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Committee on Regional Trade Agreements
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FREE TRADE AGREEMENT BETWEEN ARMENIA AND UKRAINE

The following communication, dated 17 June 2004, is being circulated at the request of the Delegation of Armenia.

AGREEMENT
BETWEEN THE GOVERNMENT OF REPUBLIC OF ARMENIA
AND THE GOVERNMENT OF UKRAINE ON FREE TRADE

The Government of Republic of Armenia and the Government of Ukraine, hereafter referred to as the Contracting Parties,

Striving to develop trade and economic cooperation between Republic of Armenia and Ukraine based upon equality and mutual benefits,

Based upon the sovereign right of each state to conduct its independent foreign economic policy,

Aiming at fostering economic activities, providing full employment, increasing productivity and rational use of resources,

Striving to promote harmonious development and growth of world trade, elimination of barriers in its development,

Reaffirming the intention of the Republic of Armenia and Ukraine to become Contracting Parties to the General Agreement on Tariffs and Trade (GATT) sharing goals and principles of GATT and taking into account the results of agreements and understandings reached under Uruguay round of multilateral trade negotiations,

HAVE AGREED as follows:

Article 1

1. Contracting Parties shall not apply customs duties, taxes and charges having equivalent impact on exportation and importation of goods originating from the customs territory of one of Contracting Parties and destined for the customs territory of the other Contracting Party. Exceptions to this trade regime on the basis of the agreed

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区域贸易协定委员会 原文：英文

亚美尼亚与乌克兰自由贸易协定

根据亚美尼亚代表团的请求，现分发2004年6月17日的如下来文。

亚美尼亚共和国政府与乌克兰政府关于自由贸易的协定

亚美尼亚共和国政府与乌克兰政府，以下称为缔约方，

致力于在平等互利基础上发展亚美尼亚共和国与乌克兰之间的贸易和经济合作，

基于各国行使独立对外经济政策的主权权利，

旨在促进经济活动、实现充分就业、提高生产力和合理利用资源，

致力于促进世界贸易的和谐发展与增长，消除其发展中的障碍，

重申亚美尼亚共和国和乌克兰有意成为关税及贸易总协定（关贸总协定）的缔约方，共享关贸总协定的目标和原则，并考虑乌拉圭回合多边贸易谈判达成的协议和谅解成果，

达成协议如下：

第一条

1. 缔约方不得对源自一方缔约方关税领土并运往另一方缔约方关税领土的货物的进出口征收关税、税收及具有同等影响的费用。基于商定的术语对此贸易制度的例外情况

nomenclature shall be formalized by separate documents, which shall be an integral part of this Agreement, if Contracting Parties consider this necessary.

2. For the purposes of this Agreement, and for its effective term, goods originating from the territories of Contracting Parties shall be deemed to be the goods determined according to the Rules of Establishing the Country of Origin for Goods of September 24, 1993, approved by the Resolution of the Council of the Heads of Governments of the Independent States.

Article 2

Each Contracting Party shall not:

- directly or indirectly impose any internal taxes or charges on commodities co Agreement, in excess of corresponding taxes and charges imposed on similar of domestic production or of third country origin;
- apply rules to warehousing, reloading, storage, and transportation of goods that originating from the territory of the other Contracting Party, as well as to payments and payment transfers, other than those applied in similar situations regarding goods of domestic production or of third country origin.

Article 3

Contracting Parties in their mutual trade shall refrain from discriminatory measures, introduction of quantitative restrictions or similar measures for exportation and/or importation of goods within the framework of this Agreement.

Parties may introduce unilaterally quantitative or other special restrictions only within reasonable limits, and for a strictly defined time period.

These restrictions shall be of exceptional nature and may only be applied in cases provided for by the GATT agreements.

A Contracting Party which applies quantitative restrictions under this Article shall provide the other Contracting Party, if possible, in advance with full information on the main reasons for introduction, forms and expected terms of application of the abovementioned restrictions, whereupon the consultations shall be set.

Article 4

Contracting Parties shall on a regular basis exchange information on laws and other regulations related to economic activity, including trade, investment, taxation, banking and insurance and other financial services, on transport and customs issues, including customs statistics.

Contracting Parties shall inform each other without delay on any changes in the national legislation, which may influence implementation of this Agreement.

应通过单独文件予以正式化， 若缔约方认为有必要， 此类文件应构成本协议的组成部分。

2. 为本协议之目的及在其有效期内， 源自缔约方领土的货物应被视为根据1993年9月24日《货物原产国确定规则》所确定的货物， 该规则经独立国家政府首脑理事会决议批准。

第二条

各缔约方不得：

- 直接或间接对协议项下商品征收任何超过对类似国内生产或第三国原产商品所征收相应税收或费用的国内税或费用；
- 对源自另一缔约方领土货物的仓储、转载、存储及运输， 以及支付和支付转移实施不同于在类似情况下对国内生产或第三国原产货物所适用的规则。

第三条

缔约方在其相互贸易中应避免采取歧视性措施， 或在本协议框架内对货物的出口和/或进口实施数量限制或类似措施。

缔约方可单方面实施数量或其他特殊限制， 但仅限在合理限度内， 并严格限定时间段。

此类限制应具有例外性质， 且仅适用于关贸总协定协议规定的情形。

根据本条适用数量限制的缔约方应尽可能提前向另一缔约方全面通报实施上述限制的主要原因、形式及预期适用期限， 并据此安排磋商。

第四条

缔约方应定期交换关于经济活动的法律及其他法规信息， 包括贸易、投资、税收、银行业、保险及其他金融服务， 以及运输和海关问题（含海关统计）。

缔约方应及时相互通报可能影响本协议实施的国家立法变更。

Authorized bodies of the Contracting Parties shall coordinate the way to exchange such information.

Article 5

Contracting Parties shall consider incompatible with the purposes of this Agreement any unfair business practices and shall not allow in particular, but not exclusively the following methods thereof:

- agreements between enterprises, decisions made by the associations of enterprises, and general methods of business practices aimed at hindering or limiting competition or disrupting the competitive environment in the territories of the Contracting Parties;
- 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 6

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 will 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 EEC. For their own needs Contracting Parties may expend this Commodity Nomenclature beyond the nine digits if necessary.

Introduction of the reference Commodity Nomenclature is carried on a mutually agreed basis through the existing representations in the relevant international organizations.

Article 7

1. 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 exporters, importers or carriers of any other third state.

2. Procedure and terms of passing of goods through the territory of countries are regulated in accordance with the international rules for shipping operations.

Article 8

缔约方的授权机构应协调此类信息的交换方式。

第五条

缔约方应认为任何不公平商业行为与本协议目的不相容，尤其不得允许（但不限于）以下方法：

- 企业间协议、企业协会作出的决定以及旨在阻碍或限制竞争或破坏缔约方领土内竞争环境的普遍商业行为方法；
- 通过一个或少数企业利用其主导地位采取的行动，限制缔约方全部领土或其重要部分的竞争。

第六条

为在双边经济关系中实施关税和非关税监管措施、进行统计信息交换及执行海关程序，缔约方将使用基于协调商品描述和编码系统及欧洲经济共同体联合关税和统计目录的统一九位数对外经济活动商品目录（CN FEA）。缔约方可根据自身需要，在必要时将该商品目录扩展至九位数以上。

参考商品术语的引入是在相关国际组织现有代表机制的基础上，经双方协商一致进行的。

第七条

1. 缔约方同意，遵守过境自由原则是实现本协议目标的主要条件，也是其融入国际分工与合作体系进程中的重要因素。

据此，每一缔约方应为源自另一缔约方关税领土或第三国、**destined for**另一缔约方关税领土或任何第三国的货物提供其领土内的无障碍过境，并向出口商、进口商和承运人提供所有可用且必要的便利和服务，以确保过境条件不低于给予本国出口商、进口商或任何其他第三国出口商、进口商或承运人的待遇。

2. 货物通过各国领土的程序和条件应按照航运业务国际规则进行规范。

第八条

This Agreement shall not impede the right of any of the Contracting Parties to take generally accepted in the international practice measures which it considers necessary for protecting its vital interests or which are undoubtedly necessary for compliance with international agreements to which it is or intends to become a party, 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 9

With the goal of pursuing coordinated policy of export control in relation to the third countries Contracting Parties shall conduct regular consultations and take mutually agreed measures for creation of effective system of export control.

Article 10

Provisions of this Agreement shall replace the provisions of any bilateral agreements concluded earlier by the Contracting Parties insofar as the latter are incompatible or identical with the former.

Article 11

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

Contracting Parties shall endeavour to avoid conflicting situations in mutual trade.

Each Contracting Party shall assure in its territory effective means to recognise and enforce arbitration awards.

Article 12

本协议不妨碍任何缔约方采取国际实践中普遍认可的措施，只要该缔约方认为这些措施对保护其重大利益是必要的，或对遵守其已成为或拟成为缔约方的国际协议是绝对必要的，且这些措施涉及：

- 涉及国防利益的信息；
- 武器、弹药和军事装备的贸易；
- 与国防需求相关的研究或生产；
- 核工业所用材料和设备的供应；
- 公共道德和公共秩序的保护；
- 工业和知识产权的保护；
- 金、银及其他贵金属和宝石；
- 保护人类、动物和植物生命。

第九条

为协调对第三国的出口管制政策，缔约方应进行定期磋商，并采取共同商定的措施以建立有效的出口管制制度。

第十条

本协议条款应取代缔约方先前签订的任何双边协议中与之相冲突或相同的条款。

第十一条

缔约方之间关于本协议条款解释或适用的争议应通过谈判解决。

缔约方应努力避免相互贸易中的冲突情况。

每一缔约方应在其领土内确保有效承认和执行仲裁裁决的方式。

第十二条

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 Armenian-Ukrainian commission.

Article 13

This Agreement becomes effective upon exchange of notice of completion by the Contracting Parties of all required intra-state procedures and shall remain in force within twelve months from the date, when one of the Contracting Parties notifies the other Contracting Party in writing of its desire to terminate this Agreement.

Provisions of this Agreement after its termination shall apply to the contracts among the enterprises and organizations of both countries, concluded, but not implemented during the period when the Agreement is in force.

Done in the City of Kyiv, on October 7, 1994 in two originals, each in Armenian, Russian, and Ukrainian, of which every text is equally authentic.

For the purpose of interpretation of the provisions of this Agreement the text in Russian shall have prevalence.

The Agreement comes into force on December 18, 1996.

为实现本协议目标并制定两国贸易与经济合作发展建议，缔约方同意成立亚美尼亚-乌克兰联合委员会。

第13条

本协议自缔约方交换完成所有要求的国内程序通知之日起生效，并在缔约一方书面通知另一方其希望终止本协议之日起十二个月内保持有效。

本协议终止后，其条款仍适用于两国企业和组织在协议有效期内已签订但未执行的合同。

本协议于1994年10月7日在基辅市签订，一式两份，每份均以亚美尼亚语、俄语和乌克兰语写成，所有文本具有同等效力。

为解释本协议条款之目的，应以俄语文本为准。

本协议自1996年12月18日起生效。