

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2016 OF THE EU-FORMER YUGOSLAV REPUBLIC OF MACEDONIA STABILISATION AND ASSOCIATION COUNCIL

of 20 January 2016

replacing Protocol 4 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, concerning the definition of the concept of 'originating products' and methods of administrative cooperation [2016/1901]

THE EU-FORMER YUGOSLAV REPUBLIC OF MACEDONIA STABILISATION AND ASSOCIATION COUNCIL,

Having regard to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part ⁽¹⁾, and in particular Article 40 thereof,

Having regard to Protocol 4 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, concerning the definition of the concept of 'originating products' and methods of administrative cooperation,

Whereas:

- (1) Article 40 of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part ('the Agreement') refers to Protocol 4 to the Agreement ('Protocol 4') which lays down the rules of origin and provides for cumulation of origin between the European Union, the former Yugoslav Republic of Macedonia, Turkey and any country or territory participating in the Union's Stabilisation and Association Process.
- (2) Article 39 of Protocol 4 provides that the Stabilisation and Association Council provided for in Article 108 of the Agreement may decide to amend the provisions of Protocol 4.
- (3) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽²⁾ ('the Convention') aims to replace the protocols on rules of origin currently in force among the countries of the pan-Euro-Mediterranean area with a single legal act. The former Yugoslav Republic of Macedonia and other participants to the Stabilisation and Association Process from the Western Balkans were invited to join the system of pan-European diagonal cumulation of origin in the Thessaloniki agenda, endorsed by the European Council of June 2003. They were invited to join the Convention by a decision of the Euro-Mediterranean Ministerial Conference of October 2007.
- (4) The Union and the former Yugoslav Republic of Macedonia signed the Convention on 15 June 2011.
- (5) The Union and the former Yugoslav Republic of Macedonia deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 14 June 2012, respectively. Consequently, in application of Article 10(3) of the Convention, the Convention entered into force in relation to the Union and the former Yugoslav Republic of Macedonia on 1 May 2012 and on 1 August 2012, respectively.
- (6) Protocol 4 should therefore be replaced by a new protocol making reference to the Convention,

⁽¹⁾ OJ L 84, 20.3.2004, p. 13.

⁽²⁾ OJ L 54, 26.2.2013, p. 4.

HAS ADOPTED THIS DECISION:

Article 1

Protocol 4 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, concerning the definition of the concept of 'originating products' and methods of administrative cooperation shall be replaced by the text set out in the Annex to this Decision.

Article 2

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

It shall apply from 1 May 2015.

Done at Brussels, 20 January 2016.

For the Stabilisation and Association Council
The President



Council of the European Union
General Secretariat

H.E. Andrej LEPAVCOV,
Ambassador,
Head of the Mission of the former Yugoslav Republic of Macedonia
to the European Union

Brussels, 5 February 2016

Your Excellency,

I have the honour to propose that, if it is acceptable to your Government, this letter and your confirmation thereof shall together constitute the signature of Decision No. 1/2016 of the EU–former Yugoslav Republic of Macedonia Stabilisation and Association Council replacing Protocol 4 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation, adopted by written procedure on 20/01/2016. In so doing, the requirements under the terms set out in Article 10 of the Rules of Procedure of the Stabilisation and Association Council are thereby fulfilled.

A copy of the Decision is herewith attached.

Please accept, Sir, the assurance of my highest consideration.

For the European Union

Ida JACOBSEN
Head of the Agreements Office

Enclosure



*Mission of the Republic of Macedonia
to the European Union
Ambassador and Head of Mission*

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Brussels, 5 February 2016

Dear Ms. Jacobsen,

I have the honour to acknowledge the receipt of your letter dated 5th of February 2016 regarding the Decision No. 1/2016 of the Republic of Macedonia – European Union Stabilisation and Association Council replacing Protocol 4 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Macedonia, of the other part, concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation, adopted by written procedure on 20.01.2016.

Hereby, I confirm the acceptance of the Government of the Republic of Macedonia that your letter, together with this letter in reply, shall together constitute the signature of the abovementioned Decision, and that in doing so, the requirements under the terms set out in Article 10 of the Rules of Procedure of the Stabilisation and Association Council are thereby fulfilled.

However, I declare that the Republic of Macedonia does not accept the denomination used for my country in the Decision, having in view that the constitutional name of my country is the Republic of Macedonia.

Please accept, Madame, the assurances of my highest consideration.

Encl.

Ida JACOBSEN
Head of Agreements Office
General Secretariat of the Council of the European Union

BRUSSELS

Dr. Andrej Lepavcov



H.E. Andrej LEPAVCOV,
Ambassador,
Head of the Mission of the former Yugoslav Republic of Macedonia
to the European Union

Brussels, 5 February 2016

Your Excellency,

I have the honour to acknowledge receipt of your letter of today's date.

The European Union notes that the Exchange of Letters between the European Union and the former Yugoslav Republic of Macedonia, which constitutes the signature of Decision No. 1/2016 of the EU–former Yugoslav Republic of Macedonia Stabilisation and Association Council of 20/01/2016 replacing Protocol 4 to the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, has been accomplished and that this cannot be interpreted as acceptance or recognition by the European Union in whatever form or content of a denomination other than the "former Yugoslav Republic of Macedonia".

Please accept, Sir, the assurance of my highest consideration.

For the European Union



Ida JACOBSEN
Head of the Agreements Office

ANNEX

Protocol 4**concerning the definition of the concept of 'originating products' and methods of administrative cooperation***Article 1***Applicable rules of origin**

1. For the purpose of implementing this Agreement, Appendix I and the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽¹⁾ ('the Convention') shall apply.
2. All references to the 'relevant agreement' in Appendix I and in the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin shall be construed so as to mean this Agreement.

*Article 2***Dispute settlement**

1. Where disputes arise in relation to the verification procedures of Article 32 of Appendix I to the Convention that cannot be settled between the customs authorities requesting the verification and the customs authorities responsible for carrying out that verification, they shall be submitted to the Stabilisation and Association Council.
2. In all cases the settlement of disputes between the importer and the customs authorities of the importing country shall take place under the legislation of that country.

*Article 3***Amendments to the Protocol**

The Stabilisation and Association Council may decide to amend the provisions of this Protocol.

*Article 4***Withdrawal from the Convention**

1. Should either the European Union or the former Yugoslav Republic of Macedonia give notice in writing to the depositary of the Convention of their intention to withdraw from the Convention according to Article 9 thereof, the European Union and the former Yugoslav Republic of Macedonia shall immediately enter into negotiations on rules of origin for the purpose of implementing this Agreement.
2. Until the entry into force of such newly negotiated rules of origin, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention, applicable at the moment of withdrawal, shall continue to apply to this Agreement. However, as of the moment of withdrawal, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention shall be construed so as to allow bilateral cumulation between the European Union and the former Yugoslav Republic of Macedonia only.

⁽¹⁾ OJ L 54, 26.2.2013, p. 4.

*Article 5***Transitional provisions — cumulation**

Notwithstanding Articles 16(5) and 21(3) of Appendix I to the Convention, where cumulation involves only EFTA States, the Faroe Islands, the European Union, Turkey and the participants in the Stabilisation and Association Process, the proof of origin may be a movement certificate EUR.1 or an origin declaration.
