

No. 18556

**NEW ZEALAND
and
GERMAN DEMOCRATIC REPUBLIC**

Trade Agreement. Signed at Wellington on 21 April 1978

Authentic texts: English and German.

Registered by New Zealand on 17 April 1980.

**NOUVELLE-ZÉLANDE
et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

Accord commercial. Signé à Wellington le 21 avril 1978

Textes authentiques : anglais et allemand.

Enregistré par la Nouvelle-Zélande le 17 avril 1980.

TRADE AGREEMENT¹ BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC

The Government of New Zealand and the Government of the German Democratic Republic

Desiring to increase and facilitate trade between the two countries on the basis of equality of rights and mutual benefit

Have agreed as follows:

Article I. 1. The Government of New Zealand and the Government of the German Democratic Republic shall have as their objective the facilitation, strengthening and diversification of trade, and economic and technical cooperation between the two countries.

2. To this end the two Governments shall, consistent with the laws and regulations in force in their respective countries encourage the exchange of goods and services and the establishment of contacts between legal persons of the German Democratic Republic authorised to carry on foreign trade and corporations, bodies and persons, whether legal or natural, conducting business in New Zealand.

Article II. 1. The two Governments shall extend to each other unconditional most-favoured-nation treatment with respect to customs duties and charges of any kind imposed on or in connection with the importation or exportation of products and with respect to the method of levying such duties and charges, with respect to all rules and formalities connected with the importation or exportation, and with respect to all internal taxes or other internal charges of any kind that may be imposed on goods already imported and cleared through Customs.

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

Article III. No prohibitions or restrictions, whether in the form of quantitative restrictions on imports or exports, foreign exchange controls, regulations, or any other measures, shall be instituted or maintained by the Government of either country on the importation of any product from the territory of the other State or on the exportation of any product consigned to the territory of the other State except in the case of restrictions which are made applicable to the like products of all third countries in the same circumstances.

Article IV. The provisions in articles II and III of this Agreement relating to the granting of most-favoured-nation treatment shall not apply:

(a) To 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;

¹ Came into force on 21 April 1978 by signature, in accordance with article XIV.

- (b) To preferences or advantages accorded by either Government by virtue of membership in a customs union or free trade area;
- (c) To preferences or advantages which have been or may be accorded by either Government to developing countries consistent with internationally accepted criteria (such as UNCTAD, GATT);
- (d) Such measures as either Government may take to carry out its obligations under any international commodity agreement to which it may be a Party.

Article V. The provisions of this Agreement shall not limit the right of either Government to apply prohibitions or restrictions of any kind which are directed to the protection of its essential security interests, or to the protection of public health, or the prevention of diseases and pests in animals or plants.

Article VI. The two Governments confirm their interest in the development of economic and technical cooperation. In pursuing this common interest it is envisaged that the activities in these fields may include:

- (a) The promotion of joint or coordinated ventures in the fields of industry, agriculture, forestry and other areas of mutual interest;
- (b) Arrangements relating to the exchange of technical expertise and information, including the facilitation of the exchange of patents and licences;
- (c) Such other activities which are designed to promote economic and technical cooperation as may be mutually agreed.

Article VII. Payments for goods and services between the two countries under this Agreement shall be effected in freely convertible currency in accordance with the foreign exchange controls, laws, rules and regulations in force in each country.

Article VIII. 1. Contracts relating to the exchange of goods and services between the two countries shall be in conformity with the laws and regulations in force in the two countries and may be concluded by legal persons of the German Democratic Republic authorised to carry on foreign trade and corporations, bodies and persons, whether legal or natural, conducting business in New Zealand.

2. The Parties to the contracts referred to in paragraph one of this article shall in every respect carry out their commercial transactions on their own responsibility.

Article IX. 1. In order to promote and expand mutual trade the two Governments will encourage and facilitate the exchange of visits of trade representatives, groups and delegations and facilitate the holding of trade exhibitions and other trade promotion activities in each country by organisations of the other country.

2. Both Governments shall, subject to and to the extent permitted by the laws and regulations in force in their respective countries, give favourable consideration to the exemption from the payment of import duties and taxes on the following items which have been imported temporarily from the territory of the other State:

- (a) Articles for display in trade fairs and exhibitions; and
- (b) Samples of goods for advertising purposes; and
- (c) Tools and equipment for the erection, testing, maintenance or repair of plant and machinery.

Such articles, samples, tools and equipment shall not be disposed of in the country into which they are imported without the prior permission of the competent

authorities of that country and the payment of the appropriate import duties and taxes, if any.

Article X. 1. A Joint Commission shall be established to coordinate and implement this Agreement.

2. The Joint Commission shall meet as may be deemed appropriate by the two Governments, such meetings to be held alternately in the capitals of the two countries. Prior to each meeting each Government will nominate the representatives comprising its delegation. Delegations may be either at ministerial or official level as agreed and may include representatives of foreign trade enterprises of the German Democratic Republic and of private enterprises and business organisations of New Zealand.

3. The Joint Commission shall:

- (a) Review the current state of trade and economic relations and technical cooperation between the two countries and the implementation of the provisions of this Agreement;
- (b) Study proposals within the framework of this Agreement aimed at the further expansion and diversification of trade and economic relations between the two countries;
- (c) Seek solutions to any difficulties which may arise in the implementation of this Agreement.

Article XI. 1. The two Governments agree to consult together at the request of either, on any matter affecting the operation or application of this Agreement.

2. The two Governments may at any time, by their consent expressed in writing, agree to revise or amend this Agreement.

Article XII. In the event of the termination of this Agreement, its provisions will continue to apply in respect of unfulfilled obligations under commercial contracts entered into during the period of the validity of this Agreement.

Article XIII. The provisions of this Agreement shall have effect for the Cook Islands, Niue and Tokelau only after the expiration of one month from the date of notification by the Government of New Zealand to the Government of the German Democratic Republic that the Agreement shall be applied to these territories.

Article XIV. This Agreement shall enter into force on signature and shall remain in force for a period of five years. Thereafter it shall continue in force until one Government gives not less than six months' notice in writing to the other Government of its intention to terminate the Agreement.

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

DONE at Wellington this 21st day of April 1978, in two originals in the English and the German languages, both texts being equally authentic.

For the Government
of New Zealand:

BRIAN TALBOYS

For the Government
of the German Democratic Republic:

G. LINDNER