

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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Original: French

AGREEMENT ESTABLISHING AN ASSOCIATION BETWEEN THE EUROPEAN ECONOMIC COMMUNITY AND THE REPUBLIC OF TUNISIA

The Director-General has received the following communication from the Council of the European Communities:

"I have the honour to inform you that an Agreement establishing an association between the European Economic Community and the Republic of Tunisia was signed at Tunis on 28 March 1969.

"I am transmitting to you herewith, for the information of the CONTRACTING PARTIES, a copy of this Agreement which is based on the considerations set forth in the declaration of intention annexed to the Treaty of Rome, concerning the association of the independent countries in the franc area and which, in the opinion of the two parties, is consistent with the spirit and the objectives of the General Agreement."

A communication to similar effect has been received from the Government of Tunisia.

A copy of the text of the Agreement is here reproduced without any of the accompanying annexes, lists or protocols. Copies of the full text of the Agreement (in French) together with the annexes thereto have been received from the European Communities. One copy is being sent to each contracting party.

AGREEMENT
ESTABLISHING AN ASSOCIATION
BETWEEN
THE EUROPEAN ECONOMIC COMMUNITY
AND
THE REPUBLIC OF TUNISIA

THE COUNCIL OF THE EUROPEAN COMMUNITIES, of the one part,

THE PRESIDENT OF THE REPUBLIC OF TUNISIA, of the other part,

DESIRING to manifest their mutual concern to maintain and strengthen their friendly relations in observance of the principles of the Charter of the United Nations,

RESOLVED to eliminate obstacles to the essential part of trade between the European Economic Community and the Republic of Tunisia,

CONCERNED to contribute to the development of international economic relations,

REFERRING to the declaration of intention by the member States of the European Economic Community with a view to the association of the independent countries in the franc area with the European Economic Community,

DESIROUS that that declaration should receive an initial application,

HAVE DECIDED to conclude an Agreement establishing an association between the European Economic Community and Tunisia, in accordance with Article 238 of the Treaty establishing the European Economic Community and to this end have designated as their plenipotentiaries:

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Mr. Gaston THORN,
currently President of the Council of the European Communities,
Minister of Foreign Affairs of the Grand Duchy of Luxembourg

Mr. Jean REY,
President of the Commission of the European Communities

THE PRESIDENT OF THE REPUBLIC OF TUNISIA:

Mr. Habib BOURGUIBA Jr.,
Secretary of State for Foreign Affairs

Mr. Ahmed BEN SALAH,
Secretary of State for Planning and National Economy

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

By the present Agreement an association is established between the European Economic Community and Tunisia.

PART 1

TRADE

ARTICLE 2

1. Products originating in Tunisia shall upon importation into the Community benefit from the provisions set forth in Annexes 1 and 2.
2. Products originating in the Community shall upon importation into Tunisia benefit from the provisions set forth in Annex 3.
3. The Contracting Parties shall take all general or special measures calculated to ensure execution of the obligations arising out of the Agreement.

They shall abstain from any action likely to jeopardize attainment of the aims of the Agreement.

ARTICLE 3

Any measure or practice of an internal fiscal character that establishes, whether directly or indirectly, a discrimination as between the products of one Contracting Party and the like products originating in the other Contracting Party shall be prohibited.

ARTICLE 4

1. Subject to special provisions in respect of frontier trade, the treatment accorded by Tunisia to products originating in the Community may in no case be less favourable than that accorded to products originating in the most-favoured third State.
2. To the extent that export duties are charged on the products of one Contracting Party when consigned to the other Contracting Party, those duties may not be in excess of those imposed on products consigned to the most-favoured third State.
3. The provisions of paragraphs 1 and 2 shall not prevent the maintenance or establishment by Tunisia of customs unions or free-trade areas, to the extent that these do not have the effect of changing the trade régime, and in particular the provisions concerning rules of origin, provided for by the present Agreement.

In particular, these provisions shall not prevent the maintenance or conclusion of agreements in furtherance of the progressive economic integration of the Maghreb.

ARTICLE 5

The provisions set forth in the protocol define the rules of origin applicable to products covered by this Agreement.

ARTICLE 6

Payments in respect of trade in goods and likewise the transfer of such payments to the member State in which the creditor resides or to Tunisia shall be authorized to the extent that such trade falls within the purview of this Agreement.

ARTICLE 7

1. To the extent that protective measures prove necessary for the industrialization and development needs of Tunisia, the latter may withdraw concessions granted on the products concerned other than those included in list 5 of Annex 3, subject to their replacement by other concessions so as to maintain the equilibrium of the Agreement.
2. These withdrawal and replacement measures shall be taken after consultation in the Association Council.

ARTICLE 8

1. If serious disturbances occur in a sector of Tunisia's economic activity or threaten its external financial stability, or if difficulties arise that have the effect of altering the economic situation of any area of Tunisia, the latter may take the necessary safeguard measures.

These measures and their implementing modalities shall be notified without delay to the Association Council.

2. If serious disturbances occur in a sector of the economic activity of the Community or of one or more of the member States, or threaten their external financial stability, or if difficulties arise that have the effect of altering the economic situation of any area of the Community, the latter may take or authorize the member State or States concerned to take the necessary safeguard measures.

These measures and their implementing modalities shall be notified without delay to the Association Council.

3. For the implementation of the provisions of paragraphs 1 and 2, the measures selected must as a matter of priority be those causing the least possible disturbance in the functioning of the Agreement. These measures must not exceed what is strictly necessary to remedy the difficulties which have arisen.

4. Consultations may take place in the Association Council on measures taken in pursuance of paragraphs 1 and 2.

ARTICLE 9

The provisions of this Agreement shall not prevent prohibitions or restrictions being imposed on imports, exports or transit on the grounds of public morality, public order, public security, protection of human or animal life or health, the preservation of plant life, the protection of national treasures of artistic, historical or archaeological value, or the protection of industrial or commercial property. Such prohibitions or restrictions shall not, however, constitute either a means of arbitrary discrimination or a disguised restriction on trade.

PART II

GENERAL AND FINAL PROVISIONS

ARTICLE 10

1. An Association Council is hereby established to administer this Agreement and ensure its proper execution. To this end it shall make recommendations; it shall take decisions in the cases provided for in this Part.
2. The Contracting Parties agree to inform each other and, on request by either of them, to consult in the Association Council with a view to the proper implementation of this Agreement.
3. The Association Council shall by decision establish its rules of procedure.

ARTICLE 11

1. The Association Council shall consist, on the one hand, of the members of the Council and of members of the Commission of the European Communities and, on the other hand, of members of the Government of Tunisia.

Members of the Association Council may delegate representatives under the conditions to be laid down in the rules of procedure.

2. The decisions of the Association Council shall be taken by mutual agreement between the European Economic Community, on the one hand, and Tunisia, on the other hand.

ARTICLE 12

1. The Association Council shall be presided over in turn by a member of the Council of the European Communities and a member of the Government of Tunisia.
2. The Association Council shall be convened once a year by its Chairman.

In addition, the Association Council shall meet whenever circumstances require, in the conditions set forth in its rules of procedure.

ARTICLE 13

The Association Council may decide to set up any committee that can help it to discharge its tasks.

The Association Council shall determine in its rules of procedure the composition, mandate and functioning of such committees.

ARTICLE 14

1. The present Agreement is concluded for a period of five years from the date of its entry into force.
2. Not later than the end of the third year, negotiations may be initiated with a view to the conclusion of a new agreement on a broader basis.

ARTICLE 15

The present Agreement may be denounced by either Contracting Party subject to six months' advance notice.

ARTICLE 16

1. The present Agreement shall apply to the European territories in which the Treaty establishing the European Economic Community is in operation, on the one hand, and to the Republic of Tunisia, on the other hand.
2. It shall also apply to the French overseas departments in the sectors covered by this Agreement corresponding to those listed in paragraph 2, sub-paragraph 1 of Article 227 of the Treaty establishing the European Economic Community.

The conditions governing the application to these departments of the provisions of the present Agreement concerning the other sectors shall be determined subsequently by agreement between the Contracting Parties.

ARTICLE 17

Annexes 1 to 3 and likewise the protocol relating to the definition of the concept of "products originating" and to the methods of administrative co-operation, annexed to the Agreement, shall form an integral part of the Agreement.

ARTICLE 18

The present Agreement shall come into force on the first day of the month following the date on which the Contracting Parties notify each other that the necessary procedures for this purpose have been completed.

ARTICLE 19

The present Agreement is drawn up in duplicate in the German, French, Italian, Dutch and Arabic languages, each text being equally authentic.

IN FAITH WHEREOF the undersigned plenipotentiaries have attached their signatures to the present Agreement.

Done at Tunis on the twenty-eighth day of March, one thousand nine hundred and sixty-nine.

For the Council of the European Communities,

Gaston THORN

Jean REY

Subject to the reservation that the European Economic Community shall be definitely committed only after the other Contracting Party has been notified of the completion of the procedures required by the Treaty establishing the European Economic Community, more particularly the consultation of the Assembly.

For the President of the Republic of Tunisia,

Habib BOURGUIBA Jr.

Ahmed BEN SALAH