

**FEDERAL LAW NO. 164-FZ OF DECEMBER 8, 2003 ON THE FUNDAMENTAL PRINCIPLES OF  
STATE REGULATION OF FOREIGN TRADE ACTIVITY (with the Amendments and Additions of  
August 22, 2004, July 22, 2005, February 2, 2006)**

**Passed by the State Duma in November 21, 2003  
Endorsed by the Federation Council in November 26, 2003**

**Chapter I. General Provisions**

**Article 1. Objectives and Scope of the Present Federal Law**

1. The present Federal Law shall determine the fundamental principles of state regulation of foreign trade activity, the powers of the Russian Federation and the constituent members of the Russian Federation in the field of foreign trade activity with the objective of ensuring favourable conditions for foreign trade activity and also to protect the economic and political interests of the Russian Federation.

2. The present Federal law shall be applicable to relations arising in the field of the state regulation of foreign trade activity and also to relations directly associated with such activity.

3. The specificity of the state regulation of foreign trade activity in fields associated with the export from and import into the Russian Federation, including with the supply or purchase of military products, with the development and production of military products and also the specificity of the state regulation of foreign trade activity as regards goods, information, work, services, results of intellectual activity which can be used in the creation of weapons of mass destruction, means of their delivery, other types of armaments and military equipment, shall be such as are established under international agreements of the Russian Federation, federal laws on military and technical co-operation of the Russian Federation with foreign states and also on export control.

4. The provisions of the present federal law on the state regulation of foreign trade in services shall not be applicable to:

1) services offered by state authorities in performing their functions on a non-commercial basis and not on the terms of competition with one or several service providers;

2) services rendered by the Central Bank of the Russian Federation in performing the functions established under federal laws;

3) financial services provided in conducting, not on terms of competition with one or several providers of services, the activity associated with social security, including with state pension security and activity performed against the guarantees of the Government of the Russian Federation or using governmental financial resources.

**Article 2. Basic Concepts Used in the Present Federal Law**

For purposes of the present federal law the use is made of the following basic concepts, viz.:

1) **identical goods** means goods which by their functional purpose, application, qualitative and technical characteristics are completely identical to other goods or, in the absence of such completely identical goods, goods which enjoy the characteristics close to those of other goods;

2) **reciprocity** means the granting by a state (group of states) to another state (group of states) of a certain international trade regime in exchange for the granting by the latter state (group of states) to the former state (group of states) of an identical regime;

3) **foreign trade barter transaction** means a transaction effected in conducting foreign trade activity which provides for an exchange of goods, services, work, intellectual property, including a transaction which, alongside said exchange, also provides for the use, in handling the same, of monetary funds and (or) of other means of payment;

4) **foreign trade activity** means the business activity of making transactions in the field of foreign trade in goods, services, information and intellectual property;

5) **foreign trade in intellectual property** implies assignment of exclusive rights to objects of intellectual property or granting the right to use objects of intellectual property by a Russian person to a foreign person or by a foreign person to a Russian person;

6) **foreign trade in information** means foreign trade in goods when information is a constituent part of those goods, foreign trade in intellectual property, when the transfer of information is effected as assignment of rights to objects of intellectual property or foreign trade in services in other instances;

7) **foreign trade in goods** means import and (or) export of goods. The transfer of goods from a part of the customs territory of the Russian Federation to another part of the customs territory of the Russian Federation, if those parts are not interconnected by an overland territory of the Russian Federation, through the customs territory of a foreign state, shall not be deemed as foreign trade in goods;

8) **foreign trade in services** means the provision of services (execution of work), including production, distribution, marketing, delivery of services (work), carried out by methods specified under Article 33 of the present Federal law;

9) **free trade zone** means the customs territories in which, under an international agreement with one or several states or groups of states customs duties and other measures of restriction of foreign trade in goods originating from the said customs territories, in respect of virtually the entire foreign trade in such goods within the bounds of the said customs territories were abolished, except for the possibility of applying if need be, such measures in instances specified under Articles 21, 32, 38 and 39 of the present Federal law. Moreover, the participants in the free trade zone shall not effect any substantial co-ordination in respect of application of customs duties and other measures of regulation of foreign trade in goods with third countries;

10) **import of goods** means bringing goods into the customs territory of the Russian Federation without an obligation to take them back;

11) **foreign person** means an individual, legal entity or organization not recognized as a legal entity under the law of a foreign state that are not Russian persons;

12) **foreign customer of services** means a foreign person who has ordered services (operations) or is making use of them;

13) **foreign provider of services** means a foreign person providing services (performing operations);

14) **commercial presence** means any form permitted under the legislation of the Russian Federation or the legislation of a foreign state, of organization of entrepreneurial and other economic activity of a foreign person in the territory of the Russian Federation or of a Russian person in the territory of a foreign state with the objective of providing services, including by creation of a legal entity, branch or representative office of a legal entity or to take part in the charter (stock) capital of a legal entity. The Russian legal entity through which a commercial presence is carried out, shall be regarded as a foreign provider of services, if a foreign person (foreign persons) by virtue of its predominant participation in the charter (stock) capital of the Russian legal person or in accordance with a contract made between them or in any other way, is in a position to determine decisions taken by the Russian legal entity;

15) **international transit** means the transfer across the customs territory of the Russian Federation of goods, transport vehicles, provided such transfer is only a part of a route beginning and ending outside the customs territory of the Russian Federation;

16) **directly competing goods** means goods which are comparable with other goods by their purpose, application, qualitative and technical characteristics and also other basic properties in a way that a buyer substitutes or is ready to substitute them for other goods in the process of consumption;

17) **non-tariff regulation** means a method of state regulation of foreign trade in goods exercised by imposing quantitative restrictions, other bans and restraints of an economic character;

18) **pre-shipment inspection body** means a Russian or foreign legal person designated by the Government of the Russian Federation in accordance with Part 4 of Article 28 of the present Federal law;

19) **registered certificate of a foreign trade barter transaction** means a document required to exercise control over foreign trade in goods, services, work, intellectual property conducted in accordance with foreign trade barter transactions;

20) **pre-shipment inspection** means inspection of the quality, quantity, price, including its financial terms, and (or) the fidelity of coding for customs purposes of goods intended for importation into the Russian Federation;

21) **Russian customer of services** means a Russian person who has ordered services (operations) or is making use of them;

22) **Russian provider of services** means a Russian person providing services (or performing operations);

23) **Russian person** means a legal person set up in accordance with the legislation of the Russian Federation, an individual having a permanent or habitual residence in the territory of the Russian Federation, who is a citizen of the Russian Federation or has the right of permanent residence in the Russian Federation or is registered as an individual businessman as envisaged under the legislation of the Russian Federation;

24) **customs-tariff regulation** means a method of state regulation of foreign trade in goods exercised by application of export and import customs duties;

25) **customs union** means a common customs territory which, on the basis of an international agreement with one or several states or groups of states, is replacing two or several customs territories and within the bounds of which it is agreed to abolish customs duties and other measures of restriction of foreign trade in goods originating from the common customs territory, in respect of virtually the entire trade in such goods within the bounds of that customs territory, except for the possibility of applying, if need be, the said measures in instances specified under Articles 21, 32, 38 and 39 of the present Federal law. Moreover, each participant in the customs union shall apply identical customs duties and other measures of regulation of foreign trade in goods with third countries;

26) **goods** means any movable property and also aircraft, sea-going ships, ships of inland and mixed type (river and sea) navigation and spacecraft placed under the category of immovable property

and also electric energy and other utilities that are objects of foreign trade activity; Transport vehicles used under contract in international traffic, shall not be regarded as goods;

27) **participants in foreign trade activity** means both Russian and foreign persons engaged in foreign trade activity;

28) **export of goods** means taking goods out of the customs territory of the Russian Federation without an obligation to bring them back.

### **Article 3. Legislation of the Russian Federation on Foreign Trade Activity**

The state regulation of foreign trade activity shall be based on the Constitution of the Russian Federation and shall be exercised in accordance with the present Federal Law, other federal laws and other regulatory legal acts of the Russian Federation, and also in compliance with the commonly recognized principles and rules of international law and international agreements of the Russian Federation.

### **Article 4. Basic Principles of State Regulation of Foreign Trade Activity**

The basic principles of the state regulation of foreign trade activity shall be:

1) protection by the state of the rights and legitimate interests of participants in foreign trade activity and also of the rights and legitimate interests of the Russia's manufacturers and consumers of goods and services;

2) equality and non-discrimination of participants in foreign trade activity, unless otherwise is provided under federal law;

3) unity of the customs territory of the Russian Federation;

4) reciprocity in respect of other state (group of states);

5) ensuring compliance with the obligations of the Russian Federation under international agreements of the Russian Federation and exercise of the rights of the Russian Federation ensuing from those agreements;

6) choosing measures of state regulation of foreign trade activity which shall be no more burdensome for the participants in foreign trade activity than is necessary for an effective achievement of the goals for which it is proposed to undertake said measures of state regulation of foreign trade activity;

7) openness in developing, adoption and application of measures of state regulation of foreign trade activity;

8) justification and objectivity of application of measures of state regulation of foreign trade activity;

9) exclusion of unjustified interference of the state or its bodies in foreign trade activity and of infliction of damage on the participants in foreign trade activity and to the economy of the Russian Federation;

10) ensuring the defense of the country and security of the state;

11) ensuring the right to appeal, either in due process of law or in accordance with any other procedure prescribed under the law, against any illegal actions (inaction) of governmental agencies and their officials and also the right to challenge regulatory legal acts of the Russian Federation, derogating from the right of a participant in foreign trade activity to conduct such foreign trade activity;

12) unity of the system of the state regulation of foreign trade activity;

13) unity of application of methods of state regulation of foreign trade activity all across the territory of the Russian Federation;

### **Article 5. Trade Policy of the Russian Federation**

1. The trade policy of the Russian Federation shall be a constituent part of the economic policy of the Russian Federation. The aim pursued by the trade policy of the Russian Federation shall be to create favourable conditions for Russian exporters, importers, manufacturers and consumers of goods and services.

2. The trade policy of the Russian Federation shall be based on compliance with the commonly recognized principles and rules of international law and also with the obligations ensuing from international agreements of the Russian Federation.

3. The trade policy of the Russian Federation shall be implemented by employing the methods of state regulation of foreign trade activity as is envisaged under Article 12 of the present Federal law.

## **Chapter II. Authority of Federal Executive Bodies, State Power Bodies of the Subjects of the Russian Federation and Local Self-Government Bodies in the Field of Foreign Trade Activity**

### **Article 6. The Authority of Federal State Power Bodies in the Field of Foreign Trade Activity**

The powers of federal state power bodies in the field of foreign trade shall include the following:

1) formation of a conception and strategy of development of foreign trade relations and of basic principles of the trade policy of the Russian Federation;

- 2) protection of the economic sovereignty and economic interests of the Russian Federation and of Russian persons;
- 3) state regulation of foreign trade activity, including customs-tariff and non-tariff regulation and also state regulation of activity in the field of confirmation of compliance of goods with the mandatory requirements in connection with their importation into and exportation from the Russian Federation;
- 4) laying down safety requirements and criteria to be obligatory throughout the territory of the Russian Federation, for the life and health of citizens, property of individuals or legal persons, state or municipal property, the environment, life and health of animals and plants in the importation of goods into the Russian Federation and also of rules for control over such goods;
- 5) establishing a procedure for exportation from and importation into the Russian Federation of (fissionable) nuclear substances, toxic, explosive, poisonous substances, hazardous waste, potent narcotic drugs, psychoactive substances and their precursors, biologically active materials (donor blood, viscera and other materials), genetically active materials (cultures of fungi, bacteria, viruses, seminal material of animals and man and other materials), animals and plants threatened with extinction, their parts and derivatives and also of other goods that may have an adverse effect upon the life or health of citizens, life or health of animals and plants or the environment;
- 6) establishing a procedure for bringing into and taking out of the Russian Federation precious metals and gems;
- 7) co-ordination of international cooperation of the Russian Federation in the field of space activity and control over the development and realization of international space projects of the Russian Federation;
- 8) establishing indices for statistical reports on foreign trade activity to be obligatory throughout the territory of the Russian Federation;
- 9) conclusion of international agreements of the Russian Federation in the field of foreign economic relations;
- 10) opening, maintenance and liquidation of trade missions of the Russian Federation in foreign states;
- 11) participation in the activity of international economic organizations and in the implementation of decisions adopted by those organizations;
- 12) determining a procedure for taking out of the Russian Federation goods having as a component part information constituting a state secret.
- 13) informational support to foreign trade activity in the territory of the Russian Federation;
- 14) establishing insurance and mortgage funds in the field of foreign trade.

**Article 7.** Abolished from January 1, 2005.

**Article 8.** Powers of State Power Bodies of the Subjects of the Russian Federation in the Field of Foreign Trade Activity

Powers of state power bodies of the subjects of the Russian Federation in the field of foreign trade activity shall include the following:

- 1) holding talks and making agreements on implementation of foreign trade relations with entities of foreign federative states, administrative territorial entities of foreign states and also, given the consent thereto of the Government of the Russian Federation, with the state bodies of foreign states;
- 2) maintenance of representatives at trade missions of the Russian Federation in foreign states by using the funds of the budgets of the constituent members of the Russian Federation by agreement with the federal executive authority specified under Part 3 of Article 13 of the present Federal law and with the Ministry of Foreign Affairs of the Russian Federation;
- 3) opening missions in foreign states with the objective of putting into effect the agreements on implementation of foreign trade relations according to the procedure established under the legislation of the Russian Federation;
- 4) engagement in designing and realization of regional programs of foreign trade activity.
- 5) informational support to foreign trade activity in the territory of a subject of the Russian Federation;
- 6) establishing insurance and mortgage funds in the field of foreign trade activity in the territory of a subject of the Russian Federation.

**Article 8.1.** Powers of Local Self-Government Bodies in the Field of Foreign Trade

Foreign trade activity of local self-government bodies shall be exercised in compliance with the laws of the Russian Federation.

**Article 9.** Interaction Between Federal Executive Bodies and Executive Bodies of the Constituent Members of the Russian Federation

1. The federal executive body specified under Part 3 of Article 13 of the present Federal law shall be obligated to have draft plans and programs for development of foreign trade activity affecting the interests of the constituent members of the Russian Federation and falling within their respective competence approved by the relevant executive authorities of the constituent members of the Russian Federation

2. The executive body of the constituent member of the Russian Federation shall, within thirty days following the presentation of a relevant draft plan or program for approval, furnish an official conclusion to the federal executive authority specified under Part 3 of Article 13 of the present Federal law.

3. Failure to produce an official conclusion by the executive authority of the constituent member of the Russian Federation shall be deemed as its consent to a draft plan and program sent for its approval.

4. Executive bodies of the constituent members of the Russian Federation shall be obligated to inform the federal executive body specified under Part 3 of Article 13 of the present Federal law on all actions taken by the constituent member of the Russian Federation on issues of joint competence of the Russian Federation and of the constituent members of the Russian Federation in the field of foreign trade activity

### **Chapter III. Participants in Foreign Trade Activity**

#### **Article 10. Russian and Foreign Persons as Participants in Foreign Trade Activity**

Any Russian and foreign persons shall have the right to carry out foreign trade activity. The right may be restricted in instances specified under international agreements of the Russian Federation, the present Federal law and other federal laws.

#### **Article 11. Participation of the Russian Federation, the Constituent Members of the Russian Federation and Municipal Entities in Carrying out Foreign Trade Activity**

The Russian Federation, the constituent members of the Russian Federation and municipal entities shall carry out foreign trade activity only in cases specified under federal laws.

### **Chapter IV. Basic Provisions of State Regulation of Foreign Trade Activity**

#### **Article 12. Methods of State Regulation of Foreign Trade Activity**

1. The state regulation of foreign trade activity shall be exercised in accordance with international agreements of the Russian Federation, the present Federal Law, other federal laws and other regulatory acts of the Russian Federation by means of:

- 1) customs-tariff regulation;
- 2) non-tariff regulation;
- 3) bans and restrictions of foreign trade in services and intellectual property;
- 4) measures of an economic and administrative character facilitating the development of foreign trade activity and envisaged under the present Federal law.

2. No other measures of state regulation of foreign trade activity shall be allowed.

#### **Article 13. Powers of the State Bodies of the Russian Federation in the Field of State Regulation of Foreign Trade Activity**

1. The President of the Russian Federation shall, in compliance with the Constitution of the Russian Federation and federal laws:

- 1) determine basic aspects of the trade policy of the Russian Federation;
- 2) determine the procedure for bringing into and taking out of the Russian Federation precious metals and gems;
- 3) impose bans and restrictions of foreign trade in goods, services and intellectual property for the purposes of participation of the Russian Federation in international sanctions;
- 4) exercise other powers.

2. The Government of the Russian Federation shall:

- 1) ensure that the Russian Federation pursues a common trade policy and carry out measures for its implementation, adopt appropriate decisions and provide for their implementation;
- 2) apply special-purpose protective measures, antidumping measures and compensatory measures in carrying out foreign trade in goods and also other measures to protect the economic interests of the Russian Federation;
- 3) establish customs tariff rates within the limits to be fixed under federal law;
- 4) introduce quantitative restrictions on the export and import of goods in conformity with international agreements of the Russian Federation, federal laws and determine the procedure for application of quantitative restrictions on export and import of goods;

5) establish a permit issuing procedure for the export and (or) import of individual types of goods which may adversely affect the security of the state, life or health of citizens, property of individuals or legal persons, public or municipal property, the environment, life or health of animals and plants and also determine a list of individual goods which may be subject to that procedure;

6) determine a procedure for licensing in the sphere of foreign trade in goods and also a procedure for the formation and maintenance of the federal data base of issued licenses;

7) upon recommendation of the federal executive authority specified under Part 3 of this Article, determine a list of individual types of goods the export and (or) import of which is to be put under control;

8) determine a procedure for control over export and (or) import of individual types of goods;

9) adopt, within its respective competence, decisions to hold negotiations and to sign international agreements of the Russian Federation;

10) adopt decisions to impose, as retaliatory measures vis-a-vis foreign states, restrictions of foreign trade in goods, services and intellectual property in instances specified under the present Federal law;

11) determine a procedure for bringing into and taking out of the Russian Federation fissionable nuclear substances;

12) determine a procedure for taking out of the Russian Federation goods having as a component part information constituting a state secret;

13) approve the Commodity Nomenclature of Foreign Trade Activity;

14) exercise any other powers it may be entrusted with under the Constitution of the Russian Federation, federal laws, decrees of the President of the Russian Federation in the field of state regulation of and state control over foreign trade activity.

**3.** The elaboration of proposals concerning the trade policy of the Russian Federation, state regulation of foreign trade activity, conclusion of international trade and other agreements of the Russian Federation in the field of foreign trade relations shall be the competence of the duly authorized federal executive authority entrusted by the Government of the Russian Federation, acting within its respective competence, with the right of state regulation of foreign trade activity. When and if the interests of the constituent members of the Russian Federation are affected, the elaboration of said proposals shall be effected with the participation of relevant executive authorities of the constituent members of the Russian Federation.

**4.** The federal executive body specified under Part 3 of the present Article shall make proposals to the Government of the Russian Federation regarding the trade policy of the Russian Federation and provide for the realization of tasks associated with the protection of the economic interests of the Russian Federation, the constituent members of the Russian Federation and Russian persons, and also for the implementation of measures associated with the state regulation of foreign trade activity.

**5.** The federal executive authority specified under Part 3 of this Article shall be the sole state body that shall issue licenses specified under Article 24 of the present Federal law.

#### **Article 14.** Conclusion of International Trade Agreements and Other Agreements of the Russian Federation in the Field of Foreign Economic Relations

**1.** Proposals to conclude international trade agreements and other agreements of the Russian Federation in the field of foreign economic relations shall be made according to the procedure established under Federal Law No. 101-FZ of July 15, 1995 On International Agreements of the Russian Federation, to the President of the Russian Federation or to the Government of the Russian Federation by the executive authority specified under Part 3 of Article 13 of the present Federal law, jointly with the Ministry of Foreign Affairs of the Russian Federation or upon agreement therewith.

**2.** Proposals made by other federal executive bodies regarding the conclusion of international agreements of the Russian Federation dealing with issues of foreign economic relations shall be agreed upon with the federal executive authority specified under Part 3 of Article 13 of the present Federal law. If it is necessary to have consultation with relevant bodies of foreign states or international organizations for the purposes of preparation of drafts of such international agreements, the said consultations shall be held in accordance with the procedure established under Federal Law No. 101-FZ of July 15, 1995 On International Agreements of the Russian Federation, by agreement with the federal executive authority specified under Part 3 of Article 13 of the present Federal law.

#### **Article 15.** Openness in Preparing Measures of State Regulation of Foreign Trade Activity

**1.** When preparing a regulatory legal act of the Russian Federation dealing with the right to conduct foreign trade activity, the federal executive authority entrusted with its elaboration shall propose that the constituent members of the Russian Federation, Russian organizations and individual businessmen whose economic interests may be affected by the adoption of that regulatory act (persons concerned) submit proposals and remarks on the given issue to the specified body.

**2.** The federal executive authority specified under Part 1 of this Article shall take a decision as to a method and form of holding the consultations and also as regards a method and form to bring the

information on the progress and results of holding consultations to the notice of the persons concerned who submitted their proposals and remarks.

3. If it is stipulated under international agreements of the Russian Federation, the competent bodies of other states (groups of states) shall be requested to submit their respective opinion by a procedure as is envisaged under the provisions of a relevant international agreement of the Russian Federation. Foreign organizations and businessmen shall also be requested to submit their opinion in a manner envisaged under the provisions of a relevant international agreement of the Russian Federation.

4. The federal executive authority specified under Part 1 of the this Article may take a decision not to hold consultations as is provided under Parts 1 and 2 of this Article, given any of the following conditions, viz.:

1) measures stipulated under a draft regulatory act of the Russian Federation affecting the right to conduct foreign trade activity shall not be disclosed until the effective date of that act and the holding of consultations will or may result in the non-attainment of the goals stipulated under that regulatory act;

2) the holding of consultations will entail a delay in the adoption of a regulatory legal act of the Russian Federation affecting the right to conduct foreign trade activity which may result in the infliction of substantial damage to the interests of the Russian Federation.

5. The provisions of Parts 1 and 2 of this Article shall not apply to measures envisaged under Article 27 of the present Federal law.

6. The non-holding of consultations may not serve as a basis for invalidating a regulatory act of the Russian Federation affecting the right to carry out foreign trade activity.

7. The provisions of Parts 4 and 6 of this Article shall not apply in preparing drafts federal laws affecting the right to carry out foreign trade activity, proposals regarding the conclusion of international trade agreements of the Russian Federation and also in determining a method for allocation of quotas in accordance with Article 23 of the present Federal law.

#### **Article 16. Entry Into Force of Regulatory Legal Acts in the Field of Foreign Trade Activity**

The regulatory legal acts in the field of foreign trade activity shall come into force following their official publication within the time limits and according to the procedure provided under the legislation of the Russian Federation.

#### **Article 17. Confidentiality**

The state bodies of the Russian Federation and officials of the state bodies conducting activity associated with the state regulation of foreign trade activity shall ensure the confidentiality of information constituting state, commercial and other legally protected secrets and shall use it exclusively for the purposes for which that information was provided.

#### **Article 18. Right to Appeal Decisions, Actions (Inaction) of the State Body or Its Official**

1. A participant in foreign trade activity shall have the right to appeal a decision, action (inaction) of a state body or its official if that decision, action (inaction), in the opinion of a participant in foreign trade activity, has violated its rights, freedoms or legitimate interests or has prevented it from exercise of such rights, freedoms or interests or it is illegally put under an obligation.

2. Any decision, action (inaction) of the state body or of its official may be appealed before a court of law, arbitration court and in instances specified under the legislation of the Russian Federation, before a superior state body.

### **Chapter 5. State Regulation of Foreign Trade Activity in the Field of Foreign Trade in Goods**

#### **Article 19. Customs-Tariff Regulation**

With the objectives of regulating foreign trade in goods, including protecting the domestic market of the Russian Federation and to stimulate structural changes in the economy, import and export customs duties shall be imposed in accordance with the legislation of the Russian Federation.

#### **Article 20. Non-Tariff Regulation**

The non-tariff regulation of foreign trade in goods may be effected only in the instances specified under Articles 21 - 24, 26 and 27 of the present Federal law, subject to the requirements laid down therein.

#### **Article 21. Quantitative Restrictions Imposed by the Government of the Russian Federation in Exceptional Cases**

1. The import and export of goods shall be carried out without any quantitative restrictions, except for cases specified under Part 2 of this Article and also under other provisions of the present Federal Law.

2. The Government of the Russian Federation shall, in exceptional cases, have the right to impose:

1) temporary restrictions or bans on the export of goods to prevent or reduce a critical shortage in the domestic market of the Russian Federation of food or other products that are of crucial importance for the domestic market of the Russian Federation. A List of goods that are of crucial importance shall be determined by the Government of the Russian Federation;

2) restrictions on the import of agricultural produce or of aquatic biological resources brought into the Russian Federation in any form, when it may be required:

a) to curtail the production or sale of similar products of the Russian origin;

b) to curtail the production or sale of goods of Russian origin that may be directly replaced with imported goods unless there is a large-scale production of similar goods in the Russian Federation;

c) to remove from the market a temporary surplus of similar goods of Russian origin by providing the available surplus of such goods to certain groups of Russian consumers either free of charge or at prices less than market prices;

d) to remove from the market a temporary surplus of goods of Russian origin that may be directly replaced with imported goods unless there is a large-scale production of similar goods in the Russian Federation by providing the available surplus of such goods to certain groups of Russian consumers either free of charge or at prices less than market prices;

e) to limit the production of animal produce whose production is dependent upon goods imported into the Russian Federation, provided the production in the Russian Federation of similar goods is relatively small.

3. Food and agricultural products, for purposes of this Article, shall be such as defined by the Government of the Russian Federation.

#### **Article 22. Non-discriminatory Application of Quantitative Restrictions**

1. When it is allowed under the present Federal law to impose quantitative restrictions on the export and (or) import of goods, such restrictions shall be applied regardless of the country of origin of goods, unless otherwise is envisaged under this Federal law.

2. When, in imposing quantitative restrictions on the import of goods it is necessary to effect the allocation of quotas of the import of goods among the foreign states concerned, due regard shall be paid to the preceding import of goods from those states.

3. The provisions of Parts 1 and 2 of this Article may not apply in respect of goods originating from a foreign state (group of states) with which the Russian Federation has no mutual contractual obligations regarding the granting of a regime that is not less favorable than that granted to other states or groups of states.

4. The provisions of this Article shall not apply to compensatory measures specified under Article 27 of the present Federal law.

5. The provisions of Parts 1 and 2 of this Article shall not prevent compliance with the obligations stipulated under international agreements of the Russian Federation on border trade, customs union or free trade zone.

#### **Article 23. Allocation of the Quota**

When taking a decision to introduce a quota, the Government of the Russian Federation shall determine a method to be used to allocate the quota and, where appropriate, lay down a procedure for holding a contest or auction. The allocation of the quota shall be based upon the principle of equality of participants in foreign trade activity as far as receipt of quota is concerned and also upon their non-discrimination by reason of form of property, place of registration or position in the market.

#### **Article 24. Licensing In the Sphere of Foreign Trade in Goods**

1. Licensing in the sphere of foreign trade in goods (hereinafter referred to as the licensing) shall be introduced in the following cases:

1) the imposition of temporary quantitative restrictions on the export or import of individual types of goods;

2) the implementation of a permit required procedure for the export and (or) import of individual types of goods that may have an adverse effect upon the security of the state, life or health of citizens, property of individuals or legal persons, public or municipal property, environment, life or health of animals and plants;

3) the granting of an exclusive right to export and (or) import individual types of goods;

4) the fulfillment by the Russian Federation of its international obligations.

2. The grounds for the export and (or) import of individual types of goods in instances specified under Part 1 of this Article shall be a license to be granted by the federal executive authority specified under Part 3 of Article 13 of the present Federal law.



The lack of a license shall be a valid reason for the customs bodies of the Russian Federation not to allow the release of goods.

3. The federal executive authority specified under Part 3 of Article 13 of the present Federal law shall build up and maintain a federal data bank of licenses that have been issued. The procedure for building up and maintaining the federal data bank of licenses that have been issued shall be such as prescribed by the Government of the Russian Federation.

#### **Article 25. Control Over Export and (or) Import of Individual Types of Goods**

1. The control over export and (or) import of individual types of goods shall be introduced as a temporary measure for purposes of monitoring the dynamics of export and (or) import of individual types of goods.

2. The control over export and (or) import of individual types of goods shall be exercised by issuing permits for export and (or) import of individual types of goods. The permits shall be issued without restrictions to any participants in foreign trade activity on the basis of applications submitted in accordance with the form prescribed by the federal executive authority specified under Part 3 of Article 13 of the present Federal law. The period of issuing the permits shall not exceed three working days as from the date of submission of such application. It is not allowed to require, for purposes of obtaining a permit for export and (or) import of individual types of goods, presentation of any documents, other than an application. The lack of a permit shall be a valid reason for the customs bodies of the Russian Federation not to allow the release of goods.

#### **Article 26. Exclusive Right to Export and (or) Import of Individual Types of Goods**

1. The right to conduct foreign trade activity may be restricted by granting an exclusive right for export and (or) import of individual types of goods.

2. Lists of individual types of goods, for the export and (or) import of which an exclusive right may be granted, and also organizations that may be granted an exclusive right for the export and (or) import of individual types of goods, shall be such as defined under federal laws.

3. An exclusive right for the export and (or) import of individual types of goods shall be exercised on the basis of a license. The license to exercise an exclusive right for the export and (or) import of individual types of goods shall be issued by the federal executive authority specified under Part 3 of Article 13 of the present Federal Law.

4. Transactions for the export and (or) import of individual types of goods implemented in the absence of a license to exercise an exclusive right for the export and (or) import of the individual types of goods shall be deemed to be null and void.

5. The organizations that have been granted an exclusive right for the export and (or) import of individual types of goods shall handle transactions for the export and (or) import of individual types of goods, proceeding from the principle of non-discrimination and being guided exclusively by commercial considerations.

#### **Article 27. Special Protective, Antidumping and Compensatory Measures**

In accordance with Federal Law, it is allowed to impose special protective measures, antidumping measures and compensatory measures in the importation of goods in order to protect the economic interests of Russian manufacturers of goods.

#### **Article 28. Pre-Shipment Inspection**

1. With the objective of protecting the rights and interests of consumers, to counteract the unfair practices of distortion of data regarding the goods imported into the Russian Federation, including that of underestimation of their value, the Government of the Russian Federation shall be entitled to introduce a pre-shipment inspection, including the issuance of a certificate of passing pre-shipment inspection, in respect of individual goods being imported into the Russian Federation. The pre-shipment inspection shall be introduced in respect of individual types of goods for a period not exceeding three years. The Government of the Russian Federation shall, when taking a decision as to whether it is advisable to extend a period for carrying out the pre-shipment inspection in respect of individual goods, sum up and analyze the practice and results of application of the said measure.

2. Lists of goods in respect of which the pre-shipment inspection is introduced shall be such as approved by the Government of the Russian Federation.

3. The expenses involved in performing pre-shipment inspection shall be paid by the importer of goods in respect of which the pre-shipment inspection is introduced. The Government of the Russian Federation shall, at the same time as adoption of a decision to introduce the pre-shipment inspection, reduce the rates of customs duties on goods in respect of which the inspection is introduced.

4. The body conducting pre-shipment inspection shall be designated by the Government of the Russian Federation following the results of a contest for provision of services of pre-shipment inspection

and shall conduct its activity on the basis of an agreement made with the Government of the Russian Federation.

**5.** In choosing a body for pre-shipment inspection, the following characteristics shall be taken into account, viz.:

- 1) professional reputation;
- 2) sufficient production and professional resources;
- 3) experience of work in the sphere of provision of services of pre-shipment inspection;
- 4) the cost of carrying out the pre-shipment inspection.

**6.** The regulations on pre-shipment inspection shall be approved by the Government of the Russian Federation and shall comprise the rules for implementing such inspection, rights, obligations and responsibility of persons involved in the pre-shipment inspection, procedure for settling disputes that may arise between the pre-shipment inspection body and the importer of goods, procedure for exercise of control over the activity of pre-shipment inspection body.

**7.** The pre-shipment inspection shall be effected subject to the following principles:

- 1) openness and transparency;
- 2) application of procedures and criteria employed in the process of pre-shipment inspection, objectively and on equal terms in respect of all importers of goods;
- 3) inspection of the quality and quantity of goods in accordance with the requirements of the legislation of the Russian Federation;
- 4) providing the importers of goods with information regarding the requirements laid down in the Russian Federation in respect of the pre-shipment inspection;
- 5) ensuring the confidentiality of data received in the process of the pre-shipment inspection.

**8.** The pre-shipment inspection body shall carry out the pre-shipment inspection on the basis of an application submitted by the importer of goods in accordance with the regulations specified under Part 6 of this Article and, shall, depending on the results of such inspection, issue to the importer of goods a certificate on passing the pre-shipment inspection or take a decision on a motivated refusal to issue such certificate.

**9.** The time limits for carrying out the pre-shipment inspection shall not, as a rule, exceed three working days.

**10.** The import of goods subject to pre-shipment inspection shall be carried out only with a certificate of passing the pre-shipment inspection.

#### **Article 29. National Regime in Respect of Goods Originating from Foreign States**

**1.** Under the legislation on taxes and fees it is not allowed to fix differentiated rates of taxes and fees (except for import customs duties) depending on the country of origin of goods.

**2.** The technical, pharmacological, sanitary, veterinary, phyto-sanitary and ecological requirements and also requirements of obligatory confirmation of compliance shall be applicable to goods originating from a foreign state in the same manner as they are applicable to similar goods of Russian origin.

**3.** The goods originating from a foreign state or groups of foreign states shall be subject to a regime that is no less favourable than a regime granted to similar goods of Russian origin or to directly competing goods of Russian origin in respect of sale, offer for sale, purchase, transportation, distribution or utilization in the domestic market of the Russian Federation. This provision shall not prevent the application of differentiated payments connected with transportation and based exclusively on the cost of operation of transport vehicles, rather than on the origin of the goods.

**4.** The goods originating from a foreign state or group of foreign states that have no international agreements with the Russian Federation on the placing of goods of Russian origin under a regime envisaged under Parts 2 and 3 of this Article, may, under the legislation of the Russian Federation, be subject to another regulation regime.

**5.** The provisions of this Article shall not apply to supplies of goods for governmental or municipal needs.

#### **Article 30. Payments Collected In Connection With Import and Export of Goods**

**1.** All payments established under the regulatory legal acts of the Russian Federation collected in connection with the import and export of goods which are not customs payments and other taxes shall not exceed the approximate value of services provided nor represent protection of goods of Russian origin or taxation for fiscal purposes.

**2.** This Article shall apply to payments collected in connection with the import and export of goods, including those related to:

- 1) quantitative restrictions;
- 2) licensing;
- 3) exercise of currency control;
- 4) statistical services;

- 5) confirmation of compliance of products with obligatory requirements;
- 6) examination and inspection;
- 7) quarantine, sanitary service and fumigation.

**Article 31. Freedom of International Transit**

1. Unless otherwise is prescribed under federal laws, international transit shall be carried out freely by the railway, water, air and motor transportation routes, most suitable for international traffic. In international transit, no distinction shall be made on the basis of flag, place of registration, place of origin of the vessel, port of call, port of departure or point of destination, port of sailing or of any other circumstances related to the ownership of goods, vessel, aircraft or any other transport vehicles, unless otherwise is envisaged under the present Federal law, other federal laws.

2. Under the customs legislation of the Russian Federation it is allowed to lay down requirements for the importation of individual types of goods and transport vehicles into the customs territory of the Russian Federation or for the exportation of individual types of goods and transport vehicles from the customs territory of the Russian Federation via a specified point of passage across the state border of the Russian Federation and for their transfer along specified routes.

3. This Article shall not apply to international transit traffic of aircraft, except for air transit transportation of goods.

**Article 32. Measures Affecting Foreign Trade in Goods Imposed Proceeding From National Interests**

1. Regardless of the provisions of this Chapter, in accordance with the international agreements of the Russian Federation and federal laws and proceeding from national interests, there may be imposed measures of a non-economic character, affecting foreign trade in goods, provided that those measures:

- 1) are essential to comply with public morals or law and order;
- 2) are necessary to protect the life or health of citizens, the environment, life or health of animals and plants;
- 3) are related to the import or export of gold or silver;
- 4) are applied to protect items of cultural value;
- 5) are required to prevent the exhaustion of irreplaceable natural resources and are implemented simultaneously with curtailment of the domestic production or consumption associated with the utilization of irreplaceable natural resources;
- 6) are essential to acquire or distribute goods in case of their general or local shortage;
- 7) are essential to comply with the international obligations of the Russian Federation;
- 8) are essential to ensure the defense of the country and security of the state;
- 9) are necessary to ensure the observance of regulatory legal acts of the Russian Federation, not conflicting with the international agreements of the Russian Federation, dealing, among other things, with:
  - a) application of the customs legislation of the Russian Federation;
  - b) presentation to the customs bodies of the Russian Federation, simultaneously with a cargo customs declaration, of documents on compliance of goods with obligatory requirements;
  - c) protection of the environment;
  - d) an obligation as is envisaged under the legislation of the Russian Federation, to take out or destroy goods that fail to meet technical, pharmacological, sanitary, veterinary and ecological requirements;
  - e) prevention and investigation of crimes and also legal proceedings and enforcement of judicial decisions in respect of those crimes;
  - f) protection of intellectual property;
  - g) granting of an exclusive right in accordance with Article 26 of the present Federal law.

2. Measures specified under Part 1 of this Article shall not be taken or applied by a method being a means of arbitrary or unjustified discrimination against states or representing latent restriction of foreign trade in goods.

3. The provisions of Part 2 of this Article may be inapplicable in respect of goods originating from foreign states or groups of foreign states with which the Russian Federation has no mutual contractual obligations on the granting of a regime no less favourable than the regime granted to other states or groups of states.

**Chapter 6. State Regulation of Foreign Trade Activity in the Field of Foreign Trade in Services**

**Article 33. Foreign Trade In Services**

1. Foreign trade in services shall be carried out as follows:

- 1) from the territory of the Russian Federation into the territory of a foreign state;
- 2) from the territory of a foreign state into the territory of the Russian Federation;
- 3) in the territory of the Russian Federation to a foreign customer of services;
- 4) in the territory of a foreign state to a Russian customer of services;

5) by a Russian provider of services not having a commercial presence in the territory of a foreign state, by its presence or the presence of persons duly authorized to act on its behalf in the territory of a foreign state;

6) by a foreign provider of services not having a commercial presence in the territory of the Russian Federation by its presence or by the presence of foreign persons duly authorized to act on its behalf in the territory of the Russian Federation;

7) by a Russian provider of services by a commercial presence in the territory of a foreign state;

8) by a foreign provider of services by a commercial presence in the territory of the Russian Federation.

2. Unless otherwise is envisaged under international agreements of the Russian Federation, the foreign trade in services may be restricted by imposition of bans and restraints affecting all or individual sectors of services, regarding methods of providing services on the basis of federal laws and other regulatory legal acts of the Russian Federation.

#### **Article 34. National Regime In Respect of Foreign Trade In Services**

1. Unless otherwise is provided under international agreements of the Russian Federation, this federal law or any other regulatory legal acts of the Russian Federation as regards measures affecting foreign trade in services, foreign providers of services and services provided by methods specified under Items 2, 4, 6 and 8 of Part 1 of Article 33 of the present Federal law, shall be granted a regime no less favourable than the regime granted to similar Russian providers of services and services rendered by them in the territory of the Russian Federation. The regime shall be deemed to be less favourable if it changes the terms of competition in favour of the Russian providers of services or services provided by them in the territory of the Russian Federation as compared with similar foreign providers of services or services rendered by methods specified under Items 2, 4, 6 and 8 of Part 1 of Article 33 of the present Federal law.

2. The provisions of Part 1 of this Article shall not be applicable to the provision of services (execution of work) in order to meet governmental or municipal needs.

#### **Article 35. Measures Affecting Foreign Trade in Services and Imposed Proceeding From National Interests**

1. Regardless of the provisions of Article 34 of this Article of the present Federal law, in accordance with the international agreements of the Russian Federation and federal laws and proceeding from the national interests, measures may be imposed affecting foreign trade in services, provided that those measures:

1) are essential to comply with public morals or law and order;

2) are necessary to protect life or health of citizens, the environment, life or health of animals and plants;

3) are essential to comply with the international obligations of the Russian Federation;

4) are essential to ensure the defense of the country and security of the state;

5) are required to ensure the integrity and stability of the financial system, protection of rights and legitimate interests of investors, depositors, holders of policies and providers of financial services;

6) are aimed at ensuring equal or effective imposition or collection of taxes in respect of foreign providers of services and (or) methods of providing services specified under Items 2, 4, 6 and 8 of Part 1 of Article 33 of the present Federal law;

7) are measures involved in implementation of provisions of the agreement on the avoidance of double taxation;

8) are necessary to ensure the observance of regulatory legal acts of the Russian Federation that are not at variance with the provisions of the present Federal law, dealing, among other things, with:

a) prevention and investigation of crimes and also legal proceedings and enforcement of judicial decisions regarding those crimes;

b) prevention of unfair practices or consequences of non-fulfillment of agreements the subject of which is provision of services;

c) protection against interference in the private life of individual persons as regards the processing and dissemination of data of a personal character and protection of confidential information on the person and personal accounts.

2. The measures specified under Part 1 of this Article shall not be undertaken or applied by a method being a means of arbitrary or unjustified discrimination against states or representing a latent restriction of foreign trade in services.

3. The provisions of Part 2 of this Article may be inapplicable in respect of services, foreign providers of services from foreign states or groups of foreign states with which the Russian Federation has no mutual contractual obligations on the granting of a regime no less favourable than the regime granted to other states or groups of states.

## **Chapter 7. State Regulation of Foreign Trade Activity in the Field of Foreign Trade in Intellectual Property**

### **Article 36.** Foreign trade in intellectual property

1. The state regulation of foreign trade activity in the field of foreign trade in intellectual property shall be carried out in accordance with the present federal law.

2. In accordance with international agreements of the Russian Federation and federal laws measures may be imposed affecting foreign trade in intellectual property, provided those measures are essential for the observance of public morals or law and order, protection of life or health of citizens, the environment, life or health of animals and plants, compliance with the international obligations of the Russian Federation, ensuring the defense of the country and security of the state and in other instances envisaged under the present Federal law.

## **Chapter 8. Special Types of Bans and Restrictions of Foreign Trade in Goods, Services and Intellectual Property**

### **Article 37.** Bans and restrictions of foreign trade in goods, services and intellectual property for purposes of participation of the Russian Federation in international sanctions

Under Decrees of the President of the Russian Federation foreign trade in goods, services and intellectual property may be restricted by measures the adoption of which is essential for participation of the Russian Federation in international sanctions as is envisaged under the UN Charter, including by measures deviating from the provisions of Part 1 of Article 21, Articles 22, 29-31 and 34 of the present Federal Law.

### **Article 38.** Restriction of foreign trade in goods, services and intellectual property for purposes of maintaining the equilibrium of the balance of payments of the Russian Federation

1. With the objective of protecting the external financial position and maintaining the equilibrium of the balance of payments of the Russian Federation, the Government of the Russian Federation may take a decision to impose measures restricting foreign trade in goods, services and intellectual property, including measures deviating from the provisions of Part 1 of Article 21, Articles 22, 29, 30 and 34 of the present federal law. Such measures shall be imposed or enhanced as may be necessary in order:

1) to stop a serious shrinking of the currency reserves of the Russian Federation or to prevent a threat of a serious shrinking of the currency reserves of the Russian Federation;

2) to achieve a reasonable rate of increase of the currency reserves of the Russian Federation (when the currency reserves are too small).

2. The measures specified under Part 1 of this Article shall be imposed for a period that is required to achieve the pre-set goals, having regard for the international obligations of the Russian Federation.

3. The Government of the Russian Federation shall, in imposing measures towards the restriction of foreign trade in goods, services and intellectual property specified under Part 1 of this Article, designate the federal executive authority responsible for the implementation of such measures.

4. The decision to impose measures restricting foreign trade in goods, services and intellectual property specified under Part 1 of this Article shall be taken by the Government of the Russian Federation upon the recommendation of the Central Bank of the Russian Federation.

### **Article 39.** Restriction of foreign trade in goods, services and intellectual property associated with measures of currency regulation

The foreign trade in goods, services and intellectual property may be restricted by measures of currency regulation or currency control as is envisaged under provisions of the Agreement of the International Monetary Fund and the legislation of the Russian Federation.

### **Article 40.** Retaliatory measures

1. The Government of the Russian Federation shall have the right to impose measures restricting foreign trade in goods, services and intellectual property (retaliatory measures) when a foreign state:

1) fails to comply with its obligations assumed under international agreements in respect of the Russian Federation;

2) undertakes measures which are infringing upon the economic interests of the Russian Federation, the constituent members of the Russian Federation, municipal entities or Russian persons or political interests of the Russian Federation, including measures which unjustifiably deprive Russian persons of an access to the market of a foreign state or are, in any other unjustified fashion, discriminatory against Russian persons;

3) fails to provide Russian persons with adequate and effective protection of their legitimate interests in that state, for instance, against the anti-competitive activity of other persons;

4) fails to take any reasonable actions to fight illegal activity of individuals or legal persons of that state in the territory of the Russian Federation.

2. Measures restricting foreign trade in goods, services and intellectual property specified under Part 1 of this Article shall be imposed in accordance with the commonly recognized principles and norms of international law, international agreements of the Russian Federation and within the limits required to ensure effective protection of the economic interests of the Russian Federation, the constituent members of the Russian Federation and Russian persons. The said measures may deviate from the provisions of Part 1 of Article 21, Articles 22, 29 - 31 and 34 of the present Federal Law.

3. The federal executive authority specified under Part 3 of Article 13 of the present federal law shall collect and sum up the information associated with the violation by a foreign state of the rights and legitimate interests of the Russian Federation, the constituent members of the Russian Federation, municipal entities and Russian persons in instances specified under Part 1 of this Article. If, as a result of examination of the information so received, that federal executive authority draws a conclusion that it is advisable to impose retaliatory measures in connection with the violations specified under Part 1 of this Article, it shall submit to the Government of the Russian Federation a report, to be agreed upon with the Ministry of Foreign Affairs of the Russian Federation, containing proposals to impose retaliatory measures.

4. The decision to impose retaliatory measures shall be taken by the Government of the Russian Federation. Prior to imposing retaliatory measures, the Government of the Russian Federation shall have the right to make a decision to hold negotiations with a respective foreign state.

## **Chapter 9. Special Regimes for Carrying Out Foreign Trade Activity**

### **Article 41. Border Trade**

1. Border trade shall be conducted, as a rule, on the basis of an international agreement of the Russian Federation with an adjoining foreign state or group of adjoining foreign states, providing for granting most favored nation treatment in foreign trade activity regarding foreign trade in goods and services conducted exclusively to satisfy local needs in goods and services produced within the limits of corresponding border territories and intended for consumption by individuals, having a permanent residence in those territories and by foreign persons permanently based in those territories. Notably, the said most favored nation treatment shall not apply to other foreign states or groups of foreign states with which the Russian Federation has concluded international agreements envisaging the granting of a regime no less favourable than the regime granted to any other foreign state.

2. The border trade may be conducted between Russian persons having a permanent base (residence) in the border territory of the Russian Federation and foreign states having a permanent base (residence) in a corresponding border territory specified in the international agreement of the Russian Federation with an adjoining foreign state, exclusively to satisfy local needs in goods and services produced within the limits of corresponding border territories and meant for consumption within the limits of corresponding border territories.

3. The procedure for conducting border trade and corresponding border territories which are subject to special regimes for carrying out foreign trade activity shall be such as determined by the Government of the Russian Federation in accordance with international agreements of the Russian Federation with adjoining foreign states and also with federal laws.

### **Article 42. Special Economic Zones**

The special regime of economic and foreign trade activity on the territory of special economic zones shall be established by the Federal Law on Special Economic Zones in the Russian Federation.

## **Chapter 10. State Regulation of Foreign Trade Barter Transactions**

### **Article 43. Measures in respect of foreign trade barter transactions**

1. When, in accordance with the present federal law, foreign trade in goods, services and intellectual property is subject to bans and restrictions, such bans and restrictions shall also apply to foreign trade in goods, services and intellectual property carried out through foreign trade barter transactions.

2. For reasons stated under Part 1 of Article 38 of the present federal law the Government of the Russian Federation shall have the right to impose restrictions on using foreign trade barter transactions in conducting foreign trade in goods, services and intellectual property.

### **Article 44. Procedure for control over implementation and record-keeping of foreign trade barter transactions**

1. The foreign trade in goods, services and intellectual property through foreign trade barter transactions may be conducted only provided that such transactions provide for an exchange of goods,

services, work and intellectual property of equal value and also for an obligation of a respective party to pay for the difference in their value in instances when such transaction provides for an exchange of goods, services, work and intellectual property of unequal value.

2. The procedure for exercise of control over foreign trade barter transactions and record-keeping of same shall be such as prescribed by the Government of the Russian Federation. When foreign trade barter transactions provide for a partial employment of monetary and (or) other means of payment, the procedure for exercise of control over such transactions and record-keeping of same shall be such as is established by the Government of the Russian Federation and the Central Bank of the Russian Federation in accordance with the legislation of the Russian Federation.

**Article 45. Specific features of implementation of foreign trade barter transactions**

1. A document signed to formalize a foreign trade barter transaction shall indicate the following:

1) date of transaction and number of the foreign trade barter transaction;  
2) nomenclature, quantity, quality, price of goods for each commodity item, time limits for and terms of export, import of goods. A contract for the supply of complete equipment (provision of services and execution of work) in the construction of complete projects in a foreign state shall specify the value of goods (hereinafter referred to as counter goods) meant for exchange for goods exported from the Russian Federation that are of equal value while the nomenclature, quantity, quality and price of counter goods shall be indicated in supplementary protocols that shall constitute a part of such contracts;

3) list of services, work, intellectual property, the value of same, time limits for provision of services, execution of work, assignment of exclusive rights to objects of intellectual property or granting the rights to use objects of intellectual property;

4) list of documents to be furnished to a Russian person to confirm the provision of services, execution of work, assignment of exclusive rights to intellectual property or of granting the right to use objects of intellectual property.

2. Russian persons who concluded foreign trade barter transactions or on whose behalf such transactions were concluded shall, within the time limits fixed under the legislation of the Russian Federation for making current currency operations, (to be counted from the date of actual crossing by the goods exported from the Russian Federation of the customs border of the Russian Federation, from the time of provision of services, execution of work, assignment of exclusive rights to intellectual property or of granting the right to use objects of intellectual property), be obligated to provide, as is envisaged under such transactions, for importation into the customs territory of the Russian Federation of goods of equal value, for rendering to foreign persons of services of equal value, for execution of work of equal value, assignment of exclusive rights of equal value to intellectual property or granting of the right to use intellectual property, confirming the importation of goods, rendering of services, execution of work, assignment of exclusive rights to intellectual property with relevant documents and also for receipt of the means of payment and entry into accounts of the said Russian persons with duly authorized banks of corresponding monetary funds, when foreign trade barter transactions envisage partial utilization of monetary and (or) other means of payment.

3. Failure to comply with the time limits stipulated under Part 2 of this Article and fulfillment by a foreign person of an obligation under a foreign trade barter transaction by a method not envisaging the importation into the customs territory of the Russian Federation of goods, rendering by a foreign person of services, execution of work, assignment of exclusive rights to intellectual property or granting the right to use intellectual property shall be allowed only on the condition of receipt of a permit issued according to the procedure prescribed by the Government of the Russian Federation.

4. In the exportation of goods, compliance by Russian persons with the obligation specified under Part 2 of this Article is required under the customs regime of export.

5. In carrying out foreign trade barter transactions under a contract for the supply of complete equipment (rendering of services and execution of work) in the construction of complete projects in a foreign state, counter goods may be realized without their importation into the customs territory of the Russian Federation. Moreover:

1) actual receipt of counter goods shall be confirmed with corresponding documents;  
2) Russian persons shall, no later than in 90 days since the day of actual receipt of counter goods, be obligated to provide for their realization at market prices operating in the country of their realization and for the entry into their accounts with duly authorized banks in the territory of the Russian Federation of all monetary funds earned from their realization or for receipt of means of payment.

6. The foreign trade in goods, services and intellectual property through foreign trade barter transactions may be carried out only following the execution of an appropriate registration certificate of the foreign trade barter transaction which, among other things, shall indicate data on payments using monetary and (or) other means of payment, in the case when a foreign trade barter transaction is carried out with partial employment of monetary and (or) other means of payment.

7. In declaring goods transferred across the customs border of the Russian Federation for fulfillment of a foreign trade barter transaction, a registration certificate of the foreign trade barter transaction shall be presented to the customs bodies of the Russian Federation.

## **Chapter 11. Promotion of Foreign Trade Activity**

### **Article 46. Measures to promote foreign trade activity**

The Government of the Russian Federation and executive bodies of the constituent members of the Russian Federation shall, within their respective competence, implement, under international agreements of the Russian Federation and the legislation of the Russian Federation, measures (including the funding of same as required) to promote foreign trade activity, including provide for:

- 1) granting of credits to participants in foreign trade activity;
- 2) functioning of systems of guarantees and insurance of export credits;
- 3) organization of trade exhibitions and fairs, special-purpose symposiums and conferences and participation therein;
- 4) conducting of campaigns (including advertising campaigns) for promoting Russia's goods, services, intellectual property into world markets.

### **Article 47. Informational Support of Foreign Trade Activity**

1. For the purposes of developing and improving the efficiency of foreign trade activity there shall be created a system of foreign trade information to be operated by the federal executive body specified under Part 3 of Article 13 of the present federal law.

2. The system of foreign trade information shall comprise the following data:

- 1) on Russian and foreign persons conducting foreign trade activity in the Russian market;
- 2) on Russian and foreign persons that have received quotas and licenses;
- 3) on international trade agreements and on other agreements of the Russian Federation in the field of foreign economic relations;
- 4) on Russian and foreign legislation in the sphere of foreign trade activity;
- 5) on the activity of trade missions of the Russian Federation in foreign states;
- 6) on the activity of the Russian export-import bank and other organizations rendering credit and insurance services in the field of foreign trade activity;
- 7) on the customs statistics of foreign trade of the Russian Federation;
- 8) on the sales opportunities in the external markets regarding basic commodity groups;
- 9) on the legislation of the Russian Federation in the field of technical regulation;
- 10) on offences in the field of foreign trade activity;
- 11) on the list of goods which are prohibited for importation into and exportation from the territory of the Russian Federation;
- 12) other data useful for conducting foreign trade activity.

3. The federal executive body specified under Part 3 of Article 13 of the present Federal Law shall, within a reasonable term, furnish the necessary information in the field of foreign trade activity to a Russian or foreign person involved in foreign trade activity for a fee not exceeding the value of services rendered in furnishing such information. The monetary funds so received shall in the full amount be channeled to the federal budget.

4. In compliance with the obligations ensuing from international agreements of the Russian Federation, the federal executive authority specified under Part 3 of Article 13 of the present federal law shall supply to foreign states and international organizations information on the measures of state regulation of foreign trade activity.

### **Article 48. Foreign Trade Statistics**

1. The Government of the Russian Federation shall, jointly with the Central Bank of the Russian Federation, provide for creation of a federal system of statistical reporting, collection and elaboration using common methodology of statistical data comparable with those used in international practice. Those data shall comprise the following:

- 1) data on foreign trade of the Russian Federation obtained on the basis of governmental statistical reports and customs statistics of foreign trade of the Russian Federation, including trade balances of the Russian Federation;
- 2) data on the balance of payment of the Russian Federation, including statistics of foreign trade in goods, services and intellectual property, flow of capital.

2. The Government of the Russian Federation shall, jointly with the Central Bank of the Russian Federation, provide for monthly, quarterly and yearly official publication of the statistical information mentioned in Item 1 of Part one of this Article.

### **Article 49. Ensuring Favourable Conditions of Access to External Markets for Russian Persons**



The Government of the Russian Federation shall take the necessary measures to create favourable conditions of access to markets of foreign states for Russian persons and enter for those purposes into bilateral and multilateral negotiations, make international agreements of the Russian Federation and also take part in the setting up and activity of international organizations and intergovernmental commissions seeking to promote the foreign economic relations of the Russian Federation.

**Article 50. Ensuring Foreign Economic Interests of the Russian Federation in Foreign States**

1. The foreign economic interests of the Russian Federation in foreign states shall be ensured by diplomatic missions and consular offices of the Russian Federation and also by trade missions of the Russian Federation established under international agreements of the Russian Federation.

2. Decisions associated with the opening of trade missions of the Russian Federation in foreign states shall be taken by the Government of the Russian Federation.

**Article 51. Representative Offices of Foreign States on Trade and Economic Issues in the Russian Federation**

Representative offices of foreign states on trade and economic issues shall be opened in the Russian Federation under international agreements made by the Russian Federation with the respective foreign states.

**Chapter 12. Control Over Carrying out Foreign Trade Activity, Responsibility for Violation of the Legislation of the Russian Federation On Foreign Trade Activity**

**Article 52. Control over carrying out foreign trade activity.**

Control over carrying out foreign trade activity shall be exercised by the relevant state bodies of the Russian Federation and state bodies of the constituent members of the Russian Federation within their respective competence with the objective of ensuring the observance of the provisions of the present federal law, other federal laws and other regulatory acts of the Russian Federation on foreign trade activity, of ensuring and defending the economic and political interests of the Russian Federation and the constituent members of the Russian Federation and protecting the economic interests of municipal entities and Russian persons.

**Article 53. Responsibility of persons guilty of infringement of the legislation of the Russian Federation on foreign trade activity**

Persons guilty of infringement of the legislation of the Russian Federation on foreign trade activity shall bear civil, administrative or criminal responsibility as is envisaged under the legislation of the Russian Federation.

**Chapter 13. Final and transitory provisions**

**Article 54. Entry into Force of This Federal Law**

1. This Federal Law shall enter into force upon the expiration of six months as from its official publication, except for Part 4 of Article 45 of the present federal law.

2. Part 4 of Article 45 of the present federal law shall enter into force on the effective date of Customs Code of the Russian Federation No. 61-FZ of May 28, 2003, however, not earlier than on the effective date of this federal law.

3. As from the effective date of the present federal law, the following shall be deemed as invalid, viz.:

Federal Law No. 157-FZ of October 13, 1995 On the State Regulation of Foreign Trade Activity (Sobranie Zakonodatelstva Rossiiskoy Federatsii, No. 42, 1995, Item 3923);

Federal Law No. 96-FZ of July 8, 1997 On Amending Federal law On the State Regulation of Foreign Trade Activity (Sobranie Zakonodatelstva Rossiiskoy Federatsii, No. 28, 1997, Item 3305);

Paragraphs Four and Five of Item 1 and Item 2 of Article 1, Paragraphs Nine and Ten of Article 2, Chapters V and VI of Federal law No.63-FZ of April 14, 1998 On Measures To Protect the Economic Interests of the Russian Federation In Conducting Foreign Trade in Goods (Sobranie Zakonodatelstva Rossiiskoy Federatsii, No. 16, 1998, Item 1798);

Article 3 of Federal law No. 32-Federal law of February 10, 1999 On Amending legislative acts of the Russian Federation ensuing from the Federal law On Production Sharing Agreements (Sobranie Zakonodatelstva Rossiiskoy Federatsii, No. 7, 1999, Item 879);

Article 13 of Federal law No. 110-FZ of July 24, 2002 On Amending Part Two of the Tax Code of the Russian Federation and Certain Other Acts of the Legislation of the Russian Federation (Sobranie Zakonodatelstva Rossiiskoy Federatsii, No.30, 2002, Item 3027).

4. Pending the bringing of regulatory legal acts of the Russian Federation in the field of state regulation of foreign trade activity into line with the present federal law, the said regulatory legal acts shall apply in so far as they do not run counter to the present federal law.

President of the Russian Federation

V. Putin

Moscow, the Kremlin