Z A K O N

O POTVRĐIVANJU SPORAZUMA O SLOBODNOJ TRGOVINI IZMEĐU REPUBLIKE SRBIJE, S JEDNE STRANE I EVROAZIJSKE EKONOMSKE UNIJE I NJENIH DRŽAVA ČLANICA, S DRUGE STRANE

Član 1.

Potvrđuje se Sporazum o slobodnoj trgovini između Republike Srbije, s jedne strane i Evroazijske ekonomske unije i njenih država članica, s druge strane, sačinjen u Moskvi, 25. oktobra 2019. godine, u originalu na engleskom jeziku.

Član 2.

Tekst Sporazuma o slobodnoj trgovini između Republike Srbije, s jedne strane i Evroazijske ekonomske unije i njenih država članica, s druge strane, u originalu na engleskom jeziku i u prevodu na srpski jezik glasi:

FREE TRADE AGREEMENT BETWEEN THE REPUBLIC OF SERBIA, OF THE ONE PART AND THE EURASIAN ECONOMIC UNION AND ITS MEMBER STATES, OF THE OTHER PART

The Republic of Serbia (hereinafter referred to as “Serbia”), of the one part and the Eurasian Economic Union (hereinafter referred to as “the EAEU”) and the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation (hereinafter referred to as “the EAEU Member States”), of the other part:

BUILDING UPON free trade relations previously established between the Republic of Serbia, the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation;

SEEKING to promote and deepen mutual trade and economic cooperation between Serbia and the EAEU Member States in the areas of mutual interest;

CONFIRMING their commitment to the principles of market economy, as the basis for trade and economic relations, and their intention to participate actively and to encourage expansion of mutually beneficial trade and economic relations between Serbia and the EAEU Member States;

CREATING the necessary conditions for the free movement of goods and capital in accordance with the Law of the EAEU, laws and regulations of the EAEU Member States and Serbia, as well as the rules of the World Trade Organization (hereinafter referred to as “the WTO”);

EXPRESSING their readiness and full support to the successful accession to the WTO and recognizing that the WTO membership of the EAEU and the Republic of Belarus and of Serbia will create favourable conditions for the deepening of their integration into the multilateral trading system and will enhance cooperation between the Parties to this Agreement;

HAVE AGREED as follows:

Article 1

General Provisions

The Parties to this Agreement are Serbia, of the one part and the EAEU Member States and the EAEU within the limits of its respective areas of competence as derived from the Treaty on the Eurasian Economic Union of 29 May 2014 (hereinafter referred to as “the Treaty on the EAEU”) acting jointly or individually, of the other part (hereinafter referred to as “Parties”).

The Parties shall liberalize mutual trade in accordance with the provisions of this Agreement and the WTO rules, including in particular Article XXIV of the General Agreement on Tariffs and Trade 1994 (hereinafter referred to as “the GATT 1994”), with a view to establishing the free trade regime between Serbia of the one part, and the EAEU and its Member States, of the other part.

Article 2

Objectives

The objectives of this Agreement, as elaborated more specifically through its principles and rules, are:

- to expand and promote free mutual trade and economic relations, with a view to accelerating economic development and achieving the production and financial stability of the Parties;

- to create effective procedures for the implementation and application of this Agreement and for its joint administration.

Article 3

Relation to Other International Agreements

1. In the event of any inconsistency between this Agreement and a provision of the Marrakesh Agreement Establishing the World Trade Organization, done on 15 April 1994 (hereinafter referred to as "the WTO Agreement"), the provision of the WTO Agreement shall prevail to the extent of the divergence.

2. In the event of the divergence mentioned in paragraph 1 of this Article the Parties shall immediately consult in order to find a mutually acceptable solution.

Article 4

Free Trade Regime

1. Except as otherwise provided in this Agreement, the Parties shall not apply customs duties and any charges having equivalent effect to customs duties imposed on or in connection with the importation of goods originating in the territory of one of the Parties.

2. Nothing in this Article shall prevent a Party from imposing at any time on the importation of any product:

(a) a charge equivalent to an internal tax imposed consistently with the provisions of Article 8 of this Agreement in respect of the like domestic product;

(b) any duty imposed in accordance with Articles 18, 19 and/or 21 of this Agreement pursuant to a Party's laws and regulations;

(c) fees or other charges commensurate with the cost of services rendered applied in accordance with Article 6 of this Agreement.

3. Customs duties and any charges having equivalent effect to customs duties may be applied to goods listed in Annexes 1 "List of Goods Exempted from Free Trade Regime upon Importation to the Customs Territory of the Republic of Serbia from the Member States of the Eurasian Economic Union" and 2 "List of Goods Exempted from Free Trade Regime upon Importation to the Customs Territory of the Eurasian Economic Union from the Republic of Serbia" to this Agreement. Such customs duties and charges shall be applied in accordance with the most-favoured-nation treatment as understood under Article I of the GATT 1994.

4. The application of export duties is regulated in accordance with respective laws and regulations of the Parties and their respective obligations under the WTO Agreement.

Article 5

Most-Favoured-Nation Treatment

Article I of the GATT 1994 and its interpretative notes as well as any exceptions, exemptions and waivers to the obligation to grant treatment set out in Article I of the GATT 1994 applicable under the WTO Agreement are incorporated into and form part of this Agreement.

Article 6

Fees and Charges

Each Party shall ensure that all fees and charges imposed on or in connection with the importation or exportation of goods are consistent with Article VIII of the GATT 1994. To this end Article VIII of the GATT 1994 including its interpretative notes and Supplementary provisions are incorporated into and form part of this Agreement.

Article 7

Prohibitions, Quantitative Restrictions and Measures Having Equivalent Effect

If otherwise is not provided for in this Agreement the Parties may apply prohibitions, quantitative restrictions or other measures having equivalent effect on imports and exports of goods in respect of mutual trade in consistency with Article XI of the GATT 1994 and in accordance with Article XIII of the GATT 1994.

Article 8

National Treatment

Each Party shall accord national treatment to goods of the other Party in accordance with Article III of the GATT 1994. To this end Article III of the GATT 1994 including its interpretative notes are incorporated into and form part of this Agreement.

Article 9

Technical Barriers to Trade

1. The Parties shall cooperate and exchange information on standards, technical regulations, metrology, market surveillance and conformity assessment procedures, including accreditation, testing and certification, with a view to increasing the mutual understanding of their respective systems and preventing the emergence of any technical barriers to trade between them.

2. In order to implement the provisions of this Agreement, the Parties shall encourage bilateral cooperation between their respective authorities or bodies responsible for standardization, technical regulations, metrology, market surveillance and conformity assessment procedures, including accreditation, testing and certification.

3. The Parties, in order to facilitate trade, may initiate negotiations with a view to signing of agreements on elimination of technical barriers to mutual trade including mutual recognition of the results of conformity assessment procedures in respect of specific product or groups of products.

4. The requirements and methods for assessing product's conformity with mandatory requirements shall be determined by the responsible authorities or bodies of the Parties in accordance with the applicable laws and regulations of the importing Party and in conformity with the provisions of the Agreement on Technical Barriers to Trade, in Annex 1A to the WTO Agreement.

5. The Parties agree to hold technical consultations in the framework of the Joint Committee where a Party considers that the other Party has taken a measure which is likely to create or has created an unnecessary obstacle to trade in order to find a mutually acceptable solution. Technical consultations may be conducted via any means mutually agreed by the Parties.

Article 10

Sanitary and Phytosanitary Measures

1. In the harmonization of their sanitary and phytosanitary measures, the Parties shall apply their respective laws and regulations in the field of sanitary and phytosanitary measures in accordance with the Agreement on the Application of Sanitary and Phytosanitary Measures, in Annex 1A to the WTO Agreement.

2. The Parties may reach additional arrangements to guide the development, adoption and/or enforcement of sanitary and phytosanitary measures in order to minimize their negative effects on trade between the Parties.

3. Each Party upon written request from the other Party shall provide timely information on any matter related to sanitary and phytosanitary measures which has arisen or may arise from mutual trade.

4. The Parties agree to hold technical consultations in the framework of the Joint Committee where a Party considers that the other Party has taken a measure which is likely to create or has created a disguised restriction on trade in order to find a mutually acceptable solution. Technical consultations may be conducted via any means mutually agreed by the Parties.

Article 11

Origin of Goods

The origin of goods shall be determined based on the Rules of Origin set out in Annex 3 “Rules of Origin” to this Agreement.

Article 12

Transit of Goods

Article V of the GATT 1994 is incorporated into and form part of this Agreement.

Article 13

General Exceptions

1. Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustified discrimination between the Parties where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any Party of measures:

(a) necessary to protect public morals;

(b) necessary to protect human, animal or plant life or health;

(c) relating to the importations or exportations of gold or silver;

(d) necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of the GATT 1994, including those relating to customs enforcement, the enforcement of monopolies operated under paragraph 4 of Article II and Article XVII of the GATT 1994, the protection of patents, trademarks and copyrights, and the prevention of deceptive practices;

(e) relating to the products of prison labour;

(f) imposed for the protection of national treasures of artistic, historic or archaeological value;

(g) relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption;

(h) undertaken in pursuance of obligations under any intergovernmental commodity agreement which conforms to criteria submitted to the WTO and not disapproved by it or which is itself so submitted and not so disapproved;

(i) involving restrictions on exports of domestic materials necessary to ensure essential quantities of such materials to a domestic processing industry during periods when the domestic price of such materials is held below the world price, as part of a governmental stabilization plan; provided that such restrictions shall not operate to increase the exports of or the protection afforded to such domestic industry, and shall not depart from the provisions of the GATT 1994 relating to non-discrimination;

(j) essential to the acquisition or distribution of products in general or local short supply; provided that any such measures shall be consistent with the principle that the Parties are entitled to an equitable share of the international supply of such products, and that any such measures, which are inconsistent with the other provisions of this Agreement shall be discontinued as soon as the conditions giving rise to them have ceased to exist.

2. The Parties shall inform each other to the extent possible about measures taken under this Article and of their termination.

Article 14

Security Exceptions

Nothing in this Agreement shall be construed

(a) to require any Party to furnish any information the disclosure of which it considers contrary to its essential security interests; or

(b) to prevent any Party from taking any action which it considers necessary for the protection of its essential security interests:

(i) relating to fissionable materials or the materials from which they are derived;

(ii) relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment;

(iii) taken in time of war or other emergency in international relations; or

(c) to prevent any Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

Article 15

Restrictions to Safeguard the Balance-of-Payments

1. Where any Party is in a serious balance-of-payments and external financial difficulties, or under threat thereof, it may, in accordance with Article XII of the GATT 1994 and the Understanding on the Balance-of-Payments Provisions of the GATT 1994, adopt restrictive import measures. Such restrictive measures shall be consistent with the Articles of Agreement of the International Monetary Fund.

2. The Party concerned shall inform the other Party forthwith of its intention to introduce such measures to safeguard the balance-of-payments and of the time schedule of their application and removal.

3. Where the restrictive measures referred to in paragraph 1 of this Article are adopted or maintained, consultations shall be held promptly by the Joint Committee. Such consultations shall assess the balance-of-payments situation of the Party concerned and the restrictive measures adopted or maintained under this Article, taking into account, inter alia, factors such as:

(a) the nature and extent of the balance-of-payments difficulties;

(b) possible effect of the restrictions on economy of the other Party; and

(c) alternative corrective measures which may be available.

The consultations shall address the compliance of any restrictive measures with Article XII of the GATT 1994.

Article 16

Protection of Intellectual Property Rights

1. For the purposes of this Agreement the intellectual property shall mean intellectual property as defined in Article 2 of World Intellectual Property Organization Convention, signed on July 14, 1967.

2. The Parties recognize the importance of protection of intellectual property rights and shall ensure an adequate and effective implementation of the international treaties dealing with intellectual property to which they are parties. The Parties which are party to the Agreement on Trade-Related Aspects of Intellectual Property Rights in Annex 1C to the WTO Agreement (hereinafter referred to as “TRIPS Agreement”) reaffirm their obligations set out therein. The Parties which are not party to the TRIPS Agreement shall follow the principles of the TRIPS Agreement.

3. Each Party shall accord to the nationals of the other Party treatment no less favourable than that it accords to its own nationals with regard to the protection of intellectual property rights subject to the provisions and exceptions provided for in Articles 3 and 5 of the TRIPS Agreement.

4. Each Party shall accord to the nationals of the other Party treatment no less favourable than that it accords to the nationals of any other country with regard to the protection of intellectual property rights in accordance with the provisions of the TRIPS Agreement, in particular Articles 4 and 5 thereof.

5. The Parties shall endeavour to ensure in their respective laws and regulations provisions for enforcement of intellectual property rights at the same level as provided for in Articles 41 through 50 of the TRIPS Agreement, so as to permit effective action against any act of infringement of intellectual property rights covered by this Agreement. Each Party ensures effective protection against unfair competition in accordance with its respective laws and regulations and Article 10bis of the Paris Convention for the Protection of Industrial Property of 20 March 1883.

6. The Parties shall cooperate in matters of intellectual property. Upon request of a Party, the Parties shall hold consultations of experts on these matters, in particular with respect to activities, relating to the existing or to future international conventions on the harmonization, administration and vindication of intellectual property rights and on activities in international organizations, such as the WTO, the World Intellectual Property Organization, as well as concerning the relations of the Parties with third parties with respect to the intellectual property matters.

7. If problems in the area of intellectual property rights protection affecting trading conditions arise, technical consultations shall take place in the Joint Committee at the request of a Party in order to find a mutually acceptable solution. Technical consultations may be conducted via any means mutually agreed by the Parties.

Article 17

State Trading Enterprises

Each Party shall ensure that its state trading enterprises operate in consistence with Article XVII of the GATT 1994, its interpretative notes and the Understanding on the Interpretation of Article XVII of the GATT 1994, which are hereby incorporated into and form part of this Agreement.

Article 18

Anti-Dumping and Countervailing Measures

1. The provisions of this Agreement shall not prevent the Parties from applying anti-dumping and countervailing measures in accordance with this Article, Articles 20 and 22 of this Agreement.

2. The Parties shall apply anti-dumping and countervailing measures in accordance with the provisions of Article VI of the GATT 1994, the Agreement on Implementation of Article VI of the GATT 1994, the Agreement on Subsidies and Countervailing Measures, in Annex 1A to the WTO Agreement (hereinafter referred to as “SCM Agreement”), taking into account the provisions of this Article, Articles 20 and 22 of this Agreement and Annex 4 “Provisions Regarding Determination of Normal Value in the Anti-Dumping Investigations” to this Agreement.

3. For the purposes of conducting anti-dumping investigations and any subsequent anti-dumping proceedings, including reviews, Serbia shall consider the EAEU Member States individually and shall not apply an anti-dumping measure with respect to imports from the EAEU as a whole.

4. For the purposes of conducting countervailing duty investigations and any subsequent countervailing duty proceedings, including reviews, Serbia shall consider the EAEU Member States individually and shall not apply a countervailing measure with respect to imports from the EAEU as a whole, unless there are subsidies within the meaning of Article XVI of the GATT 1994 and Article 1 of the SCM Agreement that are specific within the meaning of Article 2 of the SCM Agreement granted at the level of the EAEU for the producers from all EAEU Member States and such subsidies are analyzed during the countervailing duty investigation.

5. A Party considering initiating an anti-dumping or countervailing duty investigation shall notify the other Party in writing of the receipt of the application for the initiation of an investigation no later than fifteen (15) days prior to the date of the initiation of the investigation.

Article 19

Global Safeguard Measures

1. The provisions of this Agreement shall not prevent the Parties from applying global safeguard measures in accordance with this Article, Articles 20 and 22 of this Agreement.

2. The Parties shall apply global safeguard measures in accordance with the provisions of Article XIX of the GATT 1994 and the Agreement on Safeguards, in Annex 1A to the WTO Agreement (hereinafter referred to as “Agreement on

Safeguards"), taking into account the provisions of this Article, Articles 20 and 22 of this Agreement.

3. For the purposes of global safeguard investigations and application of measures as well as any subsequent proceedings, including reviews, Serbia shall consider the EAEU Member States individually and not as the EAEU as a whole. This provision shall not be construed as the obligation of Serbia to initiate an individual safeguard investigation for each EAEU Member State.

4. The Party intending to apply a global safeguard measure shall immediately provide to the other Party a written notification of all pertinent information on the initiation of an investigation, the provisional findings and the final findings of the investigation.

Article 20

Consultations

The Parties may consult on the issues related to the application of anti-dumping, countervailing, and global safeguard measures upon written request of either Party. Consultations shall take place as soon as possible and not later than thirty (30) days after receiving such written request. Such consultations shall not prevent the Parties from initiating an anti-dumping, countervailing duty or global safeguard investigation and shall not impede such investigation.

Article 21

Bilateral Safeguard Measures

1. Where, as a result of the reduction or elimination of a customs duty under this Agreement, any originating good of a Party except for the goods under tariff rate quota in accordance with Annexes 1 "List of Goods Exempted from Free Trade Regime upon Importation to the Customs Territory of the Republic of Serbia from the Member States of the Eurasian Economic Union" and 2 "List of Goods Exempted from Free Trade Regime upon Importation to the Customs Territory of the Eurasian Economic Union from the Republic of Serbia" to this Agreement is being imported into the territory of the other Party in such increased quantities, in absolute terms or relative to domestic production and under such conditions as to constitute a substantial cause of serious injury or threat thereof to the domestic industry producing like or directly competitive goods in the territory of the importing Party, the importing Party may apply a bilateral safeguard measure to the extent necessary to remedy or prevent the serious injury or threat thereof, subject to the provisions of this Article.

2. A bilateral safeguard measure shall only be applied upon demonstrating positive evidence that increased imports constitute a substantial cause of serious injury or threat thereof.

3. The Party which considers resorting to a bilateral safeguard measure in accordance with this Article shall promptly and in any case before initiating procedure preceding the imposition of a bilateral safeguard measure inform the other Party and provide all pertinent information and request for consultations. Upon the request of a Party, the Parties shall immediately enter into consultations to arrive at a mutually agreed solution. If no mutually agreed solution is reached within thirty (30) days after the receipt of the request, the importing Party may initiate the procedure preceding the imposition of a bilateral safeguard measure.

4. In critical circumstances, where delay would cause damage which would be difficult to repair, a Party may apply a provisional bilateral safeguard measure, after the initiation of the procedure, pursuant to a preliminary determination that there

is clear evidence that increased imports of an originating good of the other Party constitute a substantial cause of serious injury or threat thereof to a domestic industry.

The applying Party shall promptly and in any case before applying a provisional bilateral safeguard measure notify the other Party and shall provide the possibility for consultations. The notification shall contain all pertinent information, which shall include evidence that increased imports of an originating good of the other Party constitute a substantial cause of serious injury or threat thereof, a precise description of the good concerned and the proposed provisional measure, as well as the proposed date of introduction and expected duration. Upon the request of a Party sent within thirty (30) days after the receipt of notification under this paragraph, the Parties shall immediately enter into consultations to arrive at a mutually agreed solution. Such consultations shall not prevent the Parties from application of a provisional bilateral measure.

The duration of any provisional bilateral safeguard measure shall not exceed one hundred eighty (180) days.

The Party may apply a provisional safeguard measure only in the form of increase of the applicable rate of customs duty for the good concerned to a necessary level not exceeding the most-favoured-nation applied rate of customs duty applied at the time the provisional bilateral safeguard measure is taken.

If the procedure is terminated without application of a definitive bilateral safeguard measure, the applying Party shall promptly refund any provisional bilateral safeguard measure. In such a case the Party that applied the provisional measure shall apply the rate of customs duty applied before the provisional measure is taken and shall not initiate the procedure for the same good during two (2) years after the date of termination of the procedure.

The duration of any provisional bilateral safeguard measure shall be counted as a part of the total period of application of the bilateral safeguard measure referred in paragraph 9 of this Article.

5. The Party intending to apply a definitive bilateral safeguard measure under this Article shall promptly and in any case before applying a definitive bilateral safeguard measure notify the other Party and shall provide the possibility for consultations. The notification shall contain all pertinent information, which shall include evidence that increased imports constitute the substantial cause of serious injury or threat thereof, a precise description of the good concerned, the proposed definitive bilateral safeguard measure, the information on compensation set forth in paragraph 7 of this Article and the proposed date of introduction, expected duration and timetable for the progressive removal of the measure if relevant.

For the purposes of tariff quota allocation in accordance with paragraph 6 of this Article Serbia shall include in the notification the information on the volume of imports concerned, growth rate of these imports, import shares specified for each EAEU Member State individually as well as the amount of the tariff quota for the EAEU, the preliminary allocation of individual in-quota imports between the EAEU Member States and other factors, if any, that may influence domestic industry of Serbia.

Upon the request of the exporting Party, sent within thirty (30) days after the receipt of the notification under this paragraph, the Parties shall immediately enter into consultations to arrive at a mutually agreed solution, including compensation. If a mutually agreed solution is reached, this solution shall be laid down in writing and shall be binding upon the Parties. If no mutually agreed solution is reached within

thirty (30) days from the date of the receipt of the request, the importing Party may apply a definitive bilateral safeguard measure.

6. If the conditions set out in paragraph 1 of this Article are met, the importing Party may apply a definitive bilateral safeguard measure only in the form of tariff rate quota.

For the purposes of this Article “tariff rate quota” means the established quantity of originating goods that is allowed to be imported under the free trade regime provided according to Article 4 of this Agreement.

For the goods imported out of tariff rate quota the applicable rate of customs duty is increased to the necessary level not exceeding most-favoured-nation applied rate of customs duty applied at the time the definitive bilateral safeguard measure is taken.

The measure shall not reduce the quantity of imports of originating good concerned of a Party into the territory of the applying Party below the level of a recent period which shall be the average of the imports in the last three (3) years for which statistics are available. The level shall be determined on the basis of all imports of good concerned from a Party for the period preceding the date of the entry into force of this Agreement and imports of originating good concerned under the free trade regime provided according to Article 4 of this Agreement for the period subsequent to the date of the entry into force of this Agreement.

For the purposes of application of bilateral safeguard measures Serbia shall provide for allocation and administration of individual amounts of in-quota imports within tariff rate quota for all the EAEU Member States (hereinafter referred to as “individual quota”) in accordance with this paragraph.

Serbia shall allocate individual quota for each EAEU Member State based on the following:

(a) where there were no imports from the exporting EAEU Member State during last three (3) representative years for which statistics are available or its imports accounted for not more than 5 % of the total imports from the EAEU, individual quota allocated to this EAEU Member State shall be not less than 5 % of the tariff rate quota established for the EAEU;

(b) the residual amount of tariff rate quota established for the EAEU shall be allocated by Serbia to other EAEU Member States proportionally to its imports of good concerned from these EAEU Member States for period mentioned in the abstract 4 of this paragraph;

(c) in case Serbia receives the information from the other Party that an EAEU Member States has no interest in supplying the good concerned and no interest in allocation of quota, Serbia shall include the individual quota allocated to this EAEU Member State in the residual amount of tariff rate quota established for the EAEU under subparagraph (b) of this paragraph.

The EAEU may provide its proposals for the reallocation of individual quotas for the EAEU Member States in the consultations under paragraph 5 of this Article but not later than twenty-five (25) days from the date of the receipt of the request for consultations under paragraph 5 of this Article. Serbia shall reallocate individual quotas in accordance with these proposals.

7. The Party that may be affected by the measure shall be offered compensation in the form of concessions having substantially equivalent trade effect and/or concessions substantially equivalent to the value of the additional duties expected to result from the bilateral safeguard measure in relation to the imports from such Party.

The Party shall, within thirty (30) days from the date of the receipt of the request for consultations referred to in paragraph 5 of this Article, examine the information provided in order to facilitate a mutually acceptable solution of the matter. In the absence of such solution, the importing Party may apply a bilateral safeguard measure to resolve the problem, and, in the absence of mutually agreed compensation, the Party against whose good the bilateral safeguard measure is applied may take compensatory action.

The compensatory action shall be promptly notified to the other Party at least thirty (30) days before the application of a compensatory measure.

The compensatory action shall normally consist of suspension of concessions having substantially equivalent trade effects and/or concessions substantially equivalent to the value of the additional duties expected to result from the bilateral safeguard measure.

The compensatory action shall be taken only for the minimum period necessary to achieve the substantially equivalent trade effects and in any event, only while the bilateral safeguard measure under paragraph 6 of this Article is being applied. Provisional safeguard measures shall be taken into account for the determination of compensation or compensatory action.

8. The procedure preceding to the imposition of a bilateral safeguard measure shall be concluded within nine (9) months following the date of its initiation.

9. A bilateral safeguard measure shall be taken for the period not exceeding two (2) years. The period of application of a bilateral safeguard measure may be extended by up to another year if there is evidence that it is necessary to remedy or prevent serious injury or threat thereof and that the industry is adjusting. A Party shall not apply a bilateral safeguard measure again on the same good for the period of time equal to the period during which such measure had been previously applied.

10. No bilateral safeguard measure shall be applied more than twice on the same good.

11. Upon the termination of the bilateral safeguard measure, the rate of customs duty shall be the rate, which would have been in effect on the date of termination of the measure had the measure not been imposed.

12. A bilateral safeguard measure shall not be applied in the first six (6) month from the date of entry into force of this Agreement.

13. With respect to bilateral trade neither Party shall apply, with respect to the same good, at the same time a bilateral safeguard measure and a global safeguard measure.

Article 22

Communication

1. All official communication and documentation exchange between the Parties with respect to the matters covered by Articles 18 through 22 of this Agreement shall take place between competent authorities of the Parties.

2. The Parties shall provide the electronic copies of notifications and requests made under paragraphs 3, 5 through 7 of Article 21 of this Agreement on the date when the official letters of notification or request in printed format are sent. For the purposes of Article 21 of this Agreement this date shall be deemed to be the date of notification or request.

3. The Parties shall exchange information on the names and contacts of competent authorities including investigating authorities within thirty (30) days from the date of entry into force of this Agreement. The Parties shall promptly notify each other of any change to competent authorities including investigating authorities.

Article 23

Dispute Settlement

Any dispute between the Parties arising from the interpretation and/or application of this Agreement shall be settled in accordance with rules and procedures established in Annex 5 “Dispute Settlement” to this Agreement.

Article 24

Transparency and Exchange of Information

1. Each Party shall ensure, in accordance with its respective laws and regulations, that its laws and regulations of general application as well as its respective international agreements, with respect to any matter covered by this Agreement, are promptly published at the latest by the time of their entry into force or otherwise made publicly available, including wherever possible in electronic form.

2. To the maximum extent possible, each Party shall notify the other Party of any measure which, the Party considers, may materially affect the operation of this Agreement or otherwise substantially affect the other Party’s interests under this Agreement.

Article 25

Electronic Commerce

The Parties recognize the growing role of electronic commerce for trade between them. With a view to supporting provisions of this Agreement related to trade in goods the Parties will cooperate in the area of electronic commerce for mutual benefit.

Article 26

Confidential Information

1. Each Party shall, in accordance with its respective laws and regulations, maintain the confidentiality of information provided in confidence by the other Party pursuant to this Agreement.

2. Nothing in this Agreement shall require a Party to furnish or allow access to information which, if disclosed, would impede law enforcement or the disclosure of which is prohibited or restricted under its laws and regulations, or otherwise be contrary to the public interest, or which would prejudice legitimate commercial interests of (any economic operator) particular enterprises, public or private.

Article 27

Annexes

The Annexes to this Agreement constitute an integral part of this Agreement.

Article 28

Joint Committee

1. The Parties hereby establish a Joint Committee comprising representatives of each Party, which shall be co-chaired by two representatives – one from the Government of Serbia at the Ministerial level or its designated representatives and the other from the EAEU and its Member States represented by a Member of the Board of the Eurasian Economic Commission. The Parties shall be represented by senior officials duly authorized for this purpose.

2. The Parties shall inform each other of their respective representatives to the Joint Committee no later than thirty (30) days before holding its session.

3. The tasks of the Joint Committee shall be:

(a) to monitor and examine all matters related to the application and the operation of this Agreement;

(b) to examine possibilities for further promotion of trade relations between the Parties;

(c) to examine and submit to the Parties for consideration any amendments to this Agreement; and

(d) to perform other activities related to any matter under this Agreement assigned to it by the Parties within the scope and objectives of this Agreement.

4. In order to fulfill its functions, the Joint Committee may establish standing or ad hoc sub-committees or working groups and entrust them with the execution of tasks on specific matters.

5. All decisions and recommendations of the Joint Committee shall be adopted by consensus of the Parties.

6. Meetings of the Joint Committee shall be held, as a rule, at least once in two (2) years, alternately in each Party, unless the Parties agree otherwise.

7. Special sessions can also be held at the request of any Party. Such sessions shall be held to the extent possible within thirty (30) days from the date of the receipt of the request in the territory of the requesting Party unless the Parties agree otherwise.

8. The Parties shall harmonize the Rules of Procedure of the Joint Committee and shall approve them at the first meeting of the Joint Committee.

Article 29

Contact Points

1. In order to ensure the effective implementation of this Agreement and to facilitate communications between the Parties on any matter covered by this Agreement each Party shall, within one (1) month from the date of entry into force of this Agreement, designate a contact point or contact points and notify the other Party of its contact point or contact points. The Parties shall notify each other promptly of any amendments to the details of their contact points.

2. The functions of the contact point of each Party shall be:

(a) receiving concerns or enquiries expressed by the other Party;

(b) responding to the concerns or enquiries referred to in subparagraph (a) of this paragraph, where appropriate, in collaboration with other relevant authorities of the Party.

3. Paragraphs 1 and 2 of this Article shall not prevent or restrict any contact by a Party's business sector directly with relevant authorities of the other Party.

4. On the request of a Party, the other Party's contact point or contact points shall indicate the office or official responsible for relating matter that might affect trade between the Parties and provide the required support to facilitate relevant communication.

Article 30

Term of Validity, Withdrawal and Termination

1. This Agreement is concluded for an indefinite period.

2. Each Party may terminate this Agreement by notifying the other Party of its intention to terminate this Agreement. The termination of this Agreement shall take effect on the first day of the seventh month following the month, in which the notification was received by the latter Party.

3. This Agreement shall terminate for any EAEU Member State which withdraws from the Treaty on the EAEU. Any EAEU Member State which withdraws from the Treaty on the EAEU shall ipso facto cease to be a party to this Agreement on the same date that the withdrawal from the Treaty on the EAEU takes effect. The EAEU shall notify Serbia in writing of any such withdrawal six (6) months in advance of the date on which such withdrawal should take place.

Article 31

Amendments

1. This Agreement may be amended by the mutual written consent of the Parties.

2. All amendments to this Agreement shall constitute an integral part of this Agreement and shall be done in the form of separate protocols to this Agreement which shall enter into force in accordance with Article 33 of this Agreement.

3. If any provision of the WTO Agreement or any other agreement to which both Parties are party that has been incorporated into this Agreement is amended, the Parties shall consult on whether to amend this Agreement accordingly.

Article 32

Accession of a New Member State of the EAEU

1. Any new EAEU Member State shall accede to this Agreement as mutually agreed by the Parties through negotiations on terms of any accession. Such accession shall be done by an additional protocol to this Agreement.

2. The EAEU shall without delay notify Serbia in writing of any status of a candidate country for accession to the EAEU granted to any third country as well as on any accession to the EAEU.

Article 33

Entry into Force

This Agreement shall enter into force sixty (60) days from the date of the receipt of the last written notification of the fulfilment by Serbia and the EAEU and EAEU Member States of the internal legal procedures required for entry into force of this Agreement. The notifications shall be exchanged between the Ministry of Foreign Affairs of the Republic of Serbia and the Eurasian Economic Commission.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

Done at Moscow, on this 25th day of October 2019, in two originals in the English language, both texts being equally authentic.

For the Republic of Serbia
Ana Brnabić, Prime Minister
of the Republic of Serbia

For the Republic of Armenia
Nikol Pashinyan, Prime Minister
of the Republic of Armenia

For the Republic of Belarus
Sergei Roumas, Prime Minister
of the Republic of Belarus

For the Republic of Kazakhstan
Askar Mamin, Prime Minister
of the Republic of Kazakhstan

For the Kyrgyz Republic
Mukhammedkalyi Abylgaziev, Prime
Minister of the Kyrgyz Republic

For the Russian Federation
Dmitry Medvedev, Prime Minister
of the Russian Federation

For the Eurasian Economic Union
Tigran Sargsyan, Chairman of the
Eurasian Economic Commission Board

ANNEX 1

LIST OF GOODS EXEMPTED FROM FREE TRADE REGIME UPON IMPORTATION TO THE CUSTOMS TERRITORY OF THE REPUBLIC OF SERBIA FROM THE MEMBER STATES OF THE EURASIAN ECONOMIC UNION

For the purposes of this Annex:

1. "HS Code" and "Description" refer to the relevant tariff line of the Republic of Serbia and its corresponding description in effect on 1 January 2019.

2. "Special condition" means the origin of goods subject to exemptions from the free trade regime or duty-free regime of importation within amount of a tariff quota.

HS Code/Special condition	Description
1701 99 10 (Goods originating in the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan or in the Kyrgyz Republic)	White sugar
2207 (Goods originating in the Republic of Armenia, in the Republic of Belarus, in the Republic of Kazakhstan or in the Kyrgyz Republic)	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength
2208 20 12, 2208 20 14, 2208 20 26, 2208 20 27, 2208 20 40, 2208 20 62, 2208 20 64, 2208 20 86, 2208 20 87, 2208 30, 2208 40, 2208 50, 2208 60 91, 2208 60 99, 2208 70, 2208 90 11, 2208 90 19,2208 90 41, 2208 90 45, 2208 90 48, 2208 90 54,2208 90 71, 2208 90 75, 2208 90 77, 2208 90 78, 2208 90 91, 2208 90 99 (Goods originating in the Republic of Armenia, in the Republic of Belarus, in the Republic of Kazakhstan or in the Kyrgyz Republic)	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages
2402 10, 2402 90 (Goods originating in the Republic of Armenia, in the Republic of Belarus, in the Republic of Kazakhstan or in the Kyrgyz Republic)	Cigars, cheroots, cigarillos of tobacco or of tobacco substitutes
4012, except 4012 90	Retreaded or used pneumatic tyres of rubber
8701 10, 8701 20 10, 8701 30 00, 8701 91 10 10, 8701 91 90, 8701 92 10 11, 8701 92 10 19, 8701 93 10 10, 8701 93 90, 8701 94 10 10 (except exceeding 90 kW), 8701 94 90, 8701 95 10 10, 8701 95 90 (Goods originating in the Russian Federation)	Tractors (other than tractors of heading 8709), new

HS Code/Special condition	Description
8701 20 90, 8701 91 10 90, 8701 92 10 90, 8701 93 10 90, 8701 94 10 90, 8701 95 10 90	Tractors (other than tractors of heading 8709), used
8702 10 19, 8702 10 99, 8702 20 10 90, 8702 20 90 90, 8702 30 10 90, 8702 30 90 90, ex 8702 40 00 00, 8702 90 19, 8702 90 39, ex 8702 90 90 00	Motor vehicles for the transport of ten or more persons, including the driver, used
8703	Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading 8702), including station wagons and racing cars
8704 21 10, 8704 21 31, 8704 21 91, 8704 22 10, 8704 22 91, 8704 31 10, 8704 31 31, 8704 31 91,8704 32 10, 8704 32 91 (Goods originating in the Russian Federation)	Motor vehicles for transport of goods, new
8704 21 39, 8704 21 99, 8704 22 99, 8704 23 99, 8704 31 39, 8704 31 99, 8704 32 99	Motor vehicles for transport of goods, used

LIST OF GOODS SUBJECT TO THE TARIFF RATE QUOTA FOR IMPORTATION TO THE CUSTOMS TERRITORY OF THE REPUBLIC OF SERBIA FROM THE MEMBER STATES OF THE EURASIAN ECONOMIC UNION

1. The following within-quota tariff reduction shall be applied to goods originating in certain Member States of the Eurasian Economic Union in accordance with this Annex. Goods originating in other Member States of the Eurasian Economic Union shall be accorded with duty free regime of importation to the customs territory of the Republic of Serbia.

2. The Republic of Serbia shall accord duty free regime of importation of certain amounts of goods originating in the Member States of the Eurasian Economic Union as described in this Annex.

3. The out-of-quota tariff rate shall be that applied in accordance with laws and regulations of the Republic of Serbia and pursuant to Article 5 of this Agreement.

HS Code/Special condition	Description	Duty free quota quantity
0406 30 31, 0406 30 39, 0406 30 90 (Goods originating in the Republic of Armenia, in the Kyrgyz Republic or in the Republic of Kazakhstan)	Processed cheese, not grated or powdered	100 tons per year
2208 20 29, 2208 20 89 (Goods originating in the Republic of Armenia, in the Republic of Belarus, in the Kyrgyz Republic or in the Republic of Kazakhstan)	Spirits obtained by distilling grape wine or grape marc, others	50 000 liters of pure (100 %) alcohol per year
2402 20 (Goods originating in the Republic of Armenia, in the Republic of Belarus, in the Kyrgyz Republic or in the Republic of Kazakhstan)	Cigarettes containing tobacco	2 000 000 thousand items per year

ANNEX 2

LIST OF GOODS EXEMPTED FROM FREE TRADE REGIME UPON IMPORTATION TO THE CUSTOMS TERRITORY OF THE EURASIAN ECONOMIC UNION FROM THE REPUBLIC OF SERBIA

For the purposes of this Annex:

1. "HS Code" and "Description" refer to the relevant tariff line of the EAEU and its corresponding description as based on the Foreign Economic Activity Commodity Nomenclature of the EAEU, approved by the Decision of the Eurasian Economic Commission Council dated July 16, 2012, Number 54, as of 1 January 2019.

2. The Eurasian Economic Union shall accord duty-free importation within amount of a tariff rate quota for goods originating in the Republic of Serbia as described in this Annex.

HS Code	Description
0207	Meat and edible offal, of the poultry of heading 0105, fresh, chilled or frozen
0406 30, except 0406 30 100 0	Processed cheese, not grated or powdered
1701 99 100	White sugar
2204 10	Sparkling wine
2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength
2208 20 120 0, 2208 20 140 0, 2208 20 260 0, 2208 20 270 0, 2208 20 400 0, 2208 20 620 0, 2208 20 640 0, 2208 20 860 0, 2208 20 870 0, 2208 30, 2208 40, 2208 50, 2208 60, 2208 70, 2208 90 110 0, 2208 90 190 0, 2208 90 410 0, 2208 90 450 0, 2208 90 540 0, 2208 90 560, 2208 90 690, 2208 90 750 0, 2208 90 770, 2208 90 780, 2208 90 910 0, 2208 90 990 0	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages
2402 10, 2402 90	Cigars, cheroots, cigarillos of tobacco or of tobacco substitutes
4012, except 4012 90	Retreaded or used pneumatic tyres of rubber

5205	Cotton yarn (other than sewing thread), containing 85 % or more by weight of cotton, not put up for retail sale
5208	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing not more than 200 g/m²
5209	Woven fabrics of cotton, containing 85 % or more by weight of cotton, weighing more than 200 g/m²
5210	Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing not more than 200 g/m²
5211	Woven fabrics of cotton, containing less than 85 % by weight of cotton, mixed mainly or solely with man-made fibres, weighing more than 200 g/m²
5212	Other woven fabrics of cotton
58	Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery
8414 30, except 8414 30 200 1, 8414 30 810 1, 8414 30 890 1	Compressors of a kind used in refrigerating equipment
8701	Tractors (other than tractors of heading 8709)
8702 10 19, 8702 10 99, 8702 20 19, 8702 20 99, 8702 30 19, 8702 30 99, ex 8702 40, 8702 90 19, 8702 90 39, ex 8702 90 80	Motor vehicles for the transport of ten or more persons, including the driver, used
8703	Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading 8702), including station wagons and racing cars
8704 21 390, 8704 21 990, 8704 22 990, 8704 23 990, 8704 31 390, 8704 31 990, 8704 32 990	Motor vehicles for transport of goods, used

LIST OF GOODS SUBJECT TO THE TARIFF RATE QUOTA FOR IMPORTATION TO THE CUSTOMS TERRITORY OF THE EURASIAN ECONOMIC UNION FROM THE REPUBLIC OF SERBIA

1. The following within-quota tariff reduction shall be applied to goods originating in the Republic of Serbia in accordance with this Annex.

2. The Eurasian Economic Union shall accord duty free regime of importation of certain amounts of goods originating in the Republic of Serbia as described in this Annex.

3. The out-of-quota tariff rate shall be that applied in accordance with laws and regulations of the Eurasian Economic Union and its Member States and pursuant to Article 5 of this Agreement.

4. The Eurasian Economic Union shall accord duty free regime of importation for “Glarus cheese with herbs”, “Buttercase cheese” and “Cheese made of goat’s or sheep’s milk” under HS Codes 0406 90 690 0, 0406 90 740 0, 0406 90 860 0, 0406 90 890 0, 0406 90 920 0, 0406 90 930 0, 0406 90 990 1, 0406 90 990 9. Preferential tariff treatment for such goods shall be granted in case there is an additional mark “Glarus cheese with herbs” or “Buttercase cheese” or “Cheese made of goat’s or sheep’s milk” in box 8 of the Certificate of Origin.

HS Code	Description	Duty free quota quantity
0406 90 690 0, 0406 90 740 0, 0406 90 860 0, 0406 90 890 0, 0406 90 920 0, 0406 90 930 0, 0406 90 990 1, 0406 90 990 9	Other cheese	400 tons per year
2208 20 290 0, 2208 20 890 0	Spirits obtained by distilling grape wine or grape marc, others	35 000 liters of pure (100 %) alcohol per year
2402 20	Cigarettes containing tobacco	2 000 000 thousand items per year

ANNEX 3

RULES OF ORIGIN

Article 1

Scope

The Rules of Origin provided for in this Annex shall be applied for the purposes of granting preferential tariff treatment in accordance with this Agreement.

Article 2

Terms and Definitions

For the purposes of these Rules:

(a) "**applicant**" means a person who has applied to the authorized body of the exporting Party for obtaining a certificate of origin and who confirms and is responsible for the accuracy of information about goods specified in the certificate of origin. The producer, exporter, consignor or their authorized representatives may act as applicants;

(b) "**authorized body**" means a body (organization) designated by a Party to issue (confirm) certificates of origin;

(c) "**certificate of non-manipulation**" means a document issued by the customs authority of a transit third party, confirming that the goods have been kept under customs control and have not been altered or processed (except for operations to preserve the condition of goods) within its territory;

(d) "**certificate of origin**" means a document issued by an authorized body that indicates the country of origin of a good;

(e) "**consignment**" means goods that are delivered simultaneously covered by one or more transport (shipping) documents to the address of a single consignee from a single consignor as well as goods that are sent over single delivery postal bill or transported as baggage by a single person crossing the border;

(f) "**consignor**" means a person named in transport (shipping) documents, which according to the accepted obligations delivers or intends to deliver goods to the carrier;

(g) "**consignee**" means a person named in transport (shipping) documents, which according to the accepted obligations receives or intends to receive goods from the carrier;

(h) "**criterion of sufficient working (processing)**" means one of the origin criteria, according to which if two or more countries participate in the manufacture of a good, such good shall be considered as originating in the country where the last substantial working (processing) takes place;

(i) "**customs value**" means value determined in accordance with the provisions laid down in the Agreement on Implementation of Article VII of the GATT 1994;

(j) "**declaration of origin**" means commercial or other document related to the goods that contains a statement on the country of origin of goods, made by producer, exporter or consignor;

(k) "**exporter**" means a person that is a party to the foreign trade agreement (contract) that sells goods to the importer;

(l) "**ex-works price**" means the price of goods to be paid according to the ex-works terms under the International Rules for the Interpretation of Commercial

Terms “Incoterms” excluding the amount of any internal taxes which are, or may be, refunded when the goods are exported. This price shall be that payable to the producer who has subjected the goods to working (processing) for the last time before sale;

(m) “**goods**” means any products, including thermal, electrical and other types of energy and vehicles being moved across the customs border (with the exception of vehicles engaged in international transport of passengers and goods), even if intended for later use in another manufacturing operation as a material;

(n) “**Harmonized system**” means current version of the Harmonized Commodity Description and Coding System defined by the International Convention on the Harmonized Commodity Description and Coding System of 14 June 1983;

(o) “**importer**” means a person that is a party to the foreign trade agreement (contract) that buys goods from the exporter;

(p) “**material**” means any ingredient, raw material, component or part, used in the production (manufacture) of a good;

(q) “**non-originating material**” means material that is not considered as originating in a Party in accordance with these Rules or material of unknown origin;

(r) “**production** (**manufacture)**” means performance of any type of manufacturing or technological operations aimed at creation or obtainment of a good;

(s) “**third party**” means a customs territory of a non-party to this Agreement;

(t) “**verification authority**” means a competent governmental authority designated by a Party to control the issuance of the certificates of origin and the declarations of origin, the accuracy of information specified therein and to verify whether producers meet the origin criteria provided for in these Rules.

Article 3

Origin Criteria

For the purposes of these Rules goods shall be considered as originating in a Party if they are:

(a) wholly obtained or produced in such Party as provided for in Article 4 of these Rules; or

(b) produced in a Party using non-originating materials and satisfy the criteria of sufficient working (processing) provided for in Article 5 of these Rules; or

(c) produced in one or more Parties exclusively from originating materials from those Parties in accordance with Article 6 of these Rules.

Article 4

Wholly Obtained or Produced Goods

The following goods shall be considered as wholly obtained or produced in a Party:

(a) minerals, mineral products or other natural resources extracted from the subsoil or from the territorial sea or from the seabed or resulting from processing of atmospheric air within the territory of a Party as well as atmospheric air or its separation products obtained therein;

(b) vegetable goods grown and (or) harvested in the territory of a Party;

(c) live animals born and raised in the territory of a Party;

(d) goods obtained in a Party from live animals;

(e) goods obtained by hunting or fishing in the territory of a Party;

(f) goods of sea fishing and other marine goods taken outside the territorial waters of a Party by ships registered or recorded in a Party and flying its flag;

(g) goods manufactured aboard a factory ship exclusively from goods referred to in subparagraph (f) of this Article originating from a Party, provided that such factory ship is registered or recorded in a Party and flying its flag;

(h) goods extracted from seabed or marine subsoil outside the territorial sea of a Party, provided that a Party has sole rights to exploit such seabed or marine subsoil;

(i) waste and scrap (secondary raw materials) resulting from manufacturing or other processing operations or consumption in the territory of a Party, provided that they are fit only for the recovery of raw materials;

(j) goods produced in outer space on board spacecrafts that belong to a Party or are leased (chartered) by it;

(k) goods produced or obtained in the territory of a Party exclusively from goods referred to in subparagraphs (a) through (j) of this Article.

Article 5

Criterion of Sufficient Working (Processing)

1. Goods shall be considered to have undergone sufficient working (processing) in a Party if the value of non-originating materials used in that working (processing) does not exceed fifty (50) percent of the value of exported goods.

2. The value of non-originating materials used in the working (processing) shall be determined as their customs value at the time of importation into the Party where the working (processing) takes place.

If in accordance with the laws and regulations of a Party customs value of materials is not being determined and if their origin is unknown the value of materials shall be determined as equal to the earliest ascertained price paid for such materials in the territory of a Party where the working (processing) takes place.

The value of the goods exported from a Party shall be determined on the basis of the ex-works price.

Article 6

Cumulation of Origin

Notwithstanding the provisions of subparagraph (b) of Article 3 of these Rules the goods or materials originating in a Party which are used as material in the manufacture of a good in another Party shall be considered as originating in such Party where the last operations other than those referred to in paragraph 1 of Article 7 of these Rules have been carried out. The origin of such materials shall be confirmed by a certificate of origin (Form CT-2) issued by an authorized body.

Article 7

Insufficient Working or Processing

1. The following operations do not meet the criteria of sufficient working (processing):

(a) preserving operations that are necessary to ensure that a good retains its condition during storage and (or) transportation;

(b) operations to prepare the goods for sale and (or) transportation (splitting up of consignments, forming of consignments, sorting, repacking), disassembly and assembly of packages;

(c) washing, cleaning, removal of dust, oil, paint or other coverings;

(d) ironing or pressing of textiles (any type of fibre and yarn, woven fabrics of all types of fibres and yarn and articles thereof);

(e) painting, polishing, varnishing, coating (impregnating) with oil or other substances;

(f) husking, partial or total bleaching, polishing and glazing of cereals and rice;

(g) freezing, defrosting;

(h) operations of colouring, dissolving or blending sugar, including blending with other materials, or forming sugar lumps;

(i) peeling, removing seeds, stones, shells and cutting of fruits, nuts and vegetables;

(j) sharpening, grinding or cutting which do not lead to a sufficient difference of a good from original components;

(k) sifting, screening, sorting, classifying, grading, matching (including the making-up of sets of articles);

(l) placing in bottles, cans, flasks, bags, cases, boxes and other packaging operations;

(m) simple operations of assembly or disassembly of goods into parts;

(n) engraving, affixing or printing trademarks, logos, labels and other like distinguishing signs on goods or their packaging;

(o) mixing of goods (components) which does not lead to a sufficient difference of good from the original components;

(p) slaughter of animals;

(q) cutting (sorting) of meat, fish;

(r) using (exploitation) of goods as intended; or

(s) a combination of two or more operations specified above.

2. If in respect of a good the criterion of sufficient working (processing) is being fulfilled solely by performing operations specified in paragraph 1 of this Article such goods shall not be considered as originating in a Party, in which these operations take place.

3. For the purposes of paragraph 1 of this Article ”simple operations’’ shall mean operations which do not require special knowledge (skills), or machines, apparatus and equipment specially designed for those operations.

Article 8

Special Cases of Origin Determination

1. Accessories, spare parts and tools, intended for use with machinery, equipment, apparatus or vehicles shall be considered as originating in the same Party as the machines, equipment, apparatus or vehicles, provided that such accessories, spare parts and tools are imported and used together with these machines, equipment, apparatus or vehicles in configuration and quantities in which

they are usually delivered with such goods in accordance with the technical documentation.

2. Package, in which the goods are imported, is considered to be originating in the same Party as the goods, except where the package in accordance with the General Rule 5 for the Interpretation of the Harmonized System shall be declared separately from the goods. In this case the country of origin of package shall be determined separately from the country of origin of the goods.

3. If a package, in which the goods are imported, is considered to be originating in the same Party as the goods, only the package in which goods are sold in retail shall be taken into consideration for the purposes of determining the origin of goods.

4. Unassembled or disassembled goods and bulk goods transported by instalments due to reason of impossibility of delivery in a single consignment due to the limitations of production or transportation facilities, for the purposes of determination of origin such goods shall be considered as a single good where it is so desired by the an applicant, provided that all its components are delivered from the same customs territory from the same exporter to the same importer under a single contract and provided that other conditions are met as defined by the customs laws and regulations of the importing Party.

5. Origin of thermal and electrical energy, machinery, equipment and tools, any other goods that are not incorporated into goods but the use of which in the manufacture of such goods can be demonstrated to be a part of that production shall not be taken into account for the purposes of determining the origin of goods.

6. Goods classified as set in accordance with the General Rule 3 for the Interpretation of the Harmonised System shall be regarded as originating if all the components included in the set considered as originating materials. Nevertheless, set consisting of originating and non-originating components shall be considered as originating provided that the value of the non-originating components does not exceed fifteen (15) percent of the ex-works price of the set.

Article 9

Direct Consignment

1. The direct consignment means transportation of goods from the territory of one Party into the territory of the other Party without transit through the territory of any third party.

2. Notwithstanding the provisions of paragraph 1 of this Article, goods may be transported through territories of third parties due to geographic, transport, technical or economic reasons, provided that during such transportation, including during temporary storage of the goods in territories of those third parties, the goods shall be under customs control (surveillance).

3. An importer shall submit appropriate documentary evidence to the customs authority of the importing Party confirming that the conditions set out in paragraph 2 of this Article have been fulfilled. Such evidence shall be provided to the customs authority of the importing Party by submission of any of the following documents:

(a) a certificate of non-manipulation provided by the customs authority of the transit third party;

(b) other documents issued by the customs authority of the third party, which provide a precise description of goods, the date of transhipment (transfer) of goods

and names of vehicles, and certify the conditions under which goods were in that transit third party;

(c) transport (shipping) documents certified by customs authority of the third party confirming the route of transportation of goods from the exporting Party through that transit third party.

4. Direct consignment shall be considered to be fulfilled also for goods, purchased by importer at exhibitions or fairs, under the following conditions:

(a) goods were delivered from the territory of one Party to the territory of a third party, where the exhibition or fair takes place, and remained under the customs control (surveillance) during such event;

(b) goods were not used for any purpose other than demonstration from the moment they were sent to the fair or exhibition;

(c) goods are imported into the territory of the Party in the same condition in which they were sent to the territory of a third party disregarding changes in their condition due to natural deterioration or loss under normal conditions of transport and storage.

Article 10

Conditions for Granting the Free Trade Regime

1. The goods shall benefit from the free trade regime in the territories of the Parties if they meet the origin criteria provided for in these Rules and simultaneously the following conditions are met:

(a) a valid and duly completed certificate of origin (Form CT-2) or in cases defined in Article 13 of these Rules, a declaration of origin made out in accordance with the requirements defined in these Rules shall be submitted to the customs authority of the importing Party, except for the circumstances provided for in Article 14 of these Rules;

(b) the conditions of direct consignment of goods, provided for in Article 9 of these Rules are met;

(c) the requirements for administrative cooperation, provided for in Article 15 of these Rules are met.

2. The goods, the origin of which was not determined or the origin of which has been determined, but the free trade regime cannot be granted to these goods, shall be imported into the importing Party in accordance with the requirements of the tariff and non-tariff regulation of such Party.

3. In respect of the goods referred to in paragraph 2 of this Article, the free trade regime may be granted in the territories of the Parties after the release of goods, provided that:

(a) the conditions provided for in paragraph 1 of this Article are met;

(b) the period of twelve (12) months from the date of registration of the customs declaration in the importing Party has not expired.

4. The free trade regime shall be granted after the release of goods under the conditions stipulated in these Rules and in accordance with the procedure defined by the customs laws and regulations of the importing Party.

5. The free trade regime cannot be granted in accordance with paragraph 4 of this Article, in case of detection of falsification of the certificate of origin (Form CT-2) or a declaration of origin, as well as failure to meet the conditions stipulated in paragraph 3 of this Article.

Article 11

Grounds for Denial the Free Trade Regime

1. The customs authority of a Party shall deny granting the free trade regime to goods imported from the other Party in the following cases:

(a) one (or more) of the conditions for granting the free trade regime referred to in paragraph 1 of Article 10 of these Rules are not met;

(b) the goods specified in the certificate of origin (Form CT-2) (declaration of origin) cannot be identified with the goods declared upon customs declaration;

(c) the verification authority of the exporting Party has informed that the certificate of origin (Form CT-2) (declaration of origin) had not been issued (is falsified), had been annulled (withdrawn), or had been issued on the basis of invalid, incorrect or incomplete documents and (or) information;

(d) within six (6) months from the date of the request, referred to in paragraph 5 of Article 15 of these Rules (or within eight (8) months from the date of the request, if the exporting Party has requested to extend the period of verification in accordance with paragraph 6 of Article 15 of these Rules), a response regarding the requested certificate of origin (Form CT-2) (declaration of origin) has not been received from the verification authority of the exporting Party, or if there is a case provided for in paragraph 8 of Article 15 of these Rules;

(e) the actual weight of delivered goods exceeds the weight specified in the certificate of origin (Form CT-2) (declaration of origin) by more than five (5) percent;

(f) original certificate of origin (Form CT-2) in hard copy has not been submitted at the request of customs authority of the importing Party in the cases provided for in paragraph 4 of Article 13 and paragraph 3 of Article 14 of these Rules;

(g) verification visit undertaken in accordance with Article 16 of these Rules does not allow to determine the origin of the goods or indicates the inconsistency of the goods with the origin criteria;

(h) within sixty (60) days from the date of dispatch of the request for verification visit, stipulated in paragraph 2 of Article 16 of these Rules, a written consent is not obtained or a refusal to conduct such verification visit is received.

2. The presence of errors (misprints) and/or minor discrepancies made when filling out the certificate of origin (Form CT-2) (declaration of origin), that do not affect the accuracy and substance of the information contained in such certificate of origin (Form CT-2) (declaration of origin), and do not give rise to doubt as to the origin of goods, do not constitute grounds for denial of granting the free trade regime.

Article 12

Certificate of Origin

1. In order to confirm the origin of goods for the purpose of obtaining the free trade regime certificate of origin (Form CT-2) made in accordance with the form provided for in Annex 1 to these Rules and duly completed in accordance with the requirements provided for in this Article and Article 18 of these Rules shall be submitted to the customs authority of the importing Party.

2. The certificate of origin (Form CT-2) submitted to the customs authority of the importing Party shall be original and in hard copy, except in the case provided for in paragraph 2 of Article 14 of these Rules.

3. The certificate of origin (Form CT-2) shall be issued by an authorized body on the basis of the request of an applicant (documents and data submitted by

him) before or at the time of exportation of the goods in all cases where the goods meet the requirements of these Rules.

4. The certificate of origin (Form CT-2) shall be issued for goods under one consignment and shall be valid for the purposes of granting the free trade regime for a period of twelve (12) months from the date of issuance of the certificate of origin (Form CT-2) by the authorized body.

5. The actual weight of delivered goods shall not exceed the weight specified in the certificate of origin (Form CT-2) by more than five (5) percent.

6. The certificate of origin (Form CT-2) may be issued also after the exportation of goods on the basis of a written request of the applicant. In this case, the applicant shall additionally submit to the authorized body a customs declaration with the appropriate note of the customs authority, confirming the actual exportation of the goods. The note of the customs authority must be dated earlier then the date of issuance of the certificate of origin (Form CT-2).

When customs declaration is carried out electronically, an electronic notification of the customs authority on crossing the border may be submitted. If customs declaration is not applied when goods are exported from a Party, the documents which confirm the dispatch of goods from the territory of this Party shall be submitted to the authorized body.

In this case in Box 5 of the certificate of origin (Form CT-2) it shall be stated: “Issued retrospectively” or “Vыdan vposledstvii”.

7. In case of loss or damage of the certificate of origin (Form CT-2), its officially certified duplicate shall be issued. When issuing a duplicate, the date of its issuance shall be indicated in Box 12 “Certification” (“Udostoverenie”), and the mark “Duplicate” or “Dublikat” shall be made in Box 5 “For official use” (“Dlя služebnыh otmetok”), along with the number and date of issuance of the lost or damaged original certificate of origin (Form CT-2). A duplicate certificate of origin (Form CT-2) shall be valid from the date of issuance of the original certificate of origin (Form CT-2). The validity of a duplicate certificate of origin (Form CT-2) for the purposes of obtaining the free trade regime shall not exceed twelve (12) months from the date of issuance of the original certificate of origin (Form CT-2).

8. Instead of a certificate of origin (Form CT-2) cancelled for any reason or when needed to reissue previously issued certificate of origin (Form CT-2) upon the reasonable request of the applicant, the authorized body may issue a new certificate of origin (Form CT-2). In this case, mark “Issued instead of certificate of origin Form CT-2” or “Vыdan vzamen sertifikata formы ST-2” shall be made in Box 5, along with the number and date of the cancelled (reissued) certificate of origin (Form CT-2). The certificate of origin (Form CT-2) issued instead of another certificate of origin (Form CT-2) shall be assigned with a new registration number.

9. In the case of transportation of goods between the Parties which have not undergone working (processing) other than preservation and packaging operations as well as operations to prepare them for sale and transportation, the authorized body of the Party may issue a replacement certificate instead of certificate of origin (Form CT-2).

A replacement certificate of origin (Form CT-2) shall be issued based on the certificate of origin (Form CT-2) issued by the authorized body of the Party from the territory of which such goods exported into the territory of the other Party, and confirm the country of origin stated in such certificate of origin (Form CT-2).

In this case, mark “Issued on the basis of certificate Form CT-2” or “Vыdan na osnovanii sertifikata formы ST-2” or shall be entered in Box 5, along with the number

and date of the certificate of origin (Form CT-2) issued by the exporting Party and the issuing authorized body.

10. The authorized body that has issued a certificate of origin (Form CT-2), as well as the applicant, shall keep copy of the certificate, and of any documents relating to it, including those submitted by the applicant, for at least three (3) years from the date of issuance of a certificate of origin (Form CT-2).

Article 13

Declaration of Origin

1. In order to confirm the origin of goods in a small consignment, customs value of which does not exceed the amount equivalent to five thousand (5000) Euro, a certificate of origin (Form CT-2) is not required to be presented to customs authority of the importing Party for purposes of obtaining the free trade regime. In this case, a declaration of origin can be submitted, made out in accordance with Annex 2 to these Rules.

2. The validity of the declaration of origin for the purpose of granting the free trade regime shall not exceed twelve (12) months from the date on which it was signed by the producer, exporter or consignor.

3. The actual weight of delivered goods shall not exceed the weight specified in the declaration of origin by more than five (5) percent.

4. In case where the customs authority of the importing Party has evidence that information on the origin of goods stated in the declaration of origin may be unreliable then customs authority of the importing Party may require to submit the certificate of origin (Form CT-2).

5. Producer, exporter or consignor making out statement about the country of origin of goods in the declaration of origin shall submit at the request of the verification authority of the exporting Party all the documents and information necessary to confirm the origin of goods in accordance with these Rules.

6. Producer, exporter or consignor shall keep the declaration of origin, as well as any documents relating to it, confirming the origin of goods, for at least three (3) years from the date of its signing.

7. Declaration of origin shall be made in hard copy and shall be signed personally by the authorized representative of the producer, exporter or consignor of the goods, indicating his name and surname.

Article 14

Cases when Documentary Proof of Origin is not Required

1. When importing consignments of originating goods, customs value of which does not exceed the amount equivalent to two hundred (200) Euro, declaration of origin or certificate of origin (Form CT-2) shall not be required in order to obtain the free trade regime, provided that such importation is not a part of series of consignments, which may reasonably be considered to have been undertaken or arranged for the purposes of avoiding the submission of certificate of origin (Form CT-2) or declaration of origin.

2. In case of Electronic Origin Certification and Verification System (hereinafter referred to as “EOCVS”) referred to in Article 17 of these Rules is developed and implemented, the original certificate of origin (Form CT-2) in hard copy may not be submitted during customs declaration of goods. In this case, the date and number of such certificate of origin (Form CT-2) shall be specified in the customs declaration.

3. If the customs authority of the importing Party has reasonable doubts on the origin of the goods for which the free trade regime is claimed, and (or) there is a discrepancy in the information contained in the EOCVS, or the corresponding information is not available in the EOCVS, the customs authority of the importing Party may require to submit the original certificate of origin (Form CT-2) in hard copy.

Article 15

Administrative Cooperation

1. Prior to the issuance of the certificates of origin (Form CT-2) in accordance with these Rules, the Parties shall provide each other through the Eurasian Economic Commission and the Ministry of Finance – Customs Administration of the Republic of Serbia, respectively, with:

(a) samples of certificates of origin (Form CT-2) and additional sheets of the certificates of origin (Form CT-2) including the information on the security features of the certificates of origin (Form CT-2);

(b) specimen impressions of stamps of the authorized bodies (these specimen impressions must be original and legible, to allow for their unambiguous identification for authenticity);

(c) information on the names and addresses of the authorized bodies;

(d) information on the names and addresses of the verification authorities.

2. The Ministry of Finance – Customs Administration of the Republic of Serbia and the Eurasian Economic Commission shall be notified in advance, in the same manner, on any changes related to samples and information referred to in paragraph 1 of this Article.

Such notification shall include information on the date from which new stamps of the Party's authorized body shall be used, and on stamps, for which specimen impressions had been provided earlier, instead of which or in addition to which they shall be used.

The exchange of information referred to in paragraphs 1 and 2 of this Article shall be in the English or Russian language.

3. In case of failure to provide information specified in paragraphs 1 and 2 of this Article, and (or) in the case where such information does not meet the requirements set out in paragraphs 1 and 2 of this Article, the free trade regime shall not be granted to the imported goods.

4. The customs authorities of the Parties shall carry out the subsequent verification of certificates of origin (Form CT-2) and declarations of origin either randomly or in case of reasonable doubt of the customs authority of the importing Party regarding the authenticity of documents or accuracy of information contained therein.

5. In cases, referred to in paragraph 4 of this Article, the customs authority of the importing Party may reasonably request the verification authority to confirm the authenticity of the certificate of origin (Form CT-2) (declaration of origin) and (or) the accuracy of information, contained therein, and also provide additional or clarifying information, including on fulfillment of the origin criterion, and (or) copies of the documents, on the basis of which the certificate of origin (Form CT-2) was issued, including copies of commercial documents (records, invoices, contracts, etc.) issued in third parties.

The verification request shall be accompanied with a copy of the certificate of origin (Form CT-2) (declaration of origin) which is subject to verification.

The verification request shall be made in the English or Russian language.

The verification request shall indicate the reasons for its submission and (or) any other additional information which specifies what information in the certificate of origin (Form CT-2) (declaration of origin) might be inaccurate, except for the cases of verification carried out on a random basis.

6. When customs authority of the importing Party sends a request to the verification authority in accordance with paragraph 5 of this Article, the verification authority shall carry out verification as soon as possible and information with its results, including all requested information, shall be sent to the requesting customs authority within six (6) months from the date of the request.

In exceptional circumstances the exporting Party may send to the requesting customs authority of the importing Party reasonable request to extend the period for response to the verification request by two (2) months. Such a request shall be made within the six- (6) month period as is specified in the first abstract of this paragraph.

These results must clearly indicate whether the documents are authentic and whether the specific goods can be considered as originating in the Party, as well as whether other requirements of these Rules are met.

In the event of a decision to annul a certificate of origin (Form CT-2) or to invalidate the declaration of origin, the verification authority of the exporting Party shall, as soon as possible, inform the customs authority of the importing Party of such a decision.

7. The customs authority of the importing Party shall send a copy of verification request to the verification authority of the exporting Party officially as well as by e-mail using the addresses received in accordance with the procedure stipulated by third abstract of this paragraph.

Verification authority of the exporting Party shall immediately confirm to the requesting customs authority of the importing Party the receipt of the request received by e-mail.

The customs authorities and the verification authorities of the Parties shall exchange the information regarding methods of communication and e-mail addresses that will be used in such exchange within the verification procedures under these Rules.

8. If the results of verification do not allow to establish the authenticity of the certificates of origin (Form CT-2) (declarations of origin) and the accuracy of information stated therein, and also in case if additional or clarifying information, including information on compliance with the origin criteria on the origin of goods, copies of documents, including those on the basis of which the certificate of origin (Form CT-2) had been issued, are not presented, the free trade regime shall not be granted.

Article 16

Verification Visit

1. If the customs authority of the importing Party is not satisfied with the outcomes of the verification referred to in Article 15 of these Rules, it may, under exceptional circumstances, request verification visit to the exporting Party to review the records of the verified person referred to in Articles 12 and 13 of these Rules and (or) observe premises (territories) used in the manufacture of the goods.

2. Verification visit shall be carried out by the Verification Team consisting of the representatives of the competent authorities of the importing and the exporting

Parties on the territory of the exporting Party in order to check whether the goods of the verified person and (or) conditions of their manufacture comply with the requirements of these Rules, by inspecting the location of the verified person and (or) premises (territories) used in the manufacture of the goods.

For the purposes of this Article the verified person means an exporter and (or) producer of the goods of the exporting Party whose goods are subject of the verification visit.

For the purposes of this Article the subject of the verification visit means the goods in respect of which the verification visit has been requested and documentary proofs of origin have been issued.

Verification visit shall be conducted in accordance with the respective laws and regulations of the exporting Party.

3. In order to conduct a verification visit the customs authority of the importing Party shall send a written request with its intention to conduct the verification visit (hereinafter referred to as “the request for verification visit”) to the verification authority of the exporting Party.

4. The request for verification visit shall be reasonable, as comprehensive as possible and shall include, inter alia:

(a) name of the customs authority of the importing Party issuing the request;

(b) name of the verified person;

(c) subject of the proposed verification visit, including reference to the goods and to the reasonable doubts regarding their origin;

(d) preliminary information regarding the representatives of the competent authorities who will take part in the verification visit;

(e) other additional information indicating the reasonable grounds to conduct the verification visit.

5. Verification authority of the exporting Party shall send written consent or refusal to conduct the verification visit within sixty (60) days from the date of dispatch of the request for verification visit.

The exporting Party shall, within this deadline, obtain consent or refusal to conduct the verification visit from the verified person. The verified person shall be informed on the fact that the denial to conduct verification visit shall be considered as a due ground for the denial of the free trade regime by the customs authority of the importing Party to the goods in question.

6. Where a response referred to in paragraph 5 of this Article is not obtained within sixty (60) days from the date of dispatch of the request for verification visit pursuant to paragraph 3 of this Article or a refusal to conduct such verification visit is received, the importing Party issuing the request shall deny the free trade regime to the previously imported goods in respect of which the verification visit has been requested.

7. Any verification visit shall be launched within sixty (60) days from the date of the receipt of written consent and finished within a reasonable period of time, but no later than one hundred and fifty (150) days from the date of receipt of the written consent.

8. Competent authorities of the exporting and the importing Parties and the verified person shall provide an efficient cooperation required for the verification visit conducted by the Verification Team.

If there are obstacles made by the verified person or other person of the inspected Party during the verification visit, which result in the absence of possibility to conduct the verification visit, the importing Party has the right to deny the free trade regime to the goods which are subject of the verification visit. This information shall be indicated in the report on the results of the verification visit.

9. During the verification visit the Verification Team has the right to request from the verified person any documents and information, including accounting data, related to the subject of the verification visit.

10. The results of the verification visit shall be documented in the English language in the form of a report on the results of the verification request.

Report on the results of the verification request shall contain at least the following information:

- names of the competent authorities conducting the verification visit, including the names and positions of the Verification Team members;
- name of the verified person;
- information about goods which are subject of the verification visit;
- dates of the verification visit;
- grounds for the verification visit, including description of the initial doubts about the origin of the goods being verified, the requisites of the written consent to conduct verification visit;
- information about premises and (or) territories where the verification takes place;
- where applicable, description of the actual production process of the verified goods;
- outcomes (finding) of the verification visit that clearly indicate the compliance or non-compliance of the verified goods with the requirements of these Rules.

11. The Verification Team conducting the verification visit shall send to the verified person the report on the results of such verification not later than two hundred (200) days from the date of the receipt of written consent.

12. The importing Party may temporary suspend the free trade regime to the goods similar to those which are subject of the verification visit from the date of dispatch of the request for verification visit till the obtaining of results of the verification visit (approval of report on the results of verification request). In case of such suspension the goods can be released without granting the free trade regime in accordance with the requirements of the importing Party’s respective laws and regulations.

The free trade regime shall be granted in accordance with respective laws and regulations of the importing Party based on the results of verification visit, indicating that goods which are subject of verification visit meet the requirements of these Rules.

For the purposes of this paragraph the similar goods are goods classified by the same code of Harmonized System and having the same description as those goods which are the subject of verification visit, manufactured by the same producer or sold by the same exporter as those goods which are the subject of the verification visit.

13. All costs of the Verification Team related to the participation of representatives of the importing Party in the verification visit shall be borne by the importing Party.

Article 17

Development and Implementation of the Electronic

Origin Certification and Verification System

1. The Parties shall endeavour to implement the EOCVS no later than two (2) years from the date of entry into force of this Agreement.

2. The EOCVS shall be based on the information exchange on issued certificates of origin (Form CT-2) between the authorized bodies and the customs authorities of the Parties. Such information exchange should enable:

(a) non-submission to the customs authority of the importing Party of the original certificate of origin (Form CT-2) in hard copy when customs declaration of goods is carried out electronically;

(b) verification by the customs authority of the importing Party of the authenticity and content of the certificates of origin (Form CT-2) issued by the authorized body of the exporting Party.

3. For the purpose of developing and implementing the EOCVS, the Parties shall establish an expert working group.

4. The rules for the exchange of information within the EOCVS, including technical conditions, shall be defined separately.

Article 18

Requirements and Procedures for Completing of the Certificate of Origin

1. The certificate of origin (Form CT-2) shall be issued and completed by printing (except in cases specified below) in the English or Russian language on paper with a protective netting or protective color field in A4 format (210 x 297 mm) with a density of at least 25 g/sq. m and produced typographically.

2. The use of facsimile signatures of persons and presence of erasures, corrections and (or) additions, not certified by the authorized body, are not allowed in the certificates of origin (Form CT-2).

3. Corrections and (or) additions to the certificate of origin (Form CT-2) shall be made by striking out erroneous information and typing or handwriting of correct information, which shall be certified by stamp of the authorized body, that previously issued the certificate of origin (Form CT-2).

4. The certificate of origin (Form CT-2) shall be completed in accordance with the following requirements:

(a) in Box 1 – “Consignor/exporter (name and address)” (“Gruzootpravitelь/ эksporter (naimenovanie i adres)”) the name of consignor/exporter and his full address and country shall be entered. If the consignor and exporter are different persons, it shall be specified that the consignor (name and address) acts on behalf (“to order”) of the exporter (name and address). If the consignor/exporter is a natural person, his surname, name and address shall be entered;

(b) in Box 2 – “The consignee/importer (name and address)” (“Gruzopolučatelь/ importer (naimenovanie i adres)”) the name of the consignee (importer), and his full address and country shall be entered. If the consignee and the importer are different persons, it shall be specified that the consignee (name and

address) acts on behalf (“to order”) of the importer (name and address). If the consignee/importer is a natural person, his surname, name and address shall be entered;

(c) in Box 3 – “Means of transport and route (as far as known)” (“Sredstva transporta i maršrut sledovanія (naskolьko эto izvestno)”) means of transport and route, as far as known, shall be entered;

(d) in Box 4– the registration number of the certificate of origin (Form CT-2), the Party that has issued the certificate of origin (Form CT-2), and the Party for which the certificate of origin (Form CT-2) is to be submitted shall be entered. The registration number may be indicated by handwriting or stamping;

(e) in Box 5 – “For official use” (“Dlя služebnыh otmetok”) official marks of authorized body of the countries of export, transit, and (or) the receipt of goods shall be entered by handwriting or stamping, as well as, if necessary, the following marks: “Dublikat” or “Duplicate”, “Vыdan vzamen sertifikata formы ST-2” or “Issued instead of certificate Form CT-2”, “Vыdan vposledstvii“ or “Issued retrospectively”, “Vыdan na osnovanii sertifikata formы ST-2” or “Issued on the basis of certificate Form CT-2” and other records. Handwritten records shall be certified as provided for in paragraph 3 of this Article;

(f) in Box 6 – “№”, the item number of the goods shall be entered;

(g) in Box 7 – “Number and kind of packages” (“Količestvo mest i vid upakovki”) the number and kind of packages shall be entered;

(h) in Box 8 – “Description of goods” (“Opisanie tovara”) the commercial name of goods shall be entered, as well as other information allowing to identify the goods with those declared for the purpose of customs declaration. In case of insufficient space in Box 8, an additional sheet(s) of the certificate of origin (Form CT-2) (the form of the additional sheet is given in Annex 1 to these Rules) may be used, and shall be completed in the prescribed manner (certified by signature, stamp and assigned the same registration number as the one entered in Box 4 of the certificate of origin (Form CT-2));

(i) in Box 9 – “Origin criterion” (“Kriterій proishoždenія”) the following origin criteria shall be entered:

“P” – good is wholly obtained in the Party;

“Y” – good is sufficiently worked (processed) in the Party stating the percentage of the value of non-originating material used in the manufacture in the value of exported goods (for example, “Y 15 %”);

“Pk” – good is considered as originating based on the cumulation principle.

The origin criteria shall be respectively entered for all goods stated in Box 9;

(j) in Box 10 – “Quantity of goods” (“Količestvo tovara”) gross weight (kg), and (or) other quantitative characteristics of the goods shall be entered;

(k) in Box 11 – “Number and date of invoice” (“Nomer i data sčeta-fakturы”) numbers and dates of all invoices for goods for which the certificate of origin (Form CT-2) is issued shall be entered;

(l) in Box 12 – “Certification” (“Udostoverenie”) authorized body’s name, address, stamp and date of issuance of the certificate of origin (Form CT-2) (duplicate) shall be entered, as well as signature, surname and name (initials) of the person, authorized to approve the certificate of origin (Form CT-2) (duplicate). The

date, surname and name (initials) of the authorized person may be entered by handwriting or stamping.

If information on the full name of authorized body of a Party in the English or Russian language are given in the stamp impression, additional entering of the referred information in this Box is not compulsory.

Stamp impression must be clear to allow where necessary the verification of its authenticity;

(m) in Box 13 – “Declaration by the applicant” (“Deklaracia zaяvitelя”) country where the goods were wholly obtained or sufficiently worked (processed) (the EAEU Member State or Serbia), the date of declaration of the information on the country of origin shall be entered, as well as applicant’s stamp (if any), signature, name and initials. The date and applicant’s name and initials may be entered by handwriting or stamping.

5. Completing the certificate of origin (Form CT-2) on the reverse side of the form shall not be allowed.

Article 19

Transitional Provisions

Within one (1) year from the date of entry into force of this Agreement the authorized bodies may use the certificates of origin (Form CT-2) other than the form set out in Annex 1 to these Rules that are in use by the Parties. Such certificates of origin (Form CT-2) shall be completed taking into account the requirements set forth in Article 18 of these Rules.

ANNEX 1

to the Rules of Origin

Certificate of origin (Form ST-2) and additional sheet of certificate of origin (Form CT-2)

I. Certificate of origin (Form ST-2)

(in Russian)

<table>
<tr><td colspan="3">1. Gruzootpravitelь/эksporter
(naimenovanie i adres)</td><td colspan="3">4. № _____
Sertifikat o proishoždenii tovara
Forma ST-2</td></tr>
<tr><td colspan="3">2. Gruzopolučatelь/importer
(naimenovanie i adres)</td><td colspan="3">Vыdan v _____ (naimenovanie stranы)
Dlя predostavlenия v
_____
(naimenovanie stranы)</td></tr>
<tr><td colspan="3">3. Sredstva transporta i maršrut
sledovaniя (naskolьko эto izvestno)</td><td colspan="3">5. Dlя služebnыh otmetok</td></tr>
<tr><td>6. №</td><td>7. Količestvo mest i vid upakovki</td><td>8. Opisanie tovara</td><td>9. Kriterий proishoždeniя</td><td>10. Količestvo tovara</td><td>11. Nomer i data sčeta-fakturы</td></tr>
<tr><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td colspan="3">12. Udostoverenie
Nastoящim udostoveryaetsя na osnove provedennogo kontrolя, čto deklaraciя zaяvitelя sootvetstvuet deйstvitelьnosti
……
Podpisь Data Pečatь</td><td colspan="3">13. Deklaraciя zaяvitelя
Nižepodpisavšiйsя zaяvlяet, čto vыšeprivedennыe svedeniя sootvetstvuюt deйstvitelьnosti, čto vse tovarы polnostью proizvedenы ili podvergnutы dostatočnoй obrabotke (pererabotke) v
_____
(naimenovanie stranы)
i čto oni otvečaют trebovaniяm proishoždeniя, ustanovlennым v otnošenii takih tovarov
……
Podpisь Data Pečatь</td></tr>
</table>

(in English)

<table>
<tr><td colspan="3">1. Consignor/exporter
(name and address)</td><td colspan="3">4. № _____

Certificate of origin
Form CT-2</td></tr>
<tr><td colspan="3">2. Consignee/importer
(name and address)</td><td colspan="3">Issued in
_____
(country)
For submission to
_____
(country)</td></tr>
<tr><td colspan="3">3. Means of transport and route
(as far as known)</td><td colspan="3">5. For official use</td></tr>
<tr><td>6. №</td><td>7. Number and kind of packages</td><td>8. Description of goods</td><td>9. Origin criterion</td><td>10. Quantity of goods</td><td>11. Number and date of invoice</td></tr>
<tr><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td colspan="3">12. Certification
It is hereby certified, on the basis of control carried out, that the declaration by the applicant is correct

……
Signature Date Stamp</td><td colspan="3">13. Declaration by the applicant
The undersigned hereby declares that
the above details are correct:
that all goods were produced
or underwent sufficient processing in
_____
(country)
and that they comply with the origin
requirements specified for these goods

……
Signature Date Stamp</td></tr>
</table>

II. Additional sheet of certificate of origin (Form CT-2)

(in Russian)

6. №	7. Količestvo mest i vid upakovki	8. Opisanie tovara	9. Kriterij proishoždenia	10. Količestvo tovara	11. Nomer i data sčeta-fakturы

12. Udostoverenie	13. Deklaracia zaяvitelя
Nastoящim udostoveraetsя na osnove provedennogo kontrolя, čto deklaracia zaяvitelя sootvetstvuet deйstvitelьnosti …… Podpisь Data Pečatь	Nižepodpisavšijsя zaяvlяet, čto vыšeprivedennыe svedenia sootvetstvuют deйstvitelьnosti, čto vse tovarы polnostью proizvedenы ili podvergnutы dostatočnoй obrabotke (pererabotke) v _____ (naimenovanie straны) i čto oni otvečaют trebovaniям proishoždenia, ustanovlennым v otnošenii takih tovarov ……..…… Podpisь Data Pečatь

(in English)

6. №	7. Number and kind of packages	8. Description of goods	9. Origin criterion	10. Quantity of goods	11. Number and date of invoice

12. Certification	13. Declaration by the applicant
It is hereby certified, on the basis of control carried out, that the declaration by the applicant is correct ……..…… Signature Date Stamp	The undersigned hereby declares that the above details are correct: that all goods were produced or underwent sufficient processing in _____ (country) and that they comply with the origin requirements specified for these goods ……..…… Signature Date Stamp

ANNEX 2

to the Rules of Origin

DECLARATION OF ORIGIN

Declaration of origin means statement about the country of origin of goods made out by the producer, exporter or consignor in the form of the following entry in the English or Russian language.

In English:

The exporter _____"1" declares that the country of origin of goods covered by this document is _____"2"..

_____"3".

Date, Signature

Notes:

"1" - name of the exporter, producer or consignor of goods in accordance with accompanying documents;

"2" - name of country of origin of goods;

"3" - signature, surname and name of authorized representative of producer, exporter, or consignor.

In Russian:

Эksporter _____"1" zaявlяet, čto stranoй proishoždenия tovarov, poimenovannыh v nastoящem dokumente, явlяetsя _____"2".

_____"3".

Data, podpisь

Primečaniя:

"1" - ukazыvaetsя naimenovanie izgotoviteleя, эksportera ili gruzootpravitelem tovarov soglasno tovarosoporovoditelьnым dokumentam;

"2" - ukazыvaetsя naimenovanie straneы proishoždeniя tovarov;

"3" - ukazыvaюetsя podpisь, familiя i imя upolnomočennogo predstaviteleя izgotoviteleя эksportera ili gruzootpraviteleя.

ANNEX 4

PROVISIONS REGARDING DETERMINATION OF NORMAL VALUE IN THE ANTI-DUMPING INVESTIGATIONS

The Parties have agreed as follows:

For the purposes of an anti-dumping investigation and any subsequent anti-dumping proceedings, including reviews, each Party shall not apply any methodology for determination of the normal value of the like product destined for consumption in the domestic market of the exporting Party based on surrogate country data in whole or in part, pursuant to paragraph 2.7 of Article 2 of the Anti-Dumping Agreement or the second Supplementary Provision to paragraph 1 of Article VI of the GATT 1994 contained in Annex I to the GATT 1994 (Notes and Supplementary Provisions).

For the purposes of an anti-dumping investigation and any subsequent anti-dumping proceedings, including reviews, each Party shall not apply any methodology that permits to disregard or adjust costs data pertaining to producers and (or) exporters of the like product destined for consumption in the domestic market of the exporting Party in cases when an investigating authority concludes that because of any specific characteristics of the market of the factors of production used in manufacturing of the like product:

(a) a particular market situation exists on the market of the like product; and (or)

(b) costs data kept in the records of producers or exporters of the product under investigation does not reasonably reflect the costs associated with the production and sale of the product under consideration where the records suitably and sufficiently correspond to or reproduce those costs actually incurred by those exporters or producers.

ANNEX 5

DISPUTE SETTLEMENT

Article 1

Objectives

The objective of this Annex is to provide for an effective, efficient and transparent mechanism for the settlement of disputes arising under this Agreement with a view to arriving at, where possible, a mutually agreed solution.

Article 2

Definitions

For the purposes of this Annex:

(a) “Arbitral Panel” means an Arbitral Panel established pursuant to Article 8 of this Annex;

(b) “disputing Parties” means both the complaining Party and the Party complained against. The Member States of the Eurasian Economic Union and the Eurasian Economic Union may act jointly or individually as a disputing Party. In the latter case if a measure is taken by a Member State of the Eurasian Economic Union, such Member State of the Eurasian Economic Union shall be a disputing Party, and if a measure is taken by the Eurasian Economic Union, it shall be a disputing Party;

(c) “complaining Party” means a Party making a claim;

(d) “Party complained against” means a Party against which a claim is made;

(e) “arbitrator” means a member of an Arbitral Panel established under Article 8 of this Annex;

(f) “Chair” means the arbitrator who serves as the Chair of the Arbitral Panel;

(g) “assistant” means a person who, under the terms of appointment of an arbitrator, conducts, researches or provides assistance to the arbitrator;

(h) “days” means calendar days, including weekends and holidays.

Article 3

Scope of Application

Unless this Agreement provides otherwise the provisions of this Annex shall apply to any disputes between the Parties arising from interpretation and/or application of the provisions of this Agreement whenever a Party considers that a measure of the other Party is inconsistent with an obligation under the provisions of this Agreement or the other Party has failed to carry out its obligations under this Agreement.

Article 4

Information Exchange

The distribution among the Member States of the Eurasian Economic Union and the Eurasian Economic Union of any procedural document relating to any dispute arising under this Agreement shall not be viewed as a violation of the provisions on confidentiality under this Agreement and/or the Marrakesh Agreement Establishing the World Trade Organization, done on 15 April 1994.

Article 5

Consultations

1. The disputing Parties shall make every attempt to settle any dispute with respect to any matter referred to in Article 3 of this Annex through consultations in order to reach a mutually agreed solution.

2. A request for consultations shall be submitted in writing to the Party complained against through its contact point designated in accordance with Article 29 of this Agreement and shall give the reasons for the request, including identification of any measure or other matter at issue and an indication of the factual and legal basis for the complaint. The Joint Committee should be informed on the submission of such a request.

3. If a request for consultations has been submitted in accordance with paragraph 2 of this Article, the Party complained against shall promptly reply to the request in writing within ten (10) days from the date of its receipt and shall enter into consultations with the complaining Party in good faith within thirty (30) days from the date of receipt of the request in order to reach a mutually acceptable solution.

4. Consultations in cases of urgency, including those regarding perishable goods, shall be held within fifteen (15) days from the date of receipt of the request.

5. Periods of time specified in paragraphs 3 and 4 of this Article may be changed by agreement of the disputing Parties.

6. During consultations each disputing Party shall provide sufficient factual information so as to allow a complete examination of the manner in which the measure in force or proposed, or any other issue, could affect the operation and application of this Agreement.

7. The consultations, in particular all information disclosed and positions taken by the disputing Parties during these proceedings, shall be confidential and without prejudice to the rights of either disputing Party in any further proceeding. The disputing Parties shall treat any confidential or proprietary information exchanged in the course of consultations on the same basis as the Party providing the information.

8. During consultations under this Article, each disputing Party shall ensure the participation of personnel of their competent governmental authorities or other regulatory bodies with the relevant knowledge/expertise in the matter subject to the consultations.

9. Consultations shall take place, unless the disputing Parties agree otherwise, on the territory of the Party complained against. Upon agreement of the disputing Parties, the consultations may take place by any technological means available.

Article 6

Good Offices, Conciliation or Mediation

1. The Parties may at any stage of any dispute settlement procedure under this Annex have recourse to good offices, conciliation or mediation. Good offices, conciliation or mediation may begin at any time and be suspended or terminated by either Party at any time.

2. Proceedings involving good offices, conciliation and mediation, and in particular positions taken by the disputing Parties during those proceedings, shall be confidential and without prejudice to the rights of either disputing Party in any further proceeding.

Article 7

Request for Establishment of an Arbitral Panel

1. The complaining Party that made a request for consultations under Article 5 of this Annex or mediation as provided for in Article 6 of this Annex may request in writing the establishment of an Arbitral Panel if:

(a) the Party complained against does not comply with the periods of time in accordance with paragraph 3 or 4 of Article 5 of this Annex;

(b) the disputing Parties jointly consider that consultations under Article 5 of this Annex have failed to settle the dispute within sixty (60) days or in cases of urgency, including those regarding perishable goods within thirty (30) days, from the date of receipt of the request for consultations referred to in paragraph 3 of Article 5 of this Annex; or

(c) the Party complained against fails to comply with the mutually agreed solution elaborated during consultations under Article 5 of this Annex.

2. The request for the establishment of an Arbitral Panel shall be made in writing to the Party complained against through its contact point designated in accordance with Article 29 of this Agreement and the Joint Committee should be informed on the submission of such a request. The complaining Party shall identify in its request the specific measure at issue and explain how such measure constitutes a breach of the covered provisions in a manner sufficient to present the factual and legal basis for the complaint clearly. The Party complained against shall immediately acknowledge receipt of the request by way of notification to the complaining Party indicating the date on which the request was received and the Joint Committee should be informed on the receipt of such a request.

3. Unless the disputing Parties agree otherwise within twenty (20) days from the date of receipt of the request for the establishment of an Arbitral Panel, the terms of reference of an Arbitral Panel shall be:

"To examine, in the light of the relevant provisions of the Free Trade Agreement between the Eurasian Economic Union and its Member States, of the one part, and the Republic of Serbia, of the other part, the matter referred to in the request for the establishment of an Arbitral Panel pursuant to Article 7 of Annex 5 to this Agreement, to rule on the conformity of the measure in question with the provisions referred to in Article 3 of Annex 5 to this Agreement and to make findings of facts, the applicability of relevant provisions and the basic rationale for any findings and recommendations and to deliver a report in accordance with Article 12 of Annex 5 to this Agreement.".

If the disputing Parties agree on other terms of reference of an Arbitral Panel, they shall notify the agreed terms of reference to an Arbitral Panel within the time period set out in paragraph 3 of this Article.

4. In cases of urgency, including those concerning perishable goods, the disputing Parties shall make every effort to accelerate the establishment of an Arbitral Panel to the greatest extent possible.

Article 8

Composition and Establishment of an Arbitral Panel

1. An Arbitral Panel shall consist of three (3) arbitrators.

2. Within thirty (30) days from the receipt of the request to establish an Arbitral Panel by the Party complained against each disputing Party shall appoint an arbitrator.

All arbitrators shall:

(a) have expertise and/or experience in law, international trade, other matters covered by this Agreement, or the resolution of disputes arising under international trade agreements;

(b) be chosen strictly on the basis of objectivity, impartiality, reliability and sound judgment;

(c) be independent of, and not be affiliated with or take instructions from any disputing Party;

(d) serve in their individual capacities and not take instructions from any organization or government, or be affiliated with the government of any of the disputing Parties;

(e) disclose to the disputing Parties any information which may give rise to justifiable doubts as to their independence or impartiality inter alia direct or indirect conflicts of interest in respect of the matter at hand;

(f) be nationals of states having diplomatic relations both with the Republic of Serbia and the Member States of the Eurasian Economic Union; and

(g) not have dealt with the dispute previously in any capacity, including in accordance with Article 6 of this Annex.

3. Within fifteen (15) days of the appointment of the second arbitrator, the appointed arbitrators shall choose by mutual agreement the Chair of an Arbitral Panel who shall not fall under any of the following disqualifying criteria:

(a) being a national of a Member State of the Eurasian Economic Union or the Republic of Serbia; or

(b) having permanent place of residence in the territory of a Member State of the Eurasian Economic Union or the Republic of Serbia.

4. If the necessary appointments have not been made within the periods of time specified in paragraph 2 of this Article, either disputing Party may, unless otherwise agreed by the disputing Parties, invite the President of the International Court of Justice (hereinafter referred to as "ICJ") to be the appointing authority. In case the President of the ICJ is a national of a Member State of the Eurasian Economic Union or the Republic of Serbia or is incapable to realize this appointing function, the Vice-President of the ICJ or the officer next in seniority who is not a national of a Member State of the Eurasian Economic Union or the Republic of Serbia and who is capable to realize this appointing function shall be requested to make the necessary appointments.

5. If an arbitrator appointed under this Article during dispute settlement procedures, resigns or becomes unable to act, a successor arbitrator shall be appointed within fifteen (15) days in accordance with the procedure prescribed for in paragraph 2 of this Article and the successor shall have all the powers and duties of the original arbitrator. Any period of time applicable to the proceeding shall be suspended beginning on the date when the arbitrator resigns or becomes unable to act and ending on the date when a replacement is selected.

6. The date of establishment of the Arbitral Panel shall be the date on which the Chair of the Arbitral Panel accepted the appointment.

Article 9

Functions of an Arbitral Panel

1. The function of an Arbitral Panel established pursuant to Article 8 of this Annex shall be the following:

(a) to make an objective assessment of the matter before it, including an objective examination of the facts of the case, the applicability of the provisions of this Agreement cited by the disputing Parties and whether the Party complained against has failed to carry out its obligations under this Agreement;

(b) to set out, in its decisions and reports, the findings of facts, the basic rationale behind any findings and rulings necessary for the resolution of the dispute referred to it as it deems appropriate;

(c) to consult the disputing Parties regularly and provide adequate opportunities for the development of a mutually agreed solution to the dispute;

(d) to determine at the request of a disputing Party the conformity of any implementing measures and/or relevant suspension of benefits with its final report.

2. An Arbitral Panel established under this Annex shall interpret the provisions of this Agreement in accordance with customary rules of interpretation of public international law. The reports and rulings of the Arbitration Panel cannot add to or diminish the rights and obligations of the Parties provided in the provisions referred to in this Agreement.

Article 10

Proceedings of an Arbitral Panel

1. An Arbitral Panel proceedings shall be conducted in accordance with the provisions of this Article.

2. Subject to paragraph 1 of this Article, an Arbitral Panel shall regulate its own rules, and procedures in relation to the rights of the disputing Parties to be heard and its deliberations, in consultation with the disputing Parties. On the request of the disputing Parties or on its own initiative an Arbitral Panel may, after consultation with the disputing Parties, adopt additional rules and procedures which do not conflict with the provisions of this Article.

3. After consulting with the disputing Parties, an Arbitral Panel shall within ten (10) days after its establishment fix the timetable for an Arbitral Panel proceedings. In cases of urgency, including those involving perishable goods that rapidly lose their trade value, an Arbitral Panel and the Parties shall make every effort to accelerate the proceedings to the greatest extent possible. The timetable shall include precise deadlines for written submissions by the disputing Parties. Modifications to such timetable may be made by an Arbitral Panel in consultation with the disputing Parties.

4. Upon request of a disputing Party or on its own initiative, an Arbitral Panel may, at its discretion, seek information and/or advice on any scientific or technical matter from any person or body which it deems appropriate. Before an Arbitral Panel seeks such information and/or advice, it shall inform the disputing Parties. Any information and/or advice so obtained shall be submitted to the disputing Parties for comment. Where an Arbitral Panel takes the information and/or advice into account in the preparation of its report, it shall also take into account any comment by the disputing Parties on the information and/or advice. The information and/or advice shall be non-binding.

5. An Arbitral Panel shall make every effort to draft its procedural decisions, findings and rulings by consensus, provided that where an Arbitral Panel is unable to reach consensus such procedural decisions, findings and rulings may be made by majority vote. An Arbitral Panel shall indicate the different opinions of the arbitrators on matters not unanimously agreed in its report not disclosing which arbitrators are associated with majority or minority opinions.

6. The hearings of an Arbitral Panel shall be closed to the public, unless the disputing Parties agree otherwise.

7. The disputing Parties shall be given the opportunity to attend any of the presentations, statements or rebuttals in the proceedings. Any information provided or written submission made by a disputing Party to an Arbitral Panel, including any comment on the descriptive part of the initial report and response to the questions put by an Arbitral Panel, shall be made available to the other disputing Party.

8. The deliberations of an Arbitral Panel and the documents submitted to it shall be kept confidential. For its internal deliberations, an Arbitral Panel shall meet in closed session where only arbitrators take part. An Arbitral Panel may also permit its assistants to be present at its deliberations. The disputing Parties shall be present at the meetings only when invited by an Arbitral Panel to appear before it.

9. Nothing in this Annex shall preclude a disputing Party from disclosing statements of its own positions to the public. A disputing Party shall treat as confidential information submitted by the other disputing Party to an Arbitral Panel which that other disputing Party has designated as confidential. A disputing Party shall also, upon request of a Party, provide a non-confidential summary of the information contained in its written submissions that could be disclosed to the public.

10. The venue for hearings shall be decided by mutual agreement of the disputing Parties. If there is no agreement, the venue shall alternate between the capitals of the disputing Parties with the first hearing to be held in the capital of the Party complained against. If the Eurasian Economic Union acts as a disputing Party in accordance with the provisions of this Annex, the respective alternate hearings shall be held in Moscow, Russian Federation.

Article 11

Suspension and Termination of Proceedings

1. The Arbitral Panel shall, upon the joint request of the disputing Parties, suspend its work at any time for a period not exceeding twelve (12) consecutive months from the date of receipt of such joint request. In such event, the disputing Parties shall jointly notify, in writing, the Chair of the Arbitral Panel and the Joint Committee shall be informed on such notification. Within this period, either disputing Party may authorize the Arbitral Panel to resume its work by notifying, in writing, the Chair of the Arbitral Panel and the other disputing Party. If the work of the Arbitral Panel has been continuously suspended for more than twelve (12) months, the authority for the establishment of the Arbitral Panel shall lapse (and the dispute settlement procedure shall be terminated) unless the disputing Parties otherwise agree. In the event of a suspension of the work of the Arbitral Panel, the relevant time periods under this Annex shall be extended by the same period of time for which the work of the Arbitral Panel was suspended.

2. The Arbitral Panel proceedings shall be terminated upon the joint request of the disputing Parties at any time before the issuance of the final report of the Arbitration Panel. In such event, the disputing Parties shall jointly notify the Chair of the Arbitral Panel and the Joint Committee shall be informed on such notification.

Article 12

Reports of the Arbitral Panel

1. The reports of the Arbitral Panel shall be drafted without the presence of the disputing Parties and shall be based on the relevant provisions of this Agreement, the submissions and arguments of the disputing Parties and any information and/or advice provided to it in accordance with paragraph 4 of Article 10 of this Annex.

2. The Arbitral Panel shall issue its initial report within ninety (90) days, or sixty (60) days in cases of urgency, including those concerning perishable goods, from the date of establishment of the Arbitral Panel. The initial report shall contain, inter alia, both the descriptive sections and the Arbitral Panel's findings of facts, the applicability of the relevant provisions, the basic rationale behind any findings, recommendations that it makes and conclusions.

3. In exceptional circumstances, if the Arbitral Panel considers it cannot issue its initial report within the periods of time specified in paragraph 2 of this Article, the Chair of the Arbitral Panel shall notify, in writing, the disputing Parties of the reasons for the delay together with an estimate of the period within which it will issue its initial report and the Joint Committee shall be informed on such notification. Any delay shall not exceed a further period of thirty (30) days unless the disputing Parties agree otherwise.

4. Any disputing Party may submit written comment on the initial report to the Arbitral Panel within fifteen (15) days of its receipt unless the disputing Parties agree otherwise. Such written comment may be subject for comments of the other disputing Party that shall be provided within six (6) days of its receipt. If no comments are received from any Party within the comment period, the interim report shall be considered as the final report.

5. After considering any written comment submitted by the disputing Parties on the initial report and making any further examination, the Arbitral Panel shall present to the disputing Parties its final report containing a ruling on the dispute and an original award within thirty (30) days of issuance of the initial report, unless the disputing Parties agree otherwise. In cases of urgency, including those involving perishable goods, the Arbitral Panel shall make every effort to present its final report within fifteen (15) days of issuance of the initial report, unless the disputing Parties agree otherwise.

6. When the Arbitral Panel considers that this deadline cannot be met, the Chair of the Arbitral Panel shall notify the Parties in writing, stating the reasons for the delay and the date on which the Arbitral Panel plans to deliver its final report. The Arbitral Panel shall, under no circumstances, deliver its final report later than one hundred fifty (150) days or eighty (80) days in cases of urgency, including those concerning perishable goods, from the date of establishment of the Arbitral Panel.

7. If in its final report, the Arbitral Panel finds that a measure of Party complained against does not conform with this Agreement, it shall include in its findings and ruling a recommendation to remove the non-conformity.

8. The disputing Parties shall publicly release the final report of the Arbitral Panel within fifteen (15) days from the date of its receipt, subject to the protection of confidential information, unless any disputing Party objects. In this case the final report shall still be released for all Parties to this Agreement seven (7) days after the report is presented to the disputing Parties.

9. The decisions and reports of the Arbitral Panel shall be accepted unconditionally by the Parties. They shall not create any rights or obligations with respect to natural or legal persons. The ruling of the Arbitral Panel is without appeal.

Article 13

Request for Clarifications

1. Within ten (10) days after the date of receipt of the final report, a disputing Party may submit a written request to the Arbitral Panel for clarification of any determinations or recommendations in the final report that the Party considers ambiguous. The Arbitral Panel shall respond to the request within ten (10) days after the date of receipt of such request.

2. The submission of a request pursuant to paragraph 1 of this Article shall not affect the time periods referred to in Article 14 and Article 17 of this Annex unless the Arbitral Panel decides otherwise.

Article 14

Implementation of the Ruling

1. The disputing Parties shall take all necessary measures to comply with the ruling of the Arbitral Panel without undue delay.

2. Within thirty (30) days from the receipt of the final report of the Arbitral Panel, the Party complained against shall notify the complaining Party of the following:

(a) the measures it intends to implement in order to comply with obligation stipulated in paragraph 1 of this Article; and

(b) the period of time required to comply with the final ruling of the Arbitral Panel.

The Joint Committee shall be informed on such notification.

Article 15

Reasonable Period of Time

1. If immediate compliance with the ruling of the Arbitral Panel is not possible, the disputing Parties shall endeavor to mutually agree on the length of the reasonable period of time to comply with the final report of the Arbitral Panel.

2. In case of disagreements between the disputing Parties on the proposed period of time for compliance pursuant to paragraph 2 (b) of Article 14 of this Annex, either disputing Party may request in writing the original Arbitral Panel to determine the length of the reasonable time period to comply with the ruling. Such request shall be notified simultaneously to the other disputing Party and the Joint Committee shall be informed on such request. The Arbitral Panel shall deliver its decision containing a determination of the reasonable period of time and the reasons for such determination to the disputing Parties within thirty (30) days from the date of receipt of the request.

3. When the Arbitral Panel considers that it cannot determine the reasonable period of time within the timeframe set in paragraph 2 of this Article, it shall inform the disputing Parties in writing of the reasons for the delay together with an estimate of the period within which it will issue its decision. Any delay shall not exceed a further period of thirty (30) days unless the disputing Parties agree otherwise.

4. The disputing Parties may at all times continue to seek mutually satisfactory resolution on the implementation of the final report of the Arbitral Panel.

5. The Party complained against shall notify the complaining Party in writing of any measure adopted to put an end to the non-compliance of its obligations under this Agreement and to comply with the Arbitral Panel ruling at least thirty (30) days before the expiry of the reasonable period of time. The Joint Committee shall be informed on such notification.

6. The disputing Parties may agree to extend the reasonable period of time.

Article 16

Compliance Review

1. In the event that there is a disagreement between the disputing Parties concerning consistency of any measure taken to comply with the final report of the Arbitral Panel where practicable immediately or within the reasonable period of time as determined pursuant to Article 15 of this Annex the complaining Party may request in writing the original Arbitral Panel to rule on the matter.

2. The request to the Arbitral Panel under paragraph 1 of this Article may only be made after the earlier of:

(a) the expiry of the reasonable period of time as determined under Article 15 of this Annex; or

(b) a notification to the complaining Party by the Party complained against that it has complied with the obligation under paragraph 1 of Article 14 of this Annex, including a description of how the Party complained against has complied with such obligation.

The request shall identify any measure at issue and shall explain how that measure constitutes a breach of the covered provisions in a manner sufficient to present the legal basis for the complaint clearly.

3. The Arbitral Panel shall make an objective assessment of the matter before it, including an objective assessment of:

(a) the factual aspects of any implementation action taken by the Party complained against; and

(b) whether the Party complained against has complied with the obligation under paragraph 1 of Article 14 of this Annex.

4. The Arbitral Panel shall deliver its decision to the disputing Parties within thirty (30) days of the date of receipt of the request under paragraph 1 of this Article. The report shall contain the determination of the Arbitral Panel and the reasons for its determination.

5. When the Arbitral Panel considers that it cannot provide its report within time frame specified in paragraph 4 of this Article, it shall inform the disputing Parties in writing of the reasons for the delay together with an estimate of the period within which it will submit its report. Any delay shall not exceed a further period of thirty (30) days unless the disputing Parties agree otherwise.

6. In the event that any arbitrator of the original Arbitral Panel is no longer available, the procedures set out in Article 8 of this Annex shall apply.

Article 17

Temporary Remedies in Case of Non-Compliance

1. If the Party complained against does not comply with the ruling of the Arbitral Panel where practicable immediately or within the reasonable period of time determined pursuant to Article 15 of this Annex or:

(a) fails to deliver a notification of any measure taken to comply within the deadline referred to in Article 14 of this Annex or before the date of expiry of the reasonable period of time;

(b) notifies the complaining Party that it does not intend to comply with the ruling of the Arbitral Panel; and/or

(c) if the original Arbitral Panel determines that the Party complained against did not comply with the ruling of the Arbitral Panel in accordance with Article 14 of this Annex

the Party complained against shall, if so requested by the complaining Party, enter into consultations with a view to agreeing on a mutually acceptable temporary compensation. If no such agreement has been reached within twenty (20) days from the receipt of the request, the complaining Party shall be entitled, upon written notification to the Party complained against, to suspend concessions or other benefits granted under this Agreement in respect of the Party complained against but only equivalent to those affected by the measure that the Arbitral Panel has found not to be in conformity with this Agreement. Such notification shall be made at least thirty (30) days before the date on which the suspension is due to take effect. The Joint Committee shall be informed of such notification.

2. In considering which benefits to suspend, the complaining Party should first seek to suspend concessions or other obligations granted under this Agreement in the same sector or sectors as that affected by the measure that the Arbitral Panel has found not to be in conformity with this Agreement. If the complaining Party considers that it is not practicable or effective to suspend concessions or other obligations granted under this Agreement in the same sector or sectors it may suspend concessions or other obligations granted under this Agreement in other sectors.

3. Within fifteen (15) days from the receipt of such notification, the Party complaint against may request the original Arbitral Panel to rule on whether the concessions or other benefits granted under this Agreement which the complaining Party intends to suspend are equivalent to those affected by the measure found not to be in conformity with this Agreement, and whether the proposed suspension is in accordance with paragraphs 1 and 2 of this Article. The ruling of the Arbitral Panel shall be given within thirty (30) days from the receipt of such request and shall be accepted unconditionally by the Parties. Benefits shall not be suspended until the Arbitral Panel has issued its ruling.

4. The suspension of the concessions or other obligations granted under this Agreement shall be temporary and be applied by the complaining Party, only until:

(a) any measure taken to comply which the final report of the Arbitral Panel has found to be inconsistent with the covered provisions has been withdrawn or amended so as to bring the Party complained against into conformity with those provisions;

(b) the Arbitral Panel decides that the compliance measure is compatible with the award and with the provisions of this Agreement; or

(c) the Parties have otherwise settled the dispute or reached mutually agreed solution.

5. Upon request of a disputing Party, the original Arbitral Panel shall rule on the conformity with its final report of any implementing measure adopted after the suspension of concessions or other obligations granted under this Agreement and, in light of such rulings, whether the suspension of benefits should be terminated or

modified. The rulings of the Arbitral Panel shall be made within thirty (30) days from the date of the receipt of such request.

Article 18

General Provisions

All notifications, requests and replies made pursuant to this Annex shall be in writing.

Article 19

Mutually Agreed Solution

1. The disputing Parties may reach a mutually agreed solution at any time with respect to any dispute referred to in Article 3 of this Annex.

2. If a mutually agreed solution is reached during the Arbitral Panel or mediation procedure, the disputing Parties shall jointly notify that solution Chair of the Arbitral Panel or the mediator, respectively and the Joint Committee shall be informed on such notification. Upon such notification, the Arbitral Panel or the mediation procedure shall be terminated.

3. Each Party shall take measures necessary to implement the mutually agreed solution within the agreed time period.

4. No later than at the expiry of the agreed time period the implementing Party shall inform the other Party, in writing, of any measure that it has taken to implement the mutually agreed solution.

Article 20

Time Limits

All time limits laid down in this Annex, shall be counted in calendar days, from the day (when a notice, notification, communication or proposal is received) following the act or fact to which they refer unless otherwise specified. If the last day of such period is an official holiday or a non-work day in the Party of the addressee, the period is extended until the first work day which follows. Official holidays or non-work days occurring during the running of the period of time are included in calculating the period.

Any time limit referred to in this Annex may be modified by mutual agreement of the disputing Parties.

The Arbitral Panel may at any time propose to the Parties to modify any time limit referred to in this Annex, stating the reasons for the proposal.

Article 21

Remuneration and Expenses

1. Unless the disputing Parties agree otherwise:

(a) each disputing Party shall bear the costs of its appointed arbitrator, its own expenses and legal costs derived from the participation in the Arbitral Panel or mediation procedure; and

(b) the costs of the Chair of the Arbitral Panel, the mediator and other expenses associated with the conduct of the Arbitral Panel proceedings shall be borne in equal parts by the disputing Parties.

2. Upon request of a disputing Party, the Arbitral Panel may decide on the expenses referred to in subparagraph (b) of paragraph 1 of this Article taking into account the particular circumstances of the case.

Article 22

Language

1. All proceedings pursuant to this Annex shall be conducted in the English language.

2. Any documents submitted for use in the proceedings pursuant to this Annex shall be in the English language. If any original document is not in the English language, the disputing Party submitting it shall provide an English language translation of such document.

SPORAZUM O SLOBODNOJ TRGOVINI IZMEĐU REPUBLIKE SRBIJE, S JEDNE STRANE I EVROAZIJSKE EKONOMSKE UNIJE I NjENIH DRŽAVA ČLANICA, S DRUGE STRANE

Republika Srbija (u daljem tekstu: Srbija), s jedne strane i Evroazijska ekonomska unija (u daljem tekstu: EAEU) i Republika Jermenija, Republika Belorusija, Republika Kazahstan, Kirgiska Republika, Ruska Federacija (u daljem tekstu: države članice EAEU) s druge strane;

Na temeljima ranije uspostavljenih odnosa slobodne trgovine između Republike Srbije, Republike Belorusije, Republike Kazahstan i Ruske Federacije;

Nastojeći da unapređuju i produbljuju uzajamnu trgovinsko-ekonomsku saradnju između Srbije i država članica EAEU u oblastima od obostranog interesa;

Potvrđujući privrženost principima tržišne ekonomije, kao osnove trgovinsko-ekonomskih odnosa i svoju nameru da aktivno učestvuju i podstiču proširivanje uzajamno korisnih trgovinsko-ekonomskih odnosa između Srbije i država članica EAEU;

Stvarajući neophodne uslove za slobodno kretanje robe i kapitala u skladu s pravom EAEU, zakonima i propisima država članica EAEU i Srbije, kao i pravilima Svetske trgovinske organizacije (u daljem tekstu: STO);

Izražavajući svoju spremnost i punu podršku uspešnom pristupanju STO i uviđajući da će članstvo EAEU, Belorusije i Srbije u STO stvoriti povoljne uslove za produbljivanje njihove integracije u multilateralni trgovinski sistem i unaprediti saradnju između Strana u ovom sporazumu;

Sporazumele su se o sledećem:

Opšte odredbe

Član 1.

Strane u ovom sporazumu su Srbija, s jedne strane i države članice EAEU i EAEU u okviru svojih nadležnosti koje proizlaze iz Ugovora o Evroazijskoj ekonomskoj uniji od 29. maja 2014. godine (u daljem tekstu: Ugovor o Uniji), koje nastupaju zajednički, ili pojedinačno, s druge strane (u daljem tekstu: Strane).

Strane liberalizuju međusobnu trgovinu u skladu s odredbama ovog sporazuma i pravilima STO, posebno člana XXIV Opšteg sporazuma o carinama i trgovini iz 1994. godine (u daljem tekstu: GATT 1994), u cilju uspostavljanja režima slobodne trgovine između EAEU i njenih država članica, s jedne strane, i Srbije, s druge strane.

Ciljevi

Član 2.

Ciljevi ovog sporazuma, kao što je bliže određeno kroz njegove principe i pravila, su:

- proširenje i unapređenje međusobnih trgovinsko-ekonomskih odnosa, s ciljem ubrzanja ekonomskog razvoja Strana i postizanja njihove proizvodne i finansijske stabilnosti;

- razvijanje efikasnih procedura za sprovođenje i primenu ovog sporazuma, i za njegovo zajedničko izvršenje.

Odnos prema drugim međunarodnim sporazumima

Član 3.

1. U slučaju odstupanja između ovog sporazuma i neke odredbe Marakeškog sporazuma o osnivanju Svetske trgovinske organizacije, zaključenog 15. aprila 1994. godine (u daljem tekstu: Sporazum STO), primenjuje se relevantna odredba Sporazuma STO.

2. U slučaju odstupanja pomenutog u stavu 1. ovog člana, Strane će se odmah konsultovati u cilju pronalaženja obostrano prihvatljivog rešenja.

Režim slobodne trgovine

Član 4.

1. Strane neće primenjivati carine i druge dažbine jednakog dejstva kao carine, propisane na uvoz robe poreklom s teritorije jedne od Strana, ili u vezi s njim, osim ako nije drugačije predviđeno ovim sporazumom.

2. Ništa sadržano u ovom članu ne sprečava ni jednu od Strana da u bilo kom trenutku na uvoz bilo kojeg proizvoda uvede:

(a) dažbinu jednaku unutrašnjem porezu propisanu u skladu s odredbama člana 8. ovog sporazuma u odnosu na sličan domaći proizvod;

(b) bilo koju dažbinu propisanu u skladu sa čl. 18, 19. i/ili 21. ovog sporazuma na osnovu zakona i propisa Strane;

(v) takse, ili druge dažbine srazmerne troškovima pruženih usluga primenjene u skladu sa članom 6. ovog sporazuma.

3. Carine i bilo koje druge dažbine jednakog dejstva kao carine mogu se primenjivati na robu navedenu u Prilogu 1. („Lista robe izuzete iz režima slobodne trgovine pri uvozu na carinsku teritoriju Republike Srbije iz država članica Evroazijske ekonomske unije”) i u Prilogu 2. („Lista robe izuzete iz režima slobodne trgovine pri uvozu na carinsku teritoriju Evroazijske ekonomske unije iz Republike Srbije”) ovog sporazuma. Takve carine i dažbine primenjuju se u skladu s tretmanom najpovlašćenije nacije u smislu člana I GATT 1994.

4. Primena izvoznih carina je uređena u skladu s odgovarajućim zakonima i propisima Strana i njihovim obavezama predviđenim Sporazumom STO.

Tretman najpovlašćenije nacije

Član 5.

Član I GATT 1994, uključujući njegova objašnjenja kao i sva izuzeća, oslobođenja i odstupanja u pogledu obaveze odobravanja tretmana definisanog u članu I GATT 1994, koji se primenjuje u skladu sa Sporazumom STO, su obuhvaćeni ovim sporazumom i čine njegov sastavni deo.

Takse i dažbine

Član 6.

Svaka Strana će osigurati da su sve takse i dažbine propisane u vezi sa uvozom i izvozom robe, u skladu sa članom VIII GATT 1994. U tom cilju član VIII GATT 1994, uključujući njegova tumačenja i Dodatne odredbe, su obuhvaćeni ovim sporazumom i čine njegov sastavni deo.

Zabrane, količinska ograničenja i mere jednakog dejstva

Član 7.

Strane u međusobnoj trgovini mogu da primenjuju zabrane, količinska ograničenja i druge mere jednakog dejstva u odnosu na uvoz i izvoz robe u skladu sa članom XI GATT 1994 i u skladu sa članom XIII GATT 1994, osim ako nije drugačije predviđeno ovim sporazumom.

Nacionalni tretman

Član 8.

Svaka Strana će robi poreklom iz druge Strane odobriti nacionalni tretman u skladu sa članom III GATT 1994. U tom cilju su član III GATT 1994, uključujući njegova tumačenja, obuhvaćeni ovim sporazumom i čine njegov sastavni deo.

Tehničke prepreke trgovini

Član 9.

1. Strane će sarađivati i razmenjivati informacije o standardima, tehničkim propisima, metrologiji, tržišnom nadzoru i procedurama ocenjivanja usaglašenosti, uključujući akreditaciju, ispitivanje i sertifikaciju, s ciljem povećanja uzajamnog razumevanja njihovih sistema i sprečavanja nastanka bilo kakvih tehničkih prepreka međusobnoj trgovini.

2. Radi sprovođenja odredaba ovog sporazuma, Strane će podsticati bilateralnu saradnju između svojih organa ili tela nadležnih za standardizaciju, tehničke propise, metrologiju, tržišni nadzor i procedure ocenjivanja usaglašenosti, uključujući akreditaciju, ispitivanje i sertifikaciju.

3. Radi olakšavanja trgovine, Strane mogu da iniciraju pregovore u cilju potpisivanja sporazuma o uklanjanju tehničkih prepreka međusobnoj trgovini, uključujući uzajamno priznavanje rezultata procedura ocenjivanja usaglašenosti u pogledu određenog proizvoda ili grupe proizvoda.

4. Uslove i metode ocenjivanja usaglašenosti proizvoda s mandatornim zahtevima određuju nadležna tela i organi Strana u skladu s važećim zakonima i propisima Strane uvoznice i u skladu s odredbama Sporazuma o tehničkim preprekama trgovini, iz Aneksa 1A Sporazuma STO.

5. Strane su saglasne da kada jedna Strana smatra da je druga Strana preduzela neku meru koja stvara, ili bi mogla da stvori nepotrebnu prepreku trgovini, vode tehničke konsultacije u okviru Zajedničkog komiteta, u cilju nalaženja uzajamno prihvatljivog rešenja. Tehničke konsultacije mogu da se vode na bilo koji način o kojem se Strane saglase.

Sanitarne i fitosanitarne mere

Član 10.

1. Prilikom usaglašavanja svojih sanitarnih i fitosanitarnih mera, Strane primenjuju svoje zakone i propise u oblasti sanitarnih i fitosanitanih mera u skladu sa Sporazumom o primeni sanitarnih i fitosanitarnih mera iz Aneksa 1A Sporazuma STO.

2. Strane mogu da zaključe dodatne sporazume radi usmeravanja donošenja, usvajanja i/ili sprovođenja sanitarnih i fitosanitarnih mera kako bi se negativni efekti tih mera na njihovu međusobnu trgovinu sveli na minimum.

3. Svaka Strana će na pismeni zahtev druge Strane blagovremeno pružiti informacije o svim pitanjima u vezi sa sanitarnim i fitosanitarnim merama koja su se javila ili se mogu javiti u njihovoj međusobnoj trgovini.

4. Strane su saglasne da kada jedna Strana smatra da je druga Strana preduzela neku meru koja stvara ili bi mogla da stvori prikriveno ograničenje u trgovini, vode tehničke konsultacije u okviru Zajedničkog komiteta, u cilju nalaženja uzajamno prihvatljivog rešenja. Tehničke konsultacije mogu da se vode na bilo koji način o kojem se Strane saglase.

Poreklo robe

Član 11.

Poreklo robe se određuje na osnovu Pravila o poreklu, koja su data u Prilogu 3. („Pravila o poreklu”) uz ovaj sporazum.

Tranzit robe

Član 12.

Član V GATT 1994 obuhvaćen je ovim sporazumom i čini njegov sastavni deo.

Opšta izuzeća

Član 13.

1. Pod uslovom da se ove mere ne primenjuju na način koji predstavlja sredstvo proizvoljne, ili neopravdane diskriminacije između Strana u kojima prevladavaju isti uslovi, ili prikriveno ograničavanje međunarodne trgovine, ništa se u ovom sporazumu neće tumačiti tako da sprečava Strane da donose ili primenjuje mere:

(a) neophodne za zaštitu javnog morala;

(b) neophodne za zaštitu života i zdravlja ljudi, životinja i biljaka;

(v) koje se odnose na uvoz i izvoz zlata i srebra;

(g) neophodne da obezbede usklađenost sa zakonima ili propisima koji nisu u suprotnosti s odredbama GATT 1994, uključujući one koje se odnose na primenu carinskog zakonodavstva, na propise o monopolu u skladu sa članom II, stav 4. i članom XVII GATT 1994, na zaštitu patenata, robnih žigova, autorskih prava i sprečavanje prakse dovođenja u zabludu;

(d) koje se odnose na proizvode izrađene u zatvorima;

(đ) koje se primenjuju radi zaštite nacionalne baštine koja ima umetničku, istorijsku ili arheološku vrednost;

(e) koje se odnose na očuvanje neobnovljivih prirodnih resursa, ako se takve mere sprovode istovremeno s ograničenjem domaće proizvodnje, ili potrošnje;

(ž) koje se preduzimaju radi izvršavanja obaveza preuzetih na osnovu nekog međudržavnog sporazuma o robama koji je u skladu s kriterijumima podnetim STO i za koje STO nije izrazila neodobravanje, ili koji je i sam bio podnet STO i za koji ona nije izrazila neodobravanje;

(z) koje su vezane za ograničenje izvoza domaćih sirovina neophodnih za obezbeđenje dovoljne količine ovih sirovina za domaću prerađivačku industriju u periodima kada se cena ovih sirovina na domaćem tržištu nalazi na nižem nivou od cene na svetskom tržištu, kao dela vladinog stabilizacionog plana, pod uslovom da ova ograničenja nemaju za posledicu povećanje izvoza ili zaštitu domaće industrije i da ne odstupaju od odredaba GATT 1994. koje se odnose na nediskriminaciju;

(i) koje su bitne za nabavku, ili distribuciju proizvoda kod kojih se oseća opšta ili lokalna nestašica; pod uslovom da je svaka takva mera kompatibilna s principom da Strane imaju pravo na pravičan udeo u međunarodnom snabdevanju

ovim proizvodima, i da se sve mere koje su u suprotnosti s drugim odredbama ovog sporazuma ukidaju čim prestanu da postoje razlozi zbog kojih su uvedene.

2. Strane će se međusobno obaveštavati onoliko koliko je to moguće o merama preduzetim u skladu s ovim članom i o njihovom prestanku.

Izuzeća iz razloga bezbednosti

Član 14.

Ništa u ovom Sporazumu neće se tumačiti:

(a) kao zahtev prema bilo kojoj Ctrani u ovom sporazumu za dostavljanje bilo kakvih informacija, čije bi objavljivanje ta Strana smatrala suprotnim osnovnim interesima njene bezbednosti, ili

(b) kao sprečavanje bilo koje Strane u ovom sporazumu da preduzima mere koje smatra neophodnim radi zaštite osnovnih interesa svoje bezbednosti:

1) koje se odnose na fisione materije, ili materijale od kojih se oni proizvode;

2) koje se odnose na trgovinu oružjem, municijom i vojnim materijalom, kao i na promet ostalom robom i materijalima koji su, direktno ili indirektno namenjeni snabdevanju oružanih snaga;

3) ako se one primenjuju za vreme rata, ili u drugim vanrednim situacijama u međunarodnim odnosima; ili

(v) kao sprečavanje bilo koje od Strana u ovom sporazumu da preduzme bilo koje aktivnosti u ispunjavanju svojih obaveza prema Povelji Ujedinjenih nacija radi očuvanja međunarodnog mira i bezbednosti.

Ograničenja u cilju zaštite ravnoteže platnog bilansa

Član 15.

1. Ako je jedna od Strana u ozbiljnim platnobilansnim teškoćama i teškoćama spoljne likvidnosti, ili joj preti opasnost od nastanka takve situacije, ona može da uvede restriktivne uvozne mere, u skladu sa članom XII GATT 1994 i Dogovorom o platnobilansnim odredbama GATT 1994. Te restriktivne mere biće u skladu sa Statutom Međunarodnog monetarnog fonda.

2. Ta Strana dužna je da blagovremeno obavesti drugu Ctranu o svojoj nameri da uvede navedene mere za zaštitu ravnoteže platnog bilansa, i o dinamici njihove primene i ukidanja.

3. Kada se uvedu, ili nastave da primenjuju restriktivne mere iz tačke 1. iz ovog člana, Zajednički komitet će bez odlaganja održati konsultacije. Na ovim konsultacijama se procenjuje platnobilansna situacija odgovarajuće Strane i restriktivne mere koje su uvedene, ili se i dalje primenjuju u skladu sa ovim članom, uzimajući u obzir, inter alia, faktore, kao što su:

(a) priroda i stepen platnobilansnih teškoća:

(b) mogući uticaj restriktivnih mera na ekonomiju druge Strane; i

(v) alternativne mere koje se mogu uvesti.

Konsultacijama će se preispitati usaglašenost svake restriktivne mere sa članom XII GATT 1994.

Zaštita prava intelektualne svojine

Član 16.

1. U smislu ovog sporazuma intelektualna svojina označava intelektualnu svojinu kako je definisana u članu 2. Konvencije o osnivanju Svetke organizacije za intelektualnu svojinu (u daljem tekstu: WIPO), potpisane 14. jula 1967. godine.

2. Strane prepoznaju značaj zaštite prava intelektualne svojine, i osiguraće adekvatnu i efikasnu primenu međunarodnih ugovora koji se odnose na intelektualnu svojinu čije su potpisnice. Strane koje su potpisnice Sporazuma o trgovinskim aspektima prava intelektualne svojine iz Priloga 1C Sporazuma STO (u daljem tekstu: TRIPS sporazum) potvrđuju svoje obaveze koje su u njemu predviđene. Strane koje nisu potpisnice TRIPS sporazuma poštovaće principe TRIPS sporazuma.

3. Svaka Strana će državljanima druge Strane odobriti tretman ne manje povoljan od onog koji uživaju njeni državljani u pogledu zaštite prava intelektualne svojine, uz poštovanje odredaba i izuzetaka predviđenih u čl. 3. i 5. TRIPS sporazuma.

4. Svaka Strana će državljanima druge Strane odobriti tretman ne manje povoljan od onog koji uživaju državljani bilo koje druge zemlje u pogledu zaštite prava intelektualne svojine u skladu s odredbama TRIPS sporazuma, posebno čl. 4. i 5. TRIPS sporazuma.

5. Strane će nastojati da osiguraju u svojim zakonima i propisima odredbe za ostvarivanje prava intelektualne svojine na istom nivou kao što je predviđeno u čl. od 41. do 50. TRIPS sporazuma, kako bi se omogućilo efikasno delovanje protiv svakog akta kršenja prava intelektualne svojine obuhvaćenih ovim sporazumom. Svaka Strana osigurava efikasnu zaštitu od nelojalne konkurencije u skladu sa svojim zakonima i propisima i članom 10 bis Pariske konvencije za zaštitu industrijske svojine od 20. marta 1883. godine.

6. Strane će sarađivati na pitanjima intelektualne svojine. Na zahtev jedne od Strana, one će održavati konsultacije stručnjaka za ova pitanja, posebno u pogledu aktivnosti koje se odnose na postojeće ili buduće međunarodne konvencije o harmonizaciji, regulisanju i garantovanju prava intelektualne svojine i na aktivnosti u međunarodnim organizacijama, kao što su: STO, Svetska organizacija za prava intelektualne svojine, kao i u vezi odnosa Strana s trećim stranama u vezi s pitanjima intelektualne svojine.

7. Ako se pojave problemi u oblasti zaštite prava intelektualne svojine koji utiču na uslove trgovine, na zahtev jedne od Strana održaće se tehničke konsultacije u okviru Zajedničkog komiteta radi pronalaženja obostrano prihvatljivog rešenja. Tehničke konsultacije mogu se obavljati na bilo koji način, a u skladu sa dogovorom Strana.

Državna trgovinska preduzeća

Član 17.

Svaka Strana će osigurati da njena državna trgovinska preduzeća posluju u skladu sa članom XVII GATT 1994, njegovim tumačenjima i Sporazumom o tumačenju člana XVII GATT 1994, koji su obuhvaćeni ovim sporazumom i čine njegov sastavni deo.

Antidampinške i kompenzatorne mere

Član 18.

1. Odredbe ovog sporazuma ne sprečavaju Strane da primenjuju antidampinške i kompenzatorne mere u skladu s ovim članom i čl. 20. i 22. ovog sporazuma.

2. Strane primenjuju antidampinške i kompenzatorne mere u skladu s odredbama člana VI GATT 1994, Sporazuma o primeni člana VI GATT 1994. i Sporazuma o subvencijama i kompenzatornim merama iz Priloga 1A Sporazuma STO (u daljem tekstu Sporazum o SKM), uz uzimanje u obzir odredaba ovog člana i čl. 20. i 22. ovog sporazuma i Priloga 4. „Odredbe u vezi određivanja normalne vrednosti u antidampinškim istragama" uz ovaj Sporazum.

3. Prilikom sprovođenja postupka ispitivanja za uvođenje antidampinških mera i svih daljih antidampinških postupaka, uključujući reviziju mere, Srbija posmatra države članice EAEU pojedinačno i neće primenjivati antidampinške mere u pogledu uvoza iz EAEU u celini.

4. Prilikom sprovođenja postupaka ispitivanja vezanih za uvođenje kompenzatorne dažbine i svih daljih postupaka vezanih za kompenzatornu dažbinu, uključujući reviziju mere, Srbija posmatra države članice EAEU pojedinačno i neće primenjivati kompenzatornu meru u pogledu uvoza iz EAEU u celini, osim ukoliko postoje subvencije u smislu člana XVI GATT 1994 i člana 1. Sporazuma o SKM koje su specifične u smislu člana 2. tog sporazuma i koje su date na nivou EAEU proizvođačima iz svih država članica EAEU, i takve subvencije se analiziraju tokom postupka ispitivanja vezanih za kompenzatornu dažbinu.

5. Strana koja razmatra mogućnost pokretanja postupka ispitivanja za uvođenje antidampinške ili kompenzatorne mere najkasnije petnaest (15) dana pre dana pokretanja ispitivanja, dostavlja drugoj Strani pisano obaveštenje o prijemu zahteva za pokretanje postupka ispitivanja.

Opšte mere zaštite

Član 19.

1. Odredbe ovog sporazuma ne sprečavaju Strane da primenjuju opšte mere zaštite u skladu s ovim članom i čl. 20. i 22. ovog sporazuma.

2. Strane će primenjivati opšte mere zaštite u skladu s odredbama člana XIX GATT 1994 i Sporazuma o merama zaštite datog u Aneksu 1A Sporazuma STO (u daljem tekstu Sporazum o merama zaštite), kao i odredbama ovog člana i čl. 20. i 22. ovog sporazuma.

3. U svrhu sprovođenja postupaka ispitivanja i primenu mere, kao i svih daljih postupaka, uključujući i reviziju mere, Srbija posmatra države članice EAEU pojedinačno, a ne kao EAEU u celini. Ova odredba neće se tumačiti kao obaveza Srbije da pokrene pojedinačnu istragu zaštite za svaku državu članicu EAEU.

4. Strana koja namerava da primeni opštu meru zaštite odmah će dostaviti drugoj Strani pismeno obaveštenje sa svim relevantnim informacijama o pokretanju postupka ispitivanja, privremenim nalazima i konačnim nalazima postupka ispitivanja.

Konsultacije

Član 20.

Strane mogu da obavljaju konsultacije o pitanjima vezanim za primenu antidampinških, kompenzatornih i opštih mera zaštite na osnovu pismenog zahteva bilo koje Strane. Konsultacije će se održati u najkraćem mogućem roku, a najkasnije u roku od trideset (30) dana nakon prijema pismenog zahteva. Ove konsultacije ne

sprečavaju Strane da otpočnu postupke ispitivanja koji se odnose na antidampinške, kompenzatorne ili opšte mere zaštite i neće uticati na njihovo sprovođenje.

Bilateralne mere zaštite

Član 21.

1. Kada se, kao rezultat smanjenja ili ukidanja carine prema ovom sporazumu, bilo koja roba poreklom iz jedne Strane, osim robe za koju je utvrđena tarifna kvota u skladu s Prilogom 1. („Lista robe izuzete iz režima slobodne trgovine pri uvozu na carinsku teritoriju Republike Srbije iz država članica Evroazijske ekonomske unije") i Prilogom 2. („Lista robe izuzete iz režima slobodne trgovine pri uvozu na carinsku teritoriju Evroazijske ekonomske unije iz Republike Srbije") ovog sporazuma, uvozi na teritoriju druge Strane u tako povećanim količinama, u apsolutnim iznosima, ili relativnim, u odnosu na domaću proizvodnju i pod takvim uslovima da to prouzrokuje, ili preti da prouzrokuje ozbiljnu štetu domaćoj industriji koja proizvodi sličnu, ili direktno konkurentnu robu na teritoriji Strane uvoznice, Strana uvoznica može da primeni bilateralne mere zaštite u meri koja je neophodna da se otkloni ili spreči ozbiljna šteta, ili takva pretnja, u skladu s odredbama ovog člana.

2. Bilateralna mera zaštite će se primenjivati samo na osnovu dostavljenih dokaza da povećani uvoz prouzrokuje, ili preti da prouzrokuje ozbiljnu štetu.

3. Strana koja razmatra mogućnost da koristi bilateralnu meru zašite u skladu s ovim članom će bez odlaganja, a u svakom slučaju pre pokretanja postupka za uvođenje bilateralne mere zaštite, obavestiti drugu Stranu o tome i dostaviti sve relevantne informacije i zahtevati konsultacije. Na zahtev jedne od Strana, Strane će odmah stupiti u konsultacije kako bi došle do obostrano prihvatljivog rešenja. Ako se u roku od trideset (30) dana od dana prijema zahteva ne postigne obostrano prihvatljivo rešenje, Strana uvoznica može pokrenuti postupak za uvođenje bilateralne mere zaštite.

4. U kritičnim okolnostima, kada bi odlaganje uvođenja mere moglo da uzrokuje štetu koju bi bilo teško popraviti, Strana može primeniti privremenu bilateralnu meru zaštite, nakon pokretanja procedure, na osnovu preliminarno utvrđenih činjenica da postoji jasan dokaz da povećan uvoz robe poreklom iz druge Strane uzrokuje, ili preti da prouzrokuje ozbiljnu štetu domaćoj industriji.

Strana koja uvodi privremenu bilateralnu meru zaštite će bez odlaganja, a u svakom slučaju pre njene primene, obavestiti drugu Stranu i obezbediti mogućnost za konsultacije. Ovo obaveštenje treba da sadrži sve relevantne informacije, uključujući dokaze da povećan uvoz robe poreklom iz druge Strane prouzrokuje, ili preti da prouzrokuje ozbiljnu štetu, precizan opis predmetne robe i predloženu privremenu meru, kao i predložen datum njenog uvođenja i njeno očekivano trajanje. Na zahtev Strane poslat u roku od trideset (30) dana od dana prijema obaveštenja u skladu s ovim stavom, Strane će odmah stupiti u konsultacije kako bi došle do obostrano prihvatljivog rešenja. Te konsultacije neće sprečavati Strane da primene privremenu bilateralnu meru.

Trajanje bilo koje privremene bilateralne mere zaštite ne sme da bude duže od sto osamdeset (180) dana.

Strana može da primeni privremenu meru zaštite samo u obliku povećanja carinske stope za predmetnu robu do potrebnog nivoa koji neće premašivati primenjenu carinsku stopu po tretmanu najpovlašćenije nacije koja je na snazi u vreme kada se privremena bilateralna mera zaštite uvodi.

Ukoliko je postupak obustavljen bez uvođenja konačne bilateralne mere zaštite, Strana koja je primenila privremenu meru će bez odlaganja izvršiti povraćaj

sredstava naplaćenih na osnovu privremene bilateralne mere zaštite. U tom slučaju, Strana koja je uvela privremenu meru primeniće onu carinsku stopu koja se primenjivala pre uvođenja privremene mere i tokom naredne dve (2) godine od datuma završetka ovog postupka neće pokretati nov postupak u vezi sa istom robom.

Trajanje privremene bilateralne mere zaštite biće računato kao deo ukupnog vremena primene bilateralne mere zaštite navedne u tački 9. ovog člana.

5. Strana koja namerava da primeni konačnu bilateralnu meru zaštite u skladu s ovim članom će odmah, a u svakom slučaju pre primene konačne bilateralne mere zaštite, o tome obavestiti drugu Stranu i pružiti mogućnost za konsultacije. Ovo obaveštenje će sadržati sve relevantne informacije, uključujući dokaze da je povećan uvoz uzrokovao, ili preti da uzrokuje ozbiljnu štetu, precizan opis predmetne robe, predloženu konačnu bilateralnu meru zaštite, informaciju o kompenzaciji određenoj u stavu 7. ovog člana, kao i predloženi datum uvođenja, očekivano trajanje i dinamiku za progresivno ukidanje te mere, ako je to potrebno.

Radi raspodele tarifne kvote u skladu sa tačkom 6. ovog člana, Srbija će u obaveštenju dostaviti i podatke o obimu posmatranog uvoza, stopi rasta tog uvoza, udelu svake države članice EAEU pojedinačno u uvozu, kao i o iznosu tarifne kvote za celu EAEU, preliminarnoj raspodeli ukupne kvote na pojedinačne uvozne kvote između država članica EAEU i ako postoje, o drugim faktorima koji mogu uticati na domaću industriju Srbije.

Na zahtev Strane izvoznice, poslat u roku od trideset (30) dana od dana prijema obaveštenja navedenog u ovoj tački, Strane će odmah stupiti u konsultacije kako bi došle do obostrano prihvatljivog rešenja, uključujući kompenzaciju. Ako se postigne obostrano prihvatljivo rešenje, ono se sačinjava u pisanoj formi i biće obavezujuće za Strane. Ako se u roku od trideset (30) dana od podnošenja zahteva ne postigne obostrano prihvatljivo rešenje, Strana uvoznica može primeniti konačnu bilateralnu meru zaštite.

6. Ako su ispunjeni uslovi iz tačke 1. ovog člana, Strana uvoznica može da primeni konačnu bilateralnu meru zaštite isključivo u obliku tarifne kvote.

U smislu ovog člana, tarifna kvota označava utvrđenu količinu robe s poreklom za koju je odobren uvoz u režimu slobodne trgovine kako je predviđeno u članu 4. ovog sporazuma.

Na uvoz robe nakon iskorišćenja tarifne kvote, primenjuje se carinska stopa uvećana do nivoa koji ne premašuje primenjenu carinsku stopu po tretmanu najpovlašćenije nacije koja je bila na snazi u vreme kada je konačna bilateralna mera zaštite uvedena.

Ovom merom se neće umanjiti obim uvoza robe sa poreklom iz relevantne Strane na teritoriju Strane koja primenjuje ovakvu meru ispod nivoa u skorašnjem periodu, odnosno ispod proseka uvoza u poslednje tri godine za koji postoje statistički podaci. Obim tarifne kvote se određuje na osnovu celokupnog uvoza predmetne robe iz odgovarajuće Strane za period pre datuma stupanja na snagu ovog sporazuma i uvoza odgovarajuće robe sa poreklom u režimu slobodne trgovine, predviđenim članom 4. ovog sporazuma, za period nakon datuma stupanja na snagu ovog sporazuma.

Za potrebe sprovođenja bilateralne mere zaštite Srbija će utvrditi raspodelu i administriranje pojedinačnih količina u okviru tarifne kvote za sve države članice EAEU (u daljem tekstu „pojedinačna kvota”) u skladu sa ovom tačkom.

Srbija će sačiniti raspodelu na pojedinačne kvote za svaku državu članicu EAEU, u okviru celokupne kvote u skladu sa sledećim:

(a) kada nije bilo uvoza iz izvozne države članice EAEU tokom poslednje tri reprezentativne godine za koje postoje statistički podaci, ili taj uvoz nije iznosio više od 5% ukupnog uvoza iz EAEU, pojedinačna kvota dodeljena toj državi članici EAEU iznosiće najmanje 5% od tarifne kvote utvrđene za EAEU;

(b) preostali iznos tarifne kvote utvrđene za EAEU Srbija dodeljuje drugim državama članicama EAEU proporcionalno uvozu predmetne robe iz ovih država članica EAEU u periodu navedenom u stavu 4. ove tačke;

(v) u slučaju da Srbija dobije informaciju od druge Strane da neka država članica EAEU nema interesa da isporučuje predmetnu robu i da nema interesa za dodelu kvote, Srbija će uključiti pojedinačnu kvotu dodeljenu ovoj državi članici EAEU u preostali iznos tarifne kvote utvrđene za EAEU u skladu s podtačkom (b) ove tačke.

EAEU može dati svoje predloge za preraspodelu pojedinačnih kvota za države članice EAEU na konsultacijama iz tačke 5. ovog člana, ali ne kasnije od dvadeset pet (25) dana od dana prijema zahteva za konsultacije iz tačke 5. ovog člana. Srbija će preraspodeliti pojedinačne kvote u skladu s ovim predlozima.

7. Strani koja bi bila pogođena ovom merom biće ponuđena kompenzacija u obliku koncesija koje imaju suštinski jednake trgovinske efekte i/ili koncesija koje su suštinski jednake očekivanoj vrednosti dodatnih carina kao rezultat primene bilateralne mere na uvoz te Strane.

Ova Strana će u roku od trideset (30) dana od dana prijema zahteva za konsultacije iz tačke 5. ovog člana, ispitati dostavljenu informaciju kako bi olakšala nalaženje obostrano prihvatljivog rešenja. Ako se takvo rešenje ne nađe, Strana uvoznica može da primeni bilateralnu meru zaštite za rešavanje problema, a, kada se ne postigne dogovor o kompenzaciji, Strana protiv čijih interesa se primenjuje bilateralna mera zaštite može da preduzme meru u svrhu kompenzacije.

Druga Strana se o meri u svrhu kompenzacije obaveštava odmah, najmanje trideset (30) dana pre primene mere.

Mere u svrhu kompenzacije se uobičajeno sastoje od ukidanja koncesija koje imaju suštinski jednake trgovinske efekte i/ili koncesija koje su suštinski jednake očekivanoj vrednosti dodatnih carina kao rezultat primene bilateralne mere na uvoz te Strane.

Mere u svrhu kompenzacije se preduzimaju samo na najkraći vremenski period potreban da se postignu suštinski jednaki trgovinski efekti, i u svakom slučaju, samo dok se primenjuje bilateralna mera zaštite iz tačke 6. ovog člana. Pri određivanju kompenzacije ili mera u svrhu kompenzacije, biće uzete u obzir i privremene mere zaštite.

8. Postupak koji prethodi uvođenju bilateralnih mera zaštite biće zaključen u roku od devet (9) meseci od dana njegovog iniciranja.

9. Bilateralna mera zaštite se uvodi na period od najviše dve (2) godine. Period primene bilateralne mere zaštite može se produžiti za još do jedne (1) godine, ako postoje dokazi da je to neophodno da bi se otklonila, ili sprečila ozbiljna šteta, ili pretnja od njenog nastanka, kao i dokazi da se industrija prilagođava. Ni jedna od Strana neće ponovo primenjivati bilateralnu meru zaštite za istu robu, tokom perioda jednakog periodu u kome je ova mera bila ranije primenjena.

10. Nijedna bilateralna mera zaštite neće se primenjivati više od dva (2) puta za istu robu.

11. Nakon prestanka bilateralne mere zaštite, carinska stopa će biti ona stopa koja bi bila na snazi na dan prestanka te mere kao da ona nije bila ni uvedena.

12. Bilateralna mera zaštite neće se primenjivati u prvih šest (6) meseci nakon stupanja na snagu ovog sporazuma.

13. U pogledu bilateralne trgovine, nijedna Strana neće primenjivati na istu robu istovremeno: bilateralnu meru zaštite i opštu meru zaštite.

Komunikacija

Član 22.

1. Službena komunikacija i razmena dokumenata između Strana u vezi sa pitanjima uređenim čl. 18 - 22. ovog sporazuma, vrši se između nadležnih organa Strana.

2. Strane će obezbediti elektronske kopije obaveštenja i zahteva u skladu sa tač. 3, 5 – 7. člana 21. ovog Sporazuma na dan kada su poslati službeni dopisi u vezi obaveštenja ili zahteva. Za potrebe primene člana 21. ovog sporazuma, taj dan se smatra danom obaveštenja ili zahteva.

3. Strane razmenjuju informacije o nazivima i kontaktima nadležnih organa, uključujući organe koji se bave postupkom ispitivanja, u roku od trideset (30) dana od dana stupanja na snagu ovog sporazuma. Strane će bez odlaganja obaveštavati jedna drugu o svim promenama vezanim za nadležne organe, uključujući organe koji se bave postupkom ispitivanja.

Rešavanje sporova

Član 23.

Svi sporovi između Strana proistekli iz tumačenja i/ili primene ovog sporazuma rešavaće se u skladu s pravilima i procedurama ustanovljenim u Prilogu 5 („Rešavanje sporova”) ovog sporazuma.

Transparentnost i razmena informacija

Član 24.

1. Svaka Strana će osigurati, u skladu sa svojim zakonima i propisima, da njeni zakoni i propisi opšte namene, kao i njeni međunarodni sporazumi, vezani za bilo koje pitanje obuhvaćeno ovim sporazumom, budu objavljeni bez odlaganja, a najkasnije do vremena njihovog stupanja na snagu, ili da se na drugi način učine javno dostupnim, uključujući, kad god je to moguće, u elektronskom obliku.

2. Svaka Strana, će u najvećoj mogućoj meri, obaveštavati drugu Stranu o svim merama koje, po mišljenju same Strane, mogu značajno da utiču na primenu ovog sporazuma, ili da na neki drugi način bitno utiču na interese druge Strane po ovom sporazumu.

Elektronska trgovina

Član 25.

Strane prepoznaju sve jaču ulogu elektronske trgovine u međusobnoj trgovini. U cilju pružanja podrške odredbama ovog sporazuma koje se odnose na trgovinu robom, Strane će sarađivati u oblasti elektronske trgovine na obostranu korist.

Poverljive informacije

Član 26.

1. Svaka Strana će, u skladu sa svojim zakonima i propisima, čuvati poverljivost informacija koje joj je druga Strana dala u poverenju, u skladu s ovim sporazumom.

2. Ništa u ovom sporazumu neće zahtevati ni od jedne Strane da dostavi, ili dozvoli pristup informacijama koje bi, ako se obelodane, ometale sprovođenje zakona, propisa, ili je na drugi način u suprotnosti s javnim interesom, ili bi štetilo legitimnim komercijalnim interesima (bilo kog ekonomskog operatera) određenih preduzeća, javnih, ili privatnih.

Prilozi

Član 27.

Prilozi uz ovaj sporazum čine njegov sastavni deo.

Zajednički komitet

Član 28.

1. Strane osnivaju Zajednički komitet koji se sastoji od predstavnika svih Strana, kojim će ko-predsedavati dva predstavnika: jedan iz Vlade Republike Srbije na ministarskom nivou, ili njihovi imenovani predstavnici i drugi iz EAEU i njenih država članica, koga predstavlja član odbora Evroazijske ekonomske komisije. Strane će zastupati visoki zvaničnici propisno ovlašćeni za tu svrhu.

2. Strane obaveštavaju jedna drugu o svojim predstavnicima u Zajedničkom komitetu najkasnije u roku od trideset (30) kalendarskih dana pre održavanja njegovog zasedanja.

3. Zajednički komitet ima sledeće poslove:

(a) praćenje i razmatranje svih pitanja vezanih za primenu i sprovođenje ovog sporazuma;

(b) razmatranje mogućnosti za dalje unapređenje trgovinskih odnosa između Strana;

(v) razmatranje i podnošenje Stranama na razmatranje svih izmena ovog sporazuma; i

(g) obavljanje drugih poslova vezanih za bilo koje pitanje u okviru ovog sporazuma koje mu Strane povere u okviru i u skladu s ciljevima ovog sporazuma.

4. U cilju ispunjavanja svojih funkcija Zajednički komitet može da formira stalne, ili ad hoc podkomitete, ili radne grupe, i da im poverava izvršavanje zadataka po konkretnim pitanjima.

5. Sve odluke i preporuke Zajedničkog komiteta donose se konsenzusom Strana.

6. Zasedanja Zajedničkog komiteta održavaju se, po pravilu, najmanje jednom u dve (2) godine, naizmenično u svakoj od Strana, ako se Strane ne dogovore drugačije.

7. Na zahtev jedne Strane mogu da se održavaju i posebne sednice. Te se sednice održavaju, ako je moguće, u roku od trideset (30) dana od dana podnošenja zahteva, na teritoriji Strane koja ga je podnela, osim ako se Strane ne dogovore drugačije.

8. Strane će usaglasiti poslovnik Zajedničkog komiteta i usvojiti ga na prvom zasedanju Zajedničkog komiteta.

Služba za kontakt

Član 29.

1. Kako bi se osiguralo efikasno sprovođenje ovog sporazuma i olakšala komunikacija između Strana o bilo kojem pitanju koje je obuhvaćeno ovim

sporazumom, svaka Strana će, u roku od jednog (1) meseca od dana njegovog stupanja na snagu, odrediti svoju službu ili službe nadležne za kontakt i o tome će obavestiti drugu Stranu. Strane će se, bez odlaganja, međusobno obaveštavati o svim promenama vezanim za svoje službe za kontakt.

2. Zadaci službe nadležne za kontakt svake Strane su:

(a) primanje prigovora, ili upita od druge Strane;

(b) pružanje odgovara na prigovore, ili upite navedene u podtatački (a) ove tačke, gde je to potrebno, u saradnji sa drugim nadležnim organima Strane.

3. St. 1. i 2. ovog člana ne sprečavaju niti ograničavaju privredna društva Strana da stupe u direktan kontakt sa nadležnim organima druge Strane.

4. Na zahtev jedne od Strana, službu ili službe za kontakt druge Strane će odrediti kancelariju, ili službenika nadležnog za pitanja koja mogu uticati na trgovinu između Strana i pružiti potrebnu podršku za olakšavanje odgovarajuće komunikacije.

Rok važenja, istupanje i prestanak važenja

Član 30.

1. Ovaj sporazum se zaključuje na neodređeno vreme.

2. Svaka Strana može da raskine ovaj sporazum tako što će obavestiti drugu Stranu o svojoj nameri da raskine ovaj sporazum. Raskid ovog Sporazuma stupa na snagu prvog dana sedmog meseca nakon meseca u kojem je druga Strana primila ovo obaveštenje.

3. Ovaj sporazum prestaje da važi za svaku državu članicu Evroazijske ekonomske unije koja istupi iz Ugovora o EAEU. Svaka država članica koja istupi iz Ugovora o EAEU ipso facto prestaje da bude strana u ovom sporazumu na dan kada njeno istupanje iz Ugovora o EAEU stupa na snagu. O svakom istupanju EAEU obaveštava Srbiju u pisanoj formi šest (6) meseci pre dana istupanja.

Izmene i dopune

Član 31.

1. Ovaj sporazum može se izmeniti i dopuniti uz pisanu saglasnost Strana.

2. Sve izmene i dopune uz ovaj sporazum činiće sastavni deo ovog sporazuma i sačiniće se u obliku odvojenih protokola uz ovaj sporazum, koji stupaju na snagu u skladu sa članom 33. ovog sporazuma.

3. Ako bilo koja odredba Sporazuma STO, ili bilo kojeg drugog sporazuma u kojem su obe Strane članice, a koji je sastavni deo ovog sporazuma, bude izmenjen i dopunjen, Strane će se konsultovati da li će, shodno tome, da izmene ovaj sporazum.

Pristupanje novih država članica EAEU

Član 32.

1. Nova država članica EAEU pristupa ovom sporazumu na osnovu obostrane saglasnosti Strana, postignute kroz pregovore o uslovima pristupanja. Takvo pristupanje se realizuje putem dopunskog protokola uz ovaj sporazum.

2. EAEU bez odlaganja obaveštava Srbiju u pisanoj formi o tome da je bilo koja treća država stekla status države kandidata za članstvo u EAEU, kao i o svakom pristupanju EAEU.

Stupanje na snagu

Član 33.

Ovaj sporazum stupa na snagu šezdeset (60) dana od dana prijema poslednjeg pisanog obaveštenja o tome da su Srbija, EAEU i države članice EAEU završile unutrašnje pravne procedure neophodne za stupanje na snagu ovog sporazuma. Ova obaveštenja se razmenjuju između Ministarstva spoljnih poslova Republike Srbije i Evroazijske ekonomske komisije.

U POTVRDU ČEGA su dolepotpisani, propisno ovlašćeni u tu svrhu, potpisali ovaj sporazum.

Sačinjeno u Moskvi, 25. oktobra 2019. godine, u dva originalna primerka na engleskom jeziku.

Za Republiku Srbiju

Ana Brnabić, predsednik

Vlade Republike Srbije

Za Republiku Jermeniju

Nikol Pašinjan, predsednik Vlade

Republike Jermenije

Za Republiku Belorusiju

Sergej Rumas, predsednik Vlade

Republike Belorusije

Za Republiku Kazahstan

Askar Mamin, predsednik

Vlade Republike Kazahstan

Za Kirgisku Republiku

Abilgazijev Muhamedkalij, predsednik

Vlade Kirgiske Republike

Za Rusku Federaciju

Dmitrij Medvedev, predsednik

Vlade Ruske Federacije

Za Evroazijsku ekonomsku uniju

Tigran Sarkisjan, predsednik Upravnog odbora
Evroazijske ekonomske komisije

PRILOG 1.

LISTA ROBE IZUZETE IZ REŽIMA SLOBODNE TRGOVINE PRI UVOZU NA CARINSKU TERITORIJU REPUBLIKE SRBIJE IZ DRŽAVA ČLANICA EVROAZIJSKE EKONOMSKE UNIJE

U svrhu ovog priloga:

1. „HS oznaka" i „Naimenovanje" odnose se na odgovarajuću tarifnu oznaku Srbije i njeno pripadajuće naimenovanje u primeni od 1. januara 2019. godine.

2. „Posebni uslovi" odnose se na poreklo robe koja je izuzeta iz režima slobodne trgovine ili bescarinskog režima uvoza u okviru tarifne kvote.

HS oznaka /Posebni uslovi	Naimenovanje
1701 99 10 (roba poreklom iz Republike Jermenije, Republike Belorusije, Republike Kazahstan i Kirgiske Republike)	Beli šećer
2207 (roba poreklom iz Republike Jermenije, Republike Belorusije, Republike Kazahstan i Kirgiske Republike)	Nedenaturisan etil - alkohol alkoholne jačine 80% vol ili jači; Etil - alkohol i ostali alkoholi, denaturisani, bilo koje jačine
2208 20 12, 2208 20 14, 2208 20 26, 2208 20 27, 2208 20 40, 2208 20 62, 2208 20 64, 2208 20 86, 2208 20 87, 2208 30, 2208 40, 2208 50, 2208 60 91, 2208 60 99, 2208 70, 2208 90 11, 2208 90 19, 2208 90 41, 2208 90 45, 2208 90 48, 2208 90 54, 2208 90 71, 2208 90 75, 2208 90 77, 2208 90 78, 2208 90 91, 2208 90 99 (roba poreklom iz Republike Jermenije, Republike Belorusije, Republike Kazahstan i Kirgiske Republike)	Nedenaturisan etil - alkohol alkoholne jačine manje od 80% vol; Rakije, likeri i ostala alkoholna pića
2402 10, 2402 90 (roba poreklom iz Republike Jermenije, Republike Belorusije, Republike Kazahstan i Kirgiske Republike)	Cigare, cigarilosi i cigarete, od duvana ili zamene duvana
4012, osim 4012 90	Protektirane ili upotrebljavane spoljne pneumatske gume
8701 10, 8701 20 10, 8701 30 00, 8701 91 10 10, 8701 91 90, 8701 92 10 11, 8701 92 10 19, 8701 93 10 10, 8701 93 90, 8701 94 10 10 (osim preko 90 kW), 8701 94 90, 8701 95 10 10, 8701 95 90 (roba poreklom iz Ruske Federacije)	Traktori (osim onih iz tarifnog broja 8709), novi
8701 20 90, 8701 91 10 90, 8701 92 10 90, 8701 93 10 90, 8701 94 10 90, 8701 95 10 90	Traktori (osim onih iz tarifnog broja 8709), upotrebljavani

HS oznaka /Posebni uslovi	Naimenovanje
8702 10 19, 8702 10 99, 8702 20 10 90, 8702 20 90 90, 8702 30 10 90, 8702 30 90 90, ex 8702 40 00 00, 8702 90 19, 8702 90 39, ex 8702 90 90 00	Motorna vozila za prevoz deset ili više osoba, uključujući vozača, upotrebljavana
8703	Putnički automobili i druga motorna vozila konstruisana prvenstveno za prevoz lica (osim onih iz tarifnog broja 8702), uključujući „karavan” i „kombi” vozila i vozila za trke
8704 21 10, 8704 21 31, 8704 21 91, 8704 22 10, 8704 22 91, 8704 31 10, 8704 31 31, 8704 31 91, 8704 32 10, 8704 32 91 (roba poreklom iz Ruske Federacije)	Motorna vozila za prevoz robe, nova
8704 21 39, 8704 21 99, 8704 22 99, 8704 23 99, 8704 31 39, 8704 31 99, 8704 32 99	Motorna vozila za prevoz robe, upotrebljavana

LISTA ROBA KOJE SU PREDMET TARIFNIH KVOTA ZA UVOZ NA CARINSKU TERITORIJU REPUBLIKE SRBIJE IZ DRŽAVA ČLANICA EVROAZIJSKE EKONOMSKE UNIJE

1. Sledeća izuzimanja od plaćanja carinskih dažbina u okviru tarifnih kvota se primenjuju na robu poreklom iz određenih zemalja članica EAEU u skladu sa ovim prilogom. Za robu poreklom iz drugih država članica EAEU biće omogućen bescarinski režim prilikom uvoza na carinsku teritoriju Srbije.

2. Srbija odobrava bescarinski režim uvoza određenih količina robe poreklom iz zemalja članica EAEU u skladu sa ovim prilogom.

3. Stopa carine van tarifnih kvota se primenjuje u skladu sa zakonima i propisima Srbije, shodno članu 5. ovog sporazuma.

HS oznaka /Posebni uslovi	**Naimenovanje**	**Količina bez plaćanja carinskih dažbina**
0406 30 31, 0406 30 39, 0406 30 90 (roba poreklom iz Republike Jermenije, Republike Kazahstan i Kirgiske Republike)	Sir topljen, osim rendanog ili u prahu	100 tona godišnje
2208 20 29, 2208 20 89 (roba poreklom iz Republike Jermenije, Republike Belorusije, Republike Kazahstan i Kirgiske Republike)	Rakije dobijene destilacijom vina, kljuka ili komine od grožđa, ostale	50 000 litara čistog (100 %) alkohola godišnje
2402 20 (roba poreklom iz Republike Jermenije, Republike Belorusije, Republike Kazahstan i Kirgiske Republike)	Cigarete koje sadrže duvan	2 000 000 hiljada komada godišnje

PRILOG 2.

LISTA ROBE IZUZETE IZ REŽIMA SLOBODNE TRGOVINE PRI UVOZU NA CARINSKU TERITORIJU EVROAZIJSKE EKONOMSKE UNIJE IZ REPUBLIKE SRBIJE

U svrhu ovog priloga:

1. „HS oznaka" i „Naimenovanje" odnose se na odgovarajuću tarifnu oznaku i njeno pripadajuće naimenovanje u skladu sa Nomenklaturom roba za spoljnu privredu (Foreign Economic Activity Commodity Nomenclature) EAEU, koja je usvojena Odlukom saveta Evroazijske ekonomske unije od 16. jula 2012. godine, u primeni od 1. januara 2019. godine.

2. EAEU odobrava bescarinski režim uvoza u okviru tarifne kvote za robu poreklom iz Srbije u skladu sa ovim prilogom.

HS oznaka	Naimenovanje
0207	Meso i ostali jestivi klanični proizvodi od živine iz tarifnog broja 0105, sveži, rashlađeni ili smrznuti
0406 30, osim 0406 30 100 0	Sir topljen, osim rendanog ili u prahu
1701 99 100	Beli šećer
2204 10	Vino penušavo
2207	Nedenaturisan etil - alkohol alkoholne jačine 80% vol ili jači; Etil - alkohol i ostali alkoholi, denaturisani, bilo koje jačine
2208 20 120 0, 2208 20 140 0, 2208 20 260 0, 2208 20 270 0, 2208 20 400 0, 2208 20 620 0, 2208 20 640 0, 2208 20 860 0, 2208 20 870 0, 2208 30, 2208 40, 2208 50, 2208 60, 2208 70, 2208 90 110 0, 2208 90 190 0, 2208 90 410 0, 2208 90 450 0, 2208 90 540 0, 2208 90 560, 2208 90 690, 2208 90 750 0, 2208 90 770, 2208 90 780, 2208 90 910 0, 2208 90 990 0	Nedenaturisan etil - alkohol alkoholne jačine manje od 80% vol; Rakije, likeri i ostala alkoholna pića
2402 10, 2402 90	Cigare, cigarilosi i cigarete, od duvana ili zamene duvana
4012, osim 4012 90	Protektirane ili upotrebljavane spoljne pneumatske gume
5205	Predivo od pamuka (osim konca za šivenje), sa sadržajem 85% ili više po masi pamuka, nepripremljeno za prodaju na malo
5208	Tkani materijali od pamuka sa sadržajem 85% ili više po masi pamuka, mase ne preko 200 g/m²
5209	Tkani materijali od pamuka, sa sadržajem 85% ili više po masi pamuka, mase preko 200 g/m²

HS oznaka	Naimenovanje
5210	Tkani materijali od pamuka sa sadržajem manje od 85% po masi pamuka, u mešavini pretežno ili samo sa veštačkim ili sintetičkim vlaknima, mase ne preko 200 g/m²
5211	Tkani materijali od pamuka, sa sadržajem manje od 85% po masi pamuka, u mešavini pretežno ili samo sa veštačkim ili sintetičkim vlaknima, mase preko 200 g/m²
5212	Ostali tkani materijali od pamuka
58	Specijalne tkanine; Taftovani tekstilni proizvodi; Čipke; Tapiserije; Pozamanterija; Vez
8414 30, osim 8414 30 200 1, 8414 30 810 1, 8414 30 890 1	Kompresori za rashladne uređaje
8701	Traktori (osim onih iz tarifnog broja 8709)
8702 10 19, 8702 10 99, 8702 20 19, 8702 20 99, 8702 30 19, 8702 30 99, ex 8702 40, 8702 90 19, 8702 90 39, ex 8702 90 80	Motorna vozila za prevoz deset ili više osoba, uključujući vozača, upotrebljavana
8703	Putnički automobili i druga motorna vozila konstruisana prvenstveno za prevoz lica (osim onih iz tarifnog broja 8702), uključujući „karavan” i „kombi” vozila i vozila za trke
8704 21 390, 8704 21 990, 8704 22 990, 8704 23 990, 8704 31 390, 8704 31 990, 8704 32 990	Motorna vozila za prevoz robe, upotrebljavana

LISTA ROBA KOJE SU PREDMET TARIFNIH KVOTA ZA UVOZ NA CARINSKU TERITORIJU EVROAZIJSKE EKONOMSKE UNIJE IZ REPUBLIKE SRBIJE

1. Sledeća izuzimanja od plaćanja carinskih dažbina u okviru tarifnih kvota primenjuju se na robu poreklom iz Srbije u skladu sa ovim prilogom.

2. EAEU odobrava bescarinski režim uvoza u okviru tarifnih kvota za robu poreklom iz Srbije u skladu sa ovim prilogom.

3. Stopa carine van tarifnih kvota se primenjuje u skladu sa zakonima i propisima EAEU i njenih država članica, shodno članu 5. ovog sporazuma.

4. EAEU odobrava bescarinski režim uvoza za Glarus sir sa začinskim biljem, Buttercase sir i sir od ovčjeg ili kozjeg mleka iz HS oznaka 0406 90 690 0, 0406 90 740 0, 0406 90 860 0, 0406 90 890 0, 0406 90 920 0, 0406 90 930 0, 0406 90 990 1, 0406 90 990 9. Preferencijalni tarifni tretman za ovu robu se garantuje u slučajevima da je dodatna oznaka „Glarus sir sa začinskim biljem" ili „Buttercase sir" ili „Sir od ovčjeg ili kozjeg mleka" navedena u polju 8. sertifikata o poreklu.

HS oznaka	**Naimenovanje**	**Količina bez plaćanja carinskih dažbina**
0406 90 690 0, 0406 90 740 0, 0406 90 860 0, 0406 90 890 0, 0406 90 920 0, 0406 90 930 0, 0406 90 990 1, 0406 90 990 9	Sir ostali	400 tona godišnje
2208 20 290 0, 2208 20 890 0	Rakije dobijene destilacijom vina, kljuka ili komine od grožđa, ostale	35 000 litara čistog (100 %) alkohola godišnje
2402 20	Cigarete koje sadrže duvan	2 000 000 hiljada komada godišnje

PRILOG 3.

PRAVILA O POREKLU ROBE

Oblast primene

Član 1.

Pravila o poreklu robe sadržana u ovom prilogu primenjuju se za svrhe odobravanja preferencijalnog tarifnog režima u skladu sa ovim sporazumom.

Pojmovi i definicije

Član 2.

Pojmovi koji se koriste u ovim pravilima o određivanju zemlje porekla robe (u daljem tekstu: Pravila) označavaju sledeće:

(a) „podnosilac” - lice koje se obratilo ovlašćenom organu Strane izvoznice radi dobijanja sertifikata o poreklu robe, koje potvrđuje i snosi odgovornost za verodostojnost podataka o robi navedenih u sertifikatu o poreklu robe. Kao podnosilac se mogu pojaviti proizvođač, izvoznik ili pošiljalac, kao i njihovi ovlašćeni predstavnici;

(b) „ovlašćeni organ” - organ (organizacija) kojeg je Strana ovlastila da izdaje (potvrđuje) sertifikate o poreklu robe;

(v) „sertifikat o nemanipulaciji” - dokument izdat od strane carinskog organa treće tranzitne strane, kojim se potvrđuje da je roba bila pod carinskom kontrolom i da nije bila zamenjena ili obrađena na njenoj teritoriji (osim postupaka za očuvanje robe u dobrom stanju);

(g) „sertifikat o poreklu robe” - dokument, koji je izdao ovlašćeni organ, u kojem se navodi zemlja porekla robe;

(d) „pošiljka” - roba koju jedan pošiljalac isporučuje istovremeno na osnovu jednog ili više transportnih (prevoznih) dokumenata jednom primaocu, kao i roba koja se šalje na osnovu jednog poštanskog tovarnog lista ili je jedno lice koje prelazi granicu prevozi kao prtljag;

(đ) „pošiljalac” - lice navedeno u transportnim (prevoznim) dokumentima koje je, u skladu s obavezama koje je preuzelo, isporučilo ili ima nameru da isporuči robu prevozniku;

(e) „primalac” - lice navedeno u transportnim (prevoznim) dokumentima koje je, u skladu s obavezama koje je preuzelo, primilo ili ima nameru da primi robu od prevoznika;

(ž) „kriterijum dovoljne obrade (prerade)” - jedan od kriterijuma porekla, u skladu s kojim se roba, ako u njenoj proizvodnji učestvuju dve ili više zemalja, smatra poreklom iz one zemlje na čijoj teritoriji je prošla poslednju suštinsku obradu (preradu);

(z) „carinska vrednost” - vrednost određena u skladu s odredbama utvrđenim u Sporazumu o primeni člana VII GATT 1994;

(i) „deklaracija o poreklu robe” - komercijalni ili drugi dokument koji se odnosi na robu i sadrži izjavu o zemlji porekla robe koju je dao proizvođač, izvoznik ili pošiljalac;

(j) „izvoznik” - lice koje je strana u spoljnotrgovinskom ugovoru (aranžmanu) i koje prodaje robu uvozniku;

(k) „cena franko-fabrika” - cena robe koja se isplaćuje prema klauzuli franko-fabrika u skladu s Međunarodnim pravilima tumačenja trgovačkih termina „Incoterms”, osim iznosa unutrašnjih poreza čiji se povraćaj vrši ili može biti izvršen prilikom izvoza navedene robe. Ova cena je ona koja se plaća proizvođaču koji je robu podvrgnuo poslednjoj obradi (preradi) pre prodaje;

(l) „roba” - bilo koji proizvodi, uključujući toplotnu, električnu, i druge oblike energije i prevozna sredstva (osim prevoznih sredstava kojima se obavlja međunarodni prevoz putnika i stvari) koji prelaze carinsku granicu, čak i oni namenjeni za kasnije korišćenje u drugom proizvodnom postupku kao materijal;

(lj) „Harmonizovani sistem” - važeća verzija Harmonizovanog sistema naziva i šifarskih oznaka roba propisana Međunarodnom konvencijom o harmonizovanom sistemu naziva i šifarskih oznaka roba od 14. juna 1983. godine;

(m) „uvoznik” - lice koje je strana u spoljnotrgovinskom ugovoru (aranžmanu) i koje kupuje robu od izvoznika;

(n) „materijal” - bilo koji sastojak, sirovina, komponenta ili deo, koji se koriste u proizvodnji (izradi) robe;

(nj) „materijal bez porekla” - materijal koji se ne smatra poreklom iz Strana u skladu sa ovim Pravilima ili materijal čije poreklo nije poznato;

(o) „proizvodnja (izrada)” - obavljanje svih vrsta proizvodnih ili tehnoloških postupaka koji imaju za cilj dobijanje robe;

(p) „treća strana” - carinska teritorija koja nije strana ugovornica ovog sporazuma;

(r) „verifikacioni organ” - nadležni državni organ kojeg je Strana ovlastila da vrši kontrolu osnovanosti izdavanja sertifikata o poreklu robe i deklaracije o poreklu robe, verodostojnosti podataka upisanih u njih, kao i da proverava da li proizvođači ispunjavaju kriterijume porekla robe, predviđene ovim Pravilima.

Kriterijumi porekla robe

Član 3.

U svrhu ovih Pravila smatraće se da je roba poreklom iz Strane, ako je ona:

(a) u potpunosti dobijena ili proizvedena u toj Strani kao što je predviđeno članom 4. ovih Pravila; ili

(b) proizvedena na teritoriji Strane uz korišćenje materijala bez porekla i ispunjava zahteve kriterijuma dovoljne obrade (prerade), predviđeno članom 5. ovih Pravila;

(v) proizvedena u jednoj ili više Strana isključivo od materijala poreklom iz tih Strana u skladu sa odredbama člana 6. ovih Pravila.

Roba u potpunosti dobijena ili proizvedena

Član 4.

Robom u potpunosti dobijenom ili proizvedenom u Strani ovog sporazuma smatraju se:

(a) rudna bogatstva, roba mineralnog porekla i drugi prirodni resursi, izvađeni iz zemlje Strane ili iz njenog teritorijalnog mora ili s njenog morskog dna ili koja je rezultat prerade atmosferskog vazduha na teritoriji Strane, kao i atmosferski vazduh ili proizvodi nastali njegovom separacijom;

(b) roba biljnog porekla gajena i/ili ubrana u Strani ovog sporazuma;

(v) žive životinje okoćene i uzgajane na teritoriji Strane;

(g) roba dobijena u Strani od živih životinja;

(d) roba dobijena lovom ili ribolovom na teritoriji Strane;

(đ) roba dobijena morskim ribolovom i druga roba izvađena iz mora izvan teritorijalnih voda Strane, brodovima koji su registrovani ili se nalaze na evidenciji u toj Strani i koji plove pod njenom zastavom;

(e) roba dobijena na brodu - fabrici isključivo od robe iz tačke (đ) ovog člana poreklom iz Strane ovog sporazuma, pod uslovom da je takav brod - fabrika registrovan ili se nalazi na evidenciji u Strani i plovi pod njenom zastavom;

(ž) roba uzeta s morskog dna ili podzemlja izvan teritorijalnih voda Strane pod uslovom da ta Strana ima isključivo pravo na eksploataciju tog morskog dna ili podzemlja;

(z) ostaci i otpaci proizvoda (sekundarne sirovine) nastali kao rezultat proizvodnih ili drugih prerađivačkih operacija ili potrošnje na teritoriji Strane, pod uslovom da su pogodni samo za ponovno dobijanje sirovina;

(i) roba dobijena u otvorenom svemiru na svemirskim brodovima koji pripadaju Strani ili koje je ona iznajmila (zakupila);

(j) roba proizvedena na teritoriji Strane isključivo od proizvoda navedenih u tač. (a) – (i) ovog člana.

Kriterijum dovoljne obrade (prerade)

Član 5.

1. Smatra se da je roba prošla dovoljnu obradu (preradu) u Strani, ako vrednost materijala bez porekla upotrebljenih u tom procesu nije veća od 50 odsto vrednosti robe koja se izvozi.

2. Vrednost materijala bez porekla upotrebljenih u procesu obrade (prerade) određuje se na osnovu carinske vrednosti tih materijala u vreme njihovog uvoza u Stranu u kojoj se vrši njihova obrada (prerada).

Ako se, u skladu sa zakonodavstvom Strane carinska vrednost materijala ne određuje, kao i ako je njihovo poreklo nepoznato, vrednost materijala određuje se u visini najranije utvrđene cene plaćene za te materijale na teritoriji Strane u kojoj se vrši njihova obrada (prerada).

Vrednost robe koja se izvozi iz jedne od Strana određuje se na osnovu cene prema klauzuli franko-fabrika.

Kumulacija porekla

Član 6.

Bez obzira na odredbe člana 3. stav 1. pod (b) ovih Pravila, roba ili materijali poreklom iz Strane koji se koriste kao materijali u procesu proizvodnje robe u drugoj Strani smatraju se poreklom iz one Strane u kojoj su obavljene poslednje operacije, osim onih iz člana 7. stav 1. ovih Pravila. Poreklo takvih materijala se potvrđuje na osnovu sertifikata o poreklu robe (Forma ST-2), izdatog od strane ovlašćenog organa.

Nedovoljna obrada (prerada)

Član 7.

1. Kriterijum dovoljne obrade (prerade) ne ispunjavaju:

(a) postupci neophodni za očuvanje robe u dobrom stanju za vreme skladištenja i/ili prevoza;

(b) postupci pripreme robe za prodaju i/ili prevoz (deljenje pošiljki, formiranje pošiljki, sortiranje, prepakivanje), postupci rastavljanja i sastavljanja ambalaže;

(v) pranje, čišćenje, uklanjanje prašine, ulja, boje ili drugih premaza;

(g) peglanje ili presovanje tekstila (sve vrste vlakana i prediva, tkanine od svih vrsta vlakana i prediva i proizvodi od njih);

(d) bojenje, poliranje, lakiranje, premazivanje (impregniranje) uljem ili drugim sredstvima;

(đ) komišanje, potpuno ili delimično beljenje, poliranje i glaziranje žitarica i pirinča;

(e) zamrzavanje, odmrzavanje;

(ž) postupci bojenja, rastvaranja ili mešanja šećera, uključujući mešanje s drugim materijalima, ili oblikovanja šećernih kocki;

(z) guljenje, uklanjanje semena, koštica i ljuski i sečenje voća, koštunjavog voća i povrća;

(i) oštrenje, drobljenje ili rezanje koje ne dovodi do suštinskog razlikovanja dobijene robe od polaznih komponenti;

(j) prosejavanje, prebiranje, sortiranje, klasifikovanje, gradiranje, sparivanje (uključujući i sastavljanje setova proizvoda);

(k) stavljanje u boce, limenke, bočice, kese, sanduke, kutije i drugi postupci pakovanja;

(l) jednostavni postupci sastavljanja ili rastavljanje robe na delove;

(lj) graviranje, nanošenje ili štampanje trgovačkih oznaka, žigova, logotipova, etiketa i drugih sličnih znakova raspoznavanja na robu ili njenu ambalažu;

(m) mešanje roba (komponenti) koje ne dovodi do suštinskog razlikovanja dobijene robe od polaznih komponenti;

(n) klanje životinja;

(nj) tranžiranje (razvrstavanje) mesa, ribe;

(o) korišćenje (eksploatacija) robe prema nameni; ili

(p) kombinacija dva ili više gore navedenih postupaka.

2. Ako se u odnosu na robu kriterijum dovoljne obrade (prerade) ostvaruje isključivo obavljanjem postupaka navedenih u stavu 1. ovog člana, takva roba se neće smatrati poreklom iz Strane u kojoj su ovi postupci obavljeni.

3. U svrhu primene stava 1. ovog člana, pod „jednostavnim postupkom” se podrazumeva postupak za čije obavljanje nisu potrebna posebna znanja (veštine), kao ni mašine, aparati i oprema, specijalno namenjeni za ovaj postupak.

Posebni slučajevi utvrđivanja porekla robe

Član 8.

1. Uređaji, pribor, rezervni delovi i alati namenjeni za korišćenje zajedno s mašinama, opremom, aparatima ili vozilima, smatraće se poreklom iz one Strane iz koje su i mašine, oprema, aparati ili vozila, pod uslovom da se ovi uređaji, pribor, rezervni delovi i alati uvoze i koriste zajedno s navedenim mašinama, opremom,

aparatima ili vozilima u kompletu i u količini u kojoj se uobičajeno isporučuju s tim uređajima u skladu s tehničkom dokumentacijom.

2. Smatraće se da je ambalaža u kojoj se roba uvozi poreklom iz one Strane iz koje je i roba, osim u slučaju, kada u skladu sa Osnovnim pravilom 5 za primenu Harmonizovanog sistema, ambalaža podleže deklarisanju odvojeno od robe. U tom slučaju zemlja porekla ambalaže utvrđuje se nezavisno od zemlje porekla robe.

3. Ako se smatra da je ambalaža u kojoj se roba uvozi poreklom iz one Strane iz koje je i roba, za određivanje zemlje porekla robe uzima se u obzir samo ona ambalaža u kojoj se roba prodaje u maloprodaji.

4. U svrhe određivanja zemlje porekla, roba u nesastavljenom, rastavljenom obliku, kao i roba koja se transportuje u rasutom stanju, a koja se isporučuje u više pošiljki zbog nemogućnosti njene jedinstvene isporuke usled uslova proizvodnje ili prevoza, može se, po želji podnosioca, smatrati jedinstvenom robom, pod uslovom da su sve pošiljke isporučene sa jedne carinske teritorije od strane jednog izvoznika jednom uvozniku na osnovu jednog ugovora, kao i pod uslovom da su ispunjeni i drugi uslovi, utvrđeni carinskim zakonodavstvom Strane uvoznice.

5. Prilikom određivanja zemlje porekla robe, poreklo toplotne i električne energije, mašina, opreme i alata i sve druge robe koja ne ulazi u njen sastav, ali čija upotreba čini deo proizvodnog procesa, neće se uzimati u obzir.

6. Roba svrstana kao set u skladu sa Osnovnim pravilom 3 za tumačenje Harmonizovanog sistema, smatra se robom s poreklom ako su sve komponente koje ulaze u sastav seta materijali s poreklom. Međutim, ako se set sastoji od komponenata s poreklom i komponenata bez porekla, smatra se da je set u celini s poreklom, pod uslovom da vrednost komponenti bez porekla ne prelazi 15 odsto vrednosti seta prema klauzuli „franko-fabrika”.

Direktna isporuka robe

Član 9.

1. Pod direktnom isporukom robe smatra se isporuka robe koja se prevozi s teritorije jedne Strane na teritoriju druge Strane bez prelaska preko teritorije bilo koje treće strane.

2. Bez obzira na odredbe stava 1. ovog člana, roba se može prevoziti preko teritorija trećih strana zbog geografskih, saobraćajnih, tehničkih ili ekonomskih razloga, pod uslovom da se ta roba tokom prevoza, uključujući i za vreme privremenog skladištenja na teritorijama tih trećih strana, nalazi pod carinskom kontrolom (nadzorom).

3. Uvoznik podnosi odgovarajuće pisane dokaze carinskom organu Strane uvoznice kojima se potvrđuje da su ispunjeni uslovi iz stava 2. ovog člana. Ovi dokazi se obezbeđuju podnošenjem carinskom organu Strane uvoznice bilo kojeg od sledećih dokumenata:

(a) uverenje o nemanipulaciji izdato od strane carinskog organa treće strane tranzita;

(b) druga dokumenta koja je izdao carinski organ treće strane, u kojima je dat tačan opis robe, u koje su upisani datumi prebacivanja (pretovara) robe, nazivi vozila i koja potvrđuju uslove pod kojima se roba nalazila u trećoj strani tranzita;

(v) transportna (prevozna) dokumenta overena od strane carinskog organa treće strane kojima se potvrđuje prevozni put kretanja robe od Strane izvoznice preko treće strane tranzita.

4. Pod direktnom isporukom smatra se, takođe, isporuka robe koju je uvoznik kupio na izložbama ili sajmovima, ako su ispunjeni sledeći uslovi:

(a) da je roba isporučena s teritorije jedne Strane na teritoriju treće strane koja je organizator održavanja izložbe ili sajma, i da je bila pod carinskom kontrolom (nadzorom) za vreme njihovog održavanja;

(b) da roba od momenta njenog upućivanja na izložbu ili sajam nije korišćena ni u kakve druge svrhe osim izložbenih;

(v) da se roba uvozi na teritoriju Strane u istom stanju u kojem je upućena na teritoriju treće strane, ne računajući promene stanja robe usled prirodne istrošenosti ili kaliranja u normalnim uslovima prevoza i skladištenja.

Uslovi za odobravanje režima slobodne trgovine

Član 10.

1. Režim slobodne trgovine na teritorijama Strana odobrava se za robu ako ona zadovoljava kriterijume porekla utvrđene ovim Pravilima, kao i ako istovremeno ispunjava sledeće uslove:

(a) ako je carinskom organu Strane uvoznice podnet važeći i propisno popunjen sertifikat o poreklu robe na obrascu (Forma ST-2), a u slučaju utvrđenom u članu 13. ovih Pravila, deklaracija o poreklu robe sačinjena u skladu sa zahtevima ovih Pravila, osim okolnosti navedenih u članu 14. ovih Pravila;

(b) ako su ispunjeni uslovi direktne isporuke robe iz člana 9. ovih Pravila;

(v) ako su zadovoljeni zahtevi vezani za administrativnu saradnju iz člana 15. ovih Pravila.

2. Roba čije poreklo nije utvrđeno ili roba čije je poreklo utvrđeno, ali se za takvu robu ne može odobriti režim slobodne trgovine, uvozi se u Stranu uvoznicu u skladu sa zahtevima tarifnih i netarifnih propisa te Strane.

3. Za robu iz stava 2. ovog člana se može odobriti režim slobodne trgovine na teritorijama Strana posle puštanja robe, pod uslovom da:

(a) su ispunjeni uslovi iz stava 1. ovog člana;

(b) nije isteklo 12 meseci od dana registracije carinske deklaracije u Strani uvoznici.

4. Režim slobodne trgovine se može odobriti posle puštanja robe ako su ispunjeni uslovi određeni ovim Pravilima, i u skladu s procedurom definisanom carinskim zakonodavstvom Strane uvoznice.

5. Režim slobodne trgovine ne može biti odobren u skladu sa stavom 4. ovog člana, u slučaju otkrivanja falsifikovanja sertifikata o poreklu robe (Forma ST-2) ili deklaracije o poreklu robe, kao i ako nisu ispunjeni uslovi iz stava 3. ovog člana.

Osnov za odbijanje režima slobodne trgovine

Član 11.

1. Carinski organ jedne Strane odbija da odobri režim slobodne trgovine na robu koja se uvozi iz druge Strane u slučaju:

(a) ako nije ispunjen jedan (ili više) uslova za odobravanje režima slobodne trgovine iz člana 10. stav 1. ovih pravila;

(b) ako nije moguće identifikovati robu upisanu u sertifikat (Forma ST-2) (deklaraciju o poreklu robe) sa robom koja je prijavljena u carinskoj deklaraciji;

(v) ako su od verifikacionog organa Strane izvoznice primljeni podaci o tome da sertifikat (Forma ST-2) (deklaracija o poreklu robe) nije izdat (da je falsifikovan), da je poništen (povučen) ili izdat na osnovu nevažećih, netačnih ili nepotpunih dokumenata i/ili podataka;

(g) ako u roku od šest meseci od datuma podnošenja zahteva iz člana 15. stav 5. ovih Pravila (ili u roku od osam meseci od datuma podnošenja zahteva ako je Strana izvoznica tražila produženje roka za naknadnu proveru u skladu sa članom 15. stav 6. ovih Pravila), od verifikacionog organa Strane izvoznice nije dobijen odgovor vezan za predmetni sertifikat (Forma ST-2) (deklaraciju o poreklu robe) ili u slučaju predviđenom članom 15. stav 8. ovih Pravila;

(d) ako stvarna težina isporučene robe prelazi težinu navedenu u sertifikatu (Forma ST-2) (deklaraciji o poreklu robe) za više od pet odsto;

(đ) ako nije podnet original sertifikata (Forma ST-2) u papirnom obliku na zahtev carinskog organa Strane uvoznice u slučajevima predviđenim članom 13. stav 4. i članom 14. stav 3. ovih Pravila;

(e) ako provera na licu mesta preduzeta u skladu sa članom 16. ovih Pravila ne omogućava da se odredi poreklo robe ili ukazuje na neusklađenost robe s kriterijumima porekla.

(ž) ako u roku od šezdeset dana od dana slanja zahteva za verifikacionu posetu, predviđenu članom 16. stav 2. ovih Pravila, nije dobijena pismena saglasnost ili je odbijeno vršenje verifikacione posete.

2. Prisustvo grešaka (štamparskih grešaka) i/ili manjih neslaganja, do kojih je došlo prilikom popunjavanja sertifikata (Forma ST-2) (deklaracije o poreklu robe), a koje ne utiču na tačnost i suštinu podataka sadržanih u takvom sertifikatu (Forma ST-2) (deklaraciji o poreklu robe), i ne dovode u sumnju poreklo robe, ne predstavljaju osnov za odbijanje primene režima slobodne trgovine.

Sertifikat o poreklu robe

Član 12.

1. Za potvrđivanje porekla robe, u svrhe primene režima slobodne trgovine, carinskom organu Strane uvoznice podnosi se sertifikat o poreklu robe (Forma ST-2), sačinjen u skladu sa obrascem iz Priloga I ovih Pravila, i propisno popunjen u skladu sa zahtevima navedenim u ovom članu i članu 18. ovih Pravila.

2. Carinskom organu Strane uvoznice podnosi se original sertifikata o poreklu (Forma ST-2) u papirnom obliku, osim slučaja predviđenog članom 14. stav 2. ovih Pravila.

3. Sertifikat o poreklu (Forma ST-2) izdaje ovlašćeni organ na osnovu zahteva podnosioca (dokumenata i podataka koje je on podneo) pre ili u trenutku izvoza robe u svim slučajevima kada roba ispunjava zahteve iz ovih Pravila.

4. Sertifikat o poreklu (Forma ST-2) se izdaje za jednu pošiljku robe, i u svrhu odobravanja režima slobodne trgovine važi 12 meseci od datuma njegovog izdavanja od strane ovlašćenog organa.

5. Stvarna težina isporučene robe ne sme biti veća od težine navedene u sertifikatu o poreklu (Forma ST-2) za više od pet (5) odsto.

6. Sertifikat o poreklu (Forma ST-2) se može izdati i nakon izvoza robe na osnovu pisanog zahteva podnosioca. U ovom slučaju podnosilac naknadno podnosi ovlašćenom organu carinsku deklaraciju sa odgovarajućom napomenom carinskog organa kojom se potvrđuje stvarni izvoz robe. Ova napomena carinskog organa mora nositi raniji datum od datuma izdavanja sertifikata o poreklu (Forma ST-2) .

Kada se carinska deklaracija podnosi elektronskim putem, može se podneti elektronsko obaveštenje carinskog organa o prelasku granice. Ako se prilikom izvoza robe iz jedne Strane ne podnosi carinska deklaracija, ovlašćenom organu podnose se dokumenta kojima se potvrđuje otprema robe s teritorije te Strane.

U tom slučaju u rubriku 5. sertifikata o poreklu (Forma ST-2) upisuje se: „Issued retrospectively" ili „Vыdan vposledstvii" .

7. U slučaju gubitka ili oštećenja sertifikata o poreklu (Forma ST-2) ovlašćeni organ izdaje njegov zvanično overeni duplikat. Prilikom izdavanja duplikata u rubriku 12. „Potvrda" upisuje se datum izdavanja duplikata, a u rubriku 5. „Za službene beleške" upisuje se reč: „Duplicate" ili „Dublikat", kao i broj i datum izgubljenog ili oštećenog originala sertifikata o poreklu (Forma ST-2). Duplikat sertifikata o poreklu (Forma ST-2) važi od datuma izdavanja originala sertifikata o poreklu (Forma ST-2). Rok važenja duplikata sertifikata o poreklu (Forma ST-2) u svrhu primene režima slobodne trgovine ne može biti duži od dvanaest (12) meseci od datuma izdavanja originala sertifikata o poreklu.

8. U zamenu za original sertifikata o poreklu (Forma ST-2) poništenog po bilo kom osnovu ili u slučaju da je potrebno ponovo sačiniti ranije izdati sertifikat o poreklu (Forma ST-2) na osnovu obrazloženog zahteva podnosioca, ovlašćeni organ može izdati novi sertifikat o poreklu (Forma ST-2). Pri tome se u rubriku 5. upisuje: „Issued instead of certificate form CT-2" ili „Vыdan vzamen sertifikata formы ST-2" uz upisivanje broja i datuma poništenog (ponovo izdatog) sertifikata o poreklu (Forma ST-2). Sertifikat o poreklu (Forma ST-2) izdat u zamenu za drugi sertifikat o poreklu (Forma ST-2) dobija novi registarski broj.

9. U slučaju kretanja robe između Strana, koja nije podvrgnuta obradi (preradi), osim postupaka očuvanja i njenog pakovanja, kao i pripreme za prodaju i transport, ovlašćeni organ Strane može izdati zamenski sertifikat umesto sertifikata o poreklu (Forma ST-2).

Zamenski sertifikat o poreklu (Forma ST-2) se izdaje na osnovu sertifikata o poreklu (Forma ST-2) izdatog od strane ovlašćenog organa Strane sa čije teritorije je roba uvezena na teritoriju druge Strane, i predstavlja dokaz zemlje porekla navedene u takvom sertifikatu o poreklu (Forma ST-2).

Pri tome se u rubriku 5. upisuje „Issued on the basis of certificate form CT-2" ili „Vыdan vzamen sertifikata formы ST-2" uz navođenje broja i datuma sertifikata o poreklu (Forma ST-2) Strane izvoznice kao i ovlašćenog organa koji je sertifikat o poreklu (Forma ST-2) izdao.

10. Ovlašćeni organ koji je izdao sertifikat o poreklu (Forma ST-2), kao i podnosilac dužni su da najmanje tri (3) godine čuvaju kopiju sertifikata o poreklu (Forma ST-2), kao i sva dokumenta vezana za njega, uključujući i ona koja je dostavio podnosilac.

Deklaracija o poreklu robe

Član 13.

1. Za potvrđivanje porekla malih pošiljki robe, čija carinska vrednost ne prelazi ekvivalentni iznos od 5.000 evra nije obavezno podnošenje sertifikata o poreklu (Forma ST-2) carinskom organu Strane uvoznice radi primene režima slobodne trgovine. U ovom slučaju može se podneti deklaracija o poreklu robe sačinjena u skladu sa Prilogom 2 ovih Pravila.

2. Rok važenja deklaracije o poreklu robe u svrhu odobravanja režima slobodne trgovine ograničen je na dvanaest (12) meseci od datuma kada ju je potpisao proizvođač, izvoznik ili pošiljalac.

3. Stvarna težina isporučene robe ne sme biti veća od težine navedene u deklaraciji o poreklu robe za više od pet odsto.

4. U slučaju da carinski organ Strane uvoznice ima dokaz da podaci o poreklu robe navedeni u deklaraciji o poreklu robe mogu biti nepouzdani, u tom slučaju carinski organ Strane uvoznice može da zahteva, podnošenje sertifikata o poreklu (Forma ST-2).

5. Proizvođač, izvoznik ili pošiljalac koji je dao izjavu o zemlji porekla robe u deklaraciji o poreklu robe, dužan je da na zahtev verifikacionog organa Strane izvoznice podnese sva dokumenta i podatke neophodne za potvrđivanje porekla robe u skladu sa ovim Pravilima.

6. Proizvođač, izvoznik ili pošiljalac najmanje tri (3) godine čuvaju deklaraciju o poreklu robe, kao i sva dokumenta vezana za nju kojima se potvrđuje poreklo robe.

7. Deklaracija o poreklu sačinjava se u štampanoj formi i mora biti potpisana lično od strane ovlašćenog predstavnika proizvođača, izvoznika ili pošiljaoca, sa naznakom njegovog imena i prezimena.

Slučajevi u kojima se ne zahteva pisana potvrda porekla

Član 14.

1. Podnošenje sertifikata o poreklu (Forma ST-2) ili deklaracije o poreklu robe u cilju primene režima slobodne trgovine ne zahteva se prilikom uvoza pošiljki robe sa poreklom čija vrednost ne prelazi ekvivalentni iznos od 200 evra, pod uslovom da ta isporuka nije deo jedne ili više pošiljki, što se može osnovano smatrati načinom za izbegavanje podnošenja sertifikata o poreklu (Forma ST-2) ili deklaracije o poreklu robe.

2. U slučaju izrade i uvođenja Elektronskog sistema sertifikacije i verifikacije porekla robe (u daljem tekstu: ESSVP) iz člana 17. ovih Pravila, nije obavezno podnošenje originala sertifikata o poreklu (Forma ST-2) u štampanoj formi prilikom podnošenja carinske deklaracije za robu. U tom slučaju, u carinskoj deklaraciji moraju da se navedu datum i broj tog sertifikata o poreklu (Forma ST-2).

3. U slučaju da postoji osnovana sumnja carinskog organa Strane uvoznice u pogledu porekla robe za koju se traži primena režima slobodne trgovine, i/ili je otkriveno neslaganje informacija sadržanih u ESSVP ili u slučaju da odgovarajuće informacije nisu raspoložive u ESSVP, carinski organ Strane uvoznice može da zahteva da mu se podnese original sertifikata o poreklu (Forma ST-2) u papirnom obliku.

Administrativna saradnja

Član 15.

1. Pre no što započnu sa izdavanjem sertifikata o poreklu (Forma ST-2) u skladu s ovim Pravilima, Strane razmenjuju preko Evroazijske ekonomske komisije, odnosno Ministarstva finansija - Uprave carina Republike Srbije:

(a) uzorke sertifikata o poreklu (Forma ST-2) a i dopunskih listova sertifikata o poreklu (Forma ST-2) (uz navođenje podataka o karakteristikama zaštite);

(b) uzorke otisaka pečata ovlašćenih organa (uzorci moraju biti originalni i jasni, kako bi se omogućila nedvosmislena identifikacija njihove autentičnosti);

(v) informacije o nazivima i adresama ovlašćenih organa;

(g) informacije o nazivima i adresama verifikacionih organa.

2. Ministarstvo finansija - Uprava carina Republike Srbije i Evroazijska ekonomska komisija moraju unapred, na isti način, biti obavešteni o svim izmenama uzoraka i informacija iz stava 1. ovog člana.

Obaveštenje sadrži informacije o datumu od kada se koriste novi pečati ovlašćenog organa Strane, kao i umesto kojih ili kao dopuna kojih pečata čiji su uzorci otisaka ranije dostavljeni, će se oni koristiti.

Razmena informacija iz st. 1. i 2. ovog člana obavljaće se na engleskom ili ruskom jeziku.

3. Ako se ne dostave informacije iz st. 1. i 2. ovog člana i/ili ako dostavljene informacije nisu u skladu sa zahtevima iz st. 1. i 2. ovog člana, režim slobodne trgovine se neće odobriti za robu koja se uvozi.

4. Carinski organi Strana vrše naknadnu proveru sertifikata o poreklu (Forma ST-2) i deklaracija o poreklu robe odabranih ili metodom slučajnog uzorka ili kada postoji osnovana sumnja carinskog organa Strane uvoznice u pogledu verodostojnosti tih dokumenata ili tačnosti podataka sadržanih u njima.

5. U slučajevima iz stava 4. ovog člana carinski organ Strane uvoznice robe može da uputi obrazložen zahtev verifikacionom organu da potvrdi verodostojnost sertifikata (Forma ST-2) (deklaracije o poreklu robe) i/ili tačnost podataka sadržanih u njima, kao i da dostavi dodatne ili preciznije podatke, uključujući i podatke o zadovoljavanju kriterijuma porekla robe, i/ili kopije dokumenata na osnovu kojih je sertifikat o poreklu (Forma ST-2) izdat, uključujući kopije komercijalnih dokumenata (evidencije, fakture, ugovore, itd.) izdatih u trećim Stranama.

Uz zahtev za naknadnu proveru prilaže se kopija sertifikata o poreklu (Forma ST-2) (deklaracije o poreklu robe) koji je predmet provere.

Zahtev se podnosi na engleskom ili ruskom jeziku.

U zahtevu se navode razlozi za njegovo podnošenje i/ili druge dodatne informacije koje ukazuju na podatke u sertifikatu o poreklu (Forma ST-2) (deklaraciji o poreklu robe) koji bi mogli biti netačni, osim kada se naknadna provera vrši primenom metoda slučajnog uzorka.

6. U slučaju da carinski organ Strane uvoznice podnese zahtev verifikacionom organu u skladu sa stavom 5. ovog člana, verifikacioni organ je dužan da izvrši naknadnu proveru u najkraćem mogućem roku i informacije o rezultatima provere dostavi carinskom organu koji je podneo zahtev najkasnije u roku od šest (6) meseci od datuma podnošenja zahteva.

U izuzetnim okolnostima, u gore navedenom roku od šest (6) meseci, Strana izvoznica može da uputi obrazložen zahtev carinskom organu Strane uvoznice koja traži proveru da se rok za ispunjenje tog zahteva za proveru produži za dva (2) meseca.

Ovi rezultati moraju da jasno naznače da li su dokumenta verodostojna i da li se konkretna roba može smatrati robom poreklom iz te Strane, kao i da li su zadovoljeni drugi zahtevi iz ovih Pravila.

U slučaju donošenja odluke o poništenju sertifikata o poreklu (Forma ST-2) ili proglašavanju deklaracije o poreklu nevažećom, verifikacioni organ Strane izvoznice u najkraćem mogućem roku obaveštava o takvoj odluci carinski organ Strane uvoznice.

7. Carinski organ Strane uvoznice će poslati primerak zahteva za naknadnu proveru verifikacionom organu Strane izvoznice zvanično kao i putem i-mejla,

koristeći adrese primljene u skladu s postupkom predviđenim u podstavu 3. ovog stava.

Verifikacioni organ Strane izvoznice će carinskom organu Strane uvoznice koji traži proveru odmah potvrditi prijem njegovog zahteva primljenog putem i-mejla.

Carinski organi i verifikaconi organi Strana razmenjuju informacije o načinima komunikacije i i-mejl adresama koje će se koristiti u takvoj razmeni u okviru provere porekla u skladu sa ovim Pravilima.

8. Ako dobijeni rezultati naknadne provere ne omogućavaju da se potvrdi verodostojnost sertifikata o poreklu (Forma ST-2) (deklaracija o poreklu robe) i/ili tačnost podataka sadržanih u njima, kao i u slučajevima ako nisu dostavljeni dodatni ili precizniji podaci, uključujući i podatke o ispunjenju kriterijuma porekla robe, kopije dokumenata, između ostalih i onih na osnovu kojih je sertifikat o poreklu (Forma ST-2) izdat, režim slobodne trgovine se neće odobriti.

Provera na licu mesta

Član 16.

1. U izuzetnim okolnostima, u slučaju da carinski organi Strane uvoznice nije zadovoljan rezultatom provere predviđene u članu 15. ovih Pravila, može da uputi zahtev Strani izvoznici za obavljanje provere na licu mesta u Strani izvoznici radi ispitivanja evidencije lica koji se proverava iz čl. 12. i 13. ovih Pravila i/ili pregleda prostorija (teritorije) korišćenih u proizvodnji robe.

2. Proveru na licu mesta obavlja verifikacioni tim koji sačinjavaju nadležni organi Strane uvoznice i Strane izvoznice na teritoriji zemlje Strane izvoznice u cilju provere da li roba lica koje se proverava i/ili uslovi njegove proizvodnje ispunjavaju zahteve ovih Pravila, obilaskom lokacije lica koje se proverava i/ili prostorija (teritorije) koje se koriste u proizvodnji robe.

Za svrhe ovog člana lice koje se proverava je izvoznik i/ili proizvođač robe iz Strane izvoznice čija je roba predmet provere na licu mesta.

Za svrhe ovog člana predmet provere na licu mesta je roba za koju je zatražena provera na licu mesta i za koju su izdati dokumentarni dokazi o poreklu.

Provera na licu mesta sprovodi se u skladu s odgovarajućim zakonima i propisima Strane u kojoj se takva provera na licu mesta sprovodi.

3. Da bi sproveo proveru na licu mesta, carinski organ Strane uvoznice šalje pismeni zahtev sa izraženom namerom da sprovede proveru na licu mesta (u daljem tekstu - zahtev za proveru na licu mesta) verifikacionom organu Strane izvoznice.

4. Zahtev za proveru na licu mesta treba da bude osnovan, što je moguće sveobuhvatniji i da, između ostalog, sadrži sledeće:

(a) naziv carinskog organa Strane uvoznice koja je izdala zahtev;

(b) ime lica koje se proverava;

(v) predmet predložene provere na licu mesta, uključujući i navođenje robe i osnovane sumnje u pogledu njenog porekla;

(g) preliminarne informacije u vezi sa predstavnicima ovlašćenih službenika nadležnog organa koji će učestvovati u proveri na licu mesta;

(d) ostale dodatne informacije koje ukazuju na opravdane razloge da se izvrši provera na licu mesta.

5. Verifikacioni organ Strane izvoznice šalje pismenu saglasnost ili odbijenicu da se obavi provera na licu mesta u roku od šezdeset (60) dana od datuma upućivanja zahteva za proveru na licu mesta.

Strana izvoznica će, u ovom roku, od lica koje se proverava pribaviti saglasnost ili odbijenicu da se obavi provera na licu mesta. Lice koje se proverava, obaveštava se da se odbijanje obavljanja provere na licu mesta smatra osnovom za odbijanje režima slobodne trgovine za predmetnu robu od strane carinskog organa Strane uvoznice.

6. Ako se odgovor iz stava 5. ovog člana ne dobije u roku od šezdeset (60) dana od dana upućivanja zahteva za proveru na licu mesta u skladu sa stavom 3. ovog člana ili ako se ne dobije saglasnost za obavljanje provere na licu mesta, Strana uvoznica koja je izdala zahtev uskratiće režim slobodne trgovine za ranije uvezenu robu u vezi sa kojom je tražena provera na licu mesta.

7. Provere na licu mesta započinju se u roku od šezdeset (60) dana od dana prijema pismene saglasnosti a završavaju se u razumnom roku, ne dužem od stotinu pedeset (150) dana od dana prijema pismene saglasnosti.

8. Nadležni organi Strane izvoznice i Strane uvoznice i lice koje se proverava obezbediće efikasnu saradnju koja je potrebna za proveru na licu mesta koju obavlja verifikacioni tim.

Ako se jave prepreke koje su tokom provere na licu mesta stvorili lice koje se proverava ili druga lica kontrolisane Strane, usled kojih nije moguće da se obavi provera na licu mesta, Strana uvoznica ima pravo da uskrati režim slobodne trgovine na robu koja je predmet provere na licu mesta. Ovaj podatak se navodi u izveštaju o rezultatima provere na licu mesta.

9. Tokom provere na licu mesta, verifikacioni tim ima pravo da od lica koje se proverava traži sva dokumenta i informacije, uključujući računovodstvene podatke, koji se odnose na predmet provere na licu mesta.

10. Rezultati provere na licu mesta se dokumentuju na engleskom jeziku u obliku izveštaja o rezultatima zahteva za proveru.

Izveštaj o rezultatima zahteva za proveru obavezno sadrži sledeće podatke:

- naziv nadležnih organa koji vrše proveru na licu mesta, uključujući imena i funkcije članova verifikacionog tima;
- ime lica koje se proverava;
- informacije o robi koja je predmet provere na licu mesta;
- datum provere na licu mesta;
- osnove za preduzimanje provere na licu mesta, uključujući i opis početnih sumnji u vezi sa poreklom robe koja se proverava kao i uslove pisane saglasnosti za obavljanje provere na licu mesta;
- informacije o objektima i/ili teritorijama na kojima se vrši provera na licu mesta;
- gde je to primereno, opis stvarnog procesa proizvodnje robe koja se proverava;
- rezultati (nalaz) provere na licu mesta koji jasno ukazuju na usklađenost ili neusklađenost robe koja se proverava sa zahtevima ovih Pravila.

11. Verifikacioni tim koji vrši proveru na licu mesta šalje licu koje se proverava izveštaj o rezultatima ove provere u roku od dvesta (200) dana od dana prijema pisane saglasnosti.

12. Strana uvoznica može da privremeno suspenduje režim slobodne trgovine na robu koja je slična robi koja je predmet provere na licu mesta od datuma upućivanja zahteva za proveru na licu mesta do dobijanja rezultata provere na licu mesta (usvajanja izveštaja o rezultatima zahteva za proveru). U slučaju ovakve suspenzije roba može biti puštena bez primene režima slobodne trgovine u skladu sa zahtevima odgovarajućih zakona i propisa Strane uvoznice.

Režim slobodne trgovine odobrava se u skladu s odgovarajućim zakonima i propisima Strane uvoznice, na osnovu rezultata provere na licu mesta, koji ukazuju da roba koja je predmet provere na licu mesta uspunjava zahteve ovih Pravila.

U smislu ovog stava slična roba je roba koja se po Harmonizovanom sistemu svrstava u istu tarifnu oznaku i ima isti opis kao ona roba koja je predmet provere na licu mesta, koju je proizveo isti proizvođač ili koja je prodata od strane istog izvoznika kao i roba koja je predmet provere na licu mesta.

13. Sve troškove verifikacionog tima vezane za proveru na licu mesta snosi Strana uvoznica.

Razvoj i uvođenje Elektronskog sistema

sertifikacije i verifikacije porekla

Član 17.

1. Strane će nastojati da uvedu ESSVP najkasnije u roku od dve godine od dana stupanja na snagu ovog sporazuma.

2. ESSVP se zasniva na razmeni informacija o izdatim sertifikatima o poreklu (Forma ST-2) između ovlašćenih organa i carinskih organa Strana. Ta razmena informacija treba da omogući:

(a) da se carinskom organu Strane uvoznice ne podnosi original sertifikata (Forma ST-2) u papirnom obliku prilikom elektronskog podnošenja carinske deklaracije za robu;

(b) da carinski organ Strane uvoznice vrši proveru verodostojnosti i sadržaja sertifikata o poreklu (Forma ST-2) koje je izdao ovlašćeni organ Strane izvoznice.

3. U cilju izrade i uvođenja ESSVP, Strane će formirati ekspertsku radnu grupu.

4. Pravila obavljanja razmene informacija u okviru ESSVP, uključujući tehničke uslove, biće definisana posebno.

Zahtevi i način popunjavanja sertifikata o poreklu

Član 18.

1. Sertifikat o poreklu (Forma ST-2) se sačinjava i popunjava (osim dole navedenih slučajeva) u štampanom obliku na engleskom ili ruskom jeziku na papiru sa zaštitnom mrežicom ili zaštitnom pozadinom u boji, formata A4 (210h297 mm), težine ne manje od 25 g/m^2 tipografski izrađenom.

2. Na sertifikatu o poreklu (Forma ST-2) nije dozvoljeno korišćenje faksimila potpisa lica, brisanje, kao ni ispravke i/ili dopune koje nije overio ovlašćeni organ.

3. Ispravke i/ili dopune se u sertifikat o poreklu (Forma ST-2) unose precrtavanjem pogrešnih podataka i ukucavanjem pored toga ili upisivanjem rukom ispravljenih podataka koji se overavaju pečatom ovlašćenog organa koji je prethodno izdao sertifikat o poreklu (Forma ST-2). .

4. Sertifikat o poreklu (Forma ST-2) se popunjava u skladu sa sledećim zahtevima:

(a) u rubriku 1. „Pošiljalac /izvoznik (naziv i adresa)” upisuje se naziv pošiljaoca (izvoznika), njegova puna adresa i zemlja. U slučaju da su pošiljalac i izvoznik različita lica treba upisati da pošiljalac (naziv i adresa) postupa „po nalogu” („to order”) izvoznika (naziv i adresa). U slučaju da je pošiljalac (izvoznik) fizičko lice upisuju se njegovo prezime, ime i adresa;

(b) u rubriku 2. „Primalac /uvoznik (naziv i adresa)” upisuje se naziv primaoca (uvoznika), njegova puna adresa i zemlja. U slučaju da su primalac i uvoznik različita lica treba upisati da primalac (naziv i adresa) postupa „po nalogu” („to order”) uvoznika (naziv i adresa). U slučaju da je primalac (uvoznik) fizičko lice upisuju se njegovo prezime, ime i adresa;

(v) u rubriku 3. „Prevozna sredstva i prevozni put (u meri u kojoj su poznati)” upisuju se prevozna sredstva i prevozni put u meri u kojoj su poznati;

(g) u rubriku 4. upisuje se registarski broj sertifikata o poreklu (Forma ST-2), Strana koja je izdala sertifikat o poreklu (Forma ST-2) i Strana kojoj se sertifikat o poreklu (Forma ST-2) podnosi. Dozvoljeno je upisivanje registarskog broja rukom ili unošenje pečatom;

(d) u rubriku 5. „Za službene beleške” ukucavaju se, upisuju rukom ili unose pečatom službene beleške nadležnog organa države izvoznice, države tranzita i/ili prijema robe, kao i, prema potrebi, sledeće napomene: „Dublikat” ili „Duplicate”, „Vыdan vzamen sertifikata formы ST-2” ili „Issued instead of certificate form CT-2”, „Vыdan vposledstvii” ili „Issued retrospectively”, „Vыdan na osnovanii sertifikata formы ST-2” ili „Issued on the basis of certificate form CT-2”, kao i druge napomene. Napomene koje se u ovu rubriku upisuju rukom overavaju se na način predviđen stavom 3. ovog člana;

(đ) u rubriku 6. „Broj” upisuje se redni broj robe;

(e) u rubriku 7. „Broj koleta i vrsta pakovanja” upisuje se broj koleta i vrsta pakovanja;

(ž) u rubriku 8. „Opis robe” upisuje se komercijalni naziv robe i drugi podaci koji omogućavaju identifikaciju robe sa onom koja je prijavljena u carinskoj deklaraciji. U slučaju nedostatka mesta za popunjavanje rubrike 8. sertifikata o poreklu (Forma ST-2) dozvoljeno je korišćenje dodatnog lista (listova) sertifikata o poreklu (Forma ST-2) (obrazac dodatnog lista sertifikata dat je u Prilogu 1 ovih Pravila) koji se popunjava na propisani način (koji je overen potpisom, pečatom i koji ima isti registarski broj koji je upisan u rubriku 4. sertifikata o poreklu(Forma ST-2));

(z) u rubriku 9. „Kriterijumi porekla” upisuju se sledeći kriterijumi porekla:

„P” - ako je roba u potpunosti dobijena u Strani;

„Y”- ako je roba prošla dovoljnu obradu (preradu) uz navođenje procentnog udela vrednosti iskorišćenih materijala bez porekla u vrednosti robe koja se izvozi (na primer: „Y 15 %”);

„Pk” - ako je roba dobila poreklo na osnovu korišćenja kumulativnog principa.

Za svaku robu upisanu u rubrici 9. mora biti upisan poseban kriterijum porekla;

(i) u rubriku 10. „Količina robe” upisuje se bruto masa robe (kg) i/ili druge kvantitativne karakteristike robe;

(j) u rubriku 11. „Broj i datum fakture” upisuju se brojevi i datumi svih faktura za robu za koju se sertifikat o poreklu (Forma ST-2) izdaje;

(k) u rubriku 12. „Potvrda” upisuju se naziv i adresa ovlašćenog organa, unosi se njegov pečat i datum izdavanja sertifikata o poreklu (Forma ST-2) (duplikata), kao i potpis, prezime i ime (inicijali) lica ovlašćenog za overu sertifikata o poreklu (Forma ST-2) (duplikata). Datum, prezime i ime (inicijali) ovlašćenog lica mogu se upisivati rukom ili unositi pečatom;

Ako su podaci o punom nazivu ovlašćenog organa Strane na ruskom ili engleskom jeziku sadržani u otisku pečata, dodatno upisivanje navedenih podataka u ovu rubriku nije obavezno.

Pečat mora imati jasan otisak koji prema potrebi dozvoljava obavljanje provere njegove verodostojnosti.

(l) u rubriku 13. „Deklaracija podnosioca” upisuje se zemlja u kojoj je roba u potpunosti dobijena ili je prošla dovoljnu obradu (preradu) (država članica Evroazijske ekonomske unije ili Republika Srbija), datum izjavljivanja podataka o zemlji porekla robe, i unose se pečat podnosioca (ako postoji), njegov potpis, ime, prezime i inicijali. Datum, kao i ime, prezime i inicijali podnosioca mogu se upisivati rukom ili unositi pečatom.

5. Nije dozvoljeno popunjavanje poleđine obrasca sertifikata o poreklu (Forma ST-2).

Prelazne odredbe

Član 19.

U roku od jedne (1) godine od dana stupanja na snagu ovog sporazuma, ovlašćeni organi imaju pravo da primenjuju obrasce sertifikata o poreklu (Forma ST-2) koji se koriste u Stranama i koji se razlikuju od forme određene u Prilogu 1 ovih Pravila. Popunjavanje takvih sertifikata o poreklu (Forma ST-2) vrši se uz uzimanje u obzir zahteva utvrđenih članom 18. ovih Pravila.

Prilog 1

uz Pravila o poreklu

Sertifikat o poreklu robe (Forma ST-2) i dodatni list sertifikata o poreklu (Forma ST-2)

I. Sertifikat o poreklu robe (Forma ST-2)

(na srpskom jeziku)

<table>
<tr><td colspan="3">1. Pošiljalac /izvoznik
(naziv i adresa)</td><td colspan="3">4. № _____

Sertifikat o poreklu robe
forma ST-2</td></tr>
<tr><td colspan="3">2. Primalac /uvoznik
(naziv i adresa)</td><td colspan="3">Izdat u
_____
(Strana)
Radi podnošenja
_____
(Strana)</td></tr>
<tr><td colspan="3">3. Prevozna sredstva i prevozni put (u meri u kojoj su poznati)</td><td colspan="3">5. Za službene beleške</td></tr>
<tr><td>6. Broj №</td><td>7. Broj koleta i vrsta pakovanja</td><td>8.Opis robe</td><td>9. Kriterijum porekla</td><td>10. Količina robe</td><td>11. Broj i datum akture</td></tr>
<tr><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td colspan="3">12. Potvrda
Ovim se, na osnovu izvršene kontrole, potvrđuje da je deklaracija podnosioca verodostojna

…….....……
Potpis Datum Pečat</td><td colspan="3">13. Deklaracija podnosioca
Dole potpisani izjavljuje da su gore navedeni podaci verodostojni, da je kompletna roba u potpunosti dobijena ili je prošla dovoljnu obradu (preradu) u
_____
(Strana)
i da zadovoljava zahteve o poreklu određene za ovu robu

…….....
Potpis Datum Pečat</td></tr>
</table>

(na ruskom jeziku)

<table>
<tr><td colspan="3">1. Gruzootpravitelь/эksporter
(naimenovanie i adres)</td><td colspan="3">4. № _____

Sertifikat
o proishoždenii tovara
forma ST-2</td></tr>
<tr><td colspan="3">2. Gruzopolučatelь/importer (naimenovanie i adres)</td><td colspan="3">Vыdan v _____
(naimenovanie stranы)
Dlя predostavlenия v
_____
(naimenovanie stranы)</td></tr>
<tr><td colspan="3">3. Sredstva transporta i maršrut
sledovanie (naskolьko эto izvestno)</td><td colspan="3">5. Dlя služebnыh otmetok</td></tr>
<tr><td>6. №</td><td>7. Količestvo mest i vid upakovki</td><td>8. Opisanie tovara</td><td>9. Kriterий proishoždenия</td><td>10. Količestvo tovara</td><td>11. Nomer i data sčeta-fakturы</td></tr>
<tr><td colspan="3">12. Udostoverenie
Nastoящim udostoveraetsя na osnove provedennogo kontrolя, čto deklaraciя zaяvitelя sootvetstvuet deйstvitelьnosti

……
Podpisь Data Pečatь</td><td colspan="3">13. Deklaraciя zaяvitelя
Nižepodpisavšiйsя zaяvlяet, čto vыšeprivedennые svedeniя sootvetstvuют deйstvitelьnosti, čto vse tovarы polnostью proizvedenы ili podvergnutы dostatočnoй obrabotke (pererabotke) v
_____
(naimenovanie stranы)
i čto oni otvečaют trebovaniяm proishoždeniя, ustanovlennым v otnošenii takih tovarov
……
Podpisь Data Pečatь</td></tr>
</table>

(na engleskom jeziku)

<table>
<tr><td colspan="3">1. Consignor/exporter
(name and address)</td><td colspan="3" rowspan="2">4. № _____

Certificate of origin
Form ST-2
Issued in
_____
(Party)

For submission to
_____
(Party)</td></tr>
<tr><td colspan="3">2. Consignee/importer
(name and address)</td></tr>
<tr><td colspan="3">3. Means of transport and route (as far as known)</td><td colspan="3">5. For official use</td></tr>
<tr><td>6. №</td><td>7. Number and kind of packages</td><td>8. Description of goods</td><td>9. Origin criterion</td><td>10. Quantity of goods</td><td>11. Number and date of invoice</td></tr>
<tr><td></td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td colspan="3">12. Certification
It is hereby certified, on the basis of control carried out, that the declaration by the applicant is correct

……
Signature Date Stamp</td><td colspan="3">13. Declaration by the applicant
The undersigned hereby declares
that the above details are correct:
that all goods were produced or underwent sufficient processing in
_____
(Party)
and that they comply with the origin requirements specified for this goods

……
Signature Date Stamp</td></tr>
</table>

II Dodatni list sertifikata o poreklu robe (Forma ST-2)

(na srpskom jeziku)

6. Broj	7. Broj koleta i vrsta pakovanja	8.Opis robe	9. Kriterijum porekla	10. Količina robe	11. Broj i datum fakture

12. Potvrda	13. Deklaracija podnosioca
Ovim se, na osnovu izvršene kontrole, potvrđuje da je deklaracija podnosioca verodostojna …….....…..... Potpis Datum Pečat	Dole potpisani izjavljuje da su gore navedeni podaci verodostojni, da je kompletna roba u potpunosti dobijena ili je prošla dovoljnu obradu (preradu) u ……..... (Strana) i da zadovoljava zahteve o poreklu određene za ovu robu ……..... Potpis Datum Pečat

(na ruskom jeziku)

6. №	7. Količestvo mest i vid upakovki	8. Opisanie tovara	9. Kriterij proishoždenia	10. Količestvo tovara	11. Nomer i data sčeta-fakturы

12. Udostoverenie	13. Deklaracia zaяvitelя
Nastoящim udostoveraetsя na osnove provedennogo kontrolя, čto deklaracia zaяvitelя sootvetstvuet deйstvitelьnosti ……. Podpisь Data Pečatь	Nižepodpisavšijsя zaяvlяet, čto vышeprivedennыe svedenia sootvetstvuют deйstvitelьnosti, čto vse tovarы polnostью proizvedenы ili podvergnutы dostatočnoй obrabotke (pererabotke) v _____ (naimenovanie stranы) i čto oni otvečaют trebovaniям proishoždenia, ustanovlennым v otnošenii takih tovarov …… Podpisь Data Pečatь

(na engleskom jeziku)

6. №	7. Number and kind of packages	8. Description of goods	9. Origin criterion	10. Quantity of goods	11. Number and date of invoice

12. Certification	13. Declaration by the applicant
It is hereby certified, on the basis of control carried out, that the declaration by the applicant is correct …… Signature Date Stamp	The undersigned hereby declares that the above details are correct: that all goods were produced or underwent sufficient processing in _____ (Party) and that they comply with the origin requirements specified for this goods …….. Signature Date Stamp

Prilog 2

uz Pravila o poreklu

DEKLARACIJA O POREKLU ROBE

Declaration of origin means statement about the country of origin of goods made out by the producer, exporter or consignor in the form of the following entry in the English or Russian language.

In English:

The exporter _____„1” declares that the country of origin of goods covered by this document is _____„2”.

_____„3”.

Date, Signature

Notes:

„1” - name of the exporter, producer or consignor of goods in accordance with accompanying documents;

„2” - name of country of origin of goods;

„3” - signature, surname and name of authorized representative of producer, exporter, or consignor.

In Russian:

Эksporter _____„1” zaявlяet, čto stranoй proishoždenия tovarov, poimenovannыh v nastoящem dokumente, яvlяetsя _____„2”.

_____„3”.

Data, podpisь

Primečaniя:

„1” - ukazыvaetsя naimenovanie izgotovitelя, эksportera ili gruzootpravitelem tovarov soglasno tovarosoporovoditelьnым dokumentam;

„2” - ukazыvaetsя naimenovanie stranы proishoždeniя tovarov;

„3” - ukazыvaюetsя podpisь, familiя i imя upolnomočennogo predstaviteljа izgotoviteljа эksportera ili gruzootpraviteljа.

PRILOG 4.

ODREDBE U VEZI SA ODREĐIVANjEM NORMALNE VREDNOSTI U ANTIDAMPINŠKIM ISTRAGAMA

Strane su se sporazumele o sledećem:

Za svrhe sprovođenja antidampinške istrage i svih daljih antidampinških postupaka, uključujući revizije, ni jedna Strana za utvrđivanje normalne vrednosti sličnih proizvoda namenjenih potrošnji na domaćem tržištu Strane izvoznice neće primenjivati metodologiju koja se u celosti, ili delom bazira na podacima za surogat zemlje, u skladu sa stavom 2.7 člana 2 Sporazuma o antidampingu i/ili drugom Dopunskom odredbom uz član VI, stav 1. GATT 1994, sadržanom u Aneksu I GATT 1994 (Objašnjenja i dopunske odredbe).

Za svrhe sprovođenja antidampinške istrage i svih daljih antidampinških postupaka, uključujući revizije, ni jedna Strana neće primenjivati metodologiju koja dozvoljava zanemarivanje, ili korigovanje podataka o troškovima koji se odnose na proizvođače i/ili izvoznike sličnih proizvoda namenjenih potrošnji na domaćem tržištu Strane izvoznice, u slučajevima kada organ koji sprovodi istragu zaključi da zbog specifičnih karakteristika tržišta faktora proizvodnje koji se koriste u dobijanju sličnog proizvoda:

(a) na tržištu sličnog proizvoda postoji posebna tržišna situacija i/ili

(b) podaci o troškovima koji se čuvaju u evidenciji proizvođača ili robe koja je predmet istrage ne odražavaju razumno troškove povezane s proizvodnjom i prodajom proizvoda koji se razmatra, kada evidencija odgovarajuće i dovoljno predstavlja ili prikazuje stvarne troškove tih izvoznika ili proizvođača.

PRILOG 5.

REŠAVANjE SPOROVA

Ciljevi

Član 1.

Cilj ovog priloga je obezbeđivanje delotvornog, efikasnog i transparentnog mehanizma za rešavanje sporova proisteklih iz ovog sporazuma s ciljem da se, gde god je to moguće, postigne obostrano prihvatljivo rešenje.

Definicije

Član 2.

U smislu ovog priloga:

(a) „Arbitražno veće” označava Arbitražno veće formirano u skladu sa članom 8. ovog priloga;

(b) „Strane u sporu” znači i Strana tužilja i tužena Strana. Države članice Evroazijske ekonomske unije i Evroazijska ekonomska unija mogu nastupati zajednički, ili pojedinačno kao Strana u sporu. Kada nastupaju pojedinačno, Strana u sporu će biti ona država članica Evroazijske ekonomske unije koja je preduzela meru, a ako je meru preduzela Evroazijska ekonomska unija, ona će biti Strana u sporu;

(v) „Strana tužilja” označava Stranu koja je podnela tužbu;

(g) „Tužena Strana” označava Stranu protiv koje je podneta tužba;

(d) „Arbitar” označava člana Arbitražnog veća formiranog na osnovu člana 8. ovog priloga;

(đ) „Predsednik” označava arbitra koji postupa kao predsednik Arbitražnog veća;

(e) „Pomoćnik” označava lice koje, shodno uslovima imenovanja arbitra, sprovodi, istražuje, ili pruža pomoć arbitru;

(ž) „Dani” označavaju kalendarske dane, uključujući vikende i praznike.

Oblast primene

Član 3.

Osim ako ovim sporazumom nije predviđeno drugačije, odredbe ovog priloga će se primenjivati na sve sporove između Strana proistekle iz tumačenja i/ili primene odredbi ovog sporazuma, kada god jedna Strana smatra da je mera druge Strane u suprotnosti s nekom obavezom predviđenom odredbama ovog sporazuma, ili da druga Strana ne ispunjava svoje obaveze iz ovog sporazuma.

Razmena informacija

Član 4.

Distribuiranje između država članica Evroazijske ekonomske unije i Evroazijske ekonomske unije bilo kojih proceduralnih dokumenta koji se odnose na bilo koji spor proistekao iz ovog sporazuma neće se smatrati kršenjem odredbi o poverljivosti predviđenih ovim sporazumom i/ili Marakeškim sporazumom o osnivanju Svetske trgovinske organizacije, potpisanim 15. aprila 1994. godine.

Konsultacije

Član 5.

1. Strane u sporu će uložiti maksimalan napor da svaki spor u vezi s pitanjima navedenim u članu 3. ovog priloga reše kroz konsultacije u cilju postizanja obostrano prihvatljivog rešenja.

2. Zahtev za konsultacije se u pisanoj formi podnosi tuženoj Strani, preko njene osobe za kontakt imenovane u skladu sa članom 29. sporazuma, i u njemu se navode razlozi za podnošenje zahteva, uključujući konkretne mere, ili druga sporna pitanja i naznačava činjenični i pravni osnov za tužbu. O podnošenju takvog zahteva se obaveštava Zajednički komitet.

3. Ako je zahtev za konsultacije podnesen u skladu sa stavom 2. ovog člana, tužena Strana će bez odlaganja odgovoriti na zahtev, u pisanoj formi, u roku od deset (10) dana od dana njegovog prijema i u dobroj nameri će pristupiti konsultacijama sa Stranom tužiljom u roku od trideset (30) dana od dana prijema zahteva u cilju postizanja obostrano prihvatljivog rešenja.

4. Konsultacije u slučaju hitnosti, uključujući one koje se odnose na kvarljivu robu, održavaju se u roku od petnaest (15) dana od dana prijema zahteva.

5. Vremenski rokovi navedeni u st. 3. i 4. ovog člana mogu se izmeniti sporazumom Strana u sporu.

6. Tokom konsultacija obe Strane u sporu će pružiti dovoljno činjeničnih informacija, kako bi se omogućilo potpuno ispitivanje načina na koji važeća, ili predložena mera, ili bilo koje drugo pitanje, može uticati na dejstvo i primenu ovog sporazuma.

7. Konsultacije, i posebno sve saopštene informacije i stavovi koje Strane u sporu zauzmu tokom ovih postupaka, poverljivi su i ne dovode u pitanje prava ni jedne Strane u sporu u bilo kom daljem postupku. Strane u sporu će postupati prema svim poverljivim, ili informacijama o pravu svojine razmenjenim tokom konsultacija na istim osnovama kao Strana koja je te informacije pružila.

8. Tokom konsultacija u skladu s ovim članom, svaka Strana u sporu će osigurati učešće predstavnika svojih nadležnih državnih organa, ili drugih regulatornih tela koji poseduju odgovarajuću stručnost u vezi pitanja koja su predmet konsultacija.

9. Osim ako se Strane u sporu ne dogovore drugačije, konsultacije se održavaju na teritoriji tužene Strane. Shodno dogovoru Strana u sporu, konsultacije mogu da se obavljaju svim raspoloživim tehnološkim sredstvima.

Pružanje dobrih usluga, izmirenje, ili posredovanje

Član 6.

1. Strane mogu u bilo kojoj fazi postupka rešavanja sporova prema odredbama ovog priloga da traže postupak pružanja dobrih usluga, izmirenja, ili posredovanja. Svaka Strana može da pokrene postupak dobrih usluga, izmirenja, ili posredovanja u bilo kom trenutku, kao i da ga u bilo kom trenutku obustavi, ili prekine.

2. Postupci koji uključuju pružanje dobrih usluga, izmirenje i posredovanje, a posebno stavovi koje Strane u sporu zauzmu u toku ovih postupaka, smatraju se poverljivim i ne dovode u pitanje prava ni jedne Strane u sporu u daljem postupku.

Zahtev za formiranje Arbitražnog veća

Član 7.

1. Strana tužilja koja je podnela zahtev za konsultacije u skladu sa članom 5. ovog priloga, ili za posredovanje, kako je predviđeno članom 6. ovog priloga može u pisanoj formi da traži formiranje Arbitražnog veća ako:

(a) tužena Strana ne ispunjava rokove predviđene st. 3. ili 4. člana 5. ovog priloga;

(b) Strane u sporu zajednički smatraju da konsultacije predviđene članom 5. ovog priloga nisu uspele da reše spor u roku od šezdeset (60) dana, ili u hitnim slučajevima, uključujući one koji se tiču kvarljive robe, u roku od trideset (30) dana, nakon datum prijema zahteva za konsultacije predviđenog u članu 5. stav 3. ovog priloga; ili

(v) tužena Strana ne postupa u skladu sa obostrano prihvatljivim rešenjem usvojenim tokom konsultacija u skladu sa članom 5. ovog priloga.

2. Zahtev za formiranje Arbitražnog veća se podnosi u pisanoj formi tuženoj Strani, preko njene osobe za kontakt imenovane u skladu sa članom 29. ovog sporazuma, i o tom zahtevu se obaveštava Zajednički komitet. Strana tužilja u svom zahtevu navodi konkretnu spornu meru i objašnjava kako ta mera predstavlja kršenje odredbi na način koji je dovoljan da se jasno predstavi činjenični i pravni osnov za tužbu. Tužena Strana odmah potvrđuje prijem zahteva slanjem obaveštenja Strani tužilji, navodeći datum prijema zahteva, i o prijemu ovakvog zahteva se obaveštava Zajednički komitet.

3. Osim ako se Strane u sporu ne dogovore drugačije u roku od dvadeset (20) dana od dana prijema zahteva za formiranje Arbitražnog veća, Arbitražno veće će imati sledeći zadatak:

„Da ispituje, u skladu sa odgovarajućim odredbama Sporazuma o slobodnoj trgovini između Evroazijske ekonomske unije i njenih država članica, s jedne Strane, i Republike Srbije, s druge Strane, pitanje koje se navodi u zahtevu za formiranje Arbitražnog veća u skladu sa članom 7. priloga 5. ovog sporazuma, odlučuje o usaglašenosti predmetne mere s odredbama navedenim u članu 3. priloga 5. ovog sporazuma i utvrđuje činjenice, primenljivost odgovarajućih odredbi i osnovno obrazloženje nalaza i preporuka i daje izveštaj u skladu sa članom 12. priloga 5. ovog sporazuma.”.

Ako se Strane u sporu dogovore da će zadatak Arbitražnog veća biti drugačiji, o tome obaveštavaju Arbitražno veće u roku određenom u stavu 3. ovog člana.

4. U hitnim slučajevima, uključujući one koji se odnose na kvarljivu robu, Strane u sporu će uložiti maksimalan napor da formiranje Arbitražnog veća ubrzaju u najvećoj mogućoj meri.

Sastav i formiranje Arbitražnog veća

Član 8.

1. Arbitražno veće sačinjavaju tri (3) arbitra.

2. U roku od trideset (30) dana od prijema zahteva za formiranje Arbitražnog veća od tužene Strane, svaka Strana u sporu imenuje po jednog arbitra.

Svi arbitri:

(a) moraju da poseduju stručnost i/ili iskustvo u oblasti prava, međunarodne trgovine, drugih pitanja obuhvaćenih ovim sporazumom, ili rešavanja sporova koji proizlaze iz međunarodnih trgovinskih sporazuma;

(b) biraju se strogo na osnovu objektivnosti, nepristrasnosti, pouzdanosti i zdravog rasuđivanja;

(v) moraju da budu nezavisni od Strana u sporu, ni sa jednom Stranom u sporu ne smeju da budu povezani i ni od jedne ne smeju da primaju uputstva;

(g) moraju da postupaju u svom ličnom svojstvu i ne smeju primati uputstva ni od jedne organizacije ili vlade, i ne smeju biti povezani s vladom ni jedne Strane u sporu;

(d) moraju da saopšte Stranama u sporu sve činjenice koje mogu opravdano izazvati sumnju u njihovu nezavisnost, ili nepristrasnost i, između ostalog, o direktnom ili indirektnom sukobu interesa u odnosu na dati predmet;

(đ) moraju da budu državljani države koja ima diplomatske odnose i s Republikom Srbijom i s državama članicama Evroazijske ekonomske unije; i

(e) ne smeju se prethodno baviti ovim sporom u bilo kojem svojstvu, uključujući i aktivnosti u skladu sa članom 6. ovog priloga.

3. U roku od petnaest (15) dana od imenovanja drugog arbitra, imenovani arbitri saglasno biraju predsednika Arbitražnog veća uzimajući u obzir sledeće kriterijume koji ga diskvalifikuju:

(a) da je državljanin države članice Evroazijske ekonomske unije ili Republike Srbije; ili

(b) da ima stalno prebivalište na teritoriji države članice Evroazijske ekonomske unije ili Republike Srbije.

4. Ako potrebna imenovanja nisu izvršena u roku predviđenom u stavu 2. ovog člana, svaka Strana u sporu može, osim ako se Strane u sporu ne dogovore drugačije, da se obrati predsedniku Međunarodnog suda pravde (u daljem tekstu: „MSP”) sa zahtevom da bude organ imenovanja. U slučaju da je predsednik MSP državljanin države članice Evroazijske ekonomske unije, ili Republike Srbije, ili nije u mogućnosti da realizuje funkciju imenovanja, zatražiće se od potpredsednika MSP, ili sledećeg najvišeg po rangu zvaničnika suda koji nije državljanin države članice Evroazijske ekonomske unije, ili Republike Srbije, koji je u mogućnosti da realizuje funkciju imenovanja da izvrši potrebna imenovanja.

5. Ako arbitar imenovan u skladu sa ovim članom podnese ostavku tokom postupka rešavanja spora, ili nije više u mogućnosti da obavlja svoju dužnost, imenuje se arbitar koji ga nasleđuje u roku od petnaest (15) dana u skladu sa procedurom propisanom u stavu 2. ovog člana, i taj arbitar ima sva ovlašćenja i dužnosti kao prvobitni arbitar. Svi rokovi propisani u postupku obustavljaju se počevši od dana kada arbitar podnese ostavku, ili više nije u mogućnosti da obavlja svoje dužnosti, do dana kada se izabere njegova zamena.

6. Datum formiranja Arbitražnog veća je dan kada predsednik abitražnog veća prihvati imenovanje.

Dužnosti Arbitražnog veća

Član 9.

1. Dužnosti Arbitražnog veća, formiranog u skladu sa članom 8. ovog priloga su:

(a) da objektivno oceni pitanja o kojima odlučuje, uključujući objektivno ispitivanje činjenica u predmetu, primenjivost odredbi ovog sporazuma koje su Strane u sporu navele i da li je tužena Strana propustila da izvrši svoje obaveze iz ovog sporazuma;

(b) da u svojim odlukama i izveštajima izloži činjenično stanje, osnovno obrazloženje svih nalaza i odluka neophodnih za rešavanje spora koji je upućen Arbitražnom veću, onako kako smatra prikladnim;

(v) da redovno konsultuje Strane u sporu i obezbeđuje odgovarajuće mogućnosti za postizanje obostano prihvatljivog rešenja spora;

(g) kao i da na zahtev jedne od Strana u sporu odredi usklađenost mera koje treba sprovesti i/ili odgovarajuće obustave povlastica svojim konačnim izveštajem.

2. Arbitražno veće formirano na osnovu ovog Priloga tumači odredbe ovog sporazuma u skladu s uobičajenim pravilima tumačenja međunarodnog javnog prava. Izveštaji i odluke Arbitražnog veća ne mogu proširivati ili umanjivati prava i obaveze Strana predviđene odredbama navedenim u ovom sporazumu.

Arbitražni postupak

Član 10.

1. Arbitražni postupak se vodi u skladu s odredbama ovog člana.

2. U skladu sa stavom 1. ovog člana, Arbitražno veće reguliše svoja pravila i postupke u vezi s pravom Strana u sporu da budu saslušane i njegovim većanjem, u konsultaciji sa Stranama u sporu. Na zahtev Strana u sporu, ili na vlastitu inicijativu, Arbitražno veće može, nakon konsultacija sa Stranama u sporu, da usvoji dodatna pravila i postupke koji nisu u suprotnosti s odredbama ovog člana.

3. Nakon konsultacija sa Stranama u sporu, Arbitražno veće će u roku od deset (10) dana od dana svog formiranja da utvrdi raspored arbitražnog postupka. U hitnim slučajevima, uključujući i one koji se odnose na kvarljivu robu koja brzo gubi svoju trgovinsku vrednost, Arbitražno veće i Strane će uložiti maksimalan napor da što je više moguće ubrzaju postupak. Raspored će sadržati precizne rokove za pisane podneske Strana u sporu. Arbitražno veće može u konsultaciji sa Stranama u sporu da izmeni ovaj raspored.

4. Na zahtev Strane u sporu, ili na vlastitu inicijativu, Arbitražno veće može, po svojoj slobodnoj oceni, da zatraži informacije i/ili savete o bilo kom naučnom, ili tehničkom pitanju od bilo koje osobe, ili organa kad smatra da je to svrsishodno. Pre nego što Arbitražno veće zatraži takve informacije i/ili savete, o tome obaveštava Strane u sporu. Sve tako dobijene informace i/ili saveti dostavljaju se Stranama u sporu na komentarisanje. Kada Arbitražno veće uzme u obzir ove informacije i/ili savete prilikom izrade svog izveštaja, takođe će uzeti u obzir i sve komentare Strana u sporu o tim informacijama i/ili savetima. Ove informacije i/ili saveti nisu obavezujući.

5. Arbitražno veće će uložiti maksimalan napor da svoje proceduralne odluke, nalaze i rešenja donosi jednoglasno, s tim da kada Arbitražno veće ne može da postigne konsenzus, takve proceduralne odluke, nalazi i rešenja mogu da se donesu većinom glasova. Arbitražno veće će u svom izveštaju navesti odvojeno mišljenje arbitra o pitanjima koja nisu jednoglasno rešena, ne navodeći koji arbitri zastupaju većinsko, a koji manjinsko mišljenje.

6. Usmene rasprave pred Arbitražnim većem su zatvorene za javnost, osim ako se Strane u sporu ne dogovore drugačije.

7. Strane u sporu će dobiti mogućnost da prisustvuju svakom izvođenju dokaza, davanju izjava i pobijanja u postupku. Sve iznete informacije ili pismeni podnesci Strana u sporu podneti Arbitražnom veću, uključujući i svaki komentar na opisni deo početnog izveštaja i odgovore na pitanja koja je Arbitražno veće postavilo, biće stavljeni na raspolaganje drugoj Strani u sporu.

8. Većanja Arbitražnog veća i dokumenta koja su mu dostavljena čuvaju se kao poverljiva. Za svoja interna većanja, Arbitražno veće se sastaje na zatvorenoj sednici na kojoj učestvuju samo arbitri. Arbitražno veće može da dozvoli i svojim pomoćnicima da prisustvuju njegovim većanjima. Strane u sporu prisustvuju sednicama samo na poziv arbitražnog veća.

9. Ništa u ovom Prilogu ne sprečava Strane u sporu da obelodane izjave o sopstvenim stavovima. Svaka Strana u sporu će čuvati poverljivost informacija koje je druga Strana u sporu iznela Arbitražnom veću i koje je ta druga Strana u sporu označila kao poverljive. Strana u sporu će takođe, na zahtev jedne od Strana, da dostavi kratak sadržaj informacija sadržanih u njenim pismenim podnescima koje mogu da se obelodane u javnosti.

10. O mestu održavanja usmenih rasprava Strane u sporu odlučuju sporazumno. Ako ne može da se postigne sporazum, usmene rasprave se održavaju naizmenično u glavnim gradovima Strana u sporu, s tim da se prva održava u glavnom gradu tužene Strane. Ako je Evroazijska ekonomska unija Strana u sporu u skladu s odredbama ovog priloga, odgovarajuće naizmenične usmene rasprave se održavaju u Moskvi, Ruska Federacija.

Obustava i prestanak postupka

Član 11.

1. Arbitražno veće će, na zajednički zahtev Strana u sporu, u bilo kom trenutku obustaviti svoj rad na period ne duži od dvanaest (12) uzastopnih meseci od dana prijema takvog zajedničkog zahteva. U tom slučaju, Strane u sporu zajednički pismeno obaveštavaju predsednika Arbitražnog veća, i ovo obaveštenje se dostavlja Zajedničkom komitetu. U ovom periodu, svaka Strana u sporu može da odobri Arbitražnom veću da nastavi s radom obaveštavajući o tome, u pisanoj formi, predsednika Arbitražnog veća i drugu Stranu u sporu. Ako je rad Arbitražnog veća bio neprekidno obustavljen tokom perioda dužeg od dvanaest (12) meseci, ističe ovlašćenje za formiranje Arbitražnog veća (i postupak rešavanja spora se prekida) osim ako se Strane u sporu drugačije ne dogovore. U slučaju obustave rada veća, odgovarajući vremenski rokovi iz ovog priloga produžavaju se za onoliko vremena koliko je trajala obustava postupanja veća.

2. Na osnovu zajedničkog zahteva Strana u sporu, u bilo kom trenutku pre izdavanja konačnog izveštaja Arbitražnog veća, arbitražni postupak se može prekinuti. U tom slučaju, Strane u sporu zajedno obaveštavaju predsednika Arbitražnog veća i to obaveštenje dostavljaju Zajedničkom komitetu.

Izveštaji Arbitražnog veća

Član 12.

1. Izveštji Arbitražnog veća se sačinjavaju bez prisustva Strana u sporu i zasnivaju se na odgovarajućim odredbama ovog Sporazuma, podnescima i argumentima Strana u sporu i svim informacijama i/ili savetima koji su mu dati u skladu sa članom 10. stav 4. ovog priloga.

2. Arbitražno veće donosi svoj početni izveštaj u roku od devedeset (90) dana, ili šezdeset (60) dana u hitnim slučajevima, uključujući one koji se odnose na kvarljivu robu, od dana formiranja Arbitražnog veća. Početni izveštaj sadrži, između ostalog, i opisne delove i zaključke Arbitražnog veća o činjenicama, primenjivosti odgovarajućih odredbi, kao i osnovno obrazloženje svih zaključaka, date preporuke i zaključke.

3. U izuzetnim okolnostima, ako Arbitražno veće smatra da ne može da donese svoj početni izveštaj u roku predviđenom u stavu 2. ovog člana, predsednik

Arbitražnog veća pismeno obaveštava Strane u sporu o razlozima kašnjenja zajedno s procenom roka u kom će se doneti početni izveštaj i to obaveštenje dostavljaju Zajedničkom komitetu. Ovo odlaganje neće biti duže od trideset (30) dana osim ukoliko se Strane u sporu ne dogovore drugačije.

4. Strane u sporu mogu da Arbitražnom veću podnesu pismene komentare na početni izveštaj u roku od petnaest (15) dana od njegovog prijema, osim ako se Strane u sporu ne dogovore drugačije. Takvi pismeni komentari mogu da budu predmet komentara druge Strane u sporu koji će biti dostavljeni u roku od šest (6) dana od dana njihovog prijema. Ako u roku za komentare ni jedna Strane ne podnese komentar, privremeni izveštaj će se smatrati konačnim izveštajem.

5. Nakon razmatranja pismenih komentara koje su Strane u sporu podnele na početni izveštaj i bilo kakvog daljeg ispitivanja, Arbitražno veće će Stranama u sporu izneti svoj konačni izveštaj koji sadrži rešenje o sporu i originalnu odluku u roku od trideset (30) dana od dana donošenja početnog izveštaja, osim ako se Strane u sporu ne dogovore drugačije. U hitnim slučajevima, uključujući one koji se odnose na kvarljivu robu, Arbitražno veće će uložiti maksimalan napor da svoj konačni izveštaj donese u roku od petnaest (15) dana od donošenja početnog izveštaja, osim ako se Strane u sporu ne dogovore drugačije.

6. Kada Arbitražno veće smatra da ovaj rok ne može biti ispunjen, predsednik Arbitražnog veća o tome pismeno obaveštava Strane, navodeći razloge za kašnjenje i datum kada Arbitražno veće planira da donese konačni izveštaj. Arbitražno veće neće, ni pod kojim okolnostima, doneti svoj konačni izveštaj kasnije od sto pedeset (150) dana, ili osamdeset (80) dana u hitnim slučajevima, uključujući one koji se odnose na kvarljivu robu, od datuma formiranja Arbitražnog veća.

7. Ako u svom konačnom izveštaju, Arbitražno veće zaključi da mera tužene Strane nije u skladu sa ovim Sporazumom, u svojim zaključcima i odlukama će uključiti preporuku za otklanjanje nesaglasnosti.

8. Strane u sporu će javno objaviti konačni izveštaj Arbitražnog veća u roku od petnaest (15) dana od dana njegovog prijema, uz poštovanje zaštite poverljivih informacija, osim ako jedna od Strana u sporu na to ne stavi prigovor. U tom slučaju konačni izveštaj će i pored toga biti dostavljen svim Stranama ovog Sporazuma, sedam (7) dana nakon što se izveštaj dostavi Stranama u sporu.

9. Odluke i izveštaje veća Strane prihvataju bezuslovno. Oni ne stvaraju nikakva prava, ili obaveze u odnosu na fizička ili pravna lica. Na odluku Arbitražnog veća se ne može uložiti žalba.

Zahtev za pojašnjenje

Član 13.

1. U roku od deset (10) dana od dana prijema konačnog izveštaja, Strana u sporu može da podnese pisani zahtev Arbitražnom veću za pojašnjenje bilo kojih odluka, ili preporuka datih u konačnom izveštaju za koje ta Strana smatra da su nejasni. Arbitražno veće će odgovoriti na ovaj zahtev u roku od deset (10) dana od dana prijema takvog zahteva.

2. Podnošenje zahteva u skladu sa stavom 1. ovog člana ne utiče na rokove navedene u čl. 14. i 17. ovog priloga, osim ukoliko Arbitražno veće ne odluči drugačije.

Sprovođenje odluke

Član 14.

1. Strane u sporu će preduzeti sve neophodne mere da postupe po odluci Arbitražnog veća bez nepotrebnog odlaganja.

2. U roku od trideset (30) dana od dana prijema konačnog izveštaja Arbitražnog veća, tužena Strana će obavestiti Stranu tužilju o sledećem:

(a) merama koje namerava da sprovede kako bi ispunila obavezu predviđenu u stavu 1. ovog člana; i

(b) roku potrebnom za postupanje po konačnoj odluci Arbitražnog veća.

O ovom obaveštenju se obaveštava Zajednički komitet.

Razumni rok

Član 15.

1. Ako nije moguće da se odmah postupi u skladu s odlukom Arbitražnog veća, Strane u sporu će nastojati da se dogovore o dužini razumnog roka za postupanje u skladu s konačnim izveštajem Arbitražnog veća.

2. U slučaju neslaganja između Strana u sporu o predloženom roku za obezbeđivanje usaglašenosti u skladu sa članom 14. stav 2. (b) ovog priloga, Strane u sporu mogu pismenim putem da traže od prvobitnog Arbitražnog veća da odredi dužinu razumnog roka za postupanje u skladu s odlukom. O takvom zahtevu se istovremeno obaveštava druga Strana u sporu, i o njemu će biti obavešten Zajednički komitet. Arbitražno veće će u roku od trideset (30) dana od dana prijema zahteva Stranama u sporu dostaviti odluku kojom se određuje razuman rok.

3. Kada Arbitražno veće smatra da ne može da odredi razuman rok u vremenu predviđenom u stavu 2. ovog člana, pismeno obaveštava Strane u sporu o razlozima kašnjenja zajedno sa procenom roka u kojem će doneti odluku. Produženje roka neće biti duže od trideset (30) dana osim ukoliko se Strane u sporu ne dogovore drugačije.

4. Strane u sporu u svakom trenutku mogu da nastave da traže obostrano zadovoljavajuće rešenje o sprovođenju konačnog izveštaja Arbitražnog veća.

5. Tužena Strana će pismenim putem obavestiti Stranu tužilju o svim merama usvojenim radi okončanja nepoštovanja njenih obaveza iz ovog Sporazuma i postupanja u skladu s odlukom Arbitražnog veća najmanje trideset (30) dana pre isteka razumnog roka. Ovo obaveštenje se dostavlja Zajedničkom komitetu.

6. Strane u sporu mogu da se dogovore da produže razumni rok.

Ocena usklađenosti preduzetih mera

Član 16.

1. U slučaju neslaganja Strana u sporu u vezi usklađenosti neke mere preduzete u cilju postupanja po konačnom izveštaju Arbitražnog veća odmah, kada je to moguće, ili u razumnom roku kako je određen u članu 15. ovog priloga, Strana tužilja može pismeno da traži od prvobitnog Arbitražnog veća da odluči o tom pitanju.

2. Zahtev Arbitražnom veću iz stava 1. ovog člana može se podneti samo ako je prethodno:

(a) istekao razuman rok kako je određen u članu 15. ovog priloga; ili

(b) tužena Strana dala obaveštenje Strani tužilji da je ispunila obavezu iz člana 14. stav 1. ovog priloga, uključujući opis kako je tužena Strana ispunila tu obavezu.

U zahtevu se navodi sporna mera i da je potrebno objašnjenje kako ta mera predstavlja kršenje predmetnih odredbi tako da se jasno izloži pravni osnov za žalbu.

3. Arbitražno veće će dati objektivnu ocenu predmeta razmatranja, uključujući objektivnu ocenu o:

(a) činjeničnim aspektima svih implementacionih mera koje je preduzela tužena Strana; i

(b) tome da li je tužena Strana ispunila obavezu iz člana 14. stav 1 ovog priloga.

4. Arbitražno veće dostavlja svoju odluku Stranama u sporu u roku od trideset (30) dana od dana prijema zahteva iz stava 1. ovog člana. Izveštaj će sadržati odluku arbitražnog veća i njeno obrazloženje.

5. Kada Arbitražno veće smatra da ne može da dostavi svoj izveštaj u roku određenom u stavu 4. ovog člana, obaveštava Strane u sporu u pisanoj formi o razlozima kašnjenja zajedno s procenom roka u kom će podneti izveštaj. Ovakvo odlaganje neće biti duže od trideset (30) dana osim ukoliko se Strane u sporu ne dogovore drugačije.

6. U slučaju da neki od arbitara prvobitnog Arbitražnog veća više nije dostupan, primenjuju se procedura predviđena u članu 8. ovog priloga.

Privremeni pravni lekovi u slučaju nepostupanja po odluci

Član 17.

1. Ako tužena Strana ne posupi po odluci Arbitražnog veća odmah, kada je to moguće, ili u razumnom roku određenom u skladu sa članom 15. ovog priloga ili:

(a) ne dostavi obaveštenje o merama preduzetim u cilju postupanja po odluci u roku određenom u članu 14. ovog priloga, ili pre isteka razumnog roka;

(b) obavesti Stranu tužilju da ne planira da postupi po odluci Arbitražnog veća; i/ili

(v) ako prvobitno Arbitražno veće utvrdi da tužena Strana nije postupila po odluci Arbitražnog veća u skladu sa članom 14. ovog priloga

Tužena Strana će, na zahtev Strane tužilje, stupiti u konsultacije u cilju postizanja dogovora o obostrano prihvatljivoj privremenoj naknadi. Ako se takav sporazum ne postigne u roku od dvadeset (20) dana od dana prijema zahteva, Strana tužilja ima pravo da tuženoj Strani uputi pismeno obaveštenje o nameri da obustavi davanje koncesije, ili druge pogodnosti odobrene na osnovu ovog sporazuma u odnosu na tuženu Stranu, ali samo ekvivalentne onima koje su bile pogođene merom za koju je Arbitražno veće utvrdilo da nije u skladu sa ovim Sporazumom. Takvo obaveštenje će biti dato najmanje trideset (30) dana pre datuma kada obustava treba da stupi na snagu. Ovo obaveštnje se dostavlja Zajedničkom komitetu.

2. Prilikom odlučivanja o tome koje će pogodnosti obustaviti, Strana tužilja treba da nastoji da prvo obustavi davanje one koncesije, ili druge obaveze odobrene ovim sporazumom koje se odnose na isti sektor, ili sektore koji su bili pogođeni merom za koju je Arbitražno veće utvrdilo da nije u skladu sa ovim Sporazumom. Ako Strana tužilja smatra da nije izvodivo, ili delotvorno da se obustavi davanje koncesije, ili druge obaveze odobrene ovim sporazumom u istom sektoru, ili

sektorima, može da obustavi davanje koncesije, ili druge obaveze odobrene ovim sporazumom u drugim sektorima.

3. U roku od petnaest (15) dana od prijema takvog obaveštenja, tužena Strana može da traži od prvobitnog Arbitražnog veća da donese odluku o tome da li su koncesije, ili druge povlastice odobrene ovim sporazumom koje Strana tužilja planira da obustavi ekvivalentne onima koje su bile pogođene merom za koju je utvrđeno da nije u saglasnosti sa ovim sporazumom, i da li je predložena obustava u skladu sa st. 1. i 2. ovog člana. Arbitražno veće donosi odluku u roku od trideset (30) dana od datuma prijema zahteva i Strane ga bezuslovno prihvataju. Povlastice neće biti obustavljene pre nego što Arbitražno veće donese odluku.

4. Obustava koncesija ili drugih obaveza odobrenih ovim sporazumom biće privremena i Strana tužilja će ih primenjivati samo dok:

(a) mera preduzeta u cilju usklađivanja za koju je u konačnom izveštaju Arbitražnog veća utvrđeno da nije u skladu s predmetnim odredbama ne bude povučena, ili izmenjena tako da se delovanje tužene Strane uskladi s tim odredbama;

(b) Arbitražno veće odredi da je mera za usklađivanje kompatibilna sa arbitražnom odlukom i odredbama ovog sporazuma; ili

(v) Strane na drugi način reše spor, ili postignu obostrano prihvatljivo rešenje.

5. Na zahtev Strana u sporu, prvobitno Arbitražno veće će doneti odluku o usklađenosti primenjenih mera sa njegovim konačnim izveštajem usvojenih nakon obustave koncesija, ili drugih obaveza predviđenih ovim sporazumom i, u svetlu takve odluke, da li obustava davanja koncesija treba da se ukine, ili modifikuje. Odluke Arbitražnog veća se donose u roku od trideset (30) dana od dana prijema takvog zahteva.

Opšte odredbe

Član 18.

Sva obaveštenja, zahtevi i odgovori predviđeni ovim prilogom sačinjavaju se u pisanoj formi.

Obostrano prihvatljivo rešenje

Član 19.

1. Strane mogu da postignu obostrano prihvatljivo rešenje u bilo kom trenutku u odnosu na bilo koji spor iz člana 3. ovog priloga.

2. Ako se obostrano prihvatljivo rešenje postigne tokom arbitražnog postupka, ili posredovanja, Strane u sporu će zajedno obavestiti predsednika Arbitražnog veća, ili posrednika o tom rešenju, i o tome će se obavestiti Zajednički komitet. Nakon takvog obaveštenja, arbitražni postupak, ili posredovanje se okončavaju.

3. Svaka Strana preduzima neophodne mere za sprovođenje obostrano prihvatljivog rešenja u dogovorenom roku.

4. Najkasnije do isteka dogovorenog roka, strana koja sprovodi mere obaveštava drugu stranu, u pisanoj formi, o svim merama koje je preduzela u cilju sprovođenja obostrano prihvatljivog rešenja.

Rokovi

Član 20.

1. Svi rokovi utvrđeni u ovom prilogu, računaju se u kalendarskim danima, od dana (kada je primljen dopis, obaveštenje, saopštenje ili predlog) nakon radnje, ili činjenice na koju se odnose, osim ako nije drugačije određeno. Ako je poslednji dan takvog roka zvanični praznik, ili neradni dan u Strani primaocu, rok se produžava do prvog sledećeg radnog dana. Zvanični praznici, ili neradni dani u vreme trajanja roka uračunavaju se u trajanje roka.

2. Svi rokovi predviđeni ovim prilogom mogu da se izmene sporazumom Strana u sporu.

3. Arbitražno veće može u bilo kom trenutku da predloži Stranama da izmene bilo koji rok predviđen u ovom prilogu, uz obrazloženje takvog predloga.

Naknade i troškovi

Član 21.

1. Ukoliko se Strane u sporu ne dogovore drugačije:

(a) svaka Strana u sporu snosi troškove arbitra kojeg ona imenuje, vlastite troškove i sudske troškove proistekle iz učešća u arbitražnom postupku, ili posredovanju; i

(b) troškove predsednika Arbitražnog veća, posrednika i druge troškove vezane za vođenje Arbitražnog postupka Strane u sporu snose u jednakim delovima.

1. Na zahtev Strane u sporu, Arbitražno veće može da odluči o troškovima navedenim u tački (b) stava 1. ovog člana, uzimajući u obzir posebne okolnosti slučaja.

Jezik

Član 22.

1. Svi zapisnici i dokumenta na osnovu ovog priloga vode se na engleskom jeziku.

2. Sva dokumenta podneta za korišćenje u postupku u skladu s ovim prilogom biće na engleskom jeziku. Ako neki originalni dokument nije na engleskom jeziku, Strana u sporu koja ga podnosi obezbediće prevod tog dokumenta na engleski jezik.

Član 3.

Ovaj zakon stupa na snagu osmog dana od dana objavljivanja u „Službenom glasniku Republike Srbije - Međunarodni ugovori”.