

TITLE VI
TRANSPARENCY, INSTITUTIONAL PROVISIONS, EXCEPTIONS AND
FINAL PROVISIONS

CHAPTER I
TRANSPARENCY

ARTICLE 51
Contact Points and Exchange of Information

1. In order to facilitate communication between the Parties on any trade matter covered by this Agreement, the Parties hereby establish the following contact points:
 - a) for the Republic of Turkey: Prime Ministry, Undersecretariat for Foreign Trade, or its successor; and
 - b) for the Republic of Chile: the Europe Department of the General Directorate of International Economic Affairs, or its successor.
2. On the request of either Party, the contact point of the other Party shall indicate the office or official responsible for the matter and provide the required support to facilitate communication with the requesting Party. Each Party shall notify the other Party of any changes of its contact point in due time.
3. On request of the other Party, and to the extent possible under its domestic laws and regulations, each Party shall provide information and reply to any question from the other Party relating to an actual or proposed measure that might substantially affect the operation of this Agreement.
4. The information referred to under this Article shall be considered to have been provided when the information has been made available by appropriate notification to the WTO or when the information has been made available on the official, publicly and fee-free accessible website of the Party concerned.

ARTICLE 52
Cooperation on Increased Transparency

The Parties agree to cooperate in bilateral and multilateral fora on ways to increase transparency in trade matters.

ARTICLE 53
Publication

Each Party shall ensure that its laws and regulations relating to any trade matter covered by this Agreement are published or made publicly available.

CHAPTER II
INSTITUTIONAL PROVISIONS

ARTICLE 54
Establishment of the Joint Committee

1. A Joint Committee is hereby established in which each Party shall be represented by its senior officials. The Joint Committee shall be responsible for the administration of this Agreement and shall ensure its proper implementation.
2. For the objective of the proper implementation of this Agreement, the Joint Committee shall work in pursuant with the following purposes; included but not limited to:
 - a) review the general functioning of this Agreement;
 - b) set up sub-committees and working groups as it considers necessary to assist it in accomplishing its tasks;
 - c) review, consider and, as appropriate, decide on specific matters related to the operation and implementation of this Agreement, including matters reported by sub-committees or working groups;
 - d) supervise the work of sub-committees, working groups and contact points established under this Agreement;

- e) facilitate, as appropriate, the avoidance and settlement of disputes arising under this Agreement, including through consultations pursuant to Article 40;
- f) consider and adopt any amendment to this Agreement or other modification or rectification to the commitments therein. The Parties shall implement any amendment or other modification approved by the Joint Committee subject to the completion of the following procedures:
 - i. In the case of Chile, through Executive Agreements (*Acuerdos de Ejecución*), in accordance with the Political Constitution of the Republic of Chile (*Constitución Política de la República de Chile*).
 - ii. In the case of Turkey, in accordance with the applicable internal procedures.
- g) as appropriate, issue interpretations of the Agreement;
- h) review the possibility of further removal of the obstacles to trade between the Parties and the further development of the trade relationship;
- i) explore ways to enhance further trade and investment between the Parties and to further the objectives of this Agreement; and
- j) take such other actions as the Parties may agree.

ARTICLE 55
Procedures of the Joint Committee

1. The Joint Committee shall meet whenever necessary upon request but normally at least once a year. Either Party may request a meeting to be held.
2. All decisions of the Joint Committee shall be taken by mutual agreement.
3. The Joint Committee shall adopt its rules of procedure.

CHAPTER III EXCEPTIONS

ARTICLE 56 General Exceptions

For the purpose of this Agreement, Article XX of GATT 1994 and its interpretative notes are incorporated into and made part of this Agreement, *mutatis mutandis*.

ARTICLE 57 Security Exceptions

1. Nothing in this Agreement shall be construed:
 - a) to require a Party to furnish any information the disclosure of which it considers contrary to its essential security interests; or
 - b) to prevent a Party from taking any action which it considers necessary for the protection of its essential security interests
 - i. relating to fissionable materials or the materials from which they are derived;
 - ii. relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials, as is carried on directly or indirectly for the purpose of supplying a military establishment;
 - iii. taken in time of war or other emergency in international relations; or
 - c) to prevent a Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.

2. A Party taking action under sub-paragraphs (b) and (c) of paragraph 1, shall inform the Joint Committee to the fullest extent possible of measures taken and of their termination.

ARTICLE 58

Balance of Payments Measures on Trade in Goods

Should a Party decide to impose measures for balance of payments purposes, it shall do, so only in accordance with that Party's rights and obligations under GATT 1994, including the Declaration on Trade Measures Taken for Balance of Payments Purposes (1979 Declarations) and the Understanding on the Balance of Payments Provisions of the GATT 1994 (BOP Understanding). In adopting such measures, the Party shall immediately consult with the other Party.

ARTICLE 59

Taxation

1. For the purposes of this Article, "tax convention" means a convention for the avoidance of double taxation or other international taxation agreement or arrangement in force between the Parties; and taxation measures do not include a "customs duty" as defined in Article 8.

2. Except as provided in this Article, nothing in this Agreement shall apply to taxation measures.

3. This Agreement shall only grant rights or impose obligations with respect to taxation measures where corresponding rights or obligations are also granted or imposed under Article III of GATT 1994.

4. Nothing in this Agreement shall affect the rights and obligations of the Parties under any tax convention in force between the Parties. In the event of any inconsistency relating to a taxation measure between this Agreement and such tax convention, the latter shall prevail to the extent of the inconsistency. In the case of a tax convention between the Parties, the competent authorities under that convention shall have sole responsibility for determining whether any inconsistency exists between this Agreement and that convention.

ARTICLE 60
Disclosure of Information

1. Each Party shall, in accordance with its laws and regulations, maintain the confidentiality of information provided in confidence by the other Party pursuant to this Agreement.
2. Nothing in this Agreement shall be construed as requiring a Party to furnish or allow access to confidential information, the disclosure of which would impede law enforcement or otherwise be contrary to the public interest or which would prejudice the legitimate commercial interests of particular enterprises, public or private.

CHAPTER IV
FINAL PROVISIONS

ARTICLE 61
Evolutionary Clause

1. The Parties may mutually agree to extend this Agreement with the aim of broadening and supplementing its scope in accordance with their respective legislation, by concluding agreements on specific sectors or activities in the light of the experience gained during its implementation.
2. Unless otherwise agreed, no later than two years after the entry into force of this Agreement, the Parties will commence exploratory talks on trade in services and investment.

ARTICLE 62
Annexes

Annexes to this Agreement shall form an integral part thereof.

ARTICLE 63
Amendments

1. The Parties may agree, in writing, on any modification of or addition to this Agreement.

2. When so agreed, and approved in accordance with the necessary domestic legal procedures of each Party, a modification or addition shall constitute an integral part of this Agreement. Such amendment shall enter into force on the first day of the second month following the date on which the Parties exchange written notification that such procedures have been completed, or after such other period as the Parties may agree.

ARTICLE 64

Entry into Force

1. The Parties shall ratify this Agreement in accordance with their domestic legal procedures.

2. This Agreement shall enter into force on the first day of the second month following the date on which the Parties exchange written notification that such procedures have been completed.

ARTICLE 65

Duration and Termination

1. This Agreement shall be valid indefinitely.

2. Either Party may give written notice to the other of its intention to denounce this Agreement. Denunciation shall take effect on the first day of the seventh month after notification to the other Party.

ARTICLE 66

Authentic Texts

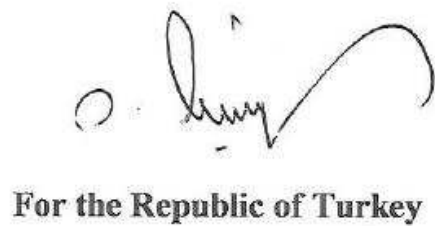
This Agreement shall be done in English, Spanish, and Turkish languages, all being equally authentic. In case of divergence, the English text shall prevail.

IN WITNESS WHEREOF the undersigned plenipotentiaries, being duly authorized thereto, have signed this Agreement.

DONE at Santiago, Republic of Chile, in two originals, this fourteenth day of July two thousand and nine.



For the Republic of Chile



For the Republic of Turkey

