

FREE TRADE AGREEMENT BETWEEN UKRAINE AND TAJIKISTAN

FREE TRADE AGREEMENT between the Cabinet of Ministers of Ukraine and the Government of the Republic of Tajikistan

Date of signing: June 6, 2001

Date of ratification: July 11, 20202

The Cabinet of Ministers of Ukraine and the Government of the Republic of Tajikistan, referred to hereinafter as the Parties,

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

taking guidance from the Agreement on the Establishment of the CIS Free Trade Area of April 15, 1994 and the Protocol to the Introduction of Amendments and Additions to the Agreement on the Establishment of the Free Trade Area of April 2, 1999,

expressing their resolve to promote the harmonious development and growth of world trade and remove the barriers in the way of its development,

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

promoting the growth of the economic potential of states on the basis of development of mutual trade and cooperative relations,

have agreed as follows:

Article 1

1. The Parties shall not apply customs duties, taxes and charges of equivalent effect, as well as quantitative restrictions on the export and (or) import of commodities forwarded from the customs territory of one of the Contracting Parties and intended for the customs territory of another Party. Exclusion from the given trade regime by a conciliated classification of commodities, if the Parties deem it necessary, shall be formalized by a separate Protocol that is an inseparable part of the present Agreement.

2. For the purposes of the present Agreement and for its validity period, the commodities originating from the territory of a Contracting Party shall mean the commodities identified according to the Rules for Identifying the Countries of the Commodities' Origin, which is an inseparable part of the Agreement on the Establishment of the CIS Free Trade Area of April 15, 1994.

Article 2

The 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;
- 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 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.

Article 3

The present Agreement shall not preclude the right of each of the Parties from taking unilateral measures generally accepted in international practice in state regulation of foreign trade relations, 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:

- protection of public morals and public order;
- protection of human life and health,
- protection of animals and plants;
- protection of the environment;
- protection of artistic, archeological and historical values that constitute the national heritage
- protection of industrial and intellectual property
- trade in gold, silver and other precious metals and stones;
- conservation of irreplaceable natural resources;
- upsetting the balance of payments;

as well as:

- restriction of the export of products the domestic prices which are below world prices owing to programs of government support;
- restriction of the import of products, if they are imported into the territory of one of the Parties in such quantities and on such terms that cause or threaten to cause damage to domestic producers of similar or directly competitive products.

2. Nothing in the present Agreement shall preclude the right of any of the Parties from applying any measures of state regulation it deems necessary, if these measures concern the following:

- assurance of national security, including prevention of the outflow of confidential information referred to state secrets;
- trade in weapons, ammunition and materiel, provision of services of a military nature, transfer of technologies and provision of services for the manufacture of armaments and materiel, as well as for other military purposes;
- supply of fission material and sources of radioactive substances, recovery of radioactive waste;
- measures applied at times of war or under other emergency circumstances in international relations;
- actions aimed to meet the commitments under the UN Charter for the preservation of international peace and security.

Article 4

The Parties agreed not to permit the unsanctioned 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.

The commodities specified in part 1 of this Article may be reexported, provided there is a properly executed permit issued by an authorized agency of the Party from the territory of whose state these commodities originate.

In case of failure to comply with the provisions of the Agreement, the Party whose interests were affected shall be entitled under unilateral procedure to introduce measures to regulate the export of such commodities to the territory of the other Party that permitted the unconciliated reexport.

Reexport shall mean the removal of commodities, which originate from the customs territory of one Party, by another Party beyond its customs territory in order to export them to a third country.

Article 5

The Parties shall exchange on a regular basis information about laws and other statutory acts related to economic activity, including on issues of trade, investment, taxation, banking, insurance and other services, as well as on issues of transport and customs, customs statistics included.

The 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 Parties shall conciliate the procedure for exchanging such information.

The provisions of the present Article shall not be interpreted as binding for the competent bodies of any Party to:

- provide information that may not be received under the legislation or in the course of usual administrative practice by one of the Parties;
- provide information that would disclose any trade, business, industrial, commercial or professional secret, or a trading process, or any information the transfer of which is inconsistent with the state interests of a Party.

Article 6

The Parties shall recognize unfair business practices as being incompatible with the purposes of the present Agreement and shall undertake not to admit and eliminate the following:

- agreements between enterprises, decisions made by associations of enterprises that aim to hinder or restrict competition or violate the terms for it on the territories of the Parties;
- actions by which one or several enterprises use their dominating status, restricting competition on the entire or a substantial part of the Parties' territories.

Article 7

1. The 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.

Transit carriage shall not be subject to unjustified delays or restrictions.

In this connection, each Party shall ensure unhindered transit through its territory of commodities originating from the customs territory of another Party and/or third countries and intended for the customs territory of the other Party or any third country, 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 exporters, importers or carriers of any third country.

2. The procedure and terms of transit of freight through the territories of states Parties shall be regulated by bilateral and multilateral agreements on transport, to which both Parties are signatories.

Article 8

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

Article 9

The provisions of the present Agreement shall prevail over the provisions of bilateral agreements concluded earlier between the Parties to the extent when the latter are either not compatible with the first or identical to them, except for the provisions of bilateral and multilateral agreements in the area of transports, which set out the procedure and terms of carriage.

Article 10

The present Agreement shall not hinder any of the Parties from establishing relations with third countries, perform the undertaken obligations in compliance with any other international agreements, to which this Party is or may be a signatory, if these relations and obligations are consistent with the provisions and the purpose of the present Agreement.

Article 11

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 Parties have agreed to set up a joint intergovernmental Ukrainian-Tajik Commission on economic cooperation.

Article 12

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

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

Article 13

Amendments or additions may be introduced to the present Agreement by conciliation of the Parties. The referred to amendments and additions shall be made in writing and be an inseparable part of the present Agreement.

Article 14

The present Agreement shall come into force from the date of the last notification about the Parties having performed 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 Parties forwards a written notification to the other Party 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 that were concluded between the enterprises and organizations of both Parties but not performed during its validity period.

Made at the city of Kyiv on July 6, 2001 in two valid copies, each in the Ukrainian, Tajik and Russian languages, all text being authentic.

In case when differences arise between the Parties as to the interpretation or performance of the present Contract, the Parties shall take guidance from the text of the Agreement in the Russian language.

For the Cabinet of Ministers of Ukraine

For the Government of the Republic of Tajikistan

Law of Ukraine

***On the Ratification of the Free Trade Agreement
between the Cabinet of Ministers of Ukraine
and the Government of the Republic of Tajikistan***

The Ukrainian Parliament **has resolved:**

To ratify the *Free Trade Agreement between the Cabinet of Ministers of Ukraine and the Government of the Republic of Tajikistan* (attached) signed on July 6, 2001 at the city of Kyiv.

President of Ukraine

Leonid Kuchma

Kyiv

July 11, 2002

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