

No. 8656

**NEW ZEALAND
and
REPUBLIC OF KOREA**

**Trade Agreement (with agreed minutes). Signed at Seoul,
on 31 January 1967**

Official texts : English and Korean.

Registered by New Zealand on 22 June 1967.

**NOUVELLE-ZÉLANDE
et
RÉPUBLIQUE DE CORÉE**

**Accord commercial (avec procès-verbal d'accord). Signé à
Séoul, le 31 janvier 1967**

Textes officiels anglais et coréen.

Enregistré par la Nouvelle-Zélande le 22 juin 1967.

No. 8656. TRADE AGREEMENT¹ BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE REPUBLIC OF KOREA. SIGNED AT SEOUL, ON 31 JANUARY 1967

The Government of New Zealand and the Government of the Republic of Korea, desiring to further economic relations between the two countries and to facilitate, maintain and increase trade between them to the highest possible level for their mutual benefit,

Have agreed as follows .

Article I

1. The Government of each country shall accord to the other country unconditional most-favoured-nation treatment in all matters with respect to customs duties and charges of any kind imposed on or in connection with importation or exportation of products or imposed on or in connection with the international transfer of payments for imports or exports, with respect to the method of levying such duties and charges, with respect to all rules and formalities connected with importation or exportation, with respect to all internal taxes or other internal charges of any kind imposed on or in connection with imported or exported products and with respect to all laws, regulations and requirements affecting internal sale, offering for sale, purchase, distribution or use of imported products.

2. Accordingly, all goods the produce or manufacture of either country, on importation into the territory of the other country, shall not be subject, in regard to the matters referred to in paragraph 1 of this Article, to any other or higher duties, taxes or charges, or to any rules or formalities less favourable, than those to which the like goods of any third country are or may hereafter be subject.

3. Similarly, all goods the produce or manufacture of either country, on exportation from the territory of that country and consigned to the territory of the other country, shall not be subject, in regard to the matters referred to in paragraph 1 of this Article, to any other or higher duties, taxes or charges, or to any rules or formalities less favourable, than those to which the like goods when consigned to the territory of any third country are or may hereafter be subject

¹ Came into force on 31 January 1967, upon signature, in accordance with article IX.

4. Any advantage, favour, privilege or immunity which has been or may hereafter be granted by the Government of either country in regard to the matters referred to in paragraph 1 of this Article to any product originating in or consigned to the territory of any third country shall be accorded immediately and unconditionally to the like product originating in or consigned to the territory of the other country.

Article II

1. With respect to prohibitions or restrictions, whether made effective through quotas, import or export licences or other measures, instituted or maintained by the Government of either country on the importation of any product of the other country or on the exportation or sale for export of any product destined for the other country no such prohibition shall be applied unless a like prohibition is applied to the importation of such product from, or the exportation or sale for export of such product to, all third countries ; such restrictions shall be formulated and administered in such a way as to accord to the importation of products originating in, or the exportation or sale for export of products destined for, the other country, treatment no less favourable than that accorded to the importation of like products originating in, or exportation or sale for export of like products destined for, any third country.

2. In the allocation of foreign exchange for transactions involving the importation or exportation of goods, and in the administration of foreign exchange restrictions in relation to such transactions, the Government of each country shall accord to the importation of any product originating in, or the exportation or sale for export of any product destined for, the other country treatment no less favourable than it accords to the importation of such product from or exportation or sale for export to, any third country.

3. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, each Government may take such measures as are necessary to safeguard its external financial position and balance of payments.

Article III

1. The provisions of Articles I and II of this Agreement shall not apply to :
(a) any preferences or advantages which have been or may be accorded by the Government of the Republic of Korea in respect of imports under the military and economic aid programmes of any foreign government, corporation or association, or of the United Nations and its Specialised Agencies ;

- (b) any preferences or advantages which have been or may be accorded by the Government of New Zealand to any present or former country or territory of the Commonwealth of Nations or to the Republic of Ireland or Western Samoa ;
- (c) any preferences or advantages accorded by either Government to any third country, which are not inconsistent with the General Agreement on Tariffs and Trade or which conform with any international agreement concluded under the auspices of the United Nations, including preferences or advantages resulting from the association of either Government in a customs union or free trade area ,
- (d) any measures taken by either Government to carry out its obligations under any multilateral commodity agreement which is open to participation by both parties to this Agreement

2. The provisions of this Agreement :

- (a) shall not be regarded as conferring any more favourable treatment on the trade of either country than the Government of the other country is entitled or obliged to accord to the trade of those countries in respect of which it applies the General Agreement on Tariffs and Trade ; and
- (b) shall not be construed so as to derogate from the rights and obligations that either Government has or may have as a Contracting Party to the General Agreement on Tariffs and Trade or to any multilateral agreement amending or supplementing it

Article IV

The provisions of this Agreement shall not limit the right of either Government to apply prohibitions or restrictions of any kind directed :

- (a) to the protection of its essential security interests ; or
- (b) to the protection of public health or the prevention of diseases and pests in animals or plants.

Article V

1. The Government of each country undertakes that, if it establishes or maintains a state enterprise, wherever located, or grants to any enterprise, formally or in effect, exclusive or special privileges, that enterprise shall, in its purchases or sales involving imports or exports, act in a manner consistent with the general principles of non-discriminatory treatment prescribed in this Agreement. To this end, that enterprise shall, subject to the provisions of this Agreement, make any purchases or sales solely in accordance with commercial considerations, including price, quality, availability, marketability, transportation and other conditions of purchase or sale,

and shall afford to the enterprises of the other country adequate opportunity, in accordance with customary business practice, to compete for participation in such purchases or sales

2. Neither Government shall prevent any enterprise under its jurisdiction (whether or not it is an enterprise of the kind described in paragraph 1 of this Article) from acting in accordance with the principles of paragraph 1 of this Article.

3. The provisions of paragraphs 1 and 2 of this Article shall not apply to imports of products for immediate or ultimate consumption in governmental use and not otherwise for resale or use in the production of goods for sale. With respect to such imports, the Government of each country shall accord to the trade of the other country fair and equitable treatment.

4. Each Government recognizes that the operations of enterprises of the kind described in paragraph 1 of this Article might in some circumstances create serious obstacles to trade between the two countries; the two Governments shall therefore within thirty days of the receipt by either Government of a request to that effect from the other Government, enter into negotiations directed to the limitation or reduction of any such obstacles.

Article VI

The two Governments agree to consult together at any time, at the request of either, on any matter affecting the operation, application or amendment of this Agreement, or otherwise relating to trade between the two countries.

Article VII

The two Governments agree that all payments arising from trade between the two countries shall be made in pounds sterling or in dollars of the United States of America or in any other freely convertible currency which both Governments may agree to accept.

Article VIII

If the Government of either country imposes consular charges in respect of trade between the two countries any such charge shall be limited to the approximate cost of services rendered and shall be a flat charge and not a percentage of the value of the goods.

Article IX

This Agreement shall come into force on the date of signature and shall remain in force for a period of three years, thereafter it shall remain in force until the expiration of a period of six months from the date on which either Government has received from the other written notice of intention to terminate the Agreement.

IN WITNESS WHEREOF the representatives of the two Governments, duly authorised for the purpose, have signed this Agreement.

DONE at Seoul this thirty-first day of January, 1967 in two originals, one in the English and one in the Korean language, both texts being equally authentic.

For the Government
of New Zealand
J. V. SCOTT

For the Government
of the Republic of Korea :
IL KWON CHUNG

AGREED MINUTES

During discussion on Article II-3, it was agreed that Article II-3 is intended to cover those cases where a party imposes measures, consistent with its other international obligations, designed to safeguard its external financial position and balance of payments, for example, in those limited cases permitted under the Articles of Agreement of the International Monetary Fund.

For the Government
of New Zealand .
J. V. SCOTT

For the Government
of the Republic of Korea :
IL KWON CHUNG