



EUROPEAN
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Proposal for a

COUNCIL DECISION

on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the adaptation of Protocol No 3 to the Agreement (Definition of the concept of ‘originating products’ and methods of administrative co-operation) following Croatia's accession to the European Union

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The Republic of Croatia acceded to the European Union on 1 July 2013. The Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 applies directly to Croatia as of its day of accession.

The accession of Croatia implies that Protocol 3 to that Agreement concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation, which was last amended by Decision No 2/2009 of the EC-Switzerland Joint Committee, requires some technical amendments.

According to Article 39 of Protocol 3, the provisions of this Protocol may be amended by decision of the Joint Committee.

The text of the draft decision includes technical amendments and transitional provisions aiming at smoothing the transitional process and at guaranteeing legal security.

Annex IV, item 5 of Croatia's Act of Accession provides similar transitional measures and procedures.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

There is no need for an impact assessment insofar as the amendments proposed are merely technical and do not modify the substance of the current Origin Protocol.

3. LEGAL ELEMENTS OF THE PROPOSAL

The draft decision lays down the necessary amendments to Protocol 3 following the accession of Croatia to the EU:

- Annexes IVa and IVb: addition of the new language versions;
- Transitional provisions on proofs of origin and administrative cooperation and for goods in transit.

4. BUDGETARY IMPLICATION

The proposal has no implication for the European Union's budget.

5. OPTIONAL ELEMENTS

A review, revision or sunset clause is not foreseen.

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THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the Commission,

Whereas:

- (1) The Republic of Croatia ("Croatia") acceded to the European Union on 1 July 2013.
- (2) Upon Croatia's accession, trade between Croatia and the Swiss Confederation ("Switzerland") is covered by the Agreement between the European Economic Community and the Swiss Confederation, signed in Brussels on 22 July 1972¹ ("the Agreement") and the application of the trade agreements concluded between Croatia and Switzerland is discontinued.
- (3) With effect from Croatia's accession, goods originating in that country imported into Switzerland in the framework of the Agreement are to be treated as of Union origin.
- (4) In order to ensure a smooth transition process and guarantee legal security, some technical amendments to Protocol 3 to the Agreement concerning the definition of the concept of "originating products" and methods of administrative co-operation, as well as transitional measures, are required.
- (5) Pursuant to Article 39 of Protocol 3, the Joint Committee established by it may decide to amend the provisions of that Protocol.
- (6) Protocol 3 should therefore be amended accordingly.
- (7) The position of the Union in the EU-Switzerland Joint Committee should be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the EU-Switzerland Joint Committee with regard to an amendment to Protocol 3 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972, shall be based on the draft Decision of the Joint Committee attached to this Decision.

¹ OJ L 300, 31.12.1972, p. 189.

Article 2

Transitional provisions shall apply as provided in Article 2 of the draft Decision of the Joint Committee.

Article 3

The provisions of the Agreement shall be applied to goods exported from either Croatia to Switzerland or from Switzerland to Croatia, which comply with the provisions of Protocol 3 and that on the date of accession are either in transit or in temporary storage, in a customs warehouse or in a free zone in Croatia or in Switzerland.

Article 4

The representative of the European Union in the Joint Committee is hereby empowered to adopt the draft Decision attached to this Decision to the Joint Committee.

Article 5

The Decision of the Joint Committee shall be published in the *Official Journal of the European Union*, as well as the date of its entry into force.

Article 6

This decision shall enter into force on the day of its adoption.
It shall apply from 1 July 2013.

Done at Brussels,

For the Council
The President