

No. 47576

**Turkey
and
Montenegro**

Free Trade Agreement between the Republic of Turkey and Montenegro (with annexes and protocols and joint declaration). Istanbul, 26 October 2008

Entry into force: *1 March 2010 by notification, in accordance with article 37*

Authentic texts: *English, Montenegrin and Turkish*

Registration with the Secretariat of the United Nations: *Turkey, 7 June 2010*

Only the authentic English, Montenegrin and Turkish texts of the Agreement with Protocols I and II and Joint Declaration, with the corresponding translations into French, are published herein. The texts of Annexes I to V of the Agreement containing lists of products and tariff concessions are not published herein, in accordance with article 12 (2) of the General Assembly Regulations to give effect to Article 102 of the Charter of the United Nations, as amended, and the publication practice of the UN Secretariat.

**Turquie
et
Monténégro**

Accord de libre-échange entre la République turque et le Monténégro (avec annexes et protocoles et déclaration commune). Istanbul, 26 octobre 2008

Entrée en vigueur : *1^{er} mars 2010 par notification, conformément à l'article 37*

Textes authentiques : *anglais, monténégrin et turc*

Enregistrement auprès du Secrétariat des Nations Unies : *Turquie, 7 juin 2010*

Seuls les textes authentiques anglais, monténégrin et turc de l'Accord avec les textes des Protocoles I et II et la Déclaration commune avec les traductions correspondantes en français, sont publiés ici. Les textes des annexes I à V de l'Accord contenant les listes de produits et la nomenclature tarifaire douanière respective à la classification des marchandises ne sont pas publiés ici, conformément aux dispositions de l'article 12, paragraphe 2, des réglementations de l'Assemblée générale, en application de l'Article 102 de la Charte des Nations Unies, tel qu'amendé, et de la pratique dans le domaine des publications du Secrétariat des Nations Unies.

[ENGLISH TEXT – TEXTE ANGLAIS]

Free Trade Agreement between the Republic of Turkey and Montenegro

PREAMBLE

DESIROUS to develop and strengthen friendly relations, especially in the fields of economic co-operation and trade, with an aim to contribute to the progress of economic co-operation between the two countries and to increase the scope of mutual trade exchange,

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

CONFIRMING their intention to participate actively in the process of economic integration in Europe expressing their preparedness to co-operate in seeking ways and means to strengthen this process;

TAKING INTO CONSIDERATION the “Agreement Establishing an Association between the Republic of Turkey and the European Economic Community” and the “Stabilisation and Association Agreement between the European Communities and their Member States and Montenegro”;

HAVING regard to the experience gained from the co-operation developed between the Parties to this Agreement as well as between them and their main trading partners;

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, including fields not covered by this Agreement, thus creating a framework and supportive environment based on equality, non discrimination, and a balance of rights and obligations;

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 “WTO”) constitute a basis for their foreign trade policy;

RESOLVED to lay down for this purpose provisions aimed at the 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 DECIDED, in pursuance of these objectives, to conclude the following Agreement (hereinafter referred to as “this Agreement”).

ARTICLE 1

Objectives

1. The Parties, by taking into account Turkey's obligations arising from the Customs Union with the EU and the Stabilisation and Association Agreement between Montenegro and the EU, shall gradually establish a free trade area between them on substantially all their trade over a transitional period lasting a maximum of five years starting from the date of entry into force of this Agreement in accordance with the provisions of this Agreement and in conformity with Article XXIV of the GATT 1994 and the other multilateral agreements on trade in goods annexed to the Agreement establishing the WTO.
2. The objectives of this Agreement are:
 - a) to increase and enhance the economic cooperation between the Parties and raise the living standard of the population of the two countries;
 - b) to gradually eliminate difficulties and restrictions on trade in goods;
 - c) to promote, through the expansion of reciprocal trade, the harmonious development of the economic relations between the Parties;
 - d) to provide fair conditions of competition in trade between the Parties;
 - e) to contribute by the removal of barriers to trade, to the harmonious development and expansion of world trade;
 - f) to create conditions for further encouragement of investments particularly for the development of joint investments in both countries;
 - g) to promote trade and cooperation between the Parties in third country markets.

ARTICLE 2

Basic Duties

1. In trade between the Parties covered by this Agreement, the Parties shall apply their respective Customs Tariffs on the classification of goods for imports into them.
2. For each product the basic duty to which successive reductions set out in this Agreement are to be applied shall be the Most Favoured Nation (MFN) duty that was in force in the Parties on the date of entry into force of this Agreement.

3. If after 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 2 as from that date when such reductions are applied.
4. The Parties shall communicate to each other their respective basic duties.

CHAPTER I INDUSTRIAL PRODUCTS

ARTICLE 3 Scope

The provisions of this Chapter shall apply to products originating in the Parties falling within Chapters 25 to 97 of Harmonized Commodity Description and Coding System with the exception of the products listed in Annex I of this Agreement.

ARTICLE 4 Customs Duties on Imports and Charges Having Equivalent Effect

1. No new customs duties on imports or charges having equivalent effect shall be introduced in trade between the Parties from the date of entry into force of this Agreement.
2. Customs duties on imports into Turkey of goods originating in Montenegro shall be abolished upon the entry into force of this Agreement.
3. Customs duties on imports into Montenegro of goods originating in Turkey other than those listed in Annex II shall be abolished upon the entry into force of this Agreement.
4. Customs duties on imports into Montenegro of goods originating in Turkey, which are listed in Annex II shall be progressively abolished in accordance with the timetable laid down thereof.
5. Turkey and Montenegro shall abolish in trade between themselves any charges having equivalent effect to customs duties on imports upon the entry into force of this Agreement.

6. For products listed in Annex II originating in Turkey, Montenegro shall accord treatment no less favourable than that accorded to like products originating in the European Union. In case of any favourable change in the treatment accorded to the European Union for the products listed in Annex II, Montenegro shall automatically reflect these changes to the products listed in this Annex originating in Turkey and promptly notify Turkey thereof.

ARTICLE 5
Customs Duties of a Fiscal Nature

The provisions concerning the abolition of customs duties on imports shall also apply to customs duties of a fiscal nature.

ARTICLE 6
Customs Duties on Exports and Charges Having Equivalent Effect

1. From the date of the 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.
2. All customs duties on exports and any charges having equivalent effect shall be abolished between the Parties upon entry into force of this Agreement.

ARTICLE 7
Quantitative Restrictions on Exports and Imports and Measures Having Equivalent Effect

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

ARTICLE 8
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.