

No. 22068

**NEW ZEALAND
and
ROMANIA**

**Long term Agreement on trade and economic, industrial
and technical co-operation. Signed at Wellington on
15 May 1979**

Authentic texts: English and Romanian.

Registered by New Zealand on 26 July 1983.

**NOUVELLE-ZÉLANDE
et
ROUMANIE**

**Accord à long terme relatif à la coopération commerciale,
économique, industrielle et technique. Signé à Wellin-
ton le 15 mai 1979**

Textes authentiques : anglais et roumain.

Enregistré par la Nouvelle-Zélande le 26 juillet 1983.

LONG TERM AGREEMENT¹ ON TRADE AND ECONOMIC, INDUSTRIAL AND TECHNICAL COOPERATION BETWEEN THE GOVERNMENT OF NEW ZEALAND AND THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA

The Government of New Zealand and the Government of the Socialist Republic of Romania,

Desiring to strengthen the friendly relations existing between the two countries on the basis of independence and national sovereignty, equality of rights, non-interference in internal affairs, and mutual benefit,

Desiring to extend and strengthen trade relations and also, to that end, to facilitate economic, industrial and technical cooperation,

Having regard to the objectives of the General Agreement on Tariffs and Trade² to which both Governments are contracting parties,

Recognising the developments that have taken place in their trading relations since the Trade Agreement between the two countries was concluded in 1969,³

Having decided to conclude a new agreement on trade and economic, industrial and technical cooperation,

Have agreed as follows:

Article I. The Government of New Zealand and the Government of the Socialist Republic of Romania shall, subject to the laws and regulations of their respective countries, take all appropriate measures to facilitate, strengthen and diversify trade and economic, industrial and technical cooperation between the two countries.

Article II. 1. The two Governments shall extend to each other unconditional most-favoured-nation treatment, consistent with the rights and obligations of the two Governments as contracting parties to the General Agreement on Tariffs and Trade, 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 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 1 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 Government.

¹ Came into force on 9 October 1979 by an exchange of notes confirming its approval, in accordance with article XIX.

² United Nations, *Treaty Series*, vol. 55, p. 187.

³ *Ibid.*, vol. 817, p. 223.

Article III. 1. The provisions of Article II of this Agreement shall not apply:

- (a) To 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;
- (b) To any preferences or advantages accorded by the Government of the Socialist Republic of Romania to contiguous countries for the purpose of facilitating frontier traffic;
- (c) To any preferences or advantages accorded by either Government by virtue of membership in a customs union or free trade area;
- (d) To any other preferences or advantages extended by either Government to any third country or territory consistent with the rights and obligations of that Government as a contracting party to the General Agreement on Tariffs and Trade or under any international commodity agreement to which it may be a party.

2. Notwithstanding the provisions of paragraph 1 (d) of this Article, the Government of New Zealand shall accord to products originating in Romania, as a developing country, concessionary tariff treatment under the scheme of tariff preferences introduced by the Government of New Zealand for the benefit of developing countries in accordance with paragraph one, resolution 21 (II) of the United Nations Conference on Trade and Development¹ for such time as the scheme is in operation and the Government of New Zealand is of the view that the Socialist Republic of Romania should remain a beneficiary country under that scheme.

Article IV. No prohibitions or restrictions, whether in the form of quantitative restrictions on imports or exports, foreign exchange controls, regulations or 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 Government or on the exportation of any product consigned to the territory of the other Government except in the case of restrictions which are made applicable to the like products of all third countries in the same circumstances.

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. In order to further the objectives of this Agreement, each Government shall, as appropriate and subject to the laws and regulations of each country, encourage and facilitate:

- (a) The interchange of commercial, industrial and technical representatives, groups and delegations between the two countries;
- (b) The holding of, and participation in, trade fairs, trade exhibitions, and other promotional activities in its country by firms, enterprises and organisations from the other country.

Article VII. 1. Each Government shall, subject to the laws and regulations of its country, give favourable consideration to the exemption from the pay-

¹ *United Nations Conference on Trade and Development, Second Session, vol. 1, Report and annexes, p. 38.*

ment of customs duties and taxes, and permit the re-exportation of the following goods and articles imported temporarily from the territory of the other Government:

- (a) Samples and other material for advertising purposes;
- (b) Goods and articles for carrying out tests and demonstrations;
- (c) Goods and articles for display at fairs and exhibitions;
- (d) Tools and other instruments imported for erection and repair purposes.

2. Such goods, articles, samples, tools and other items referred to in paragraph 1 of this Article 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 VIII. 1. In order to further the objectives of this Agreement, the two Governments, subject to the laws and regulations of their respective countries and where it is to their mutual interest:

- (a) Shall encourage the establishment of direct commercial contacts between firms, enterprises and organisations in the two countries;
- (b) Shall encourage and facilitate the negotiation of commercial agreements, arrangements and contracts between firms, enterprises and organisations of the two countries;
- (c) Declare their support in principle for mutually beneficial long term commercial arrangements and their intention to encourage firms, enterprises and organisations in their respective countries to explore the scope for such commercial arrangements and where appropriate, to conclude such arrangements;
- (d) Shall facilitate the development of trade, economic, industrial and technical cooperation between firms, enterprises and organisations of the two countries, including joint ventures which may be carried out in third countries.

Article IX. 1. The two Governments shall examine possible areas for economic, industrial and technical cooperation having regard to the commercial opportunities existing in each area and the stage of development of industry and agriculture in the two countries.

2. For the purposes of this Agreement, such cooperation may include, subject to the laws and regulations of the respective countries:

- (a) Commercial contracts in respect of industrial and technical projects including the development of natural resources in each country;
- (b) Commercial arrangements relating to patents, licences, services and economic, industrial and technical expertise;
- (c) Cooperation between relevant firms, enterprises and organisations in the preparation of economic, industrial and technical feasibility studies of investments, projects and plants;
- (d) Cooperation between firms, enterprises and organisations of both countries in design, supply and assembly of plant and equipment;
- (e) Other forms which may be agreed upon between firms, enterprises and organisations of the two countries.

Article X. Each Government shall afford the benefit of its laws and regulations regarding exemption from or drawback of duties and exemption from import restrictions, to goods imported into its territory from the territory of the other Government for subsequent re-export to a third country, with or without further processing, under industrial and technical cooperation ventures entered into pursuant to this Agreement.

Article XI. 1. (a) The exchange of goods and technical services between the two countries may be carried out under agreements, arrangements and contracts entered into between firms, enterprises and organisations of the two countries;

(b) The expression “firms, enterprises and organisations” shall mean and include all corporations, bodies and persons conducting business in New Zealand (and their agents) and legal persons of the Socialist Republic of Romania authorised to carry on foreign trade.

2. The decision by firms, enterprises and organisations to cooperate in any individual project or scheme or to enter into any agreement, arrangement or contract, whether or not for the implementation of such project or scheme, shall be the responsibility of the firms, enterprises and organisations concerned.

3. The performance of rights and obligations arising out of agreements, arrangements and contracts shall be the responsibility of the firms, enterprises and organisations which are parties thereto.

4. This Agreement shall not preclude or prejudice agreements, arrangements or contracts made between firms, enterprises and organisations outside the scope of this Agreement.

Article XII. All payments arising from trade and economic, industrial and technical cooperation between the two countries shall be effected in mutually acceptable convertible currency in accordance with the foreign exchange regulations in force in each country.

Article XIII. 1. Each Government agrees that the nationality of merchant vessels registered in the territory of the other Government shall be recognised, when such vessels are in its ports, upon presentation of documents and certificates issued by the competent authorities in conformity with the legislation in force in the other country, and that such vessels, together with their masters, crews and cargoes, shall be accorded treatment in the use of ports and of their facilities equal to that accorded to merchant vessels registered in any other foreign country.

2. The provisions of this article will not apply to coastal shipping, pilotage, towing and similar services, and the offloading or trans-shipment of catches by the fishing vessels of either country.

Article XIV. 1. The two Governments shall establish a Joint Commission to promote the aims of this Agreement. The Joint Commission shall consist of representatives designated by the respective Governments. Delegations may be led at either Ministerial or official level, and may include representatives of firms, enterprises and organisations, whether private or governmental, as appropriate.

2. The Joint Commission shall meet at the request of either Government alternately in New Zealand and in the Socialist Republic of Romania from time to time, as may be deemed appropriate by the two Governments.

3. The functions of the Joint Commission shall include:

- (a) Reviewing the current state of trade relations and economic, industrial and technical cooperation between the two countries and the consideration of proposals for the implementation of the provisions of this Agreement;
- (b) Exploration of the possibilities of increasing and diversifying trade and economic, industrial and technical cooperation between the two countries in accordance with the provisions of this Agreement;
- (c) Consideration of the possibilities for cooperation in fields of mutual interest in third countries;
- (d) Examination of the means of facilitating the conclusion of agreements, arrangements and contracts between firms, enterprises and organisations; and
- (e) Seeking solutions to problems which may arise in the course of the development of trade relations between the two countries.

4. The Joint Commission may submit to the two Governments recommendations relating to the matters referred to in paragraph 3 of this Article.

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

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

Article XVII. The termination of the Agreement shall have no effect on any agreements, arrangements and contracts entered into during the period that the Agreement was in force.

Article XVIII. The provisions of this Agreement shall not have effect for the Cook Islands, Niue and Tokelau until the expiration of one month from the date of notification by the Government of New Zealand to the Government of the Socialist Republic of Romania that the Agreement shall be applied to these territories.

Article XIX. 1. This Agreement shall enter into force on the date of an exchange of notes between the two Governments confirming the approval of the Agreement and shall thereupon supersede the Trade Agreement between the Government of New Zealand and the Government of the Socialist Republic of Romania done at Wellington on the 14th day of March 1969.

2. This Agreement shall remain in force for a period of five years. Thereafter it shall continue in force until the expiration of a period of ninety days from the date on which one Government gives to the other Government written notice concerning termination of the Agreement.

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

DONE at Wellington this 15th day of May 1979, in two originals in the English and Romanian languages, both texts being equally authentic.

For the Government
of New Zealand:

ROBERT DAVID MULDOON

For the Government
of the Socialist Republic
of Romania:

CORNEL BURTICĂ
