

AGREEMENT ON FOUNDATION OF EURASIAN ECONOMIC COMMUNITY

The Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation, and the Republic of Tajikistan, hereinafter referred to as the "Contracting Parties",

Motivated by the will to ensure their dynamic development by coordinating their socioeconomic reforms, combined with effective use of their economic potentials to improve the living standards of their citizens;

Determined to improve the effectiveness of cooperation for the purposes of furthering mutual integration processes and deepening mutual cooperation in various fields;

Aware of the need to coordinate their approaches to integration with the world economy and the international trade system;

As an expression of their readiness to fully comply with their undertaking under the Agreement on the Customs Union Between the Russian Federation and the Republic of Belarus dated 6 January 1995, the Agreement on the Customs Union dated 20 January 1995, the Agreement on Deepening Integration in Economic and Humanitarian Spheres dated 29 March 1996, and the Agreement on the Customs Union and Single Economic Space dated 26 February 1999;

As a demonstration of their commitment to the principles of the Charter of the United Nations Organization and also to the generally accepted principles and disciplines of international law,

Hereby agree as follows:

Article 1

Foundation of the International Organization

The Contracting Parties hereby establish an international organization "Eurasian Economic Community" (hereinafter, the "EAEC" or the "Community").

The EAEC shall have such powers as are voluntarily transferred to it by the Contracting Parties in accordance with the provisions of this Agreement. The Contracting Parties remain sovereign and full-fledged subjects of international law.

Article 2

Objectives and Tasks

The purpose of formation of the EAEC is for the Contracting Parties to effectively promote the process of formation of the Customs Union and the Single Economic Space, and to implement other objectives and tasks outlined in the above-mentioned agreements on the Customs Union, the Agreement on Deepening Integration in Economic and Humanitarian Spheres, and the Agreement on the Customs Union and Single Economic Space, in stages as scheduled under the above documents.

Any agreements earlier made between the Contracting Parties, and resolutions of the integration management bodies remain effective to the extent that they do not contradict this Agreement.

Article 3 Authorities

To provide continuity of the integration management bodies earlier created by the Contracting Parties, the following shall be maintained to implement the objectives and tasks of this Agreement within the EAEC format:

- The Interstate Council;
- The Integration Council;
- The Inter-Parliamentary Assembly (IPA); and
- The Community Court.

It is the Interstate Council that is authorised to terminate the functioning of the integration management bodies set up under the Agreement on Deepening Integration in Economic and Humanitarian Spheres dated 29 March 1996, and the Agreement on the Customs Union and Single Economic Space of 26 February 1999.

Article 4 Chairmanship

The Chairmanship of the Interstate Council and the Integration Committee shall be held by rotation in the alphabetical order by each Member-State of the Community for one year.

The procedure for electing the Chair for other bodies of the Community shall be provided under corresponding regulations.

Article 5 Interstate Council

The Interstate Council is the chief executive body of the EAEC. Its membership comprises heads of state and government leaders of the Contracting Parties.

The Interstate Council shall consider executive issues of the Community concerning the common interests of the Member-States, define the strategy, guidelines and prospects of the integration development, and make decisions aimed at implementation of the objectives and tasks of the EAEC.

The Interstate Council shall issue instructions to the Integration Committee, address the Inter-Parliamentary Assembly with requests and recommendations, and submit inquiries to the Community Court.

The Interstate Council may resolve to establish auxiliary bodies of the Community.

The Interstate Council shall meet on the level of heads of states no less than once a year, while the government leaders shall meet no less than twice a year. The summits shall be chaired by a representative of the Contracting Party chairing the Interstate Council at such time.

The functions and procedures of the Interstate Council shall be provided in the By-Laws to be approved by the Interstate Council on the level of heads of state of the EAEC Member-States.

Article 6 Integration Committee

The Integration Committee is a permanent body of the EAEC.

1. The main tasks of the Integration Committee are to:

ensure coordinated action between the EAEC bodies;

prepare proposals regarding the agendas of meetings of the Interstate Council and the level of participating officials, and prepare also draft resolutions and documents;

prepare proposals regarding formation of the EAEC Budget and control its implementation;

control the enforcement of resolutions of the Interstate Council.

In order to fulfil its tasks the Integration Committee shall:

make decisions to the extent of its authority as defined hereunder or delegated to it by the Interstate Council;

annually present to the Interstate Council a status report on the Community affairs and the progress of implementation of its objectives and tasks, a progress report regarding its own activity, and regarding the implementation of the Budget of the EAEC;

consider measures aimed at attaining the objectives of the Community, including making appropriate agreements and maintaining a uniform policy on specific issues for the Contracting Parties, and prepare corresponding proposals;

retain the right to submit recommendations to the Interstate Council, submit recommendations and requests to the Inter-Parliamentary Assembly, and inquiries to the Community Court.

2. The Integration Committee shall include deputy heads of the governments of the Contracting Parties. Chairman of the Integration Committee shall take part in the meetings of the Interstate Council.

Meetings of the Integration Council shall be held at least once every three months.

In between the meetings of the Integration Committee, day-to-day functioning of the Community will be supported by an EAEC Commission of Permanent Representatives of the Contracting Parties appointed by the heads of state of the Member-States.

3. Organization of work and information and technical support for the Interstate Council and the Integration Committee shall be the responsibility of the Secretariat of the Integration Committee (the "Secretariat").

The Secretariat shall be led by its General Secretary to be appointed by the Interstate Council based on the Integration Committee's recommendation for a term of three years.

The General Secretary is the chief administrator of the Community, who participates in the meetings of the Interstate Council and the Integration Committee.

The Secretariat shall be formed of citizens of the Member-States on quota basis prorated for the respective contributions of the Contracting Parties to the Community Budget, and of persons employed on contract basis.

As regards their official duties, the General Secretary and the staff of the Secretariat must not request or receive instructions from any Contracting Party or any authority other than the Community. They must abstain from any actions which might affect their status as international officials responsible only to the EAEC.

The Contracting Parties shall respect the international nature of responsibilities of the General Secretary and the staff of the Secretariat and shall not try to exercise any pressure on them while they are doing their duty.

The functions and the procedures of the Integration Committee shall be provided under the By-Laws to be approved by the Interstate Council.

Article 7

Inter-Parliamentary Assembly

The Inter-Parliamentary Assembly is a parliamentary cooperation body within the EAEC considering issues of harmonisation (approximation, unification) of the national laws of the Contracting Parties and bringing them into conformity with the agreements made in the EAEC format for the purposes of implementing the tasks of the Community.

The Inter-Parliamentary Assembly is formed of members of parliaments of the Contracting Parties delegated by such parliaments.

The Inter-Parliamentary Assembly shall, to the extent of its powers:

develop fundamentals of legislation in the basic spheres of legal relations falling within the competence of the Interstate Council;

adopt standard drafts as basis for development of national legal acts;

be able to extend recommendations to the Interstate Council, requests and recommendations to the Integration Committee and the parliaments of the Contracting Parties, and submit inquiries to the Community Court.

The By-Laws of the Inter-Parliamentary Assembly shall be approved by the Interstate Council.

Article 8 Community Court

The Community Court shall provide guarantees of uniform enforcement by the Contracting Parties of this Agreement and other agreements between the Community members and decisions taken by EAEC bodies.

The Community Court shall consider also economic disputes arising between the Contracting Parties on issues of implementation of decisions of the EAEC bodies and provisions of agreements effective between the Community members, provide explanations and opinions in respect thereof.

The Community Court shall be formed of representatives of the Contracting Parties, two representatives from each Contracting Party. The Judges shall be appointed by the Inter-Parliamentary Assembly based on recommendations of the Interstate Council, for six years.

The organization and the procedures of the Community Court shall be provided under its Statute to be approved by the Interstate Council.

Article 9 Membership

Membership of the EAEC is open to all states which will undertake the commitments arising hereunder and under other EAEC agreements, in accordance with the schedule established by resolution of the Interstate Council, and which the Members of the EAEC believe to be able and willing to comply with such commitments.

Any Contracting Party shall have the right to withdraw from the EAEC provided it has complied with its obligations to the Community and its Members, and has notified the Integration Committee officially of its withdrawal from this Agreement no later than twelve months prior to the withdrawal date. Membership shall terminate in the current budgetary year where the notice had been sent before the approval of the Community Budget for the next budgetary year. Where the notice is sent after the next year's Budget has been approved, membership shall terminate in such subsequent budgetary year.

Participation in the work of EAEC bodies may be suspended by resolution of the Interstate Council for a Contracting Party in breach of the terms of this Agreement

and/or other Community agreements. If such Contracting Party continues to be in breach of its obligations, the Interstate Council may resolve to expel it from the Community as of such date as the Interstate Council may determine.

Article 10 Observership

The observer status at the EAEC can be granted to any state or international interstate (intergovernmental) organization applying for such status.

Decisions to grant, suspend or cancel the observer status shall be taken by the Interstate Council.

Article 11 Legal Capacity

The EAEC shall wield the legal capacity required to implement its tasks and objectives in the territories of each Contracting Party.

The EAEC may establish relationships with states and international organizations and enter into agreements.

The EAEC shall wield the rights of a legal entity and shall be able for the purpose of implementing its tasks and objectives to:

- enter into agreements;
- acquire property and dispose of it;
- appear in court;
- open accounts and carry out financial transactions.

Article 12 Location of Authorities

The Integration Committee shall be based in the City of Almaty (the Republic of Kazakhstan) and the City of Moscow (the Russian Federation).

The Inter-Parliamentary Assembly shall be based in the City of Saint Petersburg (the Russian Federation).

The Community Court shall be based in the City of Minsk (the Republic of Belarus).

Subject to the decision of the Interstate Council, territorial presence of the Integration Committee may be established in the Member-States of the Community.

Article 13

The Decision-Making Procedure

The Interstate Council shall take all of its decisions by unanimous vote, except those regarding suspension or termination of Community membership, where a decision requires a unanimous vote less the vote of the Contracting Party concerned.

The Integration Committee shall take its decisions by a two-thirds' majority of votes. Where four Contracting Parties vote in favour of a decision, but there is still no two-thirds' majority, the issue will be referred to the Interstate Council. The number of votes of each of the Contracting Parties shall correspond to their respected prorated contributions to the Community Budget and shall be:

The Republic of Belarus - 20 votes;
The Republic of Kazakhstan - 20 votes;
Kyrgyz Republic -10 votes;
The Russian Federation - 40 votes;
The Republic of Tajikistan - 10 votes.

Article 14

Enforcement of Decisions

Decisions of the EAEC authorities shall be enforced by the Contracting Parties by passing the required national regulatory legal acts as provided under their national laws.

Control over the enforcement of obligations of the Contracting Parties in respect of implementation of this Agreement, other agreements effective for the Community purposes, and decisions of the EAEC authorities shall be effected by the authorities of the Community to the extent of their powers.

Article 15

Financing

The functioning of the EAEC authorities shall be financed out of the Community Budget.

The Community Budget for each budgetary year shall be planned by the Integration Committee subject to consents of the member-states, and shall be approved by the Interstate Council.

The Community Budget shall never be in deficit.

The Community Budget shall be formed of pro rata contributions of the Contracting Parties as follows:

The Republic of Belarus - 20 per cent;
The Republic of Kazakhstan - 20 per cent;
Kyrgyz Republic -10 per cent;
The Russian Federation - 40 per cent;
The Republic of Tajikistan - 10 per cent.

The budgetary funds shall be used to:
finance the functioning of the EAEC authorities;
finance joint projects of the Contracting Parties carried out within the EAEC framework.

cover other purposes consistent with the terms hereof.

Where the debt of one of the Contracting Parties to the EAEC budget exceeds the amount equivalent to its annual pro rata contribution, the Interstate Council may resolve to deprive it of its voting right in the Community authorities until full repayment of the debt. Its votes shall then be distributed between the remaining Contracting Parties prorated for their respective contributions to the Community Budget.

Article 16

Privileges and Immunities

The Community and its officials shall enjoy all privileges and immunities required to effect the functions and implement the goals hereunder and under other EAEC agreements.

The extent of privileges and immunities of the Community and its officials, the Secretariat staff and the territorial Representative Offices of the Integration Committee, and the Permanent Representatives of the Contracting Parties in the Community shall be provided under separate documents.

Article 17

Working Language

The Working language of the EAEC shall be the Russian language.

Article 18

Validity Term and Effective Date

This Agreement shall be made for an indefinite term.

This Agreement shall be subject to ratification by the Contracting Parties and shall take effect as of the date the depository, which function shall be undertaken by the Integration Committee, receives the last notice of completion of national procedures required to give effect to this Agreement.

Where necessary, the Parties shall bring their national laws into conformity with the terms hereof.

Article 19

Amendments and Supplements

Possible amendments and supplements hereto shall be made out as a separate protocol by the Contracting Parties, which protocol shall be an integral part of this Agreement.

Article 20
Registration

This Agreement is subject to registration with the Secretariat of the United Nations Organization as provided under Article 102 of the UN Charter.

Made in the City of Astana on 10 October 2000, one counterpart in each of the Belorussian, Kyrgyz, Russian and Tajik languages, all counterparts having equal legal force. In the event of any controversy regarding the content of this Agreement, the Contracting Parties shall revert to the Russian language version.

The original agreement shall be kept in the Integration Committee which shall provide each of the Contracting Parties with a certified copy.