



Council of the
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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	24 May 2016
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2016) 282 final
Subject:	Proposal for a COUNCIL DECISION on the position to be taken, on behalf of the European Union, within the Joint Committee established by the Regional Convention on pan-Euro-Mediterranean preferential rules of origin as regards the request of Georgia to become a Contracting Party to that Convention

Delegations will find attached document COM(2016) 282 final.

Encl.: COM(2016) 282 final



Brussels, 24.5.2016
COM(2016) 282 final

2016/0147 (NLE)

Proposal for a

COUNCIL DECISION

on the position to be taken, on behalf of the European Union, within the Joint Committee established by the Regional Convention on pan-Euro-Mediterranean preferential rules of origin as regards the request of Georgia to become a Contracting Party to that Convention

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

The Regional Convention on pan-Euro-Mediterranean preferential rules of origin¹ (hereafter 'the Convention') lays down provisions on the origin of goods traded under relevant Agreements concluded between the Contracting Parties.

Article 5(1) of the Convention provides that a third party may become a Contracting Party to the Convention, provided that the candidate country or territory has a free trade agreement in force, providing for preferential rules of origin, with at least one of the Contracting Parties. Article 2(2) of the Convention provides that, for the purposes of the Convention, 'third party' means any neighbouring country or territory which is not a Contracting Party.

Georgia submitted its written request for accession to the Convention to the depositary of the Convention (the General Secretariat of the Council of the EU) on 23 September 2015.

Georgian authorities confirm that Georgia has a free trade agreement with Contracting Parties, namely the EU and Turkey. As a consequence, Georgia complies with the condition set out in Article 5(1) of the Convention to become a Contracting Party.

The request should therefore be submitted to the Joint Committee of the Convention in application of its Article 4(3)(b) for adoption of a Decision inviting Georgia to accede to the Convention. The position to be taken by the EU within the Joint Committee should be established by the Council.

According to the Commission, the accession of Georgia does not require any transitional measures as referred to in Article 4(3)(c) of the Convention.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

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.

- **Subsidiarity (for non-exclusive competence)**

The proposal falls under the exclusive competence of the Union.

- **Choice of the instrument**

Proposed instrument: Council Decision.

¹ OJ L 54, 26.2.2013, p. 4.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Stakeholder consultations**

The Contracting Parties to the Convention and the Member States were informed of the request at the meeting of the Joint Committee of the Convention of 25 November 2015.

- **Collection and use of expertise**

No recourse to external expertise has been necessary.

- **Impact assessment**

Furthermore, it has not been necessary to conduct an impact assessment, since the accession of a third party to the Convention is only subject to the condition that it has a free trade agreement in force with at least one of the Contracting Parties to the Convention.

Proposal for a

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on the position to be taken, on behalf of the European Union, within the Joint Committee established by the Regional Convention on pan-Euro-Mediterranean preferential rules of origin as regards the request of Georgia to become a Contracting Party to that Convention

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) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin² (the "Convention") entered into force on 1 December 2012.
- (2) Article 5(1) of the Convention provides that a third party may become a Contracting Party to the Convention, provided that the candidate country or territory has a free trade agreement in force, providing for preferential rules of origin, with at least one of the Contracting Parties.
- (3) Georgia submitted a written request for accession to the Convention to the depositary of the Convention on 23 September 2015.
- (4) Georgia has a free trade agreement in force with two Contracting Parties to the Convention, namely Turkey and the EU, and complies with the condition set out in Article 5(1) of the Convention to become a Contracting Party.
- (5) Pursuant to Article 4(3)(b) of the Convention the Joint Committee shall adopt by decision invitations to third parties to accede to the Convention.
- (6) The position of the Union within the Joint Committee should be to vote in favour of a decision inviting Georgia to accede to the Convention,

² OJ L 54, 26.2.2013, p. 4.

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken by the European Union within the Joint Committee of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin, as regards the request of Georgia to become a Contracting Party to that Convention, shall be based on the draft Decision of the Joint Committee attached to this Decision.

Minor changes to the draft Decision may be agreed to by the representatives of the Union in the Joint Committee without further decision of the Council.

Article 2

After its adoption, the Decision of the Joint Committee shall be published in the *Official Journal of the European Union*.

Article 3

This decision shall enter into force on the date of its adoption.

Done at Brussels,

*For the Council
The President*