

PROTOCOL

to the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, to take account of 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

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 REPUBLIC OF SLOVAKIA,

THE REPUBLIC OF FINLAND,

THE KINGDOM OF SWEDEN,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

hereinafter referred to as 'EC Member States', represented by the Council of the European Union, and

THE EUROPEAN COMMUNITY,

hereinafter referred to as 'the Community', represented by the Council of the European Union and the Commission of the European Communities, of the one part, and

THE REPUBLIC OF TUNISIA, hereinafter referred to as 'Tunisia', of the other part,

CONSIDERING THAT the Euro-Mediterranean Agreement establishing an association between the European Communities and their Member States, of the one part, and the Republic of Tunisia, of the other part, hereinafter referred to as 'the Euro-Mediterranean Agreement', was signed in Brussels on 17 July 1995 and entered into force on 1 March 1998.

CONSIDERING THAT 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 the Treaty of Accession) was signed in Athens on 16 April 2003 and entered into force on 1 May 2004.

CONSIDERING THAT, pursuant to Article 6(2) of the 2003 Act of Accession, the accession of the new Contracting Parties to the Euro-Mediterranean Agreement shall be agreed by the conclusion of a Protocol to that Agreement.

CONSIDERING THAT consultations pursuant to Article 23(2) of the Euro-Mediterranean Agreement have taken place in order to ensure that account has been taken of the mutual interests of the Community and Tunisia,

HAVE AGREED AS FOLLOWS:

Article 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 hereby become Contracting Parties to the Euro-Mediterranean Agreement, and shall respectively adopt and take note, in the same way as the other Member States of the Community, of the texts of the Agreement, and of the Joint Declarations, Unilateral Declarations and Exchanges of Letters.

Article 2

To take account of recent institutional developments within the European Union, the Parties agree that, following expiry of the Treaty establishing the European Coal and Steel Community, existing provisions in the Euro-Mediterranean Agreement 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.

CHAPTER I

AMENDMENTS TO THE TEXT OF THE EURO-MEDITERRANEAN AGREEMENT, INCLUDING ITS PROTOCOLS

Article 3

Agricultural products

1. In Article 3 of Protocol No 1, paragraphs 1 and 2 shall be replaced by the following:

‘1. Imports of untreated olive oil falling within CN codes 1509 10 10 and 1509 10 90, wholly obtained in Tunisia and transported direct from Tunisia to the Community, shall be allowed to enter the Community at a zero rate of duty from 1 January 2001, up to a maximum of 50 000 tonnes. An annual quantity of 700 tonnes shall be added as of 1 May 2004.

2. Starting on 1 January 2002, this quantity shall be increased annually by 1 500 tonnes over four years, with a view to achieving an annual quantity of 56 700 tonnes from 1 January 2005.’

2. In the table annexed to Protocol No 1 concerning the arrangements applicable to imports into the Community of agricultural products originating in Tunisia, the line concerning the concession for products falling under CN code 1509 10 shall be replaced by the following:

‘CN code	Description	Rate of reduction of MFN customs duty (%)	Annual tariff quotas or for the indicated period (tons net weight)	Rate of reduction of MFN customs duty in addition to existing tariff quotas (%)	Specific provisions
1509 10	Olive oil and its fractions, virgin	100	50 000 + 700	—	Article 3(2)’

Article 4

Rules of origin

Protocol No 4 shall be amended as follows:

1. Article 19(4) shall be replaced by the following:

‘4. 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 À 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"
 AR 'الصادرة بأثر رجعي'

'4. In the cases referred to in paragraph 3(a), one of the following phrases shall be entered in the "Remarks" box of the EUR.1 movement certificate:

"PROCEDIMIENTO SIMPLIFICADO", "FORENKLET PROCEDURE", "VEREINFACHTES VERFAHREN", "ΑΠΛΟΥΣΤΕΥΜΕΝΗ ΔΙΑΔΙΚΑΣΙΑ", "SIMPLIFIED PROCEDURE", "PROCÉDURE SIMPLIFIÉE", "PROCEDURA SEMPLIFICATA", "VEREENVOUDIGDE PROCEDURE", "PROCEDIMENTO SIMPLIFICADO", "YKSINKERTAISTETTU MENETTELY", "FÖRENKLAT FÖRFARANDE", "ZJEDNODUŠENÝ POSTUP-ČLÁNEK", "LIHTSUSTATUD TOLLIPROTSEDUUR", "VIENKĀRŠOTA PROCEDŪRA", "SUPAPRASTINTA PROCEDURA", "EGYSZERŰSÍTETT ELJÁRÁS", "PROCEDURA UPROSZCZONA", "POENOSTAVLJEN POSTOPEK", "ZJEDNODUŠENÝ POSTUP", 'أصول مبسطة'.

2. Article 20(2) shall be replaced by the following:

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

ES "DUPLICADO"
 CS "DUPLIKÁT"
 DA "DUPLIKÁT"
 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"
 AR 'نسخة'

3. Article 22(4) shall be replaced by the following:

Article 5

Presidency of the Association Committee

Article 82(3) shall be replaced by the following:

'3. The Association Committee shall be chaired in turn by a representative of the Commission of the European Communities and by a representative of the Government of the Republic of Tunisia.'

CHAPTER II

TRANSITIONAL PROVISIONS

Article 6

Proofs of origin and administrative cooperation

1. By this Protocol, proofs of origin properly issued by either Tunisia or a new Member State under preferential agreements or autonomous arrangements applied between them shall be accepted in the respective countries, provided that:

- the acquisition of such origin confers preferential tariff treatment on the basis of either the preferential tariff measures contained in the Euro-Mediterranean Agreement or in the Community scheme of generalised tariff preferences;
- the proof of origin and the transport documents were issued no later than the day before the date of accession;
- the proof of origin is submitted to the customs authorities within a period of four months from the date of accession.

Where goods were declared for importation in either Tunisia or a new Member State, prior to the date of accession, under preferential agreements or autonomous arrangements applied between Tunisia 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 within a period of four months from the date of accession.

2. Tunisia and the new Member States are entitled to retain the authorisations granting the status of 'approved exporters' under preferential agreements or autonomous arrangements applied between them, provided that:

- (a) such a provision is also included in the Agreement concluded between Tunisia and the Community concluded prior to the date of accession;
- (b) the approved exporter applies the rules of origin in force under that Agreement.

These authorisations shall be replaced, no later than one year after the date of accession, by new authorisations issued under the conditions of the Agreement.

3. Requests for subsequent verification of proof of origin issued under the preferential agreements or autonomous arrangements referred to in paragraphs 1 and 2 shall be accepted by the competent customs authorities of either Tunisia 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 7

Goods in transit

1. The provisions of the Euro-Mediterranean Agreement may be applied to goods exported from either Tunisia to one of the new Member States or from one of the new Member States to Tunisia, which comply with the provisions of Protocol No 4 and which on the date of accession are either en route or in temporary storage, in a customs warehouse or in a free zone in Tunisia or in that new Member State.

2. Preferential treatment may be granted in such cases, subject to the submission to the customs authorities of the importing country, within four months from the date of accession, of a proof of origin issued retrospectively by the customs authorities of the exporting country.

CHAPTER III

GENERAL AND FINAL PROVISIONS

Article 8

By this Protocol, Tunisia undertakes not to submit any claim, request or referral and not to modify or withdraw any conces-

sion pursuant to GATT Articles XXIV(6) and XXVIII in relation to the enlargement of the Community.

Article 9

For 2004, the increase in the volume of the existing tariff quota for imports of untreated olive oil shall be calculated as a pro rata of the basic volumes, taking into account the part of the period elapsed before the date referred to in Article 12(2).

Article 10

This Protocol shall form an integral part of the Euro-Mediterranean Agreement. The Annexes to this Protocol shall form an integral part thereof.

Article 11

1. This Protocol shall be approved by the Community, by the Council of the European Union, on behalf of the Member States, and by Tunisia in accordance with their own procedures.

2. The Parties shall notify each other of the accomplishment of the corresponding procedures referred to in paragraph 1. The instruments of approval shall be deposited with the General Secretariat of the Council of the European Union.

Article 12

1. This Protocol shall enter into force on the first day of the first month following the date of deposit of the last instrument of approval.

2. This Protocol shall apply provisionally as from 1 May 2004.

Article 13

This Protocol shall be drawn up in duplicate in the following languages: Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Slovak, Slovenian, Spanish, Swedish and Arabic; the texts in each language being equally authentic.

Article 14

The text of the Euro-Mediterranean 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 the Czech, Estonian, Latvian, Lithuanian, Hungarian, Maltese, Polish, Slovak and Slovenian languages and these texts shall be authentic in the same way as the original texts ⁽¹⁾.

The Association Council shall approve these texts.

⁽¹⁾ OJ L 97 of 30.3.1998, p. 2.

Hecho en Luxemburgo, el treinta y uno de mayo del dos mil cinco.

V Lucemburku dne třicátého prvního května dva tisíce pět.

Udfærdiget i Luxembourg den enogtredivte maj to tusind og fem.

Geschehen zu Luxemburg am einunddreißigsten Mai zweitausendfünf.

Kahe tuhande viienda aasta maikuu kolmekümne esimesel päeval Luxembourgis.

Έγινε στο Λουξεμβούργο, στις τριανταμία Μαΐου δύο χιλιάδες πέντε.

Done at Luxembourg on the thirty-first day of May in the year two thousand and five.

Fait à Luxembourg, le trente-et-un mai deux mille cinq.

Fatto a Lussemburgo, addì trentuno maggio duemilacinque.

Luksemburgā, divtūkstoš piektā gada trīsdesmit pirmajā maijā.

Priimta du tūkstančiai penktų metų gegužės trisdešimt pirmą dieną Liuksemburge.

Kelt Luxembourgban, a kettőezer ötödik év május harmincegyedik napján.

Magħmul fil-Lussemburgu, fil-wiehed u tletin jum ta' Mejju tas-sena elfejn u ħamsa.

Gedaan te Luxemburg, de eenendertigste mei tweeduizend vijf.

Sporządzono w Luksemburgu dnia trzydziestego pierwszego maja roku dwutysięcznego piątego.

Feito em Luxemburgo, em trinta e um de Maio de dois mil e cinco.

V Luxembourggu, enaintridesetega maja leta dva tisoč pet.

V Luxemburgu dňa tridsiateho prvého mája dvetisícpäť.

Tehty Luxemburgissa kolmantenakymmenentenäensimmäisenä päivänä toukokuuta vuonna kaksituhatta-viisi.

Som skedde i Luxemburg den trettioförsta maj tjugohundrafem.

اللوکسمبورغ في : واحد وثلاثون من شهر ماي
سنة الفين وخمسة

Por los Estados miembros
 Za členské státy
 For medlemsstaterne
 Für die Mitgliedstaaten
 Liikmesriikide nimel
 Για τα κράτη μέλη
 For the Member States
 Pour les États membres
 Per gli Stati membri
 Dalībvalstu vārdā
 Valstybių narių vardu
 A tagállamok részéről
 Ghall-Istati Membri
 Voor de lidstaten
 W imieniu Państw Członkowskich
 Pelos Estados-Membros
 Za členské štáty
 Za države članice
 Jäsenvaltioiden puolesta
 Pā medlemsstaternas vägnar
 عن الدول الأعضاء

Por la Comunidad Europea
 Za Evropské společenství
 For Det Europæiske Fællesskab
 Für die Europäische Gemeinschaft
 Euroopa Ühenduse nimel
 Για την Ευρωπαϊκή Κοινότητα
 For the European Community
 Pour la Communauté européenne
 Per la Comunità europea
 Eiropas Kopienas vārdā
 Europos bendrijos vārdā
 az Európai Közösség részéről
 Ghall-Komunità Ewropea
 Voor de Europese Gemeenschap
 W imieniu Wspólnoty Europejskiej
 Pela Comunidade Europeia
 Za Európske spoločenstvo
 Za Ecropsko skupnost
 Euroopan yhteisön puolesta
 Pā Europeiska gemenskapens vägnar
 عن المجموعة الأوروبية

Por la República de Túnez
 Za Tuniskou republiku
 For Den Tunesiske Republik
 Für die Tunesische Republik
 Tuneesia Vabariigi nimel
 Για τη Δημοκρατία της Τυνησίας
 For the Republic of Tunisia
 Pour la République Tunisienne
 Per la Repubblica Tunisina
 Tunisijas Republikas vārdā
 Tuniso Respublikos vardu
 A Tunéz Köztársaság részéről
 Ghar-Repubblika tat-Tunizija
 Voor de Republiek Tunesië
 W imieniu Republiki Tunezyjskiej
 Pela República da Tunísia
 Za Tuniskú republiku
 Za Republiko Tunizijo
 Tunisian tasavallan puolesta
 For Republiken Tunisien
 عن الجمهورية التونسية