

FREE TRADE AGREEMENT  
BETWEEN  
THE REPUBLIC OF TURKEY  
AND  
THE REPUBLIC OF MAURITIUS

## **PREAMBLE**

The Republic of Turkey and the Republic of Mauritius (hereinafter referred to as “the Parties” or “Turkey” or “Mauritius” where appropriate);

**BEARING IN MIND** the friendly ties between the Parties in the political, economic, cultural and social spheres;

**HAVING REGARD** to the Parties’ obligations under their respective bilateral, regional and multilateral trade agreements;

**RECOGNIZING** the substantial trade potential for developing trade relations between the Parties;

**DECLARING** their readiness to undertake activities with a view to promoting harmonious development of their trade as well as to expanding and diversifying their mutual co-operation in the fields of joint interest, thus creating a framework and supportive environment based on equality, non discrimination and a balance of rights and obligations;

**CONVINCED** of the need to establish and promote free trade for strengthening economic cooperation and the development of their economies;

**REFERRING** to the mutual interest of the Parties in the continual reinforcement of the multilateral trading system and considering that the provisions and instruments of the General Agreement on Tariffs and Trade 1994 (hereinafter “GATT 1994”) and the World Trade Organization (hereinafter referred to as “WTO”) constitute a basis for their foreign trade policy;

**RESOLVED** to lay down the provisions aimed at progressive abolition of the obstacles to trade between the Parties in accordance with the provisions of these instruments, in particular those concerning the establishment of free trade areas;

**HAVE AGREED AS FOLLOWS:**

# **CHAPTER I**

## **INITIAL PROVISIONS**

### **ARTICLE 1**

#### **Establishment of a Free Trade Area**

The Parties to this Agreement, in accordance with Article XXIV of GATT 1994, hereby establish a free trade area.

### **ARTICLE 2**

#### **Objectives**

The objectives of this Agreement are:

- a) to increase and enhance economic cooperation between the Parties and raise the living standards of the people of the two countries;
- b) to promote expansion of trade through the harmonious development of the economic relations between the Parties;
- c) to gradually eliminate hindrances and restrictions on trade in goods;
- d) to contribute, by the removal of barriers to trade, to the harmonious development and expansion of world trade; and
- e) to provide fair conditions for competition in trade between the Parties.

### **ARTICLE 3**

#### **Customs Unions and Free Trade Areas**

1. The Parties, without prejudice to the rights and obligations provided for in this Agreement, preserve the right to maintain or establish customs unions, free trade areas or other arrangements with third countries.
2. Any Party, in case the rights and obligations provided for under this Agreement are being affected, may request to hold consultations within the Joint Committee concerning agreements establishing or adjusting customs unions or free trade areas and, where required, on other major issues related to the Parties' respective trade policies with third countries.

## **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

Party; or,

- c) disturbances in the markets of agricultural like or directly competitive products<sup>1</sup> or mechanisms regulating those markets in the importing Party.
3. Safeguard measures referred to in this Article shall not exceed what is necessary to remedy or prevent the serious injury or disturbances, as defined in paragraph 2 and 5(b). Those safeguard measures of the importing Party may only consist of one or more of the following:
    - a) suspension of the further reduction of the rate of import duty for the product concerned, as provided for under this Agreement,
    - b) increase in the customs duty on the product concerned up to a level which does not exceed the customs duty applied to other WTO Members, and
    - c) introduction of tariff quotas on the product concerned.
  4. Without prejudice to paragraphs 1, 2 and 3 above, where any product originating in Mauritius is being imported in such increased quantities and under such conditions as to cause or threaten to cause one of the situations referred to under 2(a), (b) and (c) above to Turkey, Turkey may take surveillance or safeguard measures in accordance with the procedures laid down in paragraphs 6 to 9.
  5. (a) Without prejudice to paragraphs 1, 2 and 3 above, where any product originating in Turkey is being imported in such increased quantities and under such conditions as to cause or threaten to cause one of the situations referred to under 2(a), (b) and (c) above to Mauritius, Mauritius may take surveillance or safeguard measures in accordance with the procedures laid down in paragraphs 6 to 9.  
  
(b) Mauritius may take safeguard measures where a product originating in Turkey as a result of the reduction of duties is being imported in such increased quantities and under such conditions as to cause or threaten to cause disturbances to an infant industry producing like or directly competitive products. Such provision is only applicable for a period of 10 years from the date of entry into force of this Agreement. Measures must be taken in accordance with the procedures laid down in paragraphs 6 to 9.
  6. (a) Safeguard measures referred to in this Article shall only be maintained for such a time as may be necessary to prevent or remedy serious injury or disturbances as defined in paragraphs 2, 4 and 5 above.  
  
(b) Safeguard measures referred to in this Article shall not be applied for a period exceeding two years. Where the circumstances warranting imposition of safeguard measures continue to exist, such measures may be extended for a further period of no more than two years.

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<sup>1</sup> For the purpose of this article agricultural products are those defined in Article 15.2 of this agreement.

- (c) Safeguard measures referred to in this Article that exceed one year shall contain clear elements progressively leading to their elimination at the end of the set period, at the latest.
- (d) No safeguard measure referred to in this Article shall be applied to the import of a product that has previously been subject to such a measure, for a period of at least one year since the expiry of the measure.
7. For the implementation of the above paragraphs, the following provisions shall apply:
- a) Where a party takes the view that one of the circumstances set out in paragraphs 2, 4 and/or 5 exists, it shall immediately refer the matter to the Joint Committee for examination;
  - b) The Joint Committee may make any recommendation needed to remedy the circumstances which have arisen. If no recommendation has been made by the Joint Committee aimed at remedying the circumstances, or no other satisfactory solution has been reached within 30 days of the matter being referred to the Joint Committee, the importing party may adopt the appropriate measures to remedy the circumstances in accordance with this Article;
  - c) Before taking any measure provided for in this Article or, in the cases to which paragraph 8 of this Article applies, as soon as possible, the Party concerned shall supply the Joint Committee with all relevant information required for a thorough examination of the situation, with a view to seeking a solution acceptable to the Parties concerned;
  - d) In the selection of safeguard measures pursuant to this Article, priority must be given to those which least disturb the operation of this Agreement;
  - e) Any safeguard measure taken pursuant to this Article shall be notified immediately to the Joint Committee and shall be the subject of periodic consultations within the said Joint Committee particularly with a view to establishing a timetable for their abolition as soon as circumstances permit.
8. Where exceptional circumstances require immediate action, the importing Party concerned, whether Turkey or Mauritius, may take the measures provided for in paragraph 3, 4 and/or 5 on a provisional basis without complying with the requirements of paragraph 7. Such action may be taken for a maximum period of 180 days where measures are taken by Turkey and 200 days where measures are taken by Mauritius. The duration of any such provisional measure shall be counted as a part of the initial period and any extension referred to in paragraph 6. In the taking of such provisional measures, the interest of all Parties involved shall be taken into account. The importing Party concerned shall inform the other Party concerned and it shall immediately refer the matter to the Joint Committee for examination.

9. If an importing Party subjects imports of a product to an administrative procedure having as its purpose the rapid provision of information on the trend of trade flows liable to give rise to the problems referred to in this Article, it shall inform the Joint Committee without delay.
10. The WTO Agreement shall not be invoked to preclude a Party from adopting safeguard measures in conformity with this Article.
11. Parties agree to ensure that any changes that have a direct impact on this Article as a result of the negotiations of the Economic Partnership Agreement between the European Union (EU) and the Eastern and Southern African (ESA) States, and which are more favorable than the provisions of this Agreement, will be immediately considered by the Joint Committee for amendment in accordance with Article 34.

**ARTICLE 20**  
**Antidumping and Countervailing Measures**

1. The rights and obligations of the Parties related to antidumping and countervailing measures shall be governed by Article VI of GATT 1994, the WTO Agreement on Implementation of Article VI of GATT 1994 and the WTO Agreement on Subsidies and Countervailing Measures, and their successors.
2. This Agreement does not confer any additional rights or obligations on the Parties with regard to the application of antidumping and countervailing measures, referred to in paragraph 1 of this Article.

**ARTICLE 21**  
**Safeguard Measures**

1. Notwithstanding Article 19, each Party retains its rights and obligations under Article XIX of GATT 1994 and the WTO Safeguards Agreement, and any other relevant provisions in the WTO Agreement, and their successors.
2. This Agreement does not confer any additional rights or obligations on the Parties with regard to actions taken pursuant to Article XIX of GATT 1994 and the WTO Safeguards Agreement, and their successors.

**ARTICLE 22**  
**Payments**

1. Payments in freely convertible currencies relating to commercial transactions within the framework of this Agreement between the Parties and the transfer of such payments to the territory of the Party where the creditor resides shall be free from any restrictions.

2. The Parties shall refrain from exchange or administrative restrictions other than those existing in the current legislation of the Parties on the grant repayment or acceptance of short and medium term credits related to commercial transactions in which a resident of a Party participates.
3. Notwithstanding the provisions of paragraph 2, any measures concerning current payments connected with the movement of goods shall be in conformity with the conditions laid down under Article VIII of the Articles of Agreement of the International Monetary Fund.

**ARTICLE 23**  
**Intellectual and Industrial Property**

1. The Parties shall co-operate and collaborate with a view to providing suitable and effective protection of intellectual and industrial property rights in line with Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs) and other international Agreements. This shall encompass effective means of enforcing such rights.
2. Implementation of this Article shall be regularly assessed by the Parties. If difficulties, which affect trade, arise in connection with intellectual and industrial property rights, either Party may request urgent consultations to find mutually satisfactory solutions.

**ARTICLE 24**  
**Technical Barriers to Trade**

1. The rights and obligations of the Parties relating to standards or technical regulations and related measures shall be governed by the WTO Agreement on Technical Barriers to Trade.
2. Each Party, upon a request from the other Party, shall provide information on particular individual cases of standards, technical regulations and applied measures.
3. The Parties shall endeavour to eliminate technical barriers to trade. To this end, the Parties will enter where appropriate into negotiations for the conclusion of the agreements for the mutual recognition in the field of conformity assessment, in the spirit of the recommendations of the WTO Agreement on Technical Barriers to Trade.

## **CHAPTER IV**

### **INSTITUTIONAL PROVISIONS**

#### **ARTICLE 25**

##### **Establishment of the Joint Committee**

1. A Joint Committee is hereby established in which each Party shall be represented by its senior officials. The Joint Committee shall be responsible for the administration of this Agreement and shall ensure its proper implementation.
2. The Joint Committee shall:
  - a) review the general functioning of this Agreement including improving market access;
  - b) set up sub-committees and working groups as it considers necessary to assist it in accomplishing its tasks;
  - c) review, consider and, as appropriate, decide on specific matters related to the operation and implementation of this Agreement, including matters reported by sub-committees or working groups;
  - d) supervise the work of sub-committees, working groups and contact points established or to be established under this Agreement;
  - e) facilitate, as appropriate, the avoidance and settlement of disputes arising under this Agreement, including through consultations pursuant to Article 32;
  - f) consider and take decisions to make any amendment to this Agreement or other modification or rectification to the commitments therein pursuant to Article 34;
  - g) as appropriate, issue interpretation to be given to the provisions of this Agreement;
  - h) review the possibility of further removal of the obstacles to trade between the Parties and the further development of the trade relationship;
  - i) explore ways to enhance further trade and investment between the Parties and to further the objectives of this Agreement; and
  - j) take such other actions as the Parties may agree.

## **ARTICLE 26**

### **Procedures of the Joint Committee**

1. The Joint Committee shall meet whenever necessary upon request, but normally at least once a year. Either Party may request a meeting to be held.
2. All decisions of the Joint Committee shall be taken by mutual agreement.
3. The Joint Committee shall adopt its rules of procedure.

## **ARTICLE 27**

### **Notifications and Consultations Procedure for the Application of Measures**

1. Before initiating the procedure for the application of any measures set out in Articles 8 and 31, the Parties to this Agreement shall endeavour to solve any differences between themselves through direct consultations, and shall inform the other Party thereof.
2. A Party, which is considering to resort to measures shall promptly notify the Joint Committee thereof. The Party concerned shall provide the Joint Committee with all relevant information and the assistance required to examine the case. Consultations between the Parties shall take place without delay in the Joint Committee with a view to finding a commonly acceptable solution.
3. If, within one month of the matter being referred to the Joint Committee, the Party in question fails to put an end to the practice objected to or to the difficulties notified and in the absence of a decision by the Joint Committee in the matter, the aggrieved Party may adopt the measures it considers necessary to remedy the situation.
4. The measures taken shall be notified immediately to the Joint Committee. They shall be restricted, with regard to their extent and to their duration, to what is strictly necessary in order to rectify the situation, giving rise to their application and shall not be in excess of the damage caused by the practice or the difficulty in question. Priority shall be given to such measures that will least disturb the functioning of this Agreement.
5. The measures taken shall be the subject of regular consultations within the Joint Committee with a view to their relaxation or abolition when conditions no longer justify their maintenance.

6. Notwithstanding paragraphs 1 to 5, where exceptional circumstances requiring immediate action make prior examination impossible, the Party concerned may, in the cases of Articles 8 and 31 apply forthwith the precautionary measures strictly necessary to remedy the situation. The measures imposed shall thereafter be notified without delay to the Joint Committee and consultations between the Parties to this Agreement shall take place within the Joint Committee.

## **CHAPTER V**

### **FINAL PROVISIONS**

#### **ARTICLE 28** **General Exceptions**

For the purpose of this Agreement, Article XX of GATT 1994 and its interpretative notes are incorporated into and made part of this Agreement, *mutatis mutandis*.

#### **ARTICLE 29** **Security Exceptions**

1. Nothing in this Agreement shall be construed as:
  - a) requiring a Party to furnish any information the disclosure of which it considers contrary to its essential security interests;
  - b) preventing a Party from taking any action, which it considers necessary for the protection of its essential security interests.
    - i. relating to fissionable materials or the materials from which they are derived;
    - ii. relating to the traffic in arms, ammunition and implements of war and to such traffic in other goods and materials, as is carried on directly or indirectly for the purpose of supplying a military establishment;
    - iii. taken in time of war or other emergency in international relations; or
  - c) preventing a Party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.
2. A Party taking action under sub-paragraphs (b) and (c) of paragraph 1, shall inform the Joint Committee to the fullest extent possible of measures taken and of their termination.

#### **ARTICLE 30** **Evolutionary Clause**



The Parties may mutually agree to extend this Agreement with the aim of broadening and supplementing its scope in accordance with their respective legislation, by concluding agreements on specific sectors or activities in the light of the experience gained during its implementation.

### **ARTICLE 31** **Fulfillment 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 27.
3. For the purpose of this Article, no Party shall recourse to Article 32, unless the procedure under Article 27 has failed.

### **ARTICLE 32** **Dispute Settlement**

1. The Parties shall at all times endeavour to agree on the interpretation and implementation of this Agreement and shall make every attempt through cooperation and consultations to avoid and settle disputes between them and to arrive at a mutually satisfactory resolution of any matter that might affect its operation.
2. Each Party may request consultations within the Joint Committee with respect to a measure or any other matter relating to the interpretation and implementation of this Agreement.
3. The requesting Party shall deliver written notification to the other Party, stating the reasons for the request, including the identification of the measure at issue and an indication of relevant article(s) of this Agreement, and provide sufficient information to enable an examination of the matter.
4. The Joint Committee shall convene within 30 days after the date of receipt of the request. Upon initiation of consultations, the Parties shall provide information to enable the examination of how the measure or any other matter might affect the interpretation and implementation of this Agreement. The Parties shall treat information exchanged during consultations as confidential.
5. The Joint Committee shall endeavour to resolve the dispute promptly. Where the parties agree, the Joint Committee may make recommendations regarding the

implementing measures to be taken by the Party concerned including the timeframe for doing so.

6. The Joint Committee may call on such technical advisers or create such working groups or expert groups as it deems necessary with a view to resolving a dispute, or where appropriate to assist the Parties in reaching a mutually satisfactory resolution of the dispute.
7. Where the dispute cannot be resolved within a reasonable period of time, the Joint Committee may agree to establish an Arbitration Panel to adjudicate on the dispute. Numbers of arbitrators, selection procedures of the arbitrators, procedure of Arbitration Panel and the delay within which the Arbitration Panel has to submit its Report shall be established by the Joint Committee.

### **ARTICLE 33** **Annexes**

Annexes to this Agreement shall form an integral part thereof.

### **ARTICLE 34** **Amendments**

1. The Parties may agree, in writing, to any amendment in this Agreement.
2. An amendment agreed under paragraph 1 shall be approved by the Parties in accordance with their own internal legal requirements and procedures.
3. Where an amendment has been approved a Party shall notify the other Party of such approval, in writing, through diplomatic channels.
4. Where both Parties have notified each other under paragraph 3, an amendment agreed to under paragraph 1 shall enter into force on the first day of the second month following the latter of the two notifications.

### **ARTICLE 35** **Duration and Termination**

1. This Agreement shall be valid indefinitely.
2. Either Party may give written notice to the other of its intention to terminate this Agreement. Termination shall take effect on the first day of the seventh month after notification to the other Party.

### **ARTICLE 36** **Entry into Force**

1. The Parties shall ratify this Agreement in accordance with their internal legal procedures.

2. Where a Party has ratified this Agreement in accordance with its internal legal procedures, that Party shall notify the other Party of such ratification, in writing, through diplomatic channels. Where both Parties have notified each other of such ratification, this Agreement shall enter into force on the first day of the second month following the latter of the two notifications.

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

DONE at Istanbul, on 9<sup>th</sup> of September 2011, in two originals, each in the Turkish and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

<p><b>For the Government of the Republic of Turkey</b></p> <p><b>Zafer ÇAĞLAYAN</b> <b>Minister of Economy</b></p>	<p><b>For the Government of the Republic of Mauritius</b></p> <p><b>Arvin BOOLELL</b> <b>Minister of Foreign Affairs, Regional Integration and International Trade</b></p>
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