

No. 20671

**AUSTRALIA
and
GERMAN DEMOCRATIC REPUBLIC**

**Trade Agreement (with schedules and agreed minute).
Signed at Berlin on 28 February 1974**

**Protocol to the above-mentioned Agreement. Signed at Berlin
on 22 February 1977**

Authentic texts: English and German.

Registered by Australia on 5 January 1982.

**AUSTRALIE
et
RÉPUBLIQUE DÉMOCRATIQUE ALLEMANDE**

**Accord commercial (avec listes et procès-verbal approuvé).
Signé à Berlin le 28 février 1974**

**Protocole à l'Accord susmentionné. Signé à Berlin le
22 février 1977**

Textes authentiques : anglais et allemand.

Enregistré par l'Australie le 5 janvier 1982.

TRADE AGREEMENT¹ BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC

The Government of Australia and the Government of the German Democratic Republic,

Desiring to develop and strengthen long term trade relations between Australia and the German Democratic Republic on the basis of equal status and mutual benefit,

Have agreed as follows:

Article 1. The Contracting Parties shall take all appropriate measures to facilitate, strengthen and diversify trade between their countries, in respect of both traditional and potential exports, aimed at achieving a continuing expansion of mutually beneficial trade.

Article 2. Each Contracting Party shall accord to the other most-favoured-nation treatment in all matters respecting:

- (a) Customs duties and charges of any kind imposed on or in connection with importation or exportation or imposed on the international transfer of payments for imports or exports;
- (b) The method of levying such duties and charges;
- (c) The rules and formalities connected with importation or exportation;
- (d) All internal taxes or other internal charges of any kind imposed on or in connection with imported goods; and
- (e) All laws, regulations and requirements affecting internal sale, offering for sale, purchase, distribution or use of imported goods within its territory.

Article 3. In all matters relating to the importation from or exportation to the territory of the other Contracting Party of any product, to the allocation of foreign exchange, or to the administration of foreign exchange restrictions affecting transactions involving the importation and exportation of any product, each Contracting Party undertakes not to apply any prohibitions or restrictions which are not similarly applied to the importation or exportation of a like product from or to the territory of a third country.

Article 4. The provisions of Articles 2 and 3 of this Agreement shall not apply to:

- (a) Preferences and advantages accorded by either Contracting Party to neighbouring countries including preferences and advantages to facilitate frontier trade;
- (b) Tariff preferences or other favours and facilities accorded by the Government of Australia to:
 - (i) New Zealand, under the New Zealand/Australia Free Trade Agreement;
 - (ii) The external territories presently or formerly administered by Australia;
 - (iii) Any other country either presently or formerly a member of the Commonwealth of Nations, including its external territories;
 - (iv) Ireland;
- (c) Tariff preferences accorded by either Contracting Party to developing countries consistently with internationally accepted criteria;

¹ Came into force on 28 February 1974 by signature, in accordance with article 14.

- (d) Such measures as either Contracting Party may take to carry out its obligations under any international commodity agreement which is open to participation by both Contracting Parties;
- (e) Such measures as either Contracting Party may consider necessary to safeguard its essential security interests, or human, animal or plant life or health.

Article 5. Each Contracting Party shall, subject to the existing laws and regulations in its country, exempt from the payment of customs duties and taxes, and permit the re-exportation of, the following goods and articles imported from the territory of the other Contracting Party:

- (a) Samples and other material for advertising purposes;
- (b) Goods and articles for carrying out tests and demonstrations under conditions approved by the Customs authority of the importing country;
- (c) Goods and articles for display at fairs and exhibitions;
- (d) Tools and other instruments imported for erection and/or repair purposes.

Such goods and articles shall not be disposed of in the country into which they are imported and shall be re-exported from that country unless the prior permission of the competent authorities of that country has been obtained and payment of the appropriate customs duties and taxes, if any, has been made.

Article 6. The Australian Government will bring to the notice of Australian firms and organisations the interest of Foreign Trade Organisations in the German Democratic Republic in exporting goods and services to Australia, particularly the goods listed in Schedule A annexed to this Agreement.

The Government of the German Democratic Republic will bring to the notice of Foreign Trade Organisations in the German Democratic Republic the interest of Australian firms and organisations in exporting goods and services to the German Democratic Republic, particularly the goods listed in Schedule B annexed to this Agreement.

The provisions of this Article do not imply any undertaking to supply or commitment to purchase goods listed in the respective Schedules, nor do they imply that the desire of the Contracting Parties for an increase in trade applies only to the goods listed in the Schedules.

The Schedules may be amended by mutual consent by an exchange of letters between the Contracting Parties.

Article 7. To advance the objectives of Article 1 of this Agreement, the Contracting Parties:

- (a) Agree to encourage and facilitate the negotiation of commercial contracts between the relevant commercial enterprises and organisations of their two countries;
- (b) Declare their support in principle for the conclusion of long term commercial contracts relating to the supply and purchase of goods and shall encourage the relevant commercial enterprises and organisations of their two countries to explore the scope for such commercial contracts and, where appropriate, to conclude such contracts.

Article 8. The Contracting Parties shall, as appropriate, encourage and facilitate the development, in accordance with the existing laws and regulations of each country, of economic, industrial and technical co-operation between relevant commercial enterprises and organisations in their respective countries.

Article 9. In order to further the objectives of this Agreement, each Contracting Party will encourage and facilitate:

- (a) The interchange of commercial and technical representatives, groups and delegations between the two countries;

- (b) The holding of, and participation in, trade fairs and exhibitions in its country by enterprises and organisations from the other country;
- (c) The holding of, and participation in, other promotion activities in the fields of trade and technology in its country by enterprises and organisations from the other country.

Article 10. 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 by Australian legal and natural persons.

Legal and natural persons shall in every respect carry out their commercial transactions on their own responsibility.

Article 11. All payments arising from trade between Australia and the German Democratic Republic shall be effected in convertible currency in accordance with the foreign exchange regulations in force in the two countries.

Article 12. For the purpose of promoting the aims of this Agreement, a Mixed Commission which will consist of representatives designated by the respective Governments is hereby established.

The Commission shall meet once in every two years, or more frequently by mutual consent, alternately in Australia and the German Democratic Republic.

The Commission will examine the state of trade between the two countries, will explore measures for the expansion of mutual trade and of economic, industrial and technical co-operation between relevant commercial enterprises and organisations, and will seek solutions to problems which may arise in the course of the development of trading relations between the two countries.

The Commission may submit to the two Governments recommendations relating to the matters in the third paragraph of this Article.

Article 13. The Contracting Parties shall support in principle the conclusion of international commodity agreements designed to improve the conditions of international trade in primary products of interest to them.

Article 14. This Agreement shall enter into force on the date of signature and shall remain in force until 31 December 1978.

Unless one Contracting Party terminates the Agreement in writing six months prior to its expiration, it shall be automatically renewed for successive periods of one year.

Article 15. In the event of termination of this Agreement, its provisions shall continue to apply in respect of unfulfilled obligations under commercial contracts entered into during the period of validity of this Agreement.

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

DONE at Berlin this twenty-eighth day of February in the year one thousand nine hundred and seventy-four in duplicate in the English and German languages, both of which shall be equally authentic.

[Signed — Signé]¹
For the Government
of Australia

[Signed — Signé]²
For the Government
of the German Democratic Republic

¹ Signed by Francis Stuart — Signé par Francis Stuart.

² Signed by Gerhard Beil — Signé par Gerhard Beil.

SCHEDULE A

Textile machines
Printing machines
Machine tools
Food processing equipment
Office machines
Electrical and electronic equipment
Precision instruments
Shotguns and ammunition
Watches
Cameras
Chemicals
Chinaware and pottery
Textiles
Carpets
Toys
Musical instruments
Furs

SCHEDULE B

Grains including wheat, barley and rice
Canned goods especially fruit juices
Dried fruit
Fresh fruit especially citrus
Sugar
Wool
Hides and skins
Animal feedstuffs
Casein
Minerals and metals
Superphosphate and calcium nitrate
Building and construction equipment
Packaging equipment
Food processing equipment
Optical, surgical and scientific instruments
Electrical and electronic equipment especially telecommunications equipment
Special agricultural and irrigation equipment
Hotel and catering equipment

AGREED MINUTE

1. The preamble of the Agreement states that the Agreement is between the Government of Australia and the Government of the German Democratic Republic. The two Contracting Parties recognise that this Agreement applies in the case of Australia to the metropolitan territory of Australia, but not to any of the external territories administered by the Government of Australia.

2. The two Contracting Parties recognise that the Australian Government does not see the provisions of Article 2 of the Trade Agreement as having any relevance to income tax matters.

[Signed — Signé]¹
For the Government
of Australia

[Signed — Signé]²
For the Government
of the German Democratic Republic

¹ Signed by Francis Stuart — Signé par Francis Stuart.

² Signed by Gerhard Beil — Signé par Gerhard Beil.

PROTOCOL¹ TO THE TRADE AGREEMENT BETWEEN THE GOVERNMENT OF AUSTRALIA AND THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC DATED 28 FEBRUARY 1974²

The Government of Australia and the Government of the German Democratic Republic, in accordance with Article 8 of the Trade Agreement between both Governments dated 28 February 1974² (hereafter called the Trade Agreement), and in an endeavour to develop and facilitate industrial and technical co-operation between both countries, have agreed as follows:

Article I. The provisions of this Protocol shall be applied by the two Governments subject to the laws, regulations and policies of their respective countries in force from time to time.

Article II. The two Governments shall, where appropriate, promote and facilitate industrial and technical co-operation between relevant commercial enterprises and organisations of both countries.

Article III. Industrial and technical co-operation may cover, among others, the following forms:

- Citizens of one country serving as technical experts in commercial enterprises and organisations of the other country in accordance with Article 9 of the Trade Agreement;
- Co-operation in the preparation of technical and economic feasibility studies of investments, projects and plants;
- Co-operation between relevant commercial enterprises and organisations of both countries in design, supply and assembly of plants and equipment;
- Other forms which may be agreed upon between relevant commercial enterprises and organisations of both countries.

Article IV. The commercial enterprises and organisations of Australia and relevant Foreign Trade Enterprises of the German Democratic Republic may sign individual contracts in respect of particular projects of industrial and technical co-operation, stipulating in the said contracts the specific terms of co-operation.

Both Governments shall promote and support as far as possible the conclusion of such contracts.

The decision to enter into individual co-operation projects and the contractual arrangements for their implementation shall be the responsibility of the relevant enterprises and organisations provided that such individual projects are in accordance with the laws, regulations and policies of both countries in force from time to time.

Article V. Subject to the provisions of Article I of this Protocol the terms of the Trade Agreement shall apply to all transactions arising out of industrial and technical co-operation between relevant commercial enterprises and organisations of the two countries.

Article VI. The Mixed Commission established by Article 12 of the Trade Agreement may:

- Make recommendations concerning the development of industrial and technical co-operation;

¹ Came into force on 22 February 1977 by signature, in accordance with article VII.

² See p. 44 of this volume.

- Discuss problems which arise in the course of implementation of this Protocol;
- Exchange information that is appropriate for promoting and facilitating industrial and technical co-operation between both countries.

Article VII. This Protocol shall enter into force on the day of signature and shall remain in force until the termination of the Trade Agreement pursuant to Article 14 thereof unless either Government terminates the Protocol earlier by giving six months written notice of termination to the other.

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

DONE at Berlin this twenty-second day of February in the year one thousand nine hundred and seventy-seven, in duplicate in the English and German languages, both of which shall be equally authentic.

For the Government
of Australia:
[Signed — Signé]¹

For the Government
of the German Democratic Republic:
[Signed — Signé]²

¹ Signed by A. Malcolm Morris — Signé par A. Malcolm Morris.

² Signed by Gerhard Beil — Signé par Gerhard Beil.