COUNCIL DECISION (EU) 2017/1766

of 25 September 2017

on the position to be adopted on behalf of the European Union within the EPA Committee established by the Interim agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part, regarding the accession of the Republic of Croatia to the European Union and changes in the list of countries and territories associated with the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), Article 211 and Article 218(9) thereof,

Having regard to the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part ([1]),

Having regard to the proposal from the European Commission,

Whereas:

(1) The Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part ('the Agreement') has applied provisionally since 14 May 2012.

(2) The Treaty concerning the accession of the Republic of Croatia to the European Union was signed on 9 December 2011 and entered into force on 1 July 2013.

(3) The Republic of Croatia acceded to the Agreement on 22 March 2017 by depositing its act of accession.

(4) Pursuant to Article 67 of the Agreement, the EPA Committee may decide on any amending measures that might be necessary in connection with the accession of new Member States to the Union.

(5) Article 70 of the Agreement provides that the Annexes and Protocols to the Agreement form an integral part thereof and may be reviewed and or amended by the EPA Committee.

(6) Following the change of status of Mayotte ([2]) and Saint-Barthélemy ([3]), and the entry into force of Council Decision 2013/755/EU on the association of the overseas countries and territories with the European Union ([4]), the list of overseas countries and territories in Annex IX to Protocol 1 to the Agreement should be updated.

(7) It is appropriate to establish the position to be adopted on behalf of the European Union within the EPA Committee regarding the accession of the Republic of Croatia to the European Union and changes of status of some countries and territories associated with the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on behalf of the European Union within the EPA Committee established by the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa

([1]) OJ L 111, 24.4.2012, p. 2.
([2]) European Council Decision 2012/419/EU of 11 July 2012 amending the status of Mayotte with regard to the European Union (OJ L 204, 31.7.2012, p. 131).
([3]) European Council Decision 2010/718/EU of 29 October 2010 amending the status with regard to the European Union of the island of Saint-Barthélemy (OJ L 325, 9.12.2010, p. 4).
([4]) Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union ('Overseas Association Decision') (OJ L 344, 19.12.2013, p. 1).

States, on the one part, and the European Community and its Member States, on the other part, regarding the accession of the Republic of Croatia to the European Union and changes in the list of countries and territories associated with the Union, shall be based on the attached draft Decision.

Minor changes to the draft Decision may be agreed by the representative of the Union in the EPA Committee without further decision of the Council.

Article 2

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

Done at Brussels, 25 September 2017.

For the Council
The President
M. MAASIKAS

ANNEX

DRAFT

DECISION No …/2017 OF THE EPA COMMITTEE ESTABLISHED BY THE INTERIM AGREEMENT ESTABLISHING A FRAMEWORK FOR AN ECONOMIC PARTNERSHIP AGREEMENT BETWEEN THE EASTERN AND SOUTHERN AFRICA STATES, ON THE ONE PART, AND THE EUROPEAN COMMUNITY AND ITS MEMBER STATES, ON THE OTHER PART,

of …

regarding the accession of the Republic of Croatia to the European Union and changes in the list of countries and territories associated with the European Union

THE EPA COMMITTEE,

Having regard to the Interim Agreement establishing a framework for an Economic Partnership Agreement between the Eastern and Southern Africa States, on the one part, and the European Community and its Member States, on the other part ([1]) ('the Agreement'), signed in Grand Baie on 29 August 2009 and provisionally applied since 14 May 2012, and in particular Articles 63, 67 and 70 thereof,

Having regard to the Treaty concerning the accession of the Republic of Croatia to the European Union, and the act of accession to the Agreement deposited by the Republic of Croatia on 22 March 2017,

Whereas:

(1) Pursuant to Article 63 of the Agreement, the Agreement applies, on the one hand, to the territories in which the Treaty on the Functioning of the European Union applies and under the conditions laid down in that Treaty, and, on the other hand, to the territories of the Signatory Eastern and Southern Africa States ('ESA States').

(2) Pursuant to Article 67(3) of the Agreement, the EPA Committee may decide on any amending measures that might be necessary following the accession of new Member States to the European Union.

(3) Article 70 of the Agreement provides that the Annexes and Protocols to the Agreement form an integral part thereof and may be reviewed and or amended by the EPA Committee.

(4) Following the change of status of Mayotte ([2]) and Saint-Barthélemy ([3]), and the entry into force of Council Decision 2013/755/EU on the association of the overseas countries and territories with the European Union ([4]), the list of overseas countries and territories in Annex IX to Protocol 1 to the Agreement should be updated,

HAS ADOPTED THIS DECISION:

Article 1

The Republic of Croatia, as a a Party to the Agreement, shall, in the same manner as the other Member States of the Union, respectively adopt and take note of the texts of the Agreement, as well as the Annexes, Protocols and Declarations attached thereto.

([1]) OJ L 111, 24.4.2012, p. 2.
([2]) European Council Decision 2012/419/EU of 11 July 2012 amending the status of Mayotte with regard to the European Union (OJ L 204, 31.7.2012, p. 131).
([3]) European Council Decision 2010/718/EU of 29 October 2010 amending the status with regard to the European Union of the island of Saint-Barthélemy (OJ L 325, 9.12.2010, p. 4).
([4]) Council Decision 2013/755/EU of 25 November 2013 on the association of the overseas countries and territories with the European Union ('Overseas Association Decision') (OJ L 344, 19.12.2013, p. 1).

Article 2

The Agreement is amended as follows:

(1) Article 69 is replaced by the following:

'*Article 69*

Authentic texts

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

(2) Annex IV to Protocol 1 is replaced by the following:

'*ANNEX IV to Protocol 1*

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.

Bulgarian version

Износителят на продуктите, обхванати от този документ (митническо разрешение № … ([1])) декларира, че освен където е отбелязано друго, тези продукти са с … преференциален произход ([2]).

Spanish version

El exportador de los productos incluidos en el presente documento (autorización aduanera n.º … ([1])) declara que, salvoindicación en sentido contrario, estos productos gozan de un origen preferencial … ([2]).

Croatian version

Izvoznik proizvoda obuhvaćenih ovom ispravom (carinsko ovlaštenje br … ([1])) izjavljuje da su, osim ako je drukčije izričito navedeno, ovi proizvodi … ([2]) preferencijalnog podrijetla.

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 anderes angegeben, präferenzbegünstigte … ([2]) Ursprungswaren sind.

Estonian version

Käesoleva dokumendiga hõlmatud toodete eksportija (tolli 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 authorisation 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

To produktu eksportētājs, kuri ietverti šajā dokumentā (muitas atļauja Nr. … ([1])), deklarē, ka, izņemot tur, kur ir citādi skaidri noteikts, šiem produktiem ir preferenciāla izcelsme … ([2]).

Lithuanian version

Šiame dokumente išvardytų 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 (vámfelhatalmazási szám: … ([1])) kijelentem, hogy eltérő egyértelmű jelzés hiányában az áruk preferenciális … ([2]) származásúak.

Maltese version

L-esportatur tal-prodotti koperti b'dan id-dokument (awtorizzazzjoni tad-dwana nru. … ([1])) jiddikjara li, ħlief 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 abaixo-assinado, exportador dos produtos abrangidos pelo presente documento (autorização aduaneira n.º … ([1])), declara que, salvo indicação expressa em contrário, estes produtos são de origem preferencial … ([2]).

Romanian version

Exportatorul produselor ce fac obiectul acestui document (autorizația vamală nr. … ([1])) declară că, exceptând cazul în care în mod expres este indicat altfel, aceste produse sunt de origine preferențială … ([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]).

..... ([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)

Notes

([1]) When the invoice declaration is made out by an approved exporter within the meaning of Article 22 of the Protocol, the authorisation 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 40 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 21(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.'.

Article 3

The European Union shall communicate to the ESA States the Croatian language version of the Agreement.

Article 4

1. The Agreement shall be applied to goods exported, from either one of the ESA States to the Republic of Croatia or from the Republic of Croatia to one of the ESA States, which comply with the provisions of Protocol 1 to the Agreement and which on 1 July 2013 were either en route or in temporary storage, in a customs warehouse or in a free zone in one of the ESA States or in the Republic of Croatia.

2. In the cases referred to in paragraph 1, preferential treatment shall be granted subject to the submission to the customs authorities of the importing country, within four months of the date of entry into force of this Decision, of a proof of origin issued retrospectively by the customs authorities of the exporting country.

Article 5

ESA States shall undertake not to make any claim, request or referral nor to modify or withdraw any concession pursuant to Articles XXIV.6 and XXVIII of the GATT 1994 or Article XXI of the GATS in relation to the accession of the Republic of Croatia to the European Union.

Article 6

Annex IX to Protocol 1 to the Agreement is replaced by the following:

'*ANNEX IX to Protocol 1*

Overseas countries and territories

Within the meaning of this Protocol, 'overseas countries and territories' means the countries and territories referred to in Part Four of the Treaty establishing the European Community listed below:

(This list is without prejudice to the status of these countries and territories, or future changes in their status.)

1. Overseas countries and territories that have special relations with the Kingdom of Denmark:

   — Greenland.

2. Overseas countries and territories that have special relations with the French Republic:

   — New Caledonia and Dependencies,

   — French Polynesia,

   — Saint Pierre and Miquelon,

   — Saint Barthélemy,

   — French Southern and Antarctic Territories,

   — Wallis and Futuna.

3. Overseas countries and territories that have special relations with the Kingdom of the Netherlands:

   — Aruba,

   — Bonaire,

   — Curaçao,

   — Saba,

   — Sint Eustatius,

   — Sint Maarten.

4. Overseas countries and territories that have special relations with the United Kingdom of Great Britain and Northern Ireland:

   — Anguilla,

   — Bermuda,

   — Cayman Islands,

   — Falkland Islands,

   — South Georgia and the South Sandwich Islands,

   — Montserrat,

   — Pitcairn,

   — Saint Helena and Dependencies,

   — British Antarctic Territory,

   — British Indian Ocean Territory,

   — Turks and Caicos Islands,

   — British Virgin Islands.'.

Article 7

This Decision shall enter into force on ….

Articles 3 and 4 shall apply with effect from 1 July 2013.

Done at …, on ….

For the signatory ESA States *For the European Union*