COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.2.2008
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2008/0027(AVC)

Proposal for a

COUNCIL DECISION

on the signing and provisional application of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

Proposal for a

COUNCIL DECISION

on the conclusion of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

(presented by the Commission)

EXPLANATORY MEMORANDUM

Under the terms of Article 6(2) of the 2005 Act of Accession of Bulgaria and Romania to the European Union, the accession of the new Member States to the Euro-Mediterranean Association Agreement with the Republic of Lebanon shall be agreed by means of a protocol to this Agreement. The same article provides for a simplified procedure, whereby the protocol is to be concluded by the Council, acting unanimously on behalf of the Member States, and by the third country concerned. This procedure is without prejudice to the Community's own competences.

On 23 October 2006 the Council authorised the Commission to negotiate such a protocol with Lebanon to take account of the accession of Bulgaria and Romania on 1 January 2007. The negotiations were delayed due to the constraints experienced by the Lebanese administration and their request of clarification even beyond the scope of the protocol before providing their agreement of principle to the text. During these negotiations it was concluded that no additional trade concessions in agriculture, processed agricultural and fishery products would be added to the existing Association Agreement.

The attached proposals are for (1) a Council Decision on the signature and provisional application of the Protocol and (2) a Council Decision on the conclusion of the Protocol.

The text of the protocol negotiated with Lebanon is attached. The most important provision of the protocol concerns the accession of the new Member States to the EU-Lebanon Association Agreement and the inclusion of the new official languages of the EU.

The Commission requests the Council to adopt the proposed Council Decisions for the signing and conclusion of the Protocol.

The European Parliament will be called upon to give its assent to the conclusion of this Protocol.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310, in conjunction with Article 300(2), first subparagraph, second sentence, thereof,

Having regard to the Act of Accession of Bulgaria and Romania to the European Union, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) On 23 October 2006 the Council authorised the Commission, on behalf of the European Community and its Member States, to negotiate protocols amending the agreements concluded between the European Community and its Member States and third countries, such as the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, [1] to take account of the accession of the new Member States to the European Union.

(2) The negotiations with Lebanon have since been completed.

(3) Article 8(2) of the Protocol negotiated with Lebanon provides for the provisional application of the Protocol before its entry into force.

(4) Subject to its possible conclusion at a later date, the Protocol should be signed on behalf of the Community and applied provisionally,

HAS DECIDED AS FOLLOWS:

Article 1

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Community and its Member States, the Protocol to the

[1] OJ L 143, 30.5.2006, p. 2.

Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union. The text of the Protocol is attached to this Decision.

Article 2

The Protocol shall be applied provisionally from 1 January 2007, subject to its possible conclusion at a later date.

Done at Brussels,

For the Council
The President

2008/0027(AVC)

Proposal for a

COUNCIL DECISION

on the conclusion of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310 in conjunction with the second sentence of the first subparagraph of Article 300(2) and the second subparagraph of Article 300(3) thereof,

Having regard to the Act of Accession of Bulgaria and Romania to the European Union, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Having regard to the assent of the European Parliament,

Whereas:

(1) The Protocol to the Euro-Mediterranean Association Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, was signed on behalf of the European Community and its Member States on […].

(2) The Protocol should be approved,

HAS DECIDED AS FOLLOWS:

Sole Article

The Protocol to the Euro-Mediterranean Association Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, is hereby approved on behalf of the European Community and its Member States to take account of the accession of the Republic of Bulgaria and Romania to the European Union.

The text of the Protocol is annexed to this Decision.

Done at Brussels,

For the Council
The President

PROTOCOL

to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

THE KINGDOM OF BELGIUM,

THE REPUBLIC OF BULGARIA,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

ROMANIA,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as "EC Member States" represented by the Council of the European Union, and

THE EUROPEAN COMMUNITY,

hereinafter referred to as "the Community" represented by the Council of the European Union and the European Commission, of the one part

and THE REPUBLIC OF LEBANON

hereinafter referred to as *"*Lebanon*"*

of the other part

WHEREAS the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the Republic of Lebanon, of the other part, [2] hereinafter referred to as "the Euro-Mediterranean Agreement", was signed in Brussels on 1 April 2002 and entered into force on 1 April 2006;

WHEREAS the Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union and the Act thereto was signed in Luxemburg on 25 April 2005 and entered into force on 1 January 2007;

WHEREAS an Interim Agreement on trade and trade-related matters between the European Community and the Republic of Lebanon[3]entered into force on 1 March 2003;

WHEREAS, pursuant to Article 6(2) of the Act of Accession, the accession of the new Contracting Parties to the Euro-Mediterranean Agreement must be agreed by the conclusion of a protocol to the Euro-Mediterranean Agreement;

WHEREAS consultations pursuant to Article 22 of the Euro-Mediterranean Agreement have taken place in order to ensure that account has been taken of the mutual interests of the Community and the Republic of Lebanon;

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Bulgaria and Romania hereby become Contracting Parties to the Euro-Mediterranean Agreement establishing an Association between the European Community and

[2] OJ L 143, 30.5.2006, p. 2.
[3] OJ L 262, 30.9.2002, p. 2.

its Member States, of the one part, and Republic of Lebanon, of the other part, and shall, in the same manner as the other EC Member States, respectively adopt and take note of the texts of the Agreement, the Joint Declarations, Declarations and Exchanges of Letters.

CHAPTER ONE: AMENDMENTS TO THE TEXT OF THE EURO-MEDITERRANEAN AGREEMENT, INCLUDING ITS ANNEXES AND PROTOCOLS

Article 2 (Rules of Origin)

Protocol 4 shall be amended as follows:

1. Article 18(4) is replaced by the following:

Movement certificates EUR.1 issued retrospectively must be endorsed with one of the following phrases:

BG "ИЗДАДЕН ВПОСЛЕДСТВИЕ"

ES "EXPEDIDO A POSTERIORI"

CS "VYSTAVENO DODATEČNĚ"

DA "UDSTEDT EFTERFØLGENDE"

DE "NACHTRÄGLICH AUSGESTELLT"

ET "VÄLJA ANTUD TAGASIULATUVALT"

EL "ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ"

EN "ISSUED RETROSPECTIVELY"

FR "DÉLIVRÉ A POSTERIORI"

IT "RILASCIATO A POSTERIORI"

LV "IZSNIEGTS RETROSPEKTĪVI"

LT "RETROSPEKTYVUSIS IŠDAVIMAS"

HU "KIADVA VISSZAMENŐLEGES HATÁLLYAL"

MT "MAĦRUĠ RETROSPETTIVAMENT"

NL "AFGEGEVEN A POSTERIORI"

PL "WYSTAWIONE RETROSPEKTYWNIE"

PT "EMITIDO A POSTERIORI"

RO "EMIS A POSTERIORI"

SL "IZDANO NAKNADNO"

SK "VYDANÉ DODATOČNE"

FI "ANNETTU JÄLKIKÄTEEN"

SV "UTFÄRDAT I EFTERHAND"

AR "الصادرة بأثر رجعي"

2. Article 19(2) is replaced by the following :

(…)

The duplicate issued in this way must be endorsed with one of the following words:

BG "ДУБЛИКАТ"

ES "DUPLICADO"

CS "DUPLIKÁT"

DA "DUPLIKAT"

DE "DUPLIKAT"

ET "DUPLIKAAT"

EL "ΑΝΤΙΓΡΑΦΟ"

EN "DUPLICATE"

FR "DUPLICATA"

IT "DUPLICATO"

LV "DUBLIKĀTS"

LT "DUBLIKATAS"

HU "MÁSODLAT"

MT "DUPLIKAT"

NL "DUPLICAAT"

PL "DUPLIKAT"

PT "SEGUNDA VIA"

RO "DUPLICAT"

SL "DVOJNIK"

SK "DUPLIKÁT"

FI "KAKSOISKAPPALE"

SV "DUPLIKAT"

AR "نسخة"

3 Annex V is replaced by the following:

Bulgarian version

Износителят на продуктите, обхванати от този документ (митническо разрешение № … [(1)]) декларира, че освен където е отбелязано друго, тези продукти са с … преференциален произход [(2)].

Spanish version

El exportador de los productos incluidos en el presente documento (autorización aduanera n° .. …[(1)].) declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial . …[(2)].

Czech version

Vývozce výrobků uvedených v tomto dokumentu (číslo povolení …[(1)]) prohlašuje, že kromě zřetelně označených, mají tyto výrobky preferenční původ v …[(2)].

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. ...[(1)]), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ...[(2)].

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ...[(1)]) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anderes angegeben, präferenzbegünstigte ...[(2)] Ursprungswaren sind.

Estonian version

Käesoleva dokumendiga hõlmatud toodete eksportija (tolliameti kinnitus nr. ...[(1)]) deklareerib, et need tooted on ...[(2)] sooduspäritoluga, välja arvatud juhul kui on selgelt näidatud teisiti.

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο (άδεια τελωνείου υπ΄αριθ. ...[(1)]) δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησιακής καταγωγής ...[(2)].

English version

The exporter of the products covered by this document (customs authorization No ...[(1)]) declares that, except where otherwise clearly indicated, these products are of ...[(2)] preferential origin.

French version

L'exportateur des produits couverts par le présent document (autorisation douanière n° ...[1]) déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ... [2]).

Italian version

L'esportatore delle merci contemplate nel presente documento (autorizzazione doganale n… [1]) dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ...[2].

Latvian version

Eksportētājs produktiem, kuri ietverti šajā dokumentā (muitas pilnvara Nr. …[1]), deklarē, ka, iznemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir priekšrocību izcelsme no …[2].

Lithuanian version

Šiame dokumente išvardintų prekių eksportuotojas (muitinės liudijimo Nr …[1]) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra[2] preferencinės kilmės prekės.

Hungarian version

A jelen okmányban szereplő áruk exportőre (vámfelhatalmazási szám: …[1]) kijelentem, hogy eltérő jelzés hianyában az áruk kedvezményes …[2] származásúak.

Maltese version

L-esportatur tal-prodotti koperti b'dan id-dokument (awtorizzazzjoni tad-dwana nru. …[1]) jiddikjara li, ħlief fejn indikat b'mod ċar li mhux hekk, dawn il-prodotti huma ta' oriġini preferenzjali …[2].

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ...[1]), verklaart dat, behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn [2].

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr …[1]) deklaruje, że z wyjątkiem gdzie jest to wyraźnie określone, produkty te mają …[2] preferencyjne pochodzenie.

Portuguese version

O exportador dos produtos cobertos pelo presente documento (autorização aduaneira n°. ...[1]), declara que, salvo expressamente indicado em contrário, estes produtos são de origem preferencial ...[2].

Romanian version

Exportatorul produselor ce fac ojectul acestui document (autorizația vamală nr. …[1]) declară cá, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferențială …[2].

Slovenian version

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št …[1]) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno …[2] poreklo.

Slovak version

Vývozca výrobkov uvedených v tomto dokumente (číslo povolenia …[1]) vyhlasuje, že okrem zreteľne označených, majú tieto výrobky preferenčný pôvod v …[2].

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa n:o ...[1]) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperätuotteita [2].

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr. ...[1]) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung [2].

Arabic version

يصرح مصدر المنتجات التي تشملها هذه الوثيقة (التصريح الجمركي رقم .....(1)) بإستثناء ما ينص بوضوح على خلاف ذلك، بأن هذه المنتجات من منشأ تفضيلي من .....(2).

……[3]

(Place and date)

……[4]

(Signature of the exporter, in addition, the name of the person signing the declaration has to be indicated in clear script)

(1) When the invoice declaration is made out by an approved exporter, the authorisation number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets will be omitted or the space left blank.

(2) Origin of products to be indicated. When the invoice declaration relates in whole or in part to products originating in Ceuta and Melilla within the meaning of Article 37 of the Protocol, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol "CM".

(3) These indications may be omitted if the information is contained in the document itself.

(4) In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.

CHAPTER TWO: TRANSITIONAL PROVISIONS

Article 3 (Proofs of Origin and administrative cooperation)

1. Proofs of origin properly issued by either Lebanon or a new Member State in the framework of preferential agreements or autonomous arrangements applied between them shall be accepted in the respective countries under this Protocol, provided that:

   (a) the acquisition of such origin confers preferential tariff treatment on the basis of the preferential tariff measures contained in this Agreement or in the Community System of Generalised Preferences;

   (b) the proof of origin and the transport documents were issued no later than the day before the date of accession;

   (c) the proof of origin is submitted to the customs authorities within the period of four months from the date of accession.

   Where goods were declared for importation in either Lebanon or a new Member State, prior to the date of accession, under preferential agreements or autonomous arrangements applied between Lebanon and that new Member State at that time, proof of origin issued retrospectively under those agreements or arrangements may also be accepted, provided that it is submitted to the customs authorities within the period of four months from the date of accession.

2. Lebanon and the new Member States are authorised to retain the authorisations with which the status of "approved exporters" has been granted in the framework of preferential agreements or autonomous arrangements applied between them, provided that:

   (a) such a provision is also provided for in the agreement concluded between Lebanon and the Community prior to the date of accession; and

   (b) the approved exporters apply the rules of origin in force under that agreement.

   These authorisations shall be replaced no later than one year after the date of accession, by new authorisations issued under the terms of the Agreement.

3. Requests for subsequent verification of proof of origin issued under the preferential agreements or autonomous arrangements referred to in paragraphs 1 and 2 above can be presented by the competent customs authorities of either Lebanon or the new Member States and shall be accepted by those authorities for a period of three years after issue of the proof of origin concerned.

Article 4 (Goods in transit)

1. The provisions of the Agreement may be applied to goods exported either from Lebanon to one of the new Member States or from one of the new Member States to Lebanon which comply with the provisions of Protocol 4 and, on the date of

accession, are either en route or in temporary storage, in a customs warehouse or in a free zone in Lebanon or in that new Member State.

2. Preferential treatment may be granted in such cases, subject to the submission to the customs authorities of the importing country, within four months of the date of accession, of proof of origin issued retrospectively by the customs authorities of the exporting country.

General and final provisions

Article 5

The Republic of Lebanon undertakes that it shall neither make any claim, request or referral nor modify or withdraw any concession pursuant to GATT 1994 Articles XXIV.6 and XXVIII in relation to this enlargement of the Community.

Article 6

This Protocol shall form an integral part of the Euro-Mediterranean Agreement.

Article 7

1. This Protocol shall be approved by the Community, by the Council of the European Union on behalf of the Member States, and by the Republic of Lebanon in accordance with their own procedures.

2. The Parties shall notify each other of the accomplishment of the corresponding procedures referred to in the preceding paragraph. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 8

1. This Protocol shall enter into force on the first day of the first month following the date of deposit of the last instrument of approval.

2. This Protocol shall apply provisionally as from 1 January 2007.

Article 9

This Protocol is drawn up in duplicate in each of the official languages of the Contracting Parties, each of these texts being equally authentic.

Article 10

The text of the Euro-Mediterranean Agreement, including the Annexes and Protocols forming an integral part thereof, and the Final Act together with the declarations annexed thereto shall be drawn up in the Bulgarian and Romanian languages, and these texts shall be authentic in the same way as the original texts. The Association Council shall approve these texts.

FOR THE MEMBER STATES…

FOR THE EUROPEAN COMMUNITY…

FOR THE REPUBLIC OF LEBANON