

DECISION No. 1/95 OF THE EC-TURKEY ASSOCIATION COUNCIL
(of 22 December 1995 on implementing the final phase of the Customs Union)
(96/142/EC)

SECTION II

Elimination of quantitative restrictions or measures having equivalent effect

Article 5

Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between the Parties.

Article 6

Quantitative restrictions on exports and all measures having equivalent effect shall be prohibited between the Parties.

Article 7

The provisions of Articles 5 and 6 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Parties.

Article 8

Within five years from the date of entry into force of this Decision, Turkey shall incorporate into its internal legal order the Community instruments relating to the removal of technical barriers to trade.

The list of these instruments and the conditions and detailed arrangements governing their implementation by Turkey shall be laid down by decision of the Association Council within a period of one year from the date of entry into force of this Decision.

This provision shall not preclude the application by Turkey, with effect from the date of entry into force of this Decision, of Community instruments deemed to be of particular importance.

The Parties stress the importance of effective cooperation between them in the fields of standardization, metrology and calibration, quality, accreditation, testing and certification.

Article 9

When Turkey has put into force the provisions of the Community instrument or instruments necessary for the elimination of technical barriers to trade in a particular product, trade in that product between the Parties shall take place in accordance with the conditions laid down by those instruments, without prejudice to the application of the provisions of this Decision.

Article 10

1. With effect from the date of entry into force of this Decision, and during the period required for the application by Turkey of the instruments referred to in Article 9, Turkey shall refrain from impeding the placing on the market or taking into service on its territory of products from the Community the conformity of which with the Community Directives defining the requirements to be met by such products has been attested to, in accordance with the conditions and the procedures laid down in those Directives.

2. By way of derogation from paragraph 1, if Turkey finds that a product, the conformity of which with the Community Directives has been attested to in accordance with paragraph 1, and which is used in accordance with its intended purpose, fails to satisfy one of the requirements referred to in Article 7, it may take all appropriate measures, in accordance with the conditions and procedures provided for in paragraph 3, to withdraw the product in question from the market, or to prohibit or restrict its being placed on the market or taken into service.

3.
 - a. If Turkey is considering taking a measure under paragraph 2, it shall, forthwith, notify the Community through the Customs Union Joint Committee and shall provide all relevant information.
 - b. The Parties shall immediately enter into consultations within the Customs Union Joint Committee to find a mutually acceptable solution.
 - c. Turkey may not take a measure mentioned in paragraph 2 until one month has elapsed after the date of notification provided for in paragraph 3 (a) unless the consultation procedure under paragraph 3 (b) has been concluded before the expiry of the time limit. When exceptional circumstances requiring immediate action render prior examination impossible, Turkey may apply forthwith the measure strictly necessary to remedy the situation.
 - d. Turkey shall forthwith inform the Customs Union Joint Committee of the measure it has taken and shall provide all relevant information.
 - e. The Community may at any time request the Customs Union Joint Committee to review such measure.

4. The provisions of paragraphs 1 and 2 shall apply, mutatis mutandis, to foodstuffs.

Article 11

During the period required for the application by Turkey of the instruments referred to in Article 9, the Community will accept the results of the procedures applied in Turkey for assessing the conformity of industrial products with the requirements of Community law, provided that those procedures are in conformity with the requirements in force in the Community, and on the understanding that, in the motor vehicles sector, Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the Member States relating to the type-approval of motor vehicles and their trailers (2) shall apply in Turkey.