



On approval of the Agreement on ensuring information security in the framework of common customs processes in the member states of the Eurasian Economic Community

Unofficial translation

Decree of the Government of the Republic of Kazakhstan dated January 24, 2013 No. 30

Unofficial translation

The Government of the Republic of Kazakhstan RESOLVES:

1. To approve the attached Agreement on ensuring information security in the framework of common customs processes in the member states of the Eurasian Economic Community, executed in the city of Minsk on May 19, 2011.

2. This resolution shall take effect from the date of signing.

*Prime Minister
of the Republic of Kazakhstan*

S. Akhmetov

Approved by
Resolution No. 30
of the Government
of the Republic of Kazakhstan
of January 24, 2013

AGREEMENT

on ensuring information security in the framework of common customs processes in the member states of the Eurasian Economic Community

The governments of the member states of the Eurasian Economic Community, hereinafter the Parties,

guided by the Protocol on the organization of the information exchange on the goods and vehicles movement between the customs services of the member states of the Eurasian Economic Community of December 19, 2001, the Agreement on single approaches to the application of information technologies in the activities of customs services of the member states of the Eurasian Economic Community of June 9, 2009 and the Agreement on single principles of information Interaction between the customs services of the member states of the Eurasian Economic Community of June 9, 2009,

for the purpose of ensuring informational security of the interaction of automated systems in the control of common customs processes in the member states of the Eurasian Economic Community,

for the purpose of creating conditions for acceleration and facilitation of the commodities and vehicles movement through the territories of the Eurasian Economic Community member states,

have agreed as follows:

Article 1

1. For the purposes of this Agreement, the following terms and definitions shall be used:

electronic message - information transmitted or received using the information and telecommunication network;

information – data on persons, objects, facts, events, phenomena and processes, regardless of the form of their presentation;

confidentiality of information - a requirement for a person who has gained access to certain information not to transfer such information to third parties without the consent of its owner and to protect this information from unauthorized access.

2. Terms not specifically defined in this Agreement are used in the meanings established by other international treaties concluded within the framework of the Eurasian Economic Community.

Article 2

The informational exchange of electronic communications in the control of common customs processes in the Eurasian Economic Community member states shall be carried out with the use of means ensuring security of the transmitted information, approved for use by the authorized bodies of the Parties.

Electronic communications shall not contain information, access to which is limited in accordance with the national laws of the Parties.

The information received in the information exchange process shall be used exclusively for customs purposes.

Article 3

The customs services of the Parties shall independently, in accordance with their national legislation, take measures to protect the information transmitted in the information exchange process in their automated information systems. The measures taken are required to ensure:

protection of information and computing resources from infection by software (computer) viruses;

protection against unauthorized access to computer hardware and telecommunication devices involved in the information exchange;

protection against unauthorized access to the information obtained during the electronic communications informational exchange;

ensuring network security during interworking both in the own automated information systems and in the information exchange;

integrity, accessibility and confidentiality of information during its processing and transmission in the own automated information systems;

attack detection and security analysis.

Article 4

Direct informational exchange of electronic communications shall be carried out between the customs services of the Parties using the systems that ensure guaranteed delivery of electronic messages and protect the transmitted data at the transport level.

The composition, format, structure of the transmitted information, and also the rules for its transfer, shall be agreed upon by the customs services of the Parties on bilateral and multilateral basis.

The requirements for computer hardware, software and communications necessary for ensuring information interaction in accordance with this Agreement shall be determined by the technical conditions of information interaction between the customs services of the Parties and international standards.

Article 5

For the informational interaction in the customs processes control of the Eurasian Economic Community member states, no requirements are set:

on ensuring legal significance of electronic communications received in the information exchange;

on the use of electronic digital signatures in electronic messaging.

The parties may conclude additional international treaties on a bilateral and multilateral basis with the aim of giving legal significance to transmitted electronic messages and the use of electronic digital signatures of electronic messages in accordance with the national laws of the Parties.

Article 6

The customs services of the Parties shall independently provide equipment, configuration, operation, management and monitoring of information protection tools used in the information interaction.

Article 7

The provisions of this Agreement do not limit the customs services of the Parties in the application of other, additional forms and methods of information protection in the informational interaction of automated systems when controlling common customs processes in the Eurasian Economic Community member states in their own automated information systems.

Article 8

This Agreement is concluded for an indefinite term and takes effect from the date of receipt by the depositary, which is the Integration Committee of the Eurasian Economic Community, of the last written notice on the completion by the Parties of the domestic procedures necessary for its enactment.

Upon its commencement, this Agreement is open for accession by other states that have joined the Eurasian Economic Community. Documents of accession to this Agreement shall be deposited with the depositary.

For acceding states, this Agreement shall enter into force on the date of receipt by the depositary of the instrument of accession.

Article 9

By mutual consent of the Parties, amendments and supplements may be entered to this Agreement that shall be its integral parts drawn up by separate protocols.

Article 10

Disputes between the Parties regarding interpretation and (or) application of the provisions of this Agreement shall be resolved through negotiations and consultations.

If the dispute is not resolved by the Parties to the dispute through negotiations and consultations within six months from the date of the official written request for their conduct made by one of the Parties to the dispute to the other Party to the dispute, then, unless otherwise agreed between the parties to the dispute regarding the method of its resolution, either Party may refer the dispute to the Court of the Eurasian Economic Community.

Article 11

Each of the Parties may terminate this Agreement by sending a written notice of such intention to the other Party at least six months before the expected termination date, having previously settled its obligations assumed in accordance with this Agreement.

Obligations to protect information assumed in accordance with this Agreement remain valid regardless of its termination or withdrawal of any Party from it.

Executed in the city of "___" _____ 2011 in one original copy in the Russian language.

The original copy is stored in the Integration Committee of the Eurasian Economic Community, which, being the depositary, shall direct a certified copy to the Parties.

For the Government
of the Republic of Kazakhstan

For the Government
of the Kyrgyz Republic

For the Government
of the Republic of Belarus

For the Government
of the Republic of Tajikistan

For the Government
of the Russian Federation