

COUNCIL DECISION (EU) 2021/1844**of 18 October 2021**

on the position to be taken on behalf of the European Union within the Association Council established by the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, as regards an amendment to Protocol 3 to that Agreement 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(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part (‘the Agreement’), was concluded by the Union by Council and Commission Decision 2002/357/EC, ECSC ⁽¹⁾ and entered into force on 1 May 2002.
- (2) The Agreement includes Protocol 3 concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation (‘Protocol 3’). Pursuant to Article 4 of Protocol 3, the Association Council established by Article 89 of the Agreement (‘the Association Council’) may decide to amend the provisions of Protocol 3.
- (3) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin (‘the PEM Convention’) was concluded by the Union by Council Decision 2013/94/EU ⁽²⁾ and entered into force in relation to the Union on 1 May 2012. It lays down provisions on the origin of goods traded under relevant bilateral free trade agreements concluded between the Contracting Parties to the PEM Convention, which apply without prejudice to the principles laid down in those bilateral agreements.
- (4) Following the adoption of Council Decision (EU) 2020/2067 ⁽³⁾ on the position to be taken on behalf of the Union within the Association Council as regards the amendment of the Agreement by replacing Protocol 3, the Association Council adopted Decision No 1/2021 ⁽⁴⁾ replacing Protocol 3 with a new text.
- (5) Protocol 3 contains, on the one hand, a dynamic reference to the PEM Convention, making the PEM Convention applicable between the Union and Jordan, and, on the other hand, the transitional rules that have been applicable as an alternative set of rules of origin to those laid down in the current PEM Convention since 1 September 2021.

⁽¹⁾ Council and Commission Decision 2002/357/EC, ECSC of 26 March 2002 on the conclusion of the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part (OJ L 129, 15.5.2002, p. 1).

⁽²⁾ Council Decision 2013/94/EU of 26 March 2012 on the conclusion of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin (OJ L 54, 26.2.2013, p. 3).

⁽³⁾ Council Decision (EU) 2020/2067 of 7 December 2020 on the position to be taken on behalf of the European Union within the Association Council established by the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, as regards the amendment of that Agreement by replacing Protocol 3 thereto concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation (OJ L 424, 15.12.2020, p. 37).

⁽⁴⁾ Decision No 1/2021 of the EU-Jordan Association Council of 15 April 2021 amending the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, by replacing Protocol 3 thereto concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation [2021/742] (OJ L 164, 10.5.2021, p. 1).

- (6) As part of the Union's support for Jordan in the context of the Syrian refugee crisis, in July 2016 the Union and Jordan agreed to temporarily relax rules of origin applying to exports of Jordanian products to the Union under the Agreement.
- (7) Consequently, the EU-Jordan Association Committee adopted Decision No 1/2016 ⁽⁵⁾ to amend the provisions of Protocol 3 as regards the definition of the concept of 'originating products' and to supplement the list of working or processing required to be carried out on non-originating materials in order for certain categories of products, manufactured in the territory of Jordan and connected with generating employment for Syrian refugees and Jordanians, to obtain originating status.
- (8) The EU-Jordan Association Committee adopted Decision No 1/2018 ⁽⁶⁾ to amend the provisions of Protocol 3 by relaxing the rules of origin scheme further and extending the duration of the scheme established by Decision No 1/2016 until 31 December 2030. Decision No 1/2018 entered into force on 4 December 2018.
- (9) To ensure the continued application of Decisions No 1/2016 and No 1/2018, it is necessary to link them to the transitional rules, which have been applicable since 1 September 2021. This requires the adoption of a decision to amend Protocol 3 by adding an Appendix B thereto in order for the facilities referred to in Decisions No 1/2016 and No 1/2018 to remain in place. The Association Council will adopt such an amending decision. It is therefore appropriate to establish the position to be taken on the Union's behalf in the Association Council as regards the amendment of Protocol 3.
- (10) The application of Appendix B to Protocol 3 should be accompanied by appropriate monitoring and reporting obligations. In addition, it should be possible to suspend the application of Appendix B to Protocol 3 if the conditions for its application are no longer fulfilled or if the conditions for safeguard measures are met.
- (11) In order to ensure continuity in the application of Decisions No 1/2016 and No 1/2018, including the derogations provided for therein, and thus to enable authorised exporters to avoid incurring economic losses under Decision No 1/2016, the decision of the Association Council should include a retroactivity clause.
- (12) The position of the Union within the Association Council should therefore be based on the draft decision of the Association Council,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be taken on the Union's behalf within the Association Council established by the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, as regards an amendment to Protocol 3 thereto shall be based on the draft decision of the Association Council ⁽⁷⁾.

⁽⁵⁾ Decision No 1/2016 of the EU-Jordan Association Committee of 19 July 2016 amending the provisions of Protocol 3 to the Euro-Mediterranean Agreement establishing an Association 'between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, concerning the definition of the concept of originating products' and the list of working or processing required to be carried out on non-originating materials in order for certain categories of products, manufactured in dedicated development zones and industrial areas, and connected with generating employment for Syrian refugees and Jordanians, to obtain originating status [2016/1436] (OJ L 233, 30.8.2016, p. 6).

⁽⁶⁾ Decision No 1/2018 of the EU-Jordan Association Committee of 4 December 2018 amending the provisions of Protocol 3 to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Hashemite Kingdom of Jordan, of the other part, concerning the definition of the concept of 'originating products' and the list of working or processing required to be carried out on non-originating materials in order for certain categories of products, manufactured in the territory of the Hashemite Kingdom of Jordan, and connected with generating employment for Syrian refugees and Jordanians, to obtain originating status [2019/42] (OJ L 9, 11.1.2019, p. 147).

⁽⁷⁾ See document ST 11793/21 on <http://register.consilium.europa.eu>

2. Minor technical changes to the position set out in paragraph 1 may be agreed upon by the Union representatives in the Association Council without further decision of the Council.

Article 2

This Decision shall enter into force on the date of its adoption and shall expire on 31 December 2023.

Done at Luxembourg, 18 October 2021.

For the Council

The President

J. BORRELL FONTELLES
