

**The Regulation “On the Order of Entry into the Customs Territory of the Customs Union and Removal of the Customs Territory of the Customs Union of Encryption (Cryptographic) Means” approved by Decision of the Collegium of the Eurasian Economic Commission No.134 “On Normative Legal Acts in the Area of Non-Tariff Regulation” of 16 August 2012**

1. The Regulation on the importation into the customs territory of the Customs Union and export from the customs territory of the Customs Union of encryption (cryptographic) means (hereinafter: “the Regulation”) was developed in accordance with the Agreement “On the Rules of Licensing in the Area of Foreign Trade Goods” of 9 June 2009 (hereinafter: “the Agreement”) and the Agreement “On the Procedures of Introduction and Implementation of Measures, Concerning Foreign Trade in Goods, on the Common Customs Territory of the Customs Union in Respect of Third Countries” of 9 June 2009.

2. The Regulation shall apply to the encryption (cryptographic) means or products containing in their composition encryption (cryptographic) means, specified in Section 2.19 of Common List of goods subject to bans or restrictions on importation or exportation by Parties of

*Note: Normative and technical, engineering and maintenance documents for cryptographic means specified in subparagraphs "a" - "i" of this paragraph shall be considered an integral part of these means.*

4. The Regulation shall apply to persons engaged in import and export of cryptographic means (hereinafter: "the applicant").

5. Import and export of cryptographic means shall be carried out on the basis of one-time licenses (hereinafter: "the licenses"), issued by an authorized body of the Customs Union (hereinafter: the authorized body) over the applicant was registered.

6. To obtain the license the applicant shall submit to the authorized body documents under paragraph 3 Article 3 of the Agreement, as well as:

- A conclusion on the possibility of import or export of cryptographic means issued by the executive body in the field of national security of the Customs Union (hereinafter: the coordinating body);

- Annex to the application for the license including full names of all cryptographic means in the case of importation or exportation of several types of cryptographic means, corresponding to a single 10-digit classification code in accordance with the CCN FEA.

7. To obtain the conclusion in accordance with paragraph 6 of the Regulation the applicant shall submit to the coordinating body:

Application for the issuance of conclusion on the import

d) transit through the territory of Parties of the Customs Union of cryptographic means.

The term of notification registration and publication of its information on the web site of the Eurasian Economic Commission shall not exceed 10 days from the day of submission of notification for registration.

Registration of notification shall be provided automatically, unless the coordinating body contacts the applicant within 10 working days from the date of receipt of notification regarding the applicant's submission of the notification form.

Within the period of submission of documents for registration notification until the registration of notification, the applicant may introduce the changes in notification with the consent of the person signed the notification. At the same time, the date of introduction of changes shall be considered as the date of submission of the notification.

12. If the cryptographic means contain in their composition special technical devices, that are intended for secret gain of information, the decision on product category, which will be basis for issuance of the license, is defined by the coordinating body of Parties of the Customs Union.

13. The authorized body has the right to issue explanations (conclusions) on the matters of issuing licenses. Information on the issued explanations (conclusions) shall be sent to the Eurasian Economic Commission.

14. When evaluating documents submitted by the applicant, considering notification registration, conducting expertise of cryptographic means, the coordinating bodies shall protect the submitted confidential information and use it only for the purpose of evaluating goods.

ANNEX 1 to the Regulation  
on the Order of Entry  
Into the Customs Territory of  
the Customs Union and  
Removal of the Customs Territory  
of the Customs Union of  
Encryption (Cryptographic) Means

**Categories of Goods which are Encryption (Cryptographic) Means or Containing thereof the Technical and Encryption Characteristics of which are Subject to Notification**

1. Goods containing encryption technology which consist of any of the following components:
  - a symmetric cryptographic algorithm employing a key length not exceeding 56 bits long;or
  - an asymmetric cryptographic algorithm based on one of the following methods:
    - (a) factorization of integers not exceeding 512 bits; or
    - (b) computation of discrete logarithms in multiplicative group of a finite field of a size not exceeding 512 bits; or
    - (c) the discrete logarithm in group other than item (b) hereof not exceeding 112 bits.

Remark: (1) Bites of parity are not included in the length of a key.  
(2) The term "cryptography" does not refer to fixed methods of compression or coding of data.

2. Goods containing encryption with the following limited functions:
  - (a) authentication, including all the aspects of access control without encryption of files and texts, except encryption related to passwords and identification or other similar data protection from unauthorized access;
  - (b) electronic digital signature.

Remark: Functions of authentication are electronic digital signature include connected with them function of keys distribution.

3. Encryption (cryptographic) means, which are the components of programme of operations systems, cryptographic abilities which cannot be altered by users, which are developed for installation by the user individually without further substantial support by the provider and technical documents (the description of algorithms of cryptographic changes, protocols on interactions, description of interfaces, etc) on which is available.

4. Personal smart-cards (intellectual cards):
  - (a) cryptographic abilities of which are limited by use in equipment and systems, referred to in paragraph 5 of the present Categories;
  - (b) for wide, publicly available use, cryptographic abilities of which are not available for use and which as a result of special development have limited abilities of protection of stored personal information on them.

Remark: If a smart-card can perform few functions, then the control status of each of them is defined separately.

5. Receiving equipment for radio-broadcasting and commercial TV broadcasting or analogue commercial equipment for broadcasting to limited audience without encryption of digital signal, except for the cases of use of encryption solely for management of video or audio-channels and sending of data for return of information connected to the programme to the providers of broadcasting.

ANNEX 2 to the Regulation  
On the Order of Entry  
Into the Customs Territory of  
the Customs Union and  
Removal of the Customs Territory  
of the Customs Union of

ANNEX 3 to the Regulation  
On the Order of Entry  
Into the Customs Territory of  
the Customs Union and  
Removal of the Customs Territory  
of the Customs Union of  
Encryption (Cryptographic) Means

**The Regulation on the order of notification registration**

1. The Regulation shall establish the order of:
  - Documentation of notification on characteristics of goods (products), containing encryption (cryptographic) means;
  - Submission of the notification for the



6.6.

- Trouble in the authentication process;
- Interference in the process of use of electronic digital signature.

In this paragraph information on the availability or non availability of means for conducting operative investigation activities ("police" mode) shall be indicated.

12. The applicant shall indicate the period of validity of notification in the form: day, month, year in requisite 6 "Period of validity of notification".

13. The name of producer, position, name and surname of the person authorized for filling out notification, juridical address of head office, telephone numbers, fax numbers, and e-mail (upon availability) shall be indicated in requisite 7 "Requisites of the applicant".

Producers of Parties of the Customs Union shall also indicate information on registration of organizations (registering body, date of registration, registration number, identification number of taxpayer), other necessary information as well as requisite of the producer.

14. Requisite 8 "Requisite of the document of a producer, to be provided to the authority's representative the rights for drafting of notification" shall be filled out if the notification are filled out and submitted by the representative. Information on the document of the producer authorizing the rights of representative for drafting notification shall be indicated (warranty of authority, contract, agreement, etc. number and the date of signature of the document).

15. The date of fulfillment of the notification shall be indicated in the form of day, month, year in requisite 9 "The date of adaptation of notification".

16. All presented information shall be certified by the signature of the applicant, which confirms credibility and completeness of presented information and by the stamp of the organization (upon availability). The signature of the applicant shall be identified.

In the case of the large amount of information, turnover of the form of notification may be used. At the same time, every additional first notification shall be signed and stamped (upon availability) by the applicant.

17. Software for the fulfillment of the form of notification and form of electronic copy of the notification (electronic sample of documents) are provided on the official web site of the coordinating bodies of Parties of the Customs Union and (or) the official web site of the Commission.

18. Software, specified in paragraph 18 of the Regulation, allows the applicant:

- To fulfill the form of notification in accordance with the Regulation;
- To form printed copy of the form of notification and printed it out;
- To form electronic copy of notification in accordance with Annex 1 to the Regulation;
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Form of notification in two copies fulfilled and performed in accordance with the Regulation;

Electronic copy of notification in two copies on data bearing devices (disk, hard disks) in the form specified in Annex 1 to the Regulation;

Legalized document (apostil, consular legalization) authorizing the representative the right to submit the document on behalf of the producer. In case of submission of the mentioned documents in foreign language, the applicant shall also provide the translation in the state language performed in accordance with the national legislation of Parties of the Customs Union.

In case of submission of notification by the producer of the third country, notification shall be legalized.

20. The term of notification registration and publication of the information on it in the

**The Structure of the File of notification submitted to the coordinating body**

The file shall be submitted in the format ~~EX~~XLS. The description of the structure of data file of notification shall be presented to the coordinating body as prescribed in Table 1

Table 1 The description of the structure of data file of notification submitted to the coordinating body

No.	Name	The type of field	Logic content	Obligatoriness
1	number	symbol	Registration number	No
2	name of goods			

\*Field "Identifier" shall be filled out on the basis of information described in 4 "Used cryptographic algorithms" of the notification form specified in Annex 2 to the Regulation On the Order of Entry into the Customs Territory of the Customs Union and Removal of the Customs Territory of the Customs Union of Encryption (Cryptographic) Means. The meaning consists of 11 symbols, each symbol is checked in accordance with the specified number of paragraph of Annex 1 to the Regulation On the Order of Entry into the Customs Territory of the Customs Union and Removal of the Customs Territory of the Customs Union of Encryption (Cryptographic) Means. If the meaning of the number symbol of identifier corresponds to the meaning of number of paragraph Annex 1 to Regulation On the Order of Entry into the Customs Territory of the Customs Union and Removal of the Customs Territory of the Customs Union of Encryption (Cryptographic) Means, symbol will be assigned the meaning "one", otherwise – "null".

**The structure of data file on notifications submitted to the Eurasian Economic  
Commission**

The file shall be submitted in the format \*.xls. The description of the structure of data file of notification shall be presented to the coordinating body of Party of the Customs Union as prescribed in Table 2.

Data file on registered and terminated notifications shall have the following name: nXX\_DD\_MM\_YYYY.XLS, where

N –notification;

XX – Parties of the Customs Union:

BY – the Republic of Belarus,

KZ – the Republic of Kazakhstan,

RU – the Russian Federation;

DD\_MM\_YYYY – numeral of the calendar day of the submission of the data, where DD – day, MM – month, YYYY – year.

For example, data file of the registered notification of 15 March 2010, submitted by the coordinating body of the Russian Federation should have the following name: nRU\_14\_03\_2010.xls.

The file shall contain data on registered and terminated notifications from the date of last submission of the Eurasian Economic Commission.



Annex 3  
to the Regulation  
on the order of  
notification registration

**The form of publication of notification of the single register of notifications on the official web site of the Eurasian Economic Commission**

No.	Goods (products) name	Head producer of goods (products)	Date of notification registration	Term of validity	Identifier	Status	Date of termination

\*Column "Status" has the meaning: "Valid" or "Terminated". In case of indicating in column "Status" the meaning "terminated", in column "Date of termination" date of publication of the information on the official web site of the Customs Union shall be indicated. The line shall be highlighted with the color (grey)