



WTO and RTA Simultaneous Membership: Experience from the Caucasus and Central Asia

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WTO and Regional Trade Agreement Interaction

- WTO rules generally prioritize non-discrimination
- RTAs are permitted as exceptions under GATT Article XXIV, GATS Article V, and the Enabling Clause
- RTAs constitute a permitted deviation from the Most-Favored-Nation (MFN) principle, provided they increase trade freedom among members without raising trade barriers for non-members
- Most RTAs address areas similar to WTO agreements, including trade in goods and services, intellectual property, and investment policies
- WTO Notification Requirement
- RTA Database

RTAs in Central and West Asia

- Commonwealth of Independent States (CIS) Free Trade Agreement (FTA)
 - Concluded in 2011
 - Participants: Armenia, Belarus, Kazakhstan, Kyrgyz Republic, Moldova, Russia, Tajikistan – all of them are WTO members except Belarus and Uzbekistan
 - CIS FTA was designed to be fully compliant with the WTO rules
- Eurasian Economic Union (EEU)
 - Established in 2014 based on the Customs Union of Belarus, Kazakhstan, and Russia
 - Members: Armenia, Belarus, Kazakhstan, Kyrgyz Republic, and Russia
 - The EEU law includes multiple references to the WTO rules

EEU and WTO

- Three EEU member states joined WTO before establishing the EEU: Kyrgyz Republic (1998), Armenia (2003), and Russia (2012)
- Kazakhstan joined WTO soon after establishing the EEU (2015), Belarus is not WTO members yet
- As Russia is the lead economy in EEU, its WTO commitments were used as a basis for the EEU law including the EEU's Common Customs Tariff (CCT)
- The tariff schedules and many other WTO commitments of Armenia, Kazakhstan, and the Kyrgyz Republic are much more liberal than those of Russia – there are some considerable discrepancies between these countries' WTO and EEU commitments

EEU and WTO – the case of Kazakhstan

- The number of lines with different final bound rates in the Russia's and Kazakhstan's WTO commitments > 3,000
- In accordance with the EEU Treaty, this was resolved by applying
 - WTO bound tariffs for imports to Kazakhstan from WTO members
 - EEU tariffs for transit from non-EEU WTO member states (e.g., PRC) to EEU members (e.g., Kyrgyz Republic or Russia)
 - FTA rules for imports from countries with which there are FTAs (CIS FTA for Tajikistan and Uzbekistan and bilateral FTA for Azerbaijan)
- The EEU law requires EEU members to enter into negotiations with other WTO members to reconcile the discrepancies between WTO and EEU commitments
- According to Kazakhstan's WTO accession commitments, such negotiations may start not earlier than 1 June 2024

EEU and WTO – the case of Armenia and the Kyrgyz Republic

- There are discrepancies between WTO and EEU tariffs on more than 7,000 tariff lines for Armenia and 3,000 tariff lines for the Kyrgyz Republic
- Since accession to the EEU in 2015, Armenia and the Kyrgyz Republic apply the EEU tariffs and other rules in trade with non-EEU WTO member states
- Armenia and the Kyrgyz Republic should renegotiate their tariff schedules and other discrepancies with other WTO members possibly providing concessions on other lines
- This is not a unique situation – 13 new EU member states (which joined the EU after 1995) had to renegotiate their commitments in the WTO and successfully completed these negotiations led by the EU (also WTO member)
- Both Armenia and the Kyrgyz Republic started these negotiations at WTO in consultation with the Eurasian Economic Commission, the EEU's executive body