COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 11.11.2009
COM(2009)621 final

Proposal for a

COUNCIL DECISION

on the signing and the provisional application of a protocol to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union

EXPLANATORY MEMORANDUM

According to Article 6(2) of the Act annexed to the Treaty of Accession of the new Member States to the EU, accession of the new Member States 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 competences.

On 23 October 2006 the Council authorised the Commission, on behalf of the European Community and its Member States, to negotiate with Tunisia a protocol amending the agreements between the European Community and third countries, in particular the Euro-Mediterranean Association Agreement between the European Communities and their Member States, of the one part, and Tunisia, of the other part, to take account of the accession of the new Member States to the EU.

The negotiations with Tunisia have since been completed to the satisfaction of the Commission. Tunisia showed its agreement in an exchange of letters which was concluded on 25 June 2009.

The attached proposals concern a Council Decision on the signing of the protocol.

The text of the protocol negotiated with Tunisia is attached. The most important aspects of the protocol are the provisions for the accession of the new Member States to the EU-Tunisia Association Agreement, and the inclusion of the new official languages of the EU to take account of EU enlargement.

The Commission invites the Council to approve the draft Council Decision for the conclusion of the Protocol.

Proposal for a

COUNCIL DECISION

on the conclusion and the provisional application of a protocol to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Republic of Tunisia, 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 first sentence of the first subparagraph of Article 300(2)thereof.

Having regard to the Act of Accession of Bulgaria and Romania, 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 with Tunisia a protocol amending the agreements between the European Community and third countries, in particular the Euro-Mediterranean Association Agreement between the European Communities and their Member States, of the one part, and Tunisia, of the other part, to take account of the accession of the new Member States to the EU.

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

(3) The text of the Protocol negotiated with Tunisia provides, in Article 8(2), for the provisional application of the Protocol before its entry into force.

(4) The Agreement should be signed and applied on a provisional basis, pending the completion of the procedures for its formal conclusion.

HAS DECIDED AS FOLLOWS:

Article 1

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

The text of the Protocol is attached to this Decision.

Article 2

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 Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, to take account of the accession of the Republic of Bulgaria and Romania to the European Union.

Article 3

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

Done in […] […]

For the Council
Benita FERRERO-WALDNER
Member of the Commission

ANNEX

to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and Republic of Tunisia, 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 "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 TUNISIA,

(hereinafter referred to as "Tunisia")

of the other part

Whereas:

1. The Euro-Mediterranean Agreement concluded between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, hereinafter referred to as "the Euro-Mediterranean Agreement" was signed in Brussels on 17 July 1995, entered into force on 1 March 1998 and was amended notably by the Protocol of 31 May 2005 established to take account of 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[1] and by Decision No 1/2006 of the EU-Tunisia Association Council of 28 July 2006 amending Protocol 4 to the Euro-Mediterranean Agreement concerning the definition of the concept of originating products and methods of administrative cooperation[2].

2. The Treaty concerning the accession of the Republic of Bulgaria and Romania to the European Union (hereinafter referred to as “Treaty of Accession”) was signed in Luxembourg on 25 April 2005 and entered into force on 1 January 2007.

3. Pursuant to Article 6(2) of the Act annexed to the Treaty of Accession, the accession of the new Contracting Parties to the Euro-Mediterranean Agreement shall be agreed by the conclusion of a protocol to that Agreement.

4. Consultations pursuant to Article 23(2) 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 Tunisia.

5. Tunisia decided by Decree No 2007-995 of 24 April 2007 to apply the provisions of the Euro-Mediterranean Agreement to the Republic of Bulgaria and Romania from 1 January 2007.

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1 OJ L 278, 21.10.2005, p. 3.
2 OJ L 260, 21.9.2006, p. 1.

HAVE AGREED AS FOLLOWS:

Article 1

The Republic of Bulgaria and Romania hereby become Contracting Parties to the Euro-Mediterranean Agreement between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, and shall respectively take note and adopt, in the same manner as the other Member States of the Community, of the texts of the Agreement, and of the Joint Declarations, Declarations and Exchanges of Letters.

CHAPTER I

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

Article 2 (Rules of Origin)

Protocol No 4, is amended as follows:

1. The reference to new Member States in Article 3(1) and Article 4(1) is deleted.

2. Annex IVa is amended as follows:

Bulgarian version

Износителят на продуктите, обхванати от този документ (митническо разрешение № … [(1)]) декларира, че освен където *ясно* 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 o*bi*ectul acestui document (autorizația vamal*ă* nr. …[1]) declar*ă* c*ă*, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferențial***ă*** …[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. Annex IVb is amended as follows:

Bulgarian version

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

- cumulation applied with Tunisia

- no cumulation applied[(3)]

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)].

- cumulation applied with Tunisia

- no cumulation applied[(3)]

Czech version

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

- cumulation applied with Tunisia

- no cumulation applied[(3)]

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)].

- cumulation applied with Tunisia

- no cumulation applied[(3)]

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.

- cumulation applied with Tunisia

- no cumulation applied[3]

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.

- cumulation applied with Tunisia

- no cumulation applied[3]

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].

- cumulation applied with Tunisia

- no cumulation applied[3]

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.

- cumulation applied with Tunisia

- no cumulation applied[3]

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].

- cumulation applied with Tunisia

- no cumulation applied[3]

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].

- cumulation applied with Tunisia

- no cumulation applied[3]

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].

- cumulation applied with Tunisia

- no cumulation applied[3]

Lithuanian version

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

- cumulation applied with Tunisia

- no cumulation applied[3]

Hungarian version

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

- cumulation applied with Tunisia

- no cumulation applied[3]

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].

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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].

- cumulation applied with Tunisia

- no cumulation applied[3]

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.

- cumulation applied with Tunisia

- no cumulation applied[3]

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].

- cumulation applied with Tunisia

- no cumulation applied(3)

Romanian version

Exportatorul produselor ce fac o***bi***ectul acestui document (autorizația vamal***ă*** nr. …(1)) declar***ă*** c***ă***, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferențial***ă*** …(2).

- cumulation applied with Tunisia

- no cumulation applied(3)

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.

- cumulation applied with Tunisia

- no cumulation applied(3)

Slovak version

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

- cumulation applied with Tunisia

- no cumulation applied(3)

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).

- cumulation applied with Tunisia

- no cumulation applied(3)

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].

- cumulation applied with Tunisia

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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]).

- cumulation applied with Tunisia

- no cumulation applied[3]

CHAPTER II

TRANSITIONAL PROVISIONS

Article 3 (Proofs of origin and administrative cooperation)

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

   a) the acquisition of such origin confers preferential tariff treatment on the basis of either the preferential tariff measures contained in the Euro-Mediterranean Agreement or in the Community scheme of generalised tariff 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 four months of the date of accession.

Where goods were declared for importation in either Tunisia or a new Member State, prior to the date of accession, under preferential agreements or autonomous arrangements applied between Tunisia 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 a period of four months from the date of accession.

2. Tunisia 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 Tunisia and the Community prior to the date of accession of these States;

b) the approved exporter applies 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 in accordance with the conditions of the Agreement.

3. Requests for subsequent verification of proof of origin issued under the preferential agreements or autonomous arrangements applied between Tunisia and a new Member State may be made by the competent customs authorities of either Tunisia 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.

Article 4 (Goods in transit)

1. The provisions of the Euro-Mediterranean Agreement may be applied to goods exported from either Tunisia to one of the new Member States or from one of the new Member States to Tunisia, which comply with the provisions of Protocol 4 and which on the date of accession are either en route or in temporary storage, in a customs warehouse, in a free zone or on an industrial estate in Tunisia 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 from the date of accession, of a proof of origin issued retrospectively by the customs authorities of the exporting country.

CHAPTER III

GENERAL AND FINAL PROVISIONS

Article 5

Under this Protocol it is agreed that no claim, request or referral may be submitted and no concession pursuant to GATT Articles XXIV(6) and XXVIII modified or withdrawn 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 Tunisia in accordance with their own procedures.

2. The instruments of approval or ratification 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 or ratification.

2. The provisions of this Protocol shall apply provisionally with effect 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 the Bulgarian and Romanian versions of these texts.

FOR THE MEMBER STATES

FOR THE EUROPEAN COMMUNITY

FOR THE REPUBLIC OF TUNISIA