

- actions by means of which one or a few enterprises use their dominant position, limiting competition within the entire territory of the Contracting Parties or a significant part thereof.

Article 8

For the purposes of applying measures of tariff and non-tariff regulation in the bilateral economic relationships, statistical information exchange, and for carrying out customs procedures, the Contracting Parties agreed to use the unified, nine-digit Commodity Nomenclature of Foreign Economic Activities (CN FEA), based upon the Harmonized Commodity Description and Coding System and Combined Tariffs and Statistics Nomenclature of the Eurasian economic community. For their own needs Contracting Parties may expend this Commodity Nomenclature beyond the nine digits if necessary.

Introduction of the reference original of the Commodity Nomenclature is carried out by the Russian Federation through the existing representations in the relevant international organizations, until the Republic of Azerbaijan declares its independent introduction of such an original.

Article 9

Contracting Parties shall not use state aid in the form of subsidies to enterprises or in any other form if the result of such state aid would be the distortion of normal economic conditions in the territory of the other Contracting Party.

Article 10

Contracting Parties agree that the adherence to the principle of freedom of transit is the major condition for achieving goals of this Agreement and a substantial element in the process of their integration into the system of international division of labour and cooperation.

Thereupon each Contracting Party shall provide unimpeded transit through its territory for goods originating from the customs territory of the other Contracting Party or third countries and destined for the customs territory of the other Contracting Party or any third country, and shall supply exporters, importers, and carriers with all facilities and services available and necessary for ensuring transit on terms not worse than those granted to national exporters, importers, or carriers, or exporters, importers or carriers of any other third state.

Transit tariffs for all types of transportation, including tariffs for loading and unloading operations, shall be economically justified and shall not exceed normal operational expenses, including reasonable profit rates. Contracting Parties shall not request payment for warehousing, reloading, storage, and transportation of goods in the currency of any third state.

Contracting Parties shall conclude a special agreement on transit.

Article 11

Contracting Parties have the right to take measures which they consider necessary for protecting their vital interests or which are undoubtedly necessary for compliance with international agreements to which they are or intend to become parties, if these measures relate to:

- information affecting the interests of national defence;
- trade in arms, munitions and military equipment;
- research or production related to the defence needs;
- supply of materials and equipment used in nuclear industry;
- protection of public morality and public order;
- protection of industrial and intellectual property;
- gold, silver, and other precious metals and stones;
- protection of human, animal and plant life.

Article 12

With the goal of pursuing coordinated policy of export control in relation to the third countries on goods and services included in common check lists, Contracting Parties shall establish an Inter-State Coordination Council on Export Control consisting of the heads of national bodies of export control and support staff. Functions of Inter-State Coordination Council shall include the approval of common check lists of goods and services, examination of cases of export control requirements violation, elaboration of proposals to introduce or to call off sanctions, as well as other questions of export control.

Article 13

Provisions of this Agreement shall replace the provisions of agreements concluded earlier by the Contracting Parties insofar as the latter are incompatible or identical with the former. Contracting Parties will instruct their competent authorities to prepare an appropriate protocol on this matter.

Article 14

This Agreement shall not affect other Agreements concluded earlier by the Contracting Parties with third countries.

Article 15

Nothing in this Agreement shall prevent Contracting Parties from establishing relationships which do not contradict the goals and terms of this Agreement with the states which are not parties to this Agreement and with their associations and international organizations.

Article 16

Disputes between Contracting Parties related to interpretation or application of provisions of this Agreement shall be resolved by means of negotiations.

Article 17

To achieve the goals of this Agreement and to elaborate recommendations for developing trade and economic cooperation between the two countries, Contracting Parties have agreed to establish a joint Russian-Azerbaijani commission.

Article 18

Contracting Parties have agreed that the Russian Federation may establish its trade representation in the Republic of Azerbaijan, and the Republic of Azerbaijan may establish its trade representation in the Russian Federation. The legal status of these trade representations, their functions and residence will be agreed by the Contracting Parties in a separate agreement.

Article 19

Any state may accede to this Agreement on terms and conditions which would be agreed between the acceding state and the Contracting Parties.

Article 20

An integral part of this Agreement shall be a Protocol on exceptions to free trade regime which the Parties shall sign in one month after the signature of the Agreement.