



Council of the  
European Union

Brussels, 30 October 2020  
(OR. en)

10898/20

ACP 90  
WTO 187  
COASI 108  
RELEX 652  
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## LEGISLATIVE ACTS AND OTHER INSTRUMENTS

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Subject: COUNCIL DECISION on the position to be taken on behalf of the European Union in the Trade Committee established under the Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part, as regards the amendment of certain provisions of Protocol II concerning the definition of the concept of "originating products" and methods of administrative cooperation

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**COUNCIL DECISION (EU) 2020/...**

**of ...**

**on the position to be taken on behalf of the European Union  
in the Trade Committee established under the Interim Partnership Agreement  
between the European Community, of the one part,  
and the Pacific States, of the other part,  
as regards the amendment of certain provisions of Protocol II  
concerning the definition of the concept of "originating products"  
and methods of administrative cooperation**

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 Interim Partnership Agreement between the European Community, of the one part, and the Pacific States, of the other part<sup>1</sup> (the "Agreement"), signed on 30 July 2009, established a framework for an Economic Partnership Agreement. The Agreement has been provisionally applied by the Independent State of Papua New Guinea and the Republic of Fiji since 20 December 2009 and 28 July 2014 respectively. Following their accession to the Agreement, the Independent State of Samoa and the Solomon Islands have also been provisionally applying the Agreement, since 31 December 2018 and 17 May 2020 respectively.
- (2) Pursuant to Article 68 of the Agreement and Article 41 of Protocol II concerning the definition of the concept of "originating products" and methods of administrative cooperation ("Protocol II"), the Trade Committee established under the Agreement (the "EU-Pacific Trade Committee") may decide to amend the provisions of Protocol II.
- (3) The EU-Pacific Trade Committee, during its eighth meeting, is to adopt a decision amending certain provisions of Protocol II.
- (4) It is appropriate to establish the position to be taken on the Union's behalf in the EU-Pacific Trade Committee, as the envisaged decision will be binding on the Union.

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<sup>1</sup> OJ L 272, 16.10.2009, p. 2.

- (5) It is necessary to amend certain provisions of Protocol II in order to reflect recent developments on rules of origin, provide more flexible and simpler rules of origin that facilitate trade for economic operators, and optimise the utilisation rate of the preferential treatment.
- (6) It is necessary to amend the headings and descriptions for certain products included in Annex II to Protocol II in order to align them with the updates made by the World Customs Organisation to the 2012 and 2017 editions of the Harmonized System (HS) Nomenclature and to maintain consistency of product descriptions and HS classification.
- (7) The Treaty concerning the accession of the Republic of Croatia to the European Union was signed on 9 December 2011 and entered into force on 1 July 2013. The Agreement applies, on the one hand, to the territories in which the Treaty on the Functioning of the European Union applies and under the conditions laid down in that Treaty and, on the other hand, to the territories of the signatory Pacific States. Annex IV to Protocol II should therefore be amended in order to include the Croatian version of the invoice declaration.

- (8) Annex VIII to Protocol II lists the overseas countries and territories of the Union. Within the meaning of Protocol II "overseas countries and territories" means the countries and territories referred to in Part Four of the Treaty establishing the European Community. The list in Annex VIII to Protocol II should be updated to take into account recent changes of status of some overseas countries and territories.
- (9) Following the accession of the Independent State of Samoa and Solomon Islands to the Agreement, both States should be removed from the list of "other ACP States" set out in Annex X to Protocol II,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on the Union's behalf in the eighth meeting of the EU-Pacific Trade Committee shall be based on the draft decision of the EU-Pacific Trade Committee<sup>1</sup>.

*Article 2*

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

Done at ...,

*For the Council*

*The President*

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<sup>1</sup> See document ST 10899/20 on <http://register.consilium.europa.eu>.