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European Union

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union within the Trade Specialised Committee on Customs Cooperation and Rules of Origin as regards the consultation laid down in Article 63(3) of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part

COUNCIL DECISION (EU) 2022/...

of ...

**on the position to be taken on behalf of the European Union
within the Trade Specialised Committee on Customs Cooperation and Rules of Origin
as regards the consultation laid down in Article 63(3)
of the Trade and Cooperation Agreement
between the European Union and the European Atomic Energy Community, of the one part,
and the United Kingdom of Great Britain and Northern Ireland, of the other part**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part¹ (the 'Agreement'), was concluded by Council Decision (EU) 2021/689² and entered into force on 1 May 2021.
- (2) The Agreement includes a consultation procedure in case of denial of preferential tariff treatment in Article 63(3). Pursuant to Article 121(2), point (d), of the Agreement, the Trade Specialised Committee on Customs Cooperation and Rules of Origin (the 'Committee') established by Article 8(1), point (c), of the Agreement may adopt decisions or recommendations on the procedures for the consultation established in Article 63(3) of the Agreement. Pursuant to Article 10 of the Agreement, decisions adopted by the Committee are binding on the Parties to the Agreement.
- (3) It is appropriate to establish the position to be taken on the Union's behalf within the Committee, as the Decision of the Committee on the rules of consultations established in Article 63(3) of the Agreement will have legal effects.

¹ OJ L 149, 30.4.2021, p. 10.

² Council Decision (EU) 2021/689 of 29 April 2021 on the conclusion, on behalf of the Union, of the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, and of the Agreement between the European Union and the United Kingdom of Great Britain and Northern Ireland concerning security procedures for exchanging and protecting classified information (OJ L 149, 30.4.2021, p. 2).

- (4) Establishing rules for the consultation procedure provided for in Article 63(3) of the Agreement should bring clarity and ensure transparency in case the importing Party decides to deny the preferential tariff treatment to a product of the exporting Party against the positive opinion of the exporting Party confirming its originating status.
- (5) The position of the Union within the Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Trade Specialised Committee on Customs Cooperation and Rules of Origin (the 'Committee') established by the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, shall be based on the draft Decision of the Committee attached to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at ...,

For the Council

The President
