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

Communication from the Kyrgyz Republic

I. BACKGROUND INFORMATION ON THE AGREEMENT

The Economic Union Agreement of 24 September 1993 signed by all the Commonwealth of Independent States (CIS) countries, except Ukraine, reflected intentions of the Parties to create an economic union which supposed a free movement of goods, services, capital and manpower, and the common policy on monetary, fiscal, tax, pricing, foreign economic, customs and currency issues, and the harmonization of the commercial legislation and common statistical basis. As a first step towards the creation of the union of the CIS countries have entered into a free trade agreement. However, among the CIS countries only Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan have entered into agreements aiming at the formation of a customs union as the second step towards the creation of the union. The texts of the Agreements for establishing a Customs Union, as well as the Agreement on the Kyrgyz Republic's Accession were circulated in document WT/REG71/1.

1. Membership and Dates of Signature, Ratification and Entry into Force

The Government of the Russian Federation and the Government of the Republic of Belarus signed the Agreement on Customs Union on 6 January 1995.

On 20 January 1995 the Government of the Russian Federation and the Government of the Republic of Belarus, on one side, and the Government of the Republic of Kazakhstan on the other side, signed the Agreement on Customs Union in which the Parties agreed to assume without any reservation all commitments and obligations that were incumbent upon them pursuant to the Agreement on Customs Union entered into by the Russian Federation and the Republic of Belarus on 6 January 1995.

The Government of the Russian Federation, the Government of the Republic of Belarus and the Government of the Republic of Kazakhstan, on one side, and the Government of the Kyrgyz Republic on the other, signed the Agreement on Joining to the Agreements on Customs Union on 28 March 1996. This Agreement stated the joining of the Kyrgyz Republic to the Agreement on Customs Union between the Russian Federation and the Republic of Belarus, of 6 January 1995, and to the Agreement on Customs Union, of 20 January 1995. The Kyrgyz Republic ratified the Agreement on Joining to the Agreements on Customs Union on 21 July 1997. The Agreement was temporarily applied by the Parties from the date of signature and came into force on 8 October 1997, when the Kyrgyz Republic forwarded the last note on ratification of the Agreement.

Tajikistan signed the Agreement on its joining to the Customs Union with the Parties to the Customs Union on 26 February 1999.

On 26 February 1999, the Agreement on Customs Union and Common Economic Area was signed between Belarus, Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan. The Kyrgyz Republic ratified the Agreement on 14 January 2000. According to this Agreement the Parties decided to finalize the formation of the Customs Union and create on its basis a common economic area. The text of this Agreement is reproduced in Annex II to this note.

1. Type of Agreement

Interim agreements leading to the creation of the Customs Union.

According to Article 23 of the Agreement on Customs Union and Common Economic Area of 26 February 1999, the Parties will determine under separate agreements the time frames for finalizing the formation of the Customs Union. Such an agreement has yet to be signed between the Parties. Nevertheless, the same article refers to international norms and rules in determining the time frames.

2. Scope

Free trade provisions of the customs union agreements refer to bilateral and multilateral free-trade area agreements between the Parties. Free trade regime with no exceptions and restrictions is applied in trade between the Parties to the Customs Union under the bilateral and multilateral agreements on free trade.

According to the Agreement on Common Customs Tariff of 17 February 2000, during the transition period before establishing the Common Customs Tariff, each Party will determine a list of sensitive goods, for which a Party concerned will be free to establish own rates. Such a list shall not exceed 15 per cent of total imports of the Party.

Products to be excluded from the common external tariff will be determined during the formation of the tariff at a later stage.

3. Trade Data

Data on intra- and extra-trade is presented in Annex I.

II. TRADE PROVISIONS

1. Import Restrictions

- 1.1 Duties and charges &
- 1.2 Quantitative restrictions

Currently, there are no tariff and quantitative restrictions on imports from the territories of all the Parties to the Agreement applied by the Kyrgyz Republic. According to Article 8 of the Agreement on Customs Union and Common Economic Area and under the CIS Free Trade Agreement and Bilateral Free Trade Agreements, the Parties agreed to maintain the free trade regime with no exceptions and restrictions under bilateral and multilateral agreements on free trade. No intra-trade restrictions will remain in effect after the Agreements are fully implemented.

1.3 Common external tariff

The Agreement on Common Customs Tariff of the Customs Union Member States (CCT Agreement) was signed on 17 February 2000. This Agreement has not come into force yet. The common customs tariff will be formed in stages over a period of five years from the date of entry into force of the Agreement. This period may be prolonged by mutual agreement of the Parties.

The list of customs tariffs identical in Belarus, Kazakhstan and Russia on the date of signature of the CCT Agreement is taken as the actual Basic List of Common Customs Tariff. This List is subject to further amendments by gradual rapprochement in stages. For this purpose the CCT Agreement established two other lists: a list of tariff items in which the difference among the Customs Union countries does not exceed 5 per cent, and a list of tariff items in which the difference among the Customs Union countries does exceed 5 per cent.

The basic approach in forming the Common Customs Tariff is the escalation of the tariff depending on the degree of processing of goods: (i) raw materials, (ii) semi-manufactured goods, and (iii) ready-made goods.

The Kyrgyz Republic and Tajikistan have less tariff items, which are identical to those of the Common Customs Tariff, therefore they will gradually integrate into the Common Customs Tariff.

As the work on forming the Common Customs Tariff has just begun and the rates proposed to be negotiated are not determined yet, it is not possible to provide information on negotiations under Article XXIV:6 at this early stage. A due account shall be given to the fact that all of the Customs Union Members, except Tajikistan, are in the process of accessing to the WTO and that this may also affect the formation of the Common Customs Tariff.

2. Export Restrictions

Currently, the Kyrgyz Republic applies no customs duties, tariff quotas and charges having an equivalent effect to customs and fiscal duties, to exports to the territories of all the Parties to the Agreement. No intra-trade restrictions will remain in effect after the Agreements are fully implemented. According to Article 8 of the Agreement on Customs Union and Common Economic Area and under the CIS Free Trade Agreement and Bilateral Free Trade Agreements, the Parties agreed to maintain the free trade regime with no exceptions and restrictions.

3. Rules of Origin

The country of origin of a commodity in trade between the Customs Union Members is determined in accordance with the CIS Rules of Determining a Country of Origin of Goods (hereinafter referred to as the Rules).¹ The CIS countries signed the Rules on 24 September 1993. The country of origin of a product is considered a CIS country in which the product was wholly produced or subject to substantial transformation. The Rules provide for a list of goods which are considered wholly produced. Substantial transformation may be manifested through (i) an *ad valorem* portion, (ii) a list of production or technological processes, and (iii) changes of tariff headings. The list of production or technological processes is still being negotiated among the Parties to the Agreement. In cases where there are no criteria specified with respect to a particular product, the general criterion of changes in tariff heading is applied. A product is considered substantially transformed if its tariff classification has changed at any of the first four digits, with a list of exceptions. Such exceptions are being developed and may contain a list of production or technological operations which, though cause a change in tariff line, are not considered a sign of

¹ The text of the Rules was circulated in document WT/REG82/1.

substantial transformation, or are considered such only if certain conditions are followed, and also may contain a list of production or technological operations which, though do not cause a change in tariff line, are considered a sign of substantial transformation, provided that certain conditions are followed.

The Rules provide for a possibility of using a cumulative principle of origin while applying the criterion of substantial transformation. The cumulative principle can be used with respect to the CIS countries. However, the Rules do not contain detailed provisions regarding cumulation.

4. Standards

With respect to standards applicable to intra-trade, the provisions of the CIS Free-Trade Area Agreement apply. Each Member of the Customs Union provides the national and most favoured nation treatments to the goods originating from the customs territory of any other Member in terms of technical and quality requirements. The CIS FTA Agreement does not provide for common standards or the mutual recognition of certificates, but admits the right of the Parties to enter into such agreements. It generally calls for the exchange of information and cooperation in the area of standardization and certification with a view to eliminate technical barriers and other special requirements (restrictions) in trade. However, according to the separate Agreement on the Uniform Policy on Standardization, Metrology and Certification, which was executed by all the CIS countries, the Kyrgyz Republic accepts certificates issued by any accredited institution of Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Turkmenistan and Uzbekistan.

On 20 June 2000 the Parties to the CIS Free-Trade Area Agreement signed the Agreement on Technical Barriers within the Free-Trade Area. As explicitly mentioned in the Preamble of this Agreement, its provisions are based on the principles of the WTO Agreements and specifically of the TBT Agreement. The Parties will use international standards, or draft international standards if their completion is imminent, as a basis for developing their technical regulations, except where such international standards would be ineffective or inappropriate. In order to avoid duplication, if one of the Parties officially published information concerning the beginning of work on developing technical regulations or standards, other Parties to the Agreement would not develop analogous technical regulations or standards. Such a Party shall provide an opportunity for other Parties to participate in developing the technical regulations or standards.

5. Safeguards &

6. Anti-Dumping and Countervailing Measures

According to Article 9 of the Agreement on Customs Union and Common Economic Area of 26 February 1999, nothing prevents any Party from taking temporary protective measures against imports from other Parties in accordance with the generally accepted international rules or the national legislation of the Party. There is no specific safeguard provision related to agriculture. As stated in both of the Customs Union Agreement of 6 January 1995, and the CIS Free-Trade Area Agreement of 15 April 1994, the Parties may apply temporary measures in case of balance-of-payments difficulties.

On 17 February 2000 the Governments of the Republic of Belarus, Republic of Kazakhstan, Kyrgyz Republic, Russian Federation and Republic of Tajikistan signed the Protocol on Mechanism of Applying Safeguards, Antidumping and Countervailing Measures in Trade of the Customs Union Members.² The Protocol shall come into force on the day on which the last notification on the

² The text of the Protocol is reproduced in Annex II.

fulfillment of necessary inner-state procedures was received by the depository, i.e. the Integration Committee which is not the case yet.

Provisions of the Protocol relating to the application of safeguard, anti-dumping and countervailing measures in trade between the Customs Union Members will be applied until the common customs territory is formed.

As stated in the Preamble of the Protocol, the Parties intent to apply the agreed safeguard, anti-dumping and countervailing measures in trade between themselves and with third countries.

Safeguard, anti-dumping and countervailing provisions of the Protocol are generally patterned after the WTO Agreements on Safeguards, Anti-Dumping, and Subsidies and Countervailing Measures. Special trade measures can be introduced in the form of quantitative import restrictions or in the form of special import duties, anti-dumping and countervailing duties for a period necessary for removing damage or threat of damage in accordance with the provisions of Article 2 of the Protocol and (or) the national legislation of the Kyrgyz Republic. A special trade measure may be introduced after holding consultations between the interested Contracting Parties. A Party to the Agreement willing to apply a restriction shall inform, in writing, the interested Contracting Parties of this and shall provide with materials proving damage or threat of damage caused by imports not later than 30 days prior to the introduction of the measure, following which consultations are to be held.

7. Subsidies and State-Aid

Subsidies which constitute a measure of unfair competition or which threaten to breach competition by creating more favorable conditions for certain enterprises or production of certain types of goods are treated as not complying with the principles of the Common Economic Area to the extent they affect trade between the Parties. The following subsidies, namely social aid, aid to compensate damage caused by natural disasters, aid to promote the economic development of less developed regions, subsidies of interstate importance or intended to correct serious destruction in the economy of the Party, and other subsidies which may be defined by the Interstate Council, are permitted (Article 27 of the Agreement on Customs Union and Common Economic Area, of 26 February 1999). The Parties may counter the effect of subsidies on intra-trade by introducing countervailing duties or accepting price undertakings according to the provisions of the Protocol on Mechanism of Applying Safeguards, Antidumping and Countervailing Measures in Trade of the Customs Union Members, of 17 February 2000.

8. Sector-Specific Provisions

Article 36 of the Agreement on Customs Union and Common Economic Area of 26 February 1999 states that the Parties will carry out an agreed agricultural policy for the development of agricultural production according to the list of agricultural products to be determined by the Parties. The Parties have not yet determined detailed provisions regarding the agricultural sector.

9. Other

As a condition for joining the Customs Union, the Agreement between the Kyrgyz Republic and the Russian Federation on the Unity of Management of Customs Services was signed on 10 January 1996. According to this Agreement, a Representative Office of the Russian Customs in the Kyrgyz Customs and a Representative Office of the Kyrgyz Customs in the Russian Customs were established. Functions of the representative offices include *inter alia* the organization of interconnection and common customs control, development of proposals on the unification of customs legislation, and organization of education for customs officers.

Customs Valuation is determined in accordance with the Decision of the CIS Council of the Governments' Heads, of 10 February 1995, which approved the Bases of Customs Legislation of the CIS Countries. The Kyrgyz Customs Code provisions regarding customs valuation developed in accordance with the Bases of Customs Legislation do comply with the Agreement on the implementation of Article VII of GATT 1994.

The Agreements on Customs Union do not contain specific provisions relating to treatment of products from free trade zones established in any of the Parties to the Agreement. The CIS Free-Trade Area Agreement applies to the customs territories of the Parties as defined in their internal legislation. According to the Kyrgyz Law on Free Economic Zones, of 16 December 1992, such zones are outside the Kyrgyz customs territory, therefore the free trade provisions of the Customs Union do not apply to the goods originating from the Kyrgyz free economic zones.

III. GENERAL PROVISIONS OF THE AGREEMENT

1. Exceptions and Reservations

All customs duties and charges having an equivalent effect, as well as quantitative restrictions applied in trade between the Kyrgyz Republic and other Parties of the Customs Union were eliminated in accordance with the CIS Free-Trade Area Agreement, of 15 April 1994. This, however, will not preclude from taking measures on the grounds below.

1.1 General exceptions

The Agreement does not preclude the use of measures, if they are related to the following:

- (i) protection of public moral and order;
- (ii) protection of life and health of people,
- (iii) protection of animals and plants;
- (iv) protection of environment;
- (v) protection of artistic, archeological and historical values which are national treasure/property;
- (vi) protection of industrial and intellectual property;
- (vii) trade in gold, silver or other precious metals and stones;
- (viii) preservation of exhaustible natural resources;
- (ix) limitations of products export if domestic prices for them are lower than the world prices as a result of the implementation of State support programs; and
- (x) upsetting of balance-of-payments.

1.2 Security exceptions

The Agreement does not preclude the use of measures, if they are related to the following:

- (i) ensuring the national security, including the prevention of leakage of confidential information which is a State's secret;
- (ii) trade in weapons, military equipment and ammunitions, and rendering military services, transfer of technologies and rendering services for the production of arms and military equipment and for other military purposes;
- (iii) delivery of fissionable materials and sources of radio-active substances, utilization of radio-active wastes;
- (iv) measures applied in war time or under other extraordinary circumstances in international relations; and
- (v) actions for the fulfillment of obligations on the basis of the UNO's Charter to preserve the international peace and safety.

According to Article 22:2 reservations to this Agreement are not permitted.

2. Accession

Originally the Agreement between the Russian Federation and Belarus of 6 January 1995, was open for joining only for the CIS countries. Currently, according to the new Agreement on Customs Union and Common Economic Area of 26 February 1999, accession is open for any country which recognizes the principles of the Agreement and expresses its readiness to fulfill them in full. A country willing to join shall apply to the Interstate Committee. The conditions of joining are defined by the relevant decision of the Interstate Committee.

3. Dispute Settlement Procedures

All disputes under various Customs Union Agreements are settled through bilateral consultations and negotiations or in other ways which may be agreed by the Parties. A separate agreement describing responsibilities of the Parties for failure to fulfil the commitments under the Agreement on Customs Union and Common Economic Area, of 26 February 1999, will be concluded.

4. Relation with Other Trade Agreements

As stated, free trade provisions of the Customs Union refer to the provisions of the CIS and bilateral free-trade area agreements between the Members of the Union. All of these free trade agreements were notified to the WTO Committee on Regional Trade Agreements.

5. Institutional Framework

The following bodies carry out the formation of the Customs Union and Common Economic Area: Interstate Council; Council of the Governments' Heads; Integration Committee; Inter-parliamentary Committee.

The Interstate Council is the highest body for administering the Customs Union Agreements. It consists of Heads of states and governments, Ministers of foreign affairs of the Parties and Chairman of the Integration Committee without the right to vote. The Interstate Council develops the strategy of cooperation and main stages of its implementation, approves the staff of the Integration Committee and decides other important issues related to the implementation of the Agreements.

The Regulation on the Council of the Governments' Heads was approved by Decision No.18 of the Interstate Council on 22 January 1998. The Council consists of Heads of the Governments of all the Parties to the Customs Union and Chairman of the Integration Committee without the right to vote.

The Integration Committee was established by Decision No.1 of the Interstate Council, of 29 March 1996, as the permanent executive body to carry out the organizational and control functions, implement decisions of the Interstate Council and integration programs and agreements between the Parties. The Integration Committee consists of Deputy Prime Ministers of the Parties and Ministers responsible for the issues of relations with the CIS countries and of economy and finance.

The Inter-parliamentary Committee was established by the Agreement on Inter-parliamentary Committee of the Republic of Belarus, Republic of Kazakhstan, Kyrgyz Republic and the Russian Federation of 28 May 1996. The Committee develops model laws, recommendations, and proposals on the harmonization of legislation of the Parties.

In addition, a number of technical commissions was established in the areas of customs tariff and non-tariff regulation, export regulation, standardization, metrology and certification. The Council of Heads of Customs of the Customs Union Parties and the Council of Heads of Tax Departments of the Customs Union Parties are established to develop draft decisions for the Integration Committee, Council of the Governments' Heads and Interstate Council in the relevant areas.

IV. OTHER

Other provisions of the Agreement on Customs Union and Common Economic Area, of 26 February 1999, refer to the following: intentions of the Parties to develop at a later stage agreed provisions on currency regulation for which a separate agreement would be developed; to create a common labor market and social policy; to develop agreed tax, fiscal and competition policies; to unify legislation; to create a transport union.

ANNEX I

Intra- and Extra-Trade

Trade of the Kyrgyz Republic with the Customs Union and Non-Customs Union Countries, 1997-99

	1997		1998		1999	
	Value (thousand US\$)	Percentage of the total trade	Value (thousand US\$)	Percentage of the total trade	Value (thousand US\$)	Percentage of the total trade
IMPORTS						
CU countries	270,662.6	38.2	295,380.0	35.1	191,401.9	31.9
Non-CU countries	438,642.3	61.8	546,124.1	64.9	408,337.9	68.1
TOTAL	709,304.9	100	841,504.1	100	599,739.8	100
EXPORTS						
CU countries	194,552.5	32.2	182,819.6	35.6	130,085.3	28.7
Non-CU countries	409,255.4	67.8	330,816.2	64.4	323,750.3	71.3
TOTAL	603,807.9	100	513,635.8	100	453,835.6	100
IMPORTS & EXPORTS						
CU countries	465,215.1	35.4	478,199.6	35.3	321,487.2	30.5
Non-CU countries	847,897.7	64.6	876,940.3	64.7	732,088.2	69.5
TOTAL	1,313,112.8	100	1,355,139.9	100	1,053,575.4	100

Source: National Statistics Committee.

Imports into the Kyrgyz Republic from the Customs Union Member Countries (consolidated) (Thousand of US\$)

H.S. Chapter	Year		
	1997	1998	1999
Total	270,662.6	331,145.1	191,401.9
1	12.2	13.4	8.2
2	97.7	235.5	27.2
3	1,593.1	2,160.3	1,384.0
4	801.8	2,573.9	1,203.1
5	6.6	-	5.0
7	225.4	111.0	20.5
8	42.4	18.2	195.4
9	29.2	64.9	31.2
10	10,183.9	9,398.9	8,670.4
11	1,826.1	2,403.5	2,230.8
12	413.4	248.6	664.9
13	17.0	19.5	-
15	1,911.6	918.2	235.7
16	391.9	888.2	499.2
17	24,567.8	30,795.0	4,855.8

H.S. Chapter	Year		
	1997	1998	1999
18	488.7	672.4	1,667.9
19	569.3	1,004.6	1,103.6
20	108.2	122.2	313.3
21	263.6	371.1	183.0
22	2,383.7	397.7	1,282.0
23	77.4	127.1	158.5
24	1,034.7	1,203.6	4,345.4
25	4,383.9	4,801.0	4,234.6
26	3,950.7	6,330.9	1,757.5
27	78,961.6	84,589.5	69,660.4
28	8,632.9	15,150.3	9,510.8
29	3,386.8	4,416.7	2,128.9
30	2,772.3	3,695.4	2,373.1
31	1,267.9	5,107.8	917.8
32	2,708.0	3,189.3	2,225.5
33	525.1	988.5	395.9
34	1,010.1	1,948.3	1,595.6
35	67.2	94.9	77.5
36	1,993.0	1,737.1	1,434.6
37	86.9	84.0	26.2
38	2,973.4	1,626.0	1,414.5
39	4,462.8	5,684.4	2,139.9
40	7,876.3	10,520.5	4,906.4
41	277.1	70.3	50.5
42	45.2	41.5	2.9
43	2.5	46.1	30.5
44	9,144.8	9,382.3	3,664.2
47	12.3	33.1	10.1
48	6,496.2	10,176.1	4,632.0
49	767.5	13,452.6	1,051.4
50	-	-	13.0
51	801.8	25.0	421.4
52	89.6	146.2	68.3
53	282.6	126.8	61.5
54	1,310.9	193.9	126.2
55	1,080.6	548.4	92.1
56	432.8	574.7	258.0
57	68.8	71.6	19.2
58	98.1	23.9	39.3
59	1,536.0	2,250.4	830.7
60	176.3	632.3	51.4
61	581.1	169.7	11.9
62	321.0	161.4	93.8
63	304.3	221.0	307.4
64	1,728.8	1,443.7	851.2
65	66.9	16.1	-
66	23.0	14.1	1.3
68	453.2	939.8	531.9
69	1,593.4	1,408.3	1,138.5
70	1,802.8	1,866.0	222.3
71	413.6	266.2	8.5
72	5,691.6	8,767.4	3,826.2

H.S. Chapter	Year		
	1997	1998	1999
73	6,256.0	12,735.3	5,929.1
74	1,449.2	1,344.2	1,399.9
75	54.4	7.3	11.8
76	2,216.2	806.5	407.9
78	106.1	73.1	21.8
79	56.7	144.4	136.2
80	74.9	100.1	50.9
81	1,490.2	1,461.1	902.3
82	192.8	450.0	74.2
83	1,030.8	959.6	682.0
84	26,262.5	31,419.6	13,524.7
85	7,143.9	8,039.3	8,105.1
86	455.9	2,309.0	167.7
87	1,205.9	9,799.5	6,764.8
88	566.8	284.1	273.1
89	10.0	-	-
90	1,821.6	2,700.1	845.4
91	38.3	29.3	8.4
92	11.7	-	3.5
94	1,712.2	939.0	385.5
95	160.4	242.7	13.5
96	93.3	108.5	14.5

Source: National Statistics Committee.

Exports from the Kyrgyz Republic to the Customs Union Member Countries, 1997-99 (consolidated)
(Thousand of US\$)

H.S. Chapter	Year		
	1997	1998	1999
Total	194,552.5	208,908.4	130,085.3
1	28.7	15.3	29.5
2	16.1	15.5	17.7
3	14.0	27.6	-
4	2,344.8	1,703.6	988.9
6	16.1	23.2	14.7
7	9,288.9	8,678.8	4,777.8
8	8,383.9	4,288.4	3,295.6
9	1,050.1	1,194.2	288.0
10	181.1	64.6	238.9
11	348.2	128.6	1,588.4
12	2,484.4	1,447.9	3,031.0
13	58.4	30.7	10.1
14	145.2	52.3	7.6
15	89.0	121.0	294.1
16	847.1	300.3	20.0
17	13,882.5	7,735.1	4,872.4
18	156.3	101.7	439.6
19	746.6	452.6	145.4
20	1,191.6	806.0	766.7

H.S. Chapter	Year		
	1997	1998	1999
21	1,235.3	1,308.0	29.8
22	13,400.3	4,574.4	340.9
23	3.9	2.9	149.5
24	26,895.3	39,293.6	38,745.6
25	11,232.5	10,206.1	4,248.5
26	787.3	335.9	596.6
27	17,418.9	1,308.4	23,044.4
28	2,912.0	1,450.4	1,189.9
29	70.2	6.6	1.6
30	191.8	914.2	667.9
31	13.4	17.6	-
32	1,232.6	1,040.1	26.9
33	879.6	406.3	269.6
34	111.6	50.0	33.2
35	75.4	24.6	9.9
36	-	27.7	5.4
37	50.8	-	-
38	28.6	1.1	335.8
39	3,638.2	1,444.5	2,077.1
40	525.6	453.3	114.8
41	347.6	243.4	56.4
42	172.6	66.0	21.0
43	276.3	112.4	10.9
44	91.7	116.4	83.0
48	861.1	3,160.6	220.5
49	129.2	273.9	241.8
50	24.9	7.4	1.0
51	579.4	1,007.5	1,093.1
52	4,329.5	3,241.9	7,394.0
53	215.4	211.1	133.9
54	130.4	7.6	8.9
55	227.0	278.3	129.7
56	1,168.2	554.9	103.8
57	704.4	191.4	211.2
58	36.9	13.3	77.3
59	2,445.5	1,833.0	327.7
60	20.0	10.1	3.2
61	3,027.5	1,551.4	800.3
62	3,086.5	1,697.5	724.3
63	2,125.5	1,799.5	2,052.8
64	1,020.4	836.7	139.1
65	5.2	17.9	2.0
66	-	2.2	-
67	9.4	12.9	1.0
68	3,820.0	3,926.0	2,904.0
69	212.5	36.9	45.4
70	4,978.0	4,093.2	839.9
71	221.0	34.0	-
72	453.1	363.5	64.4
73	2,145.3	1,896.2	1,816.3
74	172.8	36.8	127.5
76	815.2	358.6	45.7

H.S. Chapter	Year		
	1997	1998	1999
78	11.7	50.0	54.5
81	4,744.3	2,282.3	1,197.5
82	668.7	328.6	313.6
83	132.4	578.6	27.4
84	14,515.1	17,421.5	7,002.9
85	11,515.1	13,766.2	8,518.9
86	234.6	279.0	328.7
87	4,545.9	5,801.3	5,691.6
88	59.0	13.7	56.5
90	414.4	187.3	188.9
91	-	1.4	1.3
94	1,177.2	412.8	108.0
95	246.7	133.2	52.4
96	177.9	193.7	195.2
97	-	1.0	280.2

Source: National Statistics Committee.

Imports into the Kyrgyz Republic from Belarus
(Thousand of US\$)

H.S. Chapter	Year		
	1997	1998	1999
Total	10,260.6	9,648.7	5,314.6
4	-	-	5.5
11	46.0	-	-
12	-	6.8	0.8
15	44.4	-	-
17	760.9	126.3	1,540.5
18	4.6	-	-
20	-	1.2	-
21	-	-	7.4
25	-	-	5.0
27	12.4	-	2.7
28	436.5	-	-
30	184.0	383.7	88.9
32	22.9	55.9	59.7
33	-	-	2.2
34	-	4.0	0.5
35	2.0	3.8	-
36	17.9	36.0	14.9
38	-	5.2	-
39	262.0	487.4	71.7
40	43.5	388.3	120.9
41	-	11.3	-
43	-	36.3	28.8
44	236.7	715.3	211.0
46	-	7.1	-
48	92.6	31.8	13.2
49	3.0	30.4	7.1
55	598.5	280.0	43.2

H.S. Chapter	Year		
	1997	1998	1999
57	-	24.8	7.8
58	1.8	0.7	-
59	80.9	207.8	54.4
60	159.6	630.3	51.4
61	-	1.8	-
62	-	45.0	2.7
63	5.4	66.4	5.8
64	-	27.6	-
68	14.9	146.8	13.6
69	502.3	630.5	507.5
70	81.0	39.7	-
72	55.5	-	-
73	87.4	157.1	26.4
76	-	-	1.2
83	1.3	10.7	-
84	627.0	1,188.2	1,073.2
85	43.1	316.1	215.5
86	2.4	5.9	-
87	5,789.6	3,188.1	938.6
90	23.0	10.0	6.1
94	14.4	211.7	186.4

Source: National Statistics Committee.

Exports from the Kyrgyz Republic to Belarus
(Thousand of US\$)

H.S. Chapter	Year		
	1997	1998	1999
Total	8,613.6	5,324.7	4,949.1
4	27.2	-	25.4
7	6.2	65.0	3.0
8	-	17.5	23.6
12	540.5	335.4	595.4
14	38.6	-	-
19	1.0	-	-
20	-	1.3	0.7
24	3,257.4	1,567.7	
27	-	-	1,829.8
28	4.1	189.1	157.4
30	-	144.9	-
33	-	12.4	-
39	2,669.5	-	9.6
41	-	22.5	-
51	12.4	55.0	0.6
52	183.3	236.1	473.8
56	385.1	269.0	-
62	5.5	-	1.4
63	34.8	470.9	573.8
68	154.0	-	-

H.S. Chapter	Year		
	1997	1998	1999
73	554.3	1,205.0	570.6
81	53.5	9.0	-
82	3.0	2.3	-
84	169.3	453.8	382.5
85	18.9	7.0	104.4
86	-	-	1.1
87	-	-	145.9
90	-	-	47.1
94	9.1	-	-
96		0.6	2.4

Source: National Statistics Committee.

Imports into the Kyrgyz Republic from Kazakhstan
(Thousand of US\$)

H.S. Chapter	Year		
	1997	1998	1999
Total	69,602.8	75,297.7	72,679.9
1	9.3	8.1	3.6
2	77.8	9.3	-
3	62.7	23.7	7.3
4	321.9	1,110.3	82.4
7	51.2	24.4	1.7
8	2.3	6.7	-
9	2.4	1.0	-
10	10,151.0	9,049.9	8,629.5
11	845.2	1,755.8	1,870.9
12	123.3	164.4	652.6
13	17.0	-	
15	112.4	137.8	30.5
16	209.5	306.0	31.5
17	773.6	191.7	551.5
18	75.0	40.8	28.4
19	181.9	536.2	457.1
20	27.3	3.4	59.4
21	22.1	1.5	-
22	1,886.0	173.9	270.5
23	6.1	26.9	77.8
24	1,034.7	710.3	4,218.6
25	3,585.4	3,351.4	3,878.9
26	3,875.3	1,186.3	580.1
27	30,630.4	37,982.1	39,273.6
28	1,214.1	11,622.1	7,337.5
29	1,352.7	209.9	28.5
30	143.9	93.1	25.6
31	81.2	1.0	-
32	43.7	9.5	55.1
33	257.0	112.3	209.3
34	143.9	84.8	14.8
35	16.8	8.4	1.0

H.S. Chapter	Year		
	1997	1998	1999
36	139.4	2.1	1.3
37	2.5	1.0	-
38	259.5	88.8	127.1
39	507.3	105.3	97.0
40	210.9	68.7	2.2
41	65.7	-	-
42	1.7	5.5	-
44	411.1	314.4	128.7
47	12.3	19.5	8.9
48	401.0	226.9	198.2
49	237.9	90.2	50.5
51	254.5	25.0	15.2
52	11.7	1.2	-
53	42.7	-	-
54	21.2	-	-
55	9.9	-	-
56	10.4	2.0	-
57	16.6	-	10.4
59	1.7	1.4	-
60	6.7	-	-
61	56.3	15.4	-
62	17.9	1.7	32.1
63	131.7	16.1	92.2
64	255.2	59.6	62.7
65	1.0	-	-
66	23.0	-	-
68	138.2	231.4	132.0
69	198.8	94.7	48.7
70	818.7	84.7	8.0
71	-	1.0	-
72	1,177.6	1,249.4	658.4
73	775.8	438.9	908.0
74	340.1	668.7	335.5
76	121.1	74.6	121.2
78	27.3	6.8	-
79	2.2	-	-
80	1.0	-	-
81	7.2	7.1	-
82	89.1	357.1	1.0
83	85.6	59.6	11.3
84	2,242.8	486.0	725.6
85	1,143.2	834.7	476.0
86	295.0	142.6	2.2
87	1,017.7	270.9	173.6
88	42.3	25.0	1.0
89	10.0	-	-
90	262.0	247.6	195.2
91	1.0	-	-
94	247.2	27.8	19.5
95	77.7	1.9	3.5
96	4.3	-	1.4

Source: National Statistics Committee.

Exports from the Kyrgyz Republic to Kazakhstan
(Thousand of US\$)

H.S. Chapter	Year		
	1997	1998	1998
Total	87,094.0	85,516.4	44,960.1
1	26.4	12.8	26.4
2	10.0	10.6	17.7
3	14.0	12.1	-
4	1,736.6	1,579.0	893.6
6	3.6	7.0	10.5
7	1,099.9	713.3	591.0
8	685.9	407.3	402.6
9	1,012.9	1,115.6	41.8
10	99.3	3.5	10.1
11	35.8	14.7	13.9
12	112.1	144.2	690.4
14	1.0	1.0	-
15	27.0	77.1	111.4
16	24.3	50.1	9.0
17	12,320.3	7,347.1	4,555.2
18	156.3	101.7	30.3
19	635.4	414.4	116.8
20	246.2	155.1	59.4
21	256.2	1,294.8	-
22	11,544.2	4,564.2	270.5
23	3.9	3.8	77.8
24	3,074.7	3,362.0	4,218.6
25	9,681.0	9,739.7	3,878.9
26	-	2.4	-
27	16,589.3	10,418.3	15,896.4
28	58.4	14.3	94.4
29	68.5	3.9	1.6
30	185.9	452.9	286.5
31	13.4	17.6	-
32	923.7	1,013.1	1.6
33	867.7	333.8	144.1
34	100.6	50.0	13.4
35	46.6	2.1	9.9
36	-	27.7	5.4
37	50.8	-	-
38	27.4	1.1	335.8
39	465.7	1,231.6	1,355.9
40	259.7	163.4	38.4
41	90.9	57.2	29.7
42	40.7	43.5	13.8
43	-	1.8	2.2
44	38.1	112.5	32.7
48	838.8	3,090.9	140.1
49	114.9	273.3	223.8
51	134.2	375.9	42.1
52	163.7	840.6	187.3
53	200.1	181.8	133.9

H.S. Chapter	Year		
	1997	1998	1998
55	14.2	3.8	3.1
56	41.7	3.6	2.8
57	179.0	65.6	206.0
59	204.7	286.5	14.2
60	-	3.2	-
61	300.3	162.3	254.2
62	151.2	70.2	28.6
63	79.5	13.4	111.9
64	363.8	293.5	16.9
67	1.1	-	-
68	2,427.0	3,106.0	2,164.2
69	174.8	36.9	41.0
70	3,608.5	3,345.3	670.6
71	-	34.0	-
72	169.3	88.6	33.4
73	455.2	1,840.5	793.4
74	165.0	10.3	-
76	735.4	284.5	29.6
78	11.7	50.0	45.0
81	864.3	-	16.9
82	336.6	16.7	3.6
83	14.8	176.2	9.5
84	8,664.1	13,929.2	5,076.9
85	1,787.8	6,722.9	2,981.7
86	58.0	260.7	101.9
87	1,764.9	3,503.6	3,719.8
88	-	-	-
90	47.5	1,115.4	-
94	295.7	161.3	20.0
95	27.0	59.2	46.8
96	90.5	14.7	26.6

Source: National Statistics Committee.

Imports into the Kyrgyz Republic from Russia
(Thousand US\$)

H.S. Chapter	Year		
	1997	1998	1999
Total	190,799.2	204,057.8	109,366.1
1	2.9	5.3	2.4
2	19.9	47.6	27.2
3	1,530.4	2,118.3	1,376.7
4	479.9	1,399.4	1,115.2
5	6.6	1.1	5.0
7	174.2	79.0	18.7
8	40.1	11.3	37.9
9	26.8	11.1	12.7
10	32.9	339.7	40.9
11	934.9	678.4	359.9
12	290.1	73.3	11.5

H.S. Chapter	Year		
	1997	1998	1999
13	-	7.5	-
15	1,754.8	610.3	190.4
16	182.4	527.2	467.7
17	23,033.3	2,048.5	2,762.5
18	409.1	625.9	1,639.5
19	387.4	429.8	646.5
20	80.9	100.1	226.1
21	241.5	483.8	162.3
22	497.7	170.7	1,005.9
23	71.3	97.9	80.7
24	-	13.8	126.8
25	798.5	1,466.0	302.5
26	75.4	5,144.7	870.2
27	48,318.8	53,363.3	27,454.2
28	6,982.3	3,495.8	2,125.5
29	2,034.1	2,361.5	2,100.4
30	2,444.4	3,553.9	2,258.6
31	1,186.7	5,107.3	917.8
32	2,641.4	3,094.8	2,110.7
33	268.1	342.8	179.2
34	866.2	1,297.8	1,580.3
35	48.4	73.0	76.5
36	1,835.7	1,698.7	1,192.5
37	84.4	78.9	26.2
38	2,713.9	1,399.4	1,287.4
39	3,693.5	3,905.3	1,971.2
40	7,621.9	8,142.5	4,783.3
41	211.4	58.5	44.8
42	43.5	19.9	2.9
43	2.5	9.7	1.7
44	8,497.0	8,241.6	3,324.5
47	-	21.3	1.2
48	6,496.2	9,058.0	4,420.5
49	526.6	13,159.1	993.8
50	-	-	9.4
51	547.3	225.0	406.2
52	77.9	145.0	21.5
53	239.9	90.1	61.5
54	1,289.7	193.9	125.5
55	472.2	275.4	48.6
56	422.4	560.7	254.5
57	52.2	2.1	-
58	27.5	20.7	39.1
59	1,453.4	2,036.7	775.8
60	10.0	2.0	-
61	524.8	151.4	11.9
62	303.1	98.4	59.0
63	167.2	97.5	202.6
64	1,473.6	1,367.6	787.0
65	65.9	15.3	-
66	-	1.1	1.3
68	300.1	556.1	386.0
69	892.3	659.8	582.3

H.S. Chapter	Year		
	1997	1998	1999
70	903.1	1,224.5	214.3
71	413.6	265.1	8.5
72	4,458.5	7,378.5	3,167.8
73	5,392.8	11,328.3	4,992.5
74	1,109.1	654.0	1,064.4
75	54.4	7.3	11.8
76	2,095.1	745.5	240.9
78	78.8	66.3	21.8
79	54.5	144.4	136.2
80	73.9	100.1	50.9
81	1,483.0	1,432.7	902.3
82	103.7	289.1	73.2
83	943.9	859.0	670.7
84	23,392.7	21,929.4	11,455.9
85	5,957.6	5,577.0	7,290.5
86	158.5	1,896.9	165.5
87	4,398.6	5,978.8	5,639.8
88	524.5	259.1	272.1
90	1,536.6	1,831.9	644.1
91	37.3	19.6	8.4
92	11.7	-	3.5
94	1,450.6	398.2	179.6
95	79.9	12.6	10.0
96	89.0	68.2	12.8

Source: National Statistics Committee.

Exports from the Kyrgyz Republic to Russia
(Thousand US\$)

H.S. Chapter	Year		
	1997	1998	1999
Total	98,844.9	83,679.3	70,713.1
1	2.3	2.5	3.1
2	6.1	5.0	-
3	-	15.5	-
4	608.2	124.6	68.9
6	12.5	16.2	4.2
7	8,182.8	7,900.0	4,179.4
8	7,697.5	3,863.7	2,866.8
9	37.2	78.6	40.7
10	81.8	61.0	1.8
11	312.4	113.9	-
12	1,831.8	968.6	1,744.9
13	58.4	30.7	10.1
14	105.6	51.3	7.6
15	62.0	44.1	12.8
16	822.8	250.2	10.5
17	1,562.2	388.3	297.6
18	-	-	401.9
19	110.2	38.4	19.3

H.S. Chapter	Year		
	1997	1998	1999
20	945.4	649.6	703.6
21	979.1	13.2	22.0
22	1,856.1	10.2	5.4
23	-	1.0	71.7
24	20,563.2	34,364.0	34,259.4
25	1,551.5	466.4	264.3
26	787.3	333.5	576.6
27	829.6	681.4	538.0
28	2,849.5	1,247.1	938.1
29	1.7	2.7	-
30	5.9	316.4	214.6
32	308.9	27.0	21.3
33	11.9	60.2	125.5
34	11.0	-	12.9
35	28.8	22.6	-
38	1.2	-	-
39	503.0	213.0	702.8
40	265.9	289.9	37.2
41	256.7	156.2	26.7
42	131.9	22.7	7.2
43	276.3	110.7	8.7
44	53.6	4.1	1.0
48	22.3	69.7	40.5
49	14.3	0.6	8.8
50	24.9	7.4	1.0
51	432.8	631.6	1,048.8
52	3,982.5	2,165.2	6,732.5
53	15.3	29.3	-
54	130.4	7.6	8.9
55	212.8	274.5	126.1
56	741.4	282.3	101.0
57	525.4	125.7	3.9
58	36.9	13.3	76.9
59	2,240.8	1,546.6	310.9
60	20.0	6.9	3.2
61	2,727.2	1,389.2	351.6
62	2,929.8	1,627.5	689.3
63	2,011.2	1,315.2	1,354.0
64	656.6	543.4	67.7
65	5.2	17.9	1.3
66	-	2.2	-
67	8.3	12.9	1.0
68	1,239.0	820.0	69.7
69	37.7	-	3.0
70	1,369.5	747.9	70.3
71	221.0	-	-
72	283.8	274.9	9.2
73	1,135.8	691.2	368.1
74	7.8	26.5	123.8
76	79.8	74.1	15.9
81	3,826.5	2,273.3	1,180.6
82	329.1	309.6	308.5
83	117.6	73.8	5.5

H.S. Chapter	Year		
	1997	1998	1999
84	5,681.7	3,044.7	1,488.2
85	9,501.6	7,030.5	5,339.1
86	176.6	18.3	1.0
87	2,781.0	2,297.9	1,760.5
88	59.0	13.7	56.5
90	366.9	71.9	141.8
91	-	1.3	-
94	872.4	251.6	55.4
95	219.7	74.1	5.0
96	87.4	178.5	166.2
97	-	1.0	280.2

Source: National Statistics Committee.

Imports into the Kyrgyz Republic from Tadjikistan
(Thousand US\$)

H.S. Chapter	Year		
	1997	1998	1998
Total	9,992.3	6,375.8	4,041.3
1	1.2	-	2.2
2	-	5.5	-
7	1.0	-	0.1
8	70.3	56.4	157.5
9	19.4	111.1	0.5
11	65.7	4.2	-
15	95.8	9.5	14.8
16	3.6	-	-
17	-	1.1	1.3
20	-	12.7	27.8
21	-	-	13.3
22	17.7	-	5.6
24	64.8	9.8	-
25	309.2	188.4	48.2
26	64.0	1,126.0	307.2
27	5,425.2	309.1	2,929.9
28	18.1	65.6	47.8
30	19.5	-	-
31	112.0	1.5	-
32	-	6.3	-
33	5.2	-	5.2
34	11.4	18.5	-
36	274.2	256.7	225.9
38	-	72.8	-
39	-	6.0	-
40	8.9	0.2	-
41	36.8	12.9	5.7
48	-	33.1	0.1
50	117.5	-	3.6
51	4.1	115.3	-

H.S. Chapter	Year		
	1997	1998	1998
52	421.7	35.8	46.8
54	-	-	0.7
55	47.3	-	0.3
56	-	-	3.5
57	-	-	0.7
58	-	-	0.2
59	2.6	-	0.5
61	7.9	-	-
62	12.6	-	-
63	-	-	6.8
64	-	-	1.5
68	-	-	0.3
69	4.3	-	-
70	2.9	-	-
72	1.0	-	-
73	21.5	-	2.2
74	2,258.6	1,320.5	-
76	196.2	140.4	44.6
84	92.4	20.5	-
85	177.5	-	123.1
87	-	0.7	12.8
94	-	19.5	-
96	-	-	0.3

Source: National Statistics Committee.

Exports from the Kyrgyz Republic to Tadjikistan
(Thousand US\$)

H.S. Chapter	Year		
	1997	1998	1999
Total	12,666.3	8,299.2	9,463.0
2	-	5.3	-
4	4.3	7.1	1.0
7	25.8	52.0	4.4
8	104.5	4.0	2.6
9	99.8	573.2	205.5
10	81.1	242.5	227.0
11	5,156.8	1,941.3	1,574.5
12	1.6	6.1	0.3
15	102.9	101.4	169.9
16	-	-	0.5
17	603.5	73.7	19.6
18	-	9.6	7.4
19	27.0	27.8	9.3
20	-	0.9	3.0
21	6.7	-	7.8
22	1,251.5	128.8	65.0
23	17.7	-	-
24	97.0	1,288.7	267.6
25	66.2	200.6	105.3

H.S. Chapter	Year		
	1997	1998	1999
26	-	-	20.0
27	3,053.7	390.4	4,780.2
28	11.0	2.5	-
29	-	172.9	-
30	4.9	209.8	166.8
31	159.6	17.2	-
32	5.6	26.6	4.0
34	40.0	31.4	6.9
35	-	1.0	-
36	4.0	0.3	-
39	1.6	36.3	8.8
40	207.3	169.9	39.2
41	15.9	0.4	-
44	68.2	79.0	49.3
48	29.4	29.3	39.9
49	-	-	9.2
50	-	1.5	-
51	7.4	1.8	1.6
52	2.0	15.0	0.4
53	-	53.6	-
54	4.5	14.7	-
55	-	7.1	0.5
56	3.8	11.9	-
57	7.9	15.7	1.3
58	-	-	0.4
59	23.4	0.9	2.6
61	1.0	5.5	194.5
62	224.0	12.9	5.0
63	135.0	80.1	13.1
64	85.5	53.0	54.5
65	-	-	0.7
68	212.8	782.5	670.1
69	-	6.4	1.4
70	61.0	296.2	99.0
72	58.4	100.2	21.8
73	94.3	16.6	84.2
74	-	-	3.7
76	3.4	0.3	0.2
78	-	-	9.5
79	2.1	33.7	0.2
82	-	-	1.5
83	1.4	15.4	12.4
84	11.3	247.3	55.3
85	339.6	354.4	93.7
86	-	-	224.7
87	29.7	95.7	65.4
90	22.1	-	-
91	-	-	1.3
94	47.2	95.7	32.6
95	-	-	0.6
96	-	5.2	

Source: National Statistics Committee.

ANNEX II

Protocol on Mechanism of Application of Special Safeguards, Antidumping and Countervailing Measures in Trade of Member-Countries of the Customs Union

Governments of the Republic of Byelorussia, Republic of Kazakhstan, the Kyrgyz Republic, Russian Federation and Republic of Tajikistan, hereinafter referred to as the Parties,

Guided by the Agreements on Customs Union and bilateral agreements on free trade of the member-countries of the Customs Union and having in mind provisions of the Agreement on Customs Union and Common Economic Area of February 26, 1999;

In accordance with the point 23 of the Protocol of April 2, 1999 on Introducing Amendments and Additions to the Agreement on Creation of the Free-Trade Area of April 15, 1994;

With the aim of coordinated application of special safeguards, anti-dumping and countervailing measures with regard to import of goods in mutual trade and in trade with third countries;

Willing to provide protection of national production, create conditions promoting development of competition among domestic and foreign producers of goods, and increase competitiveness of the domestic production;

Seeking to minimize the losses of the member-countries of the Customs Union (hereinafter referred to as member-countries) occurred due to applied measures on protection of the domestic market and domestic producers of goods;

Guided by accepted norms and principles of the international law;

HEREBY AGREE as follows:

Article 1

For the purpose of the present Protocol the following main notions are used:

- Serious injury to the industry of the national economy means a significant overall impairment in the position of a national economy caused by increase in import of the like or directly competitive product to the customs territory of a member-country, or dumping import of such a product, or import of a product, subsidized by the relevant member-country or third countries supported by the evidence, and the injury is expressed, in particular, in reduction of the volume of production of such a product, reduction of its sale in the domestic market of a member-country, reduction of profits from production of such product, slowing down the development of the industry of the national economy of the member-country, negative impact on goods stock, population employment, level of wages, total investment activity and other indicators;
- Threat of serious injury to the industry of the national economy means obvious inevitability of serious injury to the industry of the national economy supported by the evidence;

- The industry of the national economy means producers of the like or directly competitive product in any industry of the economy of a member-country;
- The like or directly competitive product means a product, which is classified by one and the same code of the Trade Nomenclature of the external economic activity of the CIS countries, and which is fully identified to the other product or compatible with it by its functional purpose, application, qualitative and technical characteristics, or by other main qualities in such a way, that a buyer substitutes or is ready to substitute this product with another one in the process of consumption;
- Special safeguard measures mean measures on restricting the import of goods to the customs territory of one of a member-country for its free circulation in its domestic market, which the Party applies by introducing quantitative restrictions of import or special duty, including provisional one;
- Special duty means a duty, applied when introducing special safeguard measures and is levied beyond the base rate of the import customs duty by the authorized body of a member-country;
- Anti-dumping measures mean measures on restricting dumping import of good, which the Party applies by introducing anti-dumping duty, including provisional one, or by price undertakings;
- Anti-dumping duty means a duty, which is applied when introducing anti-dumping measures and is levied by the authorized body of a member-country beyond the base rate of the import customs duty;
- Dumping import means the import of goods at export price below its normal value;
- Countervailing measures mean measures on restricting import of a good, subsidized by one of a member-countries or third countries, which the Party applies by introducing countervailing duty, including provisional one, or by price undertaking;
- Countervailing duty means a duty, applied when introducing countervailing measures, and is levied by the authorized body of a member-country beyond the base rate of the import customs duty.

Article 2

To establish that:

- special safeguard measures may be introduced in the form of quantitative restrictions of import of goods or in the form of special duties;
- anti-dumping measures may be introduced in the form of anti-dumping duties or by price undertaking;
- countervailing measures may be introduced in the form of countervailing duties or by price undertaking;

for the period necessary for elimination of the serious injury or threat thereof in accordance with the provisions of the present Protocol and/or national legislation of member-countries.

Article 3

If import of goods to the territory of one of the Parties is carried out in such quantities and on such terms, which cause serious injury or threat thereof to the industry of the national economy, this Party may apply special safeguard, anti-dumping, or countervailing measures with respect to this import of goods after investigation was conducted in accordance with the national legislation.

Article 4

1. If one of the Parties shall apply special safeguard, anti-dumping, or countervailing measures, this Party should inform other Parties in advance, but not later than 30 days before and propose conduction of consultations.

2. Proposal on conducting consultations shall be directed in written form, with the attached materials, confirming the existence of serious injury or threat thereof to the industry of the national economy.

Article 5

1. To establish that confirmation of the existence of serious injury shall be based upon the existing data and include objective analysis of both volume of import of goods and its influence on prices of national domestic market of the like or directly competitive good, as well as consequences of such an import for producers of the industry of the national economy of the importing member-country.

2. Volume of import of good is considered from the viewpoint of its significant increase in absolute and relative terms with regard to the level of production and consumption of the like or directly competitive product in the territory of the importing member-country.

Article 6

To establish that influence of import of good on prices of national domestic market shall be fixed by determination of the existence of significant difference between prices on importing good and prices on the like or directly competitive product of domestic production or existence of other significant influence of import on these prices, which cause or may cause their reduction, impede or will impede increase of such prices, which would have taken place in case of absence of import of good.

Article 7

To define that evidence of influence of import of good on the industry of the national economy must be based upon evaluation of all significant economic factors which influence on industry condition, including, in particular, decline in sales, profit and volume of production, market share, productivity, recoupment of capital investments, utilization of capacity, and factors, affecting domestic prices, actual and potential influence on profits, goods in stocks, employment, wages, growth rate, possibility of increasing of the aggregate authorized stock of enterprises of the industry of the national economy or raising its capital investments, which have taken place or are possible in the nearest future.

Article 8

1. To define that evidence of serious injury or threat thereof to the industry of the national economy of the importing member-country must be based upon investigation of the factors other than import of good which negatively influence on condition of the industry, including on the volume and level of price of import of good, change of supply and demand, consequences of restricting trade practice and competition between foreign and domestic producers, change of the production technology, export and production indicators of an industry of the national economy.

2. The serious injury caused by these factors should not referred to be caused by the import of goods to which the application of special safeguard, anti-dumping, and countervailing measures is possible.

Article 9

To consider that identification of the threat of serious injury to the industry of the national economy shall be based solely upon facts. The following factors should also be considered:

- dynamics of import, which evidences of actual possibility of continuing significant growth of volume of import of goods;
- existence of free production capacities or obvious inevitable growth of production capacities of the exporter, which evidences of actual possibility of significant increase of import of good to the territory of the importing member-country considering potential capacity of other sales market;
- such price level for import of good, which cause significant overwhelming effect on prices of the domestic producers and may cause further growth of demand on importing goods;
- volume of stock of the like or directly competitive good.

Article 10

To consider that none of these factors or facts, enumerated in Articles 5-9 of the present Protocol *per se*, shall be compulsory ground for making a conclusion on the existence of serious injury or threat thereof. The conclusion on the existence or absence of serious injury or threat thereof shall be taken on the basis of examination the aggregate of all factors or facts. In particular cases when serious injury or threat thereof is caused by the increase of volume of import of good or in the absence of the increase of volume of import of good, the latter is carried out by prices or upon the terms, causing serious injury to the industry of the national economy, special safeguard, anti-dumping, or countervailing measures may be undertaken in case there is a casual link between the serious injury or threat thereof to the industry of the national economy and the increasing volumes of import of goods, or by dumping import of good, or by subsidized import thereof.

Article 11

With respect to the investigations preceding to the introduction of special safeguard, anti-dumping or countervailing measures, each Party shall agree to investigate presentation of the other Party and inform the Integration Committee on substantial facts and conclusions. The final decision shall be made on the basis of this information. Prior to the decision on introduction of special safeguard, anti-dumping or countervailing measures the Parties shall undertake all possible efforts for constructive solution of the problem, in particular, within the framework of bilateral consultations.

Article 12

1. In case of urgency, where delay with application of special safeguard, anti-dumping or countervailing measures would cause or may cause damage to the industry of the national economy which it would be difficult to repair, according to the national legislation, a provisional special, anti-dumping and countervailing measure may be taken before consultations, provided that conduction of such consultations shall be organized immediately.
2. The Parties shall inform the Integration Committee on introducing of the indicated measures.

Article 13

The provisions of the present Protocol, stipulating application of special safeguard, anti-dumping or countervailing measures in mutual trade of member-countries of the agreements on Customs Union, shall be applied prior to creation of the common customs territory of these countries.

Article 14

Disputes among the Parties regarding understanding or application of provisions of the present Protocol shall be settled in the course of negotiations.

Article 15

The additions or amendments, if necessary, shall be added to the present Protocol upon the agreement of the Parties.

Article 16

1. The present Protocol shall enter into force from the date of receiving the final notification on implementation of intergovernmental procedures by the Parties, necessary for its entering into force, by the Depositary, which is the Integration Committee. Each of the Parties may cancel the present Protocol upon expiration of six months from the date of notifying the Depositary on its intention to cease its actions by diplomatic channels.
2. Done in Moscow city on 17 February 000, in one copy in the Russian language. The original copy shall be kept in the Integration Committee, which shall forward the certified copy to each Party that signed the present Protocol.

For the Government of the Republic of Byelorussia

For the Government of the Republic of Kazakhstan

For the Government of the Kyrgyz Republic

For the Government of the Russian Federation

For the Government of the Republic of Tajikistan
