

**STABILISATION AND ASSOCIATION
BETWEEN
THE EUROPEAN UNION
AND BOSNIA AND HERZEGOVINA**

**Brussels, 26 November 2024
(OR. en)**

The Stabilisation and Association Council

UE-BA 3852/24

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: DECISION OF THE EU-BOSNIA AND HERZEGOVINA STABILISATION AND ASSOCIATION COUNCIL establishing the general requirements for proofs of origin issued electronically under Article 17(4) of Appendix A to Protocol 2 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part

DECISION No ...
OF THE EU-BOSNIA AND HERZEGOVINA
STABILISATION AND ASSOCIATION COUNCIL

of ...

establishing the general requirements for proofs of origin issued electronically
under Article 17(4) of Appendix A to Protocol 2
to the Stabilisation and Association Agreement
between the European Communities and their Member States, of the one part,
and Bosnia and Herzegovina, of the other part

THE EU-BOSNIA AND HERZEGOVINA STABILISATION AND ASSOCIATION COUNCIL,

Having regard to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part¹, and in particular Article 117 thereof,

¹ OJ EU L 164 30.6.2015, p. 2.

Whereas:

- (1) The COVID-19 pandemic has increased the urgency for a paperless customs environment in the field of rules of origin and a vast majority of Contracting Parties to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin² (the ‘Convention’ and the ‘Contracting Parties’, respectively) have decided to accept electronic copies of movement certificates.
- (2) Pending the entry into force of the amendment of the Convention providing for a new set of modernised and more flexible rules of origin (the ‘amendment of the Convention’) adopted by the Joint Committee established by the Convention by virtue of its Decision No 1/2023³, some Contracting Parties have agreed to implement an alternative set of rules of origin based on the amendment of the Convention (the ‘applying Contracting Parties’) on a transitional bilateral basis (the ‘Transitional rules’). Since 1 September 2021, a number of bilateral protocols on rules of origin among the applying Contracting Parties have entered into force, rendering the Transitional rules applicable. As regards Bosnia and Herzegovina, Protocol 2 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, (the ‘Agreement’) was replaced by a new Protocol 2 by Decision No 1/2023 of the EU-Bosnia and Herzegovina Stabilisation and Association Council⁴. The Transitional rules are set out in Appendix A to that new Protocol 2.

² OJ EU L 54, 26.2.2013, p. 4.

³ 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 EU L, 2024/390, 19.2.2024, ELI: <http://data.europa.eu/eli/dec/2024/390/oj>).

⁴ Decision No 1/2023 of the EU-Bosnia and Herzegovina Stabilisation and Association Council of 11 December 2023 amending the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, by replacing Protocol 2 thereto concerning the definition of the concept of originating products and methods of administrative cooperation (OJ EU L, 2024/245, 18.1.2024, ELI: <http://data.europa.eu/eli/dec/2024/245/oj>).

- (3) The applying Contracting Parties have developed electronic systems, or have adapted existing systems, to balance the need for digitalisation with the requirements for the movement certificate form described in the Transitional rules.
- (4) Considering the development of customs electronic systems, the Union and Bosnia and Herzegovina (the ‘Parties’) acknowledge that the issuance, submission and verification of proofs of origin in the form of movement certificates should be modernised.
- (5) The Parties affirm their commitment to continue the good practices introduced under the exceptional measures that were put in place during the COVID-19 pandemic, recognise the importance of introducing electronic tools and affirm their commitment to continue working together towards a common system based on electronic proofs of origin and electronic administrative cooperation within the pan-Euro-Mediterranean zone (the ‘PEM zone’)⁵.
- (6) The Parties consider that moving to electronic proofs of origin and digitalised administrative cooperation under the framework of the Transitional rules constitutes the first steps towards full digitalisation of proofs of origin on the scale of the PEM zone, especially in view of the forthcoming entry into force of the amendment of the Convention.

⁵ The European Union, Iceland, the Swiss Confederation (including Liechtenstein), the Kingdom of Norway, the Faroe Islands, the State of Israel, the Hashemite Kingdom of Jordan, Palestine (this designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue), the Republic of Albania, Bosnia and Herzegovina, Kosovo (this designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence), the Republic of North Macedonia, the Republic of Serbia, Montenegro, Georgia, the Republic of Moldova and Ukraine.

- (7) The Parties have agreed to implement Article 17(4) of Appendix A to Protocol 2 to the Agreement, as regards proofs of origin issued electronically, so that originating products benefit from those provisions,

HAS ADOPTED THIS DECISION:

Article 1

In accordance with Article 17(4) of Appendix A to Protocol 2 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part (the ‘Agreement’), the Parties agree that the proofs of origin referred to in Article 17(1), point (a), of that Appendix may be issued electronically.

Article 2

1. The date from which a Party starts to issue electronic movement certificates shall be specified in the notices published in the *Official Journal of the European Union* (C series) and in accordance with that Party’s own procedures.
2. From the date specified in the notices referred to in paragraph 1, the Parties shall accept movement certificates issued electronically when submitted at importation, provided that all of the following conditions are fulfilled:
 - (a) the movement certificates issued electronically have a similar form to that of the specimen set out in Annex IV to Appendix A to Protocol 2 to the Agreement;
 - (b) the customs authorities of the exporting Party provide for a secure online internet-based system to verify the authenticity of movement certificates issued electronically; and
 - (c) the movement certificates issued electronically bear a unique serial number, and, if available, security features by which they can be identified.

Article 3

A Party may decide to suspend the acceptance of movement certificates issued electronically where any of the conditions listed under Article 2(2) is not fulfilled and shall inform the other Party thereof in advance. The starting date of the suspension shall be specified in a notice published in accordance with that Party's own procedures.

Article 4

For the purposes of administrative cooperation under Articles 34 and 35 of Appendix A to Protocol 2 to the Agreement, the Parties may decide to assist each other through electronic means.

Article 5

The date from which a Party applies this Decision shall be published in a notice in accordance with that Party's own procedures.

Article 6

Articles 1 to 5 shall apply until the date of entry into force of the Parties' agreement to use a pan-Euro-Mediterranean digital environment for proofs of origin developed with the other applying Contracting Parties that allows proofs of origin to be issued and/or submitted electronically.

Article 7

As the Transitional rules shall cease to apply on the date of entry into force of the amendment of the Convention, Articles 1 to 6 of this Decision shall continue to apply between the Parties within the framework of the Convention until the date of entry into force of the Decision of the Joint Committee established by the Convention providing the general requirements for proofs of origin issued and/or submitted electronically.

Article 8

This Decision shall enter into force on the first day of the first month after the later of the two Parties has notified the other Party of the completion of its internal procedures.

Done at ..., ...

*For the Stabilisation
and Association Council
The Chair*
