

If such a solution cannot be found, the Customs Union Joint Committee may recommend appropriate ways of maintaining the proper functioning of the Customs Union without prejudice to the provisions of Article 63.

CHAPTER II AGRICULTURAL PRODUCTS

Article 24

1. The Association Council hereby reaffirms the Parties' common objective to move towards the free movement of agricultural products between themselves as provided for in Articles 32 to 35 of the Additional Protocol.
2. The Association Council notes that an additional period is required to put in place the conditions necessary to achieve free movement of these products.

Article 25

1. Turkey shall adjust its policy in such a way as to adopt the common agricultural policy measures required to establish freedom of movement of agricultural products. It shall communicate to the Community the decisions taken in that respect.
2. The Community shall take account as far as possible of Turkish agriculture's interests when developing its agricultural policy and shall notify Turkey of the relevant Commission proposals and the decisions taken on the basis of these proposals.
3. Consultations may be held within the Association Council on the proposals and decisions referred to in paragraph 2 and on the measures which Turkey intends to take in the agricultural field pursuant to paragraph 1.

Article 26

The Community and Turkey shall progressively improve, on a mutually advantageous basis, the preferential arrangements which they grant each other for their trade in agricultural products. The Association Council shall regularly examine the improvements made to these preferential arrangements.

Article 27

The Association Council shall adopt the provisions necessary to achieve the free movement of agricultural products between the Community and Turkey once it has established that Turkey has adopted the common agricultural policy measures referred to in Article 25(1).

CHAPTER III CUSTOMS PROVISIONS

Article 28

1. On the date of entry into force of this Decision, Turkey shall adopt provisions in the following fields, based on Council Regulation (EEC) No. 2913/92 of 12 October 1992

establishing the Community Customs Code and Commission Regulation (EEC) No. 2454/93 of 2-July1993¹⁶ laying down the implementing provisions thereof:

- (a) origin of goods;
- (b) customs value of goods;
- (c) introduction of goods into the territory of the Customs Union;
- (d) customs declaration;
- (e) release for free circulation;
- (f) suspensive arrangements and customs procedures with economic impact;
- (g) movement of goods;
- (h) customs debt;
- (i) right of appeal.

2. Turkey shall take the measures necessary to implement, on the date of entry into force of this Decision, provisions based on:

(a) Council Regulation (EEC) No. 3842/86 of 1December1986 laying down measures to prohibit the release for free circulation of counterfeit goods¹⁷ and Commission Regulation (EEC) No. 3077/87 of 14October1987 laying down the implementing measures thereof¹⁸;

(b) Council Regulation (EEC) No. 918/83 of 28March1983 setting up a Community system of reliefs from customs duties¹⁹ and Commission Regulations (EEC) No. 2287/83, No.-2288/83, 2289/83 and No.2290/83 of 29July1983 laying down the implementing measures thereof²⁰;

(c) Council Regulation (EEC) No. 616/78 on proof of origin for certain textile products falling within Chapter51 or Chapters53 to 62 of the Common Customs Tariff and imported into the Community, and on conditions for the acceptance of such proof.²¹

3. The Customs Cooperation Committee shall lay down the appropriate measures to implement paragraphs1 and 2.

Article 29

Mutual assistance on customs matters between the administrative authorities of the Parties shall be governed by the provisions of Annex7, which on the Community side, covers those matters falling under the Community competence.

¹⁶ OJ No. L253, 11.10.1992.

¹⁷ OJ No. L357, 18.12.1986.

¹⁸ OJ No. L291, 15.10.1987.

¹⁹ OJ No. L105, 23.4.1983.

²⁰ OJ No. L220, 11.8.1983.

²¹ OJ No. L84, 31.3.1978.

Article 30

The Customs Cooperation Committee shall elaborate the appropriate provisions on mutual assistance on the recovery of debts, before the entry into force of this Decision.

CHAPTER IV APPROXIMATION OF LAWS

SECTION I Protection of Intellectual, Industrial and Commercial Property

Article 31

1. The Parties confirm the importance they attach to ensuring adequate and effective protection and enforcement of intellectual, industrial and commercial property rights.
2. The Parties recognize that the Customs Union can function properly only if equivalent levels of effective protection of intellectual property rights are provided in both constituent parts of the customs Union. Accordingly, they undertake to meet the obligations set out in Annex8.

SECTION II Competition

A. Competition rules of the Customs Union

Article 32

1. The following shall be prohibited as incompatible with the proper functioning of the Customs Union, insofar as they may affect trade between the Community and Turkey:

all agreements between undertakings, decisions by associations of undertakings and concerted practices which have as their object or effect the prevention, restriction or distortion of competition, and in particular those which:

- (a) directly or indirectly fix purchase or selling prices or any other trading conditions;
 - (b) limit or control production, markets, technical development or investment;
 - (c) share markets or sources of supply;
 - (d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
 - (e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.
2. Any agreements or decisions prohibited pursuant to this Article shall automatically be void.
 3. The provisions of paragraph1 may, however, be declared inapplicable in the case of:
 - any agreement or category of agreements between undertakings;