

DEPARTMENT OF FOREIGN AFFAIRS AND TRADE
CANBERRA

**Agreement between the Government of Australia
and the Government of the Republic of Kazakstan
on Economic and Commercial Cooperation**

(Almaty, 7 May 1997)

Not yet in force
[2003] ATNIF 17

AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE
GOVERNMENT OF THE REPUBLIC OF KAZAKSTAN ON ECONOMIC AND
COMMERCIAL COOPERATION

THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE REPUBLIC OF KAZAKSTAN (hereinafter referred to as "the Parties")

DESIRING to further promote and expand mutually beneficial trade and economic cooperation between their two countries,

HAVING REGARD to their respective international rights and obligations,

HAVE AGREED as follows:

Article 1

The Parties shall, subject to the laws and regulations of their respective countries, take all appropriate measures to facilitate, strengthen and diversify trade between their countries in respect of both traditional and potential exports with the aim of achieving a sustained expansion of mutually beneficial trade.

Article 2

1. To advance the objectives of Article 1, the Parties shall encourage and facilitate:
 - (a) the negotiation of commercial contracts between relevant commercial enterprises and organisations of their two countries;
 - (b) the development of industrial and technical cooperation between relevant commercial enterprises and organisations of the two countries;
 - (c) the interchange including from agriculture and agribusiness industry sectors of commercial, technical and training representatives, groups and delegations between the two countries; and
 - (d) the holding of, and participation in, trade fairs, trade exhibitions and other promotional activities in the field of trade and technology in each country by enterprises and organisations of the other country.

2. In encouraging and facilitating activities under Article 2, the Parties should encourage legal and natural persons to have due regard to the protection of intellectual property in their commercial relations.

Article 3

The Parties shall grant each other most favoured nation treatment in all respects concerning customs duties, internal taxes or other charges imposed on or in connection with imported goods, customs and other related formalities, regulations and procedures, in the issue of import and export licences and any provision of foreign exchange connected therewith.

Article 4

The provisions of Article 3 shall not apply to preferences or advantages accorded by each Party under an established preference system or in accordance with any agreement or arrangement constituting or leading to the establishment of a free trade area or a customs union; or accorded to other countries in order to facilitate frontier traffic.

Article 5

Each Party shall in accordance with the existing laws and regulations of its country, exempt from payment of import duties and taxes articles for display at fairs and exhibitions as well as samples of goods for advertising purposes imported from the country of the other. Such articles and samples shall not be disposed of in the country into which they are imported without the prior approval of the competent authorities of that country and the payment of the appropriate import duties and taxes, if any.

Article 6

All payments arising from trade between Australia and the Republic of Kazakhstan shall be effected in mutually acceptable convertible currency subject to the foreign exchange regulations in force from time to time in the two countries. This does not preclude Australian and Kazakstani legal and natural persons entering by mutual agreement into other payment arrangements.

Article 7

1. The Parties shall encourage, subject to their respective laws, the use of alternative dispute resolution procedures, including arbitration, for the resolution of disputes arising out of commercial contracts between commercial enterprises of the respective countries.
2. Any dispute between the Parties relating to the interpretation or implementation of this Agreement shall be resolved, without unreasonable delay, by friendly consultations and negotiations.

Article 8

The Parties agree to encourage and develop a close and constructive dialogue, so as to facilitate the development of bilateral trade, investment and commercial contacts. To this end the Parties shall encourage and facilitate:

- (a) appropriate contact of commercial missions with Government and commercial parties in both countries;
- (b) periodic meetings of Governments, including sessions of a Joint Commission, to discuss including with reference to the agriculture and agribusiness industry sectors the development and enhancement of bilateral trade relations and to seek solutions to any problems that may arise in the course of development of trading relations between the two countries.

Article 9

This Agreement shall enter into force on the latter of the two dates in which the Parties shall have notified each other that their domestic requirements for the entry into force of this Agreement have been satisfied. It shall remain in force for an initial period of five years and thereafter it shall remain in force until the expiration of ninety days from the date on which either Party receives from the other written notice of its desire to terminate the Agreement.

Article 10

Amendments to this Agreement or its termination shall in no way affect the contracts previously concluded between enterprises of the Parties.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed this Agreement.

DONE at Almaty on this 7th day of May in the year 1997, in duplicate, in the English and Kazak languages, both texts being equally authentic.

FOR THE GOVERNMENT OF
AUSTRALIA:

[Signed:]
DOUGLAS TOWNSEND

FOR THE GOVERNMENT OF
THE REPUBLIC OF KAZAKSTAN:

[Signed:]
K TOKAEV