

ARTICLE 36

Fields of co-operation

Assistance may cover any field jointly identified by the Parties that may serve to enhance Egypt's capacities to benefit from increased international trade and investment, including in particular:

- (a) trade promotion, trade facilitation, and promotion of market opportunities;
- (b) customs and origin matters;
- (c) fish and aquaculture;
- (d) technical regulations and sanitary and phytosanitary measures, including standardisation and certification;
- (e) trade and investment statistics;
- (f) regulatory assistance and implementation of laws in areas such as intellectual property and public procurement; and
- (g) local enterprise development.

CHAPTER VIII INSTITUTIONAL AND PROCEDURAL PROVISIONS

ARTICLE 37

The Joint Committee

1. The implementation of this Agreement shall be supervised and administered by a Joint Committee, which is hereby established. Each Party shall be represented in the Joint Committee by its competent authority.
2. For the purpose of the proper implementation of this Agreement, the Parties shall exchange information and, at the request of any Party, shall hold consultations within the Joint Committee. The Joint Committee shall keep under review the possibility of further removal of the obstacles to trade between the EFTA States and Egypt.
3. The Joint Committee may take decisions in the cases provided for in this Agreement. On other matters the Joint Committee may make recommendations.
4. The Joint Committee shall meet upon request of any Party whenever necessary, but at least every two years.

ARTICLE 38

Procedures of the Joint Committee

1. The Joint Committee shall act by common agreement.
2. If a representative of a Party in the Joint Committee has accepted a decision subject to the fulfilment of constitutional requirements, the decision shall enter into force, if no later date is contained therein, on the date the lifting of the reservation is notified.
3. For the purpose of this Agreement the Joint Committee shall adopt its rules of procedure.
4. The Joint Committee may decide to set up such sub-committees and working parties, as it considers necessary to assist it in accomplishing its tasks.

ARTICLE 39

Fulfilment of obligations and consultations

1. The Parties shall take all necessary measures to ensure the achievement of the objectives and the fulfilment of their obligations under this Agreement. Should any divergence with respect to the interpretation and application of this Agreement arise, the Parties shall make every effort through co-operation and consultations to arrive at a mutually satisfactory resolution.
2. Any Party may request in writing consultations with another Party regarding any actual or proposed measure or any other matter that it considers might affect the operation of this Agreement. The Party requesting consultations shall at the same time notify the other Parties in writing thereof and supply all relevant information.
3. The consultations shall take place in the Joint Committee if any of the Parties so request within ten days from the receipt of the notification referred to in paragraph 2, with a view to finding a commonly acceptable solution.

ARTICLE 40

Provisional re-balancing measures

1. If any Party to this Agreement considers that another Party has failed to fulfil an obligation under this Agreement and the Joint Committee has failed to arrive at a commonly acceptable solution within three months, the Party concerned may take such provisional re-balancing measures as are appropriate and strictly necessary to remedy the imbalance. Priority shall be given to such measures as will least disturb the functioning of this Agreement. The measures taken shall be notified immediately to the Parties and to the Joint Committee, which shall hold regular consultations with a view

to their abolition. The measures shall be abolished when conditions no longer justify their maintenance, or, if the dispute is submitted to arbitration, when an arbitral award has been rendered and complied with.

2. Measures according to paragraph 1 may be taken without prior consultations in the Joint Committee in cases of a material breach of this Agreement by another Party. A material breach shall consist of the repudiation of this Agreement not sanctioned by the general rules of international law or a grave violation of an essential element of this Agreement, creating an environment not conducive for consultations or where a delay would be detrimental to the objectives of this Agreement.

ARTICLE 41

Arbitration

1. Disputes between the Parties, relating to the interpretation of rights and obligations under this Agreement, which have not been settled through direct consultations or in the Joint Committee within 90 days from the date of the receipt of the request for consultations, may be referred to arbitration by any Party to the dispute by means of a written notification addressed to the other Party to the dispute. A copy of this notification shall be communicated to Egypt or the EFTA Secretariat, as the case may be. Where more than one Party requests the submission to an arbitral tribunal of a dispute with the same Party relating to the same question a single arbitral tribunal should be established to consider such disputes whenever feasible.

2. The constitution and functioning of the arbitral tribunal shall be governed by Annex VI. The award of the arbitral tribunal shall be final and binding upon the Parties to the dispute.

CHAPTER VIII FINAL PROVISIONS

ARTICLE 42

Evolutionary clause

1. The Parties undertake to review this Agreement in light of international economic developments, i.a. in the framework of the WTO, and to examine in this context and in the light of any relevant factor, the possibility of further developing and deepening the co-operation under this Agreement and to extend it to areas not covered therein. The Parties may instruct the Joint Committee to examine this possibility and, where appropriate, to make recommendations to them, particularly with a view to opening up negotiations.