COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 6.12.2006
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2006/0254 (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 People's Democratic Republic of Algeria, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic 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 People's Democratic Republic of Algeria, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union

(presented by the Commission)

EXPLANATORY MEMORANDUM

In accordance with the terms of Article 6(2) of the Act of Accession of the new EU Member States to the EU, accession of the latter to the Euro-Mediterranean Association Agreement is to be agreed by means of a protocol to that 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 powers.

On 10 February 2004 the Council approved a mandate for the Commission to negotiate such a protocol with the People's Democratic Republic of Algeria. These negotiations have since been completed to the satisfaction of the Commission. The text of the Protocol was initialled by the Commission and the Algerian authorities on 15 May 2006.

The attached proposals are for (i) a Council Decision on the signing and provisional application of the Protocol and (ii) a Council Decision on the conclusion of the Protocol.

The text of the Protocol negotiated with Algeria is attached. The Protocol is designed primarily to take account of the accession of the new Member States to the EU-Algeria Association Agreement and to include the new official languages of the EU.

The Commission asks the Council to approve the attached draft Council Decisions for the signing and conclusion of the Protocol.

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

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 People's Democratic Republic of Algeria, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Act of Accession of the new Member States to the European Union, and in particular Article 6(2) thereof,

Having regard to the proposal from the Commission,

Whereas:

(1) On 10 February 2004 the Council authorised the Commission, on behalf of the European Community and its Member States, to open negotiations with Algeria with a view to adjusting the Euro-Mediterranean Association Agreement between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, to take account of the accession of the new Member States to the EU.

(2) These negotiations have been completed to the satisfaction of the Commission.

(3) The text of the Protocol negotiated with the People's Democratic Republic of Algeria provides, in Article 8(2), for the provisional application of the Protocol before its entry into force.

(4) Subject to its possible conclusion at a later date, the Protocol has to 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 Euro-Mediterranean Agreement between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union. The text of the Protocol is attached to this Decision.

Article 2

The European Community and its Member States hereby agree to apply provisionally the terms of the Protocol, subject to its possible conclusion at a later date.

Done at Brussels,

For the Council
The President

2006/0254 (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 People's Democratic Republic of Algeria, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Act of Accession of the new Member States to the European Union, and in particular to 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 between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, 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 Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union is hereby approved on behalf of the European Community and its Member States. 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 People's Democratic Republic of Algeria, of the other part, to take account of the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Hungary, the Republic of Latvia, the Republic of Lithuania, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union

THE KINGDOM OF BELGIUM,

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,

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 PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA, hereinafter referred to as "Algeria",

of the other part,

WHEREAS the Euro-Mediterranean Agreement between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, hereinafter referred to as "the Euro-Mediterranean Agreement", was signed in Valencia on 22 April 2002 and entered into force on 1 September 2005;

WHEREAS the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union was signed in Athens on 16 April 2003 and entered into force on 1 May 2004;

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 21 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 Algeria,

HAVE AGREED AS FOLLOWS:

Article 1

The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic hereby become Contracting Parties to the Euro-Mediterranean Agreement establishing an Association between the European Community and its Member States, of the one part, and the People's Democratic Republic of Algeria, of the other part, and shall respectively adopt and take note, in the same manner as the other Member States of the Community, of the texts of the Agreement, as well as of the joint declarations, unilateral declarations and exchanges of letters.

Article 2

To take account of the recent institutional developments within the European Union, the Parties agree that following expiry of the Treaty establishing the European Coal and Steel Community, existing provisions in the Agreement referring to the European Coal and Steel Community shall be deemed to refer to the European Community, which has taken over all rights and obligations contracted by the European Coal and Steel Community.

CHAPTER I:

AMENDMENTS TO THE TEXT OF THE EURO-MEDITERRANEAN AGREEMENT, AND IN PARTICULAR ITS ANNEXES AND PROTOCOLS

Article 3
(Rules of Origin)

Protocol 6 is hereby amended as follows:

1. Article 19(4) is replaced by the following:

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

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 "DELIVRE 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"

SL "IZDANO NAKNADNO"

SK "VYDANÉ DODATOČNE"

FI "ANNETTU JÄLKIKÄTEEN"

SV "UTFÄRDAT I EFTERHAND"

AR "سلمت لاحقا""

2. Article 20(2) is replaced by the following:

"(…)

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

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"

SL "DVOJNIK"

SK "DUPLIKÁT"

FI "KAKSOISKAPPALE"

SV "DUPLIKAT"

AR "نسخة"

3. Annex IV is replaced by the following:

"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 anders 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 authorisation 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].

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

تصريح على أساس الفاتورة

إن مصدر المنتجات التي تشملها هذه الوثيقة إعتماد جمركي رقم 1يصرح بأن هذه

المنتجات لها صفة المنشأ الإمتيازي ل …[2] إلا إذا نص على خلاف ذلك صراحة"

Article 4
(Chair of the Association Committee)

The following paragraph 4 is added to Article 96:

"The Association Committee shall be chaired in turn by a representative of the European Commission and by a representative of the Government of the People's Democratic Republic of Algeria."

CHAPITRE II:

TRANSITIONAL PROVISIONS

Article 5
(Proofs of origin and administrative cooperation)

Requests for subsequent verification of proof of origin issued under the preferential agreements or autonomous arrangements applied between Algeria and a new Member State may be made by the competent customs authorities of either Algeria or the new Member States and accepted by those authorities for a period of three years after the issue of the proof of origin concerned.

GENERAL AND FINAL PROVISIONS

Article 6

This Protocol shall form an integral part of the Euro-Mediterranean Agreement. The Annexes and declaration attached to this Protocol shall form an integral part thereof.

Article 7

1. This Protocol shall be approved by the Community, by the Council of the European Union acting on behalf of the Member States, and by the People's Democratic Republic of Algeria in accordance with their own procedures.

2. The Parties shall notify each other of the completion 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 the deposit of the last instrument of approval.

2. This Protocol shall apply provisionally with effect from 1 September 2005.

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 texts of the Euro-Mediterranean Agreement, including the Annexes and Protocols forming an integral part thereof, and of the Final Act, including the declarations annexed thereto, shall be drawn up in the Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian 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 PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA