



imports of a textile product on a provisional basis, provided that a request for consultations shall be effected by the importing Party within 30 days of taking action.

ARTICLE VII TRANSPARENCY OF INFORMATION

1. Each Party shall make available publicly on a timely basis all laws and regulations related to commercial activity, including trade, investment, taxation, banking, insurance, financial services, transport and labour.
2. Each Party shall provide interested persons of the other Party access to available non-confidential, non-proprietary data on the national economy, and specific industrial, agricultural, commodity or service sectors, including data on foreign trade and investment.
3. Each Party shall allow the other Party, when interested, the opportunity to consult on the formulation of laws and regulations which govern the conduct of business activities.

ARTICLE VII SERVICES

The Parties will enter into consultations with a view to examining the possibility of broadening the scope of this Agreement to include trade in services, consistent with multilateral principles established as a result of the negotiations on the General Agreement on Trade in Services.

ARTICLE IX MERCHANT VESSELS AND WATERBORNE CARGOES

1. In international traffic, the merchant vessels of each Party, merchant vessels chartered by persons of each Party, and the cargoes of such vessels shall during arrival, stay at, and departure from the seaports of the other Party, enjoy treatment, including access to harbour services, accorded to the most-favoured nation. This provision shall not apply to pilotage.
2. In relation to products transported between Canada and Ukraine, neither Party shall create or maintain:

(a) discriminatory measures of any kind to marketing the services of, securing cargoes for, and transferring payments related to, the merchant vessels of the other Party or merchant vessels chartered by persons of the other Party; or

(b) discriminatory measures of any kind to the flow of waterborne cargoes through maritime cargo terminals or to the use of such terminals.

3. Each Party shall, on the basis of reciprocity with the other Party, permit the establishment and operation of offices to act as shipping and port agents for the merchant vessels of the other Party and for merchant vessels chartered by persons of the other Party.

ARTICLE X TERMS OF PAYMENTS

1. Subject to the laws and regulations in force in Canada and Ukraine, all payments in respect of trade between the two countries shall be made on terms mutually agreed upon by the persons party to the commercial contracts governing that trade.
2. Neither Party shall require or encourage persons subject to their jurisdiction to engage in barter or countertrade transactions as a condition of bilateral trade between Canada and Ukraine.

ARTICLE XI TRADE-RELATED FINANCE

The Parties shall endeavour to enhance the relationship between Export Development Corporation of Canada, or its successor or successors, and the National Bank of Ukraine, or its successor or successors, especially in relation to financing trade in capital goods, services, and commodities based on reasonable assessments of commercial risk and, where appropriate, based on sovereign risk guarantees.

ARTICLE XII LAW APPLICABLE TO CONTRACTS AND SETTLEMENT OF COMMERCIAL DISPUTES

1. Neither Party shall interfere with the freedom of persons subject to its jurisdiction to agree with persons of the

other Party on the choice of law to govern the conclusion and performance of contracts between them.

2. Persons of Canada, on the one hand, and persons of Ukraine, on the other hand, may agree to settle disputes arising out of commercial transactions by arbitration. Such persons involved in disputes arising out of individual commercial transactions may agree to arbitration in accordance with the Arbitration Rules of the United Nations Commission on International Trade Law (UNCITRAL), adopted in 1976.
3. Without prejudice to their ability to decide otherwise, the persons party to commercial transactions may agree on a place for conducting the arbitration in a country, other than Ukraine or Canada, that is a party to the *UN Convention on the Recognition and Implementation of Foreign Arbitral Decisions*, done in New York on June 10, 1958.
4. Nothing in the present Agreement shall be interpreted in such a way as to hamper, nor shall either Party prevent, the parties to commercial transactions from agreeing on any other form of arbitration for the settling of commercial disputes, which they mutually prefer and which, in their opinion, answers their commercial needs.
5. The persons of Canada and of Ukraine shall enjoy access to the courts of the other Party on the same basis as persons of any third country.

ARTICLE XII NATIONAL SECURITY

The provisions of this Agreement shall not limit the right of either Party to take any action for the protection of its national security interests.

ARTICLE XIV OTHER EXCEPTIONS

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing