EUROPEAN
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2014/0143 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken by the European Union within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, as regards the replacement of Protocol 3 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 rules of origin

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The Regional Convention on pan-Euro-Mediterranean preferential rules of origin[1] (hereafter 'the Convention') lays down provisions on the origin of goods traded under relevant Agreements concluded between the Contracting Parties. Both the EU and Montenegro signed the Convention on 15 June 2011.

The EU and Montenegro deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 2 July 2012, respectively. As a consequence, in application of its Article 10(3), the Convention entered into force in relation to the EU and Montenegro on 1 May 2012 and on 1 September 2012, 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 Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part[2], should adopt a Decision replacing Protocol 3 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 Stabilisation and Association Council should be established by the Council.

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

EU Member States were consulted on the draft Council Decision in the Customs Code Committee's Origin Section of 13 May 2013. The Contracting Parties to the Convention were consulted at the meeting of the Pan-Euro-Med working group of 14 and 15 May 2013.

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 108, 29.4.2010, p. 3.

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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 the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part[1], hereafter 'the Agreement', concerns the definition of the concept of 'originating products' and methods of administrative cooperation, hereafter ‘Protocol 3’.

(2) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin[2], hereafter 'the Convention', lays down provisions on the origin of goods traded under relevant Agreements concluded between the Contracting Parties. Montenegro and other participants to the Stabilisation and Association Process from the Western Balkans were invited to join the system of pan-European diagonal cumulation of origin in the Thessaloniki agenda, endorsed by the European Council of June 2003. They were invited to join the Convention by a decision of the Euro-Mediterranean Ministerial Conference of October 2007.

(3) The EU and Montenegro signed the Convention on 15 June 2011.

(4) The EU and Montenegro deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 2 July 2012, respectively. As a consequence, in application of its Article 10(3), the Convention entered into force in relation to the EU and Montenegro on 1 May 2012 and on 1 September 2012, respectively.

(5) 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 Stabilisation and Association Council established by the Agreement should adopt a Decision replacing Protocol 3 by a new Protocol which, with regard to the rules of origin, refers to the Convention.

[1] OJ L 108, 29.4.2010, p. 3.
[2] OJ L 54, 26.2.2013, p. 4.

(6) The European Union should therefore adopt the position set out in the attached draft Decision, within the Stabilisation and Association Council,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted by the European Union within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, as regards the replacement of Protocol 3 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, is set out in the attached draft Decision of the Stabilisation and Association Council.

Minor changes to the draft Decision may be agreed to by the representatives of the Union in the Stabilisation and Association Council without further decision of the Council.

Article 2

The Decision of the Stabilisation and Association Council shall be published in the Official Journal of the European Union.

Article 3

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

Done at Brussels,

For the Council
The President