

4. Without prejudice to paragraph 1, the Parties agree to hold immediate consultations in the framework of the Joint Committee where either Party has taken measures which are likely to create, or have created an obstacle to trade, in order to find an appropriate solution in conformity with the WTO Agreement on Technical Barriers to Trade.

ARTICLE 26

Trade in Services

1. The Parties shall aim at achieving gradual liberalization and the opening of their markets for trade in services in accordance with the provisions of the WTO General Agreement on Trade in Services (GATS), taking into account ongoing work under the auspices of the WTO.
2. The Parties shall, at regular intervals in the Joint Committee, review relevant services sectors and consider further liberalization of trade in services, taking into account international developments.

CHAPTER V

INSTITUTIONAL AND FINAL PROVISIONS

ARTICLE 27

Establishment of the Joint Committee

1. A Joint Committee is hereby established in which each Party shall be represented. The Joint Committee shall be responsible for the administration of this Agreement and shall ensure its proper implementation.
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 Parties.
3. The Joint Committee may, in accordance with the provisions of paragraph 3 of Article 28, take decisions in the cases provided for in this Agreement. On other matters the Joint Committee may make recommendations.

ARTICLE 28

Procedures of the Joint Committee

1. For the proper implementation of this Agreement, the Joint Committee shall meet at an appropriate level whenever necessary upon request but at least once a year. Either Party may request a meeting to be held.
2. The Joint Committee shall act by consensus.
3. If a representative in the Joint Committee of a Party to this Agreement has accepted a decision subject to reservation of the fulfillment of constitutional requirements the decision shall enter into force, if no later date is contained therein, on the date of the receipt of the written notification stating that such requirements have been fulfilled.
4. The Joint Committee shall adopt its rules of procedure, which shall, inter-alia, contain provisions for convening meetings, and for the designation of the Chairperson and his/her term of office.
5. The Joint Committee may decide to set up such sub-committees and working groups, as it considers necessary to assist it in accomplishing its tasks.

ARTICLE 29

Security Exceptions

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 defense 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 30

Fulfillment of Obligations

1. The Parties shall take all necessary measures to ensure the achievement of the objectives of this Agreement and the fulfillment 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 cooperation and consultations to arrive at a mutually satisfactory solution.
2. Either Party may request consultations with the other 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 Party 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 10 days from the receipt of the notification referred to in paragraph 2, with a view to finding a commonly acceptable solution.

ARTICLE 31
Notifications and Consultations Procedure
for the Application of Measures

1. Before initiating the procedure for the application of any measures set out in Articles 14, 15, 20, and 30, the Parties to this Agreement shall endeavour to solve any differences between themselves through direct consultations, and shall inform the other Party thereof.
2. A Party which is considering to resort to measures shall promptly notify the Joint Committee thereof. The Party concerned shall provide the Joint Committee with all relevant information and give it the assistance required to examine the case. Consultations between the Parties shall take place without delay in the Joint Committee with a view to finding a commonly acceptable solution.
3. If, within one month of the matter being referred to the Joint Committee, the Party in question fails to put an end to the practice objected to or to the difficulties notified and in the absence of a decision by the Joint Committee in the matter, the concerned Party may adopt the measures it considers necessary to remedy the situation.
4. The measures taken shall be notified immediately to the Joint Committee. They shall be restricted, with regard to their extent and to their duration, to what is strictly necessary in order to rectify the situation, giving rise to their application and shall not be in excess of the damage caused by the practice or the difficulty in question. Priority shall be given to such measures that will least disturb the functioning of this Agreement.

5. The measures taken shall be the subject of regular consultations within the Joint Committee with a view to their relaxation, or abolition when conditions no longer justify their maintenance.
6. Where exceptional circumstances requiring immediate action make prior examination impossible, the Party concerned may, in the cases of Articles 14, 15, 20, and 30 apply forthwith the precautionary measures strictly necessary to remedy the situation. The measures shall be notified without delay to the Joint Committee and consultations between the Parties to this Agreement shall take place within the Joint Committee.

Article 32

Dispute Settlement

1. Either Party may refer to the Joint Committee any dispute relating to the application or interpretation of this Agreement.
2. The Joint Committee may settle the dispute by means of a decision.
3. Each Party shall be bound to take measures involved in carrying out the decision referred to in paragraph 2.
4. In the event of it not being possible to settle the dispute in accordance with paragraph 2, either Party may notify the other of the appointment of an arbitrator; the other Party must then appoint a second arbitrator within two months.
5. The two arbitrators shall agree on a third arbitrator being a citizen of a third country of which both Parties have diplomatic relations. In case of failure to agree on the third arbitrator within two months, the necessary appointment shall be made by the Joint Committee.
6. The arbitrators' decisions shall be taken by majority vote.
7. Each Party to the dispute must take the steps required to implement the decision of the arbitrator.

ARTICLE 33

Evolutionary Clause

1. Where either Party considers that it would be useful and in the interest of the economies of the Parties to develop the relations established by this Agreement by extending them to fields not covered thereby, it shall submit a request to the other Party. The Joint Committee shall examine this request and, where appropriate, to make recommendations, particularly with a view to opening negotiations.

2. Agreements resulting from the procedure referred to in paragraph 1 will be subject to ratification or approval by the Parties to this Agreement in accordance with their national legislation.

ARTICLE 34

Amendments

Amendments to this Agreement, as well as to its Annexes and Protocols, shall enter into force on the date of receipt of the latter written notification through diplomatic channels, by which the Parties inform each other that all necessary requirements foreseen by their national legislation for the entry into force of this Agreement have been fulfilled.

ARTICLE 35

Protocols and Annexes

Protocols and Annexes to this Agreement shall form an integral part thereof. The Joint Committee may decide to amend the Protocols and Annexes in accordance with the national legislation of the Parties.

ARTICLE 36

Validity and Termination

1. This Agreement is concluded for an unlimited period.
2. Either party may denounce this Agreement by a written notification to the other Party. The Agreement shall terminate on the first day of the sixth month following the date when the other Party received the denunciation notice.

ARTICLE 37

Entry into Force

This Agreement shall enter into force on the first day of the second month, following the date of the receipt of the latter written notification through diplomatic channels, by which the Parties inform each other that all necessary requirements foreseen by their national legislation for the entry into force of this Agreement have been fulfilled.

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

DONE at Tbilisi, this 21st day of November 2007, in two originals each in the Turkish, Georgian and English languages, all texts being equally authentic. In case of any divergence in the interpretation of this Agreement, the English text shall prevail.

For the Republic of Turkey

For Georgia