

**Eurasian Economic Community
Intergovernmental Council
(Supreme body of the customs union)**

Decision №15 of the EurAsEC Intergovernmental Council
as of November 27, 2009 Minsk

**Concerning the issues of the organization of functioning
of the Commission of the customs union**

Intergovernmental Council of the Eurasian Economic Community (Supreme body of the customs union) on the level of the Heads of the States **has decided:**

1. To confirm the appointment as the members of the Commission of the customs union:

for the Republic of Belarus – of Kobyakov Andrei Vladimirovich

for the Republic of Kazakhstan – of Shukeev Umirzak Estaevich

for the Russian Federation – of Shuvalov Igor Ivanovich.

2. To nominate as the Chairman of the Commission of the customs union the member from the Russian Federation.

3. To adopt the Rules of Procedure of the Commission of the customs union (attached hereto).

4. To establish that the decisions of the Commission of the customs union, that are of obligatory nature in accordance with the article 7 of the Agreement on the Commission of the customs union from October 6, 2007, are to be directly applied in the states-members of the customs union and have the power of legal act, adopted (issued) by those state authorities and public officials of the states - members of the customs union, whose competence cover the regulation of such legal relationship at the moment of delegation of corresponding powers to the Commission of the customs union.

5. To delegate the functions of the depositary of international agreements on the formation of the customs union from the Integration Committee of EurAsEC to the Commission of the customs union, and to impose the provision of the

execution of the functions mentioned on the Secretariat of the Commission of the customs union.

6. To declare as official sources of publication of the decisions and materials of the customs union bodies the printed publication and the website of the Commission of the customs union.

The Commission of the customs union is to establish a printed publication before the 20th December 2009.

The governments of the Members are to take measures for the publication of the decisions and materials of the customs union bodies in the official sources of publication of the member – states of the customs union.

7. To consider as void:

paragraph 2 of the Decision №3 of the Intergovernmental Council of EurAsEC (supreme body of the customs union) on the level of the Head of States from October 10, 2008;

Rules of procedure of the Commission of the customs union, approved by the Decision №5 of the Intergovernmental Council of EurAsEC (supreme body of the customs union) on the level of the Heads of States from December 12, 2008.

Members of the Commission of the customs union:

**For the Republic
of Belarus**

**For the Republic
of Kazakhstan**

**For the Russian
Federation**

Annex to the decision of the Interstate Council of EurAsEC
(The supreme body of the customs union)
at the level of Heads of State
as of 27 November 2009 N 15

Rules of Procedure of the Commission of the customs union

(as amended by Interstate EurAsEC Council # 68 as of December 9th, 2010)

These Rules of Procedure (hereinafter - Rules) in accordance with the Treaty on the Customs Union Commission as of October 6, 2007 determine the order of the Commission of the Customs Union (hereinafter - Commission), the organization and the conduct of its meetings, preparation procedure and the adoption of decisions and recommendations.

I. Meetings

1. The Commission shall meet at least once a month, usually in Moscow or, by agreement of the Commission, in any other city in one of the states - members of the customs union.
2. Date and place of regular meetings shall be determined usually at the previous meeting of the Commission.

If the holding of the next meeting in place or in time specified earlier is impossible, the Chairman of the Commission (hereinafter - the Chairman) with the consent of the Commission defines the new location / time of the meeting.

3. Extraordinary meetings of the Commission shall be convened by agreement of the Interstate Council of Eurasian Economic Community (the supreme body of the Customs Union) (hereinafter - the Supreme body of the customs union), or on the initiative of any member of the Commission.

Member of the Commission - the initiator of the extraordinary meeting shall send to other members of the Commission the rationale for convening such a meeting, and submits the drafts of the agenda and documents on the issues for consideration.

The Chairman, in consultation with all members of the Commission, not later than seven days from the date of the decision of the Supreme body of the customs union or receiving of rational of the member of the Commission to convene an extraordinary meeting, determines the time and place of such meeting.

II. The meeting agenda, preparing materials

4. Draft agenda for the meeting of the Commission is prepared by the Secretariat of the Commission (hereinafter - the Secretariat), agreed with the Commission and forwarded to them not later than 20 days before the date of the meeting of the Commission.
5. Questions are included in the agenda of the meeting of the Commission on the proposal of the State - member of a customs union, a member of the Commission, an executive secretary of the Commission, as well as on proposals of the bodies with such powers in accordance with international treaties of the States - members of a customs union or the decisions of the supreme body of the customs union. Proposals for inclusion of the issues on the agenda of the meeting are justified through explanatory note.
6. Information, provided to the Commission or its Secretariat, is not to be disclosed and shared, including by public authorities of the States - members of a customs union, to any third party without the written consent of the person submitting such information.
7. Not later than 15 days before the date of the meeting of the Commission Secretariat sends the Chairman and members of the Commission documents and materials on the issues included in the draft agenda.
Packages of documents and materials, signed by the executive secretary, for each of the issues of the draft agenda (other than procedural) includes:
 - A report setting out the progress on the issue considered with the rationale for the adoption of the proposed decision (document);
 - Financial and economic calculations (if necessary);
 - Documents provided on this issue by international treaties composing a legal basis of the customs union;

- The conclusions of the expert meetings, working group meetings on the issue considered, including their protocols, in cases the issue was discussed at the expert level;
- Draft decisions (document) for signature;
- Draft decisions (document) for consideration by the Supreme body of the customs union;
- List of decisions (documents) valid in frames of a customs union on the issue;
- Other additional materials (if necessary).

Exceptions are allowed only for the issues on which there is an urgent need for the Commission's immediate decisions.

8. In order to prepare draft documents Secretariat may, if necessary:

- hold workshops with the involvement of States - members of a customs union;
- Consult with the executive bodies of the States - members of the customs union.

III. Consideration of issues relating to the imposition, application, modification or termination of the measures regulating foreign trade in goods in respect of States not members the customs union

9. Proposals, regarding the imposition, application, modification or termination of the measures regulating foreign trade in goods in respect of the States not members of the customs union (hereinafter - the proposals on measures regulating foreign trade), within the frames of powers authorized by the Commission of the customs union, are provided to Secretariat by authorized state body, which is determined by each of the State-members of the customs union for cooperation with the Committee on the issues of regulation of foreign trade (hereinafter – the Committee).

Proposal for measures to regulate foreign trade is accompanied by reference materials containing the rationale for the adoption of the decision of the Commission.

10. Proposals for measures regulating foreign trade are to be considered at the next meeting of the Commission, but not earlier than 45 days from the date of receipt by the Secretariat, unless otherwise is stipulated in international treaties composing

legal basis of the customs union, and also excluding the case prescribed by paragraph 14 these Rules.

Proposals for the termination of measures regulating foreign trade in goods in respect of states non members of the customs union, are generally considered not earlier than 6 months from the date of imposition of such measure.

11. Preliminary consideration of the proposals on the measures regulating foreign trade is usually carried out by the Committee, which is formed from representatives of executive bodies of the States - Members of a customs union. Functioning of the Committee by the Regulations. The Regulations and the composition of the Committee are approved by the Commission.

Information on the outcome of consideration of proposals on the measures regulating foreign trade by the Committee is to be submitted to the Commission.

12. Secretariat within 5 days of receipt from an authorized body of the state - member of a customs union of proposals on measures to regulate foreign trade with its accompanying materials, sends them to the authorized bodies of other states - members of a customs union and determines the date of the meeting of the Committee not later than 20 days before the date of meeting of the Commission, which is expected to consider the proposal received on measures to regulate foreign trade, and not earlier than 20 days from the date of submitting of the proposals to authorized executive bodies of the states - members of a customs union.

13. At the initiative of a member of the Commission proposal on measures to regulate foreign trade is considered at an extraordinary meeting of the Commission in accordance with paragraph 3 of the Rules.

Date of the extraordinary meeting of the Commission shall be appointed not later than 21 and not earlier than 14 days from the date of the submitting of proposals on measures to regulate foreign trade to the members of the Commission. The meeting of the Committee for the purposes of preliminary consideration of proposals on measures to regulate foreign trade submitted at an extraordinary meeting of the Commission, is not carried out.

IV. Workgroups

14. By the decision of the Commission in order to consider of specific issue working groups may be established of experts from the state - members of the customs union. Working groups usually hold their meetings at the Secretariat of the Commission.

By the decision of the Commission and with the consent of the State - member of the customs union, working group may conduct its activities in the abovementioned state.

15. Maintenance of the functioning of working groups (provision of premises, provision of office equipment and stationary means of communication) is carried out by the Secretariat or the host State - member of the customs union.

The costs of travel of experts from the states - members of the customs union are borne by States - members of the customs union.

16. The outcomes of the meetings of working groups, including protocols and recommendations are submitted to the Commission.

V. Chairmanship

17. Chairman of the Commission:

- Provides overall guidance to the preparation of issues for consideration of the next meeting;
- Opens, conducts and closes the meeting;
- Ensures compliance with these Rules.

Chairmanship in the Commission shall be provided on turn basis on the decision of the Interstate Council (the supreme body of the customs union) at the level of Heads of State.

VI. Conduct of meetings

18. The Commission's meetings are usually closed. They may attended by the Executive Secretary of the Commission and his deputies, officials and employees of the Secretariat, providing the holding of the meeting, as well as other persons invited by a member of the Commission.

By decision of the Commission meetings may be held open to public.

19. The question of the presence of accredited representatives of the media at public meetings is decided by the Chairman.

20. The meeting of the Commission is valid provided the attendance by all its members, or their representatives empowered in writing.

21. Meetings of the Commission are opened and closed by the proposal of the Chairman of the Commission in consultation with members of the Commission.

22. Members of the Commission can offer suggestions on points of order out of their turn.

During the meeting, any member may propose the adjournment of the meeting. Such a proposal shall be brought to voting without discussion.

23. With the consent of all members of the Commission at a meeting of the Commission an issue may be discussed that is not included in the agenda.

24. Organizational, informational and technical support for meetings of the Commission is provided by the Secretariat with the assistance of the host State - member of the customs union.

25. Financing of meetings is provided at the estimates costs of the Commission within the funds provided for this purpose.

26. Invitations to the meeting of the Commission is sent by the executive secretary at the suggestion of the Commission members.

27. Meetings of the Commission are shorthanded. Transcripts of meetings are not intended for sharing. Transcripts of meetings (working notes) are the documents for inner use by the Secretariat and distributed by the Secretariat to all members of the Commission not later than 5 working days after the end of the meeting. Keeping of verbatim is provided by the Secretariat.

VII. Commission Decisions

28. Decisions of the Commission are adopted in accordance with the procedure established by Article 7 of the Treaty on the Commission of the customs union as of October 6, 2007.

29. The Commission may adopt recommendations of a non-binding nature.

30. When voting the following distribution of votes among the members of the Commission is taken into account:

- Member of the Commission of the Republic of Belarus - 21,5 voice;
- Member of the Commission of the Republic of Kazakhstan - 21,5 voice;
- Member of the Commission of the Russian Federation - 57 votes.

31. Decisions are taken by a majority of 2/3 vote. At the same this decision is considered as adopted if the State - member of a customs union, which disagrees with the decision in adoption, has not declared the need to address this issue at the next meeting of the Supreme body of the Customs Union.

32. If one of the states - members of a customs union does not agree with the decisions in adoption, the issue is brought by the Commission for consideration by the Supreme Body of the customs union on the level of the Heads of States, which takes decisions by consensus.

At the same this statement by the State - member of the Customs Union on the necessity to consider the issue at the next meeting of the Supreme body of the customs union should be submitted in writing and attached to the Commission's decision on the transfer of the issue for consideration of the Supreme body of the Customs Union.

33. If when adopting the decision the required number of votes was not collected, the Commission has the right to refer by its decision the issue to the Supreme body of the customs union.

34. The Commission takes decisions by consensus, if it is stipulated by international treaties composing a legal basis of the customs union.

35. On procedural issues the decisions are taken by simple majority of votes.

36. Decisions are drawn in writing on special forms in one copy and on compulsory basis shall be signed by all members of the Commission.

Their certified copies are sent by the Secretariat in three days to the Commission and the Ministry of Foreign Affairs of the States - Members of a customs union.

Annexes to the decisions of the Commission shall be certified by the signatures of the Chairman and Executive secretary of the Commission.

37. Adopted Commission's decision and its annexes Secretariat posts at the official web - site of the Commission within two working days from the date of the adoption of the decision, and provides further publication in the print publication of the customs union. Date of Commission decisions posting on the official web-site of the Commission is the date of its publication.

Decisions and their annexes, which are confidential or documents for internal use, are not subject to placement on the official website of the Commission. Storage and distribution of these documents is provided by the Secretariat.

38. The Commission's decision, which does not apply to the category of confidential documents or documents for internal use, with the date of its official publication and the effective date shall be published in the official publications of the States - Members of a customs union.

39. The Commission's decisions of a binding nature come into force not earlier than 30 days from the date of their official publication, and in exceptional cases, that require immediate solving, another date may be set in the decision of the Commission, but not earlier than the date of official publication of such decision.

VIII. Responses to requests

40. Commission is responsible for written requests of legal entities and individuals of the States - members of a customs union on issues within the competence of the Commission. The answer shall be provided in writing in Russian, not later than 30 days from the date of receipt of the request. The answer to the request can be signed by the member of the Commission, the executive secretary or his deputies.

41. If the answer cannot be sent within 30 days from the date of receipt of the request due to the need for further examination or further gathering of information, the department of the Secretariat, which is responsible for preparing of the answer, inform in writing the author of the request on the timeline for a response.

IX. Commission Reports

42. Not less than every 6 months, the Commission informs about its work the Supreme body of the customs union at the level of the Heads of States. Annual Report of the Commission is subject to review and approval at a meeting of the Supreme body of the customs union at the level of the Heads of the States.

X. Changes

43. At the suggestion of any state - member of a customs union these Rules of Procedure may be subject to amendments, that are approved by the Supreme body of the customs union.