Commission Implementing Regulation (EU) 2017/120 of 24 January 2017 on the derogations from the rules of origin laid down in Annex II to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Peru and Ecuador, of the other part, that apply within quotas for certain products from Ecuador

COMMISSION IMPLEMENTING REGULATION (EU) 2017/120

of 24 January 2017

on the derogations from the rules of origin laid down in Annex II to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Peru and Ecuador, of the other part, that apply within quotas for certain products from Ecuador

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code[(1)], and in particular Article 58(1) thereof,

Whereas:

(1) By Decision (EU) 2016/2369[(2)], the Council authorised the signature, on behalf of the Union, of the Protocol of Accession to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia and Peru, of the other part, to take account of the accession of Ecuador ('the Protocol'). Pursuant to Decision (EU) 2016/2369, the Protocol is to be applied on a provisional basis, pending the completion of the procedures for its conclusion. The Protocol applies on a provisional basis from 1 January 2017.

(2) Annex II to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Peru and Ecuador, of the other part ('the Agreement'), concerns the definition of the concept of 'originating products' and methods of administrative cooperation. For a number of products, Appendix 2A to that Annex provides for derogations from the rules of origin set out in that Annex in the framework of annual quotas. It is therefore necessary to lay down the conditions for the application of those derogations for imports from Ecuador.

(3) The quotas set out in Appendix 2A to Annex II to the Agreement should be managed by the Commission on the basis of the chronological order of dates of acceptance of customs declarations for release for free circulation in accordance with Commission Implementing Regulation (EU) 2015/2447[(3)].

(4) Entitlement to benefit from the tariff concessions should be subject to the presentation of the relevant proof of origin to the customs authorities.

(5) In order to ensure the smooth application of the quota system set up by the Protocol, this Regulation should apply from the same date as that of the provisional application of the Protocol.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The derogations from the rules of origin set out in Appendix 2A to Annex II to the Trade Agreement between the European Union and its Member States, of the one part, and Colombia, Peru and Ecuador, of the other part ('the Agreement'), shall apply within the quotas set out in the Annex to this Regulation.

Article 2

To benefit from the derogations set out in Article 1, the products listed in the Annex shall be accompanied by a proof of origin as set out in Annex II to the Agreement.

Article 3

The quotas set out in the Annex shall be managed in accordance with Articles 49 to 54 of Implementing Regulation (EU) 2015/2447.

Article 4

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2017.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 24 January 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Notwithstanding the rules for the interpretation of the Combined Nomenclature, the wording of the description of the products is to be considered as having no more than an indicative value. The preferential scheme is determined, within the context of this Annex, CN codes as they exist at the time of adoption of this Regulation.

Order No	**CN code**	**Description of products**	**Quota period**	**Quota volume (in tonnes net weight if not otherwise specified)**
09.7501	3920	Other plates, sheets, film, foil and strip, of plastics, non-cellular and not-reinforced, laminated, supported or similarly combined with other materials	1.1.-31.12.	15 000
09.7502	6108 22 00	Women's or girl's briefs and panties, knitted or crocheted, of man-made fibres	1.1.-31.12.	200
09.7503	6112 31	Men's or boy's swimwear, knitted or crocheted, of synthetic fibres	1.1.-31.12.	25
09.7504	6112 41	Woman's or girl's swimwear, knitted or crocheted, of synthetic fibres	1.1.-31.12.	100
09.7505	6115 10	Graduated compression hosiery (for example, stockings for varicose veins), knitted or crocheted	1.1.-31.12.	25
09.7506	6115 21 00	Other pantyhose and tights, of synthetic fibres, measuring per	1.1.-31.12.	40