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Page: 1/2

Committee on Market Access

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**QUESTIONS FROM UKRAINE TO THE RUSSIAN FEDERATION
ON EXPORT BAN ON LEATHER SEMI-PRODUCTS**

COMMUNICATION FROM UKRAINE

The following communication, dated 22 September 2017, is being circulated at the request of the delegation of Ukraine.

According to notification G/MA/QR/N/RUS/3, the Russian Federation has put in place a temporary ban on export of leather semi-products (HS codes 4104 11 and 410419).

The measure was introduced pursuant to the Government's Resolution of 12 July 2016 No. 665 for the period from 18 July 2016 to 18 January 2017. The measure was prolonged by the Resolution No. 20 of 18 January 2017 (until 1 August 2017).

Ukraine understands that this measure is an extension of the ban introduced by the Government's Resolution No. 826 of 19 August 2014 and subsequently prolonged until 30 May 2016.

In its notification G/MA/QR/N/RUS/3 the Russian Federation justifies this export prohibition on the basis of Article XXI (b(ii)) of the GATT.

It seems that the ban, introduced in 2014, was justified by the Government of the Russian Federation by a critical shortage of leather semi-products.

The above-mentioned Resolutions No. 665 and No. 20 state that the temporary ban has been introduced pursuant to Annex No. 7 to the EAEC Treaty, and in order to fulfil the so-called "state defense order". The Resolutions also state that the ban has been imposed on products, which are essential for the RF's internal market and may be subjected to temporary export prohibitions and restrictions in exceptional circumstances.

According to subparagraph 1 of paragraph 12 of Annex No. 7 to the EAEC Treaty, temporary prohibitions or temporary quantitative restrictions of export may be instituted in exceptional circumstances in order to prevent or relieve critical shortages, in internal market, of foodstuffs or other products essential to the Union's internal market.

In this respect, Ukraine would like to ask the Russian Federation:

1. Has this measure been introduced pursuant to subparagraph 1 of paragraph 12 of Annex No. 7 to the EAEC Treaty?
2. If not, what provisions of Annex No. 7 to the EAEC Treaty did the Russian Federation rely on as a legal basis for the imposition of the ban?
3. What is meant by "exceptional circumstances" mentioned in the Resolutions and Annex No. 7 to the EAEC Treaty?
4. What kind of "exceptional circumstances" did the Russian Federation have in 2014-2017 to introduce and maintain the ban?
5. Has the measure expired? If yes, on what date did the ban terminate?
6. Does the Russian Federation have any intentions to prolong or re-impose the ban?

7. Has the ban achieved the policy goal stated in the Government's Resolutions – fulfilment of the "state defense order"?
 8. Did the Russian Federation have critical shortages of leather semi-products in 2014-2017? Could the Russian Federation provide statistics on domestic production, consumption and import of leather semi-products in 2014-2017?
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