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azakhstan Trade Relations Agreement

AGREEMENT ON TRADE RELATIONS BETWEEN

THE UNITED STATES OF AMERICA

AND THE REPUBLIC OF AZA HSTAN

The United States of America and the Republic of azakhstan (hereinafter referred to collectively as "Parties" and K individually as "Party"),

Recognizing that the development of bilateral trade may contribute to better mutual understanding and cooperation,

Taking into account the favorable implications for trade expansion of the economic restructuring and the development of a market-based economy in the Republic of azakhstan,

Considering that expanded trade relations between the Parties will contribute to the general well-being of the peoples of each Party, and promote respect for internationally recognized rights of working people,

Acknowledging that the development of trade relations and direct contact between azakh nationals and organizations and United States nationals and companies will promote openness and mutual understanding,

Considering that economic ties are an important and necessary element in the strengthening of their bilateral relations,

Reaffirming their desire to develop economic cooperation in accordance with the principles and provisions of the Final Act signed in Helsinki on the 1st of August, 1975, and other documents of the Conference on Security and cooperation in Europe, and in accordance with the Document of the Conference on Economic Cooperation in Europe held in Bonn in March-April 1990,

Being convinced that an agreement on trade relations between the two Parties will best serve their mutual interests, and

Desiring to create a framework which will foster the development and expansion of commercial ties between K azakh nationals and organizations and United States nationals and companies,

Have agreed as follows:

ARTICLE I

MOST FAVORED NATION AND NONDISCRIMINATORY TREATMENT

1. Each Party shall accord unconditionally to products originating in or exported to the territory of the other Party treatment no less favorable than that accorded to like products originating in or exported to the territory of any K third country in all matters relating to:

(a) customs duties and charges of any kind imposed on or in connection with importation or exportation, including the method of levying such duties and charges;

(b) methods of payment for imports and exports, and the international transfer of such payments; K

(c) rule ormalitie i co ectio with import tio export tio , i clu i g tho e rel ti g to cu toms cle r ce, tr it, w arehou e tr hipme t;

( ) t xe other i ter l ch rge o y ki pplie irectly or i irectly to importe pro uct ;

(e) rule co cer i g le, purch e, tr port, i tributio , tor ge u e o pro uct o qthe ome tic market.

2. E ch P rty h ll ccor to pro uct origi ti g i or exporte to the territory o the other P rty o i crimi tory tre tme t with re pect to the pplic tio o u tit tive re trictio the gr ti g o lice e .

3. E ch P rty h ll ccor to import o pro uct ervice origi ti g i the territory o the other P rty o i crimi tory tre tme t with re pect to the lloc tio o the curre cy ee e to p y or uch import .

4. The provi io o p r gr ph 1, 2 3 h ll ot pply to:

( ) v t ge ccor e by either P rty by virtue o uch P rty' ull member hip i cu toms u io or ree tr e re ; q

(b) v t ge ccor e to thir cou trie or the cilit tio o ro tier tr ic;

(c) v t ge ccor e to thir cou trie i ccor ce with the Ge er l Agreeme t o T ri Tr e (the "GATT") , v t ge ccor e to evelopi g cou trie u er the GATT other i ter tio l greeme t ;

( ) ctio t ke u er Article XI (M arket Di ruptio) o thi Agreeme t.

ARTICLE II

GENERAL OBLIGATIONS WITH RESPECT TO MARKET ACCESS FOR PRODUCTS AND SERVICES

1. Recog izi g the mutu l be e it to tr e rel tio o the b i o thi Agreeme t co i te t with the mo t vore tio pri ciple expre e i Article I, the P rtie h ll, o the b i o reciprocity without etrime t to rel tio with thir cou trie , improve market cce or pro uct ervice o the other P rty optimize mutu l commerci l opportu itie , i clu i g through the ti ctory reciproc tio o market ope i g me ure - re ulti g rom multil ter l egoti tio . T ki g the bove i to ccou t re ulti g rom the evelopme t o market mech i ms i the Republic o K z kh t it clo er rel tio hip with the GATT, opportu itie h ll be cre te to i cre e tep-by- tep tio l tre tme t or pro uct ervice o the U ite St te .

2. Tr e i pro uct ervice h ll be e ecte by co tr ct betwee tio l comp ie o the U ite St te tio l org iz tio o the Republic o K z kh t co clu e i the exerci e o their i epe e t commerci l ju gme t o the b i o cu tomary commerci l co i er tio uch price, u lity, elivery terms o p yme t.

3. Neither P rty h ll re uire or e cour ge U.S. tio l or comp ie or K z kh tio l or org iz tio to e g ge i b rter or cou tertr e tr ctio . Neverthele , where tio l , comp ie or org iz tio eci e to re ort to cou tertr e oper tio , the P rtie will e cour ge them to ur i h to e ch other ll ece ry i ormatio to cilit te the tr ctio .

4. E ch P rty h ll ccor q pro uct importe rom the territory o the other P rty tre tme t o le vor ble th th t ccor e to like pro uct origi ti g i y thir cou try i rel tio to tech ic l regul tio t r , i clu i g co ormity te ti g certi ic tio . Furthermore, the P rtie h ll e ure th t uch tech ic l regul tio t r re ot prep re , opte , or pplie i i crimi tory ma er, with view to cre ti g ob t cle to bil ter l tr e, or to protect ome tic pro uctio .

ARTICLE III

EXPANSION AND PROMOTION OF TRADE q

1. The Pa e a m he de e o expand ade n p oduc and e v ce con en w i h he e ms o h Ag eemen . They hall ake app op a e mea u e o encou age and ac l a e he exchange o good and e v ce and o ecu e avo able cond on o long- e m developmen o ade ela on be ween Un ed a e na onal and compan e and Kazakh na onal and o gan za on .

2. The Pa e hall ake app op a e mea u S o encou age he expan on o comme c al con ac w i h a v ew o nc ea ng ade. In h ega d, he Kazakh Pa y expec ha , du ng he e m o h Ag eemen , Kazakh an na onal and o gan za on hall nc ea e he o de n he Un ed a e o p oduc and e v ce , wh le he Un ed a e Pa y an c pa e ha he e ec o h Ag eemen hall be o encou age nc ea ed pu cha e by Un ed a e na onal and compan e o p oduc and e v ce om he Republ c o Kazakh an. Towa d h end, he Pa e hall publ c ze h Ag eemen and en u e ha made ava lable o all n e e ed pa e .

3. The Pa e hall encou age n e e ed na onal , compan e and o gan za on o bo h coun e o look o oppo un e o expand ade n mach ne y, equ pmen and echnolog e , nclud ng c ea on o avo able nanc al cond on o ca y on ade n uch p oduc .

4. Each Pa y hall encou age and ac l a e he hold ng o ade p omo onal even uch a a , exh b on , mi on and emina n e o y and n he e o y o he o he Pa y. mila ly, each Pa y hall encou age and ac l a e he pa c pa on o e pec ve na onal , compan e and o gan za on n uch even . ubjec o he laws n o ce w i h n he e pec ve e o e , he Pa e ag ee o allow he mpo and e-expo on a du y ee ba o all a cle o u e n uch even , p ov ded ha uch a cle a e no old o o he w i e an e ed.

ARTICLE IV

GOVERNMENT COMMERCIAL OFFICE

1. EaSch Pa y hall allow gove nmen comme c al o ce o h e d ec ly ho coun y na onal and, ubjec o law and p ocedu e on en y and e dence o al en , h d coun y na onal .

2. EaSch Pa y hall en u e unh nde ed acce o ho coun y na onal o gove nmen comme c al o ce o he o he Pa y.

3. Each Pa y hall encou age he pa c pa on o na onal and compan e n he ac v e o he e pec ve gove nmen comme c al o ce , e pec ally w i h e pec o even held on he p emi e o uch comme c al o ce .

4. Each Pa y hall c ea e avo able cond on o acce by gove nmen comme c al o ce pe onnel o he o he Pa y o ho coun y o c al a bo h he ede al and o he level , ep e en a ve o a e en e p e , n u e , o e gn ade o gan za on , coope a ve , jo n ven u e and o he o gan za on .

ARTICLE V

BU INE FACILITATION

1. Each Pa y hall pe mi he e abl hmen w i h n S e o y o comme c al ep e en a on o compan e and o gan za on o he o he Pa y and hall acco d uch ep e en a on ea men a lea a avo able a ha acco ded o comme c al ep e en a on o compan e and o gan za on o h d coun e . I e he Pa y acc ed comme c al ep e en a on , ha Pa y hall e abl h p omp ly an exped ed acc ed a on p ocedu e. Th ough h p ocedu e, a cen al acc ed ng au ho y hall exe c e be e o o con de an appl ca on o acc ed a on and, n he ca e o a po ve dec on, o ue a ce ca e o acc ed a on o comme c al ep e en a on o he o he Pa y all w i h n 60 day o he ubmi on o uch appl ca on. The acc ed a on p ocedu e hall be admin e ed w i h a goal o max miz ng he pa c pa on n he ma ke o he acc ed ng Pa y o compan e al eady ope a ng n ha ma ke , new en an and mall compan e . Comme c al ep e en a on o a Pa y acc ed ed h ough he above p ocedu e hall be acco ded ea men no le avo able han ha acco ded o acc ed ed comme c al ep e en a on o h d coun e , excep ha hey hall no be en led o he S a ance o he acc ed ng Pa y n loca ng o ce and e den al pace.

2. Each Pa ha affo d comme cia ep e en a ion of he o he Pa fai and equi ab e ea men wi h e pec o he conduc of hei ope a ion .

3. Each Pa ha pe mi comme cia ep e en a ion of he o he Pa o impo and u e, in acco dance wi h no ma comme cia p ac ice , office and o he equipmen , uch a pew i e , pho ocopie , compu e and e efax machine in connec ion wi h he conduc of hei ac ivi ie in he e i o of uch Pa .

4. Each Pa ha pe mi on a nondi c imina o ba i , a nondi c imina o p ice (whe e uch p ice a e e o con o ed b he ove nmen), comme cia ep e en a ion of he o he Pa acce o office pace and ivin accommoda ion , whe he o no de i na ed fo u e b fo ei ne , a we a e ecommunica ion , municipa and ocia e vice .

5. Each Pa ha pe mi uch comme cia ep e en a ion e ab i hed in i e i o o hi e di ec emp o ee who a e na iona of ei he Pa o of hi d coun ie and o compen a e uch emp o ee on e ms and in a cu enc ha i mu ua a eed be ween he pa ie , con i en wi h uch Pa ' minimum . wa e aws.

6. Each Pa ha pe mi na iona , companie and o aniza ion of he o he Pa o adve i e hei p oduc and e vice (a) h ou h di ec a eemen wi h he adve i in media, inc udin e evi ion, adio, p in and bi boa d, and (b) b di ec mai , inc udin he u e of enc o ed enve ope and ca d p eadd e ed o ha na iona , compan o o aniza ion.

7. Each Pa ha pe mi na iona , companie and o aniza ion of he o he Pa o conduc ma ke udie , ei he di ec o b con ac , wi hin i e i o . To faci i a e he conduc of ma ke e ea ch, each Pa , upon eque of he o he Pa , ha make avai ab e o in e e ed na iona , companie , and o aniza ion of ha Pa , non-confiden ia , non-p op ie a ma ke info ma ion wi hin i po e ion.

8. Each Pa ha pe mi comme cia ep e en a ion o ock and p ovide an adequa e upp of amp e and ep acemen pa fo befo e and af e a e e vice on a noncomme cia ba i .

9. Each Pa ha faci i a e di ec con ac be ween end-u e in i e i o and na iona , companie and o aniza ion of he o he Pa . Each Pa ha c ea e favo ab e condi ion fo di ec con ac be ween i o aniza ion and ove nmen in i u ion who e deci ion affec po en ia a e and pu cha e of ood and e vice and na iona , companie and o aniza ion of he o he Pa . Each Pa ha a o encou a e di ec comme cia an ac ion be ween Kazakh na iona and o aniza ion and U.S. na iona and companie , inc udin ho e which ac f om ei he ide a p oduce , end-u e o bu e .

10. Each Pa ha pe mi na iona , companie and o aniza ion of he o he Pa o en a e and e ve a a en o con u an fo na iona , companie o o aniza ion of ei he Pa and of hi d coun ie on p ice and e ms mu ua a eed be ween he pa ie . Each Pa ha pe mi na iona , companie and o aniza ion of he o he Pa o en a e i na iona , companie and o aniza ion ha ac a di ibu o , p ovided ha uch na iona , companie o o aniza ion a e en i ed o en a e in uch ac ivi ie , on p ice and e ms mu ua a eed be ween he pa ie .

11. Nei he Pa ha impo e mea u e which un ea onab impai con ac ua o p ope i h o o he in e e acqui ed wi hin i e i o b na iona , companie and o aniza ion of he o he Pa .

12. No hin in pa a aph 1, 5 o 10 of hi A ic e ha be in e p e ed o confe an i h unde ei he Pa ' aw and p ocedu e on en and e idence of a ien .

ARTICLE VI

TRANSPARENCY

1. Each Pa ha make avai ab e pub ic on a ime ba i a aws and e u a ion e a ed o comme cia ac ivi , inc udin ade, inve men , axa ion, bankin , in u ance and o he financia e vice , an po and g abo .

2. Each Pa ha p ovide na iona , companie and o ganiza ion of he o he Pa wi h acce o avai ab e non-confiden ia , non-p op ie a da a on he na iona economy and individua ec o , inc uding info ma ion on fo eign ade.

3. Each Pa ha a ow he o he Pa , when in e e ed, he oppo uni o con u on he fo mu a ion of u e and egu a ion which affec he conduc of bu ine ac ivi ie .

A TICLE VII

FINANCIAL P OVISIONS ELATING TO T ADE IN P ODUCTS AND SE VICES

1. Un e o he wi e ag eed be ween he pa ie o individua an ac ion , a comme cia an ac ion be ween Uni ed S a e na iona and companie and Kazakh na iona and o ganiza ion ha be made in Uni ed S a e do a o an o he f ee conve ib e cu enc ha ma be mu ua ag eed upon b uch na iona , companie and o ganiza ion .

2. No e ic ion ha be p aced b ei he Pa upon he expo f om i e i o of f ee conve ib e cu encie , inc uding depo i o in umen ep e en a ive of uch cu encie , ob ained in an au ho ized manne in connec ion wi h ade in p oduc and e vice b na iona , companie and o ganiza ion of he o he Pa .

3. Na iona , companie and o ganiza ion of a Pa ho ding cu enc of he o he Pa eceived in an au ho ized manne ma depo i uch cu enc in au ho ized financia in i u ion oca ed in he e i o of he o he Pa and ma main ain and u e uch cu enc fo oca expen e in acco dance wi h app icab e aw s and egu a ion of he o he Pa .

4. Wi hou de oga ion f om pa ag aph 2, in connec ion wi h ade in p oduc and e vice , each Pa ha g an o na iona , companie and o ganiza ion of he o he Pa mo -favo ed-na ion ea men wi h e pec o:

(a) opening and main aining accoun , in bo h fo eign and oca cu enc , and having acce o fund depo i ed, in financia in i u ion oca ed in he e i o of he Pa ;

(b) pa men , emi ance and an fe of f ee conve ib e cu encie , o financia in umen ep e en a ive he eof, be ween he e i o ie of he wo Pa ie , a we a be ween he e i o of ha Pa and ha of an hi d coun ;

(c) a e of exchange offe ed b financia in i u ion au ho ized o dea in fo eign exchange, and au ho ized mean of ob aining f ee conve ib e cu encie ; and

(d) he eceip and u e of oca cu enc .

A TICLE VIII

P OTECTION OF INTELLECTUAL P OPE TY

1. P oceeding f om he impo ance of in e ec ua p ope and he nece i of i ega p o ec ion o p omo e ade and economic coope a ion and acknow edging he nece i of c ea ing mo e favo ab e condi ion fo adequa e and effec ive ega p o ec ion of in e ec ua p ope and i enfo cemen , he Pa ie have ag eed ha he ha :

(a) en u e in acco dance wi h he p ovi ion of in e na egi a ion, p o ec ion and imp emen a ion of in e ec ua p ope igh , inc uding cop igh on i i e a , cien ific and a i ic wo k inc uding compu e p og ams and da a ba e , pa en and o he igh on inven ion and indu ia de ign , know-how, ade ec e , ade ma k and e vice ma k , ade name , and p o ec ion again unfai compe i ion;

(b) en u e ha hei in e na iona commi men in he fie d of in e ec ua p ope igh a e hono ed. Acco ding , each Pa eaffi ms he commi men made wi h e pec o indu ia p ope in he Pa i Conven ion fo he P o ec ion of Indu ia P ope of Ma ch 30, 1883, a evi ed a S ockho m on Ju 14, 1967 (he "Pa i Conven ion") , and he commi men made wi h e pec o cop igh in he Unive a Cop igh Conven ion of Sep embe 6, 1952; and R

(c) encou e o te n ements between nst tut ons w th n the Un ted St tes nd the Re ubl c of K z khst n to ov de otect on fo ntellectu l o e ty hts.

. To ov de dequ te nd effect ve otect on nd enfo cement of ntellectu l o e ty hts, e ch P ty ees to submit, to the es ect ve le sl t ve bod es, the d ft l ws necess y to c y out the obl t ons of th s A t cle nd to exe t the best effo ts to en ct nd mplement these l ws. In th s connect on, the P t es w ll:

( ) enh nce the co y ht el t ons th ou h dhe ence to the Be ne Convent on fo the P otect on of L te y nd A t st c Wo ks (P s 1971) (the "Be ne Convent on");

(b) ov de co y ht otect on fo compute o ms nd d t b ses s l te y wo ks unde the co y ht l ws;

(c) (1) ov de otect on fo sound eco d n s f st f xed by the es ect ve n t on ls o f st ubl shed n the n t on l te to y;

(c) ( ) such otect on sh ll nclude, mon the min mum hts u nteed to oduce s of these wo ks, ht of e oduct on nd ht of ubl c d st but on nd mpo t t on, nd notw thst nd n the hts of n owne of t cul co y of sound eco d n n such co y, the oduce of sound eco d n sh ll cont nue to enjoy the exclus ve comme c l ent l nd lend n hts n such co y; nd

(c) (3) the P t es ee, th t mmed tely fte both P t es h ve en cted otect on fo sound eco d n s o n t n n the es ect ve te to es, to t ke such ste s s e necess y unde domest c l w to extend such otect on to sound eco d n s o n t n n the othe P ty's te to y;

(d) ov de oduct nd ocess tent otect on fo ll e s of technolo y (exce t the P t es may exclude mate ls useful solely n tomic we ons) fo te m of t 17 le st 0 ye s f om the f l n of n l c t on o t le st 17 ye s f om the nt of the tent; nd

(e) ov de b o d otect on fo t de sec ets.

3. U on the d te when both P t es e membe s of the Be ne Un on, the otect on of wo ks n ex stence o to th t d te sh ll be dete mined n cco d nce w th A t cle 18 of the 1971 P s Act of the Be ne Convent on.

4.2The P t es sh ll nt oduce n the le sl t ve o os ls the nc les enume ted n the s de lette s to th s A eement. These s de lette s sh ll fo m n nte l t of th s A eement.

5. The P t es ee to const tute wo k n ou on ntellectu l o e ty matte s n cco d nce w th the te ms nd fo the u oses set fo th n the s de lette s tt ched he eto.

ARTICLE IX

TRANSIT

E ch P ty sh ll f c l t te the t ns t of oducts o n t n n the te to y of the othe P ty nd t ns o ted v the te to y of the P ty n cco d nce w th the l ws nd e ul t ons n fo ce n the P ty.

ARTICLE X

SUBJECTS FOR FURTHER ECONOMIC COOPERATION

1. The P t es sh ll t ke o te ste s to foste economic coo e t on on s b o d b se s oss ble n ll f elds deemed to be n the mutu l nte est, nclud n w th es ect to st t st cs nd st nd ds.

. The P t es, t k n nto ccount the ow n economic s n f c nce of se v ce ndust es, ee to consult on matte s ffect n the conduct of se v ce bus ness between the two count es nd t cul matte s of mutu l nte est el t n to nd v du l se v ce secto s w th the object ve, mon othe s, of tt n n max mum oss ble ma ket ccess nd l be l z t on.

ARTICLE XI 2

O N

MARKET D I R T AFEG UARD S

1. The arties agree to consult romptly at the request of either arty whenever either actual or ros ective imports of roducts originating in the territory of the other arty cause or threaten to cause or significantly p contribute to market disru tion. Market disru tion exists within a domestic industry whenever

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