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RUSSIA – MEASURES AFFECTING THE IMPORTATION OF RAILWAY EQUIPMENT AND PARTS THEREOF

COMMUNICATION FROM UKRAINE

The following communication, dated 23 March 2020, was received from the delegation of Ukraine with the request that it be circulated to the Dispute Settlement Body (DSB).

Please find the communication of Ukraine concerning the Russian Federation's letter as of 19 March 2020 with regard to the implementation of recommendations and rulings of the Dispute Settlement Body (DSB) in the dispute "Russian Federation – Measures Affecting the Importation of Railway Equipment and Parts thereof" (DS499). Ukraine respectfully requests you to circulate this communication to the Members.

On 5 March 2020, the DSB adopted the Appellate Body Report (WT/DS499/AB/R and WT/DS499/AB/R/ADD.1) and the Panel Report (WT/DS499/R and WT/DS499/R/ADD.1) in the case DS499 "*Russia – Measures Affecting the Importation of Railway Equipment and Parts Thereof*" (DS499), therefore during the DSB meeting on 30 March 2020 the Russian Federation should have to inform the DSB of its intentions in respect of implementation of the DSB's rulings and recommendations.

In view of these circumstances and taking into account the above-mentioned communication of the Russian Federation that it has taken appropriate steps to bring its measures fully into conformity with its WTO obligations and complied promptly with the DSB's recommendations and rulings in the DS499, Ukraine would like to clarify the following issues.

As an initial matter Ukraine states that it took note of the information, provided by the Russian Federation in its communication and appreciates the willingness to bring the measures into conformity with its WTO obligations.

At the same time, in its communication the Russian Federation just states in general terms and without reflecting in substance that there are requirements to be satisfied and procedure to be followed in order to obtain the necessary certificates, including those related to safety of the employees of the certification body.

In order to ensure clarity and transparency of compliance with the DSB's rulings and recommendations in DS499 Ukraine respectfully asks to request the Russian Federation to elaborate in details the requirements that producers have to comply with in order to obtain the certificates of conformity, in particular, those related to safety of the employees of the certification body.

Furthermore, Ukraine also considers that the Russian Federation should provide the DSB and Ukraine with all the documents mentioned in the communication of 19 March 2020, specifically: the letter of the Ministry of Transport of the Russian Federation as of 21 August 2018 No. AL-26/12072; the letters of the Federal Railway Transport Administration as of 12 February 2020 No. VCH-35/979-is, of 12 February 2020 No. VCH- 30/980-is and of 8 August 2018 No. VCH-35/5424-is; as well as the letters of the Federal Budgetary Organization "Register of Certification on the Federal Railway Transport".

Ukraine believes that the issue of the implementation of the DSB's rulings and recommendations could be considered only after reviewing and analysing the requested information.
