

TITLE III INSTITUTIONAL AND FINAL PROVISIONS

ARTICLE 40 Establishment of the Turkey-Jordan Association Council

An Association Council is hereby established which as a rule shall be headed by Ministers in charge of foreign trade and meet at least once a year in accordance with the conditions laid down in its rules of procedure.

ARTICLE 41 Duties of the Association Council

The Association Council shall review the progress made in the implementation of this Agreement. It shall also examine any major issues arising within the framework of this Agreement including its economic and social impact and any other bilateral or international issues of mutual interest.

ARTICLE 42 Procedures of the Association Council

1. The Association Council shall consist of officials and public sector representatives of both Parties. The Association Council may invite private sector representatives to its meetings upon its approval.
2. The Association Council shall establish its rules of procedure.
3. The Association Council shall, for the purpose of attaining the objectives of this Agreement, have the power to take decisions in the cases provided for therein.
4. The decisions taken shall be binding on the Parties that shall take the measures necessary to implement the decisions taken. The Association Council may also make appropriate recommendations.
5. The Association Council may upon necessity establish working groups or bodies for the implementation of the Agreement.
6. It shall draw up its decisions and recommendations by agreement between the two Parties.

ARTICLE 43
Establishment of the Association Committee

1. Subject to the powers of the Association Council, an Association Committee is hereby established which shall be responsible for the settlement implementation of the Agreement.
2. The Association Council may delegate to the Association Committee, in full or in part, any of its powers.

ARTICLE 44
Procedures of the Association Committee

1. The Association Committee shall meet at an appropriate level whenever necessary upon the request of the Parties, but at least once a year alternatively in Turkey and Jordan.
2. The Association Committee shall establish its rules of procedure.
3. The Association Committee shall have the power to take decisions for the implementation of the Agreement as well as in the areas in which the Council has delegated its powers to it.
4. It shall draw up its decisions by agreement between the two Parties. These decisions shall be binding on the Parties that shall take the measures necessary to implement the decisions taken.

ARTICLE 45
Security Exceptions

Nothing in this Agreement shall prevent a Party from taking any measures which it considers necessary to its essential security interests as long as these measures are consistent with Article XXI of the GATT 1994.

ARTICLE 46
General Exceptions

This Agreement shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; the protection of intellectual, industrial and commercial property. Such prohibitions or restrictions must not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Parties.

ARTICLE 47
Fulfilment of Obligations

1. The Parties shall take all necessary measures to ensure the achievement of the objectives of this Agreement and the fulfilment of their obligations under this Agreement.
2. If either Party considers that the other Party has failed to fulfil an obligation under this Agreement, the Party concerned may take the appropriate measures under the conditions and in accordance with the procedures laid down in Article 21 of this Agreement.

ARTICLE 48
Dispute Settlement

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.
2. If either Party considers that the other Party has failed to fulfill an obligation under this Agreement or in the case of a dispute relating to interpretation of the provisions of this Agreement, the complaining Party may refer the dispute to the Association Committee. If the Association Committee settles the dispute referred to it, it shall take a decision on the matter, and the Parties shall be bound to take the necessary measures to carry out this decision.
3. If the dispute referred to the Association Committee has not been settled within 60 days after the dispute was referred to it, or within such other period as the Association Committee has agreed upon, the complaining Party may notify the other Party by a written request to establish an arbitration tribunal.
4. The arbitration tribunal shall be composed of three members. Each Party shall appoint one arbitrator within 30 days from receiving the request for appointing an arbitration tribunal and the two appointees shall choose, within 30 days after their nomination, a third who will serve as the chairman.
5. The arbitration tribunal shall, within 90 days after the third member is appointed, present to the Parties an initial report. The panel shall base its report on the relevant provisions of this Agreement and the arguments of the Parties and shall make recommendations for the resolution of the dispute.
6. After considering any comments by the Parties on the initial report, the arbitration tribunal may modify its report and make any further examination it considers appropriate. The arbitration tribunal shall present the final report to the Association Committee within 30 days of the presentation of the initial report.

7. The Association Committee shall take a decision to settle the dispute on the basis of the final report of the arbitration tribunal and the Parties shall be bound to take the necessary steps required to implement this decision.
8. If the Party complained against fail to implementing the decision mentioned in paragraph 7 of this article, the complaining Party shall be entitled to take measures in line with the decision of the Association Committee.
9. The Parties shall also enter into discussion with a view to developing rules for the selection and conduct of members of arbitration tribunal and model rules of procedure for arbitration tribunal at the first Association Committee meeting.

ARTICLE 49

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 reasoned request to the other Party. The Association Council may instruct the Association Committee to examine this request and, where appropriate, to make recommendations to them, 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 50

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 51

Protocols and Annexes

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

ARTICLE 52
Duration and Denunciation

1. This Agreement is concluded for an indefinite period of time.
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 seventh month following the date when the other Party received the denunciation notice.

ARTICLE 53
Entry into Force

1. 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.
2. Upon its entry into force, this Agreement shall replace the following Agreements between the Parties:
 - a) Trade Agreement between the Government of the Republic of Turkey and the Government of the Hashemite Kingdom of Jordan (signed on 17 June 1980).
 - b) Agreement on Economic, Industrial and Technical Co-operation between the Government of the Republic of Turkey and the Government of the Hashemite Kingdom of Jordan (signed on 4 December 1983).

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

DONE at....., this.....day of, in three originals each in Arabic, Turkish 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 Hashemite Kingdom of Jordan

For the Republic of Turkey