Council Decision (EU) 2019/1355 of 15 July 2019 on the position to be taken on behalf of the European Union in the EPA Committee established under the stepping stone Economic Partnership Agreement between Côte d'Ivoire, of the one part, and the European Community and its Member States, of the other part, as regards the adoption of Protocol 1 concerning the definition of the concept of 'originating products' and methods of administrative cooperation

COUNCIL DECISION (EU) 2019/1355

of 15 July 2019

on the position to be taken on behalf of the European Union in the EPA Committee established under the stepping stone Economic Partnership Agreement between Côte d'Ivoire, of the one part, and the European Community and its Member States, of the other part, as regards the adoption of Protocol 1 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(3) and (4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The stepping stone Economic Partnership Agreement between Côte d'Ivoire, of the one part, and the European Community and its Member States, of the other part ('the Agreement') was signed on behalf of the Union in Abidjan on 26 November 2008 pursuant to Council Decision 2009/156/EC[(1)] and has been applied on a provisional basis since 3 September 2016.

(2) Pursuant to Article 14 of the Agreement, and in order to benefit from the preferential treatment provided for in the Agreement, the parties to the Agreement are to establish a reciprocal common regime governing the rules of origin, which is to form an integral part of the Agreement by a decision of the EPA Committee.

(3) At its annual meeting in 2019, the EPA Committee is to adopt a decision as regards Protocol 1 concerning the definition of the concept of 'originating products' and the methods of administrative cooperation.

(4) Protocol 1 provides for further simplification of the rules of origin and takes into account the most recent developments in order to provide more flexible and simpler rules of origin, with a view to facilitating trade for economic operators and to optimising the use of the preferential treatment provided for in the Agreement.

(5) It is appropriate to establish the position to be taken on behalf of the Union in the 2019 annual meeting of the EPA Committee, as that decision will be binding on the Union.

(6) The position of the Union in the APE Committee should therefore be based on the attached draft decision,

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/1355. (See end of Document for details)*

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the Union in the 2019 annual meeting of the EPA Committee set up by the stepping stone Economic Partnership Agreement between Côte d'Ivoire, of the one part, and the European Community and its Member States, of the other part, as regards the adoption of a decision of the EPA Committee on Protocol 1 to the Agreement concerning the definition of the concept of 'originating products' and methods of administrative cooperation, shall be based on the draft decision of the EPA Committee attached to this Decision.

Article 2

The Decision will enter into force on the day of its adoption.

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (EU) 2019/1355. (See end of Document for details)*

DRAFT

DECISION No … /2019 OF THE EPA COMMITTEE

established under the stepping stone Economic Partnership Agreement between Côte d'Ivoire, of the one part, and the European Community and its Member States, of the other part

of …

as regards the adoption of Protocol 1 concerning the definition of the concept of 'originating products' and methods of administrative cooperation

THE EPA COMMITTEE,

Having regard to the stepping stone Economic Partnership Agreement between Côte d'Ivoire, of the one part, and the European Community and its Member States, of the other part ('the Agreement'), signed in Abidjan on 26 November 2008 and applied on a provisional basis since 3 September 2016, in particular Articles 14 and 82 thereof,

Whereas:

(1) The Agreement applies, on the one hand, to the territories in which the Treaty on the Functioning of the European Union is applicable and under the conditions laid down in that Treaty and, on the other hand, to the territory of Côte d'Ivoire.

(2) In accordance with Article 14(2) of the Agreement, the parties are to establish a reciprocal common regime governing the rules of origin, based on the rules of origin set out in the Cotonou Agreement and providing for their simplification, in view of the Ivorian party's development objectives. This regime will be incorporated into the Agreement by decision of the EPA Committee.

(3) The parties have agreed on Protocol 1 to the Agreement concerning the definition of the concept of 'originating products' and methods of administrative cooperation.

(4) In accordance with Article 82 of the Agreement, the Protocol to this Agreement shall form an integral part of the Agreement,

HAS ADOPTED THIS DECISION:

Article 1

The text of Protocol 1 to the Agreement concerning the definition of the concept of 'originating products' and methods of administrative cooperation set out in the Annex to this Decision is hereby adopted.

Article 2

This Decision shall enter into force upon its signature.

ANNEX

PROTOCOL 1 CONCERNING THE DEFINITION OF THE CONCEPT OF 'ORIGINATING PRODUCTS' AND METHODS OF ADMINISTRATIVE COOPERATION

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/1355. (See end of Document for details)*

TITLE I

GENERAL PROVISIONS

Article 1

Definitions

For the purposes of this Protocol:

(a) ‘manufacture’ means any kind of working or processing including assembly or specific operations;

(b) ‘material’ means any ingredient, raw material, component or part, etc., used in the manufacture of the product;

(c) ‘product’ means the product being manufactured, even if it is intended for later use in another manufacturing operation;

(d) ‘goods’ means both materials and products;

(e) ‘customs value’ means the value as determined in accordance with the Agreement on Implementation of Article VII of the General Agreement on Tariffs and Trade 1994 (WTO Agreement on customs valuation);

(f) ‘ex-works price’ means the price paid for the product ex works to the manufacturer in the European Union or in Côte d'Ivoire in whose undertaking the last working or processing is carried out, provided the price includes the value of all the materials used, minus any internal taxes paid which are, or may be, repaid when the product obtained is exported;

(g) ‘value of materials’ means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the European Union or in Côte d'Ivoire;

(h) ‘value of originating materials’ means the value of such materials as defined in (g) applied *mutatis mutandis*;

(i) ‘value added’ means the ex-works price of the products minus the customs value of materials imported from third countries into the European Union, the African States, the Carribean and the Pacific (hereafter called the ‘ACP countries’) having applied an Economic Partnership Agreement (EPA) at least on a provisional basis, or OCTs; if the customs value is not known or cannot be ascertained, account shall be taken of the first ascertainable price paid for the materials in the European Union or in Côte d'Ivoire;

(j) ‘chapters’ and ‘headings’ mean the chapters and the four-digit headings used in the nomenclature which makes up the Harmonised Commodity Description and Coding System (‘Harmonised System’ or ‘HS’);

(k) ‘classified’ refers to the classification of a product or material under a particular heading;

(l) ‘consignment’ means products which are either sent simultaneously from one exporter to one consignee or covered by a single transport document covering their shipment

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (EU) 2019/1355. (See end of Document for details)*

from the exporter to the consignee or, in the absence of such a document, by a single invoice;

(m) 'territories' includes territorial waters;

(n) 'OCT' means the Overseas Countries and Territories as defined in Annex VIII to this Protocol;

(o) 'Committee' means the Special Committee on Customs and Trade Facilitation referred to in Article 34 of the stepping stone Economic Partnership Agreement between Côte d'Ivoire, of the one part, and the European Community and its Member States, of the other part, unless otherwise provided for.

TITLE II

DEFINITION OF THE CONCEPT OF 'ORIGINATING PRODUCTS'

Article 2

General requirements

1 For the purposes of the Agreement, the following products shall be considered as originating in the European Union:

(a) products wholly obtained in the European Union within the meaning of Article 3 of this Protocol;

(b) products obtained in the European Union incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in the European Union within the meaning of Article 4 of this Protocol.

2 For the purposes of this Agreement, the following products shall be considered as originating in Côte d'Ivoire:

(a) products wholly obtained in Côte d'Ivoire within the meaning of Article 3 of this Protocol;

(b) products obtained in Côte d'Ivoire incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in Côte d'Ivoire within the meaning of Article 4 of this Protocol.

Article 3

Wholly obtained products

1 The following shall be considered as wholly obtained in Côte d'Ivoire or in the European Union:

(a) live animals born and raised there;

(b) mineral products extracted from their soil or from their seabed;

(c) vegetable products harvested there;