due to dumped imports shall be determined based on the results of an analysis of the volume of dumped imports and the impact of dumped imports on the prices of similar goods on the market of Member States, as well as the resulting impact of dumped imports on producers of similar goods in Member States.

Footnote. Paragraph 67 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

68. The period of investigation for which the details are analyzed for the purposes of determination of existence of damage to the branch of economy of the member states due to the dumped import shall be established by the body, conducting the investigation.

69. Upon analysis of the volume of dumped import, the body conducting the investigations shall determine whether there was a substantial increase of dumped import of goods, being the object of investigation (in the absolute indicators or concerning the production or consumption of similar goods in the member states).

70. Upon impact analysis of dumped import on the prices of similar goods on the market of the member states, conducting the investigations shall establish:

1) whether there were the prices of goods being the subject of dumped import, significantly lower than the prices of similar goods on the market of the member states;

2) whether the dumped import led to a significant reduction in prices of similar goods on the market of the member states;

3) whether the significantly dumped import prevented to the price increase of similar goods on the market of the member states, which would have occurred in the case of absence of such import.

71. In the case if the subject of investigations, conducted simultaneously is the import of goods to the customs territory of the Union from more than one of exporting third country, the body conducting the investigations may evaluate the joint impact of such import only in the case, if it establishes the following:

1) margin of dumping, determined in relation of import of goods, being the object of investigation from each of exporting third country exceeds the minimum allowable margin of dumping, and the volume of import of these goods from each of the exporting third country shall not be insignificant in recognition of provisions of paragraph 223 of this Minute;

2) assessment of joint impact of import of goods is possible in recognition of conditions of competition between the imported goods and similar goods, produced in the member states

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72. The analysis of the impact of dumped imports on the economic sector of the Member States shall consist of an assessment of all economic factors and indicators related to the state of the economic sector of the Member States, including:

an existing or possible future reduction in sales of the product, profits, production, market share of the product in the Member States, productivity, investment income or utilisation of production capacity;

factors influencing the prices of goods on the market of Member States;

dumping margin size;

a past or possible future negative impact on cash flow, inventory, employment levels, wages, growth rates of product production, and the ability to attract capital and/or make investments.

The above list of factors and indicators is not exhaustive. At the same time, neither one nor several factors can be decisive in establishing the damage to the economic sector of the Member States as a result of dumping imports.

For re-investigations in connection with the expiry of an anti-dumping measure, the degree of recovery of the economic situation of a sector of the economy of Member States after the impact of previously dumped imports shall be analyzed.

Footnote. Paragraph 72 – as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

73. Conclusion on existence of cause and effect relationship between the dumped import and damage of a branch of economy of the member states shall be based on analysis of all evidences and details, relating to the case and available to the body, conducting the investigations.

74. The body conducting the investigations, besides the dumped import shall analyze other known factors, as a result of which the damage of a branch of economy of the member states is caused in the same period.

Factors that may be considered relevant include, inter alia, the volume and prices of imports not sold at dumping prices, reduced demand or changes in consumption patterns,

restrictive trade practices by foreign producers and producers of the Member States and competition between such producers, technological advances, and the export performance, and productivity of a Member State's economy.

The damage caused due to these factors of the branch of economy of the member states shall not be related to the damage to the branch of economy of the member states due to the dumped import to the customs territory of the Union.

Footnote. Paragraph 74 as amended by Law of the RK № 6-VII of 15.02.2021.

75. Impact of dumped import on the branch of the member states shall be evaluated in respect to production of similar goods in the member states, if the available data allow allocating production of similar goods on the basis of such criteria, as production process, sale of similar goods by their producers and profit.

In the case if the available data does not allow allocating production of similar goods, the impact of dumped import on the branch of economy of the member states shall be evaluated in respect to production of the narrowest group or nomenclature of goods, which includes the similar goods and which has the necessary data.

76. When establishing a threat of causing material damage to a sector of the economy of Member States as a result of dumping imports, the investigating body shall take into account all available factors, including the following:

significant growth rates of dumped imports, indicating a real possibility of a significant increase in such imports;

the presence of sufficient export opportunities for the exporter of the goods that are the subject of dumped imports, or the obvious inevitability of their significant increase, which indicate a real possibility of a significant increase in dumped imports of the given goods, taking into account the ability of other export markets to accept any additional exports of the given goods;

level of the product that is the subject of dumped imports, if such price level may lead to a significant reduction or containment of the price of a similar product on the market of Member States and a further increase in demand for the product that is the subject of the investigation;

stocks of the goods that are the subject of the investigation.

However, none of these factors can be decisive and significant for establishing the threat of causing material damage to the economic sector of the Member States as a result of dumping imports.

Footnote. Paragraph 76 – as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

77. Decision on existence of a threat of causing of material damage to the branch of economy of the member states shall be adopted in the case, if in the course of investigation at the results of analysis of factors, specified in paragraph 76 of this Minute, the body conducting the investigations came to conclusion on necessity of continuation of dumped

import and causing of material damage to the branch of economy of the member states by such import in the case of failure to take antidumping measure.

Footnote. Paragraph 74 as amended by Law of the RK № 6-VII of 15.02.2021.

6. Introduction of preliminary antidumping duty

78. In the case if information, received by body, conducting the investigations, before completion of investigation certifies on existence of dumped import and damage to the branch of economy of the member states conditioned by this, the decision on application of antidumping measure by introduction of preliminary antidumping duty for the purposes of prevention of damage to the branch of economy of the member states, caused by the dumped import in the period of conducting of investigation shall be adopted by Commission on the basis of report, specified in paragraph 7 of this Minute.

79. Preliminary antidumping duty may not be introduced earlier than 60 calendar days from the date of commencement of investigation.

80. The rate of preliminary antidumping duty shall be sufficient for elimination of damage to the branch of economy of the member states, but not more than the amount of pre-calculated margin of dumping.

81. In the case if the rate of preliminary antidumping duty is equal to the amount of pre-calculated margin of dumping, the term of validity of preliminary antidumping duty shall not exceed 4 months, except for the case if the term is extended to 6 months on the basis of request of exporters, the share of which in the volume of dumped import of goods, being the object of investigation composes the major part.

82. In the case if the rate of preliminary antidumping duty is less than the pre-calculated margin of dumping, the term of validity of preliminary antidumping duty shall not exceed 6 months, except for the case, if this term is extended to 9 months on the basis of request of exporters, the share of which in the volume of dumped import of goods, being the object of investigation composes the major part.

83. In the case if according to the results of investigation it is established by the body conducting the investigations that there are no grounds for introduction of antidumping measure, or the decision on non-application of antidumping measure is adopted in accordance with paragraph 272 of this Minute, the amounts of preliminary antidumping duty shall subject to return to in the manner provided by the annex to this Minute.

The body conducting the investigations shall timely inform the customs bodies of the member states on the absence of grounds for introduction of antidumping measure or on adoption of decision on non-application of antidumping measure by Commission.

84. In the case if according to the results of investigation the decision on application of antidumping measure is adopted on the basis of existence of a threat of causing of material

damage to the branch of economy of the member states or significant slowdown of creation of a branch of economy of the member states, the amounts of preliminary antidumping duty shall subject to return to in the manner provided by annex to this Minute.

85. In the case if according to the results of investigation the decision on application of antidumping measure is adopted on the basis of existence of material damage of a branch of economy of the member states or the threat of its causing (upon condition that non-introduction of preliminary antidumping duty would have led to determination of existence of material damage to the branch of economy of the member states), the amounts of preliminary antidumping duty from the date of entering of decision on application of antidumping measure into legal force shall subject to crediting and distribution in the manner provided by annex to this Minute in recognition of provisions of paragraphs 86 and 87 of this Minute.

86. In the case if according to the results of investigation, the introduction of lower rate of antidumping duty than the rate of preliminary antidumping duty is recognized as appropriate, the amounts of preliminary antidumping duty, relevant to the amounts of antidumping duty, calculated according to the established rate of antidumping duty shall subject to crediting and distribution in the manner provided by annex to this Minute.

The amounts of preliminary antidumping duty, exceeding the amount of antidumping duty , calculated according to the established rate of antidumping duty shall subject to return to in the manner provided by annex to this Minute.

87. In the case if according to the results of investigation the introduction of a higher rate of antidumping duty than the rate of preliminary antidumping duty is recognized as appropriate, the difference between the amounts of antidumping duty and preliminary antidumping duty shall not be charged.

88. Preliminary antidumping duty shall be applied upon condition of simultaneous continuation of the investigation.

89. Decision on introduction of preliminary antidumping duty shall be adopted, as a rule, not later than 7 months from the date of commencement of investigation.

7. Acceptance of goods, being the object of investigation, price obligations by the exporter

90. The investigation may be suspended or terminated by the body, conducting the investigation, without introduction of preliminary antidumping duty or antidumping duty upon reception by them of goods, being the object of investigation, price obligations in written form from the exporter on price revision of these goods or on termination of its export to the customs territory of the Union on prices lower of its normal value (in the presence of persons in the member states related with exporter it is also necessary the applications of

these persons on support of these obligations), if the body conducting the investigations come to the conclusion that adoption of specified obligations will eliminate the damage, caused by the dumped import, and Commission adopts the decision on their approval.

The price level of goods according to these obligations shall not be higher than necessary for elimination of margin of dumping.

Increase of the price of goods may be less than the margin of dumping, if such increase is sufficient for elimination of damage of a branch of economy of the member states.

91. Decision on approval of price obligations shall not be adopted by the Commission until the body, conducting the investigations does not come to the preliminary conclusion on existence of dumped import and damage to the branch of economy of the member states conditioned by this.

92. Decision on approval of price obligations shall not be adopted by the Commission, if the body conducting the investigations comes to the conclusion on unacceptability of their approval in connection with a large number of real or potential exporters of goods, being the object of investigation or by other reasons.

The body conducting the investigations, as far as possible shall give the reasons to the exporters, on which the approval of their price obligations was considered as unacceptable and provide an opportunity to make comments in connection with this.

93. The body conducting the investigations shall direct to each exporter, accepted the price obligations, the request on provision of their non-confidential version to have a possibility to provide it to the interested persons.

94. The body, conducting the investigations may offer to the exporters to accept the price obligations but may not require their acceptance.

95. In the case of adoption of decision on approval of price obligations by the Commission, the antidumping investigation may be continued at the request of exporter of goods or by the decision of body, conducting the investigations.

If according to the results of investigation the body, conducting the investigations comes to the conclusion on the absence of dumped import or damage to the branch of economy of the member states conditioned by it, the exporter accepted the price obligations shall be automatically released from such obligations, except for the case, when the specified conclusion is the result of the existence of such obligations to a significant extent. In the case if the made conclusion is the result of existence of price obligations to a significant extent, the decision that such obligations shall remain in force during the necessary period of time may be adopted by the Commission.

96. In the case if according to the results of investigation the body conducting the investigations comes to the conclusion on existence of dumped import and damage to the branch of economy of the member states conditioned by it, the price obligations accepted by the exporter shall continue to have effect in accordance with their conditions and provisions of this Minute.

97. The body, conducting the investigations shall have a right to request from the exporter , the price obligations of which were approved by the Commission, the details concerning their execution as well as the consent to the verification of these details.

Non-presentation of requested details in the term, established by the body conducting the investigations, as well as disagreement to the verification of these details shall be considered as the violation of price obligations accepted by the exporter.

98. In the case if violations or revocations of price obligations by the exporter the Commission may adopt the decision on application of antidumping measure by introduction of preliminary antidumping duty (if the investigation is not yet complete) or antidumping duty (if the final results of investigation certify on existence of grounds for its introduction).

In the case of violation of price obligations by the exporter, the opportunity to comment in connection with such violations shall be provided to it.

99. The rate of preliminary antidumping duty or antidumping duty, which may be introduced in accordance with paragraph 98 of this Minute shall be determined in the decision of Commission on approval of price obligations.

The Decision of the Commission to approve price commitments may specify the document required for confirming information about the exporter or manufacturer and the requirements for completing such document.

Footnote. Paragraph 99 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

8. Introduction and application of antidumping duty

100. Antidumping duty shall be applied in relation of goods, which are supplied by all exporters and are the subject of dumped import, caused a damage to the branch of economy of the member states (except for the goods, supplied by the exporters, the price obligations of which were approved by the commission in accordance with paragraphs 90-99 of this Minute) .

101. The amount of antidumping duty shall be sufficient for elimination of damage to the branch of economy of the member states, but not more than the amount of calculated margin of dumping.

The Commission may adopt a decision on introduction of antidumping duty in the amount less than the amount of calculated margin of dumping, if such amount is sufficient for elimination of damage to the branch of economy of the member states.

102. The Commission shall establish the individual amount of the rate of antidumping duty in relation of goods, supplied by each exporter or producer of goods, being the subject of dumped import for which the individual margin of dumping was calculated.

When establishing an individual amount of such an anti-dumping duty rate, the Commission shall have the right to determine the document required for confirming information about the exporter or manufacturer for whom the individual amount of the

anti-dumping duty rate has been established, and the requirements for completing such a document.

Footnote. Paragraph 102 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

103. Except for the individual amount of the rate of antidumping duty, specified in paragraph 102 of this Minute, the Commission shall establish the single rate of antidumping duty for goods, supplied by all other exporters or producers of goods from the exporting third country, for which the individual margin of dumping was not calculated, on the basis of the highest margin of dumping, calculated in the course of investigation.

104. Antidumping duty may be applied in relation of goods, placed under the customs procedure, the condition of placement of which is the payment of antidumping duties, not earlier than 90 calendar days before the date of introduction of preliminary antidumping duty, if according to the results of investigation, the body conducting the investigations is simultaneously established the following, in relation of these goods:

1) earlier the dumped import, which caused the damage is occurred, or importer knew or should have known that the exporter supplies the good at the price less than its normal value and that such import of goods may damage the branch of economy of the member states;

2) the damage to the branch of economy of the member states is caused by the essentially increased dumped import during relatively short time period, which in recognition of duration and volume, as well as other circumstances (as well as rapid growth of stock reserves of imported goods) may significantly reduce the effect of reducing from introduction of antidumping duty upon condition, that the opportunity to make comments is provided to the importers of these goods before the end of investigation.

105. After the date of the commencement of the investigation, the investigating authority shall publish on the official website of the Union a notification containing a warning of the possible application, under paragraph 104 of this Minute, of an anti-dumping duty in respect of the goods which are the subject of the investigation.

Decision on publication of such notification shall be adopted by the body, conducting the investigations, at the request of the branch of economy of the member states, contained the sufficient evidences of execution of conditions, specified in paragraph 104 of this Minute, or on its own initiative in the existence of available evidences of the body conducting the investigations.

Antidumping duty may not be applied in relation of goods, placed under the customs procedures, the condition of placement of which is the payment of antidumping duties, before the date of official publication of notification, specified in this paragraph.

Footnote. Paragraph 105 as amended by Law of the RK № 6-VII of 15.02.2021.

106. The additional methods of notification of interested persons on possible application of antidumping duty may be established by the legislation of the member states in accordance with paragraph 104 of this Minute.

9. The term of validity and revision of antidumping measure

104. Antidumping measure shall be applied by the decision of Commission in the amount and during the term, which are necessary for elimination of the damage to the branch of economy of the member states due to the dumped import.

108. The term of validity of antidumping measure shall not exceed 5 years from the date of commencement of application of such measure or from the date of completion of the reinvestigation, which is conducted in connection with the changed circumstances and simultaneously concerned the analysis of dumped import and caused damage to the branch of economy of the member states or which is conducted in connection with expiration of the term of validity of antidumping measure.

109. The reinvestigation in connection with expiration of the term of validity of antidumping measure shall be conducted on the basis of application in written form, filed in accordance with paragraphs 186-198 of this Minute or on its own initiative of the body, conducting the investigations.

The reinvestigation in connection with expiration of the term of validity of antidumping measure shall be conducted in the existence of details on possibility of renewal or continuation of dumped import and causing the damage to the branch of economy of the member states upon termination of validity of the antidumping measure in the application.

An application on conducting of reinvestigation in connection with expiration of the term of validity of antidumping measure shall be filed not later than 6 months before expiration of the term of validity of antidumping measure.

The reinvestigation shall be initiated before expiration of the term of validity of antidumping measure and completed within 12 months from the date of its commencement.

Application of antidumping measure shall be extended by the decision of Commission before completion of reinvestigation conducted in accordance with this paragraph. Antidumping duties shall be paid on the rates of antidumping duties, which were established in connection with application of antidumping measure, the term of validity of which is extended in connection with conducting of reinvestigation during the term, on which the application of relevant antidumping measure is extended in the manner established for collection of preliminary antidumping duties.

In the case if according to the results of reinvestigation in connection with expiration of the term of validity of antidumping measure it is established by the body, conducting the investigations that there are no the grounds for application of antidumping measure, or the decision on non-application of antidumping measure is adopted in accordance with paragraph 272 of this Minute, the amounts of antidumping duty, charged in the manner established for collection of preliminary antidumping duties, during the term, on which the application of antidumping measure is extended shall subject to return to in the manner provided by annex to this Minute.

The body conducting the investigations shall timely inform the customs bodies of the member states on the absence of the grounds for application of antidumping measure or on adoption of decision on non-application of antidumping measure by the Commission.

Validity of antidumping measure shall be extended by the Commission in the case, if according to the reinvestigation in connection with expiration of the term of validity of antidumping measure, the possibility of renewal or continuation of dumped import and causing damage to the branch of economy of the member states is established by the body conducting the investigations. The amounts of antidumping duties, charged in the manner established for collection of preliminary antidumping duties shall subject to crediting and distribution in the manner provided by annex to this Minute during the term on which the application of antidumping measure was extended from the date of entering of decision of Commission on extension of antidumping measure to the legal force.

110. Upon the application of the interested person, in the case if after introduction of antidumping measure passed at least 1 year, or on the initiative of the body, conducting the investigations may be conducted the reinvestigation for the purposes of determination of feasibility of continuation of application of antidumping measure and (or) its revision (as well as revision of individual amount of the rate of antidumping duty) in connection with the changed circumstances.

Depending on the purposes of filing of application on conducting of reinvestigation, such application shall contain the evidences that in connection with the changed circumstances of:

continuation of application of antidumping measure is not required for counteraction to the dumped import and elimination of damage to the branch of economy of the member states due to the dumped import;

the current amount of antidumping measure exceeds the amount, sufficient for counteraction to the dumped import and elimination of damage to the branch of economy of the member states due to the dumped import;

the current antidumping measure is not sufficient for counteraction to the dumped import and elimination of damage to the branch of economy of the member states due to the dumped import.

The reinvestigation conducted in accordance with this paragraph shall be completed during 12 months from the date of its commencement.

111. The reinvestigation may be also conducted for the purposes of establishment of individual margin of dumping for the exporter or producer, who are not carried out in the period of investigation of supply of goods, being the subject of dumped import. Such reinvestigation may be commenced by the body, conducting the investigations, in the case of filing of application on its conducting by the specified exporter or producers, containing the evidences that the exporter or producer of goods is not related with exporters and producers, in relation of which the antidumping measure is applied, and that the exporter or producer carries out the supplies of goods, being the object of investigation, to the customs territory of

the Union or related by contractual obligations on supply of significant volumes of such goods to the customs territory of the Union, termination or revocation of which will lead to the significant losses or to the significant penalties for this exporter or producer of goods.

In the period of conducting of reinvestigation for the purposes of establishment of individual margin of dumping for the exporter or producer in relation of supplies of goods, being the object of investigation, to the customs territory of the Union, by this exporter or producer, the antidumping duty shall not be paid before adoption of decision according to the results of specified reinvestigation. Upon that in relation of such goods, imported (imported) to the customs territory of the Union in the period of conducting of reinvestigation shall be provided ensuring of payment of antidumping duty in the manner provided by the Custom Code of the Eurasian economic union, for ensuring of payment of imported customs duties, in recognition of features, established by this paragraph.

The body conducting the investigations shall timely inform the customs bodies of the member states on the date of commencement of reinvestigation.

Ensuring of payment of antidumping duty shall be provided by the monetary means (money) in the amount of the sum of antidumping duty, calculated on the single rate of antidumping duty, established in accordance with paragraph 103 of this Minute.

In the case if according to the results of reinvestigation the decision on application of antidumping measure is adopted, the antidumping duty shall subject to the payment for the period of conducting of such reinvestigation. The amount of ensuring from the date of entering of decision on application of antidumping measure, adopted according to the results of reinvestigation, to the legal force shall subject to crediting of payment of antidumping duty in the amount, determined based on the established rate of antidumping duty, calculation and distribution in the manner provided by annex to this Minute, in recognition of provisions to this paragraph.

In the case if according to the reinvestigation, the introduction of the highest rate of antidumping duty is recognized as appropriate than the rate, on the basis of which the amount of ensuring of payment of antidumping duty is determined, the difference between the amounts of antidumping duty, calculated on the rate, established according to the reinvestigation and single rate of antidumping duty shall not be charged.

The amounts of ensuring, exceeding the amounts of antidumping duty, calculated on the established rate of antidumping duty shall subject to return to in the manner provided by the Customs Code of the Eurasian economic union.

The reinvestigation provided by this paragraph shall be conducted in the possibly shortest time, which may not exceed 12 months.

112. Provisions of section VI of this Minute concerning provision of evidences and conducting of antidumping investigation shall be applied in relation of reinvestigation, provided by paragraphs 107-113 of this Minute in recognition of relevant differences.

113. Provisions of paragraphs 107-112 of this Minute shall be applied in relation of obligations, adopted by the exporter in accordance with paragraphs 90-99 of this Minute, in recognition of relevant differences.

10. Establishment of evasion of antidumping measure

114. For the purposes of this section the evasion of antidumping measure shall be regarded as the change of the method of supplies of goods for evasion from payment of antidumping duty or from execution of price obligations, accepted by the exporter.

115. The reinvestigation for the purposes of establishment of evasion of antidumping measure may be initiated upon the application of the interested person or on its own initiative of body, conducting the investigations.

116. The application specified in paragraph 115 of this Minute shall contain the evidences :

1) evasion of antidumping measure;

2) cancellation of effect of antidumping measure due to its evasion and influence of this factor on the volumes of production and (or) sale and (or) prices of similar goods in the market of the member states;

3) existence of dumped import of goods (integrated parts and (or) derivatives of such goods) in the results of evasion of antidumping measure. Upon that for the normal value of goods, its integrated parts or derivatives shall be applied their normal value, determined in the course of investigation, according to the results of which the antidumping measure was introduced by the Commission, in recognition of relevant corrections for the purposes of comparison.

117. The reinvestigation for the purposes of establishment of evasion of antidumping measure shall be completed during 9 months from the date of its commencement.

118. The antidumping duty on the integrated parts and (or) derivatives goods, being the subject of dumped import, imported to the customs territory of the Union from the exporting third country, as well as on goods, being the subject of dumped import and (or) its integrated parts and (or) derivatives, imported to the customs territory of the Union from other exporting third country, charged in the manner established for collection of preliminary antidumping duties may be introduced by Commission for the period of reinvestigation, conducted in accordance with paragraphs 115-120 of this Minute.

119. In the case if according to the results of reinvestigation, conducted in accordance with paragraphs 115-120 of this Minute, the evasion of antidumping measure, the amount of antidumping duty, paid in accordance with paragraph 118 of this Minute and in the manner established for collection of preliminary antidumping duty are not established by the body, conducting the investigations shall subject to return to in the manner provided by annex to this Minute.

The body conducting the investigation shall timely inform the customs bodies of the member states that the evasion of antidumping measure is not established.

120. The antidumping measure in the case of establishment of evasion of antidumping measure may be distributed by the Commission to the integrated parts and (or) derivatives foods, being the subject of dumped import, imported to the customs territory of the Union from the exporting third country, as well as on the goods, being the subject of dumped import and (or) its integrated parts and (or) derivatives, imported to the customs territory of the Union from other exporting third country according to the results of reinvestigation, conducted in accordance with paragraphs 115-120 of this Minute. The amounts of antidumping duties, paid in the manner established for collection of preliminary antidumping duties shall subject to crediting and distribution in the manner provided by the annex to this Minute from the date of entering of decision of Commission on introduction of antidumping measure, specified in this paragraph into legal force.

11. Establishment of absorption of anti-dumping duties

Footnote. Section IV has been supplemented with subsection 11 in accordance with the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

120[1]. If no more than 2 years have passed since the introduction of an anti-dumping measure or a change in the amount of anti-dumping duty based on the results of a repeat investigation provided for in paragraph 110 of this Protocol, the interested party shall have the right to file an application containing evidence that, after the introduction of the anti-dumping measure or a change in the amount of anti-dumping duty based on the results of a repeat investigation provided for in paragraph 110 of this Protocol, a decrease in export prices or a decrease, no change or an insufficient increase in the selling prices of imported goods on the Union market was recorded. Based on this application, a repeat investigation may be initiated to establish the absorption of the anti-dumping duty.

120[2]. The re-investigation to establish the absorption of anti-dumping duties must be completed within 9 months from the date of its commencement.

120[3]. Information on the dynamics of the export prices or sales prices of imported goods on the Union market specified in paragraph 120[1] of this Protocol must be submitted in the application in accordance with paragraph 120[1] of this Protocol for a period of at least 6 months immediately preceding the date of submission of the application.

120[4]. To establish the absorption of anti-dumping duty, a comparison shall be made between export prices in the period covered by the re-investigation to establish the absorption of anti-dumping duty and export prices in the period used to determine the amount of anti-dumping duty in effect. In making this comparison, adjustments shall be made, where necessary, to the export prices being compared to take into account differences in the terms

and characteristics of supplies, taxation, stages of trade operations, quantitative indicators, physical characteristics, and any other differences affecting the comparability of such prices. The export price in the period covered by the re-investigation to establish the absorption of anti-dumping duty shall be determined in accordance with paragraphs 64 and 65 of this Protocol.

$120^{5.}$ Interested parties shall have the right to provide, within the time limits specified in the notification of the commencement of a repeat investigation to establish the absorption of the anti-dumping duty, justifications for the reduction of export prices or the reduction, absence of change or insufficient increase in the selling prices of imported goods on the Union market, including evidence of the need to change the normal cost. Justifications and evidence provided by interested parties after the expiration of the specified time limit may not be taken into account by the body conducting the investigation.

$120^{6.}$ In the event of an absorption of anti-dumping duty being established, the dumping margin shall be recalculated taking into account the export price in the period considered during the re-investigation to establish the absorption. In this case, the normal value of the goods shall be taken to be the normal value determined during the anti-dumping investigation (including the re-investigation provided for in paragraph 110 of this Protocol), based on which the anti-dumping duty in effect on the date of commencement of the re-investigation to establish the absorption of anti-dumping duty was calculated. The normal value may be changed if evidence of the need to change it is provided in accordance with paragraph 120^{5} of this Protocol.

$120^{7.}$ If the recalculated dumping margin exceeds the amount of the dumping margin based on which the current anti-dumping duty was established, the Commission shall have the right to increase the current anti-dumping duty by the amount necessary to eliminate this difference.

$120^{8.}$ If the recalculated dumping margin does not exceed the amount of the dumping margin based on which the current anti-dumping duty was established, the anti-dumping measure shall continue to be in effect without changes.

V. Compensatory measures

121. The subsidies in this Minute shall be regarded as:

1) financial assistance, carried out by the subsiding body, giving the additional advantages to the recipient of grants and rendered within the territory of exporting third country, as well as in the form of:

direct transfer of monetary means (as well as in the form of dotation, loans and purchase of shares) or obligations on transfer of such means (as well as in the form of loan guarantees);

charge-off means or full or partial refusal from collection of means, which may be received to the income of exporting third country (as well as by provision of tax credits),

except for the cases of exception of exported goods from taxes or duties, charged from the similar goods, intended for internal consumption, or except for reduction or refund of such taxes or duties in the amounts, not exceeding actually paid amounts;

preferential or free provision of goods or services, except for the goods or services, intended for support or development of common infrastructure, in other words infrastructure, not related with the specific producer and (or) exporter;

preferential purchase of goods;

2) any form of support of incomes or prices, giving the additional advantages to the recipient of grants, the direct or indirect results of which is increase of export of goods from exporting third country or reduction of import of similar goods in the third country.

1. Principles of allocation of subsidies of exporting third country to the specific

122. The subsidy of exporting third country shall be specific, if only the separate organizations are allowed to use the subsidy by the subsidizing body or legislation of exporting third country.

123. In this section the separate organizations shall be regarded as the concrete producer and (or) exporter, or the specific branch of economy of exporting third country, or the group (union, association) of producers and (or) exporters or the branch of economy of exporting third country.

124. The subsidy shall be specific, if the number of separate organizations, which are allowed to the use of this subsidy, is restricted by organizations, located in a specific geographic region, being under the jurisdiction of subsidizing body.

125. The subsidy shall not be specific, if the general objective criteria or conditions, which determine the unconditional right for the use of subsidy are established by the legislation of exporting third country or subsidizing body and its amount (as well as depending on the number of employees, engaged in production process, or on the volume of release of products) is strictly observed.

126. In any case the subsidy of exporting third country shall be specific subsidy, if provision of such subsidy is accompanied by:

1) restriction of number of separate organizations, which are allowed to the use of subsidy ;

2) preferential use of subsidy by the separate organizations;

3) provision of disproportionately large amounts of subsidy to the separate organizations;

4) choose of concessional (preferential) method of provision of subsidy to the separate organizations by the subsidizing body.

127. Any of subsidy of exporting third country shall be specific subsidy, if:

1) subsidy is related with export of goods in accordance with the legislation of the exporting third country or actually as the only condition or one of the several conditions. The

subsidy shall be considered as actually related with export of goods, if its provision, not related with export of goods in accordance with the legislation of exporting third country, in practice, related with export of goods or export earnings occurred or possible in future. In its own right the fact of provision of subsidy by the exporting enterprise does not mean provision of subsidy, related with the export of goods in the meaning of this paragraph;

2) subsidy is related in accordance with the legislation of exporting third country or actually as the only condition or one of the several conditions with the use of goods, produced in the exporting third country, instead of the imported goods.

128. The decision of body, conducting the investigations, on allocation of subsidy of exporting third country to the specific shall be based on the evidences.

2. Principles of determination of the amount of specific subsidy

129. The amounts of specific subsidy shall be determined on the basis of amount of benefit, derived by the recipient of such subsidy.

130. The amounts of benefit, derived by the recipient of specific subsidy shall be determined on the basis of the following principles:

1) participation of subsidizing body in the capital of organization shall not be considered as provision of benefit, if such participation may not be recognized as not corresponding to the usual investment practice (including provision of risk capital) in the territory of exporting third country;

2) credit, provided by the subsidizing body shall not be considered as provision of benefit, if there is no the difference between the amount, which organization-recipient of credit pays for the state credit, and the amount that it would have paid for the comparable commercial loan, which this organization may receive in the credit market of exporting third country. In the contrary case the benefit is the difference between these amounts;

3) credit guarantee shall not be considered as provision of benefit by the subsidizing body, if there is no the difference between the amounts, which organization-recipient of guarantee pays for the credit, and the amount that it would have paid for the comparable commercial loan without the state guarantee. In the contrary case the benefit is the difference between these amounts with correction for difference in the commissions;

4) the supply by the subsidising body of goods or services or the procurement of goods shall not be regarded as providing a benefit unless the goods or services are supplied for less than adequate remuneration or the procurement is for more than adequate remuneration. The adequacy of remuneration shall be determined on the basis of existing market conditions of purchase and sale of these goods and services in the market of exporting third country, including the price, quality, availability, liquidity, transportation and other conditions of purchase or sale of goods.

Footnote. Paragraph 130 as amended by Law № 6-VII of 15.02.2021.

3. Establishment of damage of a branch of economy of the member states due to the subsidized import

131. For the purposes of this section under the damage of a branch of economy of the member states shall be regarded the material damage to the branch of economy of the member states, the threat of its causing or significant slowdown of creation of the branch of economy of the member states.

132. Damage to a sector of the economy of Member States due to subsidized imports shall be determined based on the results of an analysis of the volume of subsidized imports and the impact of subsidized imports on the prices of similar goods on the market of Member States, as well as the resulting impact of subsidized imports on producers of similar goods in Member States.

Footnote. Paragraph 132 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

133. Period of investigation, for which the details are analyzed for the purposes of determination of existence of damage to the branch of economy of the member states due to the subsidized import shall be established by the body, conducting the investigations.

134. Upon analysis of the volume of subsidized import the body, conducting the investigations shall determine whether there was a significant increase of subsidized import of the goods, being the object of the investigation (in the absolute terms or relative to production or consumption of similar goods in the member states).

135. In the case if the subject of investigations, conducted simultaneously, is the subsidized import of any of goods to the customs territory of the Union from more than one exporting third country, the body conducting the investigations may evaluate the joint effect of such import only in the case, if it determines the following:

1) the amount of subsidy in each exporting third country on these goods is more than 1 percent of its value and the volume of subsidized import from each of the exporting third country is insignificant in accordance with paragraph 228 of this Minute;

2) the assessment of joint impact of import of goods, being the subject of subsidizing import is possible in recognition of conditions of competition between the imported goods and conditions of competition between the imported goods and similar goods, produced in the member states.

136. Upon analysis of impact of subsidized import on the prices of similar goods in the market of the member states, the body conducting the investigations shall establish:

1) whether there were the prices of goods, being the subject of subsidized import, significantly lower than the prices of similar goods in the market of the member states;

2) whether subsidized import led to a significant reduction in prices of similar goods in the market of the member states;

3) whether the subsidized import prevented to the price increase of similar goods in the market of the member states, which is occurred in the case of absence of such import.

137. The analysis of the impact of subsidized imports on the economic sector of the Member States shall consist of assessing all economic factors and indicators related to the state of the economic sector of the Member States, including:

an existing or possible future reduction in production, sales of goods, market share of goods in Member States, profits, productivity, investment income or utilisation of production capacity;

factors influencing the prices of goods on the market of Member States;

past or possible future negative impact on cash flow, inventory, employment, wages, growth rates of production, ability to attract capital and/or make investments.

The above list of factors and indicators is not exhaustive. At the same time, neither one nor several factors can be decisive in determining the damage to the economic sector of the Member States due to subsidized imports.

For re-investigations in connection with the expiry of the countervailing measure, the degree of recovery of the economic situation of the sector of the economy of the Member States after the impact of previously subsidized imports shall be analyzed.

Footnote. Paragraph 137 – as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

138. Impact of subsidized import on the branch of economy of the member states shall be estimated relating to production of similar goods in the member states, if available data allows allocating the production of similar goods on the basis of such criteria, as production process, sale of similar goods by their producers and profit.

In the case if available data do not allow to allocate production of similar goods, the impact of subsidized import on the branch of economy of the member states shall be estimated relating to production of narrowest group or nomenclature of goods, which include the similar goods and on which have the necessary data.

139. When establishing a threat of causing material damage to a sector of the economy of Member States as a result of subsidized imports, the investigating body shall take into account all available factors, including the following:

the nature, and amount of the subsidy or subsidies and their possible impact on trade;

significant growth rates of subsidized imports, indicating a real possibility of a significant increase in such imports;

the presence of sufficient export capacity on the part of the exporter of the product that is the subject of subsidized imports, or the obvious inevitability of a significant increase in these capacities, which (indicates the real possibility of a significant increase in the subsidized import of this product, taking into account the ability of other export markets to accept any additional export of this product;

level of a product that is the subject of subsidised imports, if such price level may lead to a significant reduction or containment of the price of a similar product on the market of Member States and a further increase in demand for the product that is the subject of subsidised imports;

stocks of goods that are the subject of subsidized imports.

However, none of these factors can be decisive in determining the threat of causing material damage to a sector of the economy of Member States as a result of subsidized imports.

Footnote. Paragraph 139 – as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

140. Decision on existence of a threat of causing of material damage to the branch of economy of the member states shall be adopted in the case, if in the course of investigation according to the results of analysis of factors, specified in paragraph 139 of this Minute, the body conducting the investigations came to the conclusion on necessity of continuation of subsidized import and causing of material damage to the branch of economy of the member states by such import in the case of non-adoption of compensatory measures.

141. Conclusion on existence of cause and effect relationship between the subsidized import and damage to the branch of economy of the member states shall be based on analysis of all evidences and details, relating to the case and available to the body, conducting the investigations.

142. The body conducting the investigations, besides the subsidized import shall analyze other known factors, as a result of which the damage is caused to the branch of economy of the member states in the same period.

The damage caused to the branch of economy of the member states due to these factors shall not be referred to the damage to the branch of economy of the member states due the subsidized import to the customs territory of the Union.

4. Introduction of preliminary compensatory duty

143. In the case if information, received by body, conducting the investigations, before completion of investigation certifies on existence of subsidized import and damage to the branch of economy of the member states conditioned by this, the decision on application of compensatory measure by introduction of preliminary compensatory duty for the term up to 4 months for the purposes of prevention of damage to the branch of economy of the member states, caused by the subsidized import in the period of conducting of investigation shall be adopted by the Commission on the basis of report, specified in paragraph 7 of this Minute.

144. Preliminary compensatory duty may not be introduced earlier than 60 calendar days from the date of commencement of investigation.

145. Preliminary compensatory duty shall be introduced in the amount, equal to the pre-calculated value of specific subsidy of exporting third country for one of the subsidized and exported goods.

146. In the case if according to the results of investigation it is established by the body conducting the investigations that there are no grounds for introduction of compensatory measure, or the decision on non-application of antidumping measure is adopted in accordance with paragraph 272 of this Minute, the amounts of preliminary compensatory duty shall subject to return to in the manner provided by the annex to this Minute.

The body conducting the investigation shall timely inform the customs bodies of the member states on the absence of grounds for introduction of compensatory measure or on adoption of decision on non-application of compensatory measure by Commission.

147. In the case if according to the results of investigation the decision on application of compensatory measure is adopted on the basis of existence of a threat of causing of material damage to the branch of economy of the member states or significant slowdown of creation of the branch of economy of the member states, the amounts of preliminary compensatory duty shall subject to return to in the manner provided by annex to this Minute.

148. In the case if according to the results of investigation the decision on application of compensatory measure is adopted on the basis of existence of material damage of a branch of economy of the member states or the threat of its causing (upon condition that non-introduction of preliminary compensatory duty would have led to determination of existence of material damage to the branch of economy of the member states), the amounts of preliminary compensatory duty from the date of entering of decision on application of antidumping measure into legal force shall subject to crediting and distribution in the manner provided by annex to this Minute in recognition of provisions of paragraphs 149 and 150 of this Minute.

149. In the case if according to the results of investigation, the introduction of lower rate of compensatory duty than the rate of preliminary compensatory duty is recognized as appropriate, the amounts of preliminary compensatory duty, relevant to the amounts of compensatory duty, calculated according to the established rate of compensatory duty shall subject to crediting and distribution in the manner provided by annex to this Minute.

The amounts of preliminary compensatory duty, exceeding the amount of compensatory duty, calculated according to the established rate of compensatory duty shall subject to return to in the manner provided by annex to this Minute.

150. In the case if according to the results of investigation the introduction of a higher rate of compensatory duty than the rate of preliminary compensatory duty is recognized as appropriate, the difference between the amounts of compensatory duty and preliminary compensatory duty shall not be charged.

151. Preliminary compensatory duty shall be applied upon condition of simultaneous continuation of the investigation.

152. Preliminary compensatory duty shall be applied in accordance with paragraphs 164-168 of this Minute.

153. Decision on introduction of preliminary compensatory duty shall be adopted, as a rule, not later than 7 months from the date of commencement of investigation.

5. Adoption of voluntary obligations by the subsidizing third country or exporters of goods, being the object of investigation

154. The investigation may be suspended or terminated without introduction of compensatory duty upon adoption of decision by the Commission on approval of one of the following voluntary obligations (in written form), received by the body conducting the investigations:

exporting third country agrees to cancel or reduce subsidizing or take the relevant measures for the purposes of elimination of consequences of subsidizing;

exporter of goods, being the object of investigation agrees to review the prices of such goods (in the existence of persons in the member-states, related with exporter – to ensure support of obligations of exporter on price revision by these persons) established by them, so that the results of analysis of obligations, accepted by the exporter, the body conducting the investigations came to the conclusion that acceptance of such voluntary obligations will eliminate the damage to the branch of economy of the member states.

According to these obligations, the increase of price of goods, being the object of investigation shall not exceed the amount of specific subsidy of exporting third country, calculated in relation of the unit of subsidized and exported goods.

Increase of price of goods, being the object of investigation may be less than the amount of specific subsidy of exporting third country, calculated on the unit of subsidized and exported goods, if such increase is sufficient for elimination of the damage to the branch of economy of the member states.

155. Decision on approval of voluntary obligations shall not be adopted by the Commission until the body conducting the investigations does not come to the preliminary conclusion on existence of subsidized import and damage to the branch of economy of the member states, conditioned by this.

Decision on approval of voluntary obligations of exporter of goods, being the object of investigation shall not be adopted by the Commission before reception of the consent of the authorized body of exporting third country for acceptance of obligations, specified in the third item of paragraph 154 of this Minute by the exporters.

156. Decision on approval of voluntary obligations shall not be adopted by the Commission, if the body conducting the investigations came to the conclusion on unacceptability of their approval in connection with the large number of real or potential exporters of goods, being the object of investigations, or for other reasons.

The body conducting the investigations, as far as possible shall inform the exporters the reasons on which the approval of their voluntary obligations was considered as unacceptable, and shall offer them the opportunity to make the comments in connection with this.

157. The body conducting the investigations shall direct the request on provision of their non-confidential version to each exporter and authorized body of the exporting third country, which are accepted the voluntary obligations, to have the opportunity to provide it to the interested persons.

158. The body, conducting the investigations may offer to the exporting third country or exporter of goods, being the object of investigation to accept the voluntary obligations but may not require their acceptance.

159. In the case of adoption of decision on approval of voluntary obligations by the Commission, the compensatory investigation may be continued at the request of exporting third country or by the decision of body, conducting the investigations.

In the case if according to the results of investigation the body, conducting the investigations comes to the conclusion on the absence of subsidized import or damage to the branch of economy of the member states conditioned by it, the exporting third country or exporters accepted the voluntary obligations shall be automatically released from such obligations, except for the case, when the specified conclusion is the result of existence of such obligations to a significant extent. In the case if the made conclusion is the result of existence of voluntary obligations to a significant extent, the decision that such obligations shall remain in force during the necessary period of time may be adopted by the Commission.

160. In the case if according to the results of investigation the body conducting the investigations comes to the conclusion on existence of subsidized import and damage to the branch of economy of the member states conditioned by it, the accepted voluntary obligations shall continue to have effect in accordance with their conditions and provisions of this Minute
.

161. The body conducting the investigations shall have a right to request the details, concerning their execution, as well as the consent for verification of these details from the exporting third country or exporter.

Non-provision of requested details in the term, established by the body conducting the investigations, as well as disagreement for verification of these details shall be considered as violation by the exporting third country or exporter of accepted voluntary obligations.

162. In the case of violation of voluntary obligations by the exporting third country or exporter or revocation of such obligations, the Commission may adopt the decision on application of compensatory measure by introduction of preliminary compensatory duty (if the investigation is not yet completed) or compensatory duty (if the final results of investigation certify on existence of the grounds for its introduction).

The opportunity to make the comments in connection with violation shall be provided to the exporting third country or exporter in the case of violation by them of accepted voluntary obligations.

163.The rate of preliminary compensatory duty or compensatory duty, which may be introduced in accordance with paragraph 162 of this Minute shall be determined in the decision of Commission on approval of voluntary obligations.

The Decision of the Commission to approve voluntary commitments may specify the document required for confirming information about the exporter and, if necessary, also about the manufacturer and the requirements for completing such a document.

Footnote. Paragraph 163 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

6. Introduction and application of compensatory duty.

164. The decision on introduction of compensatory duty shall not be adopted by the Commission, if the specific subsidy of exporting third country was revoked.

165. The decision on introduction of compensatory duty shall be adopted after the exporting third country, providing specific subsidy was proposed to conduct the consultations , from which the country rejected or in the course of conducting of which the mutually acceptable decision was not reached.

166. Compensatory duty shall be applied in relation of goods, which are supplied by all exporters and are the subject of subsidized import, causing damage to the branch of economy of the member states (except for the goods, supplied by the exporters, the voluntary obligations of which were approved by the Commission).

In relation of goods, supplied by separate exporters, the individual amount of the rate of compensatory duty may be established by the Commission.

When establishing an individual amount of such a rate of countervailing duty, the Commission shall have the right to determine the document required for confirming information about the exporter for whom the individual rate of countervailing duty has been established, and, if necessary, also about the manufacturer and the requirements for completing such a document.

Footnote. Paragraph 166 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

167. The rate of compensatory duty shall not exceed the amount of specific subsidy of exporting third country, calculated on the unit of subsidized and exported goods.

In the case if the subsidy is provided in accordance with different programs of subsidizing , it is considered their total amount.

The rate of compensatory duty may be less than the amount of specific subsidy of exporting third country, if such rate is sufficient for elimination of damage to the branch of economy of the member states.

168. Upon determination of the rate of compensatory duty shall be considered the opinion of consumers of the member states, on the economic interests of which the introduction of compensatory duty may affect, received in written form to the body conducting the investigations.

169. Compensatory duty may be applied in relation of goods, placed under the customs procedure, the condition of placement of which is the payment of compensatory duty, not earlier than 90 calendar days before the date of introduction of preliminary compensatory duty, if according to the results of investigation, the body conducting the investigations is simultaneously established the following, in relation of these goods:

1) the damage that would be difficult to remove later, caused by the significantly increased import of goods, in relation of which the specific subsidies are paid or provided, during the relatively short period of time;

2) it is necessary to apply the compensatory duty for the purposes of prevention of recurrence of damage in relation of imported goods, specified in subparagraph 1 of this paragraph.

170. After the date of the commencement of the investigation, the investigating authority shall publish on the official website of the Union a notification containing a warning of the possible application under 169 of this Minute, of a countervailing duty in respect of the goods which are the subject of the investigation.

The decision on publication of such notification shall be adopted by the body conducting the investigations, at the request of a branch of economy of the member states, contained sufficient evidences of execution of conditions, specified in paragraph 169 of this Minute, or on its own initiative in the existence of such evidences available to the body conducting the investigations.

Compensatory duty may not be applied in relation of goods, placed under the customs procedures, the condition of placement of which is the payment of compensatory duties, before the date of official publication of notification, specified in this paragraph.

Footnote. Paragraph 170 as amended by Law № 6-VII of 15.02.2021.

171. The additional methods of notification of interested persons on possible application of compensatory duty may be established by the legislation of the member states in accordance with paragraph 169 of this Minute.

7. The term of validity and revision of compensatory duty.

172. Compensatory measure shall be applied by the decision of Commission in the amount and during the term, which are necessary for elimination of the damage to the branch of economy of the member states due to the subsidized import.

173. The term of validity of compensatory measure shall not exceed 5 years from the date of commencement of application of such measure or from the date of completion of the reinvestigation, which is conducted in connection with the changed circumstances and

simultaneously concerned the analysis of subsidized import and caused damage to the branch of economy of the member states or which is conducted in connection with expiration of the term of validity of compensatory measure.

174. The reinvestigation in connection with expiration of the term of validity of compensatory measure shall be conducted on the basis of application (in written form), filed in accordance with paragraphs 186-198 of this Minute or on its own initiative of the body, conducting the investigations.

The reinvestigation in connection with expiration of the term of validity of compensatory measure shall be conducted in the existence of details on possibility of renewal or continuation of subsidized import and causing the damage to the branch of economy of the member states upon termination of validity of the compensatory measure in the application.

An application on conducting of reinvestigation in connection with expiration of the term of validity of compensatory measure shall be filed not later than 6 months before expiration of the term of validity of compensatory measure.

The reinvestigation shall be initiated before expiration of the term of validity of compensatory measure and completed within 12 months from the date of its commencement.

Application of compensatory measure shall be extended by the decision of Commission before completion of reinvestigation conducted in accordance with this paragraph. Compensatory duties shall be paid on the rates of compensatory duties, which were established in connection with application of compensatory measure, the term of validity of which is extended in connection with conducting of reinvestigation during the term, on which the application of relevant compensatory measure is extended in the manner established for collection of preliminary compensatory duties.

In the case if according to the results of reinvestigation in connection with expiration of the term of validity of compensatory measure it is established by the body, conducting the investigations that there are no the grounds for application of compensatory measure, or the decision on non-application of compensatory measure is adopted in accordance with paragraph 272 of this Minute, the amounts of compensatory duty, charged in the manner established for collection of preliminary compensatory duties, during the term, on which the application of compensatory measure is extended shall subject to return to in the manner provided by annex to this Minute.

The body conducting the investigations shall timely inform the customs bodies of the member states on the absence of the grounds for application of compensatory measure or on adoption of decision on non-application of compensatory measure by the Commission.

Validity of compensatory measure shall be extended by the Commission in the case, if according to the reinvestigation in connection with expiration of the term of validity of compensatory measure, the possibility of renewal or continuation of subsidized import and causing damage to the branch of economy of the member states is established by the body conducting the investigations. The amounts of compensatory duties, charged in the manner

established for collection of preliminary compensatory duties shall subject to crediting and distribution in the manner provided by annex to this Minute during the term on which the application of compensatory measure was extended from the date of entering of decision of Commission on extension of compensatory measure to the legal force.

175. Upon the application of the interested person, in the case if after introduction of compensatory measure passed at least 1 year, or on the initiative of the body, conducting the investigations may be conducted the reinvestigation for the purposes of determination of feasibility of continuation of application of compensatory measure and (or) its revision (as well as revision of individual amount of the rate of compensatory duty) in connection with the changed circumstances.

Depending on the purposes of filing of application on conducting of reinvestigation, such application shall contain the evidences that in connection with the changed circumstances of:

continuation of application of compensatory measure is not required for counteraction to the subsidized import and elimination of damage to the branch of economy of the member states due to the dumped import;

the current amount of compensatory measure exceeds the amount, sufficient for counteraction to the subsidized import and elimination of damage to the branch of economy of the member states due to the subsidized import;

the current compensatory measure is not sufficient for counteraction to the subsidized import and elimination of damage to the branch of economy of the member states due to the dumped import.

The reinvestigation conducted in accordance with this paragraph shall be completed during 12 months from the date of its commencement.

176. Provisions of section VI of this Minute concerning provision of evidences and conducting of investigation shall be applied in relation of reinvestigation, provided by paragraphs 172-178 of this Minute in recognition of relevant differences.

113. Provisions of paragraphs 172-178 of this Minute shall be applied in relation of obligations, adopted by the exporter in accordance with paragraphs 154-163 of this Minute, in recognition of relevant differences.

178. The reinvestigation may be also conducted for the purposes of establishment of the amount of individual rate of compensatory duty for the exporter, in relation of which the compensatory measure is applied, by the investigation is not conduced for other reasons, that the refusal to cooperate. Such reinvestigation may be initiated by the body, conducting the investigations upon the application of the specified exporter.

8. Establishment of evasion of compensatory measure

179. For the purposes of this section the evasion of compensatory measure shall be regarded as the change of the method of supplies of goods for evasion from the payment of compensatory duty or from execution of accepted voluntary obligations.

180. The reinvestigation for the purposes of establishment of evasion of compensatory measure may be initiated upon the application of the interested person or on its own initiative of body, conducting the investigations.

181. The application specified in paragraph 180 of this Minute shall contain the evidences :

1) evasion of compensatory measure;

2) cancellation of effect of compensatory measure (due to its evasion) on the volumes of production and (or) sale and (or) prices of similar goods in the market of the member states;

3) preservation of benefit from provision of specific subsidy of the producer and (or) exporter of goods (integrated parts and (or) derivatives of such goods).

182. The compensatory duty on the integrated parts and (or) derivatives goods, being the subject of subsidized import, imported to the customs territory of the Union from the exporting third country, as well as on goods, being the subject of subsidized import and (or) its integrated parts and (or) derivatives, imported to the customs territory of the Union from other exporting third country, charged in the manner established for collection of preliminary compensatory duties may be introduced by Commission for the period of reinvestigation, conducted in accordance with paragraphs 179-185 of this Minute.

183. In the case if according to the results of reinvestigation, conducted in accordance with paragraphs 179-185 of this Minute, the evasion of compensatory measure, the amount of compensatory duty, paid in accordance with paragraph 182 of this Minute and in the manner established for collection of preliminary compensatory duty are not established by the body, conducting the investigations shall subject to return to in the manner provided by annex to this Minute.

The body conducting the investigation shall timely inform the customs bodies of the member states that the evasion of compensatory measure is not established.

184. The compensatory measure in the case of establishment of evasion of compensatory measure may be distributed to the integrated parts and (or) derivatives foods, being the subject of subsidized import, imported to the customs territory of the Union from the exporting third country, as well as on the goods, being the subject of subsidized import and (or) its integrated parts and (or) derivatives, imported to the customs territory of the Union from other exporting third country according to the results of reinvestigation, conducted in accordance with paragraphs 179-185 of this Minute. The amounts of compensatory duties, paid in the manner established for collection of preliminary compensatory duties shall subject to crediting and distribution in the manner provided by annex to this Minute from the date of entering of decision of Commission on introduction of compensatory measure, specified in this paragraph into legal force.

185. The reinvestigation for the purposes of establishment of evasion of compensatory measure shall be completed during 9 months from the date of its commencement.

VI. Conducting of investigations

1. The grounds for conducting of investigations

186. The investigation for the purposes of establishment of existence of increased import and serious damage to the branch of economy of the member states or a threat of its causing conditioned by it, as well as for the purposes of establishment of dumped or subsidized import and material damage to the branch of economy of the member states conditioned by them, the threat of its causing or significant slowdown of creation of the branch of economy of the member states shall be conducted by the body, conducting the investigations on the basis of application in written form or on its own initiative.

187. The application referred to in paragraph 186 of this Protocol shall be submitted by:

1) the manufacturer (manufacturers) of a similar or directly competing product (when applying the application of a special protective measure) or a similar product (when applying the application of an anti-dumping or countervailing measure) in the Member States or its authorized representative (their authorized representatives);

2) a consolidation (association, union) or consolidations (association, union) of producers, whose members include producers of similar or directly competing goods (when applying the taking of a special protective measure) or similar goods (when applying the taking of an anti-dumping or countervailing measure) in the Member States, or an authorized representative of such a consolidation (association, union) or authorized representatives of such consolidations (association, union).

Footnote. Paragraph 187 – as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

188. Authorized representatives of producers and associations, specified in paragraph 187 of this Minute shall have the properly formed powers, approved by the documents, originals of which are presented to the body, conducting the investigations together with the application.

189. The evidences of support of application by the producers of similar or directly competitive or similar goods in the member states shall be attached to the application, specified in paragraph 186 of this Minute.

Sufficient evidences to support the application shall be:

1) the documents on accession of other producers of similar or directly competitive goods in the member states, producing the essential part, but not less than 25 percent from the total volume of production of similar or directly competitive goods in the member states (upon filing of the statement on application of special protective measure) to the application;

2) the documents, approving that the share of production of similar goods by the producers in the member states (as well as applicant), expressed in support of application, consists not less than 25 percent from the total volume of production of similar goods in the member states upon condition, that the volume of production of similar goods by producers in

the member states (as well as applicant), expressed in support of application, consists more than 50 percent from the volume of production of similar goods by producers in the member states, expressed its opinion (support or disagreement) concerning the application (upon filing of the statement on application of antidumping or compensatory measure).

190. The application, specified in paragraph 186 of this Minute shall contain:

1) details on applicant, on volume of production in the quantitative or value terms of similar or directly competitive goods (upon filing of the statement on application of special protective measure), similar goods (upon filing of the statement on application of antidumping or compensatory measure) by the branch of economy of the member states during 3 years, directly preceding the date of filing of statement, as well as on volume of production in the in the quantitative or value terms of similar or directly competitive goods (upon filing of the statement on application of special protective measure), or similar goods (upon filing of the statement on application of antidumping or compensatory measure) by the producers in the member states, supported the statement, and on their share in the total volume of production in the member states of similar or directly competitive goods (upon filing of the statement on application of special protective measure), or similar goods (upon filing of the statement on application of antidumping or compensatory measure);

2) a description of the goods imported into the customs territory of the Union in respect of which it is proposed to introduce a special safeguard, anti-dumping or countervailing measure , indicating the code of the EAEU Commodity Nomenclature of Foreign Economic Activity;

3) the names of the exporting third countries of origin or departure of the goods referred to in sub-paragraph 2 of this paragraph, based on customs statistics;

4) details on known producers and (or) exporters of goods, specified in subparagraph 2 of this paragraph, in the exporting third country and on known importers and basic known consumers of these goods in the member states;

5) details on the changes of volume of import of goods to the customs territory of the Union, in relation of which it is proposed to introduce the special protective, antidumping or compensatory measure, for the preceding period, as well as for the subsequent period, for which the representative statistical data are available on the date of filing of statement;

6) details on the change of volume of export of similar or directly competitive goods (upon filing of statement on application of special protective measure) or similar goods (upon filing of statement on application of antidumping or compensatory measure) from the customs territory of the Union for the preceding period, as well as for the subsequent period, for which the representative statistical data are available on the date of filing of statement.

Footnote. Paragraph 190 as amended by Law of the Republic of Kazakhstan № 6-VII of 15.02.2021.

191. Together with details, specified in paragraph 190 of this Minute, depending on the measure proposed by the applicant in the statement shall be specified:

1) the evidences of existence of increased import of goods, the evidences of existence of serious damage to the branch of economy of the member states or the threat of its causing due to the increased import of goods, proposal on introduction of special protective measure with specification of the amount and term of validity of such measure and plan of measures on adaptation of the branch of economy of the member states to the work in the conditions of foreign competition during the term of validity, proposed by the applicant of special protective measure (upon filing of the statement on application of special protective measure);

2) details on export price and normal value of goods, the evidences on existence of material damage to the branch of economy of the member states, or the threat of its causing, or significant slowdown of creation of the branch of economy of the member states due to the dumped import of goods, as well as proposal on introduction of antidumping measure with specification of its amount and term of validity (upon filing of the statement on application of antidumping measure);

3) details on existence and nature of specific subsidy of exporting third country and, if possible, on its amount, the evidences on existence of material damage to the branch of economy of the member states, or the threat of its causing, or significant slowdown of creation of the branch of economy of the member states due to the subsidized import of goods , as well as proposal on introduction of compensatory measure with specification of its amount and term of validity (upon filing of statement on application of compensatory measure).

192. The evidences of existence of serious damage to the branch of economy of the member states or the threat of its causing (upon filing of the statement on application of special protective measure) and the evidences of existence of material damage to the branch of economy of the member states, or the threat of its casing, or significant slowdown of creation of the branch of economy of the member states due to the dumped import or subsidized import (upon filing of the statement on application of antidumping measure or compensatory measure) shall be based on the objective factors, which characterize the economic position of the branch of economy of the member states and shall be expressed in the quantitative and (or) value indicators for the preceding period, as well as for the subsequent period, for which the representative statistical data are available on the date of filing of statement (as well as the data on volume of production of goods and volume of its sale, share of goods in the market of the member states, the cost of production of goods, price of goods, capacity rate, employment, labour productivity, the amount of profit, production profitability, volume of investments to the branch of economy of the member states).

193. Details presented in application shall be accompanied by a reference to their source.

194. Upon specification of indicators, contained in the statement, the unified monetary and quantitative units shall be used for the purposes of comparability.

195. Details contained in the statement shall be certified by the heads of producers, presented such details, as well as their employees, responsible for bookkeeping and accounts, in a part, concerning details, directly relating to these producers.

196. The statement with annex of its non-confidential version (if the statement contains confidential information) shall be presented to the body, conducting the investigations in accordance with paragraph 8 of this Minute and shall subject to registration on the date of receipt of the statement to this body.

197. The date of filing of the statement shall be considered the date of its registration in the body conducting the investigations.

198. The statement on application of special protective, antidumping or compensatory measure shall be rejected on the following grounds:

nonpresentation of materials, specified in paragraphs 189-191 of this Minute upon filing of the statement;

unreliability of materials, presented by the applicant, provided in paragraphs 189-191 of this Minute;

nonpresentation of non-confidential version of the statement.

Rejection of the statement on other grounds shall not be allowed.

2. Initiation of an investigation and its conducting

199. The body conducting the investigations shall inform the exporting third country on receipts of the statement on application of antidumping or compensatory measure, prepared in accordance with paragraphs 187-196 of this Minute in written form before adoption of decision on initiation of investigation.

200. The body conducting the investigations shall study the adequacy and reliability of evidences and details, contained in the statement in accordance with paragraphs 189-191 of this Minute during 30 calendar days from the date of registration of the statement before adoption of decision on initiation of investigation. This period may be extended in the case of necessity of reception of additional details by the body conducting the investigations, but shall not exceed 60 calendar days.

201. The statement may be revoked by the applicant before the initiation of investigation or in the course of its conducting.

In the case of investigations pursuant to paragraphs 110, 111, 114 to 120, 175, and 179 to 185 of this Minute, the application may be withdrawn by the complainant either before or during the investigation, but no later than the date the investigating authority is informed, pursuant to paragraphs 224 and 230 of this Minute, of the principal findings of the investigation by the person concerned.

The statement shall be considered as unfiled, if it is revoked before initiation of investigation.

In the case if the statement is revoked in the course of conducting of investigation, the investigation shall be terminated without introduction of special protective, antidumping or compensatory measure.

Footnote. Paragraph 201 as amended by Law of the RK № 6-VII of 15.02.2021.

202. The details, contained in the statement shall not subject to the public disclosure before adoption of decision on initiation of investigation.

203. The body conducting the investigations shall adopt the decision on initiation of investigation or on refusal of its conducting before expiration of the term, specified in paragraph 200 of this Minute.

204. When a decision to launch an investigation has been taken, the investigating authority shall notify in writing the competent authority of the exporting third country as well as other interested parties known to it of the decision taken and shall ensure that, within no more than 10 working days from the date of the decision taken, the notification of the launch of the investigation is published on the official website of the Union on the Internet.

Footnote. Paragraph 204 as amended by Law of the RK № 6-VII of 15.02.2021.

205. The date of publication of notification on initiation of investigation on the official site of the Union and in the Internet shall be recognized the date of initiation of investigation.

206. The body conducting the investigations may adopt decision on initiation of investigation (as well as on its own initiative) only in the case, if there are the evidences on existence of increased import and serious damage to the branch of economy of the member states conditioned by it or the threat of its causing or existence of dumped or subsidized import and material damage to the branch of economy of the member states conditioned by it, the threat of its causing or significant slowdown of creation of the branch of economy of the member states.

In the case if available evidences are insufficient, such investigation may not be initiated.

207. Decision on refusal in conducting of investigation shall be adopted in the case, if the body conducting the investigation, according to the results of consideration of the statement revealed that details, presented in accordance with paragraphs 190-191 of this Minute shall certify on existence of increased, dumped or subsidized import of goods to the customs territory of the Union and (or) material damage to the branch of economy of the member states conditioned by them, or the threat of its causing, or significant slowdown of creation of the branch of economy of the member states due to the dumped or subsidized import or on existence of serious damage to the branch of economy of the member states or the threat of its causing due to the increased import to the customs territory of the Union.

208. Upon adoption of decision on refusal in conducting of investigation, the body conducting the investigations shall inform the applicant on the reason of refusal in conducting of investigation in written form in the term not more than 10 calendar days from the date of adoption of such decision.

209. The interested persons shall have a right to apply on its intention to participate in investigation in written form and term, established by this Minute. They are recognized as participants of investigation from the date of registration of the statement on intention to participate in the investigation by the body conducting the investigations.

An applicant and producers in the member states, expressed in support of the statement shall be recognized as participants of investigation from the date of initiation of investigation.

210. The interested persons shall have a right to present the details (as well as the confidential information) with specification of the source of reception of such details, necessary for conducting of investigations in the term, not violated the course of investigation .

211. The body conducting the investigations shall have a right to request the details for the purposes of investigation.

The requests may be directed to other organizations in the member states.

The specified requests shall be directed by the head (deputy of the head) of the body conducted the investigations.

The request shall be considered as received by the interested person from the date of its transfer to the authorized representative of interested person or upon expiration of 7 calendar days from the date of sending a request by mail.

The response of the interested person shall be presented to the body, conducting the investigations not later than 30 calendar days from the date of reception of request.

The response shall be considered as received by the body conducting the investigations, if it is received to the body conducting the investigations not later than 7 calendar days from the date of expiration of the term, specified in the fifth item of this paragraph.

Details presented by the interested person upon expiration of the specified term may be taken into account by the body conducting the investigations.

The term of presentation of response may be extended by the body conducting the investigations according to the request, motivated and stated in written form.

212. In the case if the interested person refuses to the body conducting the investigations in provision of necessary information, does not provide it in the established term or provide unreliable information, thus essentially making the conducting of investigation difficult, this interested person shall be recognized as uncooperative and preliminary or final conclusion may be made by the body conducting the investigations on the basis of available information.

Non-provision of requested information in the electronic form or in the electronic format, determined in the request of the body, conducting the investigations shall not be regarded by the body conducting the investigations as refusal from cooperation upon condition that the relevant interested person may prove that full execution of criteria of provision of information , determined in the request of the body, conducting the investigations is impossible or related with significant material charges.

In the case if the body conducting the investigations does not consider the information provided by the interested person, by reasons other than specified in the first item of this paragraph, this person shall be informed of the reasons and grounds of adoption of such decision and he (she) shall be made the opportunity to make the comments in this connection in the term, determined by the body conducting the investigations.

If upon preparation of preliminary or final conclusion of the body conducting the investigations, including determination of normal value of goods (upon conducting of antidumping investigation), the provisions of first item of this paragraph are applied and the information is used (as well as provided by the applicant), the information used upon preparation of such conclusions shall be verified with the use of available information, received from the third party sources or from the interested persons, upon condition, that conducting of such verification does not make the course of investigation difficult and does not lead to violation of the terms of its conducting.

213. The body conducting the investigations shall direct the copies of the statement or its non-confidential version (in the case if the statement contains the confidential information) to the authorized body of exporting third country and known exporters, as well as provide such copies to other interested persons at their request in short time from the date of adoption of decision on commencement of antidumping or compensatory investigation.

In the case if the number of known exporters is large, the copy of the statement or its non-confidential version shall be directed only to the authorized body of exporting third country.

The body conducting the investigations shall provide the copies of the statement or its non-confidential version (in the case if the statement contains the confidential information) to the participants of special protective investigation at their request.

In the course of investigation, the body conducting the investigations shall provide an opportunity to make acquainted with details, provided in written form by any interested person as the evidences, relating to the subject of investigation to the participants of investigation on their request in recognition of necessity of protection of confidential information.

In the course of investigation the body conducting the investigations shall provide an opportunity to make acquainted with other details, concerning the investigation and used by them in the course of investigation, but not being confidential information to the participants of investigation.

214. The body conducting the investigations shall conduct consultations on the subject of conducted investigation at the request of interested persons.

214. In the course of investigation all interested persons shall be provided an opportunity to protect their interests. For this purpose the body conducting the investigations shall provide the opportunity to all interested persons at their request to meet in order that they may present opposing viewpoints and offer a rebuttal. Such possibility shall be provided in recognition of

observation of confidentiality of information. All interested persons shall not be obliged to present at the meeting, and the absence of any of the interested person does not entail causing of damage to its interests.

216. The consumers, using the goods, being the object of investigation in the manufacturing of products, representatives of public associations of consumers, bodies of the state power (administration), local government bodies, as well as other persons shall have a right to present the details that are relevant to the investigation to the body conducting the investigations.

217. The term of conducting the investigation shall not exceed:

1) 9 months from the date of commencement of investigation on the basis of the statement on application of special protective measure. This term may be extended by the body, conducting the investigations, but not more than 3 months;

2) 12 months from the date of commencement of investigation on the basis of the statement on application of antidumping or compensatory measure. This term may be extended by the body, conducting the investigations but not more than 6 months.

218. Conducting of investigation shall not prevent the commission of customs operations in relation of goods, being the object of investigation.

219. The date of completion of investigation shall be the date of consideration of the report by the Commission according to the results of investigation and project of act of the Commission, specified in paragraph 5 of this Minute.

In the case if the body conducting the investigations made the final conclusion on the absence of the grounds for application, revision or cancellation of special protective, antidumping or compensatory measure, the date of completion of investigation shall be recognized the date of publication of the relevant notification by the body conducting the investigations.

In the case of introduction of preliminary special duty, preliminary antidumping duty or preliminary compensatory duty, the investigation shall be completed before the expire of validity of relevant preliminary duty.

220. In the case if the body conducting the investigations, in the course of investigation, establishes the absence of the grounds, provided by the second or third item of paragraph 3 of this Minute, the investigation shall be completed without introduction of special protective, antidumping or compensatory measure.

221. In the case if during 2 calendar days, directly preceding the date of commencement of investigation, one of the producer, supported the statement, specified in paragraph 186 of this Minute (in recognition of inclusion it to the group of persons within the meaning of section XIII of Agreement) has such share of production of similar or directly competitive goods (upon conducting of investigation, preceding the application of special protective measure) or similar goods (upon conducting of investigation, preceding the application of antidumping or compensatory measure) in the customs territory of the Union, upon which in

accordance with the method of assessment of the state of competition, approved by the Commission, the position of this producer (in recognition of inclusion it to the group of persons) on the relevant trade market of the Union may be recognized as dominant, the structure subdivision of Commission, authorized in the scope of control of observation of general rules of competition on the cross-border markets shall make an assessment of consequences of influence of special protective, antidumping or compensatory measure on the competition in the relevant trade market of the Union at the request of the body conducting the investigations.

3. Features of conducting of the antidumping investigation

222. Antidumping investigation shall be terminated without introduction of antidumping measure, if the body conducting the investigations establishes that the margin of dumping is less than the minimum allowable margin of dumping or the volume of occurred or possible dumped import, or the amount of material damage conditioned by this import, or the threat of its causing, or significant slowdown of creation of the branch of economy of the member states shall be insignificant.

Upon that under the minimum of allowable margin of dumping shall be regarded as the margin of dumping, the amount of which does not exceed 2 percent.

223. The volume of dumped import from the determined exporting third country shall be insignificant, if it is less than 3 percent from the total volume of import of goods, being the object of investigation, to the customs territory of the Union, upon condition that the exporting third country, the individual share of each of which in the total volume of import consists less than 3 percent from the total volume of import of goods, being the object of investigation to the customs territory of the Union that in case of accumulation has not more than 7 percent from the total volume of import of goods, being the object of investigation to the customs territory of the Union.

224. The body conducting the investigations shall inform the interested persons on main findings, made according to the results of investigation before adoption of decision according to the results of antidumping investigation, in recognition of necessity of protection of confidential information and provide an opportunity to make its comments.

The term of provision of comments of the interested persons shall be established by the body conducting the investigations, but may not be less than 15 calendar days.

4. Features of conducting of compensatory investigation

225. The body conducting the investigations shall offer to conduct consultations for the purposes of specification of situation concerning the existence, amount and consequences of provision of supposed specific subsidy and achievement of mutually acceptable decision to the authorized body of exporting third country, from which the goods, in relation of which it

is proposed to introduce a compensatory measure, are exported after acceptance of the statement for consideration and before adoption of decision on commencement of investigation.

Such consultations may be continued in the course of investigation

226. Conducting of consultation, specified in paragraph 225 of this Minute shall not prevent to adopt a decision on commencement of investigation and application of compensatory measure.

227. Compensatory investigation shall be terminated without introduction of compensatory measure, if the body conducting the investigations establishes that the amount of specific subsidy of exporting third country is minimum or the volume of occurred or possible subsidized import, or the amount of material damage to the branch of economy of the member states conditioned by this import, or the threat of its causing or significant slowdown of creation of the branch of economy of the member states is insignificant.

228. The amount of specific subsidy shall be recognized as minimum, if it consists less than 1 percent from the cost of goods, being the object of investigation.

The volume of subsidized import, as a rule shall be recognized as insignificant, if it consists less than 1 percent from the total volume of import of similar goods to the customs territory of the Union upon condition that the exporting third country, individual share of each of which in the import consists less than 1 percent from the total volume of import of similar goods to the customs territory of the Union, in case of accumulation has not more than 3 percent from the total volume of import of similar goods to the customs territory of the Union .

229. Compensatory investigation in relation of goods, being the subject of subsidized import and originating from the developing or least developed third country-user of the system of tariff preferences of the Union shall be terminated in the case if the body conducting the investigations establishes that the total volume of specific subsidies of exporting third country, provided in relation of these goods does not exceed 2 percent of its value per unit of goods or share of import of these goods from such third country in the total volume of import of these goods to the customs territory of the Union consists less than 4 percent upon condition, that the total share in the import of these goods to the customs territory of the Union from the developing or least developed countries, the share of each of which has less than 4 percent from the total volume of import of these goods to the customs territory of the Union does not exceed 9 percent from the total volume of import of these goods to the customs territory of the Union.

230. The body conducting the investigations shall inform all interested persons on main findings, made in the course of investigation according to the results of compensatory investigation before adoption of decision in recognition of necessity of protection of confidential information and provide the opportunity to make their comments.

The term of provision of comments of interested persons shall be established by the body conducting the investigations, but may not be less than 15 calendar days.

5. Features of determination of the branch of economy of the member states in the case of dumped or subsidized import

231. Upon conducting of antidumping or compensatory investigation, the branch of economy of the member states shall have the meaning, established by Article 49 of Agreement, except for the cases, specified in paragraphs 232 and 233 of this Minute.

232. In the case if producers of similar goods in the member states are also the importers of goods, supposedly being the subject of dumped or subsidized import, or related with exporters or importers of goods, supposedly being the subject of dumped or subsidized import , under the branch of economy of the member states may be regarded only other producers of similar goods in the member states.

Producers of similar goods in the member states shall be considered as related with exporters or importers of goods, supposedly being the subject of dumped or subsidized import in the case if:

the separate producers of similar goods in the member states directly or indirectly control the exporters or importers of goods, being the object of investigation;

the separate exporters or importers of goods, being the object of investigation directly or indirectly control producers of similar goods in the member states;

the separate producers of similar goods in the member states and exporter of importers of goods being the object of investigation, are directly or indirectly controlled by a third person;

the separate producers of similar goods in the member states and foreign producers, exporters or importers of goods, being the object of investigation, directly or indirectly control the third person upon condition that the body conducting the investigations has reasons to suppose that behavior of these producers different from unrelated persons is conditioned by such relation.

233. In the exceptional cases upon determination of the branch of economy of the member states, the territory of these states may be considered as the territory, on which there are 2 or more territorially detached competitive markets, and producers in the member states within one of the specified markets may be considered as the separate branch of economy of the member states, if such producers sell in this market for the purposes of consumption or processing at least 80 percent of similar goods, produced by them, and the demand in this market on the similar goods is not satisfied to a significant extend by the producers of these goods, located in the rest territory of the member states.

In these cases the existence of material damage of the branch of the member states, the threat of its causing or significant slowdown of creation of the branch of economy of the member states due to the dumped or subsidized import may be established, even if the damage is not caused to the main part of the branch of economy of the member states, upon

condition that the sale of goods, being the subject of dumped or subsidized import concentrates on one of the specified competitive markets, and dumped or subsidized import causes the damage to all or almost all producers of similar goods in the member states within one of such market.

234. In the case if the branch of economy of the member states has the meaning, established by paragraph 233 of this Minute, and according to the results of investigation the decision on application of antidumping or compensatory measure is adopted, such measure may be applied in relation of all import of goods to the customs territory of the Union.

In the specified case the antidumping or compensatory duty shall be introduced only after provision of an opportunity to stop the export of these goods to this territory on dumping prices (upon dumped import) or on subsidized prices (upon subsidized import) by the body conducting the investigations to the exporters of goods or accept the relevant obligations in relation of conditions of export to the customs territory of the Union upon condition that such opportunity was not used by the exporters.

6. Public hearings

235. The body conducting the investigations shall provide conducting of public hearings on the basis of application, presented by any of participants of investigation in written form and the term, established by this Minute.

236. The body conducting the investigations shall be obliged to direct a notification on time and place of conducting of public hearings, as well as the list of issues, considered in the course of conducting of public hearings to the participants of investigation.

The date of conducting of public hearings shall be appointed not early than 15 calendar days from the date of direction of relevant notification.

237. Participants of investigation or their representatives, as well as persons, involved by them for the purposes of provision of available details, relating to investigation shall have a right to participate in the public hearings.

In the course of public hearings the participants of investigation may express their views and provided the evidences relating to the investigation. Representative of the body, conducting the investigations shall have a right to ask the questions, concerning the matter of facts reported by them to the participants of public hearings. Participants of investigation shall also have a right to ask the questions to each other and shall be obliged to reply to them. Participants of public hearings shall not be obliged to disclose information, recognized as confidential.

238. Details provided in the course of public hearings orally shall be taken into account in the course of investigation, if during 15 calendar days after the date of conducting of public hearings they were provided by the participants of investigation to the body conducting the investigations in written form.

7. Collection of information in the course of investigation

239. After adoption of decision on commencement of antidumping or compensatory investigation, the body conducting the investigations shall direct the list of questions, on which they have to answer to the known exporters and (or) producers of goods, being the object of investigation.

The list of issues shall be also directed to the producers of similar or directly competitive goods (in the case of conducting of special protective investigation) or similar goods (in the case of conducting of antidumping or compensatory investigation) in the member states.

In the case of necessity, the list of issues may be also directed to the importers and consumers of goods, being the object of investigation.

240. The persons, specified in paragraph 239 of this Minute, to which the list of questions was directed shall be obliged to present their responses to the body conducting the investigations during 30 calendar days from the date of its reception.

At the motivated and stated in written form request of persons, specified in paragraph 239 of this Minute, this term may be extended by the body, conducting the investigations, not more than 14 calendar days.

241. The list of issues shall be considered as received by the exporter and (or) producer of goods from the date of transfer directly to the representative of exporter and (or) producer or through 7 calendar days from the date of mailing.

The responses for the questions, included to the list shall be considered as received by the body conducting the investigations, if they are received to the body conducting the investigations, in the confidential and non-confidential version not later than 7 calendar days from the date of expiration of 30-days term, specified in paragraph 240 of this Minute or from the date of expiration of the term of extension.

242. The body conducting the investigations shall be convinced of the accuracy and reliability of information presented by the interested persons in the course of investigation.

For the purposes of verification of information, presented in the course of investigation, or reception of additional information, related with conducted investigation, in the case of necessity, the body conducting the investigations may conduct verification:

in the territory of third country upon condition of reception of the consent of relevant foreign exporters and (or) producers of goods, being the object of investigation, and absence of objections from a third country, which was officially notified on coming verification;

on the territory of the Member State, subject to the consent of the importers of the goods which are the subject of the investigation and/or the manufacturers of similar or directly competitive goods (in the case of a special protection investigation) or similar goods (in the case of an anti-dumping or countervailing investigation) concerned.

Verification shall be carried out after reception of responses to the lists of questions, directed in accordance with paragraph 239 of this Minute, except for the cases, when the

foreign producer or exporter voluntary agrees to conduct verifications before direction of these responses and in the absence of objection from the relevant third country.

After reception of the consent of relevant participants of investigation and before commencement of verification, the list of documents and materials that shall be presented to the employees, directed for conducting of verification shall be directed to them. The body conducting the investigations shall notify a third country on addresses and names of foreign exporters or producers, which plan to verify, as well as on dates of conducting of such verifications.

In the course of verification may be requested other documents and materials, necessary for approval of reliability of information, presented in the responses to the list of issues.

In the case if upon conducting of verification, the body conducting the investigations is intended to involve experts, not being the employees of this body for such verification, participants of investigation, in relation of which it is supposed to carry out verification activities shall be notified in advance on such decision of the body conducting the investigations. Participation of such experts in verification shall be allowed only in the existence of possibility of application of sanctions for violation by them of confidentiality of information, received in connection with verification.

Footnote. Paragraph 242 as amended by Law of the RK № 6-VII of 15.02.2021.

243. For the purposes of verification of information, presented in the course of investigation or reception of additional information, related with conducted investigation, the body conducting the investigations shall have a right to direct their representatives to the location of interested persons, conduct collection of information, consultations and negotiations with the interested persons, get acquainted with the samples of goods and take other actions, necessary for conducting of investigation.

8. Provision of information by the authorized bodies of the member states, diplomatic and trade representatives of the member states

244. For the purposes of subsection under the authorized bodies of the member states shall be regarded the bodies of the state power (administration) and territorial (local) bodies of the state power (administration) of the member states, authorized in the field of customs case, statistics, taxation, registration of legal entities and in other fields.

245. Authorized bodies of the member states, diplomatic and trade representatives of the member states in the third countries shall provide information, provided by this Minute, necessary for the initiation and conducting of special protective, antidumping and compensatory investigations (as well as repeated), preparation of suggestions according to the results of conducted investigations, monitoring of effectiveness of imported special protective , antidumping and compensatory measures and control of observation of obligations, approved by the Commission, to the body conducting the investigations at its request.

246. Authorized bodies of the member states, diplomatic and trade representatives of the member states in the third countries shall be obliged to:

1) present available details or notify on impossibility of presentation of details with specification of reasons of refusal during 30 calendar days from the date of reception of request of the body, conducting the investigations. The requested details shall be presented within a short time at the motivated request of the body conducting the investigations;

2) ensure the completeness and reliability of presented details and if it is necessary to present the relevant additions and amendments on an operational basis.

247. Authorized bodies of the member states, diplomatic and trade representatives of the member states in the third countries within their competence shall present information on requested time periods to the body conducting the investigations, including:

1) statistical data on foreign trade;

2) data from declarations to the goods with breakdown on the customs procedures with specification of natural and value indicators of import (export) of goods, commercial name of goods, conditions of supply, countries of origin (country of departure, country of destination), names and other account credentials of sender and recipient;

3) information on domestic market of goods, being the object of investigations, and relevant branch of economy of the member states (as well as data on volumes of production of goods, capacity utilization, sale of goods, the cost of goods, profits and losses of national enterprises of the member states, prices of goods in the domestic market of the member states, production profitability, staff number, investments, list of producers of goods);

4) information on assessment of consequences of possible introduction or non-introduction of special protective, antidumping or compensatory measure according to the results of relevant investigation on the market of goods, being the object of investigation, of the member states, as well as prediction of productive activity of national enterprises of the member states.

248. The list of information, specified in paragraph 247 of this Minute shall not be exhaustive. If it is necessary, the body conducting the investigations shall have a right to request other information.

249. Correspondence relating to implementation of this subsection and presentation of information at the request of body, conducting the investigations shall be carried out in Russian language. On the separate requisites (indicators), contained the foreign names shall be allowed the provision of information with the use of Latin letters.

250. Presentation of information shall be carried out preferentially on the electronic media . In the absence of possibility of presentation of information on the electronic media it is transferred on the paper medium. Information which is requested in the table form (statistical and customs information) shall be presented in the format, specified in the request of the body conducting the investigations. In the case if presentation of information in this format is impossible, the authorized bodies of the member states, diplomatic and trade representatives

of the member states in the third countries shall notify the body conducting the investigations and present the requested information in other format.

251. The requested to the authorized bodies of the member states, diplomatic and trade representatives of the member states in the third countries on provision of information shall be formed in written form on the form of the body conducting the investigations with specification of purpose, legal grounds and term of provision of information and signed by the head (deputy of the head) of body conducting the investigations.

252. Information at the requests of the body conducting the investigations shall be provided by the authorized bodies of the member states, diplomatic and trade representatives of the member states in third countries on a grant basis.

253. Transfer of information shall be carried out by the use of means, available at the time of transfer and coordinated between exchanging bodies, and ensuring the safety and protection of information from illegal access. In the case of direction of information by fax, the original document shall be also directed by mail.

9. Confidential information

254. Information, referred by the legislation of the member state to the confidential (including commercial, tax and other confidential information), except for the state secret (state secrets), or to the service information of limited distribution shall be presented to the body conducting the investigations with observation of requirements, established by the legislation of the member states in relation of such information.

The body conducting the investigations shall ensure the necessary level of protection of such information.

255. Information, presented by the interested person to the body conducting the investigations shall be considered as confidential upon presentation of grounds by this person, certifying that disclosure of such information provides competitive advantage to a third person or involves the adverse effects for the person, presented such information or for the person that has such information.

256. Interested persons, presented confidential information shall be obliged together with it present non-confidential version of such information.

Non-confidential information shall be sufficient to understand the subject of information, presented in the confidential form.

In the exceptional cases when the interested person may not present non-confidential version of confidential information, it shall present the ground, detailing the reasons, on which presentation of non-confidential information is impossible.

257. In the case if the body conducting the investigations establishes that the grounds, presented by the interested persons do not allow to refer the presented information to confidential, or the interested person, not presented non-confidential version of confidential information does not present the ground of impossibility of provision of confidential

information in the non-confidential form or present details, which are not the ground, the body conducting the investigations may not consider such information.

258. The body conducting the investigations shall be obliged not to disclose and not to transfer the confidential information without written consent of the interested person, presented such information or the authorized bodies of the member states, specified in paragraph 244 of this Minute and diplomatic and trade representatives of the member states in the third countries to the third persons.

Civil servants and employees of the body conducting the investigations may be deprived of the privileges and immunities, provided by international treaty within the Union on privileges and immunities, and brought to responsibility in the manner approved by the Commission for disclosure, use for the purposes of deriving of personal profit, other unauthorized use of confidential information, presented to the body conducting the investigations by the applicants, participants of investigations, interested persons or authorized bodies of the member states, specified in paragraph 244 of this Minute, diplomatic and trade representatives of the member states in the third countries for the purposes of conducting of investigation.

This Minute shall not prevent to disclosure of information, contained the reasons, underlying of adoption of decisions of Commission, or the evidences, on which the Commission is relied, to the extent that it is necessary to explain those reasons or evidences before the Court of the Union.

Procedure of the use and protection of confidential information in the body conducting the investigations shall be approved by the Commission.

10. The interested persons

259. The interested persons upon conducting of investigation shall be:

1) producer of similar or directly competitive goods (upon conducting of special protective investigation) or similar goods (upon conducting of antidumping or compensatory investigation) in the member states;

2) association of producers, majority of participants of which are producers of similar or directly competitive goods (upon conducting of special protective investigation) or similar goods (upon conducting of antidumping or compensatory investigation) in the member states;

3) association of producers, participants of which carry out production of more than 25 percent from the total volume of production of similar or directly competitive goods (upon conducting of special protective investigation) or similar goods (upon conducting of antidumping or compensatory investigation) in the member states;

4) exporter, foreign producer or importer of goods, being the object of investigation, and association of foreign producers, exporters or importers of goods, the essential part of participants of which are producers, exporters or importers of these goods from exporting third country or the country of origin of goods;

5) authorized body of exporting third country or country of origin of goods;

6) consumers of goods, being the object of investigation (if they use these goods upon production of products) and associations of such consumers in the member states;

7) public associations of consumers (if the goods are the subject of consumption preferentially by the individuals).

260. The interested persons shall act in the course of investigation independently or through their representatives, who properly have the formalized powers.

If the interested person in the course of investigation acts through the authorized representative, the body conducting the investigations shall bring to the notice of the interested person all information on subject of investigation only through this representative.

11. Notifications on decisions, adopted in connection with investigations

261. The body conducting the investigations shall publish the following notifications on decisions, adopted in connection with investigations on the official site of the Union in the Internet:

on commencement of investigation;

on introduction of preliminary special, preliminary antidumping or preliminary compensatory duty;

on possible application of antidumping duty in accordance with paragraph 104 of this Minute or possible application of compensatory duty in accordance with paragraph 169 of this Minute;

on completion of special protective investigation;

on completion of investigation, according to the results of which the body conducting the investigations made the conclusion on existence of grounds for introduction of antidumping or compensatory duty or on feasibility of approval of relevant obligations;

on completion or suspension of investigation in connection with approval of relevant obligations;

on completion of investigation, according to the results of which the body conducting the investigations made the conclusion on the absence of the grounds for introduction of special protective, antidumping or compensatory measure;

on other decisions, adopted in connection with investigations.

Such notifications shall also directed to the authorized body of exporting third country and other interested persons, known to the body conducting the investigations.

262. Notification on commencement of investigation shall be published in the term not more than 10 business days from the date of adoption of decision on commencement of investigation by the body conducting the investigations and shall contain:

1) complete description of goods, being the object of investigation;

2) the name of exporting third country;

3) a summary of details, certifying on existence of increased import to the customs territory of the Union and existence of serious damage to the branch of its causing (upon adoption of decision on commencement of special protective investigation);

4) a summary of details, certifying on existence of dumped or subsidized import and existence of material damage to the branch of economy of the member states, or the threat of its causing, or significant slowdown of creation of the branch of economy of the member states (upon adoption of decision on commencement of antidumping or compensatory investigation);

5) an address on which the interested persons may direct their opinion and details relating to the investigation;

6) the term, which consists 25 calendar days and during of which the body conducting the investigations accepts the applications from the interested persons on intention to participate in the investigation;

7) the term, which consists 25 calendar days and during of which the body conducting the investigations accepts the applications from participants of investigation on conducting of public hearings;

8) the term, which consists 25 calendar days and during of which the body conducting the investigations accepts the comments and details relating to the investigation from the interested persons in written form.

263. Notification on introduction of preliminary special, preliminary antidumping or preliminary compensatory duty shall be published in the term not more than 3 business days from the date of adoption of such decision by the Commission and shall contain the following information:

1) the name of exporter of goods, being the object of investigation, or the name of exporting third country (if the name of exporter is impossible to provide);

2) description of goods, being the object of investigation, sufficient for carrying out of customs control;

3) the grounds for favorable conclusion on existence of dumped import with specification of the amount of margin of dumping and description of grounds for selection of methodology of calculation and comparison of normal value of goods and its export price (upon introduction of preliminary antidumping duty);

4) the grounds for favorable conclusion on existence of subsidized import with description of the fact of existence of subsidy and specification of calculated amount of subsidy on the unit of goods (upon introduction of preliminary compensatory duty);

5) the grounds for establishment of existence of serious or material damage to the branch of economy of the member states, the threat of its causing or significant slowdown of creation of the branch of economy of the member states;

6) the grounds for establishment of cause and effect relation between increased import, dumped or subsidized import and correspondingly serious or material damage to the branch

of economy of the member states, a threat of its causing or significant slowdown of creation of the branch of economy of the member states;

7) The grounds for favorable conclusion on existence of increased import (upon introduction of preliminary special duty).

264. Notification on possible application of antidumping duty in accordance with paragraph 104 of this Minute or notification on possible application of compensatory duty in accordance with paragraph 169 of this Minute shall contain:

1) description of goods, being the object of investigation, sufficient for carrying out of customs control;

2) the name of exporter of goods, being the object of investigation, or the name of exporting third country (if the name of exporter is impossible to provide);

3) a summary of details, certifying on execution of conditions, specified in paragraphs 104 or 169 of this Minute.

265. Notification on completion of special protective investigation shall be published by the body conducting the investigations in the term not more than 3 business days from the date of completion of investigation and shall contain the main conclusions, which are made by the body conducting the investigations, on the basis of analysis of available information.

266. Notification on completion of investigation according to the results of which the body conducting the investigations made the conclusion on existence of the grounds for introduction of antidumping or compensatory duty or on feasibility of approval of relevant obligations shall be published in the term not more than 3 business days from the date of completion of investigation and shall contain:

1) explanation of final conclusion of the body conducting the investigations on the results of investigation;

2) an indication of the facts, on the basis of which such conclusion is made;

3) information, specified in paragraph 263 of this Minute;

4) an indication of the reasons of acceptance or non-acceptance of arguments and requirements of exporters and importers of goods, being the object of investigation in the course of investigation;

5) an indication of the reasons of adoption of decisions in accordance with paragraphs 48-51 of this Minute.

267. Notification on completion or suspension of investigation in connection with approval of relevant obligations shall be published in the term not more than 3 business days from the date of completion or suspension of investigation and shall contain non-confidential version of these obligations.

268. Notification on completion of investigation, according to the results of which the body conducting the investigations made the conclusion on the absence of grounds for

introduction of protective, antidumping or compensatory measure shall be published in the term not more than 3 business days from the date of completion of investigation and shall contain:

1) explanation of final conclusion of the body, conducting the investigations on the results of investigation;

2) an indication of the facts, on the basis of which the conclusion provided by subparagraph 1 of this paragraph is made.

269. Notification on completion of investigation according to the results of which the decision on non-application of measure is adopted in accordance with paragraph 272 of this Minute shall be published in the term not more than 3 business days from the date of adoption of such decision and shall contain the explanation of reasons of adoption of decision on non-application of special protective, antidumping or compensatory measure by the Commission with specification of facts and conclusions on the basis of which such decision is adopted.

270. The body conducting the investigations shall ensure direction of all notifications, provided by the Marrakesh Agreement on establishment of the World trade organization dated 15 April, 1994 in a part of conducted investigations and applied measures to the component bodies of the World trade organization in the established procedure.

271. Provisions of paragraph 261 – 270 of this Minute in recognition of relevant differences shall be applied to the notifications on commencement and completion of repeated investigations.

VII. Non-application of special protective, antidumping and compensatory measure

272. The Commission according to the results may adopt decision on non-application of special protective, antidumping or compensatory measure, even in the case if application of such measure corresponds to the criteria, established by this Minute.

The specified decision may be adopted by the Commission in the case, if the conclusion on that the application of such measure may cause damage to the interests of the member states is prepared by the body conducting the investigations, according to the results of analysis of all information, provided by the interested persons. Such a decision may be reconsidered if the grounds on which it is based have been changed.

Footnote. Paragraph 272 as amended by Law of the RK № 6-VII of 15.02.2021.

273. The conclusion, specified in the second item of paragraph 272 of this Minute shall be based on the results of aggravate assessment of interests of the branch of economy of the member states, consumers of goods, being the object of investigation (if they use such goods upon production of products), and associations of such consumers in the member states, public associations of consumers (if the goods are the subject of consumption preferentially by the individuals) and importers of these goods. Upon that such conclusion may be made

after the possibility to give their comments on this issue is provided to the specified persons in accordance with paragraph 274 of this Minute.

Upon preparation of such conclusion the special meaning shall be paid to the necessity of elimination of distorting effect of increased, dumped or subsidized import on the ordinary course of the trade and competitive situation on the relevant trade market of the member states and on the position of the branch of economy of the member states.

274. Producers of similar or directly competitive goods (upon conducting of the special protective investigation) or similar goods (upon conducting of antidumping or compensatory investigation) in the member states, their associations, importers and associations of importers of goods, being the object of investigation, consumers of goods, being the object of investigation (if they use such goods upon production of products), and associations of such consumers in the member states, public associations of consumers (if the goods are the subject of consumption preferentially by individuals) shall have a right to provide their comments and information on this issue during the term, established in the notification, published in accordance with paragraph 262 of this Minute for the purposes of application of provisions of paragraph 272 of this Minute. Such comments and information or their non-confidential version shall be provided for familiarization to other interested persons, specified in this paragraph, which have a right to provide their reply comments, in the appropriate cases.

Information provided in accordance with this paragraph shall be taken into account irrespective of its source upon condition of existence of objective facts, approving its reliability.

VIII. Final provisions

1. Features of appeal of decisions on application of special protective, antidumping and compensatory measures in the judicial procedure

275. Procedure and features of consideration of cases on challenging of decision of Commission and (or) action (omission) of Commission, related with application of special protective, antidumping and compensatory measures shall be determined by the Statute of the Court of the Union (annex №2 to Agreement) and regulation of the Court of the Union.

2. Execution of decisions of the Court of the Union

276. Commission shall apply the necessary measures for execution of decisions of the Court of the Union, relating application of special protective, antidumping and compensatory measures. Decision of Commission, recognized by Court of the Union as not corresponding to the Agreement and (or) international treaties within the Union shall be provided by the

Commission in accordance with Agreement and (or) international treaties within the Union by conducting of reinvestigation in a part, necessary for execution of decision of the Court of the Union at the initiative of the body, conducting the investigations.

Upon conducting of reinvestigation in recognition of relevant differences shall be applied provisions, relating to conducting of investigation.

The term of conducting of reinvestigation, provided by this paragraph, as a rule, does not exceed 9 months.

3. Administration of procedures of investigation

277. For the purposes of implementation of this Minute, the Commission shall adopt the decision concerning the procedures of commencement, conducting, completion and (or) suspension of investigation, Adopted decisions of Commission shall not change the provision of Agreement or contradict them.

Annex
to Agreement on application of
special protective, antidumping
and compensatory measures in
relation to the third countries

Provision
on crediting and distribution of special, antidumping, compensatory duties

Footnote. In the text of the provision, the word "payer" in the appropriate number and case are excluded by Law of the RK № 50-VII of 14.06.2021.

I. General provisions

1. This Provision shall determine procedure of crediting and distribution of amounts, established in accordance with section IX of Agreement on Eurasian economic union (hereinafter – Agreement) of special, antidumping, compensatory duties between the member states. The specified procedure shall be also applied in relation of amounts of fines (percent), accrued on the amounts of special, antidumping, compensatory duties in the cases and procedure, provided in accordance with the Customs Code of the Eurasian economic union.

2. The concepts used in this Provision shall be applied in the meanings, determined by the Minute on procedure of crediting and distribution of amounts of imported customs duties (other duties, taxes and charges, having equivalent effect), their transfer to the income of budgets of the member states (annex №5 to Agreement), by the Minute on application of special protective, antidumping and compensatory measures in relation to the third countries (annex №8 to Agreement) and the Customs Code of the Eurasian economic union.

II. Crediting and accounting of amounts of special, antidumping, compensatory duties

3. The amounts of special, antidumping, compensatory duties (except for the preliminary special, preliminary antidumping, preliminary compensatory duties), the obligation on payment of which in relation of goods, imported to the customs territory of the Union is occurred from the date of commencement of application of relevant measure shall subject to crediting, distribution and transfer to the budgets of the member states in the manner and according to the standards, which are determined by the Minute on procedure of crediting and distribution of amounts of imported customs duties (other duties, taxes and charges, having equivalent effect), their transfer to the income of budgets of the member states (annex №5 to Agreement), in recognition of features, established by this Provision, for the purposes of entering of decision of Commission on application of special protective, antidumping, compensatory measure into legal force.

4. Upon non-transfer or incomplete transfer of amounts of distributed special, antidumping, compensatory duties to the budget of other member states in the established terms and non-reception of information from the authorized bodies of this member state on the absence of amounts of special, antidumping, compensatory duties shall be applied the provisions of paragraphs 20-28 of the Minute on procedure of crediting and distribution of amounts of imported customs duties (other duties, taxes and charges, having equivalent effect), their transfer of amounts of imported customs duties to the income of budgets of the member states (annex №5 to Agreement), established for crediting and distribution between the member states.

5. The amounts of special, antidumping, compensatory duties shall subject to crediting in the national currency to the unified account of the authorized body of the member state, in which they are payable in accordance with the Customs Code of the Eurasian economic union , as well as upon collection of such duties.

6. Special, antidumping, compensatory duties shall be paid by the to the unified account of the authorized body of the member state, in which they are payable in accordance with the Customs Code of the Eurasian economic union, separate calculation (payment) documents (instructions).

7. Advance payments, export customs duties, taxes and levies, as well as other payments (except for import customs duties), paid in compliance with the legislation of the Member State and received in the unified account of the authorised body may be offset against payment of special, antidumping and countervailing duties.

Amounts of money received in the unified account of the authorised body as special, anti-dumping and countervailing duties, but not identified by amounts of special, anti-dumping and countervailing duties in respect of specific goods, shall be considered as special, anti-dumping and countervailing duties for the purposes of this Provision.

When advance payments against special, antidumping and countervailing duties are offset against payments of special, antidumping and countervailing duties based on an instruction of the person who made the advance payments with regard to goods placed under the customs procedure, the offset of such payments on the unified account of the authorised body shall be made in obedience to the legislation of the Member State where special, antidumping and countervailing duties are payable, within 5 working days following the day the customs authority of the Member State releases the goods, and in case the release of goods was performed prior to the submission of the goods declaration - no later than 5 working days from the day following the day the customs authority of the Member State sent the declarant an electronic document or putting the appropriate marks on the goods declaration, filed on paper, and (or) commercial, transport (shipping) documents containing information on the release of goods before the submission of the goods declaration.

In compliance with the Minute on the Procedure for Crediting and Distribution of Import Customs Duties (other duties, taxes and levies with equivalent effect) and their Transfer to the Budgets of the Member States (Annex № 5 to the Treaty), the amounts of import customs duties subject to refund in conformity with the Customs Code of the Eurasian Economic Union may be credited against arrears in payment of special, anti-dumping and countervailing duties.

Footnote. Paragraph 7 – as reworded by Law of the RK № 50-VII dated 14.06.2021.

8. Repealed by Law of the RK № 50-VII of 14.06.2021.

9. Authorized bodies shall separately consider:

1) amounts of receipts (refunds, offsets against debts on payment of customs payments and fines (interests) (hereinafter - offset against debts) of special, antidumping and countervailing duties on the unified account of the authorized body;

2) the amounts of distributed special, antidumping, compensatory duties, transferred to the account in the foreign currency of other member states;

3) the amounts of revenues from distribution of special, antidumping, compensatory duties by this member state, credited to the budget of the member state;

4) the amounts of special, antidumping, compensatory duties, received to the budget of the member state from other member states;

5) the amounts of percent, received to the budget of the member states, for violation of this Provision, entailed non-execution, incomplete and (or) untimely execution of obligations of the member state on transfer of amounts from distribution of special, antidumping, compensatory duties;

6) the amounts of special, antidumping, compensatory duties, transfer of which to the account in the foreign currency of other member states is suspended.

Footnote. Paragraph 9 as amended by Law of the RK № 50-VII of 14.06.2021.

10. The amounts of revenues, specified in paragraph 9 of this Provision shall be separately recorded in the accounting on execution of budget be each of the member states.

11. The amounts of special, antidumping, compensatory duties, received on the unified account of the authorized body of the member state for the last business day of calendar year shall be recorded in the report on execution of budget for the reporting year.

12. The amounts of distributed special, antidumping, compensatory duties for the last business day of calendar year of the member state shall be transferred in the budget of this member state and on the foreign currency account of other member states no later than the second business day of current year of the member state, as well as shall be recorded in the report on execution of budget for the reporting year.

13. The amounts of incomes from distribution of special, antidumping, compensatory duties, received in the budget of the member state from the authorized bodies of other member states for the last business day of calendar year of other member states shall be recorded in the report on execution of budget for the current year.

14. Collection may not be recovered on the monetary assets, being in the unified account of the authorized body in the procedure of execution of judicial acts or by any other means, except for the cases of debt collection on payment of customs payments, special, antidumping , compensatory duties, as well as fines (percent) in accordance with the Customs Code of the Eurasian economic union.

15. Preliminary special, preliminary antidumping, preliminary compensatory duty shall be paid (collected) in the national currency to the account, determined by the legislation of the member states, the preliminary special, preliminary antidumping, preliminary compensatory duty of which are charged by the customs bodies.

16. In the cases, established by the Minute on application of special protective, antidumping and compensatory measures in relation to the third countries (annex №8 to Agreement), the amounts of paid (collected) preliminary special, preliminary antidumping, preliminary compensatory duties, as well as the amounts of antidumping, compensatory duties, paid in the manner established for collection of relevant types of preliminary duties shall subject to credit in the special, antidumping, compensatory duties and crediting to the unified account of the authorized body of the member state, in which they were paid not later than 30 business days from the date of entering of relevant decision of the Commission on application (extension, distribution on the component parts and (or) derivative goods) of special, antidumping, compensatory measure in a legal force.

In the cases, established by the Minute on application of special protective, antidumping and compensatory measures in relation to the third countries (annex №8 to Agreement), the amounts of ensuring of payment of antidumping duties shall subject to the credit in the antidumping duties and crediting to the unified account of the authorized body of the member state, in which they were paid, not later than 30 business days from the date of entering of relevant decision of the Commission on application of antidumping measure in a legal force.

III. Return of amounts of special, antidumping and compensatory duties

17. Return (offset) of the amounts of preliminary special, preliminary antidumping and preliminary countervailing duties, as well as antidumping and countervailing duties, collected in accordance with the procedure established for collection of preliminary antidumping and preliminary countervailing duties, is carried out in accordance with the Customs Code of the Eurasian Economic Union in cases specified in the Protocol on application of special protective, antidumping and countervailing measures in relation to third countries (Annex № 8 to the Treaty).

Footnote. Paragraph 17 as reworded by Law of the RK № 50-VII dated 14.06.2021.

18. Special, anti-dumping and countervailing duties shall be refunded (offset) in obedience to the Customs Code of the Eurasian Economic Union, subject to this Provision.

Amounts of special, anti-dumping and countervailing duties to be refunded in compliance with the Customs Code of the Eurasian Economic Union may not be offset against other payments, except for offsetting against debts.

Footnote. Paragraph 18 as reworded by Law of the RK № 50-VII dated 14.06.2021.

19. Return of amounts of special, antidumping, compensatory duties to the, their credit to the account of debt service payment shall be implemented from the unified account of the authorized body in the current day within the amounts of special, antidumping, compensatory duties, received to the unified account of the authorized body, as well as the special, antidumping, compensatory duties, credited to the account of payment in the reporting day, in recognition of amounts of return of special, antidumping, compensatory duties, not accepted to execution by the national (central) bank of the member states in the reporting day, except for the cases, established by paragraph 20 of this Provision.

20. Return of amounts of special, antidumping, compensatory duties to the, their credit to the account of debt service payment shall be implemented from the unified account of the authorized body of the Republic of Kazakhstan in the reporting day within the amounts of special, antidumping, compensatory duties, received (credited) to the unified account of the authorized body of the Republic of Kazakhstan in a day of implementation of return (credit).

21. Determination of the amounts of return of special, antidumping, compensatory duties, subjected to return and (or) credit to the account of debt service payment, in the current day shall be carried out before distribution of amounts of received special, antidumping, compensatory duties between the member states.

22. In case of lack of funds for implementation of return of special, antidumping, compensatory duties and (or) credit to the account of debt service payment in accordance with paragraphs 19 and 20 of this Provision, the specified return (credit) shall be implemented by the member states in the next business days.

Fines (percent) for untimely return of special, antidumping, compensatory duties to the shall be paid to the from the budget of relevant member state and shall not be included to the composition of special, antidumping, compensatory duties.

IV. Information exchange between the authorized bodies

23. Information exchange between the authorized bodies, necessary for implementation of this Minute shall be carried out in accordance with decision of Commission, determining the procedure, forms and terms of exchange of such information.

ANNEX №9
to Agreement on
Eurasian Economic Union

MINUTE
on technical regulation within the Eurasian Economic Union

1. This Minute is developed in accordance with section X of Agreement on Eurasian Economic Union and determines procedure, rules and procedures of technical regulation within the Union.

2. The concepts used in this Minute shall have the following meanings:

"accreditation" – an official recognition of competence of body by the body on accreditation on compliance assessment (as well as body on certification, testing laboratory (center)) to execute the works in the determined field of compliance assessment;

"safety" – the absence of unacceptable risk, related with possibility of causing of harm and (or) causing of damage;

"release of products into circulation" – supply or import of products (as well as departure from the warehouse of producer or dispatch without warehousing) for the purposes of distribution in the territory of the Union in the course of commercial activity on a grant or remuneration basis;

"the state control (supervision) of observance of requirements of technical regulations of the Union" – an activity of the authorized bodies of the member states, directed to prevention, detection and suppression of violations of requirements of technical regulations of the Union by the legal entities, their heads and other civil servants, individuals, registered as individual entrepreneurs, their authorized representatives, carried out by conducting of verifications of legal entities and individuals, registered as individual entrepreneurs and acceptance of measures, provided by the legislation of the member states on suppression and (or) elimination of consequences of detected violations, as well as supervision of performance of specified requirements, analysis and forecasting of performance of requirements of technical regulations of the Union upon carrying out of activity by the legal entities and individuals, registered as individual entrepreneurs;

"Declaration of conformity with the technical regulations of the Union" - a document by which the applicant certifies the conformity of the products released into circulation with the requirements of the technical regulations of the Union (technical regulations of the Union);

“declaring of compliance” – the form of compulsory approval of compliance of products, released into circulation with the requirements of technical regulations of the Union;

“unified sign of circulation of products on the market of the Union” – a designation, used to inform the purchases and consumers on compliance of products, released into circulation with the requirements of technical regulations of the Union;

“identification of products” – procedure of allocation of products to the field of application of technical regulation of the Union and establishment of compliance of products of technical documentation for these products;

"manufacturer" - a legal entity or an individual registered as an individual entrepreneur (including a foreign manufacturer), who manufactures products or on whose instructions the design or manufacture of products shall be carried out and who sells these products under their name or trademark and are responsible for their compliance with the requirements of the technical regulations of the Union;

“interstate standard” – regional standard, accepted by the Interstate council on standartization, metrology and certification of Commonwealth of Independent States;

“international standard” – the standard, accepted by the international organization on standartization;

“national (state) standard” – the standard, accepted by the body on standartization of the member state;

“the object of technical regulation” – the products or products and processes of design (including research), production, construction, installation, equipment, operation, storage, transportation, sale and utilization, related with requirements to production;

“compulsory approval of compliance” – a documentary certificate of compliance of products and processes of design (including research), production, construction, installation, equipment, operation, storage, transportation, sale and utilization with the requirements of technical regulations of the Union;

“compulsory certification” – a form of compulsory approval of compliance of objects of technical regulation with the requirements of technical regulations of the Union by the body on certification;

“body on accreditation” – the body or legal entity, authorized in accordance with the legislation of the member state for conducting of accreditation;

“compliance assessment” – direct or indirect determination of observance of requirements , presented to the object of technical regulation;

“products” – the result of activity, presented in the material form and intended for further use in the economic and other purposes;

“regional standard” – the standard, accepted by regional organization on standartization;

“registration (state registration)” – a form of compliance assessment of object of technical regulation with requirements of technical regulations of the Union, carried out by the authorized body of the member state;

“risk” – a combination of probability of causing of harm and consequences of this harm to human life or health, property, environment, life or health of animals and plants;

"certificate of registration (state registration)" - a document confirming the compliance of an object of technical regulation with the requirements of the technical regulations of the Union (technical regulations of the Union);

“certificate of compliance with the technical regulations of the Union” – a document, which the body on certification certifies compliance of products, released into circulation with the requirements of technical regulation of the Union (technical regulations of the Union);

“standard” – a document, in which the characteristics of products, rules of implementation and characteristics of processes of design (including research), production, construction, installation, equipment, operation, storage, transportation, sale and utilization, execution of works or rendering of services, rules and methods of researches (tests) and measurements, rules of sampling, requirements to terminology, symbolic, packaging, marking or labeling and rules of their application are established for the purposes of multiple use;

“technical regulation of the Union” – a document, adopted by Commission and establishing requirements to the objects of technical regulation, compulsory for application and execution in the territory of the Union;

“technical regulation” – legal regulation of relations in the field of establishment, application and execution of compulsory requirements to the products or to the products and processes of design (including research), production, construction, installation, equipment, operation, storage, transportation, sale and utilization, related with requirements to the products as well as legal regulation of relations in the field of compliance assessment;

"person authorized by the manufacturer" - a legal entity or an individual as an individual entrepreneur registered in the territory of a member state in accordance with the procedure established by the legislation of the member state, who, based on an agreement with the manufacturer, including a foreign manufacturer, carries out conformity assessment and release of products into circulation on behalf of this manufacturer, and is responsible for non-conformity of products with the requirements of the technical regulations of the Union.

Footnote. Paragraph 2 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII; dated 19.04.2024 № 75-VIII.

3. For the objects of technical regulation, in relation of which the technical regulations of the Union are entered into legal force, there are the norms of the legislation of the member states or acts of the Commission.

The specifics of technical regulation, conformity assessment, standardization and accreditation concerning defence products (works, services) to ensure the interests of defence and security, including those supplied under state defence orders, products (works, services)

used to protect information constituting a state secret (state secrets) or related to other restricted information protected in accordance with the legislation of the Member States, products (works, services), information about which constitutes a state secret (state secrets), products (works, services) and facilities for which requirements are established related to ensuring safety in the field of atomic energy use, as well as the processes of design (including surveys), production, construction, installation, adjustment, operation, storage, transportation, sale, disposal, burial of the indicated products and the indicated facilities shall be established by the legislation of the Member States.

The compulsory requirements to the objects of technical regulation, as well as rules of identification of products, form, schemes and procedures of compliance assessment shall be established in the technical regulations of the Union.

The relevant international standards (rules, guidelines, recommendations and other documents, adopted by international organizations on standardization), except for the cases, when the relevant documents are absent or do not correspond to the purposes of adoption of technical regulations of the Union, as well as due to the climatic and geographical factors or technological and other features shall be applied as the ground for development of technical regulations of the Union. In the case of absence of necessary documents shall be applied the regional documents (regulations, guidelines, decision, standards, rules and other documents), national (state) standards, national technical regulations or their projects.

The technical regulations of the Union may also contain the requirements to terminology, packing, marking, labeling and rules of their application, sanitary requirements and procedures, as well as veterinary and sanitary, quarantine phytosanitary requirements, having a general nature.

The technical regulations of the Union may contain the specific requirements, reflecting the features, related with climatic and geographical factors or technological features specific to the member states, and valid only in the territories of the member states.

The technical regulations of the Union in recognition of the risk level of causing of harm may contain the special requirements to products or products and processes of design (including research), production, construction, installation, equipment, operation, storage, transportation, sale and utilization related with requirements to products, requirements to terminology, packing, marking, labeling and rules of their application, ensuring protection of separate categories of citizens (minors, pregnant women, nursing mothers, disabled persons).

Technical regulation of the Union shall be developed in recognition of recommendations on the content and model structure of technical regulation of the Union, approved by Commission.

Footnote. Paragraph 3 as amended by Law of the RK № 6-VII of 15.02.2021; dated 30.01.2024 № 56-VIII.

4. To comply with the requirements of the technical regulations of the Union, the Commission shall approve a list of international and regional (interstate) standards, and in

their absence, national (state) standards, the application of which voluntarily ensures compliance with the requirements of the technical regulations of the Union (hereinafter referred to as the List of standards).

The list of standards shall not be approved in cases where the requirements of the technical regulations of the Union can be met directly.

The voluntary application of the relevant standards included in the specified list shall be a sufficient condition for compliance with the requirements of the relevant technical regulations of the Union.

Failure to apply the standards included in the specified list cannot be considered non-compliance with the requirements of the technical regulations of the Union.

In the event of non-application of standards included in the specified list, or the event of their absence, conformity assessment shall be carried out based on a risk analysis, taking into account the recommendations adopted by the Council of the Commission.

To conduct research (testing) and measurements when assessing the conformity of objects of technical regulation with the requirements of the technical regulations of the Union, the Commission shall approve a list of international and regional (interstate) standards, and in the absence of these, national (state) standards of the Member States, as well as research (testing) and measurement methods containing rules and methods of research (testing) and measurements, including rules for sampling, necessary for the application and implementation of the requirements of the technical regulations of the Union and the assessment of conformity of objects of technical regulation (hereinafter referred to as the List of rules and methods of research (testing) and measurements).

The list of rules and methods of research (testing) and measurements shall not be approved in cases where the technical regulations of the Union do not contain requirements for conducting conformity assessment or when the assessment of conformity with the requirements of the technical regulations of the Union can be carried out without conducting research (testing) and measurements.

The development and adoption of the specified lists of standards shall be carried out in accordance with the procedure approved by the Commission.

Before the development of the relevant interstate standards, the list of rules and methods of research (testing) and measurements may include research (testing) and measurement methods certified (validated) and approved in accordance with the legislation of the Member State. The list of the indicated research (testing) and measurement methods shall be provided to the Commission by the authorized bodies of the Member States.

International and regional standards are applied after their adoption as interstate or national (state) standards.

To comply with the requirements of the technical regulations of the Union, the Member States shall coordinate standardization work, including the application of standards, in accordance with the procedure approved by the Council of the Commission.

Footnote. Paragraph 4 as amended by the laws of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII; dated 19.04.2024 № 75-VIII.

5. Compliance assessment of objects of technical regulation, established in the technical regulations of the Union shall be conducted in the forms of registration (state registration), tests, approval of compliance, expertize and (or) in other form.

Compulsory approval of compliance shall be carried out in the forms of declaration of compliance and certification.

Forms, schemes and procedures of compliance assessment shall be established in the technical regulations of the Union on the basis of model schemes of compliance assessment, approved by the Commission.

Compliance assessment of products released into circulation with the requirements of technical regulations of the Union shall be carried out before release it into circulation.

Compulsory approval of compliance shall be conducted only in the cases, established by the relevant technical regulation of the Union, and exclusively for compliance with the requirements of technical regulation of the Union.

Upon compliance assessment, the applicant may be the legal entity or individual as individual entrepreneur, being the producer or seller, or person authorized by producer registered in the territory of the member states in accordance with its legislation.

Persons authorized by manufacturers must be included in the unified register of persons authorized by manufacturers. The procedure for the formation and maintenance of the indicated register shall be determined by the Council of the Commission.

The circle of applicants shall be established in accordance with technical regulation of the Union.

Conformity assessment documents shall be drawn up in electronic form and/or on paper in the manner approved by the Commission.

Unified forms of documents on compliance assessment and rules of their execution shall be approved by the Commission.

Documents confirming the conformity of products with the requirements of the technical regulations of the Union shall apply to each unit of product released into circulation during the period of validity of the document confirming the conformity of products with the requirements of the technical regulations of the Union, during the shelf life or service life of the product.

Unified registers of issued or received documents on compliance assessment shall be placed on official site of the Union in the Internet. Formation and maintenance of specified unified register shall be carried out in the manner approved by the Commission.

Accredited bodies on compliance assessment (as well as the bodies on certification, testing laboratories (centers)), carrying out the works on compliance assessment with the requirements established by technical regulation of the Union shall be included in the unified register of bodies on compliance assessment of the Union. Inclusion of bodies on compliance

assessment in this register, as well as formation and maintenance shall be carried out in the manner approved by the Commission.

Declarations of conformity with technical regulations of the Union shall be registered pursuant to the procedure established by the Commission.

Where technical regulations of the Union establish requirements for the conduct of conformity assessment work by conformity assessment bodies (including certification bodies and testing laboratories (centres)) included in the Union's unified register of conformity assessment bodies, such work shall, at the choice of the applicant, be carried out in any conformity assessment bodies having valid accreditation in the required accreditation field and included in this register.

The bodies of the member state, authorized for conducting of specified works shall carry out registration (state registration) of objects of technical regulation in accordance with the legislation of the member state.

Footnote. Paragraph 5 as amended by Law of the RK № 6-VII of 15.02.2021; dated 30.01.2024, 2024 № 56-VIII; dated 19.04.2024 № 75-VIII.

6. Products complying with the requirements of technical regulations of the Union, distributing to these products, and undergone the procedure of compliance assessment, established by the technical regulations of the Union shall subject to compulsory marking by the single sign of circulation of products on the market of the Union.

Image of a single sign of circulation of products on the market of the Union and procedure of its application shall be approved by Commission.

Upon circulation of products in the territory of the Union, the marking of products shall be made in Russian language and in the existence of relevant requirements in the legislation of the member states in the state (state) language (languages) of the member state, in the territory of which the products are sold.

7. Before the date of entering of technical regulation of the Union into legal force, the products in relation of which the same compulsory requirements, the same forms and schemes of approval of compliance are established by the member states, the same or comparable methods of researches (tests) and measurements of products are applied upon conducting of compulsory approval of compliance and which are included in the unified list of products, subjected to the compulsory approval of compliance with issuance of certificates of compliance and declarations on compliance on the unified form shall be allowed to circulation in the territory of the Union, if it is undergone the established procedures of approval of compliance in the territory of the member state with observation of the following conditions:

conducting of certification by the body on compliance assessment, included to the unified register by the body on compliance assessment of the Union;

performance of tests in the testing laboratories (centers), included to the unified register of bodies on compliance assessment of the Union;

execution of certificates of compliance and declarations on compliance on the unified form.

The specified unified list of products, unified forms of specified certificate of compliance and declaration on compliance and rules of their execution shall be approved by Commission.

8. Import of products, subjected to the compulsory compliance assessment in the customs territory of the Union shall be carried out in the manner approved by Commission.

9. The member state, governed by protection of their legal interests may take emergency measures on prevention of release of unsafe products into circulation. In this case the member state shall immediately inform other member states on adopted emergency measures and begin the process of consultations and negotiations on this issue.

10. Commission shall form the information system in the field of technical regulation, which is a part of integrated information system of the Union.

11. To ensure that technical regulation within the Union corresponds to the level of economic development of the Member States and the level of scientific and technological development, a mandatory periodic assessment of the scientific and technical level shall be carried out concerning technical regulations of the Union that have entered into force and the lists of standards provided for in paragraph 4 of this Protocol. The procedure for conducting the assessment at the scientific and technical level, including its frequency, shall be approved by the Commission.

Footnote. Annex 9 has been supplemented with paragraph 11 in accordance with the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

ANNEX № 10
to Agreement on
Eurasian Economic Union

MINUTE
on conducting of coordinated policy in the field of ensuring of uniformity of measurements

1. This Minute is developed in accordance with section X of Agreement on Eurasian Economic Union and determines the principles of carrying out of coordinated policy in the field of ensuring of uniformity of measurements by the member states for the purposes of ensuring of comparability of results of measurements and results of (approval) compliance assessment of products with the requirements of technical regulations of the Union and measurements of quantitative indicators of products.

2. The concepts used in this Minute shall have the following meanings:

“certification of procedures (methods) of measurements” – research and approval of compliance of procedures (methods) of measurements with the metrological requirements to the measurements;

“unit of measurement” – the value of fixed amount, to which the number value, equal to the unit is conditionally assigned, and which is applied for quantitative expression of values homogeneous with it;

“uniformity of measurements” – the state of measurements, upon which the results of these measurements are expressed in the units of measurements, allowed to application in the member states, and indicators of accuracy of measurements are not beyond the established limits;

“measurement” – a process of experimental reception of one or more quantitative values of measurement, which may be reasonably assigned to the value;

“calibration of measurements means” – a set of operations, establishing the relationship between the value of measurement, received with the aid of measurement means, and value of measurement, reproduced by standard of unit of measurement of the same kind, for the purposes of determination of actual metrological characteristics of measurement means;

“International system of units (SI)” – a system of units, adopted by the General conference on measures and weights, based on the International system of values and including the name and designations, sets of detachable devices, their names, designation and rules of application;

“procedure (method) of measurements” – a set of specific operations upon measurement, execution of which ensures reception of results of measurements with established indicators of accuracy;

"metrological traceability " - a property of a measurement result according to which the result can be related to a national standard through a documented unbroken chain of verifications and calibrations;

“metrological examination” – an analysis and assessment of correctness and completeness of the application of metrological requirements, rules and regulations, related with uniformity of measurements;

"national standard" - a standard of a unit of quantity, including a primary standard, recognized by a Member State for use in state or economic activities as a basis for assigning a value of a quantity to other standards of units of quantity of the same kind;

"reference value of a quantity" - a value of a quantity that is used as a basis for comparison with values of quantities of the same kind;

“verification of measurement means” – a set of operations, executed for the purposes of approval of compliance of measurement means with the compulsory metrological requirements;

“reference procedure (method) of measurements” – a procedure (method) of measurements, used for reception of results of measurements, which may be applied for assessment of correctness of measured values, received with the aid of other procedures (methods) of measurements of values of the same kind, as well as for calibration of measurement means or for determination of characteristics of standard samples;

“intercomparison of standards” – establishment of relations between the results of measurements upon reproduction and transfer of units of measurement by the standards of units of measurement of the same level of accuracy;

“measurement means” – technical means, intended for measurements and having metrological characteristics;

“standard sample” – material (substance) with established indicators of accuracy of measurements and metrological traceability, sufficiently homogeneous and stable in relation of determined properties in order to use it upon measurement or upon assessment of qualitative properties in accordance with intended appointment;

“approval of type of measurement means” - a decision of the body of the state power (administration) of the member state in the field of ensuring of uniformity of measurements on permission of application of measurement means of approved type in the territory of the member state on the basis of favorable results of tests;

“approval of type of standard sample” – a decision of the body of the state power (administration) of the member state in the field of ensuring of uniformity of measurements on permission of application of standard sample of approved type in the territory of the member state on the basis of favorable results of tests;

“value scale” – an ordered set of values of measurement that serves as the original basis for measuring the corresponding value;

“standard of unit of measurement” – technical tool (a set of tools), intended for reproduction, storage and transfer the units of measurement or value scales.

Footnote. Paragraph 2 as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

3. The member states shall conduct a coordinated policy in the field of ensuring of uniformity of measurements by harmonization of the legislation of the member states in the field of ensuring of uniformity of measurements and conducting of coordinated actions, providing:

1) creation of mechanisms of mutual recognition of results of works in the field of ensuring of uniformity of measurements by approval of rules of mutual recognition of results of works on ensuring of the uniformity of measurements;

2) the use of standards of units of measurement, measuring instruments, standard samples and certified measurement methods (techniques), for which Member States ensure metrological traceability of the results obtained with their help to the International System of Units (SI), to national standards and (or) to international standards of units of measurement;

3) mutual provision of uniformity of measurements in the field of ensuring of uniformity of measurements, contained in the relevant information funds of the member states;

4) application of coordinated procedures of execution of works in the field of ensuring of uniformity measurements.

Footnote. Paragraph 3 as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

4. The member states shall take measures, directed to harmonization of the legislation of the member states in the field of ensuring of the uniformity of measurements in relation of establishment of requirements to measurements, units of measurements, standards of units of measurements and value scales, measurement means, standards of samples, procedures (methods) of measurements on the basis of documents, adopted by the international and regional organizations on metrology and standartization.

5. The member states shall carry out the mutual recognition of results of works in the field of ensuring of uniformity of measurements, executed by the bodies of the state power (administration) or legal entities of the member states, authorized (notified) in accordance with the legislation of its state for execution of works in the field of ensuring of uniformity of measurements, according to the approved procedures of conducting of these works and rules of mutual recognition of results on ensuring of uniformity of measurements.

Recognition of results of works in the field of ensuring of uniformity of measurements shall be carried out in relation to the measurements means, produced in the territories of the member states.

6. To ensure metrological traceability of measurement results, standards of units of measurement, and standard samples of Member States to national standards and the International System of Units (SI), Member States shall organize work to create and improve standards of units of measurement, define and develop a nomenclature of standard samples, and establish the equivalence of standards of units of measurement of Member States through their regular comparison.

Footnote. Paragraph 6 as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

7. The information funds of the member states in the field of ensuring of uniformity of measurements shall form the regulatory legal acts of the member states, regulatory and international documents, international treaties of the member states in the field of ensuring of uniformity of measurements, certified procedures (methods) of measurements, measurement means in the fields regulated by the member states, details on standards of units of measurements and value scales, approved types of standard samples and approved types of measurement means.

Maintenance of information funds shall be carried out in accordance with the legislation of the member states, mutual provision of details contained in the information funds shall be organized by the bodies of the state power (administration) of the member states, specified in paragraph 5 of this Minute in the manner established by Commission.

8. The member states shall vest the bodies of the state power (administration) with the relevant powers in the field of ensuring of uniformity of measurements, which conduct the

consultations, directed to coordination of positions of the member states and carry out coordination and conducting of works in the field of ensuring of uniformity of measurements.

9. Commission shall approve the following documents:

1) the list of off-system units of measurements, applied upon development of technical regulations of the Union, including their correlation with International System of Units (SI);

2) rules of mutual recognition of results of works on ensuring of uniformity of measurements;

3) procedure of conducting of works in the field of ensuring of uniformity of measurements, as well as:

procedure of conducting of metrological examination of project of technical regulation of the Union, project of the list of standards, in the result of application of which the observation of requirements of technical regulation of the Union, project of the list of standards, contained the rules and methods of researches (tests) and measurements, as well as the rules of selection of samples, necessary for application and execution of requirements of technical regulation of the Union and carrying out of compliance assessment of objects of technical regulation shall be provided on a voluntary basis;

procedure of organization of conducting of interlaboratory comparison tests (interlaboratory intercomparison);

procedure of metrological certification of procedure (method) of measurements;

the order of certification of procedure (method) of measurements, applied as reference procedure (method) of measurements;

procedure of approval of the type pf measurements means;

procedure of approval of the type of standard sample;

procedure of organization of verification and calibration of measurement means;

4) procedure of mutual provision of details in the field of ensuring of uniformity of measurements, contained in the information funds of the member states.

ANNEX №11
to Agreement on
Eurasian Economic Union

MINUTE
on recognition of results of works on accreditation
of bodies on compliance assessment

1. This Minute is developed in accordance with section X of Agreement on Eurasian Economic Union (hereinafter – the Agreement) and determines the conditions of mutual recognition of results of works on accreditation of bodies on compliance assessment.

2. The concepts used in this Minute shall have the following meanings:

“appeal” – application of body on compliance assessment to the body on accreditation on revision of decision, adopted by the body on accreditation in relation of this body on compliance assessment;

“certification of expert on accreditation” – approval of compliance of individual with the established requirements and recognition of its competence on conducting of works on accreditation;

“complaint” – an application, contained the expression of dissatisfaction with the actions (omission) of body on compliance assessment or body on accreditation on the part of any person and requiring the answer;

“applicant for accreditation” – a legal entity, registered in accordance with the legislation of the member states and pretending to reception of accreditation as the body on compliance assessment;

“body on accreditation” – the body or legal entity, authorized in accordance with the legislation of the member states for conducting of accreditation;

“technical expert” – an individual, having the special knowledge in the determined field of accreditation, entailed and appointed by the body on accreditation for participation in the accreditation of bodies on compliance assessment and included to the register of technical experts;

“expert on accreditation” – an individual certified and appointed by the body on accreditation in the manner established by the legislation of the member state for conducting of accreditation of bodies on compliance assessment and included to the register of experts on accreditation.

3. The member states shall carry out harmonization of the legislation in the scope of accreditation by:

adoption of rules in the field of accreditation on the basis of international standards and other documents, adopted by international and regional organizations on accreditation;

application of interstate standards in the field of accreditation, developed on the basis of international standards;

ensuring and organization of conducting of interlaboratory comparative tests (interlaboratory intercomparison);

information exchange in the field of accreditation on the basis of principles of transparency of information, gratuitousness and timeliness.

The member states shall mutually recognize accreditation of bodies on compliance assessment (as well as bodies on certification and testing laboratories (centers)) in the national systems of accreditation of the member states upon execution of provisions of Article 54 of Agreement by the bodies on accreditation.

4. Bodies on accreditation shall carry out the following powers:

1) carry out formation and maintenance of: register of accredited bodies on compliance assessment;

register of experts on accreditation;

register of technical experts;

national part of the unified register of bodies on compliance assessment of the Union;

2) provide details from registers of accredited bodies on compliance assessment, experts on accreditation and technical experts, as well as other details and documents, relating to accreditation and provided by Agreement, to the integrated information system of the Union;

3) offer an opportunity to the representatives of bodies on accreditation to carry out the mutual comparative assessment for the purposes of achievement of equivalence of procedures , applied in the member states;

4) consider and adopt decisions in relation of appeals, filed by the bodies on compliance assessment on revision of decisions, adopted by the body on accreditation in relation of these bodies on compliance assessment;

5) consider and adopt decisions in relation of complaints from individuals or legal entities of the member states on the activity of bodies on accreditation, as well as on activity of bodies on compliance assessment, accredited by them.

$4^{1.}$ Accreditation bodies, to ensure the exchange of information on decisions taken in accordance with the powers provided for in subparagraphs 4 and 5 of paragraph 4 of this Protocol, shall interact in the manner established by the Council of the Commission.

Footnote. Annex 11 has been supplemented with paragraph 41 in accordance with the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

5. Relevant information on body on accreditation shall be provided by it to the Commission for placement on the official site of the Union in the Internet.

6. The bodies on accreditation shall ensure harmonization of requirements, presented to the competence of experts on accreditation and technical experts for the purposes of ensuring of equivalent level of competence of experts on accreditation and technical experts.

ANNEX №12
to Agreement
on Eurasian Economic Union

PROTOCOL on the application of sanitary, veterinary-sanitary and quarantine phytosanitary measures, emergency phytosanitary measures

Footnote. The title as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

I. General provisions

1. This Protocol has been developed in accordance with Section XI of the Treaty on the Eurasian Economic Union and shall define the procedure for the application of sanitary, veterinary-sanitary and quarantine phytosanitary measures, and emergency phytosanitary measures.

Footnote. Paragraph 1 as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

2. The concepts used in this Minute shall have the following meanings:

“audit of foreign official system of supervision” – procedure of determination of ability of foreign official system of supervision to ensure the level of safety of goods, subjected to veterinary control (supervision), at least equivalent to the unified veterinary (veterinary and sanitary) requirements;

“veterinary control (supervision) – an activity of the authorized bodies in the field of veterinary, directed to prevention of import and distribution of agents of contagious animal diseases, as well as common to human and animals, and goods, not corresponding to the unified veterinary (veterinary and sanitary) requirements, as well as prevention, detection and suppression of violations of requirements of international treaties and acts, constituting the Law of the Union and the legislation of the member states in the field of veterinary;

“veterinary and sanitary measures” – compulsory for execution of requirement and procedures, applied for the purposes of prevention of animal diseases and protection of population from diseases, common to human and animals in connection with arising risks, as well as in the case of transmission or distribution them by animals, with feeds, raw materials and products of animal origin, as well as transport vehicles within the customs territory of the Union;

"a veterinary certificate" means a document issued by an authorised veterinary authority or a competent authority of a third country for goods subject to veterinary control (surveillance) to be imported, moved (transported) and certifying their safety in veterinary and sanitary terms and (or) the welfare of the administrative areas of the places of production of these goods for infectious animal diseases, including diseases common to humans and animals;

"pest" - any species, variety or biotype of plant, animal or pathogenic agent that is harmful to plants or plant products;

“state registration” – a procedure of compliance assessment of products with the unified sanitary and epidemiological, hygienic requirements or requirements of technical regulations of the Union, carried out by the authorized bodies in the field of sanitary and epidemiological welfare of population;

"state sanitary and epidemiological supervision (control)" - the activities of authorized bodies in the field of sanitary and epidemiological welfare of the population, carried out taking into account the assessment of the risk of harmful effects on human health of products (goods) subject to sanitary and epidemiological supervision (control), environmental factors, aimed at preventing, detecting and suppressing violations of mandatory requirements established by the Commission and the legislation of the Member States in the field of sanitary and epidemiological welfare of the population;

"unified veterinary (veterinary and sanitary) requirements" – requirements, presented to goods controlled to the veterinary control (supervision), their circulation and objects, subjected to veterinary control (supervision), directed to non-admission of occurrence, import and distribution of agents of contagious animals disease, as well as common to human and animals, and goods of animal origin, dangerous in the veterinary and sanitary relation, in the customs territory of the Union;

"unified quarantine phytosanitary requirements" – requirements, presented to the regulated products (regulated cargos, regulated materials, regulated goods), subjected to quarantine phytosanitary control (supervision) in the customs border of the Union and in the customs territory of the Union, its circulation and regulated objects, directed to non-admission of occurrence, import and distribution of quarantine objects in the customs territory of the Union;

"unified rules and regulations of ensuring of plant quarantine" – the rules, procedures, instructions, procedures of quarantine phytosanitary inspections, methods of examination of regulated products (regulated cargos, regulated materials, regulated goods), subjected to quarantine phytosanitary control (supervision) in the customs border of the Union and in the customs territory of the Union, identification of quarantine objects, conducting of laboratory researches and examinations, disinfection and other most important measures, carried out by the authorized bodies on plant quarantine;

"unified sanitary and epidemiological, hygienic requirements to products (goods), subjected to the sanitary and epidemiological supervision (control)" – a document, contained the requirements compulsory for observation and established by the Commission, presented to controlled sanitary and epidemiological supervision (control) of products (goods), directed to prevention of harmful effect on the human factors of environment and ensuring of favorable conditions of human life and activities;

"animals" – all species of animals, including birds, bees, aquatic animals and wildlife species;

"plant quarantine" – a legal regime, providing the system of measures on protection of plants and products of plant origin from quarantine objects in the customs territory of the Union;

"quarantine objects" – hazardous organisms, are absent or stenotopic in the territories of the member states and introduced in the unified list of quarantine objects of the Union;

"quarantine phytosanitary security" – ensuring of the state of security of the customs territory of the Union from risks, arising upon penetration and (or) distribution of quarantine objects;

"quarantine phytosanitary control (supervision) – an activity of the authorized bodies on plant quarantine, directed to revelation of quarantine objects, establishment of quarantine

phytosanitary state of regulated products (regulated cargos, regulated materials, regulated goods), execution of international obligations and observation of the legislation of the member states in the field of plant quarantine;

"quarantine phytosanitary measures" – the requirements, rules and procedures compulsory for execution and applied for the purposes of ensuring of protection of customs territory of the Union of importation and distribution of quarantine objects and reduction of losses caused by them, as well as removal of obstacles in the international trade of regulated products (regulated cargos, regulated materials, regulated goods);

"object subjected to the veterinary control (supervision)" – organization or person, participating in manufacturing (production), processing, transportation and (or) storage of goods, controlled to the veterinary control (supervision);

"batch of regulated products (regulated cargos, regulated materials, regulated goods)" – a number of regulated products (regulated cargos, regulated materials, regulated goods), intended for sending by one transport vehicle to the one point of destination to one recipient;

"batch of regulated veterinary control (supervision) of goods" – a number of regulated veterinary control (supervision) of goods, intended for sending by one transport vehicle to the one point of destination to one recipient and executed by one veterinary certificate;

"regulated products (regulated cargos, regulated materials, regulated goods)" – plants, products of plant origin, cargos, soil, organisms, materials, container, packing, included to the list of regulated products (regulated cargos, regulated materials, regulated goods), subjected to quarantine phytosanitary control (supervision) in the customs border of the Union and in the customs territory of the Union, and transferred through the customs border of the Union and customs territory of the Union, which may be carriers of quarantine objects and (or) facilitate to their distribution and in relation of which it is necessary to take the quarantine phytosanitary measures;

"regulated objects" – the lands of any designated purpose, buildings, structures, constructions, tanks, places of storage, equipment, transport vehicles, containers and other objects, which may be the sources of penetration to the customs territory of the Union and (or) distribution of quarantine objects;

"products (goods), controlled to the state sanitary and epidemiological supervision (control)" – the goods, chemical, biological and radioactive substances, including ionizing radiation sources, waste and other cargos, posing a danger for human, food products, materials and articles, included to the list of products (goods), subjected to the sanitary epidemiological supervision (control), transferred through the customs border of the Union and customs territory of the Union;

"goods controlled to the veterinary control (supervision)" – the goods, included to the unified list of goods, subjected to the veterinary control (supervision);

"products, subjected to the state registration" – separate types of products, which may render a harmful effect to human life and health upon their circulation and security of which is approved by the fact of existence of the state registration;

"permission to import (export) or transit of goods controlled to the veterinary control (supervision)" – a document, determining procedure and conditions of the use of goods controlled to the veterinary control (supervision) based on the epizootic status of the exporting countries upon import and transit of goods controlled to the veterinary control (supervision), issued by the civil servant, authorized in accordance with the legislation of the member state of the authorized body in the field of veterinary;

"sanitary, veterinary and sanitary, quarantine phytosanitary measures" – compulsory for execution sanitary, veterinary and sanitary, quarantine phytosanitary requirements and procedures, applied for the purposes of:

protection of human and animals life and health from risks, arising from additives, contaminating agents, toxins or disease-causing organisms in the food products, beverages, animal feed and other products;

protection of life and health of animals and plants from risks, arising in connection with penetration, rooting (fixation) or distribution of agents of plant pests and animals, plants (weeds), organisms – transmitting agents of diseases or pathogens organisms, having quarantine significance for the member states;

protection of human life and health from risks, arising in connection with diseases, carried by animals, plants or products from them;

prevention or restriction of other damage, caused by penetration, rooting (fixation) or distribution of plant pests and agents of diseases of plants and animals, plants (weeds), pathogens organisms, having quarantine significance for the member states, as well as in the case of transmission or distribution them by animals and (or) plants, with products, cargos, materials, transport vehicles;

"sanitary and quarantine control" – a type of the state sanitary and epidemiological supervision (control) in relation of persons, transport vehicles and products (goods) controlled to the state sanitary and epidemiological supervision (control) in the checkpoints through the customs border of the Union, in the interstate transfer stations or locomotive changing stations for the purposes of prevention of import of products (goods) potentially hazardous to human health, importation, occurrence and distribution of contagious and mass non-contagious diseases (poisoning);

"sanitary anti-epidemic measures" – organizational, administrative, engineering and technical, medical and sanitary, preventive and other measures, directed to evaluation of risk of harmful effect on the human factors of environment, elimination or reduction of such risk, prevention of occurrence and distribution of infectious and mass noninfectious diseases (poisoning) and their elimination;

“sanitary and epidemiological welfare of the population” - the state of health of population, environment, upon which there is no harmful effect of environmental factors on human and provides the favorable conditions of its life activity;

“sanitary measures” – compulsory for execution of requirements and procedures, as well as requirements to the final products, methods of processing, production, transportation, storage and utilization, procedure of selection of samples, methods of researches (tests), evaluation of risk, state registration, requirements to marking and packing, immediately directed to ensuring of security of products (goods) for the purposes of protection of human life and health;

"state registration certificate" - a document confirming the safety of products (goods), certifying the compliance of products (goods) with uniform sanitary-epidemiological and hygienic requirements and issued by the authorized body in the field of sanitary-epidemiological welfare of the population in a uniform form approved by the Commission;

“authorized bodies in the field of veterinary” – the state bodies and institutions of the member states, carrying out activity in the field of veterinary;

“authorized bodies in the field of sanitary and epidemiological welfare of population” – the state bodies and institutions of the member states, carrying out an activity in the field of sanitary and epidemiological welfare of population in accordance with the legislation of the member states and acts of the Commission;

“authorized bodies on plant quarantine” – national organizations on quarantine and plant protection;

“phytosanitary check station” – plant quarantine station, created in the checkpoints through the customs border of the Union and in other places, determined in accordance with the legislation of the member states;

"phytosanitary risk" - the probability of the introduction and spread of a harmful organism in the territories of Member States and the scale of the associated potential economic consequences for Member States;

"phytosanitary certificate" - a document for quarantine products (quarantine cargo, quarantine materials, quarantine goods), issued on paper or in electronic form (in the form of an electronic equivalent), issued by the authorized plant quarantine body of the exporting (re-exporting) country in the form established by the International Plant Protection Convention of December 6, 1951, and certifying that the quarantine products (quarantine cargo, quarantine materials, quarantine goods) comply with the phytosanitary requirements of the importing country;

"emergency phytosanitary measure" - mandatory requirements, rules and procedures applied on an emergency basis in cases stipulated by the Treaty on the Eurasian Economic

Union, to ensure the protection of the customs territory of the Union from the import and spread of a harmful organism that is not included in the single list of quarantine objects of the Union and poses a phytosanitary risk, and aimed at reducing such risk;

"epizootic state" – veterinary and sanitary situation in the defined territory at the specified time, characterized by the existence of animal diseases, their distribution and incidence.

Footnote. Paragraph 2 as amended by Law of the RK № 6-VII of 15.02.2021; dated 30.01.2024, 2024 № 56-VIII; dated 19.04.2024 № 75-VIII.

II. Sanitary measures

3. The state sanitary and epidemiological supervision (control) shall be conducted in the manner, approved by the Commission in the customs border of the Union and in the customs territory of the Union.

4. The member states create the sanitary and quarantine stations in the checkpoints, intended for transfer of products (goods), controlled to the state sanitary and epidemiological supervision (control) through the customs border of the Union and take measures on conducting of necessary sanitary and anti-epidemic measures.

The member states shall carry out the sanitary and quarantine control in the sanitary and quarantine stations, specially supplied and equipped with the means for conducting of sanitary and anti-epidemic measures in accordance with the legislation of the member states in recognition of requirements, approved by the Commission.

Circulation of products, subjected to the state registration in accordance with the acts of the commission, shall be carried out in the territory of the Union in the existence of the state registration.

The certificate of state registration of products shall be issued (documented) in the manner approved by the Commission, in a uniform form on paper and (or) in the form of an electronic document.

Information on certificates of state registration of products shall be entered into a single register of certificates of state registration, formed based on information provided by Member States from national registers to the Commission in electronic form using the integrated information system of the Union.

The procedure for the formation and maintenance of a single register of state registration certificates shall be determined by the Commission.

Footnote. Paragraph 4 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

5. The member states shall:

1) take the agreed measures, directed to prevention of importation, distribution and liquidation of infectious and mass non-infectious diseases (poisoning), dangerous for human

health in the customs territory of the Union, consequences of emergency situations, as well as acts of terrorism with application of biological agents, chemical and radioactive substances in the customs territory of the Union;

2) carry out sanitary and anti-epidemic measures on non-admission of import to the customs territory of the Union and turnover of products (goods) dangerous for life, health of human and environment, controlled to the state sanitary and epidemiological supervision (control).

6. The member states shall have a right to introduce the temporary sanitary measures and conduct sanitary and anti-epidemic measures in the case of:

deterioration of sanitary and epidemiological situation in the territory of the member state;

receiving of information from the relevant international organizations, member states or third countries on applied sanitary measures and (or) deterioration of sanitary and epidemiological situation;

if the relevant scientific rationale of application of sanitary measures is insufficient or may not be presented in the necessary terms;

identification of products (goods), controlled to the state sanitary and epidemiological supervision (control), not relevant to the unified sanitary requirements or technical regulations of the Union.

The member states shall inform each other on introduction by them of sanitary measures, conducting of measures and their change in the shortest possible time.

Upon introduction of the temporary sanitary measures by the member state, other member states shall take the necessary measures and conduct sanitary and anti-epidemic measures, ensuring an appropriate protection level of the member state, adopted decision on introduction of such measures.

7. Authorized bodies in the field of sanitary and epidemiological welfare of population shall:

carry out sanitary and epidemiological supervision (control) in relation of persons, transport vehicles, products (goods), controlled to the state sanitary epidemiological supervision (control) upon transfer of them through the customs border of the Union in the checkpoints of the member states, located in the customs border of the Union and in the customs territory of the Union;

have a right to request the necessary minutes of laboratory researches (tests) from the authorized bodies of other state bodies;

render the mutual scientific and methodological, technical assistance in the field of sanitary and epidemiological welfare of population;

inform each other on possible recipients of goods, not corresponding to the unified sanitary and epidemiological, hygienic requirements, on each case of identification of dangerous infectious diseases, specified in the international medical and sanitary rules, and products dangerous for human life and health;

conduct the joint verifications (inspections) in the territory of the member states, producing the products (goods) controlled to the state sanitary and epidemiological supervision (control), if it is necessary and on mutual agreement for the purposes of observation of requirements, established by the acts, constituting the Union Law in the field of sanitary measures and protection of customs territory of the Union from import and distribution of infectious and mass non-infectious diseases (poisoning), products (goods) controlled to the state sanitary and epidemiological supervision (control), not corresponding to the sanitary and epidemiological, hygienic requirements, as well as for operational solution of other issues.

The authorized bodies in the field of sanitary and epidemiological welfare of population in the cases of detection of infectious and mass non-infectious diseases (poisoning) and (or) distribution of products, dangerous for human life and health, environment, in the customs territory of the Union, direct information on them, as well as on adopted sanitary measures to the integrated information system of the Union.

8. Expenditure financing, related with conducting of joint verifications (inspections) shall be carried out at the expense of means of relevant budgets of the member states, if in a particular case does not coordinate other procedure.

III. Veterinary and sanitary measures

9. Veterinary control (supervision) shall be conducted in the customs border of the Union and customs territory of the Union in accordance with provision on unified procedure of carrying out of veterinary control in the customs border of the Union and in the customs territory of the Union, approved by the Commission.

10. The member states shall create veterinary border control stations and take necessary veterinary and sanitary measures in the checkpoints, intended for transfer of goods, controlled to the veterinary control (supervision) through the customs border of the Union.

11. Authorized bodies in the field of veterinary medicine shall:

1) take measures on non-admission of import and distribution of agents of contagious animal diseases, as well as common for human and animal, and goods (products) of animal origin, dangerous in the veterinary and sanitary relation, in the customs territory of the Union;

2) in the case of detection and distribution of contagious animal diseases, as well as common for human and animal, and goods (products) of animal origin, dangerous in the veterinary and sanitary relation, in the territory of the member state, immediately direct information on them to the Commission, as well as on adopted veterinary and sanitary measures to the integrated information system of the Union, as well as for notification of the authorized bodies of other member states, after official determination of diagnosis or approval of insecurity of goods (products);

3) timely notify the Commission on changes, introduced to the list of dangerous and quarantine animal diseases of the member state;

4) render the mutual scientific, methodological and technical assistance in the field of veterinary medicine;

5) carry out audit of foreign official system of supervision in the manner, approved by Commission.

12. Joint verification (inspection) of objects, subjected to veterinary control (supervision) shall be carried out in accordance with provision on unified procedure for conducting of joint verifications of objects and selection of samples of goods, subjected to the veterinary control (supervision).

Expenditure financing, related with conducting of an audit of foreign official systems of supervision and joint verifications (inspections) shall be carried out at the expense of the means of relevant budgets of the member states, if in a particular case does not coordinate other procedure.

13. Rules and methodology of conducting of laboratory researches upon carrying out of veterinary control (supervision) shall be established by Commission.

14. Rules of regulation of circulation of veterinary medicinal products, diagnostic agents of veterinary purpose, feed additives, disinfectant and disinsection means shall be established by the Commission and the legislation of the member states.

15. The member states may coordinate the samples of veterinary certificates for the goods , imported to the customs territory of the Union and controlled to the veterinary control (supervision), included to the unified list of goods and subjected to the veterinary control (supervision), different from the common forms, with the component bodies of country of origin (third party) in accordance with the acts of Commission on the basis of unified veterinary (veterinary and sanitary) requirements and international recommendations, standards, guidelines.

16. The goods, placed under the customs procedure of transit, controlled to the veterinary control (supervision) shall be transferred through the customs territory of the Union in the manner established by Commission.

Issuance of permission for import (export) and transit of goods, controlled to the veterinary control (supervision) and execution of veterinary certificates shall be carried out by the authorized bodies in the field of veterinary medicine in accordance with the legislation of this member state.

17. The forms of veterinary certificates for goods transferred between the Member States subject to veterinary control (surveillance), as well as the forms of unified veterinary (veterinary and sanitary) certificates for goods imported into the customs territory of the Union subject to veterinary control (surveillance) shall be approved by the Commission.

Footnote. Paragraph 17 as reworded by Law of the RK № 6-VII dated 15.02.2021.

IV. Quarantine phytosanitary measures

18. Quarantine phytosanitary control (supervision) in the customs territory of the Union and in the customs territory of the union shall be carried out in the manner approved by Commission.

18. Unified rules and regulations of ensuring of plant quarantine shall be approved by the Commission,

20. The member states shall create the plant quarantine stations (phytosanitary check stations) in recognition of requirements to their material and technical equipment and arrangement, approved by the Commission, in the checkpoints, intended for the transfer of regulated products (regulated cargos, regulated materials and regulated goods) through the customs border of the Union.

21. The member states shall take the necessary measures on prevention of importation of quarantine objects to the customs territory of the Union and distribution in it.

22. Authorized bodies on plant quarantine shall:

1) carry out quarantine phytosanitary control (supervision) upon transfer of regulated products through the customs border of the Union in the checkpoints and in other places, in which the stations on plant quarantine (phytosanitary check stations) are equipped;

2) carry out quarantine phytosanitary control (supervision) upon transfer of regulated products from the territory of one member state to the territory of another member state;

3) in the case of detection and distribution of quarantine objects in the customs territory of the Union, direct information on them, as well as on adopted quarantine phytosanitary measures to the integrated information system of the Union;

4) timely inform each other on the cases of detection and distribution of quarantine objects in the territories of their states and on introduction by them of temporary quarantine phytosanitary measures;

5) render scientific, methodological and technical assistance to each other in the field of ensuring of plant quarantine;

6) annually exchange of statistical information over the past year, concerning detection and distribution of quarantine objects in the territories of their states;

7) exchange of information, concerning the quarantine phytosanitary state of the territories in the member states, and if it is necessary other information, as well as details on effective methods of struggle against quarantine objects;

8) develop suggestions on formation of the list of regulated non-quarantine hazardous organisms, unified list of quarantine objects of the Union on the basis of information on hazardous organisms;

9) interact on other issues in the field of quarantine phytosanitary control (supervision);

10) on mutual agreement:

direct the specialists for the purposes of conducting of joint inspection of places of production (manufacturing), sorting, processing, stocking and packing of regulated products, imported to the customs territory of the Union from the third countries;

participate in development of the unified rules and regulations of ensuring of plant quarantine.

23. Each batch of quarantine products (quarantine cargo, quarantine materials, quarantine goods), classified in accordance with the list of quarantine products as a group of quarantine products (quarantine cargo, quarantine materials, quarantine goods) with a high phytosanitary risk, shall be imported into the customs territory of the Union and (or) moved from the territory of one Member State to the territory of another Member State, accompanied by an export (re-export) phytosanitary certificate, which may be issued in electronic form.

Traceability of a batch of quarantine products (quarantine cargo, quarantine materials, quarantine goods) imported into the customs territory of the Union and moved across the customs territory of the Union shall be carried out in accordance with the procedure approved by the Commission.

Footnote. Paragraph 23 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

24. Laboratory supply of quarantine phytosanitary measures shall be carried out in the manner approved by the Commission.

25. Each member state shall have the right to develop and introduce the temporary quarantine phytosanitary measures in the case of:

1) deterioration of quarantine phytosanitary situation in its territory;

2) reception of information on adopted quarantine phytosanitary measures from the relevant international organizations, member states and (or) third countries;

3) if the relevant scientific rationale application of quarantine phytosanitary measures is insufficient or may not be presented in the necessary terms;

4) systematic detection of quarantine objects in the regulated products (regulated cargos, regulated materials, regulated goods), imported from the third countries.

ANNEX №13
to Agreement
on Eurasian Economic Union

MINUTE on conducting of coordinated policy in the scope of protection of rights of consumers

I. General provisions

1. This Minute is developed in accordance with section XII of Agreement on Eurasian Economic Union and determines the principles of conducting of coordinated policy in the scope of protection of rights of consumers and their basic directions by the member states.

2. The concepts used in this Minute shall have the following meanings:

“legislation of the member state on protection of rights of consumers” – a set of legal rules, effective in the member state and regulating relations in the field of protection of rights of consumers;

"producer" – organization irrespective of the form (type) of ownership, as well as individual, registered as individual entrepreneur, producing the goods for sale to the consumers;

"executor" - organization irrespective of the form (type) of ownership, as well as individual, registered as individual entrepreneur, executing the works or rendering the services to the consumers;

"unfair economic entities" – sellers, producers, executors, allowed violations of the legislation of the member states on protection of rights of consumers, usual and customary business practices in their activity, if these violations may cause or caused the property or non-property damage to the consumers and (or) environment;

"public associations of consumers" – noncommercial associations (organizations) of citizens and (or) legal entities, registered in accordance with the legislation of the member states, created for the purposes of protection of legal rights and interests of consumers, as well as international non-governmental organizations, effective in the territories of all or several member states;

"consumer" – individual, intended to order (buy) or ordering (purchasing, using) the goods (works, services) exclusively for the personal (domestic) needs, not related with carrying out of entrepreneurial activity;

"seller" – organization irrespective of the form (type) of ownership, as well as individual, registered as individual entrepreneur, selling the goods to the consumers on agreement of purchase and sale;

"authorized bodies in the scope of protection of consumer rights" – the state bodies of the member states, carrying out control (supervisory) activity and (or) legal regulation in the scope of protection of consumer rights in accordance with the legislation of the member states , international treaties and acts, constituting the Union Law.

II. Implementation of basic directions of policy in the scope of protection of consumer rights

3. For the purposes of formation of equal conditions of ensuring of protection of rights and legal interests of consumers for the citizens of the member states, the member states shall carry out conducting of coordinated policy in the scope of protection of consumer rights in recognition of the legislation of the member states on protection of consumer rights and rules of international right in this scope on the following basic directions:

1) providing of consumers, state bodies and public associations of consumers of operational and reliable information on goods (works, services), producers (sellers, executors) ;

2) taking measures on prevention of activity of unfair economic entities and sale of defective goods (services) in the territories of the member states;

3) creation of conditions for the consumers, contributing to the free choice of goods (works, services), by development of legal literacy and legal awareness of consumers, their awareness on nature, methods of implementation of protection of rights of consumers and interests protected by the Law in the administrative and judicial procedure, as well as an access of consumers of the member states to the legal assistance;

4) implementation of education programs in the field of protection of rights of consumers as an integral part of training of citizens in the educational systems of the member states;

5) involvement of mass media, as well as radio and television to the propaganda and the systematic coverage of the issues of protection of consumer rights;

6) approximation of the legislation of the member states on protection of rights of consumers.

III. Interaction with public associations of consumers

4. The member states shall contribute to creation of conditions for the activity of independent public associations of consumers, their participation in formation and implementation of coordinated policy in the scope of protection of consumer rights, propaganda and explanation of consumer rights, as well as in the creation of the system of exchange of information in the scope of protection of consumers rights between the member states.

IV. Interaction of the authorized bodies in the scope of protection of consumers rights

5. Interaction of the authorized bodies in the scope of protection of consumers rights shall be carried out by:

1) exchange of information:

on practice of the member states in the field of the state and public protection of consumers rights;

on measures on improvement and ensuring of functioning of the system of control of observance of the legislation of the member states on protection of consumers rights;

on changes in the legislation of the member states on protection of consumers rights;

2) cooperation on prevention, detection and suppression of violation of the legislation of the member states on protection of consumers rights by the residents of the member states, including the change of information on violations of consumers rights detected in the domestic market, as well as on the basis of requests of the authorized bodies in the scope of protection of consumers rights;

3) conducting of joint analytical researches on problems, affecting the interests of the member states in the field of protection of consumers rights;

4) rendering of practical assistance on issues, arising in the process of cooperation, including creation of working groups, exchange of experience and personnel training;

5) organization of exchange of statistical information on results of activity of the authorized bodies in the scope of protection of consumer rights and public associations of consumers;

6) carrying out of cooperation on other issues in the scope of protection of consumers rights.

V. The powers of the Commission

6. The Commission shall exercise the following powers:

1) develop the recommendations for the member states on application of measures, directed to increase of effectiveness of interaction of the authorized bodies in the scope of protection of rights of consumers;

2) develop recommendations for the member states on procedure of implementation of provisions, specified in this Minute;

3) create consultative bodies on issues of protection of consumers rights of the member states.

ANNEX №14
to Agreement on
Eurasian Economic Union

MINUTE on conducting of coordinated macroeconomic policy

I. General provisions

1. This Minute is developed in accordance with Articles 62 and 63 of Agreement on Eurasian Economic Union (hereinafter – the Agreement) and determines procedure of conducting of coordinated macroeconomic policy by the member states.

2. The concepts used in this Minute shall have the following meanings:

“external parameters of forecasts” – indicators that characterize external factors, having a significant effect on economic development of the member states and used upon development of official forecasts of socio-economic development of the member states;

“interval quantitative values of external parameters of forecasts” – high and low value of interval of external parameters of forecasts;

“macroeconomic indicators” – parameters, characterizing the state of economy of the member state, its development and stability to influence of unfavorable factors, as well as level of integrated cooperation;

“basic directions of economic development of the Union” – a recommendatory document, determining perspective directions of socio-economic development, to the implementation of

which the member states are worked at the expense of the use of integrated potential of the Union and competitive advantages of the member states for the purposes of reception of additional economic effect by the member state;

"basic guidelines of macroeconomic policy of the member states" – a program document, determining the short- and medium-term objectives, most important for the economy of the member states, directed to achievement of purposes, established by the basic directions of economic development of the Union, as well as including recommendations on decision of the specified tasks.

II. Implementation of basic directions of coordinated macroeconomic policy

3. For the purposes of implementation of basic directions of coordinated macroeconomic policy, the member states shall:

1) coordinate the measures, directed to the use of integration potential of the Union and competitive advantages of the member states, in those scopes and branches of economy, where it is necessary or advisable;

2) consider the basic directions of economic development of the Union, basic guidelines of macroeconomic policy of the member states upon conducting of coordinated macroeconomic policy;

3) develop the official forecasts of socio-economic development of the member states in recognition of established interval quantitative values of external parameters of forecasts;

4) conduct coordinated macroeconomic policy within the quantitative values, specified in Article 63 of Agreement of the macroeconomic indicators, determining stability of economic development;

5) develop and implement measures, including joint measures, with the participation of the Commission, if the macroeconomic indicators determining the sustainability of the economic development of any Member State do not correspond to the quantitative values established by Article 63 of the Treaty, and, if necessary, take into account the recommendations of the Commission aimed at stabilizing the economic situation. The indicated joint measures and recommendations shall be developed in accordance with the procedure approved by the Commission;

6) conduct consultations on issues, relating to the current economic situation in the member state, for development of suggestions, directed to stabilization of economy.

Footnote. Paragraph 3 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

III. Competence of Commission

4. Commission shall coordinate conducting of coordinated macroeconomic policy by the member states by:

1) monitoring of:

macroeconomic indicators, determining stability of economic development of the member states, calculated according to the method approved by Commission, and their correspondence to the quantitative values, established by Article 63 of agreement;

indicators of the level and dynamics of development of economy and indicators of the degree of integration, determined in section IV of this Minute;

2) development of the following documents, approved by the Supreme council in coordination with the member states:

basic directions of economic development of the Union;

basic guidelines of macroeconomic policy of the member states;

joint measures, directed to stabilization of economic situation, in the case of exceeding of quantitative parameters of macroeconomic indicators, determining stability of economic development, specified in Article 63 of Agreement by the member states;

3) development of:

recommendations, directed to stabilization of economic situation, in the case of exceeding of quantitative parameters of macroeconomic indicators, determining stability of economic development, specified in Article 63 of Agreement by the member states;

in the analytical (reference) purposes of forecasts of socio-economic development of the union on the basis of established interval quantitative values of external parameters of forecasts;

4) assistance in conducting of consultations on issues, relating to the current economic situation in the member state, for development of suggestions, directed to stabilization of economy;

5) coordination of interval quantitative values of external parameters of forecasts with the member states, approved by Commission for preparation of official forecasts of socio-economic development of the member states. The procedure for such approval shall be approved by the Commission;

6) analysis of:

influence of adopted decisions on conditions of economic activity and entrepreneurial activity of economic entities of the member states;

measures of coordinated macroeconomic policy in a part of their correspondence to the basic guidelines of macroeconomic policy of the member states;

7) exchange of information between the authorized bodies of the member states and Commission for the purposes of conducting of coordinated macroeconomic policy.

Procedure of such exchange shall be approved by Commission.

Footnote. Paragraph 4 as amended by Law of the RK № 6-VII of 15.02.2021.

IV. Indicators of degree of integration, level and dynamics of development of economy, external parameters of forecasts

5. For determination of degree of integration shall be used the following indicators:

1) the amount of direct investment directed into each Member State's economy, calculated on a net basis (in US dollars);

2) the amount of direct investment entering the national economy from each Member State, calculated on a net basis (net) (in US dollars);

3) a share of each member state in general volume of export of the member state (in percent)

4) a share of each member state in the total volume of import of the member state (in percent);

5) a share of each member state in the total external turnover of the member state (in percent).

Footnote. Paragraph 5 as amended by Law of the RK № 6-VII of 15.02.2021.

6. For determination of the level and dynamics of development of economy shall be used the following indicators:

1) the rates of growth of gross domestic product (in percent);

2) gross domestic product per capita at parity of purchasing ability (in US dollars);

3) balance of an account of current operations of balance of payment (in US dollars and percent of gross domestic product);

4) index of real effective exchange rate of the national currency, calculated on the basis of index of consumer prices (in percent).

7. Decision on conducting of monitoring of other indicators of the degree of integration, level and dynamics of development of economy of the member states, respectively different from the specified in paragraphs 5 and 6 of this Minute, may be adopted by the Commission in coordination with the member states.

8. The member states shall coordinate the interval quantitative values of the following external parameters of forecasts for the 3-years period:

rates of growth of the world economy;

the prices for oil of the brand Brent.

Bodies of executive power, authorized for preparation of official forecasts of socio-economic development of the member states shall be also exchanged information on the state of foreign trade operations, as well as in the mutual trade. The Russian Federation shall provide information on approximate interval of the change of target price on natural gas, supplied for the domestic consumption, specified by the authorized body for formation of official forecasts of socio-economic development of separate member states in the manner approved by the Commission.

The specified information, provided by the Russian Federation for the purposes of macroeconomic forecasting shall not be the obligation of the Russian Federation on the price of supply of natural gas in the member state during the forecast period.

National (central) banks of the member states shall inform each other on conducted exchange rate policy.

9. Exchange of information for the purposes of macroeconomic forecasting shall be carried out in recognition of requirements of the member states to the confidentiality of the relevant information.

10. Decision on revision of external parameters of forecasts, used upon development of official forecasts of socio-economic development of the member states may be adopted by the Superior council.

ANNEX №15
to Agreement on
Eurasian Economic Union

MINUTE on measures, directed to conducting of coordinated foreign policy

I. General provisions

1. This Minute is developed in accordance with Article 64 of Agreement on Eurasian Economic Union and determines the measures, applied by the member states for the purposes of conducting of coordinated currency policy.

2. The concepts used in this Minute shall have the following meanings:

"currency legislation" – the legislative acts of the member states in the scope of currency regulation and currency control and regulatory legal acts, adopted for their execution;

"currency restriction" – restrictions for the currency operations, expressed in their direct prohibition, limitation of volumes, number and terms of conducting, currency of payment, in the establishment of requirements on reception of special permissions (licenses) for their conducting, booking of the part, the entire amount or the amount, multiple to the entire amount of conducted foreign operation, as well as restrictions, related with opening and maintenance of accounts in the territories of the member states, and requirements on compulsory sale of foreign currency, established by the international treaties and acts, constituting the Union Law, or currency legislation of the member states;

"integrated currency market" – a set of domestic currency markets of the member states, associated by common principles of functioning and state regulation;

"liberalization measures" – the actions, directed to relaxation or cancellation of currency restrictions in relation of currency operations between the residents of the member states, as well as in relation of operations with residents of third countries;

"resident of the member state" – a person, who is the resident of one of the member states in accordance with currency legislation of this member state;

"resident of third country" – a person, who is not the resident of any of the member states;

"authorized organizations" – legal entities who are residents of the member states and who have the powers for conducting of banking operations in foreign currency in accordance with the legislation of the state of its institution;

"authorized bodies of currency control" – bodies of executive power, other state bodies of the member states, having the power on carrying out of currency control, and national (central) banks of the member states.

The member states shall apply the concept "non-resident" upon regulation of currency legal relations in accordance with the national currency legislation.

II. Measures directed to conducting of coordinated currency policy

3. For the purposes of conducting of coordinated currency policy the member states shall take the following measures:

1) coordination of policy of exchange rate of national currency (hereinafter – exchange rate policy) for ensuring of expansion of the use of national currencies of the member states in the mutual calculations of residents of the member states, as well as organization of conducting of mutual consultations for the purposes of development and coordination of measures of exchange rate policy;

2) ensuring of convertibility of national currencies on current and capital balance of payments figure without restrictions by creation of conditions for possibility of purchase and sale of foreign currency by the residents of the member states by the banks of the member states without restrictions;

3) creation of conditions for ensuring of direct mutual quotations for national currencies of the member states;

4) ensuring of conducting of mutual calculations between the residents of the member states in the national currencies of the member states;

5) improvement of mechanism of payment and calculation relations between the member states on the base of expansion of the use of national currencies in the mutual calculations between the residents of the member states;

6) non-admission of multiplicity of official exchange rates of national currencies, preventing to the mutual trade between the residents of the member states;

7) establishment of the official exchange rates of the national currencies of the member states by the national (central) banks of the member states on the basis of exchange rates, forming in the exchanging market, or on the basis of cross rates of the national currencies of the member states to the US dollars;

8) exchange of information on the state and prospects of development of currency market;

9) formation of integrated currency market of the member states;

10) ensuring of an access by each member state to their domestic currency market of banks that are the residents of the member states and having the right to implement the currency operations, for conducting of interbank conversion operations on conditions of provision of national regime in accordance with the legislation of this member state;

11) granting a right to free conversion of their funds to the banks of the member states in the national currencies of the member states, being in their correspondent accounts, to the currencies of third countries;

12) creation of conditions of placement of foreign currency assets of the member states in the national currencies of other member states, as well as in their state securities;

13) further development and increasing of liquidity of domestic currency markets;

14) development of trading of national currencies in the organized markets of the member states and ensuring of an access of participants of currency market of the member states to them;

15) development of organized market of derivative financial instruments.

4. For the purposes of approximation of the legislation of the member states, regulating the currency legal relations, and adoption of measures of liberalization, the member states shall:

1) ensure the gradual elimination of currency restrictions in relation of currency operations, preventing to the effective economic cooperation and opening or maintenance of accounts by the residents of the member states in the banks, located in the territories of the member states;

2) determine the coordinated approaches to the procedure of opening or maintenance of accounts of the residents of third countries in the banks, located in the territories of the member states, as well as accounts of residents of the member states in the banks, located in the territories of third countries;

3) based on the principle of preservation of national sovereignty in relation of development of approaches to the requirement of repatriation of monetary means, subjected to the compulsory transfer to their banking accounts by the residents of the member states;

4) determine the list of currency operations, carried out between the residents of the member states in relation of which the currency restrictions are not applied;

5) determine the necessary volume of rights and obligations of residents of the member states upon carrying out of currency operations, including the rights for execution of calculations without the use of banking accounts in the banks, located in the territory of the member states;

6) ensure harmonization of requirements on repatriation of monetary means, subjected to the compulsory crediting to their banking accounts by the residents of the member states;

7) ensure free transfer of disposable funds and monetary instruments within the customs territory of the Union by the residents and non-residents of the member states;

8) ensure harmonization of requirements to the accounting and control of currency operations;

9) ensure harmonization of regulations on responsibility for violation of currency legislation of the member states.

III. Interaction of the authorized bodies of currency control

5. Interaction of the authorized bodies of currency control shall be carried out by:

1) exchange of information on:

on practice of regulatory and law enforcement bodies of the member states in the field of control of observance of currency legislation;

on measures of improvement and ensuring of functioning of the system of control of observance of currency legislation;

on issues of organization of currency control, as well as information of legal nature, as well as on the legislation of the member states in the scope of currency control, on the change of the legislation of the member states in the scope of currency control;

2) cooperation on prevention, detection and suppression of violation of the legislation of the member states by the residents of the member states upon carrying out by them of currency operations, including exchange of information, as well as on the basis of requests of the authorized bodies of currency control, on operations, conducted with violation of currency legislation;

3) conducting of joint analytical researches on problems, affecting the mutual interests of the member states in the field of currency regulation and currency control;

4) rendering of practical assistance on issues, arising in the process of cooperation, including creation of working groups, exchange of experience and personnel training;

5) organization of exchange of statistical information on issues of currency regulation and currency control, as well as:

on volumes of payments and transfer of monetary means by currency operations between the residents of the member states;

on the number of accounts, opened by the residents of one member state in the authorized organization of another member state;

6) carrying out of joint actions on other issues of cooperation of the authorized bodies of the currency control.

6. Authorized bodies of currency control shall carry out interaction on the specific directions in the scope of currency control, including provision of information on the permanent basis, in accordance with the separate minutes on interaction between the authorized bodies of currency control.

7. Rendering of practical assistance shall be carried out by:

organization of working visits of representatives of the authorized bodies of currency control;

holding of seminars and consultations;

development of methodological recommendations and exchange them.

IV. Exchange of information on the basis of requests of the authorized bodies of currency control

8. Direction and execution of request on provision of information shall be carried out in the following procedure:

1) a request is transferred in written form or by the use of technical means of text transmission.

Upon use of technical means of text transmission, as well as in the case of doubts in relation of authenticity or content of received request, requested authorized body of currency control may request an approval in written form;

2) a request on provision of information within production on cases of administrative infractions shall contain:

the name of requested authorized body of currency control;

the name of requested authorized body of currency control;

short description of facts of the case with the annex, upon necessity of copies of supporting documents;

qualification of infractions in accordance with the legislation of the state, requested authorized body of currency control;

other details, necessary for execution of request;

3) the request and response are composed in Russian languages.

9. In the case of necessity of transfer of information, received within this Minute to the third party, it is required the written consent of the authorized body of currency control, provided this information.

10. The request shall be executed in recognition of possibility of observance of procedural periods, established by the legislation of the state of requested authorized body of currency control, by the requested authorized body of currency control.

The requested authorized body of currency control shall have a right to request an additional information according to the procedure of specification, if it is necessary for execution of request.

11. Upon impossibility to execute a request, the requested authorized body of currency control shall notify on that the requested authorized body of currency control with specification of reasons.

12. The authorized bodies of currency control shall bear expenses on exchange of information within interaction in the scope of currency control.

In the case of reception of requests, requiring the additional expenses, the question on their financing shall be considered by the authorized bodies of currency control on mutual agreement.

V. Currency restrictions

13. Each of the member states in the exceptional cases (if the situation may not be resolved by other measures of economic policy) shall have a right to introduce the currency restrictions for the term not more than 1 year.

Upon that the exceptional cases shall include:

occurrence of consequences, upon which the implementation of measures of liberalization may lead to deterioration of economic and financial situation in the member state;

negative development of situation in the payment balance, the consequence of which may be reduction of international reserves of the member state lower than the permitted level;

occurrence of consequences, upon which the implementation of measures of liberalization may cause a damage to the interests of security of the member state and prevent to the maintenance of public order;

acute fluctuation of rates of the national currency of the member state.

14. The member state which is introduced the currency restrictions shall notify on that other member states and Commission not later than 15 days from the date of introduction of such restrictions.

ANNEX №16
to Agreement
on Eurasian Economic Union

MINUTE
on the trade in services, institutions, activity and implementation of investments

I. General provisions

1. This Minute is developed in accordance with Articles 65-69 of Agreement on Eurasian Economic Union (hereinafter – the Agreement) and determines the legal basis of regulation of the trade in services, institution, activity and implementation of investments in the member states.

2. Provisions of this Minute shall be applied to any measures of the member states, affecting the supply and obtainment of services, institution, activity and implementation of investments.

Features of legal relations, arising in connection with the trade in services of telecommunication shall be determined according to the annex №1 to this Minute.

“Horizontal” restrictions, maintained by the member states in relation of all sectors and types of activity shall be determined according to annex №2 to this Minute.

Individual national lists of restrictions, seizures, additional requirements and conditions (hereinafter – the national lists), provided by paragraphs 15-17, 23, 26, 28, 31, 33 and 35 of this Minute shall be determined by the Superior council.

3. Provisions of this Minute shall be applied to the open branches, representatives, registered individual entrepreneurs, created, acquired, controlled by the legal entities of the member states, continuing to exist on the date of entering of Agreement into legal force, as well as to the open branches, representatives, registered individual entrepreneurs, created, acquired, controlled by the legal entities of the member states after entering of Agreement into legal force.

Despite of provisions of paragraphs 15 - 17, 21, 24, 27, 30 and 32 of this Minute, the member states shall reserve the right to adopt and apply any measures in relation of new services, in other words not existing on the date of entering of this Agreement into legal force.

In the case of adoption or application of measure, which affects the new service and is incompatible with provision of specified paragraphs, the member state shall inform other member states and Commission on such measure not later than 1 month from the date of its adoption or application whichever is the earliest. The relevant changes in the national list of such member state shall be approved by the decision of the Superior Council.

4. In relation of methods of supply of services, specified in the second and third items of subparagraph 22 of paragraph 6 of this Minute, provisions of this Minute shall not be applied to the rights of air transportation and services, directly related to the rights of transportation, except for the repair and operational servicing of aircrafts, supply and marketing of air transport services, as well as services of computer reservation system.

5. The member states shall not use the easing of requirements, provided by their legislation and relating protection of life and health of human, environment, national security, as well as labor standards as the mechanism of involvement of persons of other member states , as well as persons of third states for institution in the territories of the member states.

II. Definitions and concepts

6. The concepts used in this Minute shall have the following meanings:

1) “recipient state” – a member state, in the territory of which the investments are carried out by the investors of other member states;

2) “activity” – entrepreneurial and other activity (including the trade in services and production of goods) of legal entities, branches, representatives or individual entrepreneurs, listed in the second – sixth items of subparagraph 24 of this paragraph;

3) “activity in connection with investments” – possession, use and (or) disposal of investments;

4) “incomes” – funds, received in the results of implementation of investments, in particular, the dividends, percent, as well as license, commission and other remunerations;

5) “legislation of the member state” – the laws and other regulatory legal acts of the member state;

6) “applicant” – a person of one of the member state, applied to the component body of this or other member state with application on provision of permission;

7) “investments” – material and intangible assets, invested by investor of one of the member state to the objects of entrepreneurial activity in the territory of another member state in accordance with the legislation of the last, as well as:

monetary funds (money), securities, other property;

a right to carry out the entrepreneurial activity, provided on the basis of the legislation of the member states or by agreement, including, in particular, the right to exploration, development, extraction and exploitation of natural resources;

property and other rights, having monetary value;

8) “investor of the member state” – any person of the member state, carrying out investments in the territory of another member state in accordance with the legislation of the last;

9) “competent body” – any of the body or any organization, within the powers, delegated to them by the member state, carrying out control, permitting or other regulating function in relation of issues, covered by this Minute, in particular, administrative bodies, courts, professional organizations, associations;

10) “a person of the member state” – any individual or legal entity of the member state;

11) “measure of the member state” – the legislation of the member state, as well as any decision, action or omission of body or civil servant of this member state, which are adopted or applied at any level of the state power, by the bodies of local self-government or organizations upon carrying out by them the powers, delegated to them by these bodies.

In the case of adoption (publication) of official document, having recommendatory nature by the body of the member state, such recommendation may be recognized as a measure of the member state, applied for the purposes of this Minute in the case, if it is proven that in practice the primary part of addressees of this recommendation (bodies of the state, regional and (or) municipal power, non-government bodies, as well as persons of this member state, persons of other member states, persons of any third state) follows it;

12) “service receiver” – any person of the member state, to which the service is supplied or which intends to use the service;

13) “service provider” – any person of the member state, which provides the service;

14) “representation” – separate subdivision of legal entity, located outside of its location, which represents the interests of legal entity and carry out their protection;

15) “permission” – provided by the legislation of the member state, based on the request of the applicant, the approval of the right of this person to carry out of defined activity or defined actions by the component body, as well as by inclusion to the register, issuance of official document (license, coordinated approval, conclusion, attestation, evidence, certificate and etc.). Upon that the permission may be issued according to the results of competitive selection;

16) permitting procedures” – a set of procedures, implemented by the component bodies in accordance with the legislation of the member state, related with issuance and reissuance of

permissions and their copies, termination, suspension and renewal or extension of the term of validity, deprivation (cancellation) of permissions, refusal to issue of permissions, as well as consideration of complaints on such issues;

17) “permissive requirements” – a set of standards and (or) requirements (as well as license, qualification) to the applicant, holder of permission and (or) supplied services, carrying out an activity, relevant to the legislation of the member state, directed to ensuring of achievement of objectives of regulation, established by the legislation of the member state.

In relation of permissions to carry out an activity, the permissive requirements may also have a purpose of ensuring the competitiveness and ability of applicant to carry out the trade in services and other activity in accordance with the legislation of the member state;

18) “regime” – a set of measures of the member states;

19) “service sector”:

in relation of annex №2 to this Minute, as well as in relation of the lists, approved by the Superior council, - one, several or all subsectors of separate service;

in other cases – all sector of service, including all its subsectors;

20) “territory of the member state” – the territory of the member state, as well as its exclusive economic zone and continental shelf, in relation of which it exercises the sovereign rights and jurisdiction in accordance with international right and its legislation;

21) “test of economic feasibility” – conditioning of issuance of the relevant permissions by the evidence of existence of economic necessity or market demands, assessment of the potential or existing economic impact of activity or assessment of compliance of activity with the purposes of economic planning, established by the component body. This concept does not cover the conditions, which are related with planning of non-economic nature and justified on grounds of public interest, such as social policy, execution of programs of socio-economic development, approved by the local bodies within their competence, or protection of urban environment, as well as execution of town planning plans;

22) “trade in services” – supply of services, including production, distribution, marketing, sale and delivery of servicers and carrying out by the following methods:

from the territory of one of the member state to the territory of any other member state;

in the territory of one member state by person of this member state to the service receiver of another member state;

by the service provider of one member state by the establishment in the territory of another member state;

by the service provider of one member state by presence of individuals of this member state in the territory of another member state;

23) “third state” – the state that is not the member state;

24) “institution”:

creation and (or) acquisition of legal entity (participation in the capital of created or established legal entity) of any legal organizational form and form of ownership, provided by

the legislation of the member state, in the territory of which such legal entity is created or established;

acquisition of control over a legal entity of the member state, expressed in the getting of opportunity, either directly or through the third persons to determine decisions, adopted by such legal entity, as well as by disposition of votes, accrued to the voting stocks (shares), by participation in the board of directors (supervisory council) and in other management bodies of such legal entity;

opening of a branch;

opening of representation;

registration as individual entrepreneur.

The establishment shall be also carried out for the purposes of trade in services and (or) production of goods;

25) "individual of the member state" – a citizen of the member state in accordance with the legislation of the member state;

26) "branch" – a separate subdivision of legal entity, located outside of location and exercising all of its functions or their part, as well as functions of representation;

27) "legal entity of the member state" – organization of any of legal organizational form, created or established in the territory of the member state in accordance with the legislation of this member state.

7. United Nations Organizations (Central Products Classification) shall be determined and classified on the basis of International Central Products Classification, approved by the Statistical Commission of Secretariat for the purposes of this Minute of service sector.

III. Payments and transfers

8. Except for the cases, provided by paragraphs 11 – 14 of this Minute, each member state shall cancel the current and not introduce the new restrictions in relation of transfers and payments in connection with the trade in services, establishment, activity and investments, and in particular in relation of:

1) incomes;

2) funds, paid in repayment of loans and credits, recognized by the member states as investments;

3) funds, received by the investor in connection with the partial or full liquidation of commercial organization or sale of investments;

4) funds, received by investor as compensation of damage in accordance with paragraph 77 of this Minute, and compensation, provided in paragraphs 79 – 81 of this Minute;

5) salary and other remunerations, received by investors and citizens of other member states, to which are permitted to work in connection with implementation of investments in the territory of the recipient state.

9. Nothing in this section affects the rights and obligations of any member state, resulting from its membership in the International monetary fund, including the rights and obligations, relating to the measures of regulation of currency operations, upon condition, that such measures of the member state correspond to the Articles of Agreement of International monetary fund dated 22 July, 1944 and (or) upon condition that the member state does not establish restrictions for the transfers and payments, that are incompatible with its obligations, provided by this Minute, relating such operations, except for the cases, specified in paragraphs 11 – 14 of this Minute or cases of application of restrictions at the request of International monetary fund.

10. Transfers provided by paragraph 8 of this Minute may be executed in any freely convertible currency. Conversion of funds shall be carried out without unreasonable delay on the exchange rate, applied in the territory of the member state on the date of transfer of monetary funds and effecting payments.

IV. Restrictions in relation of payments and transfers

11. In the case of deterioration in condition of balance of payments, significant reduction in international reserves, acute fluctuation of rates of the national currency or the threat of this , the member state may introduce restrictions in relation of transfers and payments, provided by paragraph 8 of this Minute.

12. Restrictions specified in paragraph 11 of this Minute:

1) shall not create discrimination between the member states;

2) shall correspond to the Articles of Agreement of International monetary fund dated 22 July, 1944;

3) shall not cause excessive damage to the commercial, economic and financial interests of any other member state;

4) shall not be more burdensome than necessary to overcome the circumstances specified in paragraph 11 of this Minute;

5) shall be temporary and eliminated gradually due to disappearance of circumstances, specified in paragraph 11 of this Minute.

13. Upon determination of the scope of effect of restrictions, specified in paragraph 11 of this Minute, the member states may prefer the supplies of goods or services, which are more essential to their economic programs or development programs. However such restrictions shall not be established and maintained for the purposes of protection of defined economic sector.

14. Any restrictions established or maintained by the member states in accordance with paragraph 11 of this Minute, or any of their changes are the subject of immediate notification of other member states.

V. Participation of the state

15. Each member state shall provide the regime in its territory in relation of participation in privatization to the persons of another member state, not less favorable, that the regime, provided to the persons of its member state in recognition of restrictions, seizures, additional requirements and conditions, specified in the national lists or in the annex №2 to this Minute.

16. If in the territory of the member state act the legal entities, in the capital of which participates this member state or which are controlled by them, such member state shall ensure that the specified persons:

1) carry out its activity on the basis of business considerations and participate in the relations, regulated by this Minute:

on the basis of principle of equality with other participants of these relations;

on the basis of principle of non-discrimination of other participants of these relations depending on their citizenship, place of registration (establishment), legal organizational form or form of ownership;

2) do not gain the rights, privileges or obligations exclusively by virtue of participation of the member state in their capital or control over them by this member state.

The specified requirements shall not be applied in the case, when the activity of such legal entities is directed to solution of tasks of social policy of the member state, as well as in relation of restrictions and conditions, specified in the national lists or in the annex №2 to this Minute.

17. Provisions of paragraph 16 of this Minute shall be also distributed to the legal entities, vested with exclusive rights or special privileges formally or in practice, except for the legal entities, vested with the rights and (or) privileges, included on the basis of subparagraph 2 and 6 of paragraph 30 of this Minute in the national lists or in the annex №2 to this Minute, and legal entities, regulation of activity of which is carried out in accordance with section XIX of Agreement.

18. Each of the member states shall ensure that all bodies of this member state at any level of the state power or its local government bodies are independent, beyond the control and non-accountable to any person, carrying out the business activity in the economic sector, the regulation of which enters in the scope of the competence of relevant body, without damage to the provisions of Article 69 of Agreement.

The measures of this member state, as well as decision of the specified body, the rules and procedures established and applied by it shall be impartial and objective in relation to all persons, carrying out the business activity.

19. Each of the member states may preserve the legal entities, being the subjects of natural monopolies in its territory in accordance with obligations, resulting from the section XIX of Agreement, and despite of provisions of paragraph 30 of this Minute. The member state which preserves such legal entities in its territory shall ensure that legal entities act in a manner compatible with the obligations of this member state, resulting from the section XIX of Agreement.

20. If the legal entities of one of the member state, specified in paragraph 19 of this Minute shall compete directly or through the legal entities controlled by them outside the scope of its monopoly rights with persons of other member states, the first member state shall ensure that such legal entity does not abuse its monopoly position, acting in the territory of the first member state in a manner incompatible with the obligations of such first member state, resulting from this Minute.

VI. Trade in services, establishment and activity

1. National regime upon trade in services, establishment and activity

21. Each member state in relation of all measures, affecting the trade in services shall provide to the services, providers and service receivers of another member state the regime is not less favorable than the regime, provided under the same (similar) circumstances to their own same (similar) services, providers and service receivers.

22. Each member state may fulfill the obligations, specified in paragraph 21 of this Minute by provision to the services, providers and service receivers of any member state formally the same or formally different regime in relation to that which is provided by this member state to their own the same (similar) services or providers or service receivers.

Formally the same or formally different regime shall be considered less favorable, if it changes the conditions of competition in favor of services, providers and (or) service receivers of this member state in comparison with the same (similar) services, providers and (or) service receivers of any member state.

23. Despite of provision of paragraph 21 of this Minute, each member state in relation of services, providers and service receivers of another member state may apply the separate restrictions and conditions, specified in the national lists or in the annex №2 to this Minute.

24. Each member state shall provide to the persons of any member state in relation of establishment and activity the regime not less favorable than the regime provided upon the same (similar) circumstances to their own persons in its territory.

25. Each member state may fulfill the obligations, specified in paragraph 24 of this Minute by provision to the persons of any member state formally the same or formally different regime in relation to that which is provided by this member state to their own persons. Upon that such regime is considered less favorable if it changes conditions of competition in favor of persons of this member state in comparison with persons of any member state.

26. Despite of provision of paragraph 24 of this Minute, each member state in relation of establishment and activity of persons of any member state may apply the separate restrictions and conditions, specified in the national lists or in the annex №2 to this Minute.

2. The most-favored-nations regime upon trade in services, establishment and activity

27. Each member state shall provide, upon the same (similar) circumstances, to the services, providers and service receivers of any member state the regime not less favorable than the regime provided to the same (similar) services, providers and service receivers of third states.

28. Despite of provision of paragraph 27 of this Minute, each member state in relation of services, providers and service receivers of any member state may apply the separate seizures, specified in the national lists or in the annex №2 to this Minute.

29. Each member state shall provide, upon the same (similar) circumstances, to the persons of any member state, as well as to the persons, established by them, in relation of establishment and activity in its territory, the regime not less favorable than the regime, provided to the persons of third states, as well as to the persons, established by them.

3. Quantitative and investment measures

30. The member states shall not introduce and apply in relation of persons of any member state in connection with the trade in services, establishment and activity, the restrictions, relating to:

1) the number of service providers in the form of quota, test to the economic feasibility or in any other quantitative form;

2) the number of created, acquired and (or) controlled legal entities, branches or representatives, registered individual entrepreneurs;

3) operations of any service providers in the form of quota, test to the economic feasibility or in any other quantitative form;

4) operations of created, acquired or controlled legal entity, branch, representative, registered individual entrepreneur in the course of carrying out of activity by them in the form of quota, test to the economic feasibility or in any other quantitative form;

5) form of establishment, as well as legal organizational form of legal entity;

6) acquired share in the charter capital of legal entity or the degree of control over the legal entities;

7) restrictions of total number of individuals, which may be engaged in a particular services sector, or number of individuals which service provider may hire and which are necessary and directly relate to the supply of particular service, in the form of quantitative quotas or test to the economic feasibility.

31. Each member state in relation of services, providers and service receivers of any member state may introduce and apply restrictions, specified in paragraph 30 of this Minute, in the case if such restrictions are provided by the national list or annex №2 to this Minute

32. None of the member states shall not introduce and apply the following additional requirements in relation of persons of the member states as well as persons, established by them as conditions in connection with establishment and (or) activity:

1) export all produced goods or services or their part;

2) import the goods or services;

3) purchase and use the goods or services, the state of origin of which is the member state;

4) requirements that restrict the sale of goods or supply of services to the territory of this member state, import of goods to the territory of this member state or export of goods from the territory of this member state and linked to the volumes of produced goods (supplied services), use of local goods or services or restrict an access of enterprise to the foreign currency, accrued in connection with operations, specified in this subparagraph;

5) transfer the technology, know-how and other information that has commercial value, except for the cases of their transfer on the basis of decision of the court or body, authorized in the field of protection of competition, upon observance of rules of implementation of competitive policy, established by other international treaties of the member states.

33. Each member state may introduce and apply the additional requirements, specified in paragraph 32 of this Minute, in relation of persons of other member states in the case if such restrictions are provided by the national list or annex №2 to this Minute.

34. Fulfilment of requirements specified in paragraph 32 of this Minute may not be the ground for reception of any preference by person of any member state in connection with establishment or activity.

4. Transfer of individuals

35. Each member state shall not apply and introduce restrictions, related with hiring of employees in its territory in relation of activity of created, acquired or controlled legal entity, branch, representation, registered individual entrepreneur, except for the restrictions and requirements, specified in the national list or in the annex №2 to this Minute, in recognition of provisions of section XXVI of Agreement.

36. Provisions of paragraph 35 of this Minute shall not be applied in relation of requirements, presented to education, experience, qualification, business qualities of employees in the case if their application does not lead to the actual discrimination of employees depending on the citizenship.

37. Each member state shall not apply and introduce restrictions in relation of individuals, participating in the trade in services by the method, specified in the fifth item of subparagraph 22 of paragraph 6 of this Minute and presenting in the territory of this member state in recognition of provisions of section XXVI of agreement.

5. Formation of the single market of services

38. For the purposes of this section under the single market shall be regarded the state of the services market within the specific sector, in which each member state grants to the persons of any other member state the right to:

1) supply and reception of services on the conditions, specified in paragraphs 21, 24, 27, 29, 30 and 32 of this Minute without restrictions, seizures and additional requirements, except for the conditions and restrictions, provided by annex №2 to this Minute;

2) supply of services without additional establishment in the form of legal entity;

3) supply of services on the basis of permission for supply of services, received by the service provider to the territory of its member state;

4) recognition of professional qualification of the personnel of service provider.

39. The rules of the single market of services shall apply in relation of the member states on the conditions of mutuality.

40. The single market of services within the Union shall operate in the service sectors, approved by the Superior Council on the basis of coordinated suggestions of the member states and Commission.

41. The member states shall work for distribution of rules of the single market of services on the maximum number of service sectors, as well as by phased reduction of seizures and restrictions, provided by the national lists on the mutual basis.

42. Procedure and stages of formation of the single service market on the separate sectors shall be provided by the plans of liberalization, developed on the basis of coordinated suggestions of the member states and Commission, approved by the Superior Council (hereinafter – the plans of liberalization).

43. Plans of liberalization may provide the later terms of liberalization of separate service sectors for the separate member states that is not an obstacle for other member states to create the single market in these service sectors on the conditions of mutuality.

44. Provisions 1-4 of this section shall be applied in the sectors, in relation of which the rules of the single service market are not valid.

6. Mutual relations with third states on issues of the trade in services, establishment, activity and implementation of investments

45. Nothing in this section shall prevent to the member states to conclude the international agreements on economic integration, complying with the requirements of paragraph 46 of this Minute with the third states.

Each member state, concluded such international agreement on economic integration shall provide concessions, which it provides within such international agreement on economic integration to the member states upon the same (similar) conditions.

Under the concessions in this paragraph shall be regarded the cancellation by the member state of one or separate restrictions, provided by its national list.

46. For the purposes of this Minute, the international agreements on economic integration between the member states and third state shall be regarded the international agreements, which comply with the following criteria:

1) cover a significant number of service sectors, and certainly do not exclude under any circumstances a priori none of the methods of supply of services, issues of establishment and activity;

2) directed to elimination of existing discrimination measures and prohibition of introduction of new;

3) directed to liberalization of the trade in services, establishment and activity.

The purpose of such international agreements is facilitation of the trade in services and conditions of establishment and activity between its participants. Such agreement shall not lead to increase of overall level of barriers in the trade in services in the certain sectors or subsectors in relation of any third state in comparison with the level, which is applied before conclusion of such agreement.

47. The member state concluded the international agreement on economic integration with the third state shall be obliged to inform on its conclusion other member states during 1 month from the date of its signing.

48. The member states shall independently determine its foreign trade policy in relation of the trade in services, establishment, activity and implementation of investments with the third states.

7. Additional rights of service receiver

49. Each member state shall not establish requirements or special conditions, limiting the rights to reception, use or payment for service, rendering (rendered) by the service provider of another member state, including selection of service provider or obligation of reception of permission of the component bodies in relation of service receiver, in recognition of provisions of section XV of Agreement.

50. Each member state shall ensure non-application of discriminatory requirements or special conditions depending on its citizenship, place of residence or place of establishment or activity in relation of service receiver, in recognition of provisions of section XV of Agreement.

51. Each member state obliges:

1) the service providers to provide the necessary information to the service receivers in accordance with Agreement and the legislation of the member state;

2) the component bodies to take measures on protection of rights and legal interests of service receivers.

52. Nothing in this Minute shall affect the right of the member state to take any measures, necessary for implementation of its social policy, including the issues of retirement insurance and social support of population.

The issues of access of consumers to the services, covered by the sections XIX, XX and XXI of Agreement, and regime, provided to the consumers of such services shall be regulated by provisions of these sections, respectively.

8. Mutual recognition of permissions and professional qualifications

53. Recognition of permission for supply of services in the sectors, in relation of which the plans of liberalization are implemented shall be ensured after adoption of measures, specified in paragraphs 54 and (or) 55 of this Minute.

54. The member states may adopt the decision on mutual recognition of permissions for supply of services in the specific sectors in connection with achievement of substantial equivalence regulation in these sectors on the basis of mutual consultations (as well as interdepartmental nature).

55. The plans of liberalization shall be ensured:

1) the phased approximation of mechanisms of access to carrying out of activity (as well as permissive requirements and procedures) by harmonization of the legislation of the member states with establishment of terms of termination of such harmonization on the specific sectors of services;

2) creation of mechanisms of administrative cooperation in accordance with Article 68 of Agreement;

3) recognition of professional qualification of employees of service providers.

56. In the case if the pass of professional examination is required for the access to implementation of professional services, each member state shall ensure the non-discrimination procedure of passing of such professional examination.

9. Internal regulation upon trade in services and in relation of establishment and (or) activity

57. Each member state shall ensure that all measures of this member state, affecting to the trade in services, establishment and activity are applied by the reasonable, objective and impartial manner.

58. Each member state shall preserve or create as soon as practically possible, the judicial, arbitral or administrative bodies or procedures which at the request of persons of other member states, the interests of which are affected, provide the immediate consideration and reasonable adoption of measures for the purposes of change of administrative decisions, affecting to the trade in services, establishment and activity. In the cases, when the specified procedures are not independent from the body, authorized to adopt such administrative decisions, the member state shall ensure that procedures in fact provide the objective and impartial consideration.

59. Provisions of paragraph 58 of this Minute shall not provide requirements to the member state to create the bodies or procedures, specified in paragraph 58 of this Minute, when it is inconsistent with its constitutional procedure or nature of its legal system.

60. If it is necessary to obtain permission for the trade in services, establishment and (or) activity, the competent bodies of the member state shall inform the applicant on consideration of application and decision adopted according to the results of its consideration during the reasonable period after presentation of application, which is considered as executed in accordance with requirements of the legislation of the member stat and rules of regulation.

The specified application shall not be considered as duly executed until all documents and (or) details are received in accordance with requirements of the legislation of the member state.

In any case the possibility to make the technical correction in the application shall be provided to the applicant.

The competent bodies of the member state shall provide information on the course of consideration of application without undue delay at the request of applicant.

61. To ensure that the permissive requirements and procedures do not create unnecessary barriers upon trade in services, establishment and activity, the Commission shall develop the rules, approved by the Superior Council in coordination with the member states. These rules are intended to ensure that such permissive requirements and procedures among other things:

1) based on such objective and public criteria as the competence and ability to trade in services and activity;

2) shall not be more burdensome than necessary to ensure the safety of existing activity, as well as the safety and quality of services provided;

3) shall not be restriction for the trade in services, establishment and (or) activity.

62. The member states shall not apply the permissive requirements and procedures, which cancel or reduce the benefits and:

1) do not correspond to the criteria, specified in paragraph 61 of this Minute;

2) are not be established by the legislation of the member state and are not applied by the relevant member state on the date of signing of Agreement.

63. Upon determination of the fact of fulfilment of obligations, specified in paragraph 62 of this Minute by the member state, the international standards of international organizations, membership of which is opened for all member states shall be taken into consideration.

64. In the case if the member state applies the permissive requirements and procedures in relation of the trade in services, establishment and (or) activity, such member state shall ensure that:

1) the name of competent bodies responsible for issuance of permission were published or otherwise brought to the general knowledge;

2) all permissive requirements and procedures were established in the legislation of the member state and any act, establishing or applying the permissive procedures and

requirements is published before the date of entering into legal force (introduction into effect) ;

3) the competent bodies are adopted decision on issuance or refusal in issuance of permission during the reasonable term, determined in the legislation of the member state, as a rule, not later than 30 business days from the date of receipt (receipt) of application on issuance of permission, which is considered as executed in accordance with requirements of the legislation of the member state. Such term shall be determined on the basis of minimum time, required for reception and processing of all documents and (or) details, necessary for implementation of permissive procedure;

4) any charges, collected in connection with presentation and consideration of application, except for the charges, collected for the right to carry out an activity, were not be restriction on its own terms for the trade in services, establishment, activity and based on the expenditures of the component body, related with consideration of application and issuance of permission;

5) the competent body of the member state informed the applicant on the state of consideration of its application, as well as if the statement is considered as duly executed in accordance with paragraph 60 of this Minute upon expiration of the term, specified in subparagraph 3 of this paragraph and at the request of the applicant.

In any case the rights provided by paragraphs 57, 58, 60, 62 and 64 of this Minute shall be provided to the applicant in any case;

6) the competent body, refused to accept the application, informed the applicant on reasons of such refusal in written form at the written request of applicant, who was refused to accept the application. Upon that such provision shall not be interpreted as the requirement from the competent body of information release, the disclosure of which prevents to execution of the Law or otherwise contradicts to the public interests or essential interests of security of the member state;

7) in the case if it was refused in acceptance of application, may file a new application, if the component body refused to accept such application on the reason of its duly execution;

8) issued permissions for supply of services were valid over the whole territory of the member state, specified in such permissions.

VII. Investments

1. General provisions

65. Provisions of this section shall be applied in relation of all investments, implemented by investors of the member states in the territory of another member state since 16 December, 1991.

66. One of the forms of implementation of investments is establishment within the meaning of subparagraph 24 of paragraph 2 of this Minute. Provisions of this Minute, except for the provisions of paragraphs 69 – 74 of this Minute shall be applied to such investments.

67. The change of the methods of implementation of investments, as well the forms, in which the investments are contributed or reinvested, shall not affect to their qualification as the investments upon condition, that such change does not contradict to the legislation of the recipient state.

2. Legal regime and protection of investments

68. Each member state shall ensure fair and equal regime in its territory in relation of investments and activity in connection with investments, implemented by the investors of other member states.

69. Regime specified in paragraph 68 of this Minute shall not be less favorable than the regime which is provided by this member state in relation of investments and activity in connection with such investments, implemented by their (national) investors.

70. Each member state, upon the same (similar) circumstances, shall provide to the investors of any other member state, their investments and activity, related with such investments, the regime not less favorable than the regime provided to the investors of any third state, their investments and activity, related with such investments.

71. Regimes provided by paragraphs 69 and 70 of this Minute shall be provided by the member states on the choice of investor depending on which of the regimes is most favorable.

72. Each member state shall create favorable conditions for implementation of investments by the investors of other member states in its territory and shall admit such investments in accordance with its legislation.

73. Each member state shall reserve the right to restrict the activity of investors of other member states in accordance with its legislation, as well as apply and introduce other withdrawals from the national regime, specified in paragraph 69 of this Minute.

74. Provisions of paragraph 70 of this Minute shall not be interpreted as obligation of the member state to distribute on the investments and activity in connection with such investments of investors of other member states, the advantages of any regime, preferences or privileges, which are provided or may be provided in the future to this member state on the basis of international treaties on avoidance of double taxation or other agreements on issues of taxation, as well as agreements, specified in paragraph 46 of this Minute.

75. Each recipient state shall guarantee to the investors of other member states after execution by them of all tax and other obligations, provided by the legislation of the recipient state:

1) the right to use and dispose of incomes, received according to the results of implementation of investments in any purposes, not prohibited by the legislation of the state recipient;

2) excluded by Law of the RK № 6-VII of 15.02.2021;

3) the right to freely exercise the transfer of monetary funds (money) and payments, related with investments, specified in paragraph 8 of this Minute to any country at the discretion of the investor.

Footnote. Paragraph 75 as amended by Law of the RK № 6-VII of 15.02.2021.

76. Each member state shall guarantee and ensure protection of investments of investors of other member states in its territory in accordance with its legislation.

3. Compensation of damage and guarantees of investors

77. Investors shall have a right to compensate the damage, caused to their investments according to the results of civil disorders, military actions, revolution, mutiny, imposition of the state of emergency or other similar circumstances in the territory of the member state.

78. Upon that such investors are provided by the regime not less favorable than which the recipient state provides to their national investors or investors of third state in relation of measures, adopted by this member state in connection with compensation of such damage depending on which of regimes is most favorable for the investor.

4. Guarantees of the rights of investor upon expropriation

79. Investments of investors of one of the member state, implemented in the territory of another member state may not be directly or indirectly subjected to expropriation, nationalization, as well as other measures, equivalent on the consequences of expropriation or nationalization (hereinafter – expropriation), except for the cases, when such measures are applied for the public interests in the manner established by the legislation of the recipient state and are not be discriminatory and accompanied by the payment of prompt and adequate compensation.

80. Compensation specified in paragraph 79 of this Minute shall correspond to the market value of expropriated investments of investor on the date, immediately preceding the date of their actual expropriation or the date, when it became common knowledge on the coming expropriation.

81. Compensation specified in paragraph 79 of this Minute shall be paid without delay in the term, provided by the legislation of the recipient state, but not later than 3 months from the date of expropriation and freely transferred abroad from the territory of the recipient state in the freely convertible currency.

In the case of delay of payment of compensation from the date of expropriation until the date of actual payment of compensation for the amount of compensation, the interests, calculated on the rate of the national interbank market are charged on actually provided credits in US dollars for the period until 6 months but not below the rate of LIBOR or in the manner determined by agreement between investors and member state.

5. Transfer of rights of investors

82. The member state or body authorized by them, which is made the payment to the investor of its state on the basis of guarantee of protection from non-commercial risks in connection with investments of such investor in the territory of the recipient state may exercise the rights of investor in the same extent as the investor in the manner of subrogation.

83. The rights specified in paragraph 82 of this Minute shall be carried out in accordance with the legislation of the recipient state but without damage for provisions of paragraphs 21, 24, 27, 29, 30 and 32 of this Minute.

84. The disputed between the recipient state and investor of another member state, arising in connection with investments of this investor in the territory of the recipient state, including the disputes, relating the amounts, conditions or procedure for payment of amounts, received as compensation of damage in accordance with paragraph 77 of this Minute, and compensation, provided by paragraphs 79-81 of this Minute, or procedure of making payments and transfer of monetary funds, provided by paragraph 8 of this Minute shall be resolved as far as possible by conducting of negotiations.

85. If the dispute is not resolved by conducting of negotiations during 6 months from the date of written notification of any of the parties of dispute on conducting of negotiations, it may be submitted, on the choice of investor, for consideration of:

1) the judge of recipient state, competent to consider the relevant disputes;

2) international commercial arbitration at the chamber of trade of any of the state, coordinated by participants of dispute;

3) arbitration court ad hoc, that shall be created and effect according to the Rules of Arbitration of Commission of United Nations Organization on the right of international trade (UNCITRAL), if the parties of dispute do not agree to another;

4) International center on regulation of investment disputes, created in accordance with Convention on regulation of investment disputes between the states and individuals or legal entities of other states dated 18 March, 1965, for resolution of a dispute in accordance with provisions of this Convention (upon condition, that it is entered into legal force for both member states of the parties of dispute) or in accordance with Additional rules of International center on regulation of investment disputes (in the case if Convention is not entered into legal force for both or one of the member states of the parties of dispute).

86. The investor submitted the dispute for regulation to the national court or in one of the arbitration courts, specified in subparagraphs 1 and 2 of paragraph 85 of this Minute shall not have a right to redirect this dispute for consideration to any other court or arbitration court.

The choice of investor in relation of the court or arbitration court specified in paragraph 85 of this Minute shall be final.

87. Any arbitral decision on the dispute, considered in accordance with paragraph 85 of this Minute shall be final and compulsory for the parties of dispute. Each member state shall be obliged to ensure execution of such decision in accordance with its legislation.

to the Minute on the trade in
services, establishment, activity
and implementation of investments

Procedure of the trade in telecommunication services

1. This Procedure shall be applied to the measures of the member states, regulating carrying out of activity in the field of telecommunication.

2. This Procedure shall not be applied to activity in the field of mail service.

3. Nothing in this Minute shall be construed as requiring from any of the member states (or requiring from the member state to oblige the service providers, that are under its jurisdiction) to establish the special requirements in relation of telecommunication networks, without connection to the public telecommunications network.

4. The concepts used in this Minute shall have the following meanings:

"public telecommunications network" – technological system, including the means and communication links, intended for the mutual rendering of services of telecommunication to any user of services of telecommunication in the territory of the member state in accordance with the legislation of the member state;

"universal telecommunication services" – the list of services of telecommunication, established by the member state, rendering of which to any user of services of telecommunication in any inhabited locality with specified quality and price level, ensuring the availability of these services, is compulsory for operators of the universal service;

"telecommunication services" – an activity on reception, processing, storage, transfer and delivery of telecommunication messages.

5. Each member state shall ensure that the information on conditions of access to the public telecommunication networks and telecommunication services is publicly available (including information on conditions of rendering of services, as well as on tariffs (prices) of specification of technical connections with such networks, on bodies, responsible for preparation and adoption of standards, affecting such access and use, on conditions, concerning the connection of the terminal equipment or other equipment, as well as on requirements to notifications, registration or licensing and any other permissive procedures, if necessary).

6. An activity on rendering of telecommunication services shall be carried out on the basis of licenses issued by the authorized bodies of the member states within territorial borders established in it with observance of terms and with the use of numeration, assigned to each operator in the manner established by the legislation of the member states.

7. Upon carrying out of activity on rendering of telecommunication services with the use of radio-frequency spectrum except for the license for carrying out of activity in the territory of the member state, it is necessary to obtain a decision of the authorized body of the member state on allocation of relevant radio-frequency bands, radio-frequency channels or

radio-frequency for operation of radio electronic means and assignment (appointment) of the relevant radio-frequencies and (or) radio-frequency channels.

8. Allocation of radio-frequency bands, radio-frequency channels or radio-frequency, assignment (appointment) of radio-frequency or radio-frequency channels, issuance of permissions for the right of the use of radio-frequency spectrum shall be carried out in the manner established by the legislation of the member states.

9. Payments related with allocation and use of radio-frequency spectrum shall be collected in the manner and amounts established by the legislation of the member states.

10. The member states shall take all necessary measures, including legal and administrative, for ensuring of nondiscriminatory, equal access to the networks and services of telecommunication.

11. Connection to the public telecommunication network of telecommunication operator irrespective of its position in the market of telecommunication services shall be carried out in accordance with the legislation of the member state in the existence of technical capability on the conditions not less favorable than those provided for other telecommunication operators of the member states, operating under comparable conditions.

12. The member states shall have a right to introduce and apply the state regulation of tariffs for the separate types of telecommunication services. Formation of tariffs for the telecommunication services shall be based on the requirements of the legislation of the member state.

The member states shall guarantee rendering of services on the tariffs of country of residence to the persons of any of the member states upon condition of conclusion of agreement on rendering of telecommunication services with operators of country of residence.

13. In relation of those types of telecommunication services, the tariffs on which are not subject to the state regulation, the member states shall ensure the availability and effective application of competitive legislation, preventing to distortion of conditions of competition between suppliers, as well as receivers of telecommunication services of the member states.

14. A common approach to establishment of price formation for the services on traffic transfer by the member states shall be approved by the Council of Commission by 1 January, 2020.

15. The member states shall take all necessary measures for ensuring unimpeded traffic transfer, including transit, by the telecommunication operators of the member states, on the basis of inter-operator agreements, as well as in recognition of technical capabilities of networks.

16. The member states shall guarantee non-application of subsidization of services of local and long-distance telecommunication due to completion of international call on its territory.

17. Distribution and use of resources of radio-frequency spectrum, as well as numbering resource shall be carried out in accordance with the legislation of the member states.

18. The member states shall guarantee rendering or universal telecommunication services in its territory on the basis of unified principles and rules, provided by recommendations of international organizations in this field. Each member state shall have a right to independently determine the obligations on rendering of universal service. These obligations shall not be considered as anti-competitive upon condition that they are carried out on the basis of transparency, non-discrimination and neutrality in terms of competition and will not be more burdensome than it is necessary for the type of universal service determined by the member state.

19. Regulatory bodies of the member states independent of the telecommunication operators and are not accountable to them. Decisions of such bodies shall be impartial in relation to all participants of this market.

Annex №2
to the Minute on the trade
in services, establishment,
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of investments

The list of "horizontal" relations in relation of all sectors and types of activity, retained by the member states

Footnote. Annex 2 as amended by Laws of the Republic of Kazakhstan № 265-V as of 24.12.2014; № 346-V as of 02.08.2015.

Restriction	The grounds for the application of restriction(paragraphs of annex №16 to Agreement)	The ground for application of restriction (regulatory legal act)
I. Republic of Belarus		
1. Conditions and procedure of access, including restrictions of such access to subsidies and other measures of the state support shall be established by the legislation of the Republic of Belarus and fully applied, but without damage for provisions of sections XXIV and XXV of Agreement on Eurasian Economic Union (hereinafter – Agreement)	paragraphs 23 and 26	The Budget Code of the Republic of Belarus, the Tax Code of the Republic of Belarus, the Laws of the Republic of Belarus on the republican budget for the relevant year, Decree of the President of the Republic of Belarus dated 28 March, 2006 №182 "On the improvement of the legal regulation of the order of state support to legal entities and individual entrepreneurs", regulatory legal acts of the Republic of Belarus, republican and local state bodies
2. The land plots may be at the foreign legal entities and individual entrepreneurs only on the tenant right	paragraphs 23 and 26	The Decree of the President of the Republic of Belarus dated 27 December, 2007 №667 "On the seizure and provision of land plots", the Code of the Republic of Belarus on land

3. Selection procedure of concessioner and the list of essential conditions of concession agreement shall be established in accordance with the legislation of the Republic of Belarus. The activity or the right of possession and use of the object of the concession on the basis of concession agreement, as well as determination of its conditions	paragraphs 15 - 17, 23, 26, 31 and 33	The Law of the Republic of Belarus dated 12 July, 2013 №63-3 “On concessions”, the Decree of the President of the Republic of Belarus dated 6 August, 2009 №10 “On creation of additional conditions for investment activity in the Republic of Belarus”, and the Law of the Republic of Belarus dated 12 July, 2013 № 53-3 “On investments”
4. Priority in the provision of animal world for the use in the specific territory or water areas is given to the legal entities and citizens of the Republic of Belarus	paragraphs 23 and 26	The Law of the Republic of Belarus dated 10 July, 2007 №257-3 “On animal world”
5. Land management (the measures on land inventory, planning, land-use , establishment (restoration) and consolidation the boundaries of objects of land management, conducting of other land management measures, directed at enhancement of efficiency of the use and land protection) shall be carried out only by the state organizations, subordinated (included to the system) to the special authorized body of the state administration	paragraphs 16, 17, 23, 26 and 31	The Law of the Republic of Belarus dated 15 July, 2010 №169-3 “On objects, that are only owned by the state, in the types of activity, on the carrying out of which the exclusive rights of the state are distributed”, the Decree of the President of the Republic of Belarus dated 27 December, 2007 №667 “On the seizures and provision of land plots”
6. Technical inventory and the state registration of immovable property, the rights to it and transactions with it shall be carried out only by the state organizations, subordinated (included to the system) to the special authorized body of the state administration	paragraphs 16, 17, 23, 26 and 31	The Law of the Republic of Belarus dated 15 July, 2010 №169-3 “On objects, that are only owned by the state, in the types of activity, on the carrying out of which the exclusive rights of the state are distributed”, the Law of the Republic of Belarus dated 22 July, 2002 №133-3 “On the state registration of immovable property, the rights to it and transactions with it”
7. Assessment of the state property for making transactions with it and (or) other legally significant actions shall be carried out by the state organizations, organizations, the share of the state property in the charter fund of which is more than 50 %, carrying out assessment activity, as well as organizations, subordinated (included to the system) to the special authorized body of the state administration	paragraphs 16, 17, 23, 26 and 31	The Decree of the President of the Republic of Belarus dated 13 October, 2006 №615 “On valuation activity”
8. Geodetic and cartographic works, the results of which have the national		

, inter-industry purpose shall be carried out only by the state organizations, subordinated (included to the system) to the special authorized body of the state administration	paragraphs 16, 17, 23, 26 and 31	The Law of the Republic of Belarus dated 15 July, 2010 №169-3 “On objects, that are only owned by the state, in the types of activity, on the carrying out of which the exclusive rights of the state are distributed”
II. The Republic of Kazakhstan		
1. Conditions and procedure of access, including restrictions of such access to subsidies and other measures of the state support shall be established by the legislation of the Republic of Kazakhstan and bodies of power and fully applied, but without damage for provisions of sections XXIV and XXV of Agreement	paragraphs 23 and 26	The Budget Code of the Republic of Kazakhstan on republican budget for the relevant year, regulatory legal acts of the Republic of Kazakhstan, republican and local state bodies
2. The land plots intended for maintenance of the commercial agriculture and forestation may not be in the private ownership of foreign entities. The right of the temporary use a land for a fee for the maintenance of peasant or farm enterprise and commercial agriculture shall be granted to the foreign entities for the term up to 10 years.	paragraphs 23 and 26	The Land Code of the Republic of Kazakhstan
3. Provision of land plots, located in the frontier zone and frontier belt of the Republic of Kazakhstan, as well as in the boundaries of a seaport in the private ownership to the foreigners and foreign legal entities shall not be allowed. The land plots for the agricultural purpose, directly adjacent to the protective zone of the State boundary of the Republic of Kazakhstan shall be provided only to the citizens and legal entities of the Republic of Kazakhstan on the right of temporary land use before their delimitation and demarcation, unless otherwise established by the legislation of the Republic of Kazakhstan on the State boundary of the Republic of Kazakhstan.	paragraphs 23 and 26	The Land Code of the Republic of Kazakhstan, the Law of the Republic of Kazakhstan dated 21 September, 1994 №156 – XIII “On transport in the Republic of Kazakhstan”, the Law of the Republic of Kazakhstan dated 16 January, 2013 №70-V “On the State boundary of the Republic of Kazakhstan”
4. The right for the temporary land use may not belong to the foreign land users	paragraphs 23 and 26	The Land Code of the Republic of Kazakhstan
5. In relation of contracts for the subsurface use between the		

Government of the Republic of Kazakhstan and subsurface use, concluded in accordance with the Law of the Republic of Kazakhstan dated 24 June, 2010 № 291-IV "On subsoil and subsurface use" before the date of entering into legal force of Agreement shall be applied the conditions of such contracts[1]	paragraphs 16, 17, 23, 26, 31, 33 and 35	The Law of the Republic of Kazakhstan dated 24 June, 2010 № 291-IV "On subsoil and subsurface use", the Law of the Republic of Kazakhstan "On subsoil and subsurface use" dated 27 January, 1996, the Law of the Republic of Kazakhstan "On oil" dated 28 June, 1995
6. In relation of contracts for the subsurface use between the Government of the Republic of Kazakhstan and subsurface use, concluded in accordance with the Law of the Republic of Kazakhstan dated 24 June, 2010 № 291-IV "On subsoil and subsurface use" before the date of entering into legal force of Agreement[2]	paragraphs 16, 17, 23, 26, 31, 33 and 35	The Law of the Republic of Kazakhstan dated 24 June, 2010 № 291-IV "On subsoil and subsurface use", the Law of the Republic of Kazakhstan "On subsoil and subsurface use" dated 27 January, 1996, the Law of the Republic of Kazakhstan "On oil" dated 28 June, 1995
6.1. The Republic of Kazakhstan shall reserve a right to require from the investors, the procurement of services from the legal entities of the Republic of Kazakhstan in accordance with the investment contract:		
6.1.1. in the relation of exploration and extraction of solid mineral products – not more than 50% from all services, procured by such investors in connection with implementation of investment contract		
6.1.2. in relation of exploration and production of hydrocarbons:		
6.1.2.1. until 1 January, 2016 – not more than 70 % from all services, procured by such investor in connection with implementation of investment contract		
6.1.2.2. from 1 January, 2016 until the date of accession of the Republic of Kazakhstan to the WTO (World Trade Organization) – not more than 60 % from all services, procured by such investor in connection with implementation of investment contract		
6.1.2.3. from the date of accession of the Republic of Kazakhstan to the WTO (World Trade Organization) – not more than 50 % from all services		

, procured by such investor in connection with implementation of investment contract		
6.2. during 6 years after the entry of the Republic of Kazakhstan to the WTO upon conducting of competition by the investor for involvement of subcontractor, the investor conditionally reduces the price of the tender application form, presented by the legal entity of the Republic of Kazakhstan by 20 %, if at least 75% of the qualified persons of this subcontractor are the citizens of the Republic of Kazakhstan, upon condition that the legal entity of the Republic of Kazakhstan conforms to the standards and qualitative characteristic, established in the competitive documentation		
6.3. upon expiration of 6 years from the date of entering of the Republic of Kazakhstan to the WTO upon conducting of competition by the investor for involvement of subcontractor, the investor conditionally reduces the price of the tender application form, presented by the legal entity of the Republic of Kazakhstan by 20 %, if at least 50% of the qualified employees of this subcontractor are the citizens of the Republic of Kazakhstan, upon condition that the legal entity of the Republic of Kazakhstan conforms to the standards and qualitative characteristic, established in the competitive documentation		
6.4. upon establishment of conditions of conducting of competition for provision of a right of subsurface use, the Republic of Kazakhstan shall not establish the minimum Kazakh content in personnel or services, exceeding 50%, in recognition of the following:		
6.4.1. Kazakh content in personnel, involved by the investor, to which the right of subsurface use was provided (hereinafter – investor), will be calculated as the proportion in equal shares on the basis of the number of heads, managers and		

specialists, in accordance with the meaning of these terms, determined for the purposes of entry and temporary stay of persons, transferred within the internal transfer, in the List of specific obligations of the Republic of Kazakhstan within the WTO on market access for services (hereinafter – qualified employees) who are the citizens of the Republic of Kazakhstan		
6.4.2. Kazakh content in all services, which are rendered to the investor shall be determined as the share of the total annual amount of payments (expenses) for the rendering of services on all contracts, which were paid to the legal entities of the Republic of Kazakhstan.[3] However the amount, paid to the legal entity of the Republic of Kazakhstan shall be reduced by any amount which were paid for the rendering of services on the basis of subcontract agreement at any level, to the organizations that are not the legal entities of the Republic of Kazakhstan		
6.4.3. upon determination of the winner of competition for provision of a right of subsurface use, the Republic of Kazakhstan shall not consider the fact that potential investor may offer a level of Kazakh content in personnel and services more than 50 %		
6.5. The Republic of Kazakhstan shall reserve a right to require, the procurement of goods in the manner and conditions, provided by paragraph 5 of section II of the list to the annex №28 to Agreement from investors in accordance with the investment contract		
7. In relation of procurement by the National Welfare Fund “Samruk Kazyna” (NWF) and organizations, 50% and more of voting stocks (share of participation) of which the NWF “Samruk Kazyna” directly or indirectly owns, as well as in the companies, which directly or		

indirectly belong to the state (the share of the state of which is 50% and more) in accordance with the Law of the Republic of Kazakhstan dated 1 February, 2012 №550-IV " On the National Welfare Fund" and regulation of the Government of the Republic of Kazakhstan dated 28 May, 2009 № 787 "On approval of Model rules of procurement of goods , works and services, carried out by the national managing holding, national holdings, national companies and organizations, 50 and more percent of stocks (share of participation) of which directly or indirectly belong to the national managing holding, national holdings, national companies", the seizure in relation of local content shall be preserved and applied on conditions and in the manner provided by paragraph 6 of section II of the list to the annex №28 to Agreement[4]	paragraphs 16, 17, 23, 26, 31, 33 and 35	The Law of the Republic of Kazakhstan dated 1 February, 2012 №550-IV "On the National Welfare Fund", regulation of the Government of the Republic of Kazakhstan dated 28 May, 2009 №787 "On approval of Model rules of procurement of goods, works and services, carried out by the national managing holding, national holdings, national companies and organizations, fifty and more percent of stocks (share of participation) of which directly or indirectly belong to the national managing holding, national holdings, national companies"
8. The state body shall have a right to refuse in issuance of permission for commission of transactions on the use, acquisition, strategic objects of the Republic of Kazakhstan to the applicant, if it involves the concentration of rights of the one person or group of persons from one country. Observance of this condition is compulsory and in relation of transactions with affiliated persons. Restrictions on the transfer and accrual of the property right for the strategic resources (objects) of the Republic of Kazakhstan shall be established by the Government of the Republic of Kazakhstan for the purposes of ensuring of national security. As well as for the purposes of exercise of relevant decision (act) of the Government of the Republic of Kazakhstan, the issuer, controlling block of stocks of which directly or indirectly belongs to the national managing holding, upon stock floatation on the organized securities market shall not have a right to sell	paragraphs 15, 16, 23, 26, 31 and 33	The Law of the Republic of Kazakhstan dated 6 January, 2012 № 527-IV "On the national security", the Law of the Republic of

stocks to the foreign citizens and (or) legal entities, as well as persons without citizenship		Kazakhstan dated 2 July, 2003 № 461 “On the securities market”
9. Procedure of selection of concessioner and the list of existing conditions of the concession agreement shall be established in accordance with the legislation of the Republic of Kazakhstan. The right to appoint the exclusive concessioner shall be reserved. Separate rights and obligations of concessor may be carried out by the authorized concessors	paragraphs 15-17, 23, 26, 31 and 33	The Law of the republic of Kazakhstan dated 7 July, 2006 № 167-3 “On concession”
10. The restrictions in relation of activity within the continental shelf of the Republic of Kazakhstan may be introduced	paragraphs 15-17, 23, 26, 31 and 33	The Law of the Republic of Kazakhstan dated 24 June, 2010 № 291-IV “On subsoil and subsurface use”
11. Priority in the provision of animal world for the use in the specific territory or water areas is given to the legal entities and citizens of the Republic of Kazakhstan	paragraphs 23 and 26	The Law of the republic of Kazakhstan dated 9 July, 2004 № 593 – II “On protection, reproduction and use of animal world”
III. Russian Federation		
1. Conditions and procedure of access, including restrictions of such access to subsidies and other measures of the state support shall be established by the federal, regional and municipal bodies of power and fully applied, but without damage for provisions of sections XXIV and XXV of Agreement	paragraphs 23 and 26	The Budget Code of the Russian Federation, the Federal Law on the federal budget for the relevant years, regulatory legal acts of the Russian Federation, subjects of the Russian Federation and municipal formations
2. Foreign property for the agricultural land and land of border territories shall be prohibited and may be limited for other types of land. Rend of land plots is permitted for the period of up to 49 years	paragraphs 23 and 26	The Land Code of the Russian Federation, the Federal Law dated 24 July, 2002 №101 – the Federal Law “On commerce in land of agricultural purpose”
3. Russian legal entities, in the charter (reserve) capital of which the share of foreign persons (or their combined share) is more than 50% may have the land plots for the agricultural purpose exclusively on the tenant right. The term of such lease may not exceed 49 years	paragraphs 23 and 26	The Land Code of the Russian Federation, the Federal Law dated 24 July, 2002 №101 – the Federal Law “On commerce in land of agricultural purpose”
4. Transactions involving the land of traditional residence and carrying out of economic activity of indigenous peoples and small ethnic groups, as		The Land Code of the Russian Federation, the Russian Law dated 1

well as land plots that are in the border territories and on other established special territories of the Russian Federation may be limited or prohibited in accordance with the legal acts of the Russian Federation	paragraphs 23 and 26	February, 1993 №4730-I “On the State border of the Russian Federation”
5. In relation of the trade in services by the methods of supply of services, specified in the second and third items of subparagraph 22 of paragraph 6 of annex №16 to Agreement, the legal entities of the Russian Federation shall have the priority right for participation in the implementation of agreement on section of products as contractors, suppliers, carriers or otherwise by agreements (contracts) with investors	paragraph 23	The Federal Law dated 30 December , 1995 № 225- the Federal Law “On agreements on products section”
6. Establishment by the persons of any other member state of legal entities, opening of branches and representatives, registration as individual entrepreneur in the territory of closed administrative and territorial formation in the Russian Federation, acquisition of share of participation in the capital of legal entities registered in the territory of closed administrative and territorial formation, by the persons of any other member state, as well as activity of legal entities, registered in the territory of closed administrative and territorial formation (as well as with the foreign capital), branches and representatives may be limited and prohibited in accordance with the regulatory legal acts of the Russian Federation	paragraphs 15-17, 23, 26, 31 and 33	The Federal Law dated 14 July, 1992 № 3297-1 “On closed administrative and territorial formation”
7. The restrictions in relation of activity within the continental shelf of the Russian Federation may be introduced	paragraphs 15-17, 23, 26, 31 and 33	The Federal Law dated 30 November, 1995 № 187- the Federal Law “On continental shelf of the Russian Federation”
8. Priority in the provision of animal world for the use in the specific territory or water areas is given to the legal entities and citizens of the Russian Federation	paragraphs 23 and 26	The Federal Law dated 24 April, 1995 №52-the Federal Law “On animal world”
9. In relation of conclusion of agreements on section of products,		

which were concluded before 1 January, 2012 (hereinafter agreements)[5]: participation of Russian legal entities in the implementation of agreements in the shares, determined by the Government of the Russian Federation shall be provided by the conditions of auction for conclusion of agreement the agreement provides the obligations of investor on: provision of priority right for participation on the works on agreement as contractors, suppliers, carriers or otherwise to the Russian legal entities on the basis of agreements (contracts) with investors involvement of employees – citizens of the Russian Federation, the number of which shall consist not less than 80% of the composition of all involved employees, involvement of foreign workers and specialists only on the initial stages of works by agreement or in the absence of workers and specialists – citizens of the Russian Federation of the relevant qualification acquisition of production, transportation and processing of mineral products of processing equipment, technical means and materials of Russian origin, necessary for the geological study in the amount not less than 70% of the total value of acquired (as well as by agreements of lease, leasing and on other grounds) in each calendar year for execution of works by agreement of equipment, technical means and materials, expenses for acquisition and use of which are compensated to the investor of compensated products . Upon that the equipment, technical means and materials shall be considered of the Russian origin upon condition that they are produced by the Russian legal entities and (or) citizens of the Russian Federation in the territory of	paragraphs 23 and 26		

the Russian Federation from components, parts, constructions and constituent parts, not less than 50% in value terms of produced in the territory of the Russian Federation by the Russian legal entities and (or) citizens of the Russian Federation. The member states shall provide the condition in the agreement that not less than 70% of processing equipment in value terms for extraction of mineral products, their transportation and processing (if its provided by agreement), acquired and (or) used by the investor for execution of works by agreement shall be the Russian origin. This provision shall not be distributed for the use of objects of major pipeline transport, construction and acquisition of which are not provided by agreement		The Federal Law dated 30 December

		№225 – the Federal Law "On agreements on section of products"
10. Procedure of selection of concessioner and the list of existing conditions of the concession agreement shall be established in accordance with the legislation of the Russian Federation. The right to appoint the exclusive concessioner shall be reserved. Separate rights and obligations of concessor may be carried out by the authorized concessors	paragraphs 15-17, 23, 26, 31 and 33	The Federal Law dated 21 July, 2005 №115-the Federal Law "On concession agreements"
11. Transaction, carried out by the person of any other member state and involves establishment of control over the Russian economic societies, carrying out at least one of the types of activity, having the strategic purpose for ensuring of defence of the country and security of the state shall require obtaining a permit of the authorized body of the Russian Federation in the manner determined by the regulatory legal acts of the Russian Federation. The foreign states, international organizations, as well as persons that are under their control, as well as created in the territory of the Russian Federation shall not have a right to carry out transactions, involving establishment of control under the Russian economic societies, carrying out at least one of the types of activity, having the strategic purpose for ensuring of defence of the country and security of the state. Foreign investors or group of persons shall be obliged to present information on acquisition of 5 or more percent of stocks (shares), constituting the charter capitals of economic societies, carrying out at least one of the types of activity, having the strategic purpose for ensuring of defence of the country and security of the state to the authorized body	paragraphs 15, 16, 23, 26, 31 and 33	The Federal Law dated 29 April, 2008 №57-the Federal Law "On procedure of implementation of foreign investments in the economic societies, having the strategic purpose for ensuring of defence of the country and security of the state"
12. The land plots in the borders of seaport may not be in the property of	paragraphs 23 and 26	The Federal Law dated 8 November, 2007 №261-the Federal Law "On seaports in the Russian Federation and on making amendments to the

foreign citizens, persons without citizenship, foreign organizations		separate legislative acts of the Russian Federation”
IV. The Republic of Armenia		
1. Only legal entities established in accordance with the legislation of the Republic of Armenia are eligible for subsidies regardless of the capital ’s ownership	paragraphs 23 and 26	Law of the Republic of Armenia № ЗР-137 “On the Budget System of the Republic of Armenia” as of June 24, 1997; Resolution of the Government of the Republic of Armenia № 1937-H as of December 24, 2003
2. The land ownership right is not enjoyed by foreign citizens and stateless persons, except as required by law. The lease term for land plots that are state and (or) municipal property may not exceed 99 years, except for agricultural land, the lease term for which is up to 25 years	paragraphs 23 and 26	Constitution of the Republic of Armenia; Land Code of the Republic of Armenia
3. Only a legal entity, including a for-profit organization of a foreign state, can be a subsoil user	paragraphs 23 and 26	Mining Code of the Republic of Armenia
4. Only citizens of the Republic of Armenia with a certificate of qualification issued by a state authorized body can be engaged in mapping, geodesy, keeping records and land management	paragraphs 23 and 26	Law of the Republic of Armenia № ЗР-295 “On State Registration of Rights to Property” as of April 14, 1999; Resolution of the Government of the Republic of Armenia № 1441-H as of September 29, 2011

V. The Kyrgyz Republic		
1. The conditions and procedure for access to subsidies and other measures of state support shall be established by the legislation of the Kyrgyz Republic and authorities and fully applied, but without prejudice to the provisions of Sections XXIV and XXV of the Agreement on the Eurasian Economic Union as of May 29, 2014	paragraphs 23 and 26	Law of the Kyrgyz Republic № 78 “ On Basic Principles of the Budget Law in the Kyrgyz Republic” as of June 11, 1998; Law of the Kyrgyz Republic № 140 “On Subsidies and Countervailing Measures” as of October 31, 1998; laws of the Kyrgyz Republic on the republican budget for a corresponding year, regulatory legal acts of the Kyrgyz Republic, republican and local state bodies
2. Land plots intended for agricultural production may not be the private property of foreign persons	paragraphs 23 and 26	Land Code of the Kyrgyz Republic
3. The Government of the Kyrgyz Republic may provide land plots outside populated localities, except for agricultural land and land	paragraphs 23 and 26	

provided for subsoil use, to foreign persons on the basis of the right of fixed-term (temporary) use		Land Code of the Kyrgyz Republic
4. Civil law transactions related to the alienation of any types of immovable property items, regardless of the form of ownership, for transfer into ownership by foreign citizens, stateless persons and foreign legal entities, except for kairilmans, are prohibited in border areas of the Kyrgyz Republic, which have a special status	paragraphs 23 and 26	Land Code of the Kyrgyz Republic, Law of the Kyrgyz Republic № 145 "On Giving Special Status to Certain Border Areas of the Kyrgyz Republic and Their Development" as of July 26, 2011
5. Land plots in border areas may not be provided to foreign citizens, stateless persons and foreign legal entities, except for kairilmans, on the basis of the right of fixed-term (temporary) use	paragraphs 23 and 26	Land Code of the Kyrgyz Republic, Law of the Kyrgyz Republic № 145 "On Giving Special Status to Certain Border Areas of the Kyrgyz Republic and Their Development" as of July 26, 2011
6. Foreign land users may not have the right of perpetual land use	paragraphs 23 and 26	Land Code of the Kyrgyz Republic
7. With regard to agreements on subsoil use between the Government of the Kyrgyz Republic and a subsoil user, concluded in accordance with Law of the Kyrgyz Republic № 160 "On Subsoil" as of August 9, 2012, in case a foreign legal entity is recognized winner of an auction or tender for the subsoil use right or a person with whom it was decided to conduct direct negotiations, such legal entity is obliged to open a subsidiary company in the Kyrgyz Republic with a 100% participation interest to obtain a license for the subsoil use right	paragraphs 26 and 31 (with regard to subparagraphs 5 and 6 of paragraph 30)	Law of the Kyrgyz Republic № 160 "On Subsoil" as August 9, 2012; Law of the Kyrgyz Republic № 49 " On Production Sharing Agreements for Subsoil Use" as of April 10, 2002
8. The state body has the right to refuse to issue a permit to an applicant for making transactions on the use of strategic resources and (or) the use and acquisition of strategic objects of the Kyrgyz Republic. In order to ensure national security, the Government of the Kyrgyz Republic introduces restrictions on the transfer and origin of the right of ownership of strategic resources (objects) of the Kyrgyz Republic	paragraphs 16, 26 and 31	Law of the Kyrgyz Republic № 94 " On Strategic Objects of the Kyrgyz Republic" as of May 23,2008
9. A production sharing agreement for subsoil use (hereinafter referred		

to as the Agreement), concluded before January 1, 2015, provides for investor obligations: for granting a preemptive right to legal entities of the Kyrgyz Republic to participate in the works under the Agreement as contractors, suppliers, carriers or in any other capacity on the basis of agreements (contracts) with an investor; for employing workers that are citizens of the Kyrgyz Republic, whose number shall be at least 80 percent of all the employees; for employing foreign workers and specialists only at initial work stages by agreement or in the absence of workers and specialists that are citizens of the Kyrgyz Republic with required qualification; for placing orders for the manufacture of equipment, hardware and materials necessary for geological exploration, development of mineral deposits and processing of mined mineral raw materials, the value of which shall be at least 50 percent of the total value of such orders, among legal entities of the Kyrgyz Republic and foreign legal entities operating and registered as taxpayers in the territory of the Kyrgyz Republic	paragraphs 31 (with regard to subparagraphs 3 and 7 of paragraph 30), 33 и 35	Law of the Kyrgyz Republic № 49 "On Production Sharing Agreements for Subsoil Use" as of April 10, 2002
10. In the event that the property of a joint-stock company is transferred to concession, the Government of the Kyrgyz Republic shall have the decisive vote right in the joint-stock company and when disposing of objects of a concession agreement. The object of a concession agreement may be the property of joint-stock companies in which the state owns at least two-thirds of the shares, given a decision made in accordance with the legislation of the Kyrgyz Republic	paragraphs 16, 26, 31 (with regard to subparagraphs 3, 5 and 6 of paragraph 30)	Law of the Kyrgyz Republic № 850-XII "On Concessions and Concession Enterprises in the Kyrgyz Republic" as of March 6, 1992
11. Obligation of persons of other member states of the Eurasian Economic Union for obtaining the consent of the authorized body to	paragraphs 23 and 26	

acquire ownership of residential premises located in the territory of the Kyrgyz Republic		Housing Code of the Kyrgyz Republic
12. Only citizens of the Kyrgyz Republic can be buyers of residential premises during privatization	paragraph 15	Housing Code of the Kyrgyz Republic

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[1] These seizures are stored and applied in the manner and on conditions provided by the minute on accession of the Republic of Kazakhstan to WTO.

[2] These seizures are stored and applied in the manner and on conditions provided by the minute on accession of the Republic of Kazakhstan to WTO.

[3] The contracts with a legal entity of the Republic of Kazakhstan shall not be taken into account, if this person does not carry out the coordinated type of activity in the territory of the Republic of Kazakhstan. The concept "legal entity of the Republic of Kazakhstan" also includes individual entrepreneurs.

[4] These seizures are stored and applied in the manner and on conditions provided by the minute on accession of the Republic of Kazakhstan to WTO.

[5] These restrictions are stored and applied in the manner and on conditions, provided by the Minute dated 16 December, 2011 on accession of the Russian Federation to the Marrakesh Accords on establishment of the World trade organization dated 15 April, 1994.

ANNEX № 17
to Agreement on Eurasian
Economic Union

MINUTE
on financial services

1. This Minute is developed in accordance with Article 70 of Agreement on Eurasian Economic Union (hereinafter –Agreement) and applied to the measures of the member states, affecting the trade in financial services, as well as establishment and (or) activity of providers of financial services.

2. Provisions of this Minute shall not be applied to the rendered services and activity, carried out in execution of functions of the state power on the non-commercial basis and not on the conditions of competition, as well as in relation of provided subsidies.

3. The concepts used in this Minute shall have the following meanings:

"state institution" – a body of the state power, or national (central) bank of the member state, or organization of the member state, belonging to the member state or controlled by this member state, which carries out exclusively the powers, delegated by the body of the state power of this member state or national (central) bank of such member state;

"activity" – an activity of legal entities, branches, representatives, established within the meaning of this Minute;

“legislation of the member state” – the laws and other regulatory legal acts of the member state, regulatory acts of the national (central) bank of the member state;

“credit organization” - a legal entity of the member state, which has a right to carry out the banking operations in accordance with the legislation of the member state in the territory of which it is registered, for deriving of profit as the main purpose of its activity on the basis of license, issued by the authorized body of the member state on regulation of banking activity;

“license” – special permission (document), issued by the authorized body of the member state, provided the right to its owner to carry out the defined type of activity in the territory of the member state;

“measure of the member state” – the legislation of the member state, as well as decision, action or omission of the authorized body of the member state or civil servant of the authorized body of the member state.

In the case of acceptance (publication) of official document, having a recommendatory nature, by the authorized body of the member state, such recommendation may be recognized as a measure for the purposes of this Minute in the case, if it is proved that the primary part of addressees of this recommendation, in practice, follows it;

“national regime” – provision to the persons and financial services of another member state upon trade in financial services, the regime not less favorable than the regime, provided upon similar circumstances to their own persons and financial services in its territory;

“common financial market” – financial market of the member states, which corresponds to the following criteria:

harmonized requirements to regulation and supervision in the scope of financial markets of the member states;

mutual recognition of licenses in the banking and insurance sectors, as well in the sector of services in the securities market, issued by the authorized bodies of one of the member state in the territories of another member states;

carrying out of activity on provision of financial services over the whole territory of the Union without additional establishment as the legal entity;

administrative cooperation between the authorized bodies of the member states, as well as by exchange of information;

“render/trade in financial services” – rendering of financial services, including production, distribution, marketing, sale and delivery of services, carrying out by the following methods:

from the territory of one member state to the territory of another member state;

in the territory of one member state by person of this member state to the person of another member state (consumer of services);

by the provider of financial services of one member state by establishment and activity in the territory of another member state;

"provider of financial services" – any individual or legal entity of the member state, rendering the financial services, except for the state institutions;

"professional participant of the securities market" – a legal entity of the member state, having the right to carry out the professional activity in the securities market in accordance with the legislation of the member state, in the territory of which it is registered;

"most favored nation regime" – provision to the persons and financial services of another member state upon trade in financial services, the regime not less favorable than the regime provided upon similar circumstances to the persons and financial services of third countries;

"sector of financial services" – the entire sector of financial services, including all its subsectors, and in relation of exemptions from obligations, restrictions and conditions of the member state, one or several or all subsectors of the separate financial service;

"insurance organization" – a legal entity of the member state, having the right to carry out the insurance (reinsurance) activity in accordance with the legislation of the member state, in the territory of which it is registered;

"economic feasibility test" – issuance of permission for establishment and (or) activity or render of service depending on existence of the need and market demand by economic assessment of efficiency of activity of provider of services for compliance with the purposes of economic planning of specific branch;

"authorized body" – a body of the member state, having the powers on implementation of regulation and (or) supervision and control of financial market, financial organizations (separate scopes of financial market) in accordance with the legislation of this member state);

"establishment":

creation and (or) acquisition of legal entity (participation in the capital of created or established legal entity) of any organizational and legal form and form of ownership, provided by the legislation of the member state, in the territory of which such legal entity is created or established;

acquisition of control over the legal entity of the member state, expressed in the possibility to directly or through the third persons determine the decisions, adopted by such legal entity, as well as by disposition of votes, corresponding to the voting stocks (shares), by participation in the board of directors (supervisory council) and other bodies of management of such legal entity;

opening of branch;

opening of representative;

"financial services" – services of financial nature, including the following types of services:

1) insurance and relating to the insurance services:

a) insurance (coinsurance): life insurance, other than life insurance;

b) reinsurance;

c) insurance mediation, such as broker and agency mediation;

d) auxiliary insurance services, such as consultative, actuarial services, services of risk assessment and service on settlement of claims;

2) banking services:

a) reception of holdings (deposits) and other repayable funds from the population;

b) issuance of loans, credits, lending of all types, including consumer credit, secured credit, factoring and financing of commercial transactions;

c) financial leasing;

d) all types of services on payments and money transfers;

e) trading at its own expense and at the expense of customers, on the stock exchange and over the counter market or otherwise: foreign exchange; derivatives, including futures and options; instruments related to foreign exchange rates and interest rates, including transactions "swap", and forward transactions;

f) consultative, intermediate and other auxiliary financial services in all types of activity, specified in this paragraph, including reference and analytical materials, related with analysis of credit conditions;

3) services in the securities market:

a) trade in financial instruments at its own expense and expense of customers, on the stock exchange and over the counter market or otherwise;

b) participation in the emission (issuance) of all types of securities, including guarantee and distribution as the agent (state or private), and rendering of services, relating to such emission (issuance);

c) brokerage operations in the financial market;

d) management of such assets, as monetary funds or securities, all types of management of collective investments, management of assets and investment portfolio of retirement funds, guardianship, storage services and trust services;

e) clearing services on financial assets, including securities, derivatives and other financial instruments;

f) provision and transfer of financial information, processing of financial details and provision and transfer of relevant software support by the providers of other financial services ;

g) consultative, intermediate and other auxiliary financial services in all types of activity, specified in this paragraph, including researches and recommendations on the direct and portfolio investments, recommendations on issues of acquisition, reorganization and strategy of corporation.

Other concepts in this Minute shall be used within the meaning specified in the Minute on the trade in services, establishment, activity and implementation of investments (annex №16 to Agreement).

4. Each member state shall provide the national regime and most favored nation regime to the providers of financial services (legal entities of other member states) in relation of

rendering independently, through the intermediary or as intermediary in accordance with conditions, specified in the individual national lists of the member states in the annex №1 to this Minute, from the territory of one member state to the territory of another member state, the following types of financial services:

1) risk insurance, relating to:

the international maritime transport and commercial air transport, commercial space launches and freight (including satellites), in relation of which such insurance fully or partially affects: transported goods, transport vehicles, transporting the goods, and civil responsibility, arising in connection with transportation;

goods, transferred within the international transit;

2) reinsurance, as well as such auxiliary insurance services, as consultative services, actuarial services, risk assessment and settlement of claims;

3) provision, transfer of financial information, processing of financial details and relevant software support of providers of other financial services;

4) consultative and other auxiliary services, including provision of reference materials (except for the mediation and services, related with analysis of credit history, researches and recommendations on the direct and portfolio investments, recommendations on issues of acquisition, reorganization and corporate strategy) in relation of services in the securities market and banking services.

5. Each member state shall permit to consume the financial services, specified in subparagraphs 1-4 of paragraph 4 of this Minute to the persons of this member state in the territory of another member state.

6. Each member state shall provide the national regime to the persons of another member state in relation of establishment and (or) activity in its territory of providers of financial services, as they are determined in paragraph 3 of this Minute, in recognition of restrictions, provided by individual national list for each of the member states in the annex №2 to this Minute.

7. Each member state shall provide the most favored nation regime to the persons of another member state in relation of establishment and (or) activity in its territory of providers of financial services as they are determined in paragraph 3 of this Minute.

8. The issues of the trade in financial services with the third states, activity of legal entities, in the capital of which the state is participated, rights of consumers of financial services, participation in privatization, protection of investors' rights, payments and transfers, restrictions in relation of payments and transfers, compensation of damage, guarantees of investors, as well as upon expropriation, transfer of investors' rights and procedure of permission of investment disputes shall be regulated by the Minute on the trade in services, establishment, activity and implementation of investments (annex №16 to Agreement).

9. Provisions of this Minute shall be applied to the legal entities, branches, representatives , established on the date of entering of Agreement into legal force and continues to exist, as well as established after entering of Agreement into legal force.

10. In the sectors, listed in paragraph 4 of this Minute, except for the cases provided in the annex №1 to this Minute, none of the member states shall apply and introduce in relation of financial services and providers of financial services of another member state in connection with the trade in services, restrictions in relation of:

the number of financial services in the form of quota, monopoly, economic feasibility test or in any other quantitative form;

operations of any provider of financial services in the form of quota, economic feasibility test or in any other quantitative form.

In the sectors, listed in paragraph 4 of this Minute, except for the cases provided in the annex №1 to this Minute, none of the member states shall introduce and apply requirements of establishment as the condition for the trade in financial services in relation of provider of financial services of other member state.

11. Except for the restrictions, provided by individual national list for each of the member states in the annex №2 to this Minute, none of the member states shall apply and introduce, in its territory, in relation of providers of financial services of another member state in connection with establishment and (or) activity of suppliers of financial services, the restrictions in relation of:

1) the forms of establishment, as well as organizational and legal form of legal entity;

2) the number of established legal entities, branches or representatives in the form of quota, economic feasibility test or in any other form;

3) the acquired amount of the share in the capital of legal entity or degree of control over the legal entity;

4) the operations of established legal entity, branch, representative, in the course of carrying out by them the activity in the form of quota, economic feasibility test or in any other quantitative form.

12. The issues of entry, departure, stay and labour activity of individuals shall be regulated by section XXVI of Agreement in recognition of restrictions, specified in the individual national list for each member state in the annex №2 to this Minute.

13. In relation of financial services, specified in the individual national list in the annex № 1 to this Minute and restrictions in relation of establishment and (or) activity, specified in the individual national list in the annex №2 to this Minute, each member state shall ensure that the measures of this member state, affecting on the trade in financial services are applied by reasonable, objective and impartial manner.

14. When a permit for rendering of financial services is required, the authorized bodies of the member state shall inform the applicant on decision concerning the application during the reasonable period of time after presentation of application, which is considered as executed

according to the requirements of the legislation of the member state and the rules of regulation. The authorized bodies of the member state shall provide information on the course of consideration of application without undue delay at the request of applicant.

15. The member states shall have a right to develop any necessary rules through the relevant bodies, which they may create, for ensuring of such situation that the measures relating to the qualifying requirements and procedures, technical standards and requirements of licensing do not create the unjustified barriers in the trade in financial services. These rules among other things shall provide that requirements contained therein:

1) based on the objective and public criteria, such as competence and the ability to render the service;

2) are not more burdensome than necessary to ensure the quality of service;

3) in the case of procedures of licensing - are not a restriction in themselves on the render of services.

16. The member states shall not apply the licensing or qualified requirements and technical standards, cancelling or reducing the profits, which are provided according to the conditions, specified in the individual national lists in the annex №1 to this Minute before entering of rules, developed for the sectors of financial services, specified in the individual national lists in the annex №1 to this Minute, in accordance with paragraph 15 of this Minute, into legal force.

Upon that the licensing or qualified requirements and technical standards, applied by the member state shall correspond to the criteria, specified in subparagraphs 1-3 of paragraph 15 of this Minute and may be reasonably expected from this member state on the date of signing of Agreement.

17. If the member state applies licensing in relation of establishment and (or) activity of providers of financial services, such member state shall ensure that:

1) the name of the authorized bodies of the member state, responsible for the issuance of licenses for carrying out of activity were published or otherwise brought to the general knowledge;

2) licensing procedures are not a restriction in themselves for establishment or activity and the licensing requirements, directly related to the right for carrying out of activity, that are not the unreasonable barrier to the activity in themselves;

3) all licensing procedures and requirements were established in the legislation of the member state and the legislation of the member state, establishing or applying the licensing procedures or requirements, published before the date of its entering into legal force;

4) any charges, collected in connection with provision and consideration of application for issuance of a license, are not a restriction for establishment and activity in themselves and based on the expenses of licensing body of the member state, related with consideration of application and issuance of the license;

5) the relevant authorized body of the member state, responsible for the issuance, informed the applicant on the state of consideration of its application, as well as on that, if this application is considered as properly filled upon expire of period of time, established by the legislation of the member state for adoption of decision on issuance (refusal) in the issuance of a license and at the request of applicant. In any case, the applicant will be given the opportunity to make technical corrections to the application. The application will not be considered properly filled until the all information and documents specified in the relevant legislation of a member state are not received;

6) authorized body of the member state, responsible for issuance of a license, refused to adopt the application, informed the applicant on the reasons of such refusal in written form at the written request of applicant who was refused to adopt the application. However, this provision shall not be interpreted as requiring from the licensing body of the member state to disclose the information, disclosure of which prevents to execution of the legislation of the member state or otherwise prevents to the public interests or existing interests of security;

7) the applicant may file a new application, in which it may try to eliminate any available problems for the issuance of a license, in the case when it was refused in adoption of application;

8) the issued license has effect over the whole territory of the member state.

18. Procedure and terms of issuance of the licenses for carrying out of activity on the markets of financial services in the territory of the member state shall be established by the legislation of the member state, in the territory of which it is supposed to carry out such activity.

19. Nothing in this Minute shall prevent to the member state to take the prudential measures, including protection of interests of investors, contributors, insurers, beneficiaries and persons, before whom the provider of services bears fiduciary responsibility, or measures for ensuring of integrity and stability of the financial system. If such measures do not correspond to the provisions of this Minute, they shall not be used by the member state as the means of avoidance of execution of obligation, adopted by this member state in accordance with this Agreement.

20. Nothing in this Minute shall be interpreted as requirements to the member state to disclose the information relating to the accounts of individual customer, or any other confidential information, or information, available for the state institutions.

21. The member states shall carry out development of harmonized requirements in the scope of regulation of financial market in the following sectors of services on the basis of international principles and standards or the best international practice and not lower than the standards and practice, which were applied in the member states:

banking sector;

insurance sector;

the service sector in the securities market.

22. In the banking sector the member states shall harmonize the requirements on regulation and supervision of credit organizations, guided in their actions with the best international practice and Guidelines of effective banking supervision of the Basle committee on banking supervision, as well as in relation of:

1) the concept “credit organization” and legal status of credit organization;

2) procedure and conditions for the disclosure of information by the credit organizations, banking groups and their affiliated persons, banking holdings;

3) requirements to the accounting (financial) reports on the basis of International standards of financial reporting;

4) procedure and conditions of creation of credit organization, in particular in relation of:

requirements to the constituent documents;

procedure of the state registration of credit organization in the form of legal entity (branch);

determination of minimum amount of the charter capital of credit organization, procedure of its formation and methods of its payment;

requirements to the professional qualification and business standing of leading employees of the credit organization;

procedure and conditions of issuance of a license for carrying out of banking operations, as well as in relation of requirements to the documents, necessary for reception of the license for carrying out of banking operations;

5) the grounds for refusal in registration of credit organization and issuance to it a license for carrying out of banking operations;

6) the order, procedure and conditions of liquidation (as well as prudential liquidation) or reorganization of credit organization;

7) the grounds for revocation of a license for carrying out of banking operations from the credit organization;

8) procedure and features of reorganization of credit organizations in the form of amalgamation, accession and transformation;

9) ensuring of financial reliability of credit organization, as well as determination of other, besides the banking operations, types of activity, permitted for the credit organizations, prudential standards, compulsory reserves and special provisions;

10) procedure of carrying out of supervision of activity of the credit organizations, banking holdings and banking groups by the authorized bodies of the member states;

11) amount, procedure and conditions of application of sanctions to the credit organizations and banking holdings;

12) requirements to activity and ensuring of financial reliability of banking groups and banking holdings;

13) creation and functioning of the system of endowment insurance of population (including the amounts of payments of compensation on deposits);

14) procedures of financial reorganization and bankruptcy of credit organizations (including regulation of the rights of credits, priority of claims);

15) the list of operations, recognized as banking;

16) the list and status of organizations, that have the right to carry out the separate technological parts of banking operations.

23. In the insurance sector, the member states shall harmonize the requirements on regulation and supervision of professional participants of insurance market, guided in their actions with the best international practice and Guidelines of insurance supervision of International association of insurance supervisions and as well as in relation of:

1) the concept "professional participants of insurance market" and legal status of professional participant of insurance market;

2) ensuring of financial reliability of professional participant of insurance market, as well as in relation of:

insurance reserves, sufficient for execution of obligations on insurance, coinsurance, reinsurance, mutual insurance;

the composition and structure of assets, applied for coverage of insurance reserves;

minimum level and procedure of formation of charter and own capital;

conditions and procedure of transfer of insurance portfolio;

3) requirements to the accounting (financial) reports on the basis of International standards of financial reporting;

4) procedure and conditions of creation and licensing of insurance activity;

5) procedure of carrying out of supervision of activity of professional participants of insurance market by the authorized bodies of the member states;

6) amount, procedure and conditions of application of sanctions to the participants and (or) professional participants of insurance market for violation in the financial market;

7) requirements to the professional qualification and business standing of leading employees of the professional participants of insurance market;

8) the grounds for refusal in issuance of a license for carrying out of insurance activity;

9) the order, procedure and conditions of liquidation of professional participant of insurance market, as well as prudential liquidation (bankruptcy);

10) the grounds for revocation of a license for carrying out of insurance activity, as well as cancellation, restriction or suspension of the effect of such license from the professional participant of insurance market;

11) procedure and features of reorganization of professional participant of insurance market in the form of amalgamation, accession and transformation;

12) requirements to the composition of insurance groups and insurance holdings and their financial reliability.

24. In the services sector in the securities market, the member states shall harmonize the requirements on the following types of activity:

brokerage activity in the securities market;

dealer activity in the securities market;

an activity on management of securities, financial instruments, management of assets and investment portfolio of retirement funds and collective investments;

an activity on determination of mutual obligations (clearing);

depositary activity;

an activity on maintenance of register of owners of securities;

an activity on organization of the trade in the securities market.

25. The member states shall harmonize the requirements on regulation and supervision of securities market, guided in their actions with the best international practice and principles of International organization of commissions on securities, Organization of economic cooperation and development, as well as in relation of:

1) determination of procedure of formation and payment of charter capital, as well as requirements to the sufficiency of their own capital;

2) procedure and conditions of issuance of a license for carrying out of activity in the securities market, including requirements to the documents, necessary for reception of such license;

3) requirements to the professional qualification and business standing of leading employees of the professional participants of securities market;

4) the grounds for refusal in issuance of license for carrying out of activity in the securities market, as well as cancellation, restriction or suspension of the effect of such license;

5) requirements to the accounting (financial) reports on the basis of International standards of financial reporting, as well as requirements to organization of internal accounting and internal control;

6) procedure, order and conditions of liquidation (as well as prudential liquidation) or reorganization of professional participant of the securities market;

7) the grounds for revocation of a license for carrying out of activity in the securities market from the professional participant of securities market;

8) amount, procedure and conditions of application of sanctions to the participants and (or) professional participants of the securities market for violation on the financial market;

9) procedure of carrying out of supervision of activity of subjects (participants) of the securities market by the authorized bodies of the member states;

10) requirements, presented to activity of professional participants of the securities market ;

11) requirements to the procedure of emission (procedure of issuance) of securities of the issuer;

12) requirements to the placement and circulation of securities of foreign issuers in the securities market of the member states;

13) requirements to the volume and quality, as well as periodicity of publication of information;

14) provision of possibility of placement and circulation of securities of issuers of the member states over the whole territory of the Union upon condition of registration of emission (issuance) of securities by the regulatory body of the state of registration of the issuer;

15) requirements in the field of disclosure of information by the issuers, prevention to the illegal use of insider information and manipulation in the securities market.

26. The member states shall carry out development of harmonized requirements to conducting of audit on the basis of International standards of audit.

27. The member states shall develop the mechanisms of interaction of the authorized bodies of the member states in the scope of regulation, control and supervision of activity in their financial markets, as well as in the banking sector, insurance sector and services sector in the securities market.

The member states shall exchange information, as well as confidential in accordance with international treaty within the Union.

28. Each member state shall ensure that the legislation of this member state which affects or may affects the issues, covered by this Minute is published in the official source, and if it is possible, in the specially dedicated website in the Internet so that any person, rights and (or) obligations of which may be affected by such legislation of the member state has a right to familiarize with it.

Publication of such legislation shall include explanation of purposes of adoption of such legislation and to be implemented on time, ensuring the legal certainty and reasonable expectations of persons, rights and (or) obligations of which may be affected by this legislation of the member state, but in any case before the date of entering it into legal force.

29. Each member state shall establish the mechanism, ensuring provision of answers to written requests of any person, relating the existing and (or) planned legislation of acts on issues, covered by this Minute. Answers to the requests shall be provided to such interested person not later than 30 calendar days from the date of reception of written request.

30. The member states shall carry out harmonization of its legislation in relation of requirements for the implementation of activity of rating agencies in accordance with principles of transparency, accountability and responsibility for the purposes of prevention of system risks in the financial markets.

31. The member state may recognize the prudential measures of any other member state upon determination of application by them the measures, relating to rendering of financial services. Such recognition that may be achieved by harmonization of the legislation of the member states or otherwise bay be based on agreement or arrangement with the interested member state or may be provided in the unilateral procedure.

32. The member state that is a participant of agreement or arrangement on recognition of prudential measures of another member state, both future and current shall offer an opportunity to other member states to negotiate on their accession to such agreements or arrangements, which may contain the rules, control, mechanism of implementation of such rules and if it is possible, procedures, related with exchange of information between participants of such agreements and arrangements.

33. Harmonization of specific requirements to implementation of activity in the financial markets of the member states shall be carried out upon condition that the remaining differences will not prevent to the effective functioning within the Union of common financial market.

34. Nothing in this Minute shall prevent to the member state to adopt or apply the following measures upon condition that such measures are not applied by the method which creates the means of arbitrary or unjustifiable discrimination between the persons of the member states in relation of the trade in services, establishment and (or) activity, that is:

1) necessary for protection of public morals or maintenance of public order. Exceptions for reasons of public order may be applied only in the cases when there is a real and sufficiently serious threat in relation of one of the fundamental interests of society;

2) necessary for protection of life or health of humans, animals or plants;

3) necessary for observance of Laws or rules, which correspond to provisions of this Minute including those relating to:

prevention of deceptive and abusive practice or the consequences of non-observance of the civil law contracts;

protection from invasion of privacy of separate persons upon processing and distribution of details of personal nature and protection of confidentiality of details on private life and accounts;

4) incompatible with paragraphs 4 and 6 of this Minute in a part of provision of national regime, upon condition that the difference in the actually provided regime is aimed at ensuring a fair or effective taxation or collection of taxes from the persons of another member state in relation of the trade in services;

5) incompatible with paragraphs 4 and 7 of this Minute upon condition that the difference in relation of regime is the result of agreement on issues of taxation, as well as agreement on avoidance of double taxation, the participant of which is the relevant member state.

35. Nothing in this Minute shall be construed as prevention for the member state to take any measures, which it considers necessary to protect their most important interests in the field of defence or its national security.

36. The member state shall ensure gradual reduction of seizures and restrictions, specified in their individual national lists in the annex №1 and 2 to this Minute.

37. The member states shall terminate application of measures, specified in their individual national lists in the annexes №1 and 2 to this Minute, in relation of those sectors of

financial services, in which the conditions of harmonization of the legislation and mutual recognition of licenses were executed by the member states.

ANNEX №1
to the Minute on
financial services

LIST of subsectors of financial services, in which the national regime is provided by the member states in accordance with paragraph 4 of the Minute on financial services (annex №17 to Agreement on Eurasian Economic Union) and the obligations are adopted in accordance with paragraph 10 of the Specified Minute

Footnote. Annex № 1 as amended by Laws of the Republic of Kazakhstan № 265-V as of 24.12.2014; № 346-V as of 02.08.2015.

Sector (subsector)	Existence of restriction	Description of restriction	The ground for application of restriction (regulatory legal act)	The term of validity of restriction
I. REPUBLIC OF BELARUS				
1. Insurance of risks, related with international sea transportation international commercial air transportation international commercial space launches international insurance, which fully or partially covers: international transportation of individuals international transportation of exported (imported) cargos and transporting them transport vehicles, including responsibility, originating from this the transportation of goods by international transport	no restrictions	-		-

responsibility upon trans boundary transfer of individual transport vehicles only after accession to the international system of agreements and insurance certificates “Greed card”			-	
2. Reinsurance and retrocession	no restrictions	-	-	-
3. Services of insurance agents and insurance brokers	restriction	it is not permitted the insurance mediation, related with conclusion and distribution of insurance contracts on behalf of the foreign insurers in the territory of the Republic of Belarus (except for the sectors, listed in paragraph 1 of this list, as well as except for the implementation of mediatory activity on reinsurance by the insurance brokers)	Decree of the President of the Republic of Belarus dated 25 August, 2006 №590 “On insurance activity”	
4. Auxiliary insurance services, including consultative and actuarial services, risk assessment and services on settlement of claims	no restrictions	-	-	-
II. Republic of Kazakhstan				
1. Insurance of risks, related with international sea transportation international commercial air transportation international commercial space launches international insurance, which		no restrictions, except for the case: insurance of property interests of legal entity, located in the territory of the Republic of Kazakhstan or its separate subdivision and property interests of individual, who is a resident of the Republic of		

fully or partially covers: international transportation of individuals international transportation of exported (imported) cargos and transporting them transport vehicles, including responsibility, originating from this the transportation of goods by international transport responsibility upon trans boundary transfer of individual transport vehicles only after accession to the international system of agreements and insurance certificates “Greed card”	restriction	Kazakhstan may be carried out only by the insurance organization – resident of the Republic of Kazakhstan. It is prohibited to make the payments and transfers of money, related with payment of insurance premiums (contributions) in favor of non-residents of the Republic of Kazakhstan, from individuals and legal entities – residents of the Republic of Kazakhstan. Compulsory insurance agreements shall be on their own holding of insurers of residents of the Republic of Kazakhstan.	The Law of the Republic of Kazakhstan dated 18 December, 2000 № 126-II “On insurance activity”	not specified
2. Reinsurance and retrocession	restriction	cumulative amount of insurance premiums, accrued to the reinsurance organizations – non-residents of the Republic of Kazakhstan on the existing agreements of reinsurance, after deduction of commission remunerations, accrued to reception from them by reinsurer (assignor), not exceed 60% (from the date of entering to WTO – 85%) from the cumulative amount of insurance premiums, accrued to reception on the existing insurance agreements	Provision of the Agency of the Republic of Kazakhstan on regulation and supervision of financial market and financial organizations dated 22 August, 2008 № 131 “On approval of instruction on standard values and method of calculations of prudential standards of insurance (reinsurance) organization, forms and terms of	not specified

		(reinsurance). Compulsory insurance agreements shall be on their own holding of insurers or transferred for reinsurance to the reinsurers - residents of the Republic of Kazakhstan.	presentation of reports on execution of prudential standards”	
3. Services of insurance agents and insurance brokers	restriction	no restrictions, except for the following case : mediatory activity on conclusion of insurance agreement on behalf of the insurance organization – nonresident of the Republic of Kazakhstan, except for the insurance agreement of civil responsibility of owners of motor vehicles, driving outside of the Republic of Kazakhstan, shall not be allowed in the territory of the Republic of Kazakhstan, unless otherwise provided by international treaties, ratified by the Republic of Kazakhstan	The Law of the Republic of Kazakhstan dated 18 December, 2000 № 126-II “On insurance activity”	not specified
4. Auxiliary insurance services, including consultative and actuarial services, risk assessment and services on settlement of claims	no restrictions	-	-	-
III. RUSSIAN FEDERATION				
1. Insurance of risks, related with international sea transportation				

international commercial air transportation international commercial space launches international insurance, which fully or partially covers: international transportation of individuals international transportation of exported (imported) cargos and transporting them transport vehicles, including responsibility, originating from this the transportation of goods by international transport responsibility upon trans boundary transfer of individual transport vehicles only after accession to the international system of agreements and insurance certificates “Greed card”	no restrictions	-	-	-
2. Reinsurance and retrocession	no restrictions	-	-	-
3. Services of insurance agents and insurance brokers	restriction	it is not permitted the insurance mediation, related with conclusion and distribution of insurance contracts on behalf of the foreign insurers in the territory of the Russian Federation (except for the sectors, listed in paragraph 1 of this list)	The Law of the Russian Federation dated 27 November, 1992 №4015-I “On organization of insurance case in the Russian Federation”	
4. Auxiliary insurance services,				

including consultative and actuarial services, risk assessment and services on settlement of claims	no restrictions	-	-	-
IV. REPUBLIC OF ARMENIA				
1. Insurance of risks associated with: international maritime transport international commercial air transport international commercial space launches by international insurance covering all or part of: international transport of individuals international transport of exported (imported) cargoes and vehicles transporting them, including liability arising therefrom, international transport of goods liability for cross-border movement of individual vehicles only after accession to the “Green Card” international system of contracts and insurance certificates	unlimited	-	-	-
2. Reinsurance and retrocession	unlimited	-	-	-
3. Services of insurance agents and insurance brokers	limited	-	-	-
4. Ancillary insurance services, including advisory and actuarial services	unlimited	-		-

, risk assessment and claims settlement services			-	

V. THE KYRGYZ REPUBLIC				
1. Insurance of risks associated with: international maritime transport international commercial space launches by international insurance covering all or part of: international transport of individuals international transport of exported (imported) cargoes and vehicles transporting them, including liability arising therefrom, international transport of goods liability for cross-border movement of individual vehicles only after accession to the “Green Card” international system of contracts and insurance certificates	unlimited			
2. Reinsurance and retrocession	unlimited			
3. Services of insurance agents and insurance brokers	limited	Insurance intermediation related to entering into insurance contracts on behalf of foreign insurance organizations in the Kyrgyz Republic is not allowed (except for the sectors mentioned in paragraph 1 of this List)	Law of the Kyrgyz Republic № 96 “On Organization of Insurance in the Kyrgyz Republic” as of July 23, 1998	not specified

4. Ancillary insurance services, including advisory and actuarial services, risk assessment and claims settlement services	unlimited			

ANNEX № 2
to the Minute
on financial services

The list
of restrictions in relation of establishment and (or) activity, retained by the member states

Footnote. Annex № 2 as amended by Laws of the Republic of Kazakhstan № 265-V as of 24.12.2014; № 346-Vas of 02.08.2015.

Existence of restriction	Description of restriction	The ground for application of restriction (regulatory legal act)	The term of validity of restriction
I. REPUBLIC OF BELARUS			
	in the case if the quota of foreign investors in the charter funds of insurance organizations of the Republic of Belarus exceeds 30%, the Ministry of Finance of the Republic of Belarus shall terminate registration of insurance organizations with foreign investments and (or) issuance of the licenses for carrying out of insurance activity to these organizations of licenses the insurance organization shall be obliged to obtain the prior permission of the Ministry of Finance of the Republic of Belarus to increase the amount of its charter fund at the expense of the means of foreign investors and (or) insurance organizations, that are the subsidiary (dependent) economic societies in relation to these		

1. Restriction on paragraphs 6 and 11 of the Minute on financial services (annex №17 to Agreement on Eurasian Economic Union) (hereinafter – annex №17)	foreign investors for alienation of shares in its charter fund (stocks), constituting 5% and more of the charter fund of insurance organization, for alienation of shares in its charter fund (stocks) in favor of foreign investors and (or) insurance organizations, that are the subsidiary (dependent) economic societies in relation to these foreign investors. Belarusian participants of insurance organizations of the Republic of Belarus shall be obliged to obtain the prior permission of the Ministry of Finance for alienation of their shares in the charter funds (stocks) in the ownership (economic management, operational management) of foreign investors and (or) insurance organizations, that are the subsidiary (dependent) economic societies in relation to these foreign investors. It shall be refused in the prior permission in the following cases: the quota of participation of foreign capital in the charter funds of insurance organizations of the Republic of Belarus exceeds upon commission of specified actions a legal entity to which the insurer, participant of insurer intends to carry out alienation of their shares in the charter fund (stocks) shall carry out an activity at least 3 years and shall not have the profit at the results of carrying out of its activity in the last 3 years there is a need to ensure the national security of the	Decree of the President of the Republic of Belarus dated 25 August, 2006 № 530 “On insurance activity, Resolution of the Council of Ministers of the Republic of Belarus dated 11 September, 2006 № 1174 “On establishment of quota of foreign investors in the charter funds of insurance organizations of the Republic of Belarus” Decree of the President of the Republic of Belarus dated 25 August, 2006 № 530 “On insurance activity ” Decree of the President of the Republic of Belarus dated 25 August, 2006 № 530 “On insurance activity ” Decree of the President of the Republic of Belarus	not specified

	Republic of Belarus (as well as in the economic scope), protection of interests of the national insurance organizations the insurance organizations, that are the subsidiary (dependent) economic societies in relation to the foreign investors and (or) having a share of the foreign investors in their charter funds more than 49% may create the separate subdivisions in the territory of the Republic of Belarus, as well as be the founders (participants) of other insurance organizations after obtainment of prior permission of the Ministry of Finance of the Republic of Belarus. It shall be refused in the prior permission, if the quota of participation of the foreign capital in the charter funds of insurance organizations of the Republic of Belarus is exceeded insurance organizations that are the subsidiary or dependent economic societies in relation to the foreign investors may not carry out the life insurance in the Republic of Belarus (except for the conclusion of agreements of life insurance with individuals), compulsory insurance (as well as compulsory state insurance), property insurance, related to the implementation of supplies, rendering of services or execution of works for the state needs, as well as insurance of property interests of the Republic of Belarus and its administrative and territorial units.	dated 25 August, 2006 № 530 “On insurance activity”		

	Payment of shares in the charter funds (stocks) of insurance organizations and insurance brokers by the foreign investors shall be executed exclusively by the monetary means		
2. Restriction on paragraphs 6 and 11 of annex №17	the insurance agents, insurance brokers may be only the Belarussian persons	Decree of the President of the Republic of Belarus dated 25 August, 2006 № 530 “On insurance activity ”	not specified
3. Restriction on paragraphs 6 and 11 of annex №17	participation of foreign capital in the banking system of the Republic of Belarus is limited to 50%. Creation of credit organizations with the foreign investments requires obtainment of prior permission of the National bank of the Republic of Belarus. National bank of the Republic of Belarus shall terminate the state registration of banks with the foreign investments upon achievement of established amount (quota) of participation of the foreign capital in the banking system of the Republic of Belarus. National bank of the Republic of Belarus shall have a right to take any measures for observance of this restriction. The level of the use of quota of participation of the foreign capital in the banking system of the Republic of Belarus, as well as financial provision and business standing of founders - non-residents shall be considered upon consideration of issue on issuance of permit.	The Banking Code of the Republic of Belarus dated 25 October, 2000 №441-3, Resolution of the Management Board of the National bank of the Republic of Belarus dated 1 September, 2008 №129 “ On the amount (quota) of participation of the foreign capital in the banking system of the republic of Belarus”	not specified
	a license for carrying out of activity in the scope of financial services in the		

4. Restriction on paragraphs 6 and 11 of annex №17	Republic of Belarus is issued to the legal entities of the Republic of Belarus, created in the organizational and legal form, established by the legislation of the Republic of Belarus	The Banking Code of the Republic of Belarus dated 25 October, 2000 №441-3	not specified
5. Restriction on paragraphs 6 and 11 of annex №17	functions of the head, its assistants, general accountant of insurance organization may be executed only by the citizens of the Republic of Belarus, as well as foreign citizens and persons without citizenship, permanently residing in the Republic of Belarus, and only on the grounds of labour agreements	Decree of the President of the Republic of Belarus dated 25 August, 2006 № 530 “On insurance activity ”	not specified
6. Restriction on paragraphs 6 and 11 of annex №17	an activity, for carrying out of which requires the license may be carried out only by the legal entities of the Republic of Belarus or individual entrepreneurs, registered in the established procedure in the Republic of Belarus. Types of activity, subjected to licensing shall be determined in accordance with the legislation of the Republic of Belarus	Decree of the President of the Republic of Belarus dated 2 September, 2010 №450 “Provision on licensing of separate types of activity”	not specified
II. REPUBLIC OF KAZAKHSTAN			
1. Restriction on paragraphs 6 and 11 of annex №17	a share of the authorized body in the capital of organizers of trading may consist more than 50% from the total amount of the voting stocks of organizer of trading	The Law of the Republic of Kazakhstan dated 2 July, 2003 №461-II “On the securities market”	not specified
2. Restriction on paragraphs 6 and 11 of annex №17	an activity, for carrying out of which requires the license may be carried out only by the legal entities or individual entrepreneurs of the Republic of Kazakhstan . Types of activity, subjected to licensing of the Republic of Kazakhstan shall be determined in	The Law of the Republic of Kazakhstan dated 11 January, 2007 №214-III “ On licensing”	not specified

	accordance with the legislation of the Republic of Kazakhstan		
3. Restriction on paragraphs 6 and 11 of annex №17	the banks are created in the form of joint stock companies	The Law of the Republic of Kazakhstan dated 31 August, 1995 №2444 “On banks and banking activity in the Republic of Kazakhstan”	not specified
4. Restriction on paragraphs 6 and 11 of annex №17	opening of branches of banks – non-residents in the Republic of Kazakhstan shall be prohibited	The Law of the Republic of Kazakhstan dated 31 August, 1995 №2444 “On banks and banking activity in the Republic of Kazakhstan”	not specified
5. Restriction on paragraphs 6 and 11 of annex №17	insurance (reinsurance) organization shall be established in the form of joint stock company	The Law of the Republic of Kazakhstan dated 18 December, 2000 №126-II “ On insurance activity”	not specified
6. Restriction on paragraphs 6 and 11 of annex №17	opening of branches of insurance organizations – non-residents in the Republic of Kazakhstan shall be prohibited	The Law of the Republic of Kazakhstan dated 18 December, 2000 №126-II “ On insurance activity”	not specified
7. Restriction on paragraphs 6 and 11 of annex №17	organizational and legal form of insurance broker is the private limited liability company or joint stock company	Republic of Kazakhstan dated 18 December, 2000 №126-II “On insurance activity”	not specified
8. Restriction on paragraphs 6 and 11 of annex №17	voluntary pension savings fund is created in the form of joint stock company	The Law of the Republic of Kazakhstan dated 21 June, 2013 №105-V “On pension provision in the Republic of Kazakhstan”	not specified
9. Restriction on paragraphs 6 and 11 of annex №17	opening of branches and representatives of pension savings funds – non-residents of the Republic of Kazakhstan in the Republic of Kazakhstan shall be prohibited	The Law of the Republic of Kazakhstan dated 21 June, 2013 №105-V “On pension provision in the Republic of Kazakhstan”	not specified
10. Restriction on paragraphs 6 and 11 of annex №17	central depositary is the only organization in the territory of the Republic of Kazakhstan, carrying out the depositary activity. Central depositary is created in the form of joint stock company	The Law of the Republic of Kazakhstan dated 2 July, 2003 №461-II “On the securities market”	not specified
	professional participant of the securities market – a		

11. Restriction on paragraphs 6 and 11 of annex №17	legal entity, created in the organizational and legal form of the joint stock company (except for the transfer-agent)	The Law of the Republic of Kazakhstan dated 2 July, 2003 №461-II “On the securities market”	not specified
12. Restriction on paragraphs 6 and 11 of annex №17	stock exchange – a legal entity, created in the organizational and legal form of the joint stock company	The Law of the Republic of Kazakhstan dated 2 July, 2003 №461-II “On the securities market”	not specified
13. Restriction on paragraphs 6 and 11 of annex №17	the banking holding – non-resident of the Republic of Kazakhstan, directly owns 25% or more of the outstanding (after deduction of privileged and reacquired by the bank) stocks of the bank or having the opportunity to vote directly 25% or more of voting stocks of the bank may only be a financial organization – non-resident of the Republic of Kazakhstan, subjected to the consolidated supervision in the country of its location	The Law of the Republic of Kazakhstan dated 31 August, 1995 №2444 “On banks and banking activity in the Republic of Kazakhstan”	not specified
14. Restriction on paragraphs 6 and 11 of annex №17	unified pension savings fund is the only organization in the territory of the Republic of Kazakhstan, carrying out activity on attraction of compulsory pension contributions, compulsory professional pension contributions	The Law of the Republic of Kazakhstan dated 21 June, 2013 №105-V “On pension provision in the Republic of Kazakhstan”	not specified
15. Restriction on paragraphs 6 and 11 of annex №17	unified register is the only organization in the territory of the republic of Kazakhstan, carrying out activity on maintenance of the system of registers of securities holders	The Law of the Republic of Kazakhstan dated 2 July, 2003 №461-II “On the securities market”	not specified
	the insurance holding – non-resident of the Republic of Kazakhstan, directly owns 25% or more of the outstanding (after deduction of privileged and reacquired by the insurance (reinsurance) organization)	The Law of the Republic of Kazakhstan dated 18	

16. Restriction on paragraphs 6 and 11 of annex №17	stocks of the insurance (reinsurance) organization or having the opportunity to vote directly 25% or more of voting stocks of the insurance (reinsurance) organization may only be a financial organization	December, 2000 №126-II “ On insurance activity”	not specified
17. Restriction on paragraphs 6 and 11 of annex №17	the Guarantee Fund of insurance payments is the only organization in the territory of the Republic of Kazakhstan, guaranteeing implementation of insurance payments to the insurant (insured persons, beneficiaries) upon compulsory liquidation of insurance organization on agreements of compulsory insurance	The Law of the Republic of Kazakhstan dated 3 June, 2003 №423-II “On the Guarantee Fund of insurance payments”	not specified
18. Restriction on paragraphs 6 and 11 of annex №17	organization, carrying out the compulsory guarantee of deposits is the non-commercial organization, created in the organizational and legal form of the joint stock company. The founder (the only stockholder of organization) carrying out the compulsory guarantee of deposits is the authorized body	The Law of the Republic of Kazakhstan dated 7 July, 2006 №169-III “On compulsory guarantee of deposits, placed in the second-tier banks of the Republic of Kazakhstan”	not specified
19. Restriction on paragraphs 6 and 11 of annex №17	the credit bureau with the state participation is the only specialized non-commercial organization, created in the organizational and legal form of the joint stock company, in which the suppliers provide information, necessary for formation of the credit histories in a mandatory manner	The Law of the Republic of Kazakhstan dated 6 July, 2004 №573-II “On credit bureaus and formation of credit histories in the Republic of Kazakhstan”	not specified
	non-commercial organization, created in the organizational and legal form of the joint stock company with the share of participation of the state	The Law of the Republic of Kazakhstan dated 18	not specified

20. Restriction on paragraphs 6 and 11 of annex №17	shall carry out formation and maintenance of the data base by insurance agreements	December, 2000 №126-II “ On insurance activity”	
III. RUSSIAN FEDERATION			
	insurance organizations that are the subsidiary companies in relation to the foreign investors (basic organizations) or having a share of the foreign investors in its charter capital more than 49% may not maintain insurance of life, health and property of citizens in the Russian Federation at the expense of the funds, allocated for these purposes from the relevant budget by the federal executive body (insurant), insurance, related with implementation of the procurement of goods, works, services for provision of the state and municipal needs, as well as insurance of property interests of the state organizations and municipal organizations. Insurance organizations that is a subsidiary company in relation to the foreign investors (basic organizations) or having a share of the foreign investors in its charter capital more than 51% may not maintain insurance of the property interests, related with survival of citizens to a certain age or the term or occurrence of certain events in the life of the citizens, as well as their death, and compulsory insurance of civil responsibility of vehicle owners in the Russian Federation. Insurance organization that is a subsidiary company in		

1. Restriction on paragraphs 6 and 11 (annex №17)	relation to the foreign investors (basic organizations) or having a share of the foreign investors in its charter capital more than 49% shall have a right to carry out insurance activity in the Russian Federation, if the foreign investor (basic organization) is the insurance organization, carrying out its activity in accordance with the legislation of the relevant state not less than 5 years. The limit of amount (quota) of participation of the foreign capital in the charter capitals of insurance organizations, which is equal to 50% is established by the legislation of the Russian Federation. Information on the amount (quota) of participation of the foreign capital of insurance organizations, on introduction or termination of restrictions for the foreign investments, provided by the fifth and seventh items of this paragraph shall subject to publication in the manner established by the legislation of the Russian Federation. In the case if the amount (quota) of participation of the foreign capital in the charter capitals of insurance organizations exceeds 50%, the insurance supervision body shall terminate the issuance of licenses for carrying out of insurance activity to the insurance organizations that are the subsidiary companies in relation to the foreign investors (basic organizations) or having a	The Federal Law dated 27 November, 1992 №4015-I “On organization of insurance business in the Russian Federation”	not specified

	share of the foreign investors in its charter capital more than 49%. Insurance organization shall be obliged to obtain a prior permission of the insurance supervision body to increase the amount of its charter capital at the expense of funds of foreign investors and (or) their subsidiary companies, for alienation in favor of foreign investors (including sales to the foreign investors) of their stocks (share in the charter capital) , and Russian stockholders (participants) shall be obliged to obtain a prior permission of the insurance supervision body for alienation of their stocks (share in the charter capital) of insurance organization in favor of the foreign investors and (or) their subsidiary companies. If the established amount (quota) of participation of the foreign capital in the charter capitals of insurance organizations is exceeded, the insurance supervision body shall refuse in the prior permission to the insurance organizations, that are the subsidiary companies in relation to the foreign investors (basic organizations) or having a share of foreign investors in its charter capital more than 49% or becoming so according to the result of the specified transactions. Payment of their stocks (share in the charter capitals) of insurance organizations by the foreign investors shall be executed exclusively in monetary form in the			

	currency of the Russian Federation. Despite of provisions of this paragraph, the insurance organizations, received the licenses for carrying out of insurance activity before accession of the Russia to the WTO may continue to carry out this activity in accordance with conditions, on which a license was issued		
2. Restriction on paragraphs 6 and 11 of annex №17	only the citizens of the Russian Federation may be the insurance agents, insurance brokers (this restriction shall not be distributed to the insurance agents – individuals, not registered as individual entrepreneurs)	The Federal Law dated 27 November, 1992 №4015-I "On organization of insurance business in the Russian Federation"	not specified
3. Restriction on paragraphs 6 and 11 of annex №17	participation of the foreign capital in the banking system of the Russian Federation is limited to 50%. For the purposes of control of quota of foreign participation in the banking system of the Russian Federation the prior permission of the Central bank is required to: creation of credit organization with the foreign participation, including subsidiary and dependent companies increase the charter capital of credit organization at the expense of the funds of non-resident (non-residents) alienation of stocks (shares) of credit organization in favor of non-residents	International obligations of the Russian Federation, concerning the services and resulting from the Minute dated 16 December, 2011 on accession of the Russian Federation to the Marrakesh Accords on establishment of the world trade organization dated 15 April, 1994	not specified
		The Federal Law dated 1 December 1990 № 395-I " On banks and banking activity", the Federal Law dated 22 April, 1996 № 39-ФЗ "On securities market",	

4. Restriction on paragraphs 6 and 11 of annex №17	a license for carrying out of activity in the scope of financial services in the Russian Federation shall be issued to the legal entities of the Russian Federation, created in the organizational and legal form, established by the legislation of the Russian Federation	the Federal Law dated 27 November, 1992 № 4015-I "On organization of insurance business in the Russian Federation", the Federal Law dated 7 February, 2011 № 7-ФЗ " On clearing and clearing activity", the Federal Law dated 21 November, 2011 № 325-ФЗ "On organized trading", the Federal Law dated 7 May, 1998 № 75-ФЗ "On the non-state pension funds", the Federal Law dated 29 November, 2001 № 156-ФЗ "On investment funds", the Federal Law dated 14 March, 2013 №29-ФЗ "On making amendments to the separate legislative acts of the Russian Federation"	not specified
5. Restriction on paragraphs 6 and 11 of annex №17	in relation of credit organizations with the foreign investments there are the restrictions in the following cases: if a person, exercising the functions of individual executive body of the Russian credit organization is the foreign citizen or person without citizenship, collegial executive body of such credit organization shall be formed from the citizens of the Russian Federation not less than for 50%. The number of employees that are the citizens of the Russian Federation shall consist not less than 75% from the total number of employees of the Russian credit organization with the foreign investments	The Order of Bank of Russia dated 23 April, 1997 № 02-195 "On introduction into effect of Provision "On features of registration of credit organizations with the foreign investments and on order of reception of a prior permission of the Bank of Russia to increase the charter capital, registered by the credit organization at the expense of the funds of non-residents"	not specified
	the number of foreign personnel of the representatives of the foreign credit organization, as a rule, shall not exceed 2	the Order of the Bank of the Russia dated 7 October,	

6. Restriction on paragraphs 6 and 11 of annex №17	people. In the case if the representation is required more accredited employees , the need for this shall be justified in written application in the name of the Chairman of the Bank of Russian on the basis of which the decision is adopted	1997 №02-437 “On procedure of opening and activity in the Russian Federation of the representations of the foreign credit organizations ”	not specified
7. Restriction on paragraphs 6 and 11 of annex №17	the heads (as well as individual executive body) and general accountant of the subject of Russian insurance business (legal entity) shall permanently reside in the territory of the Russian Federation	The Law of the Russian Federation dated 27 November, 1992 № 4015-I “On organization of insurance business in the Russian Federation”	until 1 January, 2015
8. Restriction on paragraphs 6 and 11 of annex №17	an activity, for carrying out of which requires a license may be carried out only by the legal entities of the Russian Federation or individual entrepreneurs, registered in the established procedure in the Russian Federation. Types of activity, subjected to licensing shall be determined in accordance with the legislation of the Russian Federation	The Federal Law dated 4 May, 2011 №99-ФЗ “On licensing of separate types of activity” (and legislation , regulating the types of activity, listed in paragraph 2 of Article 1 of the specified Federal Law), the Federal Law dated 1 December, 1990 №395-I “ On banks and banking activity”	not specified
9. Restriction on paragraphs 6 and 11 of annex №17	a share of each stockholder (related group of persons) in the charter capital of organizer of trading may not exceed 10%, except for the cases, when the stockholder (related group of persons) is the authorized body or infrastructure organizations of financial market of the Russian Federation, including to the one holding group	-	not specified
10. Restriction on paragraphs 6 and 11 of annex №17	maintenance of insurance histories in the Russian Federation shall be carried out by the only organization, approved and carrying out activity in accordance with the		not specified

	legislation of the Russian Federation	-	
11. Restriction on paragraphs 6 and 11 of annex №17	organization, received a status of the central depository is the only organization in the territory of the Russian Federation, exercising functions of the central depository central depositary is created in the form of the joint stock company	The Federal Law dated 7 December, 2011 № 414-ФЗ “On central depository”	not specified
IV. REPUBLIC OF ARMENIA			
1. Restrictions with regard to paragraphs 6 and 11 of Annex 17	in the territory of the Republic of Armenia, financial services may be provided by financial institutions and (or) their branches licensed and registered in the Republic of Armenia and established in the organizational and legal form prescribed by the legislation of the Republic of Armenia, except for insurance agents registered and recorded in accordance with the legislation of the Republic of Armenia	Law of the Republic of Armenia № 3P-177-H “On Insurance and Insurance Activities” as of April 9, 2007 (Articles 8 and 87); Law of the Republic of Armenia № 3P-195-H “On the Securities Market” as of October 11, 2007 (Articles 28, 103 and 175); Law of the Republic of Armenia № 3P-245-H “On Investment Funds” as of December 22, 2010 (Article 52); Law of the Republic of Armenia № 3P-68 “On Banks and Banking” as of June 30, 1996 (Article 12)	not specified
2. Restrictions with regard to paragraph 6 of Annex 17	a foreign bank, a foreign insurance company, a foreign investment company and a foreign investment fund manager can establish a branch in the territory of the Republic of Armenia by licensing and registering a branch with the Central Bank of the Republic of Armenia	Law of the Republic of Armenia № 3P-68 “On Banks and Banking” as of June 30, 1996 (Article 14); Law of the Republic of Armenia № 3P-177-H “On Insurance and Insurance Activities” as of April 9, 2007 (Article 47); Law of the Republic of Armenia № 3P-195-H “On the Securities Market” as of October 11, 2007 (Article 43); Law of the Republic of Armenia № 3P-245-H “On	not specified

		Investment Funds" as of December 22, 2010 (Article 54); Regulations of the Central Bank of the Republic of Armenia 1 (№ 145-H as of April 12, 2005), 3/01 (№ 344-H as of October 30, 2007), 4/01 (№ 16-H as of January 15, 2008)	
3. Restrictions with regard to paragraph 6 of Annex 17	permission to manage a mandatory pension fund may be granted to a manager established in the territory of the Republic of Armenia having at least 1 participant (shareholder) that is an international financial institution or a reputable foreign organization specializing in managing pension funds (including other similar investment funds). At the same time, an international financial institution (institutions) and (or) a reputable foreign organization (organizations) shall own more than 50% of voting shares in the authorized capital of the manager of the mandatory pension fund established in the territory of the Republic of Armenia, and this organization (organizations) shall have a decisive vote when determining the strategy of the manager of a mandatory pension fund, and also when creating the manager's executive body and internal control systems	Regulation of the Central Bank of the Republic of Armenia 10/01 (№ 116-H as of May 2, 2011) (paragraph 33)	not specified
4. Restrictions with regard to paragraph 6 of Annex 17	investment companies, branches of foreign investment companies and banks licensed and registered in the Republic of Armenia can act as a custodian of securities.	Law of the Republic of Armenia № 3P-195-H "On the Securities Market" as of October 11, 2007 (Article 27); Law of the Republic of Armenia № 3P-245-H "On	not specified

	Only a bank (licensed and registered in the Republic of Armenia) can be a custodian of securities of investment funds	Investment Funds" as of December 22, 2010 (Article 86)	
5. Restrictions with regard to paragraph 6 of Annex 17	regulated market operator (exchange) and the Central Depository can be established only in the form of a joint stock company	Law of the Republic of Armenia № 3P-195-H "On the Securities Market" as of October 11, 2007 (Articles 103 and 175)	not specified
6. Restrictions with regard to paragraph 6 of Annex 17	an organization having the status of the Central Depository in accordance with the legislation of the Republic of Armenia is the only organization in the territory of the Republic of Armenia performing the functions of a central depositary in accordance with the legislation of the Republic of Armenia	Law of the Republic of Armenia № 3P-195-H "On the Securities Market" as of October 11, 2007 (Article 175)	not specified
7. Restrictions with regard to paragraph 6 of Annex 17	the bureau of insurance companies engaged in compulsory insurance of liability (CIL) arising from the use of motor vehicles has the organizational and legal form of a non-profit association of legal entities. The purpose of the bureau' s activity is to protect the interests of victims and to ensure stability and development of the CIL system. The bureau is the only self-regulating organization whose members, in accordance with the Law of the Republic of Armenia "On Compulsory Insurance of Liability Arising from the Use of Motor Vehicles", are insurance companies entitled to CIL performance, and in cases provided for by this Law, also the Central Bank of the Republic of Armenia	Law of the Republic of Armenia № 3P-63-H "On Compulsory Insurance of Liability Arising from the Use of Motor Vehicles" as of May 18, 2010 (Articles 3 and 28)	not specified
		Law of the Republic of Armenia № 3P-142-H "On	

8. Restrictions with regard to paragraph 6 of Annex 17	the organization performing mandatory deposit insurance is a non-profit legal entity, whose founder is the Central Bank of the Republic of Armenia	Guarantee of Compensation for Bank Deposits of Physical Persons" as of November 24, 2004 (Article 17)	
9. Restrictions with regard to paragraph 6 of Annex 17	the credit bureau is a for-profit specialized organization established in the organizational and legal form of a joint stock company, which, on the basis of a license issued by the Central Bank of the Republic of Armenia, has the right to carry out activities on collecting credit information and other data it needs, on compiling, processing and maintaining credit histories and drawing up a credit report based on them	Law of the Republic of Armenia № ЗР-185-Н "On Circulation of Credit Information and Activities of Credit Bureaus" as of October 22, 2008 (Article 3)	not specified
V. THE KYRGYZ REPUBLIC			
1. Restrictions with regard to paragraphs 6 and 11 of Annex № 17	in the territory of the Kyrgyz Republic, financial services may be provided by financial institutions (financial service providers) and (or) their branches licensed and registered in the Kyrgyz Republic and established in the organizational and legal forms in accordance with the legislation of the Kyrgyz Republic. A foreign bank may establish a branch, representative office in the territory of the Kyrgyz Republic after obtaining a permit, registration and obtaining a license from the National Bank of the Kyrgyz Republic	Law of the Kyrgyz Republic № 60 "On Banks and Banking Activity in the Kyrgyz Republic" as of July 29, 1997; Law of the Kyrgyz Republic № 96 "On Organization of Insurance in the Kyrgyz Republic" as of July 23, 1998; Law of the Kyrgyz Republic № 251 "On the Securities Market" as of July 24, 2009; Regulation on the licensing of banking activities, approved by Resolution of the Board of the National Bank of the Kyrgyz Republic № 5/7 as of March 2, 2006 The procedure for allotting capital by a non-resident bank to its branch, approved by Resolution of the Board of the National	not specified

		Bank of the Kyrgyz Republic № 12/8 as of April 27, 2005	
2. Restrictions with regard to paragraphs 6 and 11 of Annex № 17	the organization engaged in ensuring the operation of the deposit protection system is a legal entity - the Deposit Protection Agency of the Kyrgyz Republic established by the Government of the Kyrgyz Republic. The Agency is an independent non-profit organization.	Law of the Kyrgyz Republic № 78 "On Protection of Bank Deposits" as of May 7, 2008	not specified
3. Restrictions with regard to paragraph 6 of Annex № 17	the organization having the status of a central depositary is the only organization in the territory of the Kyrgyz Republic that performs functions of a central depositary. The central depositary is set up in the form of a joint stock company with state participation	Resolution of the Government of the Kyrgyz Republic № 513 as of September 12, 2008 "On the establishment of a central depository of securities in the Kyrgyz Republic"	not specified

ANNEX № 18
to Agreement
on Eurasian Economic Union

MINUTE
on procedure of collection of indirect taxes and mechanism of control for their payment upon export and import of goods, execution of works, rendering of services

I. General provisions

1. This Minute id developed in accordance with Articles 71 and 72 of Agreement on Eurasian Economic Union and determines a procedure of collection of indirect taxes and mechanism of control for their payment upon export and import of goods, execution of works, rendering of services.

2. The concepts used in this Minute shall have the following meanings:

"auditing services" – services on conducting of audit of accounting, tax and financial reporting;

"accounting services" – services on formulation, maintenance, reconstruction of accounting, preparation and (or) presentation of tax, financial and accounting reporting;

"movable property" – things that do not relating to the immovable property, to the transport vehicles;

"design services" – services on planning of art forms, appearance of products, building facades, interiors of premises; industrial design;

"import of goods" – import of goods by taxpayers (payers) to the territory of one member state from the territory of another member state;

"engineering services" - engineering-advisory services on preparation of process of production and implementation of goods (works, services), preparation of construction and operation of industrial, infrastructure, agricultural and other objects, as well as pre-project and project services (preparation of technical and economic feasibility, design and engineering development, technical tests and analysis of results of such tests);

"component bodies" – The Ministry of Finance, Economy, tax and customs bodies of the member states;

"consultation services" – services on provision of explanations, recommendations and other forms of consultations, including determination and (or) assessment of problems and (or) possibilities of person, on administrative, economic, financial (including tax and accounting) issues, as well as on issues of planning, organization and carrying out of entrepreneurial activity, personnel management;

"indirect taxes" – the value added tax (hereinafter – VAT) and excises (excise tax or excise duties);

"marketing services" – services, related with research, analysis, planning and prediction in the scope of production and circulation of goods (works, services) for the purposes of determination of measures on creation of necessary economic conditions of production and circulation of goods (works, services), including characteristic of goods (works, services), development of price strategy and advertising strategy;

"taxpayer (payer)" - taxpayer (payer) of taxes, charges and duties of the member states (hereinafter – taxpayer);

"research scientific works" – conducting of scientific researches, conditioned by technical specification of customer;

"immovable property" – the land plots, subsoil plots, isolated bodies of water and all that is firmly connected to the ground, that is the objects, moving of which is impossible without disproportionate damage to their purpose, as well as forests, perennial plantings, buildings, constructions, pipelines, power transmission lines, enterprises as property complexes and space objects;

"zero rate of VAT" – the imposition of VAT on the rate of zero percent with the right to deduct (set off) the relevant amounts of VAT;

"development and pilot technological (technological) works" – development of a sample of a new product, design documentation for it, or new technology;

"work" – an activity, the results of which have the material expression and may be implemented for satisfaction of needs of legal entities and (or) individuals;

“advertising services” – services on creation, distribution and placement of information, intended for indefinite range of persons and designed to form or keep up interest to the legal entity or individual, goods, trademarks, works, services, by any means and in any form;

“goods” - implemented or intended to implement any movable and immovable property, transport vehicles, all kinds of energy;

“transport vehicles” - sea-going vessels and aircraft, inland water vessels, vessels of mixed “river-sea” navigation, units of railway or tramway rolling stock; autobuses; cars, including trailers and semi-trailers; cargo containers; dump trucks;

“service” – an activity, the results of which do not have the material expression, realized and used in the process of carrying out of this activity, as well as transfer, provision of patents , licenses, trademarks, copyrights, or other rights;

"electronic services" - services that are provided through an information and telecommunications network (electric communication network), including through the Internet, the provision of which is impossible without the use of information technologies and the list of which is approved by the Council of the Commission;

“services on processing of information” – services on implementation of collection and consolidation of information, systematization of information files (details) and provision of results of processing of this information for disposition of the user;

“export of goods” – exportation of goods, sold by the taxpayer from the territory of one member state to the territory of another member state;

“legal services” – services of legal nature, as well as provision of consultations and explanations, preparation and legal expertise of documents, presentation of interests of customers in the courts.

Footnote. Paragraph 2 as amended by the Law of the Republic of Kazakhstan dated 22.02.2024 № 63-VIII.

II. Procedure of application of indirect taxes upon export of goods

3. The zero rate of VAT and (or) exemption from excises upon presentation of documents, provided by paragraph 4 of this Minute to the taxation body shall be applied upon export of goods from the territory of one member state to the territory of another member state by the taxpayer of the member state, from the territory of which the goods are transported.

Taxpayer shall have a right to the tax deductions (credits) in the manner, similar to the provided by the legislation of the member state, applied in relation of goods, exported from the territory of one member state outside the Union upon export of goods from the territory of one member state to the territory of another member state.

Place of sale of goods shall be determined in accordance with the legislation of the member states, unless otherwise established by this paragraph.

In the case of sale of goods by the taxpayer of one member state to the taxpayer of another member state, when the transfer (transportation) of goods began outside of the Union and completed in another member state, the place of sale of goods shall be the territory of the member state, in the territory of which the goods are placed under the customs procedure of release for the internal consumption.

4. The following documents (their copies) shall be presented to the taxation body together with the tax declaration for approval of validity of application of the zero rate of VAT and (or) exemption from excises by the taxpayer of the member state, from the territory of which the goods are exported:

1) agreements (contracts), concluded with the taxpayer of another member state or with the taxpayer of the state, that is not a member of the Union (hereinafter – agreements (contracts), on the basis of which the export of goods is carried out; in the case of leasing of goods or trade credit (commercial loan, a loan in the form of things) – agreements (contracts) of leasing, agreements (contracts) of the trade credit (commercial loan, a loan in the form of things); agreements (contracts) for production of goods; agreements (contracts) for processing of the give and take raw materials;

2) a bank statement, approving an actual receipt of revenues from the sale of exported goods to the account of taxpayer-exporter, unless otherwise provided by the legislation of the member state.

In the case if the payment in cash is provided by agreement (contract) and such payment does not contradict to the legislation of the member state, from the territory of which the goods are exported, the taxpayer shall present a bank statement (a copy of statement), approving the deposit of amount received by the taxpayer to its account in the bank, as well as copies of cash receipts, approving an actual receipt of revenues from the buyer of specified goods, to the taxation body, unless otherwise provided by the legislation of the member state, from the territory of which the goods are exported.

In the case of exportation of goods on lease agreement (contract), providing the transfer of property right to them to the leaseholder, the taxpayer shall present a bank statement (copy of statement), approving an actual receipt of lease payment (in a part of compensation of original cost of goods (a subject of leasing)) to the account of taxpayer-exporter, to the taxation body, unless otherwise provided by the legislation of the member state.

In the case of implementation of foreign trade goods countertrade (barter) operations of provision of trade credit (commercial loan, a loan in the form of things), the taxpayer-exporter shall present the documents, approving the import of goods (execution works, rendering of services), received (acquired) by them on the specified operations to the taxation body.

The documents specified in this subparagraph shall not be presented to the taxation body, if their presentation is not provided by the legislation of the member state in relation of goods, exported from the territory of the member state outside the Union;

3) an application on importation of goods and payment of indirect taxes, composed in the form, provided by the separate international interdepartmental agreement, with a mark of taxation body of the member state, in the territory of which the goods are imported, on payment of indirect taxes (exemption or other procedure of execution of tax liabilities) (hereinafter – application) (in hard copy in the original or in the copy at discretion of taxation bodies of the member states) or the list of applications (in hard copy or electronic form with an electronic (digital) signature of taxpayer).

Taxpayer shall include the requisites and details to the list of applications from those applications, information of which is received to the taxation body in the form, provided by the separate international interdepartmental agreement.

The form of the list of applications, procedure of its filling and format shall be determined by the regulatory legal acts of taxation bodies of the member states or other regulatory legal acts of the member states.

In the case of the sale of goods, exported from the territory of one member state to the territory of another member state, and placement them under the customs procedures of free customs zone or free warehouse in the territory of another member state, a copy of customs declaration shall be presented to the taxation body instead of the application of the first member state in accordance with which such goods are placed under the customs procedures of free customs zone or free warehouse;

4) transport (transportation) and (or) other documents, provided by the legislation of the member state, approving the transfer of goods from the territory of one member state to the territory of another member state. The specified documents shall not be presented, if execution of these documents for the separate types of transfer of goods, as well as transfer of goods without the use of transport vehicles is not provided by the legislation of the member state;

5) other documents, approving feasibility of application of the zero rate of VAT and (or) exemption from payment of excises, provided by the legislation of the member state from the territory of which the goods are exported.

The documents provided by this paragraph, except for the application (list of applications) shall not be presented to the taxation body, if the non-presentation of documents, approving the validity of application of the zero rate of VAT and (or) exemption from payment of excises, together with the tax declaration follows from the legislation of the member state, from the territory of which the goods of exporters.

The documents provided by this paragraph shall not be presented with the relevant tax declaration on excises, if they were presented with the tax declaration of VAT, unless otherwise provided by the legislation of the member state.

The documents provided by subparagraphs 1,2,4,5, the forth item of subparagraph 3 of this paragraph may be presented in the electronic form in the manner established by the regulatory legal acts of taxation bodies of the member states or other regulatory legal acts of

the member states. The format of specified documents shall be determined by the taxation bodies of the member states or other regulatory legal acts of the member states.

The validity of applying a zero VAT rate and/or exemption from excise duties shall be considered unconfirmed if the tax authority of the Member State from whose territory the goods specified in the agreement (contract) provided for in subparagraph 1 of this paragraph were to be exported has established the fact that such goods were not exported to the territory of another Member State.

Footnote. Paragraph 4 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

5. The documents provided by paragraph 4 of this Minute shall be presented to the taxation body during 180 calendar days from the date of dispatch (transfer) of goods.

Upon non-presentation of these documents in the established term, the amounts of indirect taxes shall subject to the payment to the budget for the tax (reporting) period, on which the date of goods dispatch is occurred, or other tax (reporting) period, established by the legislation of the member state, with the right to deduct (set off) of relevant amounts of VAT according to the legislation of the member state, from the territory of which the goods are exported.

For the purposes of calculation of VAT upon sale of goods, the date of dispatch shall be recognized the date of the first in time of drawing up of a prior accounting (accounting) document, executed to the buyer of goods (first carrier), or the date of creation of other compulsory document, provided by the legislation of the member state for the taxpayer of VAT.

For the purposes of calculation of excises on excisable goods, produced from the own raw materials, the date of dispatch of goods shall be recognized the date of the first in time of drawing up of a prior accounting (accounting) document, executed to the buyer (receiver) of goods; on excisable goods, produced from the give and take raw materials, the date of dispatch shall be recognized the date of signing of an act of receipt and transfer of excisable goods, unless otherwise provided by the legislation of the member state, in the territory of which the excisable goods are produced.

In the case of non-payment, incomplete payment of indirect taxes, payment of such taxes with violation of the term, established by this paragraph, the taxation body shall collect the indirect taxes and fines in the manner and amount, established by the legislation of the member state, from the territory of which the goods are exported, as well as shall apply the methods of ensuring of execution of obligations on payment of indirect taxes, fines and penalties, established by the legislation of this member state.

In the case of presentation of documents, provided by paragraph 4 of this Minute by the taxpayer, upon expire of a term, established by this paragraph, the amounts paid of indirect taxes shall subject to deduction (set off), return in accordance with the legislation of the member state, from the territory of which the goods are exported. The amounts of fines,

penalties, paid for the violation of the terms of payment of indirect taxes shall not subject to return.

6. The volume of goods, rates of excises, having an effect on the date of dispatch of excisable goods, exported to the member states, as well as the amounts of excises shall be reflected in the relevant tax declaration on excises.

7. The taxation body shall verify the validity of application of the zero rate of VAT and (or) exemption from the payment of excises, tax deductions (set off) on the specified taxes, as well as shall take (make) the relevant decision according to the legislation of the member state, from the territory of which the goods are exported.

In the event of failure to apply to the tax authority of a Member State, this tax authority shall have the right to adopt (issue) a decision to confirm the validity of the application of the zero VAT rate and (or) exemption from excise taxes, tax deductions (credits) for the indicated taxes concerning transactions involving the sale of goods exported from the territory of this Member State to the territory of another Member State, provided that this tax authority has received confirmation in electronic form from the tax authority of another Member State of the fact of payment of indirect taxes in full (exemption from payment of indirect taxes) or information on the fact of collection of indirect taxes in accordance with paragraph 211 of this Protocol.

The tax authority of the Member State from whose territory the goods were exported, upon establishing that the data and documents submitted by the taxpayer, as provided for in paragraph 4 of this Protocol, are inaccurate, shall inform the tax authority of the Member State into whose territory the goods were imported of the established circumstances.

Footnote. Paragraph 7 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

8. The tax authority shall collect indirect taxes and penalties in the manner and amount stipulated by the legislation of the Member State from whose territory the goods were exported, and shall also apply methods of ensuring the fulfilment of obligations to pay indirect taxes, penalties and liability measures established by the legislation of that Member State, including in the following cases:

provided by the taxpayer on the movement of goods and the payment of indirect taxes does not correspond to the data obtained through the exchange of information between the tax authorities of the Member States;

submitted by the taxpayer, as provided for in paragraph 4 of this Protocol, do not correspond to the evidence available to the tax authorities of the absence of movement of goods into the territory of a Member State, which is indicated in the transport (consignment) and (or) other documents;

the tax authority of the Member State into whose territory the import of goods is declared has withdrawn the application due to the evidence it has of the absence of import of goods.

In this case, indirect taxes are subject to payment to the budget (VAT amounts previously accepted for deduction (credit) are subject to restoration) for the tax (reporting) period in which the date of shipment of goods falls, unless another tax (reporting) period is established by the legislation of the member state whose tax authority received information about the withdrawal of the application.

The tax authority of a member state that has received information about the withdrawal of an application by a tax authority of another member state (on the recognition of such withdrawal as invalid - based on the results of an appeal), within 5 working days from the date of receipt of such information, shall send the taxpayer a notice (request) about the fact and basis for the withdrawal (on the recognition of such withdrawal as invalid) and the introduction, if necessary, of changes and additions to tax returns arising from such withdrawal (recognition of such withdrawal as invalid).

In the event of withdrawal of an application in connection with the establishment by the tax authority of the Member State into whose territory the goods specified in the agreement (contract) provided for in subparagraph 5 of paragraph 20 of this Protocol were to be imported of the fact of the absence of import of such goods, the application of the VAT tax rate and the accrual of excise duties, the accrual of VAT and excise amounts, but to which a zero rate and exemption were previously applied in connection with the receipt of the application, as well as the submission of a tax return shall be carried out for the tax (reporting) period in which the date of shipment of the goods falls unless another tax (reporting) period is established by the legislation of the Member State whose tax authority received information about the withdrawal of the application.

Footnote. Paragraph 8 – as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

9. Provisions of this section in a part of VAT shall be also applied in relation of goods, being the result of execution of works on agreements (contracts) on their production, exported from the territory of the member state, in the territory of which the works are executed on their production, to the territory of another member state. The goods that are the results of execution of works on processing of give and take raw materials shall not be related to the specified goods.

10. Taxation base for the imposition of excises of goods that are the result of execution of works on agreement (contract) on processing of give and take raw materials shall be determined as the volume, number (other indicators) of excisable goods, produced from the give and take raw materials, in natural units, in relation of which the fixed (specific) rates of excises are established, or as the cost of excisable goods, produced from the give and take raw materials in relation of which the ad valorem excise rates are established.

11. Taxation base on VAT upon export of goods upon changing it in the direction of increase (reduction) due to the increase (reduction) of price of goods sold or reduction of the number (volume) of goods sold in connection with their return due to the inadequate quality

and (or) equipment shall be corrected in the tax (report) period, in which the participants of agreement (contract) are changed the price (discussed a return) of exported goods, unless otherwise provided by the legislation of the member state.

Upon export of goods (leasing subjects) from the territory of one member state to the territory of another member state on lease agreement (contract), providing the transfer of a right of ownership to them to the lessee, on agreement (contract) of the trade credit (commercial loan, a loan in the form of things) on agreement (contract) of production of goods shall be applied the zero rate of VAT and (or) exemption from the payment of excises (if such operation subjects to imposition of excises in accordance with the legislation of the member state) upon presentation of documents, provided by paragraph 4 of this Minute to the taxation body.

The tax base on VAT upon export of goods (leasing subjects) from the territory of one member state to the territory of another member state on lease agreement (contract), providing the transfer of a right of ownership to them to the lessee shall be determined on the date, provided by lease agreement (contract) for the payment of each lease payment, in the amount of the original cost of goods (leasing subjects), corresponding to each lease payment.

The tax deductions (set off) shall be made in the manner provided by the legislation of the member state, in a part, corresponding to the cost of goods (leasing subjects) on each lease payment.

The tax base on VAT upon export of goods from the territory of one member state to the territory of another member state on lease agreement (contract) of the trade credit (commercial loan, a loan in the form of things) shall be the cost of transferred (provided) goods, provided by agreement (contract), in the absence of the cost in the agreement (contract) – the cost, specified in the transportation documents, in the absence of the cost in the agreement (contract) and transportation documents – the cost of goods, reflected in the account.

12. The legislation of the member state regulating the principles of determination of a price for the purposes of taxation may be applied for ensuring of completeness of the payment of indirect taxes.

III. Procedure of collection of indirect taxes upon import of goods

13. Collection of indirect taxes on goods, imported to the territory of one member state from the territory of another member state (except for the case, established by paragraph 27 of this Minute and (or) placement of imported goods under the customs procedure of free customs zone or free warehouse) shall be carried out by the taxation body of the member state , to the territory of which the goods are imported, on place of registration of taxpayer – owners of goods, including the taxpayers, applied the special regimes of taxation, as well as in recognition of features, provided by paragraphs 13.1 – 13.5 of this Minute.

For the purposes of this section the owner of goods shall be recognized the person who has a property right of goods or to whom the transfer of the property right of goods is provided by agreement (contract).

When importing goods acquired by a taxpayer of one Member State from an individual who has a place of registration or permanent residence in another Member State and who is not an individual entrepreneur of that Member State, taxes shall be paid in accordance with this section.

Footnote. Paragraph 13 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII

13.1. If the goods are purchased on the basis of agreement (contract) between the taxpayer of one member state and taxpayer of another member state, the payment of indirect taxes shall be made by the taxpayer of the member state, to the territory of which the goods are imported, - by the owner of goods, or, if it is provided by the legislation of the member state, - by commissioner, attorney or agent.

13.2. If the goods are purchased on the basis of agreement (contract) between the taxpayer of one member state and taxpayer of another member state and upon that the goods are imported from the territory of the third member state, the indirect taxes shall be paid by the taxpayer of the member state, in the territory of which the goods are imported – by the owner of goods.

13.3. If the goods are sold by the taxpayer of one member state through the commissioner, attorney or agent to the taxpayer of another member state and imported from the territory of the first or third member state, the payment of indirect taxes shall be made by the taxpayer of the member state, to the territory of which the goods are imported, - by the owner of goods or, if it is provided by the legislation of the member state, - by the commissioner, attorney or agent.

13.4. If the taxpayer of one member state purchases the goods, previously imported to the territory of this member state by the taxpayer of another member state, the indirect taxes on which they were paid, the payment of indirect taxes shall be made by the taxpayer of the member state, to the territory of which the goods are imported, - by the owner of goods or, if it is provided by the legislation of the member state, by the commissioner, attorney or agent (in the case, if the goods are sold by the taxpayer of another member state through the commissioner, attorney or agent).

If the taxpayer of one member state purchases the goods, previously imported to the territory of this member state by the commissioner, attorney or agent (taxpayer of this member state) by agreement (contract) of commission, order or agency agreement (contract) with the taxpayer of another member state, the indirect taxes on which are not paid, the payment of indirect taxes shall be made by the taxpayer of the member state, to the territory of which the goods are imported, - by the owner of goods or, if it is provided by the legislation of the member state, - by the commissioner, attorney or agent, imported the goods.

13.5. If the goods are purchased on the basis of agreement (contract) between the taxpayer of the member state and taxpayer of the state, that is not a member of the Union, and upon that the goods are imported from the territory of another member state, the indirect taxes shall be paid by the taxpayer of the member state, to the territory of which the goods are imported, - by the owner of goods or, if it is provided by the legislation of the member state, - by the commissioner, attorney or agent (in the case if the goods are sold through the commissioner, attorney or agent).

14. For the purposes of payment of VAT, the tax base shall be determined on the date of making registration of imported goods of the taxpayer (but not later than the term, established by the legislation of the member state, to the territory of which the goods are imported) on the basis of the cost of purchased goods (as well as the goods that are the result of execution of works on agreement (contract) on their production), as well as the goods, received by agreement (contract) of the trade credit (commercial loan, a loan in the form of things), the goods that are the product of processing of give and take raw materials, and excises, subjected to the payment on excisable goods.

The cost of the purchased goods, as well as the goods that are the result of execution of works on agreement (contract) on their production shall be the price of transaction, payable for suppliers for the goods (works, services) according to the conditions of agreement (contract).

The cost of the goods, received on the countertrade (barter) agreement (contract), as well as agreement (contract) of the trade credit (commercial loan, a loan in the form of things) shall be the cost of goods, provided by agreement (contract), in the absence of the cost in the agreement (contract) – the cost, specified in the transportation documents, in the absence of the cost in the agreement (contract) and transportation documents – the cost of goods, reflected in the account.

For the purposes of determination of the tax base, the cost of goods, (as well as the goods, that are the result of execution of works on agreement (contract) on their production), expressed in the foreign currency shall be translated to the national currency at the exchange rate of the national (central) bank of the member state on the date of reception of goods to the account.

Upon import of products of processing of give and take raw materials to the territory of one member state from the territory of another member state, the tax base shall be determined as the cost of executed works on processing of give and take raw materials and excises, payable on excisable products of processing. Upon that the cost of executed works on processing of give and take raw materials, expressed in the foreign currency shall be translated to the national currency at the exchange rate of the national (central) bank of the member state on the date of reception of products of processing to the account.

When importing goods from the territory of one Member State to the territory of a free (special, exclusive) economic zone, the boundaries of which fully or partially coincide with

sections of the customs border of the Union operating in the Russian Federation as of July 1, 2016 (hereinafter referred to as the SEZ), by taxpayers who are residents of the SEZ, on the date of accepting the goods for accounting, VAT shall be calculated and paid in accordance with paragraph four of paragraph 19 of this Protocol. If the indicated goods were not sold or were sold without VAT before the end of the month in which 180 calendar days expire from the date of their acceptance for accounting, then the calculated VAT shall be subject to payment by taxpayers who are residents of the SEZ, in the part of imported goods that were not sold or were sold without VAT. In this case, the tax base for the specified goods that were not sold or were sold without VAT before the end of the month in which 180 calendar days expire from the date of their registration shall be determined in accordance with this paragraph.

Footnote. Paragraph 14 as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 210-VII.

15. Upon importation of goods (leasing subjects) to the territory of one member state from the territory of another member state on lease agreement (contract), providing the transfer of the property right to them to the lessee, the tax base shall be determined in the amount of the cost of goods (leasing subjects), provided on the date of its payment by lease agreement (contract) (irrespective of the actual amount and the date of payment). The lease payment in the foreign currency shall be translated to the national currency at the exchange rate of the national (central) bank of the member state on the date, corresponding to the time (date) of determination of the tax base.

16. The tax base for imposition of excises shall be the volume, number (other indicators) of imported excisable goods, as well as the goods that are the product of processing of give and take raw materials, in natural units, in relation of which the fixed (specific) rates of excises are established, or the cost of imported excisable goods, as well as the goods that are the product of processing of give and take raw materials, in relation of which the ad valorem excise rates are established.

The tax base for calculation of excises shall be determined on the date of reception of imported excisable goods to the account by the taxpayer, as well as the goods that are the product of processing of give and take raw materials (but not later than the term, established by the legislation of the member state, to the territory of which the excisable goods are imported).

17. The amounts of the indirect taxes, payable on the goods, imported to the territory of one member state from the territory of another member state shall be calculated by the taxpayer on the tax rates, established by the legislation of the member state, to the territory of which the goods are imported.

18. The legislation of the member state regulating the principles of determination of a price for the purposes of taxation may be applied for ensuring of completeness of the payment of indirect taxes.

19. Indirect taxes, except for excise taxes on marked excisable goods, shall be paid no later than the 20th day of the month following the month:

acceptance of imported goods for registration, unless otherwise provided by this paragraph;

the period stipulated by the leasing agreement (contract).

Payment of VAT on goods imported from the territory of one Member State to the territory of the SEZ and not sold or sold without VAT before the end of the month in which 180 calendar days expire from the date of their acceptance for registration shall be made no later than the 20th day of the month following the month in which 180 calendar days expire from the date of acceptance of these goods for registration.

Payment of excise duties on marked excisable goods shall be made within the time limits established by the legislation of the Member State.

Footnote. Paragraph 19 - as amended by the Law of the Republic of Kazakhstan dated 15.03.2023 № 210-VII.

20. The taxpayer shall be obliged to present the relevant tax declaration on the form, established by the legislation of the member state, or in the form, approved by the competent body of the member state, to the territory of which the goods are imported, as well as on lease agreement (contract) to the taxation body, not later than the 20th day of the month, following the month of record of imported goods (the date of payment, provided by the lease agreement (contract)). The taxpayer shall present the following documents to the taxation body together with the tax declaration:

1) an application in hard copy (in quadruplicate) and in electronic form of application in the electronic form with electronic (digital) signature of taxpayer;

2) a bank statement, approving the actual payment of indirect taxes on imported goods, or other document, approving execution of tax obligations on payment of indirect taxes, if it is provided by the legislation of the member state. If the taxpayer has the overpayment (collected) of the tax, charges or the amounts of indirect taxes, subjected to return (set off), both upon import of goods to the territory of one member state from the territory of another member state, and upon sale of goods (works, services) in the territory of the member state, the taxation body shall take (make) a decision on their credit to the account of payment of indirect taxes on imported goods in accordance with the legislation of the member state, to the territory of which the goods are imported. In this case the bank statement (its copy), approving an actual payment of indirect taxes on imported goods shall not be presented. The documents, specified in this paragraph by the lease agreement (contract) shall be presented upon occurrence of the date of payment, provided by the lease agreement (contract);

3) transport (transportation) and (or) other documents, provided by the legislation of the member state, approving the transfer of goods from the territory of one member state to the

territory of another member state. The specified documents shall not be presented, if the separate types of transfer of goods, as well as transfer of goods without the use of transport vehicles, execution of these documents is not provided by the legislation of the member state;

4) invoices, executed in accordance with the legislation of the member state upon dispatch of goods, in the case if their submission (creation) is provided by the legislation of the member state.

If the submission (creation) of invoice is not provided by the legislation of the member state or the goods are purchased from the taxpayer of the state that is not a member state, other document (documents), issued (made out) by the seller, approving the cost of imported goods shall be presented to the taxation body instead of the invoice;

5) agreements (contracts), on the basis of which the goods are purchased, imported to the territory of the member state from the territory of another member state;

in the case of leasing of goods (leasing subjects) – lease agreements (contracts); in the case of the trade credit (commercial loan, a loan in the form of things) – agreements (contracts) of the trade credit (commercial loan, a loan in the form of things) on production of goods; agreements (contracts) for processing of give and take raw materials;

6) information statement (in the cases, provided by paragraphs 13.2 – 13.2 of this Minute) , presented to the taxpayer of one member state by the taxpayer of another member state or by the taxpayer of the state that is not a member of the Union (signed by the head (individual entrepreneur) and affixed with the seal of organization), selling the goods imported from the territory of the third member state, on the following details on the taxpayer of the third member state and agreement (contract), concluded with the taxpayer of the third member state on purchase of imported goods:

number that identifies a person as a taxpayer of the member state;

full name of the taxpayer (organization (individual entrepreneur) of the member state;

location (place of residence) of the taxpayer of the member state;

number and date of agreement (contract);

number and date of specification.

In the case if the taxpayer of the member state, from which the goods are purchased, is not the owner of goods sold (is a commissioner, attorney or agent), the details, specified in the second-sixth item of this paragraph shall be also presented in relation of the owner of goods sold.

In the case of presentation of information statement in foreign language, it is compulsory to have a translation it into Russian language.

Information statement shall not be presented in the case, if details, provided by this subparagraph are contained in the agreement (contract), specified in subparagraph 5 of this paragraph;

7) agreements (contracts) of commission, orders or agency agreement (contract) (in the cases of their conclusion);

8) agreements (contracts), on the basis of which the goods are purchased, imported to the territory of the member state from the territory of another member state, by agreements (contracts) of commission, order or on agency agreement (contract) (in the cases, provided by paragraphs 13.2 – 13.5 of this Minute, except for the cases, when the indirect taxes are paid by the commissioner, attorney or agent).

The documents specified in subparagraphs 2-8 of this paragraph may be presented in the copies, certified in the manner established by the legislation of the member state, or in the electronic form in the manner established by the regulatory legal acts of the taxation bodies of the member states or other regulatory legal acts of the member states. The format of the specified documents shall be determined by the regulatory legal acts of taxation bodies of the member states or other regulatory legal acts of the member states.

The taxpayer shall present the documents, provided by subparagraphs 1-8 of this paragraph to the taxation body by the lease agreement (contract) upon the first payment of VAT. In the future, the taxpayer shall present the documents (their copies), provided by subparagraphs 1 and 2 of this paragraph to the taxation body together with tax declaration.

The documents specified in this paragraph, except for the application and information statement shall not be presented to the taxation body, if their non-presentation together with the tax declaration follows from the legislation of the member state, to the territory of which the goods are imported.

$20^{1.}$ A taxpayer who is a resident of a SEZ shall be obliged to submit a tax return and the documents specified in paragraph 20 of this Protocol (except for the document specified in subparagraph 2 of paragraph 20 of this Protocol) no later than the 20th day of the month following the month in which the imported goods are accepted for registration.

In addition, a taxpayer who is a resident of the FEZ shall also be obliged to submit a tax return specified in paragraph 20 of this Protocol no later than the 20th day of the month following the month in which 180 calendar days expire from the date of registration of goods imported from the territory of one Member State to the territory of the FEZ. The tax return must reflect information on the specified imported goods that were not sold and (or) sold within 180 calendar days from the date of their registration. Concerning imported goods that were not sold or sold without VAT, together with the tax return, a taxpayer who is a resident of the FEZ shall submit to the tax authority a bank statement confirming the actual payment of VAT on the imported goods, or another document confirming the fulfilment of tax obligations to pay VAT, if this is provided for by the legislation of the Member State into whose territory the goods were imported. If a taxpayer who is a resident of the FEZ has overpaid (collected) amounts of taxes, fees or amounts of indirect taxes subject to refund (credit), both when importing goods into the territory of one Member State from the territory of another Member State and when selling goods (works, services) in the territory of a Member State, the tax authority, in accordance with the legislation of the Member State into

whose territory the goods are imported, decides to credit them against the payment of VAT on imported goods. In this case, a bank statement (a copy thereof) confirming the actual payment of VAT on imported goods shall not be submitted.

Footnote. The protocol has been supplemented with paragraph 20[1] in accordance with the Law of the Republic of Kazakhstan dated 15.03.2023 № 210-VII.

21. Refined (instead of the previously submitted) application shall be presented both in hard copy (in quadruplicate) and in the electronic form, or in the electronic form with electronic (digital) signature of the taxpayer.

The documents, provided by subparagraphs 2-8 of paragraph 20 of this Minute shall be presented together with the refined (instead of the previously submitted) application, if they are not previously presented to the taxation body.

If presentation of refined (instead of the previously submitted) application does not entail making amendments to the previously presented tax declaration, the taxpayer shall not present the refined (additional) tax declaration, unless otherwise established by the legislation of the member state. Presentation of such refined application shall not entail recovery of the amounts of VAT, paid upon import of goods, previously accepted to deduction.

Refined (instead of the previously submitted) application shall not be presented in the cases, established by the legislation of the member state.

21[1]. If the tax authority of a Member State into whose territory goods are imported discovers that the taxpayer has understated (concealed) the tax base due to incomplete reflection (non-reflection) of the quantity of imported goods, this tax authority shall, upon request, inform the tax authority of the Member State from whose territory the goods are exported of the fact of levying indirect taxes, unless the legislation of the latter provides for the submission of a statement upon discovery of such understatement (concealment).

Footnote. Annex 18 has been supplemented with paragraph 21[1] in accordance with the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

22. In the cases of non-payment, incomplete payment of indirect taxes on imported goods, payment of such taxes at a later date in comparison with the established paragraph 19 of this Minute, as well as in the cases of revelation of facts of non-presentation of tax declarations, presentation them with violation of the term, established by paragraph 20 of this Minute, or in the cases of inconsistency of data, specified in the tax declarations to the data, received within the exchange of information between the taxation bodies of the member states, the taxation body shall collect the indirect taxes and fines in the manner and amount, established by the legislation of the member state, to the territory of which the goods are imported, as well as shall apply the methods of ensuring of execution of obligations on payment of indirect taxes, fines and penalties, established by the legislation of this member state.

The tax authority of the Member State into whose territory the goods are imported, upon establishing inaccurate data in the documents submitted by the taxpayer, as provided for in

Paragraphs 20, 21, 23 and 24 of this Protocol, shall inform the tax authority of the Member State from whose territory the goods are exported of the established circumstances.

The tax authority of the Member State that has levied indirect taxes shall:

withdraw the application upon establishing the fact that there was no movement of goods into its territory and inform the tax authority of the Member State whose taxpayer applied the zero rate and/or exemption from excise duties of the fact and grounds for withdrawal;

inform the tax authority of the Member State whose taxpayer has applied the zero rate and /or exemption from excise duties that the decision of the tax authority to withdraw the application following an appeal has been declared invalid.

The application shall not be withdrawn if the tax authority discovers the fact of non-payment of indirect taxes on the import of goods in connection with the cancellation of its decision to offset taxes against the fulfilment of the obligation to pay indirect taxes on the import of goods and there are no grounds to consider the import of goods as failed.

If there is information indicating the inaccuracy of the data reflected in the documents submitted together with the tax return, as provided for in paragraph 20 of this Protocol, the tax authority of one Member State shall have the right to send a request to the tax authority of another Member State for confirming (not confirming) such information.

Footnote. Paragraph 22 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

23. Upon return of imported goods in the month of their record, the reflection of operations on import of these goods in the tax declaration shall not be made, if return of goods is carried out by the reason of inadequate quality and (or) equipment.

Return of goods by the reason of inadequate quality and (or) equipment shall be approved by the claim, coordinated by participants of agreement (contract), as well as the documents, corresponding to further performance of operations with such goods. Such documents may include the acts of acceptance-transfer of goods (in the case of absence of transportation of returned goods), transport (transportation) documents (in the case of transportation of returned documents), acts of destruction or other documents. In the case of partial return of such goods, the specified documents (their copies) shall be presented to the taxation body together with the documents, provided by paragraphs 20 of this Minute.

Upon return of imported goods on the specified reason, upon expire of the months, in which the goods are recorded, the taxpayer shall present the relevant refined (additional) tax declaration and documents (their copies), specified in the second item of this paragraph to the taxation body.

The documents, specified in the second item of this paragraph may be presented in the electronic form in the manner established by the regulatory legal acts of taxation bodies of the member states or other regulatory legal acts of the member states. The format of specified documents shall be determined by the taxation bodies of the member states or other regulatory legal acts of the member states.

In the case of partial return of goods by the reason of inadequate quality and (or) equipment, the refined (instead of the previously submitted) application shall be presented without reporting details on partially returned goods to the taxation body. The specified application shall be presented or in hard copy (in quadruplicate) and in electronic form, or in the electronic form with electronic (digital) signature of the taxpayer.

In the case of full return of all goods, the details of which were reflected in the previously presented application, by the reason of inadequate quality and (or) equipment, the refined (instead of the previously submitted) application shall not be presented to the taxation body. The taxpayer shall inform the taxation body on the requisites of previously submitted application, in which the details on fully returned goods were reflected, on the form and according to the procedure, which are established by the regulatory legal acts of the taxation bodies of the member states or other regulatory legal acts of the member states.

Upon partial or full return of goods by the reason of inadequate quality and (or) equipment, the recovery of amounts of VAT, previously paid upon import of these goods and taken to a deduction shall be made in the tax period, in which the return of goods are made, unless otherwise provided by the legislation of the member state.

24. By increasing the cost of imported goods in the case of increase of their price upon expire of month, in which the goods were recorded by the taxpayer, the tax basis for the purposes of payment of VAT shall be increased by the difference between the changed and previous value of imported goods. Payment of VAT and presentation of the tax declaration shall be made not later than 20th of the month, following for the month, in which the participants of agreement (contract) changed the price of imported goods.

The difference between the changed and previous value of purchased imported goods are reflected in the tax declaration, together with which the taxpayer presents to the taxation body :

an application (with reflection of the difference between the changed and previous value) in hard copy (in quadruplicate) and in electronic form, or in electronic form with the electronic (digital) signature of the taxpayer;

an agreement (contract) or other document, provided by participants of agreement (contract), which approves the increase of the price of imported goods, the corrective invoice (in the case if its submission (creation) is provided by the legislation of the member state). The specified documents may be presented in the copies, certified in the manner established by the legislation of the member state, or in the electronic form in the manner, established by the regulatory legal acts of the taxation bodies of the member states or other regulatory legal acts of the member states. The format of the specified documents shall be determined by the regulatory legal acts of taxation bodies of the member states or other regulatory legal acts of the member states.

25. In the case of the use of goods, the import of which to the territory of the member state in accordance with its legislation is carried out without payment of indirect taxes, in

other purposes, than those, in connection of which the exemption or other procedure of payment is provided, import of such goods shall subject to imposition of indirect taxes in the manner established by this section.

26. The amounts of indirect taxes paid (offset) on goods, imported to the territory of one member state from the territory of another member state shall subject to deductions (set off) in the manner provided by the legislation of the member state to the territory of which the goods are imported.

27. Collection of excises on goods, subjected to marking of excise marks (accounting and control marks, signs) shall be carried out by the customs bodies of the member state, unless otherwise provided by the legislation of the member state.

IV. Procedure of collection of indirect taxes upon execution of works of rendering of services

28. Collection of indirect taxes upon execution of works, rendering of services shall be carried out in the member state, the territory of which is recognized the place of implementation of works, services (except for the works, specified in paragraph 31 of this Minute).

Upon execution of works, rendering of services, the tax basis, the rates of indirect taxes, procedure of their collection and tax benefits (exemption from taxation) shall be determined in accordance with the legislation of the member state, the territory of which is recognized the place of implementation of works, services, unless otherwise established by this section.

A taxpayer (organization or individual entrepreneur) of one Member State registered with the tax authority of another Member State only in connection with the opening of a bank account and (or) the presence in that other Member State of real estate and (or) vehicles and (or) a representative office that does not perform work (does not provide services) the place of implementation of which is the territory of that other Member State, shall not be obliged to submit tax returns and pay VAT to the budget of that other Member State.

When the taxpayer specified in the third paragraph of this paragraph performs (provides) work (services), the place of supply of which is recognized as the territory of this other Member State, the taxpayer-purchaser (organization or individual entrepreneur), registered with the tax authority of this other Member State, shall be obliged to calculate and pay (withhold, if established by the legislation of this other Member State) the appropriate amount of VAT for such work (services) to the budget of this other Member State.

When the taxpayer specified in the third paragraph of this paragraph performs (provides) work (services), the place of sale of which shall be recognized as the territory of this other Member State, the buyer - an individual who is not an individual entrepreneur, does not calculate and pay (withhold) the corresponding amount of VAT to the budget of this other Member State.

The collection of VAT when providing services in electronic form shall be carried out in accordance with the procedure set out in the annex to this Protocol.

Footnote. Paragraph 28 as amended by the Law of the Republic of Kazakhstan dated 22.02.2024 № 63-VIII.

29. The place of implementation of works, services shall be recognized the territory of the member state, if:

1) the works, services are directly related to immovable property that are in the territory of this Member State.

Provisions of this subparagraph shall be also applied in relation of services on the rent, loan and provision for use on other grounds of immovable property;

2) the works, services are directly related to immovable property, transport vehicles that are in the territory of this member state;

3) services in the scope of culture, art, training (education), physical culture, tourism, leisure and sport, rendered in the territory of this member state;

4) the taxpayer of that Member State shall acquire:

consulting, legal, accounting, auditing, engineering, advertising, design, marketing services, information processing services (except for services in electronic form), as well as scientific research, experimental design and experimental technological (technological) work;

work, services for the development of software for any type of electronic devices and databases (software and information products for any type of electronic devices), their adaptation and modification, support (maintenance) and refinement of such programs and databases (except for services in electronic form);

services for the provision of personnel if the personnel work at the buyer's place of business.

The provisions of this subparagraph shall also apply in the event of:

transfer, provision, assignment of patents, licenses, or other documents certifying rights to state-protected industrial property objects, trademarks, trade names, service marks, copyright, related rights or other similar rights (except for services in electronic form);

rent, lease and provision for use on other grounds of movable property, except for rent, lease and provision for use on other grounds of vehicles;

provision of services by a person who, on his behalf for the main party to the agreement (contract) or on behalf of the main party to the agreement (contract), engages another person to perform the work and services provided for in this subparagraph;

If the buyer of works or services is a taxpayer of a member state, and their consumer is its branch or representative office (permanent establishment), which carries out activities in the territory of another member state and (or) whose location is the territory of another member state, then the place of supply of works or services shall be recognized as the territory of this other member state;

provision of services in electronic form (the place of activity of the buyer of such services shall be determined in accordance with the annex to this Protocol);

5) the work shall be performed, and the services shall be rendered by a taxpayer of that Member State, unless otherwise provided for in subparagraphs 1–4 of this paragraph.

The provisions of this subparagraph shall also apply to the rental, leasing and provision of vehicles for use on other grounds.

6) a taxpayer of this Member State performs work or provides services specified in subparagraph 4 of this paragraph (except for services in electronic form), which are acquired by an individual carrying out activities or permanently residing in another Member State and who is not an individual entrepreneur.

Footnote. Paragraph 29 as amended by the laws of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII; dated 22.02.2024 № 63-VIII.

30. The following shall be documents confirming the place of implementation of works and services (unless otherwise provided by this Protocol):

an agreement (contract) for execution of works, rendering of services, concluded by the taxpayers of the member states;

the documents, approving the fact of execution of works, rendering of services;

other documents, provided by the legislation of the member states.

Footnote. Paragraph 30 as amended by the Law of the Republic of Kazakhstan from 22.02.2024 № 63-VIII.

31. Procedure of collection of VAT and ensuring control of its payment shall be carried out in accordance with section II of this Minute upon implementation of works on processing of give and take raw materials, imported to the territory of one member state from the territory of another member state with the following export of products of processing to the territory of another member state, unless otherwise established by this section. Upon that the tax base on VAT shall be determined as the value of executed works on processing of give and take raw materials.

32. For approval of validity of application of the zero rate of VAT upon implementation of works, specified in paragraph 31 of this Minute, the following documents (their copies) shall be presented in hard copy to the taxation body together with the tax declaration:

1) an agreement (contract), concluded between the taxpayer of the member states;

2) the documents, approving the fact of execution of works;

3) the documents, approving the export (import) of goods, specified in paragraph 31 of this Minute;

4) an application (in hard copy in the original or copy at discretion of the taxation bodies of the member states) or the list of application (in hard copy or in a n electronic form with electronic (digital) signature of the taxpayer).

The list shall be presented in the manner, established by subparagraph 3 of paragraph 4 of this Minute.

In the case of export of products of processing of give and take raw materials outside the Union, the application (a list of applications) shall not be presented to the taxation body.

In the case of export of products of processing of give and take raw materials from the territory of one member state to the territory of another member state and placement them under the customs procedure of free customs zone or free warehouse in the territory of another member state, a copy of the tax declaration, certified by the customs body of another member state, in accordance with which such goods are transferred under the customs procedure of free customs zone or free warehouse shall be presented to the taxation body of the first member state instead of the application (a list of applications);

5) customs declaration, approving the import of products of processing of give and take raw materials outside the Union;

6) other documents, provided by the legislation of the member state.

The documents, provided by subparagraphs 1, 2, 3, 5, 6, by the fourth item of subparagraph 4 of this paragraph may be presented in an electronic form in the manner, established by the regulatory legal acts of the taxation bodies of the member states or other regulatory legal acts of the member states. The format of the specified documents shall be determined by the taxation bodies of the member states or other regulatory legal acts of the member states.

The documents, provided by this paragraph, except for the application (list of applications) shall not be presented to the taxation body, if the non-presentation of documents, approving the validity of application of the zero rate of VAT, follows from the legislation of the member state, in the territory of which the processing is carried out together with the tax declaration.

33. In the case if the separate types of works, services, the procedure of taxation of which is regulated by this section, are executed, rendered by the taxpayer, and implementation of certain works, services has the auxiliary character in relation of implementation of other works, services, the place of implementation of auxiliary works and services shall be the place of implementation of basic works, services.

Annex
to the Protocol on the procedure for
collecting indirect taxes and the
mechanism for monitoring their payment
during the export and import of goods,
performance of work, and provision of
services

PROCEDURE for
collecting value-added tax when providing services in electronic form

Footnote. The protocol is supplemented with an annex in accordance with the Law of the Republic of Kazakhstan from 22.02.2024 № 63-VIII.

I. General Provisions

1. This Procedure has been developed in accordance with Article 72 of the Treaty on the Eurasian Economic Union (hereinafter referred to as the Treaty) and the Protocol on the procedure for collecting indirect taxes and the mechanism for monitoring their payment upon export and import of goods, the performance of work, and provision of services (Annex № 18 to the Treaty) (hereinafter referred to as the Protocol) and shall determine the procedure for collecting VAT when providing services in electronic form by a taxpayer of one member state to a taxpayer of another member state, as well as to individuals (who are not individual entrepreneurs and taxpayers in accordance with the legislation of another member state, but who meet the conditions for determining the place of business provided for in paragraph 6 of this Procedure).

2. The concepts used in this Procedure shall have the meanings defined in the Protocol.

II. Formation of a list of services in electronic form

3. Member States shall draw up a list of services in electronic form, which shall be approved by the Council of the Commission.

4. For the purposes of applying this Procedure and the Protocol, services in electronic form shall not include, in particular:

1) sale of goods (works, services), if, when ordering through an information and telecommunications network, including through the Internet, the delivery of goods (performance of work, provision of services) shall be carried out without the use of such an information and telecommunications network;

2) implementation (transfer of rights to use) software for any type of electronic device (including computer games) on tangible media and (or) databases on tangible media;

3) provision of services for providing access to the information and telecommunications network, including the Internet.

III. Determination of the place of implementation of the activities of the buyer of services in electronic form

5. The place of activity of an organization acquiring services in electronic form shall be recognized as the territory of a Member State if one of the following conditions is met:

1) the organization carries out activities in the territory of a member state based on state registration, except for the cases provided for in subparagraphs 2 and 3 of this paragraph;

2) the services are rendered to a branch, representative office, or permanent establishment of an organization located in that Member State, which is not the place of state registration of that organization, or is acquired for such a branch, representative office, or permanent establishment of the organization and consumed by it;

3) the location of the permanent executive body (place of management) of the organization is located in this member state, which is not the place of state registration of this

organization, and in this member state the organization's business activities are carried out, and services are consumed.

6. The place of activity of an individual, including an individual entrepreneur, acquiring services in electronic form, shall be recognized as the territory of a Member State if one of the following conditions is met:

1) the place of residence (place of permanent or predominant residence) of the buyer is in that Member State;

2) the location of the bank in which the account used by the buyer to pay for the services is opened, or the location of the electronic money operator through which the buyer makes payment for the services is located in the territory of that Member State;

3) the network address of the purchaser used to purchase the services is registered in that Member State (belongs to the relevant address space);

4) the international country code of the telephone number used by the purchaser to purchase or pay for the services is assigned by that Member State.

7. The place of activity of an individual entrepreneur acquiring services in electronic form shall be determined based on the conditions provided for in paragraph 5 of this Procedure, applicable to organizations, if this is established by the regulatory legal acts of the member state in which the individual entrepreneur is registered, adopted after the entry into force of this Procedure.

8. If in accordance with the conditions provided for in paragraph 6 of this Procedure, the territory of more than one Member State may be recognized as the place of activity of an individual acquiring services in electronic form, the seller shall determine the place of activity of such an individual based on the simultaneous compliance with a greater number of the specified conditions in the territory of a Member State.

If an equal number of conditions specified in paragraph 6 are simultaneously met in the territories of several Member States, the seller shall independently determine the place of activity of such an individual based on the approaches applied by him for an unlimited number of buyers of services in electronic form.

IV. Payment of VAT when providing services in electronic form

9. To pay VAT, a taxpayer of one Member State providing services in electronic form to individuals whose place of business is recognized as the territory of another Member State shall be subject to registration with the tax authority of that other Member State, except for the cases provided for in paragraph 11 of this Procedure. Registration shall be carried out by using the information resource of the indicated tax authority on the Internet (hereinafter referred to as the Information resource) or, if provided for by the legislation of the Member State, by conditional registration with the tax authority of the Member State whose territory is the place of provision of such services.

10. To pay VAT, a taxpayer of one Member State providing services in the electronic form to organizations and (or) individual entrepreneurs whose place of business is recognized as the territory of another Member State, except for cases provided for in paragraph 11 of this Procedure, shall be subject to registration with the tax authority of that other Member State, if such an obligation is provided for by the legislation of that other Member State.

If the obligation to register a taxpayer-seller with the tax authority of a Member State, the territory of which is the place of sale of services in electronic form, is not provided for by the legislation of such Member State, then the obligations to calculate and pay (withhold) VAT shall be carried out by organizations and (or) individual entrepreneurs purchasing services in electronic form, in the manner prescribed by the legislation of their Member State.

If taxpayer-sellers have not registered with the tax authority of such other Member State (if the obligation to register is provided for by the legislation of the Member State at the place of the buyer's business), then the obligation to calculate and pay (withhold) VAT shall be carried out by organizations and individual entrepreneurs purchasing services in electronic form, in the manner prescribed by the legislation of their Member State.

If the legislation of a Member State that is recognized as the place of business of the buyer provides for registration with the tax authority of such Member State only on the basis related to the provision of services in electronic form to individuals, including individual entrepreneurs, or to individuals who are not individual entrepreneurs, but the taxpayer-seller provides such services to both individuals, including individual entrepreneurs, and organizations, then concerning services purchased by organizations and (or) individual entrepreneurs in electronic form, the obligation to calculate and pay (withhold) VAT shall be carried out by such organizations and (or) individual entrepreneurs purchasing services in electronic form, in the manner prescribed by the legislation of the Member State that is recognized as the place of business of the buyer.

The list of organizations providing services in electronic form must be posted on the official websites of the tax authorities of the Member States on the Internet, indicating the date of registration of the indicated organizations with the tax authorities of the Member State in which the services are purchased in electronic form, the taxpayer's registration number, or the taxpayer identification number, or the taxpayer registration number (if any).

11. When a taxpayer of one Member State provides services in electronic form, the place of supply of which is recognized as the territory of another Member State, through the mediation of an organization (individual entrepreneur) registered with the tax authorities of that other Member State, participating in settlements directly with buyers of such services in that other Member State based on an agreement with the taxpayer providing services in electronic form, the calculation and payment (withholding) of VAT shall be made by such an intermediary in settlements, and not by the taxpayer providing services in electronic form.

When a taxpayer of one Member State provides services in electronic form, the place of supply of which is recognized as the territory of another Member State, through an

organization (individual entrepreneur) registered with the tax authorities of the first Member State or with the tax authorities of other Member States whose territory is not recognized as the place of supply of such services, participating in settlements directly with buyers of such services in this other Member State based on an agreement with such a taxpayer providing services in electronic form, the calculation and payment (withholding) of VAT shall be made by such an intermediary in settlements, and not by the taxpayer providing services in electronic form, if the obligation to register and pay tax in this other Member State arises for such a taxpayer in accordance with paragraphs 9 and 10 of this Procedure.

In the case of the provision of services in electronic form with the participation of several intermediaries in settlements, the calculation and payment (withholding) of VAT shall be carried out by the one that directly carries out settlements with the buyer, regardless of whether such intermediary in settlements has an agreement with the taxpayer-seller.

In the cases specified in paragraphs one through three of this clause, the requirements of this Procedure for registration with the tax authority of another member state, filing tax returns, paying VAT and fulfilling other obligations that shall be defined by this Procedure for the taxpayer shall apply to the specified settlement intermediary.

The provisions of this paragraph shall not apply to cases where a taxpayer-seller provides services in electronic form independently, as well as through its branch, representative office, or permanent establishment located in a Member State that is the place where services are provided in electronic form.

12. When providing services in electronic form, the procedure for registering (deregistering) with the tax authority taxpayers providing such services and intermediaries in settlements specified in paragraph 11 of this Procedure, the tax base, VAT rates, the procedure for calculating and the deadlines for paying VAT, tax benefits (exemptions from taxation), as well as the procedure for the return (offset) of overpaid VAT amounts shall be determined in accordance with the legislation of the Member State whose territory is recognized as the place of supply of such services, unless otherwise provided for in paragraph 15 of this Procedure.

13. If a taxpayer of one Member State is registered with the tax authority of another Member State for the payment of VAT on services in electronic form rendered in the territory of that other Member State, and at the same time carries out other transactions for the sale of works and services provided for in subparagraphs 1-4 of paragraph 29 of the Protocol, the place of sale of which is recognized as the territory of that other Member State, then for these other transactions VAT shall be paid in the manner determined by paragraphs 9 and 10 of this Procedure, unless otherwise established by the legislation of that other Member State.

14. If a taxpayer of one Member State is subject to registration or is registered with the tax authority of another Member State on the grounds specified in paragraphs 9-11 of this Procedure, he/she shall submit to the tax authority the relevant tax return in the form established by the legislation of the Member State whose territory is recognized as the place

of supply of services, or in the form approved by the competent authority of that Member State. The indicated tax return shall be submitted to the tax authority through the information resource of the tax authority of the Member State whose territory is recognized as the place of supply of services.

If the tax return is not submitted in accordance with the legislation of the Member State, the taxpayer shall pay the VAT by the due date without fulfilling the obligation to submit to the tax authority the tax return provided for in the first paragraph of this paragraph.

As part of the control measures, the tax authority of the Member State whose territory is recognized as the place of supply of services in electronic form shall have the right to request from the taxpayer providing such services the information necessary to confirm the place of supply of services, the completeness and timeliness of payment of VAT, and the payment document (documents) confirming payment of VAT by the established deadline, or a copy thereof.

The requested documents must be submitted to the requesting tax authority in electronic form within 30 calendar days from the date specified in the tax authority's request. Based on the taxpayer's application, the tax authority may extend the deadline for submitting information and/or payment documents.

15. When a taxpayer of one Member State provides services in electronic form and carries out other transactions for the sale of works and services provided for in subparagraphs 1 - 4 of paragraph 29 of the Protocol, the place of sale of which is recognized as the territory of another Member State, the moment (date) of determining the tax base shall be the last day of the quarter or month (if the tax period according to the legislation of the Member State is a month) in which payment (partial payment) was received for the services rendered (work performed) or payment (partial payment) on account of the upcoming provision of services (performance of work).

When determining the tax base, the cost of the specified services (works) in foreign currency shall be converted into national currency at the exchange rate of the national (central) bank of the member state on the date corresponding to the moment (date) of determining the tax base, unless otherwise established by the legislation of the member state whose territory is recognized as the place of sale of such services (works).

16. Until the creation of the information resources provided for in paragraphs 9 and 14 of this Procedure, organizations providing services in electronic form, or organizations through which such services are provided, shall not have any obligation to calculate and pay (withhold) VAT.

Such an obligation shall be imposed accordingly on the organization (individual entrepreneur) purchasing services in electronic form, if this obligation is provided for by the legislation of the member state whose territory is the place of implementation of services in electronic form.

The provisions of this paragraph shall not apply to a taxpayer-seller who has carried out conditional registration with the tax authority of a Member State whose territory is the place of sale of services in electronic form.

ANNEX №19
to Agreement
on Eurasian Economic Union

Minute
on general principles and rules of competition
I. General provisions

1. This Minute is developed in accordance with section XVIII of Agreement on Eurasian economic Union (hereinafter – Agreement) and determines the features of its application, fine sanctions for violation of general rules of competition in the trans-border market in the territories of two and more member states (hereinafter – trans-border market), the procedure of carrying out of control of observance of general rules of competition in the trans-border markets by the Commission (including interaction with the authorized bodies of the member states), interaction of the authorized bodies of the member states between each other upon carrying out of control of observance of competitive (antimonopoly) legislation, as well as introduction of the state price regulation and challenge the decisions of the member states on its introduction.

2. The concepts used in this Minute, as well as for the purposes of section XVIII of Agreement shall have the following meanings:

1) “vertical agreement” – an agreement between the economic entities (market entities), one of which purchases the goods and is a potential purchaser, and another provides the goods or is a potential seller;

2) “substitutional goods” – the goods that may be compared by their functional purpose, application, quality and technical characteristics, price and other parameters so that the purchaser actually substitutes or is ready to substitute one product to others while consumption (as well as upon consumption for the production purposes);

3) “state price regulation” – establishment of prices (tariffs), surcharges to prices (tariffs), maximum or minimum prices (tariffs), maximum or minimum surcharges to prices (tariffs) by the bodies of the state power and bodies of local self-government of the member states in the manner established by the legislation of the member states;

4) “state or municipal preferences” – provision of advantage, which provides them more favorable conditions of activity, by transfer of the state or municipal property, other objects of civil rights or by provision of property benefits, state or municipal guarantees by the executive bodies, bodies of local self-government of the member states, other bodies or organizations, exercising the functions of the specified bodies to the separate economic entities (market entities);

5) “group of persons” – a set of individuals and (or) legal entities, corresponding to one or separate from the following characteristics:

economic society (partnership, economic partnership) and individual or legal entity, if such individual or legal entity has more than 50 percent from the total number of votes, corresponding to the voting stocks (shares) in the charter (reserve) capital of this economic society (partnership, economic partnership) by virtues of its participation in this economic society (partnership, economic partnership) or in accordance with powers, received, as well as on the basis of written agreement from other persons;

economic entity (market entity) and individual or legal entity, if such individual or legal entity exercises the functions of individual executive body of this economic entity (market entity);

economic entity (market entity) and individual or legal entity, if such individual or legal entity shall have a right to give the compulsory instructions to the economic entity (market entity) on the basis of constituent documents of this economic entity (market entity) or contract (agreement), concluded with this economic entity (market entity);

economic entity (market entities), in which more than 50 percent of the number of members of the collegial executive body and (or) the board of directors (supervisory council, foundation council) composes the same individuals;

an individual, his (her) spouse, parents (including adoptive parents), children (including adoptive persons), brothers and sisters;

the persons, each of them on any of the grounds, specified in the second-sixth items of this subparagraph included in the group with the same person, as well as other persons, included with any of these persons in the group on any of the grounds, specified in the second – sixth items of this paragraph;

economic society (partnership, economic partnership), individuals and (or) legal entities, which on any of the characteristics, specified in the second-seventh items of this subparagraph included to the one group of persons, if such persons have more than 50 percent from the total number of votes, corresponding to the voting stocks (shares) in the charter (reserve) capital of this economic society (partnership, economic partnership) by virtue of its joint participation in this economic society (partnership, economic partnership) or in accordance with powers, received from other persons.

Group of persons shall be considered as the unified economic entity (market entity), and provisions of section XVIII of Agreement and this Minute, relating to the economic entities (market entities) shall be distributed to the group of persons, except for the cases, provided by this Minute.

The definition of concept “group of persons” may be specified, as well as in a part of amounts of disposal (participation) of stocks (shares) of one person in the charter (reserve)

capital of another person, upon that such disposal (participation) is recognized as a group of persons in the legislation of the member states for the purposes of implementation of competitive (antimonopoly) policy in the territories of the member states;

6) “discriminatory conditions” – conditions of access to the trade market, conditions of production, exchange, consumption, purchase, sale, other transfer of goods, upon which the economic entity (market entity) or several economic entities (market entities) are placed at unequal position in comparison with other economic entity (market entity) or other economic entities (market entities) in recognition of conditions, restriction and features, provided by Agreement and (or) other international treaties of the member states;

7) “dominant position” – position of an economic entity (market entity) (group of persons) or several economic entities (market entities) (groups of persons) in the market of certain goods, offering to such economic entity (market entity) (group of persons) or such economic entities (market entities) (groups of persons) possibility to have a decisive influence on the general conditions of circulation of goods on the relevant trade market and (or) remove from this trade market other economic entities (market entities), and (or) impede access to this trade market to other economic entities (market entities);

8) “competition” – competitiveness of economic entities (market entities), upon which the possibility of each of them to influence on the general conditions of circulation of goods in the relevant trade market on a unilateral basis is excluded or limited by the separate actions of each of them;

9) "confidential information" means all types of information to which access is restricted in compliance with the laws and regulations of the Member States, with the exception of information classified as a state secret (state secrets) in obedience to the laws and regulations of the Member States);

10) “coordination of economic activity” – coordination of actions of economic entities (market entities) by third person, not included to the same group of persons with any of these economic entities (market entities) and do not carry out activity on the trade market (trade markets) on which the coordination of actions of economic entities (market entities) are carried out;

11) “indirect control” – the possibility of legal entity or individual to determine decisions, adopted by a legal entity, through the legal entity or several legal entities, between which there is an indirect control;

12) “monopolistically high price” – a price, established by the economic entity (market entity), holding a dominant position, if this price exceeds the amount of expenses and profits, necessary for production and sale of such goods and price, which is formed in the conditions of competition in the market entity, comparable in composition of buyers or sellers of goods, to the conditions of circulation of goods, conditions of access to the market entity, state regulation, including taxation, customs and tariff regulation (hereinafter - comparable trade market), in the existence of such market in the territory of the Union or outside.

Monopolistically high price, established by the entity of natural monopoly may not be recognized within the tariff to such goods, determined in accordance with the legislation of the member states;

13) “monopolistically low price” – a price, established by the economic entity (market entity), holding a dominant position, if this price is lower than the amount of expenses and profits, actual and necessary for the production and sale of such goods and lower than the price, which is formed in the conditions of competition in the comparable trade market, in the existence of such market in the territory of the Union and outside;

A price cannot be recognized as monopolistically low if its establishment by the seller of the goods did not or could not lead to a restriction of competition due to a reduction in the number of economic entities (market participants) that are not included in the same group of persons with the sellers or buyers of the goods in the relevant goods market;

14) "unfair competition" - any actions of an economic entity (market entity) (group of persons) or several economic entities (market entities) (group of persons) aimed at acquiring advantages in entrepreneurial activity, which are contrary to the legislation of the Member States and (or) business customs, requirements of integrity, reasonableness and fairness and have caused or may cause damage to other economic entities (market entities) - competitors or have caused or may cause harm to their business reputation;

15) “signs of restriction of competition” – reduction in the number of economic entities (market entities), not included to the one of group of persons, in the market entity, increase or decrease in the price of goods, not related with relevant changes of other general conditions of circulation of goods in the market entity, refusal of economic entities (market entities), not included to the one group of persons, from independent actions in the trade market, determination of general conditions of circulation of goods in the trade market by agreement between the economic entities (market entities) or in accordance with instructions of other person, compulsory for implementation by them or in the result of coordination of their actions in the trade market by the economic entities (market entities), not included to the one group of persons, as well as other circumstances, making the possibility for the economic entity (market entity) or several economic entities (market entities) to influence on the general conditions of circulation of goods in the trade market in accordance with unilateral procedure;

16) “direct control” – the possibility of a legal entity or individual to determine the decisions, adopted by a legal entity, by one or several following actions:

exercise functions of its executive body;

obtainment of a right to determine the conditions of maintenance of entrepreneurial activity of legal entity;

disposal of more than 50 percent of the total number of votes, corresponding to the stocks (shares), composing the charter (reserve) capital of a legal entity;

17) “agreement” – an agreement in written form, contained in the document of several documents, as well as the agreement in oral form;

18) “goods” – the object of civil rights (as well as the work, service, including financial service), intended for the sale, exchange or other introduction into circulation;

19) “trade market” – the scope of circulation of goods, which may not be replaced by another goods, or substitutional goods, in the borders of which (as well as geographic), based on the economic, technical or other possibility or advisability, the acquirer may purchase the goods, and such possibility or advisability is absent beyond;

20) “economic entity (market entity)” – commercial organization, noncommercial organization, carrying out activity, bringing profits to it, individual entrepreneur, as well as individual, whose professional activity, bringing profits in accordance with the legislation of the member states, subjects to the state registration and (or) licensing;

21) “economic concentration” – transactions, other actions, carrying out of which have or may have influence on the state of competition.

Footnote. Paragraph 2 as amended by Law of the RK № 6-VII of 15.02.2021; dated 30.01.2024 № 56-VIII.

3. A dominant position of the economic entity (market entity) shall be established based on the analysis of the following circumstances:

1) a share of economic entity (market entity) and its correlation with shares of competitors and buyers;

2) the possibility of economic entity (market entity) to determine the level of price of goods and have a decisive influence on the general conditions of circulation of goods on the relevant trade market in accordance with unilateral procedure;

3) existence of economic, technological, administrative or other restrictions for the access to the trade market;

4) during the existence of possibility of economic entity (market entity) to have a decisive influence on the general conditions of circulation of goods in the trade market.

4. The dominant position of a business entity (market participant) on a cross-border market shall be established by the Commission in compliance with the methodology for assessing the state of competition on a cross-border market approved by the Commission.

A dominant position of the economic entity (market entity) in the trans-border market shall be established by Commission in accordance with the assessment methodology of the state of competition in the trans-border market, approved by Commission.

Footnote. Paragraph 4 as amended by Law of the RK № 6-VII of 15.02.2021.

II. The admissibility of agreements and withdrawal

5. Agreements, provided by paragraphs 4 and 5 of Article 76 of Agreement, as well as agreements of economic entities (market entities) on the joint activity, which may lead to the circumstances, specified in paragraph 3 of Article 76 of Agreement may be recognized as valid, if they do not impose the restrictions, that are not necessary for achievement of purposes of these agreements on the economic entities (market entities), and do not create the

possibility for elimination of competition in the relevant trade market and if the economic entities (market entities) prove, that such agreements result or may result in:

1) improvement in production (sale) of goods or promotion of technical (economic) progress or improving the competitiveness of goods of production of the member states in the world trade market;

2) getting of proportionate part of the benefits (profits) by the consumers, that are acquired by the persons from commission of such actions.

6. It is allowed the “vertical” agreements”, if:

1) such agreements are the contracts of commercial concession;

2) a share of the economic entity (market entity), that is a participant of such agreement, in the trade market of goods, that are the subject of “vertical” agreement does not exceed 20 percent.

7. Provisions of paragraphs 3-6 of Article 76 of Agreement shall not be distributed to the agreements between the economic entities (market entities), included to the one group of persons, if the direct or indirect control is established by one of these economic entities (market entities) in relation of another economic entity (market entity) or if such economic entities (market entities) are under the direct or indirect control of one person, except for the agreements between the economic entities (market entities), carrying out the types of activity, the simultaneous execution of which is not allowed by one of the economic entity (market entity) in accordance with the legislation of the member states.

III. Control of observance of general rules of competition

8. Restraint of violations by the economic entities (market entities), as well as individuals and non-commercial organizations of the member states, that are not the economic entities (market entities), general rules of competition, established by Article 76 of Agreement shall be carried out by the authorized bodies of the member states, in the territories of the member states.

9. Restraint of violations by the economic entities (market entities) of the member states, as well as individuals and non-commercial organizations of the member states, that are not the economic entities (market entities), general rules of competition, established by Article 76 of Agreement shall be carried out by Commission, if such violations have or may have a negative impact on competition in the trans-border markets, except for the violations, having a negative impact on competition in the trans-border financial markets, restraint of which is carried out in accordance with the legislation of the member states.

10. The Commission shall:

1) examine applications (materials) alleging a breach of the general rules of competition as set out in Article 76 of the Treaty which has or may have an adverse impact on competition on cross-border markets (hereinafter: examination of the application);

2) investigate violations of the general rules of competition in cross-border markets (hereinafter "investigation");

3) initiate and examine cases regarding breaches of the general rules of competition set out in Article 76 of the Treaty, which have or may have an adverse impact on competition on cross-border markets (hereinafter referred to as case examination), based on applications of authorised Member State authorities, Member States' economic entities (market entities), Member States' authorities, natural persons or on their own initiative;

4) issue determinations, warnings against actions that may lead to a violation of the general rules of competition on cross-border markets (hereinafter - the warning), as well as making decisions binding on economic entities (market participants) of the member states, including on:

impose penalties on economic entities (market entities) of the Member States in the cases provided for in Section XVIII of the Treaty and this Minute;

take action to stop breaches of the general rules of competition, to eliminate the consequences of breaches, and to ensure competition;

to avoid acts that may constitute an obstacle to competition and/or may restrict or eliminate competition in the cross-border market and violate the general rules of competition in the cases provided for in Section XVIII of the Treaty and this Minute;

5) issue warnings to business entities (market entities), as well as to natural persons and non-profit organisations of the Member States which are not business entities (market entities), on the need to cease actions (omissions) which contain indications of violation of general rules of competition and (or) to eliminate causes and conditions contributing to such violation , and on taking measures to eliminate consequences of such actions (omissions) (hereinafter - the warning);

6) hold (if necessary) consultations involving representatives of the competent authorities of the Member States and with the possibility of involving other persons;

$6^{1)}$ monitoring and comparative legal analysis of the legislation of Member States for compliance with the provisions of Section XVIII of the Treaty and this Protocol;

7) request and receive information from public authorities, local authorities, other bodies and organisations of member states performing their functions, legal entities and natural persons, including confidential information necessary for the exercise of powers of control over compliance with the general rules of competition on cross-border markets;

8) submit annually to the Intergovernmental Council an annual report on the state of competition in cross-border markets and measures taken to remedy infringements of the general rules of competition in those markets, and post the approved report on the official website of the Union on the Internet;

9) post the decisions on cases of infringement of the general competition rules on the Union's official website;

10) other powers necessary for the implementation of the provisions of Section XVIII of the Treaty and of this Minute.

Footnote. Paragraph 10 as reworded by Law of the RK № 6-VII dated 15.02.2021; as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

11. The procedure for considering the application, the procedure for investigation, the procedure for examination of the case as well as the procedure for issuing a warning shall be approved by the Commission. The results of the competition analysis conducted by the Commission for the purposes of the examination of the case shall be included in the Commission's decision following the examination of the case, except for confidential information.

Also, for the purposes of exercising the powers on control of observance of general rules of competition in the trans-border markets, necessary for implementation of provisions of section XVIII of Agreement and this Minute, the Commission shall approve:

the assessment method of the state of competition;

method of determination of monopolistically high (low) prices;

calculation method and procedure for the imposition of fines;

features of application of general rules of competition in the different branches of economy (if it is necessary);

procedure of interaction (as well as informational) of Commission and authorized bodies of the member states;

procedures for reporting on the state of competition in cross-border markets and measures taken to remedy infringements of the general rules of competition in these markets;

the procedure for exemption from liability upon a voluntary declaration that an economic operator (market participant) has entered into an agreement not permissible under paragraphs 3-5 of Article 76 of the Treaty, as well as participation therein.

Footnote. Paragraph 11 as amended by Law of the RK № 6-VII of 15.02.2021.

12. The relevant structural unit of the Commission (hereinafter referred to as the authorised structural unit of the Commission) shall ensure that applications, investigations, case files on violations of the general rules on competition in cross-border markets, as set out in Article 76 of the Treaty, and warnings are dealt with and warnings issued.

Footnote. Paragraph 12 as reworded by Law of the RK № 6-VII dated 15.02.2021.

13. When considering an application, conducting an investigation, examining a case, or considering the issue of issuing a warning, the authorized structural unit of the Commission shall request the necessary information from state authorities, local government bodies, other bodies or organizations of the Member States exercising their functions, legal entities and individuals. In this case, the relevant request shall be considered to have been sent on behalf of the Commission.

Economic entities (market entities), noncommercial organizations, bodies of the state power, bodies of local self-government, other bodies or organizations (their civil servants),

individuals, exercising their functions shall be obliged to present information, documents, details, explanations to the Commission at their request in the established terms, necessary for Commission in accordance with powers, imposed on it.

Footnote. Paragraph 13 as amended by Law of the RK № 6-VII of 15.02.2021; dated 19.04.2024 № 75-VIII.

13^1 As part of the examination of an application, except as provided for in paragraph 13^2 of this Minute, for the purpose of suppressing acts that result or may result in the prevention, restriction or elimination of competition on cross-border markets, the member of the Commission Collegium responsible for competition and antitrust regulation shall issue a warning to an economic operator (market participant), as well as to natural persons and non-profit organisations of the Member States which are not economic operators (market participants).

The procedure for preparing, issuing, dispatching and extending a warning shall be determined by the procedure for dealing with applications.

Footnote. The Protocol as supplemented by paragraph 13^1 in compliance with Law № 6-VII of 15.02.2021 of the Republic of Kazakhstan.

13^2 A warning shall not be issued in one of the following cases:

1) identification of agreements between economic operators (market entities) of the Member States prohibited under Article 76 of the Treaty;

2) identification of signs of abuse of a dominant position of a business entity (market participant) in terms of establishing, maintaining a monopolistically high or monopolistically low price of goods;

3) identification of indications in the actions (omissions) of a business entity (market participant) of a violation of the general rules of competition for which a warning has been issued or a decision has been taken on the outcome of a case in the previous 24 months.

Footnote. The Protocol as supplemented by paragraph 13^2 in compliance with Law of the RK № 6-VII of 15.02.2021.

13^3 A warning shall be subject to compulsory review by the person to whom it is issued within the period specified in the warning.

The person to whom the warning has been issued shall notify the Commission of the implementation of the warning within 3 working days from the end of the period set for its implementation (the notification must be accompanied by supporting material).

Upon the reasoned request of the person to whom a warning has been issued and if there are reasonable grounds to believe that the warning cannot be fulfilled within the specified period, the specified period may be extended by the member of the Board of the Commission responsible for competition and antitrust regulation issues.

Provided the warning is complied with within the prescribed time limit, no investigation shall be carried out and the person who complies with the warning shall not be liable to a fine for breaching the general competition rules.

If the warning is not complied with within the prescribed time limit, the Commission shall adopt a ruling to conduct an investigation no later than 10 working days from the expiry of that time limit.

Footnote. The Protocol as supplemented by paragraph 13^3 in conformity with Law of the RK № 6-VII of 15.02.2021.

13^4 In order to prevent violations of the general rules of competition, the member of the Collegium of the Commission responsible for competition and antitrust regulation shall issue a warning to an official of a business entity (market entity), as well as to natural persons.

The ground for issuing a warning to an official of an economic operator (market participant), as well as to natural persons shall be a public statement by such persons on planned conduct in a cross-border market, if such conduct may lead to a violation of the general rules of competition and there are no grounds for a determination to initiate an investigation.

Footnote. The Minute as supplemented by paragraph 13^4 in compliance with Law of the RK № 6-VII of 15.02.2021.

14. Decisions of Commission on imposition of fine, decisions of Commission, requiring the violator to commit the certain actions shall be the executive documents and shall subject to execution by the enforcement bodies of judicial acts, acts of other bodies and civil servants of the member state, in the territory of which the economic entity (market entity), noncommercial organization, that is not the economic entity (market entity) committed an offence, are registered or in the territory of which the individual, committed an offence permanently or temporary resides.

Acts, actions (omission) of Commission in the scope of competition shall be contested in the Court of the Union in the manner provided by the Statute of the court of the Union (annex №2 to Agreement) in recognition of provisions of this Minute.

In the case of adoption of application on appeal of decision by the Court of the Union on the case on violation of general rules of competition in the trans-border markets to production , the validity of decision of Commission shall be suspended until the day of entering of decision of the Court of the Union into legal force.

The Court of the Union shall adopt the application on appeal of decisions of Commission on the case on violation of general rules of competition in the trans-border markets for consideration without preliminary application of applicant to the Commission for regulation of the issue in the prejudicial procedure.

15. Acts, actions (omission) of the authorized bodies of the member states shall be contested in the judicial bodies of the member states in accordance with procedural legislation of the member states.

IV. Fine sanctions for violation of general rules of competition in the trans-border markets, imposed by Commission

16. The Commission in accordance with the method of calculation and procedure of imposition of fines, approved by Commission shall impose the fines for violation of general rules of competition in the trans-border markets, provided by Article 76 of Agreement, as well as for non-presentation or late presentation of details (information) to the Commission at their request or for presentation of knowingly false details (information) to the Commission in the following amounts:

1) unfair competition, inadmissible in accordance with paragraph 2 of Article 76 of Agreement entails imposition of fine on the civil servants and individual entrepreneurs in the amount from 20 000 to 110 000 Russian rubles, on the legal entities – in the amount from 100 000 to 1 000 000 Russian rubles;

2) conclusion of agreement with economic entity (market entity), inadmissible in accordance with paragraphs 3-5 of Article 76 of Agreement, as well as participation in it entails imposition of fine on civil servants or individual entrepreneurs in the amount of 20 000 to 150 000 Russian rubles, on legal entities – in the amount from one hundredth to fifteen hundredth of the amount of revenues of the offender from selling goods (works, services), in the market of which the infraction is committed, or the amounts of expenses of offender for the purchase of goods (works, services), in the market of which the infraction is committed, but not more than one-fiftieth of the total amount of revenues of offender from selling goods (works, services) and not less than 100 000 Russian rubles, in the case if the amount of revenues of offender from selling goods (works, service), in the market of which the infraction is committed, exceeds 75 percent of the total amount of revenues of offender from selling of all goods (works, services), - in the amount of three thousandth to three hundredth of the amount of revenues of offender from selling goods (works, services), in the market of which the infraction is committed, or the amount of revenues of offender for the purchase of goods (works, services), in the market of which the infraction is committed, but not more than one fiftieth of the total amount of revenues of offender from selling of all goods (works, services) and not less than 100 000 Russian rubles;

3) coordination of economic activity of economic entities (market entities), inadmissible in accordance with paragraph 6 of Article 76 of Agreement, entails imposition of fine on individuals in the amount of 20 000 to 75 000 Russian rubles, civil servants and individual entrepreneurs – in the amount of 20 000 to 150 000 Russian rubles, on legal entities – in the amount of 200 000 to 5 000 000 Russian rubles;

4) commission of actions by the economic entity (market entity), holding a dominant position on the trade market, and recognized as abuse of a dominant position and inadmissible in accordance with paragraph 1 of article 76 of Agreement, entails imposition of fine on civil servants and individual entrepreneurs in the amount of 20 000 to 150 000 Russian rubles, on legal entities - in the amount from one hundredth to fifteen hundredth of the amount of revenues of the offender from selling goods (works, services), in the market of which the infraction is committed, or the amount of expenses of offender for the purchase of goods (works, services), in the market of which the infraction is committed, but not more than one-fiftieth of the total amount of revenues of offender from selling goods (works, services) and not less than 100 000 Russian rubles, in the case if the amount of revenues of offender from selling goods (works, service), in the market of which the infraction is committed, exceeds 75 percent of the total amount of revenues of offender from selling of all goods (works, services), - in the amount of three thousandth to three hundredth of the amount of revenues of offender from selling goods (works, services), in the market of which the infraction is committed, or the amount of revenues of offender for the purchase of goods (works, services), in the market of which the infraction is committed, but not more than one fiftieth of the total amount of revenues of offender from selling of all goods (works, services) and not less than 100 000 Russian rubles;

5) nonpresentation or untimely presentation of details (information), provided by section XVIII of Agreement and this Minute to the Commission, as well as nonpresentation of details (information) at the request of Commission, as well as presentation of knowingly false details (information) to the Commission entails imposition of fine on individuals in the amount of 10 000 to 15 000 Russian rubles, on civil servants and individual entrepreneurs – in the amount of 10 000 to 60 000 Russian rubles, on legal entities – in the amount of 150 000 to 1 000 000 Russian rubles.

6) failure to implement, improper implementation or failure to implement on time the decisions of the Commission obliging the violator to perform certain actions:

on the termination of agreements restricting competition, coordination of economic activities of business entities (market participants) and (or) the performance of actions aimed at ensuring competition, shall entail the imposition of a fine on individuals in the amount of 25,000 to 35,000 Russian rubles, on officials and individual entrepreneurs - in the amount of 35,000 to 45,000 Russian rubles, on legal entities - in the amount of 500,000 to 700,000 Russian rubles;

on the termination of abuse by an economic entity (market entity) of a dominant position in a commodity market and (or) the commission of actions aimed at ensuring competition, shall entail the imposition of a fine on officials and individual entrepreneurs in the amount of 20,000 to 30,000 Russian rubles, and on legal entities - in the amount of 500,000 to 700,000 Russian rubles;

on the termination of unfair competition and (or) the commission of actions aimed at ensuring competition, shall entail the imposition of a fine on officials and individual entrepreneurs in the amount of 20,000 to 30,000 Russian rubles, and on legal entities - in the amount of 300,000 to 500,000 Russian rubles.

Civil servant in this Minute shall be regarded as the heads and employees of economic entities (market entities), noncommercial organizations, not being the economic entities (market entities), exercising organizational and regulatory or administrative and economic functions, the heads of organizations, exercising the powers of individual executive bodies of economic entities (market entities), non-commercial organizations, not being the economic entities (market entities). The individuals, the professional income-generating activity of which subjects to the state registration and (or) licensing shall bear responsibility as civil servants in accordance with the legislation of the member states for the purposes of this Minute for violation of general rules of competition on the trans-border markets.

Footnote. Paragraph 16 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

17. The fines provided by subparagraphs 1-5 of paragraph 16 of this Minute shall be transferred to the budget of the member state, in the territory of which the legal entity committed an infraction is registered or in the territory of which the individual committed the infraction permanently or temporary resides.

18. The fines provided by paragraph 16 of this Minute shall be paid to the economic entities (market entities), by individual or noncommercial organization, not being the economic entity (market entity), in the national currency of the member state, in the territory of which the economic entity (market entity), noncommercial organization are registered, the individual, violated the general rules of competition, provided by this Minute, at the rate established by the national (central) bank of the specified member state on the day of adoption of decision on imposition of fine by the Commission permanently or temporary resides.

19. A person (group of persons), voluntary reported to the Commission on conclusion of agreement by them, inadmissible in accordance with Article 76 of Agreement shall be released from responsibility for infractions, provided by subparagraph 2 of paragraph 16 of this Minute, in the performance of all of the following conditions:

at the moment of application of person with the statement, the Commission has no details and documents on committed infraction;

a person refused from participation or further participation in agreement, inadmissible in accordance with Article 76 of agreement;

presented details and documents are sufficient to establish the circumstances of the infraction.

Release from responsibility shall subject to person, who first performed all conditions, provided by this paragraph.

20. An application, filed simultaneously on behalf of several persons, concluded an agreement, inadmissible in accordance with Article 76 of agreement shall not subject for consideration.

21. The amounts of fines for violation of general rules of competition on the trans-border markets, established in this section may be changed by decision of the Supreme Council, except for the fines, imposed on the legal entities and calculated on the basis of amount of revenues of offender from selling goods (works, services) or amounts of revenues of offender for the purchase of goods (works, services), in the market of which the infraction is committed.

V. Interaction of the authorized bodies of the member states

22. Interaction of the authorized bodies of the member states for the purposes of implementation of section XVIII of Agreement and this Minute shall be carried out within the enforcement activity by direction of notifications, requests on provision of information, requests and instructions on conducting of separate procedural actions, exchange of information, coordination of enforcement activity of the member states, as well as carrying out of enforcement activity at the request of one of the member states.

The specified interaction shall be carried out by the central apparatus of the authorized bodies of the member states.

23. An authorized body of the member state shall notify the authorized body of another member state in the case, if it becomes aware that its enforcement activities may affect the interests of another member state in the scope of protection of competition.

24. The enforcement activity, which may affects the interests of another member state in the scope of protection of competition, in this Minute shall be regarded the activity of the authorized bodies of the member states:

1) concerning the enforcement activity of another member state;

2) relating to the anticompetitive actions (except for the transactions on consolidation or acquisition and commission of other actions), also carried out in the territory of another member state;

3) relating to the transactions (other actions), in which one of the parties of transaction or person, controlled one or more parties of transaction or otherwise determining the conditions of maintenance by them of economic activity, is the person, registered or approved in accordance with the legislation of another member state;

4) related with application of measures of forced effect, which requires carrying out or prohibits any actions in the territory of another member state within ensuring of observance of competitive (antimonopoly) legislation.

25. Notifications on transactions (other actions) shall be directed:

1) not later than the date of adoption of decision on extension of the term of consideration of transaction by the authorized body of the notified member state;

2) in the cases, when decision on transaction is adopted without extension of the term of its consideration, - not later than the date of adoption of decision on transaction within a reasonable term, allowing to the notified member state to express its opinion on transaction;

26. Notifications on issues, specified in subparagraphs 1, 2 and 4 of paragraph 24 of this Minute shall be directed to this member state on the stage of consideration of the case upon finding of circumstances, on which it is necessary to notify another member state, with observance of reasonable terms, permitting to the notified member state to express its opinion , but in any case before adoption of decision on the case or conclusion of the world agreement for the purposes of ensuring of possibility of taking into account of opinio of another member state.

27. Notification shall be directed in written form and shall contain sufficient information to permit to the notified member state to conduct the preliminary analysis of consequences of enforcement activity of the notified member state, affecting the interests of the notified member state.

28. The authorized bodies of the member states shall have a right to direct the requests on provision of information and documents, as well as instructions on conducting of separate procedural actions.

29. The request on provision of information and documents, instruction on conducting of separate procedural actions shall be formed in written form on the form of the authorized body of a member state and shall contain:

1) a number of relevant case (if available), on which the information is requested, detailed description of infraction and other facts relating to it, legal qualification of the act in accordance with the legislation of requested member state with the annex of the text of applied Law;

2) names, patronymics and surnames of person, in relation of which the relevant cases are considered, of witnesses, their place of residence or residence, citizenship, place and the date of birth, for the legal entities – their name and location (if such information is available);

3) the exact address of the recipient and the name of the served document - in order of service of the document;

4) the list of details and actions, subjected for presentation or execution (to conduct the interrogation it is necessary to notify, which circumstances shall be clarified and refined, as well as notify the sequence and wording of questions, which shall be put to the respondent).

30. A request on provision of information and documents, instruction on conducting of separate procedural actions may also contain:

1) specification of the term of implementation of required measures;

2) an application on conducting of measures, specified in the request in a particular order;

3) an application on provision of possibility to the representatives of the authorized bodies of requested member state to present upon implementation of the measures, specified in the

request, as well as if it does not contradict to the legislation of each of the member states, participate in their implementation;

4) other applications, related with execution of the request, instruction.

31. The request on provision of information and documents, instruction on conducting of separate procedural actions shall be signed by the head of requested authorized body of the member state or its assistant. The available copies of documents, the references of which are contained in the text of request and instruction, as well as other documents, necessary for the proper execution of the request, instruction shall be annexed to the specified request or instruction.

32. The instructions on performance of expert examinations and other procedural actions, execution of which requires the additional expenses for the executive member state shall be directed on the preliminary coordination between the authorized bodies of the member states.

33. Authorized bodies of the member states may direct the procedural documents by mail directly to the participants of relevant cases, being in the territory of another member state.

34. Direction of repeated request on provision of information and documents, instruction on conducting of separate procedural actions, if it is necessary reception of additional details or clarification of information, received within the execution of previous request, instruction shall be allowed.

35. Request on provision of information and documents, instruction on conducting of separate procedural actions shall be executed during 1 month from the date of their reception or in other term, early coordinated by the authorized bodies of the member states.

If it is necessary to apply to other state body of the member state or economic entity (market entity) of the requested member state, the specified terms shall be increased at the time of execution of such application.

36. Requested authorized body of the member state shall conduct the actions, specified in the request, instruction and respond to the questions raised. Requested authorized body of the member state shall have a right to conduct the actions that not provided by the specified request, instruction, and related with their execution on its own initiative.

37. If it is found impossible to execute the request, instruction or impossible to execute them in the terms, specified in paragraph 35 of this Minute, requested authorized body of the member state shall inform the requested authorized body of the member state on impossibility of execution or estimated terms of execution of the specified request, instruction.

38. The authorized bodies of the member states shall study the practice of execution of requests on provision of information and documents and instruction on conducting of separate procedural actions and inform each other on facts of their improper performance.

39. The documents prepared or certified by the institution or special authorized body within their competence and bearing the official seal in the territory of one of the member states shall be accepted in the territories of other member states without any special certificate

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40. The legal assistance in the cases of administrative infractions may be denied, if execution of request or instruction causes damage to the sovereignty, security, public order or other interests of requested member state or contradicts to its legislation.

41. Each member state shall independently bear expenses, incurred in connection with execution of requests and instructions.

In certain cases the authorized bodies of the member states may coordinate other procedure of execution of expenses.

42. Authorized bodies of the member states upon execution of instructions on conducting of separate procedural and other actions shall carry out:

1) interrogation of persons in relation of which an appropriate case is carried out, as well as witnesses;

2) discovery of documents, necessary for proceedings;

3) inspection of territories, premises, documents and subjects of the person in relation of whom the instruction is directed (except for the dwelling of such person);

4) reception of information, necessary for proceedings or its consideration from the state bodies and persons;

5) delivery of documents or their copies to the participants of an appropriate case;

6) expert examination and other actions.

43. Procedural and other actions on the appropriate cases shall be carried out in accordance with the legislation of the requested member state.

44. In the case if it is required to render the special regulations of the authorized civil servants in accordance with the legislation of the requested member state for proceedings of separate procedural actions; their rendering is carried out on the place of execution of instruction.

45. The separate procedural actions may be carried out in the presence or with participation of representatives of the authorized body of requested member state in accordance with the legislation of the requested member state in the territory of requested member state by coordination of the authorized bodies of the member states.

46. Authorized bodies of the member states in recognition of requirements of its legislation shall exchange information:

1) on the state of the trade markets, approaches and practical results of demonopolization within the structural economic conversion, methods and work experience on prevention, restriction and suppression of monopolistic activity and development of competition;

2) on details, contained in the national registers of enterprises, holding a dominant position and providing the supply of products on the trade markets of the member states;

3) on practice of consideration of the cases on violations of competitive (antimonopoly) legislation of the member states.

47. Authorized bodies of the member states shall cooperate upon development of the national Laws and normative documents on competitive (antimonopoly) policy by provision of information and rendering of methodological assistance.

48. Authorized body of the member state shall make available any information on anticompetitive actions, which it has, to the authorized body of another member state, if such information is related to the enforcement activity of the authorized body of another member state or may serve as a ground for such activity according to the authorized body of the guiding member state.

49. Authorized body of the member state shall have a right to direct a request on provision of relevant information with statement of facts of case, for consideration of which the requested information is required, to the authorized body of another member state.

Authorized body of the member state, receiving the request shall provide information available to it, to the requested authorized body of another member state, if such information is considered by it as relevant to the enforcement activity of requested authorized body of the member state or serving as a ground for such activity.

Requested information is directed in the terms, coordinated by the authorized bodies of the member states, but not later than 60 calendar days from the date of reception of request.

Received information shall be used only for the purposes of relevant request or consultation and shall not subject to disclosure or transfer to the third persons without the consent of the authorized body of the member state, transferred the specified information.

50. In the case if the member state considers that the anticompetitive actions, carried out in the territory of another member state, adversely affect its interests, it may notify on that the member state, in the territory of which the anticompetitive actions are carried out, as well as apply to this member state with the request to initiate appropriate enforcement actions, related with suppression of relevant anticompetitive actions. The specified interaction shall be carried out through the authorized bodies of the member states.

Notification shall contain information on nature of anticompetitive actions and possible consequences for the interests of the notifying member state, as well as proposal on provision of additional information and on other cooperation, which the notifying member state is competent to offer.

51. Upon reception of notification in accordance with paragraph 50 of this Minute and after conducting of negotiations between the authorized bodies of the member states (if their conducting is necessary), the notifying member state shall decide on the need to commence the enforcement actions or expansion of previously initiated enforcement actions in relation of anticompetitive actions, specified in notification. Notifying member state shall inform the notifying member state on decision. Notifying member state shall inform the notifying member state on the results of relevant enforcement actions upon carrying out of enforcement actions in relation of anticompetitive actions, specified in the notification.

Notifying member state is guided to its legislation upon solution of the issue on initiation of enforcement actions.

Provisions of paragraphs 50 and 51 of this Minute shall not restrict the right of notifying member state to carry out the enforcement actions, provided by the legislation of this member state.

52. In the case of mutual interest in carrying out of enforcement actions in relation of interrelated transactions (committed actions), the authorized bodies of the member states may agree on cooperation upon carrying out of enforcement actions. When deciding upon carrying out of enforcement actions, the authorized bodies of the member states shall take into account the following factors:

1) the possibility of more effective use of material and information resources and (or) costs reduction, which the member state incur in the course of carrying out of enforcement activity, directed to the enforcement activity;

2) the possibility of the member states in relation of reception of information, which is necessary for carrying out of enforcement activity;

3) the expected result of this interaction – increasing the possibilities of interacting member states on achievement of objectives of their enforcement activity.

53. The member state may restrict or terminate interaction within this Minute and carry out the enforcement actions irrespective of another member state in accordance with its legislation upon appropriate notification of another member state.

54. The member states shall conduct the coordinated competitive policy in relation of actions of economic entities (market entities) of third countries, if such actions may have a negative effect on the state of competition on the trade markets of the member states, by application of regulations of the legislation of the member states to such economic entities (market entities) in the same way and in equal measure irrespective of organizational and legal form and place of their registration in equal conditions, as well as upon interaction in the manner established by this section.

55. Information and documents, provided within interaction on issues, specified in paragraphs 22-53 of this Minute shall be confidential and may be used exclusively for the purposes, provided by this Minute. Use and transfer of information to the third parties for other purposes is possible only in written consent of the authorized body of the member state that is provided it.

56. The member state shall ensure protection of information, documents and other details, as well as personal data, provided by the authorized body of another member state.

VI. Interaction of Commission and authorized bodies of the member states upon carrying out of control of observance of general rules of competition

57. The interaction between the Commission and the notified bodies of the Member States shall take place when the notified bodies of the Member States submit allegations of infringement of the general rules of competition to the Commission, when the allegations are examined, when investigations are conducted, when cases are examined, and on other occasions.

In the existence of mutual interest of the authorized bodies of the member states in the discussion of the most topical issues of law enforcement practice, exchange of information and problems of harmonization of the legislation of the member states, the Commission jointly with the authorized bodies of the member states shall conduct a meeting at the level of the heads of the authorized bodies of the member states and a member of the College of Commission, administering the issues of competition and antimonopoly regulation.

Commission shall carry out interaction with the central apparatus of the authorized bodies of the member states.

Footnote. Paragraph 57 as amended by Law of the RK № 6-VII of 15.02.2021.

58. Decision on submission of application on violation of general rules of competition for consideration of Commission shall be adopted by the authorized body of the member state at any stage of its consideration, carrying out in recognition of features, established by the legislation of the member state, submitting the application.

Upon adoption of such decision, the authorized body of the member state shall direct the relevant written application to the Commission.

The application shall contain:

the name of the body, submitting the application;

legal grounds for submitting the application;

the name of the economic entity (market participant) whose actions (inactions) show signs of violation of the general rules of competition;

a description of actions (inactions) that are considered to be signs of a violation of the general rules of competition, including an indication of the territory of the cross-border market in which such signs are considered;

provisions of Article 76 of Agreement, which according to the authorized body of the member state are violated.

The application shall be accompanied by documents, during the examination of which signs of a violation of the general rules of competition were identified and which, in the opinion of the authorized body of the Member State, are necessary for the examination of the application by the Commission.

Forwarding of the application by the Member State's authorised body to the Commission shall constitute grounds for suspending the examination of the application by the Member State's authorised body until the Commission decides whether to investigate or to refer the application (materials) to the Member State's authorised bodies, or to return the application.

Authorized body of the member state shall notify the applicant on submission of its application to the Commission during 5 business days from the date of its direction to the Commission.

The Commission shall notify the authorized bodies of the member states and applicant on adoption of the specified application for consideration in the term, not exceeding 5 business days from the date of reception of application on violation of general rules of competition in the trans-border markets.

Footnote. Paragraph 58 as amended by Law of the RK № 6-VII of 15.02.2021; dated 30.01.2024 № 56-VIII.

59. A decision by the Commission to conduct an investigation or to refer the application (material) concerning a breach of the general rules of competition on cross-border markets to the competent authorities of the Member State shall constitute grounds for terminating the examination of the application by the competent authority of the Member State.

Footnote. Paragraph 59 as amended by Law of the RK № 6-VII of 15.02.2021.

60. A decision on the transfer by the Commission of an application (materials) for consideration by the authorized body of a Member State shall be taken if the Commission, during the consideration of the application, the investigation, or the consideration of the case, determines that the suppression of the violation specified in the application (materials) falls within the competence of the authorized body of the Member State.

In the case of adoption of such decision, the authorized structural subdivision of Commission shall prepare the relevant application to the authorized body of the member state, which is signed by the member of the College of Commission, administering the issues of competition and antimonopoly regulation.

The application shall contain:

the name of the economic entity (market participant) whose actions (inactions) indicate signs of violation of the competition (antitrust) legislation of the member state;

a description of actions (inactions) that are considered to constitute signs of a violation of the competition (antitrust) legislation of a member state, including an indication of the territory of the market in which such signs are considered.

The application shall be accompanied by documents, during the examination of which signs of a violation of the competition (antitrust) legislation of the Member State were identified and which, in the opinion of the Commission, are necessary for the examination of the application by the authorized body of the Member State.

Commission shall notify the applicant on submission of application to the authorized body of the member state during 5 business days from the date pf direction of application.

Footnote. Paragraph 60 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

61. If the information received upon request is insufficient to take a decision, when investigating and examining cases, the Commission shall be entitled to make a reasoned submission to the competent authorities of the Member States for the following proceedings:

examination of persons, in relation of which the investigation is conducted or the relevant case is made, as well as witnesses;

discovery of documents, necessary for conducting of investigation or proceedings on the case;

inspection of territories, premises, documents and subjects of person, in relation of which the investigation is conducted or the case on violation of general rules of competition (except for the dwelling of such person) is considered;

delivery of documents or their copies to the participants of relevant case;

expert examination and other actions.

Procedural actions that are conducted in the territory of the member state, where the offender, in relation of which the investigation is conducted by the Commission or the case on violation of general rules of competition is considered, is registered shall be carried out in the presence and (or) with participation of employees of the authorized structural subdivision of Commission, as well as representative of the authorized body of the member state, in the territory of which the violation is committed and (or) came the negative effect for competition .

Upon conducting of procedural actions in the territory of the member state, in which the violation is committed and (or) came the negative effects for competition, there are the employees of the authorized structural subdivision of Commission and representative of the authorized body of the member state, in the territory of which the offender is registered.

If it is found impossible to the employees of the authorized structural subdivision of Commission and (or) representative of the interest authorized body of the member state to present upon conducting of procedural actions, the authorized body of the member state, exercising a reasoned submission of Commission shall have a right to conduct such procedural actions independently upon condition of a written notification on impossibility of presence upon conducting of such actions, not later than 5 business days before commencement of their conducting.

Footnote. Paragraph 61 as amended by Law of the RK № 6-VII of 15.02.2021.

62. The reasoned submission on conducting of separate procedural actions shall be formed in a written form and shall contain:

1) a number of relevant case (in the existence), on which the information is requested, a detailed description of infraction and other facts referring to it, legal qualification of an act in accordance with Article 76 of Agreement;

2) the names, patronymics and surnames of persons, in relation of which the relevant case is considered by the Commission or the investigation is conducted, witnesses, their place of

residence or residence, citizenship, place and the date of birth, for the legal entities – their name and location (in the existence of such information);

3) the exact address of the recipient and the name of the document to be served (if it is necessary to delivery of document);

4) the list of details and actions, subjected to presentation or execution (for conducting of examination is necessary to notify, which circumstances shall be investigated and clarified, as well as specify the sequence and formulation of questions, which shall be raised to the respondent).

63. The reasoned submission on conducting of the separate procedural actions may also contain:

1) specification of the term of execution of required measures;

2) an application on conducting of measures specified in the presentation in a certain order;

3) names, patronymics and surnames of employees of the authorized structural subdivision of Commission, which will be present upon execution of measures, specified in presentation, as well as, if it does not contradict to the legislation of the requested member state to participate in their execution;

4) other applications, related with execution of presentation.

64. The reasoned submission on conducting of separate procedural actions shall be signed by the member of the College of Commission, administering the issues of competition and antimonopoly regulation. The specified reasoned submission shall be accompanied by the copies of documents, the references of which are contained in the text of submission, as well as other documents, necessary for its proper execution.

65. The authorized body of the member state, exercising the reasoned submission of Commission shall conduct the procedural actions, listed in the reasoned submission of Commission, in accordance with the legislation of its member state and only in relation of persons, the location of which is the territory of executing member state.

66. The reasoned submission on conducting of the expert examination and other procedural actions, execution of which requires the additional expenses for executing member state shall be executed after coordination by the Commission and authorized body of the member state, to the address of which the submission is directed, the issue of reimbursement of expenses.

67. The reasoned submission on conducting of the separate procedural actions shall be executed during 1 month from the date of reception or in other term, pre-agreed by the Commission and authorized body of the member state, to the address of which it is directed.

In the case of necessity of application to other state body of the member state or to the economic entity (market entity), executing member state, the specified terms shall be increased during execution of such application.

68. An authorized body of executing member state shall conduct the actions, specified in the reasoned submission and answer to the questions raised, as well as shall have a right to conduct the actions, related with its execution, not provided by the specified submission.

69. If it is found impossible to execute the reasoned submission or impossible to execute it in the terms, specified in paragraph 67 of this Minute, the authorized body of the member state shall inform the Commission on impossibility of execution of the specified submission or on estimated terms of its execution.

70. It may be fully or partially refused in execution of the reasoned submission on conducting of the separate procedural actions only in the cases, if its execution causes damage to the sovereignty, security, public order of executing member state or contradicts to its legislation, on which the Commission is notified by the member state in written form. The College of Commission shall have a right to bring the question on legality of refusal of the authorized body of the member state from execution of the reasoned submission for consideration of the Council of Commission.

71. The documents, prepared or certified by the institution or special authorized official within their competence and bearing the official seal in the territory of one of the member state, the reasoned submission of which is directed to the authorized body shall be accepted by the Commission without any special certification.

72. Direction of re-reasoned submission on conducting of the separate procedural actions shall be allowed upon necessity of reception of additional details or clarification of information, received within execution of previous submission.

73. If the reasoned submission on conducting of the separate procedural actions is directed within one case on violation of general rules of competition in the trans-border markets, to two or more authorized bodies of the member states, the employees of the authorized structural subdivision of Commission shall carry out coordination of interaction of the authorized bodies of the member states with Commission.

74. In conducting investigations and examining cases, the Commission shall be entitled to send requests for information and documents to the competent authorities of the Member States.

Footnote. Paragraph 74 as amended by Law of the RK № 6-VII of 15.02.2021.

75. The request on provision of information and documents shall be executed in a written form and shall contain:

the purpose of the request;

the number of relevant case (in the existence), on which the information is requested, the detailed description of infraction and other facts, relating to it, juridical legal qualification of an act in accordance with Article 76 of Agreement and this Minute;

details on person, in relation of which the relevant case if considered (in the existence of such information):

for individuals – surname, name, patronymic, place of residence or residence, citizenship, place and the date of birth;

for legal entities – the name and location;

the term, during of which the information shall be provided, but not less than 10 business date from the date of reception of request;

the list of details, subjected to presentation.

The request shall be accompanied by the copies of documents, the references of which are contained in the text of request, as well as other documents, necessary for the proper execution of request.

76. Authorized body of the member state shall provide available information in the term, established in the request.

77. If it is found to impossible to execute the request (if its execution causes damage to the sovereignty, security, public order of the member state or contradicts to its legislation), the requested authorized body of the member state shall inform on that the Commission in the term, not exceeding 10 business days from the date of reception of request, with specification of the reason of impossibility of provision of information, and in the case if information is not provided in the term established by the Commission shall specify the term, during of which it will be provided.

78. Where the Commission, when carrying out investigations and examining cases, makes a request for information and documents to the Member State authorities, legal and/or natural persons of a Member State, the Commission shall simultaneously send a copy of such request to the competent authority of the Member State on the territory of which the requested authority exercises its powers, the legal person concerned is registered, or the natural person concerned is temporarily or permanently resident.

Footnote. Paragraph 78 as amended by Law of the RK № 6-VII of 15.02.2021.

79. The repeated request on provision of information and documents may be directed to the authorized body of the member state if necessary to receive the additional details or clarification of information, received within execution of previous request.

80. The work with documents, provided to the Commission by the authorized bodies of the member states and containing confidential information shall be carried out in accordance with international treaties within the Union.

VII. Introduction of the state price regulation for goods and services in the territories of the member states

81. Introduction of the state price regulation in the trade markets, not being in the state of natural monopoly by the member states shall be carried out in the exceptional cases, which also include the emergency situations, natural disasters, national security concerns, upon condition that arising problems are impossible to decide by the method, having a smaller negative impact for the state of competition.

82. The member states may introduce the state price regulation for the separate types of socially important goods in the separate territories for a certain period in the manner provided by the legislation of the member states as a temporary measure.

Footnote. Paragraph 82 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

82[1]. The maximum period of application of state price regulation provided for in this section for one type of socially significant product in a separate territory may not exceed 240 calendar days within 12 months (the specified period includes the periods of introduction and extension of the term of state price regulation).

The period of state price regulation during the specified period may be either intermittent or continuous.

Footnote. Annex 19 has been supplemented with paragraph 82 [1] in accordance with the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

82[2]) A Member State shall have the right to introduce state price regulation provided for in this section for a period of no more than 90 calendar days.

Footnote. Annex 19 has been supplemented with paragraph 82 [2] in accordance with the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

82[3]) A Member State may extend the period established in paragraph 82[2] of this Protocol by no more than 90 calendar days.

Footnote. Annex 19 has been supplemented with paragraph 82 [3] in accordance with the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

82[4]) A subsequent extension of the period of state price regulation shall be possible for a period of no more than 60 calendar days only by decision of the Commission, as provided for in paragraph 87[1] of this Protocol.

Footnote. Annex 19 has been supplemented with paragraph 82 [4] in accordance with the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

83. A Member State shall notify the Commission and other Member States of the introduction of state price regulation, as provided for in paragraphs 81–823 of this Protocol, within a period not exceeding 7 calendar days from the date of adoption of the relevant decision.

A Member State shall have the right to submit to the Commission an application for an extension, in accordance with paragraph 82.4 of this Protocol, of the period of state price regulation previously introduced by it no later than 35 calendar days before the proposed date of extension.

Footnote. Paragraph 83 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

84. Provisions of paragraphs 81-83 of this Minute shall not be applied to the state price regulation of all services, including the services of natural monopoly entities, as well as in the scope of the state procurement and trade interventions.

85. Provisions of paragraphs 81-83 of this Minute beside of services, listed in paragraph 84 of this Minute shall not be applied to the cases of the state price regulation on the following goods:

1) natural gas;

2) liquefied gas for domestic needs;

3) electric and heat energy;

4) the strength of vodka, liquor and other alcoholic products is over 28 per cent (minimum price);

5) ethyl alcohol from the food raw material (minimum price);

6) solid propellant, furnace oil;

7) products of nuclear energy cycle;

8) kerosene for the domestic needs;

9) petroleum products;

10) medical products;

11) tobacco products.

86. If the Commission receives an application from one of the Member States expressing disagreement with the decision of another Member State to introduce or extend state price regulation, as provided for in paragraphs 81–823 of this Protocol, the Commission shall have the right to decide on the need to cancel state price regulation if there are grounds provided for in paragraph 87 of this Protocol.

The indicated request may be sent to the Commission no later than 45 calendar days before the expiration of the 90 days of state price regulation.

Footnote. Paragraph 86 – as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

87. The decision on the need of cancellation of the state price regulation shall be adopted by Commission, if this regulation leads or may lead to restriction of competition, including:

creation of barriers to entry to the market;

reduction of the number of economic entities (market entities), not including to the one group of persons in such market.

Upon that the member state which challenges a decision on introduction of the state price regulation by other member state shall prove that the purposes of introduction of the state price regulation are possible to achieve by other method, having a less negative impact on the state of competition.

Commission shall adopt a decision on existence or absence of the need of cancellation of the state price regulation in the term, not exceeding 2 months from the date of reception of application, provided by paragraph 86 of this Minute to the Commission.

87[1]. Following the consideration of the application for an extension of the term of state price regulation, the Commission shall make one of the following decisions:

on the approval of the extension of the period of state price regulation;

on the refusal to approve the extension of the term of state price regulation.

The Commission shall decide on approving the extension of the period of state price regulation or on refusing to approve its extension within a period not exceeding 2 months from the date of receipt by the Commission of the application provided for in paragraph 83 of this Protocol.

The Commission shall not agree to extend the term of price regulation if this regulation leads or may lead to a restriction of competition, including:

creation of barriers to entry into the market;

reduction in the number of economic entities (market participants) in such a market that are not part of the same group of persons.

Footnote. Annex 19 has been supplemented with paragraph 87 [1] in accordance with the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

88. The Commission shall consider, in the manner established by it, an appeal by a Member State expressing disagreement with the decision of another Member State to introduce and/or extend state price regulation, as well as an appeal by a Member State to extend the period of state price regulation previously introduced by it.

Footnote. Paragraph 88 – as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

89. The decision of the Commission on the need to cancel state price regulation, adopted based on paragraph 87 of this Protocol, and the decision of the Commission on the refusal to approve the extension of the period of state price regulation, adopted based on paragraph 871 of this Protocol, shall, no later than the day following the day on which such decisions are adopted, be sent to the body of the Member State that adopted the decision to introduce state price regulation or extend the period of state price regulation, and shall be implemented in accordance with the legislation of the Member State that adopted the decision to introduce state price regulation or extend the period of state price regulation.

Footnote. Paragraph 89 – as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

ANNEX №20
to Agreement on
Eurasian Economic Union

MINUTE
on the unified principles and rules of regulation of activity of the natural monopoly entities
I. General provisions

1. This Minute is developed in accordance with Article 78 of Agreement on Eurasian Economic Union (hereinafter – Agreement) and directed to creation of legal basis for application of the unified principles and general rules of regulation of activity of the natural monopoly entities of the member states in the scopes, specified in the annex №1 to this Minute.

2. The concepts used in this Minute shall have the following meanings:

"internal market" – a market of the member state, in which the services of the natural monopoly entities are circulated;

"an access to the services of natural monopoly entities" – rendering of services, relating to the scope of natural monopolies by the natural monopoly entities to the consumers of another member state on the conditions not less favorable than those on which the similar service is provided to the consumers of the first member state in the existence of technical capability;

"natural monopoly" – the state of the market services, upon which the creation of competitive conditions for satisfaction of demand for the certain types of services is impossible or economically inadvisable by virtue of technological features of production and provision of this type of services;

"the legislation of the member states" – national legislation of each of the member states, relating the scope of natural monopolies;

"national bodies of the member states" – bodies of the member state, carrying out the regulation and (or) control of activity of natural monopoly entities;

"rendering of services" – provision of services, production (sale) of goods, being the object of civil circulation;

"consumer" – a subject of the civil law (individual or legal entity), using or who uses or intends to use the services rendered by the natural monopoly entities;

"natural monopoly entity" – an economic entity, rendering the services in the scopes of natural monopoly, established by the legislation of the member states;

"the scope of natural monopolies" – the scope of circulation of service, legislatively referred to the natural monopoly, in which the consumer may acquire the services of the natural monopoly entities.

II. General principles of regulation of activity of the natural monopoly entities

3. The principles that guide the member states in the regulation and (or) control over the activity of natural monopoly entities in the scopes of natural monopolies, specified in Annex №1 and 2 to this Minute shall be:

1) observance of the balance of interests of consumers and natural monopoly entities of the member states, ensuring the accessibility of rendered services and appropriate level of their quality for consumers, effective functioning and development of the natural monopoly entities;

2) improving the efficiency of regulation, directed to further reduction of scopes of the natural monopolies at the expense of creation of conditions for development of competition in these scopes;

3) application of a flexible tariff (price) regulation of the natural monopoly entities in recognition of industry characteristics, the scopes of their activity, market situation, medium-term (long-term) macroeconomic and industry forecasts, as well as application of possibility of establishment of differentiated tariff, which may not be established on the basis of affiliation of the consumer (consumer groups) to any of the member states;

4) introduction of regulation in the cases when on the basis of analysis of relevant internal market established that this market is in a state of natural monopoly;

5) reduction of the barriers of an access for the internal markets, as well as by ensuring of the access to the services of the natural monopoly entities;

6) application of procedures of regulation of activity of the natural monopoly entities, ensuring independence of adopted decisions, continuity, openness, objectivity and transparency;

7) obligation of conclusion of agreements by the natural monopoly entities with consumers for the rendering of services, in relation of which the regulation is applied, in the existence of technical possibility, determined in accordance with the legislation of the member states, unless otherwise provided by provisions of section XX and XXI of Agreement ;

8) ensuring of observance of the rules of an access to the services of the natural monopoly entities by the natural monopoly entities;

9) directivity of regulation to the concrete natural monopoly entity;

10) ensuring of compliance of established tariffs (prices) with the quality of services in the scopes of natural monopolies, on which the regulation is distributed;

11) protection of interests of consumers, as well as from the different violations by the natural monopoly entities, related with application of tariffs (prices) for the regulated services ;

12) creation of economic conditions, under which it is beneficial to the natural monopoly entities to reduce the charges, introduce new technologies, improve the efficiency of investments.

III. Types and method of regulation of activity of the natural monopoly entities

4. The member states shall apply the types (forms, means, methods, instruments) of regulation of activity of the natural monopoly entities of the member states on the basis of general principles and rules of regulation of the natural monopolies, established by this Minute.

5. Upon carrying out of regulation of activity of the natural monopoly entities shall be applied the following types (forms, methods, means, instruments) of regulation:

1) tariff (price) regulation;

2) types of regulation, established by this Minute;

3) other types of regulation, established by the legislation of the member states.

6. Tariff (price) regulation of the services of the natural monopoly entities, including establishment of the cost of connection (joining) to the services of the natural monopoly entities may be carried out by:

1) establishment (approval) of tariffs (prices) for the regulated services, as well as their limited levels by the national body for the natural monopoly entities on the basis of methodology (formula) and rules of its application, approved by the national body, as well as of the relevant control of application of the tariffs (prices) established by the natural monopoly entities, by the national body;

2) establishment (approval) of methodology and rules of its application by the national body, in accordance with which the natural monopoly entity establishes and applies the tariffs (prices) as well as control by the national body of establishment and application of tariffs (prices) by the natural monopoly entities.

7. The national bodies of the member states shall have a right to apply, including the following methods of tariff (price) regulation or their combination in accordance with the legislation of the member states upon carrying out of the tariff (price) regulation:

1) a method of economically justified expenses;

2) an indexing method;

3) an income method of investment capital;

4) a method of comparative analysis of the effectiveness of activity of the natural monopoly entities.

8. Upon regulation of tariffs (prices) shall be considered:

1) compensation of economically justified expenses, related with carrying out of regulated activity to the natural monopoly entities;

2) receiving of economically reasonable profit;

3) stimulation of the natural monopoly entities to reduction of expenses;

4) formation of tariffs (prices) for the services of the natural monopoly entities in recognition of reliability and quality of rendered services.

9. Upon establishment of tariffs (prices) may be considered:

1) features of functioning of the natural monopolies in the territories of the member states, as well as features of the technical requirements and regulations;

2) the state subsidies and other measures of the state support;

3) market condition, as well as the level of prices on the unregulated market segments;

4) the plans of development of territories;

5) the state tax, budget, innovation, ecological and social policy;

6) the measures for energy efficiency and environmental aspects.

10. Upon regulation of tariffs (prices) for the services of the natural monopoly entity it is provided that the separate expenditure account, as well as investments, incomes, involved assets shall be carried out on types of regulated services of the natural monopoly entities upon formation of the expenses of the natural monopoly entity.

11. Regulation of tariffs (prices) for the services of the natural monopoly entity may be carried out on the basis of the long-term regulation parameters, which also include the level of reliability and quality of regulated services, dynamic of the change of expenses, related with supplies of the relevant services, rate of return, terms of return of investment capital and other parameters.

The long-term parameters of regulation, received with the use of the method of comparative analysis of the effectiveness of activity of the natural monopoly entities may be applied for the purposes of regulation of tariffs (prices) for the services of the natural monopoly entity.

12. Features of application of paragraphs 4 – 11 of this Minute in the specific scopes of the natural monopolies may be determined in the sections XX and XXI of Agreement.

IV. Rules of ensuring of an access to the services of the natural monopoly entities

13. The member state shall establish the rules of regulation, ensuring an access to the services of the natural monopoly entities in its legislation, as it is determined in paragraph 2 of this Minute.

The national bodies of the member states shall ensure control of observance of the rules of ensuring of an access of consumers to the services of the natural monopoly entities and conditions of connection (joining, use) to them.

14. Rules of ensuring of the access of consumers to the services of the natural monopoly entities shall include:

1) essential conditions of agreements, as well as procedure of their conclusion and execution;

2) procedure of determination of existence of the technical capabilities;

3) procedure of provision of information on services rendered by the natural monopoly entities, their cost, access to them, possible volumes of implementation, technical and technological possibilities of rendering of such services;

4) conditions of reception of public information, allowing to ensure possibility of comparison of condition of circulation of services of the natural monopoly entities and (or) access to them by the interest persons;

5) the list of information, which may not contain the commercial secret;

6) procedure of consideration of complaints, applications and settlement of disputes on issues of an access to the services of the natural monopoly entities.

15. Application of the differentiated conditions of an access to the services of consumers of the member states (in recognition of specifics of each of the separate scope of the natural monopoly, determined in sections XX and XXI of Agreement) by the natural monopoly entities of the member states shall be allowed, if such conditions are not be applied on principle of affiliation of consumers to any of the member states, upon condition of observance of the legislation of each of the member state.

16. The legislation of the member states shall not contain the regulations, establishing the differentiated conditions of an access to the services of the natural monopoly entities in relation of consumers of the member states, on the basis of affiliation of consumers to the state of any of the member states without damage to the provisions of paragraph 15 of this Minute.

17. Features of application of paragraphs 13-16 of this Minute in the specific scopes of the natural monopolies, including the transit issues shall be determined in the sections XX and XXI of Agreement.

V. National bodies of the member states

18. The national bodies of the member states, vested with powers on regulation and (or) control of activity of the natural monopoly entities shall operate in the member states in accordance with the legislation of the member states.

The national bodies of the member states shall carry out its activity in accordance with the legislation of the member states, Agreement, as well as other international treaties of the member states.

19. The functions of the national bodies of the member states shall include:

1) a tariff (price) regulation of services of the natural monopoly entities;

2) regulation of an access to the services of the natural monopoly entities, as well as establishment of the fee (prices, tariffs, charges) for connection (joining) to the services of the natural monopoly entities, in the cases, provided by the legislation of the member states;

3) protection of interests of consumers of services of the natural monopoly entities;

4) consideration of complaints, applications, settlement of disputes on issues of establishment and application of regulated tariffs (prices) as well as access to the services of the natural monopoly entities;

5) consideration, approval or coordination of the investment programs of the natural monopoly entities and control of their implementation;

6) ensuring of observance of restrictions, provided by the legislation of the member states on appropriation of information to the commercial secret by the natural monopoly entities;

7) carrying out of control of activity of the natural monopoly entities, as well as by conducting of verifications and other forms (monitoring, analysis, expert examination);

8) other functions provided by the legislation of the member states.

VI. The Competence of Commission

20.Commission shall exercise the following powers:

1) adopts a decision on expansion of the scopes of the natural monopolies in the member states in the case if the member state intends to include other scope of the natural monopolies, not specified in the annexes №1 and 2 to this Minute, to the scope of the natural monopolies, after relevant application of this member state to the Commission;

2) analyzes and suggests the methods of coordination, development and implementation of decision of the national bodies, relating to the scopes of the natural monopolies;

3) conducts the comparative analysis of the system and practice of regulation of activity of the natural monopoly entities in the member states with preparation of the relevant annual accounts and reports;

4) contributes to harmonization of regulation in the scopes of the natural monopolies in relation of environmental aspects, energy efficiency;

5) presents the results of conducted work, specified in subparagraphs 3-4 of this paragraph and coordinated with the national bodies of the member states for consideration of the Supreme Council, as well as suggestions on establishment of regulatory legal acts of the member states in the scope of the natural monopolies, coordinated with the member states, which are subject to convergence, and on determination of subsequence of implementation of relevant measures on harmonization of the legislation in this scope;

6) carry out control of execution of section XIX of Agreement.

7) approve plans of action (“road maps”) agreed upon with the authorized bodies of the Member States to determine the sequence of implementation of measures to harmonize the legislation of the Member States in the area of natural monopolies.

Footnote. Paragraph 20 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

Annex № 1
to the Minute
on the unified principles
and rules of regulation of activity
of the natural monopoly entities

The scopes of the natural monopolies in the member states

In accordance with Article 2 of the Minute, amendments entered into Annex 1 by Law of the Republic of Kazakhstan № 346-V as of 02.08.2015 shall be enforced 18 months after the date of enforcement of this Minute.

Footnote. Annex № 1 as amended by Laws of the Republic of Kazakhstan № 265-V as of 24.12.2014; № 346-V as of 02.08.2015; dated 30.01.2024 № 56-VIII.

№	Republic of Belarus	Republic of Kazakhstan	Russian Federation	Republic of Armenia	The Kyrgyz Republic

1.	Transportation of oil and petroleum products through the main pipelines	Services on transportation of oil and petroleum products through the main pipelines	Transportation of oil and petroleum products through the main pipelines		Transportation of oil and oil products through trunk pipelines
2.	Transfer and distribution of electric energy	Services on transfer and (or) distribution of electric energy	Services on transfer of electric energy	Power transmission services	Transmission and distribution of electrical energy
3.		Services on technical dispatching control of supply to the network and consumption of electric energy; services on organization of balancing of production – consumption of electric energy; services on ensuring of readiness of electric power to support a load (from 1 January, 2016)	Services on operational dispatch management in the electric power industry	Services of the electric energy system operator	Services for the operational dispatch management of the national energy system
4.	Public rail transport services are provided using public rail transport infrastructure, rail transportation.	Services of mainline railway networks, except for services of the mainline railway network for the transportation of goods in containers, transportation of empty containers and transit transportation of goods through the territory of the Republic of Kazakhstan	Rail transportations	Services to ensure the use of railway infrastructure	Rail transportation

Annex № 2
to the Minute
on the unified principles
and rules of regulation of activity

The scopes of the natural monopolies in the member states

In accordance with Article 2 of the Minute, amendments entered into Annex 1 by Law of the Republic of Kazakhstan № 346-V as of 02.08.2015 shall be enforced 18 months after the date of enforcement of this Minute.

Footnote. Annex № 2 as amended by Laws of the Republic of Kazakhstan № 265-V as of 24.12.2014; № 346-V as of 02.08.2015; dated 30.01.2024 № 56-VIII.

№	Republic of Belarus	Republic of Kazakhstan	Russian Federation	Republic of Armenia	The Kyrgyz Republic
1.	Transportation of the gas through the main pipelines and distribution pipelines	Services on storage, transportation of commercial gas through the connecting, gas-main pipelines and (or) gas-distribution systems, operation of the group tank installations, as well as transportation of unstripped gas through the connecting gas pipelines	Transportation of the gas through the pipelines	Natural gas transportation services; natural gas distribution services; services of the gas supply system operator	Transportation, distribution, storage and sale of natural gas
2.	Services of transport terminals, airports; air navigation services	Services of air navigation; services of ports, airports	Services in the transport terminals, ports and airports		Aeronautical flight support; ground handling of domestic air transport
		Telecommunication services upon condition of the absence of competitive communications provider by reason of technological impossibility or economical inadvisability of provision of these types of services,			

3.	Services of telecommunication and public postal service	except for the universal services of telecommunications; services on provision of cable channels and other basic assets, technologically related with connection of the networks of telecommunications to the public network, for the property lease (rent) or use; public postal services	Public telecommunications services and public postal service		Telecommunication and postal public services
4.	Transfer and distribution of the heat energy	Services for the production, transmission, distribution and (or) supply of thermal energy, except for thermal energy generated using the heat of the ground, groundwater, rivers, reservoirs, wastewater from industrial enterprises and power plants, sewage treatment facilities	Services on transfer of the heat energy		Production, transmission, distribution and sale of thermal energy
5.	Centralized water supply and water removal	Services of water supply and (or) water removal	Water supply and water removal with the use of the centralized system, communal infrastructure systems	Non-competitive water supply and disposal services	Centralized water supply and disposal
6.			Services on the use of infrastructure of the internal waterways		

7.		Railway services with railway transport facilities under public-private partnership agreements, including concession agreements, in the absence of a competitive railway			
8.		Access road services in the absence of a competing access road			
9.			Icebreaking piloting in the water area of the Northern Sea Route		
10.				Electricity distribution services	
11.				Clearing center services	
12					Production and sale of electrical energy

ANNEX №21
to Agreement on Eurasian
Economic Union

Protocol on the Common Electricity Market of the Eurasian Economic Union

Footnote. The title of Annex 21 - as reworded by Law of the Republic of Kazakhstan № 109-VII of March 16, 2022 (see Article 2 for the enactment procedure).

Footnote. Protocol as amended by Law of the Republic of Kazakhstan № 109-VII of 16.03.2022 (see Art. 2 for the enactment procedure).

I. General provisions

1. This Protocol has been elaborated under Articles 81 and 82 of the Agreement on the Eurasian Economic Union (hereinafter - the Agreement) and establishes the legislative framework for the formation, operation and development of the common electric energy market of the Union.

2. The provisions of this Protocol and the acts envisaged by this Protocol shall not apply to relations associated with trade in electric energy of member states with third states, including relations concerning the interstate transmission of electric energy (power) through the territory of a member state to the territory of third states, from the territory of third states through the territory of a member state.

Interstate transmission of electric power (capacity) with the aim of fulfilling obligations in relation to the electric power industry entities of third states shall be governed by the legislation of the member state through the territory thereof the interstate transmission of electric power (capacity) is implemented).

3. The terms used in this Protocol shall have the following meaning:

“accession agreement” - an agreement executed under the rules of mutual electricity trade on the common electricity market of the Union, establishing mutual obligations between a participant of the common electricity market of the Union, the centralised trade operator (operators) for a certain type of centralised electricity trade and other infrastructural organisations of the common electricity market of the Union, enforcing contracts for the sale of electricity based on the results of centralised trading;

“access to the services of natural monopoly entities in the electricity sector” - the possibility for the actors of the common electricity market of the Union to benefit from the services of natural monopoly entities in the electricity sector on the common electricity market of the Union;

“electricity (capacity) substitution” - interconnected and simultaneous supply of equal amounts of electricity (capacity) to and from the electricity system via different supply points located on the border(s) of a member state;

“interstate power line” means a power line that crosses the state borders of member states;

“interstate electricity (capacity) transmission” means the provision of services by authorised organisations of member states for the transmission and/or substitution of electricity (capacity). Under the legislation of a member state, the relevant relations shall be established through contracts for the provision of electricity (capacity) transmission (transit) services or other civil law contracts, including contracts for sale of electricity;

“interstate section” - a technologically conditioned set of transmission lines of all voltage classes between energy systems (parts of energy systems) of 2 or more states, running across state borders of member states, as well as across state borders of member states and third states;

“interstate flow” - the flow of electricity (capacity) along an interstate transmission line;

"common electricity market of the Union" - the system of relations between the actors of the internal wholesale electricity markets of the different Member States, based on parallel electricity systems, associated with the purchase and sale of electricity (capacity), operating under this Protocol, the acts envisaged in paragraphs 5 to 8 of this Protocol and the relevant agreements between the actors of the common electricity market of the Union;

“centralised trading operator” - an organisation offering services for the organisation of a certain type of centralised electricity trade on the common electricity market of the Union;

“transmission of electricity (capacity)” - ensuring flows of electricity (capacity) produced in the territory of one member state across the networks of another member state between supply points located on its border(s);

“electricity net flow” is the algebraic sum (considering the direction) of the inter-state electricity flows on all transmission lines included in the inter-state cross-section;

“free bilateral contract” - a contract concluded between the participants of the common electric power market of the Union, where the volumes, prices, delivery and settlement terms and other conditions of discharge of obligations are independently established by the parties to the contract, with due regard to the carrying capacity of interstate sections, other technological and regulatory constraints;

“network operator” refers to an organisation authorised under the laws of a member state to provide electricity transmission services across the territory of that member state;

“system operator” referred to as the organisation authorised under the legislation of a member state to exercise operational and dispatch control of the electric power system of the member state;

“fixed-term contract” - a contract for purchase and sale of electricity between participants in the common electricity market of the Union, comprising standardised conditions for the period and hours of electricity supply, as well as for other essential conditions, where the price and volume of electricity are specified during centralised trading under the regulations of the centralised trading operator for fixed-term contracts;

“domestic wholesale electricity market entities” - legal entities that are entities of the wholesale electricity market of a member state under the legislation of that member state;

“dead-end scheme” - a scheme whereby the electricity supply to electricity consumers in one member state is via interstate transmission lines that receive voltage from another member state;

“services of natural monopoly entities in the electricity sector” - services on electricity transmission, operational dispatch management in the electricity sector, delivered by natural monopoly entities to ensure mutual trade in the common electricity market of the Union and interstate transmission of electricity (capacity).

II. Principles for the formation, operation and development of the common electricity market of the Union

4. Establishment, operation and development of the common electricity market of the Union shall be based on the following principles:

1) cooperation based on equality, mutual benefit with no economic detriment to any of the member states;

2) observing the balance of economic interests of electricity producers and consumers, as well as other entities in the common electricity market of the Union;

3) prioritising the use of mechanisms based on market relations and fair competition to form a sustainable system for meeting electricity (capacity) demand in competitive activities;

4) ensuring unhindered access to the services of natural monopoly entities in the electricity sector, within the limits of technical feasibility, given the priority use of these services to meet the internal needs of member states for the inter-state transmission of electricity (power);

5) gradual formation and development of a common electricity market of the Union based on the parallel electricity systems of the member states, considering the peculiarities of the existing electricity market models of the member states;

6) exploiting the technical and economic advantages of parallel operation of the member states' electricity systems, respecting mutually agreed conditions for parallel operation;

7) implementation of electricity trade between member state entities, considering the energy security of member states;

8) gradual harmonisation of the member states' electricity legislation including in terms of information disclosure by the actors of the common electricity market of the Union.

III. Regulations for the operation of the common electricity market of the Union

5. To the extent technically possible, member states shall ensure unhindered access to interstate transmission of electricity (capacity) on interstate transmission lines, subject to ensuring the internal electricity (capacity) needs of member states under the regulations governing the principles and procedure for access to interstate transmission of electricity (capacity) (hereinafter referred to as the access regulations).

Transmission of electric power (capacity) between states shall be performed under respective contracts between the organisation (organisations) authorised to perform interstate transmission of electric power (capacity) and the consumer of interstate transmission of electric power (capacity) services. The procedure for concluding, executing, amending, terminating, registering and recording these contracts shall be governed by the rules of access.

The Intergovernmental Council shall adopt the rules of access.

6. The rules approved by the Intergovernmental Council (hereinafter, the rules for mutual trade in electricity) shall govern the mutual trade in electricity on the common electricity market of the Union).

7. Legal relations related to the establishment and allocation of carrying capacity of interstate cross-sections shall be regulated under the rules governing the relations of the actors of the common electric power market of the Union in determining and allocating the carrying capacity of interstate power lines available for mutual electricity trade in the common electric power market of the Union and interstate transmission of electric power (capacity), as approved by the Intergovernmental Council.

8. Information interaction between the common electricity market actors of the Union, the public authorities of the member states and the Commission in the functioning of the common electricity market of the Union shall be performed under the rules determining the composition of data and the procedures for their provision by the actors of the common electricity market of the Union, the public authorities of the member states and the Commission in the functioning of the common electricity market of the Union and adopted by the Intergovernmental Council ((hereinafter referred to as the information exchange rules).

IV. Powers of the Commission

9. With a view to ensuring the establishment, operation and development of the common electricity market of the Union, the Commission shall exercise the following powers:

1) monitoring the functioning of the common electricity market of the Union under the procedure adopted by the Council of the Commission;

2) preparation of suggestions for improving the legal regulation in relation to the common electricity market of the Union;

3) other powers conferred by this Protocol.

V. Management and operation of the common electricity market of the Union

10. The common electricity market of the Union shall be managed and operated by the following authorities and organisations:

the public authorities of the member states authorised under the legislation of the member states to regulate and/or control the electricity sector;

infrastructural organisations of the common electricity market of the Union.

At the initiative of member states, auxiliary bodies (council of heads of public authorities of member states, working groups, special commissions) may be established by decision of the Supreme Council to ensure the proper functioning of the common electricity market of the Union.

11. The public authorities of the member states empowered under the legislation of the member states to regulate and/or control the electricity sector may include, but are not limited to:

the public authorities of the member states responsible for the implementation of the state policy in the electricity sector;

the public authorities of the member states competent for implementing and/or enforcing competition (anti-monopoly) policy;

member state authorities vested with the power to regulate and/or control natural monopolies.

The public authorities of a member state, empowered under the legislation of that member state to regulate and/or control the electricity sector, shall exercise the following functions and powers in order to ensure the functioning of the common electricity market of the Union:

ensure the implementation of activities aimed at the implementation of this Protocol;

promote the harmonisation of the member state's electricity legislation under the acts adopted in conformity with paragraphs 5 to 8 of this Protocol;

engage in the preparation and review of monitoring data on the functioning of the common electricity market of the Union;

monitor the compliance of the actors of the common electricity market of the Union registered in the territory of the member state with the competitive (anti-monopoly) legislation of the member state, the regulations for mutual trade in electricity and the rules of access in the territory of the member state;

regulate and control the activities of natural monopoly entities in the electricity sector registered in the territory of the member state and operating in the common electricity market of the Union, under the legislation of the member state in the field of regulation and/or control of natural monopoly activities;

examine complaints concerning breaches of access rules by a common electricity market entity of the Union registered in the territory of the Member State concerned;

adopt methodological guidelines for determining prices (tariffs) for services of infrastructure organisations in the common electricity market of the Union registered in the territory of the respective member state that are not natural monopoly entities in the electricity sector;

other functions and powers specified in the instruments adopted pursuant to paragraphs 5 to 8 of this Protocol and in the legislation of the member states.

The procedure for the exercise of the functions and powers mentioned in this paragraph by the public authorities of the member states empowered under the legislation of the member states to regulate and/or control the electricity sector shall be governed by the legislation of the member states concerned.

12. The composition of the infrastructural organisations of the common electricity market of the Union shall be established as described in paragraphs 21 to 23 of this Protocol.

This Protocol, the acts adopted under paragraphs 5 to 8 of this Protocol and the legislation of the member states in so far as specified in such acts shall govern the rights and obligations (functions and powers) of the infrastructural organisations of the common electricity market of the Union regarding the functioning of the common electricity market of the Union.

13. Member states shall secure interaction between the public authorities of the member states empowered under the legislation of the member states to regulate and/or control the electricity sector, infrastructural organisations of the common electricity market of the Union and the participants in the common electricity market of the Union.

VI. Actors in the common electricity market of the Union

14. The actors in the common electricity market of the Union shall include:

1) participants in the common electricity market of the Union;

2) infrastructural organisations of the common electricity market of the Union.

15. The rights and obligations (functions and powers) of the entities of the common electricity market of the Union in the common electricity market of the Union shall be determined under this Protocol, the acts adopted by virtue of paragraphs 5 to 8 of this Protocol and the legislation of the member states to the extent provided for in those acts.

16. The Register of the actors of the common electricity market of the Union shall contain details of the actors of the internal wholesale electricity markets of the member states entitled, under paragraphs 17 to 19 of this Protocol, to participate in the common electricity market of the Union, as well as details of the infrastructure organisations of the member states indicated in paragraph 21 of this Protocol, authorised to participate in the common electricity market of the Union. This data shall be compiled by the authorities (organisations) designated under the laws of the member states).

The register of the entities of the common electricity market of the Union shall be formed and maintained under the rules of information exchange.

VII. Participants in the common electricity market of the Union

17. Participants in the common electricity market of the Union shall include:

1) legal entities engaged in the sale (supply) of electricity and being actors on the internal wholesale electricity markets under the legislation of the respective member states;

2) legal entities purchasing electricity and being actors in the internal wholesale electricity markets under the legislation of the respective member states;

3) legal entities purchasing electricity from a neighbouring member state via inter-state transmission lines through a “dead-end scheme” in the absence of an alternative and possibility to purchase electricity in the domestic electricity market of their member state;

4) legal entities empowered, under the legislation of the member states, to settle hourly deviations of actual electricity balances from the planned values.

18. Prior to the entry into force of the decision of the Council of the Commission foreseen by paragraph 19 of this Protocol, each member state may, in accordance with its legislation, authorise an actor in the internal wholesale electricity market of the Union, as well as determine the list of legal entities entitled to participate in electricity trading in the common electricity market of the Union.

19. Following the entry into force of the international treaty on the establishment of a common Union gas market, as well as the acts of the Union authorities necessary for the running of the common Union gas market, the Commission Council shall adopt a decision whereby the member states shall provide conditions for the participation on a voluntary and

competitive basis of any entities of the internal wholesale electricity markets in the common electricity market of the Union. Following the entry into force of the said decision of the Commission Council, Member States shall not authorise individual entities of the internal wholesale electricity market of the Union to participate in the common electricity market (excluding the cases stipulated in this Protocol).

20. Legal entities of the member states shall trade in electricity on the common electricity market of the Union, unless they simultaneously engage in (combine) natural monopoly and competitive activities in the electricity sector.

The provisions of the first indent of this paragraph shall not apply to trade in electricity on the common electricity market of the Union in the following circumstances:

electricity trade in the common electricity market of the Union is performed for the purpose of settling hourly deviations of actual electricity balances from the planned values;

electricity is purchased on the common electricity market of the Union by system and (or) network operators to compensate for losses in electricity grids in cases determined by the rules of mutual trade in electricity.

The provisions of the first indent of this paragraph shall not apply to legal entities of a member state involved in the production and/or sale of electricity if, as of the date of entry into force of this Protocol, the production and/or sale of electricity in that member state is classified as a natural monopoly under Annex No 2 to the Protocol on Common Principles and Rules Governing the Activities of Natural Monopolies (Annex № 20 to the Agreement).

Specifics of participation in electricity trade on the common electricity market of the Union of legal entities mentioned in the fifth indent of this paragraph shall be stipulated by the rules of mutual trade in electricity, considering the provisions of the Protocol on Uniform Principles and Rules Governing the Activities of Natural Monopolies (Annex № 20 to the Agreement).

VIII. Infrastructural organisations of the common electricity market of the Union

21. The infrastructure organisations of the common electricity market of the Union shall be composed of:

1) system operators;

2) network operators;

3) centralised trade operator(s);

4) other organisations rendering services to the actors of the common electricity market of the Union in mutual trade in electricity under the acts adopted by virtue of paragraphs 5 to 8 of this Protocol.

22. The functions of several infrastructure organisations in the common electricity market of a Member State may be combined under the legislation of that member state.

23. The infrastructural organisations of the common electricity market of the Union shall offer services under the contracts concluded pursuant to the acts adopted as per paragraphs 5 to 8 of this Protocol.

IX. Trading in electricity on the common electricity market of the Union

24. Modalities for trading in electricity on the common electricity market of the Union:

1) mutual trade in electricity between members of the common electricity market of the Union under free bilateral contracts;

2) centralised electricity trade between participants in the common electricity market of the Union, the types whereof are governed by the rules for mutual trade in electricity and include, inter alia, centralised day-ahead trade subject to its economic feasibility (hereinafter: centralised electricity trade);

3) settlement of hourly deviations of actual electricity balances from the planned values under the contracts concluded between the authorised organisations of the member states.

25. Electricity shall be traded on the common electricity market of the Union between the members of the common electricity market of the Union, being legal entities of different member states, at the respective interstate sections at the state borders of the member states under this Protocol, the rules for mutual electricity trade and under the contracts required to be concluded for electricity trade using a certain method of trade.

26. The mutual trade rules for electricity shall stipulate the actions that the participants in the common electricity market of the Union have to perform to initiate trading using the respective mode of trade.

The list of essential terms and conditions of contracts, the conclusion whereof is required for participation in electricity trade on the common electricity market of the Union using a particular mode of trade, including free bilateral contracts, and the procedure for concluding, performing, modifying, terminating, registering and recording said contracts shall be governed by the electricity mutual trading rules and the access rules. These rules shall establish the list of contracts required to participate in electricity trading on the common electricity market of the Union, to be concluded pursuant to standard forms approved by the Council of the Commission. The terms and conditions of contracts concluded under such forms may not be unilaterally changed by the participants in the common electricity market of the Union being parties thereto.

27. Electricity shall be mutually traded under free bilateral contracts by the participants in the common electric power market of the Union by concluding bilateral contracts for the purchase and sale of electricity at prices, in the volume and under the terms of supply that are established by the parties to the contracts independently, with regard to the carrying capacity of inter-state sections, other technological and regulatory constraints. Changes in the volume of electricity supply and termination of the free bilateral contract shall be done under the procedure and terms prescribed by the rules for mutual trade in electricity. Electricity

volumes bought (sold) under free bilateral contracts registered in the Union common electricity market under the applicable procedure shall be accounted for on the internal wholesale electricity markets of the member states pursuant to the legislation of those member states.

28. Centralised electricity trade shall rely on the participants of the common electricity market of the Union via an electronic trading system, enabling the determination of prices and volumes of electricity purchases (sales) under the rules of mutual trade in electricity. Centralised electricity trade services shall be offered by the centralised trade operator(s) on a fee contractual basis.

The volumes of electricity purchased (sold) under the contracts signed as a result of centralised electricity trading on the common electricity market of the Union and registered in the prescribed manner on the common electricity market of the Union shall be registered and accounted for on the internal wholesale electricity markets of the member states under the legislation of those member states.

29. To regulate hourly deviations of actual balances of electricity flows from planned values and to enable participants in the common electric power market of the Union to trade electricity on a mutual basis via the respective interstate sections, organisations of neighbouring member states empowered to regulate deviations shall conclude hourly deviation purchase agreements or other agreements, in accordance with the rules for mutual trade of electricity, provided it does not contravene the legislation of the member states.

Electricity shall not be traded by the means indicated in sub-paragraphs 1 and 2 of paragraph 24 of this Protocol between the participants in the common electricity market of the Union of the member states concerned in the relevant section until the contracts mentioned in the first sub-paragraph of this paragraph have been concluded.

The procedure for calculating the values of hourly deviations and the procedure for their settlement shall be governed by the rules for mutual trade in electricity.

In inter-state sections where electricity is traded between participants in the common electricity market of the Union, associated with the supply of electricity to consumers under a "dead-end scheme" in the absence of an alternative and possibility to buy electricity in the internal electricity market of its member state, the deviations shall be settled under free bilateral contracts for the purchase and sale of electricity.

30. Based on its legislation, each member state shall designate the entity of the internal wholesale electricity market entrusted with participating in the settlement of hourly deviations of actual balancing flows of electricity from the planned values and concluding the relevant contracts.

Data on the conclusion of contracts for the settlement of hourly deviations of actual electricity balances from the planned values shall be made available to the common electricity market actors of the Union under the rules of information exchange.

31. For the implementation of electricity trade in the common electricity market of the Union by participants in the common electricity market of a Member State not sharing borders with other member states, across the territory of a third state contiguous with such a member state, contracts for the settlement of hourly deviations of actual electricity balances from the planned values shall be concluded between the authorised organisation of the member state not sharing borders with other member states and the organisation authorised to conclude relevant contracts under the laws of the third state.

A prerequisite for trading in electricity on the common electricity market of the Union by participants in the common electricity market of a member state not sharing borders with other member states shall also be the conclusion (availability) of electricity transit contracts through the third state in both directions.

X. Centralised trade operator(s)

32. The centralised trading of electricity on the common electricity market of the Union shall be organised by the organisation(s) of the member state(s) decided by the Council of the Commission based on the proposals of the member states.

33. The rules of mutual trade in electricity, the rules of information exchange, the accession agreement(s) and the regulations of the centralised trade operator(s) shall govern the rights and obligations (functions and powers) of the centralised trade operator(s).

34. Centralised electricity trading services shall be rendered through an appropriate electronic trading system - trading platform.

35. The form of the accession agreement(s), the standard forms of contracts and the regulations required by the acts adopted under paragraphs 5 to 8 of this Protocol shall be approved by the Council of the Commission based on the proposals of member states.

36. The principles for setting the price (tariff) for the services of centralised electricity trade operator(s) shall be stipulated in the rules for mutual trade in electricity.

XI. Technological framework for electricity trading in the common electricity market of the Union

37. The technological basis for electricity trade in the common electricity market of the Union shall consist of:

1) an information exchange system enabling the interaction of the common electricity market actors of the Union based on the data on the functioning of the electricity systems and electricity markets of the member states;

2) an electronic trading system enabling centralised trading of fixed-term contracts;

3) electronic trading system allowing centralised day-ahead trading.

XII. Regulation and supervision of the activities of natural monopoly entities in the electricity sector on the common electricity market of the Union, as well as of other organisations empowered to conduct inter-state transmission of electricity (capacity)

38. Regulation and supervision of the activities of natural monopoly entities in the electricity sector and other organisations entitled to perform interstate transmission of electricity (capacity) when they perform interstate transmission of electricity (capacity) shall be exercised under this Protocol, access rules and the legislation of the member state through the territory thereof the interstate transmission of electricity (capacity) is performed).

The regulation and supervision of the activities of natural monopoly entities in the electricity sector when they provide relevant services to the entities of the internal wholesale electricity market, engaged in the purchase (sale) of electricity on the common electricity market of the Union, shall be exercised under the laws of the member state concerned, with due regard to the principles specified in paragraph 3 of the Protocol on Common Principles and rules for the regulation of natural monopoly entities (Annex № 20 to the Agreement).

Natural monopoly services in the electricity sector for electricity transmission and for operational dispatch management in the electricity sector shall be offered only to domestic electricity market entities in the member state in the territory thereof these services are being offered, under the laws of the member state in question. In doing so, the actors of the internal wholesale electricity market that purchase (sell) electricity on the common electricity market of the Union shall be granted access to the services of the said natural monopoly entities in the electricity sector under the same terms as the access to the respective services is granted to the entities that purchase (sell) electricity only on the internal wholesale electricity market of the member state.

39. Pricing (tariff setting) with regard to the services of natural monopoly entities in the electricity sector shall be done under the legislation of the member states.

Prices (tariffs) for the services of natural monopoly actors in the electricity sector in the common electricity market of the Union shall not exceed similar domestic prices (tariffs) for domestic wholesale electricity market entities.

Pricing (tariff setting) for the inter-state transmission of electricity (capacity) across the territory of a member state shall consider the compensation of the organisation empowered to conduct the inter-state transmission of electricity (capacity) for the costs (expenses) resulting from the provision of inter-state transmission of electricity (capacity) by such organisation in the domestic electricity market under the laws of the member state. However, if the price (tariff) for the interstate transmission of electricity (capacity) is calculated based on the forecast values of the parameters considered when setting the price (tariff) under the legislation of a member state, the difference between the forecast and actual values of these parameters related to the previous calculation periods shall be considered in determining the price (tariff) for the interstate transmission of electricity (capacity) in the subsequent calculation of the price (tariff).

Prices (tariffs) for interstate transmission of electricity (capacity) shall be established well in advance of the commencement of the next calendar month (billing period) within the

period prescribed by the access rules, and shall not be amended with respect to the obligations of that calendar month (billing period)).

XIII. Antitrust regulation of the common electricity market of the Union

40. Antitrust regulation of the common electricity market of the Union shall be exercised under the laws of the member states and Section XVIII of the Agreement, with due regard to the particularities laid down in Sections XIX and XX of the Agreement and this Protocol.

XIV. Development of interstate electricity networks

41. A member state shall develop inter-state electricity networks on its territory under its legislation and under the regulation on the development of inter-state electricity networks approved by the Council of the Commission.

XV. Stages in the formation and development of the common electricity market of the Union

42. The timing for the enactment of the acts foreseen in this Protocol, as well as the stages of development of the common electricity market of the Union, shall be laid down by the Supreme Council.

XVI. Implementation of interstate transmission of electricity (capacity)

43. Within the meaning of this section, the following terms shall be used:

"domestic demand for electricity (capacity)" refers to the amount of electricity (capacity) required for their consumption in the territories of the respective member states;

"access to services of natural monopoly entities in the electricity sector" means the possibility for a domestic market actor in one member state to benefit from the services of natural monopoly entities in the electricity sector in the territory of another member state;

"domestic electricity market actors" - persons who are actors of the electricity (capacity) market of a member state under the legislation of that member state, engaged in activities in the electricity sector, including production of electricity (capacity), purchase and sale of electricity (capacity), distribution of electricity, supply of electricity to consumers, provision of electricity (capacity) transmission services, operational dispatch management in the electricity sector.

44. To the extent technically possible, member states shall grant unhindered access to the services of natural monopoly entities in the electricity sector, providing that these services are used on a priority basis to satisfy the internal electricity (capacity) needs of member states, based on the following principles:

1) equality of requirements in relation to the domestic electricity (capacity) market entities imposed by the legislation of the member state within the territory thereof such services are provided;

2) consideration of the legislation of the member states when granting access to the services of natural monopolies in the electricity sector, given the priority use of these services to meet the domestic needs of the member states;

3) ensuring the proper technical condition of the electric power facilities affecting the modes of parallel operation of the electric power systems of the member states in the provision of services by natural monopoly entities in the electric power sector;

4) the contractual arrangements between the domestic electricity market entities of the member states;

5) the compensability of services delivered by the natural monopoly entities of the member states in the electricity sector.

45. Electricity (capacity) shall be transmitted between states based on the following principles:

1) the interstate transmission of electricity (capacity) via the electricity system of a neighbouring member state is provided by the member states within the limits of available technical capacity, provided that the internal needs for electricity (capacity) of the member states are prioritised;

2) determination of the technical feasibility of inter-state transmission of electricity (capacity) shall be based on the following priority:

ensuring the internal electricity (capacity) needs of the member state through the electricity system thereof the inter-state transmission is planned to take place;

securing the interstate transmission of electricity (capacity) from one part of the electric power system of a member state to another part thereof through the electric power system of a neighbouring member state;

securing the interstate transmission of electricity (capacity) via the electricity system of a member state from the electricity system of one member state to the electricity system of another member state;

providing for the interstate transmission of electricity (capacity) via the electricity system of a member state to fulfil obligations with regard to electricity entities in third states;

3) for interstate transmission of electricity (capacity), the authorised organisations of the member states are guided by the compensation principle for interstate transmission of electricity (capacity) based on the legislation of the member state;

4) the interstate transmission of electricity (capacity) for the purpose of fulfilling obligations in relation to electricity entities of third states is governed on a bilateral basis, with due regard to the legislation of the member state concerned.

46. To ensure smooth inter-state transmission of electricity (capacity) via the member states' electricity systems, a set of coordinated preparatory measures shall be implemented, namely:

prior to the commencement of the calendar year of electricity (capacity) supply, the authorised member states announce the planned volumes of electricity (capacity) intended for

interstate transmission to be included in the national forecast balances of electricity (capacity) production and consumption, including for the purpose of considering such supplies when setting the tariffs for services of natural monopoly entities;

based on the calculations of the planned cost of inter-state transmission of electricity (capacity), the organisations authorised by the member states enter into contracts in pursuance of the agreements reached.

Aiming to ensure smooth interstate transmission of electricity (capacity) via the electric power systems of member states, the authorised bodies of member states shall apply the Methodology for Interstate Transmission of Electricity (Capacity) between Member States, comprising the procedure for determining technical conditions and volumes of interstate transmission of electricity (capacity), as well as harmonised approaches to pricing (tariff setting) for services related to interstate transmission.

Organisations designated under the laws of member states shall ensure the interstate transmission of electricity (capacity) through their state pursuant to the said Methodology.

47. The interstate transmission of electricity (capacity) and the operation of power grid facilities required to secure the interstate transmission of electricity (capacity) shall be implemented under the regulatory legal and regulatory and technical documents of the member state offering services related to the interstate transmission of electricity (capacity).

48. Should the interstate transmission of electricity (capacity) be refused, the organisations empowered by the member states shall provide substantiating material on the grounds for the refusal.

49. Regulating relations concerning the interstate transmission of electricity (capacity) shall be implemented with reference to other international treaties in force.

Annex
to the Protocol on the Common
Electricity Market of the Eurasian
Economic Union

Footnote. The numbering heading is in the wording of the Law of the Republic of Kazakhstan dated 16.03.2022 № 109–VII (see Article 2 for the procedure for entry into force) .

Methodology of carrying out of interstate transfer of electric energy (power) between the member states 1. The basic provisions of procedure of filling of applications and formation of annual forecast volumes of interstate transfer of electric energy (power), subjected to inclusion in the forecast balances of production and consumption of electric energy (power), as well as considered upon calculation of tariffs for the services of natural monopoly entities.

Footnote. Section 1 as amended by Law of the RK № 6-VII dated 15.02.2021; Law of the RK № 64-VII dated 15.09.2021; Law of the RK № 65-VII dated 18.09.2021.

1.1. In the territory of the Republic of Belarus.

1.1.1. Annual forecast volumes of interstate transfer of electric energy (power) (hereinafter – IHP (Международная гидрологическая программа) on the national electrical grid of the Republic of Belarus shall be determined by organization, authorized for its implementation, on the basis of filed application.

1.1.2. Application for the forthcoming calendar year shall be filed not later than 1 April of the previous year. The application shall include the annual IHP and the maximum power, broken down by month.

1.1.3. Authorized organization of the Republic of Belarus shall be guided by the value of available technical possibility, determined in accordance with this Methodology upon consideration of application.

Authorized organization of the Republic of Belarus shall direct the reasoned refusal to the organization, filed an application upon exceeding of the applied value of IHP of the value of available technical possibility for the whole year or any month of the year.

1.1.4. Applied volumes of IHP, coordinated by the authorized organization of the Republic of Belarus shall be executed as the annex to agreement for the transfer of electric energy and considered upon calculation of tariffs for the services on transfer of electric energy.

1.1.5. Volumes of electric energy, supposed to IHP may be corrected by coordination of the authorized organizations of the member states before 1 November of the year, preceding the year of the planned IHP.

1.2. In the territory of the Republic of Kazakhstan.

1.2.1. Annual forecast volumes of IHP on the national electrical grid of the Republic of Kazakhstan shall be determined on the basis of application, filed by the organization authorized for implementation of IHP to the system operator of the Republic of Kazakhstan for implementation of IHP.

1.2.2. Application for the forthcoming calendar year shall be filed not later than 1 April of the previous year. The application shall include the annual volume of IHP, broken down by month and specification of receiving points and points of output of electric energy in the border of the Republic of Kazakhstan.

1.2.3. System operator of the Republic of Kazakhstan shall be guided by the value of available technical possibility, determined in accordance with this Methodology upon consideration of application. System operator of the Republic of Kazakhstan shall direct the reasoned refusal to the organization, filed an application upon exceeding of the applied value of IHP of the value of available technical possibility for the whole year or any month of the year.

1.2.4. Applied volumes of IHP, coordinated by the system operator of the Republic of Kazakhstan shall be executed as the annex to agreement for the transfer of electric energy and considered upon calculation of tariffs for the services on transfer of electric energy.

1.2.5. The volumes of supply of electric energy on bilateral interstate agreements shall be determined and coordinated with subjects of wholesale market after formation of forecast balance of electric energy and power on the Unified energy system of the Republic of Kazakhstan (hereinafter – UES of Kazakhstan) before 15 October of the year, preceding the planned.

1.2.6. Volumes of electric energy, supposed to IHP may be corrected at the suggestion of subjects, authorized for organization and implementation of IHP before 1 November of the year, preceding the year of planned supply.

1.3. In the territory of the Russian Federation.

1.3.1. In obedience to the Procedure for the formation of a consolidated forecast balance within the Unified Energy System of Russia by constituent entities of the Russian Federation, by 1 April of the year preceding the year of the planned supply, the authorised organisation (organisation for the management of the Unified National (All-Russian) Power Grid (hereinafter referred to as the "UNPG") of the Russian Federation) shall send proposals, agreed with the authorised organisations of the Member States managing the national electricity grid, to the body authorised to form a consolidated forecast balance of electricity (capacity) production and consumption by constituent entities of the Russian Federation, as well as to the system operator of UES of Russia.

1.3.2 The agreed proposals shall be considered by the authority responsible to form a consolidated forecast balance of electricity (capacity) production and consumption by the constituent entities of the Russian Federation, and shall be taken into account when forming a consolidated forecast balance of electricity (capacity) production and consumption by the constituent entities of the Russian Federation for the next calendar year, within the time frame stipulated by the legislation of the Russian Federation.

1.3.3. Volumes of electric energy and power, supposed to IHP, approved as a part of the indicators of consolidated forecast balance of production and consumption of electric energy (power) on the subjects of the Russian Federation for the year of supply shall be considered upon calculation of prices (tariffs) for the services of natural monopolies in the electrical energy industry.

1.3.4. Volumes of electric energy and power, supposed to IHP may be corrected by suggestion of organization on management of the UNEG upon condition of existence of coordination by the authorized bodies (organizations) of the member states before 1 November of the year, preceding the year of the planned supply, with conducting of relevant correction of the established prices (tariffs) for the services of natural monopolies in the electrical energy industry.

1.4. On the territory of the Republic of Armenia.

1.4.1. Annual forecast volumes of inter-state electricity transmission (IET) via the electric energy system of the Republic of Armenia (hereinafter referred to as EES of Armenia) shall

be determined by an organisation authorised to organise IET (hereinafter referred to as the system operator of EES of Armenia), based on an application

1.4.2. The application for the upcoming calendar year shall be submitted no later than 1 April of the preceding year. The application shall indicate the annual volume of the IET by months, specifying the points of reception and delivery of electricity at the border of the Republic of Armenia.

1.4.3. When considering an application, the Armenian EES System Operator shall be guided by the value of the available technical capacity of the Armenian EES, determined in compliance with this Methodology. If the value of the IET application exceeds the available technical capacity of the Armenian EES for the whole year or in any month of the year, the system operator of the Armenian EES shall send a motivated refusal to the applicant organisation.

1.4.4. The declared IET volumes agreed by the Armenian EES System Operator shall be drawn up as an annex to the electricity transmission contract and taken into account in the calculation of tariffs for electricity transmission services.

1.4.5. After the formation of forecast balances of electricity and capacity in the Armenian EES, the volumes of electricity supply under bilateral interstate contracts shall be determined and agreed upon with the wholesale market entities by October 15 of the year preceding the planned year.

1.4.6. The electricity volumes expected to be supplied by IET may be adjusted upon proposal of the entities authorised to organise and implement IET by 1 November of the year preceding the year of planned supply.

1.5. On the territory of the Kyrgyz Republic.

1.5.1. The annual IET forecasts for the National Power Grid of the Kyrgyz Republic (hereinafter referred to as the Kyrgyz NPG) shall be determined by the organisation authorised to implement IET (hereinafter referred to as the Kyrgyz NPG management organisation) based on an application.

1.5.2. The application for the upcoming calendar year shall be submitted no later than 1 April of the preceding year. The application shall indicate the annual volume of IET and maximum capacity broken down by months and indicating the points of reception and delivery of electricity at the border of the Kyrgyz Republic.

1.5.3. In reviewing the application, the Kyrgyz NPG management organisation shall be guided by the value of the available technical capacity of the Kyrgyz NPG as determined in conformity with this Methodology. If the IET application exceeds the available technical capacity of the Kyrgyz NPG for the whole year or in any month of the year, the Kyrgyz NPG management organisation shall send a reasoned refusal to the applicant organisation.

1.5.4. The declared IET volumes agreed with the Kyrgyz NPG management organisation shall be drawn up as an annex to the electricity transmission contract and taken into account in the calculation of tariffs for electricity transmission services.

1.5.5. The electricity volumes expected to be supplied by IET may be adjusted as agreed by the authorised organisations of the Member States before 1 November of the year preceding the year of planned supply.

2. Procedure of determination of technical possibility and planned volumes of IHP on the basis of planning of annual, monthly, daily and per diem modes of work of electrical power systems, including provisions, determining functions and powers of planning coordinator

Footnote. Section 2 as amended by Laws of the Republic of Kazakhstan: № 64-VII of 15.09.2021; № 65-VII of 18.09.2021; dated 16.03.2022 № 109-VII (see Article 2 for the procedure for entry into force).

2.1. Terminology.

The following concepts shall be used for the purposes of section 2 of this Methodology:

Controlled section – a set of power transmission lines (PTL) and other elements of electric grid, determined by the dispatch centers of the system operators of electrical power systems of the member states, flows of power of which are controlled for the purposes of ensuring of the stable work, reliability and survivability of electrical power systems.

The maximum allowable power flow – the highest flow in the network section, complying with all requirements to the normal conditions.

The interstate section – a point or a group of the points of supply, located in the interstate PTL, connecting the electrical power systems (separate energy areas) of neighboring states, technologically conditioned by the tasks of planning and management of electric power modes of parallel work, determined by the system operators of electrical power systems of the member states.

Other terms used shall have the meaning assigned to them by the Protocol on the Common Electricity Market of the Eurasian Economic Union (Annex № 21 to the Agreement on the Eurasian Economic Union).

2.2. General provisions.

2.2.1. Tasks solved at the stages of planning:

- annual planning: verification of technical possibility of implementation of applied volumes of supplies of electric energy (power) between the member states and IHP between the member states, taken into account in the forecast balances of production and consumption of electrical energy industry (power) in recognition of annual planned repair schedules of electrical grid equipment, limiting the export-import section, and their correction if necessary;

- monthly planning: verification of technical possibility of implementation of applied volumes of supplies and IHP between the member states, taken into account in the annual forecast balances of production and consumption of electric energy (power) in recognition of monthly planned repair schedules of electrical grid equipment, limiting the export-import section, and their correction if necessary;

- daily planning and per diem correction of modes: verification of technical possibility of implementation of hourly volumes of supplies, applied the day-ahead and IHP between the member states in recognition of real circuit-regime situation, planned, unplanned and emergency shutdown of the electrical grid equipment, limiting the export-import section, volumes of supplies and IHP between the member states.

2.2.2. Planning (calculation of the feasibility of planned IET volumes between the Member States) shall be performed between the UES of Russia and the UES of Kazakhstan, between the UES of Russia and the United Energy System of Belarus (UES of Belarus), and between the UES of Russia and the UES of Armenia (via power systems of third countries) using a calculation model of parallel operating electric power systems (hereinafter, the calculation model).

2.2.3. The calculation model shall be a mathematical model of technologically interrelated parts and (or) equivalents of the UES of Russia, the UES of Kazakhstan, the ES of Kyrgyzstan, the UES of Belarus, the EES equivalents of Armenia and energy systems of third countries through which electricity (capacity) is transferred between the UES of Russia and the EES of Armenia, to the extent necessary for planning, and shall include a description of:

- columns and equivalent circuit parameters of electrical grid;
- active and reactive nodal loads;
- active and reactive generation in the node;
- minimum and maximum active and reactive power generation;
- transmission constraints.

2.2.4. Calculation model shall be formed on the basis of equivalent circuit, coordinated by the system operators of electrical power systems of the member states, as a rule, for the basic modes, corresponding to the agreed hours of winter maximum and minimum load, and summer maximum and minimum load (basic calculation schemes). The maximum permissible power flows shall be specified in the controlled interstate sections, as well as in the internal controlled sections for the typical circuit-regime situations, if they essentially effect on the implementation of interstate supplies (exchanges).

2.2.5. The planning coordinator is the system operator of the UES of Russia.

2.2.6 Composition of calculation models and updated information for each planning stage, including lists of energy facilities and electricity systems (electric power system equivalents) included in the calculation model, the procedure and time schedule for their formation and updating, formats and method of data exchange for planning annual, monthly, daily and intraday operation modes of electric power systems shall be established by documents, approved by the system operator of the UES of Russia and the UNPG management organisation with the organisation performing the functions of the system operator of the UES of Belarus and the system operator of the UES of Kazakhstan, and the system operator of the UES of Kazakhstan and the NPG management organisation of Kyrgyzstan in agreement with the system operators of third countries, whose power systems operate in parallel within the

Central Asia Unified Energy System, as well as by the Armenian EES system operator by agreement with the system operators of the energy systems of third countries through which electricity (capacity) is transmitted between the UES of Russia and the Armenian EES.

2.3. Functions and powers of planning coordinator and separate system operators of electrical power systems of the member states.

2.3.1. The planning co-ordinator shall:

- form basic calculation models;

- organise information exchange with the organisation performing the functions of the system operator of the UES of Belarus, the system operator of the UES of Kazakhstan, including for recording the declared volumes of electricity (capacity) supply and IET across the state border between the Kyrgyz Republic and the Republic of Kazakhstan, the Armenian EES system operator for planning purposes;

- carry out calculations of electric power regimes based on the data received from the organisation performing the functions of the Belarusian UES system operator, the system operator of the UES of Kazakhstan, including taking into account the declared volumes of electricity (capacity) supply and IET across the state border between the Kyrgyz Republic and the Republic of Kazakhstan, the Armenian EES system operator for planning purposes;

- adjustment of interstate flows between electricity systems (parts of electricity systems) of member states in case the calculation shows unrealisable electric modes or exceeds the maximum permissible flows in the controlled sections of the calculation model at the declared supply volumes and IHL, with due regard to ensuring the priority principles specified in sub-paragraph 2 of paragraph 4 of the Protocol on the Common Electricity Market of the Eurasian (Annex № 21 to the Agreement on the Eurasian Economic Union):

1) to meet the domestic needs of the Member State via the electricity system of which the IET is to be implemented;

2) ensuring IET electricity (capacity) from one part of the electricity system of a Member State to another part via the electricity system of a neighbouring Member State;

3) ensuring IET electricity (capacity) via the electricity system of a Member State from the electricity system of one Member State to the electricity system of another Member State;

4) ensuring IET electricity (capacity) via the electricity system of a Member State in order to fulfil obligations towards the electricity entities of third countries outside the Union;

- communicating the results of the above calculations to the organisation performing the function of the Belarusian UES system operator, the Kazakhstan UES system operator, and the Kyrgyz NPG management organisation.

2.3.2. If the calculation reveals unrealizability of electric modes or exceeds the maximum permissible flows in the monitored sections of the calculation model, the planning coordinator shall send to the organisation performing the function of the Belarusian UES system operator,

the Kazakhstan UES system operator, and the Kyrgyz NPG management organization, as well as the organisation managing the UNPG the values of necessary adjustments of the values of balance flows (balances) of electric power systems.

The organisation performing the function of system operator of the Belarus UES, a system operator of the Kazakhstan UES, a management organisation of the Kyrgyzstan NPG, a system operator of the Armenian UES and a management organisation of the UNPG shall adjust the volumes of electricity (capacity) supply under all contracts, including IET based on the above priority, or take other measures to remove violations of permissible flows in the monitored cross-sections, as identified by the calculations of the planning co-ordinator.

Information on the adjusted contractual volumes of electricity (capacity) supply under all contracts, including the IET between the Member States shall be communicated by the organisation performing the function of the system operator of the UES of Belarus, the system operator of the UES of Kazakhstan, the organisation managing the NPG of Kyrgyzstan and the organisation managing the UNPG to the entities of the internal electricity markets of the Member States under the concluded contracts.

2.3.3. In case of failure to receive up-to-date data for planning from the organisation performing the function of system operator of the Belarus UES, system operator of the Kazakhstan UES, management organisation of the Kyrgyzstan NPG, system operator of the Armenian EES or receipt of data containing technical errors or deliberately unreliable data, the planning coordinator shall be entitled to use substitute information the content and application procedure of which shall be established by documents approved by the organisation performing the function of the system operator of the Belarus UES, the system operator of the Kazakhstan UES, the management organisation of the Kyrgyzstan NPG, the system operator of the Armenian EES and the system operator of the Russian UES.

2.4. Annual planning.

2.4.1. Annual planning shall be carried out within the time limits and pursuant to the procedure determined by the organisation performing the function of system operator of the UES of Belarus, the system operator of the UES of Kazakhstan, the management organisation of the NPG of Kyrgyzstan, the system operator of the EES of Armenia and the system operator of the UES of Russia.

2.4.2. The organisation performing the function of the system operator of the UES of Belarus, the system operator of the UES of Kazakhstan and the UNPG management organisation shall form draft schedules on repairs of electric grid equipment for the planned calendar year and shall submit them to the planning coordinator. The planning coordinator shall bring into accordance the schedule on repairs of electric grid equipment for the planned calendar year and submit it to the organisation performing the function of the system operator of the UES of Belarus, to the system operator of the UES of Kazakhstan and to the organisation for the UNPG management. The list of power grid facilities the repairs of which are subject to agreement as part of the annual (as well as monthly) repair schedule, as well as

the time regulations for its formation shall be established by the organisation performing the function of system operator of the Belarus UES, the system operator of Kazakhstan UES and the system operator of Russia UES.

The EES System Operator of Armenia and the Kyrgyz NPG shall form and submit to the planning coordinator repair schedules for electric grid equipment of EES of Armenia and ES of Kyrgyzstan included in the calculation model. Repair schedules of power grid equipment of the Armenian and Kyrgyz ES included in the calculation model shall not be subject to approval by the planning coordinator.

2.4.3. The organisation performing the function of the system operator of the UES of Belarus, the system operator of the UES of Kazakhstan, including for recording the declared volumes of electricity (capacity) supply and IET across the state border between the Kyrgyz Republic and the Republic of Kazakhstan, the system operator of the Armenian EES shall provide the planning coordinator with information for annual planning for the respective national electricity system (consumption, generation, flow balances, repairs of grid equipment), formed by them based on the forecasts.

2.4.4. The planning results shall be the refined projected balance of exchange between the UES of Russia and the UES of Kazakhstan, the UES of Kyrgyzstan and the UES of Kazakhstan, the UES of Russa and the UES of Belarus, as well as the projected volume of electricity (capacity) transfer between the UES of Russia and the EES of Armenia.

2.4.5. The planning coordinator shall calculate the modes and send the results of the calculations to the organization performing the function of system operator of the UES of Belarus, the system operator of the UES of Kazakhstan, the organization managing the NPG of Kyrgyzstan, the system operator of the EES of Armenia.

2.5. Monthly planning.

2.5.1. Monthly planning shall be performed within the time and procedure determined by the system operator of the Belarus UES, the system operator of Kazakhstan UES, the Kyrgyz NPG management organisation, the system operator of Armenia EES and the system operator of Russia UES, pursuant to the same scheme as annual planning, with data and results exchanged on a monthly basis.

2.6. Daily and per diem planning.

2.6.1. Daily and intraday planning shall be carried out within the terms and procedure determined by the organisation performing the function of system operator of the UES of Belarus, the system operator of the UES of Kazakhstan, the management organisation of the NPG of Kyrgyzstan, the system operator of the EES of Armenia and the system operator of the UES of Russia.

2.6.2 Daily organization performing the function of the system operator of the UES of Belarus, the system operator of the UES of Kazakhstan, including taking into account the declared volumes of electricity (capacity) supply and IET across the state border between the Kyrgyz Republic and the Republic of Kazakhstan, the system operator of the Armenian EES

shall provide the planning coordinator with data for updating the calculation model for the planned day (hereinafter referred to as day X) in the form of sets of 24-hour updated data (from 00.00 to 24.00), which shall include:

- planned repairs of elements of electric grid equipment of 20 kV and above of the electricity system;

- hourly consumption and generation schedules for the electricity system as a whole (including individual energy districts as determined by the organisation performing the function of system operator of the UES of Belarus, the system operator of the UES of Kazakhstan, the organisation managing the NPG of Kyrgyzstan, the system operator of the EES of Armenia and the system operator of the UES of Russia when forming the composition of the calculation model);

- hourly flow balance graphs (the surplus flow balance of the electricity system shall be taken as its deficit).

The UNPG management organisation shall submit to the planning coordinator the aggregate values agreed with the organisation performing the function of system operator of the Belarus UES, the system operator of the Kazakhstan UES, including with regard to the declared volumes of electricity (capacity) supply and IET across the state border between the Kyrgyz Republic and the Republic of Kazakhstan, and the system operator of the Armenian EES the hourly schedules of electricity supply volumes between the UES of Russia, UES of Belarus, UES of Kazakhstan, ES of Kyrgyzstan and EES of Armenia under all types of contracts, including the IET between the Member States.

2.6.3. In case the data for updating the calculation model have not been transferred by the organisation performing the function of the system operator of the UES of Belarus to the system operator of the UES of Kazakhstan, including with due regard for the declared volumes of electricity (capacity) and the IET supplies across the state border between the Kyrgyz Republic and the Republic of Kazakhstan, to the planning coordinator, the latter one shall use the substitute information established by the organisation performing the function of the system operator of the UES of Belarus, the system operator of the UES of Kazakhstan, including with allowances made for the declared volumes of electricity (capacity) supply and the IET across the state border between the Kyrgyz Republic and the Republic of Kazakhstan, the Armenian EES system operator and the Russian UES system operator as agreed between them when forming the composition of the calculation model.

2.6.4. The planning coordinator shall carry out updating of the calculation model and performance of calculations of the electric modes.

2.6.5. The planning coordinator shall calculate the modes and transfer the results of the calculations in an agreed format to the organisation performing the function of the Belarusian UES system operator, the Kazakhstan UES system operator, the Kyrgyz NPS management organisation, the Armenian EES system operator.

2.6.6. In case the declared values of supply volumes and the IET between the Member States are not realisable, the organisation performing the function of the Belarusian UES system operator, the Kazakhstan UES system operator, the Kyrgyz NPG management organisation, the Armenian EES system operator and the UNPG management organisation shall take measures to adjust supply volumes and the IET with due regard for the priorities determined in paragraph 2.3.1 of this Methodology.

2.6.7. Where, as a result of unpredictable changes in electricity consumption and/or circuit conditions and/or changes in the terms of supply contracts, adjustments to the planned supply volumes and the IET between Member States are required, within the operational day, the organisation performing the function of the Belarusian UES system operator, the Kazakhstan UES system operator, including with regard to the declared volumes of electricity (capacity) supply and the IET across the state border between the Kyrgyz Republic and the Republic of Kazakhstan, the Armenian EES system operator shall submit to the planning coordinator:

- data to update the calculation model for the current day in the form of hourly updated data sets for the remaining hours of day X to the extent corresponding to the information transferred for day-ahead planning purposes;

- a request with a proposed volume of change in planned supply and IET between the Member States.

2.6.8. The time limit of data submission (“the closing time of the gate”) and bringing of results of calculations shall be established for each temporary stage within a day. The transfer of data after “the closing time of the gate” shall not be allowed. Planning coordinator shall carry out updating of calculation model and performance of calculations of electrical regimes for the remaining hours of the day X.

2.6.9. The result of planning is the refined planned hourly schedule of volumes of supplies and IHP between the member states for the remaining hours of the day X. If it is found impossible to perform the refined planned hourly schedules by virtue of the change of circuit-regime conditions after the time of per diem correction of regimes, the change of volumes of supplies and IHP between the member states shall be allowed on the conditions of provision of emergency aid or mandatory supplies of electric energy according to the relevant special agreements for supply of electric energy between the authorized economic entities of the member states.

3. The list of subjects of the member states, authorized for organization and implementation of the IHP with specification of functions, executed by each organization within ensuring of the IHP

Footnote. Section 3 as amended by Laws of the Republic of Kazakhstan: Law of the RK № 64-VII of 15.09.2021; Law of the RK № 65-VII of 18.09.2021.

3.1. In the territory of the Republic of the Belarus.

3.1.1. Organization and implementation of IHP shall be assigned on organization, exercising the function of management of the UES of the Belarus and organization exercising

the function of the system operator of the UES of the Belarus in the territory of the Republic of Belarus, with execution of the following functions:

- rendering of services on transfer of electric energy through the transmission electric power grid (organization, subordinated to organization exercising the function of management of the UES of the Belarus, upon general coordination of organization exercising the function on management of the UES of the Belarus);

- rendering of services on technical dispatching of IHP (organization exercising the function of the system operator of the UES of the Belarus);

- interaction with electrical power system of contiguous states on management of parallel work and ensuring of stability (organization exercising functions of the system operator of the UES of the Belarus).

3.2. In the territory of the Republic of Kazakhstan.

3.2.1. Organization and implementation of IHP shall be assigned on the system operator in the territory of the Republic of Kazakhstan with execution of the following functions:

-rendering of services on transfer of electric energy through the National electrical grid;

- rendering of services on technical dispatching of supply to the network and consumption of electric energy;

- rendering of services on organization of balancing of production – consumption of electric energy;

- interaction with electrical power systems of contiguous states on management and ensuring of stability of regimes of parallel work.

3.3. In the territory of the Russian Federation.

3.3.1. Ensuring of IHP between the member states through the UES of the Russia in accordance with the legislation of the Russian Federation shall involve implementation of the complex of actions, related with:

3.3.1.1. Rendering of services on operational dispatch management in the electrical energy industry, as well as on management of regimes of parallel work of the UES of the Russia and electrical power systems of other member states, ensuring of replacement of electric energy (power) and coordinated planning;

3.3.1.2. Rendering of services on transfer (movement) of electric energy through the Unified National (All-Russia) Electricity Grid, as well as for ensuring of IHP between the member states;

3.3.1.3. The features of circulation of electric energy and power on the wholesale market of electric energy and power of the Russian Federation, as well as in the case of necessity of ensuring of interrelated and simultaneous supply of equal volumes of electric energy (power) in the UES of the Russia and from it through the different supply points, located in the border (borders) of the Russian Federation with the member states.

3.3.2.IHP between the member states shall be ensured by the following authorized organizations:

3.3.2.1. System operator of the UES of the Russia – in a part of organization and management of regimes of parallel work of the UES of the Russia with the UES of the Kazakhstan and UES of the Belarus;

3.3.2.2. Organization on management of the UNEG – in a part of rendering of services, related with movement (with the use of principle of replacement) of electric energy upon IHP between the member states through the UES of the Russia and organization of the parallel work of the UES of the Russia with the UES of the Kazakhstan and UES of the Belarus, as well as interaction with foreign authorized organizations on planning of IHP (annual, monthly , hourly), separation of actual hourly volumes of electric energy, moved through the state border of the Russian Federation and member states in recognition of corrected planned volumes on commercial contracts; determination of hourly deviations of actual volumes, moved through the state border between the Russian Federation and the member states from planned; carrying out of commercial accounting of electric energy in the supply points, located in the general boundaries of the member states;

3.3.2.3. Commercial operator – organization exercising the function on organization of the wholesale trade of electric energy, power and other goods and services, admitted to circulation in the wholesale market;

3.3.2.4. Organization exercising the function on rendering of services on calculation of requirements and obligations of participants of wholesale trade;

3.3.2.5. Commercial agent – participant of wholesale market of electric energy and power, carrying out of export-import operations, in a part of organization of an access to participation of volumes of electric energy (power), applied for ensuring of IHP between the member states , in relations in the wholesale market of electric energy and power and regulation of relations, related with deviations of actual net power flows from the planned.

3.4. On the territory of the Republic of Armenia.

3.4.1. On the territory of the Republic of Armenia, the Armenian EES system operator shall be responsible for organising the IET in terms of organisation and management of the operation modes of electric connections between the Armenian EES and the energy systems of third countries, through which electric power (capacity) is transferred between the Armenian EES and the UES of Russia, with the following functions:

- short-term planning and dispatch management of the Armenian EES;
- operational management of the Armenian EES;
- transmission network development planning;
- ensuring the parallel operation of the Armenian EES with the regional electricity systems, as well as performance of other non-exclusive functions as stipulated in the license conditions and market rules;
- interaction with system operators of electric power systems of third countries to organise and manage the operation modes of electric connections between the EES of Armenia and those of third countries.

3.4.2. On the territory of the Republic of Armenia, the implementation of IET shall be entrusted to the authorised organisation engaged in transmission of electric power (capacity) across the territory of the Republic of Armenia (hereinafter, the Armenian grid operator), with the function of providing services for the transmission of electric power via the Armenian EES and the transit of electric power (capacity) to third countries.

3.4.3. Within the territory of the Republic of Armenia, control and accounting of the IET shall be entrusted to the authorised organisation providing market operator services, with the following functions:

- organisation of the operation of Armenia's internal wholesale electricity market;
- accounting for the participants of the Armenian internal wholesale electricity market;
- recording of contracts concluded between the participants of the Armenian domestic wholesale electricity market and contracts providing for import or export of electricity;
- recording of electricity (capacity) purchased and sold in compliance with the contracts concluded in the Armenian domestic wholesale electricity market, as well as contracts providing for import or export of electricity;
- preparation and submission of documents to participants of the Armenian domestic wholesale electricity market and service providers;
- performing other non-exclusive functions as provided for in the licence conditions and market rules.

3.5. On the territory of the Kyrgyz Republic.

On the territory of the Kyrgyz Republic, the organisation and implementation of the IET shall be entrusted to the Kyrgyz NPG management organisation with the following functions:

- provision of electricity transmission services on the national 110-500 kV power grids;
- operational and dispatch management of the national electricity grid;
- real-time management of electricity and capacity production and consumption regimes in the Kyrgyz Republic;
- provision of services to cover irregularities in daily power flow schedules (capacity regulation);
- interaction with authorised organisations of the electricity systems of neighbouring states for the management and sustainability of parallel operation.

4. The list of the elements of the natural monopoly entities upon carrying out of IHP, included to the tariff

Footnote. Section 4 as amended by Laws of the Republic of Kazakhstan № 64-VII of 15.09.2021; Law of the RK № 65-VII of 18.09.2021.

4.1. In the territory of the Republic of Belarus.

4.1.1. Expenses Cset for the services on IHP on the transmission network of the Republic of Belarus (hereinafter – TN), included to the tariffs of the natural monopoly entities upon implementation of IHP between the member states, calculated according to the formula:

Cset = C(1+IF)(1+PR)(1+T), where

C – general costs for maintenance and operation of TN, attributable to IHP between the member states, determined in the manner established by the authorized state body;

IF – a share of assignments to the innovation fund;

PR – a share of assignments for the profit, determined in the manner established by the legislation of the Republic of Belarus;

T – a share of allocations for taxes;

General costs 3 includes: the costs for operational and repair service; salary; depreciation; other cash expenses (auxiliary materials, energy from side, social insurance contributions and other); the costs for compensation of electric energy losses.

4.1.2. Tariff for services on IHP through the networks of the UES of the Belarus shall be calculated according to formula:

$$T = \frac{Cset}{Et}, \text{ where}$$

T – tariff for services on IHP through the networks of the UES of the Belarus;

Et – summary volume of IHP between the member states through the networks of the UES of the Belarus.

4.2. In the territory of the Republic of Kazakhstan.

4.2.1. Tariff for services on transfer of electric energy, as well as IHP between the member states, applied for consumers, carrying out the transfer of electric energy, as well as IHP through the networks of the national electrical grid (hereinafter – NEG) shall be calculated according to formula:

$$T = \frac{Z+P}{Wsum} \text{ (tenge/kilowatt-hour), where:}$$

T – tariff for services on transfer of electric energy, as well as IHP between the member states, applied for consumers, carrying out the transfer of electric energy, as well as IHP through the networks NEG (tenge/kilowatt-hour);

Z – the general costs of the NEG of the Republic of Kazakhstan for the services on transfer of electric energy, as well as IHP, determined in the manner established by the legislation (mln. tenge);

P – a level of profit, necessary for effective functioning of NEG upon rendering of services on transfer of electric energy, as well as IHP, determined in the manner established by the legislation of the Republic of Kazakhstan (mln. tenge);

Wsum – a summary volume of transfer of electric energy of NEG (mln. kilowatt-hour), applied on agreements and contracts.

4.2.2. The general costs for the services on transfer of electric energy through the NEG and level of profit, necessary for effective functioning upon rendering of services on transfer of electric energy (determined on the basis of involvement of assets) shall be included to the tariff income in accordance with the legislation of the Republic of Kazakhstan upon calculation of tariff for the services on transfer of electric energy through the NEG.

The costs included to the tariff for the services on transfer of electric energy shall be determined in accordance with the legislation of the Republic of Kazakhstan.

4.3. In the territory of the Russian Federation.

4.3.1. General provisions.

The tariff for rendering of services on transfer of electric energy through the UNEG shall be established in the form of 2 rates in accordance with the legislation of the Russian Federation: the rates for the maintenance of electrical grids and rates for the compensation of electrical energy losses in the UNEG.

The same for the elements of expenses which included to the tariff for the rendering of services on IHP between the member states through the UES of the Russia shall be subdivided into the element of expenses of tariff for the services on IHP between the member states for the maintenance of objects of the UNEG and element of expenses of tariff for the services on IHP between the member states for compensation of electric energy losses and power in the UNEG.

4.3.2. Determination of expenses, included to the tariffs of the natural monopoly entities upon implementation of IHP between the member states.

4.3.2.1. The list of the elements of expenses of tariff for the services on IHP between the member states for the maintenance of objects of the UNEG.

The power applied to IHP between the member states, determined in the “exit point” of flow of electric energy from the electrical power system of the state, through the electrical grids of which the IHP between the member states is implemented.

The following economically justified expenses, established by the national regulatory body for the relevant accounting period shall be considered upon calculation of the rate for the maintenance of objects of the UNEG:

- operating expenses;
- independent expenses;
- return on invested capital (depreciation deductions) on investments;
- return on invested capital;

4.3.2.2. The list of the components of expenses of tariff for the services on IHP between the member states for the compensation of electric energy losses and power in the UNEG.

Expenses for the compensation of electric energy losses and power in the UNEG shall be determined on the basis of regulatory losses of electric energy in the UNEG, reduced by the amount of electric energy losses, considered in the equilibrium prices for the electric energy, and prices of purchase of electric energy and power, formed in the wholesale market

according to the results of each accounting period on TSG (technical support group), corresponding to the "exit point" of flow of electric energy from electrical power system of the state, through the electrical grids of which the IHP between the member states is implemented in recognition of the cost of services of infrastructure organizations of the relevant national market.

4.4. On the territory of the Republic of Armenia.

4.4.1. In compliance with the legislation of the Republic of Armenia, the tariff for electricity transmission services on high voltage electricity networks, including the IET between the Member States shall be approved by the authorised state body of the Republic of Armenia and shall be calculated pursuant to the following formula:

$$T = \frac{RI}{W_{total}} \text{ °(dram/kWh)}$$

where:

T is the tariff (without value added tax) for electricity transmission services on high voltage electricity networks, including interstate transmission between Member States (dram/ kWh);

RI is the required annual income of the grid operator of the Republic of Armenia that transmits electricity via high-voltage power grids, which is determined in conformity with the legislation of the Republic of Armenia and includes the necessary and reasonable costs of electricity transmission services via high-voltage power grids, depreciation of fixed and intangible assets, as well as profit necessary for the efficient functioning of the maintaining high voltage electricity network organisation in the provision of electricity transmission services (dram);

Wtotal is the total annual volume of electricity transmission through the high voltage power grids, as declared under contracts and agreements, both for consumers in the Armenian domestic wholesale electricity market and for exports (kWh).

4.4.2. Value added tax on electricity transmission services on high voltage electricity networks shall be determined in conformity with the legislation of the Republic of Armenia.

4.5. On the territory of the Kyrgyz Republic.

4.5.1. In compliance with the legislation of the Kyrgyz Republic, the tariff for electricity transmission services over national electricity grids, including the IET between the Member States shall be calculated based on the following formula:

$$T = \frac{C+P}{V} \text{ (KGS/kWh)}$$

where:

T is the tariff (excluding value added tax) for electricity transmission services on the national electricity grid (KGS/kWh);

C is the total annual costs of the Kyrgyz NPG management organisation for electricity transmission services over the national electricity grid, determined in compliance with the procedure established by the legislation of the Kyrgyz Republic (million KGS);

P is the annual rate of profit (million KGS);

V is the annual cumulative volume of electricity transmission declared under contracts and agreements (million kWh).

4.5.2. The total annual costs of the Kyrgyz NPG management organisation for electricity transmission services on the national electricity grid shall include maintenance costs (including material labour and other costs), debt service (loans) and depreciation on assets invested, capital investments, costs of compensation for electricity losses, purchase of electricity, deductions to state authorities, etc.

The costs included in the tariff for electricity transmission services on national electricity grids shall be determined in compliance with the legislation of the Kyrgyz Republic.

5. The list of elements, related with implementation of IHP, not included to the tariffs of the natural monopoly entities

Footnote. Section 5 as amended by Laws of the Republic of Kazakhstan № 64-VII of 15.09.2021; Law of the RK № 65-VII of 18.09.2021.

5.1. In the territory of the Republic of Belarus.

The system costs Csyst shall include the costs for the maintenance of generating reserve margin, approved by the authorized state body in the Republic of Belarus for ensuring of IHP between the member states, determined in recognition of the share of power of IHP in the total value of power, transferred through the grids of the UES of the Belarus, as well as for the services on technical dispatching of IHP between the member states.

5.2. In the territory of the Republic of Kazakhstan.

The expenses shall not be considered in accordance with the legislation of the Republic of Kazakhstan upon formation of the tariff for the services on IHP between the member states.

5.3. In the territory of the Russian Federation.

The volumes of electric energy, subjected to IHP between the member states shall be considered in the wholesale market upon filling of price bids, conducting of competitive selection of price bids for the day-ahead, determination of market prices and shares of the system costs, related with interrelated and simultaneous supply of equal volumes of electric energy (power) in the different supply points in the border (borders) of the UES of the Russia for the purposes of ensuring of replacement of electric energy (power). The system costs include the following elements:

5.3.1. The element related with compensation of the cost of the load losses of electric energy and system restrictions upon implementation of IHP between the member states through the UES of the Russia (the difference in nodal prices):

$$S_m^1 = \sum_{h \subset m} (\max[(\lambda_h^{вых} - \lambda_h^{вх}); 0] \times V_h^{МПП}),$$

where

$\lambda_h^{вых}$

- the price, established according to the result of competitive selection of the price bids for the day-ahead in the hour h of month m for the section of export-import, corresponding to the " exit point" of flow of electric energy from the UES of the Russia within the IHP;

$\lambda_h^{вх}$

- the price, established according to the result of competitive selection of price bids for the day-ahead in the hour h of month m for the section of export-import, corresponding to the " exit point" of flow of electric energy from the UES of the Russia within the IHP;

$V_h^{МПП}$

- the volume of IHP through the UES of the Russia in the hour h of month m.

5.3.2. The element related with necessity of availability of generating reserve margin for implementation of working regimes of the UES of the Russia, ensuring the IHP:

S_m^2= PeakmЧ(Rplan.FPTZires-1)ЧPCOM_prelim.FPTZi, where:

Peakm - peak capacity, corresponding to the maximum applied hourly volume of IHP in the month m;

Rplan.FPTZires - a planned cash reserve ratio in the FPTZi, considered by the system operator upon conducting of competitive selection of power for the relevant year;

PCOM_prelim.FPTZi - preliminary price of competitive selection for the consumers in the FPTZi for the relevant year (determined by the system operator in accordance with the rules of wholesale market of electric energy and power);

FPTZi – a free power transfer zone, which includes the supply points, corresponding to the "exit point" of electric energy from the UES of the Russia upon implementation of the IHP.

The difference between the planned prices for buyers, determined according to the results of competitive selection of power, in the free power transfer zones (groups of free power transfer zones), corresponding to the points of "entry" and "exit" of IHP shall be also considered upon determination of the cost of IHP.

5.4. On the territory of the Republic of Armenia.

The tariff for the IET services between the Member States shall not include expenses in pursuance of the legislation of the Republic of Armenia.

5.5. On the territory of the Kyrgyz Republic.

When setting the tariff for the IET services between the Member States, the costs pursuant to the legislation of the Kyrgyz Republic shall not be taken into account.

6. IET contractual requirements in conformity with the legislation of the Member States

Footnote. Section 6- as amended by Law of the RK № 64-VII of 15.09.2021; as reworded by Law of the RK № 65-VII of 18.09.2021;

6.1. On the territory of the Republic of Belarus.

The IET between the Member States via the electricity system of the Republic of Belarus shall be implemented under the condition that the volumes of electricity and capacity intended for IET according to section 1 and paragraphs 2.4 - 2.6 of section 2 of this Methodology and the IET contracts with the authorised organisation of the Republic of Belarus are agreed upon.

The cost of the IET services for each contract shall be determined pursuant to the following formula:

$C_{IET}=Z_{gr}+Z_{syst.}$

6.2. On the territory of the Republic of Kazakhstan.

On the territory of the Republic of Kazakhstan, the IET between the Member States shall be performed under the contracts for the provision of electricity transmission services, concluded in compliance with the standard form, approved by the Government of the Republic of Kazakhstan. At the same time, the IET contracts may consider peculiarities of such transmission.

6.3. On the territory of the Russian Federation.

6.3.1. The IET between the Member States via the UES of Russia shall be subject to the following agreements:

6.3.1.1. Commercial agent agreements with an authorised organisation from the Republic of Belarus, or the Republic of Kazakhstan, or the Kyrgyz Republic, or the Republic of Armenia to ensure access to services of natural monopoly entities and interconnected and simultaneous supply of equal volumes of electricity (capacity) declared for the IET at different supply points at the border (borders) of the UES of Russia.

The cost of the IET between the Member States via the UES of Russia in month m shall be determined in such contracts pursuant to the following formula:

$$Qm^{IET} = Qm^{MO_IET} + Qm^{SO_IET} + Qm^{CS_IET}$$

where:

Qm^{MO_IET} - the cost of the services of the organisation for the management of the UNPG , payable in compliance with the legislation of the Russian Federation;

Qm^{SO_IET} - the cost of system operator services payable in conformity with the legislation of the Russian Federation;

Qm^{CS_IET} - cost of services related to actions on the wholesale electricity (capacity) market accompanying the IET through UES of Russia in month m;

$$Qm^{SO_IET}=Sm^{1}+Sm^{2}+Qm^{ATS_IET}+Qm^{DGT_IET}+Qm^{AGENT_IET}$$

where:

Qm^{ATS_IET} - the cost of the commercial operator's services for organising wholesale trade in electricity, capacity and other goods and services admitted to circulation on the wholesale market in month m;

Qm^{DGT_IET} - the cost of a comprehensive claims and liabilities calculation service, as determined by the contract for joining the wholesale market trading system in month m;

Qm^{AGENT_IET} - the costs of the commercial agent, determined bilaterally in contracts concluded by the commercial agent.

In case of the IET through the territory of the Russian Federation for the purpose of supplying electricity to the Republic of Armenia (from the Republic of Armenia), the indicated value shall also include the compensation of expenses, confirmed by reporting documents of commercial infrastructure organisations of the Russian Federation, incurred by the commercial agent on the wholesale electricity (capacity) market of the Russian Federation , related to the specifics of determining the actual volume of the IET in such cases.

6.3.1.2. Agreements (technical agreements) on the parallel operation of electricity systems between the organisations of neighbouring Member States that perform the functions of operational dispatch management in the electricity sector and the transmission (relocation) of electricity on the national electricity grid.

6.3.1.3. Power purchase and sale agreements between authorised organisations of the Russian Federation (in compliance with Section 3 of this Methodology) and neighbouring Member States concluded in order to compensate for the values of deviations of actual balances of power flows across interstate cross-sections from the planned values arising from the movement of electricity across state borders of the Member States and determined in conformity with the procedure agreed upon by the Member States.

6.3.2. The IET through the territory of the Russian Federation for the purpose of supplying electricity to the Republic of Armenia (from the Republic of Armenia) shall be implemented with the settlement of issues related to:

- the provision of parallel operation of the UES of Russia and the power system of a third state between the respective authorised organisations;

- the organisation of the exchange of commercial metering data on hourly actual volumes of inter-state electricity flows between the relevant economic entities of the Russian Federation and a third country;

- the determination of the actual balances of electricity flows transferred across the state borders of the Russian Federation and the third state, and hourly deviations of actual electricity flows from the planned values arising from electricity flows across the state borders of the Russian Federation and the third state and determined in obedience to the procedure agreed upon by such states;

- the allocation of the volume of electricity transferred across the state borders of the Russian Federation and the third country under contracts concluded between economic entities of the Russian Federation and the third country, including IET volumes;

- the purchase and sale of electricity for the purpose of settling hourly deviations of actual balances of electricity flows from the planned values arising from the movement of electricity across the state borders of the Russian Federation and a third state, and determined in accordance with procedures agreed upon by such states, between authorised economic entities of the Russian Federation and the third state.

6.4. On the territory of the Republic of Armenia.

The IET shall be performed based on the contracts for electric power transmission services, concluded in compliance with the standard form, approved by the authorised state body of the Republic of Armenia. At the same time, the IET contracts may take into account peculiarities of such transmission, related to the transmission of electric energy through energy systems of third countries.

6.5. Issues related to the need for transmission of electricity (capacity) between the Republic of Armenia and the Russian Federation across the territories of third countries in the implementation of the IET shall be regulated on a bilateral basis by the economic entities of the Member States interested in the implementation of IET with the relevant economic entities of the third countries.

6.6. On the territory of the Kyrgyz Republic.

In the territory of the Kyrgyz Republic, the IET between the Member States shall be performed based on contracts for electricity transmission services, concluded with the Kyrgyz NPG management organisation in compliance with this Methodology.

7. Procedure of organization of data exchange of commercial accounting on hourly actual volumes of interstate flows of electric energy between the economic entities of the member states

7.1 This Procedure shall determine the basic directions of bilateral cooperation in terms of reception of hourly data of commercial accounting; procedure of determination of operational6 hourly flow of electric energy through the interstate transmission lines (hereinafter – ITL(interstate transmission lines)) between the Republic of Kazakhstan and Russian Federation in recognition of the use of hourly data of commercial accounting and coordinated methods before calculation of specified data of commercial accounting to values

??at the supply points; procedure, determining the procedures of data exchange of commercial accounting and coordination of data of commercial accounting, led to the values in the supply points.

Conditions and procedure of formation and exchange of hourly data of commercial accounting of electric energy through the ITL shall be determined in accordance with bilateral Agreements on data exchange of hourly values of flows of electric energy on the points on the ITL.

7.2. Operational exchange of information.

The relevant economic entities of the member states shall form the values of hourly flows of electric energy through the ITL, exchange the data received, perform the relevant calculations, make conformity assessment of data on a daily basis (or in coordination of the member states in a different time period).

The coordinated formats of data transmission shall be used for operational exchange of information, contained the values of hourly flows of electric energy, transferred through the ITL.

7.3. Calculation of hourly values at the supply point.

Calculation of hourly values at the supply point shall be performed in accordance with methods of calculation of actual volumes of transferred and received electric energy, coordinated in bilateral Agreements.

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[6] Operational hourly flow shall be regarded as hourly data of commercial accounting (half-hour or hourly), received in relation of all accounting points, included in the flow from automated systems of commercial accounting of electric energy (hereinafter – ASCAEE) with the use of technical possibilities of complexes of commercial accounting.

8. Procedure of determination of actual net power flow of electric energy on interstate transmission lines of the member states

Footnote. Section 8 as amended by Law of the RK № 6-VII of 15.02.2021.

This procedure, which determines actual volumes moved through the interstate sections of electric energy for the calendar month, is intended for the use by the authorized organizations of the member states.

Actual net power flow of electric energy, moved through the interstate sections of the member states shall be determined as the algebraic sum of the amount of electric energy, received (WП1_гран) and/or given (WО1_гран) for each calendar month in each supply point (WСальдо_гран).

The values of electricity brought to the customs border of the Union and/or the state border of a Member State with other Member States (to the delivery point) for a calendar

month for all the of interstate power lines included in operation in the "Receive", "Return" and balance modes shall be calculated according to the formulas:

$$WП1_гран = \sum W(фактП1)i,$$
$$WO2_гран = \sum W(фактO1)i,$$

WСальдо_гран, = WП1_гран + WO1_гран, where:

W(factП1)i – actual amount of received electric energy in each supply point on i-th ITL for the calendar month. The value is taken in recognition of the sign (direction of flow) for substitution in the formula of calculation of the net power flow;

W(fact01)i – actual amount of electric energy given in each supply point on i-th ITL for the calendar month. The value is taken in recognition of the sign (direction of flow) for substitution in the formula of calculation of the net power flow;

R – the amount of ITL in the interstate section, included to the work during a calendar month.

9. Procedure of calculation of volumes and the cost of deviations of actual flows on the interstate sections from the planned upon carrying out of IHP within the Union

Footnote. Section 9 as amended by Laws of the Republic of Kazakhstan: Law of the RK № 64-VII of 15.09.2021; Law of the RK № 65-VII of 18.09.2021.

Actual supplies on the interstate sections shall include the following elements: volumes of IHP, volumes of commercial agreements, concluded by the economic entities of the member states, volumes of emergency aid and volumes, conditioned by the deviation of actual values of net power flows from the planned.

Calculation of hourly deviations of the actual balancing flow from the planned one and determination of the volume of deviations depending on their initiative shall be performed by the UNPG management organisation, the system operator of the UES of Russia, the organisation performing the function of the system operator of the UES of Belarus, the system operator of the UES of Kazakhstan, the organisation managing the NPG of Kyrgyzstan, the system operator of the EES of Armenia based on the following principles:

- when carrying out the IET on the territory of the Russian Federation, hourly values of the IET volumes shall be taken as equal to the corresponding planned values taken into consideration in the daily dispatcher's schedule. When carrying out the IET on the territory of the Russian Federation for the purpose of supplying electricity to the Republic of Armenia (from the Republic of Armenia), the actual balance of electricity flows transferred across the state borders of the Russian Federation with a third country and across the state borders of a third country with the Republic of Armenia, considering the priority determined in paragraph

2.3.1 of this Methodology, is less than the planned value, then the actual hourly IET volume under the commercial agent contracts with the concerned economic entities of the Member States, as well as the actual hourly electricity transmission volume under the contract for electricity transmission services with the relevant economic entity of the third country, shall be taken equal to the minimum value of the respective values of the actual balances of electricity exchanges, moved across the state borders of the Russian Federation with a third state and across the state borders of a third state with the Republic of Armenia.

- actual hourly volumes of supply of electric energy on commercial agreements in each hour of calculation period shall be taken to be equal to the relevant planned values, considered in the per diem dispatch schedule in recognition of corrections, coordinated in the established procedure;

- volumes of hourly deviations, regulated within relations with electrical power systems of third states, (external balancing) shall be considered in the volumes of deviations within the Union. Procedure of determination of volumes of external balancing shall be coordinated by the system operators (with participation of organization on management of the UNEG) of adjacent electrical power systems of the member states;

- volumes of rendering of emergency aid shall be determined by conditions of agreements of sale and purchase upon rendering of emergency aid, concluded between the subjects of internal national markets.

Volumes of hourly deviations shall subject to financial regulation between the authorized economic entities of the member states in accordance with agreements, conclusion of which in ensuring of IHP for each member states is provided by section 6 of this Methodology.

The cost of deviations shall compensate to the subjects of internal national markets of electric energy (power) the reasonable costs, which they bear in the results of participation in relations on balancing of system in the national market of electric energy (power) based on the need of observance of terms of agreements (technical agreements) on parallel work of electrical power systems, as well as in a part of regulation of frequency in the electrical power systems of the member states and maintenance of coordinated net power flows on the interstate sections.

Calculation of the cost of deviations shall be performed in recognition of special order of accounting of volumes of purchase and sale of electric energy (power) for the purposes of technological support of parallel work of electrical power systems in the volumes, not exceeding values, established in agreements (technical agreements) on parallel work of electrical power systems or other agreements, regulating relations in the scope of electrical energy industry between the member states.

When carrying out the IET across the territory of the Russian Federation, when transmission of electricity (capacity) to the Republic of Armenia (from the Republic of Armenia) and/or to the Kyrgyz Republic (from the Kyrgyz Republic) is not required, the quantitative and price parameters of electricity (capacity) purchased and sold for

compensation of deviations used in the calculation shall be confirmed by reporting documents of commercial infrastructure organisations of the Russian Federation.

When carrying out the IET across the territory of the Russian Federation for the purpose of supplying electricity (capacity) to the Kyrgyz Republic (from the Kyrgyz Republic), the quantitative and price parameters of electricity (capacity) purchased and sold to compensate for deviations at the supply points on the state borders of the Russian Federation with the Republic of Kazakhstan used in the calculation, shall be confirmed by reporting documents of commercial infrastructure organisations of the Russian Federation, and at the state borders of the Republic of Kazakhstan with the Kyrgyz Republic - by reporting documents drawn up between the system operator of the Republic of Kazakhstan and the Kyrgyz NPG management organisation.

When carrying out the IET through the territory of the Russian Federation to supply electricity to the Republic of Armenia (from the Republic of Armenia), the quantitative and price parameters of electricity (capacity) purchased and sold to compensate for deviations at delivery points on the state borders of the Russian Federation with a third country, that are used in calculation, shall be confirmed by reporting documents of commercial infrastructure organisations of the Russian Federation, and at the state borders of the third country with the Republic of Armenia by reporting documents of the authorised organisation providing market operator services on the territory of the Republic of Armenia.

Repeated accounting of volumes of electric energy (power) shall not be allowed upon calculation of the cost of supplies on agreements.

ANNEX №22
to Agreement on Eurasian
Economic Union

MINUTE
on rules of access to the services of natural monopoly entities in the scope of gas transportation through the gas pipeline systems, including the basics of pricing and tariff policy

1. This Minute shall determine the basics of cooperation in the gas scope, principles and conditions of ensuring of access to the services of natural monopoly entities in the scope of gas transportation through the gas pipeline systems, including the basics of pricing and tariff policy, for satisfaction of needs of the member states in accordance with Articles 79, 80 and 83 of Agreement on Eurasian Economic Union (hereinafter – Agreement).

2. The concepts used in this Minute shall have the following meanings:

“internal needs for water” – volumes of gas, necessary for consumption in the territory of each member states;

"gas" - gaseous mixture of hydrocarbon gases and other gases, recovered and (or) produced in the territory of the member states, consisting essentially of methane transported in a compressed gaseous state through the gas pipeline systems;

"gas producing member states" – member states, in the territory of which the gas consumed more than recovered and produced;

"gas-consuming member states" – member states, in the territory of which the gas consumed more than recovered and produced;

"gas pipeline systems" – constructions for gas transportation, including main gas pipelines and objects related with it by the unified technological process, except for the gas distribution networks;

"access to the services of the natural monopoly entities in the scope of gas transportation" – provision a right to use the gas pipeline systems, controlled by the natural monopoly entities of the member states, for gas transportation;

"equal-netback pricing for gas"- wholesale prices for gas, formed for satisfaction of internal needs based on the following principles:

for the gas producing member states, formation of wholesale market price is carried out by deduction from the selling price of gas in the external market of value the duties, charges, taxes and other payments, collected in these states, and the costs of gas transportation outside the gas producing member states in recognition of difference in the cost of gas transportation in the external and internal markets of gas supplier;

for the gas-consuming member states - wholesale market price, formation of which is carried out by producer of gas producing member state by deduction of duties, charges, taxes, other payments, as well as the costs of gas transportation outside the gas producing member states from the selling price of gas in the external market;

"gas transportation services" – services for the movement of gas through the gas pipeline systems;

"authorized bodies" – state bodies, authorized by the member states for control of implementation of this Minute.

3. The member states shall carry out the gradual formation of common gas market of the Union, as well as ensure an access to the services of natural monopoly entities in the scope of gas transportation through the gas pipeline systems of the member states based on the following principles:

1) non-application of imported and exported customs duties (other duties, taxes and charges, having an equivalent value) in the mutual trade;

2) priority provision of internal needs for gas of the member states;

3) prices and tariffs for the services on gas transportation for satisfaction of internal needs of the member states shall be carried out in accordance with the legislation of the member states;

4) unification of rules and standards for gas of the member states;

5) ensuring of environmental safety;

6) information exchange on the basis of information, including details on internal consumption of gas.

4. An access to the services of natural monopoly entities in the scope of gas transportation shall be provided in accordance with conditions of this Minute only in relation of gas, originating from the territory of the member states. Provisions of this Minute shall not be distributed on relations of access to the services of natural monopoly entities in the scope of gas transportation relating to the gas, originating from the territory of third states, and on relations in the scope of gas transportation from the territory and to the territory of the Union.

5. The condition of ensuring of access to the services of natural monopoly entities, provided by this Minute in the scope of gas transportation through the gas pipeline systems of the member states shall be implementation of the complex of measures by the member states, including the following measures:

creation of system of information exchange on the basis of information, including details on internal consumption of gas;

creation of mechanisms for preparation of indicative (forecast) balances in accordance with this Minute;

unification of rules and standards for gas of the member states;

support of market prices, ensuring commercial viability of gas sales in the territories of the member states.

Completion of execution by the member states the complex of measures, specified in this paragraph shall be formed by the relevant minute.

6. The member states shall seek to achieve equal-netback pricing for gas in the territories of all member states.

7. After execution by the member states the complex of measures, stated in paragraph 5 of this Minute, the member states shall ensure an access of economic entities of other member states to the gas pipeline systems, located in the territories of the member states, for gas transportation, intended for satisfaction of internal needs of the member states within existing technical possibilities, free capacity of gas pipeline systems, in recognition of coordinated indicative (forecast) gas balance of the Union and on the basis of civil law agreements of economic entities, according to the following rules:

economic entities of the member states shall have an access to the gas pipeline systems of another member state on equal conditions, including tariffs, with gas producers, that are not the owners of gas pipeline system of the member state, along the territory of which transportation is carried out;

volumes, prices and tariffs for gas transportation, as well as commercial and other conditions of gas transportation through the gas pipeline systems shall be determined by the civil law agreements between the economic entities of the member states in accordance with the legislation of the member states.

The member states shall contribute to the proper implementation of existing agreements for gas transportation through the main gas pipelines between the economic entities, carrying out activity in the territory of their states.

8. Authorized bodies of the member states shall develop and coordinate indicative (forecast) gas balance of the Union (production, consumption and supply for satisfaction of internal needs, as well as mutual), which is made for 5 years and annually clarified until 1 October, with participation of Commission, in accordance with Methodology of formation of indicative (forecast) gas balances, oil and petroleum products.

The member states shall provide an access to the services of natural monopoly entities in the scope of gas transportation to the internal markets of the member states in recognition of coordinated gas balance.

9. The member states shall seek to develop long-term mutually beneficial cooperation in the following scopes:

1) gas transportation through the territories of the member states;

2) construction, reconstruction and operation of gas pipelines, underground storage facilities and other objects of infrastructure of gas complex;

3) rendering of services, necessary for satisfaction of internal needs for gas of the member states.

10. The member states shall ensure unification of regulatory and technical documents, regulating functioning of gas pipeline systems, located in the territories of the member states.

11. This Minute shall not affect the rights and obligations of the member states, following from other international treaties, participants of which they are.

The legislation of the member states shall be applied to relations of the member states in the scope of gas transportation, not regulated by Agreement.

12. Provisions of section XVIII of Agreement shall be applied to the natural monopoly entities, carrying out gas transportation in recognition of features, provided by this Minute.

13. Bilateral agreements, concluded between the member states in the field of gas supply shall have effect for the period before entering of international treaty on formation of common gas market of the Union, provided by paragraph 3 of Article 83 of Agreement into legal force, if relevant member states do not agree otherwise.

ANNEX №23
to Agreement on Eurasian
Economic Union

MINUTE
on procedure of organization, management, functioning and development of general markets of oil and petroleum products

1. This Minute shall determine the basics of cooperation in the oil scope, principles of formation of common market of oil and petroleum products of the Union, as well as principles of ensuring of access to the services of natural monopoly entities in the scope of transportation of oil and petroleum products in accordance with Articles 79, 80 and 84 of agreement on Eurasian Economic Union (hereinafter-Agreement).

This Minute is developed in recognition of provisions of Concept of formation of common energy market of the member states of the Eurasian Economic Community dated 12 December, 2008 and for the purposes of effective use of potential fuel and energy complexes of the member states, as well as ensuring of national economics of oil and petroleum products

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2. The concepts used in this Minute shall have the following meanings:

"access to the services of natural monopoly entities in the scope of transportation of oil and petroleum products" – provision of a right to use the systems of transportation of oil and petroleum products, controlled by the natural monopoly entities of the member states, for transportation of oil and petroleum products;

"oil and petroleum products" – goods, determined in accordance with the Unified Trade nomenclature of foreign economic activity of Eurasian Economic Union and Unified Customs Tariff of Eurasian Economic Union;

"common market of oil and petroleum products of the member states" – a set of trade and economic relations of economic entities of the member states in the scope of production, transportation, supply, processing and marketing of oil and petroleum products in the territories of the member states, necessary for satisfaction of the needs of their member states;

"indicative (forecast) balances of oil and petroleum products of the Union" – a system of prediction indicators, determined in the methodology of formation of indicative (forecast) balances of gas, oil and petroleum products;

"transportation of oil and petroleum products" – commission of actions, directed to movement of oil and petroleum products by any method, as well as with the use of pipeline transportation from the point of its reception from the sender to the point of delivery to the recipient, including discharge, loading, transfer to other type of transport, storage, blending.

3. Upon formation of common markets of oil and petroleum products of the Union, the member states shall proceed from the following basic principles:

1) non-application of quantitative restrictions and exported customs duties (other duties, taxes and charges, having equivalent value) in the mutual trade. Procedure of payment of exported customs duties for oil and petroleum products upon export them outside the customs territory of the Union shall be determined by the separate, as well as bilateral agreements of the member states;

2) priority ensuring of the needs of the member states in the oil and petroleum products;

3) unification of rules and standards for oil and petroleum products of the member states;

4) ensuring of environmental safety;

5) information support of common markets of oil and petroleum products of the Union.

4. The member states shall carry out a complex of the following measures on formation of common markets of oil and petroleum products of the Union, including:

1) creation of system of information exchange on the basis of customs information, including details on supplies, export and import of oil and petroleum products by all types of transport;

2) creation of control mechanisms, preventing violation of conditions of this Minute;

3) unification of rules and standards for oil and petroleum products of the member states.

5. The measures, specified in paragraph 4 of this Minute shall be implemented by signing of methods or rules by the member states or their authorized bodies within relevant international treaties.

6. The member states shall ensure the following conditions in accordance with international treaties between the member states within existing technical possibilities:

1) guaranteed possibility of carrying out of long-term transportation of produced oil and petroleum products, produced from it on the existing transport system in the territories of the member states, as well as on systems of main oil pipelines and oil-products pipelines;

2) access to the transportation systems of oil and petroleum products, located in the territory of each member states, for the economic entities, registered in the territories of the member states, on the same terms as for the economic entities of the member states, through the territories of which the transportation of oil and petroleum products is carried out.

7. Tariffs for services on transportation of oil and petroleum products on transportation systems of oil and petroleum products shall be established in accordance with the legislation of each member state.

Tariffs for services on transportation of oil and petroleum products shall be established for the economic entities of the member states at the level, not exceeding the tariffs, established for the economic entities of the member states, along the territory of which the transportation of oil and petroleum products is carried out.

Establishment of tariffs for services on transportation of oil and petroleum products for the economic entities of the member states lower than the tariffs, established for the economic entities of the member states, along the territory of which the transportation of oil and petroleum products is carried out shall not be the obligation for the member states.

8. Authorized bodies of the member states shall develop with participation of Commission and coordinate in accordance with methodology of formation of indicative (forecast) balances of gas, oil and petroleum products:

annually until 1 October for the following calendar year the indicative (forecast) balances of oil and petroleum products of the Union;

long-term indicative (forecast) balances of oil and petroleum products of the Union, which if necessary may be corrected in recognition of actual change of oil extraction, production and consumption of petroleum products of the member states.

Volumes and directions of oil transportation, produced in the territory of one of the member states, along the territory of another member state shall be annually determined by minutes between the authorized bodies of the member states.

9. Regulation of internal markets of oil and petroleum products of the member states shall be carried out by the national bodies of member states. The member states shall carry out measures on liberalization of markets of oil and petroleum markets in accordance with the legislation of each of the member states.

10. This Minute shall not affect the rights and obligations of the member states in other international treaties, participants of which they are.

11. Provisions of section XVIII of Agreement shall be applied to the natural monopoly entities, carrying out transportation of oil and petroleum products, in recognition of features, provided by this Minute.

12. Bilateral agreements, concluded between the member states in the field of oil and petroleum products supply, determination and procedure of payment of exported customs duties (other duties, taxes and charges, having equivalent effect) shall have effect for the period before entering of international treaty on formation of common markets of oil and petroleum products of the Union, provided by paragraph 3 of Article 84 of Agreement into legal force, if relevant member states do not agree otherwise.

ANNEX №24
to Agreement on Eurasian
Economic Union

Minute
on concerted (coordinated) transport policy
I. General provisions

1. This Minute is developed in accordance with Articles 86 and 87 of Agreement on Eurasian Economic Union for the purposes of implementation of concerted (coordinated) transport policy

2. The concepts used in this Minute shall have the following meanings:

"civil aviation" – aviation, used for the purposes of meet the needs of population and economy;

"unified transport space" – a set of transport systems of the member states, under which unimpeded movement of passengers, transfer of cargo and vehicles, their technical and technological compatibility based on harmonized laws of the member states in the scope of transport are ensured;

"legislation of the member states" – national legislation of each member states;

"common market of transport services" – a form of economic relations, upon which the equal and parity conditions of rendering of transport services are created, features of

functioning of market of which are determined by this Minute, as well as international treaties within the Union on types of transport.

3. Implementation of this Minute shall be carried out in recognition of obligations of the member states, accepted by each of them when joining to the World trade organization, as well as within other international treaties.

II. Motor transport

4. International motor tracking, performed by carriers, registered in the territory of one of the member states shall be carried out on the basis without permission:

1) between the member states, in the territory of which the carriers are registered and other member states;

2) transit through the territory of other member states;

3) between other member states.

5. The member states shall adopt a program of liberalization of performance of motor tracking by the carriers, registered in the territory of one of the member states between the points, located in the territory of another member states, for the period from 2016 to 2025 with determination of degree and conditions of this liberalization to 1 July, 2015.

The different levels and speed of performance of liberalization of motor tracking, specified in a first item of this paragraph shall be allowed in the member states.

6. A program of gradual liberalization, specified in paragraph 5 of this Minute shall be approved by the Superior Council.

7. Features of conducting of concerted (coordinated) transport policy on issues of regulation of services of motor transport within the Union shall be determined by international treaties.

8. The member states shall take the coordinated measures on elimination of obstacles (barriers), affecting the development of international motor service and formation of services of motor transport within the Union.

9. Transport (motor) control shall be carried out in the manner according to annex №1 to this Minute.

III. Air transport

10. Development of air transport in the Union shall be carried out within conducted concerted (coordinated) transport policy by gradual formation of common market of services of air transport.

The member states shall coordinate efforts on the unified approach to application of standards and recommended practice of International Civil Aviation Organization (ICAO).

11. Formation of common market of services of air transport shall be based on the following principles:

1) ensure compliance of international treaties and acts, constituting the Union law, with the rules and principles of international law in the field of civil aviation;

2) harmonization of legislation of the member states in accordance with rules and principles of international law in the field of civil aviation;

3) ensuring of reasonable and fair competition;

4) creation of conditions for renewal of air parks, modernization and development of objects of ground infrastructure of airports in accordance with requirements and recommended practice of International Civil Aviation Organization (ICAO);

5) safety flights and aviation security;

6) non-discriminatory access of aviation companies of the member states to aviation infrastructure;

7) expansion of air services between the member states.

12. The member states shall recognize that each member state has complete and exclusive sovereignty over the airspace above its territory.

13. Aircraft operations of the member states within the Union shall be conducted on the basis of international treaties of the member states and (or) permissions, issued in the manner established by the legislation of the member states.

14. Provisions of this section shall be applied only in relation of civil aviation.

IV. Water transport

15. Development of water transport in the Union shall be carried out within concerted (coordinated) transport policy.

16. Vessels under the flag of the member state shall have a right to carry out transportation of cargo, passengers and their luggage, towing between the flag state of vessel and other member state in the adjacent inland water-ways, transit passage on inland waterways of another member state, except for the transportation and towing between the ports and transportation to (from) the ports of another member state and third countries in accordance with international treaties of the member states on navigation, concluded by the member states for execution of this Minute.

17. Vessels navigating on inland waterways of the member state shall be registered in the vessels register of the member state and be owned by a resident of the member state, registered a vessel in its vessels register.

V. Railway transport

18. The member states, contributing to the further development of mutually beneficial economic relations, considering necessity of ensuring of an access to the services of railway

transport of the member states and coordinated approaches to the state regulation of tariffs for these services, in the case if such regulation is provided by the legislation of the member states shall determine the following purposes:

1) gradual formation of common market of transport services in the scope of railway transport;

2) ensuring of an access of consumers of member states to the services of railway transport upon implementation of transportation along the territory of each member state on conditions no less favorable, than conditions, created for consumers of each member state;

3) observance of balance of economic interests between the consumers of services of railway transport and organizations of railway transport of member states;

4) ensuring of conditions for access of organization of railway transport of one member state to the internal market of services of railway transport of another member state;

5) ensuring of conditions of access of carriers to the services of infrastructure of member states according to the annexes № 1 and 2 to Procedure of regulation of access to the services of railway transport, including basics of tariff policy (annex №2 to this Minute).

19. Regulation of access to the services of railway transport, including the basics of tariff policy shall be carried out in the manner provided by annex №2 to this Minute, as well as international treaties.

Annex №1
to the Minute on concerted
(coordinated) transport policy

Procedure
of carrying out of transport (motor) control at the
external border of Eurasian Economic Union

1. This Procedure is developed in accordance with paragraph 9 of Minute on concerted (coordinated) transport policy (annex №24 to Agreement on Eurasian Economic Union) and determines procedure of carrying out of transport (motor) control at the external border of the Union.

This Procedure shall not apply in a Member State which does not share a land frontier with other Member States.

Footnote. Paragraph 1 as amended by Law of the RK № 6-VII of 15.02.2021.

2. The concepts used in this Procedure shall have the following meanings:

“overall and weight parameters of transport vehicles” - values of mass, axle load and dimensions (across the width, height and length) of the transport vehicle with cargo or without;

“external border of the Union” – limits of customs territory of the Union, sharing the territory of the member states and territory of states, that are not the members of Union;

"control point" – fixed or mobile unit (post), as well as point of passage across the state border, in which the transport (motor) control is carried out, equipped in accordance with requirements of legislation of the member states;

"bodies of transport (motor) control" – competent bodies, authorized by the member state for carrying out of transport (motor) control in the territory of the member state;

"carrier" – legal entity or individual, using the transport vehicle on the right of ownership or on other legal basis;

"transport vehicle""

upon transportation of cargo – truck, truck-trailer, truck (road) tractor or truck tractor lorry (tractor semitrailer), chassis;

upon carriage of passengers – motor vehicle, intended for carriage of passengers and luggage, having more than 9 seats, including driver seat, as well as a trailer for carriage of luggage;

"transport (motor) control" – control of implementation of international motor transportation.

Other concepts that are not specifically defined in this Procedure shall be used in the meanings established by international treaties as well as international treaties within the Union.

3. This Procedure determines unified approaches to implementation of transport (motor) control by bodies of transport (motor) control at the external border of the Union of transport vehicles, entering (leaving, by transit) in the territory of the member states.

4. Transport vehicles, moving to the territory of one member state through the territory of another member state shall subject to transport (motor) control in the control points, located at the external border of the Union, in accordance with the legislation of the member states through the territory of which the specified transport vehicles follow, and with the paragraphs 7 and 8 of this Procedure.

5. Verification of transport vehicles, documents, necessary for the purposes of transport (motor) control, and formation of its results shall be carried out in accordance with the legislation of the member states, the territory of which they cross at the external border of the Union, and this Procedure.

6. Bodies of transport (motor) control shall mutually recognize the documents, executed by them according to the results of transport (motor) control.

7. Body of transport (motor) control of the member state, through the state border of which the entry to the customs territory of the Union is carried out, in the control points besides the actions on transport (motor) control, provided by the legislation of specified member state shall carry out:

1) verification of compliance of weight and overall parameters of transport vehicle with the rules, similar established by the legislation of other member states, along the territory of which the passage is carried out, as well as details, specified in the special permissions for

transportation of oversize and (or) heavy load cargo or for the passage of large and (or) heavy vehicle along the territories of other member states;

2) verification of existence of carrier's permits for passage along the territories of other member states, on which the passage is carried out, their compliance with the type of performed transportation and compliance of characteristics of transport vehicle with requirements, provided by such permissions;

3) verification of existence of carrier's special permissions for transportation of oversize and (or) heavy load cargo, for the passage of large and (or) heavy vehicle, as well as special permissions for transportation of dangerous cargo along the territories of other member states, on which the transportation or passage is carried out;

4) verification of existence of carrier's permissions (special permissions) for transportation to the third countries (from third countries) in the territory of other member states, on which the transportation is carried out;

5) issuance of accounting voucher to the carrier on the form, coordinated by bodies of transport (motor) control, in the case, if implementation of transportation is allowed without permission for passage along the territories of other member states in accordance with the legislation of other member states, as well as in the case, if transportation is carried out in accordance with multilateral permission.

8. Bodies of transport (motor) control at the exit of transport vehicle through the external border of the Union besides actions, specified in paragraph 7 of this Procedure, in the control points shall carry out verification of:

1) existence of carrier's receipt on payment of duties for passage of transport vehicle on the auto roads of the member states, along the territories of which the passage is carried out, if the payment of such duties is mandatory in accordance with legislation of the member states;

2) existence of carrier's (driver) receipt, approving the payment of fine for violation of order of performance of international motor transportations in the territory of member state or decisions of judicial bodies on settlement of complaint for regulation on imposition of relevant administrative penalty on the carrier (driver) in the case, if the permission for passage along the territory of one of the member state or the accounting voucher has a mark of body of transport (motor) control on imposition of such fine on carrier (driver);

3) existence of access of transport vehicle of carriers of member states to the international motor transportations;

4) existence of necessary documents of carrier in the case of reception of notification, specified in paragraph 9 of this Procedure, from body of transport (motor) control of another member state.

9. Upon establishment of nonconformity of controlled parameters of transport vehicle, absence or nonconformity of documents, provided by the legislation of the member states in the course of controlled actions, provided by paragraph 7 of this Procedure, the body of transport (motor) control of one of the member state shall issue to the driver a notification on

the form, coordinated by bodies of transport (motor) control of the member states, containing information on:

identified inconsistencies;

necessity of reception of missing documents before arrival to the territory of another member state;

nearest control point of body of transport (motor) control of another member state, in which the carrier shall offer the evidences for removal of nonconformity of controlled parameters of transport vehicle and (or) documents, specified in notification in recognition of route of transport vehicle.

10. Information on issuance of notification shall be directed to the body of transport (motor) control of another member state and introduced to the information base of body of transport (motor) control, identified inconsistences.

11. In the case if notification is issued to the carrier by body of transport (motor) control of one of the member state in accordance with paragraph 9 of this Procedure, the body of transport (motor) control of another member state in the control point shall have a right to carry out verification of performance of this notification and in the existence of grounds to take measures to the carrier (driver) in accordance with the legislation of another member state.

The transport (road) control authority that carried out the verification of the implementation of the notification at the control point shall enter the information on the results of the verification into the information base and send this information to the transport (road) control authority that issued the notification.

Footnote. Paragraph 11 as amended by Law of the RK № 6-VII of 15.02.2021.

12. Release of transport vehicle from the territory of Union shall not be carried out before presentation of documents by carrier, existence of which is provided by paragraphs 7 and 8 of this Minute.

13. Body of transport (motor) control of one of the member state upon departure of transport vehicle through the external border of the Union, moving from the territory of this state to the territory of another member state shall inform the body of transport (motor) control of another member state on establishment of nonconformity of controlled parameters of transport vehicle, absence or nonconformity of documents, provided by the legislation of the member states.

14. The member states shall take measures on harmonization of its legislation, methods and technologies of carrying out of transport (motor) control at the external border of the Union on the basis of reciprocity, in a part of:

1) requirements to the weight parameters of transport vehicles during traffic on public roads, which is a part of the international transport corridors;

2) creation of control system of full payment of duties for passage of transport vehicles on public roads of another member state;

3) formation of mechanism on regulation of disputes in the case of their occurrence with carriers of third countries;

4) formation of mechanism of return (detention) of transport vehicles in the case of violation of established requirements on execution of conditions of international motor transportation along the territory of the Union.

15. Permissions (special permissions) are invalid in the following cases:

1) such permissions are executed or used with violation of the legislation of the member state, the competent bodies of which issued them;

2) weight and (or) overall parameters of transport vehicle, specified in the special permission do not correspond to results of weighting and measuring the dimensions of transport vehicle;

3) characteristics of transport vehicle do not correspond to the characteristics of transport vehicle, provided by permission for passage along the territories of the member states.

16. Body of transport (motor) control of one member state shall have a right to promptly request an approval of validity of permission from the body of transport (motor) control of another member state in the case of establishment of nonconformity of parameters (characteristics) of transport vehicle to the parameters (characteristics), specified in the permission in the course of control actions.

17. For the purpose of implementation of this Procedure, the bodies of transport (motor) control shall:

1) conclude separate minutes, bring provisions of regulatory legal acts of its states, regulating requirements for the implementation of transport (motor) control to the bodies of transport (motor) control of another member state, inform each other on changes, introduced to the specified acts, as well as exchange the samples of documents, necessary for implementation of transport (motor) control in accordance with this Procedure;

2) mutually and regularly exchange information, received in the result of transport (motor) control. Form and procedure of exchange of specified information, as well as its composition are determined by bodies of transport (motor) control;

3) organize database maintenance on transport vehicles, moving by transit through the territory of one member state to the territory of another member state, and mutually exchange information, contained in this base.

18. Exchange of information, received according to the result of transport (motor) control shall be carried out in electronic form.

19. Bodies of transport (motor) control may present other information on transport vehicles of international transportation, transferring the goods, received according to the result of transport (motor) control.

20. For formalizing and recording the results of transport (automobile) control and vehicles, transport (automobile) control authorities shall use information resources containing information on the results of additional actions on transport (automobile) control carried out

in accordance with paragraphs 7–9 of this Procedure (including on the results of the carrier's compliance with the requirements of the transport (automobile) control authority specified in the notification provided for in paragraph 9 of this Procedure), and shall also ensure the mutual use of these information resources.

Footnote. Paragraph 20 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

21. The member states shall inform the competent bodies of states that are not the members of Union on change of procedure of carrying out of transport (motor) control at the external border of Union in the established procedure.

Annex №2
to the Minute on concerted
(coordinated) transport policy

Procedure
of regulation of access to the services of railway transport, including the basics of tariff policy

1. This Procedure is developed in accordance with Minute on concerted (coordinated) transport policy (annex №24 to Agreement on Eurasian Economic Union (hereinafter – Agreement)), determines procedure of regulation of access to the services of railway transport , including the basics of tariff policy, and applies to relations between organizations of railway transport, by consumers, authorized by bodies of the member states in the scope of services of railway transport.

2. The concepts used in this Procedure shall have the following meanings:

"access to the services of railway transport" – rendering of services by organizations of railway transport of one member state to the consumers of another member state on conditions not less favorable, than those, on which the same services are rendered to the consumers of first member state;

"access to the services of infrastructure" – a possibility of reception of services of infrastructure by carriers for implementation of transportations in accordance with rules according to annex №1 and 2 to this Procedure;

"infrastructure" – infrastructure of railway transport, including main and station lines, objects of energy supply, signalization, communication, device, equipment, buildings, structures, constructions and other objects, technologically necessary for its functioning;

"organization of railway transport" – individuals or legal entities of the member state, rendering the services of railway transport to the consumers;

"transportation process" – a set of organizationally and technologically interrelated operations, executed upon preparation, carrying out and completion of the transport of passengers, cargo, luggage, cargo-luggage and postal items by railway transport;

"carrier" – organization of railway transport, carrying out activity on transportation of cargo, passengers, luggage, cargo-luggage and postal items, having the proper license, having

the rolling stock, including towing vehicles on the right of ownership or on other legal grounds;

"consumer" – individual or legal entity of the member state, using or intending to use the services of railway transport;

"tariff for services of railway transport" - the monetary value of the cost of railway transport services;

"services of railway transport" – services (works), rendered (executed) by organizations of railway transport to the consumers, in particular:

transportation of cargo and additional services (works), related with organization and implementation of transportation of cargos (as well as empty rolling stock);

transportation of passengers, luggage, cargo-luggage, postal items and additional services (works), related with such transportation;

services of infrastructure;

"services of infrastructure" – services, related withy the use of infrastructure for implementation of transportations, and other services, specified in the annex №2 to this Procedure.

3. Organization of railway transport irrespective of belonging of consumer to the particular member state, its organizational and legal form shall ensure an access to the services of railway transport in recognition of this Procedure and the legislation of the member states.

4. The member states shall ensure an access of carriers of the member states to the services of infrastructure with observance of principles and requirements, specified in the annexes №1 and 2 to this Procedure.

Provisions of annexes №1 and 2 to this Procedure shall be applied to the relations between the carriers of the member states on rendering of services for the use of locomotives and locomotive crews in the sites of infrastructure of the member states, which are provided on the basis of contracts (agreements), concluded between such carriers in accordance with the legislation of the member states.

5. Procedure and conditions of rendering of other services of railway transport within formation of common market of transport services shall be determined by international treaties within the Union, if it is necessary.

6. Tariffs for services of railway transport and (or) their limiting level (price limits) shall be established (changed) in accordance with the legislation of the member states and international treaties with ensuring of possibility of differentiation of tariffs in accordance with the legislation of its member state with observance of the following principles:

1) compensation of economically reasonable expenses directly related to the rendered services of railway transportation;

2) ensuring the development of railway transport in accordance with the legislation of the member states;

3) ensuring of transparency of tariffs for the services of railway transport, as well as the possibility of additional revision of such tariffs and (or) their limiting level (price limits) with a sudden change in economic conditions with the prior informing of the member states;

4) ensuring publicity of decision-making on the establishment of tariffs for the services of railway transport;

5) application of a harmonized approach to the determination of the nomenclature of cargo and rules for establishment of tariffs for the services of railway transport, provided under conditions of natural monopoly;

6) determination of the currency of tariff for the services of railway transport in each member state in accordance with the legislation of its member state.

7. Establishment (change) of tariffs for the services of railway transport and (or) their limiting levels (price limits) shall be carried out in accordance with the legislation of its member state, in recognition of this Procedure.

8. Unified tariffs on types of communications (export, import and interstate tariffs) shall be applied upon transportation of cargo by railway transport along the territories of the member states.

9. The right of making decisions, on the basis of economic feasibility, on the change of the level of tariffs for services of railway transport on transportation of cargo within the limiting levels (price limits), established or coordinated by the authorized bodies of the member states in accordance with the legislation of the member states shall be provided to the organizations of railway transport in order to improve competitiveness of railway transport of the member states, creation of favorable conditions for implementation of transportation of cargos by railway transport, involvement of new cargo traffics, that are not previously carried out by the railway transport, ensuring of possibility of the use of unused or little involved routes of transportation of cargos by railways, stimulating the growth of volumes of transportations of cargos on the railways of the member states, stimulation the introduction of new techniques and technologies.

10. Organization of railway transport shall implement a right, provided them in order to change the level of tariffs for the services of railway transport on transportation of cargo within the limiting levels (price limits) in accordance with methodology (methods, procedure, rules, instructions or other regulatory acts), approved (determined) by the authorized bodies of the member states in accordance with the legislation of the member states, with observance of basic principle of inadmissibility for creation of advantages for specific commodity producers of the member states.

11. Decision on change of the level of tariffs for the services of railway transport on transportation of cargo shall subject to official publication in accordance with legislation of the member states, compulsory direction to the authorized bodies of the member states and Commission not later than 10 business days before the date of their entering into legal force.

12. Repealed by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

13. Each Member State shall apply a unified tariff established in accordance with its legislation for the carriage of goods by rail:

between Member States, including through the territory of another Member State (territories of other Member States) and/or the territories of third countries;

between the territories of a Member State through the territory of another Member State (territories of other Member States) and/or the territories of third countries;

from the territory of one Member State through the territory of another Member State (territories of other Member States) and (or) the territory of third countries to third countries through the seaports of Member States and in the opposite direction.

Footnote. Paragraph 13 – as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

14. Concerted (coordinated) tariff policy shall be conducted in accordance with the Concept for establishment of coordinated tariff policy in the railway transport of the participant-states of Commonwealth of Independent States dated 18 October, 1996 upon transportations of cargo from the territory of one member state in transit through the territory of another member state to the third countries and in the opposite direction (except for the transportations of cargo via seaports of the member states), as well as upon transportations of cargos from third countries to the third countries in transit through the territory of the member states.

15. The member states shall assign the authorized bodies, responsible for implementation of this Procedure.

16. The member states shall inform each other and Commission on assignment and official name of their authorized bodies not later than 30 days from the date of entering of Agreement into legal force.

Annex №1
to Procedure of regulation
of an access to the services
of railway transport, including
the basics of tariffs policy

Rules
of an access to the services of infrastructure of railway transport within the Eurasian Economic Union
I. General provisions

1. These Rules shall regulate relation of carriers and operators of infrastructure in the scope of provision of an access to the services of infrastructure of railway transport at the sites of infrastructure within the Union.

2. Regulation of relations of carriers and operators of infrastructure in the scope of provision of an access to the services of infrastructure within the territory of one member

state, except for the relations, provided in paragraph 1 of these Rules shall be carried out in accordance with the legislation of this member state.

II. Determination

3. The concepts used in these Rules shall have the following meanings:

"train table" – a technical standard document of operator of infrastructure, establishing organization of train traffic of all categories at the sites of infrastructure, graphically displays the passage of trains on the coordinate scale in the conventional day and is divided into standard (the planning year), variant (in certain periods of time) and operational (the current planning day);

"long term agreement for the rendering of services of infrastructure" – an agreement for rendering of services of infrastructure, concluded between the operator of infrastructure and carrier for the period not less than 5 years;

"additional application" – an application for provision of access to the services of infrastructure, received from the carrier for implementation of additional transportations in the period of action of regulatory train table;

"access to the services of infrastructure" – a possibility of reception of services of infrastructure by carriers for implementation of transportations;

"national (network-wide) carrier" – carrier, carrying out activity on transportation of cargos, passengers, luggage, cargo-luggage, postal items and ensuring implementation of a plan for formation of trains on the entire infrastructure of the member state, as well as on special and military transportations. Status of national (network-wide) of carrier shall be determined by the legislation of the member state;

"train path" – graphic display on the train table of the route of passage of train with specification of points of departure, assignment and passage, departure time, arrival, technological parks, average time of travel, as well as other technical and technological parameters of train;

"operator of infrastructure" – organization of railway transport, which owns the infrastructure and lawfully use the infrastructure and (or) rendering the services of infrastructure in accordance with the legislation of the member state, in the territory of which the infrastructure is located;

"train formation plan" – regulatory and technical document, approved by the operator of infrastructure on the basis of projects of train formation plans of carriers and establishing categories and assignment of trains, formed at the railway stations in recognition of traffic capacity of sites of infrastructure and estimated capacity of stations;

"traffic capacity of site of infrastructure" - the maximum number of trains and pair of trains, which may be passed on the site of infrastructure for the accounting period of time (

day) depending on technical and technological possibilities of infrastructure, rolling-stock and methods of organization of train traffic in recognition of passage of trains of different categories;

"train schedule" – a document, containing information on train traffic on the specific calendar dates based on the train table;

"certificate of safety" – a document, certifying compliance of safety management system of participant of transportation process with the rules of safety in the railway transport, issued in the manner established by the legislation of the member state;

"authorized body" – a body of executive power (state management) of the member state, the competence of which includes the issues of the state regulation and (or) management in the field of railway transport, determined in accordance with the legislation of each of the member states;

"site of infrastructure" – a part of infrastructure of railway transport, adjacent to the junction of two adjacent infrastructures of the member states within the infrastructure of site for the treatment of locomotive, established by the operator.

4. Other concepts used in these Rules shall have the meanings determined in the Minute on concerted (coordinated) transport policy, Procedure of regulation of access to the services of railway transport, including the basics of tariff policy, as well as Rules of rendering of services of infrastructure of railway transport within the Eurasian Economic Union (hereinafter – Rules of rendering of services).

III. General principles of access to the services of infrastructure

5. Access to the services of infrastructure shall be provided in the sites of infrastructure and based on principles:

1) equality of requirements to the carriers, established by the legislation of the member state, in the territory of which the infrastructure is located, in recognition of technical and technological possibilities within the traffic capacity of sites of infrastructure;

2) application of unified price (tariff) policy in the scope of services of infrastructure in accordance with the legislation of the member state, in the territory of which the infrastructure is located in relation of carriers;

3) accessibility of information on the list of services of infrastructure, procedure of their rendering, based on the technical and technological possibilities of infrastructure, on tariffs, payment and charges for these services;

4) rational planning of works on repair, maintenance and service of infrastructure for the purposes of effective use of its traffic capacity and ensuring of непрерывности of transportation process, integrity and safety of technological processes;

5) protection of details, containing commercial or state secret, which became known in the process of planning, organization of transportation activity and rendering of services of infrastructure;

6) priority (sequence) of provision of access to the services of infrastructure to the carriers in the conditions of restricted traffic capability of infrastructure in accordance with regulatory train table;

7) ensuring of a proper technical state of the railway vehicles, used by them, by the carriers.

6. Principle of priority (sequence) of provision of access to the services of infrastructure to the carriers shall be implemented by the following levels of selection:

1) determination of train class, priority (sequence) of which is determined in accordance with the legislation of the member state, in the territory of which the infrastructure is located, or acts of operator of infrastructure, not contradicting to the legislation of the member state, in the territory of which the infrastructure is located;

2) in the case of identity of train classes depending on:

existence of long-term agreements for rendering of services of infrastructure in recognition of execution of contractual obligations in terms of volumes of transportations;

intensity of use of transportation capacity of sites of infrastructure by the carrier;

existence of current agreement for rendering of services of infrastructure;

3) in the case of identity of the criteria, specified in subparagraphs 1 and 2 of this paragraph, carrying out the competitive procedures in accordance with the legislation of the member state, in the territory of which the infrastructure is located.

IV. Conditions of provision of access to the services of infrastructure

7. Access to the services of infrastructure shall be provided by the operator of infrastructure in the existence of carrier:

1) licenses for carrying out of transportation activity, issued by the authorized body of the member state in accordance with the legislation of the member state, in the territory of which the infrastructure is located;

2) security certificated, issued by the authorized body of the member state in the manner established by the legislation of the member state, in the territory of which the infrastructure is located;

3) in the staff of qualified employees, involved in the organization, management and carrying out of transportation process, having the documents, approving their qualification and professional preparation in accordance with the legislation of the member state, in the territory of which the infrastructure is located.

8. Access to the services of infrastructure shall be provided on the basis of:

1) technical and technological possibilities of infrastructure for organization of train traffic and shunting movement within the site of infrastructure;

2) plan of formation of freight trains and train table;

3) available traffic capacity of infrastructure and proposals of carriers on the use of sites of infrastructure and distribution of traffic capacity of sites of infrastructure by the operator of infrastructure on the basis of principles of access to the services of infrastructure, determined in the section III of these Rules;

4) absence of prohibitions and restrictions, preventing the implementation of railway transportation in accordance with the legislation of the member state, in the territory of which the infrastructure is located;

5) existence of the carrier of coordination with other bodies and organizations in the cases , if it is provided by the legislation of the member state, in the territory of which the infrastructure is located.

9. A right of access to the services of infrastructure on defined train paths may be provided to the carriers for the period, not exceeding the term of validity of the train schedule, except for the rights, arising from the long-term agreements.

V. Provision of an access to the services of infrastructure

10. Provision of an access to the services of infrastructure shall be carried out in recognition of requirements of the legislation of the member state, in the territory of which the infrastructure is located and includes the following stages:

1) development and publication of technical specification of sites of infrastructure by the operator of infrastructure;

2) filing of an application for the access to the services of infrastructure of railway transport by the carrier within the Eurasian Economic Union (hereinafter – application) on the form according to the annex;

3) consideration of application by the operator of infrastructure;

4) approval of train table and train schedule;

5) conclusion of agreement for rendering of services of infrastructure in accordance with the legislation of the member state, in the territory of which the infrastructure is located.

Filing of an application and conclusion of agreement shall not be required in the case if the carrier is also the operator of infrastructure.

11. Provision of access to the services of infrastructure on additional transportations, not provided by regulatory train table shall be carried out on the basis of additional applications in the manner established by these Rules.

VI. Technical specification of sites of infrastructure

12. Operator of infrastructure shall annually, not later than 3 month before the date of receipt of applications, make, approve and publish the technical specification of sites of infrastructure in the manner established by the acts of operator of infrastructure, not contradicting to the legislation of the member state, in the territory of which the infrastructure is located.

13. Technical specification of sites of infrastructure shall include:

1) technical characteristics of sites of infrastructure and stations, necessary for organization of train traffic and shunting movement, with specification of length of sites of infrastructure and the form of haulage, standards of weight and the length of the trains, train speed of different categories;

2) projects of paths of train table for international passenger service;

3) predicted time of reception – transfer (exchange) of freight trains on each interstate division point, determined by decision of the Council on railway transport of the participant-states of the Commonwealth of Independent States;

4) traffic capacity of sites of infrastructure, except for the traffic capacity of sites of infrastructure, necessary for the national (network-wide) carrier for implementation of transportations in accordance with requirements of the legislation of the member state, in the territory of which the infrastructure is located.

14. Operator of infrastructure may specify other details and conditions for planning of transportations and organization of train traffic on the sites of infrastructure in the technical specification of sites of infrastructure.

VII. Filing and consideration of application

15. Carrier shall file an application to the operator of infrastructure.

16. Terms of beginning and termination of reception, consideration of applications, formation of original project of regulatory train table, as well as terms of provision of information, provided by paragraphs 24 and 26 of these Rules shall be established by the legislation of the member state, in the territory of which the infrastructure is located, and (or) acts of operator of infrastructure, not contradicting to the legislation of the member state, in the territory of which the infrastructure is located.

17. Application shall include:

1) project of planned train paths;

2) information on planned annual volumes of transportations (broken down by quarter and months, as well as on types of cargo);

3) information on the number of trains, planned for transportation;

4) information on types and characteristics of locomotives, provided by carrier for ensuring of transportations;

5) documents, approving compliance of carrier with requirements, established by paragraph 7 of these Rules.

18. Application, filed by the carrier to the operator of infrastructure in hard copy and attached documents:

shall be bound, numbered and sealed by the carrier, and signed by the head or authorized person;

shall be presented in Russia language or in the state language according to the place of legal registration of operator of infrastructure and shall not contain corrections or additions, and in the case of their presentation in other language shall be accompanied by the translation in Russia language, certified in the established procedure.

Documents, attached to application shall represent the originals and copies. In the case of presentation of copies of documents, the head or authorized person, signing the application shall approve their accuracy and completeness in written form.

19. An application, filed in electronic form shall be presented in accordance with paragraph 17 of these Rules in recognition of requirements of electronic document control and shall be signed by electronic digital signature.

20. An application shall subject to registration by the operator of infrastructure with issuance of document to the carrier, in which the sequential registration number, the date of reception of application and the list of accepted documents are specified.

21. Operator of infrastructure shall verify received applications for compliance with the requirements, established by paragraphs 17-19 of these Rules.

22. In the case of non-compliance of application with requirements, established by these Rules, operator of infrastructure shall notify the carrier on refusal to accept the application for consideration, in written form with specification of reasons of refusal, during 5 business days from the date of reception of application.

23. If it is necessary the operator of infrastructure shall have a right to request additional details (data), necessary for formation of regulatory train table from the carriers during consideration of applications (but not later than 1 month before the expire of the term of termination of consideration of applications).

Additional details (data), requested by operator of infrastructure shall be presented by the carrier during 5 business days from the date of reception of request from operator of infrastructure in recognition of observance of requirements for filing and execution of application.

24. The original project of regulatory train table shall be made by operator of infrastructure in recognition of applications of carriers, accepted for consideration and maximum use of traffic capacity of sites of infrastructure.

Operator of infrastructure shall inform the carrier on results of consideration of its application in the terms, determined by operator of infrastructure.

25. In the case of disagreement of carriers with original result of consideration of application, the operator of infrastructure may organize coordination procedures of harmonization, directed to resolution of disagreements (conflicts) between the interested

carriers, by conducting of negotiations, in the course of which the operator of infrastructure shall have a right to propose other train paths to the carrier, other than those for which the application was filed.

26. Operator of infrastructure shall inform the carrier on coordination (inconsistency) of application in recognition of its corrections (in its existence) after conducting of all procedures, provided by this section.

VIII. Formation, development and approval of regulatory train tables and train schedule

27. Regulatory train table and train schedule shall be developed and approved by operator of infrastructure for the annual period in the manner, established by the legislation of the member state, in the territory of which the infrastructure is located, in recognition of applications and results of conducted coordinated procedures of harmonization, accepted from the carrier.

28. Regulatory train table shall be formed by operator of infrastructure in recognition of:

1) safety ensuring of train traffic;

2) most efficient use of traffic and transportation capacity of sites of infrastructure and estimated capacity of railway stations;

3) possibility of conducting of works on maintenance and repair of sites of infrastructure.

29. Development of regulatory train table shall be carried out in recognition of principle of priority (sequence).

30. The normative train timetable shall come into force and cease to be in force on the dates determined by the decisions of the Council of Rail Transport of the Member States of the Commonwealth of Independent States.

Footnote. Paragraph 30 as reworded by Law of the RK № 6-VII dated 15.02.2021.

31. Regulatory train table and train schedule may be corrected for the freight trains in the manner, established by operator of infrastructure.

IX. Conclusion of agreement for rendering of services of infrastructure

32. Agreement for rendering of services of infrastructure shall be concluded after coordination of application by operator of infrastructure, but not later than 10 calendar days before the date of entering of regulatory train table into force.

33. Agreement for rendering of services of infrastructure shall be concluded in recognition of provisions, provided by Rules of rendering of services.

Agreement for rendering of services of infrastructure on additional applications shall be concluded not later than 1 month before commencement of the calendar month of implementation of transportations.

34. Operator of infrastructure shall have a right to refuse to the carrier in conclusion of agreement in the existence of the carrier's debts to operator of infrastructure for the rendered services of infrastructure, as well as in other cases, provided by the legislation of the member state, in the territory of which the infrastructure is located.

35. Additional application shall be formed in accordance with requirements, provided by paragraphs 17-19 of these Rules.

36. Additional application shall subject to registration by the operator of infrastructure with issuance of a document to the carrier, in which the sequential registration number, the date of receipt of additional application and the list of accepted documents are specified.

37. Additional application shall be filed not later than 2 months before commencement of calendar month of implementation of transportations.

38. Additional applications shall be considered for compliance with requirements, established by these Rules, during 1 month from the date of their reception. The contract or additional agreements to the concluded contracts may be concluded according to the results of consideration of additional applications.

39. Operator of infrastructure may consider the possibility of allocation of additional train paths according to the additional applications of carriers.

40. Applications received after the term, established by paragraph 16 of this Rules shall not be recognized upon formation of regulatory train table and considered as additional applications.

41. Allocation of the train paths according to the additional applications shall be carried out in the manner provided by the legislation of the member state, in the territory of which the infrastructure is located.

42. The carriers shall bear the risks of partial satisfaction or rejection of additional applications.

XI. Procedure of provision of information

43. Operator of infrastructure shall post the technical specification of sites of infrastructure, the list of regulatory legal acts, as well as acts of operator of infrastructure, regulating procedure of access to the services of infrastructure, in recognition of requirements of legislation of the member state, in the territory of which the infrastructure is located, on its official website in the Internet.

44. Operator of infrastructure and carriers shall observe requirements of legislation of the member state, in the territory of which the infrastructure is located, as well as requirements of ensuring of national security, in recognition of restrictions for distribution of information, containing details, referred to the state secret (state secrets) or details of limited distribution.

XII. Procedure of resolution of disputes

45. All disputes and disagreements between the carrier and operator of infrastructure, arising in the course of application of these Rules shall be resolved by conducting of negotiations.

46. In the case if in the course of negotiations the carrier and operator of infrastructure do not achieve consent, all disputes and disagreements shall be resolved in the manner established by legislation of the member state, in the territory of which the infrastructure is located.

Annex
to the Rules of access to the ervices
of infrastructure of railway ransport
within the Eurasian Economic Union

Application
for the access to the services of infrastructure of railway transport within the Eurasian Economic Union

from "__" _____ ___ № _____
for the period from _____ to _____
Operator of infrastructure _____
_____
(name, legal address, postal address)
Carrier _____
(name, legal address, postal address)
Number and date of agreement for rendering of services of infrastructure of railway transport within the Eurasian Economic Union (in its existence)
_____
Hereby I confirm the completeness and accuracy of the following documents (information)* accompanying to the application on _____ s. in __ copies:
1) _____;
2) _____;
3) _____.

_____ _____
The signature of the carrier M.P.

_____

* Note: attached the documents (information), provided by paragraph 17 of Rules of access to the services of infrastructure of railway transport within the Eurasian Economic Union.

Annex № 2
to Procedure of regulation of access

to the services of railway transport,
including the basics of tariff policy

Rules
of rendering of services of infrastructure of railway transport within the Eurasian Economic Union

I. General provisions

1. These Rules shall determine procedure and conditions of rendering of services in the borders of sites of infrastructure of railway transport of the member states within the planning and organization of transportation activity, the list of such services, unified control principles and allocation of traffic capacity of infrastructure, essential conditions of agreements for rendering of services of infrastructure, rights, obligations and responsibility of operator of infrastructure and carriers.

II. Definitions

2. The concepts used in these Rules shall have the following meanings:

"extraordinary trains" – the trains, not provided by the train table (emergency and fire trains, snow plows, locomotives without cars, special self-propelled rolling stock), intended for elimination of obstacles to the train movement, performance of unforeseen works and relevant redeployment of transport vehicles (procedure of their movement shall be determined by the legislation of member state, in the territory of which the infrastructure is located, or acts of operator of infrastructure, not contradicting to the legislation of the member state, in the territory of which the infrastructure is located);

"control of transportation process" – control process, management of train traffic and shunting operation in the operational conditions;

"shunting movement" – operations on change of train formation (coupling (uncoupling) of rolling-stock), formation (splitting) of trains, transportation of trains from park to the park, movement and interposition of locomotive of the train or exclusion of locomotive from this train, car supply on driveways or removal from such paths and other operations;

"emergency situation" – a circumstance, threatening the safety of train traffic as a result of failure of objects of infrastructure or create obstacles for the passage of trains;

"operator of infrastructure" – organization of railway transport, having the infrastructure and lawfully using infrastructure and (or) rendering the services of infrastructure in accordance with the legislation of the member state, in the territory of which the infrastructure is located;

"transportation planning" – development of transportation plan at the objects (sites and stations) of infrastructure for the established period of time (year, month, day) in accordance with concluded agreements for rendering of services;

"daily plan of train traffic" – a document, executed by operator of infrastructure for control of transportation process and organization of train traffic in the planned day;

"technical plan" – a document, executed by operator of infrastructure on the basis of composite plan of transportations, technical plans of transportations and information of Counsel on railway transport of the participant-states of Commonwealth of Independent States.

3. Other concepts, used in these Rules shall have the meanings determined in the Minute on concerted (coordinated) transport policy, Procedure of regulation of access to the services of railway transport, including the basics of tariff policy, as well as in the Rules of access to the services of infrastructure of railway transport within the Eurasian Economic Union (hereinafter – the Rules of access).

III. Services, rendered by operator of infrastructure

4. The list of services of infrastructure of railway transport (hereinafter – the list of services) shall include the basic services, related with the use of infrastructure for implementation of transportations according to the annex to these Rules.

5. The list of operations (works), including to the composition of services of infrastructure shall be determined in recognition of technological features of transportation process and requirements of legislation of the member state, in the territory of which the infrastructure is located.

6. Services of infrastructure, specified in the annex to these Rules shall be provided with observance of requirements of the legislation of the member state, in the territory of which the infrastructure is located, as well as in a part of ensuring of national security.

7. Operator of infrastructure shall have a right to render other services, not specified in the annex to these Rules, in accordance with the legislation of the member state, in the territory of which the infrastructure is located, by agreement with carrier.

IV. Procedure for rendering of services of infrastructure

8. Rendering of services of infrastructure shall provide interaction of operator of infrastructure and carrier within the following processes of organization and implementation of transportations:

1) technological planning and regulation of transportations;

2) monthly and operational planning of transportations;

3) implementation of transportations within agreement for rendering of services of infrastructure of railway transport (hereinafter – an agreement);

4) data exchange between the operator of infrastructure and carrier.

9. Planning and regulation of transportations, correction of volumes of transportation and train table shall be carried out in the manner determined in accordance with these Rules,

Rules of access, legislation of the member state, in the territory of which the infrastructure is located, as well as acts of operator of infrastructure, not contradicting to the legislation of the member state, in the territory of which the infrastructure is located.

10. Operator of infrastructure and carriers shall execute an approved daily plan of train traffic (train table and coordinated technical plan, as well as exchange plan of trains, cars on the interstate division points, determined by decision of the Council on railway transport of participant-states of Commonwealth of Independent States).

11. Implementation of transportation shall represent a set of organizational and technologically interrelated operations of operator of infrastructure and carriers and shall be carried out in accordance with these Rules, legislation of the member state, in the territory of which the infrastructure is located, and acts of operator of infrastructure, not contradicting to the legislation of the member state, in the territory of which the infrastructure is located.

12. Use of infrastructure shall be carried out in accordance with these Rules with observance of regulations, established by the legislation of the member state, in the territory of which the infrastructure is located, as well as in accordance with requirements on traffic safety, as well as acts of operator of infrastructure, not contradicting to the legislation of the member state, in the territory of which the infrastructure is located.

13. Maintenance of infrastructure shall be carried out in accordance with the legislation of the member state, in the territory of which the infrastructure is located.

14. The unified principles of control of transportation process and distribution of traffic capacity shall be:

1) control of train traffic at the served sites of infrastructure by one controller;

2) execution of technological regulations and standards, contained in the train table, technological processes and technical regulations of operational work;

3) ensuring the safety of train traffic and labour protection of employees;

4) provision of priority of traffic by controller.

15. Control of transportation process shall be carried out by operator of infrastructure or authorized body for the purposes of ensuring the safety of passage of trains in the infrastructure.

Control of transportation process shall be carried out in accordance with the train table, approved daily plan of train traffic, and in the manner established by the rules of technical operation, instructions on train traffic and shunting operation at the stations, on signaling and communication, approved by the legislation of the member state, in the territory of which the infrastructure is located and (or) acts of operator of infrastructure, not contradicting to the legislation of the member state, in the territory of which the infrastructure is located.

16. Processes of reception, departure and passage of trains, shunting movement of any transport vehicle (rolling-stock) or self-propelled machine, used at the site of infrastructure shall be regulated by operator of infrastructure.

Orders (instructions) of operator of infrastructure in relation of specified processes, as well as relating to ensuring of requirements of safety train traffic, standards of train table, technological processes of work of operating units of infrastructure are compulsory for all participants of transportation process.

17. Operator of infrastructure and carriers shall use information systems of operator of infrastructure for information (data) exchange in the volume, provided by the legislation of the member state, in the territory of which the infrastructure is located for the purposes of carrying out of transportation process.

18. Additional information in relation to the basic information shall be presented to the carrier on the basis of separate agreements by the operator of infrastructure.

19. Operator of infrastructure may refuse to the carrier in rendering of services of infrastructure in the existence of concluded agreement in the case of:

1) termination or introduction of restriction of transportation, as well as restriction of import and (or) export of cargo, luggage, cargo-luggage in accordance with requirements of the legislation of the member state, in the territory of which the infrastructure is located;

2) impossibility of rendering of services of infrastructure due to occurrence of emergency situations;

3) implementation of transportations by extraordinary trains;

4) occurrence of a threat of national security or occurrence of emergency situations, circumstances of insuperable force, military operations, blockade, epidemic or other circumstances, independent of operator of infrastructure and carriers, preventing the execution of obligations on agreement;

5) establishment of another order of rendering the services of infrastructure by the authorized body by decision of the Government of the member state, in the territory of which the infrastructure is located;

6) other cases provided by the legislation of the member state, in the territory of which the infrastructure is located.

20. Operator of infrastructure shall inform the carrier on impossibility of execution of obligations in the manner provided by agreement upon refusal to the carrier in rendering of services of infrastructure in the cases, provided by paragraph 19 of these Rules.

21. Operator of infrastructure shall take necessary measures for organization of passage of trains, moving with deviation from the train table or not provided by this schedule.

22. A fact of rendering of services by operator of infrastructure and their actual volume separately for each type service shall be approved by documents, the form of which is approved in accordance with the legislation of the member state, in the territory of which the infrastructure is located, and (or) acts of operator of infrastructure, not contradicting to the legislation of the member state, in the territory of which the infrastructure is located.

V. An agreement for rendering of services of infrastructure and its essential conditions

23. Services of infrastructure shall be rendered on the basis of agreement, concluded in written form between the operator of infrastructure and carrier.

24. The agreement shall not contain the regulations, contradicting to the principles and requirements, established by the Rules of access and these Rules, as well as legislation of the member state, in the territory of which the infrastructure is located.

25. Operator of infrastructure shall have a right to terminate an agreement in the manner established by the legislation of the member state, in the territory of which the infrastructure is located, in the case if during the validity of agreement, unreliability of information (except for the predicted indicators), specified in paragraph 17 of Rules of access, presented by the carrier and provided by agreement is established.

26. Assignment of right of demand of carrier, arising from the agreement, except for the cases provided by paragraph 27 of these Rules shall be prohibited.

27. If it is found impossible to use the rights, arising from agreement, the carrier may transfer this right to other carrier in the existence of concluded agreement of the last, with the consent of operator of infrastructure, on the conditions, provided by agreement.

28. The agreement shall contain the following essential conditions:

1) subject of an agreement (scope of services, share of traffic capacity of infrastructure (number of train paths), sites of infrastructure);

2) conditions and terms of rendering of services of infrastructure;

3) cost of services (tariffs, prices, rates of charges) or procedure of its determination;

4) procedure and conditions of payment of services (procedure of calculations, payment methods, currency of payment);

5) responsibility of parties on agreement for infliction of damage, non-performance or improper performance of obligations on agreement (penalties, fines, compensation of losses);

6) force majeure circumstances (circumstance of insuperable force);

7) term of validity, grounds and procedure of termination of validity (termination) of agreement, including conditions of termination of validity (termination) of agreement.

29. One-time agreement may be concluded between the operator of infrastructure and carrier in the existence of concluded agreement (or additional agreement to the contract) upon filing of additional application for the additional transportation.

VI. Rights and obligations of operator of infrastructure and carrier

30. Carrier shall have a right to:

1) direct proposals on organization of transportations to the operator of infrastructure;

2) receive information in the volume, necessary for organization of transportations in accordance with these Rules and Rules of access, with compulsory observance of requirements of the legislation of the member state, in the territory of which the infrastructure is located, as well as requirements of ensuring of national security, in recognition of restrictions for distribution of information, containing details, referred to the state secret (state secrets) or details of limited distribution;

3) obtain access to the services of infrastructure and services of infrastructure for carrying out of transportation activity, as well as in the route of the train in accordance with conditions of agreement;

4) implement other rights, established by the legislation of the member state, in the territory of which the infrastructure is located and (or) in accordance with concluded agreements.

31. Carrier shall be obliged to:

1) present details and documents, necessary for rendering of services of infrastructure to the operator of infrastructure;

2) ensuring compliance of rolling stock with requirements of security in the railway transport, established by the legislation of the member state, in the territory of which the infrastructure is located, and acts of operator of infrastructure, not contradicting to the legislation of the member state, in the territory of which the infrastructure is located;

3) inform on incidents and circumstances, which involve (may involve) violation of requirements on security in the field of railway transport, established by the legislation of the member state, in the territory of which the infrastructure is located, to the operator of infrastructure, as well as take measures on their elimination (prevention);

4) ensure observance of requirements on traffic safety and operation in the railway transport, established by the legislation of the member state, in the territory of which the infrastructure is located, and acts of operator of infrastructure, not contradicting to the legislation of the member state, in the territory of which the infrastructure is located;

5) ensure protection of details, constituting commercial (official) secret of operator of infrastructure, which became known to the carrier;

6) pay for the services of infrastructure on tariffs, established in accordance with the legislation of the member state, in the territory of which the infrastructure is located, as well as make other payments, due to the operator of infrastructure, in the volume, terms and on conditions, provided by agreement;

7) compensate the amounts, not provided by the separate agreements of costs, incurred by operator of infrastructure in connection with redeployment (moving) of cars (trains) and (or) sludge of rolling-stock of carriers at the stations;

8) inform the operator of infrastructure on refusal from obtainment of services, provided by agreement, in the terms, established by the legislation of the member state, in the territory of which the infrastructure is located, in written form;

9) ensure coordination and observance of conditions of railway transportation of cargo on the special conditions, oversize cargo in the manner provided by the legislation of the member state, in the territory of which the infrastructure is located;

10) ensure transportations within the coordinated volume and compliance of other parameters (conditions) of railway transport with transportation capacity of sites of infrastructure of railway transport and (or) estimated capacity of railway stations along the route of the cargo;

11) pay for damage, caused to the operator of infrastructure and (or) third persons;

12) perform other obligations, established by agreement and legislation of the member state, in the territory of which the infrastructure is located.

32. Operator of infrastructure shall have a right to:

1) take measures on ensuring of traffic safety, as well as:

establish the temporary and permanent restrictions for speed of train traffic at the sites of infrastructure;

stop the train traffic at the station, railway haul in the cases of finding of technical failure by means of automatic and visual control and identifying of commercial rejects of rolling-stock on the moving of train, threatening the safety of traffic;

use the resources (rolling-stock, staff) of carrier upon occurrence of circumstances, preventing the train traffic, for recovery the work of infrastructure;

give the instructions (orders, regulations, directions, warnings, etc.), relating to the provision of requirements of train traffic safety, standards of train table, plan and procedure of formation of trains, technological processes of the work of stations (operating units) of infrastructure to the carrier;

2) require a certificate of safety in the railway transport, license for carrying out of all types of activity, subjected to licensing upon implementation of transportations from the carrier at the stage of conclusion of agreement;

3) require the documents, approving compliance with requirements of the safety system of railway transport from the carrier at the stage of execution of agreement;

4) make amendments and additions to the agreement in a part of correction of allocated share of traffic capacity (train paths) in accordance with unilateral procedure, in the case of the use of allocated share of traffic capacity of the site of infrastructure by the carrier, not in full volume, than it is established by the train table;

5) make decisions on redeployment (moving) and sludge of rolling-stock of carriers at the stations, where there are free travel opportunities for its sludge, or local infrastructure, in the case of the use of infrastructure by the carrier with violation of conditions of agreement;

6) refuse to the carrier in the access to infrastructure due to reasons beyond control of operator of infrastructure (due to the fault of third persons, including neighboring (adjacent) railway administrations and (or) owners of local infrastructures) without recognition of such facts by violation of conditions of agreement;

7) make decision on temporary termination of rendering the services, related with transportation in certain directions of railway communication, or on rendering of services not in full volume, in the case of occurrence of emergency situations of natural and technogenic character, as well as upon imposition of the state of emergency and other circumstances, preventing the transportation, in accordance with unilateral procedure;

8) restrict an access to the infrastructure in the case of occurrence of emergency situations with cancellation of distributed train paths for the period, necessary for recovery of infrastructure;

9) implement other rights, established by the legislation of the member state, in the territory of which the infrastructure is located, and (or) concluded agreements.

33. Operator of infrastructure shall be obliged to:

1) accept an consider proposals of carriers on organization of transportations, as well as details and documents, necessary for rendering of services of infrastructure;

2) timely provide information to the carriers in the volume, necessary for organization of transportations in accordance with these Rules and Rules of access, with compulsory observance of requirements of the legislation of the member state, in the territory of which the infrastructure is located, as well as requirements of ensuring the national security, in recognition of restrictions, established for distribution of information, containing details, referred to the state secret (state secrets) or details of limited distribution;

3) distribute the traffic capacity of infrastructure within the technical and technological capacity of infrastructure in accordance with Rules of access;

4) inform the carrier on the changes in the train table, involving the change of agreed terms and conditions of rendering the services, in the terms and manner provided by agreement;

5) notify the carrier on conditions, determined in agreement, on accidents, damage in the infrastructure and other circumstances, which may create an obstacle to the carrier for carrying out of its activity in the use of infrastructure;

6) ensure protection of details, constituting commercial (official) secret of carriers, which became known to the operator of infrastructure in the course of rendering of services of infrastructure;

7) keep the necessary technical means in working order and take measures on prevention and elimination of interruptions in the train traffic, arising in connection with natural and technogenic accidents;

8) perform other obligations, established by agreement and legislation of the member state , in the territory of which the infrastructure is located.

VII. Procedure of resolution of disputes

34. All disputes and disagreements between the carrier and operator of infrastructure, arising in the course of application of these Rules or in the course of rendering of services shall be resolved by conducting of negotiations.

46. In the case if in the course of negotiations the carrier and operator of infrastructure do not achieve a mutual consent, all disputes and disagreements shall be resolved in the manner established by legislation of the member state, in the territory of which the infrastructure is located.

Annex
to the Rules of rendering of
services of infrastructure of
railway transport within the
Eurasian Economic Union

The List
of services of infrastructure of railway transport

In accordance with Article 2 of the Minute, amendments entered into Annex 1 by Law of the Republic of Kazakhstan № 346-V as of 02.08.2015 shall be enforced 24 months after the date of enforcement of this Minute.

Footnote. The List as amended by Law of the Republic of Kazakhstan № 346-V as of 02.08.2015.

№	Republic of Belarus	Republic of Kazakhstan*	Russian Federation**	The Republic of Armenia	The Kyrgyz Republic***
1.	Provision of infrastructure and execution of necessary works for implementation of train traffic (passage), including energy supply of traction rolling-stock of the carrier	Provision of infrastructure and execution of necessary works for implementation of train traffic (passage)	Provision of infrastructure and execution of necessary works for implementation of train traffic (passage), including energy supply of traction rolling-stock of the carrier	Provision of infrastructure and performance of necessary works for the movement (passage) of trains	Provision of infrastructure and performance of necessary works for the movement (passage) of trains
2.	Provision of infrastructure and execution of necessary works for shunting movement, including energy supply of traction rolling-stock of the carrier	Provision of infrastructure and execution of necessary works for shunting movement	Provision of infrastructure and execution of necessary works for shunting movement, including energy supply of traction rolling-stock of the carrier	Provision of infrastructure and performance of necessary works for shunting movements	Provision of infrastructure and performance of necessary works for shunting movements

3.	Services on technical and commercial control, directed to ensuring of train traffic safety and preservation of cargo, luggage and cargo-luggage		Services on technical and commercial control, directed to ensuring of train traffic safety		

_____

* As well as for the sites of infrastructure of belonging of the Republic of Kazakhstan in the territory of the Russian Federation

** As well as for the sites of infrastructure of belonging of the Russian Federation in the territory of the Republic Kazakhstan

*** Also for the sites of infrastructure belonging to the Kyrgyz Republic in the territory of the Republic of Kazakhstan.

ANNEX № 25
to Agreement on
Eurasian Economic Union

MINUTE
on procedure for procurement regulation
I. General provisions

1. This Minute is developed in accordance with section XXII of Agreement on Eurasia Economic Union (hereinafter – Agreement) and determines procedure for procurement regulation.

2. The concepts used in the section XXII of Agreement and this Minute shall have the following meanings:

“web-portal” – unified official web-site of the member state in the Internet, providing a unified access point to information on procurement;

“customer” – the state body, local government body, budget organization (as well as state (municipal) institutions), as well as other persons in the cases, determined by the legislation of the member state on procurement, making the procurements in accordance with this legislation. Creation (functioning) of procurement authority, the activity of which is carried out in accordance with the legislation may be provided by the legislation of the member state. Upon that the transfer of functions of customer on conclusion of agreement (contract) on procurement to the procurement authority shall not be allowed.

“procurements” – the state (municipal) procurement, which is recognized as acquisition of goods, works, services and other procurements by the customer at the expense of budget, as

well as other means in the cases, provided by the legislation of the member state on procurement, as well as relations, connected with execution of agreements (contracts) on procurement;

"procurement information" - a notice of a procurement, procurement documentation (including a draft procurement agreement (contract)), amendments made to such notices, documentation, clarifications of the procurement documentation, protocols drawn up during the procurement process, information on the results of the procurement procedure, information on procurement agreements (contracts) and additional agreements to such agreements, information on the results of the execution of a procurement agreement (contract) , information on the receipt of complaints to the body of a member state exercising regulatory and (or) control functions in the field of procurement, on their content and decisions taken based on the results of consideration of such complaints, on orders issued by such bodies. Procurement information must be posted on the web portal;

“national regime” – a regime, providing that each member state, for the purposes of procurement, provides the goods, works and services, originating from the territory of the member states, potential suppliers of the member states and suppliers of the member states, offering such goods, performing the works and rendering the services by the regime not less favorable than provided the goods, works and services, originating from the territory of its state, as well as potential suppliers and suppliers of its state, offering such goods, performing the works and rendering the services. Country of origin of goods shall be determined in accordance with rules of determination of the country of origin of goods, effectual in the customs territory of the Union;

“operator of electronic trading platform (electronic platform)” – a legal entity or individual, carrying out of entrepreneurial activity, which have the electronic trading platform (electronic platform), soft hardware necessary for its functioning and (or) ensure its functioning in accordance with the legislation of the member state;

“supplier” – a person who is a supplier, executor or contractor and with whom the agreement (contract) on procurement is concluded;

“potential supplier” – any legal entity or any individual (as well as individual entrepreneur);

“electronic trading platform (electronic platform)” – Internet web-site, determined in the manner established by the legislation of the member state on procurement, for conducting of procurement in the electronic format. Upon that the legislation of the member state on procurement may establish that the electronic trading platform (electronic platform) is the web-portal, as well as shall be determined the limited number of electronic trading platforms (electronic platforms);

“electronic format of procurement” – a procedure of organization and conducting of procurement, carrying out with the use of Internet, web-portal and (or) electronic trading platform (electronic platform), as well as soft hardware.

Footnote. Paragraph 2 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

3. Bringing of the legislation of the member state to conformity with this Minute shall not be required upon application of this Minute, unless the provisions of the legislation of the member state have the different meaning than it is established by this Minute.

II. Requirements in the scope of procurement

4. Procurements in the member states shall be conducted by the following methods:

open competition, which is also may provide two-stage procedures and pre-qualification (hereinafter – competition);

request of pricing proposal (request for quotation);

request for proposals (if it is provided by the legislation of the member state on procurement);

open electronic auction (hereinafter – auction);

stock trading (if it is provided by the legislation of the member state on procurement);

procurements from the single source or single supplier (executor, contractor).

The member states shall ensure conducting of competition and auction only in electronic format and seek to pass to the electronic format upon carrying out of other methods of procurement.

To ensure unimpeded access of potential suppliers and suppliers of Member States to participate in procurement conducted in electronic format, Member States mutually recognize an electronic digital signature (electronic signature) made in accordance with the legislation of one of the Member States. The rules for mutual recognition of an electronic digital signature (electronic signature) made in accordance with the legislation of one Member State by other Member States for procurement purposes shall be determined by the Council of the Commission.

Footnote. Paragraph 4 as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

5. Procurements by conducting of competition shall be carried out in recognition of requirements, provided by paragraphs 1-4 of annex №1 to this Minute.

6. Procurements by conducting of request for pricing proposals (request for quotation) shall be carried out in recognition of requirements, provided by paragraph 5 of annex №1 to this agreement.

7. Procurements by conducting of request for proposals shall be carried out in recognition of requirements, provided by paragraph 6 of annex №1 to this Minute, in the cases, provided by annex №2 to this Minute, as well as in the cases provided by paragraphs 10, 42, 44, 47, 59 and 63 of Annex №3 to this Minute, if it is established by the legislation of the member state on procurement.

8. Procurements by conducting of auction shall be carried out in recognition of requirements, provided by paragraphs 7a and 8 of annex №1 to this Minute, in accordance with annex №4 to this Minute.

The member state shall have a right to establish a wider list of goods, works and services, procurements on which are carried out by conducting of auction, in its legislation on procurement.

9. Procurements of commodities (as well as the goods, provided by annex №4 to this Minute) may be carried out in the commodity exchange.

The member state shall have a right to determine the commodity exchanges, on which the procurements may be carried out.

10. Procurements from a single resource or single supplier (executor, contractor) shall be carried out in recognition of requirements, specified in paragraph 10 of Annex №1 to this Minute, in the cases provided by annex №3 to this Minute.

The member state shall have a right to reduce the list of goods, works and services, provided by annex №3 to this Minute in its legislation on procurements.

11. The member state shall have a right to establish the features of carrying out of procurements, related with necessity for observance of confidentiality of information on potential suppliers before termination of carrying out of procurements, as well as in the exceptional cases for the term not more than 2 years – features of carrying out of procurements for separate types of goods, works and services, in its legislation on procurement, in accordance with unilateral procedure.

Decisions and actions in relation of establishment of such features shall be adopted in the manner provided by paragraphs 32 and 33 of this Minute.

12. Procurements shall be carried out by the customer independently or with participation of procurement authority (in the case if the functioning of procurement authority is provided by the legislation of the member state on procurements).

13. The legislation of the member state on procurements shall provide formation and maintenance of register for unfair suppliers, which includes details on:

potential suppliers, avoiding from conclusion of agreements (contracts) on procurements;

on suppliers, not performed or improperly performed its obligations for agreements (contract) on procurements, concluded with them;

on suppliers, with whom the customers terminated the agreements (contracts) on procurements, in the course of execution of which established that the supplier does not comply with requirements, established by documentation on procurement, to the potential suppliers, suppliers in accordance with unilateral procedure or provided unreliable information on its compliance with such requirements that allowed to it to become the winner of procurement procedure, according to the results of which such agreement is concluded.

The legislation of the member state on procurements may provide inclusion to the register of unfair suppliers of the member state, the details about founders, members of collective

executive bodies, persons, exercising functions of individual executive body, included to this register.

Inclusion in the register of unscrupulous suppliers shall be carried out for 2 years upon confirmation of the information (establishment of facts) provided for in paragraphs two through four of this paragraph, based on a decision of a court and (or) body (bodies) of a member state exercising regulatory and (or) control functions in the area of procurement.

A person, the details of which are included to the register of unfair suppliers shall have a right to appeal inclusion to this register in a judicial procedure.

The legislation of the member state on procurements may provide exclusions in a part, relating to inclusion to the register of unfair suppliers of potential suppliers and suppliers, determined in accordance with paragraphs 1and 6 of annex №3 to this Minute.

Footnote. Paragraph 13 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

14. The legislation of the member state on procurements may provide the right or obligation of customer to exercise an access to participation in procurement based on details, contained in the register of unfair suppliers of this member state and (or) in the registers of unfair suppliers of other member states.

15. The member states shall limit participation in the procurements:

1) by establishment of additional requirements to potential suppliers and suppliers upon procurement of separate types of goods, works and services in accordance with its legislation on procurements;

2) in other cases established by this Minute.

16. The legislation of the member state on procurements shall establish the prohibition for :

1) inclusion of any not measured quantitatively and (or) inadministrable requirements for the potential suppliers and suppliers, to the conditions of procurements;

2) access to participation in the procurements of potential suppliers, not complying with requirements of documentation on procurements;

3) refusal to the potential suppliers in the access to participation in procurement on the grounds, not provided by notification on conducting of procurement and (or) documentation on procurement.

17. Collection of payment from the potential suppliers and suppliers for participation in the procurements, except for the cases, provided by the legislation of the member state on procurements shall not be allowed.

18. The legislation of the member state on procurements may establish requirements to the potential suppliers and suppliers on ensuring of application for participation in the procurements, as well as on ensuring for execution of agreement (contract) on procurement.

The legislation of the member state on procurements shall establish the amount and form of ensuring of application for participation in procurement, as well as ensuring of execution

of agreement (contract) on procurement. Upon that the amount of ensuring of application for participation in procurement shall not exceed 5 percent of initial (maximum) price of agreement (contract) on procurement (estimated cost of procurement), and ensuring of execution of agreement (contract) on procurement – 30 percent of initial (maximum) price of agreement (contract) on procurement (estimated cost of procurement), except for the cases when the payment of advance is provided by agreement (contract) on procurement. In this case the amount of ensuring of execution of agreement (contract) on procurement shall contain not less than 50 percent of the amount of advance.

In the case if agreement (contract) on procurement contains a requirement on provision of advance to the supplier, the supplier shall have a right to refuse it.

The legislation of the member state on procurements shall establish not less than 2 methods (types) of ensuring of application for participation in procurement and ensuring of execution of agreement (contract) on procurement.

Upon that as the ensuring of application for participation in procurement and ensuring of the use of agreement (contract) on procurement shall be also accepted:

guaranteed financial contribution, which is made to the banking account of customer or in the case if it is established by the legislation of the member state on procurements, procurement authority, operator of electronic trading platform (electronic platform);

bank guarantee.

Requirements to the bank guarantees for the purposes of procurements shall be established by the legislation of the member state.

The legislation of the member state on procurements shall establish the requirement on timely return of ensuring of application for participation in procurement and ensuring of execution of agreement (contract) on procurement to the potential suppliers and suppliers in the cases, provided by such legislation.

19. Documentation on procurement and other documents upon conducting of procurements shall not include requirements or specifications for the trademarks, service marks, firm names, patents, utility models, industrial designs, appellation of origin of goods, producer or supplier, except for the cases, when there is no other sufficiently precise way of describing the characteristics of the object of procurements (in such cases the customer includes the word “or equivalent (analogue)” to the documentation on procurement). The exception is the incompatibility of the purchased goods with the goods, used by the customer, if it is necessary to ensure compatibility of such goods (as well as for regeneration, modernization and retrofit of basic (established) equipment).

Customer shall have a right to establish the standard indicators, requirements, conventional designations and terminology, concerning the technical and qualitative characteristics of object of procurement, determined in accordance with technical regulations, standards and other requirements, provided by international treaties and acts, constituting the Union law and (or) legislation of the member state.

20. Members of the commission (including the competitive, auction and quotation commissions) may not be individuals who are personally interested in the results of the procurement (including individuals who have submitted applications to participate in the competitive tender, auction, request for quotations (request for quotations) or request for proposals), employees of potential suppliers who have submitted applications to participate in the competitive tender, auction, request for quotations (request for quotations) or request for proposals, or individuals who can be influenced by potential suppliers (including individuals who are participants (shareholders) of potential suppliers, employees of their management bodies and creditors of potential suppliers), as well as officials of the bodies of the Member State who directly exercise control over the sphere of procurement and who exercise regulatory and (or) control functions in the sphere of procurement.

Footnote. Paragraph 20 as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

21. Agreement (contract) on procurement shall contain the following compulsory conditions:

1) responsible of parties for non-performance or improper performance of obligations, provided by such agreement (contract) on procurement;

2) order of payment, as well as carrying out of procurement for assessment of its compliance (as well as on the quantity (volume), completeness, quality) with requirements, established by agreement (contract) on procurement by the customer of acceptance of result;

22. The legislation of the member state on procurements shall provide a prohibition for:

1) establishment of conditions of agreement (contract) on procurement, which involve restriction of the number of potential suppliers and suppliers in the cases, not provided by such legislation;

2) unilateral refusal of customers and suppliers to perform the contractual obligations, in the case of proper performance of obligations by the other party on agreement (contract) on procurement and in the cases, not provided by such legislation;

3) change of conditions for performance of contractual obligations, as well as change of the price of agreement (contract) on procurement, except for the cases, provided by such legislation. Quantity reduction of goods, volume of works and services without proportional reduction of price of agreement (contract) on procurement shall not be allowed.

23. Conclusion of agreement (contract) on procurement with several suppliers shall be allowed in the cases, provided by the legislation of the member state.

24. The legislation of the member state on procurements may establish requirement on conclusion of agreement (contract) on procurement, providing procurement of goods or works , subsequent service, operation during the term of service, repair and disposal of supplied goods or object (agreement (contract) of the life cycle), created in the result of execution of work.

25. The legislation of the member state on procurements in relation of specific procurements may provide the need for inclusion of additional condition of its execution (as well as not related with object of procurement) to the project of agreement (contract) on procurement, which is an integral part of documentation on procurement.

26. The legislation of the member state on procurements may provide the obligation of potential supplier and (or) supplier to provide information on all co-executors and subcontractors for agreement (contract) on procurement to the customer.

27. The legislation of the member state on procurements may provide a banking support of agreement (contract) on procurement.

28. The member states shall seek to transfer for conclusion of agreements (contracts) on procurements in electronic format before 2016.

29. The member states shall ensure disclosure and transparency of procurements, as well as by:

1) creation of web-portal by each member state;

2) publication (placement) of information on procurements, register of unfair suppliers (as well as in Russian language) on web-portal;

3) publication (placement) of regulatory legal acts of the member states in the scope of procurements (as well as in Russian language) on web-portal;

4) determination of limited number of electronic trading platforms (electronic platforms) and (or) web-portal as a single point of access to information on procurements in electronic format and to the electronic services, related with such procurements, in the case if it is provided by the legislation of the member state on procurements;

5) organization of unimpeded and free access to information on procurements, register of unfair suppliers and regulatory legal acts of the member state in the scope of procurements, published (placed) on web-portal, as well as ensuring the extensive search of details on such information, register and acts.

6) formation of information (reporting) in the area of procurement, including according to indicators and formats approved by the Commission.

Footnote. Paragraph 29 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

III. National regime and features of its ensuring

30. Each member state shall ensure the national regime in the scope of procurements in relation of goods, works and services, originating from the territory of other member states, as well as in relation of potential suppliers and suppliers of other member states, offering such goods, works and services.

31. The member state shall have a right to establish the exemptions from the national regime in the exceptional cases for the term not more than 2 years in accordance with unilateral procedure.

32. The body of a Member State exercising regulatory and/or control functions in the area of procurement shall, in advance but no later than 15 calendar days before the date of adoption of the act on the establishment of exemptions in accordance with paragraph 31 of this Protocol, notify the Commission and each of the Member States in writing of the adoption of such an act, with a justification for the need for its adoption.

The member state, received such notification may apply with proposal on conducting of relevant consultations to the body, directing it.

The member state, directed such specification may not refuse in conducting of consultations.

Footnote. Paragraph 32 as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

33. Commission shall have a right to adopt a decision on the need of cancellation the act on establishment of exemptions, adopted by the member state in accordance with paragraph 31 of this Minute during 1 year from the date of its adoption.

In the case of adoption a decision on the need of cancellation the specified act by Commission, the member state, adopted it shall ensure making relevant amendments in such act (shall be considered to have lost force) within a period of 2 months.

Consideration of notifications by Commission on adoption of acts in accordance with paragraph 31 of this Minute and requests of the member states on issues of their cancellation, as well as adoption of decisions by Commission on the need of cancellation of such acts shall be carried out in the manner determined by Commission.

In the case if upon expire of 2 months from the date of entering of decision of Commission for the need of cancellation the act, adopted in accordance with paragraph 31 of this Minute into legal force, the member state, in relation of which the specified decision is made does not perform it, each of the other member states shall have a right not to distribute the national regime on such member state in accordance with unilateral procedure. Notification on that shall be immediately directed to Commission and each of the member states.

34. In the case if the member state does not perform the obligations, provided by section XXII of Agreement and this Minute, other member states shall have a right to apply to Commission. According to the results of consideration of application, the Commission shall adopt one of the following decisions:

on absence of fact of violation;

on recognition of fact of violation and necessity of elimination of detected violation by the member state.

In the case if upon expire of 2 months from the date of adoption of decision for the need of elimination the detected violation, the member state in relation of which such decision is made does not execute it, each of the other member states shall have a right not to distribute the national regime on such member state in accordance with unilateral procedure.

Notification on that shall be immediately directed to Commission and each of the member states.

IV. Ensuring the rights and legal interests of person upon participation in procurements

35. Each of the member states shall take measures on prevention, detection and suppression of violations of its legislation on procurements.

36. Volume of ensured rights and legal interests of persons in the scope of procurements shall be determined by section XXII of Agreement, this Minute and legislation of the member state on procurements.

37. To ensure the rights and legitimate interests of persons in the area of procurement, as well as to exercise control over compliance with the legislation of the Member State on procurement, the Member State shall ensure that the body (bodies) of the Member State, determined in accordance with its legislation, exercise regulatory and (or) control functions in the area of procurement, including:

1) carrying out control in the scope of procurements (as well as by conducting of verifications);

2) consideration of complaints and applications in relation of decisions and actions (omission) of customers, procurement authorities, operators of electronic trading platforms (electronic platforms), operators of web-portals, commodity exchanges, commissions and other persons upon carrying out of procurements, violating the legislation of the member state on procurements. Upon that not only any potential supplier, but other person shall have a right to appeal the decisions and actions (omission) of customers, procurement authorities, operators of electronic trading platforms (electronic platforms), operators of web-portals, commodity exchanges, commissions and other persons upon carrying out of procurements, adopted (committed) before termination of the term of filing of applications for participation in procurement in the manner established by the legislation of the member state on procurements;

3) prevention and detection of violations of the legislation of the member state on procurements, as well as adoption of measures on elimination of specified violations (as well as by issuance of regulation, compulsory for execution, on elimination of such violations and bringing of guilty persons to responsibility for such violations)

4) formation and maintenance of register of unfair suppliers.

Footnote. Paragraph 37 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

V. Ensuring measures, improving the efficiency of procurements and social functions directed to implementation

38. The legislation of the member state on procurements shall be established requirements on planning of procurements.

39. The legislation of the member state on procurements may provide the following regulations, improving the efficiency of procurements:

1) rationing of procurements by establishment the requirements to the procured goods, works and services (as well as to the limit price of goods, works and services) and (or) regulatory costs for ensuring the functions of customers;

2) carrying out of public control and public discussion of procurements;

3) application of anti-dumping measures;

4) involvement of experts, expert organizations.

40. Benefits for institutions and enterprises of correctional system, organizations of disabled persons, small and medium-sized business entities, as well as socially oriented non-commercial organizations may be established in the cases and manner provided by the legislation of the member state on procurements, upon carrying out of procurements.

Information on such benefits shall be specified by the customer in notification on conducting of procurement and documentation on procurement.

41. To discuss the most pressing issues law enforcement practice, exchange of information, improvement and harmonization of legislation, joint development of methodological materials in the area of procurement, the Commission, together with the bodies of the member states that exercise regulatory and/or control functions in the area of procurement, holds, at the proposal of these bodies or at the initiative of the Commission, meetings at the level of managers and experts.

Footnote. Paragraph 41 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

Annex №1
to the Minute on procedure
of regulation the procurements

Requirements to organization and conducting of competition, request for the pricing proposals (request for quotations), request for proposals, auction and procurement from single source or single supplier (executor, contractor)

1. Competition shall be conducted in electronic format, providing filing of applications for participation in competition in the form of electronic document.

The winner of competition shall be recognized the potential supplier who offered the best conditions for execution of agreement (contract) on procurement.

Establishment of criterion for assessment, as well as procedure of assessment and comparison of applications for participation in competition, involving partial and (or)

inadministrable definition of supplier, not corresponding to the legislation of the member state on procurements shall not be allowed.

2. Competition shall be conducted in recognition of the following requirements:

1) approval of competitive documentation;

2) approval of composition of competition committee;

3) publication (placement) of notification on conducting of competition and competitive documentation on web-portal in the terms provided by the legislation of the member state on procurements, but not less than 15 calendar days before the date of termination of filing of applications for participation in competition. In the case of making amendments to notification on conducting of competition and (or) competitive documentation, the term of filing of applications for participation in competition shall be extended so that this term is not less than 10 calendar days from the date of publication (placement) of amendments on web-portal to the date of termination of filing the applications for participation in competition . Upon that the change of the subject of agreement (contract) on procurement shall not be allowed;

4) explanation of provisions of competitive documentation and publication (placement) of such explanations on web-portal not later than 3 calendar days before the date of termination of filing of applications for participation in competition. Explanation of provisions of competitive documentation on request shall be carried out not later than 5 calendar days before the date of termination of filing of applications for participation in competition;

5) filing of applications for participation in competition in the form of electronic document on the electronic trading platform (electronic platform) and (or) web-portal;

6) disclosure, consideration of applications for participation in competition for determination of applications, corresponding to the requirements of competitive documentation by the competition committee for the purposes of access of potential suppliers for participation in competition;

7) publication (posting) on the web portal of the protocols of opening, consideration of applications for participation in the competition and admission of potential suppliers to participate in the competition and informing each potential supplier of the results of such opening, consideration and admission no later than the working day following the day of the adoption of the relevant decisions by the competition committee;

8) evaluation, comparison of applications for participation in the competition submitted by potential suppliers admitted to participating in the competition, as well as determination of the winner of the competition and publication (posting) on the web portal of the relevant protocol, informing each potential supplier of the results of such evaluation, comparison and determination of the winner of the competition no later than the working day following the day of adoption of the relevant decisions by the competition committee;

9) conclusion of agreement (contract) for procurement on conditions, specified in application for participation in competition of potential supplier, determined as the winner of

competition, and in competitive documentation not early than 10 calendar or business days and not later than 30 calendar days from the date of adoption of decision on determination of the winner of competition or recognition of competition as failed in the cases, determined by the legislation of the member state on procurements. The legislation of the member state on procurements shall also establish procedure and priority of conclusion of agreement (contract) on procurement between the customer and potential supplier based on the need of conclusion of agreement (contract) on procurement with potential supplier, offered the best conditions of execution of agreement (contract) on procurement, as well as procedure of actions of customer in the case of recognition of competition as failed;

10) publication (posting) of information about the results of the competition on the electronic trading platform (electronic platform) and (or) web portal and informing each potential supplier about the results of the competition no later than the working day following the day the competition committee makes the relevant decisions.

Footnote. Paragraph 2 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

3. The requirements, established in paragraphs 1 and 2 of this Minute shall be applied upon conducting of competition, providing prequalification, in recognition of the following features:

1) the winner of competition shall be determined from the number of prequalified potential suppliers;

2) additional requirements shall be applied to the potential suppliers and suppliers for carrying out of prequalification and may not be used as criteria for assessment and comparison of applications for participation in competition.

4. Competition may be conducted with the use of two-stage procedures in the cases and procedure, determined by the legislation of the member state on procurements.

The measures on formation shall be conducted by the expert (expert commission) of technical specification of procured goods, works and services on the basis of technical proposals of potential suppliers, developed in accordance with technical specification of customer at the first stage of competition with the use of two-stage procedures.

The measures provided for conducting of competition in recognition of requirements, specified in paragraphs 1 and 2 of this annex shall be conducted at the second stage of competition with the use of two-stage procedures.

5. The limit initial (maximum) price of agreement (contract) on procurement (estimated cost of procurement), shall be determined by the legislation of the member state on procurements for application of the method of request for pricing proposals (request for quotation) as well as upon procurement of goods, works and services on the lists according to the annexes №2 and 4 to the Minute on procedure of regulation of procurements (annex №25 to Agreement on Eurasian Economic Union).

The winner of request for the pricing proposals (request for quotation) shall be recognized the potential supplier, offered the lowest price of agreement (contract) on procurement.

Any of the member state shall seek to transfer from conducting of request for pricing proposals (request for quotation) to preferential holding of auctions.

Upon conducting of procurement by the method of request for pricing proposals (request for quotation), the notification on its conducting shall be published (placed) on web-portal in the terms established by the legislation of the member state on procurements, but not less than 4 business days before the date of termination of filing of applications for participation in the request for pricing proposals (request for quotation).

The commission minutes drawn up during the request for price proposals (request for quotations) shall be published (posted) on the electronic trading platform (electronic platform) and (or) web portal and notifications of decisions made by the quotation commission shall be sent to each potential supplier no later than the working day following the day of their adoption.

Footnote. Paragraph 5 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

6. Procurements by conducting of request for proposals may be carried out in relation of goods, works and services, provided by annex №2 to the Minute on procedure of regulation of procurements (annex №25 to Agreement on Eurasian Economic Union).

The winner of request for proposals shall be recognized the potential supplier, offered the best conditions of execution the agreement (contract) on procurement in accordance with the legislation of the member state on procurements.

Upon conducting of procurement by conducting of request for proposals, the notification on its conducting shall be published (placed) on web-portal in the terms established by the legislation of the member state on procurements, but not less than 5 business days before the date of termination of filing of applications for participation in the request for proposals.

The commission minutes drawn up during the request for proposals are published (posted) on the electronic trading platform (electronic platform) and (or) web portal and notifications of the decisions made by the commission shall be sent to each potential supplier no later than the working day following the day of their adoption.

Footnote. Paragraph 6 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

7. Potential suppliers shall subject to compulsory accreditation for the term not less than 3 years on web-portal and (or) electronic trading platform (electronic platform) for the purposes of participation in auctions, if it is provided by the legislation of the member state on procurements.

The winner of auction shall be recognized the potential supplier, offered the lowest price of agreement (contract) on procurement and compliance with requirements of documentation on auction.

8. Auction shall be conducted in recognition of the following requirements:

1) approval of documentation on auction;

2) approval of composition of auction committee;

3) publication (placement) of notification on conducting of auction and documentation on auction on electronic trading platform (electronic platform) in the terms provided by the legislation of the member state on procurements, but not less than 15 calendar days before the date of termination of filing the applications for participation in auction. In the case of making amendment in notification on conducting of auction and (or) documentation on auction, the term of filing of applications for participation in the auction shall be extended as that this term is not less than 7 calendar days from the date of publication (placement) of amendments on web-portal to the date of termination of filing the applications for participation in auction. Upon that the change of the subject of agreement (contract) on procurement shall not be allowed. In the case if the legislation of the member state on procurements provides the initial (maximum) price of agreement (contract) on procurement (estimated cost of procurement), upon which it is possible to conduct an auction in a short period, the legislation of the member state on procurements may establish the shorter terms for filing of applications for participation in auction than provided by this subparagraph, but not less than 7 calendar days before the date of termination of filing of applications for participation in auction, and in the case of making amendments in documentation on auction – not less than 3 calendar days before the date of termination of filing of applications for participation in auction from the date of publication (placement) of such amendments on electronic trading platform (electronic platform) and (or) web-portal;

4) explanation of provisions of documentation on auction and publication (placement) of such explanations on electronic trading platform (electronic platform) and (or) web-portal not later than 3 calendar days before the date of termination of filing of applications for participation in auction. Explanation of provisions of documentation on auction at the request shall be carried out in the case of its reception not later than 5 calendar days before the date of termination of filling of applications for participation in auction;

5) filing of applications for participation in auction in the form of electronic document on electronic trading platform (electronic platform) or web-portal;

6) disclosure and consideration of applications for participation in auction for determination of applications, corresponding to the requirements of competitive documentation on auction by the auction committee in a part of access of potential suppliers, presented them to the procedure, specified in subparagraph 8 of this paragraph;

7) publication (posting) on the electronic trading platform (electronic platform) and (or) web portal of the protocols of opening, consideration of applications for participation in the auction and admission of potential suppliers to the procedure specified in subparagraph 8 of

this paragraph, and informing each potential supplier of the results of such opening, consideration and admission no later than the working day following the day of adoption of the relevant decisions by the auction commission;

8) conducting the procedure of reduction the initial (maximum) price of agreement (contract) on procurement (estimated cost of procurement) by auction for reduction of prices. Upon that the legislation of the member state on procurement may provide that in the case of reduction of price of agreement (contract) on procurement of up to 0,5 percent of initial (maximum) price of agreement (contract) on procurement (estimated cost of procurement) and lower, the auction shall be continued by the price increase of agreement (contract) on procurement, which the supplier pays to the customer in such case;

9) publication (placement) of minute on results of procedure, specified in subparagraph 8 of this paragraph, on electronic trading platform (electronic platform) and (or) web-portal and informing each potential supplier on results of such procedure in the day of its termination;

10) consideration by the auction committee of applications for participation in the auction of potential suppliers who took part in the procedure specified in subparagraph 8 of this paragraph, to determine potential suppliers who meet the requirements stipulated by the auction documentation and to determine the winner of the auction, as well as the publication (posting) of a protocol on this on the electronic trading platform (electronic platform) and (or) web portal and informing each potential supplier of the results of such consideration and the determination of the winner of the auction no later than the working day following the day the auction committee makes the relevant decisions;

11) conclusion of agreement (contract) on procurement on conditions, specified in application for participation in auction of potential supplier, determined as the winner, and in the documentation on auction, on the price of agreement (contract) on procurement of such potential supplier according to the minute on results of procedure, specified in subparagraph 8 of this paragraph, not earlier than 10 calendar or business days and not later than 30 calendar days from the date of adoption of decision on determination of the winner of auction or recognition of auction as failed in the cases, determined by the legislation of the member state on procurements. The legislation of the member state on procurements shall establish procedure and priority of conclusion of agreement (contract) on procurement between the customer and potential supplier based on the need of conclusion of agreement (contract) on procurement with potential supplier, offered the lowest price of agreement (contract) on procurement, as well as procedure of actions of customer in the case of recognition of auction as failed;

12) publication (posting) of information about the results of the auction on the electronic trading platform (electronic platform) and (or) web portal and informing each potential supplier about the results of the auction no later than the working day following the day the auction commission makes the relevant decisions.

Footnote. Paragraph 8 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

9. Carrying out of procurements without application of rules, regulating the choice of supplier and conclusion of agreement (contract) on procurement with it shall be allowed in the case if it is provided by the legislation of the member state on procurements. Upon that such procurements shall be carried out in accordance with the civil legislation of the member state in the cases provided by annex №3 to the Minute on procedure of regulation of procurements (annex №25 to Agreement on Eurasian Economic Union).

10. Procurement from a single source or single supplier (contractor, executor) shall be carried out in the existence of calculation and substantiation of price of agreement (contract) on procurement.

Requirements to publication of information on procurement from a single source or single supplier (contractor, executor) shall be determined by the legislation of the member state on procurements.

Annex №2
to the Minute on procedure
of regulation of procurements

The list of the cases of carrying out of procurements by conducting of request for proposals

1. Carrying out of procurements of goods, works or services that are the subject of agreement (contract) on procurement, termination of which is carried out by the customer in recognition of requirements of paragraph 22 of Minute on procedure of regulation of procurements (annex №25 to Agreement on Eurasian Economic Union). Upon that in the case if the supplier is partially performed the obligations, provided by agreement (contract) on procurement, upon conclusion of a new agreement (contract) on procurement on the basis of this paragraph before the termination of agreement (contract) on procurement, the amount of supplied goods, volume of executed work or rendered service shall be reduced in recognition of the amount of supplied goods, volume of executed work or rendered service on terminated agreement (contract) on procurement, and the price of agreement (contract) on procurement shall be reduced in proportion to the amount of supplied goods, volume of executed work or rendered service.

2. Carrying out of procurement of medicinal products, necessary for prescription to the patient in the existence of medical conditions (idiosyncrasy, for health reasons) by decision of health authority, which is recorded in the medical documents of patient and journal of health authority. Upon that the volume of procured medicinal products shall not exceed the volume of medicinal products, necessary to the patient during the treatment period. In addition, upon

carrying out of procurements in accordance with this paragraph, the subject of one agreement (contract) on procurement may not be the medicinal products, necessary for prescription to two and more patients.

Annex №3
to the Minute on procedure
of regulation of procurements

The list of cases for carrying out of procurements from a single source or single supplier (executor, contractor)

1. Procurements of services, relating to the scope of activity of natural monopolies, except for the services on sale of liquefied gas, as well as connection (joining) to the engineering networks on prices (tariffs) regulated in accordance with the legislation of the member state, services of energy supply or purchase and sale of electric energy with guaranteeing supplier of electric energy.

2. Procurements of services on storage and import (export) of narcotic drugs and psychotropic substances.

3. Acquisition of goods, works and services on prices (tariffs), established by the legislation of the member state.

4. Supply of cultural values (including museum objects and museum collections, as well as rare and valuable books, manuscripts, archival documents, including copies of historical, artistic or other cultural significance), intended for replenishment of the state museum, library , archival fund, cinema-, photo fund and other similar funds.

5. Execution of work on mobilization preparation.

6. Acquisition of goods, works and services from the particular person, determined by the legislative acts of the member state, as well as acquisition of goods, works and services, supply, execution or rendering of which may be carried out exclusively by executive bodies in accordance with their powers or state institutions subordinated to them, state (unitary) enterprises, legal entities, 100 percent of the voting shares (share of participation) of which are owned by the state, relevant powers of which are established by the legislative acts of the member state, acts of the head of the member state.

7. Acquisition of separate goods, works and services due to occurrence of circumstances of insuperable force, as well as emergency situation (localization and (or) emergency recovery) accident, urgent medical intervention, for which reason carrying out of procurements by other means that require time consumption, is impractical.

8. Acquisition of goods, works and services from institutions and enterprises of correctional system, medical and industrial (labor) preventative clinics and medical and industrial (labor) workshops, as well as from organizations created by public associations of disabled persons, in which the number of disabled persons is not less than 50 per cent of the accountable strength of employees.

9. Acquisition of raw material, materials and components by institution, executing punishment, for production of goods, works and services for the purposes of employment of convicts on the basis of agreements, concluded with legal entities, on the condition that the acquisition of such raw materials, materials and components by the specified institution shall be carried out at the expense of means, provided by these agreements.

10. Procurements, which according to the results of procedures are recognized as failed (in the cases, provided by the legislation of the member state on procurements).

11. Communication services for the needs of national defense and national security, and law enforcement.

12. Determination of the maximum amount of transactions (or limit quarterly or annual volume), which may be established by the legislation of the member state and upon which it is allowed to carry out procurements from a single source or a single supplier (executor, contractor), upon that the specified amount does not bear individual character (the member states seek to minimize the specified threshold for the purposes of maximum expansion of access of potential suppliers to procurements).

13. Placement of an order for the supply of arms and military equipment from a single supplier in accordance with the legislation of the member state, as well as the acquisition of works, services for repair (modernization) of weapons, military and special equipment.

14. Specific procurement from a potential supplier, determined by decree or order of the head of the member state, the order of the supreme executive authority of the member state by decision or instruction of the head of the member state. Decisions and actions in relation of adoption of such acts shall be carried out in the manner provided by paragraphs 32 and 33 of the Minute on procedure of procurement regulation (annex № 25 to the Agreement on the Eurasian Economic Union).

15. Acquisition of works of art and literature of certain authors (except for the acquisition of film projects in order to hire), execution of specific performers, phonograms of specific executors in the case if a single person has exclusive rights to such works, performances and phonograms.

16. Subscription to certain periodic printed and electronic publications, as well as procurement of printed and electronic publications of certain authors, rendering of services on provision of an access to the electronic publications for ensuring activity of the state and municipal educational institutions, state and municipal libraries, state scientific organizations from the publishers of such printed and electronic publications in the case if the specified publishers have the exclusive rights to use such publications.

17. Placement of an order for access to the zoo, theater, cinema, concert, circus, museum, exhibition and sports event, as well as conclusion of an agreement (contract) on procurement for rendering of services on sale of entrance tickets and subscriptions to visit the theaters, cultural and educational, entertainment events, excursion tickets and sightseeing trip tickets.

18. Procurement of materials of exhibitions, seminars, conferences, meetings, forums, symposiums, trainings and payment for participation in these events, as well as conclusion of an agreement (contract) on procurement for rendering of services to participate in events organized for the needs of several customers with the supplier (executor, contractor), which is determined by the customer, that is an organizer of the event, in the manner determined by the legislation of the member state.

19. Procurement of teaching services and interpreter (guide) services from individuals.

20. Placement of an order by the theatrical entertainment organization, museum, club, organization of cinematography, other cultural organizations, educational institutions in the field of culture, television and radio broadcasting organization at the specific individual or specific individuals - writer, actor, ballet-master, a master of television or radio program, designer, band director, playwright, trainer, composer, accompanist, the author of libretto, operator of film, video, sound recordings, writer, poet, director and tutor, sculptor, choreographer, chorus master, painter and other creative specialist to create or performance the works of literature or art, as well as at the specific individual, including individual entrepreneur or legal entity for production and supply of decoration, stage furniture, stage outfit (including head-dresses and shoes) and necessary for creation of decoration and stage outfit of materials, as well as theatrical props, props, makeup, postiche products, theatrical puppets necessary for creation and (or) execution of works by organizations, specified in this paragraph.

21. Procurement of services for the field supervision of the development of design documentation of objects for capital construction, field supervision of construction, reconstruction and capital repair of construction by relevant authors.

22. Placement of an order for conducting of technical and field supervision of performance of works on preservation of cultural heritage (historical and cultural monuments) of peoples of the member states.

23. Procurement of services related with direction of the employee to the business trip, pupils, students, post-graduate students for participation in creative contests (competitions, Academic Olympics, festivals, games), exhibitions, plain-airs, conferences, forums, master classes, probations, implementation of educational practical tasks, including travel to the place of conducting of these events and back, hiring of premises, transport service, provision of meals, as well as goods and services related with hospitality expenses.

24. Placement of an order for rendering of services related to ensuring the visits of heads of foreign states, heads of governments of foreign states, heads of international organizations, parliamentary delegations, government delegations, delegations of foreign states (hotel, transport service, operation of computer equipment, provision of meals).

25. Procurement of goods, works and services necessary to ensure protection and security of the head of the member state, other protected persons and objects intended for residence of protected persons (domestic, hotel, transport service, operation of computer equipment,

provision of sanitary and epidemiological welfare, provision of safe food) as well as services on formation of video archive and information service of activity of the head of the state member.

26. Procurement of material valuables sold from the state and mobilization material reserves.

27. The emergence of a need for an additional quantity of the relevant goods, works or services by the customer who has purchased from a specific supplier. In this case, the quantity of additionally purchased goods or the volume of additionally purchased works or services may not exceed 10 percent of the number of goods or the volume of works or services stipulated by the purchase agreement (contract) (the price of one unit of additionally supplied goods or performed works or rendered services must be determined as the quotient of the initial contract price divided by the number of such goods, volume of works or services stipulated in the contract).

Footnote. Paragraph 27 – as amended by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

28. Carrying out of procurement of services for the management of the apartments on the basis of the choice of the owners of premises in the apartment or local government body in accordance with the housing legislation of managing authority, if the premises in the apartment are in a private, state or municipal property.

29. Conclusion of an agreement (contract) on procurement, the subject of which is acquisition of building, structure, construction, premise, having residential purpose, determined by the act in accordance with the legislation of the member state, as well as rent of building, structure, premise, having residential purpose, procurement of services for technical content, protection and maintenance of the rented premise, procurement of services on technical maintenance, protection and service of one or several non-residential premises, transferred for the free use to the state or municipal customer, in the case if these services are rendered to another person or persons using the non-residential premises located in the building, in which the premises transferred for free use and (or) operational management are located.

30. The need for carrying out of procurements for daily and (or) weekly requirements for the period before the results of procurements and entering of agreement (contract) on procurement into legal force, in the case if such procurement is carried out during the first month on the list established by the legislation of the member state. In this case, the volume of procurement may not exceed the amount of goods, volume of works and services necessary to ensure the needs of the customer during the term of carrying out of procurement, but not more than 2 months.

31. Acquisition of goods, works and services for implementation of operational and investigative activity, investigatory actions, by bodies authorized to carry out them for the security of persons, subject to the state protection, in accordance with the legislation of the

member state, as well as the services of civil servants and specialists having the necessary scientific and technical or other special knowledge.

32. Acquisition of the right of natural resource use.

33. Acquisition of services for training, retraining and advanced training of employees abroad.

34. Acquisition of services of rating agencies, financial services.

35. Acquisition of services of specialized libraries for the blind and visually impaired citizens.

36. Acquisition of securities and shares in the charter capital (charter fund) of legal entities.

37. Acquisition of goods, works and services necessary for conducting of elections and referendums in the member state according to the list provided by the legislation of the member state.

38. Acquisition of goods, works and services carried out in accordance with international agreements of the member states, according to the list approved by the supreme executive body of the member state, as well as in the implementation of investment projects financed by international organizations, the member of which is the member state.

39. Conclusion of an agreement (contract) on procurement of geodetic, cartographic, topographic and hydrographic support of delimitation, demarcation and verification of passage the line of the state border, as well as delimitation of maritime spaces for the purposes of performance the international obligations of the member state.

40. Acquisition of goods, works and services related with the use of cash grants, provided by supreme executive body of the member state on a grant basis by the states, state governments, international and state organizations, foreign non-governmental public organizations and funds, activity of which bears the charitable and international character, as well as monetary funds allocated to co-financing of these grants in the cases when the agreements on their provision provide other procedures of procurement of goods, works and services.

41. Acquisition of services related with the state educational order for individuals (in the case if individual independently selected an educational organization).

42. Acquisition of services for the treatment of citizens of the member states abroad, as well as services for their transportation and maintenance.

43. Acquisition of goods and services which are the objects of intellectual property, from person who has the exclusive rights in relation of acquired goods and services.

44. Acquisition of goods, works and services by foreign institutions of the member states, separate subdivisions of customers acting on their behalf, for ensuring of its activity in the territory of a foreign state, as well as for purposes of peacekeeping operations.

45. Acquisition of services on provision of information by international news organizations.

46. Acquisition of goods, works and services necessary for carrying out of monetary activity and activity for management of the national fund of the member state and pension assets.

47. Acquisition of consulting and legal services on protection and provision of interests of the state or customers in international arbitration, international commercial arbitration and international judicial bodies.

48. Acquisition of services on property trust of a person determined by the legislation of the member state.

49. Acquisition of services on data processing of statistical observations.

50. Acquisition of property (assets), sold at the tenders (auctions) by the officers of justice in accordance with the legislation of the member state on enforcement proceedings, conducted in accordance with the legislation of the member state on bankruptcy, land legislation and privatization of the state property.

51. Acquisition of services rendered by lawyers to persons released from their payment in accordance with the legislation of the member state.

52. Acquisition of goods to the state material reserve for making the regulatory impact on the market in the case, established by the legislation of the member state.

53. Acquisition of services for the storage of material values of the state material reserve.

54. Acquisition of services for the preparation and organization of the space-flights of astronauts in the case, established by the legislation of the member state, as well as services for design, assembly and testing of the spacecraft.

55. Acquisition of services for repair of aviation equipment in the specialized repair enterprises.

56. Acquisition of services for the production of the state and departmental awards and documents to them, the badge of the deputy of the legislative body of the member state, and document to it, state verification marks, passports (including official and diplomatic), identity card of the citizen of the member state, residence permit of a foreigner in the member state, certificates of stateless persons, certificates of registration of acts of civil status, as well as procurement of printed production that require a special level of protection from suppliers, determined by the supreme executive body of the member state, according to the list approved by the supreme executive body of the member state.

57. Procurement of precious metals and gems to replenish the state fund of precious metals and gems.

58. Acquisition of services on compulsory medical examinations of workers engaged in heavy works, works under harmful (particularly harmful) and (or) dangerous working conditions, as well as works related with increased risk, machinery and mechanisms.

59. Acquisition of sports equipment and equipment (outfit), sport outfit, necessary for participation and (or) preparation of sports national and picked teams of the member state, as well as for participation of sports national and picked teams of the member state in the

Olympic, Paralympic, Deaflympic and other international sports events on the basis of schedule plan, approved by the state administration body, carrying out regulation in this scope .

60. Acquisition of goods, works and services at the expense of funds allocated from the reserve of the head of the member state or government of the member state to the immediate costs in the case of situations that threaten the political, economic and social stability of the member state or its administrative-territorial units.

61. Acquisition of goods, works and services necessary for ensuring of activity of special forces units of law-enforcement and special state bodies related with detection and suppression of explosive substances and explosive devices, conducting of anti-terrorist operations, as well as special operations on release of hostages, arrest and neutralization of armed criminals, extremists, terrorists and members of organized criminal groups, persons, committed the grave and especially grave crimes.

62. Acquisition of special social services provided by a guaranteed volume of special social services provided to the persons (families, consisting of persons) with permanent disabilities of the body caused by physical and (or) mental abilities, and (or) persons without definite place of residence, as well as persons (families, consisting of persons) who are incapable to self-care due to advanced age, as well as services for the assessment and determination of the need for special social services.

63. Acquisition of products of national artistic trades, in the cases determined by the legislation of the member state.

Annex №24
To the Minute on procedure
of regulation of procurements

The list of goods, works and services on which the procurements are carried out by conducting of auction

1. Agricultural products, hunting products, services in the agricultural sector and hunting, except for the live animals, products and services related with hunting, fishing and game propagation, as well as products of hunting and fishing of game.*

2. Forest products and logging, services for forestry and logging.

3. Products of fishery, fish hatcheries and fish farms, services related with fishery.*

4. Coal, lignite and peat.

5. Crude oil and natural gas, services in their production, except for engineering survey works.

6. Metallic ores.

7. Stone, clay, sand and other types of mineral raw materials.

8. Foods and beverages.*

9. Textiles and textile products.

10. Clothes, fur and fur goods, except for the children's clothes.

11. Leather and leather goods, saddlery and footwear.

12. Wood, products of wood, cork, straw and plaiting, except for the furniture.

13. Pulp, paper, paperboard and products from them.

14. Graphic and printed products, except for the promotional materials, drawings, drafts, printed photos, souvenir and gift sets (pads and notebooks), voting ballots in elections and referendums.

15. Products of coke ovens.

16. Products of organic and inorganic synthesis.

17. Rubber and polymer products.

18. Non-metallic mineral products, except for the glass household products, products for interiors, as well as ceramic non-construction, non-fireproof products.

19. Metal industry products.

20. Metalwork products, except for the machinery, equipment, nuclear reactors and parts of nuclear reactors, charge particle accelerators.

21. Machinery and equipment not included in other categories, except for the weapons, ammunition and their parts, explosive devices and explosive substances the national economic purpose.

22. Office and computing technique.

23. Electric motors and electrical facility (including electric equipment), not included in other categories.

24. Equipment and facility for radio, television and communication.

25. Medical equipment and apparatus, measuring instruments, photo and cinema equipment (except for the medical equipment and medical products, determined by the legislation of the member state on procurements).

26. Motor vehicles, trailers and semitrailers, car bodies, parts and automobile accessories, garage equipment.

27. Other transport vehicles, except for the commercial and passenger vessels, warships, air and spacecraft, equipment and aircraft parts.

28. Finished products, except for the jewelry and related products, musical instruments, games and toys, equipment for the training of the labor process, textbooks and school equipment, arts and crafts items, works of art and collectibles, exposed film, human hair and animals, from synthetic materials and products from it.

29. Waste and scrap in the form suitable for the use as a new raw material.

30. Services for trading, maintenance and repair of motor vehicles and motorcycles.

31. Wholesale and commission trade services, except for the motorcars and motorcycles trade.

32. Land transport services, except for the railway transport services, subway services, pipeline transportation services.

33. Water transport services.

34. Auxiliary and additional transport services, services in the field of tourism and excursions, except for the services of travel and tourist agencies, other services on rendering of assistance to the tourists.

35. Communication, except courier services, except for the services of national mail, electrical communication services.

36. Financial intermediation services, except for the insurance and pension provision, services for organization of issuance of bond loans.

37. Services, which are auxiliary in relation to financial intermediation, except for the valuation services.

38. Services on maintenance operations and repair of office equipment, computers and peripheral equipment used jointly with them.

39. Services for cleaning of buildings.

40. Packaging services.

41. Services for waste disposal, sanitary processing and similar services.

*Except for the procurements in organizations, carrying out the disciplinary, educational process for children, healthcare organizations, social service institutions and recreation organizations for children, public catering services for the specified institutions and organizations.

ANNEX №26
to the Agreement
on Eurasian Economic Union

MINUTE on security and protection of rights on the intellectual properties I. General provisions

1. This Minute is developed in accordance with section XXII of Agreement on Eurasian Economic Union and regulates relations in the scope of security and protection of rights on the intellectual properties.

2. Intellectual properties shall be regarded as scientific, literary and artistic works, electronic computer programs (computer programs), phonograms, performances, trade and service marks, geographical indications, appellation of origin of goods, inventions, useful models, industrial designs, selection achievements, topologies of integrated microcircuits, production secrets (know-how), as well as other intellectual properties, to which the legal protection is provided in accordance with international treaties, international treaties and acts, constituting the Union law and the legislation of the member states.

II. Copyright and related rights

3. Copyright shall be distributed to works of science, literature and art. Author of the work shall have, in particular, the following rights:

1) exclusive right to work;

2) copyright;

3) a right on name;

4) a right of integrity of the work;

5) a right to public disclosure of the work;

6) other rights established by the legislation of the member states.

4. The member states shall ensure observance of terms for protection of exclusive right to the work of author, exclusive right to the work, created in co-authorship, exclusive right to the work, published after the death of author, which will be not less than the terms, established by the Berne Convention on protection of literary and art works dated 9 September, 1886 (is in the wording in 1971), Agreement of the World Trade Organization on the trade dimensions of rights to intellectual property dated 15 April, 1994. Long terms of protection of specified rights may be attached to the legislation of the member states.

Electronic computer programs (computer programs), including the source code and object code shall be protected as a literary work in accordance with the Berne Convention on protection of literary and art works dated 9 September, 1886 (is in the wording in 1971).

Composite works (encyclopedias, compilations and other works), presenting the result of the work on selection or arrangement of materials shall be protected without damage to the rights of authors of each work, constituting a part of composite work. Author of composite work has a copyright to compilation (selection or arrangement of materials). Upon that the composite works shall be protected by copyright irrespective of whether the copyright objects are the works, on which they are based, or they include.

Derivative works (translations, adaptations, musical arrangements and other alterations of a literary or art work) shall be protected on equal terms with original works without damage to the rights of author of original work. Author of derivative work has the copyright to translation and other processing of another (original) work.

5. The member states shall provide a right to permit or prohibit the public commercial rental of originals or copies of their works, protected by the copyright, in the territories of another member states, to the right holders in relation of cinematographic works.

6. Property and personal non-property rights to results of performance activity (performance), phonograms and other rights, established by the legislation of the member states shall be related with copyright (related rights).

Performer shall be regarded as individual, whose performance is created by creative work, - performing artist (actor, singer, musician, dancer or other person who performs, reads, declaims, sings, plays a musical instrument or otherwise participates in execution of works of literature, art or folk art, including variety, circus or puppet show), as well as production director of the play (a person, carried out the performance of theatrical, circus, puppet, variety or other theatrical production) and director.

The member state shall provide the following rights to the performers of the member states on a reciprocal basis:

exclusive right to performance;

right to a name – right to specify its name or nickname on copies of phonogram and in other cases to use execution, right to specify the name of group of performers, except for the cases, when the character of the use of performance excludes a possibility of specification of the name of performer or the name of group of performers;

other rights established by the legislation of the member states.

7. Performers shall exercise its rights with observance of rights of authors of performed works. Rights of performer shall be recognized and remained in force irrespective of existence of effect of copyrights on performed work.

8. The maker (producer) of phonogram shall be recognized as a person who has taken the initiative and responsibility for the first sound recording of performance or other sounds or the representations of these sounds. In the absence of evidences of another, the maker (producer) of phonogram shall be recognized as a person, the personal or business name of which is specified on a copy of the phonogram and (or) on its packaging in the usual manner.

The member states shall provide the following rights to the makers (producers) of phonograms:

exclusive right to phonogram;

other rights, established by the legislation of the member states.

9. The member states shall ensure observance of terms for protection of exclusive right to performance, exclusive right to phonogram, which will be not less than the terms, established by the Agreement of the World Trade Organization on the trade dimensions of rights of intellectual property dated 15 April, 1994 and International Convention on protection of rights of performers, producers of phonograms and broadcast organizations dated 26 October, 1961. Long terms of protection of specified rights may be attached to the legislation of the member states.

10. Collective management organization of rights shall be organization, acting on the basis of powers, received from authors, performers, makers (producers) of phonograms and other holders of copyright and related rights, unless otherwise provided by the legislation of the member states, as well as powers, received from other collective management organization of rights, in the scope of management of relevant rights on collective basis for the purposes of obtainment of compensation for the use of items subject to copyright and related rights by the authors and other rights holders.

Relations arising in connection with activity of collective management organization of rights for the purposes of ensuring the possibility of lawful use of items subject to copyright and related rights shall be regulated by international agreement within the Union.

III. Trademarks and service marks

11. The trademark and service mark (hereinafter – trademark) shall be designation, protected in accordance with the legislation of the member state and international treaties,

participants of which are the member states, and serving for ascertainment of goods and (or) services of certain participants of civil circulation from goods and (or) services of another participants of civil circulation.

Verbal, figurative, volume and other designations, or their combinations may be registered in accordance with the legislation of the member state as the trade mark. A trademark may be registered in any color or color combination.

12. Trademark owner shall have an exclusive right to use the trademark in accordance with the legislation of the member state and dispose of this exclusive right, as well as the right to prohibit to other persons to use the trademark or designation, similar to the point of confusion, in relation of similar goods and (or) services.

13. The term of validity of original registration of trademark is 10 years. The specified term may be extended unlimited number of times by application of right holder of the trademark each time for the term not less than 10 years.

Legal protection of trademark may be early terminated in the territory of the member state in relation of all goods and (or) services or part of goods and (or) services, for ascertainment of which the trademark is registered in the territory of this member state, due to non-use of trademark continuously during any 3 years after its registration in the manner provided by the legislation of this member state, except for the cases of non-use of the trademark on circumstances independent of right holder.

Provision of legal protection to the trademark may be challenged and recognized as invalid in the manner and on the grounds, which are provided by the legislation of the member state, in the territory of which this trademark if registered.

IV. Trademarks of the Eurasian Economic Union and service marks of the Eurasian Economic Union

14. The member states shall carry out registration of the trademark of the Eurasian Economic Union and service mark of the Eurasian Economic Union (hereinafter – trademark of the Union). Legal protection shall be provided to the trademark of the Union simultaneously in the territories of all member states.

Designation represented only in graphical format may be registered as the trademark of the Union.

Right holder of the trademark of the Union shall have an exclusive right to use the trademark of the Union in accordance with the legislation of the member state and dispose of this exclusive right, as well as the right to prohibit to other persons to use the trademark of the Union or designation, similar to the point of confusion, in relation of similar goods and (or) services.

15. Relations, arising in connection with registration, legal protection and use of the trademark of the Union in the territories of the member states shall be regulated by international treaty within the Union.

V. Principle of exhaustion of exclusive right to the trademark, trademark of the Union

16. Principle of exhaustion of exclusive right to the trademark, trademark of the Union shall be applied in the territories of the member states in accordance with which the use of this trademark, trademark of the Union in relation of goods, which were legally introduced to the civil circulation in the territory of any of the member states directly by the right holder of the trademark and (or) trademark of the Union or other persons with its consent, is not a violation of the exclusive right to the trademark, trademark of the Union.

VI. Geographical indications

17. The geographical indication shall be regarded as designation, which identifies the goods as originated from the territory of the member state, region or locality in this territory, if the quality, reputation or other characteristic of the good is largely conditioned by its geographical origin.

18. Legal protection may be provided to the geographical indication in the territory of the member state, if such legal protection is provided by the legislation of this member state or international treaties, participant of whom it is.

VII. Appellation of origin of goods

19. Appellation of origin of goods which is provided by the legal protection is the designation, representing or containing a modern or historical, official or non-official, full or abbreviated name of the country, urban or rural settlement, locality or other geographical object, as well as designation, derived from such name and became known in the result of its use in relation of goods, special properties of which are exclusively or essentially determined by natural conditions and (or) human factors, typical for this geographical object.

Specified provisions shall be applied to designation, which allows to identify the goods as originated from the territory of a particular geographical object, and although does not contain the name of this object, became known in the result of the use of this designation in relation of goods, special properties of which conform to the requirements specified in the first item of this paragraph.

20. Designation shall not be recognized as appellation of origin of goods, although representing or containing the name of geographical object, but entered into common use as designation of goods of certain type, not related with the place of its production.

Provision of legal protection to the appellation of origin of goods may be challenged and recognized as invalid in the manner and on the grounds, which are provided by the legislation of the member state.

21. In relation of appellation of origin of goods, the member states shall provide the legal measures allowing to the interested parties to prevent:

1) to use of any means upon designation or presentation of goods, which specify or evoke associations that these goods originate from geographical region, different from the present place of origin, so that it is able to mislead the consumer concerning the place of origin and special properties of goods;

2) any use which represents an act of unfair competition within the meaning of Article 10-bis Paris convention on protection of industrial property dated 20 March, 1883.

VIII. Appellation of origin of goods of the Eurasian Economic Union

22. The member states shall carry out registration of appellation of origin of goods of the Eurasian Economic Union (hereinafter – appellation of origin of goods of the Union). Legal protection shall be provided to the appellation of origin of goods of the Union simultaneously in the territories of all member states.

23. Relations, arising in connection with registration, legal protection and use of the appellation of origin of goods of the Union in the territories of the member states shall be regulated by international treaty within the Union.

IX. Patent rights

24. Right to invention, utility model and industrial design shall be protected in the manner established by the legislation of the member states and approved by a patent which certifies priority, authorship and exclusive right to invention, utility model and industrial design.

25. Author of invention, utility model or industrial design shall have the following rights:

1) exclusive right to invention, utility model or industrial design;

2) right of authorship.

26. Author of invention, utility model or industrial design shall also have other rights, as well as the right to receipt of a patent, right to remuneration for the use of service invention, utility model or industrial design in the cases, provided by the legislation of the member states .

27. The term of validity of exclusive right to invention, utility model, industrial design is:

1) not less than 20 years – for inventions;

2) not less than 5 years – for utility models;

3) not less than 5 years – for industrial designs.

28. Patent for invention, utility model or industrial design shall provide to the patent holder an exclusive right to use invention, utility model or industrial design by the method, not contradicting to the legislation of the member states, as well as the right to prohibit the use of specified objects to other persons.

29. The member states shall have a right to provide restriction of rights, provided by a patent, upon condition that such exclusions do not cause unjustified damage to the common use of inventions, utility models or industrial designs and do not infringe the legal interest of patent holder by unreasonable way, considering the legal interests of third persons.

X. Selection achievements

30. Protection of right to plant varieties and animal breeds (selection achievements) shall be carried out in the cases and manner established by the legislation of the member states.

31. Author of selection achievement shall have the following rights:

1) exclusive right to selection achievement;

2) right of authorship.

32. Author of selection achievement shall also have other rights, as well as the right to receipt of a patent, right to the name of selection achievement, right to remuneration for the use of official selection achievement in the cases, provided by the legislation of the member states.

33. The term of validity of exclusive right to selection achievement is not less than 25 years for the plant varieties, animal breeds.

XI. Topologies of integrated microcircuits

34. Topology of integrated microcircuit shall be spatially geometric arrangement of assembly of integrated circuits elements and connections between them, recorded in the material medium.

35. Right of intellectual property to topologies of integrated microcircuit shall be protected in accordance with the legislation of the member states.

36. Author of topology of integrated microcircuit shall have the following rights:

1) exclusive rights to topology of integrated microcircuit;

2) right of authorship.

37. Author of topology of integrated microcircuit shall also have other rights, as well as the right to remuneration for the use of official topology in the cases, provided by the legislation of the member states.

38. The term of validity of exclusive right to topology of integrated microcircuit is 10 years.

XII. Production secrets (know-how)

39. The production secrets (know-how) shall be recognized as details of any character (industrial, technical, economic, organizational and other), as well as details on results of intellectual activity in scientific and technical scope, as well as details on methods of carrying out of professional activity, which have actual or potential commercial value by virtue of

uncertainty them to third persons, to which the third persons do not have a free access on legal grounds and in relation of which the regime of commercial secret is introduced by the owner of such details.

40. Legal protection of production secret (know-how) shall be provided in accordance with the legislation of the member states.

XIII. Law enforcement measures on protection of right to intellectual properties

41. Coordination of actions of the member states on protection of rights to intellectual property within the Union shall be carried out in accordance with international treaty within the Union.

ANNEX №27
to agreement on
Eurasian Economic Union

MINUTE
on industrial cooperation

1. The concepts used in these Rules shall have the following meanings:

“priority types of economic activity” – types of activity, determined by all member states as priorities for implementation of basic direction of industrial cooperation;

“industrial cooperation” – sustainable mutually beneficial cooperation of economic entities of the member states in the field of industry;

“industrial policy within the Union” – an activity of the member states on the basic directions of industrial cooperation, carried out by the member states both independently and upon consultative support and coordination of Commission;

“industry” – a set of economic types of activity, relating to mining and processing industry, except for the food processing, in accordance with national classifiers of types of economic activity. Other types of industrial activity shall be regulated by relevant sections of Agreement on the Eurasian Economic Union;

“industrial cluster” – a group of interrelated industrial and organizations related with them , complementing each other and thereby enhancing their competitive advantages;

“technological platform” – an object of innovation infrastructure, allowing to ensure the effective communication and creation of advanced commercial technologies, high-technology , innovative and competitive products on the basis of participation of all interested parties (business, science, state, public organizations).

2. The powers of Commission within the consultative support and coordination of activity of the member states on the basic directions of industrial cooperation within the Union are:

1) assistance:

information exchange, conducting of consultations, formation of joint platforms for the discussion of issues relating to development of basic directions of industrial cooperation, as well as promising directions of innovation activity;

development of proposals, directed to deepening of cooperation of the member states upon implementation of industrial policy within the Union;

exchange of experience on issues, related with conducting of reforms and structural changes in the industry, promotion of innovation activity, development of industry;

development and implementation of joint programs and projects;

development of programs of exchange of experience for industrial complexes of the member states;

involvement of small and medium-sized business entities of the member states to the industrial cooperation;

information interaction;

development and implementation of joint measures on counteraction to the consequences of the world economic crisis in the scope of industry by the member states;

development of recommendations on formation of the Eurasian technological platforms;

2) carrying out:

submission of recommendations on further development of industrial cooperation in recognition of interests of each of its participants for consideration of the member states;

monitoring and analysis of implementation of the Basic directions of industrial cooperation within the Union;

studying the world experience in the development of industry in order to identify the actual methods of development of industry for the member states;

3) carrying out by decision of Intergovernmental council:

preparation of projects of provisions on development, financing and implementation of joint programs and projects;

identification of administrative and other barriers on the way of development of industrial cooperation within the Union and development of proposals on their subsequent elimination;

preparation of proposals on formation of cooperative chains of production of joint products;

monitoring of market of industrial products within the Union, as well as export markets of third countries;

analysis for development of industry of the member states;

development of other (additional) documents, such as rules, procedures and mechanisms for the implementation of industrial policy within the Union jointly with the member states on the basic directions of industrial cooperation, as well as framework agreements on cooperation.

Specified list of functions shall not be exhaustive and may extend by the decision of the Intergovernmental Council.

3. To support the implementation by Member States of cooperation projects in industrial sectors, the list of which is determined by the Intergovernmental Council, the Council of the Commission may decide to provide financial assistance for their implementation from the Union budget.

The amount of funds provided in the Union budget for the next financial year for the provision of financial assistance in the implementation by Member States of cooperation projects in industrial sectors shall be determined as a percentage of the total amount of revenues to the budgets of Member States from special, anti-dumping and countervailing duties in the financial year preceding the year of approval of the Union budget.

The size of the specified percentage ratio and the form of financial assistance provided in the implementation of cooperation projects in industrial sectors by member states shall be determined by the Supreme Council.

The procedure for the selection and implementation by Member States of cooperation projects in industrial sectors, as well as the provision of financial assistance from the Union budget, shall be determined in accordance with the regulations approved by the Intergovernmental Council.

The mechanism of financial assistance provided for in this paragraph shall be applied for 5 years from the date of entry into force of the Protocol on Amendments to the Treaty on the Eurasian Economic Union of May 29, 2014, in terms of providing financial assistance in the implementation by the member states of the Eurasian Economic Union of cooperation projects in industrial sectors, signed on May 25, 2023.

The decision to extend the application of the financial assistance mechanism shall be taken by the Supreme Council.

In the event of termination of the indicated mechanism, the Member States and the Commission shall be obliged to ensure the full fulfilment of financial obligations arising based on decisions of the Council of the Commission adopted within the framework of its operation on the provision of financial assistance for the implementation of cooperation projects in industrial sectors, for the entire duration of the implementation of such projects.

This obligation shall remain in force despite the termination of the mechanism until it is fully implemented.

Footnote. Annex 27 has been supplemented with paragraph 3 in accordance with the Law of the Republic of Kazakhstan dated 27.05.2024 № 88-VIII.

ANNEX №28
to Agreement on
Eurasian Economic Union

MINUTE
on unified rules of provision of industrial subsidies

1. This Minute is developed in accordance with Article 93 of Agreement on Eurasian Economic Union (hereinafter – Agreement) and establishes the unified rules, regulating provision of subsidies in relation of industrial goods, as well as upon provision or reception of services, that are directly related with production, sale (including storage, export from the territory of the member state and transportation) and (or) consumption of industrial goods.

2. The concepts used in this Minute shall have the following meanings:

administrative-territorial units" - administrative-territorial units of the Republic of Armenia, Republic of Belarus (including Minsk city), Republic of Kazakhstan (including Nur-Sultan, Almaty and Shymkent cities) and Kyrgyz Republic (including Bishkek and Osh cities), entities and municipalities of the Russian Federation;

“similar goods” – the goods, completely identical to the goods, upon production, export from the territory of the member state or transportation of which a specific subsidy is used, or in the absence of such goods – other goods, which have characteristics, close to the characteristics of goods, upon production, export from the territory of the member state or transportation of which a specific subsidy is used;

“compensatory measure” – a measure on neutralization of negative impact of specific subsidy of subsidizing member state on the branch of economy of the member state, filed an application for introduction of such measure;

“competent body” – a body of the state power of the member state, responsible for conducting of investigations;

“material damage to the branch of the national economy” – deterioration of the branch of national economy, approved by the evidences, which is occurred due to export of industrial goods from the territory of the member state, providing a subsidy upon production, transportation, storage of these goods and is expressed in reduction of volume of production and sale of similar goods in the territory of the member state, in reduction of profitability of production of such goods, in negative impact on the trade inventories, employment, salary level and the level of investment in this sector;

“national producers of similar goods” – producers of similar goods in the member state, conducting the investigation;

“a branch of the national economy” – all producers of similar goods in the member state or those of them, a share of which is less than 25 percent in the total volume of production of similar goods in the member state;

“recipient of subsidy” – producer of industrial goods, which is a beneficiary of subsidy;

“producers of subsidized goods” – producers of subsidized goods of the member state, provided a specific subsidy;

“industrial goods” – the goods classified in groups of 25 – 97 of FEACN (Foreign Economic Activity Commodity Nomenclature of the Customs Union) of the EEU, as well as fish and fish products, classified in accordance with FEACN of the EEU in subheadings 2905 43 000 0 and 2905 44, headings 3301, 3501 - 3505, subheadings 3809 10 and 3824 60,

headings 4101 - 4103, 4301, 5001 00 000 0 - 5003 00 000 0, 5101 - 5103, 5201 00 - 5203 00 000 0, 5301 and 5302 (subheading 2905 43 000 0 – mannitol, subheading 2905 44 – sorbate, heading 3301 - essential oils, headings 3501-3505 - albuminoid substances, modified starches , glues, subheading 3809 10 – substances for surface treatment, subheading 3824 60 – sorbitol , other products, headings 4101-4103 – skins and rawhide, heading 4301 - undressed furs, heading 5001 00 000 0 - 5003 00 000 0 – raw silk and silk waste, heading 5101-5103 - wool and animal hair, subheading 5201 00 - 5203 00 000 0 - raw cotton, cotton sweepings, combed cotton fiber, heading 5301 - raw flax, heading 5302 - raw hemp). Description of goods is not necessarily exhaustive.

Changes and the list of specified codes of FEACN of the EEU shall be made by the Council Commission;

"subsidized goods" – industrial goods, upon production, transportation, storage or export of which from the territory of subsidized member state the specific subsidy is used;

"subsidized member state" – the member state, subsidizing body of which provides a subsidy;

"subsidizing body" – one or several state bodies or local government bodies of the member states, who make decisions in the field of provision of subsidies; "subsidy":

a) financial assistance, which is rendered by subsidizing body (or structure, authorized by the member state), in the result of which the benefits are created (ensured) and which is carried out by:

direct funds transfer (for example, in the form of non-performing loans, credits), or acquisition of a share in the charter capital, or its increase, or obligations to transfer such funds (for example, guarantees on credits);

full or partial non-collection of payments, which shall be received in the income of the member state (for example tax benefits, debt remission). Upon that exemption of exported industrial goods from duties and taxes, collected from similar goods, intended for domestic consumption, or reduction of such duties and taxes, or return such duties and taxes in the amount, not exceeding actually accrued amount shall not be considered as subsidy;

provision of goods or services (except for the industrial goods or services, intended for support and development of common infrastructure);

acquisition of industrial goods;

b) any other form of support of incomes or prices, which has an effect (directly or indirectly) on reduction of import of industrial goods from the territory of any member state or increase of export of industrial goods to the territory of any member state, in the result of which the advantage is provided;

"a threat to cause the material damage to the branch of national economy" - the inevitability of causing of material damage to the branch of national economy, approved by the evidences;

"a damage to the branch of national economy" – material damage to the branch of national economy, a threat to cause the material damage to the branch of national economy or significant slowdown in the creation of the branch of national economy.

Footnote. Paragraph 2 as amended by Laws of the Republic of Kazakhstan № 265-V of 24.12.2014; № 346-V of 02.08.2015; № 6-VII of 15.02.2021.

II. Specific subsidies

3. The following principles shall be applied in order to determine whether a subsidy is specific for industrial enterprise or branch of industry or group of industrial enterprises or branches of industry (hereinafter – certain enterprises) within the territory, on which the powers of subsiding body are distributed:

1) if an access to subsidy is restricted by the subsidizing body or legal act, in accordance with which the subsiding body operates, only for the certain enterprises, such subsidy shall be considered as specific upon condition that the group of industrial enterprises or group of branches of industry does not include all industrial enterprises or branches of industry in the territory of subsiding member state;

2) if objective criteria or conditions (criteria which are neutral, not an advantage for some enterprises than others, are economic by nature and horizontal according to the method of application, such as the number of employees or size enterprises) are established by the subsidizing body or legal act, in accordance with which the subsiding body operates, such subsidy shall not be considered as specific upon condition that the right to receive it is automatic and that such criteria and conditions are strictly executed. Criteria and conditions shall be determined in the Law, instruction, legal act or other official documents so that they may be verified;

3) if in spite of appearance of non-specificity, resulting from application of the principles, specified in paragraphs 1 and 2 of this paragraph, there are grounds to believe that the subsidy may in fact be specific, it may be taken into account the following factors (upon that it is necessary to bear in mind the degree of diversification of economic activity within the territory, in which the powers of subsidizing body and the time duration during which the subsidy operates are distributed):

use of subsidy by a limited number of certain enterprises;

preferential use of subsidies by certain enterprises;

provision a disproportionately large amounts of subsidies to certain enterprises;

using of discrete method, which the subsidizing body has upon making decision on provision of subsidies (in this regard, in particular, it is taken into account information about the frequency of failures or approvals of applications for subsidy and the motives of relevant decisions).

4. A subsidy the use of which is restricted by the certain enterprises, located in a designated geographical area that is a part of territory, in which the powers of subsidizing

body are distributed shall be specific. Introduction or change by the state body of the member state the tax rates remaining in force within the entire territory, in which its powers are distributed shall not be considered as specific subsidy.

5. Any subsidy falling under provision of section III of this Minute shall be considered as specific.

Establishment of the fact that a subsidy is specific in accordance with this section shall be based on the evidences of existence of specific subsidies.

6. The member state shall have a right to apply to Commission for the purposes of coordination of provision by it a specific subsidy.

The member states shall not apply the compensatory measures to subsidies, which are provided in term, on conditions and volumes which are coordinated by Commission.

The member states shall direct the regulatory legal acts, providing provision of specific subsidies to the Commission in the manner of compulsory informing within the period established by international treaty within the Union provided by paragraph 7 of this Minute.

In the case if one of the member states has the grounds to believe that provision of specific subsidy to other member states may cause damage to the branch of national economy , such member state shall have a right to initiate conducting of relevant proceedings by Commission.

If the existence of damage to the branch of national economy is approved according to the results of proceeding, the Commission shall make decision on that the member state, providing such specific subsidy is obliged to eliminate conditions that lead to damage, if the member states involved in the proceedings do not agree otherwise during the term established by the international treaty within the Union provided by paragraph 7 of this Minute.

Commission shall establish the reasonable time for execution of such decision.

If the member state, in relation of which the specified decision is made, does not execute this decision of Commission in the established period, other member states may apply to the Court of the Union.

Application of provision of this paragraph shall be carried out in recognition of transitional provisions provided by paragraph 1 of Article 105 of Agreement.

7. The member states shall determine by the international treaty within the Union:

procedure of voluntary coordination with Commission of specific subsidies and adoption of relevant decisions by Commission;

procedure of conducting of proceedings by Commission (as well as on facts of violation of commission, procedure of provision and use of specific subsidies, established by this Minute);

criteria on the basis of which the Commission will make decision on admissibility of inadmissibility of specific subsidies (as well as in recognition of development of existing and new cooperation ties between producers of the member states);

procedure and conditions of request of information on provided subsidies by Commission.

The term of entering of specified international treaty into legal force is provided by paragraph 1 of Article 105 of Agreement.

8. In the case if the requirement in relation of receiver of subsidy (producer) on necessity of implementation of technological operations upon production of certain goods for reception of specific subsidy is established by the member state, implementation of such operations by producer of another member state in other member states shall be recognized as the proper implementation of such requirement in accordance with procedure determined by the Superior Council.

III. Prohibited subsidies

9. The following types of subsidies are prohibited:

export subsidy – subsidy, provision of which is linked as the single or one of several conditions with results of export of industrial goods from the territory of the member state providing this subsidy to the territory of another Member State;

replacement subsidy – a subsidy provision of which is linked as the single or one of the several conditions with the use of industrial goods, originating from the territory of the member state providing this subsidy.

The linkage shall be also regarded as existence of facts, certifying that provision of subsidy which is not legally conditioned by results of export of industrial goods from the territory of subsidizing member state or the use of industrial goods, originating from the territory of such member state, in fact is related with actual and expected export (exportation), or export earnings (earnings upon export), or requirement on the use of industrial goods, originating from the territory of subsiding member state.

The mere fact that subsidy is provided to the economic entity, carrying out export may not serve as a basis to consider it as export subsidy.

10. In the case if the result of provision of specific subsidy by one member state is causing a damage to the branch of national economy of another member state, such subsidy shall be prohibited.

Causing damage to the branch of national economy shall be proved in accordance with section V of this Minute.

11. The member states shall not preserve and introduce the measures, which are applied on the basis of regulatory legal act or legal act of subsiding body, observance of which is necessary for reception of specific subsidies and which correspond to the one of the following conditions:

1) contains requirements on:

conducting of procurements or the use by the economic entity the industrial goods, originating from the territory of the member state, which introduces a measure or from any other source (regardless of whether the specific goods, their volume or the cost or share of volume or the cost of the local production are determined), specified by subsiding body;

restriction of procurements or the use by the economic entity the industrial goods, imported from the territory of any of the member state in the amount related with volumes or cost of exported by this economic entity industrial goods, originating from the territory of the member state, which introduces a measure,

2) restrict to:

import by the economic entity the industrial goods from the territory of the member state, used in the local production or related to such production (as well as depending on the volume or the cost of goods, originating from the territory of the member state, which introduces a measure, and exported by this economic entity to the territory of another member state);

import by the economic entity the industrial goods from the territory of the member state, used in the local production or related to such production by restriction of access of economic entity to the currency of any member state in the volume of currency supply, due to the enterprise;

export of industrial goods by the economic entity to the territory of any member state or sale of industrial goods by economic entity to the territory of any member state (depending on specification of goods, their volume or the cost or share of volume of the cost of their local production, carrying out by this economic entity).

12. Specific subsidies, provision of which leads to a serious infringement of interests of any of the member states shall be prohibited. Serious infringement of interests of one member state shall arise in the case if the result of provision of specific subsidy by other member state is:

1) displacement of similar goods from market of subsiding member state or controlling the growth of import of similar goods, originating from the territory of any of the member state to the market of subsiding member state;

2) displacement of similar goods originating from the territory of any member state, from the market of third member state or controlling the growth of export of such similar goods to the territory of third member state;

3) significant underpricing of industrial goods, upon production, transportation or export from the territory of subsiding member state of which the specific subsidy is used, concerning the price of similar goods, originating from the territory of another member state in the same market of any of the member states or significant controlling the price increase, reduction of prices or foregone sales in the same market.

13. Serious infringement of interests specified in paragraph 12 of this Minute shall be determined in accordance with this section and approved in accordance with section V of this Minute.

14. In the territories of the member states shall not be provided and preserved the measures, specified in paragraph 11 of this Minute, as well as prohibited subsidies, as well as

the following (upon that the export of goods shall be regarded as the export of goods from the territory of subsiding member state to the territory of another member state):

1) the programs, exempting the exporter from compulsory sale of part of currency earnings to the member state or allowing the use of multiple rate of currency through the partial depreciation of the national currency, in connection with which the exporter receives a benefit due to currency difference;

2) internal transportation and freight rates for export shipments, established or collected by the member state on the conditions more favorable in comparison with transportations in internal market;

3) provision of goods and services used in production of exported goods on more favorable conditions than for similar goods, used in production, sold in the internal market;

4) full or partial exemption from payment, deferment or reduction of taxes or any other deductions, paid or payable by the economic entities, linked to results of export or the use of goods, originating from the territory of the member state, providing the specified benefits. Upon that deferment shall not be necessarily a prohibited subsidy, if the fines payable for non-payment of taxes are collected. Collection of added-value tax on the zero rate from the exported goods shall not be a sign of prohibited subsidy;

5) special deductions, linked to results of export, reducing the tax base of goods, in the high volume in comparison with similar goods, sold in the internal market;

6) exemption, reduction, deferment of tax payment or special deductions applied to calculate the tax base on goods and services used in the production of export goods, to a greater extent than the exemption from payment, reduction, deferment of taxes or special deductions applied to calculate the base tax on goods and services used in the production of similar goods, sold in the domestic market;

7) collection of customs payments for raw materials and other materials, used in the production of export products, at a lower rate than for the same raw materials and other materials, used in the production of similar products for consumption in the internal market, or return of customs payments for raw materials and other materials, used in the production of export products, in the high volume than for the same raw materials and other materials used in the production of similar goods, sold in the internal market;

8) reduction or return of import duties which are collected from imported raw materials and other materials, used in the manufacture of products, if existence of domestic raw materials and other materials in the manufactured products is compulsory (independent of whether the specific goods, their volume or cost or share of volume of the cost of their local reduction are determined);

9) collection of premiums, insufficient to cover long-term operating expenses or losses on the guarantee programs or insurance of export credits, insurance or guarantee from cost increase of export goods or currency risks;

10) granting of export credits on the rates below those which the recipients of such credits actually have to pay for the use of comparable credit (the same repayment period of credit, credit currency and so on) in the market conditions, or payment of all or part of expenses, incurred by exporters or financial institutions in connection with reception of credit. Export credit practice, complying with provisions on interest rates of Arrangements on official export credits of Organization of economic cooperation and development shall not be considered as the prohibited subsidy;

11) reduction of tariffs for electric energy or energy carrier, released to the enterprise upon condition that such subsiding is linked to results of export or the use of domestic goods instead of imported.

15. Commission guided by this Minute shall not coordinate the prohibited subsidies as permissible.

Application of provisions of this paragraph shall be carried out in recognition of transitional provisions, provided by paragraph 1 of Article 105 of this Agreement.

16. In the case if one member state has the reason to believe that subsiding body of another member state provides the prohibited subsidies and (or) introduces the measures, observance of which is necessary for reception of specific subsidies, in accordance with this Minute, first member state shall have a right to apply to another member state with request on conducting of consultations on cancellation of such prohibited subsidies and measures.

17. If the member states do not reach a mutual agreement during 2 months from the date of reception of notification for conducting of consultations, specified in paragraph 16 of this Minute through the official diplomatic channels, existing differences shall be resolved in accordance with Article 93 of Agreement.

If the decision that one of the member states provides the prohibited subsidies, specified in paragraphs 9 and 12 of this Minute and (or) applies the measures, specified in paragraph 11 of this Minute is adopted according to the results of procedure of dispute resolution, this member state shall immediately cancel such prohibited subsidies and measures, regardless of whether the result of such prohibited subsidies or measures is causing of damage to the national economy or other member states and shall introduce the compensatory measure in relation of such prohibited subsidies in accordance with paragraphs 89-94 of this Minute.

18. Subsiding bodies shall have a right to provide subsidies by application of measures according to the annex to this Minute during established transitional period.

19. Subsidies which are not prohibited and specific in accordance with this Minute shall be regarded as permissible subsidies, provision of which does not distort the mutual trade of the member states.

The member states shall have a right to provide such subsidies without restrictions and in relation of such subsidies the provisions of this Minute, relating to application of compensatory and response measures or prohibition on provision of subsidies do not have effect.

20. The member states shall have a right to provide the permissible subsidies provided by this section without coordination with Commission.

Application of provisions of this paragraph shall be carried out in recognition of transitional provisions provided by paragraph 1 of Article 105 of Agreement.

21. Subsidies, specified in the section VII of this minute, which are specific in accordance with section II of this Minute, but are not recognized as distorting the mutual trade by the member states shall not give grounds for adoption of compensatory measures in accordance with section VIII of this Minute.

V. Procedure of conducting of investigations

22. Investigation for the purposes of analysis of compliance of subsidies, provided in the territory of the member states with provisions of this Minute, as well as establishment of existence of damage to the branch of national economy due to import of subsiding body from the territory of the member state, provided a specific subsidy, or displacement of similar goods from market of subsiding member state shall be conducted by competent body on the basis of application of national producers of similar goods, registered in the territory of this member state, filed in accordance with this Minute in written form or on its own initiative of the competent body (hereinafter-application).

23. Application shall be filed by the national producer of similar goods or association of such producers, the number of participants of which includes producers, composing the branch of national economy, as well as representatives of these persons, having the powers, properly formed in accordance with the legislation of the member state, in the territory of which these representatives are registered (hereinafter – applicants).

24. Application shall include:

1) information on applicant;

2) description of goods (with specification of country of origin of the code FEACN of the EEU);

3) details on existence, nature and amount of specific subsidy;

4) details on producers of subsidized goods;

5) details on national producers of similar goods;

6) details on changes of volume of import of subsidized goods to the territory of the member state, to the competent body of which an application is filed, for 3 calendar year, preceding the date of filing the application;

7) details on changes of volumes of export of similar goods from the territory of the member state, to the competent body of which an application is filed, to the territory of other member states;

8) evidences of existence of damage to the branch of national economy due to import of subsiding goods, or displacement of similar goods from the market of subsiding member state . The evidences of existence of material damage to the branch of national economy, or the

threat of its causing due to import of subsidized goods, or displacement of similar goods from market of subsiding member state shall be based on the objective factors, which characterize the economic situation of the branch of national economy and may be expressed in the quantitative indices (as well as volume of production of goods and volume of its sales, a share of goods in the market of the member states, the cost of production of the goods, price of goods, data on utilization of capacity, productivity of labour, profit margins, profitability of production and disposal of goods, on volume of investments to the branch of national economy);

9) details on the change in the volume of import of similar goods (in quantitative and value terms) to the customs territory of the Union for 3 calendar years, preceding the date of filing the application;

10) details on the change in the volume of export of similar goods (in quantitative and value terms) from the customs territory of the Union for 3 calendar years, preceding the date of filing the application;

11) analysis of other factors, which may have an impact on branch of national economy in the analyzed period.

25. Monetary unit, established by Commission to conduct the foreign trade statistics shall be used for the purposes of comparability upon specification of cost indicators.

26. Application with annex of its non-confidential copy (if the application contains confidential information) shall be presented to the competent body and subject to registration in a day of reception of application to this body.

27. An application shall be rejected on the following grounds:

non-compliance of applicant with requirements, established by paragraph 23 of this Minute;

non-presentation of details, specified in paragraph 24 of this Minute;

unreliability of details, presented by applicant.

Rejection of application on other grounds shall not be allowed.

28. The competent body shall inform an authorized body of the member state, in the territory of which the considered specific subsidy is provided, on reception of application in written form before adoption of decision on commencement of investigation.

29. The competent body shall study the adequacy and reliability of the evidences and details, contained in the application, in accordance with paragraph 24 of this Minute during 30 calendar days from the date of registration of application for the purposes of adoption the decision on commencement of investigation. If necessary to receive the additional details from applicant by the competent body, the specified term may be extended but shall not exceed 40 calendar days from the date of registration of application.

30. Application may be withdrawn before commencement of investigation or in the course of its conducting.

In the case if application is withdrawn before commencement of investigation, such application shall be considered as unfiled.

In the case if application is withdrawn in the course of conducting of investigation, this investigation shall be terminated or continued by decision of competent body.

31. The competent body shall offer to conduct the consultations in order to clarify existence, amount and use, as well as consequences of provision of specific subsidies and in order to achieve a mutually acceptable decision, to the authorized body of the member state, provided the specific subsidy after acceptance of application for consideration and before adoption of decision on commencement of investigation. Such consultations may be conducted in the course of investigation.

32. Conducting of consultations in order to clarify existence, amount and consequences of provision of specific subsidy shall not prevent to adopt a decision on commencement of investigation by the competent body, as well as on preparation of conclusion on compliance of specific subsidy, provided in the territory of another member state, with provisions of this Minute according to the results of such investigation and (or) on causing damage to the branch of national economy due to import of subsidized goods from the territory of the member state, provided the specific subsidy, and transfer the statement on application of compensatory measure to the member state, in the territory of which the considered specific subsidy is provided.

33. The competent body shall adopt decision on commencement of investigation or on refusal to conduct it before expiration of the term, specified in paragraph 29 of this Minute.

Upon adoption of decision on refusal to conduct investigation, the competent body shall notify the applicant on the reason of refusal to conduct investigation in written form in the term not more than 10 calendar days from the date of adoption of such decision.

Upon adoption of decision on commencement of investigation, the competent body shall notify an authorized body of the member state, provided a specific subsidy, as well as other interested persons, known to it on adopted decision in written form and shall ensure publication of notification on commencement of investigation in the term not more than 5 business days from the date of adoption of decision on commencement of investigation. The date of publication of notification on commencement of investigation shall be recognized the date of commencement of investigation.

34. The competent body may adopt decision on commencement of investigation (as well as on its own initiative) in the case if the body has the evidences of existence of the facts of violation of this Minute and (or) existence of damage to the branch of national economy due to import of subsidized goods to the territory of this member state or displacement the similar goods by the subsidized goods from the market of the member state, provided a specific subsidy, or other member state.

In the case if the evidences are insufficient for conducting of investigation; such investigation may not be commenced.

35. The competent body shall direct the list of questions, to which they answer for the purposes of conducting the investigation, to the national producers of similar goods known to it and producers of subsidized goods, that are the object of investigation after adoption of decision on commencement of investigation.

The list of questions shall be considered as received from the date of transfer directly to the representative of national producer of similar goods or producer of subsidized goods or after 7 calendar days from the date of sending this list by mail.

National producers of similar goods and producers of subsidized goods, that are the object of investigation, to which the list of question was directed shall present their answers to the competent body during 30 calendar days from the date of reception them of such list. The specified term may be extended by the competent body but not more than 10 calendar days at the request of national producers of similar goods and producers of subsidized goods that are the object of investigation, motivated and set out in written form.

36. The competent body may conduct investigation in the territory of the member state, provided a specific subsidy, upon condition of obtaining the consent for that by the relevant producer of subsidized goods, that are the object of investigation, as well as upon condition of preliminary notification the representatives of the government of relevant member state and absence of any objections in relation of conducting of investigations in its territory from that member state, for the purposes of verification of details, presented in the course of investigation or reception of additional details, related with conducted investigation.

The competent body shall have a right to direct their representatives to the location of national producers of similar goods, conduct consultations and verifications with interested persons, get acquainted with the samples of subsidized goods that are the object of investigation and take other actions necessary for conducting of investigation, not contradicting to the legislation of the member state, conducted the investigation for the purposes of verification of details, presented in the course of investigation or reception of additional details, related with conducted investigation.

37. The competent body may direct the requests on provision of information, related to the conducted investigation to the authorized bodies of the member state, provided or providing the considered subsidy, as well to the interested persons in the course of conducting of investigation.

38. The interested persons shall have a right to provide details (as well as confidential information), necessary for conducting of investigation with specification of source of their reception not later than the date, specified in notification on commencement of investigation. The competent body shall have a right to request additional details from the interested persons .

39. Evidences and details relating to investigation shall be presented to the competent body in the state language of the member state, conducted the investigation, and originals of

documents in a foreign language shall be accompanied by translation, certified in the established procedure.

40. The competent body shall make an opportunity to get acquainted with details, presented in written form by any interested person as the evidences relating to investigation, to the interested persons on their request in written form in recognition of the need to protect the confidential information in accordance with this Minute in the course of investigation. The competent body shall make an opportunity to get acquainted with other information, relating to investigation and used by it in the course of investigation, but is not confidential in accordance with this Minute, to the participants of investigation.

41. Bodies of the state power (management) of the member states, authorized in the field of customs affairs, maintenance of the state statistics, other bodies of the state power (management) of the member states and territorial (local) bodies of the member states (management) shall render assistance in conducting of investigation and provide details (as well as containing confidential information), necessary for conducting of investigation, at the requests of competent body.

42. The term of conducting of investigation shall not exceed 6 months from the date of commencement of investigation.

Investigation shall be considered as completed in the day of direction the results of investigation by the competent body for consideration to the government of its state.

43. The competent body shall prepare conclusion on compliance of subsidy, provided in the territory of another member state with provisions of this Minute according to the results of investigation.

44. In the case if violation of this Minute and (or) causing damage to the branch of national economy are proved on the results of investigation, the member state, competent body of which is conducted the investigation shall transfer application on introduction of compensatory measure to the member state in the territory of which the considered specific subsidy is provided.

45. Upon determination of the branch of national economy, the territory of the member state, the competent body of which conducts an investigation may be considered as the territory, on which there are two or several competitive markets, and national producers of similar goods within one of such markets may be considered as separate branch of national economy, if such producers sell not less than 80 percent of similar goods, produced by them in this market, and demand for the similar goods in this market is not satisfied to a significant extent by the national producers of these goods, located in the rest of the territory of the member state, conducted the investigation.

In such cases the existence of damage to the branch of national economy may be established even if the damage is not caused to the main part of branch of national economy,

upon condition that sale of subsidized goods is focused on one of the competitive markets and import of subsidized goods causes damage to at least 80 percent of national producers of similar goods within one of such market.

46. The amount of specific subsidy shall be determined on the basis of amount of benefit, accrued by recipient of such subsidy. Upon calculation of amount of benefit, the competent body shall consider the following:

1) participation of subsidizing body in the capital of organization shall not be considered as provision of specific subsidy, if such participation does not regard as not corresponding to the usual investment practice (including provision of risk capital) in the territory of relevant member state;

2) a credit provided by subsiding body shall not be considered as specific subsidy, if the difference between the amount, which organization – credit recipient pays for the state credit, and the amount, which it would have paid for comparable commercial credit, which this organization may receive on the credit market of relevant member state is absent. Otherwise the benefit is the difference between these amounts;

3) guaranteeing of credit by subsiding body shall not be considered as provision of specific subsidy, if the difference between the amount, which organization - guarantee beneficiary pays for the credit, guaranteed by subsiding body and the amount, which it would have paid for comparable commercial credit without state guarantee is absent. Otherwise the benefit is the difference between these amounts as adjusted for the difference in fees;

4) supply of goods by subsiding body or rendering of services or procurement of goods shall not be considered as provision of specific subsidy, if the goods or services are supplied for less than adequate remuneration or procurements are not carried out for more than adequate remuneration. The adequacy of remuneration shall be determined on the basis of existing market conditions of procurement and sale of such goods and services in the market of relevant member state (including the price, quality, availability, liquidity, transportation and other conditions of procurement or sale of goods).

47. Calculation of the amount of subsidy shall be carried out on the unit price (ton, cubic meter, piece, etc.), imported to the territory of the member state, the competent body of which conducts the investigation or sold in the market of the member state, in the territory of which a specific subsidy is provided or in the market of another member state.

48. Inflation rates shall be considered in the relevant member state upon calculation of amount of subsidy in the case, if the rates of inflation are so high that it may distort the results obtained.

49. The amount of subsidy on the unit of goods shall be established based on the amount of expenses of the member state provided a specific subsidy for these purposes.

50. Upon calculation of amount of subsidy on the unit of goods, the cost of such goods shall be determined as the total cost of sales of recipient of subsidy for 12 months that preceded to receive subsidies, and for which there is the necessary data.

51. Upon calculation of amount of subsidy it is necessary to deduct amount of any of registration charges or other expenses, incurred for reception of subsidy from the total amount of subsidy.

52. If the subsidy is not provided in relation of certain number of produced, exported or transported industrial goods, the calculation of amount of subsidy on the unit of goods shall be carried out by dividing the total cost of subsidy by the volume of production, sale or export of such goods for the period of provision of subsidies, if necessary, in recognition of the share of imported subsidized goods in the total volume of production, sale or export of goods.

53. If the subsidy is provided in connection with development or acquisition of basic funds, the calculation of amount of subsidy shall be carried out by distribution of subsidies for the average depreciation period of such basic funds in the considered branch of economy of the member state, provided a specific subsidy. Calculation of amount of subsidy on the unit of goods shall also include subsidies, which are provided for acquisition of basic funds before commencement of period covered by the investigation, but the depreciation period of which has not yet expired.

54. Upon calculation of the amount of subsidy in the case if the value of subsidy, provided at different times or for different purposes for the same goods, is different, weighted average amounts of subsidy shall be applied based on the volume of production, sales and export of goods.

55. If the subsidy is provided in the form of tax exemptions, the cost of goods shall be determined by calculating the total cost of its sales for the last 12 months, during of which the tax exemptions are applied.

56. Subsidies provided during a calendar year by different subsiding bodies and (or) for execution of different programs shall be added.

57. The fact of displacement of similar goods from the market of subsiding member state or from the market of another member state, or controlling the growth of import of similar goods to the territory of subsiding member state or controlling the growth of export of goods to the territory of another member state shall be established in the case if it is proved that there has been an adverse change of share of similar goods in the market of subsiding member state or in the market of another member state concerning the subsidized goods. The specified fact shall be established for the period, sufficient to prove the clear trends in the development of market of relevant goods, which in the normal conditions is not less than 1 year.

58. Adverse changes of share of similar goods in the market of subsiding member state or in the market of another member state shall include one of the following situations:

1) a market share of subsidized goods increases;

2) a market share of subsidized goods remains unchanged in the circumstances, upon which it shall be reduced in the absence of specific subsidy;

3) a market share of subsidized goods is falling, but at a slower rates than it would occur in the absence of specific subsidies.

59. Underpricing shall be established on the basis of price comparison of subsidized goods in the relevant market with the prices of goods, upon production, transportation or export to the territory of any of the member state of which the specific subsidy is not used. Comparison shall be made on the same level of trade and for comparable time periods. Any factors affecting on the price comparability shall be taken into account in the course of comparison. In the case of the specified comparison is impossible to make, the existence of underpricing may be established on the basis of average export prices.

60. In the case if two member states conduct a dispute in accordance with Article 93 of Agreement on existence of serious infringement of interests according to paragraphs 12, 57-59, 61 and 62 of this Minute in the market of third member state, such member state shall provide its statistical information, relating to the subject of dispute, in relation of changes of share of goods, originating from the territory of the member states that are the parties of dispute in the market of such third member state, as well as statistical information on the prices of relevant goods to the member states that are the parties of dispute.

61. The fact of existence of serious infringement of interest may not be established in the existence of the following consequences during the relevant period of time:

1) existence of prohibition or limitations of export of goods from the territory of the member state, establishing the fact of existence of serious infringement of interests, or prohibition or restrictions of import of goods from the territory of such member state to the market of another member state;

2) adoption of decision to redirect import from the member state, establishing the fact of existence of serious infringement of interests to import from another member state for non-commercial reasons by the authorized body of the member state, which imports the similar goods and practices the trade monopoly or the state trading of these goods;

3) natural disasters, strikes, transport disruptions or other force majeure, which have a serious negative impact on production, quality, quantity or price of goods intended for export from the member state, establishing the fact of a serious infringement of interests;

4) the existence of arrangements limiting export from the member state which establishes the fact of a serious infringement of interests;

5) voluntary reduction of possibility for export of industrial goods from the member state which establishes the fact of a serious infringement of interests (including the situation where the economic entities of this member state autonomously redirect the export of these similar goods to new markets);

6) non-compliance with standards and (or) other administrative requirements in the member state, to the territory of which the goods are imported.

62. The existence of serious infringement of interests shall be determined on the basis of information, provided to the Court of the Union or received by the Court of the Union independently in the absence of circumstances, specified in paragraph 61 of this Minute.

63. A damage to the branch of national economy due to import of subsiding goods shall be established on the basis of results of analysis of volume for import of subsidized goods and impact of such import on the price of similar goods in the market of the member state, the competent body of which conducts investigation, and on the national producers of similar goods.

64. The competent body shall determine whether there was an increase in the import of subsidized goods (in the absolute terms or relative to production or consumption of the similar goods in the member state, the competent body of which conducts the investigation) upon analysis of volume of import of subsidized goods.

65. Upon analysis of impact of import of subsidized goods on the price of similar goods in the market of the member state, the competent body of which conducts the investigation, the competent body shall establish:

1) whether the prices of subsidized goods were below the prices of similar goods in the market of this member state;

2) whether the import of subsidized goods led to decrease in prices of similar goods in the market of this member state;

3) whether the import of subsidized goods are prevented to the growth of prices of similar goods in the market of this member state, which would have occurred in the absence of such import.

66. Analysis of impact of import of subsidized goods on the branch of national economy shall be concluded in the assessment of economic factors, relating to the state of branch of national economy as well as:

1) happened or possible reduction of production, sale of similar goods, its share in the market of the member state, the competent body of which conducts the investigation, profits, productivity of labour, incomes from investments or capacity utilization in the future;

2) factors having an effect on the prices of similar goods in the market of the member state, the competent body of which conducts the investigation;

3) happened or possible negative impact on movement of money flow, stocks of similar goods, employment level, salary, rates of increase of production, possibility of attraction of investments in the future.

67. Impact of import of subsidized goods on the branch of national economy shall be estimated relating to production of similar goods in the member state, the competent body of which conducts the investigation, if the existing data allow to allocate production of similar goods on the basis of such criteria as the production process, sale of goods by its producers and profit. In the case if the existing data do not allow allocating production of similar goods, impact of import of subsidized goods on the branch of national economy shall be estimated relating to production of the most narrow group or nomenclature of goods, which includes the similar goods and which has the necessary data.

68. Establishment of damage to the branch of national economy due to import of subsidized goods shall be based on analysis of all evidences and details, relating to the case and available to the competent body. Competent body shall also analyze dynamics and impact of import supplies of similar goods on the customs territory of the Union, supplies from other member states. Upon that neither one, nor several factors of the number of volume of import of subsidized goods, established in the result of analysis and impact of such import on the branch of national economy may not have crucial significance for establishment of damage to the branch of national economy due to import of subsidized goods. In addition to the import of subsidized goods, the competent body shall analyze other known factors as a result of which damage is caused to the branch of national economy in the same period. Specified damage shall not be related by the competent body to the damage of branch of national economy due to import of subsidized goods.

69. Upon establishment of a threat of causing material damage to the branch of national economy due to import of subsidized goods, the competent body shall consider all factors, as well as the following:

1) the nature, amount of subsidy or subsidies and their possible impact on trade;

2) the growth rates of import of subsidized goods, certifying the real possibility of a further increase of such import;

3) the existence of producers of subsidized goods in the subsiding member state sufficient opportunities to increase the import of subsidized goods or apparent inevitability to increase such opportunities;

4) price level of subsidized goods, if such price level may lead to reduction or controlling the price of similar goods in the market of the member state, the competent body of which conducts the investigation and to further growth in demand for subsidized goods;

5) stocks of subsidized goods of producer.

70. Upon that neither one, nor several factors specified in paragraph 69 of this Minute may not have crucial significance for establishment of a threat of causing of material damage to the branch of national economy due to import of subsidized goods.

71. Decision on existence of a threat of causing of material damage to the branch of national economy shall be adopted in the case if, the competent body came to conclusion on inevitability of continuing of import of subsidized goods and causing material damage to the branch of national economy by such import in the case of non-adoption of compensatory measure in the course of investigation according to the results of analysis of factors, specified in paragraph 69 of this Minute.

72. The interested persons upon conducting of investigation shall be:

1) national producer of similar goods, association of national producers, majority of participants of which are producers of similar goods;

2) producer of subsidized goods that are the object of investigation, association of producers of such subsidized goods, majority of participants of which are producers of these goods;

3) subsidizing member state and (or) authorized body of subsiding member state;

4) public associations of consumers (in the case if subsidized goods that are the object of investigation are consumed mainly by individuals);

5) consumers of subsidized goods that are the object of investigation (in the case if they use these goods upon manufacture of products) and associations of such consumers.

73. The interested persons specified in paragraph 72 of this Minute shall act in the course of investigation independently or through their representatives, which have duly executed powers in accordance with the legislation of the member state, the competent body of which conducts the investigation.

In the case if the interested person in the course of investigation acts through the authorized representative, the competent body shall bring all details on subject of investigation to the interested person only through this representative.

74. Information presented by interested person to the competent body shall be considered as confidential upon presentation the grounds by this person, certifying on that disclosure of such information provides an advantage in the conditions of competition to the third person or entails adverse consequences for person, presented information or for person which has received this information.

Confidential information shall not be disclosed without permission of interested person presented it, except for the cases provided by the legislation of the member states.

The competent body shall have a right to request presentation of non-confidential copy from the interested person, presented confidential information. Non-confidential copy shall contain details sufficient to understand the essence of presented confidential information. If in response on this requirement the interested person claims that confidential information may not be presented in such form, this person shall present other grounds.

In the case if the competent body establishes that the ground presented by interested person do not allow to include presented information to confidential, or interested person, not presented non-confidential copy of confidential information does not present the relevant ground or present details, that are not such a ground, the competent body may not consider this information.

75. The competent body shall bear responsibility for disclosure of confidential information, provided by the legislation of its member state.

VI. General exceptions

76. Nothing in this Minute shall be explained:

1) as requirement to any member state to provide any information, disclosure of which it considers as contrary to essential interests of its security;

2) as an obstacle to any member state to take actions which it is regarded as necessary for protection of essential interests of its security:

actions in relation of fissionable materials or materials from which they are made;

actions in relation of development, production and trade in arms, ammunition and war materials as well as other goods and materials, which are carried out directly or indirectly for the purposes of supplying the armed forces;

actions, taken in wartime or in other emergency circumstances in international relations;

3) as an obstacle to any member state to take any actions in execution of its obligations on the United Nations Charter for preservation the world peace and international security.

77. Provisions of this Minute shall not prevent to the member states to use the specific subsidy, distorting the trade, if such subsidies are introduced in the exceptional circumstances (upon condition that the purpose of these measures is not the restriction of import of goods from the territory of other member states and such measures are not discriminatory) and if their introduction is conditioned by the need of protection:

1) public morality, public legal order and national security;

2) life or health of people, animals and plants;

3) national treasures of artistic, historic or archaeological value;

4) intellectual property rights;

5) exhaustible natural resources (if such measures are conducted simultaneously with restriction of internal production or consumption).

VII. Specific subsidies, provision of which is the ground for adoption of compensatory measures

78. Provision of such specific subsidy as assistance for research activity, carried out by economic entities, as well as institutions of higher education and scientific institutions with the economic entities on a contract basis shall not be the ground for adoption of compensatory measures, upon condition that such assistance covers not more than 75 percent of the cost of industrial researches or 50 percent of the cost of development at the pre-competitive stage and that it is provided exclusively for cover:

1) expenses for employees (researchers, technicians and other support personnel exclusively engaged in research activity);

2) expenses for instruments, equipment, land and constructions used exclusively and permanently for research activity (except for the sale on a commercial basis);

3) expenses for consultative and equivalent services used exclusively for research activity (including procurement the results of scientific researches, technical knowledge, patents, etc.) ;

4) additional overhead expenses incurred directly as a result of the research activity;

5) other current expenses (on materials, support, etc.), incurred directly as a result of the research activity.

79. The industrial researches shall be regarded as planned researches or most important researches, directed to discovery of new knowledge in reliance on that such knowledge may be useful in development new goods, technological processes or services, as well as for significant improvement of existing goods, processes or services for the purposes of this section.

The development at the pre-competitive stage shall be regarded as transfer of results of industrial researches into the plan, drawing or model of new, modified or improved goods, technological processes or services, intended for sale or use (including creation of the first prototype, unsuitable for commercial use). Specified development may also include formulation of the concept and design of alternative goods, methods or services, as well as initial demonstration or pilot projects upon condition that they may not be adapted or used for industrial use or commercial operation. Specified development shall not be applied to current and periodic changes in the existing goods, production lines, production processes, services, and other ordinary operations, even if such changes lead in improvement.

80. Permissible level of aid, specified in paragraph 78 of this Minute, not giving the grounds for adoption of compensatory measures shall be established in relation to total amount of relevant expenses, incurred for the period of carrying out of specific project.

In the case of implementation of programs, combining industrial researches and development at the pre-competitive stage, permissible level of aid, not giving the grounds for adoption of measures shall not be higher than the average arithmetic mean of permissible levels for these two categories, calculated in recognition of all expenses, specified in paragraph 78 of this Minute.

81. Provisions of this Minute shall not be applied to the basic scientific researches, conducted by institutions of higher education or scientific institutions independently. The basic scientific researches shall be regarded expansion of the general scientific and technical knowledge, not related with industrial or commercial purposes.

82. Help to disadvantaged regions in the territory of the member state, which is provided in the general framework of regional development shall be nonspecific (in recognition of provisions of section II of this Minute) and distributed between the regions upon condition that:

1) each disadvantaged region shall represent clearly marked compact administrative and economic zone;

2) such region is considered as disadvantaged on the basis of neutral and objective criteria , indicating that the region's difficulties arise not only because of temporary circumstances (such criteria shall be clearly determined in the Laws, rules or other official documents so that they may be verified);

3) criteria specified in subparagraph 2 of this paragraph shall include the measurement of economic development, which is based on at least one of the following indicators, measured

over the 3-years period (such measurement may be complex and may consider other indicators):

income per capita or per household or the size of the gross domestic product per capita, which shall not exceed 85 percent of the average index for the relevant territory;

the level of unemployment, which shall be at least 110 percent of the average index for this territory.

83. The general frameworks of regional development shall mean that regional programs of subsiding are the part of the internally consistent and universally applicable policy of regional development and that subsidy for regional development are not provided for certain geographical points, have no or almost no effect on the development of the region.

Neutral and objective criteria shall mean the criteria which do not provide the benefits to certain regions in addition to what is necessary to eliminate or reduce differences between the regions within the policy of regional development. In this regard, the regional programs of subsidizing shall include the maximum amounts of duties, which may be provided for each subsidized project. Such maximum amounts are differentiated according to the level of development of regions, to which the assistance is rendered, and are expressed in the form of expenses for investment or job creation. Within these amounts, the assistance shall be distributed widely enough to avoid preferential use of subsidies or provision of disproportionate amounts to the certain enterprises in accordance with section II of this Minute.

84. Assistance in adapting of existing production facilities (which are regarded as production facilities in operation for at least 2 years before introduction of new requirements for environmental protection) to the new requirements in relation of environmental protection, imposed by the legislation and (or) regulatory acts which entail additional restrictions and strengthening the financial load for economic entities shall not be the ground for adoption of compensatory measures, upon condition that such assistance:

1) is one-time, non-recurrent measure;

2) has not more than 20 percent of expenses on adaptation;

3) does not cover expenses for change and operation of subsidized equipment, which are assigned to enterprise;

4) is directly related and proportional to the reduction of pollution planned by the economic entity and does not cover savings in production expenses which may be reached;

5) is available for all economic entities that may cross over to the new equipment and (or) production processes.

VIII. Introduction and application of compensatory measures and response measures

85. The competent body of one of the member state shall have a right to conduct investigation on compliance of subsidies, provided in the territories of other member states

with provisions of this Minute or investigation on the subject of application of measures, specified in paragraph 11 of this Minute by other member states in the manner established by section V of this Minute. The competent body initiated an investigation shall inform the member states on commencement of investigation. The competent bodies shall have a right to request necessary information on the course of conducting of investigation.

86. In the case if the competent body of one member state in the result of conducted investigation establishes that the subsiding body of another member state provides a specific subsidy and this specific subsidy causes damage to the branch of national economy of the member state, the competent body of which conducts the investigation, such competent body may transfer the statement on application of compensatory measure to the subsiding member state. The specified statement shall contain the evidences of non-compliance of subsidy with provisions of this Minute.

87. In the case if the existence of damage to the branch of national economy of one of the member states is approved by Commission based on the results of proceedings, held in accordance with paragraph 6 of this Minute, the competent body of such member state may transfer the statement on application of compensatory measure to the subsiding member state. The specified statement shall contain the evidences of inadmissibility of subsidy in accordance with subparagraph 3 of paragraph 6 of Article 93 of Agreement.

The member states shall not apply the compensatory measures to subsidies, coordinated by Commission in accordance with paragraph 6 of this Minute.

Application of provisions of this paragraph shall be carried out in recognition of transitional provisions, provided by paragraph 1 of Article 105 of this Agreement.

88. The statement on application of compensatory measure may be granted voluntary by the member state, received such statement, in the term not exceeding 2 months or according to the results of resolution of disputes.

89. The member state received the statement on application of compensatory measure, legality of which is recognized voluntarily by such member state or based on the results of resolution of disputes in accordance with Article 93 of Agreement shall introduce the compensatory measure in accordance with statement during 30 calendar days.

90. The compensatory measure, introduced in accordance with paragraph 89 of this Minute shall be composed of the sum of provided subsidy, specified in the statement on application of compensatory measure and interest, accrued on the amount of subsidy for the entire period of use of these funds (property).

The amount of subsidy is calculated in accordance with this Minute.

The interest rate is equal to the one and a half amount of the rate of refinancing, effective on the date of provision of subsidy and established by the national (central) bank of the subsidizing member state. Upon that the interest rate is calculated by applying a compound interest in relation of all period from the date of provision of subsidy to the date of execution of compensatory measure.

Compound interest means the interest accrued each year in the amount with interest accrued in the previous year.

91. The compensatory measure is executed after that the amount of subsidy was withdrawn from receiver of subsidy and transferred in the budget of subsiding member state in recognition of relevant interest.

92. The compensatory measure is not executed if it is collected from sources other than those specified in paragraph 91 of this Minute.

The source of collection of compensatory measure may be changed by mutual agreement of the claimant state and respondent state exclusively for the avoidance of evasion of payment of means composing the compensatory measure by the recipient of subsidy.

93. Execution of compensatory measure is sufficient basis for that the granted statement on application of compensatory measure was executed. Upon that the member state shall execute such statement in the term not exceeding 1 calendar year from the date of granting of such statement.

94. In the case if the member state does not execute the granted statement on application of compensatory measure in the established term, the stated member state shall have a right to apply the response measures which are approximately proportionate to the compensatory measure.

The response measures shall be regarded as temporary suspension of execution of obligations in relation of the member state, against whom the response measure is introduced, arising out of existing agreements of trade and economic nature between them (except for the relating to the oil and gas industry) by the member state, which introduces the response measure for the purposes of this Minute.

The response measures shall have temporary nature and shall be applied by the claimant state only as long as the measure, violating provisions of Agreement will be cancelled or amended so as to comply with the provisions of Agreement or until the member states agree otherwise.

IX. Notifications

95. The member states (authorized bodies of the member states) shall annually, not later than 1 December, notify each other and Commission of all subsidies, planned to provide in the next year, at the federal (republican) and regional (municipal, local) levels.

The member state shall not refer information on provided subsidies to confidential, except for the cases provided by paragraph 76 of this Minute.

96. Information sources for notifications shall be the items of expenditures of projects of federal/republican budget, as well as budgets of administrative and territorial units in accordance with paragraph 95 of this Minute.

97. Repealed by the Law of the Republic of Kazakhstan dated 19.04.2024 № 75-VIII.

98. The member states (authorized bodies of the member states), shall annually, not later than 1 July of the year, following the reporting year, present the notifications on subsidies for the reporting year, drawn up in the prescribed form, provided at the federal (republican) and regional (municipal, local) levels, to each other and the Commission. Specified notification shall contain sufficient information in order to the authorized body of another member state and the Commission were able to estimate the amount of provided subsidies and their compliance with the provisions of this Minute.

99. Forms of notifications on subsidies of the member states (authorized bodies of the member states), provided by this section, as well as procedure of their execution shall be approved by Commission in coordination with the member states.

100. The notifications on subsidies shall contain the following information:

1) the name of subsidy programs (in its existence), a short description or designation of subsidy (for example, "Small Enterprise Development");

2) reporting period, for which a notification is presented;

3) the main task, and (or) the purpose of subsidy (data about the purpose of provision of subsidy, as a rule, contained in the regulatory legal act, according to which the subsidy is provided);

4) the ground for provision of subsidy (the name of regulatory legal act according to which the subsidy is provided, as well as a short description of this act);

5) a form of subsidy (grant, loan, tax benefit and etc.);

6) subject (producer, exporter or other person) and a method of provision subsidy (the means by which the subsidy is provided with established or variable amount per unit of goods (in the second version a mechanism for determination the amount is specified)), as well as the mechanism and conditions for provision of subsidy;

7) the amount of subsidy (annual or total amount allocated for the subsidy, as far as possible - the subsidy per unit of product);

8) validity of subsidy and (or) any other time limit, applicable to subsidy (including the opening date (completion) of subsidy);

9) data on the effect on trade (statistical data, allowing to evaluate the trade effects of subsidies).

101. It is essential that as far as possible the information specified in paragraph 100 of this Minute contains statistical data on production, consumption, import and export of subsidized goods or sectors:

1) for 3 last years for which there are statistical data;

2) for the year preceding the introduction of subsidy or the last important change of subsidy.

Annex
to the Minute on unified rules of
provision the industrial subsidies

The list of measures in relation of which provisions of the Minute on unified rules of provision of industrial subsides are not applied

Footnote. The Annex as amended by Laws of the Republic of Kazakhstan № 265-V as of 24.12.2014; № 346-V as of 02.08.2015.

Description of the measure	Transitional period in relation of measure
I. Republic of Belarus	
Measures in relation of investment agreements, concluded in accordance with Decree of the President of the Republic of Belarus dated 4 April, 2009 №175 “On measures on development of production of motor-car” and decision of Commission of the Customs Union dated 27 November, 2009 №130 “On the unified customs tariff regulation of the Customs Union of the Republic of Belarus, Republic of Kazakhstan and the Russian Federation”*	until 31 December, 2020, unless otherwise provided by minute on accession of the Republic of Belarus to the World Trade Organization
II. Republic of Kazakhstan	
1. Interest rate subsidies on bank credits of export-oriented industries in accordance with regulation of the Government of the Republic of Kazakhstan dated 13April, 2010 № 301 "On approval of the program “ Business Road Map 2020”	until 1 July, 2016 on credits granted by credit institutions to the July 1, 2011
2. Release of goods, recognized by the Kazakhstan according to sufficient processing criteria from the customs duties and taxes upon export from the territory of free warehouse to the rest of the customs territory of the Customs Union in accordance with the Code of the Republic of Kazakhstan dated 10 December, 2008 №99 -I “On taxes and other compulsory payments in the budget” (the Tax Code), regulation of the Government of the Republic of Kazakhstan dated 22 October, 2009 №1647 “On approval of Rules on determination the country of origin of goods, preparation and issuance of the expert examination of the origin of goods and execution, certification and issuance of certificate on origin of goods” and Agreement on free warehouses and customs procedure of free warehouse dated 18 June, 2010.	until 1 January, 2017
3. Release of goods, recognized by the Kazakhstan according to sufficient processing criteria from the customs duties and taxes upon export from the territory of special economic zones to the rest of the customs territory of the Customs Union in accordance with Agreement on issues of free (special, specific) economic zones in the customs territory of the Customs Union and customs procedure of free customs zone dated 18 June, 2010, the Law of the Republic of Kazakhstan dated 21 July, 2011 №469 – IV “On special economic zones in the Republic of Kazakhstan” and regulation of the Government of the Republic of Kazakhstan dated 22 October, 2009 №1674 “On	until 1 January, 2017

approval of Rules on determination the country of origin of goods, preparation and issuance of the act of expert examination on origin of goods and execution, certification and issuance of certificate on origin of goods”	
4. The measures in relation of investment agreements concluded in accordance with the order of the Ministry of Industry and New Technologies of the Republic of Kazakhstan dated 1 June, 2010 №113 “On some issues of conclusion, conditions and model form of Agreement on industrial assembly of motor vehicles with legal entities – residents of the Republic of Kazakhstan” and the Decision of Commission of the Customs Union dated 27 November, 2009 №130 “On unified customs tariff regulation of the Customs Union of the Republic of Belarus, Republic of Kazakhstan the Russian Federation”*	until 31 December, 2020, unless otherwise provided by the minute on accession of the Republic of Kazakhstan to the World Trade Organization
5. Local content in subsoil use contracts between the Government of the Republic of Kazakhstan and subsoil user, concluded before 1 January, 2015, in accordance with the Law of the Republic of Kazakhstan dated 24 June, 2010 №291-IV “On subsoil and subsoil use”	until 1 January, 2020, unless otherwise provided by the minute on accession of the Republic of Kazakhstan to the World Trade Organization
6. Local content in procurements of the National Welfare Fund (NWF) “Samruk-Kazyna” and organization, 50% or more of voting shares (share of participation) of which directly or indirectly owns the NWF “Samruk-Kazyna”, as well as in the companies, which are directly or indirectly owned by the state (a share of the state of which is 50 % and more) in accordance with the Law of the Republic of Kazakhstan dated 1 February, 2012 №550-IV “On National Welfare Fund” and Regulation of the Government of the Republic of Kazakhstan dated 28 May, 2009 №787 “On approval of Model rules of procurements of goods, works and services, carrying out by the national managing holding, national holdings, national companies and organizations, fifty and more percent of shares (share of participation) of which are directly or indirectly owned by the national managing holding, national holding, national company”	until 1 January, 2016, unless otherwise provided by the minute on accession of the Republic of Kazakhstan to the World Trade Organization
III. Russian Federation	
1. Measures in relation of investment agreements, concluded before 28 February, 2011, which include provisions of the Decree of the President of the Russian Federation dated 5 February, 1998 №135 “On additional measures to attract investments for development of domestic automobile industry”, provisions of the Government of the Russian Federation dated 29 March, 2005 №166 “On making amendments in the Customs tariff of the Russian Federation in relation of vehicle components, imported for industrial assembly” and Decisions of Commission of the Customs Union dated 27 November, 2009 №130 “On	transitional period corresponds to the term of validity of agreements, established in their signing and may be extended for the term, provided by Minute dated 16 December, 2011 on accession of the Russian Federation to the Marrakesh Accords on approval of the World

unified customs tariff regulation of the customs union of the Republic of Belarus, Republic of Kazakhstan and Russian Federation”*	Trade Organization dated 15 April, 1994, but may not exceed 2 calendar years
2. The measures, applied in accordance with the Federal Law dated 10 January, 2006 №16-FL “On Special economic zone in the Kaliningrad Region and on making amendments in some legislative acts of the Russian Federation”	until 1 April, 2016
IV. Republic of Armenia	
Exemption of goods recognized as Armenian, according to the criteria for sufficient processing, from customs duties and taxes when exporting them from the territories of free economic zones and free warehouses to the rest of the customs territory of the Customs Union in accordance with the Law of the Republic of Armenia “On Free Economic Zones” as of June 18, 2011, Resolution of the Government of the Republic of Armenia № 1772-H as of December 30, 2010 “On Approval of the Procedure for Issuing Certificates of the Country of Origin and Examination”, the Agreement on free (special, exclusive) economic zones in the customs territory of the Customs Union and the customs procedure of a free customs zone as of June 18, 2010, the Agreement on free warehouses and the customs procedure of a free warehouse as of June 18, 2010.	until January 1, 2017
V. The Kyrgyz Republic	
1. Exemption of goods recognized as Kyrgyz, according to the criteria for sufficient processing, from customs duties and taxes when exporting them from the territories of “Bishkek”, “Naryn” and “Karakol” free economic zones to the rest of the customs territory of the Eurasian Economic Union in accordance with Law of the Kyrgyz Republic № 6 “On Economic Zones” as of January 11, 2014, Resolution of the Government of the Kyrgyz Republic № 715 as of November 3, 1998 “ On the Procedure for Determining the Country of Origin of Goods Produced in Free Economic Zones of the Kyrgyz Republic” and the Agreement on free (special, exclusive) economic zones in the customs territory of the Customs Union and the customs procedure of a free customs zone as of June 18, 2010 ** .	until January 1, 2017
2. Exemption of goods recognized as Kyrgyz, according to the criteria for sufficient processing, from customs duties and taxes when exporting them from the territories of free warehouses to the rest of the customs territory of the Eurasian Economic Union in accordance with Law of the Kyrgyz Republic № 184 “On Customs Regulation” as of December 31, 2014, the Agreement on free warehouses and customs procedure of a free warehouse as of June 18, 2010 **.	until January 1, 2017";

These exemptions apply to the below indicated owners of free warehouses included in the register of owners of free warehouses of the Kyrgyz Republic: LLC “Altyn-Azhydaar”; OJSC “Ilbirs”; LLC “Avinjen”; LLC “Silk Road”; LLC “Renaissance”	

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*Apply in recognition of conditions of application of the concept “industrial assembly of motor vehicles” in the territories of the member states, approved by the Superior Council.

ANNEX №29
to Agreement on
Eurasian Economic Union

MINUTE
on measures of the state support for agriculture

1. This Minute is developed in accordance with Articles 94 and 95 of Agreement on Eurasian Economic Union and applied in relation of goods, specified in section II of this Minute (hereinafter - agricultural goods).

2. The concepts used in this Minute shall have the following meanings:

"administrative-territorial units" - administrative-territorial units of the Republic of Armenia, the Republic of Belarus (including the city of Minsk), the Republic of Kazakhstan (including the cities of Nur-Sultan, Almaty and Shymkent) and the Kyrgyz Republic (including the cities of Bishkek and Osh), constituent entities and municipalities of the Russian Federation;

“state support for agriculture” – financial assistance, rendered by the government or other state body or local government body of the member state in the interests of producers of agricultural goods directly or through the agents authorized by them;

“subsiding body” – one or several state bodies or local government bodies of the member state, carrying out adoption of decisions in a part of provision of the state support of agriculture. Subsiding body may entrust of prescribe to execute one or several functions, imposed on it, relating to provision of measures of the state support of agriculture to the authorized agent (any organization). Such actions of the authorized agent (any organization) shall be considered as the actions of subsiding body.

Actions of the head of the member state, directed to provision of measures of the state support of agriculture shall be considered as the actions of subsiding body.

Footnote. Paragraph 2 as amended by Laws of the Republic of Kazakhstan № 265-V of 24.12.2014; № 346-V of 02.08.2015; № 6-VII of 15.02.2021.

1. Measures of the state support of agriculture

3. The measures of the state support of agriculture shall be subdivide into:

1) measures, not rendering the distorting effect on mutual trade of the member states in agricultural goods (hereinafter – measures, not rendering the distorting effect on trade);

2) measures, rendering the distorting effect on mutual trade of the member states in agricultural goods to the maximum extent (hereinafter – measures, rendering the distorting effect on trade to the maximum extent);

3) measures, rendering the distorting effect on mutual trade of the member states in agricultural goods (hereinafter – measures, rendering the distorting effect on trade);

4. The measures, not rendering the distorting effect on trade shall include the measures, specified in section III of this Minute. The measures, not rendering the distorting effect on trade may be applied by the member states without restrictions.

5. The measures, rendering the distorting effect on trade to the maximum extent shall include:

measures of the state support of agriculture, provision of which is linked as individual or one of the several conditions with results of export of agricultural goods from the territory of the member state, providing this measure of the state support, to the territory of any other member state, carried out or possible in the future;

measures of the state support of agriculture, provision of which is linked as individual or one of the several conditions with acquisition or use of agricultural goods, originating exclusively from the territory of the member state, providing this measure of the state support, upon production of agricultural goods in the territory of this member state regardless of whether the specific goods, their volume, cost, share of volume or cost of production or use of domestic goods, level for localization of production of domestic goods used are determined.

The list of measures, rendering the distorting effect on trade to the maximum extent is specified in section IV of this Minute.

6. The member states shall not apply measures, rendering the distorting effect on trade to the maximum extent.

7. The measures, rendering the distorting effect on trade shall include the measures which may not be referred to measures, specified in paragraphs 4 and 5 of this Minute.

8. The level of measures, rendering the distorting effect on trade, calculated as percentage of volume of the state support for agriculture to gross value of produced agricultural goods in general, determined as permitted volume shall not exceed 10 percent before entering of obligations into legal force in accordance with third item of this paragraph.

Methodology for calculation of permitted level of measures, rendering the distorting effect on trade shall be developed by the member states in recognition of international experience and approved by the Council of Commission.

Obligations of the member states on measures, rendering the distorting effect on the trade shall be established in accordance with specified methodology and approved by the Superior Council.

Application of provisions of this paragraph shall be carried out in recognition of transitional provisions, provided by Article 106 of agreement on Eurasian Economic Union.

9. After entering of the member state to the World Trade Organization, the obligations of this member state in relation of measures, rendering the distorting effect on the trade, adopted as conditions of accession to WTO shall be its obligations within the Union.

10. Calculation of volumes of the state support of agriculture shall be carried out in accordance with section V of this Minute in recognition of methodology for calculation of permitted level of measures, rendering the distorting effect on trade, provided by paragraph 8 of this Minute.

II. The goods in relation of which the unified rules of the state support of agriculture are applied

11. Unified rules of the state support of agriculture shall be applied in relation of the following goods of FEACN of the EEU:

1) groups 01-24 of FEACN of the EEU, except for the groups 03 (fish and crustaceans, mollusks and other aquatic invertebrates), commodity headings 1604 (prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs) and 1605 (prepared or preserved crustaceans, mollusks and other aquatic invertebrates);

2) subheadings of FEACN of the EEU 2905 43 000 0 (mannitol);

3) subheadings of FEACN of the EEU 2905 44 (D- glucitol (sorbitol));

4) commodity heading of FEACN of the EEU 3301 (essential oils (containing or not containing terpenes), including concretes and absolutes; resinoids; extracted essential oils; concentrates of essential oils in fats, fixed oils, waxes or similar products, obtained by method of enfleurage or maceration; terpenic byproducts of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils);

5) commodity headings of FEACN of the EEU 3505 (casein, caseinates and other casein derivatives; casein glues; albumins (including concentrates of two or more whey proteins containing more than 80 wt.% whey protein on a dry basis), albuminates and other albumin derivatives; gelatin (as well as in rectangular (including square) sheets, with surface treatment or untreated, colored or uncolored) and gelatin derivatives; fish glue; other glues of animal origin (excluding casein of commodity heading 3501); peptones and their derivatives; other protein substances and their derivatives, not named or included elsewhere; hide powder, or offal, chromed or not chromed; dextrines and other modified starches (e.g., starches, pregelatinised or esterified); glues based on starches, or on dextrines or other modified starches), except for subheadings 3503 00 800 1 (glue dry fish) and 3503 00 800 2 (liquid fish glue));

6) subheading of FEACN of the EEU 3809 10 (finishing agents, means to accelerate the dyeing or fixing of dyestuffs and other products and prepared preparations (for example,

substances for processing and mordant), used in the textile, paper, leather industry or similar industries, not named or included elsewhere, based on starchy substances);

7) subheading of FEACN of the EEU 3824 60 (sorbitol, except for the sorbitol subheading 2905 44);

8) commodity headings of FEACN of the EEU 4101-4103 (raw skins of cattle (including buffalo) or equine animals (fresh, or salted, dried, limed, pickled or preserved otherwise, but not tanned, not parchment-dressed or further processed), with hair or without, split or not split ; raw skins of sheep or lambs (fresh, or salted, dried, limed, pickled or preserved otherwise, but not tanned, not parchment-dressed or further processed), with wool or without, split or not split, other than those excluded by the note 1c to this group; other raw skins (fresh, or salted, dried, limed, pickled or preserved otherwise, but not tanned, not parchment-dressed or further processed), with hair or without, split or not split, other than those excluded by the note 1b or 1c to this group);

9) commodity heading of FEACN of the EEU 4301 (down and fur raw materials (including heads, tails, paws and other parts or cuttings, suitable for production of furs), except for the raw skins of commodity heading of FEACN of the EEU 4101, 4102 or 4103);

10) commodity headings of FEACN of the EEU 5001 00 000 0 - 5003 00 000 0 (silk cocoons, suitable for reeling; raw silk (not thrown); silk waste (including cocoons unsuitable for reeling, cocoon thread waste and garneted raw materials));

11) commodity headings of FEACN of the EEU 5101 - 5103 (wool, not carded or combed ; animal hair, fine or coarse, not carded or combed; waste of wool, fine or coarse animal hair, including yarn waste but excluding garneted raw materials);

12) commodity headings of FEACN of the EEU 5201 00 - 5203 00 000 0 (cotton fiber, not carded or combed; cotton fiber waste (including yarn waste and garneted raw materials); cotton fiber, carded or combed);

13) commodity heading of FEACN of the EEU 5301 (raw flax, or processed flax, but not spun; flax tow and waste (including yarn waste and garneted raw materials));

14) commodity heading of FEACN of the EEU 5302 (hemp (cannabis sativa L.), raw or processed but not spun; tow and waste of true hemp (including yarn waste and garneted raw materials)).

III. The measures, not rendering the distorting effect on trade

12. The measures, not rendering the distorting effect on trade implemented in the interests of producers of agricultural goods (hereinafter - producers), shall correspond to the following basic criteria:

1) support is provided at the expense of budget funds (unclaimed incomes), as well as within the state programs, but not at the expense of consumers. The unclaimed incomes shall be regarded as the amounts of compulsory payments, from which the member state is definitively or temporarily refused;

2) the consequence of support shall not be the price support of producers.

13. The measures, not rendering the distorting effect on trade shall meet the specific criteria and conditions, provided by paragraphs 14-26 of this Minute in addition to criteria, specified in paragraph 12 of this Minute.

14. The state programs for provision of general services shall provide allocation of budget funds (use of unclaimed incomes) for rendering the services or provision of benefits to agriculture or rural population, except for the direct payments to those who produces or processes agricultural goods.

15. The state programs for provision of general services may be carried out on the following directions:

1) researches, including general, researches in connection with environmental protection programs, and research programs for specific products;

2) pest and disease control, including general measures of pest and disease control, as well as measures relating to a specific goods, such as early warning systems, quarantine and destruction;

3) general and special training of personnel;

4) distribution of information, consultative services, including provision of means to facilitate the transfer of information and results of researches to producers and consumers;

5) inspection services, including general inspection services and verification of separate agricultural goods for the purposes of health, safety, standardization and grading;

6) services on marketing and promotion of agricultural goods, including market information, consultations and promotion of specific agricultural goods (excluding expenses for non-specific objectives, which may be used by sellers to reduce the selling prices of agricultural goods or provision of direct economic benefits to customers);

7) infrastructure services, including electric power supply, roads and other communication lines, market and port facilities, water supply, dams and drainage systems, infrastructure work jointly with programs for environmental protection. In all cases, funds shall be directed only for equipment or construction of capital facilities and public objects of infrastructure, except for the funds directed to cover the operating costs or lost profits from customer service, having the benefits.

16. Creation of the state reserves for ensuring of food security shall be carried out at the expense of financial means (unclaimed incomes), provided for the purposes of accumulation and storage of food stocks and allocated within the program on ensuring of food security, provided by the legislation of the member state and shall correspond to the following requirements:

1) volume and accumulation of state reserves for ensuring of food security shall correspond to the previously defined purposes, exclusively relating to food security;

2) process of formation and distribution of reserves shall be financially transparent;

3) food procurements shall be carried out on current market prices, sales from food reserves – on prices not lower than the current domestic market prices for a particular product of relevant quality.

17. Rendering of internal food assistance to the needy population group shall be carried out at the expense of budget funds (unclaimed incomes).

Rendering of internal food assistance shall correspond to the following requirements:

the right to receive domestic food assistance shall be established by the legislation of the member state;

domestic food assistance shall be provided in the form of direct supplies of food to the interested persons or provision of funds for acquisition of food on market or subsidized prices by these persons;

food procurements within rendering of domestic food assistance shall be carried out on current market prices, the financing and distribution are transparent.

18. Measures of the state support, carried out in the form of direct payments to producers (use of unclaimed incomes and payments in natural terms) shall correspond to criteria, specified in paragraph 12 of this Minute, as well as other criteria applied to individual types of direct payments, specified in paragraphs 19-26 of this Minute. Direct payments, except for the specified in paragraphs 19-26 of this Minute shall correspond to requirements specified in subparagraphs 2 and 3 of paragraph 19 of this Minute, in addition to general criteria specified in paragraph 12 of this Minute.

19. "Unrelated" income support of producers shall correspond to the following requirements:

1) the right to payment shall be established by the legislation of the member state depending on the income level, status of producer, use of factors of production or production level in the definite and fixed base period;

2) the amount of payments does not depend on the type or volume of products (including livestock), domestic and world prices to manufactured products and factors of production;

3) carry out manufacture of products shall not be required for reception of payments.

20. Financial participation of authorized bodies of the state power in insurance programs and safety protection of incomes shall correspond to the following requirements:

1) the right to payments shall be determined by the losses of incomes (moreover only the incomes, received from agriculture are considered), which exceed 30 percent of average gross income or of equivalent in the form of net income (excluding any payments, received on such or similar programs) for the previous 3-years period or from average index for 3 years, calculated on the basis of previous 5-years period, from which the highest and lowest annual indices are excluded. Any producer meeting this condition shall have a right to receive payments;

2) the amount of compensation may not exceed 70 percent for volume of losses of producer in the income for this year, in which the producer is entitled to receive assistance;

3) the amount of payments does not depend on type or volume of products (including livestock), domestic or world prices for industrial products and factors of production;

4) upon obtainment of the state support in accordance with this paragraph and paragraph 21 of this Minute by producer of agriculture products during 1 calendar year, the total amount of compensation may not exceed 100 percent of total losses of producer.

21. Payments in the manner of assistance upon natural and other disasters, carried out directly or by financial participation of authorized bodies of the state power (organizations authorized by them) in the insurance programs of agricultural crop and animals shall correspond to the following requirements:

1) the right to payments arises after official recognition by the authorized bodies of the state power that natural or other disasters (as well as outbreaks, pest infestation, grasshopper plague, wildfires, droughts, floods and other dangerous hydrometeorological phenomena, man-made events, nuclear accidents and military actions in the territory of the member state, etc.) are occurred or occurs;

2) the amount of payments are determined on the basis of volume of production losses, exceeding 30 percent from the average level of volume of production for the preceding 3-years period, or from the average index of volume of production for 3 years, calculated on the basis of preceding 5-years period, from which the highest and lowest annual indices are excluded;

3) the payments are executed in relation of losses of income, livestock (including payments related to the veterinary care of animals), disposal of the turnover of agricultural land and other factors of production, conditioned by natural or other disasters;

4) the amount of payments shall not exceed the total cost of losses of producer, conditioned by natural or other disasters, irrespective of the type or quantity of future production;

5) the amount of payments shall not exceed the level, necessary for prevention or mitigation of further losses, determined in subparagraph 3 of this paragraph;

6) upon reception of the state support in accordance with this paragraph and paragraph 20 of this Minute by producer during 1 calendar year, the total amount of compensation may not exceed 100 percent of the total losses of producer.

22. Assistance to the structural changes by programs that encourage producers to terminate their activity, provides the following:

1) the right to payments is determined by clearly defined criteria within the programs, intended to facilitate termination of activity of persons, engaged in production of the commodity agricultural products, or their transfer to other economic sectors;

2) the payments depend on termination of production of commodity agricultural products by aid recipient in the full volume and on a permanent basis.

23. Assistance to the structural changes by programs on termination of the use of resources provides the following:

1) the right to payments is determined by clearly defined criteria within the programs, directed to termination of the use of land or other resources, including livestock, for the purposes of production of agricultural goods;

2) payments depend on the derivation of land from the scope of production of commodity agricultural products for at least 3 years, and in the case of livestock - from its slaughter with subsequent refusal of its breeding;

3) alternative use of land and other resources derived from the scope of production of commodity agricultural products shall not be required and specified for implementation of payments;

4) payments do not depend on the type and volume of products, domestic or world prices for products, manufactured with the use of land or other resources, remaining for production.

24. Assistance to structural changes by encouragement of investments provides the following:

1) the right to payments is determined by criteria, clearly defined within the state programs, intended for assistance of financial or physical restructuring of activity of producer due to objectively proven structural losses. The right to such payments may be also based on clearly defined government program on denationalization of agricultural lands;

2) the amount of payments is not determined on the basis and does not depend on the type of volume of manufactured products (including livestock), except for the requirement, provided in subparagraph 5 of this paragraph;

3) the amount of payment is not determined on the basis and does not depend on domestic or world prices on specific goods;

4) the payments are provided only for the period, necessary for sale of investments, for which these payments are intended;

5) when making payments, recipient of support is not prescribed and specified by no means which agricultural goods shall be produced by them, except for the requirement to not manufacture a particular product;

6) the payments are restricted by amount, required for compensation of structural losses.

25. Payments on programs of environmental protection shall be carried out in recognition of the following:

1) the right to payments is determined by participation of producer in the state program of protection or preservation of the environment and depends on fulfilment of particular conditions, provided by this state program, including conditions, relating to the methods of production or necessary materials;

2) the amount of payments is restricted by the rates of additional expenses or losses of income, related with execution of the state program.

26. Payments on programs of regional aid shall be made in recognition of the following:

1) the right to payments is provided to the producers, carrying out production in the disadvantaged regions. Disadvantaged region shall present administrative and (or) economic territory, determined by the legislation of the member state;

2) the amount of payments is not determined on the basis and depends on the type or volume of production of agricultural goods (including livestock), but related with reduction in production of these goods;

3) the amount of payments is not determined on the basis and depends on domestic or world prices for specific goods;

4) the payments are provided only to the producers in the regions, having the right to aid and available for all producers in such regions;

5) the payments, related with factors of production shall be made on regressive scale in excess of the threshold level on this factor of production;

6) the amount of payments is restricted by the rates of additional expenses or losses of income, related with production of agricultural goods in the designated area.

IV. The measures, rendering the distorting effect on trade to the maximum extent

27. The measures, rendering the distorting effect on trade to the maximum extent shall be:

1) making the direct payments (including payments in natural terms) to the specific producers, group or association of producers of agricultural goods depending on results of export of such goods;

2) sale or proposal for export of non-commercial stocks of agriculture goods to the territory of another member state at the prices below the prices for similar goods, proposed to buyers in the internal market of the member state;

3) making payments upon export of agricultural goods, which are financed with support of government, both at the expense of the state funds, and other funds, including payments, which are financed at the expense of revenues from charges for agriculture product or for agriculture product, from which the product exported to the territory of another member state is originated, to the territory of another member state;

4) provision of the state support for reduction in expenses of marketing and promotion of agricultural goods for export to the territory of another member state (except for the widely used services on export promotion and consultative services), including expenses for handling operations, improvement in the quality of production and other expenses on processing as well as expenses related with international transportations;

5) establishment of internal tariffs for transportation of agricultural goods, intended for export to the territory of another member state, on conditions more favorable than upon transportation of agricultural goods, intended for internal consumption;

6) provision of the state support of agriculture depending on inclusion of agricultural goods in production, intended for export to the territory of another member state.

V. Calculation of volumes of the state support of agriculture

28. Upon calculation of volumes of the state support of agriculture shall be considered:

1) direct transfer of funds;

2) granting of a guarantee for performance of obligations (for example, guarantee for loans and credits);

3) acquisition of goods, services, securities, enterprises (property complex) or its part, share in the charter fund of organization (including acquisition of stocks), other property, rights to intellectual property and etc. by the state at the prices, exceeding the market prices;

4) complete or partial rejection from collection of payments due to budgets of the state, administrative and territorial units (for example, debt relief on payments to the budget and etc .);

5) preferential or gratis provision of goods or services;

6) price support, which combines measures, directed to level control of market prices.

29. Upon direct transfer of funds, the volume of the state support for agriculture shall correspond to the amount of received funds, provided on a gratis basis (for example in the form of donation, compensation and etc.). If the funds are provided on a repayable basis than established on the available market (market of bank loan, bonds, etc.), the volume of support shall be determined as the difference between the amount, which would be required to pay for the use of these funds in the case of their reception in the market and actually amount paid.

30. The volume of the state support for agriculture on granting of a guarantee for performance of obligation shall be determined as the difference between the amount, which would be required to pay on the basis of tariff on insurance of risk for non-performance of relevant obligation in the available market of insurance services, and amount, which is required to pay for granting of guarantee to the subsiding body.

Budget expenses on execution of guarantee shall be included in the volume of the state support in the amount of their level increase, calculated in accordance with first item of this paragraph.

The member states shall include information allowing evaluate the level of the state support on granting of the state guarantee for performance of obligations to the notifications, provided in section VI of this Minute.

31. Upon acquisition of goods, services, securities, enterprises (property complex) or its part, share in the charter fund of organization (including acquisition of stocks), other property, rights to intellectual property and etc. by the state at the prices, exceeding the market prices, the volume of the state support for agriculture shall be calculated as the difference between the actually amount paid for acquired objects and amount, which would be required to pay for these objects at the prices, existing in the market.

Expenses of the state for acquisition of stocks, increase its share in the charter capital of enterprise and etc., meeting the requirements of usual investment practice shall not be referred to the measures of the state support.

32. Upon complete or partial rejection from collection of payments due to budgets of the member state, administrative and territorial units, the volume of the state support for agriculture shall correspond to the amount of unexecuted financial obligations of producer to the budget, as well as obligations that may arise, if the support is not used. The volume of the state support for agriculture shall be determined as the amount, which is necessary to pay in the form of percent for the use of amount of borrowed funds, received in the available credit market, equal to the deferred liability, upon deferral of performance of obligations.

33. Upon preferential or gratis provision of goods or services, the volume of the state support for agriculture shall be calculated as the difference between the market cost and actually amount paid of acquisition (provision) of goods or services.

34. The volume of the price support, which combines measures, directed to level control of market prices shall be calculated as production for the number of specific type of agricultural goods, in relation of which the regulated prices of measures for regulation of prices are applied for the difference of internal regulated price and reference world price with correction of information depending on the quality and degree of processing the goods (for example, basic fat status of milk). Budget expenses, directed to support of prices (for example the expenses on procurement and storage) shall not be included to the calculation of volume of price support.

VI. Notifications on the state support of agriculture

35. The member states shall notify each other and Commission on all programs of provision the state support for agriculture, planned in the current year, carried out on federal or republican levels, as well as on the level of administrative and territorial units, in written form, including information on volumes and procedure of provision the state support for agriculture. Notification shall contain sufficient information, in order to the authorized bodies of the member state and Commission may evaluate the amount of state support for agriculture , provided by the member states and its compliance with this Minute. The member states shall not transfer information on provided state support for agriculture to the category of restricted information. The member states shall, annually not later than 1 May, direct notification to each other and Commission

36. The member states shall direct notifications, specified in paragraph 35 of this Minute, containing details on expenditure side of federal or republican budget, provided on sections, subsections and types of functional and departmental classification of expenses, as well as regulation on procedure and volumes of provision of the state support for agriculture to each other and Commission. Expenses of budget for administrative and territorial units of the member states shall be reflected in notifications by any other way.

37. The list of sources of information on volumes and directions of the state support for agriculture at the federal or republican levels, as well the at the level of administrative and territorial units shall be provided by the member state or authorized body of the member state at the request of another member state or Commission.

38. The authorised bodies of the Member States shall send each other and the Commission notifications on state support for agriculture provided in the reporting year on the territory of their State by 31 December of the year following the reporting year.

Footnote. Paragraph 38 as amended by the Law of the Republic of Kazakhstan dated 30.01.2024 № 56-VIII.

39. A form of notifications on programs of the state support for agriculture, planned in the current year and on the state support for agriculture, provided in the reporting year shall be developed by Commission jointly with the member states and approved by Commission.

VII. Responsibility of the member states

40. In the case of violation of provisions of paragraphs 6 and 8 of this Minute by the member state, such member state shall terminate provision of measures, rendering distorting effect on trade to the maximum extent or measures, rendering distorting effect on trade and provided in excess of the permitted volume within a reasonable time period and pay compensation to other member states in the amount, equal to the volume of measures, rendering distorting effect on trade to the maximum extent, exceeding the permitted volume. Procedure of payment of compensation shall be established by the Council of commission. In the case of non-payment the specified compensation by the member state, other member states shall have a right to introduce the response measures.

ANNEX №30
to Agreement on Eurasian
Economic Union

MINUTE
on provision medical assistance to workers of the member states and family members

1. This Minute is developed in accordance with section XXVI of Agreement on Eurasian Economic Union and regulates the issues on provision medical assistance to workers of the member states and family members.

2. The concepts used in this Minute shall have the following meanings:

“state of residence” – the state, a citizen of which is patient;

“healthcare organization (healthcare institution)” – a legal entity independent from organizational and legal form, carrying out medical activity as the basic (charter) type of activity on the basis of license, issued in the manner established by the legislation of the member states, other legal entity independent form organizational and legal form, carrying

out medical activity together with the basic (charter) type of activity or individual, registered as individual entrepreneur, carrying out medical activity in accordance with the legislation of the member state;

"medical evacuation" – transportation of patient for the purposes of life saving and preservation of health (as well as patients, to whom it is impossible to provide medical assistance in life-threatening conditions in the healthcare organizations (healthcare institutions), in which they are located, and patients injured as a result of emergency situations and natural disasters, as well as suffering from diseases representing a danger to others);

"patient" – workers of the member state or family member, to whom the medical assistance is provided or who applied for medical assistance, independent from their disease and their state;

"emergency health services" (in the urgent form) – a complex of medical services, rendered at the sudden acute disease, states, acute exacerbation of a chronic disease without obvious signs of threat to the life of the patient;

"emergency health services" (in the emergency form) – a complex of medical services, rendered at the acute diseases, accidents, injuries, poisoning and other states that threaten the patient's life.

3. The state of employment shall ensure provision of medical assistance to the workers of the member states and family members in the manner and on conditions which are determined by the legislation of the state of employment and international treaties.

4. The member states shall provide the right to receive free emergency health services (in the emergency and urgent form) to the workers of the member states and family members in its territory in the same manner and on the same conditions as the citizens of the state of employment.

Emergency health services (in the emergency and urgent form) shall be rendered to the workers of the member states and family members by healthcare organizations (healthcare institutions) of the state and municipal healthcare systems of the state of employment for free, independent form availability of health insurance card.

Compensation for expenses of healthcare organization (healthcare institution) for rendering of emergency health services (in the emergency and urgent forms) to the workers of the member states and family members shall be carried out at the expense of relevant budgets of budget system of the state of employment in accordance with existing finance system of health care service.

5. In the case of continuation treatment of patient in the healthcare organizations (healthcare institutions) of the state of employment after elimination of direct threat to its life or health of others, the payment of actual cost of provided services shall be carried out directly by the patient or from other resources, not prohibited by the legislation of the state of employment, on tariffs or contractual prices.

6. If necessary to carry out medical evacuation of patient to the state of residence, the information on the state of health shall be directed by healthcare organization (healthcare institution) to the embassy and (or) authorized body (organization) of the state of residence.

A possibility of medical evacuation of patient, as well as procedure of medical evacuation shall be determined in accordance with the legislation of the member states. Medical evacuation shall be carried out by mobile teams of emergency health services with conducting of measures on provision of medical assistance, as well as with the use of medical device during transportation.

Compensation of expenses related with medical evacuation of patient shall be carried out at the expense of relevant budget of budget system of the state of residence in accordance with existing finance system of health care service or other resources, not prohibited by the legislation of the state of residence.

ANNEX №31
to Agreement on Eurasian
Economic Union

MINUTE
On functioning of Eurasian Economic Union within the multilateral trading system

The Agreement on functioning of the Customs Union within the multilateral trading system dated 19 May, 2011 shall be applied within the Union to the relevant relations.

ANNEX №32
To Agreement on Eurasian
Economic Union

PROVISION
on social guarantees, privileges and immunities in the Eurasian Economic Union
I. General provisions

1. The concepts used in this Provision shall have the following meanings:

“state of residence” – the member state, in the territory of which the body of the Union is located;

“premises of bodies of the Union” – buildings or building parts, used for official purposes , as well as for residence of members of the College of Commission, judges of the Court of the Union, civil servants and employees;

“representatives of the member states” – heads and members of delegations, directed by the member states at the meetings of bodies of the Union and measures, conducted within the Union;

"social security (social insurance)" – compulsory insurance in case of temporary incapacity for work and in connection with maternity, compulsory insurance from industrial accidents and occupational diseases, compulsory medical insurance;

"family members of the College of Commission, judges of the Court of the Union, civil servants" – a husband (wife), minor children and persons who are dependent, permanently residing with the members of the College of Commission, judges of the Court of Union, civil servants;

"family members of employees" a husband (wife) and minor children, permanently residing with employees.

2. The members of the College of Commission, judges of the Court of the Union, civil servants and employees are international servants. They shall not request or receive specifications from bodies of the state power or official persons of the member states, as well as from the state authorities, that are not the members of the Union, upon execution of their powers (execution of employment (official) duties). They shall refrain from any actions incompatible with their status as international servants.

3. Each member state shall be obliged to fully respect the international nature of powers of members of the College of Commission, judges of the Court of the Union, civil servants and employees and have not influence on them upon execution of official duties by them.

II. Privileges and immunities of the Union

4. Property and assets of bodies of the Union shall enjoy immunity from any form of administrative or judicial intervention, except for the cases, when the Union waives immunity by itself.

5. Premises of bodies of the Union, as well as their records and documents, as well as official correspondence, regardless of location shall not subject to search, requisition, confiscation or any other form of interference, preventing the normal activity of these bodies.

6. Representatives of relevant bodies of the state power and management of the state of residence may not enter the premises of bodies of the Union without the consent of the Chairman of the College of Commission, Chairman of the Court of Union or the persons substituting them, and on the conditions, approved by them, except for the cases of fire or other circumstances requiring immediate protection measures.

7. Execution of any actions by decision of relevant bodies of the state power and management of the state of residence may be in the premises of bodied of the Union only with consent of Chairman of the College of Commission, Chairman of the Court of the Union or persons, substituting them.

8. Premises of bodies of the Union may not serve as a shelter for persons persecuted under Laws of any of the member states or extraditable to the member state or the state which is not a member of the Union.

9. Inviolability of premises of bodies of the Union shall not grant a right to use them for the purposes, incompatible with functions and tasks of the Union or causing damage to security, interests of individuals or legal entities of the member states.

10. The state of residence shall take appropriate measures for protection of premises of the Union from any invasion or damage.

11. The bodies of the Union shall be exempted from taxes, charges, duties and other payments, collected in the state of residence, except for the payments, which present the payment for specific types of service activities (services), and payments (deductions and contributions), paid in accordance with paragraphs 44 and 45 of this Minute.

12. Subjects and other property, intended for official use by bodies of the Unions shall be exempted from imposition of customs duties, taxes and customs charges in the territories of the member states.

13. In relation of official communication means, the bodies of the Union shall use conditions not less favorable than those which are provided by the state of residence to diplomatic representations.

14. The bodies of the Union may place the flag, emblem or other symbols of the Union in the premises occupied by them and their vehicles.

15. The bodies of the Union may issue and distribute print production, publication of which is provided by international treaties and acts, constituting the Union law in accordance with their purposes and functions upon observance of the legislation of the member states.

16. The state of residence shall render assistance in acquisition or reception of premises, necessary for performance of functions by bodies of the Union, to the Union.

17. The Union shall maintain cooperation with relevant bodies of the state power and management of the member states for the purposes of ensuring the proper administration of justice and performance instructions of law enforcement bodies, as well as prevention of any abuse in terms of privileges and immunities, provided by this Provision.

III. Privileges and immunities of members of the College of Commission, judges of the Court of the Union, civil servants and employees

18. The members of the College of Commission and judges of the Court of the Union, if they are not the citizens of the state of residence enjoy privileges and immunities in the volume, provided by the Vienna Convention on Diplomatic Relations dated 18 April, 1961 for diplomatic agent.

Such immunities shall not be applied in the case of:

property suits relating to private immovable property located in the territory of the state of residence;

suits relating to inheritance in respect of which a member of the College of Commission, a judge of the Court of the Union or family member act as executor, trustee of inheritable property, heir or legatee as a private person and not on behalf of the body of the Union;

suits, relating to professional activity, exceeding authority, provided by Agreement on Eurasian Economic Union (hereinafter - Agreement).

An effect of provisions of subparagraph 1 of paragraph 19 of this Provision shall be applied to the persons of the College of Commission and judges of the Court of the Union which are the citizens of the state of residence.

An effect of provisions of subparagraphs 3-5 of paragraph 19 of this Provision shall be applied to the family members of the College of Commission and judges of the Court of the Union, residing with them, if these family members are not the citizens of the state of residence.

Immunity from civil jurisdiction of the state of residence in relation of suits for compensation of damage in connection with a traffic accident caused by the transport vehicle belonging to the family member, or managing it shall not be applied to the family members of the members of the College of Commission and judges of the Court of the Union, if they are citizens of the state of residence and (or) permanently reside in its territory.

19. Civil servants shall:

1) not subject to criminal, civil and administrative responsibility for said or written words and all actions committed by them as civil servants;

2) exempted from taxation of salary and other remunerations, paid by bodies of the Union ;

3) exempted from national service obligations;

4) exempted from restrictions on entry to the state of residence and departure from it, from registration as the foreigner and application for temporary residence;

5) enjoy the same benefits on repatriation, as the diplomatic representatives use during international crisis.

20. An effect of provisions of subparagraphs 2-5 of paragraph 19 of this Provision shall not be applied to civil servants if they are citizens of the state of residence and (or) permanently reside in its territory.

21. An effect of provisions of subparagraphs 3-5 of paragraph 19 of this Provision shall be applied to the family members of civil servants, residing with them, if these family members are not the citizens of the state of residence and (or) permanently resides in its territory.

22. The issues of accreditation of members of the College of Commission, judges of the Court of the Union, civil servants and employees shall be regulated by international treaties on conditions of residence of bodies of the Union in the territory of the state of residence.

23. The members of the College of Commission, judges of the Court of the Union, civil servants and employees shall not have a right to engage in entrepreneurial and any other

activity in the interest of personal benefit or the benefit of other persons, except for the scientific, creative and teaching activity.

The incomes from scientific, creative or teaching activity shall subject to taxation in accordance with international treaties and the legislation of the state of residence.

24. The members of the College of Commission, judges of the Court of the Union, civil servants and their family members shall observe requirements of the legislation of the state of residence in relation of insurance for damage, which may be caused to third persons in connection with the use of any transport vehicle.

25. The employees shall not subject to jurisdiction of judicial or administrative bodies of the state of residence in relation of actions, committed upon direct performance of their official duties, except for the cases of presentation:

1) suits on compensation of damage in connection with the traffic accident, caused by transport vehicle, belonging to the employee or managing it;

2) suits in connection with death or personal injury caused by the actions of employees.

26. The employees shall be exempted from restrictions on entry to the state of residence and departure from it, from registration as the foreigner and application for temporary residence.

27. Provisions of paragraphs 25 and 26 of this Provision shall not be applied to the relationship between the employees and bodies of the state power and management of the member state, citizens of whom they are.

28. Privileges and immunities, enjoyed by the members of the College of Commission, judges of the Court of the Union, civil servants and employees shall be provided them not for personal benefit but for effective, independent exercise their powers (performance of employment (official) duties) by them in the interests of the Union.

29. The members of the College of Commission, judges of the Court of the Union, civil servants, employees and their family members shall enjoy privileges and immunities, provided by this Provision, from the date of their entry into the territory of the state of residence on going to their destination or if they are already in the territory, from the date when the members of the College of Commission, judges of the Court of the Union, civil servants, employees have begun to exercise their powers (employment (official) duties).

30. Upon termination of powers (execution of employment (official) duties) of the member of the College of Commission, judge of the Court of the Union, civil servant or employee, their privileges and immunities, as well as privileges and immunities of their family members, residing with them shall be usually terminated at the time of abandonment of the state of residence by this person or upon expire of reasonable period of time for abandonment of the state of residence depending on which of these moments will happen first . Privileges and immunities of the family members shall be terminated which they cease to be family members of the member of the College of Commission, judge of the Court of the Union, civil servant or employee. Upon that if such persons are intended to leave the state of

residence during the reasonable period of time, their privileges and immunities shall be preserved before the date of their departure.

31. In the case of death of a member of the College of Commission, judge of the Court of the Union, civil servant or employee, their family memebrs residing with them shall continue to enjoy the privileges and immunities to the date of leaving them the state of residence or until the expire of a reasonable term to leave the state of residence depending on which of these will happen first.

32. The immunities from administrative, civil and criminal jurisdiction of a member of the College of Commission, judge of the Court of the Union or civil servant in relation of all said and written within implementation of its functions and all actions, committed as a member of the College of Commission, judge of the Court of the Union or civil servant shall be preserved for him (her) after termination of powers. This paragraph shall be valid without damage for the cases of incurrence of liability of members of the College of Commission, judges of the Court of the Union of civil servants, provided by Agreement or international treaties within the Union.

33. All persons enjoying privileges and immunities shall be obliged to respect the legislation of the state of residence without damage for their privileges and immunities in accordance with this Provision. They are also obliged not to intervene in the internal cases of this state.

34. A member of the College of Commission, judge of the Court of the Union, civil servant, and employee may be deprived of immunity in the case, if the immunity prevents to implementation of justice and the lifting of immunity does not cause damage to the purposes, in connection with which it was granted.

35. Lifting of immunity shall be carried out:

1) in relation of a member of the College of Commission and judge of the Court of the Union – by the Superior council;

2) in relation of civil servant and employee of the Commission – by the Council of Commission;

3) in relation of civil servant and employee of the court of the Union – by the Chairman of the Court of the Union.

36. Waiver of immunity shall be carried out in written form and shall be explicit.

IV. Privileges and immunities of representatives of the member states

37. Upon performance of official functions and during following to the place of conducting the measures, organized by the bodies of the Union in the territories of the member states, representatives of the member states shall enjoy the following privileges and immunities:

1) immunity from personal arrest or detention and from the jurisdiction of judicial and administrative authorities in relation of all actions that may be committed by them in this capacity;

2) inviolability of residence;

3) exemption of accompanied baggage and carry-on baggage from customs inspection, unless there are serious grounds to believe that they contain the subjects and other property not intended for official or personal use or subjects and other property, the import or export of which is prohibited or restricted by the legislation of the member state, in the territory of which the measure is conducted;

4) exemption from restrictions on entry to the state of residence and the exit from it, from registration as the foreigners and application for temporary residence.

38. Provisions of paragraph 37 of this Provision shall not be applied to mutual relations between the representatives of the member state and authorities of the member state, citizen or representative of which he (she) is or was.

39. Privileges and immunities, enjoyed by the representatives of the member states shall be provided them not for personal benefit but for effective, independent performance of official functions by them in the interests of its member state.

40. The premises occupied by representatives of the member states, pieces of furniture and other property, as well as transport vehicles used by them for the need of service shall enjoy the immunity from search, requisition, arrest and enforcement procedures.

41. Records and documents of the member states are inviolable at any time, regardless of the media and their location.

42. The state of residence shall provide to all representatives of the member states freedom of movement and trips along its territory to the extent that it is necessary for the performance of their official functions, in the case if it does not contradict to the Law and rules concerning the zones, the entry of which is prohibited or regulated for reasons of national security.

V. Labor relations and social guarantees in the bodies of the Union

43. The labor relations of the members of the Collegium of the Commission, judges of the Court of the Union, officials and employees shall be governed by the laws of the host state, with due regard to the norms of the Agreement.

Footnote. Paragraph 43 as amended by Law of the Republic of Kazakhstan № 145-VII of 10.10.2022 (shall enter into force on the date of receipt by the depositary via diplomatic channels of the last written notification on completion by the member-states of domestic procedures required for its entry into force).

44. Retirement insurance of the members of the College of Commission, judges of the Court of the Union, civil servants and employees shall be carried out in accordance with the legislation of the member state, citizens of whom they are.

Mandatory deductions for retirement insurance of members of the College of Commission , judges of the Court of the Union, civil servants and employees shall be carried out by bodies of the Union without deduction from salary at the expense of budget funds of the Union to the pension funds of the member states, citizens of whom the specified persons are, in the manner and amounts, established by the legislation of relevant member state. The retirement costs to the members of the College of Commission, judges of the Court of the Union, civil servants and employees shall bear the member state, the citizens of whom they are.

45. Social security (social insurance) except for the retirement insurance, and provision of social insurance benefits to the members of the College of Commission, judges of the Court of the Union, civil servants and employees shall be carried out in accordance with the legislation of the state of residence on the same conditions and in the same manner that in the relation of citizens of the state of residence.

Payment of premium for social security (social insurance), except for the retirement insurance, from the payments in favor of the members of the College of Commission, judges of the Court of the Union, civil servants and employees shall be carried out at the expense of budget funds of the Union in the manner established by the legislation of the state of residence.

The member state shall bear expenses for the payment of benefits on social security (social insurance) without mutual payments with other member states.

46. Period of work as a member of the College of Commission, judge of the Court of the Union, civil servant or employee shall be counted to the pensionable or labor length of service upon awarding of pension or benefits on social security (social insurance) in accordance with the legislation of the member state, the citizens of whom they are.

Period of work as a member of the College of Commission, judge of the Court of the Union, civil servant or employee shall be counted to the pensionable or labor length of service upon awarding of pension in accordance with the legislation of the member state, the citizens of which they are, and upon awarding of benefit on social security (social insurance) – in accordance with the legislation of the state of residence.

47. The earnings received by the members of the College of Commission, judges of the Court of the Union, civil servants and employees in the period of performance of their functions shall be considered upon determination of the amount of pension in accordance with the legislation of the member state, citizens of which they are, and upon determination of the amount of benefit on social security (social insurance) – in accordance with the legislation of the state of residence.

48. The following social guarantees shall be provided to the members of the College of Commission and judges of the Court of the Union in the period of exercise of their powers:

1) annual paid leave with duration of 45 calendar days;

2) health services as well as to their family memebrs, as well as transport services carried out at the expense of budget of the Union;

3) provision of corporate housing to the members of the College of Commission and judges of the Court of the Union (in recognition of their family members), not having dwelling place in the territory of city, in which the relevant body of the Union is located, at the expense of budget of the Union;

4) inclusion the period of exercise the powers of a member of the College of Commission to the experience of the state (state civil) service in the granting of social guarantees, provided by the legislation of the member state, the citizen of which he (she) is, for the state employees (federal civil servants), as well as to the duration of exercise of powers of the minister (federal minister) upon determination the amount (right) of pension (social) security (monthly pension supplement), provided by the legislation of the member state, the citizen of which is a member of the College of Commission, for the minister (federal minister);

5) inclusion of period of exercise the powers of the judge of the Court of the Union to the judicial experience in the member state, the citizen of which is a judge of the Court of the Union.

49. The issues related with ensuring the social guarantees (as well as with health and transport services), provided to the members of the College of Commission and judges of the Court of the Union shall be resolved by the competent body of the state of residence.

50. The members of the College of Commission, who are the citizens of the Russian Federation, resigned commission (except for the cases of early termination of powers provided by Provision on Eurasian Economic Commission (Annex № 1 to the Agreement)), shall have a right to establish a monthly supplement to the old age pension insurance (disability). A monthly pension supplement shall be established in the amounts, manner and on conditions, which are provided by the legislation of the Russian Federation for the federal minister. Decision on establishment of the monthly pension supplement shall be adopted by the head of federal body of executive power, exercising functions on development and implementation of the state policy and legal regulation in the scope of retirement insurance. Monthly pension supplement shall be established at the expense of the funds of federal budget .

The guarantees shall be applied to the judge of the Court of the Union upon termination of its powers and the monetary payments, provided by the legislation of the member state for the chairmen of Supreme Court of the member state, from which the judge of the Court of the Union is appointed shall be also provided to him (her). These guarantees and monetary payments shall be established to the judge of the Court of the Union in the manner determined by the legislation of the member state, from which the judge of the Court of the Union is appointed.

51. Health services shall be provided to the civil servants, employees and their family memebrs at the expense of the budget funds of the Union in the period of execution of their employment (official) duties, the transport services shall be also provided to the directors of departments of the Commission and the head of the Secretariat of Court of the Union at the expense of budget funds of the Union.

52. The corporate housing (in recognition of family members) shall be provided to the civil servants and employees, not having dwelling place in the territory of city, in which the relevant body of the Union is located, at the expense of budget funds of the Union, in the period of execution of their employment (official) duties.

53. Officials and employees of the Commission and the Court of Justice of the Union being the nationals of the Russian Federation who at any time prior to their work in the Commission and the Court of Justice of the Union occupied positions of civil service in the Russian Federation, who have been released from the positions held in the Commission or the Court of Justice of the Union (excluding cases of release due to guilty actions), and who have a length of civil service experience in the respective year, prescribed by the legislation of the Russian Federation for the granting of long-service pensions to federal civil servants shall have the right to a long-service pension assigned to them under the conditions and pursuant to the procedure prescribed by the legislation of the Russian Federation for federal civil servants if, immediately prior to their resignation from the Commission or the Union Court, they had held positions therein for at least three years. Presentation (decision) on establishment of pension for years of service shall be adopted by the head of the federal body of executive power, exercising functions on development and implementation of the state policy and legal regulation in the scope of retirement insurance, on presentation of the Chairman of the College of Commission and Chairman of the Court of the Union.

The amount of pension for years of service shall be calculated on the basis of average monthly salary of civil servant or employee, the limit amount of which is determined in relation of official salaries (monetary remuneration), established on equated position of the state civil service according to the list of compliance of positions of civil servants and employees of Commission and the Court of the Union with positions of federal state civil service in the Apparatus of the Government of the Russian Federation and administrative office of the Supreme Court of the Russian Federation.

Pension for years of service shall be granted at the expense of the federal budget funds by the legislation of the Russian Federation.

Footnote. Paragraph 53 as amended by Law of the Republic of Kazakhstan № 145-VII of 10.10.2022 (shall become effective on the date of receipt by the depositary via diplomatic channels of the last written notification on completion by the member states of domestic procedures required for its entry into force); № 151-VII of 02.11.2022 (shall enter into force on the date of receipt by the depositary, via diplomatic channels, of the last written notification of the member states of the domestic procedures required for its entry into force).

54. Period of the work of civil servants and employees of Commission and the Court of the Union shall be included to the experience of the state (state civil) service of the member state, the citizens of which they are, for establishment of social guarantees during the period of state (state civil) service and for granting a pension for years of service of the state employees (federal civil servants).

55. Procedure of health and transport service of members of the College of Commission, judges of the Court of the Union, civil servants and employees, as well as their family members shall be determined by the Intergovernmental Council.

ANNEX №33
to Agreement on Eurasian
Economic Union

MINUTE
on termination of effect of international treaties,
concluded within formation of the Customs Union and
the Common Economic Space, in connection with entering
of Agreement on Eurasian Economic Union into legal force

An effect of the following international treaties, concluded within formation of the Customs Union and Common Economic Space shall be terminated in connection with entering of Agreement on Eurasian Economic Union (hereinafter – the Agreement) into legal force.

I. International treaties, terminating from the date of
entering of Agreement into legal force

1. Agreement on creation of unified customs territory and formation of the Customs Union dated 6 October, 2007.

2. Minute on procedure for entering of international treaties directed to formation of contractual legal base of the Customs Union, withdrawal from them and accession to them, to the legal force dated 6 October, 2007.

3. Agreement on maintenance of the customs statistics of external and mutual trade of goods of the Customs Union dated 25 January, 2008.

4. Agreement on unified customs tariff regulation dated 25 January, 2008.

5. Agreement on unified measures of non-tariff regulation in relation of third countries dated 25 January, 2008.

6. Agreement on application of special protective, antidumping, compensatory measures in relation to the third countries dated 25 January, 2008.

7. Agreement on principles for collection of indirect taxes upon export and import of goods, execution of works, rendering of services in the Customs Union dated 25 January, 2008.

8. Minute on provision of tariff preferences dated 12 December, 2008.

9. Minute on ensuring of uniform application of rules for determination of the customs cost of goods, transferred through the customs border of the Customs union dated 12 December, 2008.

10. Minute on exchange of information, necessary for determination and control of the customs cost of goods, between the customs bodies of the Republic of Belarus, Republic of Kazakhstan and the Russian federation dated 12 December, 2008.

11. Minute on conditions and procedure of application the rates of imported customs duties, different from the rates of the Unified customs tariff in the exceptional cases dated 12 December, 2008.

12. Agreement on types of the customs procedures and customs regimes dated 12 December, 2008.

13. Agreement on procedure of declaring the customs cost of goods, transferred through the customs border of the Customs union dated 12 December, 2008.

14. Agreement on procedure of declaring the goods dated 12 December, 2008.

15. Agreement on procedure of calculation and payment of customs duties in the participating states of the Customs union dated 12 December, 2008.

16. Agreement on procedure of carrying out of accuracy control for determination the customs cost of goods, transferred through the customs border of the Customs union dated 12 December, 2008.

17. Agreement on procedure of customs processing and customs control in the participating states of the Customs union dated 12 December, 2008.

18. Agreement on Secretariat of Commission of the Customs union dated 12 December, 2008.

19. Agreement on conditions and mechanism of application of tariff quotas dated 12 December, 2008.

20. Agreement on procedure of introduction and application of measures, affecting the foreign goods trade, in the unified customs territory in relation of third countries dated 9 June, 2009.

21. Agreement on rules of licensing in the scope of foreign goods trade dated 9 June, 2009
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22. Minute on procedure for collection of indirect taxes and mechanism of control of their payment upon export and import of goods in the Customs Union dated 11 December, 2009.

23. Minute on procedure of collection of indirect taxes upon execution of works, rendering the services in the Customs Union dated 11 December, 2009.

24. Minute on procedure of transfer of statistic data of foreign trade and statistics of mutual trade dated 11 December, 2009.

25. Minute on the status of Center of customs statistics of Commission of the Customs union dated 11 December, 2009.

26. Agreement on mutual recognition of accreditation of certification bodies (assessment (confirmation) of conformity) and testing laboratories (centers), executing the works on assessment (conformation) of conformity dated 11 December, 2009.

27. Agreement on circulation of products, subject to compulsory assessment (confirmation) of conformity in the customs territory of the Customs Union dated 11 December, 2009.

28. Agreement on the Customs Union on veterinary and sanitary measures dated 11 December, 2009.

29. Agreement of the Customs Union on plant quarantine dated 11 December, 2009.

30. Agreement of the Customs Union on sanitary measures dated 11 December, 2009.

31. Minute dated 11 December, 2009 on making amendments in Agreement on principles of collection of indirect taxes upon export and import of goods, execution of works, rendering of services in the Customs Union dated 25 January, 2008.

32. Agreement on establishment and application of procedure of credit and distribution of import customs duties (other duties, taxes and charges, having equivalent effect) dated 20 May, 2010.

33. Minute dated 21 May, 2010 on making amendments in Agreement of the Customs Union on plant quarantine dated 11 December, 2009.

34. Minute dated 21 May, 2010 on making amendments in Agreement of the Customs Union on veterinary and sanitary measures dated 11 December, 2009.

35. Minute dated 21 May, 2010 on making amendments in Agreement of the Customs Union on sanitary measures dated 11 December, 2009.

36. Minute on separate temporary waivers from the functioning regime of the unified customs territory of the Customs Union dated 5 July, 2010.

37. Agreement on application of information technologies upon electronic document exchange in the foreign and mutual trade in the unified customs territory of the Customs Union dated 21 September, 2010.

38. Agreement on creation, functioning and development of integrated information system of foreign and mutual trade of the Customs Union dated 21 September, 2010.

39. Agreement on unified principles and rules of technical regulation in the Republic of Belarus, Republic of Kazakhstan and the Russian Federation dated 18 November, 2010.

40. Minute on procedure for provision of details, containing confidential information to the body, conducting the investigations, for the purposes of investigations, preceding introduction of special protective, antidumping and compensatory measures in relation to the third countries, dated 19 November, 2010.

41. Agreement on procedure of application of special protective, antidumping and compensatory measures during transitional period dated 19 November, 2010.

42. Agreement on legal status of migrant workers and their family members dated 19 November 2010.

43. Agreement on ensuring of access to the services on natural monopolies in the scope of electrical energy industry, including basic principles of pricing and tariff policy dated 19 November, 2010.

44. Agreement on the state (municipal) procurements dated 9 December, 2010.

45. Agreement on unified rules of the state support of agriculture dated 9 December, 2010 .

46. Agreement on unified rules of provision of industrial subsidies dated 9 December, 2010.

47. Agreement on unified principles and rules of competition dated 9 December, 2010.

48. Agreement on unified principles and rules of regulation of activity of natural monopoly entities dated 9 December, 2010.

49. Agreement on unified principles of regulation in the scope of security and protection of intellectual property rights dated 9 December, 2010.

50. Agreement on procedure of organization, management, functioning and development of common markets of oil and oil products of the Republic of Belarus, Republic of Kazakhstan and the Russian Federation dated 9 December, 2010.

51. Agreement on rules of access to the services of natural monopoly entities in the scope of gas transportation through the gas pipeline systems, including the basic principles of pricing and tariff policy dated 9 December, 2010.

52. Agreement on regulation of access to the services of railway transport, including the basics of tariff policy dated 9 December, 2010.

53. Agreement on coordinated macroeconomic policy dated 9 December, 2010.

54. Agreement on coordinated principles of currency policy dated 9 December, 2010.

55. Agreement on creation of conditions in the financial markets for ensuring of free movement of capital dated 9 December, 2010.

56. Agreement on the trade in services and investments in the participating states of the Common Economic Space dated 9 December, 2010.

57. Agreement on carrying out of transport (automobile) control in the external border of the Customs Union dated 22 June, 2011.

58. Minute dated 18 October, 2011 on making amendments and additions to the Agreement on application of special protective, antidumping and compensatory measures in relation to the third countries dated 25 January, 2008.

59. Minute on procedure of information exchange, related with payment of import customs duties dated 19 October, 2011.

60. Contract on Eurasian Economic Commission dated 18 November, 2011.

61. Contract on cooperation of authorized bodies of the participating states of Agreement on coordinated principles of currency policy dated 9 December, 2010, carrying out currency control dated 15 December, 2011.

62. Agreement on information interaction in the scope of statistics dated 29 May, 2013.

63. Minute dated 24 August, 202 on making amendments to the Minute on conditions and procedure of application of rates of import customs duties, different from the rated of the Unified customs tariff in the exceptional cases dated 12 December, 2008.

64. Minute dated 21 June, 2013 on making amendments to Agreement on conditions and mechanism of application of tariff quotas dated 12 December, 2008.

65. Minute dated 25 September, 2013 on making amendments to the Agreement on unified customs tariff regulation dated 25 January, 2008.

II. International treaties terminating from the date of entering the relevant decision of Commission according to the Article 102 of Agreement into legal force

1. Agreement on unified rules of determination of country of origin of goods dated 25 January, 2008.

2. Minute on unified system of tariff preferences of the Customs Union dated 12 December, 2008.

3. Agreement on Rules of determination of origin of goods from developing and least developed countries dated 12 December, 2008.

I hereby certify that this text is complete and authentic copy of the Agreement on the Eurasian Economic Union, signed on 29 May, 2014 in Astana:

from the Republic of Belarus – by the President of the Republic of Belarus A.G. Lukashenko;

from the Republic of Kazakhstan – by the President of the Republic of Kazakhstan N.A. Nazarbayev;

from the Russian Federation – by the President of the Russian Federation V.V. Putin.

The original copy is kept in the Eurasian Economic Commission.

Director of the Legal Department of the Eurasian Economic Commission V.I.Taraskin

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