

3. Community companies established in Montenegro shall, upon the date of entry into force of this Agreement, be granted access to contract award procedures in Montenegro under treatment no less favourable than that accorded to Montenegrin companies.

4. Community companies not established in Montenegro shall be granted access to contract award procedures in Montenegro under treatment no less favourable than that accorded to Montenegrin companies as from the entry into force of this Agreement.

5. The Interim Committee shall periodically examine the possibility for Montenegro to introduce access to contract award procedures in Montenegro for all Community companies. Montenegro shall report annually to the Interim Committee on the measures they have taken to enhance transparency and to provide for effective judicial review of decisions taken in the area of public procurement.

Article 42 (SAA Article 99)

Customs

The Parties shall establish cooperation in this area with a view to guarantee compliance with the provisions to be adopted in the area of trade and to achieve the approximation of the customs systems of Montenegro to that of the Community, thereby helping to pave the way for the liberalisation measures planned under this Agreement and for the gradual approximation of the Montenegrin customs legislation to the *acquis*.

Cooperation shall take due account of priority areas related to the Community *acquis* in the field of customs.

The rules on mutual administrative assistance between the Parties in the customs field are laid down in Protocol 5.

TITLE IV

INSTITUTIONAL, GENERAL AND FINAL PROVISIONS

Article 43 (SAA 119)

An Interim Committee is hereby established which shall supervise the application and implementation of this Agreement. It shall meet at an appropriate level at regular intervals and when circumstances require. It shall examine any major issues arising within the framework of this Agreement and any other bilateral or international issues of mutual interest.

Article 44 (SAA 120)

1. The Interim Committee shall consist of the members of the Council of the European Union and members of the European Commission, on the one hand, and of members of the Government of Montenegro on the other.

2. The Interim Committee shall establish its rules of procedure.

3. The members of the Interim Committee may arrange to be represented, in accordance with the conditions to be laid down in its rules of procedure.

4. The Interim Committee shall be chaired in turn by a representative of the Community and a representative of Montenegro, in accordance with the provisions to be laid down in its rules of procedure.

5. In matters that concern it, the European Investment Bank shall take part, as an observer, in the work of the Interim Committee.

Article 45 (SAA Article 121)

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

Article 46 (SAA Article 123)

The Interim Committee may create sub-committees.

Article 47 (SAA Article 126)

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 48 (SAA Article 127)

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 49 (SAA Article 128)

1. In the fields covered by this Agreement and without prejudice to any special provisions contained therein:

- (a) the arrangements applied by Montenegro in respect of the Community shall not give rise to any discrimination between the Member States, their nationals, companies or firms;
- (b) the arrangements applied by the Community in respect of Montenegro shall not give rise to any discrimination between nationals of Montenegro as well as between Montenegrin 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 50 (SAA 129)

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

2. 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.

3. Each Party shall refer to the Interim Committee any dispute relating to the application or interpretation of this Agreement. In that case, Article 51 and, as the case may be, Protocol 6 shall apply.

The Interim Committee may settle the dispute by means of a binding decision.

4. 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 Interim Committee with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Parties.

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 Interim Committee and shall be the subject of consultations if the other Party so requests within the Interim Committee or any other body set up on the basis of Article 46.

5. The provisions of paragraphs 2, 3 and 4 shall in no way affect and are without prejudice to Articles 17, 25, 26, 27, 31 and Protocol 3 (Definition of the concept of originating products and methods of administrative cooperation).

Article 51 (SAA 130)

1. When a dispute arises between the Parties concerning the interpretation or the implementation of this Agreement, any

Party shall notify to the other Party and the Interim Committee a formal request that the matter in dispute be resolved.

Where a Party considers that a measure adopted by the other Party, or a failure of the other Party to act, constitutes a breach of its obligations under this Agreement, the formal request that the dispute be resolved shall give the reasons for this opinion and indicate, as the case may be, that the Party may adopt measures as provided for in Article 50, paragraph 4.

2. The Parties shall endeavour to resolve the dispute by entering into good faith consultations within the Interim Committee and other bodies as provided in paragraph 3, with the aim of reaching as soon as possible a mutually acceptable solution.

3. The Parties shall provide the Interim Committee with all relevant information required for a thorough examination of the situation.

As long as the dispute is not resolved, it shall be discussed at every meeting of the Interim Committee, unless the arbitration procedure as provided for in Protocol 6 has been initiated. A dispute shall be deemed to be resolved when the Interim Committee has taken a binding decision to settle the matter as provided for in Article 50, paragraph 3, or when it has declared that there is no dispute anymore.

Consultations on a dispute can also be held at any meeting of the Interim Committee or any other relevant committee or body set up on the basis of Article 46, as agreed between the Parties or at the request of any of the Parties. Consultations may also be held in writing.

All information disclosed during the consultations shall remain confidential.

4. For matters within the scope of application of Protocol 6, any Party may submit the matter in dispute for settlement through arbitration in accordance with that Protocol, when the Parties have failed to resolve the dispute within two months after the initiation of the dispute settlement procedure in accordance with paragraph 1.

Article 52 (SAA 131)

This Agreement shall not, until equivalent rights for individuals and economic operators have been achieved under this Agreement, affect rights ensured to them through existing Agreements binding one or more Member States, on the one hand, and Montenegro, on the other.

Article 53 (SAA 17)

Cooperation with other countries candidate to EU accession not concerned by the SAp

1. Montenegro should 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 Montenegro and that country to the relevant part of the relations between the Community and its Member States and that country.

2. Montenegro shall start negotiations with Turkey which has established a customs union with the Community 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 1994.

These negotiations should 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 54 (SAA 132)

Protocols 1, 2, 3, 4, 5 and 6 and Annexes I to V and VI shall form an integral part of this Agreement.

Article 55

This Agreement shall be applicable until the entry into force of the Stabilisation and Association Agreement signed in Luxembourg on the fifteenth day of October in the year 2007.

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

Either Party may suspend this Agreement, with immediate effect, in the event of the non-compliance by the other Party of one of the essential elements of this Agreement.

Article 56 (SAA 134)

For the purposes of this Agreement, the term 'Parties' shall mean the Community, of the one part, and the Republic of Montenegro, of the other part.

Article 57 (SAA 135)

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

Article 58 (SAA 136)

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

Article 59 (SAA 137)

This Agreement shall be drawn up in duplicate in the Bulgarian, Spanish, Czech, Danish, German, Estonian, Greek, English, French, Italian, Latvian, Lithuanian, Hungarian, Maltese, Dutch, Polish, Portuguese, Romanian, Slovak, Slovene, Finnish and Swedish languages and in the official language used in Montenegro, each text being equally authentic.

Article 60 (SAA 138)

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

This Agreement shall enter into force on the first day of the second month following the date on which the Parties notify each other that the procedures referred to in paragraph 1 have been completed. In the event of the procedures referred to in paragraph 1 not being completed in time to allow for its entry into force on 1 January 2008, this Agreement shall provisionally apply as from that date.

Съставено в Люксембург, на петнайсти октомври две хиляди и седма година.

Hecho en Luxemburgo, el quince de octubre de dos mil siete.

V Lucemburku dne patnáctého října dva tisíce sedm.

Udfærdiget i Luxembourg den femtende oktober to tusind og syv.

Geschehen zu Luxemburg am fünfzehnten Oktober zweitausendsieben.

Kahe tuhande seitsmenda aasta oktoobrikuu viieteistkümnendal päeval Luxembourgis.

Έγινε στο Λουξεμβούργο, στις δέκα πέντε Οκτωβρίου δύο χιλιάδες επτά.

Done at Luxembourg on the fifteenth day of October in the year two thousand and seven.

Fait à Luxembourg, le quinze octobre deux mille sept.

Fatto a Lussemburgo, addì quindici ottobre duemilasette.

Luksemburgā, divtūkstoš septītā gada piecpadsmitajā oktobrī.

Priimta du tūkstančiai septintųjų metų spalio penkioliką dieną Liuksemburge.

Kelt Luxembourgban, a kétézer-hetedik év október havának tizenötödik napján.

Magħmul fil-Lussemburgu, fil-hmistax-il jum ta'Ottubru tas-sena elfejn u sebgha.

Gedaan te Luxemburg, de vijftiende oktober tweeduizend zeven.

Sporządzono w Luksemburgu dnia piętnastego października roku dwa tysiące siódmego.

Feito em Luxemburgo, em quinze de Outubro de dois mil e sete.

Întocmit la Luxembourg, la cincisprezece octombrie două mii șapte.

V Luxemburgu dňa pätnásteho októbra dvetisícisedem.

V Luxembourggu, dne petnajstega oktobra leta dva tisoč sedem.

Tehty Luxemburgissa viidentenätoista päivänä lokakuuta vuonna kaksituhattaseitsemän.

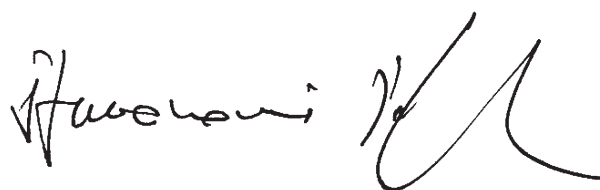
Som skedde i Luxemburg den femtonde oktober tjugohundrasju.

Sačinjeno u Luksemburgu petnaestog oktobra dvije hiljade i sedme godine.

Za Европейската общност
Por la Comunidad Europea
Za Evropské společenství
For Det Europæiske Fællesskab
Für die Europäische Gemeinschaft
Euroopa Ühenduse nimel
Για την Ευρωπαϊκή Κοινότητα
For the European Community
Pour la Communauté européenne
Per la Comunità europea
Eiropas Kopienas vārdā
Europos bendrijos vardu
az Európai Közösség részéről
Ghall-Komunità Ewropea
Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Pentru Comunitatea Europeană
Za Európske spoločenstvo
za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar
Za Evropsku Zajednicu



Za Република Черна гора
Por la República de Montenegro
Za Republiku Černá Hora
For Republikken Montenegro
Für die Republik Montenegro
Montenegro Vabariigi nimel
Για τη Δημοκρατία του Μαυροβουνίου
For the Republic of Montenegro
Pour la République du Monténégro
Per la Repubblica del Montenegro
Melnkalnes Republikas vārdā
Juodkalnijos Respublikos vardu
A Montenegroi Köztársaság részéről
Ghar-Repubblika ta' Montenegro
Voor de Republiek Montenegro
W imieniu Republiki Czarnogóry
Pela República do Montenegro
Pentru Republica Muntenegru
Za Čiernohorskú republiku
Za Republiko Črno goro
Montenegron tasavallan puolesta
För Republiken Montenegro
Za Republiku Crnu Goru



LIST OF ANNEXES AND PROTOCOLS

Annex I (Article 6) — Montenegrin tariff concessions for Community industrial products

Annex II (Article 11) — Definition of 'baby beef' products

Annex III (Article 12) — Montenegrin tariff concessions for Community agricultural products

Annex IV (Article 14) — Community concessions for Montenegrin fishery products

Annex V (Article 15) — Montenegrin concessions for Community fishery products

Annex VI (Article 40) — Intellectual, industrial and commercial property rights

PROTOCOLS

Protocol 1 (Article 10) — Trade on processed agricultural Products

Protocol 2 (Article 13) — Wine and spirit drinks

Protocol 3 (Article 29) — Definition of the concept of originating products and methods of administrative cooperation

Protocol 4 (Article 38) — State aid to the steel industry

Protocol 5 (Art. 42) — Mutual administrative assistance in customs matters.

Protocol 6 (Art. 50) — Dispute settlement
