

Committee on Regional Trade Agreements

FACTUAL PRESENTATION

**Free Trade Agreement between
the EFTA States and Tunisia
(Goods)**

Report by the Secretariat

This report, prepared for the consideration of the Free Trade Agreement between the States of the European Free Trade Association and the Republic of Tunisia has been drawn up by the WTO Secretariat on its own responsibility and in full consultation with the Parties. The report has been drawn up in accordance with the rules and procedures contained in the Decision for a Transparency Mechanism for Regional Trade Agreements (document WT/L/671).

Any technical questions arising from this report may be addressed to Ms. Rohini Acharya (tel: 022/739 5874 or email rohini.acharya@wto.org).

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(d) Intellectual property

57. In Article 23 and its related Annex V, the Parties agree to ensure the non-discriminatory protection of intellectual property rights and reaffirm their conformity with the provisions of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights and other related multilateral agreements to which they are signatories. The Parties undertake to join various international agreements by specific deadlines as contained in Article 2.2 of Annex V while Tunisia will do its utmost to accede to those agreements to which EFTA States are party. According to the Parties, Tunisia is a member of the Hague Agreement concerning the International Registration of Industrial Designs (20 October 1930), the International Union for the Protection of New Varieties of Plants (UPOV) (31 July 2003) and the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedures (23 May 2004).

58. Annex V contains specific provisions on patents, undisclosed information, and designs, while reference is made to the corresponding TRIPS provisions for geographical indications, acquisition and maintenance, and enforcement of intellectual property rights. With regard to patents, the Parties ensure to effectively protect inventions in all fields of technology under their national laws.¹⁴ However, Tunisia may exempt methods for treatment or diagnosis of the human and animal body; plant and animal varieties other than micro-organisms; and what is provided in Article 27.2 of TRIPS (Annex V Article 3) from this requirement.

59. Upon request by any Party and subject to consensus by the Joint Committee, the Parties will review the Agreement's provisions on the protection of intellectual property rights, with a view to avoiding or remedying trade distortions caused by actual levels of intellectual property protection or to further improving those levels.

(e) Government procurement

60. The Parties restate their objective to reciprocally and gradually liberalize their public procurement markets and provide for the possibility of entering into consultations in the Joint Committee in the case that a Party grants access to its public procurement markets to a non-Party.¹⁵

(f) Economic co-operation and technical assistance

61. In Chapter VIII, the EFTA States declare their readiness to engage in economic co-operation and provide technical assistance to Tunisia, in accordance with their national policy objectives, bilaterally or through EFTA programmes in particular to improve bilateral trade and investment opportunities resulting from the Agreement and to support Tunisia's own efforts in achieving sustainable economic development. The co-operation and assistance will be focused on sectors suffering from internal difficulties or affected by liberalization of the Tunisian economy, as well as sectors likely to bring the economies of the EFTA States and Tunisia closer, in particular those generating growth and employment.

¹⁴ For Switzerland and Liechtenstein, effective and adequate protection means protection on a level corresponding to the one in the European Patent Convention of 5 October 1973; for Iceland and Norway, to the Agreement on the European Economic Area of 2 May 1992; and for Tunisia, to Article 27.1 of the TRIPS Agreement.

¹⁵ All the EFTA States are Parties to the WTO plurilateral Government Procurement Agreement, Tunisia is not member or observer.

2. If a Party grants to a non-Party, after the entry into force of this Agreement, additional benefits with regard to the access to its services markets, it shall be prepared to enter into consultations in the Joint Committee with a view to addressing this matter in light of the objective set out in paragraph 1.

CHAPTER VI: CURRENT PAYMENTS AND CAPITAL MOVEMENTS

Article 27

Payments For Current Transactions

Subject to the provisions of Article 29, the Parties undertake to allow all current payments for current transactions to be made in a freely convertible currency.

Article 28

Capital Movements

With regard to transactions on the capital account of balance of payments, the EFTA States and Tunisia shall ensure, from the entry into force of this Agreement, that capital relating to direct investments in Tunisia in companies formed in accordance with current laws can move freely and that the yield from such investments and any profit stemming therefrom can be liquidated and repatriated.

Article 29

Balance Of Payments Difficulties

Where one or more EFTA States or Tunisia is in serious balance of payments difficulties, or under threat thereof, the EFTA States or Tunisia, as the case may be, may, in accordance with the conditions established under the GATT 1994 and Articles VIII and XIV of the Articles of Agreement of the International Monetary Fund, adopt restrictions on current transactions which shall be of limited duration and may not go beyond what is strictly necessary to remedy the balance of payments situation. The EFTA States or Tunisia, as the case may be, shall inform the other Parties forthwith and shall submit to them as soon as possible a timetable for the elimination of the measures concerned.

✓ CHAPTER VII: GOVERNMENT PROCUREMENT

Article 30

Government Procurement

1. The Parties shall set as their objective a reciprocal and gradual liberalisation of public procurement markets.

2. If a Party grants to a non-Party access to its procurement markets, it shall be prepared to enter into consultations in the Joint Committee with a view to addressing this matter in light of the objective set out in paragraph 1.

CHAPTER VIII: ECONOMIC CO-OPERATION AND TECHNICAL ASSISTANCE

Article 31

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