

FREE TRADE AGREEMENT BETWEEN UKRAINE AND TAJIKISTAN

Annex Information on the regional trade agreement

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

1.
Membership: Ukraine, the Republic of Tajikistan.
DATE OF SIGNATURE: July 6, 2001.
RATIFICATION: July 11, 2002.

2. Type of agreement – free trade agreement.

3. Scope.

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

4. Trade Data.

COMMODITY STRUCTURE OF EXPORT

from Ukraine to the Republic of Tajikistan

During January-December 2006-2007

(according to State Statistics Committee of Ukraine)

(ths. USD)

HS Code	Product description	12 months	12 months	Share in %	2007/ 2006	
		2006	2007		+,-	%
Total		39793,7	51166,4	100,0	11372,7	128,6
0101- 2403	Agricultural products	2547,5	9333,9	18,2	6786,4	366,4
16	Preparations of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates.	154	116,6	0,2	-37,4	75,7
17	Sugar and sugar confectionary	229	2339,6	4,6	2110,6	1021,7
18	Cocoa and cocoa preparations	935	1701,3	3,3	766,3	182,0
22	Beverages, spirits and vinegar	335	733,8	1,4	398,8	219,0
2501-2621	Mineral products and ores	248,9	567,0	1,1	318,1	227,8
25	Salt; sulphur; earths and stone; plastering materials, lime and cement	144	209	0,4	65	145,1
2701- 2716	Energy products	3884,0	7274,0	14,2	3390,0	187,3
27	Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes.	3883,9	7274,8	14,2	3390,9	187,3
2801- 4017	Products of chemical and allied industries	18820,7	7445,6	14,6	-11375,1	39,6
28	Inorganic chemicals; organic or inorganic compounds of precious metals, of rare-	15735	2	0,0	-15733	0,0

	earth metals, of radioactive elements or of isotopes.					
30	Pharmaceutical products.	1856,1	4695,8	9,2	2839,7	253,0
40	Rubber and articles thereof.	590	812	1,6	222	137,6
4401-4911	Wood and articles of wood	204,7	1253,0	2,4	1048,3	612,1
4101-4304 5001-6704	Raw hides and skins, softgoods	2205,0	2300,0	4,5	95,0	104,3
64	Footwear, gaiters and the like; parts of such articles.	2024	2281	4,5	257	112,7
6801-7020	Articles of stone, plaster, cement, asbestos, mica or similar materials	1625,3	2935,5	5,7	1310,2	180,6
69	Ceramic products.	1536,5	2870,2	5,6	1333,7	186,8
7201-8113	Base metals and articles of base metal	2994,1	7553,0	14,8	4558,9	252,3
72	Iron and steel.	2213	3916	7,7	1703	177,0
73	Articles of iron or steel.	773	3402	6,6	2629	440,1
8201- 8908	Products of machinery-producing industry	7169,0	12394,0	24,2	5225,0	172,9
84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof.	1948	4406,6	8,6	2458,6	226,2
85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles.	3736	6251	12,2	2515	167,3
86	Railway or tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electro-mechanical) traffic signalling equipment of all kinds.	189	482	0,9	293	255,0
87	Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof.	1289	1137	2,2	-152	88,2
9001-9114	Instruments and apparatus	30,4	43,8	0,1	13,4	144,1
9401-9701	Other products	64,1	66,6	0,1	2,5	103,9
	Miscellaneous	0,0	0,0	-	0,0	0,0

COMMODITY STRUCTURE OF IMPORT

from the Republic of Tajikistan to Ukraine

during January-December 2006-2007

(according to the State Statistics Committee of Ukraine)

(ths. USD)

HS Code	Products description	12 months	12 months	Share in %	2007/ 2006	
		2006	2007		+,-	%
	Total	4261,8	4353,3	100,0	91,5	102,1
0101- 2403	Agricultural products	353,4	282,0	6,5	-71,4	79,8

2501-2621	Mineral products and ores	0,0	0,0	0,0	0,0	0,0
2701- 2716	Energy products	0,0	0,0	0,0	0,0	0,0
2801- 4017	Products of chemical and allied industries	0,0	13,0	0,3	13,0	0,0
4401-4911	Wood and articles of wood	0,0	0,0	0,0	0,0	0,0
4101-4304 5001-6704	Raw hides and skins, softgoods	3359,7	3766,0	86,5	406,3	112,1
52	Cotton.	3336	3766	86,5	430	112,9
6801-7020	Articles of stone, plaster, cement, asbestos, mica or similar materials	10,0	0,0	0,0	-10,0	0,0
7201-8113	Base metals and articles of base metal	4,0	261,7	6,0	257,7	6542,5
8201- 8908	Products of machinery-producing industry	534,7	24,9	0,6	-509,8	4,7
84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof. Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles.	7,3	5	0,1	-2,3	0,0
85		527,2	1,2	0,0	-526	0,0
9001-9114	Instruments and apparatus	0,0	5,7	0,1	5,7	0,0
9401-9701	Other products	0,0	0,0	0,0	0,0	0,0
	Miscellaneous	0,0	0,0	0,0	0,0	0,0

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 not introduce quantitative restrictions 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.

The Contracting Parties shall not introduce with respect to importation of goods under this Agreement any special restrictions or requirements, which in a similar situation do not apply to the like domestic or third-country products.

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 not introduce quantitative restrictions 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.

The Contracting Parties shall not introduce with respect to exportation of goods under this Agreement any special restriction or requirements, which in a similar situation do not apply to the like domestic or third-country products.

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 30 November, 2000 approved by 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.

Export restrictions may be applied in a situation when domestic price for a product is below the world market price as a result of realization of the state program of support.

Import restriction may be applied in a situation when a product is imported in the territory of a Contracting Party in such quantities or under such conditions that cause or threaten to cause damage to domestic producers of the like or directly competing products.

The Contracting Parties agreed to prevent unauthorized re-exportation of goods subject to tariff and (or) non-tariff restrictions applied by the Contracting Party, from which the above-mentioned goods originate. Should this provision be violated an affected Contracting Party is entitled to apply unilateral restrictions with regard to exportation of the same goods to the territory of the Contracting Party allowing unauthorized export.

6. Antidumping and Countervailing Measures.

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:

- protection of public moral and order;
- protection of life and health of people;
- protection of animals and plants.
- protection of environment;
- protection of national treasures of artistic, archaeological and historical value;
- protection of industrial and intellectual property;
- trade in gold, silver or other precious metals and stones;
- conservation of exhaustible natural resources;
- deficit of balance of payments.

The Contracting Parties may introduce any state regulation measures, deemed relevant if they relate to:

- protection of its national security interests, including prevention of disclosure of confidential information, which constitutes a state secret;
- traffic in arms, military equipment, ammunition, supply of military services, transfer of technology and supply of services for manufacturing of weapons and military equipment as well as for other military purposes;
- supply of fissionable materials and sources of radioactive materials, utilization of nuclear waste;
- 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.

4. Relation with Other Trade Agreements.

Provisions of this Agreement shall replace the provisions of any bilateral agreement concluded earlier by the Contracting Parties insofar as the latter are incompatible or identical with the former except for the provisions of bilateral and multilateral transport Agreements, which regulate the procedure and conditions of transportation.

5. Institutional Framework.

To implement the objective 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 Intergovernmental Ukrainian-Tajik Commission on Economic Cooperation.

According to the Regulation on the Joint Ukrainian-Tajik Commission on Economic Cooperation of March 5, 2003, the Commission's major functions are the following:

- to consider issues and to elaborate major activities aimed at promotion of bilateral economic cooperation between the states, which emanate from international treaties (agreements, minutes, communiqué, and other arrangements);

- to examine major areas of economic cooperation between the two states based on their interests and potential, first of all through the use of market mechanisms;

- to promote search and development of prospective areas of economic cooperation, including foreign capital and technology attraction, creation of financial industrial groups, joint ventures with foreign equity 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 and 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 parts of the Commission function under the auspices of the Governments of the relevant Contracting Parties.

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

IV. Other Information.

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

- agreements between enterprises, decisions by 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.