

**Committee on Anti-Dumping Practices
Committee on Subsidies and Countervailing Measures
Committee on Safeguards**

Original: English

**NOTIFICATION OF LAWS AND REGULATIONS UNDER
ARTICLES 18.5, 32.6 AND 12.6 OF THE AGREEMENTS**

RUSSIAN FEDERATION

The following communication, dated 13 September 2012, is being circulated at the request of the Delegation of the Russian Federation.

I. RELEVANT LAWS AND REGULATIONS

Pursuant to Article 18.5 of the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994, Article 32.6 of the Agreement on Subsidies and Countervailing Measures and Article 12.6 Agreement on Safeguards please find attached texts of laws and regulations as of 22 August 2012.

The English text of the attached laws and regulations is not an officially translated text.

II. TRANSPARENCY

1. The Department for Internal Market Defense of the Eurasian Economic Commission is the responsible authority for conducting safeguard, antidumping and countervailing investigations.

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2. Notifications of the responsible authority concerning safeguard, antidumping and countervailing actions are published on the website of the Eurasian Economic Community at <http://www.tsouz.ru>.

The list of laws and regulations:

1. Agreement on the application of safeguards, antidumping and countervailing measures against third countries of 25 January 2008;
2. Agreement on the application of safeguard, antidumping and countervailing measures in transitional period of 19 November 2010;

3. CU Commission Decision No. 339 of 17 August 2010 "On the application of safeguard, antidumping and countervailing measures the common customs territory of the Customs Union within EurAsEC";
4. Decision of the EEC Board of 7 March 2012 No. 1 "On some issues of safeguard, antidumping and countervailing measures in the common customs territory of the Customs Union";
5. Provision for the use and protection of confidential information and proprietary information of limited distribution in the body responsible for investigating of 7 March 2012;
6. Regulation making and draft decisions of the Eurasian Economic Commission for safeguard, antidumping and countervailing measures of 7 March 2012;
7. Board of EEC Decision No. 44 of 16 May 2012 "On some issues of protection of the domestic market"
8. Protocol on granting authority conducting the investigation, the data containing including confidential information for the purpose of investigation, prior to the introduction of safeguard, antidumping and countervailing measures in relation to third countries of 19 November 2010.

**AGREEMENT
ON THE APPLICATION OF SAFEGUARDS, ANTIDUMPING AND
COUNTERVAILING MEASURES AGAINST THIRD COUNTRIES**

(MOSCOW, 25 JANUARY 2008)

The member-states of the Customs Union within the Eurasian Economic Community, hereinafter referred to as the Parties, have agreed as follows:

I. GENERAL PROVISIONS

Article 1

Scope

1. This Agreement regulates the relations arising in connection with the imposition and application of safeguard, antidumping and countervailing measures against products originating from foreign countries and destined for the single customs territory of the Customs Union.
2. This Agreement does not regulate relations related to the provision of services, execution of works, the transfer of exclusive rights to intellectual property or the provision of rights to use intellectual property, investment, foreign exchange and export control.

Article 1.1

**The legal framework of the Customs Union on safeguard,
antidumping and countervailing measures**

1. The legal framework of the Customs Union on safeguard, antidumping and countervailing measure consists of:
 - 1) this Agreement and the international treaties of the States Parties concluded in the framework of establishment of the Customs Union and governing relations in the field of application of safeguard, antidumping and countervailing measures in the part that does not contradict to the provisions of this Agreement.
 - 2) the decisions of authorities of the Customs Union, adopted in accordance with this Agreement and (or) international treaties of the States Parties concluded within the framework of the Customs Union.

Article 2

The main terms

Terms used in this Agreement mean the following:

"like product" - a product that is identical to the product under investigation (review), or in the absence of such a product, another product, which has characteristics similar to those of the product under investigation (review);

"antidumping measure" - a measure to counteract dumped imports, which is introduced by a decision of the Customs Union Commission by means of imposing antidumping duty, including the provisional antidumping duty, or approval of the price undertakings from an exporter;

"antidumping duty" - a duty that is imposed with the introduction of antidumping measure and charged by customs authorities of the Parties, regardless of levying import duty;

"dumping margin" - the percentage ratio of the normal value of product excluding export prices of such product to the export price or the difference between the normal value of product and the export price, expressed in absolute terms;

"import quota" - a limit on imports of product to the customs territory of the Parties with respect to its quantity and (or) value;

"foreign country" - a state (union of states), not a party to this Agreement, as well as the territory included in the Classification of countries, approved by the Customs Union Commission;

"countervailing measure" - a measure to counteract the effects of specific subsidies of a particular foreign country on the Parties industry, applied by the Customs Union Commission by imposing countervailing duty, including the provisional countervailing duty, or the approval of undertakings by the competent body of subsidizing foreign country or exporter;

"countervailing duty" - a duty that is applied with the introduction of countervailing measure and charged by customs authorities of the States Parties, regardless of levying import duty;

"material injury to an industry of the States Parties" - positive evidence of deterioration of the industry of the State Parties, which is expressed in particular decrease in the volume of production and sales of the like product in the States Parties, reducing the profitability of production of such product, as well as a negative effect on inventories, employment, wages in the sector of the economy of the Parties and the level of investment in this sector of the economy of the Parties;

"directly competitive product" - a product that is comparable with the product under investigation (review) in its intended purpose, use, quality and technical characteristics, as well as other basic properties so that a buyer is willing to replace or substitute it during the consumption by products under investigation (review);

"ordinary course of trade" - the purchase and sale of the like product on the market of the exporting foreign country at a price not lower than its weighted average cost, determined on the basis of weighted average costs of production and sales, administrative and general costs;

"industry of the States Parties" - all producers of the like products (for purposes of antidumping and countervailing investigations) of the like or directly competitive product (for purposes of safeguard investigation) in the States Parties, or those whose share in total production of the States Parties, respectively, of the like product or the like or directly competitive product constitutes a significant part, but not less than 25 per cent;

"payers of special, antidumping, countervailing duty (including provisional special, provisional antidumping, provisional countervailing duty)" - a declarant or other persons which, in accordance with the Customs Code of the Customs Union, the international treaties of the Parties, and (or) the law of the Parties, obliged to pay import duty and taxes on product imported from foreign countries into the single customs territory of the Customs Union, against which the special, antidumping and

countervailing duty (including provisional special, provisional antidumping and provisional countervailing duty) are applied;

"previous period" - 3 calendar years immediately preceding the date of filing the application for an investigation and for which the necessary statistical data is available;

"Related parties" - parties who meet one or more of the following criteria:

Each of these persons is an employee or director of an organization established with the participation of another person;

persons are business partners, that is bound by contract, operate for profit and jointly bear the costs and losses associated with the implementation of joint activities;

persons are employers and employees;

any person directly or indirectly owns, supervise or is the nominal holder of 5 per cent or more of the voting shares or shares of both persons;

one of the persons directly or indirectly supervise another person;

two persons together directly or indirectly supervised by a third person;

two persons together, directly or indirectly supervise a third entity;

persons are in marital relations, kinship relations, or are adoptive parent and an adoptee, as well as a trustee and a ward;

At the same time the direct supervision means the possibility of legal or natural person to determine the decisions made by a legal person through one or more of the following actions:

- Carrying out the functions of its executive body;
- Obtaining the right to determine the conditions of entrepreneurial activity of a legal person;
- The disposal of more than 5 per cent of the total number of votes on shares (stakes) in the authorized (reserve) capital (fund) of a legal person.

The indirect supervision means the possibility of legal or natural person to determine the decisions made by a legal person through a natural or a legal person or by several legal persons between whom there is no direct supervision.

"serious injury to the industry of the States Parties" - a significant deterioration in industrial, commercial and financial situation of the industry of the States Parties, expressed in a general deterioration of the situation related to the production of like or directly competitive product in the States Parties, and determined usually for the previous period;

"safeguard measure" - a measure to limit the increased import into the single customs territory of the Customs Union, which is introduced by the Customs Union Commission by imposing an import quota or special duty, including a provisional special duty;

"special duty" - a duty that is applied with the imposition of a safeguard measure and charged by customs authorities of the States Parties, regardless of levying import duty;

"subsidized import" - import of a product into the single customs territory of the Customs Union, production, export or transit of which is subsidized by the exporting state.

"granting authority" - a government body or the local authority of the exporting foreign state or entity acting on behalf of the appropriate state authority or local authority or authorized by the appropriate government agency or a local authority in accordance with the legal act, or on the basis of the facts;

"threat of material injury to the industry of the States Parties" - positive evidence of the inevitability of material injury to the industry of the States Parties;

"threat of serious injury to the industry of the States Parties " - positive evidence of the inevitability of serious injury to the industry of the States Parties;

"export price" - a price paid or shall be paid by buyers not being related parties, when importing product into the single customs territory of the Customs Union;

Article 3

Investigation

1. Investigation should be conducted before the introduction of safeguard, antidumping or countervailing measure on import of a product, in accordance with this Agreement.

2. The investigation referred to in paragraph 1 of this Article shall be conducted in order to determine:

existence of increased imports into the single customs territory of the Customs Union and the resulting serious injury to the industry of the States Parties or the threat of such injury;

existence of dumped or subsidized imports into the single customs territory of the Customs Union and the resulting material injury to the industry of the Parties or the threat of such injury, or a significant delay in the establishment of the industry of the States Parties.

3. The decision on the imposition and application of safeguard, antidumping and countervailing measure, including the imposition and application of provisional special, provisional antidumping or provisional countervailing duty, on review or cancellation of safeguard, antidumping or countervailing measure or on non-application of a measure in accordance with the provisions of Article 40 of this Agreement shall be adopted by the Customs Union Commission.

4. The authority responsible for conducting investigations (hereinafter - the investigating authority), is determined by the Customs Union Commission.

5. The investigating authority, acting within the powers conferred upon it by this Agreement and the decisions of the authorities of the Customs Union, adopted in accordance with this Agreement and (or) other international treaties of the Parties concluded within the framework of the creation of the Customs Union.

6. The investigating authority, as the result of the investigation, provides the Customs Union Commission with a report suggesting the appropriateness of the imposition and application of

safeguard, antidumping or countervailing measure or the review or cancellation of a safeguard, antidumping or countervailing measure and it is attached with the draft of the relevant decision of the Customs Union Commission.

7. In the cases provided for in Articles 6, 14 and 24 of this Agreement, the investigating authority, until the termination of the investigation provides the Customs Union Commission with a report containing proposals on the appropriateness of the imposition and application of the provisional special, provisional antidumping or provisional countervailing duty.

8. Evidence, information and correspondence relating to the investigation must be submitted to the investigating authority in Russian, and the original documents, written in foreign language must be accompanied by a verified translation into Russian.

II. SAFEGUARD MEASURE

Article 4

General principles for the use of safeguard measure

1. A safeguard measure can be applied to the product only if as a result of an investigation it was determined that this product into the single customs territory of the Customs Union is being imported in such increased quantities (in absolute terms or relative to total production in States Parties of the like or directly competitive product) and under such conditions that it causes serious injury to the industry of the States Parties, or threatens to cause such injury.

2. Safeguard measure is applied to a product imported into the single customs territory of the Customs Union from an exporting foreign country, irrespective of the country of its origin, except product originating from developing countries of a unified system of preferences of the Customs Union, if the share of imports of the product from the country does not exceed 3 per cent of total imports of the product into the single customs territory of the Customs Union, provided that the total share of imports from developing countries, the share of each of which accounts for no more than 3 per cent of total imports of the product on a single customs territory of the Customs Union, shall not exceed 9 per cent of total imports of the product into the single customs territory of Customs Union.

Article 5

Determination of serious injury to the industry of States Parties or the threat of such injury as the result of increased import

1. In order to determine serious injury to the industry of the Parties or a threat of such injury as a result of increased import into the single customs territory of the Customs Union the investigating authority in the course of the investigation evaluates the objective factors that may be expressed in quantitative terms and affect the economic situation in the States Parties' industry, including:

- 1) the rate and extent of growth of imports of the product under investigation in absolute terms and relative terms to the total volume of production or consumption in the States Parties of the like or directly competitive product;
- 2) the share of imported product under investigation in the total sales of this product and the like or directly competitive product on the market of the Parties;

- 3) the level of prices for imported product under investigation, compared with the price of like or directly competitive product produced in the States Parties;
 - 4) the change in volume of sales of the like or directly competitive products produced in the States Parties on the States Parties;
 - 5) the change in volume of production of the like or directly competitive products, productivity, capacity utilization, the profits and losses, as well as the level of employment in the industry of the Parties.
2. Determination of serious injury to the industry of the Parties or a threat of such injury as the result of increased imports shall be based on the analysis of all evidence and information relevant and available to the investigating authority.
3. The investigating authority in addition to the increased import analyses other known factors, which caused during the same period serious injury to the industry of the States Parties, or threatens to cause such injury. This injury shall not be assigned to the injury of the industry of the States Parties caused by increased imports into the single customs territory of the Customs Union.

Article 6

The imposition of provisional special duty

1. In critical circumstances when the delay in the imposition of a safeguard measure would cause serious injury to the industry of the States Parties, which would be difficult to eliminate later, the Customs Union Commission until the completion of investigation can make a decision on the imposition and application for a period not exceeding 200 days of a provisional special duty, on the basis of preliminary determination of the investigating authority, according to which there is clear evidence that increased import of the product under investigation have caused or threatens to cause serious injury to the industry of the States Parties. The investigation shall be continued in order to obtain the final conclusion of the investigating authority.
2. The investigating authority shall notify in writing the authorized body of the exporting foreign country, as well as other interested parties known to it about the possible imposition of a provisional special duty.
3. At the request of the authorized body of the exporting foreign country to hold consultations on the imposition of a provisional special duty, such consultations should be initiated after the adoption of the decision to impose the provisional special duty by the Customs Union Commission.
4. If as the result of the investigation it is determined that there are no grounds for the imposition of a safeguard measure, the amount of the provisional special duty shall be returned to the payer in a manner specified in paragraph 6 of Article 28.1 of this Agreement.
5. If as the result of the investigation it was considered to impose a safeguard measure (including in the form of import quota), the duration of the provisional special duty shall be included in the total duration of the safeguard measure, and the amount of the provisional special duty from the date of entry into force of the decision on the application of safeguard measure taken by the results of the investigation shall be credited and distributed in the manner specified in paragraph 5 of Article 28.1 of this Agreement, subject to the provisions of paragraphs 6 and 7 of this article.

6. If as the result of the investigation it was considered reasonable to impose a lower rate of special duty than the rate of provisional special duty, the amount of provisional special duty corresponding to the amount of a special duty, calculated at the statutory rate of special duty, shall be credited and distributed in the manner specified in paragraph 5 of Article 28.1 of this Agreement.

The amounts of provisional special duty exceeding the amount of special duty, calculated at the statutory rate of a special duty shall be returned to the payer in the manner specified in paragraph 6 of Article 28.1 of the Agreement.

7. If as the result of the investigation it was considered reasonable to impose a higher rate of special duty than the rate of provisional special duty, the difference between the special duty and provisional duty shall not be charged.

Article 7

The application of safeguard measure

1. Safeguard measure is applied by the decision of the Customs Union Commission in the amount and within the time required to elimination of the serious injury to the industry of the States Parties or the threat of such injury, as well as to facilitate the adjustment of the industry of the States Parties industry to the changing economic conditions.

2. If a safeguard measure is applied through the imposition of an import quota, the level of the import quota shall not be lower than the average annual level (quantity or value) of imports of the product under investigation during a previous period, except the cases when it is necessary to impose a lower import quota to eliminate serious injury to the industry of the Parties or the threat of such injury.

3. In case of the allocation of import quota among exporting foreign countries, those who are interested in exportation of the product under investigation to the single customs territory of the Customs Union are provided with the opportunity to hold consultations on the allocation of import quota between them.

4. If the consultations provided for in paragraph 3 of this Article are not possible or in the course of conduct no agreement on such allocation is reached, the import quota is allocated among exporting foreign countries which have an interest in exporting the product under investigation to the single customs territory of the Customs Union in proportion of imports from these exporters established product for three years preceding the date of filing the application for an investigation on the basis of the total imports of such product in quantity or value terms.

Any particular factors that might or may influence on the course of trade shall be taken into account.

5. If the rate of increase in imports of the product under investigation from individual exporting foreign countries has increased disproportionately to the total increase in imports of such product for three years preceding the date of filing the application for an investigation, for which data are available, the Customs Union Commission may allocate import quotas among those exporting foreign countries, taking into account the absolute and relative growth rates of imports of such product into the single customs territory of the Customs Union from those exporting foreign countries.

The provisions of this paragraph apply only in case when the investigating authority has determined the existence of serious injury to the industry of the States Parties.

6. Imports of product into the single customs territory of the Customs Union, against which a decision on the establishment of import quotas as a safeguard measure is taken, shall be based on a license issued in the manner prescribed for the products on import of which quantitative restrictions are applied.

Article 8

Duration and review of safeguard measure

1. Duration of a safeguard measure shall not exceed four years, except for the extension of such measure in accordance with paragraph 2 of this Article.

2. Duration of a safeguard measure referred to in paragraph 1 of this Article may be extended by the decision of the Customs Union Commission, if as the result of review by the investigating authority it was determined that for the elimination of the serious injury to the industry of the States Parties or the threat of such injury the extension of the safeguard measure is necessary, and there is evidence that the relevant industry of the States Parties has adopted measure to facilitate adjustment of such industry to changing economic conditions.

While conducting a review taking into account relevant differences the provisions relating to the investigation are applied.

3. When the Customs Union Commission makes a decision for the extension of a safeguard measure such measure shall not be more restrictive than the safeguard measure that was in force on the date when the decision on the extension of a safeguard measure was made.

4. If the duration of a safeguard measure exceeds one year, the Customs Union Commission gradually liberalises such a safeguard measure at regular intervals during the period of its application.

If the duration of a safeguard measure exceeds three years, not later than half the period of application of this measure the investigating authority carries out a review that results in extension, liberalisation or cancellation of the safeguard measure.

For purposes of this Article liberalisation of a safeguard measure means an increase of the import quota or a reduction of the rate of special duty.

5. The total duration of a safeguard measure, including the duration of the provisional special duty and the period for which a safeguard measure is extended shall not exceed 8 years.

6. Safeguard measure cannot be reapplied to the product to which previously a safeguard measure was applied for a period equal to the duration of the previous safeguard measure. At the same time period during which the safeguard measure does not apply cannot be less than 2 years.

7. Safeguard measure, the duration of which is 180 days or less, regardless of the provisions established by paragraph 6 of this Article may be reapplied to the same product, if at least one year passed from the date of imposition of the previous safeguard measure and if a safeguard measure did not apply to this product more than two times during the 5 years preceding the date of the imposition of a new safeguard measure.

III. ANTIDUMPING MEASURE

Article 9

General principles for implementation of antidumping measure.

1. An antidumping measure can be applied to a product which is subject to the dumped import, if on the results of an investigation it was determined that import of such product into the single customs territory of the Customs Union causes material injury to the industry of the States Parties, a threat of such injury or significantly delays the establishment of the industry of the States Parties.
2. The product is subject to the dumped imports if the export price of the product is below its normal value.
3. For the purposes of this section, the period of investigation is normally 12 months preceding the date of submission of application for the investigation, but in any case this period shall not be less than 6 months.

Article 10

Determination of dumping margin.

1. Dumping margin is determined by the investigating authority on the basis of comparison:
 - 1) the weighted average normal value with weighted average export price of the product;
 - 2) the normal value of the product of individual transactions with the export prices of the product of individual transactions;
 - 3) the weighted average normal value of the product with the export prices of the product of individual transactions subject to significant differences in the price of the product according to the consumers, regions or time of delivery of a product. A comparison of export price of the product with its normal value shall be made at the same level of trade and in cases of sales that took place as far as possible at the same time.
2. A comparison between the export price of the product and its normal value shall be made at the same level of trade and in respect of sales of the product made at as nearly as possible the same time.
3. During the comparison of the export price of the product with its normal value adjustments shall be made according to the differences affecting price comparability, including differences in conditions and characteristics of delivery, taxation, level of trade, quantitative, physical characteristics, as well as any other differences in respect of which evidence of their impact on price comparability is presented.

In cases referred to in paragraph 5 of this Article costs, including customs duty and taxes, incurred between importation and resale of the product, as well as the profit are taken into account.

The investigating authority ensures that the adjustments due to these factors do not overlap, thus distorting the result of comparing the export price with normal value of the product.

The investigating authority can request interested parties to provide with the information necessary to ensure proper comparison of the export price of the product with its normal value.

4. When there are no purchases or sales of the like product in the ordinary course of trade in the market of the exporting foreign country or due to the low volume of sales of the like product in the ordinary course of trade or because of the particular situation in the market of the exporting foreign state it is impossible to conduct a proper comparison of the product export price with the price of the like product when exported to a foreign country, the export price of the product is compared with the comparable price of the like product imported from an exporting foreign country to a third country, provided that the price of the like product is representative, or the cost of production in the country of origin plus a reasonable amount for administrative, selling and general costs and profits, typical for this industry.

5. If the product is imported into the single customs territory of the Customs Union from the foreign state which is not a country of origin, the export price is compared with the comparable price of the like product in the market of a foreign country.

A comparison of the export price may be carried out with the comparable price of the like product in its country of origin if the product only transit a foreign country from which it is exported into the customs territory of the Customs Union or the production of such product is not carried out in this foreign country, or there is no comparable price of the like product.

6. In the case when the comparison of the export price of the product with its normal value is required conversion of their values from one currency to another, such conversion is made using the official exchange rate on the date of the sale of the product.

If the foreign currency trading was directly linked to the corresponding export supply of the product and performed for a period, the exchange rate used in the foreign currency trading for the period is to be used.

The investigating authority shall not take into account the fluctuations of exchange rates and in the course of investigation provides exporters with at least 60 calendar days to adjust their export prices to reflect sustained changes in exchange rates during the period of investigation.

7. The investigating authority shall normally determine an individual margin of dumping for each known exporter and (or) the producer of the product that have submitted the necessary information to determine an individual margin of dumping.

8. If the investigating authority comes to the conclusion about the unacceptability of determining individual margin of dumping for each known exporter and (or) the producer of the product due to the total number of exporters, producers or importers of the product, the variety of product, or for any other reason, it can use the limited determination of individual margin of dumping on the basis of a reasonable number of interested parties, or determine the dumping margin for the sample of products from each of the exporting foreign country, which, according to information available to the investigating authority, is statistically representative and can be evaluated without disrupting the investigation.

The selection of interested parties for the purpose of limiting determination of individual dumping margin provided by the provisions of this paragraph shall be made by the investigating authority, preferably in consultation with the relevant foreign exporters, producers and importers of the product under investigation, and with their consent.

If the investigating authority applies the selection in accordance with the provisions of this paragraph, it also determines the individual margin of dumping for each foreign exporter or foreign producer, which were not initially selected but provided the necessary information within a specified period for consideration except cases when the number of foreign exporters, and (or) foreign producers is so large that individual consideration may cause violation of the term of the relevant investigation by the authority conducting the investigation.

Responses of such foreign exporters and (or) foreign producers submitted voluntarily shall not be rejected by the investigating authority.

9. If the investigating authority applies a selection in determining the individual margin of dumping provided by paragraph 8 of this Article, the level of the dumping margin calculated for foreign exporters or foreign producers of the product being the subject of the dumped imports that were not selected for the determination of individual dumping margin, but have submitted the necessary information product within the specified period shall not exceed the level of the weighted average dumping margin determined for selected foreign exporters or foreign producers of product that the product being the subject of the dumped imports.

10. If the exporters or producers of a product under investigation do not provide the investigating authority with the requested information in the required form and on time, or information provided to them, cannot be verified or does not correspond to reality, the authority may determine the margin of dumping on the basis of any other available information at its disposal.

11. In addition to determination of individual margin of dumping for each known exporter and (or) producer of the product that have submitted the necessary information which allows to determine an individual margin of dumping, the investigating authority may determine a unified dumping margin for all other exporters, and (or) the producers of the product under investigation, based on the highest margin of dumping determined during the investigation.

Article 11

Determination of normal value

1. The normal value of the product is determined by the investigating authority based on the price of the like product when it is sold during the period of investigation in the domestic market of the exporting foreign state to consumers who are not parties related to producers or exporters which are residents of such foreign state, in the ordinary course of trade for use in the customs territory of the exporting foreign country in a competitive environment.

For purposes of determining the normal value, the prices of the like product in the sale to consumers who are parties related to producers or exporters which are residents of such foreign state can be taken into account if it is found that this relation does not affect the pricing of the foreign producer and (or) the exporter.

2. The volume of sales of the like product in the ordinary course of trade in the market of the exporting foreign country is considered as sufficient to determine the normal value of the product if that amount is not less than 5 per cent of total exports of the product to the single customs territory of the Customs Union from exporting foreign country.

The lower volume of sales of the like product in the ordinary course of trade is considered acceptable for determining the normal value of the product, if there is evidence that this amount is

sufficient to ensure proper comparison of the export price of the product with the price of the like product in the ordinary course of trade.

3. During determination of the normal value of the product in accordance with paragraph 1 of this Article the price of the product in its sales to customers in the domestic market of the exporting foreign country is a weighted average price at which the like product is sold to customers during the period of investigation, or the price of the product on each of its sales to customers within this period.

4. Sales of the like product on the market of the exporting foreign country or foreign country exporting to a third country at prices below cost of production units of the like product including administrative, selling and general costs may be disregarded in determining of the normal value of the product only if the investigating authority determines that the sale of the like product in the period of investigation is carried out in large volume and at prices that do not provide reimbursement of all costs during this period.

5. If the price of the like product, which at the time of its sale below cost of production units of the like product including administrative, selling and general costs, exceeds the weighted average cost of production of the product unit including administrative, selling and general costs in the period of investigation, such a price is considered as providing reimbursement of all expenses during the period of investigation.

6. Sale of the like product at prices below cost of production including administrative, selling and general costs is carried out in a significant amount, if the average weighed price of the like product on transactions, taken into account in determining the normal value of the product, is below the average unit cost of production taking into account the administrative, selling and general costs and volume of sales at prices below cost is at least 20 per cent of the sales volume of transactions taken into account in determining the normal value of the product.

7. Production cost per unit, taking into account administrative, selling and general costs shall be calculated on the basis of data provided by the exporter or producer of product, provided that such data are consistent with generally accepted principles and accounting rules and reporting in the exporting foreign country and fully reflect the costs associated with the production and selling product.

8. The investigating authority shall consider all available evidence at its disposal of the correct allocation of production costs, administrative, selling and general costs, including data submitted by the exporter or producer of the product being the subject of the investigation, provided that such allocation of costs is usually practiced by such exporter or producer of product, particularly with regard to establishing an appropriate period of amortization, deductions for investments and cover other costs of production development.

9. Costs of production, administrative, sales and general expenses are adjusted for one-time costs associated with the development of production, or the circumstances under which the costs in the period of investigation influence operations carried out during the organization of production. Such adjustments should reflect the costs at the end of the period of production organization, and if the period of production organization exceeds the period of investigation - for the most recent phase of production organization, which falls during the investigation.

10. The total quantitative indicators of administrative, selling and general costs and profits, typical for this sector are defined based on actual data on the production and sale of similar product in the ordinary course of trade, provided by the exporter or producer of the product being the subject of the dumped imports.

If such aggregated quantitative indicators cannot be determined in this way, they can be identified on the basis of:

- 1) The actual amounts received and expended by the manufacturer or exporter of the product under investigation in connection with the manufacture and sale of the same category of product in the market of the exporting foreign country;
- 2) The weighted average of the actual amounts received and expended in connection with the production and sale of like products on the market of the exporting foreign country by other exporters or producers of such products;
- 3) Any other method, provided that the amount of profit that is determined in this way does not exceed the amount of profit, typically obtained by other exporters or producers in the same category of product when sold on the market of the exporting foreign country.

11. In the case of dumped imports from the exporting foreign state in which market prices are regulated directly by the state or a state monopoly on foreign trade, normal value of product can be determined on the basis of price or calculated value of like product in an appropriate third country (comparable for purposes of investigation to the specified foreign exporting state) or the export prices of like product from a third country to other countries, including the single customs territory of the States Parties.

If the determination of normal value of the product in accordance with the provisions of this clause is not possible, the normal value of product can be determined on the basis of the price paid or payable for the same product on the single customs territory of the States Parties and adjusted considering the profit.

Article 12

Determination of export price

1. Export price is determined on the basis of data of its sales during the period of investigation.
2. In the absence of data on the export price of the product being the subject of the dumped imports, or if the investigating authority has a reasonable doubt about the accuracy of information on export prices of such product due to the fact that the exporter and importer of the product are related parties, including the connection of each of them with a third party, or in the presence of restrictive business practices in the form of collusion in respect of the export price of such product, the export price may be calculated based on the price at which the imported product was first resold to an independent buyer, or another method, which can be determined by the investigating authority, if the imported product is not resold to an independent buyer or not resold in the form in which it was imported into the single customs territory of the Customs Union.

Article 13

Determination of injury to the industry of the States Parties as a result of dumped imports

1. Injury to the industry of the States Parties as a result of dumped imports is determined based on the analysis of the volume of dumped imports, the effect of such imports on prices of the like product on the market of the Parties and the producers of the like product in the States Parties.

2. For purposes of this section injury to the industry of the Parties is determined as material injury to the industry of the States Parties, the threat of such injury or a significant delay in creation of the economic sector of the Parties.

3. Injury to the industry of the States Parties is determined for the period of investigation in the course of it.

The investigation also takes into account market trends of the States Parties for the 3 years preceding the date of application to initiate an investigation.

4. Analyzing the volume of dumped imports the investigating authority shall determine whether there was a significant increase in dumped imports of the product under investigation (in absolute terms or relative to production or consumption of the like product in the States Parties).

5. Analyzing the impact of dumped imports on prices of the like product on the market of the States Parties the investigating authority shall determine:

- 1) whether the prices of the product which is the subject of the dumped imports are significantly lower than prices of the like product on the market of the Parties;
- 2) whether the dumped imports has resulted in a significant reduction of prices of the like product on the market of the Parties;
- 3) whether a significant increase in prices of dumped imports prevented the increase of prices of the like product in the market of the Parties, which would have occurred in the absence of such imports.

6. If the subject of investigations conducted at the same time is the import of the product into the single customs territory of the Customs Union from more than one foreign country, the investigating authority may assess the cumulative effect of such imports only if it determines that:

- 1) the dumping margin determined for the import of the product under investigation, from each foreign exporter is greater than the minimally acceptable margin of dumping, and the volume of imports from each foreign exporter is not negligible with regard to the provisions of paragraph 2 of Article 31 of this Agreement;
- 2) estimation of the overall impact of imports of product is possible according to the conditions of competition between imported products and the conditions of competition between imported product and the like product produced in the States Parties.

7. Analysis of the impact of dumped imports on the industry of the Parties includes the estimation of all the economic factors relevant to the industries of the States Parties, including:

the degree of the economic sector recovery after the impact of the dumped or subsidized imports;

actual or possible future decline in production, sales of product, its market share in the States Parties, profits, productivity, income from investments or raised capacity utilization;

factors affecting the prices of product on the market of the Parties;

the size of the margin of dumping;

actual or possible future negative impact on growth rates of production, stocks of product, employment, wages, the ability to attract investment and financial condition.

At the same time no one or several factors can have decisive role for the purpose of establishing injury of the industry of the States Parties as a result of dumped imports.

8. The conclusion about the presence of a causal link between dumped imports and injury to the industry of States Parties should be based on the analysis of all relevant evidence and information available to the investigating authority.

9. The investigating authority other than the dumped imports also examines any other known factors, that may have caused injury to the economic sector of the Parties in the same period.

Factors to be considered as relevant include, inter alia, the volume and prices of imported product that were not sold at dumping prices, contraction in demand or changes in the structure of consumption, restrictive trade practices, technological advances, as well as export performance and productivity of industry of the States Parties.

Injury caused by these factors shall not be referred to the injury to the industry of the States Parties due to the dumped imports.

10. The impact of dumped imports on the industry of the States Parties shall be evaluated regarding the production of the like product in the States Parties, if the available data permit to distinguish the production of the like product on the basis of such criteria as the production process, the sales of the like product, and profit.

If the available data do not allow allocating the production of the like product, the impact of dumped imports on the industry of the Parties shall be determined with respect to estimated production of the narrowest group or range of products, which include the like product, and for which data are available.

11. Determining the threat of material injury to the industry due to the dumped imports the investigating authority shall take into account all available factors, including the following:

- 1) The growth of dumped imports, indicating the real possibility of further increase in such imports;
- 2) The availability for exporter of the product, that is the subject of the dumped imports, of sufficient export capacity, or the apparent inevitability of its increase, which indicates the real possibility of the increase in the dumped imports of the product, taking into account the ability of other export markets to take any additional exports;
- 3) The level of prices of the product under investigation, if such prices could reduce or contain the price of the like product on the market of the States Parties, and further growth in demand for the product under investigation;
- 4) The availability of stocks of the product under investigation.

12. The decision on the threat of material injury to the industry of the Parties shall be made if in the course of the investigation based on the analysis of the factors referred to in paragraph 11 of this

Article the investigating authority came to a conclusion about the inevitability of the continuation of the dumped imports and injurious effect of such import on the industry of States Parties if the antidumping measure are not imposed.

Article 14

The imposition of provisional antidumping duty

1. If the information obtained in the course of investigation indicates the presence of dumped imports and the resulting injury to the industry of the Parties, the Customs Union Commission on the basis of a report of the investigating authority containing a preliminary determination, takes a decision on the application of antidumping measure by imposing provisional antidumping duty to prevent injury to the industry of States Parties caused by the dumped imports during the period of investigation.
2. Provisional antidumping duty cannot be imposed earlier than 60 calendar days from the date of initiation of the investigation.
3. The rate of the provisional antidumping duty shall be sufficient to eliminate the injury to the industry of the States Parties, but shall not exceed the level of pre-calculated margin of dumping.
4. If the rate of the provisional antidumping duty is equal to the level of the previously calculated margin of dumping, the period of application of the provisional antidumping duty shall not exceed four months, except if that period is extended to 6 months based on the request of exporters, whose share in the volume of dumped imports of the product under investigation constitutes a major part.
5. If the rate of the provisional antidumping duty is less than previously calculated dumping margin, the period of application of the provisional antidumping duty shall not exceed 6 months, except if that period is extended to 9 months upon request of exporters, whose share in the volume of dumped imports of the product under investigation constitutes a major part.
6. If as the result of the investigation the investigating authority determines that there are no grounds for the imposition of antidumping measure, the amount of the provisional antidumping duty shall be refunded to the payer in the manner provided by in paragraph 6 of Article 28.1 of the Agreement.
7. If as the result of the investigation it was considered to impose antidumping measure, the amount of provisional antidumping duty from the date of entry into force of the decision on the application of antidumping measure made on the results of the investigation shall be credited and distributed in the manner defined in paragraph 5 of Article 28.1 of this Agreement, subject to the provisions of paragraphs 8 and 9 of this Article.
8. If on the basis of the results of the investigation it was considered reasonable to impose a lower antidumping duty rate than the rate of the provisional antidumping duty, the amount of provisional antidumping duty, corresponding to amount of antidumping duty, calculated in the estimated rate of antidumping duty shall be credited and distributed in the manner defined in paragraph 5 of Article 28.1 of this Agreement.

The amount of a provisional antidumping duty exceeding the amount of antidumping duty, calculated in the prescribed rate of an antidumping duty shall be refunded to the payer in the order defined in paragraph 6 of Article 28.1 of the Agreement.

9. If on the basis of the results of the investigation it was considered reasonable to introduce a higher antidumping duty rate than the rate of the provisional antidumping duty, the difference between the amount of antidumping duty and provisional antidumping duty is not charged.

10. A provisional antidumping duty is applied upon condition of simultaneous continuation of the investigation.

Article 15

Adoption of the price undertakings by the exporter

1. The investigation may be suspended or terminated by the investigating authority without the introduction of antidumping duty upon obtaining from the exporter price undertakings in writing about the revise of prices of the product or to cease of exports of the product to the single customs territory of the Customs Union at prices below its normal value (if there are any related to the exporter parties in the States Parties the statements of these individuals are required to support these undertakings), if the investigating authority comes to the conclusion that the acceptance of such undertakings will eliminate the injury caused by dumped imports, and the Customs Union Commission decides on their approval.

The level of prices in accordance with these undertakings should not be higher than it is necessary to eliminate the dumping margin.

The increase in price may be less than the margin of dumping if such increase would be sufficient to remove injury to the industry of the States Parties.

2. The decision to approve price undertakings are not accepted by the Customs Union Commission as long as the investigating authority does not come to a preliminary conclusion about the presence of dumped imports and the resulting damage to economic sectors of the Parties.

3. The decision to approve price undertakings is not accepted by the Customs Union Commission if the investigating authority comes to a conclusion about the unacceptability of their approval due to the large number of actual or potential exporters of the product or for other reasons.

The investigating authority explains to the exporters if it is possible the reasons for the approval of price undertakings was considered unacceptable and provides them with an opportunity to comment.

3-1. The investigating authority sends to each exporter whose price undertakings are accepted a request for their non-confidential version to be able to provide it to the interested parties in the case of the request.

4. The investigating authority may invite exporters to adopt price undertakings, but cannot require their acceptance.

5. If the Customs Union Commission approved the price undertakings, antidumping investigation may be continued on the request of the exporter or by the decision of the investigating authority.

If as the result of the investigation the investigating authority comes to the conclusion about the absence of dumped imports or the injury to the industry caused by dumped imports, the exporter, who accepted price undertakings, is automatically exempt from such obligations, except the case, if

that conclusion is largely a result of the existence of such obligations. In case when the conclusion to a great extent is the result of the existence of price undertakings the Customs Union Commission may decide that such obligations shall remain in force for the required period of time.

6. If as the result of the investigation the investigating authority finds that the dumped imports have caused the injury to the industry of the Parties the price undertakings continue to act in accordance with their terms and under this Agreement.

7. The investigating authority may request information from the exporter regarding the implementation of price undertakings, and agreement for the verification of such information.

Failure to provide requested information within the period prescribed by the investigating authority, as well as refusal to verify such information is considered to be in violation of the price undertakings accepted by the exporter.

8. In case of violation or revocation of voluntary undertakings by the exporter the Customs Union Commission may decide to apply antidumping measure by the introduction of provisional antidumping duty when the investigation was not terminated, or by the imposition of the antidumping duty, if the final results of the investigation indicate that there are grounds for its imposition.

In case of the violation of the price undertakings the exporter is provided with the opportunity to comment in response on such violation.

9. Decision of the Customs Union Commission to accept price undertakings shall contain the rate of the provisional antidumping duty or antidumping duty, which may be imposed in accordance with paragraph 8 of this Article.

Article 16

The imposition and application of antidumping duty

1. Antidumping duty applies to the product that is supplied by all the exporters and is the subject of the dumped imports, causing the injury to the industry of the Parties, except for the product supplied by the exporters whose price undertakings have been approved by the Customs Union Commission in accordance with the provisions of Article 15 of this Agreement.

2. The size of the antidumping duty should be sufficient to eliminate the injury to the industry of the Parties, but not higher than the calculated size of the dumping margin.

The Customs Union Commission may decide to impose antidumping duty at a rate lesser than the rate of the calculated margin of dumping if such rate is sufficient to repair the injury to the industry of the Parties.

3. The Customs Union Commission shall establish an individual antidumping duty for each exporter or producer of the product being the subject of the dumped import, for which an individual margin of dumping was calculated.

4. Besides the implementation of an individual antidumping duty specified in paragraph 3 of this Article, the Customs Union Commission shall establish a unified antidumping duty for all other exporters or producers exporting product from a foreign country based on the highest margin of dumping calculated during the investigation.

Article 17

Duration and review of antidumping measure

1. Antidumping measure is imposed by the Customs Union Commission in the amount and within the time required to remove the injury to the industry of the Parties as a result of dumped imports.
2. Duration of antidumping measure shall not exceed 5 years from the date of initiation of such action or the date of completion of the review, which was held in connection with the changed circumstances and at the same time concerned the analysis of the dumped imports and the associated injury to the industry of the Parties, or in connection with the expiration of the antidumping measure.
3. Review in connection with the expiration of the antidumping measure is carried out on the basis of written application filed in accordance with the provisions of Article 29 of this Agreement, either on the initiative of the investigating authority.

Review in connection with the expiration of the antidumping measure is carried out in the presence in the application of information about the possibility of renewal or continuation of dumped import and injury to the industry of the Parties at the termination of the antidumping measure.

Request for the review in connection with the expiration of the antidumping measure shall be submitted not later than 6 months before the expiry of the antidumping measure.

Review should be initiated before the expiry of the antidumping measure and completed within 12 months from the date of its initiation.

The application of antidumping measure may be extended by the Customs Union Commission for the term of the review conducted in accordance with this paragraph. During the period of the extended application of the relevant antidumping measure, in accordance with the procedure established for the collection of provisional antidumping duty, antidumping duty shall be paid at the rate, which was established in connection with the use of antidumping measure, the duration of which is extended in connection with the review.

If as the result of the review in connection with the expiration of the antidumping measure the investigating authority found out that there are no grounds for the application of antidumping measure, the amount of antidumping duty levied during the period for which the application of antidumping measure was extended shall be returned to the payer in the manner determined in paragraph 6 of Article 28.1 of this Agreement.

The duration of antidumping measure shall be extended by the Customs Union Commission, if as the result of the review in connection with the expiration of the antidumping measure the investigating authority finds the possibility of renewal or continuation of dumped imports and injury to the industry of the Parties. From the date of entry into force of the Customs Union Commission decision to extend antidumping measure the amount of antidumping duty levied in the manner prescribed for collection of provisional antidumping duty during the period for which the application of antidumping measure was extended shall be credited and distributed in the manner determined in paragraph 5 article 28.1 of the Agreement.

4. At the initiative of the investigating authority or an interested party a review may be carried out in order to determine the expedience of the continuation of the implementation of antidumping

measure and (or) of its review, including review of the individual antidumping duty rate due to the changed circumstances if after the introduction of antidumping measure passed at least one year.

Depending on the purpose of filing the application on a given review such application shall contain evidence that due to changed circumstances:

continued use of the antidumping measure is not required to counteract dumped imports and to eliminate the injury to the industry of the Parties resulting from the of dumped imports, or

the volume of the existing antidumping measure is larger than the volume sufficient to counteract dumped imports and to eliminate the injury to the industry of the Parties as a result of dumped imports, or

existing antidumping measure is not sufficient to counteract dumped imports and to eliminate the injury to the industry of the Parties as a result of dumped imports.

Review conducted in accordance with this paragraph shall be completed within 12 months from the date of its initiation.

5. Review can also be conducted in order to set an individual dumping margin for the exporter or producer who did not export or produce the product, which were the subject of dumped imports during the period of investigation.

Such a review may be initiated by the investigating authority if an exporter or producer referred to makes an application that contains the evidence that the exporter or producer of the product is not related to the exporters and producers of the product, on which the antidumping measure is imposed, and that the exporter or producer supply the products under investigation or is bound by contractual obligations to supply significant amounts of such products to the single customs territory of the Customs Union, termination or withdrawal of which will lead to significant losses or significant fines for the exporter or producer of product.

During the review in order to impose an individual dumping margin for the exporter or producer antidumping measure does not apply to the exports of the product under investigation to a single customs territory of the Customs Union from this exporter or producer.

The review provided by this paragraph shall be conducted as soon as possible and in any case this period may not exceed 12 months.

Customs Union Commission after the beginning of the relevant review may take action to ensure the possibility of levying antidumping duty, in particular, in the form of commitments to pay such duty with the delivery of the product under investigation carried out by this exporter or producer.

6. The provisions of section V of this Agreement relating to the application of evidence and conducting antidumping investigation shall apply to the review provided for by this Article, taking into account relevant differences.

7. The provisions of this Article shall apply to obligations undertaken by the exporter in accordance with Article 15 of this Agreement, taking into account relevant differences.

Article 18

Determination of circumvention of antidumping measure

1. For the purposes of this article, circumvention of the antidumping measure means the change of the supply process to avoid paying antidumping duty or fulfilling the price undertakings of the exporter.
2. Review in order to determine circumvention of antidumping measure is carried out based on the application of the interested party or on own initiative of the investigating authority.
3. The application referred to in paragraph 2 of this Article shall contain evidence of:
 - 1) circumvention of the antidumping measure;
 - 2) neutralization of the antidumping measure as a result of circumvention and the influence of this factor on the production and (or) sale and (or) the prices of the like product;
 - 3) the presence due to the circumvention of antidumping measure of dumped imports of product (parts and (or) the derivatives of such product). The normal value of the product, its parts or derivatives, should be considered as their normal value, determined in the course of the investigation, as the result of which the Customs Union Commission introduced of antidumping measure, taking into account the appropriate adjustments for the purposes of comparison.
4. Review in order to determine circumvention of antidumping measure should be completed within 9 months from the date of its initiation.
5. For the period of the review conducted in accordance with this Article, the Customs Union Commission may introduce an antidumping duty on components and (or) derivatives of the product, which was the subject of the dumped imports, imported into the single customs territory of the Customs Union from exporting foreign country, as well as product which was the subject of the dumped imports, and (or) its components and (or) derivatives that are imported into the single customs territory of the Customs Union from another exporting foreign country. (потеряна часть абзаца про порядок взимания пошлин - levied in the manner prescribed for provisional ... duty)
6. If as the result of review conducted in accordance with this Article the investigating authority did not determine the circumvention of the antidumping measure, the amount of antidumping duty paid in accordance with this Article and in the manner specified for collection of provisional antidumping duties shall be refunded to payer in the manner specified in paragraph 6 of Article 28.1 of this Agreement.
7. The antidumping measure may be extended by the Customs Union Commission on the components and (or) derivative product, which was the subject of the dumped imports, imported into the single customs territory of the Customs Union from the exporting of a foreign state, as well as for the product, which was the subject of the dumped imports, and (or) its components and (or) derivatives that are imported into the single customs territory of the Customs Union of another exporting foreign country in the case of the determination of circumvention of antidumping measure applied pursuant to this Agreement on the basis of results of the review in accordance with this article. From the date of entry into force of the Customs Union Commission decision to impose an antidumping measure specified in this paragraph the amount of antidumping duty paid in the manner

prescribed for collection of provisional antidumping duty shall be credited and distributed in the manner specified in paragraph 5 of Article 28.1 of the Agreement.

IV. COUNTERVAILING MEASURE

Article 19

General principles on the application of countervailing measure

Countervailing measure can be applied to imported product, the production, export or transportation of which benefit from a specific subsidy of exporting foreign state, if as the result of an investigation conducted by the investigating authority it was found that the import of such product to the single customs territory of the Customs Union causes material injury to the industry of States Parties, threatens to cause such injury or significantly delays the creation of the industry of the Parties.

Article 20

Definition of subsidy

Subsidy means:

- 1) any kind of support of incomes or prices, giving the recipient an additional advantage, direct or indirect result of which is the increase in exports of product from the exporting foreign state or reduction of imports of the like product to the foreign country;
- 2) a financial contribution by the granting authority that gives additional benefits to the recipient of subsidies, rendered within the territory of the exporting foreign state in the form of:

direct transfer of funds (including subsidies, loans and purchase of shares) or obligation to transfer such funds (including loan guarantees);

withdrawal of funds or complete or partial renunciation of funds that were supposed to become the government revenue of the exporting country, including through the provision of tax credits, except for the exemption of exported product from taxes or duty levied on the like product destined for domestic consumption or reduction or refund of such taxes or fees in an amount not exceeding the amounts actually paid;

preferential provision or donations of product or services other than product or services intended to maintain and develop a general infrastructure, the infrastructure that is not related to a specific producer, and (or) the exporter;

preferential procurement of product.

Article 21

The principle of classifying subsidies of exporting country to specific subsidies

1. Exporting foreign state subsidy is specific if the use of the subsidy is allowed only to certain companies by the granting authority or the law of the exporting foreign country.

2. For the purposes of this Article, certain company means a producer and (or) an exporter or a particular sector of the economy of an exporting foreign state or a group (alliance, association) of producers and (or) the exporters or sectors of the economy of an exporting foreign state.

3. A subsidy is specific if the number of separate organizations that are allowed to use this subsidy is limited to organizations located in the geographical area under the jurisdiction of the granting authority.

4. The subsidy is not specific, if the laws of an exporting foreign country or granting authority establish the general objective criteria or conditions which determine the unconditional right to receive subsidies and its size (depending on the number of workers engaged in the production process or the volume of output) and strictly enforced.

5. In any case, the subsidy of an exporting foreign country is specific if the granting of the subsidy is accompanied by:

- 1) a limited number of enterprises that are allowed to use the subsidy;
- 2) a preferential right to use the subsidy by certain enterprises;
- 3) a provision of a disproportionately large amounts of grants to certain enterprises;
- 4) a choice by a granting authority of preferential way of providing grants to certain enterprises.

6. Any subsidy of an exporting foreign state is a specific subsidy if:

- 1) a subsidy according to the laws of a foreign country or virtually as a single condition or one of several conditions associated with the export of product. The subsidy is in fact related to export of product, if the provision is not associated in accordance with the laws of an exporting foreign country to the export of product, in practice, due to what actual or possible future export of the product or to export earnings. The mere fact of providing subsidies to exporting enterprises does not mean the provision of subsidies related to export of product within the meaning of this paragraph;
- 2) a subsidy is linked in accordance with the laws of a exporting foreign country or virtually as a single condition or one of several conditions with the use of product produced in the exporting foreign country, rather than imported product.

7. The decision of the competent authority of referring a subsidy of foreign country to the specific subsidy should be based on evidence.

Article 22

The principles of determining the amount of specific subsidies

1. The size of the specific subsidy is based on the size of the benefit gained by the recipient of such subsidy.

2. The size of the benefits gained by the recipient of the specific subsidy is determined based on the following principles:

- 1) participation of a granting authority in capital of the company is not seen as providing benefits, if such participation cannot be regarded as inconsistent with the usual investment practice (including the provision of risk capital) in the territory of the exporting foreign country;
- 2) The credit provided by the subsidizing body shall not be regarded as the provision of benefits, if there is no difference between the amount the company pays the borrower for a government loan and the amount it would have paid for a comparable commercial loan which the company can receive on the credit market of the exporting foreign country. Otherwise, the benefit is the difference between these amounts;
- 3) the loan guarantee of a granting authority shall not be considered as the provision of benefits, if there is no difference between the amount that the recipient company shall pay the guarantee on a loan guaranteed by the granting authority, and the amount that it would have paid for a comparable commercial loan without government guarantee. Otherwise, the benefit is the difference between these amounts, adjusted for differences in fees;
- 4) Delivery by a granting authority of product or services or purchase of product shall not be considered as the provision of benefits, unless the product or services are delivered for less than adequate payment or purchase is not made for a more than adequate payment. The adequacy of payment is determined based on prevailing market conditions of purchases and sales of product and services on the market of the exporting foreign country, including price, quality, affordability, liquidity, transportation and other conditions of purchase or sale of product.

Article 23

Determination of injury to the industry of the States Parties as due to the subsidized import

1. Injury to the industry of the States Parties as a result of subsidized imports is determined based on the analysis of the subsidized imports and the impact of subsidized imports on prices of the like product on the market of the Parties and the producers of the like product in the States Parties.
2. For purposes of this section injury to the industry of the States Parties is understood as the material injury, the threat of such injury or a sufficient retardation of the establishment of the industry of the States Parties.
 - 2-1. Injury to the industry of States Parties is determined for the period of investigation in the course of its conduct.
3. Analyzing the volume of subsidized imports the investigating authority determines whether there has been a significant increase in subsidized imports (in absolute terms or relative to production or consumption of the like product in the States Parties).
4. If the subject of investigations conducted simultaneously is subsidized imports of some product to the single customs territory of the Customs Union of more than one foreign country, the investigating authority may assess the cumulative effect of such imports only if it determines that:
 - 1) the amount of subsidy of such product in each product exporting foreign country is more than 1 per cent product of its value, and the volume of subsidized imports from

each exporting foreign country is not negligible, in accordance with paragraph 2 of Article 32 of this Agreement;

- 2) assessment of the overall impact of imports of product which is the subject of subsidized imports, is a possible taking into account the conditions of competition between imported products and the conditions of competition between imported product and the like product produced in the States Parties.

5. Analyzing the impact of subsidized imports on prices of the like product on the market of the Parties the investigating authority shall determine:

- 1) whether the prices of the product that is the subject of the subsidized imports are significantly lower compared to the prices of the like product on the market of the States Parties;
- 2) whether the subsidized imports led to a significant reduction in prices of the like product on the market of the Parties;
- 3) whether subsidized import prevented significantly to an increase in prices of the like product in the market of the Parties, which would have occurred in the absence of such imports.

6. Analysis of the impact of subsidized imports on the industry of the States Parties consists of evaluation of the economic factors relevant to the state of the industry of the States Parties, including:

- 1) the actual or possible in the near future decrease in production, sales of a product, share in the market of the States Parties, profits, productivity, income from investments or raised capacity utilization;
- 2) factors affecting the prices of product in the market of the Parties;
- 3) the actual or possible future negative impact on cash flows, stocks of product, employment, wages, output growth and the ability to attract investment.

7. The impact of subsidized imports on the industry of the States Parties is evaluated in respect of estimated production of the like product in the States Parties, if the available data allow distinguishing the production of the like product on the basis of such criteria as the production process, the sales of product to its producers, and profit.

If the available data do not allow allocating the production of the like product, the impact of subsidized imports on the industry of the Parties is evaluated in respect of estimated production of the narrowest group or range of products, which include the like product, and for which data are available.

8. In determining threat of material injury to the industry of the Parties as a result of subsidized imports the investigating authority takes into account all the factors, including:

- 1) the nature, amount of grants or subsidies and their potential impact on trade;
- 2) the growth rate of subsidized imports, indicating the real possibility of further increase in such imports;

- 3) availability for the exporter of the product, subject to subsidized imports, of sufficient export capacity, or the apparent inevitability of their increase, which indicate the real possibility of increase in the subsidized imports of the product, taking into account the ability of other export markets to take any additional exports of product;
- 4) the price level of product subject to subsidized imports, if such prices could reduce or contain the growth of prices of the like product on the market of the Parties, and further growth in demand for the product, which is the subject of the subsidized imports;
- 5) exporter's stocks of the product being the subject of the subsidized imports.

9. The decision on the threat of material injury to the industry of the Parties is adopted if the investigating authority during the investigation as the result of the analysis of the factors referred to in paragraph 8 of this Article came to the conclusion of the inevitability of the continuation of subsidized imports and causation of material injury to such industry of the Parties by subsidized imports in case of non-introduction of countervailing measure.

10. Determination of a causal link between subsidized imports and injury to the industry of the Parties as a result of such imports should be based on the analysis of all relevant and available to the investigating authority evidence and information.

11. The investigating authority analyzes known factors other than the subsidized imports, which at the same time have resulted in injury to the industry of the States Parties.

This injury to the industry of the States Parties shall not be attributed by the investigating authority to the injury to the industry of the States Parties resulting from the subsidized imports.

Article 24

The introduction of provisional countervailing duty

1. If the information received by the investigating authority prior to the termination of the investigation, indicates the presence of subsidized imports and injury to the industry of the States Parties caused by such imports, the Customs Union Commission on the basis of the investigating authority's report containing a preliminary determination, decides on the application of countervailing measure by means of imposition of a provisional countervailing duty for a period up to 4 months in order to prevent injury to the industry of the Parties caused by subsidized imports in the period of investigation.

2. The provisional countervailing duty cannot be imposed earlier than 60 calendar days from the date of initiation of the investigation.

3. The provisional countervailing duty is imposed at the rate equal to the previously calculated value of a particular exporting foreign country's subsidy per unit of the subsidized and exported product.

4. If as the result of the investigation it is determined that there is no reason for the imposition of a countervailing measure, the amount of the provisional countervailing duty shall be refunded to the payer in the manner defined in paragraph 6 of Article 28.1 of this Agreement.

5. If as the results of the investigation the decision on the application of countervailing measure is made, the amount of the provisional countervailing duty since the date of entry into force of the decision on the application of countervailing measure adopted on the results of the investigation shall be credited and distributed in the manner specified in paragraph 5 of Article 28.1 of this Agreement taking into account the provisions of paragraphs 6 and 7 of this Article.

6. If as the result of the investigation it is considered appropriate to impose a lower rate of definitive countervailing duty than the rate of the provisional countervailing duty, amount of the provisional countervailing duty corresponding to the amount of countervailing duty, calculated at the determined rate of countervailing duty shall be credited and distributed in the manner specified in paragraph 5 of Article 28.1 of the Agreement.

The amounts of provisional countervailing duty exceeding the amount of countervailing duty, calculated at the determined rate of countervailing duty shall be returned to the payer in the manner specified in paragraph 6 of Article 28.1 of the Agreement.

7. If as the results of investigation it is considered appropriate to impose a higher rate of the countervailing duty than the rate of the provisional countervailing duty, the difference between the amounts of countervailing duty and provisional countervailing duty shall not be charged.

8. The provisional countervailing duty shall apply provided the simultaneous continuation of the investigation.

9. Provisional countervailing duty is applied in accordance with Article 26 of this Agreement.

Article 25

The adoption of voluntary undertakings by subsidizing foreign country or country exporting the product under of investigation

1. The investigation may be suspended or terminated without the imposition of countervailing duty when the Customs Union Commission makes a decision to approve the received by investigating authority voluntary undertakings in writing, according to which: exporting foreign country agrees to eliminate or reduce subsidies or to take appropriate measure to eliminate the consequences of subsidies or exporter of the product under the investigation agrees to revise prices of such product that was established by that exporter (if there are any related parties with the exporter in the States Parties these parties shall provide support of the obligations of the exporter to revise prices) so that as the result of the analysis of undertakings adopted by the exporter the investigating authority finds that acceptance of such voluntary undertakings will eliminate injury to the industry of the Parties.

According to these obligations the increase in price of the product under investigation shall not exceed the size of a specific subsidy of the foreign country, calculated per unit for the subsidized and exported product.

The increase in price of the product under investigation may be smaller than the size of a specific subsidy of a foreign country, calculated per unit for the subsidized and exported product, if such an increase is sufficient to remove the injury to the industry of the Parties.

2. The decision to approve voluntary undertakings is not accepted by the Customs Union Commission until the investigating authority comes to a preliminary conclusion about the presence of subsidized imports and the resulting injury to the industry of the Parties.

The Customs Union Commission does not decide on the approval of voluntary undertakings by the exporter of the product under investigation until it obtains the consent of the authorized body of an exporting foreign country for the acceptance by exporters of undertakings mentioned in the third paragraph of paragraph 1 of this Article.

3. The decision to approve voluntary undertakings is not accepted by the Customs Union Commission when investigating authority comes to a conclusion about the unacceptability of their approval due to the large number of actual or potential exporters of the product under investigation, or for other reasons. If it is possible the investigating authority reports to exporters the reasons for which their voluntary undertakings have not been accepted, and provides them with opportunity to comment.

4. The investigating authority shall send to each exporter and the authorized agency of the exporting foreign country that have adopted voluntary undertakings a request for non-confidential version of such undertakings in order to be able to make it available to interested parties.

5. The investigating authority may suggest to an exporting foreign country or the exporter of the product under investigation to accept voluntary undertakings, but can not require their acceptance.

6. In case of the approval of voluntary undertakings by the Customs Union Commission the investigation on the availability of subsidized imports and the injury to the industry of the States Parties may be extended at the request of the exporting foreign state or by a decision of the Customs Union Commission.

7. If as the result of the investigation the investigating authority comes to the conclusion about the absence of subsidized imports or the injury to the industry of the Parties, the exporting state or foreign exporters, who took voluntary undertakings are automatically exempt from such obligations, except for the case where the above conclusion is to a great extent a result of the existence of such undertakings. In case if the conclusion that was made is to a great extent a result of the existence of voluntary undertakings the Customs Union Commission may decide that such undertakings shall remain in force for the required period of time.

8. If as the result of the investigation the investigating authority determines the presence of subsidized imports and the injury to the industry of the States Parties, voluntary undertakings that was adopted continue to apply in accordance with their terms.

9. The investigating authority may request from an exporting foreign country or the exporter if their voluntary undertakings were approved by the Customs Union Commission, information concerning their implementation, as well as consent to verify this information.

Failure to provide requested information within the prescribed by the investigating authority period, as well as opposition to verify this information is considered a violation by a foreign country or exporter of voluntary undertakings.

10. In case if voluntary undertakings by an exporting foreign country or exporter are violated or withdrawal of such undertakings the Customs Union Commission may decide on the application of countervailing measure by means of introduction of provisional countervailing duty, if the investigation is not yet complete, or countervailing duty, if the final results of the investigation indicate on grounds for its imposition.

Exporting foreign country or the exporter is provided with the opportunity to comment in response to such violation in case of violation of its voluntary undertakings.

11. The decision of the Customs Union Commission on acceptance of voluntary undertakings shall determine the rate of the provisional or definitive countervailing duty, which can be implemented in accordance with paragraph 10 of this Article.

Article 26

The imposition and application of countervailing duty

1. The decision to impose countervailing duty may be taken by the Customs Union Commission during the period specific subsidy of the exporting foreign state took place.
2. The decision to impose countervailing duty shall be made after the exporting foreign country that provides specific subsidy was proposed to hold consultations, but the exporting foreign country refused the offered consultations or in the course of such consultations a mutually acceptable solution has not been reached.
3. Countervailing duty applies to products of all the exporters that are the subject of the subsidized imports that cause injury to the industry of the States Parties, except the product supplied by the exporters whose voluntary undertakings have been approved by the Customs Union Commission.

For products supplied by some exporters the Customs Union Commission may establish individual rate of a countervailing duty.

4. The rate of a countervailing duty shall not exceed the size of a particular foreign country export subsidies, calculated per unit of the subsidized and exported product.

If subsidies are granted in accordance with the various subsidy programs their cumulative size has to be taken into account.

The rate of countervailing duty may be smaller than the size of a particular foreign country export subsidies, if such rate is sufficient to repair the injury to the industry of the Parties.

5. Determining the rate of countervailing duty the investigating authority takes into account views of the consumers of the States Parties whose economic interests may be affected by the introduction of countervailing duty received by the investigation authority in writing.

Article 27

Duration and review of countervailing measure

1. The countervailing measure is applied by the decision of the Customs Union Commission in the amount and for the time period required to eliminate the injury to the industry of the States Parties caused by subsidized imports.
2. Duration of a countervailing measure shall not exceed 5 years from the date of initiation of such measure or the date of termination of the review, which was held in connection with the changed circumstances, and concerned both the analysis of the subsidized imports and the associated injury to the industry of the Parties, or in connection with the expiry of the countervailing measure.

3. Review in connection with the expiry of the countervailing measure is carried out by the competent authority, upon a written application filed in accordance with Article 29 of this Agreement, or by the initiative of the investigating authority.

Review in connection with the expiry of the countervailing measure is carried out if the application contains the information concerning the possibility of renewal or continuation of subsidized imports and injury to the industry of the States Parties after the expiry of the countervailing measure.

Application for the review in connection with the expiry of countervailing measure shall be submitted not later than 6 months before the expiry of the countervailing measure.

Review should be initiated before the expiry of countervailing measure, and completed within 12 months from the date of its initiation.

Prior to completion of the review conducted in accordance with this paragraph, the duration of application of countervailing measure may be extended by the decision of the Customs Union Commission for the period required for the completion of the review conducted in accordance with this paragraph. During the period for which the application of appropriate countervailing measure is extended, in accordance with the procedure established for the collection of provisional countervailing duty, countervailing duty shall be paid at the rate of countervailing duty, which were established in connection with the use of countervailing measure, the duration of which is extended as the result of the conduction of the review.

If as the result of the review in connection with the expiry of countervailing measure the investigating authority has determined that there are no grounds for the application of countervailing measure, the amount of countervailing duty charged during the period for which countervailing measure has been extended shall be refunded to the payer in the order specified in paragraph 6 of Article 28.1 of this Agreement.

Countervailing measure is extended by the decision of the Customs Union Commission if as the result of the review in connection with the expiry of a countervailing measure the investigating authority determines that there is the possibility of the continuation of subsidized imports and injury to the industry of the Parties. From the date of entry into force of the decision of the Customs Union Commission to extend the countervailing measure the amounts of countervailing duty, imposed in the manner prescribed for collection of provisional countervailing duty during the period for which application of the measure countervailing measure has been extended, shall be credited and distributed in the manner specified in paragraph 5 article 28.1 of the Agreement.

4. On the initiative of the investigating authority or an interested party, if after the introduction of countervailing measure has been passed at least one year, the review may be carried out in order to determine the appropriateness of the application of a countervailing measure, and (or) its review, including review of the size of individual countervailing duty rate as a result of changed circumstances.

Depending on the purpose of filing an application for the review in connection with the changed circumstances such an application must contain evidence that:

continuation of the use of countervailing measure is required to counteract subsidized imports and to eliminate the injury to the industry of the Parties caused by subsidized imports, or

the size of the existing countervailing measure exceeds what is sufficient to counteract subsidized imports and to eliminate the injury to the industry of the Parties caused by subsidized imports, or

existing countervailing measure is insufficient to counteract subsidized imports and to eliminate the injury to the industry of the Parties caused by subsidized imports.

Review due to changed circumstances must be completed within 12 months from the date of its initiation.

5. The provisions of section V of this Agreement relating to the application of evidence and investigation are applied to the review provided for by this Article, taking into account relevant differences.

6. The provisions of this Article shall apply to undertakings of the exporting country or foreign exporter in accordance with Article 25 of this Agreement, taking into account relevant differences.

7. A review can also be conducted in order to determine the individual countervailing duty rate for the exporter against which countervailing measure is applied, but has not been investigated for reasons other than non-cooperation. Such a review may be started by the investigating authority according to the application of this exporter.

Article 28

Determination of circumvention of countervailing measure

1. Circumvention of countervailing measure means the change of the supply process in order to avoid payment of countervailing duty or fulfilling the voluntary undertakings.

2. A review in order to determine the existence of circumvention of countervailing measure can be initiated on the basis of a written application of an interested party or on the initiative of the investigating authority.

3. The application referred to in paragraph 2 of this Article shall contain evidence of:

- 1) circumvention of a countervailing measure;
- 2) neutralization of the countervailing measure's effect (due to the circumvention) on the production and (or) sales and (or) the prices of the like product on the market of the States Parties;
- 3) the preservation of the producer' and (or) an exporter of the product' (parts and (or) the derivatives of such product) benefits from the provision of specific subsidies.

4. For the period conducted in accordance with this Article the Customs Union Commission may impose countervailing duty, charged according to the procedure established for the collection of preliminary countervailing duty, on components and (or) derivatives of the product, which was the subject of subsidized imports imported into the single customs territory of the Customs Union from the exporting foreign country, as well as for the product, which was the subject of the subsidized imports, and (or) and its component parts (or) derivatives that are imported into the single customs territory of the Customs Union from other exporting foreign country.

5. If as the result of review conducted in accordance with this Article the investigating authority did not determine the circumvention of countervailing measure, the amount of countervailing duty paid in accordance with the procedure established for the collection of provisional countervailing duty shall be returned to the payer in the manner specified in paragraph 6 of Article 28.1 of the Agreement.

6. If as the result of review conducted in accordance with this Article the circumvention of a countervailing measure applied in accordance with this Agreement is determined, countervailing measure may be extended by the Customs Union Commission on the components and (or) derivatives of the product, which was the subject of subsidized imports from the exporting foreign country to the single customs territory of the Customs Union, as well as on the product, which was the subject of the subsidized imports, its components and (or) derivatives imported to the single customs territory of the Customs Union from other exporting foreign country.

From the date of entry into force of the Customs Union Commission decision on application of a countervailing measure specified in this paragraph the amounts of countervailing duty paid in the manner prescribed for collection of provisional countervailing duty shall be credited and distributed in the manner specified in paragraph 5 of Article 28.1 of the Agreement.

7. Review in order to determine the circumvention of a countervailing measure should be completed within 9 months from the date of its initiation.

Article 28-1

Levying (collection), entry, distribution and refund of special, antidumping and countervailing duty

1. Definitions used in this Article shall apply in the meanings defined by the Customs Code of the Customs Union and the Agreement on the determination and application in the Customs Union of the order of entry and distribution of customs duty (other duty, taxes and charges that have equivalent effect) on 20 May 2010.

2. In case the Customs Union Commission makes a decision on the application of safeguard, antidumping, countervailing measure by imposing a special, antidumping, countervailing duty when product are placed under the customs procedures which conditions, in accordance with the customs legislation of the Customs Union, include compliance with the restrictions in connection with the use of safeguard, antidumping and countervailing measure, the payment of special, antidumping and countervailing duty is made in the manner specified for the import customs duty, taking into account the specifications prescribed in this Article.

Calculation of special, antidumping, countervailing duty, origin and termination of the obligation to pay these duties, the timing and order of payment are in line with those prescribed by the Customs Code of the Customs Union for the import customs duty, taking into account the specifications prescribed in this Article.

Change of timing of payment of special, antidumping, countervailing duty in the form of deferral or installment is not to be performed.

In the case of non-payment or partial payment of the special, antidumping, countervailing duty during the specified period their collection is carried out in accordance with the legislation of the States Party for import customs duties, which customs authority collects customs duty and taxes with the accrued penalties. The order of calculation, payment, collection and refund of penalties is similar

to the procedure established for the penalties to be paid or levied in connection with the non-payment or incomplete payment of import duty.

This paragraph shall apply to the calculation, payment and collection of provisional special, provisional antidumping, provisional countervailing duties.

3. From the date of entry into force of the Customs Union Commission decision on the application of safeguard, antidumping, countervailing measure the amount of special antidumping, countervailing duties (except for provisional special, provisional antidumping, provisional countervailing duties), which the obligation to pay in respect of product imported into a single customs territory of the Customs Union arose from the date of initiation of this measure, shall be credited and distributed to the budgets of the States Parties in the manner and according to distribution standards provided for by the Agreement on the establishment and application in the Customs Union of the order of entry and distribution of customs duties (other duties, taxes and charges that have equivalent effect) on 20 May 2010.

Special, antidumping, countervailing duties shall be credited in national currency on the single account of the authorized body of the State Party in which they are payable in accordance with the customs legislation of the Customs Union, including the collection of these duty.

The competent authorities of the States Parties consider separately:

- amounts of entry (refund) of the special, antidumping, countervailing duties;
- amounts of distributed special, antidumping, countervailing duties, listed on the accounts in foreign currency of other States Parties;
- amounts of credited to the state budget revenues from the distribution by the State Parties of special, antidumping, countervailing duties;
- amounts of special, antidumping, countervailing duties collected in the state budget from the other Parties.

The above revenues are reported separately on the financial performance of each of the Parties.

The amounts of special, antidumping, countervailing duty, received on a single account by the authorized body of the State Party on the last working day of the calendar year of the Party, are reported on the financial performance of that year.

Amounts of distributed special, antidumping, countervailing duties for the last working day of the calendar year of the Party are listed not later than the second working day of pending year of the State Parties to the budget of the State Party and to accounts in foreign currency of other States Parties, and are reported on financial performance of the current accounting year.

Revenues from the distribution of special, antidumping, countervailing duties received in the budget of the State Party from the competent authorities of other States Parties for the last working day of each calendar year of other States Parties are reported on financial performance of this year.

Special, antidumping, countervailing duty shall be paid by taxpayers to a single account of the authorized body of the Party in which they are payable in accordance with the customs legislation of the Customs Union, individual settlement (payment) documents (instructions).

Special, antidumping, countervailing duties shall not be credited on account of payment of taxes and fees, as well as other payments.

On account of payment of special, antidumping, countervailing duties it may be credited taxes and fees, as well as other payments (excluding import duties and export duties on crude oil and certain types of product produced from crude oil (petroleum), exported from the customs territory of the Customs Union), received on a single account by the authorized body of the State Party in which they are payable in accordance with the customs legislation of the Customs Union.

Funds that are on the single account of the authorized body shall not be levied in execution of court decisions or in any other way.

4. The provisional special, provisional antidumping, provisional countervailing duties shall be paid (collected) in the national currency to the account specified by the legislation of the of the State Parties, by whose customs authorities the provisional special, provisional antidumping, provisional countervailing duties are charged.

5. As set forth in this Agreement, amounts of paid (collected) provisional special, provisional antidumping, provisional countervailing duties and special, antidumping, countervailing duties paid in the manner specified for the levying of appropriate types of provisional duty, shall be credited to the special, antidumping, countervailing duties and transferred to a single account of the authorized body of the State Party in which they were paid, not later than 30 working days from the date of entry into force of the Customs Union Commission's decision on the application (extension, spread to the components and (or) derivatives) of the safeguard, antidumping, countervailing measures.

6. Refund of the amounts of provisional special, provisional antidumping, provisional countervailing duties is carried out in the cases specified in this Agreement, in accordance with the laws of the State Party, in which provisional special, provisional antidumping, provisional countervailing duties were paid (collected).

7. Refund of overpaid (collected) amounts of special, antidumping, countervailing duties is carried out from a single account of the authorized body in the current day within the amounts of special, antidumping, countervailing duties, received to the single account of the authorized body and credited in the reporting day, taking into account the amount of returned special, antidumping, countervailing duties, rejected by the national (central) bank on the reporting day.

Refund of overpaid (collected) special, antidumping, countervailing duty from a single account of the authorized body of the Republic of Kazakhstan is carried out on the reporting day within the amounts of special, antidumping, countervailing duties received (credited) to the single account of the authorized body of the Republic of Kazakhstan on the day of return.

Determination of the amount of refund of special, antidumping, countervailing duties on a current day is carried out before the distribution of received special, antidumping, countervailing duties between the budgets of the States Parties.

In case of insufficient funds for the refund of special, antidumping, countervailing duties in accordance with the first and second paragraphs of this paragraph, such a repayment is carried out by the State Party on the subsequent working days. Penalties (interest) for a late repayment of specific, antidumping, countervailing duties shall be paid to the payer from the budget of the State Party and shall not be included in the special, antidumping, countervailing duties.

8. The established by this Article procedure for enrollment and the distribution between the Parties of amounts of special, antidumping, countervailing duty shall also apply to penalties.

9. The distribution of amounts of special, antidumping, countervailing duties by the authorized body of the Party among the States Parties is carried out on the next working day of the State Parties after the reporting day, on which the amounts of the special, antidumping, countervailing duties are credited to the single account of the authorized body.

The total amount of the special, antidumping, countervailing duties to be distributed to the budgets of the States Parties shall be determined by the subtraction from the amount of special, antidumping, countervailing duties received (credited) on the reporting day, including rejected by the National (central) bank settlement (payment) document (instructions) to transfer the amounts of special, antidumping, countervailing duties to be refunded on the reporting day, of the amount of special, antidumping, countervailing duties to be refunded on the current day.

10. Transfer of the amounts of special, antidumping, countervailing duties by the States Parties is carried out by the competent authorities of the States Parties in the foreign currency to the accounts of other States Parties on the next day after the day of admission to a single account of the authorized body working day at the State Parties. Settlement (payment) document (instruction) for the transfer of sums of special, antidumping, countervailing duties to the States Parties should be sent by an authorized body to the national (central) bank for further transfer in foreign currency to the accounts of other States Parties up to 14 pm local time on the working day in State Parties, following the date of enrollment of amounts of special, antidumping, countervailing duties to the single account of the authorized body of the State Party. In that settlement (payment) document (instruction) for the transfer, the date for which special, antidumping, countervailing duties was distributed and the amount to be distributed among the budgets of the States Parties in the national currency is specified.

11. Exchange of information between the competent authorities of the States Parties necessary for the implementation of this Agreement shall be in accordance with the decision of the Customs Union Commission determining the order, form and timing of information exchange.

V. INVESTIGATION

Article 29

Basis for investigation

1. The investigation in order to determine the existence of increased import and the resulting serious injury to the industry of the Parties or the threat of such injury, as well as to determine the existence of dumped or subsidized imports and the resulting material injury, threat of such injury, or significant delay of establishment of industry of the States Parties conducted by the investigating authority upon the written application or on its own initiative.

2. The application referred to in paragraph 1 of this Article shall be submitted by:

- 1) the producer of the like or directly competitive products (submitting application on a safeguard measure), or the like product (submitting application on an antidumping or countervailing measure) in the States Parties or by its authorized representative;
- 2) the association of producers, participants of which include producers of a major part, but not less than 25 per cent of the total production of the like or directly competitive product (submitting application on a safeguard measure), or the like product

(submitting application on an antidumping or countervailing measure) in the States Parties, or by its authorized representative.

Authorized representatives of such producers and associations must have a properly executed power, confirmed by documents, the originals of which are submitted to the investigating authority together with the application.

3. The application referred to in paragraph 1 of this Article shall be attached with the evidence that the producers of the like or directly competitive product or the like product in the States Parties support such an application. Sufficient evidence of the support of such an application shall be:

- 1) documents demonstrating that other producers of the like or directly competitive product in the States Parties join the application, producing together with the applicant a substantial part, but not less than 25 per cent of the total production of the like or directly competitive product in the Parties (submitting application on a safeguard measure);
- 2) documents demonstrating that the share of production of the like product producers in the States Parties supporting the application (including the applicant), is not less than 25 per cent of the total production of the like product in the States Parties, provided that the volume of production of the like product by producers in the States Parties supporting the statement (including the applicant), is more than 50 per cent of the production of the like product by producers in the States Parties expressed their opinion (support or opposition) regarding the application (applying for antidumping or countervailing measure).

4. The application referred to in paragraph 1 of this Article shall contain:

- 1) information about the applicant, the total production in quantity and value of the like or directly competitive product (applying for a safeguard measure), the like product (applying for an antidumping or countervailing measure), by the industry of the Parties within three years immediately preceding the date of application, as well as the volume of production in quantity and value of the like or directly competitive product (applying for a safeguard measure), or the like product (applying for an antidumping or countervailing measure) of producers in the States Parties who supported the application and their share in total production in the States Parties of the like or directly competitive product (applying for safeguard measure), or the like product (applying for antidumping or countervailing measure);
- 2) description of imported to the single customs territory of the Customs Union product against which it is proposed to impose a safeguard, antidumping or countervailing measure with the code of the Commodity Nomenclature of Foreign Trade of the Customs Union;
- 3) the name of exporting foreign countries or countries of origin or exportation of product on the basis of customs statistics;
- 4) information about the known producers and (or) exporters of this product in the exporting foreign country and the major known importers and consumers of product in the States Parties;

- 5) information about the change in the volume of imports into the single customs territory of the Customs Union for the previous period, as well as for the subsequent period for which at the date of the application representative statistics are available, of the product, on which is proposed to impose a safeguard, antidumping or countervailing measure;
 - 6) information about the change of the volume of exports of the like or directly competitive product (applying for safeguard measure), or the like product (applying for antidumping or countervailing measure) from the single customs territory of the Customs Union for the previous period, as well as for the subsequent period for which at the date of the application representative statistics are available.
5. Along with the information specified in paragraph 4, depending on the requested measure by the applicant application shall contain:
- 1) evidence of increased imports of product against which it is proposed to impose a safeguard measure, evidence of serious injury to the industry of the Parties or the threat of such injury as a result of increased imports of the product against which it is proposed to impose a safeguard measure, the proposal to impose a safeguard measure with the volume and duration of such measure and action plan for adaptation of the industry of the Parties to operate in the conditions of a foreign competition during the duration proposed by the applicant for the safeguard measure (in application on the safeguard measure);
 - 2) information on the presence of dumped imports of the product against which it is proposed to introduce antidumping measure, evidence of material injury, threat of such injury or a significant delay in the creation of the industry of the Parties as a result of dumped imports, as well as a proposal to impose antidumping measure, the volume and duration of the measure (in application on an antidumping measure);
 - 3) information on the availability and nature of specific subsidies of a particular foreign country and, if possible, its volume, evidence of material injury, threat of such injury or a significant delay in the creation of the industry of the Parties as a result of subsidized imports, as well as a proposal for the imposition of countervailing measure, the volume and duration of such a measure (in an application for a countervailing measure).
- Evidence of serious injury or the threat of serious injury to the industry of the Parties (in the case of an application for an investigation prior to the application of safeguard measure), and evidence of material injury or the threat of material injury to the industry of the Parties, or a significant delay in the establishment of the industry of the States Parties as a result of dumped imports or subsidized imports (in an application on the application of antidumping measure or countervailing measure) should be based on objective factors that characterize the economic situation of the States Parties industry and should be expressed in quantitative and (or) value terms (including the volume of production and its sales, the share of product in the market of the Parties, the production cost of the product, the price of the product, the degree of capacity utilization, productivity, profit margins, profitability, sales of product, investment in the industry of the Parties).
6. The filing date is the date of the application registration by a investigating authority.
 7. Figures in an application, for the purpose of comparability, should be displayed in the same quantitative and monetary unit.

8. The information contained in the application must be signed by the head of the producer that have provided such information, as well as their employees, responsible for accounting and financial statements with regard to information directly related to the data of producers.

9. Application with its non-confidential version (if the application contains confidential information) is submitted to the investigating authority in accordance with the provisions of paragraph 8 of Article 3 of this Agreement and is subject to registration on the day of receipt of an application by the authority.

10. Application for the application of a safeguard measure, antidumping or countervailing measure is rejected for the following reasons:

failure to provide the information specified in paragraphs 3-5 of this article in the application;

unreliability of the information submitted by the applicant as provided for by paragraphs 3-5 of this Article.

Rejection of an application on other grounds is not permitted.

11. The investigating authority prior to making a decision on the initiation an investigation shall notify in writing the exporting foreign country on receipt of the application for antidumping or countervailing measure.

12. The investigating authority prior to making a decision on the initiation of an investigation within 30 calendar days from the date of the application registration examines the adequacy and reliability of the evidence and the information contained in this application in accordance with paragraphs 3-5 of this article. This period may be extended, if the investigating authority needs to receive additional information from the applicant, but in all cases it should not exceed 60 calendar days.

13. The application may be withdrawn by the applicant prior to the investigation or during the investigation.

The application is considered not filed if it is withdrawn before the initiation of the investigation.

If the application is withdrawn during the investigation, the investigation is terminated without the imposition of safeguard, antidumping or countervailing measure.

14. Before deciding whether to initiate an investigation, the information contained in the application is not subject to public disclosure.

Article 30

The initiation of investigation and its conduct

1. The investigating authority before the expiry of the period referred to in paragraph 12 of Article 29 of this Agreement, shall make a decision on initiation of an investigation or to refuse to conduct it.

2. While making a decision to refuse to conduct an investigation the investigating authority shall notify in writing the applicant not later than within 10 calendar days from the date of such decision on the reason of refusal to conduct the investigation.

3. While making a decision on initiation of an investigation, the investigating authority shall notify in writing the authorized body of the exporting foreign country, as well as other known interested parties of the decision and provide within the period not exceeding 10 working days from the date of the decision the publication of notice of the initiation of an investigation in official publication.

3-1. The date of publication of the notice of initiation of an investigation on the official site of the Customs Union Commission is considered to be the date of initiation of the investigation.

4. The investigating authority may decide to initiate an investigation, including on its own initiative only if at its disposal evidence of increased imports and the resulting serious injury or threat of such injury to the industry of the Parties or the presence of dumped or subsidized imports and the resulting material injury, threat of such injury, or a significant delay in the creation of the industry of the Parties.

If the available evidence is insufficient, such an investigation cannot be initiated.

4-1. The period of investigation prior to the application of safeguard, antidumping or countervailing measure shall be established by the investigating authority.

5. Interested parties may declare in writing of their intention to participate in the investigation. They are recognized as participants in the investigation since the date of the provision to the investigating authority an application of their intention to participate in the investigation.

6. Interested parties may submit within the terms that do not violate the investigation course information necessary for conduction investigation, including confidential information, indicating the source of such information.

7. The investigating authority may request the interested party to provide with additional information for the purposes of the investigation.

Request is considered as received by interested party from the moment of its transfer to the representative of an interested party, or within 7 calendar days from the date of mailing.

Response of the interested party shall be submitted to the investigating authority not later than 30 calendar days from the date of receipt of the request. The information provided by the interested party after the deadline may not be taken into account by the investigating authority.

If there is motivated and described in writing request from the interested party the time limit may be extended by the investigating authority.

8. If the interested party refuses to provide to the investigating authority required information or fails to provide it on time or provides false information, thus significantly impeding the investigation, this interested party is considered non-cooperative, and a provisional or final decisions may be taken by the investigating authority based on information available to it.

Failure to submit the requested information in electronic form or in electronic form defined in the request of the investigating authority should not be regarded by the investigating authority as the

non-cooperation if this interested party can prove that the full implementation of the criteria for the provision of information as defined in the request of the investigating authority is impossible or involves significant financial costs.

If the investigating authority does not consider the information provided by the interested party for reasons other than those referred to in the first subparagraph of this paragraph, the party must be informed about the causes and reasons for the decision and the party should be provided with the possibility to comment in this regard within the time determined by the investigating authority.

If in a course of preparation of the provisional or final conclusion of the investigating authority, including determination of normal value of the product (in case of antidumping investigation), the provisions of subparagraph one of this paragraph were applied and the information was used, including that provided by the applicant, the information used in the preparation of such conclusions should be checked using the available information obtained from third sources or from interested parties, provided that the holding of such a test does not harm the investigation and will not lead to the violation of its timing.

9. The investigating authority shall provide participants with copies of applications or its non-confidential version, if the application contains confidential information.

In the course of the investigation the investigating authority taking into account the need to protect confidential information provides participants on their request with information submitted in writing by any interested party as the evidence relating to the subject of an investigation, to familiarize themselves with this information.

In course of the investigation the investigating authority shall provide the participants of the investigation with the opportunity to get acquainted with other information relevant to the investigation and used in the course of the investigation, except for the confidential information.

10. At the request of interested parties the investigating authority holds consultations on the subject of ongoing investigation.

11. In the course of the investigation, all interested parties have opportunity to defend their interests. For this purpose, the investigating authority shall provide all interested parties at their request with the opportunity to meet in order to be able to provide opposing points of view and to offer rebuttal. Such an opportunity is given regarding the need for confidentiality of information. All the interested parties are not required to attend the meeting, and the absence of any interested party does not involve injury to its interests.

12. Consumers who use the product under investigation in the production purposes, representatives of consumer associations, state authorities (government), local government, as well as other parties may provide the investigating authority with the information relevant to the investigation.

13. The period of investigation shall not exceed:

- 1) 9 months from the date of initiation of an investigation based on application on safeguard measure. This period may be extended by the investigating authority, but not more than for 3 months;

- 2) 12 months from the date of initiation of an investigation based on application on antidumping or countervailing measure. This period may be extended by the investigating authority, but not more than for 6 months.
14. The investigation should not prevent the customs clearance of the product under investigation.
15. The date of termination of the investigation is the date of the Customs Union Commission's consideration of the report on the investigation results and of the draft decision of the Customs Union Commission, referred to in paragraph 6 of Article 3 of this Agreement.

If the investigating authority makes a final conclusion about the absence of grounds for application, review or cancellation of safeguard, antidumping and countervailing measure, the date of termination of the investigation shall be the date of publication by the investigating authority of the appropriate notice. In the case of the introduction of provisional special duty, provisional antidumping duty or provisional countervailing duty investigation is to be completed before the expiry of the relevant provisional duty.

Paragraph 16 of Article 30 is applied from the date of transfer by the Customs Union Commission the power to monitor compliance with common rules of competition in accordance with the Agreement on common principles and rules of competition on 9 December 2010 (second paragraph of Article 43 of this document).

16. If within two years immediately preceding the date of initiation of the investigation, one producer who supported the application referred to in paragraph 1 of Article 29 of this Agreement (including its entry into the group of parties within the meaning of the Agreement on common principles and rules of competition on 9 December 2010), account for a share of production on the single customs territory of the Customs Union of the like or directly competitive product (in an investigation prior to the application of a safeguard measure), or the like product (in an investigation prior to the application of antidumping or countervailing measure), with which, in accordance with the methodology of assessing the state of competition, approved by the decision of the Customs Union Commission, the position of the manufacturer (including its entry into the group of parties) on the relevant market of the Customs Union can be recognized as dominant, the authority responsible for monitoring compliance with common rules of competition of the Common Economic Space at the request of the investigating authority, assesses the impact of a safeguard, antidumping or countervailing measure on competition in the relevant market of the Customs Union.

Article 31

Features of the antidumping investigation

1. Antidumping investigation is terminated without the imposition of antidumping measure, if the investigating authority determines that the dumping margin is less than the minimally acceptable margin of dumping or the amount of the incident or the potential volume of the dumped imports or material injury caused by such imports, or the threat of such injury, or significant delay in creation of the industry of the Parties are insignificant.

The minimally acceptable margin of dumping means dumping margin which rate does not exceed 2 per cent.

2. The volume of dumped imports from a particular foreign country is negligible if it is less than 3 per cent of total imports of the like product to the single customs territory of the Customs Union, provided that the exporting foreign countries, the share of each in the dumped imports is less than

3 per cent of the total imports of the like product to the single customs territory of the Customs Union in the aggregate accounting is not more than 7 per cent of total imports of the like product to the single customs territory of the Customs Union.

3. The investigating authority before making a decision on the results of antidumping investigation shall send to the participants of the investigation non-confidential version of the final conclusions and provide an opportunity to comment.

Article 32

Features of the countervailing investigation

1. Countervailing investigation shall be terminated without the imposition of the countervailing measure if the investigating authority determines that the volume of a particular foreign country subsidies is minimal or the incident or the potential volume of the subsidized imports or the material injury due to such imports or threat of such injury, or a significant delay in the creation of the industry of the Parties are negligible.

2. The volume of the specific subsidy is recognized to be minimal if it is less than 1 per cent of the price of the product under the investigation.

The volume of subsidized imports are generally recognized as negligible if it constitutes less than 1 per cent of total imports of the like product to the single customs territory of the Customs Union, provided that the exporting foreign countries, the individual share of which is less than 1 per cent of the total imports of the like product to the single customs territory of the Customs Union, together accounts for less than 3 per cent of total imports of the like product to the single customs territory of the Customs Union.

3. Countervailing investigation against the product being the subject of subsidized imports and originating from a developing country of single system of preferences of the Customs Union shall be terminated, if the investigating authority determines that the total amount of specific subsidies of foreign country, provided to the product does not exceed 2 per cent of its value per unit or the share of imports from a country in total imports of the product to the single customs territory of the Customs Union is less than 4 per cent, provided that the total share of imports of product into the single customs territory of the Customs Union from the developing countries, if the share of each represents less than 4 per cent of the total imports of the product to the single customs territory of the Customs Union, does not exceed 9 per cent of total imports of the product to the single customs territory of the Customs Union.

4. The investigating authority before making a decision on the results of a countervailing investigation sends to participants of investigation non-confidential version of the final conclusions and provides with an opportunity to comment.

Article 33

Determination of the industry of the Parties in case of dumped or subsidized imports

1. During antidumping or countervailing investigation the industry of the States Parties shall have the meaning defined by Article 2 of this Agreement, except cases specified in paragraphs 2 and 3 of this Article.

2. If the producers of the like product in the States Parties are at the same time importers of the product, which is allegedly the subject of dumped or subsidized imports, under the industry of the Parties can be understood only other producers of the like product in the States Parties.

Under the industry of the States Parties also can be understood only other producers of the like product in the States Parties if:

- 1) particular producers of the like product in the States Parties directly or indirectly control exporters or importers of the product under investigation;
- 2) particular exporters or importers of the product under investigation directly or indirectly control the producers of the like product in the States Parties;
- 3) particular producers of the like product in the States Parties and the exporters or importers of the product under investigation are directly or indirectly controlled by a third party;
- 4) particular producers of the like product in the member-states of the Customs Union and foreign producers, exporters or importers of the product under investigation directly or indirectly control a third party, provided that the investigating authority has a reason to believe that such a link causes different from unrelated parties behavior of such manufacturers.

3. In exceptional circumstances, while determining the industry of the States Parties the territory of these states can be considered as an area where there are 2 or more geographically separate competitive markets, and producers in the States Parties within one of these markets can be considered as a separate industry of the Parties if such producers sell on this market for consumption or processing at least 80 per cent of the like product produced by them, and demand for such the like product on such a market is not satisfied to a great extent by the producers of such product which are located on the rest of the States Parties territory.

In such cases, the presence of material injury, threat of such injury or a significant delay in the establishment of the industry of the States Parties as a result of the dumped or subsidized imports can be determined even if the main part of the industry of the States Parties is not injured, provided that the sales of the product being the subject of dumped or subsidized imports are concentrated in one of these competitive markets and dumped or subsidized imports cause injury to all or almost all producers of the like product in the States Parties within one of such markets.

4. If the industry of the Parties have the meaning prescribed by paragraph 3 of this Article, and as the result of the investigation it is decided to apply antidumping or countervailing measure, this measure can be applied to all imports of the product to the single customs territory of the Customs Union.

In this case, antidumping or countervailing duty is imposed only after the investigating authority provided exporters of the product with the possibility to terminate the export to the territory at dumping prices (in case of dumped imports) or at subsidized prices (in case of subsidized imports), or to adopt relevant undertakings on export conditions to a single customs territory of the Customs Union, provided that this possibility has not been used by exporters.

Article 34

Public Hearings

1. On the basis of the petition submitted in writing by any of the participants in the investigation and filed in accordance with period prescribed by this Agreement, investigating authority shall ensure the holding of public hearings.

2. The investigating authority shall send the notice with time and place of public hearings and a list of issues addressed during the public hearing to the participants of the investigation.

The time of public hearings shall be appointed not earlier than 15 calendar days from the date of the notice.

3. At the public hearing participants of the investigation or their representatives may participate, as well as parties involved in order to present their available information relevant to the investigation.

During the public hearings, participants may express their views and submit evidence relevant to the investigation. A representative of the investigating authority has the right to ask participants of public hearings questions on the merits of the reported facts. Participants in the investigation may also ask each other questions and have to give them answers. Members of public hearings are not required to disclose information that is considered confidential.

4. The information presented during public hearings orally is taken into account during the investigation, if, within 15 calendar days after the public hearing participants provided it in writing to the investigating authority.

Article 35

Collection of information in the course of the investigation

1. After the decision to initiate the antidumping or countervailing investigations is made the investigating authority shall send to known exporters and (or) the producers of the product under investigation a list of questions to which they must respond.

The list of questions is also sent to producers of the like or directly competitive product (in case of safeguard investigation) or the like product (in case of antidumping or countervailing investigation) in the States Parties.

2. Exporters and (or) producers, whom had been sent a list of questions must submit their responses to the investigating authority within 30 calendar days from the date of receipt of the list.

If there is request motivated and described in writing of exporters and (or) producers this period may be extended by the investigating authority for not more than 14 calendar days.

3. The list of questions is considered to be received by the exporter (or) the producer of the product within 7 calendar days from the date of mailing or on the day of the direct transfer to the agent of exporter and (or) the producer.

Answers to questions on the list are considered to be received by the investigating authority if they reach the investigating authority in a confidential and non-confidential versions no later than

7 calendar days from the expiry referred to in paragraph 2 of this Article of 30-day period or from the date of expiry of the extension.

4. The investigating authority verifies the accuracy and reliability of information provided by interested parties in the course of the investigation.

In order to verify the information submitted in the course of the investigation or additional information associated with the investigation, the investigating authority, if necessary, may conduct a verification visit:

in a foreign country subject to the consent of the foreign exporters and (or) the producers of the product under investigation and if there were no objections from a foreign country, which was officially notified in advance about the upcoming investigation;

in a State Party subject to the consent of the importer of the product under investigation and (or) the producer of the like or directly competitive product and if there were no objections from the authorized body of the Party, which was officially notified in advance about the upcoming investigation.

The verification visit is carried out after receipt of replies to the lists of questions sent by the investigating authority in accordance with the provisions of paragraph 1 of this Article, except cases when a foreign producer or exporter voluntarily agreed to conduct a verification visit before such responses in the absence of objections from the relevant foreign State.

After obtaining the consent of the participants in the investigation and prior to the verification visit takes place they are sent a list of documents and materials to be submitted to staff aimed at carrying out the verification visit. The investigating authority shall notify the foreign government of the names and addresses of the exporters or foreign producers, which are planned to be visited for verification, as well as of the dates of these verification visits.

During verification visits other documents and materials necessary to validate submitted in response to the questionnaire information may also be requested.

If during the verification visit the investigating authority intends to engage for the purposes of such verification the experts who are not members of this body, the participants in the investigation in respect of which it is supposed to carry out the verification visits must be given sufficient notice of such decision of the investigating authority. The participation of such experts in the verification visits shall be allowed only if there is a possibility to apply sanctions for violation of confidentiality of information received in connection with the verification visit.

5. In order to verify the submitted information during an investigation or additional information associated with the investigation, the investigating authority may send its representatives to the location of the interested parties to collect information, to hold consultation and negotiation with parties, to get acquainted with the samples of the product and take other necessary for the investigation actions.

6. The public authorities (government) of the Parties shall provide the investigating authority with the required for the purposes of the investigation information prescribed in this Agreement, upon the relevant request.

Providing the investigating authority for the purposes of an investigation with information constituting banking, tax, commercial and other secrets protected by law, except for state secrets, or

with information for official use, the investigating authority provides the necessary level of confidentiality of such information and stores it safely. The information received is taken into account by the investigating authority during the investigation and the preparation of proposals under its results.

Article 36

Interested parties

1. Interested parties during the course of the investigation are:
 - 1) a producer of the like or directly competitive product (for safeguard investigation) or the like product (for antidumping or countervailing investigation) in the States Parties;
 - 2) the association of producers in the States Parties, where the majority of participants are producers of the like or directly competitive product (for safeguard investigation) or the like product (for antidumping or countervailing investigation);
 - 3) the association of producers of the States Parties which members produce more than 25 per cent of the total production of the like or directly competitive product (for safeguard investigation) or the like product (for antidumping or countervailing investigation) in the States Parties;
 - 4) an exporter, foreign producer or importer of the product under investigation and the association of foreign producers, significant part of which are producers, exporters or importers of product from the exporting state or foreign country of origin;
 - 5) the competent authority of the exporting foreign country or country of origin;
 - 6) consumers of the product under investigation if they use such a product in the production process, and the association of consumers in the States Parties;
 - 7) the public associations of consumers if the product is consumed mainly by individuals.
2. Interested parties act in the course of the investigation on their own or through their representatives who have duly executed powers.

If during the investigation the interested party acts through an authorized representative, the investigating authority shall give the party all the information about the subject of the investigation only through this representative.

Article 37

Confidential information

1. Information provided by the interested party to the investigating authority shall be considered as confidential when this party submitted justification, indicating that disclosure of such information would provide a competitive advantage to a third party or entail adverse consequences for the party that submits such information or for the party from which it obtained such information.

Confidential information is not disclosed without permission of the interested party submitted such information.

2. Interested parties submitted confidential information shall also provide the non-confidential version of such information.

Non-confidential version should be sufficiently detailed to understand the substance of the information provided in a confidential way.

In exceptional circumstances, interested parties may submit a justification of inability to provide confidential information in non-confidence, setting out the reasons for which it is impossible to provide the non-confidential version.

3. If the investigating authority determines that the reasons presented by the interested party do not allow to relate the information to the confidential information or the interested party who has not submitted a non-confidential version of the confidential information does not provide a justification of inability to provide confidential information in the form of non-confidential information, or represents the information that does not justify the inability to provide confidential information in the form of non-confidential, the investigating authority may choose not to consider this information.

4. For disclosure, the use for personal benefits, other misuse of confidential information provided for the investigating authority by the applicants, members of Investigation, the interested parties or the competent authorities of the Parties for the purpose of the investigation, officers and employees of the investigating authority may be deprived of the privileges and immunities under the Convention on the Privileges and Immunities of the Eurasian Economic Community on 31 May 2001, and brought to justice in the manner and according to rules approved by the Commission of the Customs Union.

For the purposes of this Article, the competent authorities of the Parties shall be interpreted as the public authorities (government) and territorial (local) public authorities (government) of member-states of the Customs Union, authorized in the area of customs, statistics, taxation, registration of legal persons and other areas as well as diplomatic and trade missions of the Parties in foreign countries.

The rules of use and protection of confidential information in the investigating authority is to be adopted by the Customs Union Commission.

Article 38

Consultations to determine the existence of alleged specific subsidy from exporting foreign country

1. After taking into consideration the application and before the decision to initiate an investigation, the investigating authority shall provide the authorized body of the exporting foreign country, where the exported product against which countervailing measure is proposed to introduce originates, with consultations in order to clarify the situation regarding the availability, volume, and the consequences of the alleged specific subsidy and to achieve a mutually acceptable solution.

Such consultation may continue in the course of the investigation.

2. Consultation referred to in paragraph 1 of this Article shall not prevent the investigating authority from making the decision on initiation of an investigation and application of countervailing measure.

Article 39

Notifications of decisions made during investigations

1. Notifications of decisions made during investigations are published by the investigating authority on the official website of the Customs Union Commission.

Such notifications are also sent to the authorized body of a foreign exporting country and other interested parties known to the investigating authority.

2. Notice of initiation of an investigation shall contain:

- 1) a complete description of the product under investigation;
- 2) the name of the exporting foreign country;
- 3) a summary of the facts supporting the feasibility of making a decision to initiate an investigation;
- 4) evidence of increased imports into the single customs territory of the Customs Union (deciding whether to initiate safeguard investigation);
- 5) a summary of the facts proving the serious injury or the threat of the serious injury to the industry of the States Parties (deciding whether to initiate safeguard investigation);
- 6) a summary of the grounds for a positive conclusion about the presence of dumped or subsidized imports (deciding whether to initiate antidumping or countervailing investigation);
- 7) a summary of the facts proving the existence of material injury or threat of material injury to the industry of the Parties, or a significant slowdown in the creation of the industry of the Parties (deciding whether to initiate antidumping or countervailing investigation);
- 8) the address to which interested parties may submit their views and information related to the investigation;
- 9) the period of not less than 30 calendar days during which interested parties may express their intention to participate in the investigation;
- 10) the period of not less than 60 calendar days during which the participants of the investigation may request a public hearing;
- 11) the period of not less than 90 calendar days during which interested parties may submit written comments and information related to the investigation.

3. Notice of the introduction of provisional safeguard, provisional antidumping or provisional countervailing duty shall include explanation of the provisional decision of the competent authority about the existence of increased imports and the resulting serious injury or threat of such injury to the industry of the States Parties, the presence of dumped or subsidized imports and the resulting material injury, threat of such injury or a significant delay in the establishment of the industry of the States

Parties, as well as an indication on the facts upon which the decision to impose provisional safeguard, provisional antidumping or provisional countervailing duty is made.

Notice of the introduction of provisional antidumping or provisional countervailing duty must also contain the following information:

- 1) the name of the exporter of the product under investigation, or if the information can not be provided, the name of the exporting foreign country;
- 2) sufficient for the purposes of customs clearance description of the product under investigation;
- 3) the grounds for a positive conclusion about the presence of dumped imports indicating the rate of the dumping margin and the description of reasons for choosing the methodology for calculating and comparing the normal value of the product and the export price (with the introduction of provisional antidumping duty);
- 4) the grounds for a positive conclusion on the presence of subsidized imports with the description of the existence of subsidies and an indication of the calculated amount of the subsidy per unit (with the introduction of provisional countervailing duty);
- 5) the grounds for establishing the presence of material injury, threat of such injury or a significant delay in the creation of the industry of the Parties;
- 6) the grounds for establishing a causal link between the dumped or subsidized imports and material injury, threat of such injury or a significant delay in the establishment of the industry of the States Parties.

4. Notice on the results of safeguard investigation shall contain the main conclusions, which are made by the investigating authority, based on an analysis of information available to it, and shall be published by the investigating authority within 3 working days from the date of completion of the investigation, but not later than the date of publication of the decision of the Customs Union Commission on the imposition and application or review of a safeguard measure, or the abolition of safeguard measure in accordance with the provisions of article 40 of this Agreement.

5. Notice of completion of the investigation as the result of which the investigating authority made a conclusion on the existence of ground for imposition of antidumping or countervailing duty or on the expedience to approve relevant undertakings is published within 3 working days from the date of completion of the investigation, but no later than the date of publication of the decision of the Customs Union Commission and should contain the following:

- 1) an explanation of the final decision of the investigating authority concerning the results of the investigation;
- 2) an indication on the facts upon which this decision was made;
- 3) the information referred to in paragraph 3 of this Article;
- 4) an indication on the reasons for acceptance or rejection of arguments and requirements of exporters and importers of the product under investigation in the course of the investigation;

- 5) an indication of the reasons for decision in accordance with paragraphs 7 - 11, Article 10 of this Agreement.
6. Notice of termination or suspension of investigation in connection with the approval of relevant undertakings should contain the non-confidential version of such undertakings.
7. The provisions of this Article shall apply to the cases of notification of the initiation and the termination of a review *mutatis mutandis* taking into account corresponding differences.

Article 40

Non-application of the safeguard, antidumping and countervailing measure

1. The Customs Union Commission on the basis of the results of the investigation may decide not to apply a safeguard, antidumping or countervailing measure provided for in this Agreement, even if the application of this measure meets the criteria set forth in this Agreement.

This decision may be taken if such measure could harm the interests of States Parties, and revised if the causes that led to its application have changed.

2. The conclusion of the appropriateness of the application of safeguard, antidumping or countervailing measure shall be based on the collective evaluation of the interests of the Parties' industry, consumers of the product under investigation, if they use such a product in the production process, and associations of such consumers in the States Parties, public associations of consumers if the product is consumed mostly by individuals, and importers of this product. Moreover, this conclusion can only be made after these parties had an opportunity to comment on the matter in accordance with the provisions of paragraph 3 of this Article.

When preparing such a conclusion a special importance should be given to the need of elimination of the distorting effects of increased, dumped or subsidized imports in the ordinary course of trade and the state of competition in the relevant market of the Parties and the state of the industry of the States Parties. The final decision of the Customs Union Commission, as provided for under paragraph 1 of this Article, shall be adopted based on the conclusion prepared by the investigating authority according to the analysis of all information submitted by interested parties.

3. For the purposes of application of the provisions of paragraph 1 of this Article producers of the like or directly competitive product (in case of safeguard investigation) or the like product (in case of antidumping or countervailing investigation) in the Parties, their associations, importers and associations of importers of the product under investigation, consumers of the product under investigation, if they use such a product in the production process, and associations of consumers in the States Parties, public associations of consumers if the product is consumed mostly by individuals have the right within the period specified in the notice published in accordance with the paragraph 2 of Article 39 of this Agreement to submit comments and information on the subject. Such comments and information or its non-confidential version, as appropriate, shall be submitted to familiarize to other interested parties specified in this paragraph, which shall be entitled to submit its comments in response.

The information provided in accordance with the provisions of this paragraph shall be taken into account regardless of its source, if there is objective evidence supporting its reliability.

If the Customs Union Commission took a decision under the provisions of paragraph 1 of this Article, the investigating authority publishes a notice which shall contain an explanation for the adoption of the Customs Union Commission decision not to apply a safeguard, antidumping and countervailing measure, indicating the findings and conclusions on which this decision is based.

VI. FINAL PROVISIONS

Article 41

Disputes settlement

Disputes between Parties related to the interpretation and application of the provisions of this Agreement primarily shall be settled through negotiations and consultations. If the dispute is not settled by the Parties of the dispute through negotiation and consultation within 60 calendar days from the date of formal written request for its conduct sent by one of the Parties to the other party of the dispute, then unless there is no other agreement between the parties of the dispute concerning the method of its settlement, any party of the dispute has the right to appeal to the Court of the Eurasian Economic Community.

Article 42

Amendments

By an agreement of the Parties this Agreement may be amended by particular protocols.

Article 43

Entry into force, accession, and withdrawal

Entry into force, accession and withdrawal of this Agreement is determined by the Protocol on the procedure of entry into force of international treaties aimed at creating the legal framework of the Customs Union, its withdrawal and accession on 6 October 2007.

Paragraph 16 of Article 30 of this Agreement shall apply from the date of transfer to the Customs Union Commission the power to monitor compliance with common rules of competition in accordance with the Agreement on common principles and rules of competition on 9 December 2010.

Done in Moscow on 25 January 2008 in one original copy in Russian.

The original copy of this Agreement is stored in the Customs Union Commission, which, as the depositary of this Agreement, will send its certified copy to each Party.

(The Agreement between the Government of the Russian Federation, the Government of the Republic of Belarus and the Government of the Republic of Kazakhstan of 25.01.2008 (as amended on 18.10.2011) "On the application of safeguard, antidumping and countervailing measures against third countries")

AGREEMENT
on the application of safeguard, antidumping and countervailing measures
in transitional period

(St. Petersburg, 19 November 2010)

Governments of Member States of the Customs Union within the Eurasian Economic Community, hereinafter referred to as the Parties,

Recognizing the need for the consistent application of safeguard, antidumping and countervailing measures in trade with the Third countries and to determine the order of charge and allocation of safeguard, antidumping and countervailing duties,

Desiring to ensure the protection of national industry, creating conditions to facilitate the development of competition between domestic and foreign producers, as well as rise in the competitiveness of national industry;

Guided by the provisions of the Agreement on application of safeguard, antidumping and countervailing measures to the third countries of 25 January 2008, the Agreement on the Establishment and application in the Customs Union of the order of enrollment and distribution of customs duties (other duties, taxes and charges having the equivalent effect) of 20 May 2010 and other documents which create the legal base of the Customs Union, as well as the universally recognized norms and principles of international law,

Have agreed as follows:

Article 1

Safeguard, antidumping and countervailing measures applied in accordance with the legislation of Member States of the Customs Union against import from Third countries into the territory of Member States of the Customs Union shall be reviewed in order to determine the share of production of domestic producers of the like product (for purposes of antidumping and countervailing investigations) or like or directly competitive product (for purposes of safeguard investigations), for which the injury or threat of injury was determined, the total production volume of Member States of the Customs Union.

Production volumes of the like product (for the purposes of the antidumping and countervailing investigations) or the like or directly competitive product (for purposes of safeguard investigations) are defined as the volume of products produced in the 3 years preceding the date of signature of this Agreement.

Such review is carried out by the Competent Authorities of Member States of the Customs Union, where the measure was introduced with simultaneous notification of all stakeholders.

For the purposes of this Agreement, the Competent Authorities of Member States of the Customs Union are understood as the national authorities responsible for conducting investigations prior to the application of the Safeguard, Antidumping and Countervailing measures, in accordance with the legislation of the Customs Union's Member States.

Article 2

In the event where the results of the review of the safeguard, antidumping or countervailing measures provided by Article 1 hereof and applied against the imports from Third countries into the territory of the Member States of the Customs Union, determined that the share of domestic producers of the like product (for purposes of antidumping and countervailing investigations) or the like or directly competitive products (for purposes of safeguard investigations) constitutes a major proportion, but not less than 25 per cent of the total industry of Member States of the Customs Union, the measure should apply to the import of products from third countries into a single customs territory of the Customs Union on the basis of relevant decisions of the Commission of the Customs Union before the expiration of the measures imposed by the Party that has imposed such measure.

From the date of entry into force the Decision of the Customs Union Commission on the application of safeguard, antidumping or countervailing measures in the common customs territory of the Customs Union on the base of results of such review, the Competent Authority or an interested person may initiate the reinvestigation in accordance with the Agreement of 25 January 2008.

With regard to reinvestigations mentioned in the second paragraph of this Article the provisions of paragraph 4 of Article 17 and paragraph 4 of Article 27 of the Agreement of 25 January 2008, setting a minimum time period after which can be re-launched antidumping or countervailing investigation are not apply.

Safeguard, antidumping or countervailing investigation versus the measures imposed on the common customs territory of the Customs Union for the outcome of the review, conducts by the authorized body of the Member States of the Customs Union, which reviewed the relevant national measures.

Article 3

The Competent Authority of the Member States of the Customs Union, specified in Article 1 hereof and conducting the review of safeguard, antidumping and countervailing measures applicable to imports from the third countries into the territory of this State shall submit to the Competent Authorities of the other Member States of the Customs Union of the results of such review.

The Competent Authority of the Member States of the Customs Union during a review of safeguard, antidumping and countervailing measures applicable to imports from third countries into the territory of that State, provides its publicity and transparency and provides an opportunity to interested parties to submit comments on the matter in accordance with legislation of the Member State of the Customs Union, which Competent Authority conducts this review.

Article 4

From the date of entry into force the Decision of the Customs Union Commission on the imposition safeguard, antidumping and countervailing measures in the common customs territory of the Customs Union of the relevant national measure should be terminated.

Article 5

In case where the results of review of safeguard, anti-dumping or countervailing measures against import from third countries into the territory of the Member States of the Customs Union mentioned in the Article 1 hereof are provided established that the share of domestic producers of like (for the purposes of the antidumping and countervailing duty investigation) or like or directly

competitive products (for purposes of safeguard investigations) have less than 25 per cent of the total production Member States of the Customs Union , such a measure would in effect until its expiration in accordance with the legislation of the relevant Member State of the Customs Union without extension.

Article 6

Safeguard, antidumping and countervailing measures applied as results of investigations that were completed prior to the date of signature of this Agreement, had entered into force in accordance with the legislation of the Member States of the Customs Union. These measures are subject to review in accordance with the provisions of Articles 1, 2, 3 and 5 of this Agreement.

Investigations which were not completed by the Parties prior to the date of signature of this Agreement, should be completed by the Competent Authorities of Member States of the Customs Union in accordance with the provisions of the Agreement on application of safeguard, antidumping and countervailing measures to the third countries of 25 January 2008.

The Competent Authorities of the Member States of the Customs Union, conducting the investigation, determines the share of the producers of the Member States of the Customs Union, like (for the purposes of the antidumping and countervailing duty investigation) or like or directly competitive products (for purposes of safeguard investigations), supporting the statement of the total output of the Member States of the Customs Union. The investigation shall continue if the share of producers of the like (for the purposes of the antidumping and countervailing duty investigation) or like or directly competitive products (for purposes of safeguard investigations) constitutes not less than 25 per cent of the total production volume of Member States of the Customs Union.

Article 7

In the course of the review in accordance with the provisions of Articles 1, 2 and 3 of this Agreement and (or) after the imposition of safeguard, antidumping and countervailing measures in the common customs territory of the Customs Union:

The Parties shall consult with the national consumers and producers of like (for the purposes of the antidumping and countervailing duty investigation) or like or directly competitive products (for purposes of safeguard investigations);

The parties provided an opportunity for consultation between producers and consumers regarding the application of such measures on a single customs territory of the Customs Union;

Each Party shall provide to consumers of other Member States of the Customs Union non-discriminatory conditions of access to the products produced in the territory of such Party in respect of which the Parties are introduced such measures in the common customs territory of the Customs Union.

At the suggestion of the interested Party the Customs Union Commission is considered the matters related to the application of this Article and takes the necessary decisions in accordance with the rules and procedures of the Customs Union Commission.

Article 8

During the review in accordance with the provisions of Articles 1, 2 and 3 of this Agreement, the Commission of the Customs Union provides the opportunity for consultations with foreign governments and exporters, whose interests are affected by the revision.

Article 9

Until the adoption of the appropriate Decision of the Customs Union Commission, the Competent Authorities of the Member States of the Customs Union conduct the investigations (including reinvestigations or initiated on these bodies own initiative) in accordance with the provisions of the Agreement on the application of safeguard, antidumping and countervailing measures to the third countries of 25 January 2008. In this case, the application of such investigations should be submitted to the Competent Authorities of Member States of the Customs Union on behalf of the industry of the Member States of the Customs Union in accordance with the provisions specified in this Article of the Agreement.

Statement on the application of safeguard, antidumping or countervailing measures, as well as a statement of safeguard, antidumping or countervailing duty reinvestigations should be submitted to the Competent Authority of the Member State of the Customs Union, on whose territory the producers of like or directly competitive products (for purposes of safeguard investigations) or like products (for purposes of antidumping and countervailing investigations) are registered.

If the producers are registered in more than one Member States of the Customs Union, such application shall be submitted to the Competent Authority of the Member State of the Customs Union, on whose territory the registered producers, which account for most of total output, respectively, of similar or directly competitive products or similar products manufacturers, who submit or on whose behalf the application is submitted.

Customs Union Commission approves the regulation on the procedure of the investigations conducted by the Competent Authorities of Member States of the Customs Union which precede the imposition of safeguard, antidumping and countervailing measures, and the regulation for making suggestions to the Customs Union Commission based on the results of investigations.

The procedure of the collecting of the information used for purposes of investigation prior to the introduction of safeguard, antidumping and countervailing measures against third countries is determined by the Parties separately.

During the investigations and reviews of the safeguard, antidumping and countervailing measures imposed in the Common customs territory of the Customs Union, the Competent Authorities of Member States of the Customs Union in accordance with the Agreement on the application of safeguard, antidumping and countervailing measures to the third countries from 25 January 2008 should provide the publicity and transparency of the procedures carried out, as well as give an opportunity to interested persons to provide its comments to the Investigative Authorized of the Member States of the Customs Union.

Article 10

Government Authorities of the Member States of the Customs Union empowered in the area of customs affairs, state statistics, taxation and registration of legal entities, other public authorities of the Member States of the Customs Union and the territorial (local) government bodies, have to assist in the investigations versus the products from third countries and should provide to Competent

Authorities of Member States of the Customs Union the required data including confidential information.

Information submitted to the Competent Authorities of Member States of the Customs Union can only be used for those purposes for which such information was requested.

Article 11

Information, submitted by the interested parties to the Competent Authority of Member States of the Customs Union, is evaluated as confidential when this party provides evidence, including arguments improved that disclosure of such information would provide a competitive advantage to third party or would entail adverse consequences for the person submitted such information, or to the party from whom such information were obtained.

Confidential information could not be disclosed without the permission of the person who submitted this data, except the cases stipulated by legislation of each Party.

Confidential information obtained during the investigation should be protected in accordance with national legislation of Member States of the Customs Union.

Interested parties providing confidential information have to submit also non-confidential version of such information. Non-confidential version shall be in sufficiently detail to understand the substance of the information provided in confidence.

In exceptional circumstances, interested parties may submit a justification that such information couldn't be presented in a non-confidential mode, and expound the reasons why the presentation of non-confidential version is impossible.

If the Competent Authority of Member States of the Customs Union finds that the arguments presented by the interested person does not allow to relate the information to the confidential, or the interested person has not submitted a non-confidential version of the confidential information and doesn't submit the justification for not providing of the confidential information in the non-confidential form or presents information that is not justified the submission of confidential information in the non-confidential form, the Competent Authority of Member States of the Customs Union has the right to not take into account this information.

Officers of the Competent Authority of the Member States of the Customs Union and other persons having access to confidential information shall be liable for disclosure of confidential information according to the national legislation of the Member State.

Article 12

Before the introduction of the Customs Union Commission safeguard, antidumping and countervailing measures on imports from third countries into a single customs territory of the Customs Union. If it is not stipulated in this Agreement or in any decisions of the Customs Union Commission, Member States of the Customs Union apply safeguard, antidumping and countervailing measures imposed earlier in accordance with the legislation of Member States of the Customs Union.

Article 13

The payment of safeguard, antidumping and countervailing duties including provisional (temporal) duties established at a national level, is carried out according to the national legislation of the Member States of the Customs Union under which decision these duties are imposed.

Article 14

From the date of entry into force the Decision of the Customs Union Commission on the application of safeguard, antidumping or countervailing measures, the amount of safeguard, antidumping and countervailing duties (except the preliminary duties) are subject to transfer and distribution in the order established by the Customs Code of the Customs Union and the Agreement on the Establishment and application in the Customs Union of the order of enrollment and distribution of customs duties (other duties, taxes and charges having the equivalent value) of 20 May 2010 and provided for the import customs duties.

Safeguard, antidumping and countervailing duties cannot be reckoned on account of payment of other charges.

On account of payment safeguard, antidumping and countervailing duties could be reckoned duties and fees, and also other payments (except the import customs duties), received on the single account of the State Body which is carrying out cash service of execution of the budget of the Member States of the Customs Union.

Payment of the preliminary safeguard, antidumping and countervailing duties is carried out according to the national legislation of the Member States of the Customs Union.

From the date of entry into force the Decision of the Customs Union Commission on the application of safeguard, antidumping or countervailing measures by results of related investigation, the amount of the preliminary duties (fully or partly in the cases established by the Agreement on application safeguard, anti-dumping or countervailing measures to the third countries of 25 January 2008) are subject to transfer and distribution in the order established by the Customs code of the Customs Union and the Agreement on the Establishment and application in the Customs Union of the order of enrollment and distribution of customs duties (other duties, taxes and charges having the equivalent value) of 20 May 2010 and provided for the import customs duties.

In the event that an investigation found that there are no evidences for introducing safeguard, antidumping or countervailing measures, the amount paid by the provisional safeguard, anti-dumping or countervailing duty shall be refunded to the payer.

Refund (fully or partially in the cases established by the Agreement on the application of safeguard, antidumping and countervailing measures against third countries of 25 January 2008) of the money which were paid as a provisional safeguard, antidumping and countervailing duties in accordance with the results of the preliminary investigation is carried out in accordance with the legislation of the Member States of the Customs Union, which Customs Authorities levied a provisional safeguard antidumping or countervailing duties.

If in the framework of the reinvestigation in connection with the expiration of the antidumping or countervailing measure, the application of appropriate measures is temporarily extending, antidumping and countervailing duties applicable to the end of the reinvestigation shall be paid in the manner prescribed by this Agreement for the payment of provisional antidumping and countervailing duties.

If the results of reinvestigation (at the time of which antidumping or countervailing measures have been extended) found that there are no evidences to extend the measure, the amount of antidumping or countervailing duties levied during the period of extension of the relevant measures to be refunded to the payer in the manner prescribed for the return of preliminary antidumping and countervailing duties.

Return to the payer overpayments (overcharged) safeguard, antidumping and countervailing duties is carried out from the single account of the State Body which is carrying out cash service of the state budget - a Member State of the Customs Union, in the manner prescribed for a refund of overpaid customs legislation of the Member States of the Customs Union, customs authorities which are levied a safeguard, antidumping and countervailing duties, taking into account the specifications prescribed Agreement on the Establishment and application in the Customs Union of the order of enrollment and distribution of customs duties (other duties, taxes and charges having the equivalent value) of 20 May 2010 and provided for the return of the import customs duties.

Article 15

The Parties determine the procedure of the investigation made by Customs Union Commission, including through the establishment and (or) definition the appropriate body of the Commission of the Customs Union and the regulation on handling of confidential information.

Article 16

The Court empowered to entertain claims of competent authorities and business entities from the Third countries, as well as economic entities of the Member States of the Customs Union, is described by a separate international treaty.

Disputes and disagreements between the Parties concerning the interpretation and (or) the application of this Agreement shall be settled through consultations or negotiations of the Parties concerned. Failing agreement, the dispute is transmitted by any of the concerned Parties to the Court of the Eurasian Economic Community.

Article 17

As agreed by the Parties, amendments and additions may be made to this Agreement in the form of separate protocols.

Article 18

This Agreement is temporarily applied from the date of signature, is subject to ratification and inures from the date of reception by the depositary the last ratification letter.

Done at St. Petersburg on 19 November 2010 in one original copy in Russian.

The original text of the Agreement shall be retained by the Customs Union Commission, which, being the depositary of this Agreement, shall send to each Party an authenticated copy.

For the Government of the Republic of Belarus
For the Government of the Republic of Kazakhstan
For the Government of the Russian Federation

Decision 17 August 2010 No. 339

Moscow

**On the application of safeguard, antidumping and countervailing measures
the common customs territory of the Customs Union within EurAsEC**

Customs Union Commission decided:

1. Take into account the information provided by Head of the expert group "safeguard, antidumping and countervailing measures," AI Dyachenko on the application of safeguard, antidumping and countervailing measures in the common customs territory of the Customs Union.
2. Pursuant to the decisions of the EurAsEC Interstate Council (the supreme body of the Customs Union) at the level of heads of government from 21 May 2010 No. 37 during transitional period authorize competent authorities of the Parties conducting of investigations in the sphere of the procedural actions concerning examination of applications, initiation, conducting and termination of investigations in accordance with the provisions of Agreement on the application of safeguard, antidumping and countervailing measures against third countries from 25 January 2008.
3. Determine the Ministry of Foreign Affairs of Belarus, Ministry of Economic Development and Trade of the Republic of Kazakhstan and the Ministry of Industry and Trade of the Russian Federation as the competent authorities of Member States of the Customs Union in the sphere of carrying out procedural actions specified in paragraph 2 of this Decision
4. Committee on Regulation of Foreign Trade (hereinafter - Committee), together with a single negotiating delegation of the Republic of Belarus, Kazakhstan and the Russian Federation on accession to the WTO (hereinafter - the single negotiating delegation) to organize the transition to safeguard, antidumping and countervailing measures on a single customs territory of the Customs Union and to ensure consideration of the draft documents prepared by the expert group referred to in paragraph 1 of this Decision, at a special meeting of the Committee.
5. Single negotiating delegation to hold consultations with third countries on issues of transition to a safeguard, antidumping and countervailing measures in the common customs territory of the Customs Union.
6. Committee to finalize the draft documents to ensure transition to safeguard, antidumping and countervailing measures applied in the common customs territory of the Customs Union in the period up to 1 October 2010.
7. Committee to report at the meeting of the Customs Union Commission on the outcome.

The Commissioners of Customs Union:

From the Republic of Belarus
From the Republic of Kazakhstan
From the Russian Federation

Decision

7 March 2012

No. 1

**On some issues of safeguard, antidumping and countervailing measures
in the common customs territory of the Customs Union**

Board of Eurasian Economic Commission decided:

1. Authorize as the body responsible for the investigation prior to the introduction of safeguard, antidumping and countervailing measures in the common customs territory of the Customs Union (hereinafter - the investigation), assigned to the Department of Protective Measures in Foreign Trade of Secretariat of the Commission of the Customs Union Customs Union Commission Decision of 23 September 2011 No. 802, the Department for Internal Market Defense of the Eurasian Economic Commission, and entrust it upon the date of entry into force of this Decision, the investigation and other procedures within the authority granted to that authority by the Agreement on the application of safeguard, antidumping and countervailing measures in relation to third countries on 25 January 2008 and other laws and regulations that form the legal base of the Customs Union with safeguard, antidumping and countervailing measures.

2. Approve:

Provision for the use and protection of confidential information and proprietary information of limited distribution in the body responsible for investigating (attached);

Regulation making and draft decisions of the Eurasian Economic Commission for safeguard, antidumping and countervailing measures (attached).

3. Consider paragraphs 1, 2 and 4 of the Customs Union Commission Decision of 23 September 2011 No. 802 to be expired.

Chairman V.B. Khristenko

**Approved by
Decision of the Board
Eurasian Economic Commission
of 7 March 2012 No. 1**

**Provision on the use and protection of confidential information and
proprietary information of limited distribution in the
body responsible for investigations**

1. General provisions

1.1. This Regulation determines the treatment of documents that contain confidential and proprietary information of limited distribution, regulates the relations connected with the protection of the information received and used by the body responsible for investigations (hereinafter - the authority conducting the investigations) for the purpose of processing applications for safeguard, anti-dumping or countervailing measures, investigations, as well as perform other procedures involving the use of safeguard, antidumping and countervailing measures in a single customs territory of the Customs Union.

1.2. For the purposes of this Regulation, the following definitions:

- Confidential information - limited access, is not classified as a state secret (state secrets), provided on a confidential basis by the applicants, participants in the investigation or other interested persons to the authority conducting investigations, or information provided at the request of the authority conducting the investigations, the competent authorities or authorized member-states of the Customs Union, as defined in Article 1 of the Protocol on the procedure for granting the authority conducting the investigations, the information contained, including confidential information, for the purposes of investigation, prior to the introduction of safeguard, antidumping and countervailing measures, in relation to third countries of 19 November 2010 (hereinafter - the competent or authorized bodies of the states - members of the Customs Union), which is classified in accordance with the laws of a member-state of the Customs Union to the commercial or other legally protected information (secret);
- Proprietary information of limited distribution - information that is not classified as a state secret (state secrets), provided the authority conducting the investigations, the competent or authorized bodies of the member-states of the Customs Union, referred to under the laws of the state - a member of the Customs Union to the limited distribution of proprietary information;
- The protection of confidential information and proprietary information of limited distribution - the adoption of legal, organizational and technical measures aimed at eliminating improper disclosure, access, destruction, modification, copying, and other unjust acts in relation to such information;
- Disclosure of confidential information and (or) proprietary information of limited distribution - the act or omission of the head and (or) the officials of the authority conducting the investigations, as a result of which the information in any way possible (oral, written or other form, including the use of technical tools) becomes known to others.

1.3. Confidential information and proprietary information of limited distribution can be used only for the purposes for which such information was requested by the authority conducting the investigations or for which it was provided to this authority by the parties on a voluntary basis.

1.4. Authority conducting the investigations shall not disclose confidential information without the written consent of the person or body provided it.

1.5. This provision shall not preclude the disclosure by the authority conducting investigations the reasons underlying the decision of the Eurasian Economic Commission (hereinafter - EEC), or evidence relied upon EEC, to the extent that is necessary to explain those reasons or evidence in court authorized to review claims in the framework of the Agreement on the application of safeguard, antidumping and countervailing measures against third countries from 25 January 2008.

1.6. The procedure for documents that contain confidential information, and (or) proprietary information of limited distribution that protects such information, set the documents the authority conducting the investigations, in accordance with the provisions of it.

1.7. Responsibility for the organization of work for the protection of confidential information and proprietary information of limited distribution in accordance with the regulations rests with the head of the authority conducting the investigations.

1.8. This provision applies to all structural units of the authority conducting the investigations.

2. Procedure of access to confidential information, responsibilities of staff admitted to confidential and proprietary information of limited distribution

2.1. The head and employees of the authority conducting the investigations shall:

read by hand with this provision and other documents of the authority conducting the investigations, on the protection of confidential and proprietary information of limited distribution;

sign an individual written undertaking not to disclose confidential information in compliance with Appendix hereto, in duplicate, one for the head or for the employee of the authority conducting the investigations, the second is kept on personal file of the head or employee not less than 3 years after his dismissal.

2.2. The head and employees of the authority conducting the investigations are not allowed to work with confidential information to meet the requirements established by subparagraph 2.1 of the Regulation.

2.3. The head and employees of the authority conducting the investigations shall:

not disclose confidential information and proprietary information of limited distribution;

comply with the treatment of documents that contain confidential information, and (or) proprietary information of limited distribution, installed in a body conducting an investigation;

comply with the rules for dealing with the protection of information and access to documents in electronic form, contains confidential information and (or) proprietary information of limited distribution, in its treatment;

take measures to protect confidential information and proprietary information of limited distribution, hindering its unauthorized disclosure.

3. Access to confidential information and proprietary information of limited distribution

3.1. The head of the authority conducting the investigations, and his deputies have access to confidential information and proprietary information of limited distribution in full.

3.2. Access level of employees of the authority conducting the investigations, confidential information and proprietary information of limited distribution is limited to the extent necessary for the performance of their duties.

3.3. List of officials of the authority conducting the investigations, with access to confidential information and (or) the overhead of limited distribution within the application on the application of safeguard, antidumping or countervailing measures, conduct investigations, and perform other procedural actions related to the use of the common customs the Customs Union of safeguard, antidumping and countervailing measures, determined by the head of the authority conducting investigations or his deputy.

4. Responsibility of the head and employees for disclosing confidential information and proprietary information of limited distribution

4.1. For willful or negligent disclosure of confidential information and (or) the overhead of limited distribution, as well as a violation of procedures for handling documents that contain such information the head and employees of the authority conducting the investigations, subject to disciplinary liability in the form of dismissal from office, in accordance with the laws of the member-state of the Customs Union, where the authority conducting the investigations is situated.

4.2. It shall be conducted official investigation on the facts of the disclosure of confidential information and (or) proprietary information of limited distribution or on violation of procedures for handling documents that contain such information which shall be resulted if necessary in appropriate decisions.

4.3. The head or employees of the authority conducting the investigations, in breach of its obligations to disclose confidential information shall be deprived of the immunity provided by the Convention on the Privileges and Immunities of the Eurasian Economic Community, on 31 May 2001, and for the disclosure of confidential information in the sphere which is a secret protected by the law of the member-state of the Customs Union, subject to administrative, civil or criminal liability under the law of a Member State of the Customs Union, in which the body conducting the investigation.

5. Requirements for the treatment of documents that contain confidential information and proprietary information of limited distribution

5.1. Documents containing confidential information should be reported to investigators should be marked "Confidential," which appears in the upper right corner of each page.

Documents containing proprietary information of limited distribution should be reported to the authority conducting investigation processed in accordance with the laws of the member-state of the Customs Union.

The sender shall specify the name of the authority conducting the investigations on mailing envelopes containing confidential information or proprietary information of limited distribution.

5.2. Correspondence addressed to the authority conducting the investigations, the service received by the office of EEC, the day of its receipt is transferred to the recipient without opening envelopes.

In the case of postal delivery courier officer responsible for correspondence of the authority conducting the investigations, is called to the EEC service office for correspondence under his signature.

5.3. Outgoing documents the authority conducting the investigations, confidential information of interested parties should be marked "Confidential," which appears in the upper right corner of each page.

The above documents deposited authority conducting the investigation, with the ECE office in sealed envelopes, decorated in the manner prescribed in the state - the customs union, in which the body conducting an investigation, to send by registered mail with return receipt to the recipient.

Notification of delivery to the addressee letter received by the service office of ECE, the day of its receipt is transmitted to the body conducting the investigation.

5.4. Registration and recording of documents containing confidential information, and incoming documents that contain proprietary information of limited distribution, is in a body conducting an investigation, separate from other documents.

5.5. Outgoing documents of the authority conducting the investigations, containing confidential information and (or) proprietary information of limited distribution, sent to the government of the member-states of the Customs Union, the competent or authorized bodies, specified in paragraph 1.2 of this provision, the Chairman and members of the Board of ECE, are formed as documents containing proprietary information of limited distribution, marked "For Official Use Only" and indicating the number of copies.

Registration of such documents shall be in the manner prescribed in EEC for documents containing proprietary information of limited distribution.

5.6. The treatment of documents containing confidential information and (or) proprietary information of limited distribution in the authority conducting the investigations, provides:

implementation of registration and recording of documents containing confidential information, and (or) proprietary information of limited distribution, including copies thereof;

restriction on reproduction (replication) of documents containing confidential information and proprietary information of limited distribution;

transfer under a list of documents containing confidential information, and (or) proprietary information of limited distribution, and copies thereof;

ensuring proper storage of documents containing confidential information and (or) the proprietary information of limited distribution, and copies thereof;

monitoring implementation of measures to ensure the protection of confidential information and proprietary information of limited distribution, including processed with computer equipment.

5.7. Work actions with confidential and proprietary information of limited distribution in electronic form are carried out in the local network of the authority conducting the investigations, with the comprehensive protection of electronic documents.

5.8. It is prohibited placing documents containing confidential information and (or) the proprietary information of limited distribution, in the Internet and the local network of EEC, as well as access to the network of the authority conducting the investigations, from the Internet or local EEC network.

5.9. IT officers and technical support are admitted to facilities containing confidential information and (or) the proprietary information of limited distribution, to the extent necessary to ensure functioning the hardware and software products.

Annex

COMMITMENT

Confidentiality

I, _____
(Name of Officer)

Acting on work status

(Title, name of the structural unit)

warned that during the period of performance of official duties I will be given access to confidential information.

I hereby voluntarily assume the following responsibilities:

Not disclose to third parties confidential information coming to my knowledge in the exercise of official duties.

1. Comply with regulations governing the issues of treatment and protection of confidential information.
2. In the case of third-party attempts to get sensitive information from me immediately inform the supervisor in writing or orally.
3. Do not use confidential information for the purpose of obtaining a personal benefit.
4. After termination of the right to access to confidential information not to disclose or transfer to third parties.
5. Upon termination or termination of the employment contract pass on all available in my use of the media of confidential information.

I am aware that in the event of a breach of these obligations I will be prosecuted to disciplinary actions, may be deprived of immunity established by the Convention on the Privileges and Immunities of the Eurasian Economic Community, on May 31, 2001, and involved to administrative, civil or criminal liability under the law of the member-state of the Customs Union, where the authority conducting the investigation is situated.

Signature,

date

**Approved by
Decision of the Board
Eurasian Economic Commission
of 7 March 2012 No. 1**

**Regulation on decision-making and preparation of draft decisions
of Eurasian Economic Commission on safeguard, antidumping
and countervailing measures**

This Regulation is aimed at implementing the provisions of the Agreement on the application of safeguard, antidumping and countervailing measures against third countries from 25 January 2008 (hereinafter - Agreement) and other international treaties of member - states of the Customs Union, constituting the legal framework of the Customs Union, and defines the procedure for making decisions and carrying out other activities related to the initiation and conduction of investigations prior to the imposition of safeguard, antidumping and countervailing measures on the single customs territory of the Customs Union (hereinafter - the investigations), as well as the preparation of the draft decisions of the Eurasian Economic Commission (hereinafter - EEC) taken in accordance with the legal regulations constituting the legal framework of the Customs Union on safeguard, antidumping and countervailing measures (hereinafter - the EEC draft decisions on safeguard, antidumping and countervailing measures).

1. Decision-making related to initiation and conduction of investigations

1.1. Decisions to initiate an investigation, including review, the refusal to conduct it, the extension of the investigation and its termination in the absence of grounds for application, review or cancellation of a safeguard, antidumping or countervailing measure shall be taken by order of the Director of the Department for Internal Market Defense of the EEC (hereinafter - the Director of the Department) in coordination with the Board Member (Minister) of the Trade.

1.2. The decision to deny the submission on the application of safeguard, antidumping or countervailing measure is adopted by the Director of the Department.

1.3. Notification to the applicant about the decision to refuse to conduct an investigation or to deny the submission is carried out by a letter signed by the Director of the Department with specification on reasons and grounds for such decisions within the terms provided by the Agreement.

1.4. The results of investigations, including provisional, are prepared in the form of reports signed by the Director of the Department in confidential and non-confidential versions.

1.5. Submissions, notifications and other correspondence with applicants, participants of the investigation, authorized and competent authorities of member - states of the Customs Union, arising from the provisions of the Agreement and other international treaties of member - states of the Customs Union, constituting the legal framework of the Customs Union, are signed by the Director of the Department or the Board Member (Minister) of the Trade (if necessary).

2. Carrying out certain procedural actions prior to the imposition of safeguard, antidumping and countervailing measures against products originating from foreign countries and destined for the single customs territory of the Customs Union.

2.1 Notice of receipt of the submission on the application of safeguard, antidumping or countervailing measure shall be sent to the competent authorities of the member-states of the Customs Union within five working days from the date of registration of the submission in the Department with signature of the Director of the Department. Notice of receipt of the submission shall contain the name and classification code CN CU of the product for which submission is filed and the name of the exporting foreign country (exporting foreign countries).

2.2 Notice of initiation of an investigation, including a review, and non-confidential version of the submission are sent within 5 working days from the date of initiation of an investigation by the competent authorities of the member - states of the Customs Union for the purpose of transferring them to interested parties - participants of the investigation of member - states of the Customs Union.

2.3 Notice of public hearings held pursuant to the Agreement shall be addressed to the competent authorities of the member - states of the Customs Union signed by the Director of the Department no later than 15 calendar days before the public hearings.

2.4 Draft decisions of the EEC on safeguard, antidumping and countervailing measures shall be sent to the authorized bodies of member - states of the Customs Union within the period of investigation specified by the Agreement:

on the imposition and application of provisional special duty - not later than 45 calendar days from the date of initiation of the investigation;

on the imposition and application of a safeguard measure - not later than 210 calendar days from the date of initiation of the investigation;

on the imposition and application of provisional antidumping or countervailing duties - not later than 150 calendar days from the date of initiation of the investigation;

on the imposition and application of antidumping or countervailing measures - not later than 270 calendar days from the date of commencement of the investigation;

on the extension of the application of antidumping or countervailing measure for the period of a review - not later than 90 calendar days prior to the expiry of the antidumping or countervailing measure;

on non-application of a safeguard, antidumping or countervailing measures in accordance with the provisions of Article 40 of the Agreement - not later than 60 calendar days prior to the expiry of the investigation specified by the Agreement.

2.5 Draft decisions of the EEC on safeguard, antidumping or countervailing measures sending to the competent authorities of the member - states of the Customs Union shall be attached by relevant reports prepared on the results of the investigation, including those containing preliminary findings.

2.6 Draft decisions of the EEC on safeguard, antidumping or countervailing measures are considered at the meeting of advisory body on trade issues.

2.7 Draft decisions of EEC are considered at the meeting of the advisory body on trade issues not later than 40 calendar days from the date of the draft decisions' dispatch to the authorized bodies of the member - states of the Customs Union.

2.8. Confidential version of the report of the investigating authority, prepared according to the results of the investigation, including those containing preliminary findings, are sent to the Board Members in the format of a document containing privileged information of limited distribution.

The Board Members have the right to determine one representative from the staff of the EEC for the examination of reports prepared by the investigating authority, according to the results of the investigation, including those containing preliminary findings.

The Board Members and their representatives shall use relevant information in the specified manner and shall be responsible for the disclosure and use for purposes not related to official of such information in accordance with Article 16 of the Treaty on the Eurasian Economic Commission.

Decision

16 May 2012 No. 44, Moscow

On some issues of protection of the domestic market

Board of Eurasian Economic Commission decided:

1. Instructed the Department for Internal Market Defense of the Eurasian Economic Commission to complete in the prescribed manner the investigations carried out by the authorized bodies of the Customs Union members-states, referred to in paragraph 3 of the Customs Union Commission Decision of 17 August 2010 No. 339, and investigations have not been completed before 1 July 2012, after receipt of the documents and materials referred to in paragraph 2 above.

2. Requests Parties to the transfer from the authorized bodies of the Customs Union members-states, referred to in paragraph 1 of this Decision, to the for Internal Market Defense of the Eurasian Economic Commission documents and materials with due protection of confidential information:

- Investigations carried out by the authorized bodies of the Customs Union countries and not completed before the period specified in paragraph 1 of this decision - until 6 July 2012;
- Investigation (reviews), completed by the authorized bodies of the Customs Union members-states before 1 July 2012, the decision on which is not taken of the Eurasian Economic Commission - until 6 July 2012;
- On measures to protect the domestic market, operating in a single customs territory of the Customs Union - before 31 July 2012.

3. Consider the Decision of the Commission of the Customs Union of 23 September 2011 No. 802 "On some issues of safeguard, antidumping and countervailing measures in the common customs territory of the Customs Union" to be repealed from 1 July 2012.

4. This Decision shall enter into force thirty days after the date of its official publication.

Chairman V.B. Khristenko

PROTOCOL

on granting authority conducting the investigation, the data containing including confidential information for the purpose of investigation, prior to the introduction of safeguard, antidumping and countervailing measures in relation to third countries

(St. Petersburg, 19 November 2010)

Government of the member-states of the Customs Union within the Eurasian Economic Community, hereinafter referred to as the Parties,

basis of the Treaty on the Customs Code of the Customs Union on 27 November 2009 and its Protocol of 16 April 2010, the Agreement on the application of safeguard, antidumping and countervailing measures against third countries from 25 January 2008, and other treaties and instruments that make up the legal basis of the Customs Union in the field of regulation of foreign trade,

to ensure that the authority conducting the investigation, prior to the introduction of safeguard, antidumping and countervailing measures in relation to third countries, the information contained including confidential information from the relevant public authorities (government), regional (local) public authorities (management) and other agencies of the - of the Customs Union

agreed as follows:

Article 1

Authority conducting the investigations prior to the introduction of safeguard, anti-dumping or countervailing measures in relation to third countries (hereinafter - the authority conducting the investigations), for the purpose of initiating and conducting investigations, objective analysis of the effects of increased, dumped, subsidized imports on the sector of the economy of the member-states of the Customs Union and the situation on the market of the product of the member-states of the Customs Union, and the preparation of proposals for the results of the investigations, sends these requests to public authorities (government) and territorial (local) public authorities (government) member-states of the Customs Union, authorized in the area of customs, statistics, taxation, registration of legal persons and other areas, as well as diplomatic and trade missions of the member-states of the Customs Union in third countries (hereinafter - the competent authorities of the member-states of the Customs Union) or to the competent authorities of the member-states of the Customs Union determined by a decision of the Commission of the Customs Union.

Article 2

Requests to the competent authorities and competent authorities of the member-states of the Customs Union for information shall be in writing on the printed form of the authority conducting the investigations, and signed by the head (or his deputy), the authority conducting the investigation, stating the purpose, legal basis and the deadline for submission of information.

Request to the competent authorities and competent authorities of the member-states of the Customs Union are sent by post, and if necessary the service duplicated by e-mail, log-on to servers of

the authority conducting the investigations. In case of transfer requests by faxing an original document must also be sent by post.

Information at the request of the authority conducting the investigation by the competent authorities and the competent authorities of member-states of the Customs Union free of charge.

Article 3

The competent authorities and the competent authorities of the member-states of the Customs Union within its competence, provide to the requesting authority conducting the investigation, the necessary information for the investigation by the requested time period, including:

statistics on foreign trade;

customs data on foreign trade for the previous period required for the investigation. If necessary, the customs data on foreign trade should be granted by the customs declaration (hereinafter - CD), indicating the kind and value indices of exports / imports of goods, trade name product from CD, delivery, country of origin (country of origin, country of destination) name and other account details of the sender and the recipient;

information on domestic goods that are the object of inquiry, and the economics of the industry - the Customs Union, including the data on the volume of production of goods, capacity utilization, sales of goods, cost of goods, the profits and losses of the national enterprises - members of the Customs Union prices of goods in the domestic market of the - of the Customs Union, profitability, staffing, investments;

information on the assessment of the possible introduction or not introduction safeguard, antidumping or countervailing measures on the results of the investigation on the relevant product market, which is the subject to investigation, the member-states of the Customs Union, and forecast production activities of domestic enterprises of the member-states of the Customs Union.

Presented in this paper a list of information is not exhaustive. Based on the objectives of the investigation and the preparation of proposals for its results authority conducting the investigations, if necessary, has the right to request information that is not mentioned in this article.

Reporting should be on electronic media. The format specified in the request body conducting the investigation shall be used while transmissions of information that can be presented in tabular form (statistics and customs data). The configuration of the table is determined by agreement exchanging bodies. In the absence of the provision of information in electronic format the information is transmitted on paper.

The transmission of information is carried out across exchanging agencies using means available at the time of the transfer and provide safety and protection of information from unauthorized access. In case of sending information by fax original document shall also be sent by mail.

Correspondence on issues concerning the implementation of this Protocol and to provide responses to requests authority conducting the investigation, conducted in Russian language. For individual requisites (indicators) containing foreign names may be providing information, using the Latin alphabet.

Article 4

Information classified by state law of the member-states of the Customs Union as restricted information (confidential information), except for the information constituting state secrets (the state secrets), is provided to the authority conducting the investigations, with due requirements established by the law of the member-states of the Customs Union for its protection.

Authority conducting the investigations, shall not disclose to third parties confidential information referred to in the first part of this article without the express written consent of the competent authority of the member-states of the Customs Union, which provided the information.

Internal order of the use of confidential information and the storage of documents containing confidential information is determined by the internal document the authority conducting the investigations.

Before the end of the transitional period in accordance with the Decision of the Interstate Council of the Eurasian Economic Community (Supreme Body of the Customs Union) on 21 May 2010 No. 37 the treatment of confidential information and the rules for storage of documents containing confidential information, as well as the responsibilities of the authority conducting the investigations, for disclosure of confidential information is provided by the law of the member-states of the Customs Union.

After a transition period, the treatment of confidential information and the rules for storage of documents containing confidential information, as well as the responsibilities of the authority conducting the investigation, the disclosure of confidential information shall be determined specially.

Article 5

The competent authorities of the member-states of the Customs Union shall:

within 30 calendar days of receiving the request the authority conducting the investigation, provide the means at their disposal information or to warn of failure to provide information indicating the reasons for the refusal. Reasoned request of the authority conducting the investigation, the information requested must be provided in a shorter time;

ensure the completeness and accuracy of the data and, if necessary to promptly additions and changes.

Article 6

Disputes between the Parties concerning the interpretation and (or) the application of the provisions of this Protocol shall be resolved in the first instance through consultation and negotiation.

If the dispute can not be settled by the Parties through consultations and negotiations, either party may refer the dispute to the Court of the Eurasian Economic Community.

Article 7

By agreement of the Parties to this Protocol may be amended by separate protocols.

Article 8

This Protocol shall be applied provisionally from the date of its signature, subject to ratification and shall enter into force from the date of receipt by the Depositary of the last written notification through diplomatic channels certifying that the member-states of the Customs Union have completed their respective internal procedures required for entry into force of this Protocol.

Done at the city of St. Petersburg 19 November 2010 in one original copy in Russian.

The original of this Protocol is stored in the Customs Union Commission, which, as the depositary of this Protocol, will send a certified copy to each Party.

For the Government
Republic of Belarus

For the Government
Republic of Kazakhstan

For the Government
Russian Federation
