



Brussels, 29.1.2015
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2015/0015 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be adopted on behalf of the European Union within the EU-Turkey Association Council as regards the replacement of 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, by a new protocol which, as regards the rules of origin, refers to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The Regional Convention on pan-Euro-Mediterranean preferential rules of origin¹ ('the Convention') lays down provisions on the origin of goods traded under relevant Agreements concluded between the Contracting Parties. The EU and Turkey signed the Convention on 15 June 2011 and on 4 November 2011 respectively.

The EU and Turkey deposited their instrument of acceptance with the depositary of the Convention on 26 March 2012 and 4 December 2013 respectively. As a consequence, in application of its Article 10(3), the Convention entered into force in relation to the EU and Turkey on 1 May 2012 and on 1 February 2014 respectively.

Article 6 of the Convention provides that each Contracting Party shall take appropriate measures to ensure that the Convention is effectively applied. To that effect, the EU-Turkey Association Council should adopt a Decision replacing Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products², concerning the definition of the concept of 'originating products' and methods of administrative cooperation, by a new Protocol which, with regard to the rules of origin, refers to the Convention. The position to be taken by the EU within the Association Council should be established by the Council.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

The EU Member States were informed on the draft Council Decision in the Customs Code Committee's Origin Section of 13 May 2013. The Contracting Parties to the Convention were last consulted at the meeting of the Pan-Euro-Med working group of 22 and 23 October 2014.

No recourse to external expertise has been necessary. Furthermore, it has not been necessary to conduct an impact assessment, since the proposed amendments are technical in nature and do not affect the substance of the protocol on rules of origin currently in effect.

3. LEGAL ELEMENTS OF THE PROPOSAL

The legal basis for the Council Decision is the first subparagraph of Article 207(4) in conjunction with Article 218(9) of the Treaty on the Functioning of the European Union.

The proposal falls under the exclusive competence of the Union. The principle of subsidiarity does therefore not apply.

Proposed instrument: Council Decision.

¹ OJ L 54, 26.2.2013, p. 4.

² OJ L 86, 20.3.1998, p. 1.

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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products¹, concerns the definition of the concept of ‘originating products’ and methods of administrative cooperation (‘Protocol 3’).
- (2) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin² (‘the Convention’) lays down provisions on the origin of goods traded under relevant agreements concluded between the Contracting Parties.
- (3) The Union and Turkey signed the Convention on 15 June 2011 and 4 November 2011 respectively.
- (4) The Union and Turkey deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 4 December 2013 respectively. Consequently, in application of Article 10(3) of the Convention, the Convention entered into force in relation to the Union and Turkey on 1 May 2012 and on 1 February 2014 respectively.
- (5) Article 6 of the Convention provides that each Contracting Party is to take appropriate measures to ensure that the Convention is effectively applied. To that effect, the EU-Turkey Association Council should adopt a decision replacing Protocol 3 by a new protocol which, with regard to the rules of origin, refers to the Convention.
- (6) The position of the Union within the EU-Turkey Association Council should therefore be based on the attached draft decision,

¹ OJ L 86, 20.3.1998, p. 1.

² OJ L 54, 26.2.2013, p. 4.

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the European Union within the EU-Turkey Association Council as regards the replacement of 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, by a new protocol which, as regards the rules of origin, refers to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin, shall be based on the draft decision of the EU-Turkey Association Council attached to this Decision.

Minor changes to the draft decision of the EU-Turkey Association Council may be agreed to by the representatives of the Union in the EU-Turkey Association Council without further decision of the Council.

Article 2

The decision of the EU-Turkey Association Council shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at Brussels,

*For the Council
The President*