



ORTA ANADOLU
İHRACATÇI BİRLİKLERİ
GENEL SEKRETERLİĞİ

Sayı: 70430465-TİM.OAİB.GSK.İDARİ.2025/130-529
Konu: Bölgesel Konvansiyonun Uygulanmasında Mevcut Durum

Ankara, 16/01/2025

Sayın Üyemiz,

Türkiye İhracatçılar Meclisi (TİM)'den alınan bir yazıda, Ticaret Bakanlığı Uluslararası Anlaşmalar ve Avrupa Birliği Genel Müdürlüğünden alınan bir yazıya atfen, Pan Avrupa Akdeniz Bölgesi İçinde Serbest Ticaret Anlaşması (STA) ağı bulunan ülkelerin birbirleri menşeli eşyayı üretimde serbestçe kullanabilmeleri ve bunları birbirlerine ihraç edebilmelerine yarayan “**çapraz kümülasyon**” imkanlarının, bu Anlaşmalarda aynı menşe kurallarının uygulanmasıyla sağlandığı bildirilmektedir.

Anılan yazıda devamla, halihazırda söz konusu bölgedeki çapraz kümülasyon uygulamasının, bölgedeki mevcut STA'ların menşe hükümlerinin Pan Avrupa Akdeniz tercihli menşe kurallarına ilişkin Model Protokoller ve bu model protokollerde yer alan menşe kurallarını tek bir konsolide metinde toplayan Pan Avrupa Akdeniz Tercihli Menşe Kurallarına Dair Bölgesel Konvansiyon kapsamında uygulanmasıyla yürütüldüğü, (bu iki düzenleme aynı menşe kurallarına dayandığından bundan sonra "2012 kuralları" olarak atıfta bulunulacaktır) Pan Avrupa Akdeniz Tercihli Menşe Kurallarına Dair Bölgesel Konvansiyon'un ülkemiz tarafından 4 Kasım 2011 tarihinde imzalandığı, 6497 sayılı Kanun'la uygun bulunduğu ve 1 Şubat 2014 tarihinde yürürlüğe konulduğu ifade edilmektedir. Bununla birlikte, temeli 1990'lı yıllarda atılmış olan bu menşe kurallarının, üretim tekniklerinde son yıllarda yaşanan değişimler ve yeni tedarik zincirlerinin ortaya çıkması neticesinde güncellenmesine karar verildiği belirtilmektedir.

Bu kapsamda, 2012 kurallarının Pan Avrupa Akdeniz Ortak Komitesi'nin 7 Aralık 2023 tarihli ve 1/2023 sayılı Kararı'yla revize edildiği, bu Karar ile konvansiyonun yeni menşe kurallarının (“2023 kuralları”) **1 Ocak 2025** tarihi itibarıyla yürürlüğe girmesinin kararlaştırıldığı bildirilmektedir.

Ayrıca, 2023 kurallarının mevcut çapraz kümülasyon imkanlarına geriye gidış olmadan, bölge içerisinde yürürlüğe girmesi için Pan Avrupa Akdeniz ülkelerinin tamamının yeni menşe kurallarına ilişkin iç onay süreçlerini tamamlamış olması ve aralarındaki STA'ları Ortak Komite Kararları vasıtasıyla tadil etmiş olmaları gerektiği, ancak geline aşamada ülkemizin de içinde bulunduğu bazı Taraf ülkelerde bu sürecin 1 Ocak 2025 tarihine kadar tamamlanamayacağına ortaya çıktığı belirtilmektedir.

İlave olarak, bu koşullar altında **1 Ocak 2025** tarihi itibarıyla Pan Avrupa Akdeniz bölgesinde bazı Taraf ülkeler arasında 2012 kurallarının uygulanmaya devam edileceği, bazı Taraf ülkeler arasında ise 2023 kurallarının uygulanmaya başlanacağı, farklı menşe kurallarının aynı kümülasyon bölgesinde uygulanmaya devam etmesinin ise mevcut çapraz kümülasyon imkanlarını etkileyeceği ifade edilmektedir.

Bu çerçevede, 1 Ocak 2025 tarihi itibarıyla geçerliliği sona erecek olan 2012 kurallarının, kabul eden Taraf ülkeler bakımından, 31 Aralık 2025 tarihine kadar ilgili STA'lar kapsamında geçerli olmasını öngören Pan Avrupa Akdeniz Ortak Komitesi'nin 2/2024 sayılı Kararı ile “geçiş hükümleri düzenlemesi”nin kabul edildiği belirtilmekte olup Pan Avrupa Akdeniz Çalışma Grubu tarafından hazırlanan ve Avrupa Komisyonu tarafından resmi internet sitelerinde yayımlanan geçiş hükümleri rehberi ekte yer almaktadır.

Ayrıntılı bilgi için: Ayşenur Altan - BSHS

Orta Anadolu İhracatçı Birlikleri Genel Sekreterliği

Ceyhan Atuf Kansu Cad. No: 120

06520 BALGAT ÇANKAYA ANKARA

Tel : (312) 447 27 40 Faks : (312) 446 96 05 - 447 01 80

e-posta : info@oaib.org.tr / www.oaib.org.tr





**ORTA ANADOLU
İHRACATÇI BİRLİKLERİ
GENEL SEKRETERLİĞİ**

Sayı: 70430465-TİM.OAİB.GSK.İDARİ.2025/130-529
Konu: Bölgesel Konvansiyonun Uygulanmasında Mevcut Durum

Ankara, 16/01/2025

Öte yandan, ülkemizde 2023 kuralları ile geçiş hükümleri düzenlemesinin iç onay prosedürlerinin halihazırda devam ettiği belirtilmektedir. Bahse konu onay prosedürlerinin tamamlanmasının ardından, geçiş hükümleri düzenlemesinin ülkemizde de uygulanacak olması sebebiyle önümüzdeki bir senelik süre zarfında STA ortaklarıyla ticarete 2012 kuralları ile 2023 kurallarının karşılaştırılarak, üretim süreçleri lehine olan menşe kuralının seçilebileceği ve o ülkeyle tercihli ticaret yapmaya devam edilebileceği ifade edilmektedir.

İlaveten, halihazırda 2012 kurallarının uygulanmasına devam edilen STA'lar kapsamı ürünlerin, geçiş hükümleri düzenlemesinin uygulandığı diğer STA ortaklarıyla ihracatımızda kümülasyona konu edilebileceği belirtilmektedir.

Bu kapsamda, Ticaret Bakanlığı tarafından yapılacak yeni bildirim kadar, 1 Ocak 2025 ile 31 Aralık 2025 tarihleri arasında Pan Avrupa Akdeniz havzası STA'larında menşe kuralları açısından aşağıdaki düzenlemelerin geçerli olacağı bildirilmektedir.

1. 2012 kurallarına göre işletilmeye devam eden STA'lar: Mısır, Fas, Tunus, AKÇT, AB Tarım (1/98 sayılı OKK), EFTA, Faroe Adaları, Filistin, Gürcistan, Moldova, Arnavutluk, Sırbistan, Bosna-Hersek, Kosova (atfın yürürlük süreci devam etmektedir.), Karadağ, K. Makedonya

2. 2023 Kurallarının Uygulanmaya Başlayacağı STA'lar: EFTA, Faroe Adaları

Bu kapsamda, 2023 kurallarının uygulanacağı Pan Avrupa Akdeniz bölgesindeki diğer STA ortaklarıyla tercihli ticarete ilişkin detaylı bilgileri içeren mevzuatın ilerleyen dönemde yayımlanacağı ifade edilmektedir.

Bilgilerine sunulur.

S. Tansel KÜNBİ
Genel Sekreter A.
Şube Müdürü

Ek: Geçiş Hükümleri Rehberi (14 Sayfa)



1. Background

The Convention is applicable by way of a reference to it included in the protocols on rules of origin to the relevant bilateral Agreements between the CPs.

The cumulation possibilities in the PEM area are based on a network of agreements between the CPs providing for the application of identical rules of origin. These include the 2012 rules of the Convention as well as the bilateral old PEM protocols, which are considered identical.

In parallel, an alternative set of rules of origin (the Transitional rules of origin) have been applicable alongside the 2012 rules. These rules entered into force as of 1 September 2021 on a bilateral basis between several CPs, pending the entry into force of the 2023 rules. The application of the Transitional rules of origin in parallel with the 2012 rules created two distinctive zones of cumulation.

The Convention was amended by Decision No 1/2023 of the Joint Committee of 7 December 2023⁽²⁾, replacing the 2012 rules with the 2023 rules. This amendment enters into force on 1 January 2025 in relation to all CPs.

The effective application between CPs of the 2023 rules is conditional to the introduction of a reference to the Convention as last amended and published in their bilateral agreements (dynamic link). Pending the update of the bilateral agreements between several CPs with a reference to the Convention, the applicable rules of origin between those CPs will be the rules contained in their bilateral protocols (the 2012 rules or the old PEM protocols).

As of 1 January 2025, some CPs will apply the 2023 rules while others will still apply the 2012 rules or the old PEM protocols, with potential changes to the diagonal cumulation possibilities impacting the trade flows in the PEM area.

Where the transition towards the 2023 rules is not simultaneous for all CPs, it should be avoided as much as possible that this will lead to a less favourable situation than the preceding legal framework. Therefore, transitional provisions concerning the application of the Convention are put in place for a period of one year, from 1 January 2025 to 31 December 2025.

The main scope of the transitional provisions is to maintain the 2012 rules applicable in parallel with the 2023 rules between the CPs for which the 2023 rules enter into force. This will ensure the preservation of the trade flows based on the cumulation possibilities existing before 1 January 2025. The economic operators have the possibility to choose between the two applicable sets of rules, based on their supply chains.

The transitional provisions also ensure the principle of permeability between the two sets of rules of origin. This means that goods considered originating in the meaning of the 2012 rules can also be considered originating in the meaning of 2023 rules for the purpose of cumulation, provided that certain conditions are fulfilled.

This new context preserves the flexibilities for the economic operators as in the practice established by the application in parallel of the Transitional rules of origin with the 2012 rules since 1 September 2021.

(2) [Decision No 1/2023 of the Joint Committee of the Regional Convention on pan-Euro-Mediterranean Preferential Rules of Origin of 7 December 2023 on the amendment of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin \[2024/3901\] \(europa.eu\)](https://eur-lex.europa.eu/eli/dec/2023/3901/oj)

The foreseen staggered implementation process of the 2023 rules and the transitional provisions lead to three different statuses between CPs during 2025. It should be noted that a CP may be under several different statuses depending on the content of the bilateral protocol with its different PEM partners.

2. Statuses of CPs

Status CR: Contracting Parties applying the 2023 rules and the transitional provisions between each other.

This status gives exporters the possibility to choose between the 2012 rules and the 2023 rules benefitting from cumulation possibilities under each set of rules. It also allows for permeability between the two sets of rules.

Status R: Contracting Parties applying the 2023 rules between each other without the transitional provisions.

This status represents those CPs who have updated their bilateral protocols with a dynamic link to the Convention, but not yet finalised the domestic procedures concerning the endorsement of the transitional provisions.

Under this status the 2023 rules apply, and diagonal cumulation will be possible based on the 2023 rules only. The cumulation possibilities under 2023 rules are expected to expand throughout 2025.

Status C: Contracting Parties applying the 2012 rules or the old PEM protocols between each other.

This status represents those CPs still applying the 2012 rules or old PEM protocols according to their existing bilateral protocols which have not yet been updated with a dynamic link. Diagonal cumulation will be possible based on the 2012 rules only.

3. Transitional provisions introduced by Decision No 1/2024.

The transitional provisions will be applicable for the CPs who are applying the 2023 rules and have ratified Decision No 1/2024 of the Joint Committee. These provisions will minimise the disruption of cumulation between CPs and those who have not yet aligned their bilateral protocols will benefit indirectly by being maintained in the trade flows.

Article 42 (1)

Appendix I to the Convention as published in OJ L54/4 of 26.02.2013 shall be applicable between the Contracting Parties to the Convention until 31 December 2025 in parallel with this Appendix.

The first paragraph ensures that the 2012 rules continue to apply for one additional year in parallel with the 2023 rules which will enter into force on 1 January 2025.

This provision entails that two sets of rules, which will create two separate cumulation zones, will be applicable from 1 January 2025 to 31 December 2025.

Example:

Party A and Party B are applying between each other both sets of rules – CR status

Party D is applying only 2023 rules with A and B – R status

Party E is applying only 2012 rules with A and B – C status

Diagonal cumulation is possible between A, B and D based on 2023 rules

Diagonal cumulation is possible between A, B and E based on 2012 rules

Article 42 (2)

Proofs of origin issued or made out before 1 January 2025 in accordance with the rules for optional application to the Convention pending the conclusion and entry into force of the amendment of the Convention (the Transitional rules of origin) and submitted after this date, within their validity period, shall be accepted for preferential treatment at importation for goods which, on 1 January 2025, are either in transit or placed under a special procedure under customs control. Those goods may be used for cumulation as provided for in Article 7.

This provision ensures that the goods in transit or storage, with a valid proof of origin issued or made out in accordance with the Transitional rules of origin, will not lose originating status and preferential treatment when they have reached their destination, after 1 January 2025.

It ensures that proofs of origin issued or made out in 2024 under the framework of Transitional rules of origin are accepted for preferential treatment in 2025, within their validity period. The validity period for these proofs of origin is ten months from the date of issuance.

Goods covered by proofs of origin issued or made out in accordance with the Transitional rules of origin in 2024 can be used for the purpose of cumulation under 2023 rules.

Examples of proofs of origin issued or made out under the Transitional rules of origin:

dynamic link, within their validity period. The validity period for these proofs of origin is four months from the date of issuance.

Example:

Party A and Party B are still applying after 1 January 2025 the old PEM protocol – C status.

The bilateral protocol between A and B containing the dynamic link enters into force on 1 March 2025 rendering applicable between A and B the 2023 rules from that date.

Party A is issuing a proof of origin in accordance with the old PEM protocol on 15 February 2025. The goods covered by this proof of origin are imported in Party B on 10 May 2025. The preferential treatment is granted at the time of importation.

In case of belated presentation, the conditions of article 23 apply which stipulates that the proof of origin shall not be rejected if:

- the failure to submit these documents by the final date is due to exceptional circumstances; or
- the products covered by the document on origin have been presented to the customs administration of the importing party before the expiry of the document on origin.

Exceptional circumstances in this context refer to rare instances that are beyond the control of the importer or their representative and do not compromise the customs authorities' ability to verify the origin of the goods (such as natural catastrophes or other instances of *force majeure*).

Article 42 (5)

Proofs of origin issued or made out before 1 January 2026 in accordance with paragraph 1 or in accordance with the rules of origin contained in the Protocols preceding the Convention and submitted after this date within their validity period, shall be accepted for preferential treatment at importation for goods which, on 1 January 2026, are either in transit or placed under a special procedure under customs control. In case of belated presentation of such proofs, Article 23, paragraphs (2) and (3) shall apply.

This provision ensures that the goods in transit or storage, with a valid proof of origin issued or made out according to the 2012 rules or the old PEM Protocols during 2025 will not lose originating status and preferential treatment when they have reached their destination after 1 January 2026.

It ensures that proofs of origin issued or made out in accordance with the 2012 rules, or the old PEM protocols, are accepted for preferential treatment after 1 January 2026, within their validity period. The validity period for these proofs of origin is four months from the date of issuance.

Example:

Party A and Party B are still applying after 1 January 2025 the old PEM protocol – C status.

or

Party A and Party B are applying the 2012 rules and 2023 rules in 2025 – CR status.

Party A is issuing a proof of origin in accordance with the old PEM protocol/2012 rules on 15 December 2025. The goods covered by this proof of origin are imported in Party B on 10 February 2026. The preferential treatment is granted at the time of importation.

Article 8, (1a)

The cumulation provided for in Article 7 may be applied for goods classified under Chapters 1, 3, 16 (for processed fishery products) and 25 to 97 of the Harmonised System that have obtained originating status by the application of the rules of origin included in Article 42 paragraph 1 and the relevant provisions of Appendix II as well as by the application of the rules of origin included in the Protocols concerning the definition of the concept of 'originating products' and methods of administrative cooperation preceding the Convention provided that materials and products are originating in the Contracting Parties for which cumulation is possible, as notified in the "Commission notice concerning the application of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin or the protocols on rules of origin providing for diagonal cumulation between the Contracting Parties to this Convention", as last published in the EU Official Journal.

This paragraph shall apply for the period provided in Article 31 paragraph 1 to goods covered by the proofs of origin mentioned in Article 42 paragraph 4 and 5.

This provision allows for permeability between the 2012 rules and the 2023 rules (only from 2012 rules to 2023 rules) when it comes to cumulation. This means that the cumulation provisions of the 2023 rules may also apply to products under the 2012 rules in those cases where the products meet the requirements of both sets of rules.

As the rules of origin provided by the 2012 rules are in general more restrictive than the 2023 rules, with some exceptions, goods fulfilling the 2012 rules could qualify under the 2023 rules.

Permeability means that the origin of the final product can be acquired under the 2023 rules by application of cumulation with materials originating under the 2012 rules, where cumulation is possible according to the matrix.

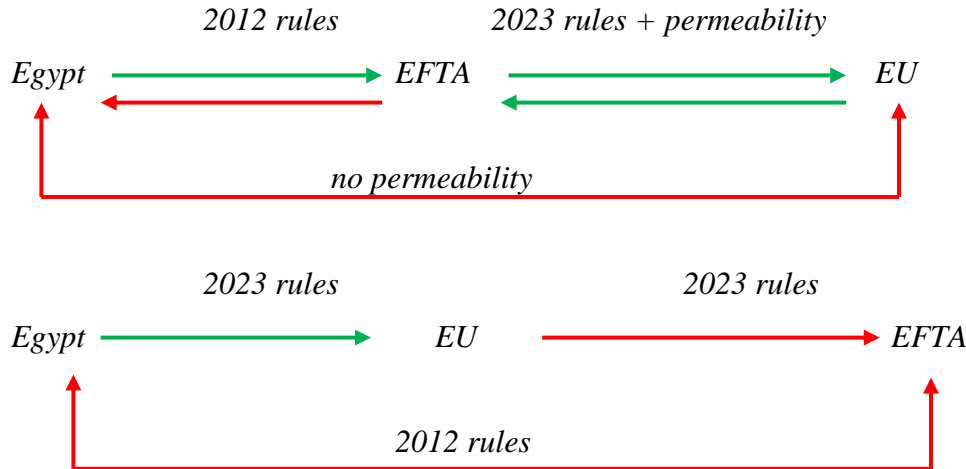
Permeability is limited to those products for which the 2023 rules are more relaxed than those of the 2012 rules:

- Products of chapters 1, 3 and 16 for processed fishery products of the Harmonised system.
- Industrial products classified under chapters 25 to 97 of the Harmonised System.

If these products are complying with the 2012 rules, they can be considered originating under the 2023 rules as well.

EU suppliers' declarations made out under the 2012 rules can be used as underlying evidence for proofs on origin under the 2023 rules for those goods for which permeability is possible.

The EU and EFTA, which both have CR status can cumulate with materials originating in Egypt, under the 2023 rules and based on permeability. Even though EFTA and Egypt only have C status, the cumulation under the 2023 rules can take place when materials originating in Egypt under 2012 rules are used in the production of goods originating in EFTA under the 2023 rules for exports to the EU, as the permeability concept is applied between EFTA and the EU in accordance with the transitional provision of Decision 1/2024. However, if the products are exported from the EU back to EFTA, then from EFTA they can no longer be exported to or cumulated in Egypt under 2012 rules, which are the only rules applicable between EFTA and Egypt.



The EU can import input materials originating in Tunisia under the 2012 rules, C status. The input materials can be used for cumulation purposes in the EU under the 2023 rules based on permeability, and further exported and cumulated in EFTA. However further cumulation is not possible with Egypt, because Decision 1/2024 is not applicable between the EU and Egypt. The products cannot be further exported to or cumulated in Tunisia under 2012 rules, which is the only set of rules applicable between Tunisia and the others.

