

Committee on Regional Trade Agreements

**ACCESSION OF THE KYRGYZ REPUBLIC TO THE
CUSTOMS UNION BETWEEN THE RUSSIAN FEDERATION,
BELARUS AND KAZAKHSTAN**

The following text reproduces the Agreement on the Accession of the Kyrgyz Republic to the Customs Union between the Russian Federation, the Republic of Belarus and the Republic of Kazakhstan, as well as the text of the related Agreements on the establishment of the Customs Union.

**AGREEMENT ON JOINING OF THE KYRGYZ REPUBLIC TO THE AGREEMENTS
ON CUSTOMS UNION BETWEEN THE RUSSIAN FEDERATION,
THE REPUBLIC OF BELARUS AND THE REPUBLIC OF KAZAKHSTAN**

Signatory/participant States of the Agreements on Customs Union of 6 and 20 January 1995 - the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation, in the person of their governments, on the one hand, and the Kyrgyz Republic in the person of its Cabinet of Ministers, on the other hand, hereinafter referred to as the Contracting Parties,

Continuing the implementation of the Agreement on the Creation of Economic Union, of 24 September 1993,

Aspiring to the further development of balanced and mutually profitable economic relations,

Confirming the preparedness to follow the principles, goals and tasks of the Customs Union,

Establishing the fulfilment by the Kyrgyz Republic of the Terms and Conditions of Forming the Customs Union established by the Intergovernmental Belarus-Kazakhstan-Russia Commission on 22 November 1995,

Hereby *agreed* on the following:

Article 1

The Kyrgyz Republic shall join the Agreements on Customs Union, of 6 and 20 January 1995, and the Decision of the Intergovernmental Belarus-Kazakhstan-Russia Commission on the Terms and Conditions of Forming the Customs Union, of 22 November 1995.

* This document was previously circulated as WT/ACC/KGZ/30 and WT/REG/71/1.

Article 2

The Contracting Parties shall undertake, in full, the rights and commitments arising from the Agreements on Customs Union, of 6 and 20 January 1995, and from other effective instruments with respect to targets, principles and terms and conditions, as well as stages and the mechanism of the formation and functioning of the Customs Union.

Article 3

The Contracting Parties shall, taking into consideration the implementation by the Kyrgyz Republic of commitments on forming a single system of regulating the foreign economic activity, unifying foreign trade and customs legislation and establishing a single trade regime of the Customs Union member States in relations with third countries, introduce a free trade regime in its full without exceptions and restrictions in trade economic relations between the Customs Union member States - the Republic of Belarus, the Republic of Kazakhstan, the Russian Federation and the Kyrgyz Republic. In this, all the previous agreements and protocols between the Contracting Parties concerning exceptions to the free trade regime shall be considered invalid.

Article 4

This Agreement shall not affect the rights of any Contracting Party to take according to international law and its domestic legislation, measures necessary for the protection of State security, public order, health and morality of the population, cultural and historical heritage of their peoples and for the protection of rare animals and plants.

Article 5

Disputes and disagreements between the Contracting Parties concerning the interpretation and/or application of the provisions of this Agreement will be settled by means of consultations and/or negotiations.

Article 6

This Agreement shall not affect the effect of other international agreements of the Customs Union member States which do not contradict this Agreement.

Article 7

Each Contracting Party may leave this Agreement by sending other Contracting Parties, 12 months before leaving, an official written notification of its intention to leave this Agreement.

Article 8

This Agreement shall be temporarily applied from the date of its signing and shall come into force from the date of the last notification on the implementation in the Republic of Belarus, Republic of Kazakhstan, Russian Federation and the Kyrgyz Republic of inner-State procedures necessary for it to come into force.

Done in the City of Moscow, on 29 March 1996, one copy in Russian. The original shall be kept in the Archives of the Government of the Russian Federation, that will send each signatory State a certified copy of the Agreement.

**For the Government of the
Republic of Belarus**

**For the Cabinet of Ministers of
the Kyrgyz Republic**

**For the Government of the
Republic of Kazakhstan**

**For the Government of the
Russian Federation**

AGREEMENT ON CUSTOMS UNION BETWEEN THE RUSSIAN FEDERATION,
THE REPUBLIC OF BELARUS AND THE REPUBLIC OF KAZAKHSTAN

The Government of Belarus and the Government of the Russian Federation - on the one hand, and the Government of the Republic of Kazakhstan - on the other hand, hereinafter referred to as the Contracting Parties,

Aspiring to the further development of balanced and mutually profitable economic relations,

Expressing their intent to continue the implementation of the Agreement on the Creation of Economic Union, of 24 September 1993,

Desiring to begin the formation of a customs union between them,

Hereby *agreed* on the following:

Article 1

The Contracting Parties shall establish a single customs union of which goals and principles of formation, mechanism and stages of formation, order of functioning, as well as distribution of customs duties, taxes and levies, terms and conditions for the introduction of provisional/temporary restrictions and customs control are determined by the Agreement on Customs Union between the Russian Federation and Belarus, of 6 January 1995.

Article 2

The Contracting Parties shall undertake, in full, the rights and commitments arising from the Agreement on Customs Union between the Russian Federation and the Republic of Belarus, of 6 January 1995, that concern goals, principles of functioning, mechanism and stages of creating the Customs Union, distribution of customs duties, taxes and levies, terms and conditions of introducing provisional/temporary restrictions and customs control. The regulation of the foreign economic activity of the Republic of Kazakhstan will be carried out in accordance with the Agreement On Single Procedure of Regulating Foreign Economic Activity between the Government of the Russian Federation and the Government of the Republic of Kazakhstan, of 20 January 1995.

Article 3

For the implementation of this Agreement, on the basis of a separate agreement, the Contracting Parties will establish an executive body of the Customs Union.

The Contracting Parties will, until the creation of the executive body, be guided by the provisions of the Agreement between the Government of the Russian Federation and the Government of Belarus, of 6 January 1995.

Article 4

The Contracting Parties have agreed that integral parts of this Agreement shall be the Agreement On Single Procedure of Regulating Foreign Economic Activity between the Government of the Russian Federation and the Government of the Republic of Kazakhstan, of 20 January 1995, and the Protocol on the Introduction of a Free Trade Regime without Exceptions and Restrictions between the Russian Federation and the Republic of Kazakhstan, of 20 January 1995.

Article 5

This Agreement shall not affect the rights of any Contracting Party to take, according to international law and its domestic legislation, measures necessary for the protection of State security, public order health and morality of the population, cultural and historical heritage of their peoples and for the protection of rare animals and plants.

Article 6

Disputes and disagreements between the Contracting Parties concerning the interpretation and/or application of the provisions of this Agreement will be settled by consultations.

Article 7

This Agreement shall not affect the effect of other international agreements of the Republic of Belarus, the Russian Federation and the Republic of Kazakhstan which do not contradict this Agreement.

Article 8

Each Contracting Party may leave the Agreement by sending the other Contracting Party, 12 months before leaving, an official written notification of its intention to leave the Agreement.

Article 9

This Agreement shall be temporarily applied from the date of signing and shall come into force from the date of the last notification on the fulfilment in the Republic of Belarus, Russian Federation and the Republic of Kazakhstan of the inner-State procedures necessary for it to come into force.

Done in the City of Moscow, on 20 January 1995, in one original in Russian. The original is kept in the Archives of the Government of the Russian Federation, that will send each signatory State a certified copy of the Agreement.

**For the Government of
Belarus**

**For the Government of
the Republic of Kazakhstan**

**For the Government of
the Russian Federation**

AGREEMENT ON CUSTOMS UNION BETWEEN THE
RUSSIAN FEDERATION AND THE REPUBLIC OF BELARUS

The Government of the Russian Federation and the Government of the Republic of Belarus hereinafter referred to as the Contracting Parties,

Aspiring to further develop balanced and mutually beneficial economic relations,

Desiring to ensure further development of the rights and freedoms of Man and Citizen of the countries on the principles of democracy as set forth in the United Nations Organisation's documents,

Recognising the international generally accepted standards of economic relations and having regard to the GATT / WTO rules,

Confirming their adherence to the unhampered development of mutual economic co-operation,

Expressing the intention to continue the implementation of the provisions of the Agreement on the Creation of Economic Union through a stage-by-stage formation of a customs union,

Being guided by Article 4 of the Agreement on the Creation of Economic Union that provides, for every form of integration, the development of package/complex of interrelated measures to be carried out in compliance with separate agreements ,

Establishing the achievement of certain results within the framework of the Agreement On Single Procedure of Regulating Foreign Economic Activity between the Government of the Russian Federation and the Government of the Republic of Belarus, of 12 April 1994 (the City of Moscow), and

Aiming at determining the commitments and rights of the Contracting Parties in a stage-by-stage formation of the customs union .

Hereby *agreed* as follows:

Article 1

The Aims and Principles of Functioning of the Customs Union

1. The Contracting Parties shall declare the following aims for the creation of the Customs Union:

- to provide, through the concerted action, the social and economic progress of their countries by removing the inter-State barriers for a free economic co-operation between business entities;
- to ensure the stable development of the economy, unhindered commodity exchange and fair competition;
- to strengthen the co-ordination of economic policy of their countries and to ensure the all-round development of the national economy;
- to create the conditions for the formation of a single economic space;

- to create the conditions for the active entering of the Customs Union member States in to the world market,
2. The Contracting Parties shall define the Customs Union as an economic unification of the States that is based on the following principles:
- (a) presence of a single customs territory of the Customs Union member States. The formation of a single customs territory shall be carried out by:
 - cancelling customs duties, taxes and levies, which are of equivalent effect, as well as quantitative restrictions in trade, between the States of the Contracting Parties, in goods originating in their territories;
 - establishing and applying with respect to third countries the same trade regime, common customs tariffs and measures of non-tariff regulation of foreign trade;
 - forming a mechanism of relationship of the Customs Union with third States and international organisations on the basis of the provisions of the Agreement on Single Procedure of Regulating Foreign Economic Activity between the Government of the Russian Federation and the Government of the Republic of Belarus, of 12 April 1994;
 - (b) presence of a one-type mechanism of regulating the economy that is based on market principles of management and unified legislation.

Article 2

The Mechanism and Stages of Creating the Customs Union

1. The Contracting Parties shall carry out a complex of interrelated measures on the formation of the Customs Union that include the following mandatory components:

- 1.1 The first stage: Practical application of the mechanism of functioning of the Agreement on the Creation of a Free Trade Area, of 15 April 1994, and first of all, the cancellation of tariff and quantitative restrictions in mutual trade in compliance with the Protocol on the Introduction of a Free Trade Regime without Exceptions and Restrictions between the Russian Federation and the Republic of Belarus, of 6 January 1995, which is integral part of this Agreement.

The cancellation of the restrictions in mutual trade will happen on the basis of applying the Agreement on Single Procedure of Regulating Foreign Economic Activity between the Government of the Russian Federation and the Government of the Republic of Belarus, of 12 April 1994, and creating fully identical systems of the regulation of foreign economic relations (as well as tariff and non-tariff regulation), and establishing the same trade regime, common customs tariffs and measures of non-tariff regulation with respect to third countries.

- 1.2. The unification, within 4 months from the date this Agreement is signed, of foreign trade, customs, currency and financial, tax and other legislation that affects foreign economic activity and relates in particular to:

- the economic conditions of management on the basis of market principles that provide equal possibilities/opportunities and guarantees for business entities of the States of the Contracting Parties;
- pricing policy;
- currency regulation and currency control;
- export control;
- unfair competition and restrictive business practices;
- intellectual property.

1.3. The formation of the mechanism of relationship of the Customs Union with third countries and international organisations on the basis of delegating relevant authorities to one of the Contracting Parties.

2. The Contracting Parties shall organise the work on unifying national legislation that regulates the economic activity. The Contracting Parties shall be obliged to provide each other with the texts of current acts, assist in explaining and specifying the content of their provisions on the reformation of the national economy.

3. The Contracting Parties shall organise control of law-applying practice and ensuring the uniformity of carrying out methods of:

- creating reliable mechanisms on control in order not to permit a non-sanctioned re-exportation of goods to third countries;
- carrying out payment-settlement relations for trade and non-trade transactions on bilateral and multilateral basis;
- applying the single regulation of foreign economic relations with third countries;
- bringing together economic conditions of management;
- maintaining customs statistics of foreign trade;
- implementing reliable customs control at external customs borders of the States of the Contracting Parties.

4. The second stage: After all the measures provided by the first stage are carried out, the unification of customs territories of the States of the Contracting Parties to a single customs territory, the solving of the issue on international legal capacity of the Customs Union and on the fate of current international agreements.

5. The Contracting Parties shall apply the Bases of Customs Legislation of the member States of the Community of Independent States, approved by the Council of the Community's Government Heads, on 10 December 1994.

6. The Contracting Parties shall apply a Single Methodology of customs statistics of foreign trade of the member States of the Community of Independent States approved by the Council of the Government Heads of the Community's States on 10 December 1994.

7. The Contracting Parties shall apply the Rules of Determining a Country of Origin of Goods approved by the Council of the Government Heads of the Community's States on 24 September 1993, with the subsequent amendments and supplements.

8. The Contracting Parties shall apply the Agreement on Re-exportation of Goods and on Procedure of Granting Permission for Re-exportation, signed in Moscow on 15 April 1994.

9. The Contracting Parties may, as far as this Agreement is implemented, by mutual consent, introduce more precise definitions in the content and terms of performing individual measures of the stages mentioned in this Article.

Article 3

The Organisation of Work on the Creation of the Customs Union

The Contracting Parties with a view to create the customs union shall apply the mechanism of bilateral and/or multilateral consultations on the issues arising from the objectives, principles, conditions and stages of the creation of the Customs Union.

Article 4

Distribution of Customs Duties, Taxes and Levies that are of Equivalent Effect

1. The amounts of import customs duties, taxes and levies, that are of equivalent effect, on the goods originating in the territory of a third country shall be paid to the budget of the State of that Contracting Party which is the country of destination of the product.

2. The amounts of export customs duties, taxes and levies, that are of equivalent effect, on the goods originating in the territory of a third country and exported from the territory of the State of any Contracting Party to the territory of the State of the other Contracting Party shall be paid to the budget of the State of that Contracting Party from the territory of which this product is exported.

3. The amounts of export customs duties, taxes and levies, that are of equivalent effect, on the goods exported from the territory of any of the Contracting Party to a third country:

- (a) with respect to the goods originating in the territory of the State of any Contracting Party, taking into account the provisions of sub-paragraph (b) of paragraph 3 hereof shall be paid to the budget of the State of that Contracting Party in the territory of which this product originates;
- (b) with respect to the goods produced on the territory of any Contracting Party with the use of raw material and/or materials originating in the territory of any other Contracting Party shall be placed in the budgets of the States of the Contracting Parties in compliance with the agreed distribution of the amounts of export customs duties;
- (c) with respect to the goods originating in the territory of a third country shall be paid to the budget of the State of that Contracting Party from the territory of which this product is exported.

4. The Contracting Parties shall co-ordinate the order of the mutual placing of customs duties, taxes and levies that are of equivalent effect.

Article 5

Terms and Conditions of Introducing Temporary/Provisional Restrictions

1. Temporary restrictions in mutual trade by using tariff, quantitative or other equal measures may be applied only in cases:

- of acute deficit of this product in the domestic market - until the situation in the market is stabilised;
- of acute deficit of the balance of payments - until the situation with the balance of payments is stabilised;
- where a product is imported to the territory of one of the Contracting Parties in such increased amounts or on such terms which damage or threaten to damage domestic producers of similar or immediately competitive goods.

2. Before any restrictive measures are taken in cases after the necessity in the their application has appeared, the Contracting Parties should provide each other with relevant information for consultations. The conducting of consultations in order to search a decision acceptable for the Contracting Parties shall be carried out within a term as short as possible.

3. If, as a result of such consultations, the Contracting Parties within 45 days from the day of obtaining relevant information do not reach agreement regarding taking measures to avoid the situation formed, the Contracting Party that required the conducting of consultations will be free to introduce restrictive measures in such volume and for such a term that are required to prevent or remove damage.

4. In critical conditions, when delay can cause damage that will be difficult to remove, the Contracting Parties may take the measures mentioned in this Article before the conducting of such consultations, provided that the consultations will be conducted immediately after such measures are taken.

5. The provisional/temporary restrictions to be introduced on importation or exportation from the date of their adoption by one of the Contracting Parties should be conveyed to the other Contracting Party within the shortest terms.

6. The Contracting Parties shall continue the work on the unification of normative and legal basis in order to avoid the possibilities/opportunities for the conditions, that cause the introduction of tariff and/or quantitative restrictions in mutual trade, to appear.

7. The Contracting Parties shall provide control of exportation (importation) of goods subject to quotas and licensing.

Article 6

Customs Control

1. The Contracting Parties shall provide the unity of managing their customs services on the basis of the relevant Agreement between the Government of the Russian Federation and the Government of the Republic of Belarus.

2. Taking into account the provisions of paragraph 1 hereof, the Contracting Parties shall:

- organise joint control over the transfer of goods and vehicles. The order and organisation of such control shall be regulated by individual arrangements (protocols) between the customs bodies of the Contracting Parties;
- cancel customs control on the common border providing undoubtedly reliable customs control on their external borders.

Article 7 **Exceptions**

This Agreement shall not affect the rights of any Contracting Party to take, according to international law and its domestic legislation, measures necessary for the protection of the State security, public order, health and morality of the population, cultural and historical heritage of their peoples and for the protection of rare animals and plants.

Article 8 **Concluding Provisions**

1. All disputes and disagreements between the Contracting Parties concerning the interpretation and/or application of the provisions of this Agreement shall be settled by consultations.
2. This Agreement shall not affect the actions of other international agreements concluded by the Contracting Parties and not contradicting this Agreement; if necessary, the Contracting Parties shall be obliged to bring them into conformity with this Agreement.
3. Any Contracting Party may leave this Agreement by sending, 12 months before leaving, an official written notification to the other Contracting Party on its intention to leave the Agreement.
4. This Agreement shall be temporarily applied from the date it is signed and shall come into force from the date of exchanging notifications on the fulfilment by the Contracting Parties of all necessary inner-State procedures.
5. This Agreement shall be open to join for any member State of the Community of Independent States that accepts the provisions of the Agreement that are in effect at the moment of joining and expresses the readiness to fulfil them in full. The joining shall be carried out with the consent of the Contracting Parties on terms and according to the procedure to be established in a separate agreement with a joining State.

Done on 6 January 1995, in the City of Minsk, in two originals in the Russian and Belarussian languages, and both texts are equally valid.

**For the Government
of the Russian Federation**

**For the Government
of the Republic of Belarus**
