EUROPEAN
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ANNEX

ANNEX

to the

Recommendation for a COUNCIL DECISION

amending Council Decision (EU) 2020/2059 of 7 December 2020 on the position to be taken on behalf of the European Union in the Trade Committee established under the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part, as regards the amendment of certain provisions of Protocol II concerning the definition of the concept of 'originating products' and methods of administrative cooperation, as regards cumulation with neighbouring developing countries

ANNEX

Amendment to the draft decision of the Trade Committee established under the interim partnership agreement between the European Community, of the one part, and the Pacific States, of the other part, amending certain provisions of Protocol II concerning the definition of the concept of 'originating products' and methods of administrative cooperation

In Council Decision (EU) 2020/2059 of 7 December 2020, Article 1 is replaced by the following:

'*The position to be taken on the Union's behalf in the eleventh meeting of the EU-Pacific Trade Committee shall be based on the draft decision of the EU-Pacific Trade Committee'*

In the draft decision of the Trade Committee, the numbering of the decision is replaced by the following:

'*Decision No…/2026'*

In the draft decision of the Trade Committee, recital 3(i) is replaced by the following:

'*(i) to delete the following provisions, which are no longer applicable:*

– *Paragraph 7 of Article 3;*

– *Annex XII;*'

In the Annex to the draft decision of the Trade Committee, Article 4 bis and Annex VIII bis are reinserted in the index as following:

'*[…]*

TITLE II

DEFINITION OF THE CONCEPT OF ORIGINATING PRODUCTS

Articles

[…]

4 bis. Cumulation with neighbouring developing countries.

[…]

ANNEXES

[…]

ANNEX VIII bis to PROTOCOL II: Neighbouring developing countries'

In the Annex to the draft decision of the Trade Committee, article 4 bis is reinserted as following:

‘*Article 4 bis*

Cumulation with neighbouring developing countries

1. *At the request of the Pacific States and following the provisions of Article 41(2), materials originating in a neighbouring developing country, other than an ACP State, belonging to a coherent geographical entity, a listing of which is at Annex VIII bis, can be considered as materials originating in a Pacific State when incorporated into a product obtained there. It shall not be necessary that such materials have undergone sufficient working or processing, provided that:*

   (a) the working or processing carried out in the Pacific State exceeds the operations listed in Article 7;

   (b) the Pacific States, the European Community and the neighbouring developing countries concerned have concluded an agreement on adequate administrative cooperation procedures which will ensure correct implementation of this paragraph.

2. *The cumulation provided for in this Article shall not be applicable to the products to be listed upon a decision of the Special Committee on Customs Cooperation and Rules of Origin.*

3. *For the purpose of determining whether the products originate in the neighbouring developing country as defined in the Annex VIII bis, the provisions of this Protocol shall apply.*’

In the Annex to the draft decision of the Trade Committee, Annex VIII bis is reinserted as following:

‘***ANNEX VIII bis to Protocol II***

NEIGHBOURING DEVELOPING COUNTRIES

The Parties agreed that, for the implementation of Article 4 bis of Protocol II, the following definition shall apply:

- *The expression ‘neighbouring developing country belonging to a coherent geographical entity’ shall refer to the following list of countries:*’