Agreement on regime and implementation of tariff quota as of 12 December 2008

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

Acting toward promotion of economic integration and fair competition

Being guided by generally applicable law and international trade rules

Hereby agreed as follows:

Article 1

Definition used in this Agreement mean follows:

"Similar goods" - goods which have like characteristics and like component materials by their functional purpose, application, qualitative and technical characteristics of the completely identical goods imported at a single customs territory under the tariff quota, or (in the absence of a completely identical goods) goods which have characteristics similar to the parameters of the goods imported to the common customs territory within the tariff quota, allowing its use in functions, a similar designation of the goods;) imported to a single customs territory under the tariff quota, and can be commercially interchangeable;

"Import customs duty" - a compulsory payment levied by the customs authorities when importing goods into a single customs territory;

"United customs territory" - the territory, consisting of the customs territories of the States Parties;

"One commodity nomenclature of foreign economic activity" - the commodity nomenclature of foreign economic activity, based pa harmonized system commodity description and coding of the World Customs Organization;

"One tariff" - a set of rates of customs duties applied to goods imported on a single customs territory of third countries, classified in accordance with the Single Commodity nomenclature of foreign economic activity;

"Import goods" - imports of goods into the customs territory of a State Party or of a single customs territory of the customs territory of third countries without the obligation to the contrary in s Bose;

"License" - a special document on the right to export and (or) import of goods;

"Preceding period" - the period for which the analysis of consumption of agricultural commodities on a single customs territory and the production of similar products in a single customs territory;

"Agricultural commodity" products, which are classified in Groups 1 - 24 of a harmonized system commodity description and coding of the World Customs Organization, as well as commodities such as mannitol, D-glucitol (sorbitol), essential oils, casein, albumin, gelatin, dextrin, modified starches, sorbitol, hides, leather, raw pushno-mehovos, raw silk, waste silk, animal hair, raw cotton, waste cotton, cotton fiber carding, flax and hemp, raw, raw;

"Rate of import customs duties" - the amount (magnitude) of the import customs duties;

"Tariff quota" - a measure of control over the import pas unified customs territory of certain kinds of agricultural products "originating in third countries, involving the use of a period of lower rates of import customs duties when importing a certain amount of goods (in kind or in

value terms) compared with the rate import customs duties applied in accordance with the Common Customs Tariff;

"Third countries" - countries that are not parties to this Agreement:

"The authorized state body of executive power" - executive authority of the State Party has the power to grant licenses;

"Members of foreign trade activities" - legal entities and organizations that are not legal persons registered in one of the States Parties and created in accordance with the laws of this state, as well as natural lime, having a permanent place of residence or mainly in the territory of one of the States Parties who are citizens of this state or having the right of permanent residence therein, or registered as individual entrepreneurs in accordance with the laws of the State log.

Article 2

1. In performing of regulation over the import of a single customs territory of agricultural products originating from third countries are allowed to provide benefits (preferences) as the establishment of tariff quotas on their imports, if similar products are produced (mined, grown) on a single customs territory.

2. As referred to in paragraph 1 of this article to agricultural goods imported to a single customs territory of more than a set level of quota, applied import duties in accordance with the Common Customs Tariff.

Article 3

1. Tariff quotas for preferential import of agricultural commodities are established by the Commission of the Customs Union (hereinafter - Commission) from the date of its parties the authority to conduct the Common Customs Tariff in order to meet market needs, promote agricultural production and provide development of international trade.

2. The volume of tariff quota established by the Commission importation of goods pa single customs territory, is not higher than the difference between the volume of consumption of this product on a single customs area and volume production of similar goods on a single customs territory. Moreover, if the State one of the parties of a similar volume of goods equal to the volume of consumption or more, then this difference cannot be taken into account in the calculation of the tariff quota for a single customs territory.

3. If the volume of production of the like product is equal to the volume of its consumption on a single customs territory, or exceeds it, the establishment of tariff quotas is not allowed.

4. The rates of import customs duties on agricultural goods imported on single customs territory within the tariff quota established by the Commission from the date of its parties the authority to apply the Common Customs Tariff.

Article 4

1. The Commission distributes the amount of the tariff quota among States Parties in proportion to the difference between the volumes of production and consumption in each of the States Parties, which was taken into account in the calculation of the tariff quota for a single customs territory in accordance with Article 3 of this Agreement. When scrap the Commission shall decide the method and procedure for allocation of tariff quota among the participants of foreign trade activities, as well as the need to allocate tariff quota between third countries.

2. Customs registration of goods imported into a single customs territory under the tariff quota for free circulation, is carried out in a State Party, in which participants of foreign trade has been allocated tariff quota. Thus prerequisite is the availability of license on import of such goods, issued by the authorized state body of executive power of the State Party.

3. Licensing is carried out on the basis of statements of foreign trade activities, which allocated quotas.

Article 5

The distribution of the tariff quota between participants of foreign trade activities based on their equity to obtain quotas and non-discrimination principle on grounds of form of ownership, place of registration, or position in the market.

Article 6

Commission in deciding on the application of tariff quotas on imports of agricultural products in compliance with the following provisions:

a) establishment of tariff rate quota (irrespective of whether it distributed between third countries or not) for a specified period;

b) informing all interested third countries on the level given them by the tariff quota, if the tariff quota distributed between third countries;

c) the publication of information on the application of tariff quotas, its scope and duration, rates of customs duties, installed PA goods imported within the tariff quota 1akzhe and its distribution between third countries.

Article 7

1. If the Commission decides, as a rule, distribution of tariff quotas between third countries carried out by the Commission on the basis of consultations with all major suppliers from third countries.

2. In this paper, a significant supplier of third-country suppliers are determined a share in the import of agricultural goods in a single customs territory of 10% or more.

3. If the distribution of the tariff quota cannot be exercised on the basis of consultations with all major suppliers from third countries on the distribution of quotas between third countries should be taken by the Commission, taking into account the volume of shipments of agricultural goods from the Lich countries during the preceding period.

4. The Commission did not impose any conditions or formalities, which can prevent any third country fully utilized its tariff quota, provided that the supply of agricultural goods will be made during the period of tariff quotas.

5. Selection of the preceding period for agricultural goods, in respect of which introduced a tariff quota, implemented by the Commission. When assistant, typically for such prior period is open for all the preceding three years, for which the available information reflecting the actual volume of imports. 11ri not possible, choose a preceding period of the tariff quota is allocated on the basis of assessing the most likely distribution of the real volume of imports.

6. In this article, the real volume of imports means the volume of imports in the absence of its limitations.

7. Upon receiving a request from any third country concerned in the supply of agricultural goods, the Commission must consult on:

a) the need to reallocate the established tariff quotas;

b) change the selected preceding period;

c) the need to abolish the conditions, formalities or any other provisions established unilaterally the allocation of tariff quotas or unrestricted use.

Article 8

1. In connection with the application of tariff quotas concerning agricultural products, the Commission should:

a) provide the request of a third country concerned in the supply of agricultural goods, information concerning about the distribution of the tariff quota allocation mechanism ce among the participants of foreign trade activities and scope of tariff quotas, which issued the license;

b) publish "information on the total quantity or value agricultural goods, the import of which will be resolved within sometime in the future, as well as the dates of beginning and end of tariff quotas and any changes therein.

2. In the event of a tariff quota between third countries commission may not require that the license used for the import of agricultural goods from any particular third country.

Article 9

Any disputes and disagreements between the Parties in connection with the interpretation and (or) application of provision of this Agreement will be settled by procedure of consultations and negotiations between the interested Parties, as in the case of a dispute to reach an agreement on the initiative of any interested Parties shall be submitted in the Economic C.

Article 10

This agreement may be amended by mutual consent of the Parties, which are formed by special protocol.

Article 11

Joining and leaving to this Agreement is defined by the Protocol on the procedure of entry into force of international treaties aimed the formation of the legal basis of the customs union, out of them and joining them on 6 October 2007

Done in Moscow on 12 December 2008 in one original copy in Russian. The original copy of this Agreement shall be kept by the depositary, which before the transfer functions of the depositary of the Commission is the Integration Committee of Eurasian Economic Community.

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