Council of the European Union

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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	31 October 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2024) 503 final
Subject:	ANNEX to the Proposal for a Council Decision on the position to be taken on behalf of the European Union in the Association Council set up by the Agreement establishing an Association between the European Economic Community and Turkey as regards the amendment of Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products by replacing Protocol 3 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation

Delegations will find attached document COM(2024) 503 final.

Encl.: COM(2024) 503 final

EUROPEAN
COMMISSION

Brussels, 31.10.2024
COM(2024) 503 final

ANNEX

ANNEX

to the

Proposal for a Council Decision

on the position to be taken on behalf of the European Union in the Association Council set up by the Agreement establishing an Association between the European Economic Community and Turkey as regards the amendment of Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products by replacing Protocol 3 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation

Draft

DECISION No … OF THE EU-TÜRKİYE ASSOCIATION COUNCIL

of…

amending Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products, by replacing Protocol 3 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation

THE EU-TÜRKİYE ASSOCIATION COUNCIL,

Having regard to Decision No 1/98 of the EC-Turkey Association Council of 25 February 1998 on the trade regime for agricultural products[1], and in particular Article 39 of Protocol 3 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation,

Whereas:

(1) Article 4 of Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products ('the Decision') refers to Protocol 3 to that Decision, which lays down the rules of origin.

(2) Protocol 3 was replaced by a new protocol by Decision No 3/2006 of the EC-Turkey Association Council[2].

(3) Article 39 of Protocol 3 provides that the Association Council may decide to amend the provisions of that Protocol.

(4) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin[3] (the Convention) aims to transpose the existing bilateral systems of rules of origin established in bilateral free trade agreements concluded among the Contracting Parties to the Convention into a multilateral framework, without prejudice to the principles laid down in those bilateral agreements.

(5) The Union and the Republic of Türkiye signed the Convention on 15 June 2011 and 4 November 2011, respectively.

(6) The Union and the Republic of Türkiye deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 4 December 2013, respectively. Consequently, and in accordance with Article 10(3) of the Convention, the Convention

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1 OJ L 86, 20.3.1998, p. 1, ELI: http://data.europa.eu/eli/dec/1998/223/oj.

2 Decision No 3/2006 of the EC-Turkey Association Council of 19 December 2006 amending Protocol 3 to Decision No 1/98 of the EC- Turkey Association Council of 25 February 1998 on the trade regime for agricultural products (see document CE-TR 108/05 https://data.consilium.europa.eu/doc/document/ST-108-2005-INIT/en/pdf)

3 OJ L 54, 26.2.2013, p. 4, , ELI: http://data.europa.eu/eli/convention/2013/94/oj

entered into force in relation to the Union and the Republic of Türkiye on 1 May 2012 and 1 February 2014, respectively.

(7) The Convention was amended by Decision No 1/2023 of the Joint Committee of the Regional Convention on pan-Euro-Mediterranean Preferential Rules of Origin of 7 December 2023[4].

(8) Protocol 3 should therefore be replaced by a new protocol to include a dynamic reference to the Convention, so as to refer always to the latest version of the Convention in force,

HAS ADOPTED THIS DECISION:

Article 1

Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products concerning the definition of the concept of 'originating products' and methods of administrative cooperation is replaced by the text set out in the Annex to this Decision.

Article 2

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

It shall apply from the first day of the first month following the date of the receipt of the latter written notification through diplomatic channels, by which the Parties inform each other of the completion of their internal requirements.

Done at

For the Association Council
The President

[4] Decision No 1/2023 of the Joint Committee of the Regional Convention on pan-Euro-Mediterranean Preferential Rules of Origin of 7 December 2023 on the amendment of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin (OJ L, 2024/390, 19.2.2024, ELI: http://data.europa.eu/eli/dec/2024/390/oj).

ANNEX

'Protocol 3

concerning the definition of the concept of 'originating products' and methods of administrative cooperation

Article 1

Rules of origin

1. For the purpose of implementing this Decision, Appendix I and the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin[5] (the Convention), as last amended and published in the *Official Journal of the European Union*, shall apply.

2. All references to the 'relevant Agreement' in Appendix I and in the relevant provisions of Appendix II to the Regional Convention shall be construed as references to this Decision.

Article 2

Dispute settlement

1. Where disputes arise in relation to the verification procedures set out in Articles 34 and 35 of Appendix I to the Convention that cannot be settled between the customs authorities requesting the verification and the customs authorities responsible for carrying out that verification, they shall be submitted to the Association Council.

2. In all cases, the settlement of disputes between the importer and the customs authorities of the importing country shall take place under the legislation of that country.

Article 3

Amendments to the Protocol

The Association Council may decide to amend the provisions of this Protocol.

Article 4

Withdrawal from the Convention

1. Should either the Union or the Republic of Türkiye, give notice in writing to the depositary of the Convention of their intention to withdraw from the Convention in accordance with Article 9 thereof, the Union and the Republic of Türkiye, shall immediately enter into negotiations on rules of origin for the purpose of implementing the Decision.

2. Until the entry into force of such newly negotiated rules of origin, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention, applicable at the moment of withdrawal, shall continue to apply to the Decision. However, from the moment of withdrawal, the rules of origin contained in Appendix I and, where

[5] OJ L 54, 26.2.2013, p. 4, ELI: http://data.europa.eu/eli/convention/2013/94/oj.

appropriate, the relevant provisions of Appendix II to the Convention shall be construed as allowing bilateral cumulation only between the European Union and the Republic of Türkiye.'

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