

WORLD TRADE ORGANIZATION

WT/REG71/5
13 October 2000

(00-4237)

Committee on Regional Trade Agreements

Original: English

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

The following text reproduces the Agreement on Customs Union and Single Economic Area between the Kyrgyz Republic, the Russian Federation, the Republic of Belarus and the Republic of Kazakhstan.

AGREEMENT ON CUSTOMS UNION AND SINGLE ECONOMIC AREA BETWEEN THE KYRGYZ REPUBLIC, THE RUSSIAN FEDERATION, THE REPUBLIC OF BELARUS AND THE REPUBLIC OF KAZAKHSTAN

Signatory states to this Agreement hereinafter referred to as the Parties;

Being guided by the Agreement between the Republic of Belarus, Republic of Kazakhstan, Kyrgyz Republic and the Russian Federation On Deepening Integration in Economic and Humanitarian Fields of 29 March 1996, hereinafter named the Agreement of 29 March 1996, agreements on its implementation, concluded earlier, and also taking into account decisions made by the integration management bodies;

Implementing the agreements, signed by the Parties, on free trade, on unified procedure of regulation of foreign economic activity, on Customs Union, on ensuring mutual convertibility and stabilization of national currency exchange rates, on preventing double taxation and evasion of payment of income and capital taxes;

Proceeding from set production and scientific-technological links, interdependency and mutual complement of economies;

Being determined to give a new impulse to the development of a closer integration and the rapprochement of economies of member states in order to maintain social progress and improvement of peoples' welfare;

Acknowledging that the removal of existing barriers and restrictions requires coordinated actions, the harmonized development of market relationships of the states and creation of equal conditions and opportunities for business entities;

Affirming friendly relations which connect the states and peoples, willing to ensure their flourishing, being based on the principles of the United Nations Statute, Statute of the Community of Independent States, Agreement on Creation of an Economic Union of 24 September 1993 and standards and principles of international law;

Taking into account the Parties' aspiration for becoming World Trade Organization's members;

Honoring the sovereignty and territory unity of the states and ensuring non-interference into the internal affairs;

Expressing the firmness to finalize the formation of the Customs Union and create a Single Economic Area,

Hereby *agreed* as follows:

CHAPTER I

Notions and Terminology

Article 1

For the purposes of this Agreement, the notions and terms attached hereto shall have the following meaning:

- (i) Single Economic Area means an area consisting of the territories of the Parties within which uniformed mechanisms of regulation of the economy, based on market principles and application of harmonized legal regulations, are in effect. Within which a single infrastructure exists and the coordinated tax, money and credit, foreign exchange and financial, trade, and customs policies are carried out. They ensure a free movement of goods, services, capital and manpower;
- (ii) Single Customs Territory means a territory consisting of the customs territories of the Parties to which the Parties agreed to apply Common Customs Tariff, within which unified measures of non-tariff regulation are applied, unified customs rules are in effect, the unity of management of customs services is ensured, and internal customs control has been abolished;
- (iii) Common (Domestic) Market means the totality of economic relations within the single customs territory;
- (iv) Common Customs Tariff means an agreed list of unified import customs duty rates to be applied to the goods imported to the customs territories of the Customs Union member states from third countries. It is systematized in accordance with Single Goods Nomenclature of Foreign Economic Activity of the Community of Independent States;
- (v) Internal Customs Border means bounds of the customs territory of each of the Parties. At the same time these bounds are the bounds of the customs territory of the other Party;
- (vi) External Customs Border (external perimeter) means the bounds of the single customs territory of the Customs Union member states. They separate territories of these states and territories of the states which are not Customs Union members;
- (vii) Indirect Taxes mean value added tax and excise on goods and services.

CHAPTER II

General Provisions

Article 2

In accordance with the terms and conditions of this Agreement, the Parties shall undertake the commitment to complete the formation of the Customs Union and create a Single Economic Area on its basis.

Article 3

The main objectives of the formation of the Single Economic Area shall be:

- efficient functioning of common (domestic) market of goods, services, capital and labor; creation of conditions for the stable development of structural reorganization of the Parties' economy in order to raise living standard of their population;
- carrying out coordinated tax, money and credit, foreign exchange and financial, trade, customs and tariff policies;
- development of single transport, energy and information systems;
- creation of the common system of measures for the state support of the development of priority industries of economy, production and scientific and technological cooperation.

Article 4

The most important principles of forming the Single Economic Area shall be:

- non-discrimination principle;
- mutual profit principle;
- general (universal) principles: mutual aid, free will, equal rights, responsibility for the
- commitments taken, and openness.

Article 5

1. The formation of the Customs Union and Single Economic Area shall be carried out by the following integration management bodies:

- Interstate Council;
- Council of Governments' Heads;
- Integration Committee;
- Inter-Parliamentary Committee.

2. Each integration management body shall act within the framework of powers provided by the Regulation on this body. Other integration management bodies may be created as well by the decision of the Interstate Council.

Article 6

1. The signatory states shall agree upon the economic policy on forming the Customs Union and Single Economic Area in accordance with provisions of the Agreement of 29 March 1996, agreements concluded between the Parties to the Agreement and decisions made for its implementation.
2. The Parties shall abstain from any actions that could threaten the achievement of goals of this Agreement's objectives.

Article 7

1. The Single Economic Area is formed on a stage-by-stage basis. The Interstate Council shall determine duration of stages, totality of measures for each of the stages and their implementation.
2. Moving from stage to stage shall be conditioned by actual achievement of specific objectives of this Agreement and fulfillment by the Parties of their commitments under it.
3. The first stage shall be aimed at finalizing the formation of the Customs Union and single customs territories.
4. The second stage shall suppose the creation of the Single Economic Area that includes the formation of the common (domestic) market of goods, services, capital and labor, carrying out of common economic policy, creation of the common infrastructure and completion of harmonizing the Parties' legislation which ensures the functioning of the Single Economic Area.
5. On further stages of economic cooperation the Parties shall aspire for the coordination of parameters of basic macro economic indexes.

CHAPTER III

Finalization of Forming the Customs Union

SECTION 1

Free Trade Regime for Goods

Article 8

In mutual trade the Parties shall ensure full implementation of the regime of free trade in goods with no exceptions and restrictions on the basis of bilateral and multilateral agreements on free trade in effect between the Parties.

Article 9

The Parties shall declare the following objectives of functioning of the regime of free trade in goods:

- non-application of tariff and quantitative restrictions with respect to goods originating from the customs territory of one Party and being exported (imported) to the customs territory of other Party and intended for free circulation within the customs territory of the Parties;
- application of a single indirect taxation system;

- nothing precludes one Party from the application, on a temporary basis, of safeguard measures with respect to the import of goods from other Party in accordance with the generally accepted international regulations and standards or the national legislation;
- non-granting, without the Parties' consent, to any third state, which is not a signatory to this Agreement, of a trade regime more favorable than that granted to each other by the Parties;
- removal of competition restrictions caused by conduction of business entities or caused by interference of the national governmental or territorial bodies to that extent to which this can affect the mutual trade of the business entities of the Parties;
- mutual non-application by the Parties of any restrictive or fiscal measures (including collective ones), which may directly or indirectly lead to discrimination with respect to the goods originating from the customs territory of one of the Parties as compared with the similar goods originating from the customs territory of other Party.

Article 10

1. The Parties shall take necessary efforts for removing, within their territories, administrative and fiscal barriers, on local or regional level, which complicate normal functioning of the regime of free trade in goods.

2. For the purposes of this Article hereof, nothing shall preclude the Parties from applying the national legislation on arrival, stay, work, establishment of firms and companies, and rendering services by natural persons or legal entities. At the same time they shall apply regime in such a way, as not to annul or limit advantages got by any of the Parties by virtue of this Agreement.

SECTION 2

Regulation of Foreign Trade in Goods

Article 11

The Parties shall establish unified procedure for the regulation of foreign economic activity within the framework of commitments under the agreements on the Customs Union and by means of harmonization of regulations and rules provided by the bilateral agreements on the unified procedure for the regulation of foreign economic activity which are effective between the Parties on the date of entry into force of this Agreement.

Article 12

The unified procedure for regulating foreign trade activity and making coordinated decisions on its synchronous amendments and supplements shall include the following fields:
tariff regulation of foreign trade activity;

- non-tariff regulation measures in trade with third countries;
- establishment of trade regime in relations with third countries;
- indirect taxation of foreign trade transactions with third countries;
- foreign exchange regulation of foreign trade transactions.

Article 13

1. For the development of Decision No.2 of the Council of Governments' Heads On the Common Customs Tariff of the Signatories to the Agreements on the Customs Union, of 22 January 1998, the Parties shall conclude relevant agreements.
2. The Parties shall apply the coordinated system of preferential duties and customs privileges in trade with third countries, including the unified procedure of introducing amendments and supplements.
3. The Parties have agreed that the procedure of levy and receipt of customs duties, taxes and levies, having an equivalent effect, should be established by separate agreements.
4. The Parties shall take into consideration made decisions and next understandings, which will be attained by the Parties on the given issue on bilateral and multilateral basis, while preparing the above mentioned agreements.

Article 14

1. The Parties shall keep unified procedure of non-tariff regulation measures' application in trade with third countries and for these purposes shall fully apply Agreement on Unified Measures of Non-Tariff Regulation in the Period of Forming the Customs Union of 22 October 1997.
2. The unified procedure of foreign trade activity regulation does not affect trade of the Parties in arms, military equipment and other produce for military purposes, nuclear materials, equipment, special non-nuclear materials and relevant technologies, and also goods and technologies of dual purpose, indicated in the Article 5 of the Agreement on Unified Measures of Non-Tariff Regulation in the Period of Forming the Customs Union. With these purposes The Parties shall conclude a separate agreement.

Article 15

1. With respect to trade in goods with third countries the Parties shall take coordinated actions in gradual establishment of a unified trade regime.
2. As a rule, the Parties shall introduce amendments of trade regime with respect to the third countries, establishment or abolition of tariff and non-tariff restrictions in trade with goods, including introduction or abolishment of temporary restrictions, simultaneously. With these purposes the Parties shall conclude relevant protocols. In trade with countries, with which one of the Parties has an Agreement on free trade regime, this Party shall agree with other Parties to this Agreement lists of exclusions and restrictions from the free trade regime or forms of compensation, proceeding from the established lack of coincidence in trade regimes. Independent negotiations of the Parties on joining the World Trade Organization and process of their integration into international economic and financial patterns should not be an insurmountable barrier in their aspiration to ensure gradual harmonization of trade regimes.
3. In order to achieve necessary level of coordination of negotiations' attitudes the Parties shall efficiently utilize mechanism of consultations on regular basis, which is provided by the Protocol on International Trade Negotiations of the Customs Union Member States in the Process of Accession to the World Trade Organization of 3 June 1997 and decision No. 27 of the Interstate Council of 28 April 1998.

Article 16

1. The Parties shall apply unified system of indirect taxation in trade with third countries. Rates of indirect taxes on exported and imported goods shall not exceed the same rates for domestic goods.
2. The Parties shall shift to levying indirect taxes on the basis of the destination country principle in trade with third countries.
3. When importing or exporting goods in trade with third countries the Parties shall abstain from granting individual preferential duties, in particular concerning rates and procedure of levying value added tax and excise on excised goods.
4. Any of the Parties has right to request for information concerning application of rates and mechanism of tax levying, presented tax privileges for residents and non residents, carrying out trade operations with goods from the third countries, from other Party and to receive it within thirty calendar days.

Article 17

1. The Parties shall apply coordinated procedure of foreign exchange regulation in foreign trade operations based on the monitoring of the legislation in this field in effect in the member states, on regular exchange of information between central (national) banks, including other information on current and capital operations in payment balance.
2. The Parties shall develop a separate agreement on application of a common foreign exchange control system later on.

Article 18

1. The Parties confirm that unified procedure of foreign trade regulation activity shall be established as far as unification of legislation goes taking into account current and long term foreign trade, economic interests and potentials of the Parties.
2. All the amendments and supplements into the unified procedure of foreign trade regulation activity in the fields indicated in the Article 12 of this Agreement shall be introduced under agreement of the Parties on the stage of draft decisions of the Parties' Governments. The Parties have right to introduce individual temporary restrictions in trade with third countries in accordance with the universally recognized international standards and rules.
3. Such measures are of a temporary character and shall be applied in accordance with established by the Parties procedures.

Article 19

1. The Parties consider application of a unified procedure of foreign trade regulation as the most important basis and necessary condition for establishment of the free trade regime with no exceptions and restrictions on a mutual basis.
2. Exit of one of the Parties from the unified procedure of foreign trade regulation provided by the Articles 11-18 of this Agreement can be considered by the Party or the Parties as a basis for raising a question of seizing application of a free trade regime with no exceptions and restrictions with respect to this Party.

SECTION 3

Customs Union

Article 20

The Parties confirm that their aspiration to ensure finalization of the Customs Union formation is based on the functioning of the free trade regime, gradual establishment of the unified procedure of foreign trade activity regulation and fulfilment of commitments, proceeding from principles and provisions of agreements on Customs Union.

Article 21

1. The Parties create the Customs Union as a trade and economic union in accordance with universally recognized international standards and rules, which shall possess:

- single customs territory;
- common customs tariff;
- regime not allowing any tariff or non-tariff restrictions (licensing, quotation) in mutual trade with exception of cases provided by this Agreement;
- simplification and further abrogation of customs control on internal customs borders;
- unified mechanisms of economy and trade regulation based on universal market principles of business and harmonized economic legislation;
- governing bodies;
- single customs policy and application of unified customs regimes.

2. On the stage of forming the Customs Union the Integration Committee shall be its executive body.

Article 22

1. Upon fulfilment of the terms provided by the Article 21 goods having been imported from the third countries to the single customs territory and released for free circulation in one of the member states shall not be limited in movement through the internal customs borders.

2. The Parties shall unify regulations and rules of customs clearance and control with respect to the goods originating from the third countries and sign relevant documents on simplification and further abrogation of customs clearance and control on the internal customs borders.

3. When carrying out customs clearance of goods moved by individuals through internal borders of the Customs Union the Parties shall follow the Protocol on Simplified Procedure of Customs Clearance of 22 January 1998 and shall abrogate customs clearance and customs control of goods on the internal customs borders later on. With these purposes the Parties shall sign relevant documents.

Article 23

1. The Parties shall establish by additional understandings time framework of finalizing the Customs Union formation taking into account universally acknowledged international standards and rules.
2. While establishing trade regimes with third countries the Parties shall ensure preferential regime to each other by means of exception from the most favoured nation regime in favor of the Parties forming the Customs Union.

Article 24

1. The Parties shall ensure unification of the Parties' customs territories into a single customs territory after having created necessary legal, economic and international conditions for it.
2. With these purposes the Parties have agreed to conclude an agreement on finalizing the Customs Union creation, which shall be a regulating mechanism of a single customs territory functioning.

CHAPTER IV

Creation of a Single Economic Area

SECTION 4

Common Economic Policy and Development of an Infrastructure

Article 25

The parties shall agree upon main directions and stages of structural reform of member states' economy ensuring efficient utilization of industrial potential, formation of a favorable investment climate, support of highly efficient manufactures, carrying out a coordinated anti-monopoly, tax and financial policy and also creation of conditions for fair competition within the framework of the Single Economic Area.

Article 26

The Parties shall create necessary conditions for stable economic development of this Agreement's member states, carry out coordinated governmental support of their priority industries and manufactures, efficient conversion and reform of defense industry undertakings.

Article 27

Different forms of subsidies (aid) provided by a member state in the form of subsidies or at the expense of government resources which damage or threat to damage competition by means of creating more favorable conditions for some enterprises or production of certain kinds of goods shall be considered as incompatible with the principles of the Single Economic Area as far as they touch upon trade between the Parties, except for:

- aid of social character given to individual customers provided its non-discrimination character;

- aid having its purpose to recompense a damage caused by natural disasters and any other extreme accidents of natural or technical origin;
- subsidies having their purpose to promote social and economic development of regions in which living standard in the given state is lower than the minimum living standard defined by each Party or where there is a low employment;
- subsidies having their purpose to promote fulfillment of a project of domestic importance or called to correct serious disturbance in economy of a member state;
- other kinds of subsidies (aid) which may be determined by the decision of an Interstate Council.

Article 28

1. The Parties shall apply a unified system of indirect taxation in mutual trade under the principle of a destination country. For this purpose a relevant Agreement shall be concluded.

2. Indirect taxes' rates on imported goods shall not exceed tax rates of analogous domestically produced goods in mutual trade.

Article 29

With the purposes of carrying out coordinated excise policy the Parties shall adhere to the Basic list of excised goods being produced and imported into the customs territories of member states.

Article 30

The Parties shall implement provisions of the Agreement on Cooperation and Mutual Aid in the Issues of the Parties' Tax Legislation of 25 March 1998 and Decision No. 4 of the Council of Governments' Heads of 22 January 1998 on the basis of principles of coordinated actions of tax bodies of the Agreement of 29 March 1996 member states in order to ensure tax levying fullness and exchange of information between the tax bodies of this Agreement's member states.

Article 31

Governmental regulation of the Parties' economies shall be aimed at carrying out institutional reforms, efficient management of property, regulation of relations between economy spheres and banking sector, creation of new mechanisms of financial means' attraction, regulation of inter states payments.

Article 32

The Parties shall promote creation of efficient interdependent manufactures taking into account countries' economic interests.

Article 33

1. The Parties shall take measures to prevent misuse of dominant position by one or several business entities in order to hinder:

- use of unfair competition methods;

- limitation of production, markets or technical development, which can damage consumers;
- application of unequal conditions to equal bargains with other trade counterparts, thus putting them in unprofitable competition conditions.

2. In case of revealing of dumping practices the victim Party has right to take relevant measures of protection determined by national legislation upon agreement with the Parties.

Article 34

1. The Parties shall create a Transport Union in accordance with the Agreement between the Republic of Belarus, Republic of Kazakhstan, Kyrgyz Republic, and Russian Federation on the Transport Union Formation of 22 January 1998.

2. The Parties determine the Transport Union as an integrated system of transport industries of the Parties functioning on the basis of mutually agreed technologies and parameters and unified legal and regulation basis.

3. Creation of the Transport Union shall be carried out in stages as the integration processes deepen and proposes execution of measures on ensuring legal, economic and organizational conditions for free movement of transport means, carrying out transportation of passengers and cargo between the Parties and transit of goods through their territories.

4. Formation of the member states' Transport Union shall be finished during the second stage.

Article 35

The Parties shall carry out transit in accordance with the Agreement on Unified Terms of Transit through the territories of the Customs Union member states of 22 January 1998.

Article 36

1. Member states shall follow coordinated agricultural policy, carry out joint funding of programs and projects, providing development of production of agricultural produce and raw materials in accordance with the agreed by the Parties list.

2. While carrying out common agricultural policy the Parties shall take into account:

- necessity of ensuring food-stuffs security of this Agreement's member states;
- special character of agricultural activity, being conditioned by industrial and social structure of agriculture, and also natural peculiarities of the Parties;
- necessity of perfection of the agricultural production structure.

SECTION 5

Common Market of Services

Article 37

1. Member states shall aspire to provide to each other national regime of services market access on a mutual basis.
2. The Parties shall remove existing limitations of services market access gradually within the framework of Single Economic Area for legal entities and individuals of the member states of this Agreement.
3. With these purposes the Parties shall accept a program of trade in services development within the framework of the Single Economic Area and they shall follow universally acknowledged international regulations and rules.

Article 38

1. The Parties shall pursue coordinated policy in trade in goods with respect to third countries.
2. While establishing trade regimes with third countries the Parties shall ensure preferential regime for each other by exclusion from the most favoured nation regime in favor of the Parties forming the Customs Union.

SECTION 6

Common Labour Market and Social Policy

Article 39

1. The Parties shall ensure free movement of member states' citizens within the Single Economic Area.
2. Free movement proposes abrogation of any discrimination towards citizens of the Parties and creation of unified legal regime with respect to employment, payment and other labour conditions. This proposes possibility of:
 - free movement while being engaged with labor activity through the territories of the Parties;
 - maximum simplification of citizenship granting and leaving procedures;
 - granting to the citizens of the Parties permanently residing on the territory of any of the Parties legal status maximum approximated to the resident country citizens' status;
 - free cross of the border and stay on the territory of the Parties with a passport of a citizen of any of them;
 - establishment of single regulations on foreign currency moving across the borders of the member states and duty free movement of luggage;

- applying national regimes with respect to citizens of member states while crossing their borders;
 - residing in one of the member states and being occupied with labor activity in accordance with legislation, regulating employment of citizens of that state;
 - staying on the territory of one of the member states after finishing labor activity in that state.
3. With these purposes the Parties shall sign relevant agreements.

Article 40

The Parties have agreed that record of service of citizens occupied with labour activity on the territory of member states shall be counted into the general record of service, including accounting of pensions and benefits.

Article 41

1. Each of the Parties shall take commitments not to introduce without agreement with other Parties additional limitations on right to choose domicile and carrying out economic activity on their territory for citizens of other member states from the date of signing this Agreement.
2. The Parties shall gradually abrogate limitations on the right to choose domicile and carrying out economic activity including right to found legal entities by citizens of the member states on each other's territories.

Article 42

The Parties shall carry out unified visa policy concerning third countries including prevention of the out of control migration. The Parties shall sign relevant agreements with these purposes.

Article 43

Each of the Parties shall provide free emergency medical aid to the citizens of other Parties while their staying on the territories of these states. The Parties shall sign relevant agreements with these purposes.

Article 44

Integration Committee in coordinated action with Governments of the Parties shall be studying and analyzing problems concerning social sphere and according to their results shall provide conclusions and recommendations to the Council of Governments' Heads on the following issues:

- employment;
- labor legislation and labor conditions;
- professional training and qualification improvement;
- development of minimum standards of social protection;
- prevention of manufacture accidents and professional diseases;

- labor hygiene;
- rights to create professional unions and conclusion of collective agreements.

Article 45

The Parties shall ensure creation of coordinated educational system, qualification improvement, training and retraining of specialists, single rules and conditions of entering common and professional schools, high education institutions, post-graduate courses, and also mutual recognition and equivalency of education certificates, academic degrees and ranks.

SECTION 7

Movement of Capital

Article 46

The Parties shall continue successive liberalization of foreign exchange policy with towards abrogation of other countries' currencies usage limitations in current operations, introduction of a unified exchange rate of national currency on the current operations of payment balance, access of banks – non residents to the domestic currency markets, abrogation of limitations on import and export of national currency by authorized banks and shall access Article 8 of International Monetary Fund Charter, while implementing agreements on mutual convertibility of national currencies. In order to implement measures on ensuring interaction of domestic currency and financial systems and upon finalizing these measures the Parties shall sign relevant Protocols.

Article 47

The Parties shall implement provisions of agreements on double taxation removal and prevention of evasion income and capital taxes payment.

Article 48

The Parties shall agree mechanism of establishment of national currencies' exchange rates.

Article 49

The Parties shall form member states payment system in order to serve payments on commodity circulation in domestic and enterprise spheres, non trade operations, transport, telecommunication and other services, and also on governmental, banking and commercial credits, currency exchange operations.

Article 50

Each of the Parties has right to apply temporary safeguard measures in the field of capital movement with immediate notification of other Parties to the Agreement, if the existing capital movement causes disturbances in functioning of domestic capital market.

Article 51

The Parties shall aspire to increase level of liberalization of capital movement as the member states' economic situation improves.

SECTION 8

Scientific and Technological, and Informational Development

Article 52

The Parties shall conduct coordinated scientific and technological policy. With these purposes they shall accept joint program on priority directions of realization of domestic scientific researches, technological elaborations and experimental manufactures with the purpose of integration and further development of scientific and technological potentials of member states.

Article 53

1. Joint program shall be implemented through specific programs being worked out on the main direction of activity. Ways of its implementation, terms and sources of funding shall be foreseen in each program.

2. Coordination of scientific and research works and realization of joint programs shall be fulfilled on domestic level in interaction with Integration Committee.

Article 54

1. Funding of fundamental and applied scientific researches, implemented under domestic projects and programs shall be conducted on the basis of the state order and on commercial conditions, and also at the expense of joint funding.

2. The Parties shall create single system of scientific and technical, economic and legal information and suitable databases.

Article 55

The Parties shall ensure freedom of exchange and spreading of radio and TV programs and other mass media within the territories of the Parties, access of legal entities and individuals to the telecommunication systems taking into account domestic interests of the Parties, widening exchange of information with third countries and shall conclude relevant agreements.

CHAPTER V

Rapprochement and Unification of Legislation

Article 56

1. The Parties shall take coordinated measures on rapprochement and unification of legislative and other legal acts of the Parties (hereinafter named measures on harmonization of legislation) which directly affect fulfilment of the provisions by this Agreement's Parties.

2. With the purpose of rapprochement and unification of legislation the Parties shall take measures, including:

- coordination of activities on drafting of legislative and other legal acts, including drafts of legal acts on introduction of amendments in laws and other acts;
- conclusion of international treaties;

- adoption of model acts;
- adoption of relevant decisions by the Interstate Council or by the Council of Governments' Heads;
- other measures, which the Parties consider expedient and possible provided that the Interstate Council has adopted such measures.

Article 57

1. Interstate Council shall make decisions on what legislative and other legal acts of the Parties taking into account object and purposes of this Agreement shall be subject to the rapprochement and unification, determine sequence of implementation of relevant measures on legislation harmonization. Such decisions may provide for measures on harmonization of legislation with respect to the particular acts in effect on the territories of the Parties as well as separate fields of legal regulation.

2. Interstate Council shall also decide question on what legislation harmonization measures are to be applied with respect to the relevant legislative and other legal acts of the Parties or, taking into account made by the Interstate Council decisions, to the relevant field of legal regulation.

Article 58

In cases when this is considered necessary and justified under the common opinion of the Parties the Interstate Council has right to make:

- decisions establishing unified rules for the member states of this Agreement, which are obligatory in their all parts and are subject to direct implementation by the member states;
- resolutions obligatory for the member state or member states to which they are addressed concerning the result expected while keeping for the bodies of the Parties freedom of choice of actions' forms and methods;
- recommendations, which are not obligatory.

Article 59

1. Decisions provided by the Articles 57 and 58 of this Agreement shall be made by the Interstate Council on the basis of Integration Committee's suggestions, made after consultation with Inter-parliamentary Committee and approved by the Council of Governments' Heads.

2. Suggestions on taking measures on legislation harmonization are subject to preliminary consideration by Integration Committee, which after consultations with Inter-parliamentary Committee shall make appropriate recommendations to the Council of Governments' Heads. The given provision does not restrict the right of the Inter-parliamentary Committee to adopt model acts of a recommendation character as it is provided by the Article 22 of the Agreement of 29 March 1996.

3. Suggestions on taking measures on harmonization of legislation shall be based on impartial and thorough evaluation of situation in the relevant field of legal regulation within the context of relations between the member states and problems arising in this concern for implementation of objectives and principles of this Agreement.

Article 60

Power of the Interstate Council granted to it on the basis of Article 57 and points (b) and (c) of the Article 58 of this Agreement may be delegated to the Council of Governments' Heads provided that Interstate Council makes relevant decision.

CHAPTER VI

Final Provisions

Article 61

In case of action or threat of action on behalf of third countries able to cause economic damage to one or several Agreement member states on suggestion of one or several Parties Governments shall immediately press on to consultations in order to elaborate coordinated measures on preventing economic damage or threat of such damage.

Article 62

This Agreement does not touch upon commitments of the Parties on earlier concluded international treaties with third countries including those within the framework of the CIS.

Article 63

This Agreement shall be open for accession of any state, acknowledging its principles and having declared its readiness to take full commitments proceeding from this Agreement and sent an appropriate request to the Interstate Council through a depository. Conditions of joining the Agreement by third country shall be determined by appropriate decision of the Interstate Council.

Article 64

1. The Parties may introduce suggestions on amendments and supplements to this Agreement to the Interstate Council.
2. Interstate Council shall unanimously make decisions on amendments and supplements to this Agreement which shall become effective after their ratification by all member states.

Article 65

This Agreement is subject to registration in the United Nations Secretary.

Article 66

1. The Parties shall settle arguable questions arising during fulfilment of the commitments of the Parties, interpretation or application of the provisions of this Agreement, by means of conducting consultations, negotiations or other agreed way.
2. The Parties shall conclude Agreement on liability of the Parties for not fulfilling the taken commitments, proceeding from this Agreement.

Article 67

The Interstate Council determines abode of the integration ruling bodies. Ruling bodies function on the territory of member states in accordance with separate agreements on terms of abode.

Article 68

The depository to this Agreement shall be an Integration Committee.

Article 69

Each of the Parties may leave this Agreement, having notified depository in writing no later than 12 months before leaving.

Article 70

1. This Agreement is a subject to ratification and enters into force for the states, having ratified it from the date of receipt by a depository of a third member state's notification.
2. For each of the rest member states of Agreement it enters into force from the date of receipt by a depository of its ratification deed for storage.
3. For the Republic of Tajikistan this Agreement shall come into force after receipt by a depository of a ratification deed on ratification by the Republic of Tajikistan of this Agreement and completion of legal registration of joining the Customs Union agreements of 6 and 20 January 1995.

PERFORMED in Moscow on 26 February 1999 in one copy in Byelorussian, Kazakh, Kyrgyz, Russian and Tajik languages, and what's more all the texts shall have equal power. In case of arising discords of the Parties on the text of this Agreement the Parties shall use the Russian text. The true copy of the Agreement shall be kept with Integration Committee, which shall forward to each state, having signed this Agreement, its certified copy.
