

FREE TRADE AGREEMENT BETWEEN UKRAINE AND TURKMENISTAN

Annex
Information on the regional trade agreement

FREE TRADE AGREEMENT between the Government of Ukraine and the Government of Turkmenistan

1. Membership: Ukraine, Turkmenistan.

DATE OF SIGNATURE: November 5, 1994.

RATIFICATION: November 4, 1995.

2. Type of Agreement – free trade agreement.

3. Scope.

The Agreement covers goods (any movable property, including heat, electric and other forms of energy) originating from the customs territory of one of the Contracting Parties destined for the customs territory of the other Contracting Party.

4. Trade Data.

COMMODITY STRUCTURE OF EXPORT from Ukraine to Turkmenistan during January-December 2006-2007 (according to the State Statistics Committee of Ukraine)

(ths. USD)

HS Code	Product Description	export		import	
		10 months 2006	10 months 2007	10 months 2006	10 months 2007
	Total	106212,5	173569,0	2976004,6	4335942,0
0101- 2403	Agricultural products	13297,9	18486,0	107,8	112,0
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter	1178,0	1949,0		
1104	Cereal grains otherwise worked	568,0	216,0		
1704	Sugar confectionery (including white chocolate), not containing cocoa	3266,0	3953,0		
1806	Chocolate and other food preparations containing cocoa	3103,0	3375,0		
1905	Bread and other bakers' wares	1026,0	1411,0		
2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80% vol or higher	812,0	3936,0		
2501-2621	Mineral products and ores	0,6	40,0	23,6	81,0
2701-2716	Energy products	495,0	2394,0	2971499,4	4325187,0
2711	Petroleum gases and other gaseous hydrocarbons		0,0	2963070,0	4320128
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous minerals		0,0	8429,0	5007
2801- 4017	Products of chemical and allied industries	5635,2	10166,0	3153,9	9405,0
2833	Sulphates; alums; peroxosulphates (persulphates)		0,0	130,0	278,0

3902	Polymers of propylene or of their olefins, in primary form		0,0	2609,0	0,0
3004	Medicaments consisting of mixed or products for therapeutic or prophylactic uses	1277,0	1470,0		0,0
3208	Paints and varnishes based on synthetic polymers or chemically modified natural polymers	95,0	106,0		0,0
3917	Tubes, pipes and hoses, and fittings thereof, of plastics	1972,0	1850,0		0,0
3921	Other plates, sheets, film, foil and strip, of plastics	19,0	2,0		0,0
4011	New pneumatic tyres, of rubber	620,0	1994,0		0,0
4401-4911	Wood and articles of wood	551,5	614,0		0,0
4101-4304 5001-6704	Softgoods	117,2	229,0	1154,1	974,0
5101	Wool, not carded or combed		0,0	403,0	123,0
5205	Cotton yarn (excluding sewing thread), containing 85% or more by weight of cotton not put up for retail sale		0,0	290,0	622,0
6801- 7020	Articles of stone, plaster, cement, asbestos, mica or similar materials	764,7	328,0	0,0	0,0
7201-8113	Base metals and articles of base metal	56327,1	112431,0	112431,0	8,0
7208	Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, hot rolled, not clad, plated or coated	1205,0	324,0		0,0
7210	Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more, clad, plated or coated	359,0	275,0		0,0
7213	Bars and rods, hot-rolled, in irregularly wound coils, of iron or non-alloy steel	1359,0	172,0		0,0
7214	Other bars and rods of iron and non-alloy steel, not further worked than forged, hot rolled, hot drawn or hot extruded, but including those twisted after rolling	3001,0	1307,0		0,0
7216	Angles, shapes and sections of iron or non-alloy steel	975,0	7216,0		0,0
7217	Wire of iron or non-alloy steel	946,0	129,0		0,0
7228	Other bars and rods of other alloy steel; angles, shapes and sections of other alloy steel; hollow drill bars and rods, of alloy and non-alloy steel	824,0	970,0		0,0
7304	Tubes, pipes and hollow profiles, seamless, of iron (other cast iron) or steel	10468,0	39601,0		0,0
7305	Other tubes and pipes, having circular cross-sections, the external diameter of which exceeds 406.4 mm, of iron or steel	31673,0	64508,0		0,0
7306	Other tubes, pipes and hollow profiles, of iron and steel	392,0	1665,0		5,0
7307	Tube or pipe fittings, of iron or steel	160,0	27,0		1,0
7308	Structures and parts of structures, of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel	3258,0	81,0		2,0
8201- 8908	Products of machinery-producing industry	22284,8	27527,0		180,0

8409	Parts suitable for use solely or principally with the engines of heading 8407 or 8408	256,0	538,0		0,0
8413	Pumps for liquids, whether or not fitted with a measuring device: liquid elevators	1525,0	1747,0		4,0
8414	Air or vacuum pumps, air or other gas compressors and fans	2181,0	3910,0		0,0
8418	Refrigerators, freezers and other refrigerating or freezing equipment, electric or other	448,0	446,0		0,0
8419	Machinery, plant or laboratory equipment, whether or not electrically heated, for the treatment of materials by a process involving a change of temperature	458,0	591,0		0,0
8431	Parts suitable for use solely or principally with the machinery of headings 8425 to 8430	51,0	1130,0		25,0
8479	Machines and mechanical appliances having individual functions	88,0	45,0		0,0
8481	Taps, cocks, valves and similar appliances for pipes, boiler shells, tanks, vats or the like	1032,0	5013,0		0,0
8483	Transmission shafts and cranks; bearing housings and plain shaft bearings; gears and gearing; ball or roller screws; gear boxes and other speed changers, flywheels and pulleys, clutches and shaft couplings	691,0	647,0		0,0
8501	Electric motors and generators	3025,0	1064,0		0,0
8504	Electrical transformers, static converters, inductors and throttles	4233,0	361,0		0,0
8537	Boards, panels, consoles, desks, cabinets and other bases, equipped with two or more apparatus of heading 8535 or 8536, for electric control or the distribution of electricity, and numerical control apparatus	951,0	116,0		0,0
8544	Insulated wire, cable and other insulated electric conductors, whether or not fitted with connectors; optical fibre cables, made up of individually sheathed fibres, whether or not assembled with electric conductors or fitted with connectors	668,0	1641,0		0,0
8704	Motor vehicles for the transport of goods	315,0	0,0		0,0
8705	Special purpose motor vehicles, other than those principally designed for the transport of persons or goods	226,0	0,0		0,0
9001-9114	Instruments and apparatus	3902,6	170,0		0,0
9020	Other breathing appliances gas masks; parts and accessories thereof	13,0	0,0		0,0
9026	Instruments and apparatus for measuring or checking the flow, level, pressure or other variables of liquids or gases	120,0	0,0		0,0
9032	Automatic regulating or controlling instruments and apparatus	3522,0	0,0		0,0
9401-9701	Other products	1011,9	120,0		0,0
9401	Seats, whether or not convertible into beds, and parts thereof	74,0	120,0		0,0
9403	Other furniture and parts thereof	817,0	860,0		0,0

	Miscellaneous	1824,0	0,0		
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II. Trade provisions.

1. Import restrictions.

1.1. Duties and charges.

The Contracting Parties shall not apply customs duties, taxes and charges, which have an equivalent effect, with respect to importation of goods, originating from the customs territory of one Contracting Party and destined for the customs territory of the other Contracting Party.

1.2. Quantitative restrictions.

The Contracting Parties shall refrain from application of discriminatory measures, introduction of quantitative restrictions or equivalent measures with respect to importation of goods under provisions of this Agreement.

The Contracting Parties may introduce quantitative or other special restrictions subject to approval by the Contracting Parties.

The above-mentioned restrictions shall be of exceptional nature and may be introduced only under circumstances as stipulated in the GATT agreements.

1.3. Common customs tariff.

Introduction of the common customs tariff is not envisaged.

2. Export restrictions.

2.1 Duties and charges.

The Contracting Parties shall not apply customs duties, taxes and charges, which have an equivalent effect, with respect to exportation of goods originating from the customs territory of one Contracting Party and destined for the customs territory of the other Contracting Party.

2.2. Quantitative restrictions.

The Contracting Parties shall refrain from application of discriminatory measures in bilateral trade, introduction of quantitative restrictions or equivalent measures with respect to exportation of goods under provisions of this Agreement.

The Contracting Parties may introduce quantitative or other special restrictions subject to approval by the Contracting Parties.

The above-mentioned restrictions shall be of exceptional nature and may be introduced only under circumstances as stipulated in the GATT agreements.

3. Rules of Origin.

Goods originating from the territories of the Contracting Parties shall be goods determined by Regulations on Establishing a Country of Origin as of 24 September 1993 approved by the Decision of the Governments Heads' Council of the Commonwealth of Independent States.

4. Standards.

The Agreement does not contain any specific provisions concerning standards.

5. Safeguards.

The Agreement does not contain any description of safeguard measures or mechanisms applied in domestic trade.

6. Antidumping and Countervailing Duties.

The Agreement does not contain any specific provisions concerning anti-dumping and countervailing measures.

7. Subsidies and State Support.

The Agreement does not contain any specific provision concerning subsidies and state support as well as concerning countervailing measures.

8. Provisions concerning specific industries.

The Agreement does not contain any specific provision concerning specific industries.

9. Other provisions.

The Contracting Parties shall exchange, on a regular basis, information concerning laws and other legislative acts on economic activity, as well as concerning issues of trade, investments, taxation, banking and insurance activity and other financial services, concerning transport and customs issues, including custom statistics.

III. General provisions of the Agreement.

1. Exceptions and Reservations.

The Agreement shall not prevent the Contracting Parties from the right to take measures generally accepted in the international practice, which are considered by the Contracting Parties necessary for the protection of their vital interests or which are undoubtedly necessary for the implementation of international agreements of which they are signatories or intend to become signatories, and these measures concern:

- information affecting interests of national defence;
- traffic in arms, ammunition and military equipment;
- research or production related to the national defence needs;
- supply of materials and equipment used in nuclear industry;
- protection of public moral and order;
- protection of industrial and intellectual property;
- trade in gold, silver or other precious metals and stones;
- protection of life and health of people, animals and plants.

2. Accession.

There is no provision in the Agreement allowing other countries to join it as this is a bilateral agreement.

3. Dispute Settlement Procedures.

Disputes between the Contracting Parties on the interpretation or application of the provisions of this Agreement shall be settled by way of negotiations.

4. Relation with Other Trade Agreements.

The Agreement does not establish any specific relation with other trade agreements.

Provisions of this Agreement shall replace the provisions of any bilateral agreements concluded earlier by the Contracting Parties insofar as the latter are incompatible or identical with the former.

5. Institutional Framework.

To implement the objectives of this Agreement and to work out recommendations on improving trade and economic cooperation between the two countries, the Contracting Parties agreed to establish the Joint Ukrainian-Turkmen Commission.

The Commission functions according to the Regulation on the Joint Ukrainian-Turkmen Commission on Economic Cooperation of October 10, 2003.

The major functions of the Commission are the following:

- to consider issues and to elaborate major activities aimed at promotion of mutually beneficial economic cooperation between the states, which emanate from international treaties;

- to promote search and development of prospective areas of economic cooperation, including the Contracting Parties' capital and technology attraction, creation of financial industrial groups, joint ventures and cooperative business;

- to formulate proposals aimed at widening and deepening of trade and economic and science and technical cooperation in areas, which are of mutual interest to the Contracting Parties, as well as are aimed at increasing foreign trade turnover in the process of liberalizing trade relations;

- to coordinate the work of ministries, administrations, organizations and companies of various ownership forms in the areas of trade and economic and science and technical cooperation, as well as to involve them in the activities of the working bodies of the Commission (sub commissions, expert groups);

- to establish and to develop contacts between the two national parts of the Commission, to facilitate immediate resolution of economic cooperation issues.

National part of the Commission functions under the auspices of the Governments of the relevant Contracting Parties.

National part of the Commission comprises Head, Deputy Head, Secretary and other members of the Commission. They shall be appointed according to the procedure set in each country.

IV. Other Information.

The Contracting Parties shall consider incompatible with the purposes of this Agreement unfair business practices, which shall not be applied, in particular, but not exclusively the following methods thereof:

- agreements between enterprises, decisions made by the associations of enterprises, and collective methods of business practice aimed at hindering or limiting competition or disrupting the competitive environment in the territories of the Contracting Parties;

- actions by means of which one or several enterprises use their dominant position, limiting competition within the entire territory of the Contracting Parties or a significant part thereof.

Each Contracting Party shall provide free transit, via its territory, of goods originating from the customs territory of the other Contracting Party and/or third countries and destined for the customs territory of the other Contracting Party or a third country.