

Protocol on the Common System of Tariff Preferences of the Customs Union

December 12, 2008

The Government of the Republic of Belarus, the Government of the Republic of Kazakhstan and the Government of the Russian Federation, hereinafter referred to as the Parties, based on the Agreement on common customs tariff regulation of January 25, 2008, for the purpose to facilitation the deepening of economic integration and implementation of fair competition, guided by the generally recognized norms and rules of international trade, have agreed as follows:

Article 1

From the date of delegation of powers on maintaining the Common customs tariff by the Parties to Commission of the Customs union (further - the Commission) tariff preferences for the importing goods originating and transported from developing and least developed countries into the customs territories of the Parties or the common customs territory are granting in accordance with this Protocol.

Article 2

The list of developing countries - beneficiaries of the system of tariff preferences is adopted by the Commission.

This list includes countries which are not classified by the World Bank as high-income countries.

The country which is not classified by the World Bank as a high-income country may not be included in the specified list or removed from it in the following cases:

income of the country achieved a high level in accordance with classification of the World Bank;

import of goods from five largest by value groups of Single Commodity Nomenclature for Foreign Economic Activities from that country during two preceding years is equal or exceeds 75 percent of the total import of these goods from countries - beneficiaries of the common system of tariff preferences;

unfriendly actions of this country which are regarded as numerous violations of economic interests of the Parties or natural and (or) juridical persons of the Parties, including action which unreasonably close access to the market of this country to natural and (or) juridical persons of the Parties or otherwise unreasonably discriminate natural and (or) juridical persons of the Parties;

serious deficiencies in export or transit control over drugs;

non-compliance with international treaties on counteraction to money laundering.

Article 3

The list of least developed countries - beneficiaries of the system of tariff preferences is adopted by the Commission.

This list includes countries which are classified by the United Nations as least developed countries.

Article 4

The Commission adopts the list of goods originating and importing from developing and least developed countries in respect of which tariff preferences are granted. Number of items of such list shall not exceed 20 percent of the total subheadings number of Single Commodity Nomenclature for Foreign Economic Activities.

If necessary, the Commission adopts an additional list of products originating and imported from the least developed countries in respect of which tariff preferences are granted. Number of items of this list shall not exceed 5 percent of the total number of subheadings of Single Commodity Nomenclature for Foreign Economic Activities.

Article 5

By agreement of the Parties this Protocol may be amended in the form of separate protocols.

Article 6

Disputes between the Parties concerning the interpretation or application of the provisions of this Protocol shall be settled through consultations and negotiations between the interested Parties and, if there is no resolution, such disputes are transmitted by any interested Party to the Court of the Eurasian Economic Community.

Article 7

The order of entry into force of this Protocol, joining it and withdrawal from it is defined by the Protocol on the order of entry into force of international agreements aimed at forming the legal basis of the Customs union, withdrawal from them and joining them of October 6, 2007.

Done at Moscow on 12 December 2008 in one original copy in Russian.

The original copy of this Protocol shall be kept by the depositary, which prior to the transfer of its functions to the Commission is the Integration Committee of the Eurasian Economic Community.

The depositary will send a certified copy of this Protocol to each Party.

For the Government of the Republic of Belarus

For the Government of the Republic of Kazakhstan

For the Government of the Russian Federation