

Overseas Countries and Territories with the European Union (Anguilla (UK), Aruba (NL), Bermuda (UK), Bonaire (NL), British Antarctic Territory (UK), British Indian Ocean Territory (UK), British Virgin Islands (UK), Cayman Islands (UK), Curaçao (NL), Falkland Islands (UK), French Polynesia (FR), French Southern -and Antarctic Territories (FR), Greenland (DK), Montserrat (UK), New Caledonia and Dependencies (FR), Pitcairn (UK), Saba (NL), Saint Barthelemy (FR), Sint Eustatius (NL), Sint Maarten (NL), South Georgia and South Sandwich Islands (UK), Saint Helena, Ascension Island, Tristan da Cunha (UK), St. Pierre and Miquelon (FR), Turks and Caicos Islands (UK), Wallis and Futuna Islands (FR))

Association of the overseas countries and territories with the European Union (‘Overseas Association Decision ([OJ L 344, 19.12.2013](#))

Annex VII - Temporary Withdrawal Of Preferences

Article 1 - Principles concerning the withdrawal of preferences

1. The preferential arrangements provided for under Article 43 of this Decision may be withdrawn temporarily, in respect of all or of certain products originating in an OCTs, in cases of:

- (a) fraud;
 - (b) irregularities or systematic failure to comply with or to ensure compliance with the rules concerning the origin of the products and with the procedures related thereto; or
 - (c) failure to provide the administrative cooperation referred to in paragraph 2 of this Article and Title V of Annex VI as required for the implementation and policing of the arrangements referred to in Articles 43 to 49 of this Decision.
2. The administrative cooperation referred to in paragraph 1 requires, inter alia, that an OCTs:
- (a) communicates to the Commission and updates the information necessary for the implementation of the rules of origin and the policing thereof;
 - (b) assists the Union by carrying out, at the request of the customs authorities of the Member States, subsequent verification of the origin of the goods, and communicates its results in time;
 - (c) carries out or arranges for appropriate inquiries to identify and prevent contravention of the rules of origin;
 - (d) assists the Union by allowing the Commission, in coordination and close cooperation with the competent authorities of the Member States, to conduct Union inquiries on its territory, in order to verify the authenticity of documents or the accuracy of information relevant for granting the benefit of the arrangements referred to in Article 43 of this Decision;
 - (e) complies with or ensure compliance with the rules of origin in respect of cumulation, within the meaning of Articles 7 to 10 of Annex VI;
 - (f) assists the Union in the verification of conduct where there is the presumption of origin-related fraud. The existence of fraud may be presumed where imports of products under the preferential arrangements provided for in this Decision massively exceed the usual levels of the beneficiary OCTs’ exports.

Article 2 - Withdrawal of preferential arrangements

1. The Commission may temporarily withdraw the preferential arrangements provided for in this Decision, in respect of all or of certain products originating in a beneficiary country, where it considers that there is sufficient evidence that a temporary withdrawal would be justified for the reasons referred to in paragraphs 1 and 2 of Article 1 of this Annex, provided that it has first:

(a) consulted the Committee referred to in Article 10 of Annex VIII in accordance with the procedure referred to in Article 3(2) of this Annex;

(b) called on the Member States to take such precautionary measures as are necessary, in order to safeguard the Union's financial interests and/or secure compliance by the beneficiary country with its obligations; and

(c) published a notice in the Official Journal of the European Union stating that there are grounds for reasonable doubt about the application of the preferential arrangements and/or compliance by the beneficiary country with its obligations, which may call into question its right to continue to enjoy the benefits granted by this Decision.

The Commission shall inform the OCTs(s) concerned of any decision taken in accordance with this paragraph, before it becomes effective. The Commission shall also notify the Committee referred to in Article 10 of Annex VIII.

2. The period of temporary withdrawal shall not exceed six months. On conclusion of that period, the Commission shall decide either to terminate the temporary withdrawal after informing the Committee referred to in Article 10 of Annex VIII or to extend the period of temporary withdrawal in accordance with the procedure referred to in paragraph 1 of this Article.

3. Member States shall communicate to the Commission all relevant information that may justify the withdrawal of preferences, its extension or its termination.

Article 3 - Committee procedure

1. For the purpose of the implementation of Article 2 of this Annex, the Commission shall be assisted by the Committee referred to in Article 10 of Annex VIII.

2. When reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.