Kyrgyzstan Trade Relat ons Agreement

AGREEMENT ON TRADE RELATIONS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KYRGYZSTAN i

The Un ted States of Amer ca and the Republ c of Kyrgyzstan (here nafter referred to collect vely as "Part es" and nd v dually as "Party"),

Recogn z ng that the development of b lateral trade may contr bute to better mutual understand ng and cooperat on,

Tak ng nto account the favorable mpl cat ons for trade expans on of the econom c restructur ng and the development of a market-based economy n Kyrgyzstan,

Cons der ng that expanded trade relat ons between the Part es w ll contr bute to the general well-be ng of the peoples of each Party, and promote respect for nternat onally recogn zed r ghts of work ng people,

Acknowledg ng that the development of trade relat ons and d rect contact between Un ted States nat onals and compan es and Kyrgyz nat onals and compan es w ll promote openness and mutual understand ng,

Cons der ng that econom c t es are an mportant and necessary element n the strengthen ng of the r b lateral relat ons,

Reaff rm ng the r des re to develop econom c cooperat on n accordance w th the pr nc ples and prov s ons of the F nal Act s gned n Hels nk on the lst of August, 1975, and other documents of the Conference on Secur ty and Cooperat on n Europe, and n accordance w th the Document of the Conference on Econom c Cooperat on n Europe held n Bonn n March-Apr l 1990,

Be ng conv nced that an agreement on trade relat ons between the two Part es w ll best serve the r mutual nterests, and

Des r ng to create a framework wh ch w ll foster the development and expans on of commerc al t es between Kyrgyz nat onals and compan es and Un ted States nat onals and compan es,

Have agreed as follows:

ARTICLE I

MOST FAVORED NATION AND NONDISCRIMINATORY TREATMENT

1. Each Party shall accord uncond t onally to products or g nat ng n or exported to the terr tory of the other Party treatment no less favorable than that accorded to l ke products or g nat ng n or exported to the terr tory of any th rd country n all matters relat ng to:

(a) customs dut es and charges of any k nd mposed on or n connect on w th mportat on or exportat on, nclud ng the method of levy ng such dut es and charges;

(b) methods of payment for mports and exports, and the nternat onal transfer of such payments;

(c) rules and formal t es n connect on w th mportat on and exportat on, nclud ng those relat ng to customs clearance, trans t, warehouses and transh pment;

(d) taxes and other nternal charges of any k nd appl ed d rectly or nd rectly to mported products; and

(e) rules concern ng sale, purchase, transport, d str but on, storage and use of products on the domest c market. i

2. Each Pa ha acco d o p oduc o igina ing in o expo ed o he e i o of he o he Pa nondi c imina o ea men wi h e pec o he app ica ion of quan i a ive e ic ion and he g an ing of icen e .

3. Each Pa ha acco d o impo of p oduc and e vice o igina ing in he e i o of he o he Pa nondi c imina o ea men wi h e pec o he a oca ion of he cu enc needed o pa fo uch impo .

4. The p ovi ion of pa ag aph 1 2 and 3 ha no app o:

(a) advan age acco ded b ei he Pa b vi ue of uch Pa ' fu membe hip in a cu oms union o f ee ade a ea;

(b),advan age acco ded o hi d coun ie fo he faci i a ion of f on ie affic;

(c) advan age acco ded o hi d coun ie in acco dance wi h he Gene a Ag eemen on Ta iff and T ade (he "GATT") and advan age acco ded o deve oping coun ie unde he GATT and o he in e na iona ag eemen ; and

(d) ac ion aken unde A ic e XI (Ma ke Di up ion) of hi Ag eemen .

ARTICLE II

GENERAL OBLIGATIONS WITH RESPECT TO MARKET ACCESS FOR PRODUCTS AND SERVICES

1. Recognizing he mu ua benefi o ade e a ion on he ba i of hi Ag eemen and con i en wi h he mo favo ed na ion p incip e exp e ed in A ic e I he Pa ie ha on he ba i of ecip oci and wi hou de imen o e a ion wi h hi d coun ie imp ove ma ke acce fo p oduc and e vice of he o he Pa and op imize mu ua comme cia oppo uni ie inc uding h ough he a i fac o ecip oca ion of ma ke opening mea u e e u ing f om mu i a e a nego ia ion . Taking he above in o accoun and e u ing f om he deve opmen of ma ke mechani ms in K g z an and i c o e e a ion hip wi h he GATT oppo uni ie ha be c ea ed o inc ea e ep-b - ep na iona ea men fo p oduc and e vice of he Uni ed S a e .

2. T ade in p oduc and e vice ha be effec ed b con ac be ween na iona and companie of he K g z an and na iona and companie of Uni ed S a e conc uded in he exe ci e of hei independen comme cia judgmen and on he ba i of cu oma comme cia con ide a ion uch a p ice qua i de ive and e ms of pa men .

3. Nei he Pa ha equi e o encou age K g z na iona and companie o U.S. na iona and companie o engage in ba e o coun e ade an ac ion .

Neve he e whe e na iona o companie decide o e o o coun e ade ope a ion he Pa ie wi encou age hem o fu ni h o each o he a nece a info ma ion o faci i a e he an ac ion.

4. Each Pa ha acco d p oduc impo ed f om he e i o of he o he Pa ea men no e favo ab e han ha acco ded o ike p oduc o igina ing in an hi d coun in e a ion o echnica egu a ion and anda d inc uding confo mi e ing and ce ifica ion. Fu he mo e he Pa ie ha en u e ha uch echnica egu a ion and anda d a e no p epa ed adop ed o app ied in a di c imina o manne wi h a view o c ea ing ob ac e o bi a e a ade o o p o ec dome ic p oduc ion.

ARTICLE III

EXPANSION AND PROMOTION OF TRADE

1. The Pa ie affi m hei de i e o expand ade in p oduc and e vice con i en wi h he e ms of hi Ag eemen . The ha ake app op ia e mea u e o encou age and faci i a e he exchange of good and e vice and o ecu e favo ab e condi ion fo ong- e m deve opmen of ade e a ion be ween Uni ed S a e na iona and companie and K g z o ganiza ion .

2. The Pa ie ha ake app op ia e mea u e o encou age he expan ion of comme cia con ac wi h a view o inc ea ing ade. In hi ega d he K g z Pa expec ha du ing he e m of hi Ag eemen K g z ,

nationals an o ani s shall in r as th ir or rs in th Unit Stat s for ro u ts an s rvi s, whil th Unit Stat s Party anti i at s that th ff t of this Agr nt shall b to n ourag in r as ur has s by Unit Stat s nationals an o ani s of ro u ts an s rvi s from Kyrgyzstan. Towar this n , th Parti s shall ubli iz this Agr nt an nsur that it is ma availabl to all int r st arti s.

. Th Parti s shall n ourag int r st nationals an o ani s of both ountri s to look for o ortuniti s to x an tra in hin ry, qui nt an t hnologi s, in lu ing r ation of favorabl finan ial on itions to arry on tra in su h ro u ts.

4. Ea h Party shall n ourag an fa ilitat th hol ing of tra romotional v nts su h as fairs, xhibitions, missions an s nars in its t rritory an in th t rritory of th oth r Party. Similarly, a h Party shall n ourag an fa ilitat th a arti i ation of its r s tiv nationals an o ani s in su h v nts. Subj t to th laws in for within th ir r s tiv t rritori s, th Parti s agr to allow th i ort an r - x ort on a uty fr basis of all arti l s for us in su h v nts, rovi that su h arti l s ar not sol or oth rwis transf rr .

ARTICLE IV i

GOVERNMENT COMMERCIAL OFFICES

1. Ea h Party shall allow gov rn nt o r ial offi s to hir ir tly host ountry nationals an , subj t to its laws an ro ur s on ntry an r si n of ali ns, thir ountry nationals.

2. Ea h Party shall nsur unhin r a ss of host ountry nationals to gov rn nt o r ial offi s of th oth r Party. 3

. Ea h Party shall n ourag th arti i ation of its nationals an o ani s in th a tiviti s of th ir r s tiv gov rn nt o r ial offi s, s ially with r s t to v nts h l on th r mis s of su h o r ial offi s.

4. Ea h Party shall r at favorabl on itions for a ss by gov rn nt o r ial offi rsonn l of th oth r Party to host ountry offi ials at both th f ral an oth r l v ls, r r s ntativ s of stat nt r ris s, institut s, for ign tra organizations, oo rativ s, joint v ntur s an oth r organizations.

ARTICLE V

BUSINESS FACILITATION

1. Ea h Party shall rmit th stablish nt within its t rritory of o r ial r r s ntations of o ani s of th oth r Party an shall a or su h r r s ntations tr at nt at l ast as favorabl as that a or to o r ial r r s ntations of o ani s an organizations of thir ountri s. If ith r Party a r its o r ial r r s ntations, that Party shall stablish ro tly an x it a r itation ro ur . Through this ro ur , a ntral a r iting authority shall x r is its b st fforts to onsi r an a li ation for a r itation an , in th as of a ositiv ision, to issu a rtifi at of a r itation to o 3 r ial r r s ntations of th oth r Party all within 60 ays of th sub ssion of su h a li ation. Th a r itation ro ur shall b a minist r with a goal of ximizing th arti i ation in th mark t of th a r iting Party of o ani s alr a y o rating in that mark t, n w ntrants an small o ani s. Co 3 r ial r r s ntations of a Party a r it through th abov ro ur shall b a or tr at nt no l ss favorabl than that a or to a r it o r ial r r s ntations of thir ountri s, x t that th y shall not b ntitl to th assistan of th a r iting Party in lo ating offi an r si ntial s a .

2. Ea h Party shall affor o r ial r r s ntations of th oth r Party fair an quitabl tr at nt with r s t to th on u t of th ir o rations. 3

. Ea h Party shall rmit o r ial r r s ntations of th oth r Party to i ort an us in a or an with normal o r ial ra ti s, offi an oth r qui nt, su h as ty writ rs, hoto o i rs, o ut rs an t l fax ma hin s in onn tion with th on u t of th ir a tiviti s in th t rritory of su h Party. 3

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 gove nmen), comme cia ep e en a ion of he o he Pa acce o office pace and iving accommoda ion , whe he o no de igna ed fo u e b fo eigne , 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 ag eed be ween he pa ie , con i en wi h uch Pa ' minimum wage aws.

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

7. Each Pa ha pe mi na iona and companie 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 and companie 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 non-comme 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 and companie 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 ganiza ion and gove nmen in i u ion who e deci ion affec po en ia a e and pu cha e of good and e vice and na iona and companie of he o he Pa . Each Pa ha a o encou age di ec comme cia an ac ion be ween K g z na iona and companie and U.S. na iona and companie , inc uding 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 and companie of he o he Pa o engage and e ve a agen o con u an fo na iona o companie of ei he Pa 6 and of hi d coun ie on p ice and e ms mu ua ag eed be ween he pa ie . Each Pa ha pe mi na iona and companie of he o he Pa o engage i na iona and companie ha ac a di ibu o , p ovided ha uch na iona o companie a e en i ed o engage in uch ac ivi ie , on p ice and e ms mu ua ag 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 igh o o he in e e acqui ed wi hin i e i o b na iona and companie of he o he Pa .

12. No hing in pa ag aph 1, 5 o 10 of hi A ic e ha be in e p e ed o confe an igh 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 aw s and egu a ion e a ed o comme cia ac ivi , inc uding ade, inve men , axa ion, banking, in u ance and o he financia e vice , an po and abo .

2. Each Pa ha p ovide na iona and companie 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 .

ARTICLE VII

FINANCIAL PROVISIONS RELATING TO TRADE IN PRODUCTS AND SERVICES 6

1. Unless e se ag eed be en e pa ies individual ansac i ns, all c mme cial ansac i ns be en Ky gyz na i nals and c mpanies and Uni ed S a es na i nals and c mpanies s all be made in Uni ed S a es d lla s any i e f eely c nve ible cu ency a may be mu ually ag eed up n by suc na i nals and e c mpanies.

2. N es ic i ns s all be placed by ei e a y up n e exp f m i s e i y f f eely c nve ible cu encies, including dep si s ins umen s ep esen a ive f suc cu encies, b ained in an au ized manne in c nnec i n ade in p duc s and se vices by na i nals and c mpanies f e e a y.

3. Na i nals and c mpanies f a a y lding cu ency f e e a y eceived in an au ized manne may dep si suc cu ency in au ized financial ins i u i ns l ca ed in e e i y f e e a y and may main ain and use suc cu ency f l cal expenses in acc dance applicable la and egula i ns f e e a y.

4. Wi u de ga i n f m pa ag ap 2, in c nnec i n ade in p duc s and se vices, eac a y s all g an na i nals and c mpanies f e e a y mos -fav ed-na i n ea men espec :

(a) pening and main aining acc un s, in b f eign and l cal cu ency, and aving access funds dep si ed, in financial ins i u i ns l ca ed in e e i y f e a y;

(b) paymen s, emi ances and ansfe s f f eely c nve ible cu encies, financial ins umen s ep esen a ive e e f, be en e e i ies f e a ies, as ll as be en e e i y f a a y and a f any i d c un y;

(c) a es f exc ange ffe ed by financial ins i u i ns au ized deal in f eign exc ange, and au ized means f b aining f eely c nve ible cu encies; and

(d) e eceip and use f l cal cu ency.

ARTICLE VIII

ROTECTION OF INTELLECTUAL RO ERTY

1. ceeding f m e imp ance f in ellec ual p pe y and e necessi y f i s legal p ec i n p mo e ade and ec n mic c pe a i n and ackn edging e necessi y f c ea ing mo e fav able c ndi i ns f adequa e and effec ive legal p ec i n f in ellec ual p pe y and i s enf cemen , e a ies ave ag eed a ey s all:

(a) ensu e in acc dance e p visi ns f in e nal legisla i n, p ec i n and implemen a i n f in ellec ual p pe y ig s, including c py ig n li e a y, scien ific and a is ic ks including c mpu e p g ams and da a bases, pa en s and e ig s n inven i ns and indus ial designs, kn P ade sec e s, ade ma ks and se vice ma ks, ade names, and p ec i n agains unfai c mpe i i n;

(b) ensu e a ei in e na i nal c mmi men s in e field f in ellec ual p pe y ig s a e n ed. Acc dingly, eac a y eaffi ms e c mmi men s made espec indus ial p pe y in e a is C nven i n f e ec i n f Indus ial pe y f Ma c 30, 1883, as evised a S ck lm n July 14, 1967 (e " a is C nven i n"), and e c mmi men s made espec c py ig in e Unive sal C py ig C nven i n f Sep embe 6, 1952; and

(c) enc u age app p ia e a angemen s be en ins i u i ns in Ky gyzs an and e Uni ed S a es p vide p ec i n f in ellec ual p pe y ig s.

2. T p vide adequa e and effec ive p ec i n and enf cemen f in ellec ual p pe y ig s, eac a y ag ees submi , ei espec ive legisla ive b dies, e d af la necessa y ca y u e bliga i ns f is A icle and exe ei bes eff s enac and implemen ese la . In is c nnec i n, e a ies ll:

(a) en ance ei c py ig ela i ns ug ad e ence e Be ne C nven i n f e ec i n f Li e a y and A is ic Wo ks (a is 1971) (e "Be ne C nven i n"); P

(b) prov   op r ght prot t on for omput r programs an   ata bas s as l t rar works un   r th r op r ght laws;

( ) (1) prov   prot t on for soun r or ngs f rst f x   b th r r sp t v nat onals or f rst publ sh   n th r nat onal t rr tor ;

( ) (2) su h prot t on shall n lu , among th min mum r ghts guarant   to pro u rs of th s works, a r ght of r pro u t on an a r ght of publ   str but on an   mportat on, an notw thstan ng th r ghts of an own r of a part ular op of a soun r or ng n su h op , th pro u r of a soun r or ng shall ont nu to njo th x lus v   ommer al r ntal an l n ng r ghts n su h op ; an

( ) ( ) th Part s agr , that mme at l aft r both Part s hav   na t   prot t on for soun r or ngs or g nat ng n th r r sp t v t rr tor s, to tak su h st ps as ar n   ssar un r omest law to xt n su h prot t on to soun r or ngs or g nat ng n th oth r Part 's t rr tor ;

( ) prov   pro u t an pro ss pat nt prot t on for all ar as of t hnolog (x pt th Part s ma   x lu mat r als us ful sol l   n atomi weapons) for a t rm of at l ast 20   ars from th f l ng of an appl at on or at l ast 17   ars from th grant of th pat nt; an

( ) prov   broa prot t on for tra   s r ts.

. Upon th   at wh n both Part s ar memb rs of th B rn Un on, th prot t on of works n x st n   pr or to that at shall b   t rmin   n a or an   w th Art l 18 of th 1971 Par s A t of th B rn Conv nt on.

4. Th Part s shall ntro u   n th r l g slat v proposals th pr n pl s numerat   n th s   l tt rs to th s Agr ment. Th s s   l tt rs shall form an nt gral part of th s Agr ment.

5. Th Part s agr   to onst tut a work ng group on nt ll tual prop rt matt rs n a or an   w th th t rms an for th purpos s s t forth n th s   l tt rs atta h   h r to.

ARTICLE IX

TRANSIT

Ea h Part shall fa l tat th trans t of pro u ts or g nat ng n th t rr tor of th oth r Part an transport   v a th t rr tor of th Part   n a or an   w th th laws an r gulat ons n for   n th Part .

ARTICLE X

SUBJECTS FOR FURTHER ECONOMIC COOPERATION

1. Th Part s shall tak appropr at st ps to fost r   onomi   oop rat on on as broa a bas as poss bl   n all f l s   me to b   n th r mutual nt r st, n lu ng w th r sp t to stat st s an stan ar s.

2. Th Part s, tak ng nto a ount th grow ng   onomi s gn f an   of s rv   n ustr s, agr   to onsult on matt rs aff t ng th   on u t of s rv   bus n ss b tw e n th two ountr s an part ular matt rs of mutual nt r st r lat ng to n v ual s rv   s tors w th th obj t v , among oth rs, of atta n ng max mum poss bl mark t a   ss an l b ral zat on.

ARTICLE XI

MARKET DISRUPTION SAFEGUARDS

1. Th Part s agr   to onsult promptl at th r qu st of th r Part wh n v r th r a tual or prosp t v mports of pro u ts or g nat ng n th t rr tor of th oth r Part   aus or thr at n to aus or s gn f antl ontr but to mark t srupt on. Mark t srupt on x sts w th n a omest   n ustr wh n v r mports of an art l , l k or r tl   omp t t v w th an art l pro u   b su h omest   n ustr , ar   n r as ng rap l , 3 th r absolut l or r lat v l , so as to b a s gn f ant aus of mat r al njur , or thr at th r of, to su h omest   n ustr .

2. The co a io provided for i paragraph I ha have he objec ive of (a) pre e i g a d exami i g he fac or re a i g o ch impor ha may be ca i g or hrea e i g o ca e or ig ifica y co rib i g o marke di r p io , a d (b) fi di g mea of preve i g or remedyi g ch marke di r p io . ch co a io ha be co c ded wi hi ix y day from he da e of he req e for ch co a io , e he Par ie o herwi e agree.

3. U e a differe o io i mu a y agreed po d ri g he co a io , he impor i g Par y may (a) impo e q a i a ive impor imi a io , ariff mea re or a y o her re ric io or mea re i deems appropria e, a d for ch period of ime i deems ece ary, o preve or remedy hrea e ed or ac a marke di r p io , a d (b) ake appropria e mea re o e re ha impor from he erri ory of he o her Par y comp y wi h ch q a i a ive imi a io or o her re ric io i rod ced i co ec io wi h marke di r p io . I hi eve , he o her Par y ha be free o devia e from i ob iga io der hi Agreeme wi h re pec o b a ia y eq iva e rade.

4. Where i he j dgme of he impor i g Par y, emerge cy ac io i ece ary o preve or remedy ch marke di r p io , he impor i g Par y may ake ch ac io a a y ime a d wi ho prior co a io provided ha ch co a io ha be req e ed immedia e y hereaf er.

5. I he e ec io of mea re der hi Ar ic e, he Par ie ha e deavor o give priori y o ho e mea re which ca e ea di rba ce o he achieveme of he goa of hi Agreeme .

6. The Par ie ack ow edge ha he e abora io of he marke di r p io afeg ard provi io i hi Ar ic e i wi ho prej dice o he righ of ei her Par y o app y aw s app icab e o fair rade.

7. Each Par y ha e re ha i dome ic egi a io a d proced re for de ermi i g marke di r p io are ra pare a d afford affec ed par ie a oppor i y o bmi heir views.

ARTICLE XII

DI PUTE ETTLEMENT

1. Na io a a d compa ie of ei her Par y ha be accorded a io a rea me wi h re pec o acce o a co r a d admi i ra ive bodie i he erri ory of he o her Par y, a p ai iff , defe da or o herwi e. They ha o c aim or e joy immu i y from i or exec io of j dgme , proceedi g for he recog i io a d e forceme of arbi ra award or o her iabi i y i he erri ory of he o her Par y wi h re pec o commercia ra ac io ; hey a o ha o c aim or e joy immu i ie from axa io wi h re pec o commercia ra ac io , excep a may be provided i o her bi a era agreeme .

2. The Par ie e co rage he adop io of arbi ra io for he e eme of di p e ari i g o of commercia ra ac io co c ded be wee a io a a d compa ie of he U i ed a e a d a io a a d compa ie of Kyrgyz a . ch arbi ra io may be provided for by agreeme i co rac be wee ch a io a a d compa ie or i epara e wri e agreeme be wee hem.

3. The par ie o i divid a ra ac io may provide for arbi ra io der a y i er a io a y recog ized arbi ra io r e , i c di g he UNCITRAL R e i which ca e he par ie ho d de ig a e a Appoi i g A hori y der aid R e i a co ry o her ha Kyrgyz a or he U i ed a e .

4. U e o herwi e agreed be wee he par ie , he par ie ho d pecify a he p ace of arbi ra io a co ry, o her ha he U i ed a e or Kyrgyz a , ha i a par y o he U.N. Co ve io o he Recog i io a d E forceme of Foreig Arbi ra Award , ig ed i New York, J e 10, 1958.

5. No hi g i hi Ar ic e ha be co r ed o preve , a d he Par ie ha o prohibi , he par ie from agreei g po a y o her form of arbi ra io or di p e e eme which hey mu a y prefer a d agree be i heir par ic ar eed .

6. Each Par y ha e re ha a effec ive mea exi wi hi i erri ory for he recog i io a d e forceme of arbi ra award . S

ARTICLE III

ATI AL EC RITY

The provisions of this Agreement shall not limit the right of either Party to ta e any action for the protection of its security interests.

ARTICLE IV

C LTATI

1. The Parties agree to consult periodically within the framewor of the Joint Kyrgyzstan- Commercial Commission to review the operation of this Agreement, if and when established.

2. The Parties agree to consult promptly through appropriate channels at the request of either Party to discuss any matter concerning the interpretation or implementation of this Agreement and other relevant aspects of the relations between the Parties

ARTICLE V

DEFI ITI

1. As used in this Agreement, the terms set forth below shall have the following meaning:

(a) "company," means any ind of corporation, company, association, sole proprietorship or other organization legally constituted under the laws and regulations of a Party or an internal subdivision thereof, whether or not organized for pecuniary gain or privately or governmentally owned; provided that, either Party reserves the right to deny any company the advantages of this Agreement if nationals of any third country control such a company and, in the case of a company of the other Party, that company has no substantial business activities in the territory of the other Party or is controlled by nationals of a third country with which the denying country does not maintain normal economic relations.

(b) "commercial representation," means a representation of a company or organization of a Party.

(c) "national," means a natural person who is a national of a Party under its applicable law.

ARTICLE VI

GE ERAL E CEPTI

1. ubject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prohibit the adoption or enforcement by a Party of:

(a) measures necessary to secure compliance with laws or regulations which are not contrary to the purposes of this Agreement;

(b) measures for the protection of intellectual property rights and the prevention of deceptive practices as set out in Article VIII of this Agreement (and related side letters); or

(c) any other measure referred to in Article of the GATT.

ARTICLE VII

E TRY I T F CE, TERM A D TERMI ATI

1. This Agreement (including its side letters which form an integral part of the Agreement) shall enter into force upon an exchange of diplomatic notes in which the Parties notify each other that all necessary legal requirements for entry into force have been fulfilled and shall remain in force as provided in this Article.

2. The initial term of this Agreement shall be three years, subject to paragraph 4 below. k

3. This A , t shall b xt d d fo succ ssiv t ms of th y a s ach u l ss ith Pa ty has iv w itt otic to th oth Pa ty of its i t t to t mi at this A , t at l ast 30 days p io to th xpi atio of th th cu t t m.

4. Eith Pa ty ma y t mi at this A , t upo sixty days w itt otic to th oth Pa ty a d i such cas th Pa ti s will to th full st xt t p acticabl s k to mi i mi z possibl dis uptio to th i t ad latio s.

IN WITNESS WHEREOF th u d si d b i duly autho iz d hav si d this A , t.

DONE at Washi to this 8th day of May 1992 i duplicat i th E lish a d Russia la ua s both t xts b i qually auth tic. A Ky yz la ua t xt shall b p pa d which shall b co sid d qually auth tic upo a xcha of diplo tic ot s co fi mi its co fo mi ty with th E lish la ua t xt. ,

FOR THE UNITED STATES OF AMERICA:

FOR THE REPUBLIC OF KYRGYZSTAN:

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