

AGREEMENT
between the Government of Ukraine and the Government
of the Republic of Uzbekistan on free trade

The Government of Ukraine and the Government of the Republic of Uzbekistan hereinafter called Parties to the Agreement

confirming their adherence to free development of mutual economic cooperation,

considering set integration economic relations of Ukraine and the Republic of Uzbekistan,

aspiring to the development of trade and economic cooperation between Ukraine and the Republic of Uzbekistan based on equality and mutual benefit,

admitting that free movement of goods and services requires conducting of mutually agreed measures,

confirming adherence of Ukraine and the Republic of Uzbekistan to the principles of General Agreement on Tariffs and Trade (GATT) and World Trade Organization (WTO),

agreed on the following:

ARTICLE 1

1. Parties to the Agreement establish free trade regime for each other.

The Parties to the Agreement do not apply customs duties, taxes and collections which are of equivalent force and also quantitative limitations for export and/or import of goods originated from the customs territory of one of the Parties to the Agreement and intended for customs territory of another Party to the Agreement. Exceptions from this trade regime on agreed commodities nomenclature are regulated with the documents which are inalienable part to this Agreement.

2. According to paragraph 1 of this article the Parties to the Agreement each year work out and conform the general list of exceptions from free trade regime and also methods of application of such exceptions.

3. For the purposes of this Agreement and for a period of its operation the goods originated from the territories of the Parties to the Agreement mean goods determined with Instructions for determining the country of goods origin of September 24, 1993 confirmed by the Resolution of the Council of Heads of Governments of the Commonwealth of Independent States.

ARTICLE 2

Each Party to the Agreement shall not:

directly or indirectly levy internal taxes and collections exceeding correspondent taxes and collections applied for the same goods of domestic production or goods originated from the third countries for the goods which are subject to this Agreement;

apply for stockpiling, reloading, storage, transportation of goods originated from the territory of other Party to the Agreement and also for payments and transfer of payments rules other than those applied in the same cases for domestic goods or goods originated from the third countries.

ARTICLE 3

The Parties to the Agreement in their mutual trade shall keep from applying towards each other discriminatory measures, introducing quantitative limitations or other equivalent measures for export and/or import of goods according to this Agreement.

The Parties to the Agreement may introduce quantitative or other special limitations in unilateral order but only for reasonable limits and strictly definite period.

Such limitations shall be of exclusive nature and can apply only in cases determined with the agreements within GATT/WTO.

The Party to the Agreement applying limitations under this Article shall provide well in advance to another Party to the Agreement full information including the main reasons of introduction, forms and supposed terms of applying the above limitations, afterwards the consultations are to be set.

ARTICLE 4

This Agreement does not prevent the right of any Party to the Agreement to apply unilaterally measures of state regulation in sphere of foreign economic relations generally accepted by the international practice and which it considers necessary for protection of its interests or which unconditionally necessary for execution of international treaties to which it is a member or intends to become a member, if such measures deal with:

protection of human life and health; environment; animal and plant protection;

protection of public moral and public order;

ensuring of national security;

trade in weapons, ammunition and military equipment;

supply of decomposable materials and sources of radioactive elements, utilization of radioactive waste;

trade in gold, silver or other precious metals and stones;

protection of exhaustible natural resources;

breach of balance-of-payments;

export restrictions for goods internal prices for which are lower than world prices due to programs of state support;

protection of industrial and intellectual property;

protection of values of national property;

measures applied in international relations during wartime or other cases of emergency;

acts to meet commitments subject to UN Charter for keeping international peace and security.

The Party to the Agreement applying such measures under this Article shall provide well in advance to another Party to the Agreement full information including the main reasons of introduction, forms and supposed terms of applying the above limitations, afterwards the consultations are to be set.

ARTICLE 5

The Parties to the Agreement shall exchange information on a regular basis about:

internal legal regulation of foreign economic relations including trade issues, investments, taxation, banking and insurance activity issues and other services, transport and customs matters including customs statistics.

The Parties to the Agreement shall immediately advise each other of any changes in the national legislation which can influence execution of this Agreement.

The authorized bodies of the Parties to the Agreement shall conform the order of exchanging of such information.

The provisions of this Article shall not:

be interpreted as binding the competent bodies of any Party to the Agreement to provide information which cannot be obtained under legislation or as a result of common administrative practice of one of the Parties to the Agreement;

provide information which can disclose any trade, entrepreneur, industrial, commercial or professional secret or trading process, or other information disclosure of which would contradict the state interests of the Party to the Agreement.

ARTICLE 6

The Parties to the Agreement acknowledge unfair business practice as inconsistent with the purposes of this Agreement and undertake not to do the following:

agreements between enterprises, resolutions made by amalgamation of enterprises and general methods of business practice directed to prevent or restrict competition or break conditions for it within the territories of the Parties to the Agreement;

acts due to which one or several enterprises use their dominant position thus restricting competition within all or considerable part of the territory of the Parties to the Agreement.

ARTICLE 7

To realize measures of tariff and non-tariff regulation of bilateral economic relations, to exchange statistical information, conduct customs procedures the Parties to the Agreement shall use a single nine-digit Commodities Nomenclature of foreign economic activity (CN FEA) based on harmonized system of goods description and coding and Combined tariff and statistical nomenclature of the European Economic Community. And for their own needs the Parties to the Agreement if necessary develop Commodities nomenclature other than of nine-digit.

Introduction of standard sample is carried on mutually agreed basis via existing representatives of the relevant international organizations.

ARTICLE 8

1. The Parties to the Agreement agree that following the principle of free transit is the most important prerequisite for achieving the purposes of this Agreement and essential element of the process of their introduction into the system of international division of labor and cooperation.

In this connection each Party to the Agreement shall provide free transit through its territory for goods from customs territory of other Party to the Agreement and/or the third countries and intended for customs territory of other Party to the Agreement or any third country, and also shall provide to the exporters, importers or carriers for transit all existing and necessary means and services under conditions not worse than those provided to domestic exporters, importers or to exporters, importers or carriers of any third country.

2. The order and terms of cargoes transit through the territory of states are regulated according to the international Regulations of carriages.

ARTICLE 9

Each Party to the Agreement shall not allow unsanctioned reexport of goods to the export of which another Party to the Agreement, where these goods are originated from, applies measures of tariff and/or non-tariff regulation. The Parties to the Agreement determine the list of goods which are subject to prohibition for unsanctioned reexport and also exchange the lists of goods to which measures of tariff and non-tariff regulation are applied.

Such goods can be reexported to the third countries only with the written consent and under the terms determined by an authorized body of the state of origin of these goods.

ARTICLE 10

With the purpose of conducting the agreed policy of export control towards the third countries the Parties to the Agreement shall hold regular consultations in order to determine measures for creation of the effective system of export control.

ARTICLE 11

The provisions of this Agreement substitute provisions of bilateral agreements previously concluded between the Parties to the Agreement to the extent to which the latter ones are either inconsistent with the former ones or identical with them.

ARTICLE 12

Each Party to the Agreement according to its legislation and international commitments shall provide equal court protection of rights and legal interests to the entities of economic activity of another Party to the Agreement.

ARTICLE 13

Disputes between the Parties to the Agreement regarding interpretation or application of the provisions of this Agreement shall be settled through negotiations or other way acceptable for the Parties to the Agreement.

The Parties to the Agreement shall tend to avoid conflict situations in mutual trade.

ARTICLE 14

To realize the purposes of this Agreement and elaborate recommendations on improving trade and economic cooperation between two countries the Parties to the Agreement agreed to establish joint Ukrainian-Uzbek commission.

ARTICLE 15

This Agreement comes into force from the date of exchange of notices on finishing the necessary internal state procedures by the Parties to the Agreement and shall be valid for twelve months from the date when one of the Parties to the Agreement sent written notice to another Party to the Agreement about its intention to terminate the Agreement.

In case of termination of this Agreement its provisions shall be applied towards the contracts between enterprises and organizations of both Parties to the Agreement, concluded but not executed during the period of its validity, until they are fully executed.

Executed in Tashkent this 29 day of December 1994 in two original copies each in Ukrainian, Uzbek and Russian languages and all texts have equal force.

For the purposes of interpretation of the provisions of this Agreement the text in Russian language shall prevail.

**On behalf of
the Government of Ukraine**

**On behalf of the Government
of the Republic of Uzbekistan**

PROTOCOL
of exceptions from free trade regime to the Agreement between the Government of Ukraine
and the Government of the Republic of Uzbekistan on free trade of December 29, 1994

The Government of Ukraine and the Government of the Republic of Uzbekistan (hereinafter called "Parties to the Agreement"),

according to Article 1 of the Agreement between the Government of Ukraine and the Government of the Republic of Uzbekistan on free trade of December 29, 1994 (hereinafter called "Agreement"),

agreed to the following:

ARTICLE 1

The Parties to the Agreement not preventing the right stipulated with Article 4 of the Agreement to apply unilaterally measures of state regulation in sphere of foreign economic relations generally accepted by the international practice establish exceptions from free trade regime on commodities nomenclature indicated in Annexes 1 and 2 to this Protocol.

ARTICLE 2

Regarding the goods indicated in Annexes 1 and 2 to this Protocol, the Parties to the Agreement introduce for each other free trade regime as to the application of customs duties, taxes and collections which are of equivalent force and most favorable treatment as to the quantitative limitations for export and/or import of these goods.

This Protocol is inalienable part of the Agreement and becomes valid after all internal state procedures necessary for this have been performed. This Protocol shall be valid for the period until the new Protocol stipulated with Article 1 of the Agreement is concluded.

The Protocol of exception from free trade regime of February 18, 1995 to the Agreement between the Government of Ukraine and the Government of the Republic of Uzbekistan on free trade of December 29, 1994 shall terminate after this Protocol becomes valid.

Executed in Kiev this 18 day of April, 1997 in two original copies each in Ukrainian, Uzbek and Russian languages and all texts have equal force.

For the purpose of interpretation of the provisions of this Protocol the text in Russian language shall prevail.

**On behalf of
the Government of Ukraine**

**On behalf of the Government
of the Republic of Uzbekistan**

Annex 1
to the Protocol of exceptions from free trade
regime between the Government of Ukraine and
the Government of the Republic of Uzbekistan
on free trade of December 29, 1994

Nomenclature of commodities which are subject to exception by Ukraine from free trade regime
with the Republic of Uzbekistan while exported from Ukraine to the Republic of Uzbekistan

Name of goods	Code CN FEA
1. Livestock: young livestock	01.02.90100
2. Heifers, cows, bulls, bullocks and other	01.02.90310-01.02.90900
3. Live sheep	01.04.10
4. Skins of: livestock	41.01
sheep and lambs	41.02
pigs only	41.03.90000
5. Ores and concentrates of precious metals, precious metals in colloidal state, organic and inorganic compounds of precious metals	26.16, 28.43
6. Precious stones, precious metals in unprocessed and semiprocessed forms	25.30 90000 (amber), 71.02, 71.03, 71.06, 71.08, 71.10, 71.18
7. Waste and scrap of precious metals and metals plated with precious metals	71.12

Annex 2
to the Protocol of exceptions from free trade
regime between the Government of Ukraine and
the Government of the Republic of Uzbekistan
on free trade of December 29, 1994

Nomenclature
of commodities which are subject to exception by the Republic of Uzbekistan from free trade
regime with Ukraine

Name of goods	Code CN FEA
For export:	
1. Non-ferrous metals, rolled non-ferrous metals, non-ferrous metals scrap and waste	28.05 74.01-74.11 74.13 75.01-75.06 76.01-76.15 78.01-78.04 79.01-79.05 80.01-80.05 81.03-81.12
2. Raw oil, gas condensate, benzines, gas-oils (diesel fuel)	27.09 27.10.00250 27.10.00390 27.10.00510 27.10.00590
3. Cotton fibre, cotton lint	52.01 52.03 14.04.20000
4. Precious metals, alloys, alloy products, ores, concentrates, scrap and waste of precious metals, precious natural stones and their products, waste, powders and recuperator of precious natural stones, pearls and pearl products, amber and amber products	28.43 30.06.40 (of precious metals only) 71.06-71.15 71.18 (of precious metals only) 90.03.19.100 90.21.29.100 91.01 91.11.10.000 91.13.10.000 96.08.10.300 96.08.39.100 97.05 (only coins of precious stones)

71.16 (of pearls and natural
precious stones only)
96.02 (processed amber and
products of processed amber only)

For import:

5. Medicines, toxins, narcotics and	29.38
psychotropics, herbicides and pesticides	29.41
	30.03
	30.02
	30.04
	30.06.60
	38.08