

No. 12675

**AUSTRIA
and
CHINA**

**Trade and Payment Agreement. Signed at Peking on
2 November 1972**

Authentic texts: German and Chinese.

Registered by Austria on 7 August 1973.

**AUTRICHE
et
CHINE**

**Accord de commerce et de paiement. Signé à Pékin le
2 novembre 1972**

Textes authentiques : allemand et chinois.

Enregistré par l'Autriche le 7 août 1973.

[TRANSLATION — TRADUCTION]

TRADE AND PAYMENT AGREEMENT¹ BETWEEN THE REPUBLIC OF AUSTRIA AND THE PEOPLE'S REPUBLIC OF CHINA

The Republic of Austria and the People's Republic of China, desiring to develop economic and trade relations between the two States on the basis of equal rights and mutual benefit, have decided to conclude the following Agreement:

Article 1. The exchange of goods between the Republic of Austria and the People's Republic of China shall be conducted in accordance with the general import and export regulations in force in each State and on the basis of this Agreement.

Article 2. (1) The Contracting Parties shall grant each other most-favoured-nation treatment in respect of duties and other charges (taxes, fees and contributions) levied on the import and export of goods and in respect of the procedure followed in the collection of such duties and charges.

(2) The provisions of the above paragraph shall not, however, apply to the following:

- (a) Such advantages as have been or may hereafter be granted by either Contracting Party to certain States or regional organizations for the purpose of establishing a free-trade zone or preferential-trade zone;
- (b) Such advantages as have been or may hereafter be granted by either Contracting Party to neighbouring States for the purpose of facilitating frontier traffic;
- (c) Such advantages as have been or may hereafter be granted by either Contracting Party to third States in pursuance of multilateral treaties to which the other Contracting Party is not a party.

(3) Where the application of paragraph (2) results in a situation disadvantageous to trade between the Contracting Parties, the competent authorities shall endeavour to remedy the difficulties through arrangements which are as favourable as possible within the framework of existing legal provisions.

Article 3. With a view to facilitating and promoting economic and trade relations between them, the Contracting Parties shall, subject to their legal provisions, endeavour to give favourable consideration to applications for the issue of such permits as may be required for the export or import of goods to or from the territory of the other Contracting Party.

Article 4. All payments between the Republic of Austria and the People's Republic of China shall, subject to the foreign exchange regulations of each Contracting Party, be made in Austrian schillings or ren-min-bi or in freely convertible currencies acceptable to both Parties to the transaction (article 5).

Article 5. The exchange of goods between the Republic of Austria and the People's Republic of China shall be conducted on the basis of contracts concluded by individuals, bodies corporate or commercial-law partnerships authorized under Austrian law to engage in foreign trade and Chinese organizations authorized under Chinese law to engage in foreign trade.

¹ Came into force on 1 June 1973, i.e. 60 days after the date (2 April 1973) on which the Contracting Parties notified each other through an exchange of notes that the requirements of their national legislation had been met, in accordance with article 9.

Article 6. The Contracting Parties shall conduct the exchange of goods between them at fair market prices. Where difficulties arise in the matter of prices, the competent agencies of the two Parties shall endeavour to take appropriate steps with a view to remedying the difficulties.

Article 7. The provisions of this Agreement shall not apply to transactions concluded before its entry into force. They shall, however, continue to apply to transactions concluded pursuant to the Agreement during its period of validity but not yet executed at the time when it ceases to have effect.

Article 8. The Contracting Parties agree to establish a Joint Commission, the latter's function shall be to supervise the implementation of this Agreement, study new possibilities for the development of trade between the Contracting Parties and make appropriate proposals to the Contracting Parties for amending or supplementing the Agreement. The Joint Commission shall meet at the request of either Contracting Party, alternately at Vienna and at Peking.

Article 9. This Agreement shall enter into force 60 days after the date on which the Contracting Parties notify each other through an exchange of notes that the requirements of their national legislation for its entry into force have been met. It shall remain in force until such time as either Contracting Party denounces it by giving six months' written notice to that effect through the diplomatic channel.

IN WITNESS WHEREOF the plenipotentiaries of the Contracting Parties, being duly authorized for the purpose, have signed this Agreement and have thereto affixed their seals.

DONE at Peking on 2 November 1972, in duplicate in the German and Chinese languages, both texts being equally authentic.

For the Government of the Republic of Austria:

Dr. JOSEF STARIBACHER

For the Government of the People's Republic of China:

PAI HSIANG-KUO
