

TITLE IV

INSTITUTIONAL, GENERAL AND FINAL PROVISIONS

ARTICLE 42

The Joint Committee set up by the Agreement on Trade and Commercial and Economic Cooperation shall exercise the powers and perform the duties assigned by this Agreement to the Stabilisation and Association Council or to the Stabilisation and Association Committee.

Subject to the provisions of Article 43, the Joint Committee shall act according to the same modalities as practised so far in the context of the Agreement on Trade and Commercial and Economic Cooperation.

ARTICLE 43 (SAA Articles 117 and 118)

The Joint Committee shall, for the purpose of attaining the objectives of this Agreement, have the power to take decisions within the scope of this Agreement in the cases provided for therein. The decisions taken shall be binding on the Parties, which shall take the measures necessary to implement the decisions taken.

The Joint Committee may also make appropriate recommendations. It shall draw up its decisions and recommendations by agreement between the Parties.

The Joint Committee shall adopt its own Rules of Procedure. The Joint Committee shall meet at regular intervals, and when circumstances require. The Joint Committee shall be chaired alternately by each of the Parties. Whenever possible the agenda of the Joint Committee shall be agreed beforehand.

ARTICLE 44 (SAA Article 119)

Each Party shall refer to the Stabilisation and Association Council any dispute relating to the application or interpretation of this Agreement. The Stabilisation and Association Council may settle the dispute by means of a binding decision.

ARTICLE 45 (SAA Article 123)

Within the scope of this Agreement, each Party undertakes to ensure that natural and legal persons of the other Party have access free of discrimination in relation to its own nationals to the competent courts and administrative organs of the Parties to defend their individual rights and their property rights.

ARTICLE 46 (SAA Article 124)

Nothing in this Agreement shall prevent a Party from taking any measures:

- (a) which it considers necessary to prevent the disclosure of information contrary to its essential security interests;
- (b) which relate to the production of, or trade in, arms, munitions or war materials or to research, development or production indispensable for defence purposes, provided that such measures do not impair the conditions of competition in respect of products not intended for specifically military purposes;
- (c) which it considers essential to its own security in the event of serious internal disturbances affecting the maintenance of law and order, in time of war or serious international tension constituting threat of war or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security.

ARTICLE 47 (SAA Article 125)

1. In the fields covered by this Agreement and without prejudice to any special provisions contained therein: the arrangements applied by Albania in respect of the Community shall not give rise to any discrimination between the Member States, their nationals or its companies or firms; the arrangements applied by the Community in respect of Albania shall not give rise to any discrimination between the nationals of Albania or its companies or firms.

2. The provisions of paragraph 1 shall be without prejudice to the right of the Parties to apply the relevant provisions of their fiscal legislation to taxpayers who are not in identical situations as regards their place of residence.

ARTICLE 48 (SAA Article 15)

Cooperation with countries candidate for accession to the European Union

1. Albania may foster its cooperation and conclude a Convention on regional cooperation with any country candidate for accession to the European Union in any of the fields of cooperation covered by this Agreement. Such Convention should aim gradually to align bilateral relations between Albania and that country to the relevant part of the relations between the Community and its Member States and that country.

2. Albania shall start negotiations with Turkey with a view to concluding, on a mutually advantageous basis, an Agreement establishing a free trade area between the two Parties in accordance with Article XXIV of the GATT.

These negotiations shall be opened as soon as possible, with a view to concluding such Agreement before the end of the transitional period referred to in Article 3(1).

ARTICLE 49 (SAA Article 126)

1. The Parties shall take any general or specific measures required to fulfil their obligations under this Agreement. They shall see to it that the objectives set out in this Agreement are attained.

2. If either Party considers that the other Party has failed to fulfil an obligation under this Agreement, it may take appropriate measures. Before so doing, except in cases of special urgency, it shall supply the Stabilisation and Association Council with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties.

3. In the selection of measures, priority must be given to those which least disturb the functioning of this Agreement. These measures shall be notified immediately to the Stabilisation and Association Council and shall be the subject of consultations within the Stabilisation and Association Council if the other Party so requests.

ARTICLE 50 (SAA Article 127)

The Parties agree to consult promptly through appropriate channels at the request of either Party to discuss any matter concerning the interpretation or implementation of this Agreement and other relevant aspects of the relations between the Parties. The provisions of this Article shall in no way affect and are without prejudice to Articles 18, 24, 25, 26 and 30.

ARTICLE 51 (SAA Article 129)

Annexes I to IV and Protocols 1 to 5 shall form an integral part of this Agreement.

The references in the Annexes and Protocols are references to the Articles of the Stabilisation and Association Agreement and should be read as referring to the corresponding Articles of this Agreement as indicated in the titles of the Articles thereof.

ARTICLE 52

This Agreement shall be applicable until the entry into force of the Stabilisation and Association Agreement signed in Luxembourg on 12 June 2006.

Either Party may denounce this Agreement by notifying the other Party. This Agreement shall terminate six months after the date of such notification.

ARTICLE 53 (SAA Article 132)

This Agreement shall apply, on the one hand, to the territories in which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty, and to the territory of Albania on the other.

ARTICLE 54 (SAA Article 133)

The Secretary-General of the Council of the European Union shall be the depository of this Agreement.

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ARTICLE 55 (SAA Article 134)

This Agreement is drawn up in duplicate in each of the official languages of the Parties, each of these texts being equally authentic.

ARTICLE 56 (SAA Article 135)

The Parties shall ratify or approve this Agreement in accordance with their own procedures.

The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Union. This Agreement shall enter into force on the first day of the second month following the date of the deposit of the last instrument of ratification or approval. Upon the entry into force of this Agreement, Articles 3 to 14 of the Agreement on Trade and Commercial and Economic Cooperation shall be suspended.