

By mutual agreement the Parties may restrict the export of individual commodities with regard to their volumes and classification, which are annually specified in the agreements on trade and economic cooperation.

Such commodities may be reexported only by a written consent and on the terms set by the authorized agency of the country of origin of the said commodities. In case of failure to comply with this provision, the Party concerned shall be entitled, after preliminary consultations with the other Party, to unilaterally take measures on regulating the export of such commodities to the territory of the other Party that permitted the unconciliated reexport.

Reexport shall mean the removal of commodities, which originate from the customs territory of one Party, by another Party beyond its customs territory in order to export them to a third country.

Article 5

The Parties shall on a regular basis exchange all principal information about customs issues, available customs statistics included, which is the subject matter of the present Agreement. Corresponding authorized agencies of the Parties shall conciliate the procedure for exchanging such information.

Article 6

1. The Parties shall exchange information about their free trade agreements with third countries.
2. The Parties shall inform each other about all amendments to the operative customs tariffs in their countries.

Article 7

The Parties, in accordance with the legislation of the parties, shall recognize as being incompatible with the purposes of the present Agreement unfair business practices resorted to, in particular, in the following:

- agreements between enterprises or associations of enterprises that aim to hinder or restrict competition or violate the terms for it on the territories of the Parties;
- actions by which one or several enterprises use their dominating status, restricting competition on the entire or a substantial part of the Parties' territories.

Article 8

When effecting measures of tariff and nontariff regulation of bilateral economic relations, for the exchange of statistical information and for conducting customs procedures, the Parties shall apply the uniform nine-digit classification of foreign trade commodities (CFTC) based on the Harmonized System of Description and Coding of Commodities and the combined tariff-statistical classification of the European Union. For their own needs the state Parties shall, when necessary, develop the commodity classification beyond the nine-digit limit.

A model copy of commodity classification shall be maintained on the basis of mutual agreement through the existing missions at corresponding international organizations.

Article 9

Each Party, in compliance with its operative domestic legislation, shall ensure free transit through its territory of commodities originating from the customs territory of another Party or third countries and intended for the customs territory of the other Party or third country, and provide to exporters, importers or carriers all the available and required facilities and services, financial services included, for transit on terms that are not worse than those on which the very same facilities and services are provided to their own exporters, importers, or national carriers of any third country. Each Party shall

guarantee exemption of transit commodities, originating from the customs territory of the other Party, from customs duty and transit charges, which shall be formalized by a separate Agreement.

Article 10

Nothing in the present Agreement shall hinder the Parties from maintaining relations (which do not contradict the goals and terms of the present Agreement) with states that are not parties to the present Agreement, as well as with their associations and international organizations.

Article 11

Disputes between the Parties as to the interpretation or application of provisions of the present Agreement shall be settled through negotiations.

Article 12

Proceeding from the purposes of the present Agreement and in order to design recommendations for the improvement of trade and economic cooperation between the two states, the Parties have agreed to establish a bilateral Commission:

The main objectives of the referred to Commission shall be to:

- consider issues referred to the interpretation and application of the present Agreement, as well as settlement of disputes between the Parties;
- analyze the development of bilateral trade and economic relations;
- design proposals for improving the conditions and trade and economic cooperation between the two countries and for their continued development;
- consider issues of export control, including the list of commodities to be subject to control, the methods and forms of control over exports, facts of violation of requirement to export control, design of proposals for introducing and lifting sanctions;
- consider the execution of the present Agreement and design corresponding recommendations.

The sessions of the Commission shall be held by proposal of one of the Parties, but not less than once a year, alternately in the Republic of Kazakhstan and in Ukraine.

Article 13

The present Agreement shall come into force after the exchange of notes, in which the Parties shall notify each other about their performance of the inter-state procedures required for its commencement, and remain in force until one of the Parties notifies the other Party in writing within six months about its intention to terminate the effect of the Agreement.

Made at the city of Almaty in two valid copies, each in the Ukrainian, Kazakh and Russian languages, all texts being of equal force.

In case of differences among the Parties as to interpretation, application of execution of the present Agreement, the Parties shall take guidance of the text of the Agreement in the Russian language.

For the Government of Ukraine

For the Government of the Republic of Kazakhstan

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