

WORLD TRADE ORGANIZATION

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Committee on Regional Trade Agreements

Original: English

FREE TRADE AGREEMENT BETWEEN GEORGIA AND AZERBAIJAN

The following text reproduces the Agreement on Free Trade between Georgia and Azerbaijan.

AGREEMENT ON FREE TRADE BETWEEN THE GOVERNMENT OF GEORGIA AND THE GOVERNMENT OF THE REPUBLIC OF AZERBAIJAN

The Government of Georgia and the Government of Azerbaijan, hereinafter referred to as the "Sides" to the agreement,

Confirm their tendency towards free development of reciprocal economic cooperation;

Take into account integral economic relations between Georgia and Azerbaijan;

Strive for the development of trade and economic cooperation between Georgia and Azerbaijan on the basis of equality and mutual advantage;

Recognize that free movement of commodity and service requires implementation of mutually agreed measures;

Are guided by regulations of declaration on principles of economic relations between Georgia and Azerbaijan, proceeded from the sovereign rights of each Government to implement the independent foreign economic policy;

Intend to promote the increase in economic activity, insurance of complete employment, growth of productivity and rational utilization of recourses;

Strive for promoting the harmonized development and growth of world trade as well as the eradication of obstacles to its development;

Acknowledge the intention of Georgia and Azerbaijan to become participants of the General Agreement on Tariffs and Trade (GATT)/World Trade Organization (WTO); share GATT/WTO objectives and principles; take into account results of agreements and negotiations that are achieved in the framework of the Uruguay Round on multilateral trade negotiations.

The Sides to the agreement *agreed* on the following:

Article 1

1. Sides do not impose customs duties and taxes, having an equivalent effect, on import and export of commodity originated from the customs area of one of the Sides and designated for the

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世界贸易组织

WT/REG120/1
2001年3月8日

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区域贸易协定委员会

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格鲁吉亚和阿塞拜疆之间的自由贸易协定

T以下文本复制了格鲁吉亚和阿塞拜疆之间的自由贸易协议。

格鲁吉亚政府与阿塞拜疆共和国政府自由贸易协议

格鲁吉亚政府和阿塞拜疆共和国政府，以下简称协议的“各方”，

确认其倾向于相互经济合作的自由发展；

考虑到格鲁吉亚和阿塞拜疆之间的整体经济关系；

致力于在平等互利的基础上发展格鲁吉亚和阿塞拜疆之间的贸易和经济合作；

认识到货物和服务的自由流动需要实施相互同意的措施；

以格鲁吉亚和阿塞拜疆之间经济关系原则声明规定为指导，基于各政府实施独立的外交经济政策的主权权利；

旨在促进经济活动增加、充分就业保障、生产力增长和资源的合理利用；

致力于促进世界贸易的协调发展和增长，以及消除其发展障碍；

承认格鲁吉亚和阿塞拜疆成为关税及贸易总协定（GATT）/世界贸易组织（WTO）参与者的意向；分享GATT/WTO目标和原则；考虑在乌拉圭回合多边贸易谈判框架内取得的协议和谈判结果。

协议各方同意如下：

条款 1

1. 各方不得对源自一方海关区域并指定运往另一方海关区域进口和出口的商品，实施具有等效影响的关税和税收。

customs area of another Side. If Sides consider it necessary, exclusion from such trade regime on the agreed commodity nomenclature is generally drawn up through documents that are inherent parts of the present agreement.

2. For objectives of the present agreement, commodity, which is determined in accordance with international regulations, is considered as originated from the areas of the Sides during the operation of this agreement.

Article 2

The Sides will not:

- impose local taxes or charges, directly or indirectly on goods, covered by the present agreement, of another Side, at the rate that exceeds the level of relevant taxes or charges imposed on analogous goods of the local production or those produced in third countries;
- introduce special restrictions or demands towards export and import of goods, covered by the present agreement, that in similar cases are not used towards analogous goods of the local production or those produced in third countries;
- use different rules towards warehousing, unloading, storage, shipment of goods, originated from another country to the agreement, as well as towards repayments and remittances, with the exception of rules that in similar cases are used towards domestic goods or those originated from third countries.

Article 3

1. Sides will refrain from carrying out discriminative measures in reciprocal trade as well as from applying quantitative restrictions or their equivalent measures on export and/or import of goods within the framework of the present agreement.

2. Quantitative restrictions, noted in this Article, may be ascertained unilaterally and in strictly determined terms in the following cases only:

- in the case of sharp commodity deficiency at the domestic market;
- until the stabilization of balance-of-payments;
- where commodity is imported into the area of one of the Sides by such an increased quantity or in such conditions that cause damage to or threaten to inflict damage to domestic producers of similar or directly competitive goods;
- with the purpose of implementing the measures provided by the Article concerning regulation of re-export procedures.

3. The Side, which will apply quantitative restrictions in accordance with this Article, will provide another Side with full information about the reasons for establishment, forms and possible terms of application of mentioned restrictions; hence consultations are appointed and a separate protocol is drawn up.

4. Sides are striving for settlement, through consultations, of all questions related to the establishment of quantitative restrictions arising in accordance with paragraph 2 of this Article.

如果各方认为有必要，对约定的商品分类目录实施此类贸易制度的排除，通常通过作为本协议固有部分的文件来制定。

2. 关于本协议的目标，根据国际法规确定的商品，被视为在本协议运作期间源自各方的地区。

第2条

各方不得：

- 对另一方的本协议项下商品直接或间接征收超过相关税或费用水平的当地税或费用，该水平高于对当地生产或第三国生产的类似商品征收的税或费用；
- 对本协议项下商品出口和进口引入特殊限制或要求，在类似情况下，这些限制或要求并未用于当地生产或第三国生产的类似商品；
- 对源自另一国且属于本协议的商品的仓储、卸货、储存、运输，以及偿还和汇款，使用不同于在类似情况下用于国内商品或源自第三国商品的管理规则，但本协议中在类似情况下用于国内商品或源自第三国商品的管理规则除外。

条款 3

1. 各方将在互惠贸易中避免采取歧视性措施，并避免在现协议框架内对商品出口和/或进口适用数量限制或其等效措施。

2. 本条款中提到的数量限制，仅在以下情况下方可单方面并以严格确定的条款加以确定：

- 在国内市场出现严重商品短缺的情况下；
- 直至国际收支稳定；
- 当商品被进口至一方领土，其数量或条件导致损害或威胁损害类似或直接竞争商品的国内生产者时；
- 以实施本条款关于再出口程序规定的措施为目的。

3. 根据本条款适用数量限制的一方将向另一方提供关于建立限制的原因、形式和可能适用条款的充分信息；因此进行磋商，并制定单独的议定书。

4. 各方通过磋商，致力于解决根据本条款第2段产生的与建立数量限制相关的一切问题。

5. According to this Article, Sides will give the priority to measures, which have the slightest negative influence upon achieving the objectives of the present agreement.

Article 4

Sides will exchange, on regular basis, any information about laws and other regulatory acts concerning economic activity in trade and transport spheres, investment, taxation, banking and insurance activity and other financial services including customs issues and statistics.

Sides will immediately inform each other about changes, taking place in the national legislation, that may affect implementation of the present agreement.

Authorized bodies to the Sides coordinate the rule of such an exchange of information.

Article 5

Sides are agreed that re-export is acceptable through written consent of the authorized body of the exporter country.

Article 6

Sides will notify each other of the operating customs tariffs and all their exceptions.

Article 7

Sides consider that unfair business practice is incompatible with the agreement's objectives and undertake not to permit the following methods:

- Agreements between enterprises, decisions of their associations and common methods of business practice that aim to prevent or restrict competition or violate its conditions at the territories of the Sides;
- Actions, through which one or several enterprises using their dominant condition, restrict competition on the whole territories of the Sides or on the substantial part of the Side's territory.

Article 8

During implementation of tariff and non-tariff regulation of bilateral economic relations, for exchange of statistics and for implementation of customs procedures Sides agreed to apply common nine-digit commodity nomenclature of foreign economic activity based on the harmonized system of description and coding of goods and on the combined tariff and statistic nomenclature of European Community. Herewith, for their needs, Sides implement, in case of necessity, development of the commodity nomenclature beyond the bounds of nine-digits.

Establishment of standard pattern of the commodity nomenclature is implemented on the basis of mutual agreements through representatives in relevant international organizations.

Article 9

Sides are agreed that the maintenance of the principle of freedom of transit is the most significant term for achieving the objectives of the present agreement, and the essential element of the process of their linking up in the system of co-operation and international division of labour.

5. 根据本条款，各方将优先采取对实现本协议目标影响最轻微的措施。

条款4

各方将定期交换有关贸易和运输领域经济活动、投资、税收、银行和保险活动及其他金融服务（包括海关问题和统计数据）的法律及其他法规的信息。

各方将就可能影响本协议实施的立法变化立即相互通知。

各方的授权机构协调此类信息交换的管理。

条款5

各方同意，经出口国授权机构书面同意，可进行再出口。

第6条

各方将相互通知海关关税及其所有例外情况。

第7条

各方认为，不公平商业行为与协议目标不一致，并承诺不许以下方法：

- 企业间协议、其协会的决策以及旨在防止或限制竞争或违反其在各方领土上的条件的共同商业实践方法；- 通过一个或多个企业利用其支配地位，在各方整个领土或该方领土的大部分领土上限制竞争的行为。

条款 8

在实施双边经济关系的关税和非关税法规、交换统计数据以及实施海关程序方面，各方同意基于商品描述和编码的协调制度以及欧洲共同体的关税和统计联合分类目录，适用对外经济活动的通用九位商品分类目录。此外，如有必要，为满足其需要，各方可在九位数字范围之外实施商品分类目录的开发。

商品分类目录的标准模式的建立是在相关国际组织的代表通过相互协议的基础上实施的。

条款 9

各方同意，维护过境自由原则是实现本协议目标的最重要的条款，也是其通过合作体系和国际劳动分工联系起来的基本要素。

In this regard, each Side insures transit of the commodity originated on the customs area of another Side and/or of the third country and is designated for the customs area of another Side or of the third country, except the cases concerning national security interests of the Sides. Each Side will provide exporters, importers or conveyers with all necessary facilities and services for transit security in terms not worse than the ones for facilities and services that are given to own exporters, importers and conveyers or those of any other third country.

Sides are agreed that tariffs on transit, which is implemented through any kind of transport, including handling tariffs, will be economically proved.

Article 10

This agreement does not prevent the right of any Side to implement measures adopted in international practice that are considered to be necessary for protection of the Side's fundamental interests and that are essential for fulfilment of international agreements, participant of which the Side is or intends to be, if such measures concern the following:

- Information concerning interests of national security;
- Trade in weapon, ammunition, military equipment;
- Investigation and production concerning defensive needs;
- Supply with materials and equipment applied in nuclear industry;
- Protection of the public moral and public order;
- Protection of industrial or intellectual property;
- Gold, silver or other precious stones and metals;
- Protection of human health, animals, plants and environment.

Article 11

With the aim to implement agreed policy on export control towards third countries, Sides will hold regular consultations and take mutually agreed measures for establishing an effective export control system.

Article 12

Provisions of the present agreement replace provisions of the previous agreement concluded between the Sides, where these provisions are incompatible or identical.

Article 13

Disputes between Sides, concerning interpretation and application of the agreement's provisions, will be settled through negotiations. Sides will attempt to avoid conflicts in reciprocal trade. Sides determine, that claims and disputes, arising through implementation and interpretation of commercial contacts and transactions between economic entities of both countries, are in the competence of arbitrages that are established on the areas of the Sides or on the area of the third country, which will be determined by Sides, if settlement of such disputes and claims is impossible through consultations and negotiations.

为此，每一方确保源自另一方的海关区域和/或第三国的商品的过境，并指定其过境至另一方的海关区域或第三国，但涉及各方国家安全利益的情形除外。每一方将为出口商、进口商或承运人提供所有必要的设施和服务，以保障过境安全，其条件不得劣于提供给自身出口商、进口商和承运人或任何其他第三国的设施和服务条件。

各方同意，通过任何种类的运输方式（包括处理关税）实施的过境关税将具有经济合理性。

条款10

本协议不妨碍任何一方实施国际实践中被视为对其根本利益保护所必需且对于履行其作为国际协议参与方或意图成为参与方的国际协议所必需的措施，如果此类措施涉及以下方面：

- 国家安全相关的信息；- 武器、弹药、军事装备的贸易；- 防御需求的调查和生产；- 核工业中应用的材料和设备的供应；- 公共道德和公共秩序的保护；- 工业或知识产权的保护；- 黄金、白银或其他贵金属和金属；- 人类健康、动物、植物和环境的保护。

条款11

为实施向第三国出口管制的政策，各方将进行定期磋商，并采取相互同意的措施以建立有效的出口管制系统。

第12条

本协议的规定取代了各方之间先前协议中的规定，这些规定与本协议的规定不一致或相同。

第13条

各方之间的争议，涉及协议条款的解释和适用，将通过谈判解决。各方将努力避免互惠贸易中的冲突。各方确定，因两国经济实体之间的商业联系和交易的实施和解释而产生的索赔和争议，属于在各方领土上或由各方确定的第三国领土上设立的仲裁机构的管辖范围，如果通过磋商和谈判无法解决此类争议和索赔。

Sides may determine applied material rights, norms and procedures as well as places for case hearing.

Each Side to the agreement insures existence of effective facilities on its territory for recognition and implementation of arbitration decisions.

Article 14

In order to implement the present agreement and to elaborate recommendations for improvement of trade and economic cooperation between two countries, Sides agreed to establish the joint Georgian-Azerbaijani Commission, which will take place in Georgia or Azerbaijan according to the request of one of the Sides.

Article 15

All repayments and remittances in trade and economic cooperation between Georgia and Azerbaijan will be implemented in accordance with the agreement between the authorized banks of the Sides.

Article 16

Nothing in the present agreement prevents the Sides from establishing relations, without violating the objectives and terms of the agreement, with countries that are not participants of the present agreement as well as with their associations and international organizations.

Article 17

In case of approval from the Sides, any State may accede to the present agreement in terms that will be agreed between the Sides and the States striving for accession.

Article 18

The present agreement comes into effect from the date of exchanging the written notification on implementation of intergovernmental procedures that are necessary for the agreement's coming into force.

The agreement becomes invalid after twelve months from the date, when one of the Sides sends the written notification on the agreement's termination to another one.

DONE in Tbilisi, on 8 March 1996, in two originals, each in Georgian, Azerbaijani and Russian languages. All texts are equally authentic.

Text in Russian language is used in case of disagreement during interpretation of any Article of the present Agreement.

各方可以确定适用的材料权利、规范和程序以及案件审理地点。

协议各方应确保其领土上存在有效设施，以承认和实施仲裁裁决。

第14条

为实施本协议并制定两国贸易和经济合作改进建议，各方同意成立格鲁吉亚-阿塞拜疆联合委员会，该委员会将在格鲁吉亚或阿塞拜疆举行，具体地点由一方提出请求决定。

第15条

格鲁吉亚和阿塞拜疆之间的贸易和经济合作中的所有偿还和汇款将根据各方授权银行之间的协议执行。

第16条

本协议的任何规定均不妨碍各方与非协议参与国及其协会和国际组织建立关系，前提是不违反本协议的目标和条款。

第17条

如经各方批准，任何国家均可根据各方与希望加入本协议的国家之间商定的条件加入本协议。

第18条

本协议自交换关于实施使本协议生效所必需的政府间程序的书面通知之日起生效。

协议在自日期起十二个月后失效，当一方向另一方发送关于协议终止的书面通知时。

1996年3月8日于第比利斯签署，两份正本，每份使用格鲁吉亚语、阿塞拜疆语和俄语。所有文本同等有效。

在解释本协议任何条款时，如发生分歧，则使用俄语文本。
