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PROPOSAL

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| From: | Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director |
| date of receipt: | 29 November 2024 |
| To: | Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union |

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| Subject: | ANNEX to the Proposal for a Council Decision on the position to be taken on behalf of the European Union in the EU–Türkiye Customs Cooperation Committee established under the Association Agreement between the European Community and Turkey as regards the adoption of a decision on the use of A.TR movement certificates issued electronically |
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Delegations will find attached document COM(2024) 559 final.

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ANNEX

ANNEX

to the

Proposal for a Council Decision

**on the position to be taken on behalf of the European Union in the EU–Türkiye Customs
Cooperation Committee established under the Association Agreement between the
European Community and Turkey as regards the adoption of a decision on the use of
A.TR movement certificates issued electronically**

ANNEX

DRAFT

DECISION No

OF THE EU – TÜRKİYE CUSTOMS COOPERATION COMMITTEE

of

on the use of A.TR movement certificates issued electronically

THE CUSTOMS COOPERATION COMMITTEE,

Having regard to Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995 on implementing the final phase of the customs union¹, and in particular Article 3(6) thereof,

Whereas:

- (1) At the beginning of 2020, EU partner countries having a free trade agreement with the Union were confronted with the impossibility to provide movement certificates in due form (namely signed by hand, stamped in wet ink or in the right paper format), considering that, due to the COVID-19 pandemic, in a number of countries the contacts between the customs authorities of the EU partner countries and economic operators were suspended. It was therefore considered appropriate to adopt exceptional measures applicable on a reciprocal basis, to ensure the full implementation of the preferential trade.
- (2) The customs authorities of the EU Member States and of the EU partner countries were invited to accept movement certificates issued electronically with a digital signature, stamp or cachet of the competent authorities, or a copy in paper or electronic form (scanned or available online)².
- (3) These measures were also applicable to the A.TR movement certificates for the purpose of free circulation of goods within the EU - Türkiye Customs Union. This practice was based on the flexibility provided for in Article 10, paragraph 1, of Decision No 1/2006 of the EC-Turkey Customs Cooperation Committee of 26 July 2006 laying down detailed rules for the application of Decision No 1/95 of the EC-Turkey Association Council³. According to this provision, A.TR movement certificates are to be submitted to the customs authorities of the importing State in accordance with the procedures applicable in that State.
- (4) The exceptional circumstances that led to the adoption of these flexible measures were no longer considered relevant, thus it was decided that the measures in place were no longer applicable as of 1 May 2024.

¹ OJ L 35, 13.2.1996, p. 1.

² Information Note No 1 of 30.3.2020 (ref. TAXUD/2109264/20) on submission of proofs of preferential origin during the COVID-19 crisis.

³ OJ L 265, 26.9.2006, p. 18–38 and corrigendum OJ L 267, 27.9.2006, p. 48.

- (5) The EU and Türkiye acknowledged that the experience of trade under the exceptional measures adopted due to the COVID-19 pandemic was positive and consider appropriate to maintain the good practices introduced under the exceptional circumstances during the pandemic in order for the economic operators to benefit from a digitalisation of the A.TR movement certificates.
- (6) The system designed and developed for the electronic issuance of A.TR movement certificates offers the possibility for the customs authorities to check their authenticity instantly and without prejudice to Article 16 of the Decision No. 1/2006 concerning procedures for subsequent verifications. Detailed arrangements should be laid down on implementation of the authenticity checks. The same functionality shall be enabled once a system of digitalisation of A.TR movement certificates is established for the electronic issuance of such certificates in the European Union.
- (7) In the context of the preferential trade in the Pan-Euro-Mediterranean (PEM) area, which includes both the EU and Türkiye, the Joint Committee of the Regional Convention of the pan-Euro-Mediterranean rules of origin issued the Recommendation 1/2023⁴ concerning the use of movement certificates EUR.1 and EUR-MED issued electronically.
- (8) For a harmonised practice concerning the use of movement certificates and having regard to Article 9 and Annex II of the Decision No 1/2006, it is appropriate that A.TR movement certificates issued electronically under the framework of the EU – Türkiye Customs Union, are accepted by the customs authorities of the EU Member States and Türkiye..
- (9) As of 8 July 2024, the Parties agreed to accept electronically issued A.TR movement certificates. It is therefore appropriate to provide for a retroactive application as of 8 July 2024 to ensure continuity to the good practices introduced during the COVID-19 pandemic and re-established as of that date, without prejudice to actions undertaken by the customs administrations of both parties during the interim period from 1 May 2024 to 8 July 2024 and not affecting rights granted to individuals during the same period,

HAS ADOPTED THIS DECISION:

Article 1

1. Without prejudice to the provisions laid down in the Decision No 1/2006 of EC-Turkey Customs Cooperation Committee, the customs authorities of the EU Member States and Türkiye shall accept A.TR movement certificates issued electronically when submitted at importation, where all the following conditions are fulfilled:

- (a) the specimen contained in Annex I of Decision No 1/2006 of EC-Turkey Customs Cooperation Committee is used as the basis for the A.TR movement certificates issued electronically;
- (b) the customs authorities of the exporting State provide for a secured online internet-based system to verify the authenticity of A.TR movement certificates issued electronically;
- (c) the A.TR movement certificates issued electronically bear a unique serial number and, if available, security features by which they can be identified.

2. The EU and Türkiye may decide to suspend the acceptance of A.TR movement certificates issued electronically where the conditions listed above are not fulfilled and shall notify each other thereof in advance. Both parties shall ensure the publication of the notifications according to their own procedures, indicating the starting date of the suspension.

⁴ OJ L 2024/243, 15.1.2024

Article 2

It shall apply from 8 July 2024.

Done at Brussels,

For the Customs Cooperation Committee

The President

Matthias PETSCHKE