



Brussels, 22.4.2015
COM(2015) 175 final

ANNEX 1

ANNEX

Attachment

to the

proposal for a Council Decision

on the position to be adopted on behalf of the European Union within the Association Council established by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, as regards the replacement of Protocol 4 to that Agreement, 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

Draft

DECISION No ... OF THE EU-TUNISIA ASSOCIATION COUNCIL

of

replacing Protocol 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, concerning the definition of the concept of 'originating products' and methods of administrative cooperation

THE EU-TUNISIA ASSOCIATION COUNCIL,

Having regard to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part¹, and in particular Article 29 thereof,

Having regard to Protocol 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, concerning the definition of the concept of 'originating products' and methods of administrative cooperation,

Whereas:

- (1) Article 29 of the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part ('the Agreement') refers to Protocol 4 to the Agreement ('Protocol 4') which lays down the rules of origin and provides for cumulation of origin between the European Union, Tunisia and other Contracting Parties to the Convention.
- (2) Article 39 of Protocol 4 provides that the Association Council provided for in Article 78 of the Agreement may decide to amend the provisions of this protocol.
- (3) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin² ('the Convention') aims to replace the protocols on rules of origin currently in force among the countries of the pan-Euro-Mediterranean area with a single legal act.
- (4) The European Union and Tunisia signed the Convention on 15 June 2011 and 16 January 2013 respectively.
- (5) The European Union and Tunisia deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 21 November 2014 respectively. Consequently, in application of Article 10(3) of the Convention, the Convention entered into force in relation to the European Union and Tunisia on 1 May 2012 and on 1 January 2015 respectively.
- (6) Protocol 4 should therefore be replaced by a new protocol making reference to the Convention.

¹ OJ L 97, 30.3.1998, p. 2.

² OJ L 54, 26.2.2013, p. 4.

HAS ADOPTED THIS DECISION:

Article 1

Protocol 4 to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, concerning the definition of the concept of 'originating products' and methods of administrative cooperation shall be 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 ...

Done at

*For the Association Council
The President*

ANNEX

Protocol 4

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

Article 1

Applicable rules of origin

1. For the purpose of implementing this Agreement, Appendix I and the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin¹ ('the Convention') 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 so as to mean this Agreement.

Article 2

Dispute settlement

1. Where disputes arise in relation to the verification procedures of Article 32 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 European Union or Tunisia give notice in writing to the depositary of the Convention of their intention to withdraw from the Convention according to Article 9 thereof, the European Union and Tunisia shall immediately enter into negotiations on rules of origin for the purpose of implementing this Agreement.
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 this Agreement. However, as of 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 so as to allow bilateral cumulation between the European Union and Tunisia only.

¹ OJ L 54, 26.2.2013, p. 4.