

**AGREEMENT BETWEEN THE GOVERNMENT OF THE
UNITED STATES OF AMERICA AND THE
GOVERNMENT OF TUNISIA
CONCERNING THE DEVELOPMENT OF
TRADE AND INVESTMENT RELATIONS**

The Government of the United States of America and the Government of Tunisia
(individually a “Party” and collectively the “Parties”):

- 1) Desiring to enhance the friendship and spirit of cooperation between the two countries;
- 2) Desiring to develop further both countries’ international trade and economic interrelationship;
- 3) Noting the membership of both countries in the World Trade Organization (WTO) and accepting that this Agreement is without prejudice to each Party’s rights and obligations under the agreements, understandings, and other instruments related to or concluded under the auspices of the WTO;
- 4) Recognizing the importance of fostering an open and predictable environment for international trade and investment;
- 5) Recognizing the benefits to each Party resulting from increased international trade and investment, and that trade-distorting investment measures and protectionism would deprive the Parties of such benefits;
- 6) Recognizing the essential role of private investment, both domestic and foreign, in furthering growth, creating jobs, expanding trade, improving technology and enhancing economic development;
- 7) Recognizing that foreign direct investment confers positive benefits on each party;
- 8) Acknowledging the exchange of letters providing for economic, technical and related assistance, signed March 26, 1957; the Agreement establishing principles for cooperation between American institutions conducting scientific research under Smithsonian Institution sponsorship and appropriate Tunisian institutions, signed July 17, 1968; the Convention for the avoidance of double taxation and the prevention of fiscal evasion, signed June 17, 1985; and the Treaty concerning the reciprocal encouragement and protection of investment, signed May 15, 1990;
- 9) Noting that this agreement is without prejudice to the rights and obligations of the Parties under the agreements cited in the precedent paragraph 8;

- 10) Recognizing the increased importance of services in their economies and in their bilateral relations;
- 11) Taking into account the need to eliminate non-tariff barriers in order to facilitate greater access to the markets of both countries;
- 12) Recognizing the importance of providing adequate and effective protection and enforcement of intellectual property rights and of membership in and adherence to intellectual property rights conventions;
- 13) Recognizing the significance to both countries' economic welfare of working toward the observance and promotion of internationally recognized core labor standards, as recognized by the International Labor Organization's Declaration on the Fundamental Principles and Rights at Work;
- 14) Desiring to ensure that trade and environmental policies are mutually supportive in furtherance of sustainable development; and
- 15) Considering that it would be in their mutual interest to establish a bilateral mechanism between the Parties for encouraging the liberalization of trade and investment between them.

To this end, the Parties agree as follows:

ARTICLE ONE

The parties affirm their desire to promote an attractive investment climate and expand trade in products and services consistent with the terms of this Agreement. They shall take appropriate measures to encourage and facilitate the exchange of goods and services and to secure favorable conditions for long-term development and diversification of trade between the two countries.

ARTICLE TWO

The Parties shall establish a United States-Tunisia Council on Trade and Investment (the "Council"), which shall be composed of representatives of both Parties. The Tunisia side will be chaired by the Ministry of Tourism, Commerce and Handicrafts; and the United States of America's side will be chaired by the Office of the U.S. Trade Representative (USTR). Officials of other government entities may assist each Chair, as circumstances require. The Council will meet once a year and at such times as agreed by the two Parties.

ARTICLE THREE

The objectives of the Council are to hold consultations on trade and investment matters of interest to the Parties not arising under the Treaty concerning the reciprocal encouragement and protection of investment, signed May 15, 1990; and to identify agreements appropriate for negotiation; and to identify and work towards the removal of impediments to trade and investment flows.

ARTICLE FOUR

1. For the purpose of further developing bilateral trade and providing for a steady increase in the exchange of products and services, the Parties shall consider whether further agreements relating to trade, taxation, intellectual property, investment, vocational training, labor, and environmental issues and to any other matters agreed upon by the Parties would be desirable.

2. The Parties will consider in their discussions their special respective needs for and levels of development, financing and trade.

ARTICLE FIVE

Either Party may raise for consultation any trade or investment matter between the Parties not covered by the Treaty concerning the reciprocal encouragement and protection of investment, signed May 15, 1990. Requests for consultation shall be accompanied by a written explanation of the subject to be discussed and consultations shall be held within 30 days of the request, unless the requesting Party agrees to a later date.

ARTICLE SIX

This Agreement shall be without prejudice to the rights of either Party under its domestic law or under any other instrument to which either country is a party.

ARTICLE SEVEN

This Agreement shall enter into force on the date of its signature by both parties.

ARTICLE EIGHT

This Agreement shall remain in force unless terminated by mutual consent of the Parties or by either Party upon six months written notice to the other Party.

IN WITNESS WHEREOF, the undersigned, being duly authorized by their respective governments, have signed this Agreement.

DONE at Washington this 2nd day of October, 2002, in duplicate in the English and

Arabic languages, both texts being equally authentic.

**FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA:**

**FOR THE GOVERNMENT OF
TUNISIA:**

**ROBERT B. ZOELICK
UNITED STATES
TRADE REPRESENTATIVE**

**MOHAMED NOURI JOUINI
MINISTER OF DEVELOPMENT
AND INTERNATIONAL
COOPERATION**