Council Decision (EU) 2019/2249 of 19 December 2019 on the position to be taken on behalf of the European Union within the Committee on Rules of Origin of the World Trade Organization

COUNCIL DECISION (EU) 2019/2249

of 19 December 2019

on the position to be taken on behalf of the European Union within the Committee on Rules of Origin of the World Trade Organization

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Agreement on Rules of Origin (the 'Agreement') was concluded by the Union by Council Decision 94/800/EC[(1)] and entered into force on 1 January 1995.

(2) Article 4 of the Agreement establishes the Committee on Rules of Origin.

(3) The Committee on Rules of Origin is to adopt a communication entitled 'Enhancing Transparency in Non-preferential Rules of Origin'.

(4) It is appropriate to establish the position to be taken on the Union's behalf within the Committee on Rules of Origin, as the communication to be adopted will be binding on the Union.

(5) The proposed position to be taken on the Union's behalf aims to enhance transparency of laws, regulations and practices regarding non-preferential rules of origin, by means of rules on mandatory or voluntary notification by World Trade Organization (WTO) members of their non-preferential rules of origin, using standardised templates. This will result in clearer and more predictable rules of origin and will facilitate the flow of international trade,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Committee on Rules of Origin shall be based on the draft communication of the Committee on Rules of Origin set out in the Annex to this Decision.

Minor technical changes to that draft communication may be agreed by the representatives of the Union in the Committee on Rules of Origin.

Article 2

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

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/2249. (See end of Document for details)*

Done at Brussels, 19 December 2019.

For the Council

The President

K. MIKKONEN

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (EU) 2019/2249. (See end of Document for details)*

ANNEX

Enhancing Transparency in Non-preferential Rules of Origin

Members of the World Trade Organization,

Desiring to ensure that rules of origin themselves do not create restrictive, distorting or disruptive effects on international trade;

Desiring to ensure that rules of origin are prepared and applied in an impartial, transparent, predictable, consistent and neutral manner;

Recognizing that clear and predictable rules of origin and their application facilitate the flow of international trade;

Recognizing that it is desirable to provide transparency of laws, regulations, and practices regarding rules of origin;

Desiring to complement the notifications obligations of Article 5 of the Agreement on Rules of Origin;

Affirming that enhancing transparency of laws, regulations, and practices regarding rules of origin contribute to mitigate compliance costs of economic operators wishing to integrate global value chains, notably micro, small and medium enterprises;

Decide, with respect to rules of origin, as follows:

1. That it is desirable to maintain and promote a high level of transparency and mutual understanding about existing rules of origin and related documentary requirements used by WTO Members. Rules of origin are understood as those falling under the scope of Article 1 of the Agreement on Rules of Origin.

2. In order to enhance transparency and promote a better understanding of rules of origin, Members shall notify the WTO Secretariat, pursuant to Annex 1 of this Decision, the rules of origin that they use in the application of most-favoured-nation treatment under Articles I, II, III, XI and XIII of GATT 1994.

3. Members are encouraged to complete the notification template in Annex 1 when notifying the WTO Secretariat of any other rules of origin that they use for the application of other non-preferential commercial policy instruments as provided for in Article 1.2 of the Agreement on Rules of Origin.

4. In addition, Members shall describe, according to Annex 2, their practices with respect to certification of origin and other mandatory documentary proofs of origin for non#preferential purposes that have been notified according to Annex 1[(2)]. Members that report that they do not implement rules of origin according to Annex 1 shall, nonetheless, complete Annex 2.

5. Notifications pursuant to paragraphs 2 and 4 of this Decision shall be submitted no later than one year after the adoption of this Decision.

6. The information notified pursuant to this decision shall be made publicly available by the WTO Secretariat.

7. Each Member shall, within its available resources, establish or maintain one or more enquiry points to answer reasonable enquiries of governments, traders and other interested parties on matters regarding rules of origin and related documentary requirements as well as to provide the required forms and documents[(3)]. Members

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/2249. (See end of Document for details)*

shall communicate the contact details of their respective enquiry points to the WTO Secretariat pursuant to Annex 1. Least-developed country Members shall have two years to communicate this information to the WTO Secretariat.

8. Members shall endeavour to provide legal references, websites, explanatory documents, or any other documents, in an official WTO language.

9. Members introducing substantive changes to their rules of origin and related documentary requirements that have been notified according to this Decision, shall notify such changes promptly to the WTO Secretariat according to this Decision.

10. The Committee on Rules of Origin (CRO) shall examine existing rules of origin and related documentary requirements based on the information notified according to this Decision, with a view to identifying trade-facilitating practices and to promoting their international diffusion.

11. Assistance by the WTO Secretariat should be provided upon request to help developing and least-developed country Members implement the provisions of this Decision.

12. Nothing in this Decision shall be construed as affecting the rights and obligations of Members contained in Article 5 of the Agreement on Rules of Origin or in Article 1 of the Trade Facilitation Agreement.

13. This Decision, in particular paragraphs 2 and 3, shall be reviewed three years after its adoption, and thereafter when necessary, with a view to further enhancing transparency on non-preferential rules of origin as appropriate.

ANNEX 1

NOTIFICATION TEMPLATE FOR NON-PREFERENTIAL RULES OF ORIGIN

Annex 1 may be duplicated as many times as the member deems necessary

I. BASIC INFORMATION

1)	Notifying member				
2)	Enquiry point (If possible, provide the following contact details: Name, tel., e-mail, website)				
3)	Are Non-Preferential RO in force?	#	Yes	#	No*
		** If your answer is "N"o, the subsequent questions of this Annex do not need to be completed*			
4)	Please indicate				

	which commercial policy instruments use these non# preferential RO (refer to Article 1.2 of the Agreement on Rules of Origin)				
5)	Date of entry into force or any substantive modification thereof:				
6)	Date of expiration, if applicable:				
7)	Governmental or non# governmental authorities in charge of administration:				
8)	Internet link to legislation and any other explanatory documents, if applicable:				
9)	Comments, if any				

II. APPLICATION OF NON-PREFERENTIAL RULES OF ORIGIN

10)	Do non-preferential RO apply to imports	#	Yes	#	No
11)	Do non-preferential RO apply to exports	#	Yes	#	No