



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.05.2005
COM(2005) 191 final

2005/0091 (AVC)

Proposal for a

COUNCIL DECISION

**on the signature of the Additional Protocol to the Agreement establishing an Association
between the European Economic Community and Turkey following the enlargement of
the European Union**

Proposal for a

COUNCIL DECISION

**on the conclusion of the Additional Protocol to the Agreement establishing an
Association between the European Economic Community and Turkey following the
enlargement of the European Union**

(presented by the Commission)

EXPLANATORY MEMORANDUM

Ten new Member States acceded to the European Union on 1 May 2004. Under Article 6(2) of the Act of Accession 2003, the new Member States have undertaken to accede to, amongst others, the Agreement establishing an Association between the European Economic Community and Turkey. Article 6(2) of the Act of Accession provides for a simplified procedure, namely the conclusion of a protocol by the Council, acting unanimously on behalf of the Member States, and the third country concerned. This procedure is without prejudice to the Community's own competences and does not affect the allocation of powers between the Community and the Member States.

These proposals also respect the conclusions of the December 2004 European Council relating to the signature of such a protocol.

The Commission has negotiated this Additional Protocol on the basis of negotiation directives adopted by the Council on 9 March 2004.

The attached proposals are for (1) a Council Decision on the signature of the Additional Protocol and (2) a Council Decision on the conclusion of the Additional Protocol.

Article 1 (1) of the Additional Protocol takes account of incomplete past ratification procedures with regard to previous accessions of six Member States. Even though these earlier procedures were not completed, there has nevertheless been a de facto and de jure association between these states and Turkey. This is made clear in the second "considering" of the additional protocol.

The Additional Protocol provides for the necessary technical adaptations of the Association Agreement that ensue from the accession of the new contracting parties. The Additional Protocol includes a number of adjustments brought about by the institutional and legal developments within the EC, as well as by the accession of the new Member States to this mixed agreement and an increase in the number of official languages.

The Commission requests the Council to adopt the attached proposals for Council Decisions on the signature and on the conclusion of the Additional Protocol. The European Parliament will be called upon to give its assent to the conclusion of this Additional Protocol.

Proposal for a

COUNCIL DECISION

on the signature of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey following the enlargement of the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 310 in conjunction with the second sentence of Article 300(2), first subparagraph,

Having regard to the Act of Accession 2003, and in particular Article 6(2),

Having regard to the proposal from the Commission¹,

Whereas:

- (1) The Agreement establishing an Association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 (hereinafter referred to as “the Ankara Agreement”)², entered into force on 1 December 1964.
- (2) Article 6, paragraph 2 of the Act of Accession requires the new Member States to accede to the agreements concluded by the Member States and the Community, acting jointly, with third countries.
- (3) The Commission, authorised by the Council to negotiate with Turkey a Protocol to the Ankara Agreement to take into account the enlargement of the European Union, has successfully accomplished these negotiations.
- (4) Subject to its conclusion, the Additional Protocol should be signed on behalf of the Community and its Member States,

HAS DECIDED AS FOLLOWS:

Sole Article

The President of the Council is hereby authorised to designate the person(s) empowered to sign, on behalf of the European Community and its Member States, and subject to its conclusion, the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey following the enlargement of the Union.

¹ OJ C [...] [...], p. [...].

² OJ 217, 29.12.1964, p. 3687/64.

The text of the Additional Protocol is attached to this Decision.

Done at Brussels,

For the Council
The President

Proposal for a

COUNCIL DECISION

on the conclusion of the Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey following the enlargement of the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 310 in conjunction with the second sentence of Article 300(2), first subparagraph and the second subparagraph of Article 300(3) thereof,

Having regard to the Act of Accession 2003, and in particular Article 6(2),

Having regard to the proposal from the Commission³,

Having regard to the assent of the European Parliament⁴,

Whereas:

- (1) The Agreement establishing an Association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 (hereinafter referred to as “the Ankara Agreement”)⁵, entered into force on 1 December 1964.
- (2) Article 6, paragraph 2 of the Act of Accession requires the new Member States to accede to the agreements concluded by the Member States and the Community, acting jointly, with third countries.
- (3) An Additional Protocol to the Ankara Agreement to take account of the accession of the new Member States has been negotiated by the Commission and was signed on [].
- (4) The Additional Protocol should be approved.

³ OJ C [...] [...], p. [...]

⁴ OJ

⁵ OJ 217, 29.12.1964, p. 3687/64.

HAS DECIDED AS FOLLOWS:

Sole Article

The Additional Protocol to the Agreement establishing an Association between the European Economic Community and Turkey following the enlargement of the European Union, is hereby approved on behalf of the European Community and its Member States⁶.

Done at Brussels,

For the Council
The President

⁶ The text of the Additional Protocol is attached to Decision xxx (OJ no. L xxx).

ADDITIONAL PROTOCOL

to the Agreement establishing an Association between the European Economic Community
and the Republic of Turkey following the enlargement of the European Union

THE KINGDOM OF BELGIUM,

THE CZECH REPUBLIC,

THE KINGDOM OF DENMARK,

THE FEDERAL REPUBLIC OF GERMANY,

THE REPUBLIC OF ESTONIA,

THE HELLENIC REPUBLIC,

THE KINGDOM OF SPAIN,

THE FRENCH REPUBLIC,

IRELAND,

THE ITALIAN REPUBLIC,

THE REPUBLIC OF CYPRUS,

THE REPUBLIC OF LATVIA,

THE REPUBLIC OF LITHUANIA,

THE GRAND DUCHY OF LUXEMBOURG,

THE REPUBLIC OF HUNGARY,

THE REPUBLIC OF MALTA,

THE KINGDOM OF THE NETHERLANDS,

THE REPUBLIC OF AUSTRIA,

THE REPUBLIC OF POLAND,

THE PORTUGUESE REPUBLIC,

THE REPUBLIC OF SLOVENIA,

THE SLOVAK REPUBLIC,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as the ‘Member States’, represented by the Council of the European Union, and

THE EUROPEAN COMMUNITY, represented by the Council of the European Union

of the one part,

and THE REPUBLIC OF TURKEY, hereinafter referred to as Turkey

of the other part,

CONSIDERING THAT:

- (1) the Agreement establishing an Association between the European Economic Community and Turkey (hereinafter referred to as “the Ankara Agreement”)⁷, was signed in Ankara on 12 September 1963 and entered into force on 1 December 1964, and that this Agreement has been amended by a Supplementary Protocol, signed on 30 June 1973⁸, whereby this Agreement has become applicable to Denmark, Ireland and the United Kingdom;
- (2) this Agreement, as amended, has become applicable after their accession to the European Community to the Hellenic Republic, the Kingdom of Spain, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden;
- (3) this Agreement shall be applicable to Turkey and to all Member States of the European Union as enlarged through the Treaty concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union (hereinafter referred to as “Treaty of Accession”)⁹ which was signed in Athens on 16 April 2003 and entered into force on 1 May 2004;

DETERMINED to further develop the Association in the context of an enlarged Union;

HAVE AGREED AS FOLLOWS:

CONTRACTING PARTIES AND TERRITORY OF APPLICATION

Article 1

1. The Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, and the Slovak Republic

⁷ OJ of 1964, p. 3687/64

⁸ OJ, L361, 31.12.1977, p. 2.

⁹ OJ L 236, 23.9.2003

(hereinafter referred to as ‘the new Member States’) shall be Parties to the Agreement establishing an Association between the European Economic Community and Turkey, signed in Ankara on 12 September 1963 (hereinafter referred to as the ‘Ankara Agreement’) and shall respectively adopt and take note, like the other Member States of the European Community namely the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, as well as the Hellenic Republic, the Kingdom of Spain, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, of the texts of this Agreement, of the Protocols and Declarations annexed to the Final Act signed on the same date as well as of all subsequent amendments, Agreements, Protocols, Decisions and Declarations adopted which are related to the Ankara Agreement.

2. The expression ‘European Economic Community’ or, abbreviated, ‘Community’ shall be replaced by the expression ‘European Community’ throughout the texts referred to in the previous paragraph.

3. Article 29 of the Ankara Agreement is replaced by the following text:

“This Agreement shall apply to the territory to which the Treaty establishing the European Community applies, under the conditions set out in this Treaty, and to the territory of the Republic of Turkey.”

EXPIRY OF THE ECSC TREATY AND ECSC PRODUCTS

Article 2

Expiry of the ECSC Treaty

To take into account recent institutional developments within the EU, the Parties agree that following the expiry of the Treaty establishing the European Coal and Steel Community (ECSC), existing provisions in the agreements and related acts in Article 1 (1) referring to the European Coal and Steel Community shall be deemed to refer to the European Community which has taken over all rights and obligations contracted by the European Coal and Steel Community.

Article 3

Rules of Origin

Protocol 1 to the Agreement between the European Coal and Steel Community and the Republic of Turkey on trade in products covered by the Treaty establishing the European Coal and Steel Community¹⁰ (hereinafter referred to as 'Agreement on coal and steel products') shall be amended as follows:

1. Article 16(4) shall be replaced by the following: (...)

Movement certificates EUR.1 issued retrospectively must be endorsed with one of the following phrases:

ES	"EXPEDIDO A POSTERIORI"
CS	"VYSTAVENO DODATEČNĚ"
DA	"UDSTEDT EFTERFØLGENDE"
DE	"NACHTRÄGLICH AUSGESTELLT"
ET	"VÄLJA ANTUD TAGASIULATUVALT"
EL	"ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ"
EN	"ISSUED RETROSPECTIVELY"
FR	"DÉLIVRÉ A POSTERIORI"
IT	"RILASCIATO A POSTERIORI"
LV	"IZSNIEGTS RETROSPEKTĪVI"

¹⁰ OJ L 227, 7.9.1996, as last amended by Decision No 2/99 of the Joint Committee of 8 July 1999 (OJ L 212, 12.8.1999).

LT	"RETROSPEKTYVUSIS IŠDAVIMAS"
HU	"KIADVA VISSZAMENŐLEGES HATÁLLYAL"
MT	"MAHRUĠ RETROSPETTIVAMENT"
NL	"AFGEGEVEN A POSTERIORI"
PL	"WYSTAWIONE RETROSPEKTYWNIE"
PT	"EMITIDO A POSTERIORI"
SL	"IZDANO NAKNADNO"
SK	"VYDANÉ DODATOČNE"
FI	"ANNETTU JÄLKIKÄTEEN"
SV	"UTFÄRDAT I EFTERHAND"
TR	"SONRADAN VERİLMİŞTİR".

2. Article 17(2) shall be replaced by the following(...)

The duplicate issued in this way must be endorsed with one of the following words:

ES	"DUPLICADO"
CS	"DUPLIKÁT"
DA	"DUPLIKAT"
DE	"DUPLIKAT"
ET	"DUPLIKAAT"
EL	"ΑΝΤΙΓΡΑΦΟ"
EN	"DUPLICATE"
FR	"DUPLICATA"
IT	"DUPLICATO"
LV	"DUBLIKĀTS"
LT	"DUBLIKATAS"
HU	"MÁSODLAT"
MT	"DUPLIKAT"
NL	"DUPLICAAT"

PL	"DUPLIKAT"
PT	"SEGUNDA VIA"
SL	"DVOJNIK"
SK	"DUPLIKÁT"
FI	"KAKSOISKAPPALE"
SV	"DUPLIKAT"
TR	"İKİNCİ NÜSHADIR"

3. Annex IV shall be replaced by the following:

“Text of the invoice declaration

The invoice declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

Spanish version

El exportador de los productos incluidos en el presente documento (autorización aduanera n° ...⁽¹⁾.) declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial ...⁽²⁾.

Czech version

Vývozce výrobků uvedených v tomto dokumentu (číslo povolení ...⁽¹⁾) prohlašuje, že kromě zřetelně označených, mají tyto výrobky preferenční původ v ...⁽²⁾.

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. ...⁽¹⁾), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ...⁽²⁾.

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ...⁽¹⁾) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anders angegeben, präferenzbegünstigte ...⁽²⁾ Ursprungswaren sind.

Estonian version

Käesoleva dokumendiga hõlmatud toodete eksportija (tolliameti kinnitus nr. ...⁽¹⁾) deklareerib, et need tooted on ...⁽²⁾ sooduspäritoluga, välja arvatud juhul kui on selgelt näidatud teisiti.

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο (άδεια τελωνείου υπ' αριθ. ...⁽¹⁾) δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησιακής καταγωγής ...⁽²⁾.

English version

The exporter of the products covered by this document (customs authorization No ...⁽¹⁾) declares that, except where otherwise clearly indicated, these products are of ...⁽²⁾ preferential origin.

French version

L'exportateur des produits couverts par le présent document (autorisation douanière n° ...⁽¹⁾) déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ...⁽²⁾.

Italian version

L'esportatore delle merci contemplate nel presente documento (autorizzazione doganale n. ...⁽¹⁾) dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ...⁽²⁾.

Latvian version

Eksportētājs produktiem, kuri ietverti šajā dokumentā (muitas pilnvara Nr. ...⁽¹⁾), deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir priekšrocību izcelsme no ...⁽²⁾.

Lithuanian version

Šiame dokumente išvardintų prekių eksportuotojas (muitinės liudijimo Nr. ...⁽¹⁾) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra ...⁽²⁾ preferencinės kilmės prekės.

Hungarian version

A jelen okmányban szereplő áruk exportőre (vám-felhatalmazási szám: ...⁽¹⁾) kijelentem, hogy eltérő jelzés hiányában az áruk kedvezményes ...⁽²⁾ származásúak.

Maltese version

L-esportatur tal-prodotti koperti b'dan id-dokument (awtorizzazzjoni tad-dwana nru. ...⁽¹⁾) jiddikjara li, hlief fejn indikat b'mod ċar li mhux hekk, dawn il-prodotti huma ta' oriġini preferenzjali ...⁽²⁾.

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ...⁽¹⁾), verklaart dat, behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn ⁽²⁾.

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr ...⁽¹⁾) deklaruje, że z wyjątkiem gdzie jest to wyraźnie określone, produkty te mają ...⁽²⁾ preferencyjne pochodzenie.

Portuguese version

O exportador dos produtos cobertos pelo presente documento (autorização aduaneira n.º ...⁽¹⁾), declara que, salvo expressamente indicado em contrário, estes produtos são de origem preferencial ...⁽²⁾.

Slovenian version

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št ...⁽¹⁾) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno ...⁽²⁾ poreklo.

Slovak version

Vývozca výrobkov uvedených v tomto dokumente (číslo povolenia ...⁽¹⁾) vyhlasuje, že okrem zreteľne označených, majú tieto výrobky preferenčný pôvod v ...⁽²⁾.

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa n:o ...⁽¹⁾) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperätuotteita⁽²⁾.

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr. ...⁽¹⁾) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung⁽²⁾.

Turkish version

İşbu belge (gümrük onay No: ...⁽¹⁾) kapsamındaki maddelerin ihracatçısı aksi açıkça belirtilmedikçe, bu maddelerin ... menşeli ve tercihlî⁽²⁾ maddeler olduğunu beyan eder.

.....⁽³⁾ (Place and date)

.....⁽⁴⁾

(signature of the exporter, in addition the name of the person signing the declaration has to be indicated in clear script)

1. When the invoice declaration is made out by an approved exporter within the meaning of Article 20 of the Protocol, the authorization number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets shall be omitted or the space left blank.
2. Origin of products to be indicated. When the invoice declaration relates in whole or in part, to products originating in Ceuta and Melilla within the meaning of Article 33 of the Protocol, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol "CM".

3. These indications may be omitted if the information is contained on the document itself.
4. See Article 19 (5) of the Protocol. In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.”¹¹

¹¹ The protocol referred to in these footnotes refers to Protocol 1 to the Agreement between the European Coal and Steel Community and the Republic of Turkey on trade in products covered by the Treaty establishing the European Coal and Steel Community

AGRICULTURAL PRODUCTS

Article 4

Rules of Origin

Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council of 25 February 1998 on the trade regime for agricultural products¹² (hereinafter referred to as 'Decision on agricultural products') shall be amended as follows:

1. Article 16(4) shall be replaced by the following:

(...)

Movement certificates EUR.1 issued retrospectively must be endorsed with one of the following phrases:

ES	"EXPEDIDO A POSTERIORI"
CS	"VYSTAVENO DODATEČNĚ"
DA	"UDSTEDT EFTERFØLGENDE"
DE	"NACHTRÄGLICH AUSGESTELLT"
ET	"VÄLJA ANTUD TAGASIULATUVALT"
EL	"ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ"
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HU	"KIADVA VISSZAMENŐLEGES HATÁLLYAL"
MT	"MAHRUĠ RETROSPETTIVAMENT"
NL	"AFGEGEVEN A POSTERIORI"
PL	"WYSTAWIONE RETROSPEKTYWNIE"

¹² OJ L 86, 20.3.1998

PT	"EMITIDO A POSTERIORI"
SL	"IZDANO NAKNADNO"
SK	"VYDANÉ DODATOČNE"
FI	"ANNETTU JÄLKIKÄTEEN"
SV	"UTFÄRDAT I EFTERHAND"
TR	"SONRADAN VERİLMİŞTİR".

2. Article 17(2) shall be replaced by the following:

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3. Annex IV shall be replaced by the following:

“Text of the invoice declaration

The invoice declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

Spanish version

El exportador de los productos incluidos en el presente documento (autorización aduanera n° ...⁽¹⁾.) declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial ...⁽²⁾.

Czech version

Vývozce výrobků uvedených v tomto dokumentu (číslo povolení ...⁽¹⁾) prohlašuje, že kromě zřetelně označených, mají tyto výrobky preferenční původ v ...⁽²⁾.

Danish version

Eksportøren af varer, der er omfattet af nærværende dokument, (toldmyndighedernes tilladelse nr. ...⁽¹⁾), erklærer, at varerne, medmindre andet tydeligt er angivet, har præferenceoprindelse i ...⁽²⁾.

German version

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ...⁽¹⁾) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, dass diese Waren, soweit nicht anders angegeben, präferenzbegünstigte ...⁽²⁾ Ursprungswaren sind.

Estonian version

Käesoleva dokumendiga hõlmatud toodete eksportija (tolliameti kinnitus nr. ...⁽¹⁾) deklareerib, et need tooted on ...⁽²⁾ sooduspäritoluga, välja arvatud juhul kui on selgelt näidatud teisiti.

Greek version

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο (άδεια τελωνείου υπ' αριθ. ...⁽¹⁾) δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησηακής καταγωγής ...⁽²⁾.

English version

The exporter of the products covered by this document (customs authorization No ...⁽¹⁾) declares that, except where otherwise clearly indicated, these products are of ...⁽²⁾ preferential origin.

French version

L'exportateur des produits couverts par le présent document (autorisation douanière n° ...⁽¹⁾) déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle ...⁽²⁾.

Italian version

L'esportatore delle merci contemplate nel presente documento (autorizzazione doganale n. ...⁽¹⁾) dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale ...⁽²⁾.

Latvian version

Eksportētājs produktiem, kuri ietverti šajā dokumentā (muitas pilnvara Nr. ...⁽¹⁾), deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir priekšrocību izcelsme no ...⁽²⁾.

Lithuanian version

Šiame dokumente išvardintų prekių eksportuotojas (muitinės liudijimo Nr. ...⁽¹⁾) deklaruoja, kad, jeigu kitaip nenurodyta, tai yra ...⁽²⁾ preferencinės kilmės prekės.

Hungarian version

A jelen okmányban szereplő áruk exportőre (vám-felhatalmazási szám: ...⁽¹⁾) kijelentem, hogy eltérő jelzés hiányában az áruk kedvezményes ...⁽²⁾ származásúak.

Maltese version

L-esportatur tal-prodotti koperti b'dan id-dokument (awtorizzazzjoni tad-dwana nru. ...⁽¹⁾) jiddikjara li, hlief fejn indikat b'mod ċar li mhux hekk, dawn il-prodotti huma ta' oriġini preferenzjali ...⁽²⁾.

Dutch version

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr. ...⁽¹⁾), verklaart dat, behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële ... oorsprong zijn⁽²⁾.

Polish version

Eksporter produktów objętych tym dokumentem (upoważnienie władz celnych nr ...⁽¹⁾) deklaruje, że z wyjątkiem gdzie jest to wyraźnie określone, produkty te mają ...⁽²⁾ preferencyjne pochodzenie.

Portuguese version

O exportador dos produtos cobertos pelo presente documento (autorização aduaneira n.º ...⁽¹⁾), declara que, salvo expressamente indicado em contrário, estes produtos são de origem preferencial ...⁽²⁾.

Slovenian version

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št ...⁽¹⁾) izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno ...⁽²⁾ poreklo.

Slovak version

Vývozca výrobkov uvedených v tomto dokumente (číslo povolenia ...⁽¹⁾) vyhlasuje, že okrem zreteľne označených, majú tieto výrobky preferenčný pôvod v ...⁽²⁾.

Finnish version

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupa n:o ...⁽¹⁾) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ... alkuperätuotteita⁽²⁾.

Swedish version

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr. ...⁽¹⁾) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande ... ursprung⁽²⁾.

Turkish version

İşbu belge (gümrük onay No: ...⁽¹⁾) kapsamındaki maddelerin ihracatçısı aksi açıkça belirtilmedikçe, bu maddelerin ... menşeli ve tercihli⁽²⁾ maddeler olduğunu beyaneder.

.....⁽³⁾ (Place and date)

.....⁽⁴⁾

(signature of the exporter, in addition the name of the person signing the declaration has to be indicated in clear script)

1 When the invoice declaration is made out by an approved exporter within the meaning of Article 20 of the Protocol, the authorization number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets shall be omitted or the space left blank.

2 Origin of products to be indicated. When the invoice declaration relates in whole or in part, to products originating in Ceuta and Melilla within the meaning of Article 34 of the Protocol, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol "CM".

3 These indications may be omitted if the information is contained on the document itself.

4 See Article 19 (5) of the Protocol. In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory."¹³

¹³ The protocol referred to in these footnotes refers to Protocol 3 to Decision No 1/98 of the EC-Turkey Association Council of 25 February 1998 on the trade regime for agricultural products.

Article 5

Adjustment of tariff quotas for agricultural products

The arrangements for import into the Community applicable to certain agricultural products originating in Turkey and the arrangements for import into Turkey applicable to certain agricultural products originating in the Community shall be jointly and orderly agreed by the Parties, as soon as possible, under the institutional framework of the Ankara Agreement. In doing so, existing trade concessions and the traditional trade flows in agricultural products between Turkey and the New Member States shall be duly respected.

CUSTOMS UNION PROVISIONS

Article 6

A.TR movement certificate and administrative cooperation

1. A.TR movement certificates properly issued by Turkey or the new Member States shall be accepted in the respective countries. The provisions for the issuing of A.TR movement certificates and for the relevant administrative cooperation are set out in Decision 1/2001 of the EC-Turkey Customs Co-operation Committee¹⁴.

2. Duplicate A.TR movement certificates issued according to Article 10 of Decision 1/2001 must be endorsed with one of the following words:

ES "DUPLICADO"

CS "DUPLIKÁT"

DA "DUPLIKAT"

DE "DUPLIKAT"

ET "DUPLIKAAT"

EL "ΑΝΤΙΓΡΑΦΟ"

EN "DUPLICATE"

FR "DUPLICATA"

IT "DUPLICATO"

LV "DUBLIKĀTS"

LT "DUBLIKATAS"

HU "MÁSODLAT"

¹⁴ OJ L 98, 7.4.2001, p. 31, Decision as modified by Decision 1/2003 (OJ L 2003, 4.2.2003, p. 51)

MT	"DUPLIKAT"
NL	"DUPLICAAT"
PL	"DUPLIKAT"
PT	"SEGUNDA VIA"
SL	"DVOJNIK"
SK	"DUPLIKÁT"
FI	"KAKSOISKAPPALE"
SV	"DUPLIKAT"
TR	"İKİNCİ NÜSHADIR"

3. A.TR movement certificates issued under the simplified procedure according to Article 11 (6) of Decision 1/2001 must be endorsed with one of the following phrases:

ES	"Procedimiento simplificado"
CS	"Zjednodušený postup"
DA	"Forenklet fremgangsmåde"
DE	"Vereinfachtes Verfahren"
ET	"Lihtsustatud tolliprotseduur"
EL	"Απλουστευμένη διαδικασία"
EN	"Simplified procedure"
FR	"Procédure simplifiée"
IT	"Procedura semplificata"
LV	"Vienkāršota procedūra"
LT	"Supaprastinta procedūra"
HU	"Egyszerűsített eljárás"
MT	"Procedura simplifikata"
NL	"Vereenvoudigde regeling"
PL	"Procedura uproszczona"
PT	"Procedimento simplificado"
SL	"Poenostavljen postopek"

SK "Zjednodušený postup"

FI "Yksinkertaistettu menettely"

SV "Förenklat förfarande"

TR "Basitleştirilmiş işlem" '

4. A.TR movement certificates issued retrospectively according to Article 14 of Decision 1/2001 must be endorsed with one of the following phrases:

ES "EXPEDIDO A POSTERIORI"

CS "VYSTAVENO DODATEČNĚ"

DA "UDSTEDT EFTERFØLGENDE"

DE "NACHTRÄGLICH AUSGESTELLT"

ET "VÄLJA ANTUD TAGASIULATUVALT"

EL "ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ"

EN "ISSUED RETROSPECTIVELY"

FR "DÉLIVRÉ A POSTERIORI"

IT "RILASCIATO A POSTERIORI"

LV "IZSNIEGTS RETROSPEKTĪVI"

LT "RETROSPEKTYVUSIS IŠDAVIMAS"

HU "KIADVA VISSZAMENŐLEGES HATÁLLYAL"

MT "MAHRUĠ RETROSPETTIVAMENT"

NL "AFGEGEVEN A POSTERIORI"

PL "WYSTAWIONE RETROSPEKTYWNIE"

PT "EMITIDO A POSTERIORI"

SL "IZDANO NAKNADNO"

SK "VYDANÉ DODATOČNE"

FI "ANNETTU JÄLKIKÄTEEN"

SV "UTFÄRDAT I EFTERHAND"

TR "SONRADAN VERİLMİŞTİR".

ARTICLE 7

Outward processing

1. Information sheet INF 2, issued properly in accordance with Articles 22 to 26 of Decision 1/2001 of the EC-Turkey Customs Co-operation Committee by Turkey or the new Member States shall be accepted in the respective countries.

2. Duplicate Information sheets INF 2 issued according to Article 26 of Decision 1/2001 must be endorsed with one of the following words:

ES	"DUPLICADO"
CS	"DUPLIKÁT"
DA	"DUPLIKAT"
DE	"DUPLIKAT"
ET	"DUPLIKAAT"
EL	"ΑΝΤΙΓΡΑΦΟ"
EN	"DUPLICATE"
FR	"DUPLICATA"
IT	"DUPLICATO"
LV	"DUBLIKĀTS"
LT	"DUBLIKATAS"
HU	"MÁSODLAT"
MT	"DUPLIKAT"
NL	"DUPLICAAT"
PL	"DUPLIKAT"
PT	"SEGUNDA VIA"
SL	"DVOJNIK"
SK	"DUPLIKÁT"
FI	"KAKSOISKAPPALE"
SV	"DUPLIKAT"
TR	"İKİNCİ NÜSHADIR "

Article 8

Returned goods

1. Information sheet INF 3, issued properly in accordance with Articles 35 to 41 of Decision 1/2001 of the EC-Turkey Customs Co-operation Committee by Turkey or the new Member States shall be accepted in the respective countries.

2. Duplicate Information sheets INF 3 issued according to Article 40 of Decision 1/2001 must be endorsed with one of the following words:

ES	"DUPLICADO"
CS	"DUPLIKÁT"
DA	"DUPLIKAT"
DE	"DUPLIKAT"
ET	"DUPLIKAAT"
EL	"ΑΝΤΙΓΡΑΦΟ"
EN	"DUPLICATE"
FR	"DUPLICATA"
IT	"DUPLICATO"
LV	"DUBLIKĀTS"
LT	"DUBLIKATAS"
HU	"MÁSODLAT"
MT	"DUPLIKAT"
NL	"DUPLICAAT"
PL	"DUPLIKAT"
PT	"SEGUNDA VIA"
SL	"DVOJNIK"
SK	"DUPLIKÁT"
FI	"KAKSOISKAPPALE"
SV	"DUPLIKAT"
TR	"İKİNCİ NÜSHADIR"

TRANSITIONAL PROVISIONS

Article 9

Proof of status under the provisions on free circulation for industrial products

1. Proofs of origin properly issued by either Turkey or a new Member State in the framework of preferential trade agreements applied between them and allowing with the Community a cumulation of origin based on identical rules of origin and a prohibition of any drawback or suspension from customs duties on the goods concerned, shall be accepted in the respective countries as a proof of status under the provisions on free circulation for industrial products, laid down in Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995, provided that:
 - (a) the proof of origin and the transport documents were issued no later than 30 April 2004;
 - (b) the proof of origin is submitted to the customs authorities within the period of four months from 1 May 2004.

Where goods were declared for importation in either Turkey or a new Member State, prior to 1 May 2004, in the framework of preferential trade agreements mentioned above, proof of origin issued retrospectively under those agreements may also be accepted provided that it is submitted to the customs authorities at the latest on 31 August 2004.

2. Requests for subsequent verification of proof of origin referred to in paragraph 1 above shall be accepted by the competent customs authorities of either Turkey or the new Member States for a period of three years after the issue of the proof of origin concerned and may be made by those authorities for a period of three years after acceptance of the proof of origin submitted to those authorities in support of an import declaration.

Article 10

Proof of origin and administrative cooperation under the provisions of preferential agreements on coal and steel products and agricultural products¹⁵

1. Proofs of origin properly issued by either Turkey or a new Member State in the framework of preferential agreements applied between them for products other than those referred to in Article 9, shall be accepted in the respective countries provided that:
 - (a) the acquisition of such origin confers preferential tariff treatment on the basis of the preferential tariff measures contained in either the Agreement on coal and steel products or the Decision on agricultural products;

¹⁵ Referred to in the Act to the Treaty of Accession, Annex IV No 5, paragraphs 3 to 5.

- (b) the proof of origin and the transport documents were issued no later than 30 April 2004;
- (c) the proof of origin is submitted to the customs authorities within the period of four months from 1 May 2004.

Where goods were declared for importation in either Turkey or a new Member State, prior to 1 May 2004, under preferential agreements applied between Turkey and that new Member State at that time, proof of origin issued retrospectively under those agreements or arrangements may also be accepted provided that it is submitted to the customs authorities at the latest on 31 August 2004.

- 2. Turkey and the new Member States are authorised to retain the authorisations with which the status of “approved exporters” has been granted in the framework of preferential agreements applied between them, provided that:
 - (a) such a provision is also provided for in the agreements concluded prior to 1 May 2004 between Turkey and the Community; and
 - (b) the approved exporter applies the rules of origin in force under that agreement provided for either in Protocol 1 to the Agreement on coal and steel products or in Protocol 3 to the Decision on agricultural products.

These authorisations shall be replaced no later than one year after the date of accession, by new authorisations issued under the conditions of either Protocol 1 to the Agreement on coal and steel products or Protocol 3 to the Decision on agricultural products.

- 3. Requests for subsequent verification of proof of origin issued under the preferential agreements referred to in paragraphs 1 and 2 above shall be accepted by the competent customs authorities of either Turkey or the Member States for a period of three years after the issue of the proof of origin concerned and may be made by those authorities for a period of three years after acceptance of the proof of origin submitted to those authorities in support of an import declaration.

Article 11

Goods in transit

- 1. The provisions on free circulation for industrial products, laid down in Decision No 1/95 of the EC-Turkey Association Council of 22 December 1995, or the preferential tariff treatment conferred on the basis of the preferential tariff measures contained in either the Agreement on coal and steel products or the Decision on agricultural products may be applied to goods exported from either Turkey to one of the new Member States or from one of the new Member States to Turkey, which comply either with the conditions for the implementation of the provisions on free circulation for industrial products or with the provisions of either Protocol 1 to the Agreement on coal and steel products or Protocol 3 to the Decision on agricultural products 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 Turkey or in that new Member State.

2. Provisions on free circulation for industrial products shall be applied or preferential tariff treatment shall be granted in such cases, subject to the submission to the customs authorities of the importing country, within four months of the date of accession, of either a proof of status or a proof of origin issued retrospectively by the customs authorities of the exporting country.

GENERAL AND FINAL PROVISIONS

Article 12

This Protocol shall form an integral part of the Ankara Agreement.

Article 13

1. This Protocol shall be ratified or approved by the Parties in accordance with their own procedures.
2. The Parties shall notify each other of the accomplishment of the corresponding procedures referred to in the preceding paragraph. The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 14

This Protocol shall enter into force on the first day of the first month following the date of the deposit of the last instrument of ratification or approval; it shall apply as of 1 May 2004.

Article 15

This Protocol is drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovene, Slovak, Spanish, and Swedish languages and Turkish, each of these texts being equally authentic.

Article 16

The text of the Ankara Agreement, including the Annexes and Protocols forming an integral part thereof, and the Final Act together with the declarations annexed thereto shall be drawn up in Czech, Estonian, Hungarian, Latvian, Lithuanian, Maltese, Polish, Slovak and Slovenian languages, and these texts shall be authentic in the same way as the original texts. The Association Council shall approve these texts.

Done at Brussels,

FOR THE MEMBER STATES

FOR THE EUROPEAN COMMUNITY

FOR THE REPUBLIC OF TURKEY
