

SERVICE LINGUISTIQUE

**GENERAL AGREEMENT ON
TARIFFS AND TRADE**

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FRANCE-TUNISIA TRADE AGREEMENT

The Government of France has transmitted for the information of the contracting parties the text of a Trade and Tariff Convention between France and Tunisia dated 5 September 1959, which entered into force on 1 October.

The schedules referred to in the Convention have been published in the Journal Officiel of 1 October, of which one copy will be sent to each contracting party.

* * *

The Government of the French Republic, on one hand, and the Government of the Republic of Tunisia, on the other hand, have agreed as follows:

ARTICLE 1 - The terms of the Franco-Tunisian Customs Union are abrogated and are replaced by the following provisions:

ARTICLE 2 - The two contracting parties grant to each other the most-favoured-nation treatment on imports of commodities originating in and coming from their respective customs territories.

These provisions, however, do not apply:

- (1) to such advantages as are or may be accorded by one of the contracting parties to other countries for the formation of a customs union or the establishment of a free-trade area;
- (2) to such preferential advantages as are at the present time granted on imports into the French customs territory of products from countries and territories listed in Schedule A annexed to the present Convention.

ARTICLE 3 - Neither of the two contracting parties shall impose upon imports of products originating in and coming from the customs territory of the other contracting party or upon exports of products destined for the customs territory of the other contracting party any quantitative prohibitions or restrictions other than those which might be rendered necessary for the following purposes:

- for the protection of public morals, public order or public safety;
- to protect human, animal or plant life or health;
- to secure the protection of patents, trade marks and copyrights, and the prevention of deceptive practices;
- to secure, upon exportation, compliance with regulations relating to the enforcement of standards of quality;
- for the protection of national treasures of artistic, historic or archaeological value;
- for the conservation of exhaustible natural resources, if such measures are made effective in conjunction with restrictions on domestic production or consumption;
- to prevent a critical situation from arising as a result of a shortage of food products or other products of vital necessity to either of the contracting parties, or to remedy such situation;
- to secure the application of tax monopolies;
- to ensure the enforcement of legislation on mintage and medals;
- to protect agricultural production or new industries and to secure for them a proper place in the national economy;
- to safeguard its external financial situation and to ensure the availability of sufficient reserves to carry out its programme of economic development; in the latter eventuality, the contracting parties shall consult with each other regarding the nature of the prohibitive or restrictive measures which may be allowed to be enacted in their respective exchanges.

ARTICLE 4 - The import restrictions referred to in the foregoing article may provide for the establishment of quotas. Any import or export restrictions as well as export duties applied by one of the contracting parties shall not be of a discriminatory character toward the other contracting party, subject to the provisions of Article 2 of the present Convention.

ARTICLE 5 - Commodities originating in or coming from the customs territory of one of the contracting parties, listed respectively in Schedules B and C annexed to the present Convention, shall only be allowed to be imported into the customs territory of the other contracting party within the limits of the quotas established in, and under the conditions stipulated by, these schedules.

ARTICLE 6 - Commodities originating in and coming from the customs territory of one of the contracting parties, listed respectively in Schedules D and E annexed to the present Convention, shall be admitted for importation into the territory of the other contracting party at the particular tariff conditions specified therein.

The foregoing provisions may, by mutual agreement, be extended to other countries.

ARTICLE 7 - Commodities originating in and coming from the customs territory of one of the contracting parties, when imported into the territory of the other contracting party, may not be subjected, directly or indirectly, to internal taxes or other internal levies of whatever character higher than those imposed, directly or indirectly, on like domestic products.

Furthermore, all fees and charges of whatever character other than import and export duties and other than taxes within the purview of the foregoing paragraph levied by either of the contracting parties on or in connexion with importation or exportation shall be limited in amount to the approximate cost of services rendered and shall not represent an indirect protection to domestic products or a taxation on imports or exports of a fiscal nature.

ARTICLE 8 - The schedules and letters annexed to the present Convention are an integral part of this Convention.

ARTICLE 9 - The present Convention, concluded for a period of one year, enters into force on 1 October 1959.

It is renewable from year to year by tacit renewal, subject to denunciation by either contracting party latest three months before expiry of the current period.

Signed in Tunis on 5 September 1959.

ANNEX

The following are the letters referred to in the Convention, dated 5 September 1959, and addressed by the Ambassador Extraordinary and Special delegate of the French Republic in Tunisia to the State Secretary for Finance and Commerce of the Government of the Republic of Tunisia.

* * *

Letter No.1

The provisions of the first paragraph of Article 2 of the Trade and Tariff Convention signed today do not apply to:

- (1) - such advantages as are or may be accorded by one of the contracting parties to other countries for the formation of a customs union or the establishment of a free-trade area;
- (2) - such preferential advantages as are at the present time granted on imports into the French customs territory of products from countries and territories listed in Schedule A annexed to this Convention.

It was specified that, should France have occasion to increase the preferential advantages referred to in paragraph (2) of Article 2 of the present Convention on goods of like tariff kind as those listed in Schedule E, our two Governments would immediately enter into consultation with a view to making the necessary adjustments to the preferences accorded to Tunisia.

Letter No.2

The Franco-Tunisian Customs Union was understood to apply to the customs territories of both countries as they were defined in Annex 1 of the Protocol of Application of the Economic and Financial Convention relating to the Customs Union dated 28 December 1955.

It was specified that the Convention signed today shall apply to the same customs territories.

Letter No.3

I have the honour to confirm to you that a Convention between the O.N.I.C. and the O.T.I.C. shall determine the conditions governing the exchanges of cereals between France and Tunisia in accordance with the provisions of the Convention of 28 October 1958, subject to the following points:

(1) - The surplus harvest of Tunisian hard wheat which France shall purchase amounts, as agreed, to 1,500,000 quintals.

These purchases shall be made on the basis of the French production price as fixed for the 1959/1960 campaign and subject to the bonuses and deductions as provided for the same campaign; the price shall be increased by the amount of the gross margin of retrocession in force in Tunisia for the campaign 1958/1959, adjusted in the same proportion as was the corresponding French factor for the 1959/1960 campaign.

(2) - The tonnage of semolinas and farinaceous foods to be imported by France shall not be in excess of last year's tonnage.

(3) - Purchases of French soft wheat by Tunisia shall be made, up to the limit of 300,000 quintals, at the French retrocession price as fixed for the 1959/1960 campaign, delivery free warehouse at the port of importation.

(4) - Purchases of Tunisian barleys by France shall be made, up to the limit of 300,000 quintals, at the French retrocession price as fixed for the 1959/1960 campaign, delivery free point of discharge at French port.

(5) - Purchases of soft wheat and barley shall be effected by successive portions so as to make the implementation of these two quotas concomitant.

(6) - Tunisia foregoes the levying of the customs formalities tax on cereals.

(7) - Goods delivered shall be invoiced in the currency of the selling country.

Letter No.4

I have the honour to confirm to you that, pursuant to Article 241 of the wine code, Tunisian wine products are subject, in all respects, to the same treatment as comparable French and Algerian products.