

No. 48216*

**Turkey
and
South Africa**

Trade and Economic Cooperation Agreement between the Government of the Republic of Turkey and the Government of the Republic of South Africa. Pretoria, 3 March 2005

Entry into force: *4 January 2009 by notification, in accordance with article 15*

Authentic text: *English*

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**Turquie
et
Afrique du Sud**

Accord de coopération commerciale et économique entre le Gouvernement de la République turque et le Gouvernement de la République d'Afrique du Sud. Pretoria, 3 mars 2005

Entrée en vigueur : *4 janvier 2009 par notification, conformément à l'article 15*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Turquie, 3 janvier 2011*

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[ENGLISH TEXT – TEXTE ANGLAIS]

TRADE AND ECONOMIC COOPERATION AGREEMENT
BETWEEN
THE GOVERNMENT OF THE REPUBLIC OF TURKEY
AND
THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

PREAMBLE

The Government of the Republic of Turkey (hereinafter referred to as "Turkey") and the Government of the Republic South Africa (hereinafter referred as "South Africa") (jointly referred to as the "Parties" and in the singular as a "Party");

HAVING regard to the new bonds of friendship between their countries;

HAVING RESOLVED to consolidate, strengthen and diversify the trade relations between their countries to the full extent of their growing capacity to meet each other's requirements on the basis of mutual benefit founded on most-favoured nation ("MFN") treatment in accordance with the principles contained in the World Trade Organisation ("WTO") Agreement;

CONSCIOUS of the flow of trade between the Republic of Turkey and the Republic of South Africa;

MINDFUL that the more dynamic trade and economic relationship desired by Turkey and South Africa calls for close co-operation across the whole range of trade and economic activities;

CONVINCED that such co-operation should be realized in evolutionary pragmatic fashion, as their policies develop;

DESIRING, FURTHERMORE, to strengthen their relations and to contribute jointly to international trade co-operation;

HAVING DECIDED to enter into an agreement with one another in regard to trade and economic co-operation;

HEREBY AGREE as follows:

ARTICLE 1

Umbrella provision

The Parties shall take all necessary measures to facilitate and promote trade and economic relations between their countries in accordance with the respective domestic law in force in their countries and subject to obligations under international treaties, conventions and agreements to which they may be party.

ARTICLE 2

Most –Favoured-Nation (“MFN”) Treatment

The Parties shall grant each other MFN treatment in accordance with the principles contained in the WTO Agreement and its annexures.

ARTICLE 3

Exemptions from MFN

The provisions of Article 2 shall not apply to the grant or continuance, in the case of –

- (a) advantages which either Party has granted or may grant to contiguous countries to facilitate frontier traffic;
- (b) advantages or preferences granted by either Party to any third country in accordance with a plurilateral preferential trade agreement;
- (c) advantages or preferences which either Party has granted or may grant under any scheme for the expansion of trade and economic co-operation among developing countries, which is open for participation by developing countries and to which either Party is or may become a party; or
- (d) advantages or preferences which have been or shall be accorded by either Party as a consequence of its participation in a Customs Union, Free Trade Area or any other regional or subregional integration agreement, or on the basis of the Generalised System of Preferences of the United Nations Conferences on Trade and Development (“UNCTAD”).

ARTICLE 4

Participation in Trade Fairs

The Parties shall encourage their respective enterprises and organizations to participate in exhibitions, fairs and other promotional activities as well as to promote the exchange of trade delegations and business representatives. Each Party shall facilitate the organization of the national exhibitions of the other Party in its territory.

ARTICLE 5

Promotion of Conduct of Trade and Economic Activities

Each Party shall endeavour to promote the conduct of trade and economic activities of natural and juristic persons of the other Party within its territory in accordance with generally accepted international trade practices.

ARTICLE 6

Importation of Goods

Subject to the domestic law in force in its country, a Party shall allow the importation from the country of the other Party, free from import duties, taxes and levies of-

- (a) goods destined for any fair, exhibition, demonstration, seminar, congress or conference in the country of the other Party and not intended for sale;
- (b) articles which, after having been exported, are returned for repair, provided such articles are re-exported after such repair.

ARTICLE 7

Facilitation of Transit of Goods

Subject to the domestic law in force in its country, a Party shall provide freedom of transit of goods of the country of the other Party through its territory.

ARTICLE 8

Payment Arrangements

Payment for goods and services arising out of contracts concluded within the framework of this Agreement shall be made in freely convertible currency in accordance with the foreign exchange laws and regulations of the Parties.

ARTICLE 9

Safeguard Measures

Subject to the requirement that such measures are not applied in an arbitrary or discriminatory manner, the provisions of this Agreement shall not limit the rights of either Party to adopt or execute measures in accordance with the relevant provisions of the WTO Agreement and its Annexures.

ARTICLE 10

Competent Authorities

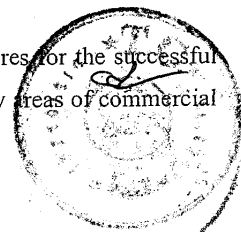
The Parties agree that the authorities responsible for the implementation of the provisions of this Agreement and other matters relating thereto shall be-

- (a) in the case of Turkey, its Undersecretariat of the Prime Ministry for Foreign Trade;
and
- (b) in the case of South Africa, its Department of Trade and Industry.

ARTICLE 11

Establishment of the Joint Economic Commission ("JEC")

- (1) The Parties shall establish a Turkey-South Africa Joint Economic Commission for promoting and facilitating trade and economic cooperation between the two countries.
- (2) The Joint Economic Commission shall adopt necessary measures for the successful implementation of the present Agreement and shall identify new areas of commercial and economic cooperation.



- (3) The JEC shall be established at the level of the Undersecretary of Foreign Trade of the Republic of Turkey and the Deputy Minister of Trade and Industry of the Republic of South Africa.
- (4) The JEC shall meet alternately in the Republic of Turkey and in the Republic of South Africa at a date and place that will be mutually agreed upon by both Parties.

ARTICLE 12

Exchange of Trade Information

For the purpose of the proper implementation of this Agreement, the Parties shall communicate to each other through the authorities contemplated in Article 11, to the extent possible, all useful information which could contribute to the expansion of trade and commercial activities between their countries.

ARTICLE 13

Settlement of Disputes

Any disputes between the Parties relating to the interpretation or implementation of this Agreement shall be resolved without unreasonable delay, by friendly consultations and negotiations.

ARTICLE 14

Revision and Amendment of the Agreement

- (1) This Agreement may be revised or amended by either Party at any time by written agreement through an Exchange of Notes through the diplomatic channel.
- (2) The amendment of the Agreement shall have no effect on the fulfillment of contracts and agreements concluded under the provisions of this Agreement.

ARTICLE 15


Entry into and Termination of the Agreement

- (1) This Agreement shall enter into force on the date on which both Parties have notified the other in writing through the diplomatic channel that their respective constitutional requirements for the entry into force of this Agreement have been complied with. The date of entry into force shall be the date of last notification.
- (2) The Agreement shall remain in force for an initial period of five years, whereafter it shall automatically be extended for successive periods of one year, unless it is terminated by one of the Parties giving at least six months' written notice prior to its expiration through the diplomatic channel of its intention to terminate this Agreement.
- (3) Notwithstanding the termination of this Agreement in accordance with sub-Article (2), the transactions concluded during the validity of this Agreement and not completed or discharged before its termination shall continue, until their completion or discharge, to be covered by the provisions of this Agreement.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective Governments, have signed and sealed this Agreement in duplicate in the English language.

DONE at Pretoria on this third day of March in this year of 2005.

**FOR THE GOVERNMENT OF THE
REPUBLIC OF TURKEY**


**RECEP TAYYİP ERDOĞAN
PRIME MINISTER**

**FOR THE GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA**


**JACOB ZUMA
DEPUTY PRESIDENT**

