



Brussels, 29.1.2015  
COM(2015) 26 final

ANNEX 1

**ANNEX**

**Attachment**

**to the**

**proposal for a Council Decision**

**on the position to be adopted on behalf of the European Union within the Joint Committee established by the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part, as regards the replacement of Protocol 3 to that Agreement, concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation, by a new protocol which, as regards the rules of origin, refers to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin**

**Draft**

**DECISION No ... OF THE EU-PALESTINE JOINT COMMITTEE**

**of**

**replacing Protocol 3 to the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part, concerning the definition of the concept of 'originating products' and methods of administrative cooperation**

THE EU-PALESTINE JOINT COMMITTEE,

Having regard to the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part<sup>1</sup>, and in particular Article 25 thereof,

Having regard to Protocol 3 to the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part, concerning the definition of the concept of 'originating products' and methods of administrative cooperation,

Whereas:

- (1) Article 25 of the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part ('the Agreement') refers to Protocol 3 to the Agreement ('Protocol 3') which lays down the rules of origin and provides for cumulation of origin between the European Union, Palestine and other Contracting Parties to the Convention.
- (2) Article 39 of Protocol 3 provides that the Joint Committee provided for in Article 63 of the Agreement may decide to amend the provisions of this protocol.
- (3) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin<sup>2</sup> ('the Convention') aims to replace the protocols on rules of origin currently in force among the countries of the pan-Euro-Mediterranean area with a single legal act.
- (4) The European Union and Palestine<sup>3</sup> signed the Convention on 15 June 2011 and 18 September 2013 respectively.
- (5) The European Union and Palestine deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 27 May 2014 respectively. Consequently, in application of Article 10(3) of the Convention, the Convention

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<sup>1</sup> OJ L 187, 16.7.1997, p. 3.

<sup>2</sup> OJ L 54, 26.2.2013, p. 4.

<sup>3</sup> This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue.

entered into force in relation to the Union and Palestine on 1 May 2012 and on 1 July 2014 respectively.

- (6) Protocol 3 should therefore be replaced by a new protocol making reference to the Convention.

HAS ADOPTED THIS DECISION:

*Article 1*

Protocol 3 to the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip, of the other part, concerning the definition of the concept of 'originating products' and methods of administrative cooperation shall be replaced by the text set out in the Annex to this Decision.

*Article 2*

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

It shall apply from ...

Done at

*For the Joint Committee  
The Chairman*

*ANNEX*

**Protocol 3**

**concerning the definition of the concept of 'originating products' and methods of administrative cooperation**

*Article 1*

**Applicable rules of origin**

1. For the purpose of implementing this Agreement, Appendix I and the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin<sup>1</sup> ('the Convention') shall apply.
2. All references to the 'relevant agreement' in Appendix I and in the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin shall be construed so as to mean this Agreement.

*Article 2*

**Dispute settlement**

1. Where disputes arise in relation to the verification procedures of Article 32 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 Joint Committee.
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 Joint Committee may decide to amend the provisions of this Protocol.

*Article 4*

**Withdrawal from the Convention**

1. Should either the European Union or Palestine<sup>2</sup> give notice in writing to the depositary of the Convention of their intention to withdraw from the Convention according to Article 9 thereof, the European Union and Palestine shall immediately enter into negotiations on rules of origin for the purpose of implementing this Agreement.
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 this Agreement. However, as of the moment of withdrawal, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention

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<sup>1</sup> OJ L 54, 26.2.2013, p. 4.

<sup>2</sup> This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue.

shall be construed so as to allow bilateral cumulation between the European Union and Palestine only.