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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: Draft AMENDMENTS to the draft decision of the Trade Committee established under the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part, amending certain provisions of Protocol II concerning the definition of the concept of 'originating products' and methods of administrative cooperation

DRAFT

**Amendments to the draft decision of the Trade Committee
established under the Interim Partnership Agreement
between the European Community, of the one part,
and the Pacific States, of the other part,
amending certain provisions of Protocol II concerning
the definition of the concept of ‘originating products’
and methods of administrative cooperation**

1. The draft decision of the Trade Committee is amended as follows:

(a) the title is replaced by the following:

‘Decision No.../2026 OF THE TRADE COMMITTEE ESTABLISHED UNDER THE INTERIM PARTNERSHIP AGREEMENT BETWEEN THE EUROPEAN COMMUNITY, OF THE ONE PART, AND THE PACIFIC STATES, OF THE OTHER PART, of ... amending certain provisions of Protocol II concerning the definition of the concept of “originating products” and methods of administrative cooperation’;

(b) recital 3(i) is replaced by the following:

‘(i) to delete the following provisions, which are no longer applicable:

- Paragraph 7 of Article 3;
- Annex XII;’.

2. The Annex to the draft decision of the Trade Committee is amended as follows:

(a) in the index, the following text is inserted after ‘4. Cumulation in the Pacific States’:

‘4 bis. Cumulation with neighbouring developing countries.’;

(b) in the index, the following text is inserted after ‘ANNEX VIII to PROTOCOL II: Overseas countries and territories’:

‘ANNEX VIII bis to PROTOCOL II: Neighbouring developing countries’;

(c) the following Article is inserted after Article 4:

‘Article 4 bis

Cumulation with neighbouring developing countries

1. At the request of the Pacific States and following the provisions of Article 41(2), materials originating in a neighbouring developing country, other than an ACP State, belonging to a coherent geographical entity, a listing of which is at Annex VIII bis, can be considered as materials originating in a Pacific State when incorporated into a product obtained there. It shall not be necessary that such materials have undergone sufficient working or processing, provided that:

(a) the working or processing carried out in the Pacific State exceeds the operations listed in Article 7;

- (b) the Pacific States, the European Community and the neighbouring developing countries concerned have concluded an agreement on adequate administrative cooperation procedures which will ensure correct implementation of this paragraph.
2. The cumulation provided for in this Article shall not be applicable to the products to be listed upon a decision of the Special Committee on Customs Cooperation and Rules of Origin.
3. For the purpose of determining whether the products originate in the neighbouring developing country as defined in the Annex VIII bis, the provisions of this Protocol shall apply.’;
- (d) the following Annex is inserted after Annex VIII:

‘ANNEX VIII bis to Protocol II

NEIGHBOURING DEVELOPING COUNTRIES

The Parties agreed that, for the implementation of Article 4 bis of Protocol II, the following definition shall apply:

- The expression “neighbouring developing country belonging to a coherent geographical entity” shall refer to the following list of countries:’.
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