

On ratification of the Treaty on the Eurasian Economic Commission

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Ratify the Treaty on Eurasian Economic Commission, concluded at Moscow on November 18, 2011.

President of the Republic of Kazakhstan Nursultan Nazarbayev

**TREATY
on the Eurasian Economic Commission**

The Republic of Belarus, the Republic of Kazakhstan and the Russian Federation, hereinafter referred to as the Parties, based on the Treaty establishing the Eurasian Economic Community dated October 10, 2000 and the Treaty establishing Single Customs Territory and Customs Union dated October 6, 2007, guided by the generally accepted principles and norms of international law, on the basis of mutual interest in ensuring the effective functioning and development of the Customs Union and Single Economic Space, have agreed as follows:

Section I. General Provisions

Article 1

The Parties have established the Eurasian Economic Commission (hereinafter - Commission) as a single permanent body governing the Customs Union and the Single Economic Space.

The main task of the Commission is to ensure functioning and development of the Customs Union and Single Economic Space, as well as the development of proposals in the area of economic integration within the Customs Union and Single Economic Space.

Article 2

The activity of the Commission is based on the following principles:
ensuring of mutual benefit, equality and national interests of the Parties;
economic justification of decisions;
disclosure, transparency and objectivity.

Article 3

The Commission conducts its activities within the powers provided by the present Treaty, the international agreements that form the legal framework of the Customs Union and Single Economic Space, as well as the decisions of the Supreme Eurasian Economic Council in the following areas:

customs tariff and non-tariff regulation;
customs administration;
technical regulation;
sanitary, veterinary and phytosanitary measures;
enrollment and allocation of import customs duties;

establishment of trade regimes with third countries;
statistics of foreign and mutual trade;
macroeconomic policies;
competition policy;
industrial and agricultural subsidies;
energy policy;
natural monopolies;
government and (or) municipal procurement;
trade in services and investments;
transport and transportation;
monetary policy;
protection of intellectual activity and means of individualization of goods and services;
labor migration;
financial markets (banking, insurance, foreign exchange market, the stock market);
other areas.

Article 4

The Commission consists of the Council of the Commission and the Collegium of the Commission. The activity procedure of the Council of the Commission and the Collegium of the Commission is established in the Regulations of the Eurasian Economic Commission (hereinafter - the Regulations) approved by the Supreme Eurasian Economic Council comprised of the Heads of the States.

Within its activities, the Commission has the right to establish units (hereinafter - the Commission departments), representative offices of the Commission on the territories of the Parties and upon the decision made by the Supreme Eurasian Economic Council at the level of the Heads of the States – establish representative offices in third countries and their associations, as well as in international organizations.

The Commission exercises the rights of a juridical person.

Article 5

1. The Commission within its authority makes decisions which are binding for the Parties, and recommendations - which are not binding.

Decisions of the Commission are considered to be the legal framework of the Customs Union and Single Economic Space, and are directly applicable in the territories of the Parties.

2. Decisions and recommendations of the Commission are adopted by the Council of the Commission and the Collegium of the Commission within the powers provided by the present Treaty and in the order established by the present Treaty and the Regulations.

The delimitation of authority and functions of the Council of the Commission and the Collegium of the Commission is determined by the Regulations.

3. Unless otherwise provided by international agreements, decisions of the Commission shall enter into force not earlier than 30 calendar days from the date of their official publication.

Decisions of the Commission referred to in Paragraph 5 of this Article, as well as the Commission's decisions adopted in exceptional cases requiring prompt response may establish other periods of entry into force, but not less than 10 calendar days from the date of their official publication.

Procedures for adoption and entry into force of the Commission's decisions in exceptional cases requiring prompt response, and the decisions referred to in Paragraph 5 of this Article are established by the Regulations.

4. The Commission's decisions that worsen the situation of physical and (or) juridical persons are not retroactive.

5. The Commission's decisions that improve the situation of physical and (or) juridical persons, may be retroactive, if the decision directly provides for it.

6. Decisions of the Commission shall be published on the official website of the Commission on the Internet, except for the Commission's decisions provided in the Regulations, and be sent to the Parties no later than three calendar days from the date of the adoption of the decision. Date of publication of the Commission's decision on the official website of the Commission on the Internet is recognized as the official publication date of this decision.

Article 6

Commission, within its competence, ensures implementation of international treaties that form the legal framework of the Customs Union and Single Economic Space.

The Commission acts as the depositary of international treaties that constitute the legal framework of the Customs Union and Single Economic Space, and the decisions of the Supreme Eurasian Economic Council.

The Commission may be entitled by the Supreme Eurasian Economic Council with the right to sign international treaties on issues, which are within the competence of the Commission.

In order to ensure effective functioning of the Customs Union and Single Economic Space the Commission has a right to establish consultative bodies for consultations on specific issues within the competence of the Commission.

The Commission has a right to request the authorities of the Parties, physical and juridical persons the information necessary for performance of the Commission's functions.

Executive bodies of the Parties ensure provision of the requested information within the terms established by the Regulations provided that this information does not contain any data classified as state secret or data limited to distribution in accordance with the laws of their State.

Procedure for exchange of information, containing data relating in accordance with the legislation of each Party to the state secret or data limited to the distribution in accordance with the laws of each Party, shall be established by separate international agreements.

Article 7

1. Decision-making of the Commission is carried out in accordance with the procedure established by this Treaty, on the basis of the voting of the members of the Council of the Commission or members of the Collegium of the Commission.

2. Voices of the Commission are divided as follows:

a) in the Council of the Commission - one voice of a member of the Council of the Commission shall be considered as one voice;

b) in the Commission Collegium - one voice of a member of the Collegium of the Commission shall be considered as one voice.

3. Funding of the Commission is carried out on the basis of the Commission budget for the following calendar year, consisting of contributions made by the Parties, defined in proportion to standards on the distribution of amounts of import customs duties for each Party in accordance with the Agreement on the establishment and application of the procedure for enrollment and the distribution of import duties (other duties, taxes and charges having equivalent effect) in the Customs Union, dated May 20, 2010.

4. Commission's Budget and the regulation on the Commission's budget are to be approved by the Supreme Eurasian Economic Council at the level of the Heads of the States.

Section II. Council of the Commission

Article 8

The Council of the Commission is responsible for general management of integration processes in the Customs Union and Single Economic Space, and provides overall guidance to the Commission's activity.

The Council of the Commission is composed of one representative from each Party, who is the deputy head of the government, endowed with the necessary authority under the laws of the Party.

The Parties shall notify each other as well as the Collegium of the Commission on the representative in the Council of the Commission in accordance with the Regulation.

Article 9

The Council of the Commission shall perform the following functions and powers:

- submit for the approval of the Supreme Eurasian Economic Council drafts of international agreements to be signed by the Commission;

- organize work to improve the regulatory framework of the Customs Union and Single Economic Space;

- submit for approval by the Supreme Eurasian Economic Council the main directions of integration within the Customs Union and Single Economic Space;

- consider the issues on repealing or amending the Commission's decisions taken by the Collegium of the Commission, in accordance with the procedure provided by Article 13 of this Treaty;

- review the issues on monitoring and controlling the implementation of international agreements composing legal framework of the Customs Union and Single Economic Space;

- approve the list of departments of the Commission, their staff size, and their distribution among the members of the Collegium of the Commission presented by the Chairman of the Collegium of the Commission;

- adopt the qualification requirements for the personnel of the departments of the Commission;

- make the decision to withdraw the privileges and immunities of the staff of the Commission on the grounds provided by the Convention on the Privileges and Immunities of the Eurasian Economic Community dated May 31, 2001;

- approve the Commission's budget;

- approve the terms of payment to the members of the Collegium of the Commission and staff of departments of the Commission;

- approve the total number of the staff of departments of the Commission and submit this number for the approval by the Supreme Eurasian Economic Council at the level of Heads of State;

- make the decision on establishing the Commission's representative offices on the territories of the Parties;

- constitute under the Council of the Commission the Commission on ethics and approves its regulations in order to ensure enforcement of the rights of citizens of the Parties on employment in the departments of the Commission provided by this Treaty;

- give instructions to the Collegium of the Commission;

- perform other functions and powers in accordance with the Regulations.

The Council of the Commission shall have a right to determine matters on which the Collegium of the Commission shall hold consultations within the framework of a consultative body which was set up according to the Article 19 of this Treaty, before making a decision by the Council of the Commission or the Collegium of the Commission.

In case if the Supreme Eurasian Economic Council has entitled the Commission with the right to sign an international agreement, the Council of the Commission has a right to entitle by its decision in accordance with the procedure established by the Regulations:

Chairman of the Collegium of the Commission to sign international agreements on matters within the jurisdiction of the Commission;
member of the Collegium of the Commission to negotiate on matters within the area of its activities.

Article 10

Meetings of the Council of the Commission are held in accordance with the Regulations.

Any member of the Council of the Commission may initiate a meeting of the Commission, as well as make proposals on the agenda.

The Chairman of the Collegium of the Commission and, at the invitation of the Council of the Commission, members of the Collegium of the Commission participate at meetings of the Collegium of the Commission. Members of the Council of the Commission may invite representatives of the Parties at the meetings of the Council of the Commission.

Meeting of the Council of the Commission is considered to be qualified if it is attended by all members of the Commission.

Article 11

Chairmanship of the Council of the Commission is carried out on the basis of rotation during one year in the Russian alphabetical order by title of the Parties.

In the event of early termination of powers of the Chairman of the Council of the Commission new member of the Council of the Commission on the side of the chairman Party shall exercise the powers of the Chairman of the Commission for the remaining period.

Chairman of the Council of the Commission:

exercises general supervision in preparation of matters to be submitted to the next meeting of the Council of the Commission;

establishes the agenda;

opens, maintains, and closes the meeting of the Council of the Commission.

Article 12

The Council of the Commission within its powers makes decisions and recommendations.

The Council of the Commission makes decisions by consensus.

In case of no consensus, the matter is referred for consideration by the Supreme Eurasian Economic Council by proposal of any member of the Council of the Commission.

Article 13

Any party or member of the Council of the Commission has a right within 10 calendar days from the date of adoption of the decision by the Collegium of the Commission to submit an offer to repeal or amend it to the Collegium of the Commission.

The Collegium of the Commission within 5 calendar days from the date of receipt of the proposal of the Party or a member of the Council of the Commission circulates documents on the decision to the members of the Council of the Commission.

Council of the Commission after receipt of documents on the decision of the Collegium of the Commission considers it and makes a decision within 10 calendar days.

The party which does not agree with the decision of the Council of the Commission may, after considering in the Council of the Commission the decision of the Collegium of the Commission to be repealed or amended or the expiration of the period provided for such consideration and approval of the decision in accordance with the third paragraph of this article, but not later than 30 calendar days from the date of official publication of the decision of the

Council of the Commission, send to the Commission a letter signed by the head of government with a proposal to repeal or amend this decision by the Supreme Eurasian Economic Council,.

With regard to the decisions of the Commission referred to in the second subparagraph of paragraph 3 of Article 5 of this Treaty, the head of government of any Party may propose to the Commission to review these decisions by the Supreme Eurasian Economic Council, at any stage prior to their entry into force.

The decision of the Collegium of the Commission proposed to be repealed or amended, in accordance with the fourth and fifth subparagraphs of this Article shall not take effect before the date of its consideration by the Supreme Eurasian Economic Council and approval of the decision by consensus.

Section III. The Collegium of the Commission

Article 14

The Collegium of the Commissions is the executive body of the Commission which formulates proposals for further integration within the framework of the Customs Union and Single Economic Space. The Collegium of the Commission is composed of nine members, one of them is the Chairman of the Collegium of the Commission.

The Collegium of the Commission leads the departments of the Commission.

Article 15

The Collegium of the Commission includes three members of the Collegium of the Commission from each Party.

A member of the Collegium of the Commission shall be a citizen of the Party by which he is represented.

The members of the Collegium of the Commission shall meet the following requirements:

to have professional qualification, related to its functions, as well as work experience not less than 7 years and including at least 1 year in the state bodies of the Parties.

The members of the Collegium of the Commission work in the Commission on regular basis. The members of the Collegium of the Commission who in charge of their functions are independent from state bodies and officials of the Parties and shall not seek or receive instructions from the state bodies or officials of the Parties.

The members of the Collegium of the Commission are appointed for 4 years with possible extension of their powers by the decision of the Supreme Eurasian Economic Council at the level of the Heads of the States.

The Chairman of the Collegium of the Commission is appointed for 4 years by the decision of the Supreme Eurasian Economic Council at the level of the Heads of the States. Rotation of the Chairman of the Collegium of the Commission is carried out in Russian alphabetical order by the name of the Party.

The members of the Collegium of the Commission do not have the right to combine his job with other work or other paid profession except for teaching, research and other creative activities within the entire duration of their powers execution.

Any violation of these principles is the reason for early termination of powers of the member of the Collegium of the Commission in accordance with procedures stipulated by this Treaty and the Regulations.

Article 16

1. Members of the Collegium of the Commission have no rights:
 - a) to be involved in any paid activity of managerial body of the commercial organization;
 - b) to be engaged in business activity;
 - c) to receive in connection with official duties compensation from juridical and physical persons (gifts, monetary remuneration, loans, services, payment for entertainment, recreation, transportation costs and other remunerations). A gift received by a member of the Collegium of the Commission in connection with protocol event, official journey and other official events are recognized as the property of the Commission and shall be sent under the statement to the Commission. A member of the Collegium of the Commission, who returns the gift received in connection with the protocol event, official journey or other official events, can pay off it under the procedures approved by the Council of the Commission on the proposal of the Collegium of the Commission;
 - d) to travel in connection with his official duties at the expense of juridical and physical persons except for business trips undertaken in accordance with international agreements of the Parties or on a reciprocal basis agreed between the Parties and state bodies of other states, international and foreign organizations;
 - e) to use facilities and other property of the Commission as well as transfer them to other persons for purpose that are not related to its official duties.
 - f) disclose or use for purpose which is not related to official duties, confidential or proprietary information, which became known in connection with the performance of official duties;
 - g) for the purposes that are not related to official duties to disclose or use confidential information or operation information received by him in connection with his execution of official duties;
 - i) to use official powers in the interests of political parties, other public associations, religious associations and other organizations and publicly declare against or for these associations and organizations as a member of the Collegium of the Commission, if it is not part of his official duties;
 - h) create in the Collegium of the Commission political parties, other public associations (with the exception of trade unions, veterans and other local community groups) and religious associations or contribute to the creation of these structures.
2. If a member of the Collegium of the Commission owns securities and (or) stocks (shares in the authorized capital of organizations) shall within a reasonable time hand over his securities and (or) stocks (shares in the authorized capital of organizations) to the discretionary management.
3. The limitations set in the paragraphs 1 and 2 of this Article also apply to employees of departments of the Commission.
4. Any violation of the limitations, stipulated in the paragraphs 1 and 2 of this Article and Article 15 of this Treaty is the reason for early termination of powers of a member of the Collegium of the Commission, an employee of the Department of the Commission in accordance with this Treaty and the Regulations.

Article 17

Each Party should propose to the Supreme Eurasian Economic Council at the level of the Heads of the States a candidate for the position of a member of the Collegium of the Commission, taking in to account the quotas established in accordance with Article 15 of this Treaty.

The Supreme Eurasian Economic Council at the level of the Heads of the States approves the members of the Collegium of the Commission, including Chairman of the Collegium of the Commission, proposed by the Parties.

If the Supreme Eurasian Economic Council does not approve the candidate for the position of member of the Collegium of the Commission, the Party shall propose a new candidate within 30 calendar days.

The Parties do not have a right to recall members of the Collegium of the Commission, except for in case of improper performance of their official duties or in cases, provided by Articles 15 and 16 of this Treaty.

Early termination of the powers of a member of the Collegium of the Commission (except in cases of voluntary retirement) is carried out by the proposal of the Parties by the decision of the Supreme Eurasian Economic Council at the level of the Heads of the States.

In case of early termination of the powers of a member of the Collegium of the Commission, a new member of the Collegium of the Commission is appointed for a remaining period of working of previous member. A new member of the Collegium of the Commission is appointed by the proposal of a state, whose member is terminating its power if the Supreme Eurasian Economic Council at the level of the Heads of the States will not take other decision.

The Supreme Eurasian Economic Council at the level of the Heads of the States approves allocation of the duties between the members of the Collegium of the Commission as well as total numbers of a staff of the departments of the Commission and procedure for payment of a salary of the members of the Collegium of Commission and staff of the departments of the Commission.

Article 18

The Collegium of the Commission has the following functions and powers:

to make proposals in the area of integration within the framework of the Customs Union and Single Economic Space, including development and implementation of the main directions of integration;

to take decisions and recommendations;

to enforce decisions taken by the Supreme Eurasian Economic Council and decisions adopted by the Council of the Commission;

to monitor and control the implementation of international agreements, that establishes the legal framework of the Customs Union and Single Economic Space;

to monitor and control for enforcement by the Parties the decisions of the Commission;

to send to the Parties a mandatory for enforcement notification to eliminate violations on the enforcement of international agreements and decisions of the Commission;

to report annually implementation of the main directions of integration in the Council of the Commission;

to elaborate recommendations on the formation, operation and development of the Customs Union and Single Economic Space;

to provide for implementation of the powers of the Commission on issues, related to its competence;

to prepare expert reports in the writing form for the proposals of the Parties received by the Commission;

to assist to the Parties to resolve disputes, raised within the Customs Union and Single Economic Space prior to addressing to the Court of the Eurasian Economic Community;

to represent interests of the Commission in a court, including the Court of the Eurasian Economic Community;

within its competence to interact with state authorities of the Parties;

to elaborate a draft of the budget of the Commission and its enforcement, as well as the preparation of draft reports on its implementation;

to elaborate the draft of international agreements and decisions of the Commission, accepted by the Collegium of the Commission, as well as other documents necessary to implement the powers of the Commission;

to establish an advisory body within the Collegium of the Commission;

to hold meetings of the Council of the Commission and the Supreme Eurasian Economic Council;

to propose to the Collegium of the Commission to withdraw the privileges and immunities of officials and employees of the Commission, provided by the Convention on the Privileges and Immunities of the Eurasian Economic Community dated May 31, 2001;

to control representative offices of the Commission;

to place orders and conclude agreements on procurement of goods, works and services for the needs of the Commission in accordance with procedures, approved by the Council of the Commission, based on the proposal of the Collegium of the Commission;

ensure compliance with the work order of the documents of limited distribution (confidential and for internal use only), approved by the Council of the Commission, based on the proposal of the Collegium of the Commission.

The Collegium of the Commission has the right to request information necessary for carrying out by the Commission its powers from the authorities of the Parties, businesses and individuals;

Article 19

With its decision the Collegium of the Commission has the right to establish advisory bodies under the Collegium of the Commission. Activities and operating procedures of the advisory bodies is stipulated by the regulation of the advisory bodies, approved by the Collegium of the Commission.

The advisory bodies under the Collegium of the Commissions consist of authorized representatives of the executive authorities of the Parties.

The advisory bodies under the Collegium of the Commissions may include independent experts.

The advisory body under the Collegium of the Commission within its powers formulates proposals for the Collegium of the Commission on issues included to their competence, and based on which the Commission within its competence takes decisions.

The Commission provides organizational, technical and financial support for the activity of the advisory bodies of the Collegium of the Commission.

The expenditures associated with the sending of by the Party its representative of state authorities to participate in the activities of the advisory bodies under the Collegium of the Commission shall be incurred by this Party.

Article 20

If the monitoring results of implementation of the international agreements of the Customs Union and Single Economic Space, made by the Collegium of the Commission provides that one of the Party fails the implementation of this international agreements and (or) decisions of the Commission, then the Collegium of the Commission by decision approved by two-thirds votes sends to the Party notification on mandatory enforcement of the relevant international agreement, and (or) set a reasonable period during which the Party is obliged to eliminate the violation.

In case if within the specified period the Party fails to fulfill with the decision, indicated in the paragraph 1 of this Article, the Collegium of the Commission passes the relevant issues for the consideration of the Council of the Commission.

In case if within the specified period the Party fails to fulfill with the decision of the Commission on enforcement of international agreement, and (or) the decision of the Commission, the Collegium of the Commission on behalf of the Commission has the right to

appeal to the Court of the Eurasian Economic Community, for the reason that Party fails to implement international agreements of the Customs Union and Single Economic Space, and (or) the decision of the Commission.

Simultaneously, the Collegium of the Commission shall notify the Supreme Eurasian Economic Council and the Council of the Commission about sending the relevant application to the Court of the Eurasian Economic Community.

At any stage of consideration of the application as indicated in the subparagraph 3 of this Article, the Court of the Eurasian Economic Community at the request of the Collegium of the Commission on behalf of the Commission, that submitted application, or a Party, whose rights have been violated by in connection with the failure to fulfill an international agreement of the Customs Union and Single Economic Space, and (or) the decision of the Commission as indicated in the application, shall consider introduction of reasonable temporarily measure including interlocutory injunction in order to provide enforcement of a decision of the Court of the Eurasian Economic Community, or to prevent a possible violation of the rights and legitimate interests under international agreements of the Customs Union and Single Economic Space, and (or) the Commission's decisions within 45 calendar days from the date of receipt of the application by the Court of the Eurasian Economic Community.

Prior to submission of the application, stipulated in the 5 subparagraph of this Article, a Party that is not a Party on the case, shall apply to the Court of the Eurasian Economic Community with a request for permission to join a case as interested party.

Article 21

Within its competence the Collegium of the Commission takes decisions and recommendations.

The decisions and recommendations of the Commission, adopted by the Collegium of the Commission are signed by the Chairman of the Collegium of the Commission.

The Collegium of the Commission takes the decisions and recommendations by consensus or by qualified majority of two thirds of the total number of members of the Collegium of the Commission.

The list of issues on which decisions are taken by consensus and qualified majority of two thirds of the total number of members of the Collegium of the Commission is determined by the Regulations.

Article 22

The meetings of the Collegium of the Commission are held at least once a week.

The members of the Collegium of the Commission attend the meetings personally, without right of replacement. A member of the Collegium of the Commission in case of objective impossibility to participate in the meeting of the Collegium of the Commission in accordance with the Regulations can provide his position in writing or delegate the right to represent his position to the Director of the Department of the Commission, whose competence include the relevant issue, through a letter of attorney and with the consent of the Chairman of the Collegium of the Commission. At the same time Director of the Commission has no rights to vote in the voting process.

Extraordinary meetings can be held at the request at least of one member of the Collegium of the Commission on the basis of the decision of the Chairman of the Collegium of the Commission. The procedure of meetings of the Collegium of Commission and voting procedures are established by the Regulation.

The set of documents and materials on every issue included in to the agenda of the meeting of the Collegium of the Commission on mandatory basis shall be sent to the Parties in accordance with the Regulation.

Article 23

The Chairman of the Collegium of the Commission:

- organizes the activities of the Collegium of the Commission and is responsible for carrying out its functions;
- forms in the prescribed manner the draft plan of meetings of the Collegium of the Commission and Council of the Commission for the next period and agendas of meetings of the Collegium of the Commission, the Council of the Commission and the Supreme Eurasian Economic Council;
- reports to the Council of the Commission and the Supreme Eurasian Economic Council on issues that require decision of the Collegium of the Commission and the Supreme Eurasian Economic Council, and on the other documents with relevant proposals based on the results of their consideration by the Collegium of the Commission;
- establishes the procedure for operation of the Commission departments, and determines the issues of the competence of Commission departments;
- organizes the work to prepare the meetings of the Collegium of the Commission, the Council of the Commission and the Supreme Eurasian Economic Council;
- conducts the meetings of the Collegium of the Commission;
- participates in meetings of the Collegium of the Commission;
- represents the Collegium of the Commission in the Council of the Commission;
- proposes to the Council of the Commission in agreement with members of the Collegium of the Commission to consolidate the departments of the Commission under the members of the Collegium of the Commission;
- determines the order of interaction with the mass media, speaking rules of staff of the Commission departments in a public and provides staff information;
- on assignment of Council of the Commission represents the Commission in relations with third countries and their associations;
- manages the financial and material resources of the Commission, concludes civil contracts and pleads in a court;
- on the results of contest appoints directors of departments of the Commission and their deputies;
- concludes on behalf of the Commission employment contracts with the staff of the departments of the Commission;
- approves the regulations departments of the Commission;
- appoints caretaker of the Chairman of the Collegium of the Commission among members of the Collegium of the Commission;
- exercises the powers of the representative of the employer in respect of the Directors of the departments of the Commission and their deputies, in particular, approves official regulations, vacation schedules, offers vacations and makes decisions on secondment;
- ensure the implementation of inspection by the facts set forth in the treatment of Parties to revoke a member of the Collegium of the Commission on the grounds set out in Article 15 of this Treaty, in order to be approved by the Council of the Commission on the proposal of the Collegium of the Commission;
- performs other functions which are necessary for the functioning of the Collegium of the Commission and departments of the Commission in accordance with the Regulations.

Article 24

A member of the Collegium of the Commission in accordance with its functions:

- prepares proposals on a progressive integration with respect of issues deviated from his competence;

reports on issues deviated from his competence in the meetings of the Collegium of the Commission and Council of the Commission;

coordinates and controls operation of supervised departments of the Commission;

prepares draft of decisions and recommendations of the Collegium of the Commission on issues deviated from his competence;

monitors the implementation of international agreements on formation of the Customs Union and Single Economic Space;

monitors enforcement by a Party decisions of the Commission on issues deviated from his competence;

prepares in writing form the drafts of expert reports, based on proposals of the Parties received by the Commission on issues deviated from his competence;

interacts within the powers of the Collegium of the Commission with state authorities of the Parties on issues deviated from his competence as well as requests from the authorities of the Parties, physical and juridical persons information which is necessary to exercise his functions;

provides for elaboration of drafts of international agreements, decisions and recommendations of the Commission, adopted by the Council of the Commission, as well as other documents necessary to exercise the competence of the Commission on issues deviated from his competence;

submits proposals on a establishment of advisory bodies under the Collegium of the Commission to the Collegium of the Commission on issues deviated from his competence.

Article 25

1. The amount of social protection of a member of the Collegium of the Commission shall be equal to the amount of social protection, received by a minister (federal minister) of the country-member of the Customs Union, where the Commission is located. The social protection provided to a member of the Collegium of the Commission during the execution of his functions shall include:

- a) annually paid vacation for 45 calendar days;
- b) (i) the period of execution of powers as a member of the Collegium of the Commission are included into the term of working as civil servant for granting of a social protection, provided by the laws of the state to which he is citizen; (ii) the period of execution of powers as a minister (the federal minister) is counted for the determination of the amount of pension (monthly additional payment for pension), provided by the legislation of the state to which a member of the College Collegium is the citizen.
- c) social, medical, sanatorium and transport services, carried out by the budget of the Commission;
- d) a member of the Collegium of the Commission, who has not a living space within the city, where the Commission is located shall be provided with a official private premises, the cost of which carried out by the budget of the Commission;
- e) compulsory insurance (except for pension insurance) of a employee and the provision of award on compulsory insurance of an employee in accordance with the laws of the State of residence. Meanwhile, payment of insurance contributions for compulsory employee's insurance (except for pension insurance) with payments to members of the Collegium of the Commission is carried out by the budget of the Commission in accordance with the laws of the State of residence.

2. Issues related to the provision of social protection provided for the members of the Collegium of the Commission, including social and domestic, medical, sanatorium and transport, are decided by a competent authority of the state of residence, provided for social, medical, sanatorium and other services for the minister (federal minister).

3. Pension of members of the Collegium of the Commission shall be provided in accordance with the laws of the state of which they are citizens. Allocation of pensions stipulated in the

legislation of each Party shall be made by the Commission at the expense of its budget to appropriate funds of each state to which members of the Collegium of the Commission are citizen. Pension expenditures are incurred by a state to which the members of the Collegium of the Commission are citizens.

In endowing of pensions and awards on compulsory insurance of an employee or duration of employment shall be counted the period of execution by a member of the Collegium of the Commission of its functions.

Amount of earnings received by such persons during execution of his competence as a member of the Collegium of the Commission shall be taking into account in determination the amount of pension in accordance with the laws of the state to which they are citizens, and the amount awards on social insurance shall determined in accordance with the laws of the State where they work.

Resigned members of the Collegium of the Commission who are citizens of the Russian Federation (except for cases of early termination of powers under Article 15 of this Treaty) shall have a right to add monthly supplement to the labor retirement pension (labor disability pensions). Monthly supplement to the pension is set in size, the manner and conditions provided by legislation of the Russian Federation for the Federal Minister. The decision to establish a monthly supplement to the pension is made by the head of the federal executive body of the social protection of population. Monthly supplement to the pension is set by him at the expense of the federal budget.

Article 26

Members of the Collegium of the Commission enjoy in the territory of each Party privileges and immunities under the Convention on the Privileges and Immunities of the Eurasian Economic Community dated May 31, 2001 for the officials of the Eurasian Economic Community.

Section IV. Departments of the Commission

Article 27

Departments of the Commission ensure the activities of the Supreme Eurasian Economic Council, Council of the Commission and the Collegium of the Commission.

Personnel of departments of the Commission consist of members of the Commission.

The Chairman of the Collegium of the Commission appoints the directors of the departments of the Commission and their deputies on competitive basis for 4 years.

After the competition the candidacy of the director of the department is approved by the Collegium of the Commission.

Directors of the departments of the Commission and their deputies, being employed, shall meet the following requirements:

nationality of a Party;

professional training (qualification) and experience of at least 5 years corresponding to official duties.

Commission departments consist of the staff employed on a competitive basis among nationals of the Parties who meet the qualification requirements for the position and who are approved by the Council of the Commission on proposal of the Collegium of the Commission.

The order of the competition, conclusion of employment contract, its extension and termination is approved by the Council of Commission on proposal of the Collegium of the Commission.

Share of employees who are nationals of the Republic of Belarus, Republic of Kazakhstan, Russian Federation, for each category shall be fixed at the level of the total staff number of

departments, as defined in the Regulations. At the same time the citizens of each Party shall be represented for each category.

The Commission's staff is recruited on the basis of employment contracts concluded with the Chairman of the Collegium of the Commission.

Article 28

Departments of the Commission implements the following functions:

a) prepare materials, draft decisions and recommendations on the formation and functioning of the Customs Union and Single Economic Space, including proposals of the conclusion and amendments to be made to international agreements, for consideration by the members of the Collegium of the Commission;

b) monitor the compliance with the provisions of international agreements by the Parties that form the legal framework of the Customs Union and Single Economic Space, perform decisions adopted by the Supreme Eurasian Economic Council, Council of the Commission and members of the Collegium of the Commission in order to present the results to the members of the Collegium of the Commission;

c) prepare proposals to the members of the Collegium of the Commission on the results of monitoring and analyzing legislation of each Party in the spheres covered by the legal framework of the Customs Union and Single Economic Space;

d) prepare the drafts of international agreements and other documents required for the formation and functioning of the Customs Union and Single Economic Space;

e) cooperate with the authorities of the Parties;

e) develop a draft budget of the Commission and its implementation, as well as prepare a project report on its implementation;

g) ensure the performance by the Commission of depositary functions of international agreements concluded within the framework of Customs Union and Single Economic Space;

h) perform other functions as provided in international agreements that form the legal framework of the Customs Union and Single Economic Space, the decisions of the Supreme Eurasian Economic Council, the decisions of the Commission and members of the Collegium of the Commission, including those functions which are intended to organize their work and information and technical support for activities of the Commission.

Article 29

The Commission's staff members are international civil servants.

In discharge of their functions, employees are independent from state bodies and officials of the Parties and may not seek or receive instructions from the authorities or officials of the Parties.

Each Party shall respect the status of employees and not influence them in the discharge of their functions.

During the work of the Commission its employees have no right to combine this work with other work or other paid practice except teaching, research and other creative activities for the entire duration of their powers.

Article 30

1. Annually, Members of the Collegium of the Commission and employees of the Commission departments in accordance with procedure and terms determined by the Council of the Commission shall submit to the Commission information on their income, assets and property obligations, as well as income, assets and property obligations of the members of their family.

2. Information on income, assets and property obligations submitted by members of the Collegium of the Commission and staff of the Commission's departments in accordance with this article is confidential information.

3. Persons who are guilty in disclosure of information on income, assets and property obligations of members of the Collegium of the Commission and staff the Commission's departments shall be liable in accordance with the laws of each Party.

4. Checking the accuracy and completeness of information on income, assets and property obligations of members of the Collegium of the Commission, the staff of the Commission's departments, as well as their family members shall be as approved by the Supreme Eurasian Economic Council at the highest level.

5. In this article a family member of the Collegium of the Commission and an employee of the Department of the Commission is understood to be the spouse (wife) and the minor children.

6. Members of the Collegium of the Commission, the staff of the departments of the Commission shall take measures to resolve or prevent conflict of interest that may arise by virtue of personal interest of the member of the Collegium of the Commission and employee of the Department of the Commission.

Article 31

1. Labour relations of employees of Commission is regulated in accordance with the legislation of host state.

2. Work time of employees of the Commission is included in the work experience of the state (state civil) service of the State of which they are citizens in order to establish social protection for the period of the state (state civil) service and assign a pension for years of service of civil servants (federal civil servants).

3. Provision of employees of Commission during performance of their duties in the Commission with social, medical, sanatorium-resort and transport services are carried out by the Commission's budget.

Issues related to social protection of employees of Commission, including social, medical, sanatorium-resort and transport, are solved by the competent authority of the host State, which provides the social, medical, sanatorium-resort and other service to the employees of the state body responsible for the activities of the government of the host state in accordance with a list of positions of departments of the Commission which relevant to positions of specified state body approved by the Supreme Eurasian Economic Council.

4. Using the budget funds the Commission provides accommodation for employees of the Commission who do not have accommodation area in the city, where the Commission is located.

5. Pension provision of the members of the Commission shall be conducted in accordance with the legislation of the home state. Deductions for pension specified by the legislation of each Party shall be made by the Commission at the expense of its budget to the relevant funds of States which employees of the Commission are citizens. The State, which citizens are employees of the Commission, incurs expenses for the payment of pensions.

6. Compulsory social insurance (except for pension insurance) and ensuring of the benefits of compulsory social insurance to employees of the Commission is carried out in accordance with the legislation of the host State. The payment of insurance contributions for compulsory social insurance (except for pension insurance) in favor of employees of the Commission is carried out by the budget of the Commission in accordance with the legislation of the host State.

7. Work period in the Commission is included in the work experience in case of assignment for employees of pension or allowance for compulsory social insurance.

Earnings received by such persons during the period of duties performance in the Commission is taken into account in determining the amount of pension in accordance with the legislation of State of which they are citizens, and in determining the amount of social protection benefits - in accordance with the legislation of State in the territory of which they work.

8. The Commission's employees, who are citizens of the Russian Federation, and replaced the positions of federal government (the civil) service before the work in the Commission, released from positions, being replaced in the Commission (except cases of release related to the wrongful action) and whose experience of State (Civil) Service is not less than 15 years, are entitled to a pension for years of employment in the manner prescribed by the legislation of the Russian Federation for federal civil servants, if they replaced positions in the Commission at least 12 months prior to the dismissal of the Commission. The representation (decision) on the pension assignment for years of the employment is taken by the head of executive body for the state social protection of which they are citizens on proposal of the Collegium of the Commission.

The amount of pension for years of the employment is calculated on the basis of the average monthly salary of official or employee, the limit size is determined by reference to official salaries (remuneration in money), specified by equivalent federal public service positions, according to a list of positions of departments of the Commission relevant to the positions of corresponding state body approved by the Supreme Eurasian Economic Council.

Pension for years of employment under the legislation of the Russian Federation shall be assigned using the federal budget funds.

Article 32

In territories of the Parties employees of departments of the Commission use privileges and the immunities provided by the Convention on privileges and immunities of the Eurasian economic community dated May, 31, 2001 for officials and employees of Secretariat of Integration Committee of the Eurasian economic community.

The Council of the Commission makes the decision on removal of privileges and immunities from employees of the Commission on the grounds provided by the specified Convention.

Section V. Final Provisions

Article 33

The working language of the Commission is Russian.

Article 34

Place of stay of the Commission is Moscow.

Conditions of stay of the Commission and its representations are defined by separate international agreements between the Commission and host states.

Places of residence of institutes of the Eurasian economic union after codification of the international agreements that form the legal framework of the Customs union and Single Economic Space, will be defined by the Treaty on the Eurasian economic union prepared on its basis.

Article 35

Reservation clauses to this Treaty are not allowed.

Article 36

This Treaty may be amended by means of separate protocols.

Article 37

Disputes between the Parties, connected with interpretation and (or) application of the present Treaty, are resolved by consultations and negotiations of interested parties, and in case of non-achievement of consensus within 6 months from the date of receipt of the official written request for carrying out of consultations and the negotiations, directed by one of the Party to other Parties, dispute shall be settled in Court of the Eurasian economic community.

Article 38

The present Treaty is subject to ratification.

Decisions of the Commission of the Customs Union, having an effect on January 1, 2012, keep their validity.

Decisions of the Commission of the Customs Union, specified in the second subparagraph of present article, can be amended or they can be recognized invalid.

Not later than in July, 1, 2012 depository function of the international agreements which form the legal framework of the Customs union and Single Economic Space, are transferred to the Commission from the Integration Committee of the Eurasian economic community and the Commission of the Customs Union.

In the present Treaty the Supreme Eurasian Economic Council is understood as Interstate Council of the Eurasian economic community (the Supreme body of the Customs union) at the level of the Heads of the State.

From the date of signing of the present Treaty the Supreme Eurasian Economic Council exercises out powers by which Interstate Council of the Eurasian economic community (the Supreme body of the Customs union) was entitled according to the international agreements which form the legal framework of the Customs Union and Single economic space, as well as decisions of Interstate Council of the Eurasian economic community concerning the Customs Union and Single economic space.

The present Treaty comes into force from the date of reception by depository last notice on performance of the interstate procedures necessary for its coming into force by the Parties.

Article 39

The present Treaty is temporarily applied from the date of signing.

From the date of signing of the present Treaty and up to the date of its coming into force in accordance with the seventh subparagraph of article 38 of the present Treaty:

The Commission of the Customs Union formed in accordance with the Treaty on the Commission of the Customs Union dated October, 6, 2007, exercises powers of the Commission of the Customs Union, provided by the international agreements of the Customs Union and Single economic space;

The Commission exercises out special powers related to the organization of work of the Commission, including powers on formation of Collegium of the Commission, departments of the Commission and arrangement of labor relations with employees of the Commission.

From the date of signing of the present Treaty before July, 1, 2012 the organization of work and information-technical maintenance of work of the Commission are carried out by Secretariat of the Commission of the Customs Union.

From the date of coming into force of the present Treaty in accordance with seventh subparagraph of article 38 of the present Treaty, the Commission of the Customs Union is

abolished, and powers by which the Commission of the Customs Union was entitled in accordance with the international agreements that form the legal framework of the Customs Union and Single economic space, and also decisions of Interstate Council of the Eurasian economic community (the Supreme body of the Customs union) are transferred to the Commission.

From the date of coming into force of the present Treaty in accordance with the seventh subparagraph of article 38 of the present Treaty, the Treaty on the Commission of the Customs union dated October, 6, 2007 is terminated.

It is concluded in Moscow in November, 18, 2011 in one original copy in Russian.

The original copy of the present Treaty is stored at depositary, in the Commission of the Customs Union until transfer of its functions to the Eurasian economic commission. Depositary will direct to each Party the certified copy of the present Treaty.

*Republic of
Belarus*

*Republic of
Kazakhstan*

*Russian
Federation*

Hereby I certify that the given text is a full and authentic copy of the Treaty on the Eurasian economic commission, signed in November, 18, 2011 in Moscow:

Republic of Belarus - the President of the Republic of Belarus A.G.Lukashenko;

Republic Kazakhstan - the President of the Republic of Kazakhstan N.A.Nazarbayev;

Russian Federation - the President of the Russian Federation D.A.Medvedev.

The original copy is stored in the Commission of the Customs Union.

*The director of Legal department of
the Commission Secretariat of
the Customs Union*

N.B. Slyusar

Hereby I certify that the given text is the certified copy of the certified copy of the Treaty on the Eurasian economic commission, made in Moscow in November, 18, 2011.

*The head of
International legal department of
The Ministries of Foreign Affairs
of the Republic of Kazakhstan*

D.Yesentayev