Implementation of EAEU’s Members WTO commitments

August 2016
On 1st January 2015 the Treaty on the Eurasian Economic Union (EAEU) entered into force. The Treaty vests the Union with international legal identity.

* According to the 2016 EAEU Statistical digest.
EAEU AND THE WTO

EAEU Member States are guided by the norms and principles on the WTO and confirm the importance of the accession of all Union Member States to the Organization.

WTO compliance is ensured by the Treaty on the CU Functioning in the Framework of Multilateral System of 19 May 2011.

1.1 With effect from the date of accession of any of the Parties to the WTO, the provisions of the WTO Agreement, as defined in that Party's Protocol of Accession to the WTO, including the commitments made as a condition of accession to the WTO ... shall become a part of the legal system of the Customs Union.

2.1 The Parties shall take steps to align the legal system of the Customs Union and the decisions made by its bodies with the WTO Agreement, as stipulated in the Protocol of Accession of each Party, including the commitments made by every Party as a condition for its accession to the WTO. Until such steps are taken, the provisions of the WTO Agreement ... shall prevail over the corresponding international agreements made within the Customs Union and over any decisions made by its bodies.
Armenia’s tariff modification resulting from its accession to the EAEU

Since 2 January 2015 - a full EAEU Member State applying Union’s Common Customs Tariff (CCT)

In November 2014 in line with WTO procedures Armenia submitted its notification on tariff modification under Article XXIV:6

11 claims of interest were received during 3-month period following the submission of the notification

12-month extension of negotiations under GATT Article XXVIII:3 was obtained in November 2015

In June 2015 and 2016 Armenia held consultations with WTO Members with a view to engage in negotiations on compensatory adjustment

EAEU Negotiation Delegation is established by the EEC Council Disposition № 12 of 23 April 2015*, Head of the Delegation - First Deputy Minister of Economy of Armenia Mr. Garegin Melkonyan.

* Amended by the EEC Council Disposition № 30 of 2 December 2015.
The Kyrgyz Republic tariff modification resulting from its accession to the EAEU

Since 12 August 2015 - a full EAEU Member applying Union’s Common External Tariff (CET)

In April 2015 in line with WTO procedures Kyrgyz Republic submitted its notification on tariff modification under Article XXIV:6

6 claims of interests and 1 request for consultation were received during 3-month period following the submission of the notification

New extension of negotiations under GATT Article XXVIII:3 was obtained in June 2016 (exp. Feb 2018)

EAEU Negotiation Delegation will be established shortly.
Deputy Minister of Economy of the Kyrgyz Republic Mr. Eldar Abakirov is to become the Head of the delegation.
In August 2012 the Russian Federation has become the 156th Member of the WTO. Following Russia’s accession to the WTO, Treaty on the CU Functioning in the Framework of Multilateral System (signed in 19 May 2011) entered into force.
In November 2015 the Republic of Kazakhstan has become the 162 Member of the WTO.

Kazakhstan’s commitments in the WTO are being fully implemented upon accession through the relevant EAEU instruments (exceptions from the EAEU CCT & traceability systems).

In 1996 Kazakhstan applied to join the World Trade Organization.

In 2015 10th Ministerial Conference welcomed Kazakhstan as a new WTO Member.

Exceptions from the EAEU CCT* and the traceability system of goods falling under such exceptions were introduced to fulfil Kazakhstan’s WTO tariff commitments.

SPS traceability system of goods imported to Kazakhstan under the rules different from the EAEU SPS legislation was introduced to fulfill Kazakhstan’s WTO SPS commitments.

Differences between Kazakhstan’s WTO commitments and the EAEU legislation mostly occur in the sphere of customs tariff regulation. Differences in the sphere of SPS regulation narrowed to Kazakhstan’s commitment to negotiate bilateral veterinary certificates at the request of the WTO Members for particular goods. The circulation of such goods shall be limited to the territory of Kazakhstan.

Union’s legislation introduced due to Kazakhstan’s accession to the WTO:
- Protocol on some issues concerning import and circulation of goods within the Customs Territory of the EAEU;
- HEEC Decision № 22 of 16 October 2015 on some issues concerning Kazakhstan’s accession to the WTO;
- EEC Council Decision № 59 of 14 October 2015 on Kazakhstan’s exceptions from the EAEU CCT

* Since 1st December 2016 exceptions will equal to 1911 10-digit level tariff lines.
Since 1993 the Republic of Belarus has enjoyed the WTO observer status.

Working Party on the accession of Belarus to the WTO comprises 46 countries (as of 26.05.16)

The Working Party on the accession of Belarus was established in October 1993. So far, 7 formal meetings of the Working Party were held.

Belarus concluded bilateral negotiations with 10 WTO Members.

In 2015 Belarus declared its readiness to re-activate and fully engage with the process of accession negotiations. Priority of its national interests in the negotiation process is emphasized.

Belarus holds its negotiations on joining the Word Trade Organization in four major areas: bringing the national legislation into compliance with the WTO multilateral rules, market access for goods, market access for services, and government support to agriculture.
Fulfilling the commitments under the Treaty on the Eurasian Economic Union (EAEU) Member States of the Union apply **Common Customs Tariff** and other **common measures of foreign trade regulation**

### Maintenance of Common Customs Tariff based on:

- Fulfillment of commitments under the Agreement Establishing the WTO and Protocol of Accession to the WTO of the RF

- Fine-tuning* of import customs duty rates on the basis of:
  - requests from authorities, business entities and associations of the EAEU Members
  - long-term benchmarks of the common industrial and agricultural policy of the EAEU Members
  - monitoring of foreign trade and analysis of the situation on domestic and foreign markets

### Fine-tuning* of import customs duty rates on the basis of:

- bringing customs duty rates in line with the commitments of the RF
- establishing tariff quotas subject to the commitments of the RF to the WTO

* The rates of the EAEU CCT resulting from the fine-tuning shall not overlap the RF WTO tariff commitments.
In December 2013, WTO members concluded negotiations on the Trade Facilitation Agreement at the Bali Ministerial Conference. In 2014 the Protocol of Amendment which inserts the new Agreement into Annex 1A of the WTO Agreement was adopted.

The Trade Facilitation Agreement will enter into force after two-thirds of WTO Members will have completed their domestic ratification process. Currently more than 80 countries (out of 108 required) have notified to the WTO about the completion of the ratification process.

* SDT provisions allow developing and LDC WTO Members to determine when they will implement individual provisions of the Agreement and to identify provisions that they will only be able to implement upon the receipt of technical assistance and support for capacity building.
In September 2016 duty rates will be reduced for 1737 tariff lines.

**Common Customs Tariff structure, %**

- **≤5% duty**
- **≤10% duty**
- **≤15% duty**
- **≤20% duty**
- **0% duty**
- **Other**

**Dynamics of weighted average import duty rate, %**

- **2012**: 8.75%
- **Sept. 2012**: 7.87%
- **2013**: 7.56%
- **2014**: 7.00%
- **2015**: 5.2%
- **2016**: 5.18%*

*Indicated value is relevant for the period of January-March 2016.*
Non-tariff measures are applied in accordance with Union Members’ WTO commitments and international obligations of Member States.

- EEC prohibits import and/or export of goods and introduce quantitative restrictions.
- EEC adopts decisions on exclusive export/import rights granting on proposal from Member States.
- EEC introduces/cancel automatic licensing (surveillance) of export and/or import of goods.
- EEC introduces/cancel authorization-based procedure for import and/or export of goods.

**EAEU import prohibition list:**

- Ozone depleting substances
- Service and civil weapons
- Extremist text & audio materials
- Some types of plants protection means
- Hazardous wastes
- Some types of marine resources catching instruments
- Products made of Greenland seal
Commission (Department for Internal Market Defence, DIMD) is Union’s single investigating authority

EEC conducts safeguard, anti-dumping and countervailing duty investigations

EEC takes decisions to apply, extend, review or withdraw trade remedy measures

EEC monitors the implementation of Commission’s Decisions on trade remedies

Trade remedies are applied in accordance with:

**EAEU Law**
- Treaty on the EAEU (Articles 48-49, Annex No. 8)
- EEC Decisions No.1 of 7 March 2012 and No.44 of 16 May 2012

**WTO Agreements**
- Articles VI and XIX of the GATT 1994
- Agreement on Implementation of Article VI of the GATT 1994 (Anti-Dumping Agreement)
- Agreement on Subsidies and Countervailing Measures
- Agreement on Safeguards
Trade remedies shall be applied in conformity with the WTO Agreements. Other WTO commitments with regard to trade remedies are set out in:


- WTO Commitments of the EAEU Member States with regard to confidential information and access to non-confidential file are fully implemented
- DIMD conducted 3 WTO consistency reviews pursuant to para. 620 of the Report of the Working Party on the Accession of the Russian Federation to the WTO
- All the measures applied on the date of accession of the Russian Federation were brought into conformity with the WTO rules
- As of May 2016 there were no requests for reviews pursuant to para. 527 of the Report of the Working Party on the Accession of the Republic of Kazakhstan
Trade remedy measures and ongoing investigations, as of May 2016

- **3** investigations are being conducted:
  - Certain steel pipes and tubes (sunset review, AD)
  - Ferrosilicon manganese (AD)
  - Ferrosilicon manganese (CVD)

- **18** trade remedy measures are applied:
  - 16 anti-dumping measures
  - 2 safeguards measures
## TRADE REMEDIES

### Trade remedy measures in force, as of May 2016

<table>
<thead>
<tr>
<th>Product</th>
<th>Type</th>
<th>Exporting Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Certain steel pipes and tubes</td>
<td>AD</td>
<td>Ukraine</td>
</tr>
<tr>
<td>Rolling-element bearings</td>
<td>AD</td>
<td>China</td>
</tr>
<tr>
<td>Cold-rolled flat steel products with polymer coating</td>
<td>AD</td>
<td>China</td>
</tr>
<tr>
<td>Graphite electrodes</td>
<td>AD</td>
<td>India</td>
</tr>
<tr>
<td>Cold-worked seamless pipes and tubes of stainless steel</td>
<td>AD</td>
<td>China</td>
</tr>
<tr>
<td>Enamelled baths of cast iron</td>
<td>AD</td>
<td>China</td>
</tr>
<tr>
<td>Light commercial vehicles</td>
<td>AD</td>
<td>Germany, Italy, Turkey</td>
</tr>
<tr>
<td>Forged work-rolls</td>
<td>AD</td>
<td>Ukraine</td>
</tr>
<tr>
<td>Citric acid</td>
<td>AD</td>
<td>China</td>
</tr>
<tr>
<td>Stainless steel flatware</td>
<td>AD</td>
<td>China</td>
</tr>
<tr>
<td>Seamless steel oil country tubular goods</td>
<td>AD</td>
<td>China</td>
</tr>
<tr>
<td>Crawler dozers</td>
<td>AD</td>
<td>China</td>
</tr>
<tr>
<td>Commercial vehicles tyres</td>
<td>AD</td>
<td>China</td>
</tr>
<tr>
<td>Bars and rods</td>
<td>AD</td>
<td>Ukraine</td>
</tr>
<tr>
<td>Steel railway wheels</td>
<td>AD</td>
<td>Ukraine</td>
</tr>
<tr>
<td>Seamless pipes and tubes of stainless steel</td>
<td>AD</td>
<td>Ukraine</td>
</tr>
<tr>
<td>Combine harvesters and modules</td>
<td>SG</td>
<td>All countries</td>
</tr>
<tr>
<td>Tableware and kitchenware of porcelain</td>
<td>SG</td>
<td>All countries</td>
</tr>
</tbody>
</table>
66 products are subjects to Union’s technical regulations and mandatory requirements.

- EEC adopts technical regulations for products included in the EAEU common list of goods subject to technical regulation.
- EEC maintains common criteria for Conformity Assessment Bodies and Test Laboratories.
- EEC maintains common rules for conformity assessment and common forms for certification and declaration of conformity.

Before adoption technical regulations are undergoing the procedures of regulatory impact assessment and public discussions.

As of August 2016

35 technical regulations are adopted

35 technical regulations came into force
Sanitary, veterinary-sanitary and phytosanitary quarantine measures applied within the Union are based on international and regional standards and on the WTO Agreement on the Application of Sanitary and Phytosanitary Measures.

- EEC adopts common list of goods subject to veterinary, sanitary and quarantine phytosanitary control
- EEE maintains common veterinary, sanitary-epidemiological and hygienic requirements and certificates’ forms
- EEC regulates the order of veterinary, sanitary-epidemiological and quarantine phytosanitary control

Sanitary, phytosanitary and veterinary measures are applied to:

- People
- Products subject to sanitary, veterinary, quarantine phytosanitary supervision
- Vehicles
<table>
<thead>
<tr>
<th>Compliance with the international standards (OIE standards), recommendations and regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amendments were made to Decision of Commission of the CU No. 317 of 18.06.2010 (Common Veterinary Requirements, Common Forms of Veterinary Certificates, Regulation of the Order of Veterinary Control)</td>
</tr>
<tr>
<td>Application of international standards were assured (In the absence of risk assessment) (Decision of Commission of the CU No. 721 of 22.06.2011)</td>
</tr>
<tr>
<td>Procedure of harmonization of SPS acts in compliance with international standards were established (Decision of Commission of the CU No. 625 of 07.04.2011, Decision of the EEC No. 212 of 06.11.2012)</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Transparency requirements</th>
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<tbody>
<tr>
<td>Public consultations and regulatory impact assessment of EEC decisions’ drafts on SPS are organized in accordance with the EEC Rules, Procedures and Regulations (HEEC Decision No. 98 of 23.12.2014)</td>
</tr>
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<table>
<thead>
<tr>
<th>Equivalence and risk assessment</th>
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<tbody>
<tr>
<td>Acceptance of equivalence of SPS measures and risk management were assured (EEC Decision No. 835 of 18.11.2011 in reduction of EEC Decision No. 17 of 11.02.2014)</td>
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<table>
<thead>
<tr>
<th>Russia’s commitments in the WTO</th>
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<tbody>
<tr>
<td>Changes are made to Common Veterinary Requirements regarding elimination of a List of establishment for certain products (Nomenclature of Goods 0401, 0301)</td>
</tr>
<tr>
<td>New Regulation on Joint Inspections comprising the Guidelines on Inspections was elaborated and adopted (EEC Decision No. 94 of 09.10.2014)</td>
</tr>
<tr>
<td>One accompanying document is required for import of animal products to the customs territory of the Eurasian Economic Union</td>
</tr>
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</table>
THANK YOU!

Eurasian Economic Commission
Trade Policy Department

http://www.eurasiancommission.org/