

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2016 OF THE EU-BOSNIA AND HERZEGOVINA STABILISATION AND ASSOCIATION COUNCIL

of 9 December 2016

replacing Protocol 2 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, concerning the definition of the concept of 'originating products' and methods of administrative cooperation [2017/147]

THE EU-BOSNIA AND HERZEGOVINA STABILISATION AND ASSOCIATION COUNCIL,

Having regard to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part ⁽¹⁾, and in particular Article 42 thereof,

Having regard to Protocol 2 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, concerning the definition of the concept of 'originating products' and methods of administrative cooperation,

Whereas:

- (1) Article 42 of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part ('the Agreement') refers to Protocol 2 to the Agreement ('Protocol 2'), which lays down the rules of origin and provides for cumulation of origin between the European Union, Bosnia and Herzegovina, Turkey and any country or territory participating in the European Union's Stabilisation and Association Process.
- (2) Article 39 of Protocol 2 provides that the Stabilisation and Association Council established in Article 115 of the Agreement may decide to amend the provisions of the Protocol.
- (3) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽²⁾ ('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. Bosnia and Herzegovina and other participants in the Stabilisation and Association Process from the Western Balkans were invited to join the system of pan-European diagonal cumulation of origin in the Thessaloniki agenda, endorsed by the European Council of June 2003. They were invited to join the Convention by a decision of the Euro-Mediterranean Ministerial Conference of October 2007. The Convention has equally included the Republic of Moldova in the pan-Euro-Mediterranean zone of cumulation of origin.
- (4) The European Union and Bosnia and Herzegovina signed the Convention on 15 June 2011 and 24 September 2013 respectively.
- (5) The European Union and Bosnia and Herzegovina deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 26 September 2014 respectively. Consequently, pursuant to Article 10(3) of the Convention, the Convention entered into force in relation to the European Union and Bosnia and Herzegovina on 1 May 2012 and on 1 November 2014 respectively.
- (6) Protocol 2 should therefore be replaced by a new protocol making reference to the Convention,

⁽¹⁾ OJ L 164, 30.6.2015, p. 2.

⁽²⁾ OJ L 54, 26.2.2013, p. 4.

HAS ADOPTED THIS DECISION:

Article 1

Protocol 2 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part, 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.

Article 2

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

Done at Brussels, 9 December 2016.

For the Stabilisation and Association Council

The Chairman

D. ZVIZDIĆ

ANNEX

PROTOCOL 2

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 ⁽¹⁾ ('the Convention') 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 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 Stabilisation and 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 Stabilisation and Association Council may decide to amend the provisions of this Protocol.

*Article 4***Withdrawal from the Convention**

1. Should either the European Union or Bosnia and Herzegovina 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 Bosnia and Herzegovina 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 shall be construed so as to allow bilateral cumulation between the European Union and Bosnia and Herzegovina only.

⁽¹⁾ OJ L 54, 26.2.2013, p. 4.

*Article 5***Transitional provisions — cumulation**

Notwithstanding Articles 16(5) and 21(3) of Appendix I to the Convention, where cumulation involves only EFTA States, the Faroe Islands, the European Union, Turkey, the participants in the Stabilisation and Association Process and the Republic of Moldova, the proof of origin may be a movement certificate EUR.1 or an origin declaration.
