

Article 9

For the purposes of implementing tariff-based and non-tariff based regulation measures in the bilateral economic relationships, statistical information exchange, and for carrying out customs procedures, the Parties have agreed to use the unified, nine-digit Commodity Nomenclature of CIS Foreign Economic Activities that is based upon the Harmonized Commodities Description and Coding System and Combined Tariffs and Statistics Nomenclature of the EEC. For the needs of their own countries, these Commodity Nomenclatures may be expended as necessary.

Article 10

Each Party shall provide free transit over the territory of its country for goods originated within the customs territory of the other Party or having originated in third countries and destined for the customs territory of the other Party or any third country, and shall supply the exporters, importers, and shipping companies involved in such transit operations with all the available resources and services required for the execution of these transit operations on terms (including financial) that are not worse than the terms for providing the same resources and services to exporters, importers, and national shipping companies of any other third country.

Each Party guarantees waiving any customs duties and transit fees on trans-shipment of goods originated within the customs territory of the other Party, and this shall be formalized by a separate agreement.

Rates on trans-shipment by any means of transportation, including the rates for loading and unloading operations, shall be economically justified and shall not exceed normal operating expenses, including reasonable profit rates.

Article 11

1. This Agreement shall not prevent any of the Parties from taking measures of state control in the foreign economic relations area, generally accepted in the international practice, that are considered necessary for compliance with international agreements to which they are or intend to become a party, if these measures relate to:

- protection of public morale and public order;
- protection of human life and health;
- conservation of animal and plant life;
- protection of the environment;
- conservation of valuable art, archeological, and historical objects that are national treasures;
- protection of industrial and intellectual property;
- trade in gold, silver, and other precious metals and stones; conservation of non-renewable natural resources;
- limiting exports of a given commodity, in the event the domestic price for this commodity is lower than the world market price due to implementation of governmental support programs;

- disturbances in the balance of payments.

2. Nothing in this Agreement precludes the right of any of the Parties to use any means of state control deemed necessary by the Party, if these measures relate to:

- assuring national security, including the prevention of leaks in confidential information related to state secrets;
- trade in arms, military technology, munitions, offering military-type services, technology transfer, and providing services in the manufacture of armaments and military hardware, and for other purposes;
- supplying fissionable nuclear materials and sources of radioactive substances, processing of radioactive wastes;
- measures taken at time of war or during other extreme situations in the international relations;
- actions taken in compliance with the UN Charter for maintaining international peace and security.

Article 12

Provisions of this Agreement replace the provisions of any Agreements between the Parties insofar as the latter are incompatible or identical with the prior.

Article 13

Provisions of this Agreement do not affect any of the obligations taken by the Parties under other international agreements concluded earlier by the Parties with third countries, including Agreements concluded within the CIS framework with the participation of the Parties.

Article 14

Nothing in this Agreement prevents any of the Parties from establishing relationships with third countries and with their associations and international organizations on the condition that these relationships shall not contradict the purposes and provisions of this Agreement.

Article 15

Based upon the purposes of this Agreement and for the purpose of developing recommendations for improving the trade and economic cooperation between the two states, the Parties have agreed to create an Armenian-Kazakh commission.

The Commission shall meet upon the initiative of either Party, but not less than once a year, at alternating locations between the Republic of Armenia and Republic of Kazakhstan.

Article 16

The Parties may make amendments and additions to this Agreement upon mutual agreement. Any amendment shall become effective after the Parties are notified that all formalities needed for the enforcement of such amendment have been completed.