

# Agreement on Trade in Services and Investments in the Member States of the Common Economic Space

The Government of the Republic of Belarus, the Government of the Republic of Kazakhstan and the Government of the Russian Federation, hereinafter referred to as the Parties,

Taking into account the Agreement on the Formation of the Common Economic Space dated September 19, 2003,

guided by the Treaty on the Establishment of the Eurasian Economic Community of October 10, 2000 ,

implementing the provisions of the Treaty on the Customs Union and the Common Economic Space of February 26, 1999 ,

Desiring to create conditions for expanding mutual trade in services and increasing the level of its liberalization,

Desiring to create uniform principles and rules for mutual trade in services in the member states of the Common Economic Space in order to promote the economic growth of such states,

wishing to create favorable conditions for investment of funds by persons of the state of one Party in the territories of the states of other Parties,

Have agreed with the following:

## Article 1.

For the purposes of this Agreement, the following concepts mean:

- a) "normative legal acts of the Party" - laws and other normative legal acts of the state of the Party;
- b) "measure of the Party" - a normative legal act of a Party, as well as a decision, action or inaction of a body or official of the state of this Party, which are taken at any level of state power of the state of this Party, by its local self-government bodies or organizations in the exercise of their powers delegated them by such bodies.

In the event that an official document of a recommendatory nature is adopted (issued) by a body of the State of the Party, such a recommendation may be recognized as a measure for the purposes of this Agreement if it is proved that in practice the predominant part of the addressees of this recommendation (bodies of state, regional and (or) municipal authorities of the state of this Party, non-governmental bodies of this Party, persons of this Party, persons of other Parties, as well as persons of any third state) follow it;

- c) "territory of the Party" - the territory of the state of the Party;
- d) "person of the Party" - any natural or legal person of the Party;
- e) "natural person of a Party" - any natural person who is a citizen of the state of this Party in accordance with its regulatory legal acts;
- f) "legal entity of a Party" - a legal entity of any organizational and legal form, created or established in the territory of a Party in accordance with the regulatory legal acts of this Party;
- g) "establishment":
  - i. creation, establishment and (or) acquisition of a legal entity (participation in the capital of a created or incorporated legal entity) of any organizational and legal form and form of ownership provided in accordance with the normative legal acts of the Party on whose territory such a legal entity is created or established; or
  - ii. acquisition of control over a legal entity of a Party, expressed in obtaining the ability, directly or through third parties, to determine decisions made by such a legal entity, including by disposing of votes attributable to voting shares (stakes), by

participating in the board of directors (supervisory board) and other governing bodies of such a legal entity; or

iii. branch opening; or

iv. opening a representative office; or

v. registration as an individual entrepreneur.

h) "activity" - the activity of legal entities, branches, representative offices and (or) individual entrepreneurs specified in subparagraphs "i" - "v" of paragraph "g" of this article;

i) "trade in services" - the provision of services, including the production, distribution, marketing, sale, delivery of services and carried out in the following ways:

i. from the territory of one Party to the territory of the other Party; or

ii. on the territory of one Party by the person of this Party to the person of the other Party;

j) "service provider" - any person who supplies a service in the course of business and trade in services.

## **Chapter I. Establishment and Operation Institution and Activities**

### **Article 2.**

1. The provisions of this chapter apply to any measures of the Parties affecting the institution and (or) activities.

2. The provisions of this chapter shall not apply in the territory of a Party to activities that, in accordance with the regulatory legal acts of this Party, are associated with the performance of functions of state power.

3. This Agreement applies to incorporated, created, acquired or controlled by legal entities, branches, representative offices, registered individual entrepreneurs on the date of entry into force of this Agreement and continuing to exist, as well as established, created, acquired, controlled or registered after the entry of this Agreement into strength.

### **Article 3.**

1. Each Party shall grant to the persons of any other Party, with respect to the institution and (or) activity, a treatment no less favorable than the treatment provided under similar circumstances to its Own persons on its territory, subject to the restrictions provided for by an individual national list for each of the Parties in Annex IV to this Agreement.

2. Each Party shall, under similar circumstances, provide persons of any other Party with respect to the establishment and (or) activities on its territory, a treatment no less favorable than the treatment provided to persons of states that are not parties to this Agreement.

3. Nothing in this Agreement shall prevent the Parties from concluding agreements on economic integration that meet the requirements of paragraph 4 of this article. Each Party that has entered into such an economic integration agreement with any state that is not a party to this Agreement grants, under similar conditions, to other Parties on a reciprocal basis the concessions that it grants under such an economic integration agreement. The concessions in this clause mean the cancellation by a Party of one or more restrictions provided for in its individual national list in Appendix IV to this Agreement.

4. For the purposes of this Agreement, agreements on economic integration between one of the Parties and a state (states) that are not (are) a party to this Agreement are agreements that meet the following criteria:

i. cover a significant number of service sectors, and also do not exclude a priori any of the modes of delivery of services and issues of institution and activity;

ii. aimed at eliminating existing discriminatory measures, as well as prohibiting the introduction of new ones;

iii. aimed at liberalizing trade in services.

The purpose of such an economic integration agreement is to facilitate trade in services and the conditions of establishment and activities between its participants, and for any third country, such an agreement should not lead to an increase in the overall level of barriers to trade in services in certain sectors or subsectors compared to the level that was applied. prior to the conclusion of such an agreement.

5. A party that has entered into an agreement on economic integration specified in paragraph 3 of this article with any state that is not a party to this Agreement is obliged to provide information on the conclusion of such an agreement to other Parties within one month from the date of its signing.

#### **Article 4.**

1. Except for the restrictions provided for by the individual national list for each of the Parties in Appendix IV to this Agreement, neither Party shall apply or impose restrictions on the persons of any other Party in connection with the establishment and (or) activities of restrictions in relation to:

- a) the form of establishment, including the organizational and legal form of a legal entity; b) the number of created, established and (or) acquired legal entities, branches or representative offices, registered individual entrepreneurs;
- c) the acquired volume of a share in the capital of a legal entity or the degree of control over a legal entity;
- d) operations of an established, created, acquired or controlled legal entity, branch, representative office, registered individual entrepreneur in the course of their activities in the form of a quota, a test for economic feasibility or in any other quantitative form.

2. Taking into account the provisions of the Agreement on the Legal Status of Migrant Workers and Members of Their Families of November 19, 2010, each Party shall not apply or impose restrictions on the persons of any other Party related to the employment of workers in relation to the activities of an established, created, acquired or controlled legal entity, branch, representative office, registered individual entrepreneur, with the exception of the restrictions provided for by an individual national list for each of the Parties in Appendix IV to this Agreement. The provisions of this clause do not apply to the requirements for education, experience, qualifications, reputation of employees, if the application of such rules does not lead to actual discrimination of employees depending on citizenship.

#### **Article 5..**

1. Except for the restrictions provided for by the individual national list for each of the Parties in Appendix IV to this Agreement, neither Party shall introduce or apply to persons of other Parties as a condition in connection with the establishment and (or) activities of the following additional requirements :

- a) export all or part of the goods or services produced;
- b) import goods or services;
- c) purchase or use goods or services, the state of origin of which is the state of the Party;
- d) requirements that restrict the sale of goods or the supply of services in the territory of this Party, the import or export of goods to / from the territory of this Party and are linked to the volumes of goods produced (services supplied), the use of local goods or services, or restrict the enterprise's access to foreign currency, due in connection with the operations specified in this paragraph;
- e) transfer technologies, know-how and other information of commercial value, except for the cases of their transfer on the basis of a decision of a court or a body authorized in the field of competition protection, subject to the rules for the implementation of competition policy established by other agreements between the Parties.

2. Fulfillment of the requirements specified in subparagraphs "a" - "e" of paragraph | of this article may also not be the basis for obtaining any preference by a person of either Party in connection with an institution or activity in the territory of another Party.

3. The provisions of this article shall apply without prejudice to other agreements of the Parties within the framework of the agreements of the Customs Union and the Common Economic Space.

#### **Article 6..**

1. In accordance with the obligations arising from the Agreement on uniform principles and rules for regulating the activities of natural monopoly entities dated 09.12.2010 and despite the provisions of paragraph 1 of Article 4 of this Agreement, each of the Parties may retain on its territory legal entities that are subjects of natural monopolies.

2. A Party that retains on its territory the legal entities specified in paragraph 1 of this article shall ensure that such legal entities act in a manner consistent with the obligations of this Party under the Agreement on common principles and rules

for regulating the activities of natural monopoly entities dated 09.12.2010.

3. If a legal entity of one Party specified in paragraph 1 of this article competes directly or through a legal entity controlled by it outside the sphere of its monopoly rights with persons of other Parties, then the first Party shall ensure that such legal entity does not abuse its monopoly position by acting in the territory of the first Party in a manner incompatible with the obligations of that first Party under this Agreement.

## **Chapter II. Cross-border Trade In Services Cross-border Trade In Services**

### **Article 7.**

1. The provisions of this chapter apply to measures by Parties affecting trade in services, understood as measures in relation to:

- i. buying, paying for or using the service;
- ii. access to services and use of services in connection with the provision of services, in respect of which such Parties establish the requirement to conclude a public contract.

2. The provisions of this chapter do not apply to:

- a) the rights of carriage by air and services directly related to the rights of carriage, except: i. repair and maintenance of aircraft;
- ii. sales and marketing of air transport services;
- iii. services of a computer backup system;
- b) purchases of services by government agencies for government purposes and not for the purpose of commercial resale or for use in the supply of services for commercial sale;
- c) services rendered in the performance of the functions of state power;
- d) the provision of subsidies.

### **Article 8.**

The specifics of trade in communications services and financial services are governed by Appendices I and V to this Agreement.

### **Article 9..**

1. Each Party shall provide the services and service providers of any other Party with respect to trade in services not less favorable than that accorded under similar circumstances to its own similar services and service providers in the sectors and subject to the restrictions and conditions provided for by the individual national list for each of the Parties in Appendix III to this Agreement.

2. Each Party shall, under similar circumstances, provide services and service providers of any other Party with respect to trade in services with treatment no less favorable than the treatment provided to similar services and service providers of states that are not parties to this Agreement, except for the cases provided for by an individual national list for to each of the Parties in Annex II to this Agreement.

3. Nothing in this Agreement shall prevent the Parties from concluding agreements on economic integration that meet the requirements of paragraph 4 of this article. Each Party that has entered into an economic integration agreement referred to in paragraph 4 of this article with any state that is not a party to this Agreement grants, under similar conditions, to other Parties on a reciprocal basis the concessions that it grants under such an economic integration agreement. The concessions in this clause mean the cancellation by the Party referred to in this clause of one or more restrictions provided for by its individual national lists in Appendices II-III to this Agreement, as well as the acceptance of obligations similar to those provided for in clause | of this article in the sectors ,

4. For the purposes of this Agreement, agreements on economic integration between one of the Parties and a state / states

that are not / are not parties to this Agreement are agreements that meet the following criteria:

- i. cover a significant number of service sectors, and do not a priori exclude any of the modes of delivery of services and issues of institution and activity;
- ii. aimed at eliminating existing discriminatory measures, as well as prohibiting the introduction of new ones; and
- iii. aimed at liberalizing trade in services.

The purpose of such an agreement is to facilitate trade in services and the conditions of establishment and activities between its participants; it should not lead, with respect to any third country, to an increase in the overall level of barriers to trade in services in certain sectors or subsectors as compared to the level that was applied prior to the conclusion of such an agreement.

5. A party that has entered into an agreement on economic integration specified in paragraph 3 of this article with any state that is not a party to this Agreement is obliged to provide information on the conclusion of such an agreement to other Parties within one month from the date of its signing.

## **Article 10..**

In the sectors listed in Annex III to this Agreement, with the exception of the restrictions provided for in the annexes specified in article 9 of this Agreement, neither Party shall apply or impose restrictions on the services and service providers of the other Party in connection with trade in services. respect:

- i. the number of service providers in the form of a quota, monopoly, feasibility test or any other quantitative form;
- ii. transactions of any service provider in the form of a quota, a feasibility test or in any other quantitative form. Article 10bis

In the sectors listed in Annex III to this Agreement, except as provided in the annexes specified in article 9 of this Agreement, neither Party shall introduce or apply the institution's requirements to the service provider of the other Party (as defined in clause " g "Article 1 of this Agreement) as a condition for trade in services.

## **Article 11..**

The parties shall conduct negotiations at least once every 3 years in order to achieve a greater level of liberalization, aimed at gradually reducing the number of restrictions specified in article 9 of this Agreement and the restrictions specified in article 10 of this Agreement.

# **Chapter IV. Entry, Exit, Stay and Employment of Individuals**

## **Article 12..**

Entry, departure, stay and work of individuals are established by national legislation and international treaties to which the states of the Parties are parties.

# **Chapter V. Transparency**

## **Article 13..**

1. Each Party shall ensure that any regulatory legal acts of this Party that affect or may affect the issues covered by this Agreement are published in an official source, and, if possible, on a dedicated Internet site in such a way that any person, rights and (or) whose obligations may be affected by such regulatory legal acts of the Party, had the opportunity to familiarize themselves with them.

2. The publication of the normative legal acts referred to in paragraph 1 of this article must include an explanation of the purposes of applying such normative legal acts.

3. Any normative legal acts referred to in paragraph 1 of this article must be published within a time frame that ensures legal certainty and reasonable expectations of persons whose rights and (or) obligations may be affected by these normative legal acts of the Party, but in any case before the date their entry into force.

4. Each Party shall establish a mechanism to ensure that responses are provided to written inquiries from any person

regarding existing and / or planned regulations on matters covered by this Agreement. Replies to inquiries must be provided to such interested person no later than 30 days from the date of receipt of the written inquiry.

## **Chapter VI. Internal Regulation**

### **Article 14..**

With respect to measures by Parties affecting trade in services, the Parties shall apply the following provisions.

1. With respect to the sectors included in the annexes referred to in Article 9 of this Agreement, each Party shall ensure that all measures of that Party affecting trade in services are applied in a reasonable, objective and impartial manner.

2.a) Each Party has, or is establishing, as soon as practicable, judicial, arbitration or administrative bodies or procedures that, at the request of the affected service provider, ensure prompt consideration and reasoned action to correct the relevant administrative decisions affecting for trade in services. In cases where these procedures are not independent of the body empowered to make such administrative decisions, the Party shall ensure that the procedures do serve an objective and impartial review.

b) The provisions of subparagraph (a) of this paragraph do not require a Party to establish such bodies or procedures when this is incompatible with its constitutional order or the nature of its judicial system.

3. When permission is required for the supply of services that are included in the annexes specified in article 9 of this Agreement, the competent authorities of the Parties, within a reasonable period of time after the submission of the application, which is considered executed in accordance with the requirements of national legislation and regulatory rules, inform the applicant of the decision regarding statements. At the request of the applicant, the competent authorities of the Parties shall provide information on the progress of the consideration of the application without undue delay.

4. To ensure that measures related to qualifications and procedures, technical standards and licensing requirements do not create unreasonable barriers to trade in services, the Parties are free to develop any necessary rules through the appropriate authorities that they may create. These rules are intended to ensure that such requirements, inter alia:

a) are based on objective and transparent criteria such as competence and ability to deliver the service;

b) are not more burdensome than is necessary to ensure the quality of the service;

c) in the case of licensing procedures - were not in themselves a restriction on the supply of the service.

5. a) In the service sectors included in the annexes specified in article 9 of this Agreement, prior to the entry into force of the rules developed for these sectors in accordance with paragraph 4 of this article, the Parties shall not apply licensing or qualification requirements and technical standards that cancel or reducing benefits that are provided under the terms included in the annexes specified in article 9 of this Agreement, in a way that:

i) does not meet the criteria specified in subparagraphs "a", "b" or "c" of paragraph 4 of this article;

ii) could not reasonably be expected of that Party at the date of signing this Agreement.

b) When determining whether a Party has fulfilled the obligation specified in subparagraph "a" of paragraph 5 of this article, attention is drawn to the international standards of the relevant international organizations applied by it.

6. In the event that obligations in terms of professional services are included in the annexes referred to in Article 9 of this Agreement, each Party shall provide appropriate procedures for testing the competence of professionals of any other Party.

### **Article 15.**

If a Party applies licensing to an institution and (or) activity, then such Party shall ensure that:

i. the names of the competent authorities responsible for issuing licenses to operate have been published or otherwise made public;

ii. licensing procedures are not in themselves a restriction on an institution or an activity, and that licensing requirements directly related to the right to operate should not in themselves constitute an unreasonable barrier to activity;

iii. all licensing procedures and requirements have been established in regulatory legal acts and that any regulatory legal act establishing or applying licensing procedures or requirements is published prior to the date of its entry into force in

accordance with the provisions of Article 14 of this Agreement;

iv. the licensing authorities took a decision to issue (refuse) to issue a license within the period of time specified in the relevant regulatory legal act, but in any case no later than 30 days from the date of receipt of the application for the issuance of a license. With regard to the financial services sector, the time frame for making a decision to issue (refuse) to issue a license is set out in Appendix V to this Agreement;

v. any fees charged in connection with the submission and consideration of an application for the issuance of a license were not in themselves a restriction on the establishment and activities and were based on the costs of the licensing authority associated with the consideration of the application and the issuance of a license (permit);

vi. after the expiration of the period of time specified in paragraph "iv" of this article, and at the request of the applicant, the relevant licensing authority of the Party informed the applicant about the status of consideration of his application, and whether this application is considered to be duly completed. In any event, the applicant will be given the opportunity to make technical corrections to the application. The application will not be deemed to be properly completed until all information and documents specified in the relevant laws and other regulatory legal acts of the Party are received;

vii. at the written request of the applicant who was denied the application, the licensing authority that refused to accept the application informed the applicant in writing of the reasons for such a refusal. However, this provision should not be construed as requiring the licensing authority to disclose information the disclosure of which interferes with the enforcement of the law or is otherwise contrary to the public interest or essential security interests;

viii. in the event that the application was denied, the applicant could submit a new application, in which he could try to eliminate any existing problems for issuing a license (permit);

ix. the issued license was valid throughout the territory of the Party. Exceptions to the provisions of this clause may be specified in Appendix I to this Agreement.

## **Article 16.**

1. The Parties strive to unify their national legislation, taking into account international principles and standards and best international practices in the field of regulation of trade in services, as well as institutions and activities, with a view to completing the formation of a single market for services and capital.

2. To this end, the Parties shall negotiate at least twice a year to agree on:

priority areas of regulation and (or) sectors of the economy from the point of view of the need to unify legislation;

plan and timetable for unification.

3. The negotiations referred to in paragraph 2 of this article must be completed no later than 5 years from the date of entry into force of this Agreement.

4. The sector of financial and communication services cannot be a priori excluded from the scope of negotiations specified in paragraph 2 of this article.

5. The mechanism for unification of the rules for carrying out activities in the financial services sector by persons of the Parties on the territory of any other Party is established by Appendix V to this Agreement.

## **Chapter VII. State Participation**

### **Article 17..**

Each Party shall provide, on its territory, with respect to participation in privatization to the persons of the other Party, a treatment no less "favorable" than the treatment accorded to its own persons.

### **Article 17bis.**

1. In the event that persons in the capital of which the state of this Party participates or that are controlled by the state of this Party remain in the territory of a Party, such Party shall ensure that the said persons:

a) carried out their activities on the basis of commercial considerations and acted in relations governed by this Agreement:

i. on the basis of the principle of equality with other participants in these relations;

ii. on the basis of the principle of non-discrimination of other participants in these relations, depending on their citizenship, place of registration (institution), organizational and legal form or form of ownership, as well as

b) did not receive rights, privileges or obligations solely due to the participation of the state of this Party in their capital or control over them by the state of this Party,

except for the cases when the activities of such persons, in whose capital the state participates, or controlled by the state, is aimed at solving the problems of the social policy of the state of the given Party.

2. The provisions of paragraph 1 of this article also apply to enterprises that are endowed formally or in fact with exclusive rights or special privileges, with the exception of enterprises endowed with the rights and (or) privileges included on the basis of subparagraphs "b" and "c" of paragraph 1 of article 4 and subparagraph "i" of paragraph 1 of Article 10 of this Agreement to the individual national lists of the Parties specified in Annex IV to this Agreement, and the enterprises maintained in accordance with paragraph 1 of Article 6 of this Agreement.

3. Each of the Parties shall ensure that all state bodies of this Party at any level of state power of the state of this Party or its local self-government bodies are independent, uncontrolled and not accountable to any person carrying out economic activities in the economic sector, the regulation of which is within the competence of the relevant body ... The measures of this Party, including the decisions of the body specified in this paragraph, the rules and procedures established and applied by it, must be impartial and objective in relation to all persons carrying out economic activity.

## **Chapter VIII. General Provisions General Provisions**

### **Article 18..**

1. Nothing in this Agreement shall prevent any Party from taking or applying the following measures, including hidden restrictions, provided that such measures will not be applied in a manner that creates means of arbitrary or unjustified discrimination between persons of the Parties in relation to trade in services, institutions and (or) activities, namely:

a) necessary for the protection of public morality or the maintenance of public order. Exceptions for reasons of public order can only be applied when there is a real and sufficiently serious threat to one of the fundamental interests of society;

b) necessary to protect the life or health of people, animals or plants;

c) necessary to comply with laws or regulations that are consistent with the provisions of this Agreement, including those related to:

(i) preventing misleading and bad practices or the consequences of non-compliance with civil contracts;

(ii) protecting against interference with the privacy of individuals when processing and distributing personal information and protecting the confidentiality of personal information and accounts;

d) incompatible with paragraph 1 of Article 3, paragraph 1 of Article 9 of this Agreement in terms of granting national treatment, provided that the difference in the actual regime provided is dictated by the desire to ensure fair or effective taxation or collection of taxes from the persons of the other Party in relation to the institution, activity and trade in services;

e) incompatible with paragraph 2 of Article 3, paragraph 2 of Article 9 of this Agreement, provided that the difference in respect of the regime is the result of an agreement on taxation issues, including an agreement for the avoidance of double taxation, to which the relevant Party is a party.

2. Each of the Parties does not use the mitigation of the requirements provided for by its regulatory legal acts and related to the protection of life and health, the environment, safety, as well as labor standards, as a mechanism to attract persons from other Parties, as well as persons from third countries for establishment on its territory ...

### **Article 19.**

Nothing in this Agreement shall be construed as an obstacle for any Party to take any action it deems necessary to protect its vital interests in the field of national defense or state security.

### **Article 20.**



1. If one of the Parties maintains restrictions or prohibitions in relation to a third country in relation to the establishment, activity or trade in services, nothing in this Agreement shall be construed as obliging such Party to extend to the persons of the other Party the provisions of this Agreement, if such a person is owned or controlled by a person of the specified third state, and the dissemination of the provisions of this Agreement will circumvent or violate the above prohibitions and restrictions.

2. A Party may not extend its obligations assumed by it in accordance with this Agreement to persons of the other Party in relation to the establishment, activity or trade in services, if such person of the other Party does not have significant business operations in the territory of such other Party and it is owned or controlled by a person the first Party or a person of a third state that is not a Party to this Agreement.

## **Article 21.**

1. Each Party lifts the existing and does not introduce new restrictions on transfers and payments in connection with the establishment and activities, as well as the trade in services, in respect of which the Party has assumed obligations in accordance with Articles 3 and 9 of this Agreement, respectively, with the exception of cases provided for in Article 22 of this Agreement.

2. Nothing in this Agreement shall affect the rights and obligations of any Party arising from its membership in the International Monetary Fund, including the rights and obligations regarding measures to regulate foreign exchange transactions, provided that such measures of the Party comply with the Articles of Agreement of the International Monetary Fund of July 22 1944 , and (or) provided that the Party does not establish restrictions on transfers of payments that are incompatible with its obligations under this Agreement relating to such transactions, except for the cases specified in Article 22 of this Agreement, or cases of application of restrictions at the request of the International Monetary fund.

## **Article 22.**

1. In the event of a deterioration in the state of the balance of payments, a significant reduction in gold and foreign exchange reserves, sharp fluctuations in the exchange rate of the national currency or a threat of this, a Party may impose restrictions on transfers of payments specified in paragraph 1 of Article 21 of this Agreement.

2. The restrictions specified in paragraph 1 of this article:

a) must not create discrimination between the Parties;

b) must comply with the Articles of Agreement of the International Monetary Fund of July 22, 1944 ; c) must not cause undue damage to the commercial, economic and financial interests of any other Party;

d) must not be more burdensome than is necessary to overcome the circumstances specified in paragraph | of this article;

e) must be temporary and gradually removed as the circumstances specified in paragraph 1 of this article disappear.

3. In determining the scope of such restrictions, the Parties may give preference to deliveries of goods or services that are more important to their economic or development programs. However, such restrictions are not established or maintained in order to protect a particular sector of the economy.

4. Any restrictions established or retained by a Party in accordance with paragraph 1 of this article, or any changes to them, are subject to immediate notification to other Parties.

## **Chapter IX. Final Provisions**

### **Article 23.**

If separate agreements of the Common Economic Space of the Republic of Belarus, the Republic of Kazakhstan and the Russian Federation establish other measures in trade in services than those determined by the individual national lists for each of the Parties in Appendices II-IV to this Agreement, then the provisions of such separate agreements.

### **Article 24.**

Disputes between the Parties related to the interpretation and (or) application of this Agreement shall be resolved through consultations and negotiations.

If the dispute is not settled by the Parties within six months from the date of receipt of a formal written request for consultations and negotiations sent by one party to the dispute to the other party to the dispute, either party to the dispute may refer it for consideration to the Court of the Eurasian Economic Community.

## **Article 25..**

Annexes I - V are its integral part to this Agreement.

## **Article 26.**

This Agreement is open for accession by any of the member states of the Customs Union on the basis of the conditions agreed upon during the negotiations of the acceding state with the states of the Parties for which this Agreement has entered into force.

## **Article 27..**

Changes and additions may be made to this Agreement by mutual consent of the Parties.

## **Article 28..**

1. This Agreement shall enter into force from the date of receipt by the depositary of the last written notification of the completion by the signatory Parties of the internal state procedures necessary for its entry into force.
2. The depositary of this Agreement is the Integration Committee of the Eurasian Economic Community.

Done in Moscow on December 9, 2010 in one original copy in Russian. The original copy of this Agreement is kept in the archives of the depositary, which will send each Party a certified copy.

For the Government of the Republic of Belarus

For the Government of the Republic of Kazakhstan

For the Government of the Russian Federation

## **Appendix I. Market of communication services**

### **Scope of application**

This annex applies to measures of the Parties governing the conduct of telecommunication activities.

This annex does not apply to measures regulating the services for the distribution of broadcast television channels and / or radio channels within a Party, but applies to measures regulating the interaction of telecommunication operators of the Parties in the process of broadcasting television and / or radio signals.

This annex does not apply to postal activities.

Nothing in this annex shall be construed as requiring any Party (or requiring a Party to oblige service providers under its jurisdiction) to establish specific requirements for telecommunication networks that do not have a connection to the public telecommunication network.

### **Definitions**

1. Basic concepts used in this Appendix:

- Telecommunication services - activities related to the reception, processing, storage and transmission and delivery of telecommunication messages;
- Universal telecommunication services - telecommunication services, the provision of which to any user of

telecommunication services throughout the territory of a Party with an established quality and at an affordable price is mandatory for operators of universal service of this Party;

- Public telecommunication network - a technological system, which includes means and communication lines, intended for the provision of paid telecommunication services to any user of communication services in the territory of a Party in accordance with the national legislation of the Parties;

- Radio channel - an electronic mass media, which is a set of radio programs and (or) other sound messages and materials, phonograms, formed in accordance with the broadcasting schedule for subsequent distribution;

- Television channel - an electronic mass media, which is a collection of television programs and (or) other audiovisual messages and materials formed in accordance with the broadcasting schedule for subsequent distribution.

### **Availability of information**

2. When applying Article 5 of the Agreement on Trade in Services (hereinafter referred to as the Agreement), each Party shall ensure that information on the conditions of access to public telecommunication networks and telecommunication services is publicly available, including the conditions for the provision of services, including tariffs (prices); specifications of technical connections to such networks; information on the authorities responsible for the preparation and adoption of standards affecting such access and use; conditions regarding interconnection of terminal equipment or other equipment, and requirements for notification, registration or licensing, if any.

### **Licensing**

3. Activities for the provision of telecommunication services are carried out on the basis of licenses issued in the manner prescribed by the legislation of the Parties by the authorized bodies of the states of the Parties within the territories specified in them, the established period and using the numbering assigned to each telecommunication operator in the manner prescribed by the legislation of the Parties.

When carrying out activities for the provision of telecommunication services using the radio frequency spectrum, in addition to the license for implementation, it is also necessary to obtain a permit to use the radio frequency spectrum.

The assignment (assignment) of specific frequencies is carried out in the manner prescribed by the legislation of the Parties.

Payments related to the use of the radio frequency spectrum are charged in the manner and amount established by the legislation of the Parties.

Access to public telecommunication networks in services provided by telecommunication operators

4. The Parties shall take all necessary measures, including legal and administrative at the level of national legislation, to ensure non-discriminatory access to telecommunication networks and services.

5. The connection of a telecommunication operator to the public telecommunication network, regardless of its position on the telecommunication services market, shall be carried out by the Parties on the basis of national legislation, subject to technical feasibility, on conditions no less favorable than those provided for other telecommunication operators of the Parties operating in comparable conditions.

### **Tariffs for telecommunication services**

6. The parties have the right to introduce and apply state regulation of tariffs for certain types of telecommunication services. The formation of tariffs for telecommunication services should be based on the requirements of the national legislation of the Party. The Parties guarantee to the persons of any of the Parties to this Agreement staying in the territory of one of the Parties, the provision of telecommunication services at the tariffs of the host country.

7. With respect to those types of telecommunication services, the tariffs for which are not subject to state regulation, the Parties shall ensure the existence and effective application of competition legislation that prevents distortion of the conditions of competition between the communication service providers of the Parties.

### **Traffic skipping**

8. The parties should strive to establish a uniform approach to the pricing of traffic transmission services.

9. The Parties shall take all necessary measures to ensure that the telecommunication operators of the Parties provide unimpeded traffic, including transit, on the basis of inter-operator agreements, taking into account the technical capabilities of the networks.

### Anti-competitive cross-subsidization

10. The Parties shall ensure that they refuse to subsidize local and long-distance telecommunication services by terminating an international call on their territory.

The parties will come to the implementation of the paragraph from January 1, 2013.

### Regulation of a limited state resource

11. The distribution and use of the resources of the radio frequency spectrum, as well as the numbering resource, are carried out in accordance with the national legislation of the Parties.

### One-stop services

12. The Parties guarantee the provision of universal telecommunication services on the territory of their state on the basis of uniform principles and rules stipulated by the recommendations of international organizations in this area. Each Party has the right to determine its own universal service obligations. These obligations will not be considered anti-competitive, provided that they are carried out in an open, non-discriminatory and competitive manner and are not more onerous than is necessary for the type of universal service defined by that Party.

### Independence of the regulatory body

13. Regulatory bodies of the Parties are independent from telecommunication operators and are not accountable to them. The decisions of such bodies must be impartial in relation to all market participants.

## Appendix II. Exceptions to the obligations of the parties (on the provision of mfn) under paragraph 2 of article 9 of the agreement on trade in services and investments in the member states of the common economic space

### Republic of Belarus

Sector / Sub-sector	Description of the measure inconsistent with the obligations of article 9, paragraph 2	Base	Validity
Audiovisual service	Measures contained in existing or future agreements regarding: 1. production, distribution, demonstration, broadcasting or other similar forms of transmission of audiovisual works, television and radio programs; 2. production and distribution by broadcasting or other similar forms of transmission of audiovisual works, television and radio programs that meet the criteria of origin and other criteria established in the relevant agreements; 3. programs to support audiovisual works, television and radio programs for providers of audiovisual services, television and radio programs, subject to the criteria established by the relevant agreements.	All parties to current and future relevant agreements and all countries with which cultural cooperation would be desirable. European convention on coproduction of films and countries with which and/or may be concluded bilateral agreements on co-production. The Council of Europe Convention on Transfrontier Television, the European Convention on the CoProduction of Films or other European countries with which bilateral agreements may be concluded.	Undefined
Transport services			
Road			

transport International road transport of passengers and goods	Measures contained in current and future agreements on market access for road transport services, including tax incentives.	All parties to current and future agreements	Undefined
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### The Republic of Kazakhstan

Sector / Sub-sector	Description of the measure inconsistent with the obligations of article 9, paragraph 2	Base	Validity
Audiovisual services	Measures regarding broadcasting and other similar forms of transmission of audiovisual works, television and radio programs that meet the criteria of origin and other criteria established in the relevant agreements. Measures based on co- production agreements for audiovisual works by which national treatment is granted for audiovisual works covered by these agreements. Measures Granting Subsidies to Audiovisual Works and Audiovisual Service Providers Meeting the Criteria of Origin	All countries	Undefined
Transport service			
Sea transport	Cabotage is carried out by vessels flying the State flag of the Republic of Kazakhstan. Cabotage is carried out by ships flying the flag of a foreign state, on the basis of a permit issued by an authorized body in the manner established by the Government of the Republic of Kazakhstan.	All countries	Undefined
	Special sailing regime in the Caspian Sea.	Azerbaijan, Iran, Russia, Turkmenistan	Undefined
	Measures regarding the establishment and operation of shipping companies	Agreement on partnership and cooperation between the Republic of Kazakhstan, on the one hand, and the European Community and their member states, on the other. European Union countries. All parties to current and future agreements	Undefined
Inland waterway transport. a)	Measures that provide transport preferential	All parties to current	

passenger transportation b) freight transportation	treatment for transportation of passengers and goods in the reservoirs of the Irtysh and Ili rivers.	and future agreements	Undefined
Air Transport Services. Sales and Marketing	Measures applied on a reciprocal basis in relation to the establishment of a company and the opening of representative offices.	All parties to current and future air transport agreement	Undefined
Road transport (transportation of passengers and goods)	Provisions contained in existing or future agreements on international road transport (including combined rail / road transport) concluded between the Republic of Kazakhstan and third countries, which: keep or restrict the provision of transport services between the contracting parties or Russian Federation across the territory of the contracting parties for vehicles registered with each of the contracting parties; provide tax preferences for such vehicles	All parties to current and future agreements	Undefined

### Russian Federation

Sector / Sub-sector	Description of the measure inconsistent with the obligations of article 9, paragraph 2	Base	Validity
Audiovisual services	1. Measures regarding broadcasting and other similar forms of transmission of audiovisual works, television and radio programs that meet the criteria of origin and other criteria established in the relevant agreements.	The Council of Europe Convention on Transfrontier Television or other countries with which bilateral agreements may be concluded.	Undefined
	2. Measures based on coproduction agreements by which national treatment is granted for audiovisual works covered by these agreements, including with respect to subsidies for production and distribution	European convention on coproduction of films and countries with which and / or may be concluded bilateral agreements on co-production.	Undefined
	3. Measures to guarantee the benefits of participation in support programs for audiovisual works, including television and radio programs, and to the providers of such works, subject to certain criteria of origin.	The Council of Europe Convention on Transfrontier Television, the European Convention on the CoProduction of Films or other European countries with which bilateral agreements may be concluded.	Undefined
Transport service			

Sea transport	In cases and subject to the procedures established by the Government of the Russian Federation, cabotage transportation and coastal towing may be carried out by foreign vessels.	All countries	Undefined
	Measures regarding the access of ships flying the Polish flag to the Russian part of the Kaliningrad Gulf and the Baltic Sea Canal.	Poland	Undefined
	Measures Permitting Bilateral Agreements Regarding Cargo Division.	Algeria, Brazil, Ghana, Malaysia, Mexico, Pakistan, Syria, Tunisia, Sri Lanka, Ethiopia.	Undefined
	Measures against maritime transport operators, such as priority rights under Production Sharing Agreements.	Parties to the Agreement on Partnership and Cooperation between the Russian Federation and the European Communities and their Member States dated June 24, 1994 , with subsequent amendments; Norway.	Undefined
	Special sailing regime in the Caspian Sea.	Azerbaijan, Iran, Kazakhstan, Turkmenistan.	Undefined
Sea transport	In cases and subject to the procedures established by the Government of the Russian Federation, cabotage transportation and coastal towing may be carried out by foreign vessels.	All countries	Undefined
	Measures regarding the access of ships flying the Polish flag to the Russian part of the Kaliningrad Gulf and the Baltic Sea Canal.	Poland	Undefined
	Measures Permitting Bilateral Agreements Regarding Cargo Division	Algeria, Brazil, Ghana, Malaysia, Mexico, Pakistan, Syria, Tunisia, Sri Lanka, Ethiopia.	Undefined
	Measures against maritime transport operators, such as priority rights under Production Sharing Agreements	Parties to the Agreement on Partnership and Cooperation between the Russian Federation and the European Communities and their Member States dated June 24,1994 , with subsequent amendments; Norway.	Undefined

	Special sailing regime in the Caspian Sea.	Azerbaijan, Iran, Kazakhstan, Turkmenistan.	Undefined
Inland waterway transport: A) passenger transportation; B) freight transportation	Measures contained in current and future agreements on access to inland waterways that provide preferential treatment for unimpeded navigation (trade rights) and establishment of access to ports and services in ports, payment of ship and other dues.	All parties to current and future agreements	Undefined
Road transport. International road transport of passengers and goods	Measures contained in current and future agreements on market access for road transport services, including tax incentives.	All parties to current and future agreements	Undefined

**Appendix III. List of sectors in which the parties grant national treatment in accordance with article 9 and undertake obligations in accordance with articles 10 (on the non-application of quantitative restrictions) and 10 bis of the agreement**

List of sectors in which the parties grant national treatment in accordance with Article 9 and undertake obligations in accordance with Articles 10 (on the non-application of quantitative restrictions) and 10 bis of the Agreement on Trade in Services and Investments in the States Parties to the Common Economic Space.

**Republic of Belarus**

1	2	3	4	6
Sector / Sub-sector	Restriction type	Limitation description	The basis for applying the restriction is a regulatory legal act	Limitation period
All sectors included in this list	Limitation under article 9	Foreign ownership of agricultural land and land in border areas is prohibited and may be limited for other types of land. Land lease is allowed for a period of up to 49 years		Undefined
		Legal entities of the Republic of Belarus have a pre-emptive right to participate in the implementation of		



All sectors included in this list	Limitation under article 9	the Production Sharing Agreement as contractors, suppliers, carriers or in any other capacity under agreements (contracts) with investors.		Undefined
PROFESSIONAL SERVICES for:				
Legal services (except for notaries and patent attorneys): Legal assistance is permitted only under private international law, public international law and the law of the state in the jurisdiction of which the service provider's personnel are qualified.	No restrictions			
Auditing services	Limitation under article 9	Special rules may be established for conducting statutory audits of individual organizations		Undefined
Accounting services	No restrictions			
Tax services	No limit			
Architectural services urban planning and landscape design	No restrictions			
Engineering services including comprehensive restrictions engineering services	No restrictions			
Services in the field of medicine and dentistry	No restrictions			
Computer and related services	No restrictions			
Research and development in social sciences and humanities in relation to: - cultural studies, sociology and psychologists; - economy; - rights; - other social and humanitarian sciences	No restrictions			
Services related to real estate, with the exception of agricultural land	No restrictions			

Rental and leasing services without operators	No restrictions			
OTHER BUSINESS- RELATED SERVICES in relation to:				
Advertising services	No restrictions			
Market research services	No restrictions			
Management Consulting Services	No restrictions			
Services related to consulting activities in the field of management, with the exception of labor arbitration	No restrictions			
Agricultural advisory services	No restrictions			
Services related to the supply of fishing equipment, construction, repair and maintenance of fishing vessels, consulting services in the field of fishing.	No restrictions			
Consulting services in the scientific and technical field in relation to geological, geophysical and other types of scientific research, excluding field work.	No restrictions			
Equipment repair and maintenance services	No restrictions			
Cleaning services	No restrictions			
Photography services, except for specialized photography services (persons, objects or landscapes using special equipment and methods), as well as other photography services	No restrictions			
Packaging services, excluding the spill of alcoholic beverages	No restrictions			
Services related to printing and publishing	No restrictions			

Services directly related to the organization and conduct of negotiations, meetings and conferences	No restrictions			
Interpretation and translation services	No restrictions			
Duplication services	No restrictions			
Specialized Design Services	No restrictions			
COMMUNICATION SERVICES in relation to:				
Courier services - only in part - forwarding (1) addressed parcels and parcels (including books and catalogs); - forwarding of (2) addressed printed materials (magazines, newspapers, periodicals); - services for expedited delivery of (3); addressed letters, addressed parcels, parcels and addressed printed products.	No restrictions			

(1) Shipment includes collection, sorting, transport and delivery.

(2) Shipment includes collection, sorting, transport and delivery.

(3) Express (expedited) delivery services, in addition to substantially higher rates for the delivery of letter post (i.e. letters and postcards) and faster and more reliable delivery, may include other value-adding elements such as acceptance of the shipment directly from the place of dispatch, personal delivery to the addressee, tracking (monitoring) of movement, the possibility of changing the destination and addressee in the process of delivery, confirmation of receipt of the shipment. Substantially higher rates for letter post-delivery are rates that are more than 5 times the base rate of the state rate for letter post-delivery of a national postal operator in the first weight of the most urgent delivery category.

Telecommunication services in relation to: Local telephone communication services, excluding local telephone communication services using payphones and public access facilities. Long-distance and international telephone communication services. Intrazone telephone communication services. Local telephone communication services using payphones. Local telephone communication services using public access facilities. Telegraph services. Communication services of a personal radio call. Services of mobile		No, except for the following: Obligations are not accepted in relation to radio communications		
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<p>radio communication in the public communication network. Mobile radio communication services in a dedicated communication network. Mobile radiotelephone communication services. Mobile satellite radio communication services. Communication services for the provision of communication channels. Communication services for data transmission, except for communication services for data transmission for the purpose of transmitting voice information. Communication services for data transmission for the purpose of transmitting voice information. Telematic communication services. Communication services for cable broadcasting purposes. Communication services for broadcasting purposes. Communication services for the purpose of wire radio broadcasting.</p>	<p>Limitation under article 9</p>	<p>services, including satellite communications, with the exception of fixed satellite communications services provided by foreign satellite communications operators to any legal entity of the Republic of Belarus licensed to provide telecommunications services</p>	<p>Undefined</p>
<p>CONSTRUCTION SERVICES</p>	<p>No restrictions</p>		
<p>DISTRIBUTION SERVICES, except for the sale of weapons and weapons systems, military equipment and military materials, explosives, equipment and devices for explosives and pyrotechnic products, scrap and waste of precious metals, precious metals and stones, narcotic drugs and psychotropic substances.</p>	<p>Limitation under article 9</p>	<p>The state monopoly on the production and (or) circulation of ethyl alcohol, alcoholic and alcohol-containing products on the territory of the Republic of Belarus may be introduced by federal law.</p>	
	<p>Limitation under article 9</p>	<p>Foreign individuals and / or legal entities, if they are not members of exchanges, can participate in exchange trading only through exchange brokers.</p>	
<p>EDUCATIONAL SERVICES, only for private educational institutions</p>	<p>No restrictions</p>		
<p>SERVICES RELATED TO ENVIRONMENTAL PROTECTION, excluding radioactive waste / pollution management</p>	<p>No restrictions</p>		

FINANCIAL SERVICES in relation to:				
Insurance of risks associated with international: - sea transportation; - commercial air transportation; - commercial space launches; - insurance that covers in whole or in part: i) international carriage of natural persons; ii) the international transport of export / import goods and vehicles carrying them, including the liability arising therefrom; iii) the carriage of goods by international transport; iv) liability for crossborder movement of individual vehicles only after joining the international system of contracts and insurance certificates - Green Card.	No restrictions			
Reinsurance and retrocession	No restrictions			
Services of insurance agents and insurance brokers	Limitation under article 9	Insurance intermediation associated with the conclusion and distribution of insurance contracts on behalf of foreign insurers in the territory of the Republic of Belarus is not allowed (except for the sectors listed in paragraph 1 of the subsection financial services of this application)		
Ancillary insurance services such as advisory, actuarial, risk assessment and claims settlement services	No restrictions			
HEALTH AND SOCIAL CARE SERVICES	No restrictions			
TOURISM AND TRAVEL-RELATED SERVICES	Limitation under Articles 9 and 10	Only a citizen of the Republic of Belarus can be a guide		Undefined
SERVICES FOR ORGANIZATION OF LEISURE, CULTURAL AND SPORTING EVENTS in relation to: - Entertainment services - Information agency services	No restrictions			
TRANSPORTATION SERVICES in				

relation to:				
Services in the field of maritime transport. International transport, except for: 1) domestic cabotage of passengers and cargo and 2) cabotage of passengers and cargo between a port located in the Republic of Belarus and facilities or structures located on the continental shelf of the Republic of Belarus	Not restricted under Article 9	The preferential right to participate in the work under the production sharing agreement as carriers belongs to Belarusian legal entities		Undefined
Services of sea freight	No restrictions			
Marine agency services	No restrictions			
Ancillary services for inland waterway transport (in terms of sanitation)	No restrictions (subject to technical availability)			
Air transport services in relation to:				
Repair and maintenance of aircraft	No restrictions			
Sales and marketing of air transport services.Computer backup systems	No restrictions			
Ancillary services for road transport only in relation to bus stations and "other ancillary services for road transport"	No restrictions (subject to technical availability)			

Note: Within 1 year from the date of entry into force of this Agreement, the Parties will consult on the regulatory conditions for the provision of aviation services and services of road freight transport.

### The Republic of Kazakhstan

Sector / Sub-sector	Restriction type	Limitation description	The basis for applying the restriction is a regulatory legal act	Limitation period
All sectors included in this List	Limitation under Article 9	Land plots intended for commercial agricultural production and afforestation cannot be privately owned by foreign persons. The right of temporary paid land use for running a peasant or farm enterprise and commercial agricultural production is granted to foreign persons for up to 10 years.	Land Code of the Republic of Kazakhstan	Undefined

All sectors included in this List	Limitation under Article 10	When carrying out subsoil use operations in the Republic of Kazakhstan, the subsoil user, as well as his contractors, are obliged to purchase goods, works and services (4) from Kazakhstani producers, provided they comply with the requirements of the project document and the legislation of the Republic of Kazakhstan on technical regulation. The organizer of the tender for the purchase of goods, works and services, when determining the winner of the tender, conditionally reduces the price of the tender application of the participants in the tender of Kazakhstani manufacturers by twenty percent.	Law of the Republic of Kazakhstan "On Subsoil and Subsoil Use"	Undefined
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(4) The share of goods, works and services purchased from Kazakhstani producers is determined in subsoil use contracts.

PROFESSIONAL SERVICES for:				
Legal services (advice, representation and participation in arbitration and conciliation proceedings), according to the legislation in the jurisdiction of which the service provider received the qualifications of a lawyer and under international law, except for notary services and services related to criminal law	No restrictions			
Auditing services	Limitation under article 9	A contract with a legal entity of the Republic of Kazakhstan, which is an audit organization, is required to sign an audit report.	Law of the Republic of Kazakhstan "On audit activity"	Undefined
Accounting services	No restrictions			
Tax-related services	No restrictions			
Architectural services; urban planning and landscape design	No restrictions			
Engineering services including comprehensive engineering services	No restrictions			

Veterinary services	No restrictions			
Computer and related services	No restrictions			
Research and development services in social sciences and humanities	No restrictions			
Services for the lease of own or leased property or real estate services, except for services related to agricultural land plots	No restrictions			
Rental and leasing services without operators	No restrictions			
OTHER BUSINESS- RELATED SERVICES in relation to:				
Advertising services	No restrictions			
Market research services	No restrictions			
Management Consulting Services	No restrictions			
Services related to management consulting (excluding labor arbitration services)	No restrictions			
Services related to forestry and hunting only in relation to the development of sport hunting	No restrictions			
Fishing related services only related to: - the development of sport fishing; - technology for reproduction and fish breeding; - fish processing; - formation of fishing crews; - the cultivation of shellfish.	No restrictions			
Services related to the mining industry	No restrictions			
Services related to the manufacturing industry, only in the area of consulting services	No restrictions			
Consulting services in scientific and technical fields (geology, geophysics), excluding cartography	No restrictions			



Services for the repair and maintenance of equipment, except for the repair and maintenance of ships, aircraft and other transport equipment	No restrictions			
Cleaning services	No restrictions			
Photography services, except for specialized photography services (persons, objects or landscapes using special equipment and methods), as well as other photography services	No restrictions			
Packaging services, excluding the packaging of alcoholic beverages	No restrictions			
Services related to printing and publishing	No restrictions			
Services directly related to the organization and conduct of negotiations, meetings and conferences	No restrictions			
Interpretation and translation services	No restrictions			
Duplication services	No restrictions			
Specialized Design Services	No restrictions			
Services for ladies and men hairdressing and cosmetic treatment, manicure and pedicure	No restrictions			
Communication services in relation to: Courier services - only in part: Delivery of addressed parcels and parcels (including books and catalogs); Delivery of addressed printed materials (magazines, newspapers, periodicals); Express delivery services (5) for addressed letters, parcels and parcels and addressed printed matter	No restrictions			

(5) Express delivery services, in addition to higher rates for the delivery of letter post (i.e. letters, postcards) as well as high speed and reliability, may include other added value elements such as collection from place of origin, personal delivery to the addressee, tracking, the possibility of changing the destination and addressee during the delivery period, confirmation of receipt. Higher rates for letter post delivery are those that are 5 times higher than the national postal operator's basic rates for letter post delivery in the first weight of the fastest standard category).

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<p>Telecommunication services in relation to: Local telephone communication services, excluding local telephone communication services using payphones and public access facilities. Long-distance and international telephone communication services. Intrazone telephone communication services. Local telephone communication services using payphones. Local telephone communication services using public access facilities. Telegraph services. Communication services of a personal radio call. Services of mobile radio - communication in the public communication network. Mobile radio communication services in a dedicated communication network. Mobile radiotelephone communication services. Mobile satellite radio communication services. Communication services for the provision of communication channels. Communication services for data transmission, except for communication services for data transmission for the purpose of transmitting voice information. Communication services for data transmission for the</p>	<p>Limitation under article 9</p>	<p>No, with the exception of the following: obligations are not accepted in relation to radio communication services, including satellite communication, with the exception of fixed satellite communication services provided by foreign satellite communication operators to any legal entity of the Republic of Kazakhstan licensed to provide telecommunication services</p>		<p>Undefined</p>
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<p>purpose of transmitting voice information.</p> <p>Telematic communication services.</p> <p>Communication services for cable broadcasting purposes.</p> <p>Communication services for broadcasting purposes.</p> <p>Communication services for the purpose of wire radio broadcasting.</p>				
Construction services	No restrictions			
<p>Distribution services, except for the trade in weapons and weapons systems, military equipment and military materials, explosive materials, equipment in devices for explosives and pyrotechnic products, scrap and waste, precious metals, caviar and sturgeon fish, narcotic drugs and psychotropic substances, ethyl alcohol, measuring devices used in the field of state control and regulation</p>	No restrictions			
<p>EDUCATIONAL SERVICES for private educational institutions only</p>	No restrictions			
<p>SERVICES RELATED TO ENVIRONMENTAL PROTECTION excluding radioactive waste / pollution management</p>	No restrictions			
<p>FINANCIAL SERVICES in relation to:</p>				
		<p>There are no restrictions, with the exception of: Insurance of the</p>		

<p>Insurance of risks associated with international: - sea transportation; - commercial air transportation; - commercial space launches; - insurance that covers in whole or in part: i) international carriage of individuals; ii) the international transport of export / import goods and vehicles carrying them, including the liability arising therefrom;iii) the carriage of goods by international transport;iv) liability for cross- border movement of individual vehicles only after joining the international system of contracts and insurance certificates - Green Card.</p>	<p>Limitation under article 9</p>	<p>property interests of a legal entity or its separate subdivisions located in the territory of the Republic of Kazakhstan and the property interests of an individual who is a resident of the Republic of Kazakhstan can be carried out only by an insurance organization that is a resident of the Republic of Kazakhstan. - It is forbidden to make payments and money transfers related to the payment of insurance premiums (contributions) in favor of non-residents of the Republic of Kazakhstan, from individuals and legal entities - residents of the Republic of Kazakhstan. - Compulsory insurance contracts must be on their own with the insurers of residents of the Republic of Kazakhstan.</p>	<p>Law of the Republic of Kazakhstan dated December 18, 2000 N 126-II "On insurance activities"</p>	<p>Undefined</p>
		<p>The total amount of insurance premiums accrued to reinsurance organizations - nonresidents of the Republic of Kazakhstan under valid reinsurance contracts, net of commissions accrued to the reinsurer</p>	<p>Resolution of the Board of the Agency of the Republic of Kazakhstan on Regulation and Supervision of the Financial Market and</p>	

<p>Reinsurance and retrocession</p>	<p>Limitation under article 10</p>	<p>(assignor) received from them, does not exceed 60 (sixty) percent (from the moment of accession to the WTO - 85%) of the total amount of insurance premiums accrued to be received under existing insurance (reinsurance) contracts. Compulsory insurance contracts must be on their own with the insurers or transferred for reinsurance to reinsurers residents of the Republic of Kazakhstan</p>	<p>Financial Organizations dated August 22, 2008 N 131 "On approval of the instruction on standard values and methods for calculating prudential standards of an insurance (reinsurance) company, forms and deadlines for submitting reports on implementation prudential standards "</p>	<p>Undefined</p>
<p>Services of insurance agents and insurance brokers</p>	<p>Limitation under article 9</p>	<p>There are no restrictions, with the exception of: Intermediary activity on the conclusion of an insurance contract on behalf of an insurance organization - a nonresident of the Republic of Kazakhstan, with the exception of a civil liability insurance contract for owners of vehicles traveling outside the Republic of Kazakhstan, in the territory of the Republic of Kazakhstan is not allowed if international agreements, ratified by the Republic of Kazakhstan, otherwise is not provided.</p>	<p>Law of the Republic of Kazakhstan dated December 18, 2000 N 126-II "On insurance activities"</p>	<p>Undefined</p>

Ancillary services such as advisory, actuarial, risk assessment and claims settlement services	No restrictions			
Tourist services	Limitation under articles 9 and 10	There are no restrictions, with the exception of: Only a citizen of the Republic of Kazakhstan can be a guide (guide-translator), tourism instructor, guide.	Law of the Republic of Kazakhstan "On tourist activities"	Undefined
SERVICES FOR ORGANIZING LEISURE, CULTURAL AND SPORTING EVENTS:				
Organization of entertainment, including the organization of performances, music shows and circuses	No restrictions			
News agency services	No restrictions			
TRANSPORTATION SERVICES				
International sea transportation, except for: 1) domestic cabotage of passengers and cargo; and 2) cabotage of passengers and cargo between a port located in the Republic of Kazakhstan and structures or structures located on the continental shelf of the Republic of Kazakhstan	No restrictions			
Inland waterway transport. Ship repair and maintenance	No restrictions (subject to technical availability)			

Air transport: Aircraft maintenance and repair services; Sales and marketing services; Computer backup systems services	No restrictions			
Railway transport services in terms of maintenance restrictions and repair of railway equipment	No restrictions (subject to technical availability)			
Maintenance and repair of equipment for road transport	No restrictions			
Ancillary services for road transport only in relation to bus stations and "other ancillary technical services for road transport"	No restrictions (subject to technical availability)			

Note: Within 1 year from the date of entry into force of this Agreement, the Parties will consult on the regulatory conditions for the provision of aviation services and services of road freight transport.

#### Russian Federation

1	2	3	4	5
Sector / Sub-sector	Restriction type	Limitation description	The basis for the type application of the restriction is a regulatory legal act	Limitation period
All sectors included in this list	Limitation under article 9	Foreign ownership of agricultural land and land in border areas is prohibited and may be limited for other types of land. Land lease is allowed for a period of up to 49 years	Land Code of the Russian Federation of October 25, 2001 N 136-FZ, Federal Law of July 24, 2002 N 101-FZ "On the turnover of agricultural land" .	Undefined
		Operations with lands of traditional residence and economic activity of indigenous peoples and small ethnic groups, as well as land	Land Code of the Russian Federation of October 25, 2001 N 136-FZ Federal	

All sectors included in this list	Limitation under article 9	plots located in border territories and other specially established territories of the Russian Federation may be limited or prohibited in accordance with the regulatory legal acts of the Russian Federation.	legislation on the State Border of the Russian Federation (in particular, Federal Law of April 1, 1993 N 4730-1 "On the State Border of the Russian Federation )	Undefined
All sectors included in this list	Limitation under article 9	Legal entities of the Russian Federation have a pre-emptive right to participate in the implementation of the Agreement as contractors, suppliers, carriers or in any other capacity under agreements (contracts) with investors.	Federal Law of December 30, 1995, N 225-FZ "On Production Sharing Agreements" .	Undefined
PROFESSIONAL SERVICES for:				
Legal services (except for notaries and patent attorneys): Legal assistance is permitted only under private international law, public international law and the law of the state in the jurisdiction of which the service provider's personnel are qualified.	No restrictions			
Auditing services	Limitation under article 9	Special rules may be established for conducting statutory audits of individual organizations	Federal Law "On Auditing" dated December 20, 2008 * N 307-F3	Undefined
Accounting services	No restrictions			
Tax services	No limit			
Architectural services; urban planning and landscape design	No restrictions			
Engineering services including comprehensive engineering services	No restrictions			



Services in the field of medicine and dentistry	No restrictions			
Computer and related services	No restrictions			
Research and development in the field of social and humanitarian sciences in relation to: - cultural studies, sociology and psychologists; - economy; - rights; - other social and humanitarian sciences	No restrictions			
Services related to real estate, with the exception of agricultural land	No restrictions			
Rental and leasing services without operator	No restrictions			
OTHER BUSINESS-RELATED SERVICES in relation to:				
Advertising services	No restrictions			
Market research services	No restrictions			
Management Consulting Services	No restrictions			
Services related to consulting activities in the field of management, with the exception of labor arbitration	No restrictions			
Agricultural advisory services	No restrictions			
Services related to the supply of fishing equipment, construction, repair and maintenance of fishing vessels, consulting services in the field of fishing.	No restrictions			
Consulting services in the				

scientific and technical field in relation to geological, geophysical and other types of scientific research, excluding field-work	No restrictions			
Equipment repair and maintenance services	No restrictions			
Cleaning services	No restrictions			
Photography services, except for specialized photography services (persons, objects or landscapes using special equipment and methods), as well as other photography services	No restrictions			
Packaging services, excluding the packaging of alcoholic beverages	No restrictions			
Services related to printing and publishing	No restrictions			
Services directly related to the organization and conduct of negotiations, meetings and conferences	No restrictions			
Interpretation and translation services	No restrictions			
Duplication services	No restrictions			
Specialized Design Services	No restrictions			
COMMUNICATION SERVICES in relation to:				
Courier services - only in part - forwarding (6) — addressed parcels and parcels (including books and catalogs); - forwarding of (7) addressed printed materials (magazines, newspapers, periodicals); - services for expedited delivery of (8) addressed	No restrictions			

letters, addressed parcels, parcels and addressed printed products.				
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(6) Shipment includes collection, sorting, transport and delivery.

(7) Shipment includes collection, sorting, transport and delivery.

(8) Express (expedited) delivery services, in addition to substantially higher rates for the delivery of letter post (i.e. letters and postcards) and faster and more reliable delivery, may include other value-adding elements such as acceptance of the shipment directly from the place of dispatch, personal delivery to the addressee, tracking (monitoring) of movement, the possibility of changing the destination and addressee in the process of delivery, confirmation of receipt of the shipment. Substantially higher rates for letter post delivery are rates that are more than 5 times the base rate of the state rate for letter post delivery of a national postal operator in the first weight of the most urgent delivery category.

<p>Telecommunication services in relation to: Local telephone communication services, excluding local telephone communication services using payphones and public access facilities. Long-distance and international telephone communication services. Intrazone telephone communication services. Local telephone communication services using payphones. Local telephone communication services using public access facilities. Telegraph services. Communication services of a personal radio call. Services of mobile radio communication in the public communication network. Mobile radio communication services in a</p>		<p>No, except for the following: Obligations are not accepted in relation to radio communication services, including satellite communication,</p>	<p>Decree of the Government of the Russian Federation of February 1, 2000 N 88 "On the approval of the state policy in the field of distribution, use and protection of the orbital frequency resource</p>	
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<p>dedicated communication network. Mobile radiotelephone communication services. Mobile satellite radio communication services. Communication services for the provision of communication channels. Communication services for data transmission, except for communication services for data transmission for the purpose of transmitting voice information. Communication services for data transmission for the purpose of transmitting voice information. Telematic communication services. Communication services for cable broadcasting purposes. Communication services for the purpose of broadcasting. Communication services for the purpose of wire radio broadcasting.</p>	<p>Limitation under article 9</p>	<p>with the exception of fixed satellite communication services rendered by foreign satellite communication operators to any legal entity of the Russian Federation that has a license to provide telecommunication services</p>	<p>of the Russian Federation and the provision on state regulation of the admission and use of foreign satellite communication systems and broadcasting in the information (telecommunication ) space of the Russian Federation "</p>	<p>Undefined</p>
<p>CONSTRUCTION SERVICES</p>	<p>No restrictions</p>			
<p>DISTRIBUTION SERVICES, except for the sale of weapons and weapons systems, military equipment and military materials, explosive materials,</p>	<p>Limitation under</p>	<p>The state monopoly on the production and (or) circulation of ethyl alcohol, alcoholic and</p>	<p>Federal Law of November 22, 1995 N 171-FZ "On state regulation of the production and</p>	

equipment for explosive devices and pyrotechnic products, scrap and waste of precious metals, precious metals and stones, narcotic drugs and psychotropic substances	article 9	alcohol-containing products on the territory of the Russian Federation may be introduced by federal law.	circulation of ethyl alcohol and alcoholic beverages"	
	Limitation under article 9	Foreign individuals and / or legal entities, if they are not members of exchanges, can participate in exchange trading only through exchange brokers.	Law of the Russian Federation of February 20, 1992 N 2383-1 "On commodity exchanges and exchange trade"	
EDUCATIONAL SERVICES, only for private educational institutions	No restrictions			
SERVICES RELATED TO ENVIRONMENTAL PROTECTION, excluding radioactive waste / pollution management	No restrictions			
Insurance of risks associated with international: - sea transportation; - commercial air transportation; - commercial space launches; - insurance that covers in whole or in part: i) international carriage of natural persons; ii) the international transport of export / import goods and vehicles carrying them, including the liability arising therefrom; iii) the carriage of goods by international	No restrictions			

transport; iv) liability for crossborder movement of individual vehicles only after joining the international system of contracts and insurance certificates - Green Card.				
Reinsurance and retrocession	No restrictions			
Services of insurance agents and insurance broker	Limitations under article 9	Insurance intermediation associated with the conclusion and distribution of insurance contracts on behalf of foreign insurers on the territory of the Russian Federation is not permitted (except for the sectors listed in clause 1 of subsection financial services of this application)	Law of the Russian Federation of November 27, 1992 N 4015-1 "On the organization of insurance business in the Russian Federation"	
Ancillary insurance services such as advisory, actuarial, risk assessment and claims settlement services	No restrictions			
HEALTH AND SOCIAL CARE SERVICES	No restrictions			
TOURISM AND TRAVEL-RELATED SERVICES	Limitation under articles 9 and 10	Only a citizen of the Russian Federation can be a guide	Federal Law N 132-F3 of November 24, 1996 "On the Basics of Tourist Activity"	Undefined
SERVICES FOR THE ORGANIZATION OF LEISURE, CULTURAL AND SPORTING ACTIVITIES in relation to: Entertainment	No restrictions			

services News agency services				
TRANSPORTATION SERVICES in relation to:				
Services in the field of maritime transport. International transport, except for: 3) domestic cabotage of passengers and cargo and 4) cabotage of passengers and cargo between a port located in the Russian Federation and structures or structures located on the continental shelf of the Russian Federation	Limitation under article 9	The preferential right to participate in the work under the Production Sharing Agreement as carriers belongs to Russian legal entities	Federal Law of December 30, 1995, N225-FZ "On Production Sharing Agreements"	Undefined
Services of sea freight forwarding agencies	No restrictions			
Marine agency services	No restrictions			
Ancillary services for inland waterway transport (in terms of sanitation)	No restrictions (subject to technical availability)			
Air transport services in relation to:				
Repair and maintenance of aircraft	No restrictions			
Sales and marketing of air transport services. Computer reservation systems				
Maintenance and repair of				

equipment for road transport	No restrictions			
Ancillary services for road transport only in relation to bus stations and "other ancillary services for road transport"	No restrictions (subject to technical availability)			

Note: Within 1 year from the date of entry into force of this Agreement, the Parties will consult on the regulatory conditions for the provision of aviation services and services of road freight transport.

\* Probably a mistake in the original. It should read "December 30, 2008". -

**Appendix IV. The list of restrictions retained by the parties in relation to the establishment, activities (reservations under article 3, restrictions under articles 4 and 5 of the agreement on trade in services and investment in the member states of the common economic space**

**Republic of Belarus**

1	2	3	4	5
N	Restriction type	Limitation description	The basis for applying the restriction is a regulatory legal act	Limitation period
1	Limitation under paragraph 1 of Article 3 (in relation to activities)	The conditions and procedure for access, including restrictions on such access, to subsidies and other measures of state support are established by the state authorities of the Republic of Belarus	Budget Code of the Republic of Belarus, Tax Code of the Republic of Belarus, Decree of the President of the Republic of Belarus of March 28, 2006 N 182 "On improving legal regulation of the procedure for providing state support to legal entities and individual entrepreneurs"	Undefined
			Articles 25, 27 of the Law of the Republic of Belarus "On	



2	Limitation on paragraph 1 of Article 3 (in relation to establishment) and paragraph 2 of Article 4	A citizen of the Republic of Belarus can be a private notary in the Republic of Belarus.	Notaries and Notarial Activities" Articles 24, 33, 40 of the Law of the Republic of Belarus "On Civil Service in the Republic of Belarus" Clauses 435, 437 of the Regulation on licensing certain types of activities, approved by Decree of the President of the Republic of Belarus of September 1, 2010 N 450 "On licensing certain types of activities" Articles 27, 32 of the Law of the Republic of Belarus "On Notaries and Notarial Activities" articles 24, 33, 40 of the Law of the Republic of Belarus "On public service in the Republic of Belarus"	Undefined
3	Limitation on paragraph 1 of Article 3 (in relation to establishment) and paragraph 2 of Article 4	A citizen of the Republic of Belarus can be registered as a patent attorney.		Undefined
		If the size (quota) of the participation of foreign capital in the authorized capitals of insurance companies exceeds 30 percent, the Ministry of Finance of the Republic of Belarus stops issuing licenses to carry out insurance activities to insurance organizations that are subsidiaries of foreign investors (main organizations) or have a share of foreign		

4

Limitation on paragraph 1 of Article 3 (in relation to establishment) and paragraph 2 of Article 4

investors in their authorized capital of more than 49 percent. An insurance organization must obtain prior permission from the Ministry of Finance of the Republic of Belarus to increase the size of its authorized capital at the expense of foreign investors and / or their subsidiaries, to alienate in favor of a foreign investor (including for sale to foreign investors) of its shares (stakes in the authorized capital) , and Belarusian shareholders (participants) - for the alienation of their shares (stakes in the authorized capital) of the insurance organization in favor of foreign investors and / or their subsidiaries. The said preliminary permission cannot be refused to insurance organizations that are subsidiaries of foreign investors (main organizations), or have a share of foreign investors in their authorized capital of more than 49 percent, or becoming such as a result of these transactions, if the size (quota) established by this clause is not exceeded during their execution. Payment by foreign investors for their shares (stakes in authorized capital) - insurance organizations is made exclusively in cash in the currency of the Republic of Belarus. Insurance organizations that are subsidiaries in relation to foreign investors (main organizations) or have a share of foreign investors in their authorized capital of more than 49 percent can create separate subdivisions on the territory of the Republic of Belarus, as well as be founders (participants) of other insurance organizations after receiving then the preliminary permission of the Ministry of Finance of the Republic of Belarus. The specified preliminary permission is refused if the size (quota) of participation of foreign capital in insurance organizations of the Republic of Belarus is exceeded. An insurance organization that is a subsidiary of a foreign investor (parent organization) has the right to carry out insurance activities in the Republic of Belarus if the foreign investor (parent organization) has been an insurance organization operating in accordance with the legislation of the relevant state for at least 15 years, and has been participating in the activities of insurance organizations established on the territory of the Republic of Belarus for at least two years. Insurance organizations that are subsidiaries of foreign investors (main organizations) or have a share of foreign investors in their authorized capital of more than 49 percent cannot carry out life insurance, compulsory insurance, including compulsory state insurance, property insurance, in the Republic of Belarus,

Decree of the President of the Republic of Belarus of August 25, 2006 N 530 "On insurance activities"

Undefined

		connected with the implementation of supplies or the performance of contract work for state needs, as well as insurance of property interests of the Republic of Belarus and its administrative-territorial units.		
5	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	Belarusian legal entities, in the authorized (joint-stock) capital of which the share of foreign persons (or their aggregate share) is more than 50 percent, can own agricultural land plots exclusively on the basis of the right of lease. The lease term cannot exceed 49 years.		Undefined
6	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	The list of organizations entitled to carry out refining of precious metals, as well as the procedure for their work, is established by regulatory legal acts of the Republic of Belarus.		Undefined
7	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation) and paragraph 1 of Article 4	A citizen of the Republic of Belarus may be a lawyer of the Republic of Belarus.	Article 7 of the Law of the Republic of Belarus "On the Bar"	Undefined
8	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	Only legal entities and individuals of the Republic of Belarus can carry out private detective and security activities in the Republic of Belarus.		Undefined
9	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation) and Article 4	Restrictions apply to an establishment by a person of either Party on the territory of the Republic of Belarus for carrying out activities and operations in the field of nuclear energy and radioactive waste management.		Undefined
10	Limitation under paragraph 1 of Article 4	Cadastral activities on the territory of the Republic of Belarus may be carried out exclusively by persons of the Republic of Belarus.		Undefined
	Limitation			

11	under paragraph 1 of Article 3 (with respect to establishment and operation) and Article 4	Only Belarusian persons can be insurance agents, insurance brokers.		Undefined
12	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	The creation of credit institutions with foreign investment requires the prior permission of the National Bank. The National Bank stops issuing licenses for banking operations to banks with foreign investments, upon reaching the quota established by the legislation of the Republic of Belarus. The National Bank is entitled to take any measures to comply with this restriction. When considering the issue of issuing a permit, the level of use of the quota for the participation of foreign capital in the banking system of the Republic of Belarus, as well as the financial position and business reputation of the non-resident founders are taken into account.		Undefined
13	Limitation on paragraph 1 of Article 3 (in relation to the establishment) and Article 4.	Transportation and towing in traffic between the seaports of the Republic of Belarus (cabotage) are carried out by ships flying the State flag of the Republic of Belarus, with the exception of ships registered in the Belarusian International Register of Ships and owned by legal entities of the Republic of Belarus, the share of foreign participation in the capital of which does not exceed forty nine percent. Foreign citizens cannot hold the position of captain, chief mate, chief engineer and radio specialist of a ship sailing under the State flag of the Republic of Belarus, only citizens of the Republic of Belarus can be pilots.		Undefined
14	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	Restrictions may be imposed on activities within the continental shelf of the Republic of Belarus.		Undefined
15	Limitation under paragraph 1 of Article 3 (in relation to activities)	The priority in providing the animal world for use in a specific territory or water area is given to the citizens of the Republic of Belarus.		Undefined
		1. A foreign citizen cannot be a founder (co-founder) of a media outlet. 2. A foreign legal		

16	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	entity, a Belarusian legal entity, in the authorized capital of which the share of foreign investments is 50 percent or more, is not entitled to act as founders of television and video programs. 3. A foreign citizen, a foreign legal entity, a Belarusian legal entity, in the authorized capital of which the share of foreign investments is 50 percent or more, may not establish legal entities that are entrusted with the functions of TV program editorial offices that carry out television broadcasting, covering the territory in which half of and more than half of the population of the Republic of Belarus.4. Alienation of shares (stakes) by the founder of a television and video program, including after its state registration, by a legal entity entrusted with the functions of editing a television program, carrying out television broadcasting, covering the territory in which half and more than half of the population of the Republic of Belarus live, entailing the appearance in their authorized capital of a share (contribution) of foreign investments, amounting to 50 percent or more, is not allowed.		Undefined
17	Limitation under paragraph 1 of Article 4	With regard to audit services: A commercial organization can be created in any organizational and legal form, with the exception of an open joint stock company, state or municipal unitary enterprise.		Undefined
18	Limitation on Article 3, paragraph 1 and Article 4, paragraph 1	A license to carry out activities in the field of financial services in the Republic of Belarus is issued to legal entities of the Republic of Belarus created in the organizational and legal form established by the legislation of the Republic of Belarus.		Undefined
19	Limitation under paragraph 3 of Article 4	With regard to credit institutions with foreign investments: If a person performing the functions of the sole executive body of a Belarusian credit institution is a foreign citizen or a stateless person, the collegial executive body of such a credit institution must be formed from citizens of the Republic of Belarus by at least fifty percent. The number of employees - citizens of the Republic of Belarus must be at least seventy-five percent of the total number of employees of a Belarusian credit institution with foreign investment.		Undefined
20	Limitation under paragraph 3 of Article 4	The heads (including the sole executive body) and the chief accountant of the subject of the Belarusian insurance business - a legal entity must permanently reside in the territory of		Undefined

		the Republic of Belarus		
21	Limitation under article 3 (in relation to establishment and activity), under article 4	<p>1. The participation of foreign capital in an aviation organization engaged in the development, production, testing, repair and (or) disposal of aviation equipment is allowed provided that the participation of foreign capital is less than twenty- five percent of the charter capital of the aviation organization, or by decision President of the Republic of Belarus. The head and members of the management bodies of such an organization may only be citizens of the Republic of Belarus, unless otherwise determined by a decision of the President of the Republic of Belarus. 2. Creation on the territory of the Republic of Belarus of an aviation enterprise with the participation of foreign capital is allowed under the conditions if the share of participation of foreign capital does not exceed 49 percent of the authorized capital of the aviation enterprise, its head is a citizen of the Republic of Belarus and the number of foreign citizens in the governing body of the aviation enterprise does not exceed one third the composition of the governing body. Foreign aviation enterprises can open their representative offices on the territory of the Republic of Belarus in accordance with the legislation of the Republic of Belarus and (or) international treaties of the Republic of Belarus.</p>		Undefined
22	Limitation under paragraph 1 of Article 4	Agreements related to the implementation of activities in the field of housing and communal services, water use and water supply are concluded with a legal entity. The number of contracts may be limited according to local needs.		Undefined
23	Limitation under paragraph 1 of Article 4	The right to appoint an exclusive concessionaire is reserved. Certain rights and obligations of the grantor may be exercised by the authorized grantor.		Undefined
24	Limitation under paragraph 1 of Article 4	Activities for which a license is required may be carried out only by legal entities of the Republic of Belarus or individual entrepreneurs registered in the prescribed manner in the Republic of Belarus. The types of activities subject to licensing are determined in accordance with the legislation of the Republic of Belarus.		Undefined
		Activities related to the circulation of narcotic drugs and psychotropic substances in terms of the cultivation of plants used for the		

25	Limitation under paragraph 1 of Article 4	production of narcotic drugs and psychotropic substances, processing, production, distribution and destruction of narcotic drugs and psychotropic substances may be carried out only by state unitary enterprises.		Undefined
26	Limitation under paragraph 1 of Article 4	Activities related to the employment of citizens of the Republic of Belarus outside the Republic of Belarus cannot be carried out by an individual entrepreneur of the Republic of Belarus.		Undefined
27	Limitation under Article 3 paragraph 1 and Article 4	Space activities can only be carried out by legal and entities of the Republic of Belarus.		Undefined
28	Limitation under Article 4	The share of each founder or member of the exchange in its authorized capital may not exceed ten percent.		Undefined
29	Limitation under Paragraph 1 of Article 4	Activities in the field of education are carried out by legal entities of the Republic of Belarus, which are a non-profit organization.		Undefined

### The Republic of Kazakhstan

1	2	3	4	5
N	Restriction type	Limitation description	The basis for applying the restriction is a regulatory legal act	Limitation period
1	Limitation under paragraph 1 of Article 3 (in relation to activities)	Budget subsidies and other measures of state support are provided to individuals and legal entities of the Republic of Kazakhstan in the manner established by the Government of the Republic of Kazakhstan.	Budget Code of the Republic of Kazakhstan	Undefined
2	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	It is prohibited: 1. management or operation of trunk communication lines by foreign persons. 2. foreigners and foreign legal entities directly and (or) indirectly own, use, dispose and (or) manage in aggregate more than 49 percent of voting shares, as well as shares, shares of a legal entity operating in the field of telecommunications as an operator of long-distance and (or) international	Law of the Republic of Kazakhstan "On National Security"	The measure is preserved and applied until January 1, 2017, with the exception of Kazakhtelecom JSC and its possible

		communication, owning terrestrial (cable, including fiber-optic, radio relay) communication lines.		successors 64/102
3	Limitation on paragraph 1 of Article 3 (in relation to activities) and paragraph 1 of Article 4	Foreign individuals and legal entities are prohibited from directly and (or) indirectly owning, using, disposing of and (or) managing more than 20 percent of a package of shares (stakes, shares) of a legal entity - a media representative in the Republic of Kazakhstan or carrying out activities in this area.	Law of the Republic of Kazakhstan "On National Security"	Undefined
4	Limitation under paragraph 1 of Article 3 (in relation to activities)	The state body has the right to refuse to issue a permit to the applicant to conclude transactions on the use of strategic resources of the Republic of Kazakhstan, if this may entail the concentration of rights among One person or group of persons from one country. Compliance with this condition is also mandatory in relation to transactions with affiliated persons.	Law of the Republic of Kazakhstan "On National Security"	Undefined
5	Limitation under paragraph 1 of Article 3	Subsoil use contracts between the Government of the Republic of Kazakhstan and the subsoil user concluded prior to the date of entry into force of the Agreement.	Law of the Republic of Kazakhstan "On Subsoil and Subsoil Use"	Undefined
6	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	Land plots intended for commercial agricultural production and afforestation cannot be privately owned by foreign persons. The right of temporary paid land use for running a peasant or farm enterprise and commercial agricultural production is granted to foreign persons for up to 10 years.	Land Code of the Republic of Kazakhstan	Undefined
7	Limitation under paragraph 1 of Article 3 (in relation to activities)	Without prejudice to other Agreements entered into by the Parties under the CU and the CES, the import and export of ethyl alcohol and alcoholic beverages to the territory (from the territory) of the Republic of Kazakhstan may be carried out only by legal entities - residents of the Republic of Kazakhstan.	Clause 1-2 Article 10 Law of the Republic of Kazakhstan "On state regulation of production and circulation of ethyl alcohol and alcoholic beverages"	Undefined
	Limitation on paragraph 1 of Article 3 (in	Foreigners cannot hold the positions of ship captain, chief mate and chief	Law of the Republic of Kazakhstan "On Inland Water	



8	relation to activities) and paragraph 2 of Article 4	engineer. Only citizens of the Republic of Kazakhstan can be admitted to work as sea pilots.	Transport" Law of the Republic of Kazakhstan "On Merchant Shipping"	Undefined
9	Limitation under paragraph 1 of Article 4	Activities in the field of education are carried out by educational institutions that are legal entities of the Republic of Kazakhstan.	Law of the Republic of Kazakhstan "On Education"	Undefined
10	Limitation under paragraph 1 of Article 4	Foreign organizations carry out activities to organize the construction of residential buildings by attracting money from equity holders only through the establishment of a legal entity on the territory of the Republic of Kazakhstan.	Law of the Republic of Kazakhstan "On Shared Participation in Housing Construction"	Undefined
11	Limitation under paragraph 1 of Article 4	Agreements related to the implementation of activities in the field of housing and communal services, water use and water supply are concluded with a legal entity. The number of contracts may be limited according to local needs.	Law of the RK "On Housing Relations"	Undefined
12	Limitation under paragraph 1 of Article 4	The right to appoint an exclusive concessionaire is reserved. Certain rights and obligations of the grantor may be exercised by the authorized grantor.	Law of the RK "On Concessions"	Undefined
13	Limitation on article 3, paragraph 1 (establishment and operation) and article 4	Restrictions apply to the establishment by a person of any Party on the territory of the Republic of Kazakhstan for the implementation of activities and operations in the field of nuclear energy and radioactive waste management.	Law of the Republic of Kazakhstan "On the Use of Atomic Energy"	Undefined
14	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	Restrictions may be imposed on activities within the continental shelf of the Republic of Kazakhstan.	Law of the Republic of Kazakhstan "On Subsoil and Subsoil Use"	Undefined
15	Limitation under paragraph 1 of Article 4	The share of founders or members of the exchange in its authorized capital may be limited.	Law of the Republic of Kazakhstan "On the Securities Market"	Undefined
			Law of the	

16	Limitation under paragraph 1 of Article 4	Activities related to the circulation of narcotic drugs and psychotropic substances in terms of the cultivation of plants used for the production of narcotic drugs and psychotropic substances, processing, production, distribution and destruction of narcotic drugs and psychotropic substances may be carried out only by state- owned enterprises.	Republic of Kazakhstan dated July 10, 1998 N 279-1 On narcotic drugs, psychotropic substances, precursors and measures to counter their illicit trafficking and abuse	Undefined
17	Limitation under paragraph 1 of Article 4	Activities for which a license is required may be carried out only by legal entities or individual entrepreneurs of the Republic of Kazakhstan. The types of activities subject to licensing in the Republic of Kazakhstan are determined in accordance with the legislation.	Law of the Republic of Kazakhstan "On licensing"	Undefined
18	Limitation under paragraph 1 of Article 3 (in relation to activities)	Only a citizen of the Republic of Kazakhstan can be the head of the aviation security service of an airport, an airline performing regular air transportation.	Law of the Republic of Kazakhstan "On the use of airspace and aviation activities"	Undefined
19	Limitation under paragraph 1 of Article 4	Only a citizen of the Republic of Kazakhstan can be the responsible person for the aviation security of an operator performing non- scheduled air transportation and aviation work.	Law of the Republic of Kazakhstan "On the use of airspace and aviation activities"	Undefined
20	Limitation under paragraph 1 of Article 4	Airlines operating scheduled air services are created in the form of a joint stock company. The share of participation of foreigners and (or) foreign legal entities in the charter capital of the airline must not exceed forty-nine percent.	Law of the Republic of Kazakhstan "On the use of airspace and aviation activities"	Undefined
21	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	An individual entrepreneur can only be a citizen of the Republic of Kazakhstan or an oralman (1) carrying out individual entrepreneurship without forming a legal entity.	Law of the Republic of Kazakhstan "On Private Entrepreneurship"	Undefined
22	Limitation under paragraph 1 of Article 3 (in	(2) Only a citizen of the Republic of Kazakhstan can be a lawyer and a	Law of the Republic of Kazakhstan "On	Undefined

	respect of an institution)	lawyer trainee.	advocacy"	
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(1) Oralman are foreigners or stateless persons of Kazakh nationality who permanently resided outside its borders at the time of the acquisition of sovereignty by the Republic of Kazakhstan and who arrived in Kazakhstan for the purpose of permanent residence.

(2) The status of a lawyer is required only for the conduct of criminal cases.

23	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	Only a citizen of the Republic of Kazakhstan can be a notary and notary's assistant.	Law of the Republic of Kazakhstan "On Notaries"	Undefined
24	Limitation under paragraph 1 of Article 3 (in respect of an institution)	The activity of managing the property and affairs of insolvent debtors in bankruptcy procedures can be carried out only by citizens of the Republic of Kazakhstan.	Licensing rules and qualification requirements for property management and insolvent debtor cases in bankruptcy proceedings. Approved by the decree of the Government of the Republic of Kazakhstan N 615 dated 20.07.2007	Undefined
25	Limitation under paragraph 1 of Article 3 (in relation to activities)	The position of a forensic expert in the forensic examination bodies may be held by a citizen of the Republic of Kazakhstan.	Law of the Republic of Kazakhstan "On forensic expert activity in the Republic of Kazakhstan"	Undefined
26	Limitation under paragraph 1 of Article 3 (in respect of an institution)	Only a citizen of the Republic of Kazakhstan can be a patent attorney	Patent Law of the Republic of Kazakhstan	Undefined
27	Limitation under paragraph 1 of Article 4	The audit organization is created in the legal form of a limited liability partnership.	Law of the Republic of Kazakhstan "On audit activity"	Undefined

28	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	Legal entities with foreign participation and foreigners are not entitled to: 1) carry out all types of security activities; 2) establish or be founders (participants) of private security organizations; 3) have a private security organization in trust; 4) create security units of individual entrepreneurs and legal entities.	Law of the Republic of Kazakhstan "On security activities"	Undefined
29	Limitation on paragraph 1 of Article 3 (in relation to activities) and paragraph 2 of Article 4	Only a citizen of the Republic of Kazakhstan can be a guide (guide translator), tourism instructor, tour guide	Law of the Republic of Kazakhstan "On tourist activities in the Republic of Kazakhstan"	Undefined
30	Limitation on article 3, paragraph 1 (with respect to establishment and operation) and article 4, paragraph 2	The chief editor of a mass media can only be a citizen of the Republic of Kazakhstan.	Law of the Republic of Kazakhstan "On Mass Media"	Undefined
31	Limitation under paragraph 1 of Article 4	Banks are created in the form of joint stock companies.	Law of the Republic of Kazakhstan "On banks and banking activities"	Undefined
32	Limitation under paragraph 1 of Article 3 (in respect of an institution)	The opening of branches of non-resident banks in the Republic of Kazakhstan is prohibited.	Law of the Republic of Kazakhstan "On banks and banking activities in the Republic of Kazakhstan"	Undefined
33	Limitation under paragraph 1 of Article 4	The representative office of a non-resident bank of the Republic of Kazakhstan within thirty working days from the date of registration with the justice authorities must notify the authorized body of the opening in writing.	Law of the Republic of Kazakhstan "On banks and banking activities in the Republic of Kazakhstan"	Undefined
34	Limitation under paragraph 1 of Article 4	An insurance (reinsurance) company must be incorporated in the form of a joint stock company.	Law of the Republic of Kazakhstan "On insurance activities"	Undefined

35	Limitation under paragraph 1 of Article 4	The representative office of an insurance (reinsurance) company - a non-resident of the Republic of Kazakhstan, within thirty working days from the date of registration with the justice authorities, must notify the authorized body of the opening in writing.	Law of the Republic of Kazakhstan "On insurance activities"	Undefined
36	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	The opening of branches of non-resident insurance organizations in the Republic of Kazakhstan is prohibited.	Law of the Republic of Kazakhstan "On insurance activities"	Undefined
37	Limitation under paragraph 1 of Article 4	The organizational and legal form of an insurance broker is a limited liability partnership or a joint stock company.	Law of the Republic of Kazakhstan "On insurance activities"	Undefined
38	Limitation under paragraph 1 of Article 4	The accumulative pension fund is created in the form of a joint stock company.	Law of the Republic of Kazakhstan "On Pension Provision"	Undefined
39	Limitation under paragraph 1 of Article 4	The organization carrying out investment management of pension assets of accumulative pension funds must be established in the form of a joint stock company and be a professional participant in the securities market.	Law of the Republic of Kazakhstan "On Pension Provision"	Undefined
40	Limitation under paragraph 1 of Article 3 (in respect of an institution)	The opening of branches and representative offices of non-resident pension savings funds of the Republic of Kazakhstan in the Republic of Kazakhstan is prohibited.	Law of the Republic of Kazakhstan "On Pension Provision in the Republic of Kazakhstan"	Undefined
41	Limitation under paragraph 1 of Article 4	The total equity capital of open accumulative pension funds with foreign participation may not exceed twenty-five percent of the total declared authorized capital of all open accumulative pension funds of the Republic of Kazakhstan.	Law of the Republic of Kazakhstan "On Pension Provision in the Republic of Kazakhstan"	Undefined
		At least one third of the members of the board of directors and the management board of an open accumulative pension fund with the participation of a nonresident of the Republic of Kazakhstan must be	Law of the	

42	Limitation under paragraph 1 of Article 4	citizens of the Republic of Kazakhstan. Nonresidents of the Republic of Kazakhstan - members of the board of directors and the board of directors of an open accumulative pension fund are obliged to submit documents confirming at least three years of managerial experience in organizations operating in the financial market.	Republic of Kazakhstan "On Pension Provision in the Republic of Kazakhstan"	Undefined
43	Limitation under paragraph 1 of Article 4	The total equity capital of organizations that carry out investment management of pension assets with foreign participation may not exceed fifty percent of the total equity capital of all organizations that carry out investment management of pension assets of the Republic of Kazakhstan.	Law of the Republic of Kazakhstan "On Pension Provision in the Republic of Kazakhstan"	Undefined
44	Limitation under paragraph 2 of Article 4	At least one third of the members of the board of directors and the board of an organization carrying out investment management of pension assets, with the participation of a nonresident, must be citizens of the Republic of Kazakhstan. Nonresidents of the Republic of Kazakhstan - members of the board of directors and the board of an organization carrying out investment management of pension assets are required to submit documents confirming at least three years of managerial experience in organizations operating in the financial market.	Law of the Republic of Kazakhstan "On Pension Provision in the Republic of Kazakhstan"	Undefined
45	Limitation under paragraph 1 of Article 4	A bank holding company - a non-resident of the Republic of Kazakhstan, directly owning twenty-five or more percent of the bank's outstanding (minus the preferred and repurchased by the bank) shares of the bank or having the opportunity to vote directly twenty-five or more percent of the voting shares of the bank, can only be a financial institution.	Amendments to the Law of the Republic of Kazakhstan "On banks and banking activities in the Republic of Kazakhstan"	Undefined
46	Limitation under paragraph 1 of Article 4	The Central Securities Depository is the only organization on the territory of the Republic of Kazakhstan that carries out depository activities. The Central Securities Depository is created in the form of a joint stock company	Law of the Republic of Kazakhstan "On the Securities Market"	Undefined
47	Limitation under paragraph 1 of Article 4	Professional participant of the securities market - a legal entity operating in the organizational and legal form of a joint stock company ((except for a broker and (or) dealer without the right to maintain customer accounts, registrar, transfer agent)	Law of the Republic of Kazakhstan "On the Securities Market"	Undefined

48	Limitation under paragraph 1 of Article 4	A stock exchange is a legal entity created in the organizational and legal form of a joint stock company.	Law of the Republic of Kazakhstan "On the Securities Market"	Undefined
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### Russian Federation

1	2	3	4	5
N	Restriction type	Limitation description	The basis for applying the restriction is a regulatory legal act	Limitation period
1	Limitation under paragraph 1 of Article 3 (in relation to activities)	Conditions and procedure for access; including restrictions on such access, subsidies and other measures of state support are established by federal, regional and municipal authorities and are fully applied, despite the provisions of the Agreement.	The Budget Code of the Russian Federation , the Federal Law "On the Federal Budget" for the corresponding year, the corresponding regulatory legal acts of the constituent entities of the Russian Federation and municipalities.	Undefined
2	Limitation on paragraph 1 of Article 3 (in relation to establishment) and paragraph 2 of Article 4	Only citizens of the Russian Federation can be notaries, trainees and notary's assistants. A notary chamber, a notary office can be established only by a person of the Russian Federation.	Law of February 11, 1993 N 4462-1 "Fundamentals of the legislation of the Russian Federation on notaries"	Undefined
3	Limitation on paragraph 1 of Article 3 (in relation to establishment) and paragraph 2 of	A citizen of the Russian Federation may be registered as a patent attorney	Civil Code of the Russian Federation	Undefined

	Article 4			
4	<p>Limitation under Article 3 (with respect to establishment and operation) and paragraph 1 of Article 4</p>	<p>If the size (quota) of foreign capital participation in the authorized capital of insurance organizations exceeds 25 percent, the insurance supervisory authority stops issuing licenses to carry out insurance activities to insurance organizations that are subsidiaries in relation to foreign investors (main organizations) or have a share of foreign investors in its authorized capital is more than 49 percent. An insurance organization is obliged to obtain prior permission from the insurance supervisory authority to increase the size of its authorized capital at the expense of foreign investors and / or their subsidiaries, to alienate its shares (stakes in the authorized capital) in favor of a foreign investor (including for sale to foreign investors) , and Russian shareholders (participants) - to alienate their shares (stakes in the authorized capital) of the insurance company in favor of foreign investors and / or their subsidiaries. This preliminary permission cannot be denied to insurance organizations that are subsidiaries of foreign investors (main organizations), or have a share of foreign investors in their authorized capital of more than 49 percent, or become such as a result of these transactions, if the size (quota) established by this paragraph is not exceeded when they are committed. Payment by foreign investors for their shares (stakes in authorized capital) of insurance organizations is made exclusively in cash in the currency of the Russian Federation. Insurance organizations that are subsidiaries in relation to foreign investors (main organizations), or have a share of foreign investors in their authorized capital of more than 49 percent, except for organizations that are subsidiaries of foreign investors of the EU member states, or have a share of such foreign investors in their authorized capital of more than 49 percent, can open their branches in the Russian Federation, participate in subsidiary insurance organizations after obtaining prior permission from the insurance supervisory authority. This preliminary permit is refused if the amount (quota) of participation of foreign capital in insurance organizations of the Russian Federation is exceeded. An insurance organization that is a subsidiary of a foreign investor (main organization), except for organizations that are subsidiaries of foreign investors of the European Union member states, or having a share of such foreign investors in their authorized capital of more than 49 percent, has the right to exercise in</p>	<p>Federal Law of November 27, 1992 N 4015-1 "On the organization of insurance business in the Russian Federation"</p>	<p>Undefined</p>



		<p>Insurance activity of the Russian Federation, if the foreign investor (main organization) has been an insurance organization for at least 15 years, carrying out its activities in accordance with the legislation of the corresponding state, and for at least two years has been participating in the activities of insurance organizations established in the Russian Federation. Insurance organizations that are subsidiaries in relation to foreign investors (main organizations) or have a share of foreign investors in their authorized capital of more than 49 percent, except for organizations that are subsidiaries of foreign investors of the member states of the European Union, or have a share of such foreign investors in their authorized capital of more than 49 percent cannot carry out life insurance, compulsory insurance, compulsory state insurance, property insurance associated with the implementation of supplies or performance of contract work for state needs, as well as insurance of property interests of state and municipal organizations. Despite the provisions of this Agreement, insurance companies that received licenses to carry out insurance activities prior to Russia's accession to the WTO may continue to carry out these activities in accordance with the conditions under which the license was issued</p>		
5	<p>Limitation on paragraph 1 of Article 3 (with respect to establishment and operation), Article 5, paragraph 1 of Article 4</p>	<p>A transaction made by a person of any other Party and entailing the establishment of control over Russian business entities carrying out at least one of the types of activities that are of strategic importance for ensuring the country's defense and state security, requires permission from the authorized body of the Russian Federation in the manner determined by regulatory legal acts of the Russian Federation. Foreign states, international organizations, as well as persons under their control, including those created on the territory of the Russian Federation, are not entitled to conclude transactions entailing the establishment of control over Russian business entities carrying out at least one of the types of activities that are of strategic importance for national defense and state security. Foreign investors or a group of persons are obliged to submit to the authorized body information on the acquisition of five or more percent of shares (stakes) constituting the authorized capital of business entities that carry out at least one of the types of activities that are of strategic importance for ensuring the country's defense and state security.</p>	<p>Federal Law of April 29, 2008 N 57-FZ "On the Procedure for Making Foreign Investments in Business Companies of Strategic Importance for Ensuring the Defense of the Country and Security of the State" .</p>	<p>Undefined</p>

6	Limitation on article 3, paragraph 1 (establishment and operation) and article 4	The establishment by persons of any other Party of legal entities, the opening of branches and representative offices, registration as an individual entrepreneur in the territory of a closed administrative- territorial unit in the Russian Federation, the acquisition by persons of any other Party of a share in the capital of legal entities registered in the territory of a closed administrative- territorial unit, as well as the activities of legal entities registered on the territory of a closed administrative- territorial entity (including those with foreign capital), branches and representative offices may be limited or prohibited in accordance with the regulatory legal acts of the Russian Federation.	Federal Law of July 14, 1992 N 3297-1 "On a closed administrative- territorial entity"	Undefined
7	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	Operations with lands of traditional residence and economic activity of indigenous peoples and small ethnic groups, as well as land plots located in border territories and other specially established territories of the Russian Federation may be limited or prohibited in accordance with the regulatory legal acts of the Russian Federation.	Land Code of the Russian Federation of October 25, 2001 N 136-F3 , federal legislation on the State Border of the Russian Federation (in particular, Federal Law of April 1, 1993 N 4730-1 "On the State Border of the Russian Federation ).	Undefined
8	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	Russian legal entities, in the authorized (pooled) capital of which the share of foreign persons (or their aggregate share) is more than 50 percent, can own agricultural land plots exclusively on the basis of the right of lease. The lease term cannot exceed 49 years.	Land Code of the Russian Federation of October 25, 2001 N 136-F3 , Federal Law of July 24, 2002 N 101- FZ "On the turnover of agricultural land" .	Undefined
	Limitation under	The restrictions apply to the acquisition by persons of any other Party of more than 20 percent of the total number of ordinary shares of Russian owners of regional gas supply systems and owners of gas distribution systems. The total share of ordinary shares of the organization - the owner of the Unified Gas Supply System, owned by the Russian	Federal Law of March 31,	

9	paragraph 1 of Article 3 (with respect to establishment and operation)	Federation must be at least 50 percent plus one share. Subsoil plots of federal significance, determined by the Government of the Russian Federation, may be provided for use without holding tenders and auctions for exploration and production of gas or for geological exploration of subsoil, exploration and production of gas, carried out under a combined license, an organization - the owner of the Unified Gas Supply System or an organization - the owner of a regional gas supply system.	1999 N 69-FZ "On Gas Supply in the Russian Federation" .	Undefined
10	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	The Russian Federation, the constituent entities of the Russian Federation and organizations created without the participation (direct or indirect) of foreign persons, must own the majority of votes taken into account when making decisions by the governing bodies of organizations carrying out diamond mining activities in the Russian Federation.	Federal Law of March 26, 1998 N 41-FZ "On Precious Metals and Precious Stones"	Undefined
11	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	The list of organizations entitled to carry out refining of precious metals, as well as the procedure for their work, is established by regulatory legal acts of the Russian Federation.	Decree of the Government of the Russian Federation of August 17, 1998 N 972 "On Approval of the Procedure for the Operation of Organizations Performing the Refining of Precious Metals and the List of Organizations Having the Right to Refine Precious Metals"	Undefined
12	Limitation on paragraph 1 of Article 3 (with respect to establishment and operation) and paragraph 1 of Article 4	Lawyers can provide services only through law firms and offices, bar associations and legal advice. Lawyers of foreign states are not allowed to provide legal assistance on the territory of the Russian Federation on issues related to state secrets of the Russian Federation. Foreign citizens have the right to acquire the status of a lawyer in the Russian Federation, if, at the same time, they are not lawyers of other states.	Federal Law of May 31, 2002 N 63-FZ "On advocacy and the legal profession in the Russian Federation"	Undefined

13	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	Private detective and security activities in the Russian Federation can only be carried out by legal entities and individuals of the Russian Federation.	Law of the Russian Federation of March 11, 1992 N 2487-1 "On private detective and security activities in the Russian Federation"	Undefined
14	Limitation on article 3, paragraph 1 (establishment and operation) and article 4	Restrictions apply to an establishment by a person of either Party on the territory of the Russian Federation to carry out activities and operations in the field of nuclear energy and radioactive waste management.	Federal Law of February 5, 2007 N 13-FZ "On the peculiarities of management and disposal of property and shares of organization operating in the field of atomic energy use, and on amendments to certain legislative acts of the Russian Federation" , Federal Law of November 21, 1995 N 170-FZ "On the Use of Atomic Energy" , Federal Law of November 30, 1995 N 187-FZ "On the Continental Shelf of the Russian Federation"	Undefined
15	Limitation under paragraph 1 of Article 4	Cadastral activities on the territory of the Russian Federation may be carried out exclusively by persons of the Russian Federation.	Federal Law of July 24, 2007 N 221-FZ "On the State Real Estate Cadastre" .	Undefined
16	Limitation under article 3, paragraph 1 (with respect	Only Russian persons can act as insurance	Federal Law of November 27, 1992 N 4015-1 "On the organization of	Undefined

	to establishment) and article 4	agents, insurance brokers.	insurance business in the Russian Federation"	
17	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	The creation of credit institutions with foreign investment requires prior permission from the Bank of Russia. The Bank of Russia stops issuing banking licenses to banks with foreign investments when the quota established by the legislation of the Russian Federation is reached. The Bank of Russia has the right to take any measures to comply with this restriction. When considering the issue of issuing a permit, the level of use of the quota for the participation of foreign capital in the banking system of the Russian Federation, as well as the financial position and business reputation of the non-resident founders, are taken into account.	Law of the RSFSR of December 2, 1990 N 395-1 "On Banks and Banking Activities" , Federal Law of July 10, 2002 N 86-FZ "On the Central Bank of the Russian Federation (Bank of Russia)" , Regulation of the Bank of Russia of April 23, 1997 N 437 "On the peculiarities of registration of credit institutions with foreign investments . "	Undefined
18	Limitation under paragraph 1 of Article 4 (in relation to establishment and operation)	Without prejudice to other agreements of the Parties concluded within the CES, the exclusive right to export gas is granted to the organization - the owner of the Unified Gas Supply System or its subsidiary, in the authorized capital of which the organization - the owner of the Unified Gas Supply System is one hundred percent.	Federal Law of July 18, 2006 N 117-FZ "On Gas Export" .	Undefined
19	Limitation under article 3, paragraph 1 (with respect to establishment) and article 4	Transportation and towing in traffic between the seaports of the Russian Federation (cabotage) are carried out by ships flying the State flag of the Russian Federation, with the exception of ships registered in the Russian International Register of Ships and owned by legal entities of the Russian Federation, the share of foreign participation in the capital of which does not exceed forty nine percent. Foreign citizens cannot hold the position of captain, chief mate, chief engineer and radio specialist of a ship sailing under the State flag of the Russian Federation. Only citizens of the Russian Federation can be sea pilots.	Merchant Shipping Code of the Russian Federation of April 30, 1999 N 81-FZ	Undefined

20	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	Restrictions may be imposed on activities within the continental shelf of the Russian Federation.	Federal Law of November 30, 1995 N 187-FZ "On the continental shelf of the Russian Federation"	Undefined
21	Limitation under paragraph 1 of Article 3 (in relation to activities)	The priority in providing the animal world for use in a specific territory or water area is given to the citizens of the Russian Federation.	Federal Law of April 24, 1995 N 52-FZ "On the animal world" .	Undefined
22	Limitation under paragraph 1 of Article 3 (with respect to establishment and operation)	<p>1. A foreign citizen cannot be a founder (co-founder) of a media outlet. 2. A legal entity of any other Party, as well as a Russian legal entity with foreign participation, the share (contribution) of foreign participation in the authorized (joint) capital of which is 50 percent or more, shall not be entitled to act as founders of television and video programs. 3. A foreign citizen, a foreign legal entity, as well as a Russian legal entity with foreign participation, the share (contribution) of foreign participation in the authorized (pooled) capital of which is 50 percent or more, is not entitled to establish organizations (legal entities) that carry out television broadcasting, zone reliable reception of broadcasts which covers half and more than half of the constituent entities of the Russian Federation or the territory in which half and more than half of the population of the Russian Federation live. 4. Alienation of shares (stakes) by the founder of a television or video program, including after its registration, by an organization (legal entity) carrying out (carrying out) television broadcasting, the zone of reliable reception of broadcasts of which (which) covers half and more than half of the constituent entities of the Russian Federation or the territory, which is home to half and more than half of the population of the Russian Federation, entailing the appearance in their authorized (pooled) capital of a share (contribution) of foreign participation, amounting to 50 percent or more, is not allowed.</p>	Federal Law of December 27, 1991 N 2124-1 "On the Mass Media" .	Undefined
		With regard to the conclusion of production sharing agreements that were concluded prior to the date of entry into force of the Agreement: 1. The terms of the auction for the conclusion of the Production Sharing		

23	Limitation on paragraph 1 of article 3 (in relation to establishment and operation), article 5	<p>Agreement shall provide for the participation of Russian legal entities in the implementation of the agreements in shares determined by the Government of the Russian Federation. 2. The agreement provides for the investor's obligations to: - granting Russian legal entities a preemptive right to participate in work under the agreement as contractors, suppliers, carriers or in any other capacity on the basis of agreements (contracts) with investors; - attracting workers - citizens of the Russian Federation, the number of whom must be at least 80 percent of all involved workers, attracting foreign workers and specialists only at the initial stages of work by agreement or in the absence of workers and specialists - citizens of the Russian Federation of the relevant qualifications; - the acquisition of technological equipment, technical means and materials of Russian origin necessary for geological exploration, mining, transportation and processing of minerals in the amount of at least 70 percent of the total cost of purchased (including under lease, leasing and other reasons) in each calendar year for the performance of work under the agreement of equipment, technical means and materials, the acquisition and use costs of which are reimbursed to the investor with compensation products. At the same time, equipment, technical means and materials are considered to be of Russian origin, provided that they are manufactured by Russian legal entities and (or) citizens of the Russian Federation on the territory of the Russian Federation from units, parts, structures and components. The parties must stipulate in the agreement that at least 70 percent of the technological equipment in value terms for the extraction of minerals, their transportation and processing (if provided for by the agreement), acquired and (or) used by the investor to perform work under the agreement, must be of Russian origin. This provision does not apply to the use of trunk pipeline transport facilities, the construction and acquisition of which are not provided for by the agreement.</p>	Federal Law of December 30, 1995 N 225-FZ "On Production Sharing Agreements" .	Undefined
24	Limitation under paragraph 1 of Article 4	With regard to audit services: A commercial organization can be created in any organizational and legal form, with the exception of an open joint stock company, state or municipal unitary enterprise.	Federal Law of December 30, 2008 N 307-FZ "On Auditing"	Undefined
			Federal Law of December 1, 1990 * N 395-1	

25	Limitation on Article 3, paragraph 1 and Article 4, paragraph 1	A license to carry out activities in the field of financial services in the Russian Federation is issued to legal entities of the Russian Federation created in the organizational and legal form established by the legislation of the Russian Federation (3).	"On Banks and Banking Activities" ; Federal Law of April 22, 1996 N 39-FZ "On the Securities Market" ; Federal Law of November 27, 1992 N 4015-1 "On the organization of insurance business in the Russian Federation"	Undefined
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(3) Notwithstanding the provisions of Appendix V to this Agreement, the duration of this measure has not been specified.

\* Probably a mistake in the original. Should read: "December 2, 1990".

26	Limitation under paragraph 3 of Article 4	With regard to credit institutions with foreign investments: If the person performing the functions of the sole executive body of a Russian credit institution is a foreign citizen or a stateless person, the collegial executive body of such a credit institution must be at least fifty percent formed from citizens of the Russian Federation. The number of employees who are citizens of the Russian Federation must be at least seventy-five percent of the total number of employees of a Russian credit institution with foreign investment.	Order of the Central Bank of Russia dated April 23, 1997 N 02-195 "On the introduction of the Regulation" On the specifics of registration of credit institutions with foreign investments and on the procedure for obtaining preliminary permission from the Bank of Russia to increase the authorized capital of a registered credit institution at the expense of non-residents "	Undefined
27	Limitation under paragraph 3 of Article 4	The heads (including the sole executive body) and the chief accountant of a Russian insurance business subject - a legal entity must permanently reside in the Russian Federation		Undefined



28	Limitation under article 3 (in relation to establishment and activity), under article 4	<p>1. The participation of foreign capital in an aviation organization engaged in the development, production, testing, repair and (or) disposal of aviation equipment is allowed provided that the participation of foreign capital is less than twenty-five percent of the authorized capital of the aviation organization, or by decision of the President of the Russian Federation. The head and members of the management bodies of such an organization may only be citizens of the Russian Federation, unless otherwise determined by a decision of the President of the Russian Federation. 2. Establishment of an aviation enterprise with the participation of foreign capital on the territory of the Russian Federation is allowed provided that the participation of foreign capital does not exceed 49 percent of the authorized capital of the aviation enterprise, its head is a citizen of the Russian Federation and the number of foreign citizens in the governing body of the aviation enterprise does not exceed one third the composition of the governing body. Foreign aviation enterprises may open their representative offices on the territory of the Russian Federation in accordance with the legislation of the Russian Federation and (or) international treaties of the Russian Federation.</p>	<p>The Air Code of the Russian Federation of March 19, 1997 N 60-FZ , Federal Law of January 8, 1998 N 10-FZ "On State Regulation of Aviation Development" , Resolution of the Government of the Russian Federation of May 27, 2002 N 346 "On Approval of Provisions on Licensing Activities in the field of aviation technology "</p>	Undefined
29	Limitation under paragraph 1 of Article 4 (in relation to activities)	<p>Agreements related to the implementation of activities in the field of housing and communal services, water use and water supply are concluded with a legal entity. The number of contracts may be limited according to local needs.</p>	<p>Water Code of the Russian Federation of July 3, 2006 N 74-FZ ; Decree of the Government of the Russian Federation of May 23, 2006 N 307 "On the procedure for providing public services to citizens" , Housing Code of the Russian Federation</p>	Undefined
30	Limitation under paragraph 1 of Article 4	<p>The right to appoint an exclusive concessionaire is reserved. Certain rights and obligations of the grantor may be exercised by the authorized grantor.</p>	<p>Federal Law of July 21, 2005 N 115-FZ "On Concession Agreements"</p>	Undefined
			Federal Law No.	

31	Limitation under paragraph 1 of Article 4	Activities for which a license is required may only be carried out by legal entities of the Russian Federation or individual entrepreneurs registered in the prescribed manner in the Russian Federation. The types of activities subject to licensing are determined in accordance with the legislation.	128-FZ of August 8, 2001 "On Licensing Certain Types of Activities" and legislation governing the types of activities listed in paragraph 2 of Article 1 of the said Federal Law .	Undefined
32	Limitation under paragraph 1 of Article 4	Activities related to the circulation of narcotic drugs and psychotropic substances in terms of the cultivation of plants used for the production of narcotic drugs and psychotropic substances, processing, production, distribution and destruction of narcotic drugs and psychotropic substances may only be carried out by state unitary enterprises.	Resolution of the Government of the Russian Federation of April 7, 2008 N 249 "On approval of the Regulation on licensing activities related to the circulation of narcotic drugs and psychotropic substances included in List I in accordance with the Federal Law" On narcotic drugs and psychotropic substances "	Undefined
33	Limitation on paragraph 1 of Article 3 (in relation to activities and establishment) and paragraph 1 of Article 4	Activities related to the employment of citizens of the Russian Federation outside the Russian Federation cannot be carried out by an individual entrepreneur of the Russian Federation.	Resolution of the Government of the Russian Federation of December 23, 2006 N 797 "On approval of the Regulations on licensing activities related to the employment of citizens of the Russian Federation outside the Russian Federation"	Undefined

34	Limitation on paragraph 1 of article 3 (in relation to activities and establishment) and Article 4	Space activities can only be carried out by legal entities of the Russian Federation	Resolution of the Government of the Russian Federation of June 30, 2006 N 403 "On Approval of the Regulation of Licensing of Space Activities"	Undefined
35	Limitation under article 4	The share of each founder or member of the exchange in its authorized capital may not exceed ten percent (4)	Law of the Russian Federation of February 20, 1992 N 2383-I "On commodity exchanges and exchange trading"	Undefined
36	Limitation under paragraph 1 of Article 4	Activities in the field of education are carried out by legal entities of the Russian Federation, which are a non-profit organization.	Law of the Russian Federation of July 10, 1992 N 3266-1 "On Education"	Undefined

(4) Notwithstanding the provisions of Appendix V to this Agreement, the duration of this measure has not been specified.

## Appendix V. On financial services

### 1. Scope of Application

#### Scope of application

1. This annex applies to measures by Parties affecting the supply / trade of financial services.
2. Each Party grants national treatment and permits financial service providers - legal entities of other Parties to supply independently, through an intermediary or as an intermediary in accordance with the conditions specified in the annexes of the Parties specified in article 9 of this Agreement, the following types of services:
  - a) insurance of risks related to:
    - i. sea transportation, commercial air transportation, commercial space launches and freight (including satellites), in respect of which such insurance covers, in whole or in part: transported goods, vehicles carrying goods and civil liability arising in connection with the transportation; and
    - ii. goods transported in international transit;
  - b) reinsurance as well as ancillary insurance services such as consulting services, actuarial services, risk assessment and claims settlement;
  - c) the provision and transmission of financial information and the processing of financial data and related software of other financial service providers, and;
  - d) advisory and other support services, except mediation (including the provision of reference materials, except services related to the analysis of credit histories, research and advice on direct and portfolio investments, advice on acquisitions, reorganization and corporate strategy) in relation to:

- acceptance from the population of deposits and other payable funds;
- issuance of loans of all types;
- financial leasing;
- all types of services for payments and money transfers;
- trading at your own expense and at the expense of clients on the currency exchange, over-the-counter market or in any other way: financial market instruments, foreign exchange, derivatives, instruments related to exchange rates and interest rates, transferable securities, other negotiable instruments and financial assets;
- participation in the issue of securities;
- brokerage operations in the financial market;
- asset management;
- clearing services for financial assets, including securities, derivatives and other negotiable instruments;
- provision and transmission of financial information.

3. Each Party shall permit the persons of this Party in the territory of any other Party the following financial services described in subparagraphs "a" - "d" of paragraph 2 of this article.

## 2. Definitions

### Definitions

For the purposes of this Appendix, the following terms mean:

1. "Supply / trade in financial services" in this Annex means "trade in services" as defined in paragraph "and" of Article 1 of this Agreement in the sectors specified in paragraph 4 of Article 2 of this Annex
2. "Financial Service Provider" means any natural or legal person of a Party that provides financial services, excluding government agencies.
3. "Government Office" means: State institution - means a public authority, or the Central Bank (National Bank), or an organization of the state of a Party, owned or controlled by the state of this Party, which exercises exclusively the powers delegated by the public authority of this Party or the Central Bank (National Bank) of such Party.
4. "Financial Service" means any service of a financial nature offered by a financial service provider of the State of a Party. Financial services include all insurance and insurance related services, as well as all banking and securities market services, in particular, include the following types of services:

#### 4.1 Insurance and insurance-related services:

- i. Insurance (co-insurance):
  - a) life insurance,
  - b) insurance other than life insurance.
- ii. Reinsurance;
- iii. Insurance mediation such as brokerage and agency mediation;
- iv. Ancillary insurance services such as advisory, actuarial, risk assessment, and claims settlement services.

#### 4.2. Banking services

- i. Acceptance of deposits and other payable funds from the population;
- ii. Issuance of loans of all types, including consumer loans, collateral loans, factoring and financing of commercial transactions;
- iii. Financial leasing,

- iv. All types of services for payments and money transfers, including lending, payment and debit cards, travelers checks and bank bills.
- v. Trade at your own expense and at the expense of clients, on the currency exchange and outside the exchange, or otherwise:
  - a) foreign currency;
  - c) derivatives, including, but not exclusively, futures and options;
  - d) instruments relating to exchange rates and interest rates, including such as swap and forward transactions;

#### **4.3. Services in the securities market**

- i. Trade at your own expense and at the expense of clients, on the currency exchange and outside the exchange, or otherwise
  - a) money market instruments (including checks, bills of exchange, certificates of deposit;
  - b) transferable securities;
  - c) other negotiable instruments and financial assets.
- ii. Participation in issues of all types of securities, including guarantees and placement, as an agent (public or private), and the provision of services related to such issues;
- iii. Brokerage operations in the financial market;
- iv. Asset management such as cash or securities, all types of collective investment management, pension fund management, guardianship, custody and trust services;
- v. Clearing services for financial assets, including securities, derivatives and other instruments;
- vi. The provision and transmission of financial information and the processing of financial data and related software by other financial service providers;
- vii. Advisory, intermediary and other support financial services in all activities listed in subparagraphs "i" - "v" of this paragraph, including reference and analytical materials on credit issues, research and recommendations on direct and portfolio investments, advice on acquisition, reorganization and corporate strategies.

### **3. Internal Regulation**

1. The procedure for issuing licenses, as well as special permits for carrying out activities in the financial services markets in the territory of the State of the Party shall be carried out in accordance with the national legislation of the Party in whose territory the activities are supposed to be carried out.
2. Nothing in this Agreement prevents a Party from taking prudential measures, including protecting investors, depositors, policyholders and persons to whom the service provider has fiduciary responsibility, or measures to ensure the integrity and stability of the financial system. If such measures do not comply with the provisions of the Agreement, they should not be used as a means of evading a Party from fulfilling the obligations assumed by such a Party in accordance with the Agreement.
3. Nothing in this Appendix shall be construed as requiring a Party to disclose information relating to individual customer accounts or any other confidential or proprietary information held by government agencies.

### **4. Harmonization of Legislation of the Parties**

#### Harmonization of Legislation of the Parties

The Parties shall harmonize national legislation on the basis of international principles and standards, or best international practice, and not lower than the best standards and practices already applied in the states of the Parties, in order to establish a harmonized level of requirements for persons of the Parties carrying out their activities in the following service sectors:

- i. Banking services;

- ii. Insurance services;
- iii. Services in the securities market.

## 5. Procedure for Implementation of Harmonization

### Harmonization procedure

1. The harmonization of the relevant rules is carried out in accordance with the following stages:

1.1. By December 31, 2013, the Parties will conclude an Agreement on the requirements for the implementation of activities in the financial markets of the member states of the Common Economic Space. This Agreement will provide for the directions and procedure for the harmonization of the national legislation of the Parties, in particular, in the area of requirements and conditions for issuing licenses to carry out activities in the service sectors specified in Article 4 of this Appendix.

1.2. By 2015, the Parties will consider the possibility of creating and operating a supranational body for regulating the financial market of the states of the Parties.

1.3. By January 1, 2020, the Parties will complete the process of harmonization of national legislation in the service sectors specified in Article 4 of this Annex.

1.4. Acting in accordance with this Agreement, the Parties strive for mutual recognition from January 1, 2020 of licenses for carrying out activities in the service sectors specified in Article 4 of this Appendix, issued in the territory of any other Party.

2. By January 1, 2020, the Parties must achieve the following parameters:

#### 2.1. In the banking sector

Within the framework of national legislation, the Parties create harmonized requirements for the regulation and supervision of credit institutions, guided in their actions by the Fundamental Principles for Effective Banking Supervision of the Basel Committee on Banking Supervision and best international practice, including with respect to:

- i. the concept of "credit organization" and its legal status;
- ii. the procedure and conditions for disclosing information by credit institutions, banking groups and their affiliates, bank holding companies;
- iii. accounting rules and audits established in accordance with International Financial Reporting Standards for all types of activities, including the banking sector, and requirements for auditing financial (accounting) statements in accordance with International Auditing Standards;
- iv. the procedure and conditions for creating a credit institution, in particular with respect to:
  - a) requirements for constituent documents;
  - b) the procedure for state registration of a legal entity / branch and state registration of a credit institution;
  - c) determining the minimum amount of the authorized capital of a credit institution, the procedure for its formation and methods of payment;
  - d) requirements for the professional qualifications and business reputation of the executives of the credit institution;
  - e) the procedure and conditions for issuing a license to carry out banking operations, including with respect to the requirements for documents required to obtain a license to carry out banking operations;
- v. grounds for refusing national registration of a credit institution and issuing a banking license to it;
- vi. the order, procedure and conditions for liquidation or reorganization of a credit institution (including compulsory liquidation);
- vii. grounds for revoking a banking license from a credit institution;
- viii. the procedure and features of the reorganization of credit institutions in the form of mergers, acquisitions and transformations;

- ix. ensuring the financial reliability of the credit institution, including the definition of other, in addition to banking operations, types of activities allowed for credit institutions, prudential standards, required reserves and special provisions;
- x. the procedure for exercising supervision by the competent authorities of each of the Parties over the activities of credit institutions, bank holdings and banking groups;
- xi. the procedure, conditions and amounts of sanctions against credit institutions and bank holding companies;
- xii. requirements for the activities and ensuring the financial reliability of banking groups and bank holdings;
- xiii. creation and functioning of the system of insurance of deposits of the population (including the amount of payments of compensation for deposits);
- xiv. procedures for financial rehabilitation and bankruptcy of credit institutions (including the regulation of creditors' rights, the order of satisfaction of claims);
- xv. the list of transactions recognized as banking;
- xvi. the list of organizations and their status, which are entitled to carry out certain technological parts of banking operations.

2.1.1. Within the framework of the Agreement on the requirements for the implementation of activities in the financial markets of the member states of the Common Economic Space, the Parties will develop parameters for interaction between the competent authorities of the Parties in the field of control and supervision of activities in this market and coordination in other areas related to the activities of credit institutions, bank holdings and banking groups.

## **2.2. In the insurance sector**

2.2.1. Within the framework of national legislation, the Parties create harmonized requirements for the regulation and supervision of professional participants in the insurance market, guided in their actions by the Fundamental Principles of Effective Insurance Supervision of IAIS and international best practice, including in relation to:

- i. the concept of "professional participant of the insurance market" and its legal status;
- ii. ensuring the financial stability of a professional participant in the insurance market, including in relation to:
  - a) insurance reserves sufficient to fulfill obligations for insurance, coinsurance, reinsurance, mutual insurance;
  - b) the composition and structure of assets accepted to cover insurance reserves;
  - c) the minimum level and procedure for the formation of the authorized and equity capital;
  - d) the conditions and procedure for the transfer of the insurance portfolio.
- iii. accounting rules and audits established in accordance with International Financial Reporting Standards for the insurance sector and requirements for auditing financial (accounting) statements in accordance with International Auditing Standards;
- iv. procedure and conditions for the creation and licensing of insurance activities;
- v. the procedure for the competent authorities of each of the Parties to supervise the activities of a professional participant in the insurance market;
- vi. the procedure, conditions and amounts of sanctions for violations by professional participants of the insurance market of the procedure for carrying out activities in the market;
- vii. requirements for professional qualifications and business reputation of executives of professional participants in the insurance market;
- viii. grounds for refusal to issue a license to carry out insurance activities;
- ix. the order, procedure and conditions for the liquidation or reorganization of a professional participant in the insurance market (including forced liquidation / bankruptcy);
- x. grounds for revoking a license from a professional participant in the insurance market to carry out insurance activities, as well as cancellation, limitation or suspension of the license;
- xi. the procedure and features of the reorganization of a professional participant in the insurance market in the form of

merger, acquisition and transformation;

xii. requirements for the composition of insurance groups and insurance holdings and their financial reliability.

2.2.2. Within the framework of the Agreement on the requirements for carrying out activities in the financial markets of the member states of the Common Economic Space, the Parties will develop parameters for interaction between the competent authorities of the Parties in the field of control and supervision over activities in this market.

### **2.3. On the securities market**

2.3.1. Within the framework of national legislation, the Parties create harmonized requirements and conditions for the following activities:

i. Brokerage in the securities market;

ii. Dealer activity in the securities market;

iii. Activities related to the management of securities, financial instruments, trust management of pension assets and collective investments;

iv. Activities to determine mutual obligations (clearing);

v. Depository activities;

vii. Keeping a register of securities owners;

vii. Activities for organizing trading on the securities market;

2.3.2. Within the framework of national legislation, the Parties create harmonized requirements for the regulation and supervision of the securities market specified in subparagraph 2.3.1 of this Article, guided in their actions by the Fundamental Principles of Effective Supervision of Securities Market Entities IOSCO, OECD and best international practice, including respect:

i. determination of the procedure for the formation and payment of the authorized capital, as well as requirements for the adequacy of equity capital;

ii. the procedure and conditions for issuing a license to operate on the securities market, including with respect to the requirements for documents required to obtain a license to operate on the securities market;

iii. requirements for professional qualifications and business reputation of executives of professional participants in the securities market;

iv. grounds for refusal to issue a license to operate on the securities market, as well as cancellation, restriction or suspension of the license;

v. accounting rules and audits established in accordance with International Financial Reporting Standards for all types of securities market activities and requirements for auditing financial (accounting) statements in accordance with International Auditing Standards, as well as the organization of internal accounting and internal control;

vi. the order, procedure and conditions for the liquidation or reorganization of a professional participant in the securities market (including forced liquidation);

vii. grounds for revoking a license from a professional participant in the securities market to operate on the securities market;

viii. the procedure, conditions and amounts of administrative sanctions for violations by professional securities market participants of the procedure for carrying out activities in the financial market;

ix. the procedure for the competent authorities of each of the Parties to supervise the activities of the subjects (participants) of the securities market;

X. requirements and conditions for the activities of professional participants in the securities market.

2.3.3. Within the framework of the Agreement on the requirements for carrying out activities in the financial markets of the member states of the Common Economic Space, the Parties will develop parameters for interaction between the competent authorities of the Parties in the field of control and supervision over activities in this market.



## **6. Recognition**

### Recognition

1. A Party may recognize the prudential measures of any other Party in determining whether it will apply measures related to the supply of financial services. Such recognition, which can be achieved through the harmonization of the national legislations of the Parties or otherwise, can be based on an agreement or arrangement with the interested Party, or can be provided unilaterally.

2. A Party that is a Party to an Agreement or agreement on the recognition of prudential measures of any other Party, both future and current, shall provide other interested Parties with an appropriate opportunity to negotiate their accession to such agreements or arrangements, or to negotiate similar agreements with it. or agreements that, as the case may be, could contain equivalent rules, controls, a mechanism for the implementation of such rules, and, if possible, procedures regarding the exchange of information between the parties to such agreements and arrangements. If a Party grants recognition unilaterally, then it also guarantees the realization of the corresponding opportunity for any other Party to demonstrate (using legal mechanisms),

## **7. Application of other Eea Agreements**

### Application of other CES agreements

The provisions of this Appendix shall apply without prejudice to the provisions of the Agreement on the agreed principles of monetary policy in the states - members of the Common Economic Space dated 09.12.2010 and the Agreement on the creation of conditions in financial markets to ensure free movement of capital in the states - members of the Common Economic Space dated 09.12.2010 .

## **8. Cancellation of Restrictions**

### Cancellation of restrictions

Each Party ceases to apply the measures specified in its individual national list in Appendix IV to this Agreement in relation to those sectors of financial services in which all the Parties have met the condition on harmonization of national legislation provided for in paragraph 1.3 of Article 5 of this Appendix, the condition of mutual recognition licenses specified in clause 1.4 of Article 5 of this Appendix and the parameters specified in clause 2 of Article 5 of this Appendix have been achieved.