GOVERNMENT RELATIONS

Eurasian Economic Union

LEXOLOGY
Getting The Deal Through

Consulting editor

MJ Alves & Burle Advogados e Consultores

Government Relations

Consulting editors

Marcos Joaquim Gonçalves Alves, Fernanda Burle, Ana Carolina Georges e Castro

MJ Alves & Burle Advogados e Consultores

Quick reference guide enabling side-by-side comparison of local insights, including into applicable forms of government and opportunities to influence legislation; regulation of lobbying regulation; political finance; ethics and anti-corruption; recent cases; sanctions; and other recent trends.

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Contributors

Eurasian Economic Union

Yury Panasik
y.panasik@kesarev.com
Kesarev

Ivan Dmitriev
i.dmitriev@kesarev.com
Kesarev

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FORM OF GOVERNMENT

Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The main source of law in the Eurasian Economic Union (EAEU) – a regional economic integration union comprising Armenia, Belarus, Kazakhstan, Kyrgyzstan and Russia – is the Treaty on the Eurasian Economic Union (the Treaty).

The Treaty and establishment of the EAEU to deepen Eurasian integration after the creation of the Customs Union (in effect since 2010) and Common Economic Space (formed in 2012) was negotiated by Russia, Belarus and Kazakhstan from 2011. However, negotiations were dragged out for political reasons.

Specifically, Russia sought to maximise the number of the Union's participants (the inclusion of Ukraine in the Union was one of its priorities) and deepen integration through its expansion to the political sphere. However, Belarus and Kazakhstan, opposing any idea of political integration, blocked discussions on the issue, which hindered the conclusion of the Treaty.

The situation changed with Ukraine's signing of the association agreement with the EU, making its inclusion in the EAEU impossible and leading to a decline in Russia's interest in political integration. The final version of the EAEU Treaty was signed by Russia, Belarus and Kazakhstan on 29 May 2014 and came into effect on 1 January 2015 (Armenia and Kyrgyzstan joined the Treaty later). It did not include any provisions stipulating political integration.

The Treaty is focused on economic integration, with the ultimate goal of transforming the EAEU by 2025 into a fully fledged economic union. This implies, for example, the freedom of circulation of goods, services, capital and labour and a common market in the energy, finance and transport sectors. Further deepening and expansion of integration is disclosed in the Strategic Directions for the Development of the Eurasian Economic Integration by 2025, adopted on 11 December 2020.

As for the scope of the Treaty, it defines the major objectives of the EAEU, its competence, institutional structure and the procedure of formation and operation of the EAEU bodies. In addition, the Treaty regulates the mechanisms of economic integration of the EAEU member states and the obligation to carry out a unified, conciliatory or coordinated policy in certain economic sectors.

Unlike the European Union, the EAEU does not regulate fundamental rights and freedoms relevant for lobbying (freedom of speech, assembly, etc). However, the Treaty defines the basic principles of the EAEU that influence the decision-making process, such as respect for the fundamental principles of international law, sovereign equality and specifics of the political systems of the member states, and ensures equality and consideration of national interests.

In accordance with these principles, the EAEU member states are equally represented in the EAEU bodies: the Supreme Eurasian Economic Council, the Eurasian Intergovernmental Council and the Eurasian Economic Commission (EEC). In addition, decisions in all EAEU bodies (except for the EEC Board) are made via consensus to prevent dominance of any EAEU member state.

Nevertheless, despite equal representation of the member states in the EAEU bodies and consensus-based decision-making, some EAEU member states have, in fact, more influential and dominant positions owing to significant differences in the members' market size.

Russia is the largest economy in the EAEU, with GDP (according to the according to the Eurasian Economic Commission data of 2021) amounting to US$1.8 trillion. The GDPs of Kazakhstan and Belarus constitute approximately US$190.8 billion and US$68.2 billion respectively, followed by Armenia and Kyrgyzstan with US$13.9 billion and US$8.5 billion.

The disproportionate sizes of the EAEU economies are also exemplified by the distribution of import duties among the

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EAEU member states: Russia as the largest economy receives 85 per cent of the import duties, Kazakhstan 6.95 per cent, Belarus 4.86 per cent, Kyrgyzstan 1.90 per cent and Armenia 1.22 per cent. Overall, as the largest economies and founding states, Russia, Belarus and Kazakhstan can be considered the most influential players in the EAEU, with Russia the key driver in many cases.

Law stated - 14 December 2022

Legislative system

Describe the legislative system as it relates to lobbying.

The decision-making institutions in the EAEU are as follows: the Supreme Eurasian Economic Council, the Eurasian Intergovernmental Council and the EEC. The EAEU has no supranational parliament, although at the initial stages of negotiations there were proposals on the establishment of a parliament or an inter-parliamentary assembly, mainly driven by Russia.

It is also noteworthy that the process of forming EAEU supranational bodies is still ongoing. Specifically, the Treaty provides for the creation of a supranational body to regulate the financial market by 2025. In addition, the EAEU member states may establish other supranational institutions, such as commissions on the economy, environment and raw materials. The establishment of these bodies was discussed during negotiations on the Treaty but was not enshrined in the Treaty.

The composition and powers of the existing EAEU bodies are outlined below.

The Supreme Eurasian Economic Council

The Supreme Council consists of the heads of the EAEU member states (Presidents, except for the Armenian Prime Minister). The position of the Chairman of the Supreme Council is occupied annually on a rotational basis by the heads of the member states.

The Supreme Council meets at least once a year to discuss and decide on broad EAEU development and integration issues, major policy directions and other strategic questions. It also considers issues relating to changes to or cancellation of the decisions of the Intergovernmental Council or the EEC, if those bodies are unable to reach a consensus.

The Intergovernmental Council

The lower level in the EAEU authorities' hierarchy is occupied by the Intergovernmental Council, comprised of the heads of the governments of the EAEU member states. The chair of the Intergovernmental Council is determined on a rotational basis once a year.

Meetings of the Intergovernmental Council must be held at least twice a year; however in practice they can be postponed if conflicts arise between the EAEU member states.

The Council has the power to prepare issues for approval by the Supreme Council and has control over the EEC's activities. With regard to monitoring EEC activity, the Council gives instructions to the EEC and may cancel, change or suspend its decisions.

The EEC

The EEC is the main working body tasked with ensuring day-to-day operation of the Union's bureaucracy and

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implementation of the policy agenda assigned to the EAEU. The EEC does not function as a single body, being split into the EEC Council and the EEC Board, with subordinate departments assisting them in performing their duties.

The EEC Council is composed of Deputy Prime Ministers of the EAEU member states, chosen by the member states themselves. The Council meets at least once a month. It approves key decisions that fall within the EEC's competence (eg, establishment of customs duties, adoption of technical regulations, regulation of common customs procedures and customs rates) and controls the activities of the EEC Board.

The EEC Board is a permanent executive body (somewhat similar to the European Commission in the EU) that meets, as a rule, once a week. The Board consists of 10 members, two from each EAEU member state, appointed by the Supreme Council for four years (though their term can be extended). The Chairman of the Board is appointed for four years on a rotational basis between the EAEU member states with no right to serve a second term.

Each member of the EEC Board is responsible for a specific economic sphere (eg, trade issues, technical regulation, customs regulation). The position of Board member is influential because of the significant and increasing powers of the EEC. Generally, the EEC Board members are supposed to act as supranational officials free from national influence, however in practice they usually take into account the position of their home country.

The Board may adopt legally binding decisions, orders (which are of an administrative nature and as a rule are aimed at organising interaction and exchange of documents between the member states) and recommendations (non-binding). Usually, decisions are taken by a qualified majority (two-thirds of the total number of members), though there is an extensive list of 'sensitive issues' (eg, approval of common sanitary, epidemiological and hygienic requirements for goods; the list of 'sensitive issues' is established by Appendix No. 2 to the EEC Rules and Regulations) wherein consensus is required.

Twenty-five departments (including the Technical Regulation and Accreditation Department and Customs Tariff and Non-Tariff Regulation Department), supervised by the members of the Board, support the activities of the EEC Council and the EEC Board by:

- preparing draft EAEU documents;
- monitoring enforcement of EAEU law by the member states;
- preparing proposals for consideration by the EEC Board based on the monitoring of results; and
- interacting with the government authorities in the member states.

The departments include officials and employees selected on a competitive basis.

Also, the EEC Board may establish advisory bodies that have the primary aim of conducting consultations with the representatives of the EAEU member states and preparing recommendations for the EEC in a particular regulatory sphere. Advisory bodies may include government authorities, representatives of the business community and independent experts.

Specifics of the decision-making process in the EAEU

Taking into account the structure and powers of the EAEU bodies, several specific features of the decision-making process in the EAEU can be identified.

First, the EAEU bodies – the Supreme Eurasian Economic Council, the Intergovernmental Council and the EEC Council – take their decisions by consensus. This mechanism ensures that the interests of all EAEU member states are taken into account and hinders the adoption of 'unfavourable' decisions.

In fact, any individual member state may stall the decision-making process if a conflict arises, a tactic that may also be used by businesses to postpone or block initiatives considered. This situation is typical for the sphere of technical

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regulation. If one of the EAEU member states proposes to establish EAEU-wide requirements that are tighter than those applicable in other states, the latter may try to block the adoption of such requirements. This can be illustrated by the long and, so far, unsuccessful attempts to approve the EAEU technical regulation on household chemicals and synthetic detergents (due, for example, to opposition from Kazakhstan).

Second, decision-making procedures at EAEU level are more complicated and time consuming than at national levels. This is explained by the fact that draft initiatives are discussed both in the EAEU member states and in the EAEU bodies, with multiple consideration and approval stages, as well as by the large number of stakeholders involved.

Third, the EAEU bodies, namely the Supreme Eurasian Economic Council, the Intergovernmental Council and the EEC Council, have quasi-appellate powers, as they are empowered to amend, suspend or repeal decisions of inferior EAEU bodies. Specifically, upon adoption of a decision by the EEC Board, the EAEU member states and the EEC Council members may request changes or cancellation of a decision within 15 days from the date of its publication. In this case, the issue is considered by the EEC Council or the Intergovernmental Council, or subsequently by the Supreme Council if the EEC Council fails to reach a consensus.

In addition, the annual rotation of the EAEU bodies' chairs (except for the Chairman of the EEC Board, who is appointed for four years) stipulated by the EAEU Treaty may also influence the decision-making process, as the presiding country has an opportunity to shape the forthcoming agenda. Following the Chairmanship of Kyrgyzstan in 2022, Russia assumes the Chairmanship in 2023.

Law stated - 14 December 2022

National subdivisions

Describe the extent to which a legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

The EAEU is a supranational organisation, therefore there is no division of power into federal, regional and municipal levels. Powers in the EAEU are divided among the Supreme Council, the Intergovernmental Council and the EEC (which has its own hierarchy).

The Treaty does not provide for a clear division of responsibilities between the supranational and national levels, in part because there is a different degree of integration across the various economic sectors. Thus, division of powers depends on the scope of regulation, the sector in question and certain exceptions, such as the non-application by a member state of the general rules of functioning of the EAEU's internal market.

With regard to the above approach, the Treaty provides for the implementation of a unified, conciliatory or coordinated policy among EAEU member states. A unified policy involves unified regulation in the member states, including through decisions of the EAEU bodies; a conciliatory policy provides for harmonisation of regulations within the EAEU; and a coordinated policy implies cooperation between the EAEU member states on the basis of a common approach.

Examples of the division of powers in the EAEU are as follows: technical and customs tariff regulation is the exclusive competence of the EAEU; and macroeconomic policy is subject to joint regulation of the EAEU and its member states (the EAEU establishes quantitative values of macroeconomic indicators determining sustainability of their economic development). A number of other important areas are regulated by the member states independently with due regard for their commitments in the EAEU (eg, tax policy).

With regulatory powers in such spheres as technical regulation, customs tariffs and non-tariff regulation, the EAEU bodies became important decision-making platforms able to impact the business environment. At the same time, the ongoing development of the EAEU and formation of common markets (eg, in the finance, pharmaceutical and energy sectors) is likely to lead to further increases in the powers of the EAEU.

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In addition, the EAEU may see the expansion of powers in consumer protection, anti-monopoly regulation and other spheres, which are currently mainly regulated by the EAEU member states but with due regard for their commitments in the EAEU. For example, the EEC has developed a public initiative mechanism that allows the EEC to take proactive measures to identify and prevent violations of competition rules. Within this mechanism, the EEC may be entitled to identify on its own initiative (without a complaint filed by a market participant or EAEU member state) priority markets for competition investigation, and issue warning letters following investigations so that entities in breach of the competition rules can take measures to remedy the violations.

It is also noteworthy that, apart from regulatory powers, the EAEU has an exclusive right to conclude agreements on the establishment of free trade areas (FTAs) to ensure the freedom of movement of goods. This means that the EAEU member states cannot sign these agreements individually. However, the EAEU countries conclude agreements on their own to ensure the freedom of movement of services and investments with third countries.

Following the establishment of an FTA with Vietnam (operational since 2016), the EAEU has also signed FTA agreements with Serbia and Singapore. (Both FTA agreements signed in October 2019 were subject to ratification procedures in the EAEU member states, as well as in Serbia and Singapore respectively. The FTA agreement with Serbia became effective on 10 July 2021; the one with Singapore is still pending ratification.)

In 2019, the temporary FTA agreement between the EAEU and Iran entered into force. The agreement provides for a reduction or cancellation of customs duties for a limited list of goods but stipulates the need to negotiate the establishment of a comprehensive FTA by 2022.

Since the Interim Agreement expired at the end of October 2022, on 14 March 2022, the Protocol to the Interim Agreement was signed in Tehran (Iran), providing for the extension of its application for three years or until the entry into force of the free trade agreement. The Protocol entered into force on October 25, 2022, thereby ensuring the continuity of the preferential treatment between the EAEU and Iran.

An agreement on economic and trade cooperation between the Eurasian Economic Union and its member states, on the one side, and the People's Republic of China, on the other side, was signed on 17 May 2018 and entered into force on 25 October 2019.

Egypt, India, Israel, Indonesia and Iran could become the next countries to sign FTA agreements with the EAEU, as the respective negotiations have already been launched.

The feasibility of concluding trade agreements with Mongolia and the United Arab Emirates is being studied.

In December 2020, the Supreme Eurasian Economic Council granted Uzbekistan and Cuba observer status within the EAEU. Prior to this, only Moldova has held such a status, since May 2018. (However, Moldova, after the victory of the opposition in the elections of 2020–2021, no longer recognises its observer status in the EAEU.) Observer states can attend meetings of the EAEU bodies by invitation without the right to participate in decision-making.

Law stated - 14 December 2022

Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

There are several ways to protect business interests within the EAEU.

Public consultations on draft decisions (governed by Chapter VIII of the EEC Rules and Regulations)

Draft decisions of the EAEU bodies prepared by the EEC are released for public consultation at least 30 calendar days

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before the planned date of their adoption.

A public consultation is not conducted in relation to draft decisions on the issues of customs regulation, application of special protective anti-dumping and countervailing measures or issues subject to regulatory impact assessment. The department responsible for the draft decision (the department) publishes the decision on the official EEC website. The period of public consultation is determined by the department, but it cannot be less than 20 days from the date of the publication of the draft decision. In exceptional cases requiring prompt decision-making, a public consultation may not be held or the length of time for it may be reduced.

All parties concerned may take part in a public consultation. The department must publish a summary of comments and suggestions from participants of the consultation within five days of the end of the public consultation. Based on the contents of the summary, the department can do the following:

- amend the draft decision taking into account the comments and suggestions provided (it is not required to incorporate all of the recommended changes);
- dismiss all suggestions – in this case, the draft decision will be submitted to the EEC for further consideration without any substantial amendments; or
- refuse to elaborate the draft decision, which means that it will not be subject to further consideration and will not be adopted.

Regulatory impact assessment (Chapter IX of the EEC Rules and Regulations)

Draft decisions of the EEC Council and the EEC Board that may influence the business environment (with a few exceptions) are subject to regulatory impact assessment.

Regulatory impact assessment is carried out in two stages. In the first stage, the draft decision is subjected to a public consultation with business entities and other parties concerned (the decision is published on the EEC's portal for this purpose). The period of public consultation cannot be less than 30 days. The business community can submit comments on draft decisions or fill in a standardised questionnaire as a means of giving feedback. Within 10 days after the end of the public consultation, the department responsible for the draft decision provides a summary of comments and suggestions. Following the public consultation, the department can amend the draft decision (if necessary) and submit it for further consideration or refuse to further elaborate it.

The second stage is the preparation of an opinion on the regulatory impact assessment by a special EEC working group headed by an EEC Board member in charge of economic and financial policy. The opinion must be prepared within 15 days. On the basis of the opinion, the department may then finalise the draft decision. Following the consideration, the EEC Council or the EEC Board (depending on which body considers the decision) may either adopt the decision, submit it for further amendments or refuse to adopt it.

Sending official enquiries to the EEC (Chapter III, article 7 of the EEC Rules and Regulations)

According to the regulation, legal entities may send enquiries to the EEC in written form or in the form of an electronic document. Enquiries are logged and processed by the relevant departments (this must be completed within 30 days). In addition, the EEC may request legal entities to provide additional information necessary for exercising its powers.

Cooperation with the EEC via the Advisory Board for Interaction between the EEC and the Business Council of the EAEU (Regulation on the Advisory Board for Interaction of the EEC and the EAEU Business Council)

The Advisory Board for Interaction between the EEC and the EAEU Business Council (an advisory body that includes cross-industrial business unions of the EAEU member states and represents their positions) provides interaction

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between the business community and the EEC representatives in certain spheres, including: entrepreneurship development; manufacturing; mutual and foreign trade and technical regulation. Proposals of the Business Council submitted to the EEC are considered by the Advisory Board. The Advisory Board includes the Chairman of the EEC Board, members of the EEC Board, members of the Presidium of the Business Council and business community representatives. Decisions of the Advisory Board are not binding, which means the Board does not have much influence on decision-making.

Interaction within the framework of advisory bodies and working groups under the EEC Board

According to Chapter III, article 44 of the Treaty, the EEC Board is entitled to form advisory bodies, which may include representatives of the government authorities of the member states and the business community. Narrow practical issues are discussed within the advisory bodies, in particular at meetings of the Advisory Committee on Entrepreneurship.

Law stated - 14 December 2022

Judiciary

Is the judiciary deemed independent and co-equal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

The EAEU Court is an independent body composed of 10 judges (two from each member state), located in Minsk (Belarus). The Court activities are governed by the Treaty and the statute of the EAEU Court.

Judges are appointed for nine years by the Supreme Council on the proposal of the member states. The Court chair and his or her deputy (who represent different states) are elected by the panel of judges for three years. Upon expiry of their term, the judges select the next chair and his or her deputy from among the judges representing other member states (ie, the chair and deputy cannot be elected from the same states that the former chair and deputy represented).

The EAEU Court can prepare advisory opinions on the interpretation of the sources and rules of EAEU law, and it can consider disputes related to enforcement of EAEU law. In the case of disputes, claims may be filed by the member states or economic entities. Economic entities can apply to the Court if their rights and interests are affected by the actions or inaction of the EEC. However, a dispute can be examined by the Court only after the parties have tried to settle the dispute in a pretrial order through consultations and negotiations, etc (the parties are given three months to settle).

Court decisions on the consideration of disputes are legally binding. However in practice, the EAEU Court is an ineffective body in terms of protecting the interests of the private sector for the following reasons:

- First, the Court is not entitled to consider issues of non-compliance with its decisions. These issues are considered by the Supreme Council. However, enforcement of a court decision can be blocked in the Supreme Council by any member state, as all decisions of the Supreme Council are passed on a consensus basis.
- Second, the EAEU Court is not popular as a dispute resolution body as it is perceived as having little influence. In addition, the business community is insufficiently informed about the activities of the Court.
- Third, challenging statutory legal acts and actions of the EEC is possible in other international courts (eg, the World Trade Organization Dispute Settlement Body) and the national courts of the EAEU countries. Foreign investors frequently use international courts, rather than the EAEU Court, to challenge EEC decisions.

Law stated - 14 December 2022

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REGULATION OF LOBBYING

General

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers? Who may issue guidance on lobbying? What powers of investigation does the regulator have? What are the regulators' or other officials' powers to penalise violators?

There is no separate statutory legal act governing lobbying in the Eurasian Economic Union (EAEU).

Law stated - 14 December 2022

Definition

Is there a definition or other guidance as to what constitutes lobbying?

There is no definition of lobbying in EAEU law.

Law stated - 14 December 2022

Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

Owing to a lack of regulation on lobbying, there are no requirements in the EAEU for registering lobbyists or disclosing information on carrying out lobbying activities.

In practice, sending formal written enquiries is the preferred form of interaction with the Eurasian Economic Commission (EEC). It is also recommended to send written enquiries in case business community representatives have already discussed the issue with the EEC members at forums, etc, or within the framework of oral negotiations.

Law stated - 14 December 2022

Activities subject to disclosure or registration

What communications must be disclosed or registered?

Oral negotiations with the employees of the EAEU bodies are not subject to disclosure or registration.

Official written enquiries and enquiries sent to the EEC by legal entities are registered by the EEC.

Law stated - 14 December 2022

Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

There is no legal regulation of lobbying or requirements to disclose information about lobbying in the EAEU.

Law stated - 14 December 2022

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Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for? Who has responsibility for registering the information?

There is no legal obligation to register or otherwise disclose information regarding lobbyists and the entities and persons they act for.

Law stated - 14 December 2022

Content of reports

When must reports on lobbying activities be submitted, and what must they include?

There are no requirements in the EAEU to provide reports on lobbying.

Law stated - 14 December 2022

Financing of the registration regime

How is the registration system funded?

There is no registration system for lobbyists in the EAEU.

Law stated - 14 December 2022

Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

EAEU law does not regulate lobbying and does not specify the need to submit reports on lobbying. Therefore, this information is not disclosed and is not published in open sources.

Law stated - 14 December 2022

Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

There is no code of conduct for lobbyists in the EAEU.

Law stated - 14 December 2022

Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

Media activities are not regulated at the EAEU level.

Law stated - 14 December 2022

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POLITICAL FINANCE

General

How are political parties and politicians funded in your jurisdiction?

There are no legislative bodies (such as a parliament or an inter-parliamentary assembly) or political parties in the Eurasian Economic Union (EAEU) because it is an economic, rather than a political integration organisation.

The activities of the EAEU bodies and their officials are financed by the EAEU budget, which is formed on the basis of contributions from the member states. According to the Eurasian Economic Commission (EEC) Rules and Procedures, EEC Board members and officials are not entitled to receive remuneration from individuals or legal entities in connection with exercising their authority.

Law stated - 14 December 2022

Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

According to the EEC Rules and Regulations, EEC Board members and other EEC officials are not entitled to combine their work in the EEC with any other work, except for scientific, creative and teaching activities. In particular, they may not participate in the activities of the management body of a commercial entity or carry out entrepreneurship activity. Members of the EEC Board and other EEC officials who are shareholders of organisations or who hold income-generating securities must transfer the securities or shares held by them to a trustee who will be responsible for their management.

In general, the regulation establishes that the EEC members must take measures to resolve and prevent conflicts of interest when exercising their powers in the EEC.

According to the regulation on the provision by the EEC Board members and other EEC employees of income details, information on property and property obligations, the EEC employees and members of the EEC Board must annually provide the following information about themselves and their family members, including minor children:

- information on income from all sources (pensions, allowances, other payments);
- information on property;
- details of funds held in bank accounts or in accounts in other banking institutions; and
- information on shares and participation in commercial organisations, including grounds for obtaining a stake in organisations (acquisition, donation, inheritance, etc), and information on other securities.

Failure to provide information on income and property, or provision of false information, may lead to disciplinary action.

As for the judges from the EAEU Court, they cannot engage in any activities related to income generation, except for scientific, creative and teaching activities. In addition, judges are not entitled to represent the interests of commercial organisations.

Law stated - 14 December 2022

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Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

This issue is not applicable to the EAEU as there are no political parties.

Law stated - 14 December 2022

Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

This issue is not applicable to the EAEU. All executive officials in the EAEU are appointed.

Law stated - 14 December 2022

Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

This issue is not applicable to the EAEU as the registration of lobbyists is not provided for in EAEU law.

Law stated - 14 December 2022

Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

According to the Treaty, EEC Board members are not entitled to use material resources, technical facilities and other resources and property of the Board for purposes not related to the exercise of authority. Use of the EAEU budgetary funds by Union bodies is monitored within the audit of financial and economic activities (which is conducted at least once every two years) and the annual external audit to monitor formation, management and disposal of the budget, property and other assets of the EAEU.

According to EEC Rules and Regulations, members of the EEC Board and other EEC employees are not entitled to use their powers in the interests of any political parties or public or religious associations. They are also prohibited from publicly expressing their attitude to these organisations or associations. In addition, Board members and other EEC officials are not allowed to create political parties or subdivisions of political parties, or public and religious associations in the EEC (with the exception of trade unions, associations of war veterans and other public activity bodies), or to contribute to the creation of such structures. Violation of the above-mentioned restrictions leads to early termination of powers. These restrictions are related to the fact that the EAEU does not imply any political integration.

According to the statute of the Court, judges also cannot represent the interests of any political parties and movements, social or religious groups, or individuals.

Law stated - 14 December 2022

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ETHICS AND ANTI-CORRUPTION

Gifts, travel and hospitality

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

According to the Eurasian Economic Commission (EEC) Rules and Regulations, members of the EEC Board and other EEC officials are not entitled to receive any gifts, remuneration, services, payment for entertainment, leisure time activities or travel costs, etc, from individuals or legal entities in connection with the exercise of authority. Gifts received at events or during business trips are regarded as the EEC's property and are handed over to the Board under a certificate. A Board member may then buy this gift under the procedure approved by the EEC Council.

In addition, members of the EEC Board and its officials are not entitled to go on trips related to the exercise of authority at the expense of individuals or legal entities.

Law stated - 14 December 2022

Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

There are no anti-corruption laws or regulations in the Eurasian Economic Union (EAEU). Unlike the European Union, the EAEU is not a member of the United Nations Convention against Corruption. Measures on combating corruption and corrupt business practices are regulated by the EAEU member states at the national level.

Scholars and experts on anti-corruption issues from the EAEU member states noted the need for harmonisation of the anti-corruption laws in these states and the adoption of common documents (eg, a convention) in this field. However, there have been no developments on the issue thus far.

Law stated - 14 December 2022

Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

This issue is not governed by EAEU law.

In general, a revolving door practice among former EEC employees who used to hold management positions is not very common, though they may occupy positions related to the private sector. The most well-known example is that of Viktor Khristenko who became President of the EAEU Business Council in 2016 after the end of his term as Chairman of the EEC Board.

As the activity of the EAEU bodies, including the EEC, is based on a rotational principle, the common practice is that former officials of the EAEU bodies continue their bureaucratic career in national state bodies.

By way of example, Veronika Nikishina (Russia) used to be a member (Minister) of the EEC Board in charge of trade issues from 2016 to 2020. In February 2020, Ms Nikishina was appointed head of the Russian Export Centre, the state-run development institute (it was established by the government to support non-primary export).

The leading positions in the EEC are occupied by officials from the national executive authorities with bureaucratic

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experience. For example, Timur Suleimenov was appointed Minister of National Economy of Kazakhstan (holding this position from 2016 until 2019) after leaving the position of EEC Board member in charge of economic and financial policy. In July 2019, Mr Suleimenov was appointed Deputy Chairman of the Presidential Administration of Kazakhstan. In January 2022, he was appointed First Deputy Chairman of the Presidential Administration of Kazakhstan. In addition, a political career for former EEC employees in their countries is possible but unlikely.

Law stated - 14 December 2022

Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

This is not applicable as there is no regulation of lobbying in the EAEU.

Law stated - 14 December 2022

RECENT CASES AND SANCTIONS

Recent cases

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance?

No such cases were registered.

Law stated - 14 December 2022

Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

This issue is not applicable to the Eurasian Economic Union as there is no relevant regulation.

Law stated - 14 December 2022

UPDATE AND TRENDS

Key developments of the past year

Are there any emerging trends or hot topics in government relations, lobbying or related law and regulation? Have changes occurred recently or are changes expected in the near future (through either legislation or court decisions) that will have an impact on the practice of government relations or lobbying disclosure?

The whole new Eurasian Economic Commission (EEC) Board, chaired by Mikhail Myasnikovich, a former speaker of the upper house of the Belarusian Parliament and ex-Prime Minister of Belarus, has been in office from 1 February 2020.

The EEC Board's term of office is four years (until the end of January 2024), although early limited rotation of the Board members is a usual practice.

In 2022, the following rotations took place (three new members were appointed):

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- Bakytzhan Sagintayev (Kazakhstan), EEC Board member supervising economic and financial policy;
- Arzybek Kozhoshev (Kyrgyzstan), EEC Board member in charge of customs cooperation; and
- Bakhyt Sultanov (Kazakhstan), EEC Board member supervising competition and anti-monopoly regulation issues.

The following six Board members retained their positions:

- Mikhail Myasnikovich (Belarus), EEC Board Chairman;
- Sergey Glazyev (Russia), EEC Board member in charge of integration and macroeconomic issues;
- Viktor Nazarenko (Belarus), EEC Board member in charge of technical regulation;
- Artak Kamalyan (Armenia), EEC Board member in charge of industrial and agro-industrial policy;
- Maksat Mamytkanov (Kyrgyzstan), EEC Board member in charge of customs cooperation;
- Varos Simonyan (Armenia), EEC Board member in charge of internal markets, digitalisation and information technologies; and
- Andrey Slepnev (Russia), EEC Board member supervising trade issues.

In general, the term of office of the EEC Board under the Belarusian Chairmanship will be a milestone from the point of view of the Eurasian Economic Union's (EAEU) prospects. It is assumed that by 2025 the EAEU member states should form a single regulatory field for a number of key markets – for example, energy, transport, financial and labour markets.

Thus, the main part of the preparatory work for the launch of single markets will be carried out in the coming years. The effectiveness of this work will largely determine the prospects for the existence of the EAEU as a whole.

Also, the Strategic Directions for Developing the Eurasian Economic Integration until 2025, which were finally adopted by the Supreme Eurasian Economic Council in December 2020, are of crucial importance. The document determines the EAEU strategic priorities for the coming years, with a special emphasis on the creation of a single market, development of technical and customs regulation and unified digital infrastructure as well as the establishment of trade relations with third countries, etc.

Such policy presupposes a further transfer of authority from national institutions to supranational bodies that is likely to influence the decision-making process in the EAEU. Therefore, an extension of the EEC's powers, namely the EEC Board, can be expected.

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Jurisdictions

Brazil	MJ Alves & Burle Advogados e Consultores
Eurasian Economic Union	Kesarev
European Union	Loyens & Loeff
Italy	Gianni & Origoni
Japan	Miura & Partners
Kazakhstan	Aretera Public Affairs
Qatar	SHE Institute
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