

CHAPTER V

PAYMENT AND CAPITAL MOVEMENT

ARTICLE 28

Payments for current transactions

Subject to the provisions of Article 30, the Parties undertake to allow all payments for current transactions to be made in a freely convertible currency.

ARTICLE 29

Capital movements

1. The Parties shall ensure that capital for investments made in companies formed in accordance with their laws, any returns stemming therefrom, and the amounts resulting from liquidations of investments shall be freely transferable.
2. The Parties shall hold consultations with a view to facilitating the movement of capital between Egypt and the EFTA States and achieve its complete liberalization as soon as conditions are met.

ARTICLE 30

Balance of payments difficulties

Where an EFTA State or Egypt is in serious balance of payments difficulties, or under threat thereof, the EFTA State concerned or Egypt respectively may, in conformity with the conditions laid down within the framework of the GATT 1994 and Articles VIII and XIV of the Statutes of the International Monetary Fund, take restrictive measures with regard to current payments if such measures are strictly necessary. The EFTA State concerned or Egypt, as appropriate, shall inform the other Parties immediately thereof and shall provide as soon as possible a timetable for the removal of such measures.

CHAPTER VI

COMPETITION AND OTHER ECONOMIC MATTERS

ARTICLE 31

Rules of competition concerning undertakings

1. The following are incompatible with the proper functioning of this Agreement in so far as they may affect trade between Egypt and an EFTA State:

- (a) all agreements between undertakings, decisions by associations of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition; and
- (b) abuse by one or more undertakings of a dominant position in the territories of the Parties as a whole or in a substantial part thereof.

2. The Joint Committee shall, within five years of the entry into force of this Agreement, adopt by decision the necessary rules for the implementation of paragraph 1.

3. If, in the absence of the rules referred to in paragraph 2, a Party considers that a particular practice by an undertaking or undertakings of another Party is incompatible with the terms of paragraph 1, and if such practice causes or threatens to cause serious prejudice to its interest or material injury to its domestic industry, including its service industry, it may take appropriate measures after consultation within the Joint Committee or after thirty working days following referral for such consultation.

4. Notwithstanding any provisions to the contrary adopted in conformity with paragraph 2, the Parties shall exchange information taking into account the limitations imposed by the requirements of their national secrecy laws, such as in particular rules concerning professional and business secrecy.

ARTICLE 32

Public enterprises

With regard to public enterprises and enterprises to which special or exclusive rights have been granted, the Joint Committee shall ensure that as from the fifth year following the date of entry into force of this Agreement there is neither enacted nor maintained any measure distorting trade between the Parties contrary to their interests. This provision should not obstruct the performance in law or in fact of the particular tasks assigned to these enterprises.

ARTICLE 33

Public procurement

The Parties agree on the objective of a progressive liberalisation of public procurement. The Joint Committee will hold consultations on the implementation of this objective.