

No. 7977

**AUSTRALIA
and
REPUBLIC OF KOREA**

**Trade Agreement (with schedules and agreed minutes).
Signed at Seoul, on 21 September 1965**

Official texts: English and Korean.

Registered by Australia on 17 November 1965.

**AUSTRALIE
et
RÉPUBLIQUE DE CORÉE**

**Accord commercial (avec listes et procès-verbal d'accord).
Signé à Séoul, le 21 septembre 1965**

Textes officiels anglais et coréen.

Enregistré par l'Australie le 17 novembre 1965.

No. 7977. TRADE AGREEMENT¹ BETWEEN THE GOVERNMENT OF THE COMMONWEALTH OF AUSTRALIA AND THE GOVERNMENT OF THE REPUBLIC OF KOREA. SIGNED AT SEOUL, ON 21 SEPTEMBER 1965

The Government of the Commonwealth of Australia and the Government of the Republic of Korea,

Desiring to facilitate and extend the trade relations between their two countries,

Have agreed as follows :

Article I

With respect to—

- (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) all rules and formalities in connection with importation and exportation,
- (d) the application of internal taxes to exported products,
- (e) all internal taxes and other internal charges of any kind imposed on or in connection with imported products, and
- (f) all laws, regulations and requirements affecting internal sale, offering for sale, purchase, distribution or use of imported products,

any advantage, favour, privilege or immunity which has been or may hereafter be granted by the Government of either country to any product originating in or destined for any third country shall be accorded immediately and unconditionally to the like product originating in or destined for 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

¹ Came into force on 21 September 1965, the date of signature, in accordance with article XI (1).

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—

- (a) 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 ;
- (b) 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.

Article III

1. The provisions of Articles I and II of this Agreement shall not apply to—
- (a) tariff preferences or other advantages 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 the specialised agencies brought into relationship with the United Nations in accordance with the provisions of the Charter of the United Nations ;
 - (b) tariff preferences or other advantages accorded by the Commonwealth of Australia to :
 - (i) any of the external territories which it administers,
 - (ii) any country at present a member of the Commonwealth of Nations including any territories for the international relations of which the Government of any such member is responsible,
 - (iii) Ireland ;
 - (c) tariff preferences or other advantages accorded by either government to any third country, which are not inconsistent with the General Agreement on Tariffs

and Trade,¹ or which conform to any international agreement concluded under the auspices of the United Nations, including preferences and advantages resulting from the association of either Government in a customs union or free trade area ;

- (d) such measures as either Government may consider necessary to safeguard its external financial position and balance of payments ;
- (e) such measures as either Government may take to carry out its obligations under any multilateral commodity agreement which is open to participation by both Governments.

2. The exchange of goods and commodities between the two countries shall be subject to and effected within the scope of the import and export regulations in force from time to time in each country during the currency of this Agreement. In particular, nothing in this Agreement shall be construed so as to prevent the adoption or enforcement of measures necessary to protect human, animal or plant life, or health.

Article IV

1. The two Governments shall take all appropriate measures to facilitate trade between their countries, in particular with regard to the goods and commodities mentioned in Schedule A² in respect of exports from the Commonwealth of Australia, and in Schedule B² in respect of exports from the Republic of Korea.

2. The provisions of paragraph I of this Article shall not be construed to mean that the desire of the two Governments to increase trade is limited to the goods and commodities specifically listed in Schedules A and B.

Article V

1. (a) Each Government 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, such 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 for governmental measures affecting imports or exports by private traders.

¹ United Nations, *Treaty Series*, Vol. 55, p. 187 ; for subsequent actions relating to this agreement, see references in Cumulative Indexes Nos. 1 to 4, as well as Annex A in volumes 402, 405, 411, 419, 421, 424, 425, 429, 431, 435, 438, 440, 441, 442, 444, 445, 449, 451, 452, 456, 460, 462, 463, 468, 471, 474, 475, 476, 478, 483, 489, 496, 501, 525 and 543.

² See p. 188 of this volume.