

UE-TR 4806/24

LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: DECISION OF THE EU-TÜRKİYE ASSOCIATION COUNCIL 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

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 products¹, and in particular Article 39 of Protocol 3 thereto concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation,

¹ OJ EC L 86, 20.3.1998, p. 1.

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 (the ‘Original Protocol 3’), which lays down the rules of origin.
- (2) The Original Protocol 3 was replaced by a new protocol by Decision No 3/2006 of the EC-Turkey Association Council² (‘Protocol 3’).
- (3) Article 39 of Protocol 3 provides that the Association Council set up by the Agreement establishing an Association between the European Economic Community and Turkey³ (the ‘Association Council’) may decide to amend the provisions of Protocol 3.
- (4) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin⁴ (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 (‘Türkiye’) signed the Convention on 15 June 2011 and 4 November 2011, respectively.

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 at <http://register.consilium.europa.eu>).

³ OJ EC L 361, 31.12.1977, p. 29.

⁴ OJ EU L 54, 26.2.2013, p. 4.

- (6) The Union and 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 entered into force in relation to the Union and 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 origin⁵.
- (8) Protocol 3 should therefore be replaced by a new protocol which includes a dynamic reference to the Convention, so as to refer always to the latest version of the Convention in force,

HAS ADOPTED THIS DECISION:

⁵ 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>).

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 last of the written notifications through diplomatic channels, by which the Parties inform each other of the completion of their internal procedures.

Done at ..., ...

For the Association Council

The President

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 origin¹ (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 Convention shall be construed as references to this Decision.

¹ OJ EU L 54, 26.2.2013, p. 4.

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. If either the European Community or Türkiye gives notice in writing to the depositary of the Convention of their intention to withdraw from the Convention in accordance with Article 9 thereof, the European Community and Türkiye shall immediately start their own procedures to 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 appropriate, the relevant provisions of Appendix II to the Convention shall be construed as allowing bilateral cumulation only between the European Community and Türkiye.”.
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