

PROTOCOL
On Applying Special Preventive, Antidumping and Mitigating Measures in Trade
amongst State-Parties to the Customs Union.

The Government of the Republic of Belarus, the Government of the Republic of
K81lovTref21TwrTT4 1 Tf10.4ral agreements on free trade with Customs
the provisions of Customs Union Agreement and Single
1999,
ph 23 of the Protocol of 2 April 1999 on introducing
Free Trade Zone as of 15 April 1994,
united approach in applying special preventive, antidumping
import of goods in mutual trade and third parties trade,
protection of domestic products, creation of competition enabling
foreign manufacturers, and promotion of compatibility of
of the Customs Union state-parties (hereafter referred to as
applied to protect domestic market and national manufactures,
and principles of international law, agreed on the following.

Article 1

Key definitions:

Domestic economy sector – verified evidence of general deterioration of
domestic economy occurring due to increased import of similar or
subsidized goods on the customs territory of a state-party or dumping import of such
goods subsidized by a respective state-party or third countries and

Antidumping duty – a duty used in implementing antidumping measures and collected by

entail price decrease, prevents or can prevent increase of above prices, which could be the case if import of goods was lacking.

Article 7

Determine that evidences of the fact that national economy sector is effected by import of goods shall be based on assessment of all credible economic factors that have an impact on the status of economy including, inter alia, current or potential reduction of sales, revenues and production capacity, market share, productivity, cost recovery of capital investments, factors effecting national prices, actual and future impacts on revenues, stocks, employment, wages, growth rate, probable growth of cumulative authorized capital of a company within the national economy sector or increase of their capital investment rate.

Article 8

Determine, that proof of loss or threatened significant damage to the national economy sector of the state-party importer shall be based on exploring facts other than import of goods that have negative impact on status of the sector, including scope and price rates of import performed under adequate conditions, shift of demand and consumption, consequences of modest trade practices and rivalry between foreign and national manufacturers, technological production modifications, export and production indicators of national economy. Significant loss caused by above factors shall not be at the expense of import of goods that can be applied special preventive, antidumping and countervailing measures.

Article 9

Assume that established threatened significant losses as regards national economy sector are based on sheer facts. At that, they include:

Dynamic of import, evidencing for a real chance of follow-up significant growth of import;

Available free production capacities or inevitable obvious growth of exporter's production capacities that stand for a real opportunity to increasing import of goods in the territory of state-party importer based on potential capacities of other target markets;

Such price rate of imported goods that has a significant undermining effect on prices of national manufacturers and can lead to further increase of demand for the imported goods;

Size of stocks of similar or firsthand competitive goods.

Article 10

Assume that none of the factors or facts enlisted in Articles 5-9 of the present Protocol as it is, does not have to be mandatory argument for drawing a conclusion on existing significant loss or threatened significant loss. Conclusion on existing or lacking significant loss or threat of loss is drawn on the ground of aggregate factors or facts explored. In certain cases, when significant loss or a threat of loss is caused by increased import capacities or, in their absence, by the fact that import is exercised based on prices or terms inflicting significant loss to national economy sector, special preventive, antidumping and countervailing measures can be deployed in the event of existing cause and effect between significant loss and threat of significant loss to the national economy sector and increasing import capacities or dumping import of goods, or subsidized import of goods.

Article 11

As regards investigations proceeding implementation of special preventive, antidumping and countervailing measures, each Party agrees to study presentation of another Party and inform Integration Committee on essential fact and conclusions that final opinion will be based on. Prior to making a decision on special preventive, antidumping or countervailing measures the Parties will do their best to ensure constructive resolution of the problem, particularly under bilateral consultations.

Article 12

In the event of crash priority when delays in applying special preventive, antidumping and countervailing measures have inflicted or can inflict irreparable significant loss (**economic, serious**) to the national economy sector that will be difficult to remove thereafter, temporary special, temporary antidumping and temporary countervailing duties can be applied under