

FREE TRADE AGREEMENT BETWEEN UKRAINE AND REPUBLIC OF BELARUS

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

Date of signing: December 17, 1992
 Date of ratification: March 19, 1999
 Effective date: November 11, 2006

With amendments and additions
 introduced by the Protocol of October 18, 2005

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

relying on the Treaty between the Belorussian Soviet Socialist Republic and the Ukrainian Soviet
 Socialist Republic signed on December 20, 1990.

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

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

proceeding from the sovereign right of every state to pursue an independent foreign economic policy,

intending to facilitate the upgrading of economic activity, ensure complete employment, raise
 productivity and rational use of resources,

confirming the need to develop bilateral relations on trade and economic relations in compliance
 with the principles of the World Trade Organization (WTO),

(paragraph 6 of the preamble
 in the wording of the Protocol of October 18, 2005)

have agreed as follows:

Article 1

1. The Parties shall not apply customs duties, taxes and charges – equivalent in effect to customs
 duties – to the export and/or import of commodities originating from the customs territory of one of
 the Parties and intended for the customs territory of another Party. When necessary, the Parties may
 foresee the exclusion from the given trade regime by a conciliated classification of commodities to
 be formalized by corresponding protocols, which shall be inseparable parts of the present
 Agreement

2. For the purposes of the present Agreement and for its validity period, the commodities originating
 from the territory of the states Parties shall mean the commodities identified by the Rules for
 Identifying the Countries of the Commodities’ Origin approved by the Decision of the Council of
 the Heads of Governments of the Commonwealth of Independent States of November 30, 2000.
 (Article 1 in the wording
 of the Protocol of October 18, 2005)

乌克兰自由贸易协定和白俄罗斯共和国

乌克兰政府和白俄罗斯共和国政府之间的自由贸易协定

签署日期：1992年12月17日 批准日期：
 1999年3月19日 生效日期：2006年11月
 11日

根据2005年10月18日议定书引入的修正和补充

乌克兰政府和白俄罗斯共和国政府， 以下称缔约方，

依据白俄罗斯苏维埃社会主义共和国和乌克兰苏维埃社会主义共和国于1990年12月20日签署的条约。

确认 希望相互经济合作的自由发展得到他们的青睐，
 希望本着平等互利的原则， 在乌克兰和白俄罗斯共和国之间发展贸易和经济合作，

基于每个国家追求独立对外经济政策的主权权利，
 旨在促进经济活动的升级、确保充分就业、提高生产力和资源的合理利用，

确认有必要在遵守世界贸易组织（WTO）原则的情况下发展双边贸易和经济关系，

(本协议序言第6段， 载于2005年10月18日议定书措辞
 中)

达成协议如下：

第一条

1. 缔约方不得对源自一方海关领土并运往另一方海关领土的商品的出口和/或进口， 征收相当
 于关税的关税、税收和费用。必要时， 缔约方可通过相应议定书进行协调分类， 将商品排除
 在特定贸易制度之外， 该议定书应为不可分割的部分， 为本协议的一部分。

2. 就本协议之目的及其有效期间而言， 源自缔约方领土的商品应指根据独立国家联合体政府
 首脑理事会于2000年11月30日作出的决定所批准的《商品原产地识别规则》予以识别的商
 品。
 (2005年10月18日议定书文本中的第
 1条款)

Article 2

The Parties shall not:

- directly or indirectly impose on the other Party’s commodities, which come within the purview of the present Agreement, domestic taxes or charges that exceed corresponding taxes or charges imposed on similar commodities of domestic manufacture or commodities originating from third countries;
- introduce relative to imports and exports, which come within the purview of the present Agreement, any special restrictions or requirements which under a similar situation are not applied to similar commodities of domestic manufacture or commodities originating from third countries;
- apply to the warehousing, reloading, storage, movement of commodities originating from the territory of another state, 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.

Article 3

The Parties shall in mutual trade refrain from applying measures that restrict the export and/or import of commodities within the framework of the present Agreement. The Parties may institute measures restricting the export and/or import of commodities under unilateral procedures, but only for a strictly defined time. These measures may be introduced as quantitative restrictions on exports and/or imports or as special customs duty, antidumping and compensating customs duties. The referred to measures must be of an exclusive nature and be applied only in the following cases:

- acute shortage of commodities on the domestic market (before the stabilization of the situation on the market);
- acute balance of payments deficit (before the stabilization of the balance of payments);
- import of commodities into the territory of one of the Parties in such increasing quantities or on such terms that cause or threaten to cause damage to domestic producers of similar or directly competitive commodities;
- in order to take measures provided for in Article 5 of the present Agreement.

The Party that applies quantitative restrictions under the present Article shall be bound, in compliance with the request of the other Party, to provide in the shortest possible time the necessary information about the reasons, forms and time for introducing the above-mentioned restrictions. When selecting the measures in compliance with this Article, the Parties shall give priority to those of them that produce the least negative impact on the achievement of the purposes of the present Agreement.

(Article 3 in the wording of the Protocol of October 18, 2005)

Article 4

All settlements and payments in trade and economic cooperation between the business entities of the states Parties shall be made on the basis of corresponding interbank agreements.

Article 5

条款 2

缔约方不得：

- 直接或间接地对属于本协议范围的另一方商品征收超过对其国内制造的类似商品或来自第三国商品所征收的相应税或费用的国内税或费用；
- 针对属于本协议范围的进口和出口，引入在类似情况下未对国内制造的类似商品或来自第三国商品适用的任何特殊限制或要求；
- 对来自另一国家领土的的商品的仓储、重新装载、储存、运输，以及支付和支付汇款，适用不同于在类似情况下对其自身商品或来自第三国商品适用的其他规则。

条款 3

缔约方在相互贸易中应避免在本协议框架内对商品出口和/或进口施加限制措施。缔约方可根据单边程序实施限制商品出口和/或进口的措施，但仅限于严格定义的时间。这些措施可以作为出口和/或进口的定量限制或作为特殊关税、反倾销关税和补偿性关税引入。所指措施必须是排他性的，并且仅在以下情况下适用：

- 国内市场商品严重短缺（市场情况稳定前）；
- 严重国际收支赤字（国际收支稳定前）；
- 一方领土上的商品进口数量或条件如此之大，以至于造成或威胁要造成对另一方类似或直接竞争商品国内生产者的损害；
- 以便采取本协定第5条规定的措施。

根据本条适用数量限制的一方，应根据另一方的请求，在最短的时间内提供关于实施上述限制的原因、形式和时间等必要信息。在根据本条选择措施时，缔约方应优先选择对实现本协议目的产生最少负面影响的那种措施。

(第3条在2005年10月18日议定书的措辞中)

条款4

缔约方国家商业实体之间贸易和经济合作的所有结算和支付均应根据相应的银行间协议进行。

第5条

Each Party shall not permit the reexport of commodities, relative to the export of which the Party from whose customs territory these commodities originate applies measures of tariff and/or nontariff regulation.

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. In case of the reexport of such commodities, the state on whose territory they were manufactured shall be entitled to demand compensations for damages.

In this Article, reexport shall mean the removal of commodities, which originate from the customs territory of one of the states, as specified in Item 2, Article 1 of the present Agreement, by another state beyond its customs territory in order to export them to a third country.

Article 6

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

Article 7

1. The Parties shall strive to approximate the customs rates that are used in the trade with third countries, for which purpose it was agreed to hold regular consultations.
2. The Parties shall inform each other about the operative customs tariffs and all exceptions related to them.

Article 8

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

- agreements between enterprises, decisions made by associations of enterprises, as well as general methods of business practices that aim to hinder or restrict competition or violate the terms for it on the territories of both states;
- actions by which one or several enterprises use their dominating status, restricting competition on the entire or a substantial part of the territories of both states.

Article 9

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 have agreed to use the Harmonized System of Description and Coding of Commodities of the World Trade Organization.

(Article 9 in the wording
of the Protocol of October 18, 2005)

Article 10

1. The Parties have agreed that abidance by the principle of free transit is the most 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.

每一缔约方不得允许出口商品，对于这些商品，出口方海关领土中适用的关税和/或非关税法规措施与出口相关。

此类商品只能经原产国授权机构书面同意并按其规定的条件再出口。如未能遵守本项规定，有关方在与其他方进行初步磋商后，有权单方面采取措施，对运往允许未经协商再出口的另一方领土的此类商品进行出口监管。在此类商品的再出口情况下，其制造所在国有权要求损害赔偿。

在本条款中，再出口应指根据本协议第1条第2款项下某一方海关领土原产的商品，由另一国在其海关领土之外移除，以便出口至第三国。

第6条

缔约方应定期交换关于海关问题的所有主要信息，包括所有可用的海关统计。缔约方的相应授权机构应协商交换此类信息的程序。

第7条

1. 缔约方应努力使与第三国贸易所使用的关税率趋于一致，为此目的，双方同意进行定期磋商。
2. 缔约方应相互通报现行海关关税及其相关例外情况。

第8条

缔约方应承认不公平商业行为与本协议的目的不相容，并应承诺不得允许并消除，特别是其下列方法：

- 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违反两国领土上相关条款的一般商业行为方法；
- 一个或多个企业利用其支配地位，在两国全部或大部分领土上限制竞争的行为。

条款 9

在实施关税和非关税法规以调节双边经济关系、交换统计信息和开展海关程序时，缔约方同意使用世界贸易组织的商品描述和编码的协调制度。

(2005年10月18日议定书中的条款
9)

条款 10

1. 缔约方同意，遵守自由过境原则是实现本协议目的的最重要条件，也是其与国际劳动分工与合作体系接轨过程中的一个必要要素。

In this connection, each of the two states shall ensure unhindered transit through its territory of commodities originating from the customs territory of another state and/or third state, and shall 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 carriers of any third state.

The Parties agree that the transit tariffs for any type of transport, including tariffs of loading and unloading, will be economically justified.

Article 11

The present Agreement shall not preclude the right of any of the 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 12

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

(Article 12 in the wording
of the Protocol of October 18, 2005)

Article 13. Deleted

(in compliance with of the Protocol of October 18, 2005,
whereby articles 14, 15 and 16 shall be considered
as articles 13, 14, 15 and 16 respectively)

Article 13

Nothing in the present Agreement shall hinder each of the Parties from establishing relations with third countries and perform the undertaken obligations in accordance with any other international agreement to which this Party is or might be a signatory, provided these relations and obligations are consistent with the provisions and purposes of the present Agreement.

(Article 13 in the wording

为此，两个国家应确保其领土对源自另一国家海关领土和/或第三国海关领土的商品进行不受阻碍的过境，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任何第三国的出口商、进口商或承运人提供的相同设施和服务的条件。

缔约方同意，任何类型的运输的过境关税，包括装卸关税，将具有经济合理性。

第11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、其认为对其重大利益保护所必需的措施，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措施，如果这些措施涉及以下内容：

- 影响国防利益的情报；
- 武器、弹药和物资的贸易；
- 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；
- 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宝石；
- 人员、动物和植物健康的保护。

条款12

为了在第三国出口管制方面采取协同政策，缔约方应进行定期磋商并采取协调措施，以制定有效的出口管制体系。

(2005年10月18日议定书第12条)

第13条。删除

(根据2005年10月18日议定书，第14、15和16条应
分别视为第13、14、15和16条)

第13条

本协议的任何规定不得妨碍任何缔约方根据其为一方或可能为一方缔约的任何其他国际协定建立与第三国的关系并履行所承担的义务，前提是这些关系和义务与本协议的规定和目的相一致。

(第13条在措辞中

of the Protocol of October 18, 2005)	
Article 14	
Disputes between the Parties as to the interpretation or application of provisions of the present Agreement shall be settled through negotiations.	
The amendments and additions to the present Agreement shall be introduced by mutual consent of the Parties and formalized by protocols, which are an inseparable part of the present Agreement. (Article 14 supplemented by paragraph 2 in compliance with the Protocol of October 18, 2005)	
Article 15	
The Parties have vested the Intergovernmental Mixed Ukrainian-Belorussian Commission with the achievement of the goals of the present Agreement and the drafting of proposals for the improvement of trade and economic cooperation between the two countries.	
(Article 15 in the wording of the Protocol of October 18, 2005)	
Article 17. Deleted	
(in compliance with the Protocol of October 18, 2005)	
Article 18. Deleted	
(in compliance with the Protocol of October 18, 2005)	
Article 16	
The present Agreement shall come into force from the date of receipt of the last written notification about the Parties having performed the inter-state procedures required for the Agreement to come into force.	
The present Agreement shall be invalid after the expiry of twelve months from the date when one of the Parties forwards a written notification about the intention to terminate its effect.	
The provisions of the present Agreement after the termination of its effect shall be applied to the contracts between the business entities of the states Parties, which were concluded but not performed during its validity period.	
(Article 16 in the wording of the Protocol of October 18, 2005)	
Made at the city of Kyiv on December 17, 1992 in two valid copies, each in the Ukrainian, Belarussian and Russian languages, all texts being of equal force.	
On behalf of the Government of Ukraine	On behalf of the Government of the Republic of Belarus
_____ (signature)	_____ (signature)
Protocol	
between the Government of Ukraine and the Government of the Republic of Belarus	
on the Exclusion from the Regime of Free Trade to the Free Trade Agreement	
between the Government of Ukraine and the Government of the Republic of Belarus	

of the 2005年10月18日议定书)	
第14条	
缔约方之间关于对本协议条款的解释或适用的争议应通过谈判解决。	
本协议的修正和补充应由缔约方相互同意并以议定书形式确认，这些议定书是本协议不可分割的部分。（第14条由第2段补充	
根据2005年10月18日议定书的规定)	
第15条	
缔约方已授权政府间混合乌克兰白俄罗斯委员会实现本协议的目标，并为改善两国之间的贸易和经济合作起草建议。	
(第16条在2005年10月18日议定书的文本中)	
第17条。已删除	
(根据2005年10月18日议定书)	
第18条。已删除	
(根据2005年10月18日议定书)	
第16条	
本协议自收到关于缔约方已履行使协议生效所需国家间程序的最后一项书面通知之日起生效。	
本协议自一方缔约方转发关于终止其效力的书面通知之日起十二个月后失效。	
本协议终止其效力后的条款应适用于缔约方国家商业实体之间在其有效期内缔结但未履行的合同。	
(2005年10月18日议定书文本中的第16条)	
1992年12月17日在基辅市签署，一式两份，每份用乌克兰语、白俄罗斯语和俄语书写，所有文本具有同等效力。	
乌克兰政府代表	白俄罗斯共和国政府代表
_____ (签名)	_____ (签名)
议定书	
乌克兰和白俄罗斯共和国政府就排除在乌克兰政府和白俄罗斯共和国政府之间的自由贸易协定自由贸易制度之外	

of December 17, 1992

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

in compliance with the Free Trade Agreement between the Government of Ukraine and the Government of the Republic of Belarus of December 17, 1992,

have agreed as follows:

Article 1

The Contracting Parties shall establish exclusion from the regime of free trade, as provided for by the present Protocol, which applies to the following:

- 1. Commodities within the purview of Law of Ukraine No.180/06-VR of December 7, 1996 *Duty of the Export of Live Cattle and Raw Hides* (Annex No.1).
- 2. White sugar in compliance with Council of Ministers of the Republic of Belarus Regulation No.992 of July 30, 1997 *On Introducing Additions to Council of Ministers of the Republic of Belarus Regulation No.72 of February 10, 1997*.

Article 2

1. As to the commodities liable to duty in compliance with Article 1 of this Protocol, the Parties shall grant each other the most favored nation status with regard to the following:

- duties and charges which are collected during export, including the methods of collection of such duties and charges;
- provisions concerning customs declaration of transit, transportation, warehousing, reloading and other similar services;
- methods of payments and remittance of payments;
- issue of export (import) licenses;
- rules concerning the sale, purchase, transportation, distribution and use of commodities on the domestic market.

Article 3

The export/import of goods (works, services) shall be licensed and quotaed in compliance with the national legislations of the Parties in effect at the moment of customs declaration of the commodities during their export from Ukraine to the Republic of Belarus and during their import from the Republic of Belarus into Ukraine.

Article 4

This Protocol shall be an inseparable part of the Free Trade Agreement between the Government of Ukraine and the Government of the Republic of Belarus of December 17, 1992.

This Protocol shall come into force from the date when the Contracting Parties notify in writing about the performance of all the inter-state procedures required for this purpose.

This Protocol shall be in effect throughout the period prior to the conclusion of a new Protocol, as stipulated in Article 1 of the Free Trade Agreement between the Government of Ukraine and the Government of the Republic of Belarus of December 17, 1992.

Made at the city of Kyiv on February 13, 1998 in two valid copies, each in the Ukrainian, Belarussian and Russian languages, all texts being of equal force. In case of differences in the interpretation of this Protocol, the text in the Russian language shall prevail.

For the purpose of interpreting the provisions of this Protocol, be used.

1992年12月17日

乌克兰政府和白俄罗斯共和国政府， 以下简称缔约方，

根据1992年12月17日乌克兰政府与白俄罗斯共和国政府签订的自由贸易协定，

达成如下协议：

第一条

缔约方应根据本议定书规定， 建立自由贸易制度的豁免， 该议定书适用于以下内容：

- 1. 乌克兰第180/06-VR号法律（1996年12月7日）规定的活牛和生皮出口关税（附件1）范围内的商品。
- 2. 符合白俄罗斯共和国部长会议第992号条例（1997年7月30日颁布， 关于对白俄罗斯共和国部长会议第72号条例（1997年2月10日颁布）进行补充）的白糖。

条款 2

1. 关于根据本议定书第1条应征收关税的商品， 缔约方应相互给予最惠国待遇， 具体包括：

- 出口时征收的关税和费用， 包括此类关税和费用的征收方法；
- 关于过境报关、 运输、 仓储、 重新装载和其他类似服务的条款；
- 支付和支付汇款方法；
- 出口（进口）许可证的发放；
- 关于国内市场商品销售、 购买、 运输、 分销和使用的规则。

条款 3

货物（作品、 服务）的出口/进口应依据缔约方在商品从乌克兰出口至白俄罗斯共和国及从白俄罗斯共和国进口至乌克兰时进行海关申报时的有效国家立法进行许可和配额管理。

条款 4

本议定书应为乌克兰政府与白俄罗斯共和国政府于1992年12月17日签订的自贸协定的不可分割的部分。

本议定书自缔约方书面通知完成为此目的所需的国家间程序之日起生效。

在本议定书缔结前， 本议定书应持续有效， 如乌克兰政府与白俄罗斯共和国政府于1992年12月17日签订的自由贸易协定第1条所规定。

本议定书于1998年2月13日在基辅市签订， 一式两份， 每份均用乌克兰语、 白俄罗斯语和俄语写成， 所有文本具有同等效力。如对本议定书的解释存在分歧， 俄语文本应优先适用。

为解释本议定书的条款， 应使用。

For the Government of Ukraine

For the Government of the Republic of Belarus

为乌克兰政府

为白俄罗斯共和国政府

(signature)

(signature)

(签名)

(签名)

Annex No.1
to the Protocol on the Exclusion from
the Regime of Free Trade to the Free Trade
Agreement between the Government of Ukraine
and the Government of the Republic of Belarus

附件1
关于排除自由贸易制度的
自由贸易协定
乌克兰政府
和白俄罗斯共和国政府

Classification of Commodities Liable to Customs Duty by Ukraine

乌克兰商品海关税则分类

CFTC Code 1993	Name of commodities
01.02.90100	Live cattle
01.02.90310	Young stock
01.02.90330	Cows
01.02.90350	Bulls
01.02.90370	Oxen
01.02.90900	etc.
01.04.10	Live sheep
41.01	Cattle hides
41.02	Sheep and lambs
41.03.90000	Pigs only

CFTC 代码 1993年	商品名称
01.02.90100	活牛
01.02.90310	幼畜
01.02.90330	Cows
01.02.90350	公牛
01.02.90370	Oxen
01.02.90900	etc.
01.04.10	活羊
41.01	牛皮
41.02	羊和羔羊
41.03.90000	仅猪

**Protocol
between the Cabinet of Ministers of Ukraine and the Government of the Republic of Belarus
on the Exclusion from the Regime of Free Trade to the Free Trade Agreement
between the Government of Ukraine and the Government of the Republic of Belarus
of December 17, 1992**

Date of signing: October 18, 2005
Date of ratification: December 20, 2006
Effective date: January 25, 2007

The Cabinet of Ministers of Ukraine and the Government of the Republic of Belarus, referred to hereinafter as the Contracting Parties, have agreed to introduce to the Free Trade Agreement between the Government of Ukraine and the Government of the Republic of Belarus of December 17, 1992 the following amendments.

1. Paragraph 6 of the preamble shall be set forth in the following wording:

“confirming the need to develop bilateral relations in trade and economic links in compliance with the principles of the World Trade Organization (WTO),”

2. Article 1 shall be set forth in the following wording:

“1. The Parties shall not apply customs duties, taxes and charges – equivalent in effect to customs duties – to the export and/or import of commodities originating from the customs territory of one of the Parties and intended for the customs territory of another Party. When necessary, the Parties may foresee the exclusion from the given trade regime by a conciliated classification of commodities to be formalized by corresponding protocols, which shall be inseparable parts of the present Agreement.

“2. For the purposes of the present Agreement and for its validity period, the commodities originating from the territory of the state Parties shall mean the commodities identified by the Rules for Identifying the Countries of the Commodities’ Origin approved by the Decision of the Council of Heads of Governments of the Commonwealth of Independent States on November 30, 2000.”

3. Article 3 shall be set forth in the following wording:

“The Parties shall in mutual trade refrain from applying measures that restrict the export and/or import of commodities within the framework of the present Agreement. The Parties may institute measures restricting the export and/or import of commodities under unilateral procedures, but only for a strictly defined time. These measures may be introduced as quantitative restrictions on exports and/or imports or as special customs duty, antidumping and compensation customs duties. The referred to measures must be of an exclusive nature and be applied only in the following cases:

- acute shortage of commodities on the domestic market (before the stabilization of the situation on the market);
- acute balance of payments deficit (before the stabilization of the balance of payments);
- import of commodities into the territory of one of the Parties in such increasing quantities or on such terms that cause or threaten to cause damage to domestic producers of similar or directly competitive commodities;
- in order to take measures provided for in Article 5 of the present Agreement.

议定书乌克兰内阁与白俄罗斯共和国政府之间关于从自由贸易制度排除至乌克兰政府与白俄罗斯共和国政府之间1992年12月17日自由贸易协定的议定书

签署日期：2005年10月18日 批准日期：
2006年12月20日 生效日期：2007年1月25日

乌克兰内阁与白俄罗斯共和国政府，以下简称缔约方，同意将以下修正案引入乌克兰政府与白俄罗斯共和国政府之间1992年12月17日自由贸易协定。

1. 前言第6段应表述如下：

“确认有必要在遵守世界贸易组织（WTO）原则的情况下发展双边关系于贸易和经济联系， ”

2. 第1条应表述如下：

1. 缔约方不得对原产于一方海关领土并运往另一方海关领土的商品的出口和/或进口，征收相当于关税的税收和费用。必要时，缔约方可通过相应的议定书正式化商品协调分类，以排除该贸易制度，该议定书应为不可分割的本协议的一部分。

“2. 为本协议之目的及其有效期间，源自缔约方领土的商品应指根据独立国家联合体政府首脑理事会于2000年11月30日通过的决定所批准的商品原产地识别规则予以识别的商品。”

3. 第3条款应规定如下：

缔约方在本协议框架内，在相互贸易中应避免采取限制商品出口和/或进口的措施。缔约方可根据单边程序采取限制商品出口和/或进口的措施，但仅限于严格限定的时间。这些措施可采取出口和/或进口的定量限制的形式，或采取特别关税、反倾销关税和补偿关税的形式。所述措施必须是排他性的，并且仅在以下情况下适用：

- 国内市场商品严重短缺（市场情况稳定之前）；
- 严重国际收支赤字（国际收支稳定之前）；
- 一方领土上的商品进口数量如此之多或条件如此之差，以至于造成或威胁要造成对类似或直接竞争商品国内生产者的损害；
- 为了采取本协定第5条规定的措施。

“The Party that applies quantitative restrictions under the present Article shall be bound, in compliance with the request of the other Party, to provide in the shortest possible time the necessary information about the reasons, forms and time for introducing the above-mentioned restrictions. When selecting the measures in compliance with this Article, the Parties shall give priority to those of them that produce the least negative impact on the achievement of the purposes of the present Agreement.”

4. Article 4 shall be set forth in the following wording:

“All settlements and payments in trade and economic cooperation between the business entities of the states Parties shall be made on the basis of corresponding interbank agreements.”

5. Article 9 shall be set forth in the following wording:

“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 have agreed to use the Harmonized System of Description and Coding of Commodities of the World Trade Organization.”

6. Article 12 shall be set forth in the following wording:

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

7. Articles 13, 17, and 18 shall be deleted. Articles 14, 15 and 16 shall be considered as articles 13, 14, 15 and 16 respectively

8. Article 13 shall be set forth in the following wording:

“Nothing in the present Agreement shall hinder each of the Parties from establishing relations with third countries and perform the undertaken obligations in accordance with any other international agreement to which this Party is and might be a signatory, provided these relations and obligations are consistent with the provisions and purposes of the present Agreement.

9. Article 14 shall be supplemented by paragraph 2 in the following wording:

“The amendments and additions to the present Agreement shall be introduced by mutual consent of the Parties and formalized by protocols, which are an inseparable part of the present Agreement.”

10. Article 15 shall be set forth in the following wording:

“The Parties have vested the Intergovernmental Mixed Ukrainian-Belorussian Commission with the achievement of the goals of the present Agreement and the drafting of proposals for the improvement of trade and economic cooperation between the two countries.”

11. Article 16 shall be set forth in the following wording:

“The present Agreement shall come into force from the date of receipt of the last written notification about the Parties having performed the inter-state procedures required for the Agreement to come into force.

“The present Agreement shall be invalid after the expiry of twelve months from the date when one of the Parties forwards a written notification about the intention to terminate its effect.

“适用本条定量限制的缔约方应当，应另一方的请求，在尽可能短的时间内提供关于引入上述限制的理由、形式和时间的信息。在选择符合本条的措施时，缔约方应当优先考虑那些对实现本协定目的产生最少负面影响的规定。”

4. 第4条应规定如下文所述:

“缔约方国家商业实体之间贸易和经济合作的所有结算和支付应根据相应的银行间协议进行。”

5. 第9条应规定如下文所述:

“在实施双边经济关系的关税和非关税监管措施、交换统计信息和进行海关程序时，缔约方同意使用世界贸易组织的商品描述和编码协调制度。”

6. 第12条应规定如下文所述:

“为在第三国方面实施协调的出口管制政策，缔约方应进行定期磋商，并采取协调措施以制定有效的出口管制体系。”

7. 第13条、第17条和第18条应予删除。第14条、第15条和第16条应分别视为第13条、第14条、第15条和第16条

8. 第13条应表述如下:

“本协议的任何规定不得妨碍任何缔约方与第三国建立关系并按照其成为缔约方或可能成为缔约方的任何其他国际协定履行所承担的义务，前提是这些关系和义务与本协议的规定和目的相一致。”

9. 第14条应增加第2段，表述如下:

“本协议的修正和补充应由缔约方相互同意并以议定书形式确认，议定书是本协议不可分割的部分。”

10. 第15条应表述如下:

“缔约方已将政府间混合乌克兰白俄罗斯委员会授权以实现本协议的目标，并为改善两国之间的贸易和经济合作起草建议。”

11. 第16条应使用以下措辞表述:

“本协议应自收到关于缔约方已履行协议生效所需国家间程序的最后一次书面通知之日起生效。”

本协议自一方缔约方发出书面通知关于终止其效力的意图之日起十二个月后失效。

“The provisions of the present Agreement after the termination of its effect shall be applied to the contracts between the business entities of the states Parties, which were concluded but not performed during its validity period.

“Made at the city of Minsk on October 18, 2005 in two valid copies, each in the Ukrainian, Belarussian and Russian languages, each text being of equal force.”

本协议效力终止后的条款应适用于缔约方商业实体之间在其有效期间内缔结但未履行的合同。

“于2005年10月18日在明斯克市签署，共两份有效副本，每份使用乌克兰语、白俄罗斯语和俄语，每份文本具有同等效力。”