

قرار رئيس جمهورية مصر العربية

رقم ٢٤ لسنة ٢٠٢٦

بشأن الموافقة على انضمام جمهورية مصر العربية إلى اتفاقية التجارة
التفضيلية بين الدول الثمانية النامية وبرتوكول تسوية المنازعات
الخاص بالاتفاقية

رئيس الجمهورية

بعد الاطلاع على نص المادة (١٥١) من الدستور ؛
وبعد موافقة مجلس الوزراء ؛

قرر :

(مادة وحيدة)

ووفق على انضمام جمهورية مصر العربية إلى « اتفاقية التجارة التفضيلية بين
الدول الثمانية النامية ، وبرتوكول تسوية المنازعات الخاص بالاتفاقية » ، وذلك مع
التحفظ بشرط التصديق .

صدر برئاسة الجمهورية في ٢٨ رجب سنة ١٤٤٧ هـ

(الموافق ١٧ يناير سنة ٢٠٢٦) .

عبد الفتاح السيسي



وافق مجلس النواب على هذا القرار بجلسته المعقودة في ٢٩ ذي الحجة سنة ١٤٤٧ هـ

(الموافق ١٥ يونيو سنة ٢٠٢٦ م) .



PROTOCOL TO THE D-8 PREFERENTIAL TRADE AGREEMENT ON DISPUTE SETTLEMENT MECHANISM

PREAMBLE

The Governments of the People's Republic of Bangladesh, the Arab Republic of Egypt, the Republic of Indonesia, the Islamic Republic of Iran, Malaysia, the Federal Republic of Nigeria, the Islamic Republic of Pakistan, and the Republic of Turkey (hereinafter referred to as the "Contracting Members"),

RECALLING Article 26 Para 4 of the Preferential Trade Agreement among D-8 Member States done at Bali, Indonesia on 13 May 2006 (hereinafter referred to as "the Agreement") on determining the procedures for the Establishment of Arbitration Panel which shall be annexed to and form an integral part of the Agreement;

RECOGNIZING the need to establish a mechanism which could be supplementary to the procedures defined in Article 26 of the Agreement, to solve the dispute arising in the implementation of the Agreement.

HAVE AGREED as follows:

Article 1 Definitions

For purposes of this Protocol:

- "The Complaining Party" means a contracting member that requests consultation under the agreement;
- "Party Complained Against" means any contracting member to which the request for consultation is made under the agreement;
- "Dispute": means a disagreement between Contracting Members regarding the interpretation and/or application of the Agreement in relation to their rights and obligations
- "Days" shall mean calendar days;
- "Panel" means a Dispute Settlement Arbitration Panel established under Article 8 of this Protocol;
- "Party to the dispute" means the Complaining Party or the Party Complained Against.
- "Consensus" means if no Contracting Member present at the meeting of the Supervisory committee when a decision is taken, formally objects to the decision;
- "Appendix" means an instrument attached to this protocol, which forms an integral part of this protocol. Appendices will be approved by the Supervisory Committee.



Article 2 Objective

The objective of this Protocol is to provide an effective and efficient process for consultations and settlement of disputes arising under the Agreement and to arrive at, where possible, a mutually agreed solution.

Article 3 Scope

Unless otherwise provided in the Agreement, this Protocol shall apply to the settlement of disputes between the Contracting Members regarding the interpretation of, application of, or non-compliance with the provisions of the Agreement.

Article 4 Choice of Forum

1. Where a dispute regarding any matter arises under the Agreement and another international agreement to which the Parties to the dispute are party, the Complaining Party may select the forum in which to settle the dispute.
2. Once the Complaining Party has requested the establishment of a panel under an agreement referred to in paragraph 1, the forum selected shall be used to the exclusion of the other fora in respect of the dispute.

Article 4bis General Provisions

Unless otherwise specified, any time periods provided for in this Protocol may be modified by the mutual consent of the Parties to the dispute.

Article 5 Consultations

1. Any Contracting Member may request consultations with any other Contracting Member with respect to any matter relating to the interpretation, application of, or non-compliance with the provisions of the Agreement pursuant to Article 3. Contracting Members shall proceed with the consultations in good faith with the aim of reaching a prompt, equitable and mutually agreed solution.

2. The Complaining Party shall submit a written request to the Party Complained Against, stating the reasons for the request, including the identification of the measure at issue and an indication of legal basis for the complaint and provide sufficient information to enable an examination of the matter. A copy of the request for consultations shall be submitted to the Supervisory Committee.

3. The Party Complained Against shall reply within 10 days of its receipt.





4. These consultations shall take place within 30 days after the date of receipt of the request for consultations, and shall be concluded 60 days after the date of receipt of the request, unless Parties to the dispute agree to continue with the consultations.

4bis. Consultations shall take place, unless the Parties to the dispute agree otherwise, in the territory of the Party Complained Against.

5. In case of urgency, the Party Complained Against shall reply within 5 days after the date of receipt of the request. Consultations on matters of urgency, regarding those including perishable goods, shall be held within 15 days after the date of receipt of the request referred to in paragraph 1, and shall be concluded 30 days after the date of receipt of the request, unless the Parties to the dispute agree otherwise.

5bis. In cases of urgency, including those which concern perishable goods, the parties to the dispute, the Supervisory Committee and arbitration panels shall make every effort to accelerate the proceeding to the greatest extent possible.

6. The Parties to the dispute shall make every attempt to reach a mutually satisfactory resolution of the matter through consultations under this Article.

6a. Upon initiation of consultations, the Parties to the dispute shall provide information to enable the examination of how the measure at issue might affect the interpretation, and application of, and/or non-compliance with the provisions of the Agreement, and give confidential treatment to the information exchanged during consultations.

6b. Consultations under this Article shall be confidential and without prejudice to the rights of the Parties to the dispute in any further proceedings.

7. In consultations under this Article, a Party to the dispute may request the other Party to the dispute to make available personnel of its government agencies or other regulatory bodies who have expertise in the matter at issue.

8. Without prejudice to any other cases covered under Article 7.1, cases where the Party Complained Against does not respond to the request for consultations or does not enter into consultations in accordance with paragraphs 3 and 5 of this Article, or if the Parties to the dispute are unable to reach a mutually agreed solution through consultations, shall be considered as cases where the Parties to a dispute have failed to resolve the dispute by recourse to the consultations, in terms of the said Article.

Article 6 **Good Offices, Conciliation and Mediation**

1. The Parties to the dispute may at any time agree to voluntarily undertake an alternative method of dispute resolution, such as good offices, conciliation or mediation. Such alternative method of resolution may begin at any time and be terminated at any time.

2. If the Parties to the dispute agree, good offices, conciliation or mediation may continue while the dispute proceeds for resolution before an Arbitration Panel under Article 8.



3. Proceedings involving good offices, mediation and conciliation and positions taken by the Parties to the dispute during these proceedings, shall be confidential and without prejudice to the rights of either Parties to the dispute in any other proceedings.

Article 7 Supervisory Committee Intervention

1. Where the Parties to a dispute have failed to resolve the dispute by recourse to the consultations as provided for in Article 5 the Complaining Party may request in writing the Supervisory Committee to settle the dispute within thirty (30) days on an ad-referendum basis or through extraordinary meeting, and a copy of the request shall be sent to the D8 Secretariat and the Contracting members. Such meetings shall be held at the D-8 Secretariat.
2. The request referred to in paragraph 1 of this Article shall indicate whether consultations were held, and shall include sufficient information to enable an examination of the measure at issue, and the legal basis in relation with the dispute.
3. The Supervisory Committee shall receive the submissions of each party no later than 10 days from the receipt of the request referred to in paragraph 1.
4. In the event that the Supervisory Committee produces a mutually agreed solution to the dispute, the Parties to the dispute may request the Supervisory Committee to make recommendations regarding the implementing measures to be taken by the Party Complained Against, and the timeframe for doing so. Such recommendations shall be expressed in writing which shall be distributed promptly to the Parties to the dispute.
5. In case the dispute is not settled, the Complaining Party may request in writing from the Supervisory Committee the establishment of the Arbitration Panel.

Article 8 Establishment of Arbitration Panel

1. The request for the establishment of the Arbitration Panel shall be made in writing to the Party Complained Against and the Supervisory Committee. The Complaining Party shall identify in the request for the establishment of the Arbitration Panel, the specific measure at issue, the legal basis of the complaint including any provision of the Agreement alleged to have been breached and any other relevant provisions and the factual basis for the complaint and shall indicate whether a consultation under Article 5 or whether a Supervisory Committee meeting under Article 26 of the PTA Agreement was held.
2. The Arbitration Panel shall be composed of three arbitrators. Each Party to the dispute shall appoint one arbitrator, who may be its national, within 30 days of the date of the receipt of the request for the establishment of the Panel. The Parties to the dispute shall



agree on and appoint the third arbitrator, who shall be the chairperson of the Arbitration Panel, within 45 days of the date of the request for the establishment of the Arbitration Panel. If the chairperson of the Arbitration Panel has not been designated by the Parties to the dispute within 15 days of the appointment of the second arbitrator, either Party to the dispute may request the Supervisory Committee to appoint the third arbitrator to chair the Arbitration Panel from the list of arbitrators, established in accordance with paragraph 3.

3. The D-8 Secretariat shall establish and maintain a list of arbitrators no later than 6 months after the entry into force of this Protocol. The Secretariat shall consult with the Contracting parties while establishing this list. The Contracting Members may propose individuals to serve as arbitrators to be added to this list.
4. The chairperson of the Arbitration Panel shall not be a national of any Party to the dispute nor a resident nor an employee of any Party to the dispute and must not have dealt with the matter before in any capacity, whatsoever.
5. The appointments provided for in this Article shall be notified to the Parties to the dispute and to the Secretariat.
6. All arbitrators shall have specialized knowledge or experience in law and international trade or other matters relating to the Agreement or in the resolution of disputes arising under international trade agreements. They shall be independent, serve in their individual capacities and not take instructions from any organization or government, or be affiliated with the government of any of the Parties to the dispute.
7. After accepting their appointment and before beginning their work, the arbitrators shall sign the Statement of Agreement contained in Appendix 1 (Code of Conduct for Arbitrators of the Arbitration Panel). The Contracting Parties shall prepare Code of Conduct for Arbitrators of the Arbitration Panel (Appendix 1) within one year after the entry into force of this Protocol. The Code of Conduct for Arbitrators of the Arbitration Panel shall be modified or amended subject to the agreement of the Member States thereto.
8. The date of establishment of the Arbitration Panel shall be the date as of when the Statements of Agreement have been signed by the three arbitrators.
9. If an arbitrator appointed under this Article becomes unable to participate in the proceeding or resigns, a successor shall be selected within 10 days in accordance with the selection procedure followed to select that arbitrator.
10. If a disputing party believes that a panellist is in violation of the code of conduct, then the disputing parties shall consult the Supervisory Committee, and if Supervisory Committee agrees, the panellist shall be removed and a new panellist shall be appointed in his/her place within 10 days of such removal.



Article 9

Procedures for Multiple Complainants

1. Where more than one Contracting Member requests the establishment of a panel related to the same matter, a single panel may be established to examine these complaints taking into account the rights of all Contracting Members concerned. A single panel should be established to examine such complaints whenever feasible.
2. Any action taken under paragraph 1 shall be without prejudice to the Contracting Members' rights and obligations stipulated under the provisions of the Agreement.

Article 10

Functions and Proceedings of the Arbitration Panel

1. The function of an Arbitration Panel is to make an objective assessment of the matter before it, including an examination of the facts of the case and the applicability of and conformity with the Agreement, and make such other findings and rulings necessary for the resolution of the dispute referred to it.
2. Arbitration Panels shall interpret the Agreement in accordance with customary rules of interpretation of public international law.
3. Arbitration Panel meetings shall be closed to the public, unless the Parties to the dispute decide otherwise.
4. Each Party to the dispute shall be given the opportunity to provide at least one written submission and to attend any of the presentations, statements or rebuttals in the proceedings. All information or written submissions submitted by a Party to the dispute to the Arbitration Panel, including any comments on the interim report and responses to questions put by the Arbitration Panel, shall be made available to the other Party to the dispute.
5. A Party to the dispute asserting that a measure of the other Party to the dispute is inconsistent with the Agreement shall have the burden of establishing such inconsistency. A Party to the dispute asserting that a measure is subject to an exception under the Agreement shall have the burden of establishing that the exception applies.
6. The Arbitration Panel should consult with the Parties to the dispute as appropriate and provide adequate opportunities for the development of a mutually satisfactory resolution.
7. The Arbitration Panel shall make every effort to take any decision by consensus. Where, nevertheless, a decision cannot be arrived at by consensus, the matter at issue shall be decided by majority vote. The vote of the Arbitration Panel shall be confidential and no dissenting opinion shall be expressed.
8. On request of a Party to the dispute or on its own initiative and subject to such terms and conditions as the Parties to the dispute may agree within 10 days of the date of establishment of the Arbitration Panel, the Arbitration Panel may seek information from any relevant source



and may consult experts to obtain their opinion or advice on certain aspects of the matter. The Arbitration Panel shall provide the Parties to the dispute with a copy of any advice or opinion obtained and an opportunity to provide comments. Where the Arbitration Panel takes the information or technical advice into account in the preparation of its report, it shall also address any comments by the Parties to the dispute on the information or technical advice.

9. The Arbitration Panel may, after consulting the Parties to the dispute, adopt additional rules of procedure not inconsistent with the rules adopted by the Supervisory Committee.

10. The Arbitration Panel shall apply the Rules of Procedure, which include the rights to hearings and the exchange of written submissions as well as deadlines and timetables for ensuring expediency, as set out in Appendix 2. The Rules of Procedure shall be modified or amended subject to the agreement of the Member States thereto. The Contracting Parties shall prepare Rules of Procedure of the Arbitration Panel (Appendix 2) within one year after the entry into force of this Protocol.

Article 11 Interim Report Stage

The Arbitration Panel shall issue an interim report to the Parties to the dispute setting out the findings of the fact, applicability of relevant provisions and the basic rationale behind any findings and recommendations that it makes, as a general rule, not later than [120] days from the date of establishment of the Arbitration Panel. Any Party to the dispute may submit a written request for the Arbitration Panel to review precise aspects of the interim report within 15 days of its notification. The findings of the final Arbitration Panel ruling shall include a discussion of the arguments made at the interim review stage.

Article 12 Suspension and Termination of Proceedings

1. The Parties to the dispute may agree that the Arbitration Panel suspends its work at any time for a period not exceeding 12 months from the date of such agreement. Within this period, the suspended arbitral proceeding shall be resumed upon the request of any Party to the dispute. If the work of the Arbitration Panel has been continuously suspended for more than 12 months, the authority for establishment of the Arbitration Panel shall lapse unless the Parties to the dispute agree otherwise.

2. The Parties to the dispute may agree to terminate the proceedings of an Arbitration Panel in the event that a mutually satisfactory solution to the dispute has been found.

3. Before the Arbitration Panel presents its final report, it may at any stage of the proceedings propose to the Parties to the dispute that the dispute be settled amicably.

4. The Parties to the dispute shall notify the other Contracting Members that the Arbitration Panel has been suspended, terminated or its authority has lapsed pursuant to paragraph 1.





Article 13 Arbitration Panel Report

1. The Arbitration Panel shall issue its report containing its findings and conclusions to the Parties to the dispute, as a general rule not later than three months from the date of establishment of the Arbitration Panel. If the Arbitration Panel cannot issue its report within this period, it may extend that period to a maximum of five months from the date of establishment of the Arbitration Panel.
2. When the Arbitration Panel considers that it cannot issue its report within one and half month in cases of urgency, it shall inform the Parties to the dispute in writing of the reasons for the delay together with an estimate of the period within which it will issue its report. In no case the issuance of the award shall exceed two months.
3. The report of the Arbitration Panel shall be final and binding on the Parties to the dispute.
4. The deliberations of the Arbitration Panel and the documents submitted to it shall be kept confidential.
5. The Arbitration Panel shall make every effort to take any decision by consensus. Where, nevertheless, a decision cannot be arrived at by consensus, the matter at issue shall be decided by majority vote. The vote of the Arbitration Panel shall be confidential and no dissenting opinion shall be expressed.
6. Where the arbitration panel concludes that measure at issue is inconsistent with the Agreement, it shall recommend that the Party Complained Against bring the measure into conformity with the Agreement. In addition to its recommendation, the Arbitration Panel may suggest ways in which the Party Complained Against could implement the recommendations.

Article 14 Compliance with the arbitration panel rulings

1. Each Party shall take any measure necessary to comply with the arbitration panel rulings, and the Parties will endeavour to agree on the period of time to comply with the rulings.
2. No later than 30 days after the receipt of the notification of the arbitration panel report to the Parties, the Party Complained Against shall notify the Complaining Party and the Supervisory committee of the time it will require for compliance (reasonable period of time), if immediate compliance is not possible.
3. If there is disagreement between the Parties on the reasonable period of time to comply with the arbitration panel rulings, the Complaining Party shall, within 20 days of the receipt of the notification made under paragraph 2 by the Party Complained Against, request, in writing, the arbitration panel to determine the length of the reasonable period of time. Such request shall be notified simultaneously to the other Party and to the Supervisory committee. The arbitration panel shall notify its decision to the Parties and to the Supervisory Committee within 30 days from the date of receipt of the request.



4. The reasonable period of time may be extended by mutual agreement of the Parties.
5. The Party Complained Against shall notify the Complaining Party and the Supervisory Committee before the end of the reasonable period of time of any measure that it has taken to comply with the arbitration panel rulings.

Article 15 **Compensation and the Suspension of Concessions**

1. If the Party Complained Against fails to notify any measure taken to comply with the arbitration panel rulings before the expiry of the reasonable period of time, or if the arbitration panel rules, upon the request of either Party, that the measure notified under Article 14 is inconsistent with that Party's obligations under the provisions referred to in Article 3, the Party Complained Against shall, if so, requested by the Complaining Party, present an offer for temporary compensation.
2. If no agreement on compensation is reached within 30 days after the end of the reasonable period of time or of the arbitration panel rulings under Article 14 that a measure taken to comply is inconsistent with the provisions referred to in Article 3, the Complaining Party shall be entitled, upon notification to the other Party and to the Supervisory Committee, to suspend obligations arising from any provision referred to in Article 3. The Complaining Party may implement the suspension 15 days after the date of receipt of the notification by the Party Complained Against.
3. The suspension of obligations shall be temporary and shall be applied only until any measure found to be inconsistent with the provisions referred to in Article 3 has been withdrawn or amended so as to bring it into conformity with those provisions or until the Parties have agreed to settle the dispute. The level of the suspension of concessions shall be equivalent to the level of the nullification or impairment.

Article 16 **Entry into force**

This Protocol shall enter into force thirty days following the date on which D-8 Secretariat, the depository, has received the instruments of ratification by at least four Member States.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Protocol

DONE at Istanbul, Türkiye on the 11th day of June 2024 in the English language in one original copy.

مجلس



For the Government of the People's Republic of Bangladesh

H.E. Mr. M Amanul Haq
Bangladesh Ambassador to Türkiye

For the Government of the Arab Republic of Egypt

H. E. Eng. Hassan Al-Khatib
Minister of Investment & Foreign Trade

For the Government of the Republic of Indonesia

H. E. DR. Zulkifli Hasan
Minister of Trade

For the Government of the Islamic Republic of Iran

H.E. Mr. Mahdi Zeighami
Deputy minister of Industry, Mine and Trade

For the Government of Malaysia



For the Government of the Federal Republic of Nigeria

For the Government of the Islamic Republic of Pakistan

For the Government of the Republic of Türkiye

Ömer Bolat

H.E. Dr. Ömer BOLAT
Minister of Trade

