

ANNEX 7

Treaty "On the Eurasian Economic Union"

PROTOCOL

On Non-Tariff Regulatory Measures in Relation to Third Countries

I. General provisions

1. This Protocol has been developed in accordance with Section IX of the Treaty on the Eurasian Economic Union and determines the procedure and cases for application of non-tariff regulatory measures by the Union in relation to third countries.

This Protocol shall not apply to relations concerning the issues of technical regulation, application of sanitary, veterinary and phytosanitary requirements, measures in the field of export control and military-technical cooperation.

2. The concepts used in this Protocol shall have the following meanings:

"automatic licensing (oversight)" means a temporary measure introduced in order to monitor the dynamics of export and/or import of certain types of goods;

"general license" means a license which grants to a participant of foreign trade activities the right to export and/or import certain types of goods subject to licensing in an amount specified under the license;

"ban" means a measure prohibiting the import and/or export of certain types of goods;

"import" means importation of goods into the customs territory of the Union from third countries without the obligation of re-export;

"exclusive license" means a license which grants to a participant of foreign trade activities the exclusive right to export and/or import certain types of goods;

"exclusive right" means the right — granted under an exclusive license — of participants of foreign trade activities to export and/or import certain types of goods;

"quantitative restrictions" means measures of quantitative restriction on foreign trade in goods introduced through setting quotas;

"licensing" means a set of administrative measures determining the procedure for issuing licenses and/or permits;

"license" means a special document certifying the right to implementation of export and/or import of goods;

"single-use license" means a license issued to a participant of foreign trade activities on the basis of a foreign trade transaction, the subject whereof are goods subject to licensing, and which grants the right to export and/or import concerned goods in a certain amount;

"permit" means a special document issued to a participant of foreign trade activities on the basis of a foreign trade transaction, the subject whereof are goods for which automatic licensing (oversight) is established;

"authorising document" means a document which grants to a participant of foreign trade activities or natural person the right to import and/or export goods in cases determined by the Commission;

"authorised body" means a body of the executive power of a Member State wherein the right to issue licenses and/or permits is vested;

"participants of foreign trade activities" legal entities and organisations that are not legal entities registered in one of the Member States and established in accordance with the legislation of that state, natural persons having permanent or primary residence on the territory of one of the Member States who are nationals of that state

or have the right of permanent residence therein, or are registered as individual entrepreneurs in accordance with the legislation of that state;

"export" means exportation of goods from the customs territory of the Union to the territory of third countries without the obligation of re-import.

II. Introduction and Application of Non-Tariff Regulatory Measures

3. Common non-tariff regulatory measures (hereinafter referred to as "measures") shall apply in trade with third countries on the territory of the Union.

4. Decisions on the introduction, application, extension and cancellation of measures shall be adopted by the Commission.

Goods in respect whereof a decision on applying measures is adopted, shall be included in the common list of goods subject to non-tariff regulatory measures in trade with third countries (hereinafter referred to as "the common list of goods").

The common list of goods shall also include the goods in respect of which the Commission has adopted a decision to establish tariff quotas or import quotas as a special safeguard measure, and to issue licenses.

5. Proposals on the introduction or cancellation of the measures may be submitted both by a Member State and the Commission.

6. When making Commission's decision on the introduction, application, extension or cancellation of the measures, the Commission shall inform the participants of foreign trade activities of the Member States, the economic interests whereof may be affected by such a decision, of the possibility to submit to the Commission proposals and comments on the concerned issue and to hold consultations.

7. The Commission shall determine the method and format of holding consultations, as well as the method and form of communication of information

on the progress and results of consultations to interested persons having submitted proposals and comments.

Failure to hold consultations may not constitute grounds for declaring invalid any decision of the Commission concerning the right to conduct foreign trade activities.

8. The Commission may render a decision not to hold consultations under any of the following conditions:

(1) the measures envisaged by the draft decision of the Commission concerning the right to conduct foreign trade activities shall not be made public until the date of entry into force of the decision, and holding of consultations will or may result in failure to achieve goals of such decision;

(2) holding consultations will result in delay in the adoption of the Commission's decision concerning the right to conduct foreign trade activities, which may substantially damage the interests of the Member States;

(3) a draft decision of the Commission concerning the right to conduct foreign trade activities provides for granting an exclusive right.

9. The procedure for making proposals on introduction and cancellation of the measures shall be determined by the Commission.

10. A decision of the Commission on introduction of measures may specify customs procedures in case of applying whereof to place the goods under procedures, the customs authorities supervise compliance with the measure concerned, as well as customs procedure that shall not be applied to place under procedure the goods in relation to which the measure is established.

III. Bans and Quantitative Restrictions on the Export and Import of Goods

11. The export and import of goods shall be carried out excluding the application of bans and quantitative restrictions, except for the cases provided for in point 12 of this Protocol.
12. In exceptional cases, the following may be introduced:
 - (1) temporary bans or temporary quantitative restrictions on export in order to prevent or reduce any critical shortage in the internal market of food products or other goods that are essential for the internal market of the Union;
 - (2) bans or quantitative restrictions on export and import required due to the application of standards and rules for the classification, sorting and sale of goods in international trade;
 - (3) restrictions on the import of aquatic biological resources in case they are imported in any form, if it is required:

to restrict the production or sale of similar goods originating from the territory of the Union;

to restrict the production or sale of similar goods originating from the territory of the Union that may be directly replaced by imported goods, if production capacities of similar goods within the Union are not sufficient;

to remove from the market a temporary surplus of similar goods originating from the territory of the Union, by providing the surplus to certain consumer groups free of charge or at below-market prices;

to remove from the market a temporary surplus of goods originating from the territory of the Union that may be directly replaced by imported goods, if production capacities of similar goods within the Union are not sufficient, by providing the surplus to certain consumer groups free of charge or at below-market prices.

13. When introducing quantitative restrictions by the Commission in the territory of the Union, export and/or import quotas shall apply.

Quantitative restrictions shall apply:

during export — only in respect of goods originating from the territories of the Member States; during import – only in respect of goods originating from third countries.

Quantitative restrictions shall not apply to import of goods from the territory of a third country or export of goods intended for any third country, unless such quantitative restrictions apply to import from all third countries or export to all third countries. This provision shall not preclude the Member States from fulfilling their obligations pursuant to international treaties.

14. Bans and quantitative restrictions on export may only be introduced in respect of the goods included in the list of goods having major significance for the internal market of the Union, in respect whereof temporary bans or quantitative restrictions on export may be introduced in exceptional cases, as approved by the Commission on the basis of proposals from the Member States.

15. Pursuant to sub-point 1 of point 12 of this Protocol, when a ban or quantitative restriction on export of agricultural goods having major significance for the internal market of the Union are introduced, the Commission shall:

take into account the impact of the ban or quantitative restrictions on the food security of third countries that import such agricultural goods from the territory of the Union;

notify beforehand the Committee on Agriculture of the World Trade Organisation on the nature and duration of the ban or quantitative restriction on export; at the request of any importing country hold consultations or provide all the required information on issues related to the measure in question.

The concept "importing country" used in this point shall mean a country in the import volumes of which the share of agricultural goods that originate from the territory of the Member States and are subject to introduction of ban or quantitative restrictions on export, makes at least 5 percent.

16. The Commission shall distribute the volumes of export and/or import quotas between the Member States and specify the method of distribution of shares of export and/or import quotas between the participants of foreign trade activities of the Member States and, when required, distribute the volume of the import quota between third countries.

Distribution of volumes of export and/or import quotas between the Member States shall be carried out by the Commission, depending on the problems to be solved by introduction of quantitative restrictions, taking into account the proposals of Member States and based on the production and/or consumption volumes of goods in each Member State.

17. When making a decision to apply export and/or import quotas, the Commission shall:
 - (1) set export and/or import quotas for a specific term (regardless of whether or not they will be distributed between third countries);
 - (2) inform all interested third countries on the volume of import quota allocated to them (in case where the import quota is distributed between third countries); (3) publish information on application of export and/or import quotas, their volumes and effective periods, as well as on the distribution of import quota between third countries.
18. Distribution of import quotas between third countries shall, as a general rule, be carried out by the Commission, based on the results of consultations with all major suppliers from third countries.

Moreover, the concept "major supplier from a third country" shall mean a supplier with share of 5 percent or more in the import of concerned goods into the territory of the Union.

19. In case it is impossible to distribute import quotas based on the results of consultation with all major suppliers from third countries, the decision of the Commission on distribution of the quotas between third countries shall be made with account of the volume of supply of goods from these countries in the preceding period.
20. The Commission shall not establish any conditions or formalities that may prevent any third country from fully utilising the import quota allocated thereto provided that relevant goods are supplied during the effective period of the import quota.
21. The preceding period for determining the volume of supply of goods in respect whereof export and/or import quotas are introduced, shall be selected by the Commission. Meanwhile, as a general rule, any preceding three years shall be taken as such period, for which information reflecting the actual volumes of export and/or import is available. In case it is impossible to select a preceding period, the export and/or import quotas shall be distributed on the basis of assessment of the most probable distribution of the actual volumes of export and/or import.

The concept "actual volumes of export and/or import" used in this point shall mean volumes of export and/or import in the absence of restrictions thereof.

22. At the request of any third country interested in supplying the goods, the Commission shall hold consultations with that country on the following:
 - (1) the need for redistribution of the established import quota;
 - (2) the change of the preceding period selected;

- (3) the need for cancellation of any conditions, formalities or any other provisions established unilaterally in relation to distribution of the import quota or its unrestricted use.
23. Shares of export and/or import quotas shall be distributed between the participants of foreign trade activities by the Member States under the method established by the Commission and based on the legal equality of participants of foreign trade activities in respect of receiving share of export and/or import quotas and non-discrimination on the grounds of the form of ownership, place of registration or market position.
24. Except for the cases of distribution of import quotas between third countries, it shall not be allowed to demand the use of licenses for the export and/or import of relevant goods to and/or from any specified country.
25. When using the export and/or import quotas, the Commission shall:
 - (1) at the request of a third country interested in the trade of certain type of goods, provide information regarding the procedure for distribution of export and/or import quotas, the mechanism of their distribution between the participants of foreign trade activities and the volumes of quotas, in respect of which licenses have been granted;
 - (2) publish information on the total quantity and cost of the goods the export and/or import of which shall be allowed within a certain period of time in the future, as well as on the start and expiry dates of the effective period of export and/or import quotas and on any changes thereof.

IV. Exclusive Right

26. Implementation of foreign trade activities may be limited by granting the exclusive right.

27. Goods for the export and/or import of which the exclusive right is granted, as well as the procedure for determining by the Member States the participants of foreign trade activities to be granted such exclusive right shall be determined by the Commission.

The list of participants of foreign trade activities to be granted the exclusive right by the Member States based on the decision of the Commission shall be subject to publishing on the official website of the Union on the Internet.

28. The decision to impose restrictions on foreign trade activities by way of granting the exclusive right shall be adopted by the Commission by the proposal from a Member State.

The rationale for introduction of the exclusive right should include financial and economic calculations and other information confirming the expediency of applying the measure concerned.

29. Participants of foreign trade activities who are granted the exclusive right by the Member States based on the decision of the Commission, shall make export and/or import transactions with respective goods based on the principle of non-discrimination and guided only by commercial considerations, including the purchase or sale terms, and shall provide adequate opportunity (in accordance with customary business practices) to the organisations of third countries to compete for participation in such purchases or sales.
30. Goods in respect of which the participants of foreign trade activities are granted the exclusive right, shall be exported and/or imported under exclusive licenses issued by the authorised body.

V. Automatic Licensing (Oversight)

31. In order to monitor the dynamics of export and/or import of certain types of goods, the Commission shall have the right to introduce automatic licensing (oversight).
32. Automatic licensing (oversight) shall be introduced by the initiative of a Member State as well as the Commission.

The rationale for introduction of automatic licensing (oversight) shall contain information about the impossibility of tracking the quantitative indicators of export and/or import of certain types of goods and changes thereof using other means.

33. A list of certain types of goods in respect of which automatic licensing (oversight) is introduced, as well as the terms of automatic licensing (oversight), shall be determined by the Commission.

The goods, in respect of which automatic licensing (oversight) is introduced, shall be included in the common list of goods.

34. The goods, in respect of which automatic licensing (oversight) is introduced, shall be exported and/or imported upon availability of permits issued by the authorised body as prescribed by the Commission.
35. Permits for the export and/or import of goods included in the common list of goods shall be issued in accordance with the rules set out in the Annex.

VI. Authorisation Procedure

36. The authorisation procedure for the import and/or export of goods shall be implemented through introduction of licensing or application of other administrative measures to regulate the foreign trade activities.

37. Any decision on introduction, implementation and cancellation of the authorisation procedure shall be adopted by the Commission.

VII. General exceptions

38. Measures may be introduced in case of import and/or export of certain types of goods, including on grounds other than those specified in Sections III and IV of this Protocol, if these measures are:

- (1) required to comply with public morals or public legal order;
- (2) required for protection of human life and health, the environment, animals and plants;
- (3) related to the export and/or import of gold or silver;
- (4) used for protection of cultural values and cultural heritage;
- (5) required to prevent the consumption of non-renewable natural resources and are applied simultaneously with restrictions on domestic production or consumption associated with the use of non-renewable natural resources;
- (6) related to restriction of export of goods originating from the territories of the Member States in order to ensure sufficient quantity of such goods for the domestic processing industry during the time period when domestic prices for such goods are lower compared to their world prices, based on the results of the Stabilisation Plan implemented by the Government;
- (7) required for acquisition or distribution of goods in cases of their general or local shortage;
- (8) required for fulfilment of international obligations;
- (9) required for ensuring defence and security;

- (10) required for ensuring compliance with legal acts related to the application of customs legislation, environmental protection, intellectual property protection that are not inconsistent with the international obligations, and other legal acts.
39. The measures referred to in point 38 of this Protocol shall be introduced on the basis of a decision of the Commission and may not serve as a means of arbitrary or unjustified discrimination towards third countries, as well as a means of disguised restriction on foreign trade in goods.
40. For the purposes of introduction or cancellation of measures with regard to a certain type of goods on the grounds provided for by point 38 of this Protocol, a Member State shall submit to the Commission documents containing information on the name of the goods, its code in the EAEU FEA CN, the nature of measures proposed and the expected validity term thereof as well as a rationale for the need of introduction or cancellation of those measures.
41. If the Commission refuses to accept the proposal of a Member State on introducing measures on the grounds provided for by point 38 of this Protocol, the Member State which initiated their introduction may unilaterally introduce such measures in the manner prescribed in Section X of this Protocol.

VIII. Protection of External Financial Status and Ensuring Balance-of-Payments Equilibrium

42. In case of importing certain types of goods, measures may be introduced also on grounds other than those specified in Sections III and IV of this Protocol, where it is required to protect the external financial status and ensure the balance-of-payments equilibrium.

Such measures may be introduced only in case where due to the critical balance of payments, no other measures may help to prevent the rapid deterioration of the condition related to external accounts.

43. Measures introduced also on grounds other than those specified in Sections III and IV of this Protocol, may be applied only if payments for the supply of imported goods are performed in the currency in which the currency reserves of the Member States referred to in point 44 of this Protocol are formed.
44. The restrictions concerning import shall not be stricter than is required to prevent an imminent threat of rapid reduction in currency reserves of Member States or to restore a reasonable growth rate of currency reserves of Member States.
45. The Commission shall consider any proposal of a Member State to introduce the measures referred to in point 42 of this Protocol.
46. If the Commission refuses to accept the proposal of a Member State to introduce any measures, the Member State may decide to unilaterally introduce the measures specified in point 42 of this Protocol in accordance with Section X of this Protocol.

IX. Licensing in Foreign Trade in Goods

47. In cases determined by the Commission, licensing shall be applied to the export and/or import of certain types of goods, if the following is introduced in respect of such goods:

quantitative restrictions;

exclusive right;

authorisation procedure;

tariff quota;

import quota as a safeguard measure.

Licensing shall be implemented through issuing by the authorised body to a participant of foreign trade activities a license of export and/or import of goods.

Licenses issued by the authorised body of a Member State shall be recognised by all other Member States.

48. Licensing of export and/or import of goods included in the common list of goods shall be carried out in accordance with the rules provided for by the Annex to this Protocol.

49. Authorised bodies shall issue the following types of licenses:

single-use license;

general license;

exclusive license.

General and exclusive licenses shall be issued in cases determined by the Commission.

X. Unilateral Application of Measures

50. In exceptional cases, on the grounds provided for by Sections VII and VIII of this Protocol, the Member States may unilaterally introduce temporary measures in trade with third countries, including on grounds other than those specified in Sections III and IV of this Protocol.

51. A Member State introducing a temporary measure shall, in advance, but not later than 3 calendar days following the date of its introduction, notify the Commission thereof and submit a proposal to introduce this measure on the customs territory of the Union.

52. The Commission shall consider the proposal of the Member State to introduce a temporary measure and may decide to introduce this measure on the customs territory of the Union, based on the results of consideration of the Member State's proposal.

53. The validity period of such a measure in this case shall be established by the Commission.

54. If no decision to introduce the temporary measure on the customs territory of the Union is taken, the Commission shall inform the Member State having introduced the temporary measure and the customs authorities of the Member States of the fact that the temporary measure shall be effective for 6 months maximum from the date of its introduction.

55. Based on the notification on introduction of a temporary measure received from a Member State, the Commission shall immediately inform the customs authorities of the Member States on introduction of the temporary measure by one of the Member States, indicating:

- (1) the name of the regulatory legal act of the Member State governing the introduction of the temporary measure;
- (2) the name of the goods and its code in EAEU FEA CN;
- (3) the date of introduction of the temporary measure and its validity period.

56. Upon the receipt of the information specified in point 55 of this Protocol, the customs authorities of the Member States shall not allow the following:

the export of the respective goods originating from the territory of the Member State that has applied the temporary measure, the data on which are contained in the given information, without a license issued by the authorised body of that Member State;

the import of the respective goods destined for the Member State that has applied the temporary measure, the data on which are contained in the given information, without a license issued by the authorised body of that Member State. Meanwhile, the Member States that do not apply the temporary measure shall take the required efforts aimed at preventing the import of the respective goods into the territory of the Member State that has applied the temporary measure.

Annex
to the Protocol On Non-Tariff
Regulatory Measures in Relation to
Third Countries

**Rules for Issuing Licenses and Permits for the
Export and/or Import of Goods**

I. General provisions

1. These Rules specify the procedure for issuing licenses and permits for the export and/or import of goods included in the common list of goods, in relation to which non-tariff regulatory measures in trade with third countries shall apply.
2. The concepts defined in the Protocol on Non-Tariff Regulatory Measures in Relation to Third Countries (Annex 7 to the Treaty on the Eurasian Economic Union),

as well as the following concepts shall be used in these Rules:

"applicant" shall mean a participant of foreign trade activities who submits documents to the authorised body in order to arrange a license or permit;

"license compliance" shall mean the actual import into the customs territory of the Union or actual export from the customs territory of the Union of goods released by the customs authorities based on the issued (arranged) license.

3. For the issuance (arrangement) of a license or a duplicate license, the authorised body shall charge the state fee (licensing fee) in the manner and amount stipulated by the legislation of a Member State.

4. Licenses and permits shall be issued for each goods classified under the codes of EAEU FEA CN in relation to which licensing or automatic licensing (oversight) is introduced.
5. The sample signatures of officials of the authorised bodies entitled to sign licenses and permits, as well as the sample stamp impressions of the authorised bodies shall be sent to the Commission for notifying the customs authorities of the Member States.
6. Documents submitted for arrangement of a license or a permit as well as documents confirming the license compliance should be kept with the authorised bodies for 3 years after expiry of validity of the license or permit or after the date of making the decision to terminate or suspend the license.

Upon the expiry of the mentioned time period, the documents shall be destroyed in the manner prescribed by the legislation of the Member State where the license or permit has been issued.

7. The authorised bodies shall maintain databases of licenses and permits issued and shall submit respective information to the Commission in the manner and within time limits established by the Commission. The Commission shall submit data on the issued licenses to the customs authorities of the Member States.

II. License Issuance Procedure

8. Applications for obtaining licenses and licenses shall be arranged in accordance with the instructions on arrangement of an application for obtaining licenses to export and/or import certain types of goods and arrangement of such licenses, as approved by the Commission.

A license may be issued (arranged) in the form of an electronic document as determined by the Commission, and prior to its introduction — under the procedure prescribed by the legislation of the Member State.

The structure and format of a license issued in the form of an electronic document shall be approved by the Commission, and prior to their approval — in accordance with the legislation of the Member State.

9. The effective period of a single-use license may not exceed 1 year from its effective date. The effective period of a single-use license may be limited to the validity period of a foreign trade contract or to the validity period of the document serving as the basis for issuance of the license.

For goods in relation to which quantitative restrictions on export and/or import, or an import quota as a special safeguard measure, or tariff quotas are introduced, the effective period of the license shall expire during the calendar year for which the quota is set.

The effective period of a general license may not exceed 1 year from its effective date, and for goods in relation to which quantitative restrictions on export and/or import, or tariff quotas are introduced, that period shall expire during the calendar year for which the quota is set, unless otherwise provided for by the Commission.

The effective period of an exclusive license shall be determined by the Commission on an ad-hoc basis.

10. In order to arrange a license, the following documents and information shall be submitted to the authorised body by the applicant or its representative having a written confirmation of relevant powers:
 - (1) an application to obtain a license, filled in and arranged in accordance with the instructions established for arrangement of applications for obtaining licenses to export and/or import certain types of goods and for arrangement of such licenses (hereinafter referred to as "the application");

- (2) an electronic copy of the application in a format approved by the Commission, and prior to its approval — under the procedure determined by the legislation of the Member State;
- (3) a copy of the foreign trade contract, annexes and/or amendments thereto (for a single-use license), and in the absence of a foreign trade contract — a copy of another document confirming the intention of the Parties;
- (4) a copy of the document (information, if provided for by the legislation of the Member State) on record-registration with the tax authority or on state registration;
- (5) a copy of the license issued to carry out the type of activities subject to licensing or information on availability of the license to carry out the type of activities subject to licensing (if provided by the legislation of the Member State), if such type of activities is associated with the circulation of goods in relation to which licensing requirement on the customs territory of the Union is set;
- (6) other documents (information) if determined by the decision of the Commission, on the basis of which licensing of respective goods is stipulated.

11. Each sheet of copies of documents submitted should be signed and sealed by the applicant, or copies of documents should be bound and their last pages should be signed and sealed by the applicant.

Documents submitted by the applicant should be record-registered with the authorised body.

The application and documents (information) may be submitted in electronic form under the procedure provided for by the legislation of the Member State. It shall also be allowed to submit documents (information) in the form of scanned documents

certified by the electronic digital signature of the applicant, if provided for by the legislation of the Member State.

The license shall be issued after submission by the applicant of a document confirming payment of the state duty (licensing fee) charged for the issuance (arrangement) of the license under the procedure and in the amount provided for by the legislation of the Member State.

12. In cases provided for by the decision of the Commission, prior to submitting the application to the authorised body, the applicant or the authorised body shall send the application for approval to the relevant body of the executive power of the Member State, assigned by the Member State, if provided for by the legislation of the Member State.

13. The license shall be issued or the issuance of license shall be rejected by the authorised body on the basis of the documents provided for by point 10 of these Rules within 15 business days from the date of submission thereof, unless other time limits are determined by decision of the Commission.

14. Issuance of license shall be rejected on the following grounds:

- (1) submission of incomplete or inaccurate information in the documents submitted by the applicant to obtain the license;
- (2) failure to comply with the requirements provided for by points 10-12 of these Rules;
- (3) termination or suspension of one or more documents that serve as basis for issuance of the license;
- (4) violation of international obligations of Member States, which may occur as a result of execution of the contract for the implementation of which the license is requested;

- (5) exhaustion of the quota as well as the tariff quota, or the lack thereof (in case of arrangement of a license for goods subject to quota allocation);
 - (6) other grounds provided for by the act of the Commission.
15. A decision on rejecting the issuance of a license shall be justified and submitted to the applicant in writing or in the form of an electronic document if it is provided for by the decision of the Commission, and in the absence of such a decision — in accordance with the legislation of the Member State.
16. The authorised body shall arrange the original license to be issued to the applicant. Prior to the customs declaration of goods, the applicant shall submit the original license to the relevant customs authority, which shall issue to the applicant —when imposing supervision on the license — a copy thereof with an indication of the customs authority on imposing supervision on it.

If the authorised body issues (arranges) the license in the form of an electronic document, the applicant shall not be required to submit the original license in hard copy to its domestic customs authority.

The procedure for cooperation between the authorised bodies and the customs authorities for supervision over compliance of the license, issued in the form of electronic documents shall be determined by the legislation of the Member States.

17. It shall not be allowed to make changes to the licenses issued, including for technical reasons.
18. In case changes are made to the founding documents of the applicant registered as a legal entity (change of the legal and organisational form, name or location) or to the passport data of the applicant who is a natural person, the applicant shall be obliged to file an application on termination of the license issued and on arrangement of a new license, by attaching the application and documents confirming the mentioned changes.

19. The authorised body shall be entitled to decide on termination or suspension of a license in the following cases:
- (1) submission by the applicant of an application in writing or through an electronic document, if provided for by the legislation of the Member State;
 - (2) making changes to the founding documents of the applicant registered as a legal entity (change of the legal and organisational form, name or location) or a change in the passport data of the applicant who is a natural person;
 - (3) revealing inaccurate information in the documents submitted by the applicant to obtain the license;
 - (4) termination or suspension of one or more documents having served as basis for issuance of the license;
 - (5) violation of international obligations of the Member State during performance of the contract, on the basis of which the license was issued;
 - (6) revocation of a license issued for the type of activities subject to licensing, if such type of activities is associated with the circulation of goods for which licensing is envisaged;
 - (7) revealing any violations committed in the issuance of the license that resulted in the issuance of a license which could not have been issued in case of compliance with the determined procedure;
 - (8) non-observance by the licensee of any conditions for license issuance, determined by international regulatory legal acts or regulatory legal acts of the Member State;
 - (9) availability of a judicial decision;
 - (10) failure by the licensee to comply with point 22 of these Rules.

20. A license shall be suspended from the date of making a decision thereon by the authorised body.

A suspended license may be renewed by the authorised body upon elimination of the reasons having entailed the suspension thereof. Moreover, suspension of a license shall not constitute grounds for its extension.

The procedure for suspension or termination of a license shall be determined by the Commission.

21. In case of loss of a license, the authorised body shall, upon a written application of the applicant and payment of the state duty (licensing fee) in the procedure and amount provided for by the legislation of the Member State, issue a duplicate of the license arranged similarly to the original one and bearing an inscription 'Duplicate'.

An application clarifying the reasons and circumstances of the loss of the license shall be drawn up in any form.

The duplicate of the license shall be issued by the authorised body within 5 business days from the date the application is filed.

22. Holders of general and exclusive licenses shall be obliged to submit, on a quarterly basis and by the 15th day of the month following the reporting quarter, reports on the license compliance, to the authorised body.

Holders of single-use licenses shall be obliged to submit, within 15 calendar days upon expiry of the license, a statement of information on the license compliance to the authorised body.

23. In case of lifting supervision over license, the relevant authorised body of a Member State shall issue to the applicant a statement of information on the license compliance, on the basis of his/her written application within 5 business days.

The form and procedure for issuing the statement of information shall be determined by the Commission.

24. The customs authorities shall submit electronic information on the license compliance directly to the authorised body, if provision of such information by customs authorities is provided for by the legislation of Member States.

If electronic information on the license compliance is submitted by the customs authorities directly to the authorised body, the license holders shall not submit to the authorised bodies the reports and statements of information on the license compliance.

III. Permits Issuance Procedure

25. A permit shall be arranged in accordance with the instructions on arrangement of the permit for export and/or import of certain types of goods as approved by the Commission.

A permit may be issued (arranged) in the form of an electronic document under the procedure approved by the Commission, and prior to its approval — under the procedure determined by the legislation of the Member State.

The structure and format of a permit in the form of an electronic document shall be approved by the Commission, and prior to their approval — in accordance with the legislation of the Member State.

Permits issued by the authorised body of a Member State shall be recognised by all other Member States.

26. The time limit for issuing permits may not exceed 3 business days from the date the application is submitted.

Permits shall be issued without restrictions to all the participants of foreign trade activities on the basis of the following documents being submitted to the authorised body:

written application;

draft permit on hard copy;

an electronic copy of the draft permit in a format approved by the Commission and, prior to its approval, under the procedure determined by the legislation of the Member State.

27. The effective period of a permit shall be limited to the calendar year in which the permit has been issued.
28. The authorised body shall arrange the original permit to be issued to the participant of foreign trade activities or its representative holding the written power of attorney to receive the original permit.

Prior to the customs declaration of goods, the participant of foreign trade activities shall submit the original permit to the relevant customs authority, which shall issue to the participant of foreign trade activities — when imposing supervision on the permit — a copy thereof with an indication of the customs authority on imposing supervision on it.

If the authorised body has issued (arranged) the permit in the form of an electronic document, the participant of foreign trade activities shall not be required to submit the original permit in hard copy to its domestic customs authority.

The procedure for cooperation between the authorised bodies and the customs authorities for supervision over compliance of permits issued in the form of electronic documents shall be determined by the legislation of the Member States.

29. Issued permits may not be rearranged under the names of other participants of foreign trade activities.

It shall not be allowed to make changes to any permits issued.

30. In case of loss of the issued permit, the authorised body may, upon a written application of the participant of foreign trade activities and within 3 business days, issue a duplicate of the permit arranged similarly to the original one and bearing an inscription 'Duplicate'. Moreover, the reasons and circumstances of the loss of the permit should be clarified in the application. The application shall be drawn up in any form.
