

- 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。

Article 7

在实施双边经济关系的关税和非关税规制措施、交换统计信息以及进行海关程序时，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）。必要时，为满足自身需要，缔约方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。

Article 8

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。

在此情况下，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、并运往另一缔约方或任何第三国海关领土的商品在其领土内畅通无阻的过境，但完全禁止进口的商品或需根据每一缔约方的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，其条件不得比其向自己的出口商、进口商或任何第三国的出口商、进口商或承运人提供的过境设施和服务的条件更差。

2. 通过国家领土运输货物的程序和条件应遵守国际运输规则。

第九条

本协定不妨碍任何缔约方采取国际实践中普遍接受的措施的权利，如果这些措施对其重大利益保护所必需，或对其为当事方或拟成为当事方的国际条约的履行无疑是必要的，且这些措施涉及以下方面：

- 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)

为了就第三国实施出口管制采取协同政策， 缔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。为了就第三国实施出口管制采取协同政策， 缔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

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

第12条

关于对本协议规定的解释或适用的争议， 缔约方应通过谈判解决。

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， 并为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本协定之目的所需国家间程序之通知之日起生效， 并在缔约方之一方转发书面通知给另一方缔约方关于终止其效力的意向之日起十二个月后失效。

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的合同。

1995年7月28日， 在巴库市签署两份有效副本， 每份均用乌克兰语、 阿塞拜疆语和俄语书写， 每种文本具有同等效力。

为解释本协议的规定， 俄语应优先适用。

为乌克兰政府

为阿塞拜疆共和国政府

(签名)

(签名)