

QUESTIONS TO THE RUSSIAN FEDERATION
REGARDING TRANSIT RESTRICTIONS

As of January 1, 2016, the Russian Federation has imposed a measure (Presidential Decree No. 1), requiring that transit of goods coming from the territory of Ukraine to the territory of Kazakhstan through the territory of the Russian Federation by automotive and railway routes must enter the territory of the Russian Federation through the Republic of Belarus. In addition, only two checkpoints in the Russian-Belarus border and three points in the Russian-Kazakhstan border may be used for the transit of such goods. The requirement to use specific transit checkpoints and transit via Belarus lengthens the shipping distance and adds burdens such as delays and additional costs.

Moreover, from the beginning of 2016 Ukraine also has faced with number restrictions on traffic in transit of the Ukrainian goods through the territory of the Russian Federation to the third countries (not Kazakhstan).

We kindly request the Russian Federation:

1. Explain in detail the requirement that traffic in transit from the territory of Ukraine through the territory of the Russian Federation must comply with since January 1, 2016.
2. Provide information about the policy rationale behind the introduction of the measures.
3. Explain why the Russian Federation decided to restrict carrying out traffic in transit from the territory of Ukraine to the territory of Kazakhstan through two checkpoints in the Russian – Belarus border.
4. Explain why the Russian Federation decided to restrict the exit of traffic in transit from the territory of Ukraine to the territory of Kazakhstan through three checkpoints in the Russian Federation – Kazakhstan border.
5. Provide WTO Members with all operational details, including subsidiary legislation or enforcement orders for customs authorities regarding the implementation of this measure.
6. Explain how Russian authorities enforce these measures, and in particular, if the country of origin of a good is the basis for applying the measure.
7. Clarify whether
 - a. the measure is applied, whether in law or in fact, only to goods in transit from the territory of Ukraine to the territory of Kazakhstan, or
 - b. the measure is also applied, whether in law or in fact, to goods in transit from the territory of Ukraine to the territories of other countries.
List these countries, if applicable.
8. State whether the Russian Federation has any other similar trade restrictions on traffic in transit. If so, please provide details.
9. Explain what regime was applicable to traffic in transit from the territory of Ukraine through the territory of the Russian Federation prior to the entry into force of the Presidential Decree No. 1 and the related Resolution of the Government of the Russian Federation.

10. Explain in detail the requirements for traffic in transit of the Ukrainian goods subject to the SPS and TBT restrictions under the Russian Federation acts through the territory of the Russian Federation.
11. Provide WTO Members with all operational details, including subsidiary legislation or enforcement orders for customs authorities regarding this issue.
12. Describe what normative acts of the Eurasian Economic Union or the Russian Federation regulate traffic in transit from, or to, countries other than Ukraine.
13. Provide statistics of traffic in transit from the territory of Ukraine through the territory of the Russian Federation, by country of destination, for 2013, 2014, 2015 and January 2016.
14. Explain how the measure complies with the WTO Agreement, including GATT Article V.
15. Explain how the Russian Federation will ensure that the measure is consistent with its WTO obligations.