

WORLD TRADE ORGANIZATION

RESTRICTED

WT/REG73/4/Add.1
WT/REG74/4/Add.1
WT/REG75/4/Add.1
WT/REG76/4/Add.1
WT/REG81/4/Add.1

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Committee on Regional Trade Agreements

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FREE TRADE AGREEMENTS BETWEEN THE KYRGYZ REPUBLIC AND THE RUSSIAN FEDERATION, UKRAINE, UZBEKISTAN, MOLDOVA, KAZAKSTAN

Questions and Replies

Addendum

This document reproduces additional questions addressed to the Kyrgyz Republic and the responses submitted.

I. BACKGROUND INFORMATION ON THE AGREEMENT

3. Scope

With regard to Question 3 (WT/REG73-76, 81/4), the Kyrgyz Republic replies that “it does not maintain exceptions to any of the Bilateral Free Trade Agreements (FTAs),” but it does not refer to other contracting parties. Do other contracting parties maintain such exceptions? In addition, FTAs with Russia, Uzbekistan and Kazakhstan states that there are provisions on Protocol of Exceptions to the Agreement. Does this mean that there will be a possibility of establishing exceptions in these three Agreements?

The Kyrgyz Republic believes that the trade policies of other contracting parties shall be considered in respective accession working parties.

According to paragraph 10 of the Protocol of 2 April 1999 (WT/REG82/1, page 19), the Parties to the Commonwealth of Independent States (CIS) FTA agreed not to introduce new restrictions in mutual trade.

4. Trade Data

Could the Kyrgyz Republic please provide a basic table setting out the percentage of trade covered by each Bilateral Agreement, for each Party to the Agreements?

Information on percentage of trade covered by each Agreement, for each Party to the Agreement is provided in documents: WT/REG73/3; WT/REG74/3; WT/REG75/3; WT/REG76/3; and WT/REG81/3.

II. TRADE PROVISIONS

1. Import Restrictions

Can the Kyrgyz Republic please confirm that by virtue of the Agreements, the Kyrgyz Republic has eliminated all import duties and other restrictive regulations of commerce on all products from each party to each of the five Agreements?

Currently, the Kyrgyz Republic applies no import duties and other restrictive regulations of commerce on all products from each party to each of the five Agreements.

5. Safeguards

We appreciate the response from the Parties on safeguard measures in WT/REG73-76, 81/4, but it would further be appreciated if the Parties could confirm that they shall not apply safeguard measures internally due to no specific provisions. Or does it mean that since there are no provisions on safeguard measures, the Parties will be left to decide on whether to apply safeguard measures or not?

Since there are no provisions in the Agreements which exempt each Party when applying global safeguard measures, the Parties are left to decide on whether to apply safeguard measures or not. According to the Kyrgyz Law on Safeguards of 30 October 1998, safeguard measures are applied on imports from all countries without exemptions.

6. Anti-Dumping and Countervailing Measures

With regard to your reply on Question 14 in WT/REG73-76, 81/4, could the Kyrgyz Republic confirm that "nothing in the Agreements prevent Parties from applying anti-dumping and countervailing measures among themselves", which implies that there is a possibility of applying the anti-dumping and countervailing measures among themselves.

Yes.

With regard to your reply on Question 4 in WT/REG73-76, 81/4, it is explained that “the Protocol on Exceptions dated 12 July 1994 is no longer valid,” and “there are no exceptions to the Free Trade Agreement between the Kyrgyz Republic and the Russian Federation”. Although, in the replies to Questions 15 and 19 of that same document, the Kyrgyz Republic explains that under Free Trade Agreements between the Kyrgyz Republic and respectively the Russian Federation and Kazakhstan, anti-dumping measures and countervailing measures can be introduced in accordance with the provisions of the “Protocol on Mechanism of Application of Special Safeguards, Antidumping and Countervailing Measures.” On the other hand, Free Trade Agreements between the Kyrgyz Republic and Ukraine, Uzbekistan, Moldova states that anti-dumping and countervailing measures could be introduced in accordance with the provisions provided in the CIS FTA (Reply to Questions 16, 17 and 18). Thus, the Kyrgyz Republic’s five Free Trade Agreements have complicated relations with the CIS FTA and the Customs Union enabling the transparency on trade rules. We would like to know whether the Kyrgyz Republic has any intention to streamline these provisions under these Agreements.

Anti-dumping and countervailing measures between the Customs Union Members are applied according to the “Protocol on the Mechanism of Application of Special Safeguards, Antidumping and Countervailing Measures”. Such measures are applied between the Kyrgyz Republic and other

members of the CIS FTA (which are not members of the Customs Union) in accordance with Article 13(a) of the CIS FTA. The Kyrgyz Republic believes that this is more transparent in comparison to the situation where each of the Bilateral Agreements would have separate procedures for the application of anti-dumping and countervailing measures.

III. GENERAL PROVISIONS OF THE AGREEMENT

4. Relations with other Trade Agreements

In light of the overlapping membership between several of the agreements, what is the nature of the relationship between the Customs Union Agreement, the Bilateral Agreements and the CIS Agreement (agenda items DI.-VII.)? Does the Kyrgyz Republic intend to coordinate the various Agreements? If so, could the Kyrgyz Republic please provide details?

The CIS FTA and bilateral FTAs of the Kyrgyz Republic with Kazakhstan, Moldova, the Russian Federation, Ukraine and Uzbekistan are separate legal documents and each Agreement shall be judged on its own merit. The free trade provisions of the Customs Union Agreements are based on bilateral and multilateral free trade area agreements between the Parties. Free trade regime with no exceptions and restrictions is applied in trade between the Parties to the Customs Union under the bilateral and multilateral agreements on free trade. Currently there are no intentions to coordinate the Agreements. Developments in the creation of the EuroAsian Economic Community may affect some of the free trade agreements.
