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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	8 October 2024
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2024) 443 final
Subject:	ANNEX to the Proposal for a Council Decision on the position to be taken on behalf of the European Union in the Joint Committee established by the Regional Convention on pan-Euro-Mediterranean preferential rules of origin as regards the amendment of Decision 1/2023 of that Joint Committee to include transitional provisions to the amendments of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin applicable as of 1 January 2025

Delegations will find attached document COM(2024) 443 final.

Encl.: COM(2024) 443 final



EUROPEAN
COMMISSION

Brussels, 8.10.2024
COM(2024) 443 final

ANNEX

ANNEX

to the

Proposal for a Council Decision

on the position to be taken on behalf of the European Union in the Joint Committee established by the Regional Convention on pan-Euro-Mediterranean preferential rules of origin as regards the amendment of Decision 1/2023 of that Joint Committee to include transitional provisions to the amendments of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin applicable as of 1 January 2025

ANNEX

Draft

Decision No X/2024 OF THE JOINT COMMITTEE OF THE REGIONAL CONVENTION ON PANEURO-MEDITERRANEAN PREFERENTIAL RULES OF ORIGIN

of XX/XX/2024

amending Decision No 1/2023 of the Joint Committee in order to include transitional provisions to the amendments of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin applicable as of 1 January 2025.

THE JOINT COMMITTEE,

Having regard to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin (the Convention) and in particular to Article 4(1) and Article 4(3) point (a), thereof,

Whereas:

- (1) The Contracting Parties to the Convention agreed on the amendment of the Convention in order to provide for a new set of modernised and more flexible rules of origin. Decision No 1/2023 on the amendment of the Convention has been adopted on 7 December 2023 and will enter into force on 1 January 2025¹ (the revised rules of the Convention).
- (2) The Contracting Parties agree that transitional provisions are needed to clarify the preferential treatment to be granted for goods exported from a Contracting Party before the entry into force of the revised rules of the Convention and imported in another Contracting Party afterwards.
- (3) Proofs of origin issued or made out before 1 January 2025 in a Contracting Party in accordance with the rules for optional application to the Convention pending the conclusion and entry into force of the amendment of the Convention should be accepted for preferential treatment at importation after 1 January 2025.
- (4) Proofs of origin issued or made out in accordance with Appendix I to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin² or issued in accordance with the Protocols concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation preceding the Convention before the date of entry into force of the amendment of the bilateral protocols between the Contracting Parties to include the reference to the Convention as last amended, should be accepted for preferential treatment at importation after that date.
- (5) Some of the Contracting Parties have indicated that they will not be in a position to update their bilateral protocols on rules of origin with a reference to the Convention as last amended, before 1 January 2025, due to the length of their internal procedures.
- (6) The delay in updating the bilateral protocols with a reference to the Convention as last amended, by some Contracting Parties could lead to the disruption of current cumulation possibilities.

¹ OJ L, 2024/390, 19.2.2024.

² OJ L 54, 26.2.2013, p. 4, ELI: [http://data.europa.eu/eli/dec/2013/94\(1\)/oj](http://data.europa.eu/eli/dec/2013/94(1)/oj).

- (7) The Contracting Parties agree that transitional provisions are needed to preserve trade flows based on current cumulation possibilities, pending the finalisation of the process of aligning all bilateral protocols with a reference to the Convention as last amended. Appendix I to the Convention as applicable prior to the amendments introduced by Decision 1/2023 of the Joint Committee should be applicable transitorily between the Contracting Parties to the Convention in parallel with the revised rules of the Convention and cumulation should be allowed between the different sets of rules when possible.
- (8) The Contracting Parties agree that the transitional provisions are technical in nature and should be put into application as soon as possible. Where possible according to the Contracting Parties' internal legislation, their provisional application should be ensured.
- (9) The Contracting Parties agree to amend Decision 1/2023 of the Joint Committee so as to include in the revised Convention these transitional provisions applicable for a period of 1 year as of the entry into force of the revised Convention until 31 December 2025.
- (10) Each Contracting Party shall take appropriate measures to ensure that the revised rules of the Convention are effectively applied by aligning the bilateral protocols with a reference to the Convention as last amended until 31 December 2025,

HAS ADOPTED THIS DECISION:

Article 1

- 1. Decision 1/2023 shall be amended as set out in the Annex to this Decision.
- 2. The amendments shall enter into force on 1 January 2025.

Article 2

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

Done at Brussels,

ANNEX to the draft Decision No X/2024 OF THE JOINT COMMITTEE OF THE REGIONAL CONVENTION ON PANEURO-MEDITERRANEAN PREFERENTIAL RULES OF ORIGIN

Sole Article

Amendment of Decision 1/2023 of the Joint Committee of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin

Decision 1/2023 of the Joint Committee of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin of 7 December 2023 on the amendment of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin (Decision 1/2023) is amended as follows:

1. In the Sole Article of the Annex of Decision 1/2023, point (5), Article 42 “Transitional provisions” is added in Appendix I.

“Article 42

Transitional provisions

1. Appendix I to the Convention as published in OJ L54/4 of 26.02.2013 shall be applicable between the Contracting Parties to the Convention until 31 December 2025 in parallel with this Appendix.
2. Proofs of origin issued or made out before 1 January 2025 in accordance with the rules for optional application to the Convention pending the conclusion and entry into force of the amendment of the Convention (the Transitional rules of origin) and submitted after this date, within their validity period, shall be accepted for preferential treatment at importation for goods which, on 1 January 2025, are either in transit or placed under a special procedure under customs control. Those goods may be used for cumulation as provided for in Article 7.
3. In cases of belated presentation of proofs of origin issued or made out before 1 January 2025 in accordance with the Transitional rules of origin, Article 23, paragraphs (2) and (3) shall apply to the goods mentioned in paragraph 2 of this article.
4. Proofs of origin issued or made out in accordance with Appendix I to the Convention as published in OJ L54/4 of 26.02.2013 or issued in accordance with the rules of origin contained in the Protocols preceding the Convention before the date of entry into force of the amendment of the bilateral protocols between the Contracting Parties to include the reference to the Convention as last amended, and submitted after that date, shall be accepted within their validity period for preferential treatment at importation for goods which, on that date, are either in transit or placed under a special procedure under customs control. In case of belated presentation of such proofs, Article 23, paragraphs (2) and (3) shall apply.
5. Proofs of origin issued or made out before 1 January 2026 in accordance with paragraph 1 or in accordance with the rules of origin contained in the Protocols preceding the Convention and submitted after this date within their validity period, shall be accepted for preferential treatment at importation for goods which, on 1 January 2026, are either in transit or placed under a special procedure under customs control. In case of belated presentation of such proofs, Article 23, paragraphs (2) and (3) shall apply.
6. For the purpose of verification, Article 33 paragraph 2, Articles 34 and where applicable, Article 35 shall also apply to proofs of origin issued or made out in accordance with the

Transitional rules of origin and proofs of origin issued or made out according to the Protocols preceding the Convention applicable before 1 January 2025.

7. For the purpose of verification, Article 33 paragraph 2 and Article 34 shall also apply if the verification request is submitted after 1 January 2026 or after the date of entry into force of the amendment of the bilateral protocols between the Contracting Parties to include the reference to the Convention as last amended, for proofs of origin issued or made out in accordance with Appendix I to the Convention as published in OJ L54/4 of 26.02.2013 and the Protocols preceding the Convention.
 8. The Contracting Parties shall notify each other, every four months, through the European Commission, on the state of play of updating their bilateral protocols to include the reference to the Convention as last amended and the measures taken to ensure that the revised rules of the Convention are effectively applied on 1 January 2026.
 9. The movement certificates EUR.1 issued in accordance with this Appendix shall include the statement in English 'REVISED RULES' in box 7. This statement shall also be added at the end of the text of the origin declaration made out in accordance with this Appendix. The statement shall be included in the proofs of origin until 31 December 2025.”
2. In the Sole Article of the Annex of Decision 1/2023, point (1), Article 1(5), Paragraph 1a is added to Article 8 in Appendix I.

“1a. The cumulation provided for in Article 7 may be applied for goods classified under Chapters 1, 3, 16 (for processed fishery products) and 25 to 97 of the Harmonised System that have obtained originating status by the application of the rules of origin included in Article 42 paragraph 1 and the relevant provisions of Appendix II as well as by the application of the rules of origin included in the Protocols concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation preceding the Convention provided that materials and products are originating in the Contracting Parties for which cumulation is possible, as notified in the “Commission notice concerning the application of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin or the protocols on rules of origin providing for diagonal cumulation between the Contracting Parties to this Convention”, as last published in the EU Official Journal.

This paragraph shall apply for the period provided in Article 31 paragraph 1 to goods covered by the proofs of origin mentioned in Article 42 paragraph 4 and 5.”