

Agreement establishing an Association between the United Kingdom of Great Britain and Northern Ireland and the Republic of Tunisia

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND ("the United Kingdom") and THE REPUBLIC OF TUNISIA ("Tunisia") (hereinafter referred to as "the Parties"),

RECOGNISING that the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, done at Brussels on 17 July 1995 ("the EU-Tunisia Association Agreement") and the Protocol between the European Union and the Republic of Tunisia establishing a Dispute Settlement Mechanism applicable to disputes under the trade provisions of the EU-Tunisia Association Agreement, done at Brussels on 9 December 2009 ("the EU-Tunisia Dispute Settlement Mechanism Protocol") will cease to apply to the United Kingdom when it ceases to be a Member State of the European Union, or at the end of any transitional arrangement during which the rights and obligations under those agreements continue to apply to the United Kingdom;

DESIRING that the rights and obligations between the Parties as provided for by the EU-Tunisia Association Agreement and the EU-Tunisia Dispute Settlement Mechanism Protocol should continue;

TAKING ACCOUNT of the Protocol establishing a Forum for Political, Economic and Cultural Dialogue between the Ministry of Foreign Affairs of the Republic of Tunisia and the Foreign and Commonwealth Office of the United Kingdom of Great Britain and Northern Ireland, done at Tunis on 25 February 2009 ("the Tunisia- United Kingdom Bilateral Forum Protocol");

HAVE AGREED AS FOLLOWS:

Article 1. Objectives

1. The overriding objective of this Agreement is to preserve the links between the Parties established by the association created in Article 1 of the EU-Tunisia Association Agreement.
2. In particular, the Parties agree to preserve the preferential conditions relating to trade between the Parties which resulted from the EU-Tunisia Association Agreement and to provide a platform for further trade liberalisation between the Parties.
3. For the avoidance of doubt, it is confirmed that the Parties establish an association as well as a free trade area in goods and associated rules in accordance with this Agreement and affirm the objectives in Article 1 of the EU-Tunisia Association Agreement and Article 1 of the EU-Tunisia Dispute Settlement Mechanism Protocol.

Article 2. Definitions and Interpretation

1. Throughout this Instrument:
 - (a) the "EU-Tunisia Agreements" means the Agreements defined in Article 3;
 - (b) the "Incorporated Agreements" means the provisions of the EU- Tunisia Agreements as incorporated into this Agreement (and related expressions are to be read accordingly);
 - (c) "mutatis mutandis" means with the technical changes necessary to apply the EU-Tunisia Agreements as if they had been concluded between the United Kingdom and Tunisia, taking into account the object and purpose of this Agreement.
2. Throughout the Incorporated Agreements and this Instrument, "this Agreement" means this Instrument and the Incorporated Agreements.
3. Throughout the Incorporated Agreements references to financial cooperation cover a range of forms of such cooperation and means by which it may occur, including cooperation through multilateral and regional organisations.

Article 3. Incorporation of the EU-Tunisia Agreements

The provisions of the following agreements (together referred to as the "EU-Tunisia Agreements") in effect immediately before they cease to apply to the United Kingdom are incorporated into this Agreement, mutatis mutandis, subject to the provisions of this Instrument:

- (a) the EU-Tunisia Association Agreement; and
- (b) the EU-Tunisia Dispute Settlement Mechanism Protocol.

Article 4. References to European Union Law

Except as otherwise provided, references in this Agreement to European Union law are to be read as references to that European Union law in force as incorporated or implemented in United Kingdom law as retained European Union law on the day after the United Kingdom ceases to be bound by the relevant European Union law.

Article 5. References to the Euro

Notwithstanding Article 3 any references to the euro (including "EUR" and "€") in the Incorporated Agreements shall continue to be read as such in this Agreement.

Article 6. Territorial Application

1. For the avoidance of doubt in relation to incorporated Article 94, this Agreement shall apply, in respect of the United Kingdom, to the extent that and under the conditions which the EU-Tunisia Agreements applied immediately before they ceased to apply to the United Kingdom, to the United Kingdom and the following territories for whose international relations it is responsible:

- (a) Gibraltar; and
- (b) the Channel Islands and the Isle of Man.

2. Notwithstanding paragraph 1 and Article 11 of this Instrument, this Agreement shall apply to those territories for whose international relations the United Kingdom is responsible from the date of written notification by the United Kingdom to Tunisia of the application of this Agreement to those territories.

Article 7. Continuation of Time Periods

1. The Parties agree that unless this Instrument provides otherwise:

- (a) if a period in the EU-Tunisia Agreements has not yet ended, the remainder of that period shall be incorporated into this Agreement; and
- (b) if a period in the EU-Tunisia Agreements has ended, any ongoing right or obligation in the EU-Tunisia Agreements shall apply between the Parties and that period shall not be incorporated into this Agreement.

2. Notwithstanding paragraph 1, a reference in the Incorporated Agreements to a period relating to a procedure or other administrative matter (such as a review, committee procedure or notification) shall not be affected.

Article 8. Further Provision In Relation to the Association Council and the Association Committee

1. The Association Committee which the Parties establish under incorporated Article 81 shall ensure that this Agreement operates properly.

2. Unless the Parties otherwise agree, any decisions adopted by the Association Council or the Association Committee established by the EU-Tunisia Association Agreement before the EU-Tunisia Agreements ceased to apply to the United Kingdom shall, to the extent those decisions relate to the Parties to this Agreement, be deemed to have been adopted, mutatis mutandis, and subject to the provisions of this Instrument, by the Association Council or the Association Committee established under incorporated Articles 78 and 81, respectively.

3. Nothing in paragraph 2 prevents the Association Council or the Association Committee making decisions which modify,

are different to, revoke or supersede the decisions deemed to have been adopted by it under that paragraph.

Article 9. Integral Parts of this Agreement

The Annexes and Footnotes to this Instrument are integral to this Agreement.

Article 10. Amendments

1. The Parties may agree, in writing, to amend this Agreement. An amendment shall enter into force on the date of receipt of the later of the notifications by which the Parties notify each other that they have completed their internal procedures, or on such date as the Parties may agree.

2. Notwithstanding paragraph 1, the Association Council (or the Association Committee insofar as such powers are delegated to it by the Council under incorporated Article 81) may decide that the Annexes, Appendices, Protocols, Joint Decisions or Declarations and Notes to this Agreement should be amended. The Parties may adopt the Association Council or the Association Committee's decision subject to their internal procedures.

Article 11. Entry Into Force

1. Article 96 of the EU-Tunisia Association Agreement and Article 23 of the EU-Tunisia Dispute Settlement Mechanism Protocol shall not be incorporated into this Agreement.

2. Each of the Parties shall notify the other in writing, through diplomatic channels, of the completion of the procedures required by its law for the entry into force of this Agreement.

3. This Agreement shall enter into force on the later of:

(a) the date on which the EU-Tunisia Agreements cease to apply to the United Kingdom; and

(b) the date of the later of the notifications by which the Parties notify each other that they have completed their respective legal procedures.

4. The United Kingdom shall submit notifications under this Article to the Ministry of Foreign Affairs of Tunisia or its successor. Tunisia shall submit notifications under this Article to the United Kingdom's Foreign and Commonwealth Office or its successor.

IN WITNESS WHEREOF the undersigned, duly authorised thereto by their respective Governments, have signed this Agreement.

DONE in duplicate at LONDON this fourth day of October 2019 in the English, Arabic and French languages, all texts being equally authoritative.

For the Government of the United Kingdom of Great Britain and Northern Ireland:

LOUISE DE SOUSA

For the Government of the Republic of Tunisia:

NABIL BEN KHEDHER

(c) In Article 15:

(i) for paragraph 1 substitute:

"1. The provisions of this Protocol shall take precedence over the provisions of any bilateral agreement on mutual assistance which has been concluded between the United Kingdom and Tunisia prior to the date this Agreement is signed insofar as the provisions of the latter are incompatible with those of this Protocol."; and

(ii) paragraph 2 shall not be incorporated into this Agreement.

13. MODIFICATIONS TO JOINT DECLARATIONS AND DECLARATIONS

- (a) In the second paragraph of the Joint Declaration relating to Article 5 for the word “should” substitute “may”.
- (b) In the Joint Declaration relating to Article 10:
 - (i) the first and second paragraphs shall not be incorporated into this Agreement; and
 - (ii) in paragraph 3 for the words “1 January 1995” substitute “when this Agreement enters into force”, and for the words “products mentioned above” substitute “products appearing in lists 2 and 3 in Annex 2”.
- (c) In the Joint Declaration relating to Article 39 of the Agreement for the words “Article 10(a)” substitute “Article 10(bis)”.
- (d) The Joint Declaration relating to Article 42 shall not be incorporated into this Agreement.
- (e) The Joint Declaration relating to Article 50 shall not be incorporated into this Agreement.
- (f) The Joint Declaration relating to textiles shall not be incorporated into this Agreement.