

FREE TRADE AGREEMENT BETWEEN UKRAINE AND AZERBAIJANI REPUBLIC

FREE TRADE AGREEMENT
BETWEEN THE GOVERNMENT OF UKRAINE AND THE GOVERNMENT OF THE
AZERBAIJANI REPUBLIC

Date of signing: July 28, 1995
Date of ratification: July 12, 1996
Effective date: September 2, 1996

The Government of Ukraine and the Government of the Azerbaijani Republic, referred to hereinafter as the Contracting Parties,

confirming their favorable regard to the free development of mutual economic cooperation,

taking into account the integrative economic relations that evolved between Ukraine and the Azerbaijani Republic, as well as the mutual interest of the two countries’ economies,

desiring to develop trade and economic cooperation between Ukraine and the Azerbaijani Republic on the basis of equality and mutual benefit,

recognizing that the free movement of goods and services requires effecting mutually agreed measures,

confirming the intentions of Ukraine and the Azerbaijani Republic to become Contracting Parties to the General Agreement on Tariffs and Trade (GATT), sharing the goals and principles of GATT and taking into account the results of the agreements and accords achieved within the framework of the Uruguay Round of Multilateral Trade Negotiations,

have agreed as follows:

Article 1

1. The Contracting Parties shall not apply customs duties, taxes and charges of equivalent effect to the export and/or import of commodities originating from the customs territory of one of the Contracting Parties and intended for the customs territory of another Contracting Party. Exclusion from the given trade regime by a conciliated classification of commodities shall be formalized by documents that are an inseparable part of the present Agreement, if the Contracting Parties deem it necessary.

2. For the purposes of the present Agreement and for its validity period, the commodities originating from the territories of the Contracting Parties shall mean the commodities identified by the Rules for Identifying the Countries of the Commodities’ Origin of September 24, 1993 approved by the Decision of the Council of the Heads of Governments of the Commonwealth of Independent States.

Article 2

Each of the Contracting Parties shall not:

- directly or indirectly impose on commodities, which come within the purview of the present Agreement, domestic taxes and charges that exceed corresponding taxes or charges imposed on similar commodities of domestic manufacture or commodities originating from third countries;
- apply to the warehousing, reloading, storage, movement of commodities originating from another Contracting Party, as well as payments and remittance of payments other rules than those that are applied in similar cases to its own commodities or commodities originating from third countries.

自由贸易协定 между UKRAINE 和 AZERBAIJANI REPUBLIC

乌克兰政府与阿塞拜疆共和国政府之间的自由贸易协定

签署日期: 1995年7月28日 批准日期:
1996年7月12日 生效日期: 1996年9月
2日

乌克兰政府与阿塞拜疆共和国政府， 以下称缔约方，

confirm 确认其对相互经济合作的自由发展的良好意愿，

考虑到乌克兰与阿塞拜疆共和国之间形成的一体化经济关系， 以及两国经济的相互利益，

旨在平等互利的基础上发展乌克兰与阿塞拜疆共和国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采取相互同意的措施，

确认乌克兰与阿塞拜疆共和国有意成为关税及贸易总协定（GATT）的缔约方， 分享GATT的目标和原则， 并考虑到乌拉圭多边贸易谈判回合框架内达成的协议和协议的结果，

达成如下协议：

第一条

1. 缔约方不得对原产于缔约方之一的海关领土并打算运往缔约方另一海关领土的商品的出口和/或进口， 征收关税、 税收和具有同等效力的费用。如果缔约方认为有必要， 商品经协调分类排除在本贸易制度之外， 应通过本协定不可分割的一部分的文件正式化。

2. 对于本协议的目的及其有效期， 缔约方领土原产的商品应指由1993年9月24日经政府首脑理事会决定批准的商品原产地识别规则识别的商品。

联合体政府 的决议。

第2条

每个缔约方不得：

- 直接或间接地对属于本协议范围的商品征收超过对国内生产的同类商品或来自第三国的商品所征收的相应税收或费用的国内税收和费用；
- 适用于来自另一缔约方的商品的仓储、 重新装卸、 储存、 运输， 以及付款和付款汇款， 除此之外的规则， 不适用于其自身商品或来自第三国的商品所适用的类似情况。

Article 3

The Contracting Parties shall in mutual trade refrain from applying discriminatory measures, and from introducing quantitative restrictions or equivalent measures on the export and/or import of commodities within the framework of the present Agreement.

The Parties may set the quantitative restrictions, mentioned in this Article, under unilateral procedure, and within reasonable limits and for a clearly defined time only in cases of:

- acute shortage of commodities on the domestic market, during the stabilization of the situation on the market, or
- acute balance of payments deficit before the stabilization of the balance of payments, or
- import of commodities into the territory of one of the Parties in such increased quantities and on such terms that cause or threaten to cause damage to domestic producers of similar or directly competitive commodities, or
- in order to take measures provided for in Article 4 of the present Agreement.

The Contracting Party that applies quantitative restrictions under the present Article shall as far as possible provide to the other Contracting Party in good time full information about the main reasons for introducing the referred to restrictions in the due form and for the foreseen periods of their application, after which it shall appoint consultations.

Article 4

The Contracting Parties agree that the issues related to the reexport of commodities shall be regulated by the Agreement on the Reexport of Commodities and the Procedure of Issuing Permits for Reexport of April 15, 1994, which was concluded at the Council of the Heads of Governments of the Commonwealth of Independent States in Moscow.

Article 5

The Contracting Parties shall exchange on a regular basis information about:

- laws and statutory acts related to economic activity, including on issues of trade, investment, taxation, banking, insurance, financial services, as well as on issues of transport and customs, customs statistics included.

The Contracting Parties shall without delay notify each other about the changes in national legislation that may impact on the performance of the present Agreement.

The authorized agencies of the Contracting Parties shall conciliate the procedure for exchanging such information.

Article 6

The Contracting Parties shall recognize unfair business practices as being incompatible with the purposes of the present Agreement and shall undertake not to resort, in particular, but not exclusively, to such of their methods:

- agreements between enterprises, decisions made by associations of enterprises, as well as joint methods of business practices that aim to hinder or restrict competition or violate the terms for it on the territories of the Contracting Parties;

文章 3

缔约方在相互贸易中应避免应用歧视性措施，并避免在本协议框架内对出口和/或进口商品实施数量限制或同等措施。

双方可以按照单方面程序设定本条所述的数量限制，但仅限于合理限度内并在明确界定的时间内，且仅在以下情况下：

- 商品在国内市场严重短缺， 在市场情况稳定期间， 或
- 国际收支严重赤字， 在未实现国际收支稳定之前， 或
- 商品进口到一方领土的数量和条件如此增加， 以至于可能损害相似或直接竞争商品的国内生产者， 或
- 为了采取本协定第4条规定的措施。

根据本条项下适用数量限制的缔约方应尽可能及时以适当形式向另一方缔约方提供关于实施所述限制的主要原因的充分信息， 并就其预期适用期间提供， 此后应进行磋商。

第4条

缔约方同意， 与商品再出口相关的问题应由1994年4月15日在独立国家联合体政府首脑理事会莫斯科签署的商品再出口协定和商品再出口许可证发行程序协定进行规范。

第5条

缔约方应定期交换以下方面的信息：

- 与经济活动相关的法律和法规， 包括贸易、 投资、 税收、 银行、 保险、 金融服务以及运输和海关、 海关统计等方面的问题。

缔约方应当立即相互通知可能影响本协定履行的国家立法的变更。

缔约方的授权机构应当协调交换此类信息的程序。

第六条

缔约方应当承认不公平商业行为与本协定之目的不相容， 并应当不采取， 尤其是但不限于， 其下列方法：

- 企业间协议， 企业协会作出的决定， 以及旨在妨碍或限制竞争或在缔约方领土上违反其条款的联合商业方法；

- actions by which one or several enterprises use their dominating status, restricting competition on the entire or a substantial part of the Contracting Parties’ territories.

Article 7

When effecting measures of tariff and nontariff regulation of bilateral economic relations, for the exchange of statistical information and for conducting customs procedures, the Contracting Parties shall apply the uniform nine-digital 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 Contracting Parties shall, when necessary, develop the commodity classification beyond the nine-digital 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 8

1. The Contracting Parties agree that abidance by the principle of free transit is an important condition for achieving the purposes of the present Agreement and an essential element in the process of their linkup with the system of international division of labor and cooperation.

In this connection, each Contracting Party shall ensure unhindered transit through its territory of commodities originating from the customs territory of another Contracting Party and/or third countries and intended for the customs territory of the other Contracting Party or any third country, except for the commodities that are completely prohibited from being imported or require a special permit in compliance with the national legislation of each of the Contracting Parties, and provide to exporters, importers or carriers all the available and required facilities and services 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 exporters, importers or carriers of any third country.

2. The procedure and terms of transit of freight through the territory of states shall be regulated in compliance with international carriage rules.

Article 9

The present Agreement shall not preclude the right of any of the Contracting Parties from taking measures generally accepted in international practice, which it considers necessary for the protection of its vital interests or which are undoubtedly necessary for the performance of the international treaties to which it is a party or intends to be a party, if these measures concern the following:

- information that affects the interest of national defense;
- trade in weapons, ammunition and materiel;
- research or production related to the needs of defense;
- delivery of material and equipment used in the nuclear industry;
- protection of public morals and public order;
- protection of industrial or intellectual property;
- gold, silver or other precious metals and stones;
- protection of the health of people, animals and plants.

Article 10

- 一个或多个企业利用其支配地位，在缔约方领土的全部或大部分上限制竞争的行为。

第七条

在实施双边经济关系的关税和非关税规制措施、交换统计信息和开展海关程序时，缔约方应根据商品描述和编码协调制度以及欧盟关税统计分类，采用统一九位制外贸商品分类（CFTC）。为满足自身需要，缔约方在必要时可将其商品分类扩展至九位制之外。

商品分类的样本副本应根据相互协议，通过在相应国际组织的现有使团基础上进行维护。

第八条

1. 缔约方同意，遵守自由过境原则是实现本协定之目的的重要条件，也是其与国际分工与合作体系接轨过程中的一个基本要素。

为此，每一缔约方应确保源自另一缔约方海关领土和/或第三国海关领土、并运往另一缔约方海关领土或任何第三国海关领土的商品在其领土内畅通无阻地过境，但完全禁止进口的商品或需根据每一缔约方国家立法获得特别许可的商品除外，并应向出口商、进口商或承运人提供所有可用和必需的过境设施和服务，其条件不得劣于其向自身出口商、进口商或任何第三国出口商、进口商或承运人提供的同类设施和服务的条件。

2. 通过各州领土运输货物的程序和条件应遵循国际运输规则。

第九条

本协议不应妨碍任何缔约方采取国际实践中普遍接受的措施的权利，这些措施是其认为对其重大利益保护所必需的，或对其是缔约方或打算成为缔约方的国际条约的履行无疑是必需的，如果这些措施涉及以下内容：

- 影响国防利益的信息；
- 武器、弹药和物资贸易；
- 与国防需求相关的研发或生产；
- 核工业中使用的材料和设备的交付；
- 保护公共道德和公共秩序；
- 保护工业或知识产权；
- 黄金、白银或其他贵金属和宝石；
- 保护人类、动物和植物的健康。

Article 10

In order to pursue a concerted policy of export control with regard to third countries, the Contracting Parties shall hold regular consultations and take mutually conciliated measures for the development of an effective system of export control.

Article 11

The provisions of the present Agreement shall replace the provisions of bilateral agreements concluded earlier between the Contracting Parties to the extent when the latter are either not compatible with the first or identical to them.

Article 12

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

The Contracting Parties shall strive to avoid conflict situations in mutual trade.

Each Contracting Party shall ensure on its territory effective ways of recognizing and executing arbitral decisions.

Article 13

In order to achieve the purposes of the present Agreement and draft recommendations for the improvement of trade and economic cooperation between the two countries, the Contracting Parties have agreed to set up a joint Ukrainian- Azerbaijani Commission.

Article 14

The present Agreement shall come into force from the date when the Contracting Parties exchange notifications about their performance of the inter-state procedures required for this purpose and remain in force until the expiry of twelve months from the date when one of the Contracting Parties forwards a written notification to the other Contracting Party about the intention to terminate its effect.

The provisions of the present Agreement after the termination of its validity period shall be applied to the contracts between the enterprises and organizations of both countries that were concluded but not performed during its validity period.

Signed at the city of Baku on July 28, 1995 in two valid copies, each in the Ukrainian, Azerbaijani and Russian languages, each text being of equal force.

For the purpose of interpreting the provisions of the present Agreement, the Russian language shall prevail.

For the Government of Ukraine

For the Government of the Azerbaijani Republic

(signature)

(signature)

为了在第三国方面实施出口管制方面的协同政策，签约方应进行定期磋商，并采取相互协调的措施，以建立有效的出口管制体系。签约方应进行定期磋商，并采取相互协调的措施，以建立有效的出口管制体系。

第11条

本协定的规定应取代缔约方先前缔结的双边协议的规定，在后者与前者不兼容或与后者相同的情况下。

第12条

关于对本协定规定的解释或适用的缔约方之间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。

每一缔约方应确保在其领土上有效承认和执行仲裁裁决的方式。

第13条

为达成本协定之目的，并起草改善两国贸易和经济合作之建议，缔约方同意设立联合乌克兰-阿塞拜疆委员会。

第14条

本协定自缔约方交换关于履行此目的所需国家间程序之通知之日起生效，并持续有效至缔约方之一方向另一方缔约方递交书面通知表示其终止效力之日起十二个月期满时止。

本协定有效期终止后之规定应适用于两国企业及组织在本协定有效期内缔结但未履行之合同。

本协定于1995年7月28日在巴库签署，一式两份，每份以乌克兰语、阿塞拜疆语和俄语书就，每种文本具有同等效力。

为解释本协议的条款，俄语应优先使用。

为乌克兰政府

为阿塞拜疆共和国政府

(签名)

(签名)