Fulfillment of EAEU Member States' Commitments in WTO

July 2020

* According to the EAEU Statistics Compendium, 2020
The EAEU Member States are governed in their activities by the WTO norms and principles and recognize the importance for all Union Member States to accede the Organization.

Observing the WTO commitments is ensured by the Treaty on the functioning of the Customs Union within the Multilateral Trading System dated May 19, 2011.

1.1 From the date of any Party’s accession to the WTO, the provisions of the WTO Agreement, as set out in the Protocol on this Party’s Accession to the WTO, including the commitments assumed as a condition for its accession to the WTO... shall become part of the Customs Union's legal system.

2.1. The Parties shall take steps to harmonize the Customs Union's legal system and the decisions adopted by its bodies with the WTO Agreement, as stipulated in the Protocol on the Accession of each Party, including the commitments assumed by each Party as one of the conditions for its accession to the WTO. Until such steps are taken, the provisions of the WTO Agreement ... shall prevail over relevant international treaties concluded within the Customs Union and over any decisions adopted by its bodies.
Review of the Republic of Armenia’s tariff commitments resulting from its accession to the EAEU

Since January 2, 2015, Armenia is a full-fledged EAEU member applying the EAEU Common Customs Tariff (CCT)

In November 2014, in accordance with the WTO procedures, Armenia submitted its notification to review its tariff commitments under Article XXIV:6 GATT-94

11 applications to participate in negotiations were received during a 3-month period following the notification

In November 2019, the deadline for negotiations was extended until January 2021 in accordance with Article XXVIII:3 GATT

Consultations with the WTO members to try completing compensation negotiations are underway

The EAEU Negotiation Delegation was established by Disposition No. 12 of the EEC Council dated April 23, 2015*, the Delegation is headed by V.A. Simonyan, Deputy Minister of Economy of the Republic of Armenia.

* The composition of the Negotiation Delegation was changed by Council’s Disposition No. 40 dated November 18, 2019.
Review of the Kyrgyz Republic’s tariff commitments resulting from its accession to the EAEU

Since August 12, 2015, the Kyrgyz Republic is a full-fledged EAEU member applying the EAEU Common Customs Tariff (CCT)

In April 2015, in accordance with the WTO procedures, Kyrgyzstan submitted its notification to review its tariff commitments under Article XXIV:6 GATT-1994

6 applications to participate in negotiations and 1 request to hold consultations were received during a 3-month period following the notification

In November 2019, the deadline for negotiations was extended until February 2021 in accordance with Article XXVIII:3 GATT

In February 2020, consultations were held with the EU; discussions with the WTO members to try completing compensation negotiations are underway

The EAEU Negotiation Delegation was established by Disposition No. 16 of the EEC Council dated August 9, 2016*, the Delegation is headed by E.T. Alisherov, Deputy Minister of Economy of the Kyrgyz Republic.

* The composition of the Negotiation Delegation was changed by Council’s Disposition No. 41 dated November 18, 2019.
Commitments of the Russian Federation in the WTO are incorporated in the EAEU Common Customs Tariff

On August 22, 2012, the Russian Federation became the 156th Member of

- In 1993, an official application to accede to the GATT was submitted
- In 1998, initial tariff offer and initial offer in agriculture were presented to the WG Members
- In October 1999, a services offer was presented to the WG Members
- In December 2011, the Protocol on Russia's Accession to the WTO was signed at the VIII Ministerial Conference

Following Russia's accession to the WTO, the Treaty on the functioning of the Customs Union within the Multilateral Trading System entered into force (signed on May 19, 2011)
Kazakhstan’s commitments in the WTO are being fulfilled in their entirety upon joining the Organization through relevant EAEU tools (exceptions from the EAEU CCT and traceability system).

In November 2015, Kazakhstan became the 162nd Member of the WTO.

Conflicts between Kazakhstan’s commitments in the WTO and the Union's law mainly relate to issues of customs and tariff regulation. Differences in the SPS regulation are confined to Kazakhstan's commitments to approve bilateral veterinary certificates at request of the WTO Members. The circulation of goods imported under such certificates should be limited to the territory of Kazakhstan.

The Union’s regulatory acts adopted subsequent to Kazakhstan’s accession to the WTO:

- Protocol on Certain Issues Concerning the Import and Circulation of Goods in the EAEU Customs Territory;
- SEEC Decision No. 22 dated October 16, 2015 on certain issues related to Kazakhstan's accession to the WTO;
- Decision No. 59 of the Commission’s Council dated October 14, 2015 on the List of Exceptions from the EAEU.

* As of July 1, 2020, the List of Exceptions of the Republic of Kazakhstan contains 3,311 ten-digit tariff lines.
The Working Group on Belarus' accession to the WTO consists of 47 countries (as of July 30, 2020)

The Republic of Belarus has enjoyed the Observer Status in the WTO since 1993

Working Group on the Republic of Belarus' accession to the WTO was formed in October 1993
Since then, 12 official meetings have been held.

Belarus has to complete bilateral market access negotiations with 6 WTO Members: EU, Canada, USA, Ukraine, Brazil and Australia

Belarus declared its intention to complete the process of joining the WTO in late 2020 — early 2021

Belarus holds negotiations on joining the WTO in four major areas: on access to the market of goods, on trade in agricultural products, on access to the market of services and on systemic issues
The Commission prepares draft notifications on regulatory measures taken within the EAEU for submission to the WTO (Recommendation No. 8 of the Commission’s Board dated March 21, 2017)

Notification preparation procedure:

1. notification is drafted by the Commission

2. the draft is considered by the EAEU Member States’ authorities

3. comments and proposals are worked out at the EEC’s venue

4. final draft notification is sent by the EAEU Member States being WTO Members to the Organization
Trade Policy Department, in cooperation with the Commission’s relevant departments, regularly prepares draft notifications in accordance with the following WTO Agreements/Decisions:

- General Agreement on Tariffs and Trade, 1994
- Agreement on the Application of Sanitary and Phytosanitary Measures
- Agreement on Agriculture
- Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade, 1994
- Agreement on Rules of Origin
- Agreement on Import Licensing Procedures
- Market Access (Decision of the WTO General Council on Quantitative Restrictions and the WTO's Integrated Database)

As of year-end 2019, the Commission sent 39 final draft notifications on regulatory measures being taken within the EAEU to the Member States.
In accordance with the Treaty on the Eurasian Economic Union, the EAEU Members shall apply the Common Customs Tariff of the Eurasian Economic Union and other common measures to regulate trade in goods with third countries.

Introduction of the Eurasian Economic Union's Common Customs Tariff is based on:

- Fulfillment of commitments arising from the Agreement Establishing the WTO and the Protocol on the Accession of the Russian Federation
- Target-based prompt adjustment* of import duty rates in accordance with:
  - requests from the EAEU Member States’ authorized authorities
  - long-term guidelines of joint industrial and agricultural policy of the EAEU Members
  - monitoring of foreign trade and analysis of the situation in internal and foreign markets

- bringing duty rates in line with the schedule for fulfilling commitments of the Russian Federation
- establishing tariff quotas in accordance with commitments of the Russian Federation in the WTO

* The EAEU CCT rates established as a result of adjustments should not exceed Russia’s commitments in the WTO.
Dynamics of weighted average rate of the EAEU CCT import customs duty in 2012-2019

<table>
<thead>
<tr>
<th>Year</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>8.53%</td>
</tr>
<tr>
<td>2013</td>
<td>7.57%</td>
</tr>
<tr>
<td>2014</td>
<td>6.50%</td>
</tr>
<tr>
<td>2015</td>
<td>5.43%</td>
</tr>
<tr>
<td>2016</td>
<td>5.00%</td>
</tr>
<tr>
<td>2017</td>
<td>4.81%</td>
</tr>
<tr>
<td>2018</td>
<td>4.79%</td>
</tr>
<tr>
<td>2019</td>
<td>4.76%</td>
</tr>
<tr>
<td>2020</td>
<td>4.26%</td>
</tr>
</tbody>
</table>

Structure of the Eurasian Economic Union's Common Customs Tariff

- By rate value:
  - ≤10% rate: 86%
  - ≤15% rate: 9%
  - ≤20% rate: 5%
  - ≤5% rate: 0%
  - Other: 9%

- By rate type:
  - Ad valorem rate: 86%
  - Complex rates: 9%
  - Customs specific rates: 5%

* The data provided is relevant for January-March 2020
Non-tariff regulation measures are applied in accordance with the EAEU Member States’ international commitments, including the EAEU Member States’ commitments in the WTO.

- EEC* may impose a ban and quantitative restrictions on export/import of goods
- EEC may decide to grant exclusive rights for export/import of goods based on the Member States' proposals
- EEC may introduce automatic licensing (supervision) of export/import of goods
- EEC may introduce authorization-based procedures for import/export of goods

Goods prohibited for import into the

- Ozone depleting substances
- Service and civilian weapons
- Extremist literature and audio materials
- Some types of plant protection agents
- Hazardous waste
- Some types of marine resource catching
- Articles made of Greenland seal

*Eurasian Economic Commission
The Commission's Department for Internal Market Protection (DIMP) is the Union’s investigative body.

- The DIMP conducts safeguard, anti-dumping and countervailing investigations.
- The EEC Board adopts decisions to apply, extend, review or cancel internal market protection measures.
- The EEC monitors the implementation of decisions on internal market protection measures.

Internal market protection measures are applied in accordance with:

**EAEU legal framework**
- Treaty on the Union (Articles 48-50, Annex No. 8)
- Decision No. 1 of the EEC Board dated March 7, 2012; Decision No. 44 dated May 16, 2012

**WTO Agreements**
- Articles VI and XIX of the GATT 1994
- Agreement on Implementation of Article VI, GATT 1994 (Anti-Dumping Agreement) Agreement on Subsidies and Countervailing Measures
- Agreement on Safeguard Measures

- Confidential information protection

- Access to a non-confidential dossier

- Reviews (3 reviews) were made under paragraph 620 of the Report of the Working Group on Accession of the Russian Federation to the WTO

- Compliance of measures applied on the date of accession to the WTO with the WTO rules
The Department for Internal Market Protection regularly prepares draft notifications on investigations being conducted and measures being applied and sends them to the Member States for submission to the WTO working bodies.

- Semi-annual reports on actions taken in connection with anti-dumping and countervailing investigations and measures
- Ad hoc notifications on preliminary or final actions taken with respect to anti-dumping and countervailing investigations and measures
- Notifications on safeguard investigations and measures (on initiating an investigation, on possible introduction of a preliminary measure, on establishing serious damage or threat due to increased imports, on the decision to apply or extend a safeguard measure and other types of notifications)
Investigations and protective measures being applied, as of July 2020

Ongoing investigations

- 8 initial anti-dumping investigations
- 6 repeated anti-dumping investigations

Trade remedies being applied

- 1 safeguard measure
- 20 anti-dumping measures
- 19 anti-dumping measures
Unified List of Products subject to Mandatory Requirements within the Customs Union contains 67 items

- The EEC elaborates technical regulations for products included in the Unified List of Products subject to Mandatory Requirements within the Customs Union
- The EEC approves common criteria for conformity assessment bodies and testing laboratories
- The EEC approves common rules for conformity assessment and unified forms of conformity certificates and declarations

Prior to approval, draft technical regulations are subject to regulatory impact assessment and are published for public discussion

As of July 1, 2020:

- 48 technical regulations adopted
- 43 technical regulations entered into force
Sanitary, veterinary-sanitary and phytosanitary quarantine measures are applied in the Union under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures as well as international and regional standards.

- The EEC approves unified lists of goods subject to veterinary, sanitary and phytosanitary control.
- The EEC approves unified veterinary, sanitary and epidemiological requirements and certificate forms.
- The EEC regulates the procedure for veterinary, sanitary-epidemiological and phytosanitary quarantine control (supervision).

Sanitary, veterinary and phytosanitary measures apply to:

- People
- Products (goods) subject to sanitary, veterinary and phytosanitary quarantine supervision
- Transport
FULFILLMENT OF SPS COMMITMENTS

Compliance with international standards and recommendation

- Amendments were introduced into the Unified Veterinary Requirements and Unified Forms of Veterinary Certificates (Decision No. 317 of the Customs Union Commission dated June 18, 2010)
- Application of international standards is ensured (when no risk assessment is conducted) (Decision No. 721 of the Customs Union Commission dated June 22, 2011)
- Procedure for harmonization in accordance with international standards was established (Decision No. 625 of the Customs Union Commission dated April 7, 2011; Decision No. 212 of the EEC Board dated November 6, 2012)

Transparency requirements

- Public discussion and regulatory impact assessment of draft regulatory legal acts are organized in accordance with the Commission's Rules of Procedure (SEEC Decision No. 98 dated December 23, 2014)

Equivalence and risk assessment

- Assessment of SPS measures equivalence and risk management are ensured (EEC Decision No. 835 dated November 18, 2011 and Decision No. 17 dated February 11, 2014)
- Amendments were introduced into the Unified Veterinary Requirements as to cancel the requirement for maintaining registers of companies (CN FEA codes 0401, 0301)

Russia's commitments in the WTO

- New regulation on joint inspections, including guidelines for inspectors (Decision No. 94 of the EEC Council dated October 9, 2014) was approved
- One accompanying document (veterinary certificate) is required to import animal products into the EAEU territory
Thank you!

Trade Policy Department

http://www.eurasiancommission.org/