

## **CHAPTER II**

### **MARKET ACCESS FOR GOODS**

#### **SECTION I**

#### **COMMON PROVISIONS**

##### **ARTICLE 4**

##### **Classification and Valuation of Goods**

1. The classification of goods in trade between the Parties shall be that set out in each Party's respective tariff nomenclature in conformity with the Harmonized Commodity Description and Coding System (hereinafter referred to as "the Harmonized System" or "HS").
2. For the purposes of determining the customs value of goods traded between the Parties, provisions of Part I of the Agreement on Implementation of Article VII of the GATT 1994, as may be amended, shall apply *mutatis mutandis*.

##### **ARTICLE 5**

##### **Customs Duty**

A customs duty includes any duty or charge of any kind imposed in connection with the importation or exportation of a good, including any form of surtax or surcharge in connection with such importation or exportation, but does not include any:

- a) internal taxes or other internal charges imposed consistently with Article III of GATT 1994;
- b) antidumping or countervailing duties applied consistently with Article 20 and safeguard measures applied in accordance with Article 19 and 21; and
- c) fees or other charges imposed consistently with Article 6.

##### **ARTICLE 6**

##### **Fees and Other Charges**

Each Party shall ensure, in accordance with Article VIII of the GATT 1994 and its interpretative notes, that all fees and charges of whatever character (other than customs duties, charges equivalent to an internal tax or other internal charges, applied consistently with Article III paragraph 2 of the GATT 1994, and antidumping and countervailing duties) imposed on or in connection with importation or exportation are limited in amount to the approximate cost of services rendered and do not represent an indirect protection to domestic goods or a taxation of imports or exports for fiscal purposes.

**ARTICLE 7**  
**Basic Duties**

1. For each product, the basic duty to which successive reductions set out in this Agreement are to be applied shall be the Most Favored Nation (MFN) duty that was in force in the Parties on the date of entry into force of this Agreement, unless otherwise specified in Annexes referred to in Article 12 and Article 16.
2. If, after the entry into force of this Agreement, any tariff reduction is applied on an erga omnes basis, in particular, reductions resulting from the tariff negotiations in the WTO, such reduced duties shall replace the basic duties referred to in paragraph 1 as from that date when such reductions are applied.
3. The Parties shall communicate to each other their respective basic duties.

**ARTICLE 8**  
**Re-export and Serious Shortage**

1. Where compliance with the provisions of Article 13 and 14 leads to:
  - a) re-export towards a third country against which the exporting Party to this Agreement maintains for the product concerned quantitative export restrictions, export duties or measures or charges having equivalent effect;
  - b) a serious shortage, or threat thereof, of a product essential to the exporting Party; or
  - c) a shortage of essential quantities of domestic materials for a domestic processing industry during periods when the domestic price of such materials is held below the world price as part of a governmental stabilization plan;

and where the situations referred to above give rise or are likely to give rise to major difficulties for the exporting Party, that Party may take appropriate measures under the conditions and in accordance with the procedures laid down in this Article.

2. In the selection of measures, priority must be given to those which least disturb the functioning of the arrangements in this Agreement. Such measures shall not be applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination where the same conditions prevail, or a disguised restriction on trade, and shall be eliminated when the conditions no longer justify their maintenance. In addition, the measures which may be adopted pursuant to paragraph 1(c) shall not operate to increase the exports of or the protection afforded to the domestic processing industry concerned, and shall not depart from the provisions of this Agreement relating to non-discrimination.
3. Before taking the measures provided for in paragraph 1, or as soon as possible in cases to which paragraph 4 applies, the Party intending to take the measures shall supply the Joint Committee with all relevant information, with a view to

seeking a solution acceptable to the Parties. The Parties within the Joint Committee may agree on any means needed to put an end to the difficulties. If no agreement is reached within 30 days of the matter being referred to the Joint Committee, the exporting Party may apply measures under this Article on the exportation of the product concerned.

4. Where exceptional and critical circumstances requiring immediate action make prior information or examination impossible, the Party intending to take the measures may apply forthwith the precautionary measures necessary to deal with the situation and shall inform the other Party immediately thereof.
5. Any measures applied pursuant to this Article shall be immediately notified to the Joint Committee and shall be the subject of periodic consultations within that body, particularly with a view to establishing a timetable for their elimination as soon as circumstances permit.

#### **ARTICLE 9**

##### **Balance of Payments Measures on Trade in Goods**

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

#### **ARTICLE 10**

##### **Rules of Origin and Cooperation between the Customs Administrations**

The rules of origin and the related methods of cooperation between the Customs Administrations of the Parties under this Agreement are set out at Annex 1.

### **SECTION II**

#### **INDUSTRIAL PRODUCTS**

#### **ARTICLE 11**

##### **Scope**

The provisions of this Section shall apply to products originating in the Parties falling within Chapters 25 to 97 of the Harmonized System; with the exception of the products listed in Annex II of this Agreement.

**ARTICLE 12**  
**Customs Duties on Imports and Charges Having Equivalent Effect**

1. Customs duties on imports into Turkey of goods originating in Mauritius, other than those listed in Annex III, shall be abolished upon the entry into force of this Agreement.
2. Customs duties on imports into Turkey of goods originating in Mauritius which are listed in Annex III shall be progressively abolished in accordance with the timetable laid down therein.
3. Customs duties on imports into Mauritius of goods originating in Turkey, other than those listed in Annex IV and Annex V shall be abolished upon the entry into force of this Agreement.
4. Customs duties on imports into Mauritius of goods originating in Turkey which are listed in Annex IV shall be progressively abolished in accordance with the timetable laid down therein.
5. Customs duties on imports into Mauritius of goods originating in Turkey which are listed in Annex V will be excluded from tariff elimination.
6. From the date of entry into force of this Agreement no new customs duties on imports or charges having equivalent effect shall be introduced in trade between the Parties.
7. Turkey and Mauritius shall abolish, in trade between themselves, any charges having an equivalent effect to customs duties on imports upon the entry into force of this Agreement.
8. Any favorable treatment on customs duties that may be accorded by Mauritius to the European Union shall automatically be extended to Turkey.
9. Any more favourable treatment on customs duties that may be accorded by Turkey to any African Caribbean and Pacific country in the context of any free trade agreement shall automatically be extended to Mauritius in accordance with the procedures laid down in Article 34.

**ARTICLE 13**  
**Customs Duties on Exports and Charges Having Equivalent Effect**

1. Customs duties and charges having equivalent effect on exports shall be abolished between the Parties upon the entry into force of this Agreement.
2. From the date of entry into force of this Agreement, no new customs duties on exports or charges having equivalent effect shall be introduced in trade between the Parties.

#### **ARTICLE 14**

#### **Quantitative Restrictions on Exports and Imports and Measures Having Equivalent Effect**

1. All quantitative restrictions on exports and imports in the Parties and measures having equivalent effect shall be abolished on the date of entry into force of this Agreement.
2. From the date of entry into force of this Agreement no new quantitative restrictions on exports and imports or measures having equivalent effect shall be introduced.

### **SECTION III**

#### **AGRICULTURAL, PROCESSED AGRICULTURAL AND FISHERY PRODUCTS**

#### **ARTICLE 15**

#### **Scope**

1. The provisions of this Section shall apply to basic agricultural, processed agricultural and fishery products originating in the territory of each Party.
2. The term "basic agricultural, processed agricultural and fishery products" (hereinafter referred to as agricultural products) means, for the purpose of this Agreement, the products falling within Chapters 01 to 24 of the Harmonized System and the products listed in Annex II of this Agreement.

#### **ARTICLE 16**

#### **Exchange of Concessions**

1. The Parties to this Agreement shall mutually allocate the concessions set forth in Annex VI in accordance with the provisions of this Section.
2. Taking into account the role of agriculture in their respective economies, the development of trade in agricultural products, the high sensitivity of agricultural products and the rules of their respective agricultural policy, the Parties shall examine in the Joint Committee the possibilities of granting further concessions to each other in trade in agricultural products.

#### **ARTICLE 17**

#### **Sanitary and Phytosanitary Measures**

1. The Parties shall not apply their regulations in sanitary and phytosanitary matters as an arbitrary or unjustifiable discrimination or a disguised restriction on trade between them.
2. The Parties shall apply their sanitary and phytosanitary measures within the rules and procedures of the GATT 1994 and the WTO Agreement on the Application of Sanitary and Phytosanitary Measures.
3. The Parties agree to co-operate in the areas of animal health and plant protection and food safety through their respective competent authorities.

## **CHAPTER III**

### **TRADE RELATED PROVISIONS**

#### **ARTICLE 18**

##### **Internal Taxation and Regulation**

1. The Parties shall refrain from, and abolish where existing, any internal taxes and other internal charges and laws, regulations and requirements establishing, whether directly or indirectly, discrimination between the products of one Party and like products originating in the other Party.
2. Products exported to the territory of either of the Parties shall not qualify for refunds of internal indirect taxation which exceed the amount of the indirect taxation directly or indirectly imposed on those products.

#### **ARTICLE 19**

##### **Bilateral Safeguard Measures**

1. After having examined alternative solutions, a Party may apply safeguard measures of limited duration which derogate from the provisions of Articles 12, 14 and 16, under the conditions and in accordance with the procedures laid down in this Article.
2. Safeguard measures referred to in paragraph 1 above may be taken where a product originating in one Party is being imported into the other Party in such increased quantities and under such conditions as to cause or threaten to cause:
  - a) serious injury to the domestic industry producing like or directly competitive products in the territory of the importing Party; or,
  - b) disturbances in a sector of the economy, particularly where these disturbances produce major social problems, or difficulties which could bring about serious deterioration in the economic situation of the importing