

TÜRKİYE BÜYÜK MİLLET MECLİSİ BAŞKANLIĞINA

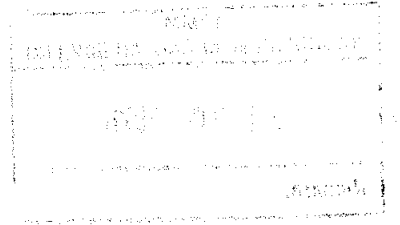
Gelen Kâğıtlar Listesi'nde yayımlanan 758691 evrak numaralı "Türkiye Cumhuriyeti ile Fas Krallığı Arasındaki Serbest Ticaret Anlaşmasını Tadil Eden Anlaşma"nın "Notalar"la birlikte onaylanmasının uygun bulunduğu dair kanun teklifi ve gerekçesi ekte sunulmuştur.

Gereğini saygılarımla arz ederim.



Mustafa ŞENTOP
Tekirdağ Milletvekili

TBMM BAŞKANLIĞI			
Tali Komisyon	Sanayi, Ticaret, Enerji, Tabii Kaynaklar, Bilgi ve Teknoloji		
Esas Komisyon	Dışişleri		
Tarih :	05 Ocak 2021	Esas No.	2/3323



TBMM KANUNLAR VE KARARLAR BÖLÜMÜ
31 Aralık 2020
Numara.

TBMM GENEL EVRAK
31 Aralık 2020
761055
EDİSİYLE YAYINLANMIŞTIR

**TÜRKİYE CUMHURİYETİ İLE FAS KRALLIĞI ARASINDAKİ SERBEST
TİCARET ANLAŞMASINI TADİL EDEN ANLAŞMANIN NOTALARLA BİRLİKTE
ONAYLANMASININ UYGUN BULUNDUĞUNA DAİR KANUN TEKLİFİ**

MADDE 1- (1) 24 Ağustos 2020 tarihinde Rabat’da imzalanan “Türkiye Cumhuriyeti ile Fas Krallığı Arasındaki Serbest Ticaret Anlaşmasını Tadil Eden Anlaşma”nın “Notalar”la birlikte onaylanması uygun bulunmuştur.

MADDE 2- (1) Bu Kanun yayımı tarihinde yürürlüğe girer.

MADDE 3- (1) Bu Kanun hükümlerini Cumhurbaşkanı yürütür.



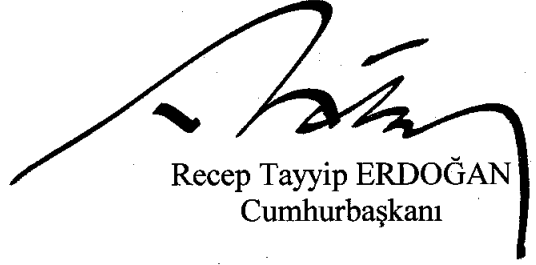
T.C. CUMHURBAŞKANLIĞI

Sayı : 90666677-599-50362
Konu : Anlaşma ve Notalar

25 Aralık 2020

TÜRKİYE BÜYÜK MİLLET MECLİSİ BAŞKANLIĞINA

24 Ağustos 2020 tarihinde imzalanan “Türkiye Cumhuriyeti ile Fas Krallığı Arasındaki Serbest Ticaret Anlaşmasını Tadil Eden Anlaşma”yı Notalarla birlikte onaylanması uygun bulunmak üzere Anayasanın 90 ıncı maddesi gereğince ilişikte bilgilerinize sunarım.



Recep Tayyip ERDOĞAN
Cumhurbaşkanı

Ek:

- 1- Anlaşma (Türkçe, Arapça, İngilizce)
- 2- Notalar
- 3- Genel Gerekçe

TBMM KANUNLAR ve KARARLAR BŞK.LİĞİ
25 Aralık 2020
Numara:

TBMM GENEL EVRAK
25 Aralık 2020
No. 758691
EBYS'ye AKTARILMIŞTIR

GENEL GEREKÇE

7 Nisan 2004 tarihinde imzalanan “Türkiye Cumhuriyeti ile Fas Krallığı Arasındaki Serbest Ticaret Anlaşması” (STA), 29 Aralık 2006 tarihinde yürürlüğe girmiştir.

Söz konusu STA uyarınca ülkemizin Fas menşeli sanayi ürünleri ithalatına uyguladığı bütün gümrük vergisi ve eş etkili vergiler STA’nın yürürlüğe girmesiyle birlikte sıfıra indirilmiştir. Buna mukabil, Fas için hassasiyet arz eden bir grup sanayi ürünü bakımından Fas’ın ülkemize uyguladığı gümrük vergileri 10 yıllık bir geçiş dönemi zarfında sıfıra indirilirken, diğer tüm sanayi ürünlerinde Fas’ın tatbik ettiği gümrük vergileri STA’nın yürürlüğe girmesiyle birlikte kaldırılmıştır.

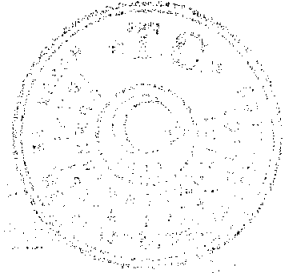
Nota teatisi yoluyla 24 Ağustos 2020 tarihinde imzalanan “Türkiye Cumhuriyeti ile Fas Krallığı Arasındaki Serbest Ticaret Anlaşmasını Tadil Eden Anlaşma” ile daha önce STA’da indirim tabi olan ürünlerin bir kısmı negatif listeye alınmıştır. Fas tarafının talepleri ve ülkemizin hassasiyetleri gözetilerek düzenlenen negatif liste iki grup halinde 932 üründen oluşmaktadır.

Tadil Anlaşmasının I sayılı Ekinde, tekstil ve konfeksiyon ürünleri, plastikten eşya, kilim, ayakkabı, araba parçaları ve buzdolapları yer almakta olup toplam ürün sayısı 626’dır. Bu ürünlere, 5 yıl boyunca Dünya Ticaret Örgütü’nün (DTÖ) En Çok Kayırlan Ülke (MFN) kuralı uyarınca Fas tarafınca belirlenmiş olan gümrük vergisi oranının % 90’ı kadar gümrük vergisi uygulanacak ve bu süre tarafların ortak kararıyla 5 yıl uzatılabilecektir.

Tadil Anlaşmasının II sayılı Ekinde ise ahşap paneller, sıcak haddelenmiş sac, soğuk haddelenmiş sac, filmaşın, çelik tüp ve borular yer almakta olup bu ürünlerin sayısı 306’dır. II sayılı Ekte yer alan ürünler halihazırda DTÖ Anlaşmalarına uygun olarak yürürlükte bulunan korunma önlemine tabi ürünleri kapsamakta olup korunma önlemi sona eren ürünler I sayılı Eke dahil edilecektir.

Tarafların negatif listeyi süreç içinde gözden geçirerek gelişmelere ve önceliklere göre daraltması ve vergi oranlarını düşürmesi mümkün olacaktır.

Bahse konu Tadil Anlaşmasının taraflar arasında ikili ticaret hacminin artırılmasına, mal ticaretindeki kısıtlamaların tedricen giderilmesine, ekonomik ve ticari işbirliğinin geliştirilmesi ve güçlendirilmesine, Türk ve Fas ticaret erbabı arasında işbirliği yapılmasına katkıda bulunması beklenmektedir.



TÜRKİYE CUMHURİYETİ
İLE
FAS KRALLIĞI
ARASINDAKİ
SERBEST TİCARET ANLAŞMASINI
TADİL EDEN ANLAŞMA

Türkiye Cumhuriyeti ile Fas Krallığı (bundan böyle uygun olduğu yerde "Taraflar", "Türk Tarafı" veya "Fas Tarafı" olarak anılacaktır);

Türkiye Cumhuriyeti ile Fas Krallığı arasında Serbest Ticaret Alanı kuran, 7 Nisan 2004'te imzalanmış Serbest Ticaret Anlaşmasını (bundan böyle "Anlaşma" olarak anılacaktır) göz önünde bulundurarak;

Anlaşma'nın yönetimi için bir Ortak Komite kuran Anlaşma'nın 30 ve 31 inci Maddelerini dikkate alarak;

Tarafları Anlaşma'yı değiştirmek için yetkilendiren Anlaşma'nın 36 ve 37 nci Maddelerini göz önünde bulundurarak;

Fas Tarafının, Fas Krallığı'nın Türkiye Cumhuriyeti ile olan ticaret açığını ve Fas Krallığı'nın bebek endüstrileri ile pazar bozulması riski altındaki endüstrilerinin daha fazla korunması ihtiyacını göz önünde bulundurarak, Anlaşma'nın 4 üncü Maddesi'nden sapma olarak Türkiye Cumhuriyeti menşeli bazı sanayi ürünlerine yeniden gümrük vergisi konulması şeklinde sınırlı süreli önlemlere dair talebini dikkate alarak;

Aşağıdaki hususlarda anlaşmışlardır:

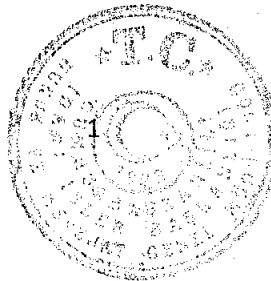
Madde 1

Fas Tarafı, istisnai bir önlem ve Anlaşma'nın 1 ve 4 üncü Maddelerinden sapma olarak, işbu Anlaşma'nın I sayılı Ek'inde listelenen Türkiye Cumhuriyeti menşeli sanayi ürünlerine işbu Anlaşma'nın 2 nci Maddesinde belirtilen gümrük vergilerini 5 yıllık bir dönem boyunca yeniden uygulayacaktır.

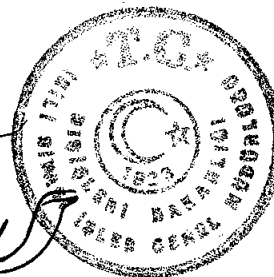
Madde 2

İşbu Anlaşma'nın 1 inci Maddesinde belirtilen gümrük vergileri, yürürlükteki En Çok Kayırılan Ülke (MFN) gümrük vergilerinin % 90'ı olacaktır.

Dileme



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Madde 3

1. Fas Tarafı, işbu Anlaşma'nın I sayılı Ek'inde listelenen ürünler için Türkiye Cumhuriyeti menşeli ithalata gümrük vergileri ile eş etkili vergiler koymayacaktır.

2. Fas Tarafı, bu Maddenin 1 inci fıkrası hükümlerine hâlel getirmeksizin, işbu Anlaşma'nın I sayılı Ek'inde listelenen ürünler de dahil olmak üzere, Türkiye Cumhuriyeti menşeli ithalata Anlaşma'nın 18 ve 19 uncu Maddeleri doğrultusunda önlem uygulayabilir.

Madde 4

Fas Tarafı, Anlaşma'nın 7 nci Maddesi hükümlerine uygun olarak, işbu Anlaşma'nın I sayılı Ek'inde listelenen ürünler için Türkiye Cumhuriyeti menşeli ithalata hiçbir miktar kısıtlaması uygulamayacaktır.

Madde 5

1. Fas Tarafınca GATT 1994'ün XIX uncu Maddesi ve DTÖ Korunma Önlemleri Anlaşması kapsamında korunma önlemlerine tabi tutulan işbu Anlaşma'nın II sayılı Ek'inde listelenen ürünler, anılan korunma önlemlerinin sona ermesini müteakip işbu Anlaşmanın I sayılı Ek'ine dahil edilecek ve dolayısıyla işbu Anlaşma'nın 2 inci Maddesinde belirtilen gümrük vergilerine tabi olacaklardır.

2. Fas Tarafı, işbu Anlaşma'nın I sayılı Ek'indeki ürünlerle ilgili korunma önlemlerinin sona ermesinden üç ay önce, korunma önlemlerinin sona ereceğine ilişkin olarak Türk Tarafına yazılı bildirimde bulunacaktır.

Madde 6

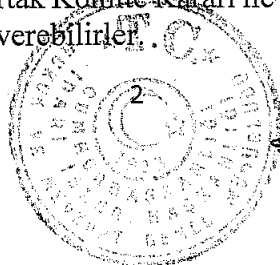
Ortak Komite, ilk 5 yıllık dönemin sona ermesinden üç ay önce, ikinci bir 5 yıllık döneme ihtiyaç olup olmadığını iyi niyetli bir şekilde değerlendirmek üzere toplanacaktır. Ortak Komite, karşılıklı mutabakat ile ilk 5 yıllık dönemi 5 yıl uzatabilir.

Madde 7

1. İşbu Anlaşma'nın yürürlüğe girmesini takip eden altı ay sonrasında, Ortak Komite ikili ticaretin gelişimini yıllık olarak değerlendirecektir. Ortak Komite, karşılıklı mutabakat ile işbu Anlaşma'nın uygulanmasını, I sayılı Ek'indeki ürün kapsamının azaltılması veya uygun görüldüğünde, işbu Anlaşma'nın 2 nci Maddesinde belirtilen gümrük vergilerinin düşürülmesi ve gerekli değişikliklerin yapılması açısından da gözden geçirecektir.

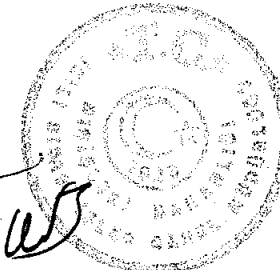
2. Taraflar, ihtiyaç olduğunda, Ortak Komite Kararı ile işbu Anlaşma'nın I sayılı Ek'ine ilave ürünler eklemeye de karar verebilirler.

Dilme



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Madde 8

1. Anlaşma'nın 17 nci Maddesi değiştirilmiş olup aşağıdaki şekilde okunur:

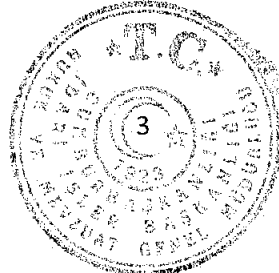
"MADDE 17

GEÇİCİ UYUM ÖNLEMLERİ

1. Taraflar, 4 ncü Madde hükümlerinden sapma olarak, sınırlı bir süre için, gümrük vergilerinin yükseltilmesi şeklinde geçici uyum önlemleri ihdas edebilir.
2. Bu önlemler, ancak bebek endüstriler veya yeniden yapılanmakta olan veya ciddi güçlüklerle karşılaşan endüstriler bakımından söz konusu olabilecektir.
3. Taraf ülkeler menşeli ürünlerin ithalatında, bu önlemler kapsamında uygulanabilecek gümrük vergileri, ad valorem %30 düzeyini geçemeyecek ve Taraf ülkeler menşeli ürünler için tercih unsurunu koruyacaktır. Bu önlemlere tabi ürünlerin toplam ithal kıymeti, 3 ncü Maddede tanımlanan sanayi ürünlerinin diğer Taraftan toplam ithalatının, istatistiklerin temin edilebildiği son yıl itibariyle %15'ini geçemeyecektir.
4. Bu önlemler, Ortak Komite tarafından daha uzun bir süreye izin verilmedikçe 5 yılı aşmayacak bir dönem için uygulanacaktır.
5. Bir ürüne ilişkin olarak bu Maddenin 4 üncü fıkrasında belirtilen önlemlerin kaldırılmasından itibaren üç yıldan fazla bir zamanın geçmiş olması halinde söz konusu ürüne karşı bu tür önlemler ihdas edilemeyecektir.
6. Taraflar, almayı düşündükleri istisnai önlemler hakkında Ortak Komiteyi bilgilendirecekler ve Taraflardan herhangi birinin talebi üzerine, bu önlemler ve uygulanacakları sektörler konusunda, önlemlerin uygulanmasından önce, Ortak Komite'de danışmalarda bulunulacaktır. Taraflar söz konusu önlemleri alırken, Ortak Komite'ye, bu Madde kapsamında ihdas edilen gümrük vergilerinin kaldırılmasına yönelik bir takvim sunacaklardır. Söz konusu takvim, bu vergilerin, yürürlüğe konulmalarından en geç iki yıl sonra başlamak üzere, eşit oranlarda tedricen kaldırılmalarını sağlayacaktır. Ortak Komite farklı bir takvime karar verebilir.

2. Anlaşma'nın, işbu Anlaşma ile değiştirilen 17 nci Maddesinin 5 inci fıkrası, Taraflarca, Anlaşma'nın 17 nci Maddesine bağlı olarak işbu Anlaşma'nın yürürlüğe girmesinden önce uygulanan önlemleri kapsamamaktadır.

H. Lüne



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Madde 9

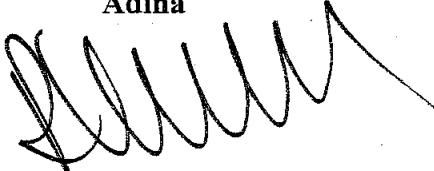
1. İşbu Anlaşma, Tarafların birbirlerine, işbu Anlaşma'nın yürürlüğe girmesi için iç yasal gereklerin yerine getirildiğini bildiren son yazılı bildirimin diplomatik kanallar vasıtasıyla alındığı tarihte yürürlüğe girecektir.

2. İşbu Anlaşma, 7 Nisan 2004'te imzalanan "Türkiye Cumhuriyeti ile Fas Krallığı arasında Serbest Ticaret Anlaşması"nın tamamlayıcı bir parçasını oluşturmaktadır.

BUNUN KANITI OLARAK aşağıda imzaları bulunan tam yetkili temsilciler işbu Anlaşmayı imzalamışlardır.

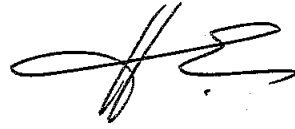
İşbu Anlaşma Rabat'da, / /2020 tarihinde, bütün metinler eşit derecede geçerli olmak üzere, Türkçe, Arapça ve İngilizce dillerinde ikişer orijinal nüsha olarak yapılmıştır. İşbu Anlaşma'nın yorumunda farklılık olması halinde İngilizce metin esas alınacaktır.

Türkiye Cumhuriyeti
Adına

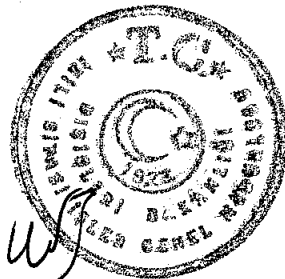
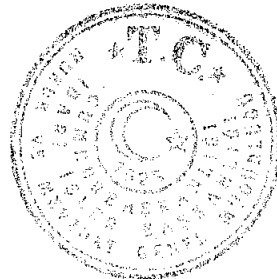


Ruhsar PEKCAN
Ticaret Bakanı

Fas Krallığı
Adına



Moulay Hafid ELALAMY
Sanayi, Ticaret ve Yeşil ve
Dijital Ekonomi Bakanı

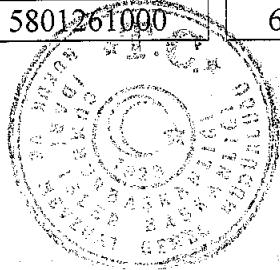


**Fas'm AS kodlarına göre Fas Krallığına ithalatları durumunda yeniden konulan
gümrük vergileri şeklinde sınırlı süreli olarak istisnai önlemlere tabi olacak
Türkiye Cumhuriyeti menşeli ürün listesi**

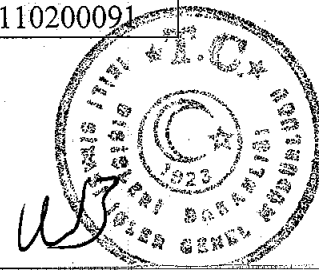
Ek I

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5407539930	5702490090	6001929919	6104440000	6108210000
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Hilme

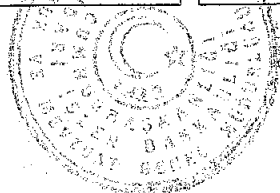


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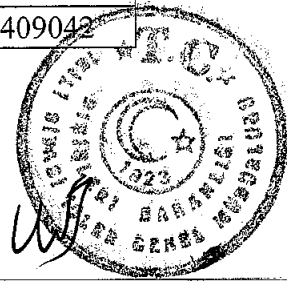


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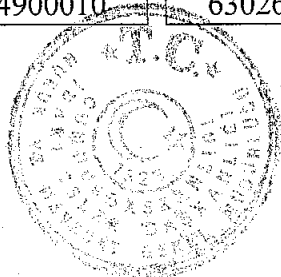


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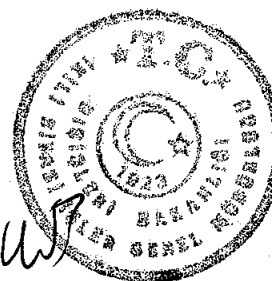


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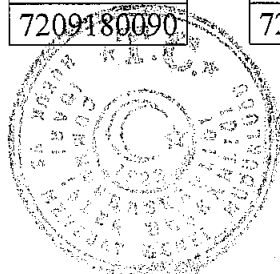
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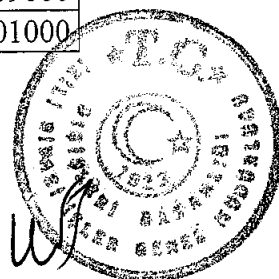
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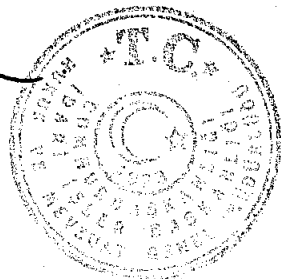
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اتفاق تعديل اتفاقية التبادل الحر بين جمهورية تركيا والمملكة المغربية

جمهورية تركيا والمملكة المغربية (المشار إليها فيما بعد "بالطرفين"، "الجانب التركي" أو "الجانب المغربي" أو عند الاقتضاء)؛

بناء على اتفاقية التبادل الحر بين جمهورية تركيا والمملكة المغربية لإقامة منطقة تجارة حرة، الموقعة في 7 أبريل 2004 (المشار إليها فيما بعد "بالاتفاقية")؛

مراعاة للمادتين 30 و31 من الاتفاقية بخصوص إنشاء لجنة مشتركة لتدبير الاتفاقية؛

مراعاة للمادتين 36 و37 من الاتفاقية، التي تمكن الأطراف من تعديل الاتفاقية؛

وأخذا بعين الاعتبار لطلب الجانب المغربي باتخاذ تدابير استثنائية لمدة محدودة، تستثنى من أحكام المادة 4 من الاتفاقية، على شكل إعادة فرض رسوم جمركية على بعض المنتجات الصناعية ذات منشأ جمهورية تركيا، وذلك بسبب العجز التجاري للمملكة المغربية مع جمهورية تركيا وتزايد حاجة المملكة المغربية لحماية الصناعات الناشئة والصناعات المعرضة لتهديد اضطرابات السوق؛

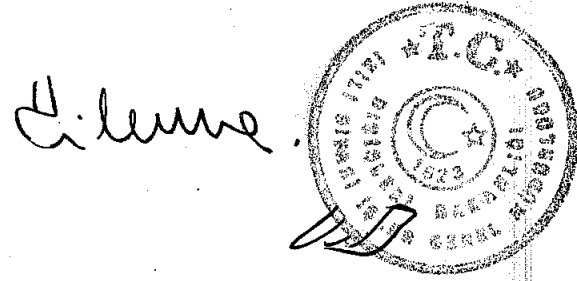
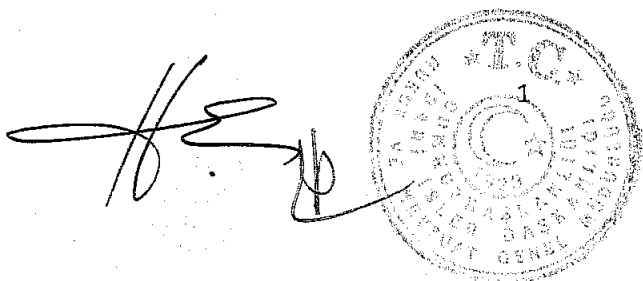
اتفقتا على ما يلي:

المادة 1

يعيد الجانب المغربي، كتدبير استثنائي واستثناء لأحكام المادتين 1 و4 من الاتفاقية، فرض الرسوم الجمركية المحددة في المادة 2 من هذا الاتفاق، لمدة خمس سنوات، على المنتجات الصناعية ذات منشأ جمهورية تركيا والمدرجة بالملحق I لهذا الاتفاق.

المادة 2

تبلغ الرسوم الجمركية المشار إليها في المادة 1 من هذا الاتفاق 90٪ من قيمة الرسوم الجمركية المطبقة وفق "الدولة الأكثر رعاية" الجاري بها العمل.



المادة 3

1. بالنسبة للمنتجات المدرجة في الملحق I من هذا الاتفاق، لا يطبق الجانب المغربي أي رسوم أخرى ذات أثر مماثل للرسوم الجمركية، على الواردات ذات منشأ جمهورية تركيا.

2. على الرغم من أحكام الفقرة الأولى من هذه المادة، يجوز للجانب المغربي إخضاع الواردات ذات منشأ جمهورية تركيا، بما في ذلك المنتجات المدرجة بالملحق I من هذا الاتفاق، لتدابير بموجب أحكام المادتين 18 و19 من الاتفاقية.

المادة 4

بالنسبة للمنتجات المدرجة في الملحق I من هذا الاتفاق، لا يطبق الجانب المغربي أي قيود كمية على الواردات ذات منشأ جمهورية تركيا، وذلك وفقاً للمادة 7 من الاتفاقية.

المادة 5

1. تدرج، بالملحق I من هذا الاتفاق، المنتجات الواردة في الملحق II من هذا الاتفاق، الخاضعة للتدابير الوقائية من قبل الجانب المغربي طبقاً للمادة التاسعة عشر من اتفاقية الغات 1994 واتفاقية التدابير الوقائية للمنظمة العالمية للتجارة، وبالتالي تخضع للرسوم الجمركية المشار إليها في المادة 2 من هذا الاتفاق، وذلك عند انتهاء مدة تطبيق التدابير الوقائية المذكورة.

2. يقوم الجانب المغربي بإخطار الجانب التركي كتابة، وذلك بانتهاء مدة تطبيق التدابير الوقائية المتعلقة بالمنتجات المدرجة في الملحق II من هذا الاتفاق، ثلاثة أشهر قبل تاريخ انتهائها.

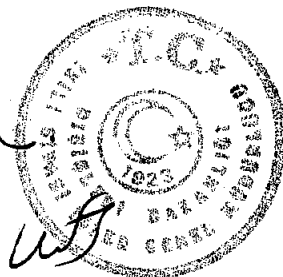
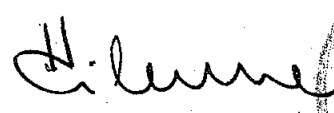
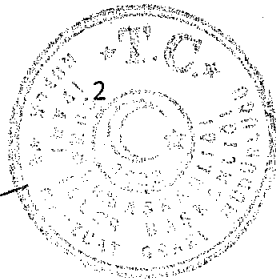
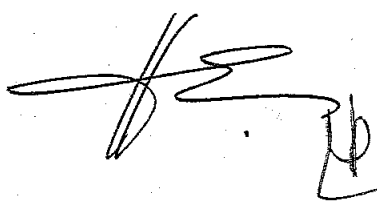
المادة 6

تتعدد اللجنة المشتركة 3 أشهر قبل تاريخ انتهاء فترة الخمس سنوات الأولى لتقييم بحسن نية ما إذا كانت هناك حاجة لفترة الخمس سنوات الثانية. يمكن للجنة المشتركة، بتوافق مشترك، تمديد فترة الخمس سنوات الأولى لمدة 5 سنوات إضافية.

المادة 7

1. بعد ستة أشهر من دخول هذا الاتفاق حيز التنفيذ، تقوم اللجنة المشتركة كل سنة بتقييم تطور التجارة الثنائية. وتقوم اللجنة المشتركة أيضاً بمراجعة تطبيق هذا الاتفاق بهدف تقليص المنتجات التي يشملها الملحق I أو تخفيض، إن أمكن، الرسوم الجمركية المشار إليها في المادة 2 من هذا الاتفاق وإجراء التعديلات اللازمة عليها بتوافق مشترك.

2. عند الحاجة، يمكن للطرفين أن يقررا إدراج منتجات إضافية في الملحق I من هذا الاتفاق، بقرار من اللجنة المشتركة.



المادة 8

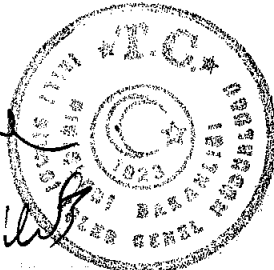
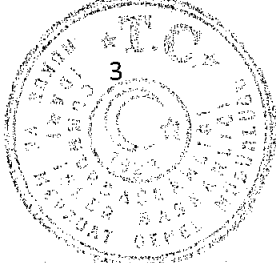
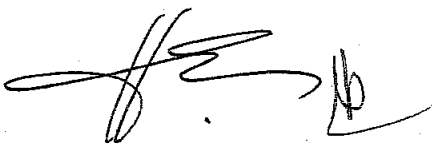
1. تعدل المادة 17 من الاتفاقية وتقرأ على النحو التالي:

"المادة 17

إجراءات التقويم المؤقتة

1. يمكن للطرفين اتخاذ إجراءات التقويم المؤقتة لمدة محدودة، والتي تستثنى من تطبيق مقتضيات المادة الرابعة، على شكل زيادة في الرسوم الجمركية.
2. تهم هذه الإجراءات فقط الصناعات الناشئة أو بعض الصناعات التي هي في طور إعادة هيكلتها أو التي تواجه صعوبات جديدة.
3. لا يمكن أن تتجاوز الرسوم الجمركية المطبقة من الطرفين بموجب تلك الإجراءات على المنتجات ذات منشأ أحد الطرفين 30% من قيمتها. كما يجب أن تحتفظ بعنصر الأفضلية لفائدة المنتجات ذات منشأ أحد الطرفين. ويجب ألا تتجاوز القيمة الإجمالية لواردات المنتجات الخاضعة لهذه الإجراءات 15% من مجموع واردات المنتجات الصناعية من الطرف الآخر كما هي معرفة في المادة الثالثة وذلك اعتماداً على إحصائيات آخر سنة متوفرة.
4. تطبق هذه الإجراءات لفترة لا تتجاوز خمس سنوات ما لم تقرر اللجنة المشتركة مدة أطول.
5. لا يمكن إدخال تلك الإجراءات بالنسبة لأي منتج بعد مرور أكثر من ثلاث سنوات على إلغاء الإجراءات المشار إليها في الفقرة الرابعة من هذه المادة.
6. يجب على الطرفين إخبار اللجنة المشتركة بأي إجراءات استثنائية ينويان اتخاذها. وتتم، بطلب من أحد الطرفين، مشاورات في إطار اللجنة المشتركة حول تلك الإجراءات والقطاعات التي ستطبق عليها قبل تطبيقها. وعند اتخاذ تلك الإجراءات، يجب على الطرفين تقديم جدول زمني للجنة المشتركة حول إلغاء الرسوم الجمركية المطبقة بموجب هذه المادة. ويجب أن يتضمن هذا الجدول الإلغاء التدريجي لتلك الرسوم يبتدىئ سنتين على الأكثر بعد تطبيقها وبنسب متساوية، ويمكن للجنة المشتركة أن تقرر جدولاً زمنياً مخالفاً لذلك."

2. لا تسري الفقرة 5 من المادة 17 من الاتفاقية، بصيغتها المعدلة في هذا الاتفاق، على الإجراءات المطبقة من الأطراف بموجب المادة 17 من الاتفاقية قبل دخول هذا الاتفاق حيز التنفيذ.



2. لا تسري الفقرة 5 من المادة 17 من الاتفاقية، بصيغتها المعدلة في هذا الاتفاق، على الإجراءات المطبقة من الأطراف بموجب المادة 17 من الاتفاقية قبل دخول هذا الاتفاق حيز التنفيذ.

المادة 9

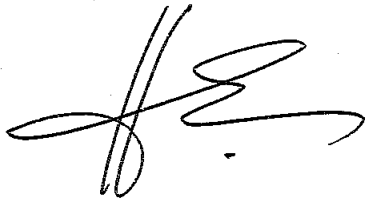
1. يدخل هذا الاتفاق حيز التنفيذ بتاريخ استلام آخر إشعار كتابي يخبر من خلاله الطرفان بعضهما البعض، عبر القنوات الدبلوماسية، باستكمال إجراءاتهما القانونية الداخلية اللازمة لدخول هذا الاتفاق حيز التنفيذ.

2. يشكل هذا الاتفاق جزءاً لا يتجزأ من "اتفاقية التبادل الحر بين جمهورية تركيا والمملكة المغربية"، الموقعة في 7 أبريل 2004.

وإثباتاً لذلك، وقع المفوضان، المخول لهما بذلك قانوناً، هذا الاتفاق.

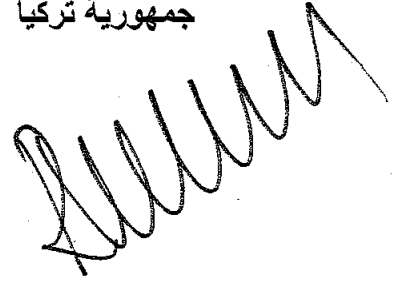
حرر في الرباط في 2020 في نظيرين أصليين باللغات التركية والعربية والإنجليزية، وللنصوص الثلاثة نفس الحجية. في حال الاختلاف في التأويل، يرجح النص الإنجليزي.

عن
المملكة المغربية

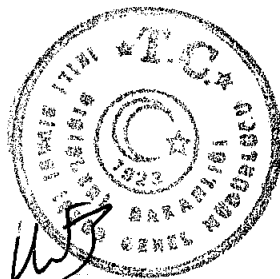
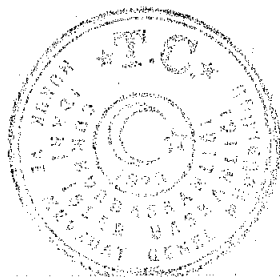


مولاي حفيظ العلمي
وزير الصناعة والتجارة
والاقتصاد الأخضر والرقمي

عن
جمهورية تركيا



روهصار بكجان
وزيرة التجارة

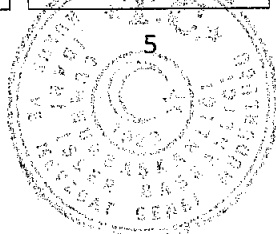


قائمة المنتجات ذات منشأ جمهورية تركيا الخاضعة للإجراءات الاستثنائية لمدة محدودة على شكل إعادة فرض الرسوم الجمركية على وارداتها إلى المملكة المغربية، حسب تصنيفها في النظام المنسق المغربي

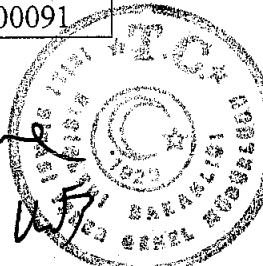
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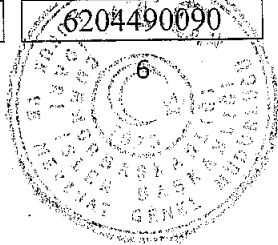


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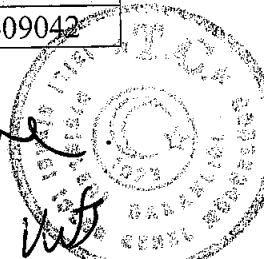


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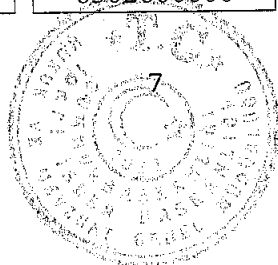


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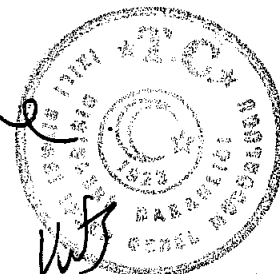


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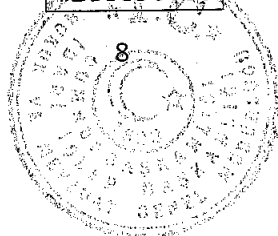
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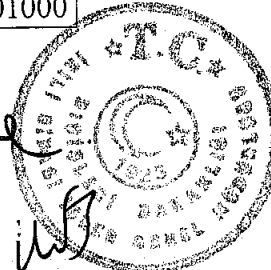
الملحق II

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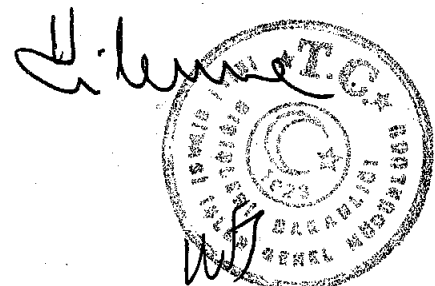
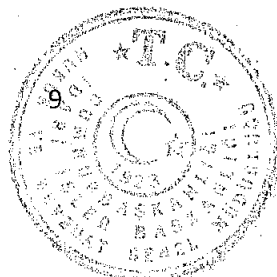


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**AGREEMENT
AMENDING THE FREE TRADE AGREEMENT BETWEEN
THE REPUBLIC OF TURKEY
AND
THE KINGDOM OF MOROCCO**

The Republic of Turkey and the Kingdom of Morocco (hereinafter referred to as "the Parties", "the Turkish Side" or "the Moroccan Side" where appropriate);

Having regard to the Free Trade Agreement establishing a Free Trade Area between the Republic of Turkey and the Kingdom of Morocco, signed on 7 April 2004 (hereinafter referred to as "the Agreement");

Taking into account Articles 30 and 31 of the Agreement establishing a Joint Committee for the administration of the Agreement;

Having regard to Articles 36 and 37 of the Agreement, which empower the Parties to amend the Agreement;

Taking into account the request of the Moroccan Side for exceptional measures of limited duration, which derogate from the provisions of Article 4 of the Agreement in the form of re-introduction of customs duties on certain industrial products originating in the Republic of Turkey, with due regard to trade deficit of the Kingdom of Morocco with the Republic of Turkey and the further need of protection of the Kingdom of Morocco's infant industries and industries under the risk of market disruption;

Have agreed as follows:

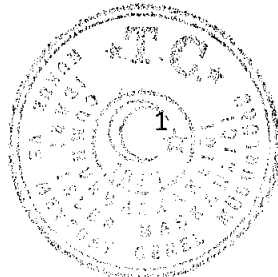
Article 1

As an exceptional measure and a derogation from the provisions of Articles 1 and 4 of the Agreement, the Moroccan Side shall re-introduce, for a period of 5 years, the customs duties specified in Article 2 of this Agreement on industrial products originating in the Republic of Turkey listed in Annex I of this Agreement.

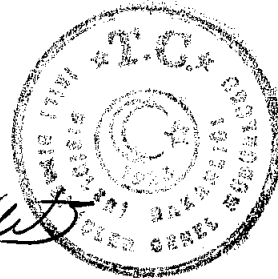
Article 2

The customs duties mentioned in Article 1 of this Agreement shall be 90 % of the Most Favored Nation (MFN) customs duty that is in force.

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Article 3

1. For products listed in Annex I of this Agreement, the Moroccan Side shall apply no charges having equivalent effect with customs duties on imports originating in the Republic of Turkey.

2. Notwithstanding provisions of paragraph 1 of this Article, the Moroccan Side can impose measures in line with Articles 18 and 19 of the Agreement on imports originating in the Republic of Turkey, including import of products listed in Annex I of this Agreement.

Article 4

For products listed in the Annex I of this Agreement, the Moroccan Side shall apply no quantitative restrictions on imports originating in the Republic of Turkey in accordance with the provisions of Article 7 of the Agreement.

Article 5

1. The products listed in Annex II of this Agreement, subject to safeguard measures by the Moroccan Side under Article XIX of GATT 1994 and the WTO Agreement on Safeguards, shall be included in Annex I of this Agreement, and therefore subject to customs duties mentioned in Article 2 of this Agreement, upon the expiration of the said safeguard measures.

2. The Moroccan Side will inform, in written form, the Turkish Side of the expiration of the safeguard measures three months prior to the expiry date of the said safeguard measures with respect to the products in Annex II of this Agreement.

Article 6

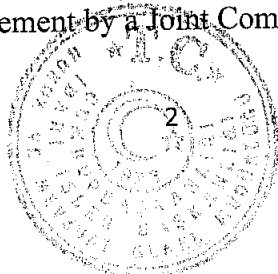
The Joint Committee shall convene 3 months prior to the expiry date of the first 5-year period to evaluate in good faith, if there is a need for the second 5-year period. The Joint Committee may extend the first 5-year period by an additional 5 years by mutual consent.

Article 7

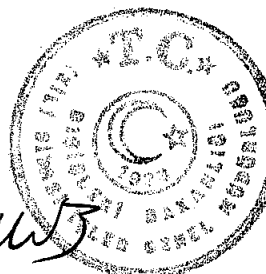
1. Following six months after the entry into force of this Agreement, the Joint Committee shall annually assess the development of bilateral trade. The Joint Committee shall also review the implementation of this Agreement with the view of reducing the product coverage of Annex I or, where possible, the lowering of customs duties mentioned in Article 2 of this Agreement and make the necessary amendments therein with mutual consent.

2. In case a need arises, the Parties may also decide to have additional products to be added in Annex I of this Agreement by a Joint Committee Decision.

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Article 8

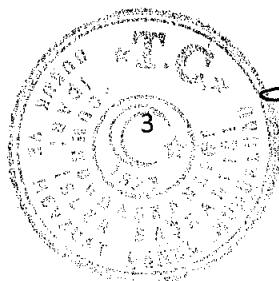
1. Article 17 of the Agreement is amended and shall be read as follows:

"ARTICLE 17

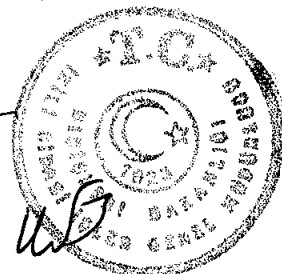
TEMPORARY ADJUSTMENT MEASURES

1. Temporary adjustment measures of limited duration, which derogate from the provisions of Article 4, may be taken by the Parties in the form of increased customs duties.
 2. These measures may only concern infant industries, or certain industries undergoing restructuring or facing serious difficulties.
 3. Customs duties on imports applicable in the Parties to products originating in each Party introduced by these measures may not exceed 30 % ad valorem and shall maintain an element of preference for products originating in each Party. The total value of imports of the products, which are subject to these measures, may not exceed 15% of total imports of industrial products from the other Party as defined in Article 3, during the last year for which statistics are available.
 4. These measures shall be applied for a period not exceeding five years unless a longer duration is decided by the Joint Committee.
 5. No such measures can be introduced in respect of a product if more than three years have elapsed since the elimination of such measures mentioned in Paragraph 4 of this Article.
 6. The Parties shall inform the Joint Committee of any exceptional measures they intend to take and, at the request of either Party, consultations shall be held in the Joint Committee on such measures and the sectors to which they apply before they are applied. When taking such measures the Parties shall provide the Joint Committee with a schedule for the elimination of the customs duties introduced under this Article. This schedule shall provide for a phasing out of these duties starting at the latest two years after their introduction, at equal rates. The Joint Committee may decide on a different schedule."
2. The measures applied by the Parties with reference to the Article 17 of the Agreement, before the entry into force of this Agreement, are not covered by Paragraph 5 of the Article 17 of the Agreement as amended by this Agreement.

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Article 9

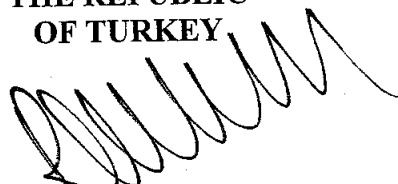
1. This Agreement shall enter into force on the date of the receipt of the last written notification by which the Parties notify each other, through diplomatic channels, of the completion of their internal legal procedures required for the entry into force of this Agreement.

2. This Agreement constitutes an integral part of the "Free Trade Agreement between the Republic of Turkey and the Kingdom of Morocco", signed on 07 April 2004.

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

Done at Rabat on / /2020, in two original copies in Turkish, Arabic and English languages, all the texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

**FOR
THE REPUBLIC
OF TURKEY**

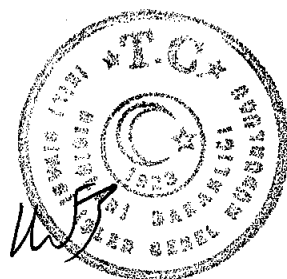
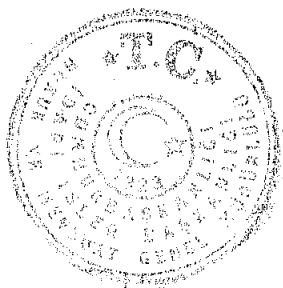


**Ruhsar PEKCAN
Minister of Trade**

**FOR
THE KINGDOM
OF MOROCCO**



**Moulay Hafid ELALAMY
Minister of Industry, Trade
and Green and Digital
Economy**

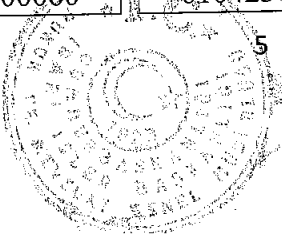


List of products originating in the Republic of Turkey subject to exceptional measures of limited duration in the form of re-introduction of customs duties upon their imports into the Kingdom of Morocco according to Moroccan HS codes

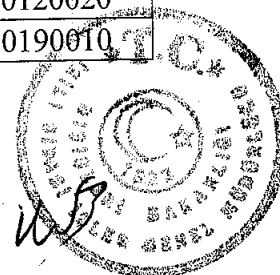
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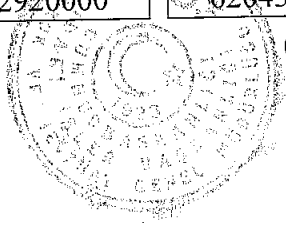


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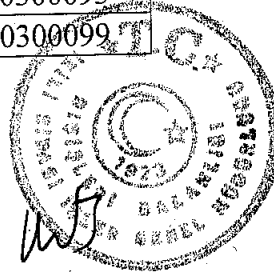


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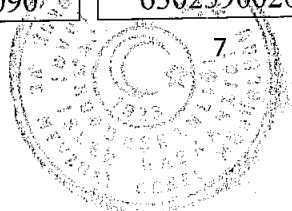


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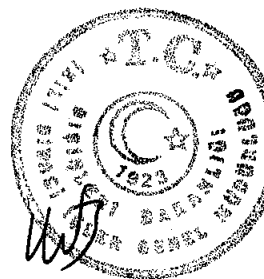


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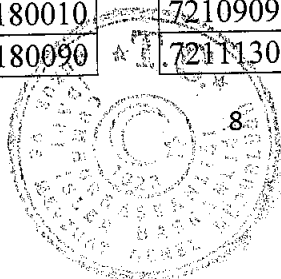
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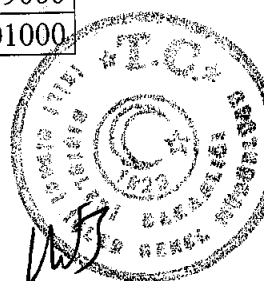
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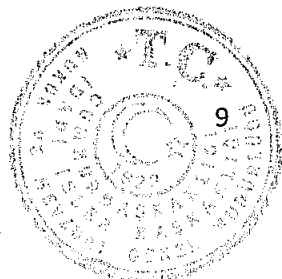
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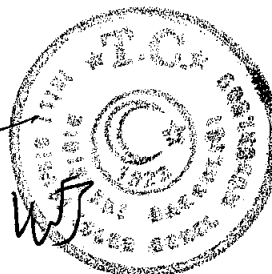
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2020/52954198/31565996 – ÇOK ACELE

Türkiye Cumhuriyeti Büyükelçiliği Fas Krallığı Dışışleri, Afrika İşbirliği ve Yurtdışında Yaşayan Faslılar Bakanlığı'na saygılarını sunar ve 7 Nisan 2004 tarihli Türkiye Cumhuriyeti-Fas Krallığı Serbest Ticaret Anlaşması'nın tadili konulu 3 Temmuz 2020 tarih ve 1428 sayılı ve 27 Temmuz 2020 tarih ve 1669 sayılı Notalarına atfen aşağıdaki bilgileri aktarmaktan onur duyar:

- Anlaşma, Türkçe/İngilizce/Arapça nüshalarından ikişer adet olmak üzere, Türkiye Cumhuriyeti Ticaret Bakanı Sayın Ruhsar Pekcan tarafından imzalanmıştır. Fas tarafının imzası için asılları ekte takdim kılınmıştır.

- Her sayfa, Türkiye Cumhuriyeti Ticaret Bakanlığı Uluslararası Anlaşmalar ve Avrupa Birliği Genel Müdürü tarafından paraflanmıştır. Fas mevkidaşı, aynı şekilde her sayfayı paraflayacaktır.

- İç hukuk sürecini başlatmak üzere, Türk tarafı, Fas Krallığı Sanayi, Ticaret, Yeşil ve Dijital Ekonomi Bakanı Moulay Hafid Elalamy'ın imzasını taşıyan Anlaşmanın aslını beklemektedir.

- Türk tarafının, imza tarihi olarak son imza tarihinin belirlenmesinde itirazı yoktur, ancak bilgilendirmeyi talep etmektedir.

- Türk tarafı, Türkiye Cumhuriyeti Cumhurbaşkanı tarafından Bakan Pekcan adına anılan Anlaşmayı imzalama yetkisi tanıyan yetki kararı istihsalinin bir adet kopyasını ekte iletmektedir. Türkiye Cumhuriyeti Büyükelçiliği, Bakan Elalamy'i anılan Anlaşmayı imzalamaya yetkili kılan belgenin bir adet kopyasını almaktan memnuniyet duyacaktır.

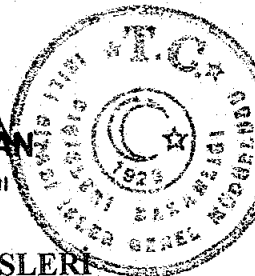
Türkiye Cumhuriyeti Büyükelçiliği, yukarıda belirtilen hususların ilgili Fas makamlarına iletilmesi ve sonucundan bilgi verilmesi konusunda Fas Krallığı Dışışleri, Afrika İşbirliği ve Yurtdışında Yaşayan Faslılar Bakanlığı'nın yardımlarını rica eder.

Bu vesileyle, Türkiye Cumhuriyeti Büyükelçiliği Fas Krallığı Dışışleri, Afrika İşbirliği ve Yurtdışında Yaşayan Faslılar Bakanlığı'na teşekkürlerini sunar ve en derin saygılarını yinelemekten onur duyar.

Rabat, 18 Ağustos 2020

**DIŞİŞLERİ, AFRIKA İŞBİRLİĞİ
VE YURTDIŞINDA YAŞAYAN FASLILAR BAKANLIĞI
HUKUK İŞLERİ VE ANLAŞMALAR MÜDÜRLÜĞÜ
CC: TEŞVİK VE EKONOMİK İŞBİRLİĞİ MÜDÜRLÜĞÜCC: AVRUPA İŞLERİ
MÜDÜRLÜĞÜ**

Ferhat ALKAN
Daire Başkanı
OKGY-III



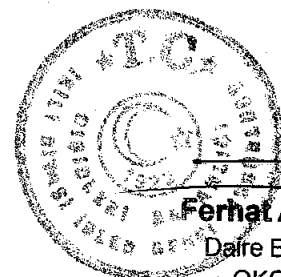
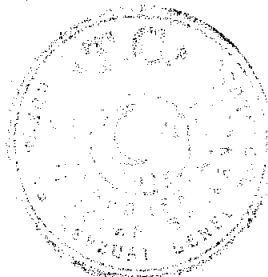


2020/52954198/31565996 - TRÈS URGENT

L'Ambassade de la République de Turquie présente ses compliments au Ministère des Affaires Étrangères, de la Coopération Africaine et des Marocains Résidant à l'Étranger du Royaume du Maroc et se référant à Ses Notes N°1428 datée du 3 juillet 2020 et N°1669 datée du 27 juillet 2020, relatives à l'Accord portant amendement de l'Accord de Libre-échange, signé le 7 avril 2004, entre la République de Turquie et le Royaume du Maroc, a l'honneur de porter à Sa connaissance ce qui suit :

- S.E.Mme Ruhsar PEKCAN, Ministre du Commerce de la République de Turquie, a signé les deux alternats de l'Accord en langue turc/anglais/arabe. Les originaux figurent en annexe pour la signature de la Partie marocaine.
- Le Directeur Général des Accords Internationaux et de l'Union Européenne du Ministère du Commerce de la République de Turquie a également apposé son paraphe sur chaque page. Le même paraphe est attendu de la part de son homologue marocain.
- La Partie turque attend le retour de son alternat original portant la signature de S.E.M. Moulay Hafid ELALAMY, Ministre de l'Industrie, du Commerce et de l'Economie Verte et Numérique du Royaume du Maroc, pour entamer les procédures de législation interne en Turquie.
- En ce qui concerne le fait de retenir la date de la dernière signature la Partie turque ne voit pas d'objection mais souhaite connaître la date en question.
- La Partie turque communique une copie de la décision de S.E.M. le Président de la République qui attribue à S.E.Mme la Ministre PEKCAN l'autorité légale pour signer l'Accord. Cette Ambassade sollicite l'entremise de l'Honorable Ministère pour recevoir une copie du document attribuant l'autorité de signer l'accord pour la Partie marocaine à S.E.M. le Ministre ELALAMY.

**MINISTERE DES AFFAIRES ETRANGERES
DE LA COOPERATION AFRICAINE
ET DES MAROCAINS RESIDANT A L'ETRANGER
DIRECTION DES AFFAIRES JURIDIQUES ET DES TRAITES
C.C.: DIRECTION DE LA PROMOTION ET DE LA COOPERATION
ECONOMIQUES
C.C.: DIRECTION DES AFFAIRES EUROPEENNES
RABAT**



Ferhat ALKAN
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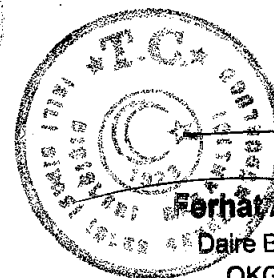
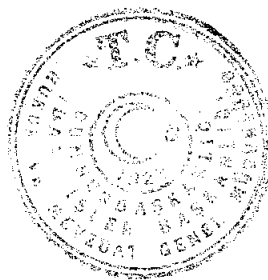
Cette Ambassade prie l'Honorable Ministère de bien vouloir transmettre ce qui précède aux autorités marocaines concernées et la tenir informée de la suite réservée.

Avec ses remerciements anticipés, l'Ambassade de la République de Turquie saisit cette occasion pour renouveler au Ministère des Affaires Etrangères, de la Coopération Africaine et des Marocains Résidant à l'Etranger du Royaume du Maroc les assurances de sa très haute considération.

Rabat, le 18 août 2020



P.J.: - alternats originaux signés en trois langues
- document d'autorité légale



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Fas Krallığı Dışışleri, Afrika İşbirliği ve Yurtdışında Yaşayan Faslılar Bakanlığı Türkiye Cumhuriyeti Büyükelçiliğine saygılarını sunar ve 18 Ağustos 2020 ve 2020/52954198/31565996 sayılı Türkiye Cumhuriyeti-Fas Krallığı Serbest Ticaret Anlaşması'nın tadili konulu Notasına atfen Fas Krallığı Sanayi, Ticaret, Yeşil ve Dijital Ekonomi Bakanı Moulay Hafid Elalamy tarafından imzalanmış ve Fas Krallığı Sanayi, Ticaret, Yeşil ve Dijital Ekonomi Bakanlığı Ticaret Genel Müdürünce paraflanmış Anlaşmanın Türkçe, İngilizce ve Arapça dillerindeki Türk tarafına ait nüshaları ekte takdim kılmaktan onur duyar.

Bakanlık, Türkiye Cumhuriyeti Büyükelçiliğine, her iki tarafın da anlaşmış olduğu üzere, anılan Anlaşmanın imza tarihi, Fas tarafının imza tarihi olan 24 Ağustos 2020 olarak belirlendiğini aktarmaktan onur duyar.

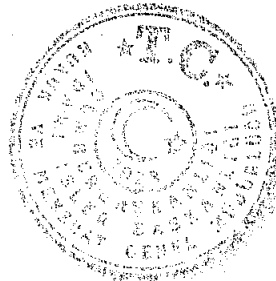
Bakan Elalamy'i bahsekonu Anlaşmayı imzalamaya yetkili kılan yetki belgesinin bir nüshası ayrıca ekte takdim kılınmaktadır.

Bu vesileyle, Fas Krallığı Dışışleri, Afrika İşbirliği ve Yurtdışında Yaşayan Faslılar Bakanlığı Türkiye Cumhuriyeti Büyükelçiliğine en derin saygılarını yinelemekten onur duyar.

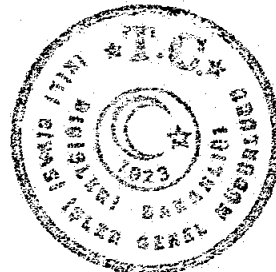
26 Ağustos 2020

TÜRKİYE CUMHURİYETİ BÜYÜKELÇİLİĞİ

- Rabat -



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Royaume du Maroc
Ministère des Affaires Etrangères,
de la Coopération Africaine et des
Marocains Résident à l'Etranger
Direction des Affaires Juridiques
et des Traités



المملكة المغربية
وزارة الشؤون
الخارجية
والتعاون الافريقي والمغاربة المقيمين
بالخارج
مديرية الشؤون القانونية
والمعاهدات

26 AOUT 2020

M.C

Le Ministère des Affaires Etrangères, de la Coopération Africaine et des Marocains Résident à l'Etranger présente ses compliments à l'Ambassade de la République de Turquie à Rabat et, se référant à la Note Verbale de l'Ambassade numéro 2020/52954198/31565996 du 18 août 2020 relative à l'Accord portant amendement de l'Accord de libre-échange entre le Royaume du Maroc et la République de Turquie, a l'honneur de lui faire parvenir ci-joint, l'alternat original qui revient à la Partie turque, en langues arabe, turque et anglaise dûment signés par SEM Moulay Hafid Elalamy, Ministre de l'Industrie, du Commerce et de l'Economie Verte et Numérique et paraphés par le Directeur Général du Commerce.

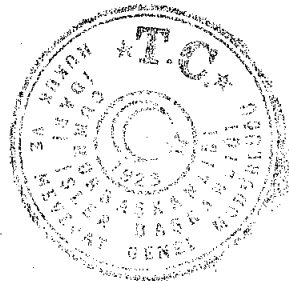
Le Ministère informe l'honorable Ambassade que conformément à l'accord Préalablement arrêté entre les deux Parties, la date de signature du présent Accord qui sera retenue est celle du 24 août 2020, jour de sa signature par la Partie marocaine.

L'Ambassade voudra bien trouver également, ci-joint, copie des pleins pouvoirs habilitant SE le Ministre Elalamy à signer l'Accord.

Le Ministère des Affaires Etrangères, de la Coopération Africaine et des Marocains Résident à l'Etranger saisit cette occasion pour renouveler à l'Ambassade de la République de Turquie à Rabat l'assurance de sa haute considération.

Ambassade de la République de Turquie

-Rabat-



Ferhat ALKAN

Daire Başkanı
OKGY-III

