



2024/3208

27.12.2024

COUNCIL DECISION (EU) 2024/3208

of 5 December 2024

on the position to be adopted on behalf of the European Union within the Association Council set up by the Agreement establishing an Association between the European Economic Community and Turkey as regards the amendment of Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products by replacing Protocol 3 thereto 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 Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement establishing an Association between the European Economic Community and Turkey⁽¹⁾ (the 'Agreement') set up the EC-Turkey Association Council (the 'Association Council').
- (2) Decision No 1/98 of the EC-Turkey Association Council⁽²⁾ ('Decision No 1/98') lays down the trade regime for agricultural products between Türkiye and the Union.
- (3) Protocol 3 to Decision No 1/98, as amended by Decision No 3/2006 of the Association Council⁽³⁾ ('Protocol 3'), defines the concept of 'originating products' and lays down methods of administrative cooperation. Pursuant to Article 39 of Protocol 3, the Association Council may decide to amend the provisions of Protocol 3.
- (4) At its next meeting, the Association Council is to take a decision amending Decision No 1/98 by replacing Protocol 3.
- (5) It is appropriate to establish the position to be adopted on the Union's behalf within the Association Council as the decision of the Association Council will have legal effects.
- (6) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin (the 'Convention') was concluded by the Union by Council Decision 2013/94/EU⁽⁴⁾ and entered into force in relation to the Union on 1 May 2012. It lays down provisions on the origin of goods traded under relevant bilateral free trade agreements concluded between the Contracting Parties to the Convention (the 'Contracting Parties'), which apply without prejudice to the principles laid down in those bilateral agreements.
- (7) The Convention was amended by Decision No 1/2023 of the Joint Committee of the Regional Convention on pan-Euro-Mediterranean Preferential Rules of Origin⁽⁵⁾ (the 'amendment of the Convention').
- (8) The amendment of the Convention enters into force on 1 January 2025 in relation to all Contracting Parties.

⁽¹⁾ OJ L 361, 31.12.1977, p. 29.

⁽²⁾ Decision No 1/98 of the EC-Turkey Association Council of 25 February 1998 on the trade regime for agricultural products (OJ L 86, 20.3.1998, p. 1).

⁽³⁾ Decision No 3/2006 of the EC-Turkey Association Council of 19 December 2006 amending Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council of 25 February 1998 on trade regime for agricultural products (see document CE-TR 108/05).

⁽⁴⁾ Council Decision 2013/94/EU of 26 March 2012 on the conclusion of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin (OJ L 54, 26.2.2013, p. 3).

⁽⁵⁾ Decision No 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 [2024/390] (OJ L, 2024/390, 19.2.2024, ELI: <http://data.europa.eu/eli/dec/2024/390/oj>).

- (9) Article 6 of the Convention provides that each Contracting Party is to take appropriate measures to ensure that the Convention is effectively applied. To that effect, the Association Council is to take a decision replacing Protocol 3 with a new protocol which includes a dynamic reference to the Convention, so as to refer always to the latest version of the Convention in force. In the absence of such a reference, the effective application of the amendment of the Convention would not be ensured, which could affect the system of diagonal cumulation under the Convention.
- (10) The position of the Union within the Association Council should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf within the Association Council set up by the Agreement establishing an Association between the European Economic Community and Turkey at its next meeting, as regards the amendment of Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products by replacing Protocol 3 thereto by a new protocol which includes a dynamic reference to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin, shall be based on the draft decision of the Association Council attached to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption and shall expire on 31 December 2025.

Done at Brussels, 5 December 2024.

For the Council

The President

NAGY B.

DRAFT

DECISION No ... OF THE EU-TÜRKİYE ASSOCIATION COUNCIL

of ...

amending Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products, by replacing Protocol 3 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation

THE EU-TÜRKİYE ASSOCIATION COUNCIL,

Having regard to Decision No 1/98 of the EC-Turkey Association Council of 25 February 1998 on the trade regime for agricultural products ⁽¹⁾, and in particular Article 39 of Protocol 3 thereto concerning the definition of the concept of 'originating products' and methods of administrative cooperation,

Whereas:

- (1) Article 4 of Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products (the 'Decision') refers to Protocol 3 to that Decision (the 'Original Protocol 3'), which lays down the rules of origin.
- (2) The Original Protocol 3 was replaced by a new protocol by Decision No 3/2006 of the EC-Turkey Association Council ⁽²⁾ ('Protocol 3').
- (3) Article 39 of Protocol 3 provides that the Association Council set up by the Agreement establishing an Association between the European Economic Community and Turkey ⁽³⁾ (the 'Association Council') may decide to amend the provisions of Protocol 3.
- (4) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽⁴⁾ (the 'Convention') aims to transpose the existing bilateral systems of rules of origin established in bilateral free trade agreements concluded among the Contracting Parties to the Convention into a multilateral framework, without prejudice to the principles laid down in those bilateral agreements.
- (5) The Union and the Republic of Türkiye ('Türkiye') signed the Convention on 15 June 2011 and 4 November 2011, respectively.
- (6) The Union and Türkiye deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 4 December 2013, respectively. Consequently, and in accordance with Article 10(3) of the Convention, the Convention entered into force in relation to the Union and Türkiye on 1 May 2012 and 1 February 2014, respectively.
- (7) The Convention was amended by Decision No 1/2023 of the Joint Committee of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽⁵⁾.
- (8) Protocol 3 should therefore be replaced by a new protocol which includes a dynamic reference to the Convention, so as to refer always to the latest version of the Convention in force,

HAS ADOPTED THIS DECISION:

Article 1

Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council on the trade regime for agricultural products concerning the definition of the concept of 'originating products' and methods of administrative cooperation is replaced by the text set out in the Annex to this Decision.

⁽¹⁾ OJ EC L 86, 20.3.1998, p. 1.

⁽²⁾ Decision No 3/2006 of the EC-Turkey Association Council of 19 December 2006 amending Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council of 25 February 1998 on the trade regime for agricultural products (see document CE-TR 108/05 at <http://register.consilium.europa.eu>).

⁽³⁾ OJ EC L 361, 31.12.1977, p. 29.

⁽⁴⁾ OJ EU L 54, 26.2.2013, p. 4.

⁽⁵⁾ Decision No 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 (OJ EU L, 2024/390, 19.2.2024, ELI: <http://data.europa.eu/eli/dec/2024/390/oj>).

Article 2

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

It shall apply from the first day of the first month following the date of the receipt of the last of the written notifications through diplomatic channels, by which the Parties inform each other of the completion of their internal procedures.

Done at ..., ...

For the Association Council

The President

ANNEX

‘PROTOCOL 3

CONCERNING THE DEFINITION OF THE CONCEPT OF “ORIGINATING PRODUCTS” AND METHODS OF ADMINISTRATIVE COOPERATION

Article 1

Rules of origin

1. For the purpose of implementing this Decision, Appendix I and the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽¹⁾ (the “Convention”), as last amended and published in the *Official Journal of the European Union*, shall apply.
2. All references to the “relevant Agreement” in Appendix I and in the relevant provisions of Appendix II to the Convention shall be construed as references to this Decision.

Article 2

Dispute settlement

1. Where disputes arise in relation to the verification procedures set out in Articles 34 and 35 of Appendix I to the Convention that cannot be settled between the customs authorities requesting the verification and the customs authorities responsible for carrying out that verification, they shall be submitted to the Association Council.
2. In all cases, the settlement of disputes between the importer and the customs authorities of the importing country shall take place under the legislation of that country.

Article 3

Amendments to the Protocol

The Association Council may decide to amend the provisions of this Protocol.

Article 4

Withdrawal from the Convention

1. If either the European Community or Türkiye gives notice in writing to the depositary of the Convention of their intention to withdraw from the Convention in accordance with Article 9 thereof, the European Community and Türkiye shall immediately start their own procedures to enter into negotiations on rules of origin for the purpose of implementing the Decision.
2. Until the entry into force of such newly negotiated rules of origin, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention, applicable at the moment of withdrawal, shall continue to apply to the Decision. However, from the moment of withdrawal, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention shall be construed as allowing bilateral cumulation only between the European Community and Türkiye.’

⁽¹⁾ OJ EU L 54, 26.2.2013, p. 4.