

FREE TRADE AGREEMENT BETWEEN UKRAINE AND UZBEKISTAN

Annex

Information on the regional trade agreement

FREE TRADE AGREEMENT

between the Government of Ukraine and the Government of the Republic of Uzbekistan

1. Membership: Ukraine, the Republic of Uzbekistan.

DATE OF SIGNATURE: December 29, 1994.

RATIFICATION: November 4, 1995.

ENTRY INTO FORCE: January 1, 1996.

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 the Republic of Uzbekistan during January-December 2007-2006.

(according to State Statistics Committee of Ukraine)

(ths. USD)

HS Code	Product description	12 months	12 months	Share in %	2007/ 2006	
		2006	2007		+,-	%
Total		210696	346855	100,0	136159	164,6
0202-2403	Agricultural products	6157	10999	3,2	4842	178,6
	<i>including:</i>					
0402	Milk and cream, concentrated or containing added sugar or other sweetening matter	234	190	0,1	-44	81,2
1201	Soya beans, whether or not broken	0	3319	1,0	3319	
1512	Sunflower-seed, safflower or cotton-seed oil and fractions thereof	1954	1348	0,4	-606	69,0
1806	Chocolate and other food preparations containing cocoa	37	35	0,0	-2	94,6
2505-2621	Mineral products and ores	909	692	0,2	-217	76,1
	<i>including:</i>					
2517	Pebbles, gravel, broken or crushed stone	20	18	0,0	-2	
2516	Granite, porphyry, basalt, sandstone and other monumental or building stone	452	403	0,1	-49	89,2
2801-4017	Products of chemical and allied industries	32166	40058	11,5	7892	124,5
	<i>including:</i>					
3004	Medicaments consisting of mixed or products for therapeutic or prophylactic uses	6957	9408	2,7	2451	135,2
3206	Other colouring matter	3320	2828	0,8	-492	85,2
3902	Polymers of propylene or of their olefins, in primary form	538	735	0,2	197	136,6

3914	Ion-exchangers based on polymers of heading № 39.01 to 39.13, in primary forms	960	3200	0,9	2240	333,3
4011	New pneumatic tyres, of rubber	1798	5798	1,7	4000	322,5
4401-4911	Wood and articles of wood	6218	9202	2,7	2984	148,0
	<i>including:</i>					
4811	Paper, paperboard, cellulose wadding and webs of cellulose fibres	1334	3873	1,1	2539	290,3
4805	Other uncoated paper and paperboard	91	101	0,0	10	111,0
5001-6704	Softgoods	419	1904	0,5	1485	454,4
7201-8113	Base metals and articles of base metal	78678	148583	42,8	69905	188,8
	<i>including:</i>					
7202	Ferro-alloys	742	4789	1,4	4047	645,4
7210	Flat-rolled products of iron or non-alloy steel, of a width of 600 mm or more	463	713	0,2	250	154,0
7304	Tubes, pipes and hollow profiles, seamless, of iron or steel	14245	20424	5,9	6179	143,4
7305	Other tubes and pipes	1638	34886	10,1	33248	2129,8
8404-9107	Products of machinery-producing industry	59560	93665	27,0	34105	157,3
	<i>including:</i>					
8414	Air or vacuum pumps, air or other gas compressors and fans	2387	2415	0,7	28	101,2
8501	Electric motors and generators	582	0	0,0	-582	0,0
8607	Parts of railway or tramway locomotives or rolling-stock	2415	1873	0,5	-542	77,6
8708	Parts and accessories of the motor vehicles of headings 8701 to 8705	237	8068	2,3	7831	3404,2
6801-7020	Articles of stone, plaster, cement, asbestos, mica or similar materials	1742	3252	0,9	1510	186,7
	<i>including:</i>					
6902	Refractory bricks, blocks, tiles and similar refractory ceramic construction goods	608	1108	0,3	500	182,2
	Instruments and apparatus	2232	3207	0,9	975	143,7
	Energy products	149	898	0,3	749	602,7
	Other industrial products	1570	1645	0,5	75	104,8

**COMMODITY STRUCTURE OF IMPORT
from the Republic of Uzbekistan to Ukraine
during January-December 2006-2007**

(according to the State Statistics Committee of Ukraine)

(ths. USD)

HS Code	Products Description	12 months 2006	12 months 2007	Share in %	2007 to 2006	
					+, -	%
Total		41046	546008	100	504962	1330,2
0202-2403	Agricultural Products	6617	6291	1,2	-326	95,1
	<i>including:</i>					
0806	Grapes, fresh or dried	451	952	0,2	501	211,1
1202	Ground-nuts, not roasted or otherwise cooked	249	934	0,2	685	375,1
2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid	2055	393	0,1	-1662	19,1
2401	Unmanufactured tobacco; tobacco	1116	391	0,1	-725	35,0

refuse

2701-2716	Energy Products	307935	342412	62,7	34477	111,2
	<i>including:</i>					
2710	Petroleum oils and oils obtained from bituminous minerals	9658	10749	2,0	1091	111,3
2711	Petroleum gases and other gaseous hydrocarbons	146501	310532	56,9	164031	212,0
2801-4017	Products of chemical or allied industries	14023	28175	5,2	14152	200,9
	<i>including:</i>					
3901	Polymers of ethylene, in primary forms	7450	10467	1,9	3017	140,5
4401-4911	Wood and articles of wood	64	162	0,2	98	253,1
5001-6704	Textiles and textile articles, footwear	8679	9838	1,8	1159	113,4
	<i>including:</i>					
5201	Cotton, not carded or combed	3669	4667	0,9	998	127,2
5601	Wadding of textile materials and articles thereof	67	170	0,0	103	253,7
6302	Bed linen, table linen, toilet linen and kitchen linen	111	21	0,0	-90	18,9
6801-7020	Articles of stone, plaster, cement, asbestos, mica or similar materials	135	127	0,0	-8	
	<i>including:</i>					
6802	Worked monumental or building stone and articles thereof	68	34	0,0	-34	50,0
7201-8113	Base metals and articles of base metal	29176	42004	7,7	12828	144,0
	<i>including:</i>					
7403	Refined copper and copper alloys	16318	19048	3,5	2730	116,7
7901	Unwrought zinc	1861	1565	0,3	-296	84,1
8301-8908	Products of machinery-producing industry	32497	88385	16,2	55888	272,0
	<i>including:</i>					
8703	Motor cars and other motor vehicles principally designed for the transport of persons	32299	86798	15,9	54499	268,7
	Instruments and apparatus	0	0	0,0	0	
	Mineral products	0	10	0,0	10	
	Other industrial products	509	437	0,1	-72	85,9

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 in their mutual trade shall refrain from discriminatory measures, introduction of quantitative restrictions or equivalent measures with regard to importation of goods under this Agreement.

The Contracting Parties may unilaterally introduce quantitative or other special restrictions within reasonable limits and for a specified period of time.

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 in their mutual trade shall refrain from discriminatory measures, introduction of quantitative restrictions or equivalent measures for exportation and (or) importation of goods under this Agreement.

The Contracting Parties may unilaterally introduce quantitative or other special restrictions within reasonable limits and for a specified period of time.

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 national foreign trade legislation, 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 unilateral 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:

- protection of life and health of people, environment, protection of animals and plants;
- protection of public moral and order;
- national security concerns;
- traffic in arms, ammunition and military equipment;
- supply of fissionable materials and sources of radioactive materials, utilization of nuclear waste;
- trade in gold, silver or other precious metals and stones;
- conservation of exhaustible natural resources;
- balance of payments deficit;
- limitation of export of a product domestic price for which are below the world market prices as a result of realization of the state program of support;
- protection of industrial and intellectual property;
- protection of national cultural values;
- actions taken in time of war or other emergency in international relations;
- actions taken in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

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 or any other way acceptable to the both Contracting Parties.

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-Uzbek Commission.

The Commission functions according to the Regulation on the Joint Ukrainian-Uzbek Commission on Comprehensive Cooperation.

The Joint Commission is called to:

- promote successful development of bilateral mutually beneficial cooperation in the areas of trade and economy, science and technology, national defense and culture according to the Ukrainian and Uzbek legislation in force;

- promote intensification of various areas of comprehensive mutually beneficial cooperation according to existing arrangements;

The Ukrainian and Uzbek Parties are equally represented in the Joint Commission membership.

The Contracting Parties shall appoint Co-Chairs of the National Parts of the Commission, Deputy Co-Chairs, Secretaries, as well as heads of joint sub-commissions on cooperation in the following areas:

- trade and economy;
- science and technology;
- culture, education, healthcare, sports, and other humanitarian issues;
- transport, communication and infrastructure;
- military and technology;
- fighting crime, terrorism and drug trafficking.

The Co-Chairs shall coordinate and ensure organization of the activity of the Joint Commission, hold regular consultations and exchange information.

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.

Each Contracting Party shall prevent unauthorized re-exportation of products which are subject to measures of tariff or non-tariff regulation in the territory of a Contracting Party from which the products originate. The Contracting Parties shall make-up a list of products unauthorized re-exportation of which is forbidden and exchange the lists of products subject to tariff and non-tariff regulation.