

COMMISSION OF THE EUROPEAN COMMUNITIES

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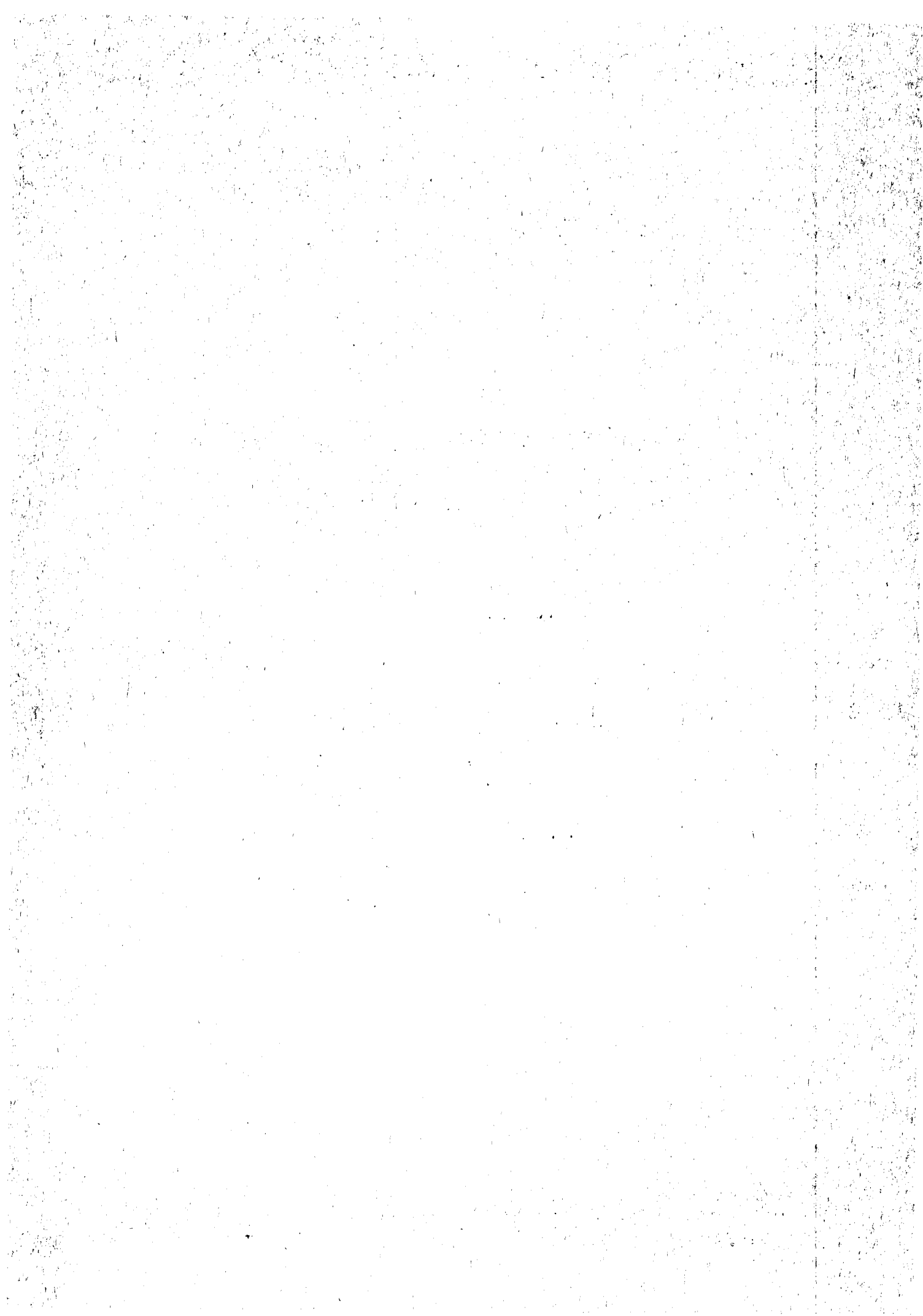
Draft

Decision of the Association Council EEC-Turkey
amending Decision 4/72 on the definition of
the concept of originating products¹ from Turkey
for implementation of Chapter I of Annex No 6
of the Additional Protocol to the Ankara Agreement

Proposal for a

Regulation of the Council of the European Communities
amending Regulation (EEC) No 428/73 on the application
of certain decisions of the Association Council EEC-Turkey

(submitted to the Council by the Commission)



EXPLANATORY NOTE

1. According to the provisions of Article 1 (f) of Decision No. 4/72 of the Association Council EEC - Turkey of 29 December 1972 on the definition of the concept of "originating products" from Turkey for implementation of Chapter I of Annex 6 of the Additional Protocol, goods obtained in Turkey by working or processing products specified in sub-paragraphs (a) to (e) are regarded as goods originating in Turkey even if other products are incorporated on an accessory basis in their manufacture whatever the origin of those products.

"Incorporated on an accessory basis" means that the quantity of products, other than those specified in sub-paragraph (a) to (e) of Article 1 of the Decision, used in manufacture may not exceed 10%.

Under these provisions goods obtained in Turkey by the processing of products originating in Turkey would not be considered to be of Turkish origin even if the "other" products incorporated into manufacture exceeding 10 per cent of the Turkish agricultural products used, are products obtained in either the Community or in Turkey which satisfy the conditions of Articles 2 and 3 of the Additional Protocol.

It has been said that this rule is unnecessarily rigid because it stops certain Turkish goods acquiring the necessary origin to benefit from preferential treatment on importation into the Community.

At the 5th meeting held in Istanbul on 2 June 1973 the Customs Co-operation Committee EEC-Turkey agreed unanimously to amend Decision No. 4/72 so that only products not obtained in Turkey or the Community need to be incorporated on an accessory basis into manufacture.

The proposal for a Decision of the Association Council covers this point (Annex I)

- II. Under Regulation (EEC) 428/73 of 5 February 1973, as amended by Regulation (EEC) 3573/73 of 17 December 1973, the Council of the European Communities adopted provisions for the implementation of certain Decisions of the Association Council EEC-Turkey including that relating to the rules of origin for the implementation of the provisions of Chapter I of Annex 6 to the Additional Protocol.

- (1) Regulation (EEC) 428/73 of the Council on the implementation of Decision No. 5/72 and 4/72 of the Association Council under the Agreement setting up an Association between the European Communities and Turkey- OJ L 59, 5.3.73, p.73
- (2) OJ L 359, 28.12.73, p.1

In view of the amendment covered by the proposed Decision under I the regulation referred to also needs to be amended to meet the new situation.

Additionally to avoid different rules of origin for similar trade between Turkey and the Community dependent upon whether the goods are or are not listed in Annex 6 of the Additional Protocol, the Customs Co-operation Committee agreed to an extension of the rules of origin laid down by the Association Council for all importations into the Community for goods coming from Turkey for which documentary evidence of Turkish origin must be produced.

The regulation put to the Council of the European Communities is based on these two considerations (Annex II).

Draft

Decision of the Association Council EEC - Turkey
amending Decision 4/72 on the
definition of the concept of 'originating products'
from Turkey for implementation of Chapter 1 of Annex
No 6 of the Additional Protocol to the Ankara Agreement.

THE ASSOCIATION COUNCIL,

HAVING REGARD to the Agreement establishing an Association between the European Economic Community and Turkey;

HAVING REGARD to the Additional Protocol to that Agreement, and in particular Article 16 of Annex 6;

WHEREAS Decision No 4/72 of 29 December 1972 laid down the definition of originating products from Turkey for implementation of Chapter I 1 Annex 6 of the Additional Protocol to the Ankara Agreement;

WHEREAS in accordance with the provisions of Article 1(f) of that Decision, goods obtained in Turkey by working or processing the products specified in subparagraphs (a) to (e), even if other products are incorporated on an accessory basis in their manufacture, whatever the origin of those products, are considered as "originating products" from Turkey; whereas in accordance with Explanatory Note 5 of that Decision "incorporated on an accessory basis" means that the quantity of products other than those specified in sub-paragraphs (a) to (e) of Article 1 of the Decision, used in manufacture may not exceed 10%;

WHEREAS this rule is said to be unnecessarily rigid because it prevents certain Turkish goods acquiring the necessary origin to benefit from preferential treatment on importation into the Community even if the products other than those referred to in sub-paragraphs (a) to (e) incorporated in excess of 10% into the manufacture of goods satisfy the conditions set out in Articles 2 and 3 of the Protocol;

WHEREAS accordingly more flexibility of the rules of origin on this point would only be of advantage to one or other of the partners to the Agreement;

HAS DECIDED AS FOLLOWS:

Article

The following text shall replace that of Article 1 (f) of Decision 4/72 of 29 December 1972:

"(f) goods obtained in Turkey by working or processing the products specified in sub-paragraphs (a) to (e) even if other products are incorporated in their manufacture on condition that products obtained outside Turkey or the Community are only incorporated on an accessory basis into manufacture".

Done at Brussels

For the Association Council
The President

Proposal

for a

Regulation of the Council of the European Communities
amending Regulation (EEC) No 428/73 on the application
of certain decisions of the Association Council EEC -
Turkey

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAVING REGARD TO THE Treaty establishing the European Economic Community and
in particular Article 113 thereof;

HAVING REGARD to the proposal from the Commission;

WHEREAS Regulation (EEC) 428/73⁽¹⁾ of the Council of 5 February 1973 on
the implementation of Decisions Nos. 5/72 and 4/72 of the Association Council
under the Agreement setting up an Association between the European Communi-
ties and Turkey, as amended by Regulation (EEC) 3573/73⁽²⁾ of 17 December
1973, applied, in the Community, the rules of origin laid down by Decision
No 4/72 of the Association Council on the definition of the concept of
"originating products" from Turkey for implementation of Chapter I of
Annex 6 to the Protocol to the Ankara Agreement;

WHEREAS those rules have been amended by Decision No /74 of the Association
Council and it is therefore necessary to take measures to implement this
Decision and in particular consequently to amend Regulation (EEC) 428/73;

WHEREAS the rules of origin determined by Decision No 4/72 of the Association
Council only relate to the agricultural products listed in Chapter I of
Annex 6 of the Additional Protocol; whereas, in order to avoid different
rules of origin for similar trade the rules referred to above shall be also
applied to goods not listed in Annex 6 of the Additional Protocol for which
documentary evidence as to Turkish origin must be produced on importation
into the Community;

HAS ADOPTED THIS REGULATION

(1) OJ L 59, 5.3.73, p. 73

(2) OJ L 359, 28.12.73 p.1

Article 1

For the purposes of Chapter I of Annex 6 of the Additional Protocol to the Ankara Agreement Decision No /74 of the Association Council annexed to this Regulation shall apply to the definition of the concept of originating products from Turkey.

Article 2

The following Article shall be added to Regulation (EEC) 428/73.

"Article 1A

The rules of origin laid down by Decision No 4/72 of the Association Council shall apply equally to goods not listed in Annex 6 for which documentary evidence of Turkish origin must be produced on importation into the Community."

Article 3

This regulation shall enter into force on 1st October 1974.

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

Done at Brussels

For the Council
The President