

- (a) appropriate means of identifying investment opportunities and information channels on investment regulations;
- (b) the provision of information on the Parties' measures promoting investment abroad (technical assistance, financial support, investment insurance, etc.);
- (c) the planning and implementation of development projects, including for the participation of foreign investors.

TITLE III: INSTITUTIONAL AND FINAL PROVISIONS

Article 40

Establishment Of The Turkey-Tunisia 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, public and private sector representatives of both Parties.
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 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 Tunisia.
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. Either Party may refer to the Association Council any dispute relating to the application or interpretation of this Agreement.

2. The Association Council may settle the dispute by means of 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 if 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 Association Council shall appoint a third arbitrator.

6. The arbitrators' decisions shall be taken by majority vote.

7. Each Party to the dispute shall take the steps required to implement the decision of the arbitrators.

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 these amendments, 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 Agreement between the Parties:

“Accord Commercial et de Cooperation Economique et Technique entre le Gouvernement de la Republique de Turquie et le Gouvernement de la République Tunisienne (signed on 15 July 1992).”

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

DONE in Tunis, on November 25th, 2004, in two originals each in the Turkish, Arabic 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

Kürşad TÜZMEN
State Minister

For the Republic of Tunisia

Mondher ZENAIDI
Minister of Commerce and Handicrafts
