

## 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

THE EUROPEAN COAL AND STEEL COMMUNITY,

of the one part, and

THE REPUBLIC OF TURKEY,

of the other part,

WHEREAS the Community and the Republic of Turkey in furtherance of the Ankara Agreement are concluding a Customs Union in respect of products covered by the Treaty establishing the European Community,

PURSUING the objective of the elimination of barriers to trade and desiring to find solutions for the products covered by the Treaty establishing the European Coal and Steel Community,

HAVE DECIDED, in pursuance of these objectives,

TO CONCLUDE THIS AGREEMENT and to this end have designated as their Plenipotentiaries:

THE COMMISSION OF THE EUROPEAN COMMUNITIES

THE PRESIDENT OF THE REPUBLIC OF TURKEY

WHO, having exchanged their full powers, found in good and due form,

HAVE AGREED AS FOLLOWS:

*Article 1*

This Agreement shall apply to those coal and steel products covered by the Treaty establishing the European Coal and Steel Community and which originate in the Community or Turkey as listed in Annex I.

*Article 2*

The Community and Turkey shall establish, in accordance with the provisions of this Agreement and in conformity with their obligations under the World Trade Organization, a free trade area in respect of the products referred to in Article 1.

**Elimination of customs duties and charges having equivalent effect***Article 3*

1. Customs duties on imports or exports shall be abolished in trade between the Parties in the products referred to in Article 1 on the date of entry into force of this Agreement, save that customs duties in respect of imports into Turkey of those products set out in Annex II shall be abolished over three years beginning on the first day of the month following the date on which the Agreement enters into force pursuant to Article 20 in accordance with the schedule set out in Annex II, namely a reduction to 50 % of the consolidated duties specified in Annex II during the first year of this Agreement and

by way of a further reduction to 25 % of those duties during the second and third years of this Agreement.

2. No new customs duties on imports or exports shall be introduced in trade between the Parties from the date of entry into force of this Agreement.

3. Taxes, duties and levies other than customs duties, including all measures having equivalent effect, shall be abolished on both sides on the date of entry into force of this Agreement and shall not be reintroduced.

#### Elimination of quantitative restrictions or measures having equivalent effect

##### Article 4

Quantitative restrictions or measures having equivalent effect shall be wholly abolished in respect of trade between the Community and Turkey on the date of entry into force of this Agreement. The Community and Turkey shall refrain from introducing any new quantitative restrictions or measures having equivalent effect in respect of trade between the Community and Turkey from that date.

##### Article 5

If the Community or Turkey considers that a particular practice is incompatible with the terms of Article 3 or 4 it may refer the matter to the ECSC/Turkey Joint Committee and may take appropriate measures following consultation of the Joint Committee or after 45 days of referral for such consultations. Priority will be given to measures which least disturb the functioning of this Agreement.

#### Customs provisions

##### Article 6

1. The combined nomenclature of goods shall be applied to the classification of goods for import into the Community.

2. Protocol 1 lays down rules of origin for the purposes of this Agreement.

#### Competition, concentrations and State aids

##### Article 7

1. The following shall be incompatible with the proper functioning of this Agreement, in so far as they may affect trade between the Community and Turkey:

- (i) all agreements of cooperative or concentrative nature between undertakings, decisions by associations of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition;
- (ii) abuse by one or more undertakings of a dominant position in the territories of the Community or of Turkey as a whole or in a substantial part thereof;
- (iii) public aid in any form whatsoever except derogations allowed pursuant to the ECSC Treaty.

2. Any practices contrary to paragraph 1 (i), (ii) and (iii) shall be assessed on the basis of the relevant criteria arising from the application of the rules of Articles 65 and 66 of the Treaty establishing the European Coal and Steel Community (and, where relevant, Article 85 of the Treaty establishing the European Community) and the rules on State aid in the ECSC sector, together with its secondary legislation.

3. Turkey shall notify the Community in sufficient time of any public aid proposed to be granted in the ECSC steel sector. The Community shall have the right to raise objections against any such aid which would have been deemed unlawful under Community law had it been granted by a Member State. If Turkey does not agree with the Community's opinion, and if the case is not resolved within 30 days, the Community and Turkey shall each have the right to refer the case to arbitration.

4. Each Party shall ensure transparency in the area of public aid by a full and continuous exchange of information to the other Party, including amount, intensity and purpose of any proposed aid.

5. The ECSC/Turkey Joint Committee shall, within two years from the entry into force of this Agreement adopt the necessary rules for the implementation of paragraphs 1 to 4. These rules shall be based on those already existing in the Community and shall, *inter alia*, specify the role of the respective competition or State aid authorities.

6. If the Community or Turkey considers that a particular practice is incompatible with the terms of paragraph 1 to 4, and

— is not adequately dealt with under the rules adopted pursuant to paragraph 5,

or

— in the absence of such rules, and if such practice causes or threatens to cause serious prejudice to its domestic industry, or a substantial part thereof,

it may take appropriate action following consultation of the ECSC/Turkey Joint Committee or after 45 days of the referral for such consultations. Priority shall be given to measures which least disturb the functioning of this Agreement. In the case of practices incompatible with paragraph 1 (iii) such appropriate measures may, where the Agreement establishing the World Trade Organization applies thereto, only be adopted in conformity with the procedures and under the conditions laid down by the World Trade Organization and any other relevant instrument negotiated under its auspices which are applicable between the Parties.

7. Turkey shall have the right to raise objections and seize the ECSC/Turkey Joint Committee in respect of aid granted by a Member State which it deems to be unlawful under Community law. If the case is not resolved within three months the ECSC/Turkey Joint Committee may decide to refer it to the Court of Justice of the European Communities.

#### Article 8

1. The Parties recognize that during five years after the entry into force of this Agreement, and by way of derogation from Article 7, paragraph 1 (iii), Turkey may, exceptionally, as regards the products covered by this Agreement, grant public aid on a case-by-case basis for restructuring or conversion purposes, provided that:

- transparency is ensured by a full and continuous exchange of information concerning the implementation of the restructuring programme including amount, intensity and purpose of the aid and a detailed restructuring plan;
- the restructuring programme is linked to rationalizing not involving an overall increase in capacity for hot-rolled products;
- the aid leads to viability determined according to the usual viability criteria implying modernization with the sole aim to improve efficiency of the benefiting firms under normal market conditions at the end of the restructuring period;
- the amount of aid granted is not out of proportion to its objectives and is strictly limited, in amount and intensity, to what is absolutely necessary to restore viability;
- Turkey notifies the Community in sufficient time of any aid proposed to be granted under this Article. The Community shall have the right to raise reasoned objections in respect of any such aid which does not comply with the criteria set out above.

2. If, during a period equal to the derogation for subsidies pursuant to paragraph 1 above and given the particular sensitivity of steel market, imports of specific steel products originating in one Party cause or threaten to cause serious injury to domestic producers of like products or serious disturbances to the steel markets of the other Party, both Parties shall enter into consultation immediately to find an appropriate solution. Pending such a solution and notwithstanding other provisions of the Agreement and in particular when exceptional circumstances require immediate action, the importing Party may adopt forthwith quantitative or other solutions strictly necessary to deal with the situation, in accordance with its international and multilateral obligations. Such action may include quantitative restrictions limited to one or more regions that are affected by imports of the steel products in question.

#### Article 9

The Parties shall exchange information, taking into account the limitations imposed by the requirements of professional and business secrecy.

### Trade defence instruments

#### Anti-dumping procedures

#### Article 10

If one of the Parties finds that dumping is taking place in trade with the other Party within the meaning of Article VI of the General Agreement of Tariffs and Trade, it may take appropriate measures against this practice, in accordance with the Agreement relating to the application of Article VI of the General Agreement on Tariffs and Trade, with related internal legislation and with the conditions and procedures set out in Article 11.

#### Article 11

1. Where dumping is being practised in trade between the Community and Turkey the injured Party may notify the ECSC/Turkey Joint Committee, which shall address recommendations to the person or persons with whom such practices originate for the purpose of putting an end to them.

2. The injured Party may, after notifying the ECSC/Turkey Joint Committee, take suitable protective measures where:

- (a) the ECSC/Turkey Joint Committee has taken no decision pursuant to paragraph 1 within three months from the making of the application;

(b) despite the issue of recommendations the dumping practices continue.

Moreover, where the interests of the injured Party call for immediate action, that Party may, after informing the ECSC/Turkey Joint Committee, introduce interim protective measures which may include anti-dumping duties. Such measures shall not remain in force more than three months from the date of application, or from the date on which the injured Party takes protective measures under (b) of the first subparagraph.

3. Where protective measures have been taken under (a) of the first subparagraph of paragraph 2, or under the second subparagraph of that paragraph, the ECSC/Turkey Joint Committee may at any time, decide that such protective measures shall be suspended pending the issue of recommendations under paragraph 1.

The ECSC/Turkey Joint Committee may recommend the abolition or amendment of protective measures taken under (b) of the first subparagraph of paragraph 2.

#### Safeguard measures

##### Article 12

1. Where any product is being imported in such increased quantities and under such conditions as to cause, or threaten to cause:

- serious injury to domestic producers of like or directly competitive products in the territory of one of the Parties, or
- serious disturbances in the steel sector or a related sector of the economy or difficulties which could bring about serious deterioration in the economic situation of a region,

the Community or Turkey, whichever is concerned, may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 16.

2. In the choice of measures to be taken in pursuance of paragraph 1, preference shall be given to measures which least disturb the functioning of this Agreement.

##### Article 13

In the framework of the application of trade policy measures towards third countries, the Parties shall endeavour, through exchange of information and consultation, to seek possibilities for coordinating their

action when the circumstances and international obligations of both Parties allow.

#### The ECSC/Turkey Joint Committee

##### Article 14

1. An ECSC/Turkey Joint Committee is hereby established. The Joint Committee shall carry out an exchange of views and information, formulate recommendations to the Parties and deliver opinions with a view to ensuring the proper functioning of this Agreement. In the cases provided for herein the Joint Committee shall have the power to take decisions. Such decisions shall be binding on the Parties which shall take the necessary measures to implement the decisions taken.

It shall draw up its decisions and recommendations by agreement between the Parties.

2. The Parties shall consult within the Joint Committee on any point relating to the implementation of this Agreement which gives rise to a difficulty for either of them.

3. The Joint Committee shall adopt its rules of procedure.

##### Article 15

1. The Joint Committee shall consist of representatives of the Parties.

2. The office of chairman of the Joint Committee shall be held alternately, for a period of six months, by the representative of the Community, i.e., the Commission of the European Communities, and the representative of Turkey.

3. In order to carry out its duties, the Joint Committee shall decide on the frequency of its meetings and shall also meet on the initiative of its chairman or at the request of one of the Parties.

#### Consultation of the ECSC/Turkey Joint Committee

##### Article 16

1. In the cases referred to in Articles 5, 10 and 12 the Community or Turkey, as the case may be, shall supply the ECSC/Turkey Joint Committee with all relevant information with a view to seeking a solution acceptable to the Parties.

2. For the purposes of implementing paragraph 1, the following provisions shall apply:

- (a) as regards Article 12 the difficulties arising from that Article shall be referred for examination to the Joint Committee, which may take any decision needed to put an end to such difficulties. If the Joint Committee or the exporting Party has not taken a decision to put an end to the difficulties or no other satisfactory solution has been reached within 30 days of the matter being referred to the Joint Committee, the importing Party may adopt appropriate measures to remedy the difficulties which have arisen. Priority shall be given to such measures as least disturb the functioning of this Agreement;
- (b) where exceptional circumstances requiring immediate action make prior information or examination, as the case may be, impossible, the Community or Turkey, whichever is concerned, may, in situations specified in Article 12 apply forthwith the precautionary and provisional measures strictly necessary to deal with the situation, and the Joint Committee will be informed immediately.

#### Settlement of disputes

##### *Article 17*

If examination by the Joint Committee fails to settle a dispute relating to safeguard measures taken in accordance with Article 12, within six months of the date on which the referral was made, either Party may refer the dispute to arbitration under the procedures laid down in Article 18. The arbitration award shall be binding on the Parties to the dispute.

##### *Article 18*

1. If a dispute has been referred to arbitration there shall be three arbitrators.
2. The two Parties to the dispute shall each appoint one arbitrator within 30 days.
3. The two arbitrators so designated shall nominate by common agreement one umpire who shall not be a national of either Contracting Party. If they cannot agree within two months of their appointment, the umpire shall be chosen by them from seven persons on a list established by the Joint Committee, which shall establish and review this list in accordance with its rules of procedure.

4. The arbitration tribunal shall sit in Brussels. Unless the Parties decide otherwise, it shall adopt its rules of procedure. It shall take its decisions by majority.

#### Contact Group

##### *Article 19*

The Parties shall establish a Contact Group which will discuss matters arising out of the functioning of this Agreement including in particular questions related to trade between the Parties, cooperation between them in respect of investment and the progress of restructuring. The Contact Group shall report to the Joint Committee.

#### General and final provisions

##### Entry into force

##### *Article 20*

This Agreement shall be approved by the Parties in accordance with their own procedures. The Agreement shall enter into force on the first day of the month following the date on which the Parties notify each other that these procedures have been completed.

##### *Article 21*

This Agreement shall be drawn up in duplicate in the Danish, Dutch, English, Finnish, French, German, Italian, Spanish, Swedish, Greek, Portuguese and Turkish languages, each of the texts being equally authentic.

#### Interpretation

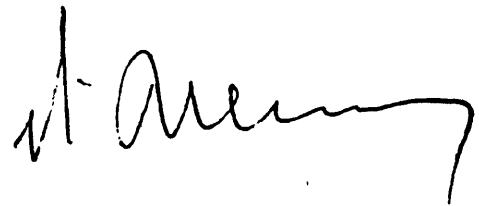
##### *Article 22*

The provisions of this Agreement, in so far as they are identical in substance to the corresponding provisions of the Treaty establishing the European Community shall be interpreted for the purposes of their implementation and application to products covered by this Agreement, in conformity with the relevant decisions of the Court of Justice of the European Communities.

Done at Brussels, on the twenty-fifth day of July in the year one thousand nine hundred and ninety-six.

*For the European Coal and Steel Community*

*For the Republic of Turkey*

A stylized handwritten signature consisting of several vertical strokes on the left and a horizontal stroke extending to the right.A handwritten signature in cursive script, starting with a large 'M' and ending with a long horizontal stroke.

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## ANNEX I

## LIST OF ECSC COAL AND STEEL PRODUCTS 1996

2601 11 00	7207 19 31	7210 49 10	7216 31 11	7222 11 91	7228 70 31
2601 12 00	7207 20 11	7210 50 10	7216 31 19	7222 11 99	7228 80 10
	7207 20 15	7210 61 10	7216 31 91	7222 19 10	7228 80 90
2602 00 00	7207 20 17	7210 69 10	7216 31 99	7222 19 90	
	7207 20 32	7210 70 31	7216 32 11	7222 30 10	7301 10 00
2619 00 10	7207 20 51	7210 70 39	7216 32 19	7222 40 10	
	7207 20 55	7210 90 31	7216 32 91	7222 40 30	7302 10 31
2701 11 10	7207 20 57	7210 90 33	7216 32 99		7302 10 39
2701 11 90	7207 20 71	7210 90 38	7216 33 10	7224 10 00	7302 10 90
2701 12 10			7216 33 90	7224 90 01	7302 20 00
2701 12 90	7208 10 00	7211 13 00	7216 40 10	7224 90 05	7302 40 10
2701 19 00	7208 25 00	7211 14 10	7216 40 90	7224 90 08	7302 90 10
2701 20 00	7208 26 00	7211 14 90	7216 50 10	7224 90 15	
	7208 27 00	7211 19 20	7216 50 91	7224 90 31	
2702 10 00	7208 36 00	7211 19 90	7216 50 99	7224 90 39	
2702 20 00	7208 37 10	7211 23 10	7216 99 10		
	7208 37 90	7211 23 51		7225 11 00	
2704 00 19	7208 38 10	7211 29 20	7218 10 00	7225 19 10	
2704 00 30	7208 38 90	7211 90 11	7218 91 11	7225 19 90	
	7208 39 10		7218 91 19	7225 20 20	
7201 10 11	7208 39 90	7212 10 10	7218 99 11	7225 30 00	
7201 10 19	7208 40 10	7212 10 91	7218 99 20	7225 40 20	
7201 10 30	7208 40 90	7212 20 11		7225 40 50	
7201 10 90	7208 51 10	7212 30 11	7219 11 00	7225 40 80	
7201 20 00	7208 51 30	7212 40 10	7219 12 10	7225 50 00	
7201 50 10	7208 51 50	7212 40 91	7219 12 90	7225 91 10	
7201 50 90	7208 51 91	7212 50 31	7219 13 10	7225 92 10	
	7208 51 99	7212 50 51	7219 13 90	7225 99 10	
7202 11 20	7208 52 10	7212 60 11	7219 14 10		
7202 11 80	7208 52 91	7212 60 91	7219 14 90	7226 11 10	
7202 99 11	7208 52 99		7219 21 10	7226 19 10	
	7208 53 10	7213 10 00	7219 21 90	7226 19 30	
7203 10 00	7208 53 90	7213 20 00	7219 22 10	7226 20 20	
7203 90 00	7208 54 10	7213 91 10	7219 22 90	7226 91 10	
	7208 54 90	7213 91 20	7219 23 00	7226 91 90	
7204 10 00	7208 90 10	7213 91 41	7219 24 00	7226 92 10	
7204 21 10		7213 91 49	7219 31 00	7226 93 20	
7204 21 90	7209 15 00	7213 91 70	7219 32 10	7226 94 20	
7204 29 00	7209 16 10	7213 91 90	7219 32 90	7226 99 20	
7204 30 00	7209 16 90	7213 99 10	7219 33 10		
7204 41 10	7209 17 10	7213 99 90	7219 33 90	7227 10 00	
7204 41 91	7209 17 90		7219 34 10	7227 20 00	
7204 41 99	7209 18 10	7214 20 00	7219 34 90	7227 90 10	
7204 49 10	7209 18 91	7214 30 00	7219 35 10	7227 90 50	
7204 49 30	7209 18 99	7214 91 10	7219 35 90	7227 90 95	
7204 49 91	7209 25 00	7214 91 90	7219 90 10		
7204 49 99	7209 26 10	7214 99 10		7228 10 10	
7204 50 10	7209 26 90	7214 99 31	7220 11 00	7228 10 30	
7204 50 90	7209 27 10	7214 99 39	7220 12 00	7228 20 11	
	7209 27 90	7214 99 50	7220 20 10	7228 20 19	
7206 10 00	7209 28 10	7214 99 61	7220 90 11	7228 20 30	
7206 90 00	7209 28 90	7214 99 69	7220 90 31	7228 30 20	
	7209 90 10	7214 99 80		7228 30 41	
		7214 99 90	7221 00 10	7228 30 49	
7207 11 11			7221 00 90	7228 30 61	
7207 11 14	7210 11 10			7228 30 69	
7207 11 16	7210 12 11	7215 90 10		7228 30 70	
7207 12 10	7210 12 19		7222 10 11	7228 30 89	
7207 19 11	7210 20 10	7216 10 10	7222 11 19	7228 60 10	
7207 19 14	7210 30 10	7216 21 00	7222 11 21	7228 70 10	
7207 19 16	7210 41 10	7216 22 00	7222 11 29		

## ANNEX II

CN code	Turkish codes	Consolidated duty prior to reduction (%)	Rate during first year (%)	Rate during second and third years (%)
7207 11 11	7207 11 11 00 11	20	10	5
	7207 11 11 00 12	20	10	5
	7207 11 11 00 13	20	10	5
	7207 11 11 00 14	20	10	5
7207 11 14	7207 11 14 00 11	20	10	5
	7207 11 14 00 12	20	10	5
	7207 11 14 00 13	20	10	5
	7207 11 14 00 14	20	10	5
7207 11 16	7207 11 16 00 11	20	10	5
	7207 11 16 00 12	20	10	5
	7207 11 16 00 13	20	10	5
	7207 11 16 00 14	20	10	5
7207 19 11	7207 19 11 00 00	7	3,5	1,8
7207 19 14	7207 19 14 00 00	20,6	10,3	5,2
7207 19 16	7207 19 16 00 00	20,6	10,3	5,2
7207 19 31	7207 19 31 00 00	7	3,5	1,8
7207 20 11	7207 20 11 00 11	20	10	5
	7207 20 11 00 12	20	10	5
	7207 20 11 00 13	20	10	5
	7207 20 11 00 14	20	10	5
7207 20 15	7207 20 15 00 11	20	10	5
	7207 20 15 00 12	20	10	5
	7207 20 15 00 13	20	10	5
	7207 20 15 00 14	20	10	5
7207 20 17	7207 20 17 00 11	20	10	5
	7207 20 17 00 12	20	10	5
	7207 20 17 00 13	20	10	5
	7207 20 17 00 14	20	10	5
7207 20 51	7207 20 51 00 00	7	3,5	1,8
7207 20 55	7207 20 55 00 00	7	3,5	1,8
7207 20 57	7207 20 57 00 00	7	3,5	1,8
7207 20 71	7207 20 71 00 00	7	3,5	1,8
7213 10 00	7213 10 00 00 00	16	8	4
7213 91 10	7213 91 10 00 00	16	8	4
7213 91 20	7213 91 20 00 00	9	4,5	2,3
7213 91 41	7213 91 41 00 11	16	8	4
	7213 91 41 00 12	16	8	4
	7213 91 41 00 13	16	8	4
	7213 91 41 00 19	16	8	4
7213 91 49	7213 91 49 00 11	16	8	4
	7213 91 49 00 12	16	8	4
	7213 91 49 00 13	16	8	4
	7213 91 49 00 19	16	8	4
7213 91 70	7213 91 70 10 11	16	8	4
	7213 91 70 10 12	16	8	4
	7213 91 70 10 13	16	8	4
	7213 91 70 10 19	16	8	4
	7213 91 70 90 00	9	4,5	2,3



CN code	Turkish codes	Consolidated duty prior to reduction (%)	Rate during first year (%)	Rate during second and third years (%)
7213 91 90	7213 91 90 00 00	9	4,5	2,3
7213 99 90	7213 99 90 90 00	9	4,5	2,3
7214 20 00	7214 20 00 00 11	21,2	10,6	5,3
	7214 20 00 00 12	21,2	10,6	5,3
	7214 20 00 00 13	21,2	10,6	5,3
	7214 20 00 00 14	21,2	10,6	5,3
	7214 20 00 00 15	21,2	10,6	5,3
	7214 20 00 00 16	21,2	10,6	5,3
	7214 20 00 00 19	21,2	10,6	5,3
7214 30 00	7214 30 00 00 11	21,2	10,6	5,3
	7214 30 00 00 12	21,2	10,6	5,3
	7214 30 00 00 13	21,2	10,6	5,3
	7214 30 00 00 14	21,2	10,6	5,3
	7214 30 00 00 15	21,2	10,6	5,3
	7214 30 00 00 16	21,2	10,6	5,3
	7214 30 00 00 19	21,2	10,6	5,3
7214 91 10	7214 91 10 00 00	21,2	10,6	5,3
7214 91 90	7214 91 90 00 00	21,2	10,6	5,3
7214 99 10	7214 99 10 00 00	21,2	10,6	5,3
7214 99 31	7214 99 31 00 00	21,2	10,6	5,3
7214 99 39	7214 99 39 00 11	21,2	10,6	5,3
	7214 99 39 00 12	21,2	10,6	5,3
	7214 99 39 00 13	21,2	10,6	5,3
	7214 99 39 00 14	21,2	10,6	5,3
7214 99 50	7214 99 50 00 11	21,2	10,6	5,3
	7214 99 50 00 12	21,2	10,6	5,3
	7214 99 50 00 19	21,2	10,6	5,3
7214 99 61	7214 99 61 00 00	21,2	10,6	5,3
7214 99 69	7214 99 69 00 11	21,2	10,6	5,3
	7214 99 69 00 12	21,2	10,6	5,3
	7214 99 69 00 13	21,2	10,6	5,3
	7214 99 69 00 14	21,2	10,6	5,3
7214 99 80	7214 99 80 00 11	21,2	10,6	5,3
	7214 99 80 00 12	21,2	10,6	5,3
	7214 99 80 00 19	21,2	10,6	5,3
7214 99 90	7214 99 90 00 00	21,2	10,6	5,3
7215 90 10	7215 90 10 00 00	10	5	2,5
7216 10 00	7216 10 00 10 11	13,5	6,8	3,4
	7216 10 00 10 12	13,5	6,8	3,4
	7216 10 00 10 13	13,5	6,8	3,4
	7216 10 00 90 11	13,5	6,8	3,4
	7216 10 00 90 12	13,5	6,8	3,4
	7216 10 00 90 13	13,5	6,8	3,4
7216 21 00	7216 21 00 10 00	13,5	6,8	3,4
	7216 21 00 90 00	13,5	6,8	3,4
7216 22 00	7216 22 00 10 00	13,5	6,8	3,4
	7216 22 00 90 00	13,5	6,8	3,4
7216 31 11	7216 31 11 10 00	13,5	6,8	3,4
	7216 31 11 90 00	13,5	6,8	3,4
7216 31 19	7216 31 19 10 00	13,5	6,8	3,4
	7216 31 19 90 00	13,5	6,8	3,4
7216 31 91	7216 31 91 10 00	13,5	6,8	3,4
	7216 31 91 90 00	13,5	6,8	3,4

CN code	Turkish codes	Consolidated duty prior to reduction (%)	Rate during first year (%)	Rate during second and third years (%)
7216 31 99	7216 31 99 10 00	13,5	6,8	3,4
	7216 31 99 90 00	13,5	6,8	3,4
7216 32 11	7216 32 11 10 00	13,5	6,8	3,4
	7216 32 11 90 00	13,5	6,8	3,4
7216 32 19	7216 32 19 10 00	13,5	6,8	3,4
	7216 32 19 90 00	13,5	6,8	3,4
7216 32 91	7216 32 91 10 00	13,5	6,8	3,4
	7216 32 91 90 00	13,5	6,8	3,4
7216 32 99	7216 32 99 10 00	13,5	6,8	3,4
	7216 32 99 90 00	13,5	6,8	3,4
7216 33 10	7216 33 10 10 00	13,5	6,8	3,4
	7216 33 10 90 00	13,5	6,8	3,4
7216 33 90	7216 33 90 10 00	13,5	6,8	3,4
	7216 33 90 90 00	13,5	6,8	3,4
7216 40 10	7216 40 10 10 00	13,5	6,8	3,4
	7216 40 10 90 00	13,5	6,8	3,4
7216 40 90	7216 40 90 10 00	13,5	6,8	3,4
	7216 40 90 90 00	13,5	6,8	3,4
7216 50 10	7216 50 10 10 00	13,5	6,8	3,4
	7216 50 10 90 00	13,5	6,8	3,4
7216 50 99	7216 50 99 10 11	13,5	6,8	3,4
	7216 50 99 10 19	13,5	6,8	3,4
	7216 50 99 91 00	13,5	6,8	3,4
7224 90 05	7224 90 05 10 00	12	4	2
	7224 90 05 20 00	12	4	2
7224 90 08	7224 90 08 10 00	12	4	2
	7224 90 08 20 00	12	4	2
7224 90 15	7224 90 15 10 00	12	4	2
	7224 90 15 20 00	12	4	2
7227 20 00	7227 20 00 00 00	8	4	2
7228 20 11	7228 20 11 00 00	10	5	2,5
7228 20 19	7228 20 19 00 00	10	5	2,5
7228 20 30	7228 20 30 00 00	10	5	2,5
7228 30 20	7228 30 20 00 00	10	5	2,5
7228 30 41	7228 30 41 00 00	10	5	2,5
7228 30 49	7228 30 49 00 00	10	5	2,5
7228 30 61	7228 30 61 00 00	10	5	2,5
7228 30 69	7228 30 69 00 00	10	5	2,5
7228 30 70	7228 30 70 00 00	10	5	2,5
7228 30 89	7228 30 89 00 00	10	5	2,5
7228 60 10	7228 60 10 00 00	10	5	2,5

### Memorandum of Understanding

In the context of the Agreement setting up a free trade area in products covered by the Treaty establishing the European Coal and Steel Community, signed in Brussels on 25 July 1996, the Parties hereby record their mutual understanding that the criteria to be used to determine the viability of Turkish steel companies in connection with State aid falling under Article 8 of the Agreement are as follows:

#### *Criteria of viability*

- an expected annual gross operating result of 13,5 % of turnover for integrated steel mills and of 10 % for non-integrated steel undertakings,
- a price-cost squeeze of 2,5 %,
- a minimum depreciation level of 7 % for integrated steel mills and of 5 % for non-integrated steel undertakings in order to guarantee a replacement of the activities on which the company's viability is based at a pace equal to that of competitors,
- a level of financial charges not lower than 5 % of turnover for integrated steel mills and not lower than 3,5 % of turnover for non-integrated steel undertakings, which was set to keep State aid to the strict minimum,
- a minimum return of 1,5 % of turnover on own capital so that, whether the capital stems from public or private sources, it produces a fair yield,
- realistic sale forecasts.

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### Memorandum of Understanding

In the context of the Agreement setting up a free trade area in products covered by the Treaty establishing the European Coal and Steel Community, signed in Brussels on 25 July 1996, the Parties hereby record their mutual understanding that the amount of any State aid accorded pursuant to the provisions of Article 8 of the Agreement shall be expressed in a manner which takes into account the granting of aid in the context of fluctuations in the value of the Turkish lira, thus:

- aid in respect of costs already incurred and past losses should be expressed in Turkish lira (as already having been incurred and fixed in Turkish lira),
- future costs, such as the cost of investment, may be expressed in ecus, but the ECU/Turkish lira conversion rate to be used for the calculation of such aid shall be that which is valid at the moment, or for the year in which the costs are actually incurred (since from such a date they have been fixed in Turkish lira).

#### Declaration

In the context of the Agreement between the European Coal and Steel Community and the Republic of Turkey, signed in Brussels on 25 July 1996, establishing a free trade area in trade between them in products covered by the Treaty establishing the European Coal and Steel Community, and more particularly Article 19 thereof, the Parties agreed that they would conduct a regular follow-up of questions arising out of the functioning of the Agreement and more particularly those relating to trade and the circumstances in respect of competition.

In order to effect such a follow-up the two parties will apprise the Contact Group established by Article 19 of the Agreement which, following its examination, will report to the ECSC/Turkey Joint Committee.

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#### Declaration

In the context of the Protocol fixing rules of origin in respect of the Agreement setting up a free trade area in products covered by the Treaty establishing the European Coal and Steel Community, signed in Brussels on 25 July 1996, the Parties hereby agree that:

- it is their intention that the provisions of Article 13 of the Protocol on rules of origin (concerning drawback or exemption) should apply in the same manner as the corresponding Article of the Protocol on rules of origin contained in the agreements between the Community and the countries of the European Free Trade Area and of central and eastern Europe following the finalization of the negotiations currently under way to provide a revised standard form Protocol on origin for the Community and those States,
  - in the event of substantive differences between Protocol 1 of the present Agreement (including the Annexes to the Protocol) and the revised Protocol on rules of origin in respect of the Community and the countries of the European Free Trade Area and of central and eastern Europe, the Parties will submit the matter to the ECSC/Turkey Joint Committee with a view to revising the text of the Protocol to the present Agreement to ensure that the same rules apply.
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**PROTOCOL 1****on rules of origin***TABLE OF CONTENTS*

TITLE I	GENERAL PROVISIONS
Article 1	Definitions
TITLE II	DEFINITION OF THE CONCEPT OF 'ORIGINATING PRODUCTS'
Article 2	General requirements
Article 3	Bilateral cumulation of origin
Article 4	Wholly obtained products
Article 5	Sufficiently worked or processed products
Article 6	Insufficient working or processing operations
Article 7	Unit of qualification
Article 8	Accessories, spare parts and tools
Article 9	Neutral elements
TITLE III	TERRITORIAL REQUIREMENTS
Article 10	Principle of territoriality
Article 11	Direct transport
Article 12	Exhibitions
TITLE IV	DRAWBACK OR EXEMPTION
Article 13	Prohibition of drawback of, or exemption from, customs duties
TITLE V	PROOF OF ORIGIN
Article 14	General requirements
Article 15	Procedure for the issue of a movement certificate EUR.1
Article 16	Movement certificates EUR.1 issued retrospectively
Article 17	Issue of a duplicate movement certificate EUR.1
Article 18	Issue of movement certificates EUR.1 on the basis of a proof of origin issued or made out previously
Article 19	Conditions for making out an invoice declaration
Article 20	Approved exporter
Article 21	Validity of proof of origin
Article 22	Submission of proof of origin
Article 23	Supporting documents
Article 24	Preservation of proof of origin and supporting documents
Article 25	Discrepancies and formal errors
Article 26	Amounts expressed in ecus

## TITLE VI ARRANGEMENTS FOR ADMINISTRATIVE COOPERATION

- Article 27 Mutual assistance
- Article 28 Verification of proofs of origin
- Article 29 Dispute settlement
- Article 30 Penalties
- Article 31 Free zones

## TITLE VII CEUTA AND MELILLA

- Article 32 Application of the Protocol
- Article 33 Special conditions

## TITLE VIII FINAL PROVISIONS

- Article 34 Amendments to the Protocol

## TITLE I

## GENERAL PROVISIONS

*Article 1***Definitions**

For the purposes of this Protocol:

- (a) 'manufacture' means any kind of working or processing including assembly or specific operations;
- (b) 'material' means any ingredient, raw material, component or part, etc., used in the manufacture of the product;
- (c) 'product' means the product being manufactured, even if it is intended for later use in another manufacturing operation;
- (d) 'goods' means both materials and products;
- (e) 'customs value' means the value as determined in accordance with the 1994 Agreement on implementation of Article VII of the General Agreement on Tariffs and Trade (WTO Agreement on customs valuation);
- (f) 'ex-works price' means the price paid for the product ex works to the manufacturer in the Community or Turkey in whose undertaking the last working or processing is carried out, provided the price includes the value of all the materials used, minus any internal taxes which are, or may be, repaid when the product obtained is exported;
- (g) 'value of materials' means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the Community or Turkey;
- (h) 'value of originating materials' means the value of such materials as defined in point (g) applied *mutatis mutandis*;
- (i) 'added value' shall be taken to be the ex works price minus the customs value of each of the products incorporated which did not originate in the country in which those products were obtained;
- (j) 'chapters' and 'headings' mean the chapters and the headings (four-digit codes) used in the nomenclature which makes up the Harmonized Commodity Description and Coding System, referred to in this Protocol as 'the Harmonized System' or 'HS';
- (k) 'classified' refers to the classification of a product or material under a particular heading;
- (l) 'consignment' means products which are either sent simultaneously from one exporter to one consignee or covered by a single transport document covering their shipment from the exporter to the consignee or, in the absence of such a document, by a single invoice;
- (m) 'territories' includes territorial waters.

## TITLE II

## DEFINITION OF THE CONCEPT OF 'ORIGINATING PRODUCTS'

*Article 2***General requirements**

1. For the purpose of implementing the Agreement, the following products shall be considered as originating in the Community:

- (a) products wholly obtained in the Community within the meaning of Article 4 of this Protocol;
- (b) products obtained in the Community incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in the Community within the meaning of Article 5 of this Protocol.

2. For the purpose of implementing this Agreement, the following products shall be considered as originating in Turkey:

- (a) products wholly obtained in Turkey within the meaning of Article 4 of this Protocol;
- (b) products obtained in Turkey incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in Turkey within the meaning of Article 5 of this Protocol.

*Article 3***Bilateral cumulation of origin**

1. Materials originating in the Community shall be considered as materials originating in Turkey when incorporated into a product obtained there. It shall not be necessary that such materials have undergone sufficient working or processing, provided they have undergone working or processing going beyond that referred to in Article 6 (1) of this Protocol.

2. Materials originating in Turkey shall be considered as materials originating in the Community when incorporated into a product obtained there. It shall not be necessary that such materials have undergone sufficient working or processing, provided they have undergone working or processing going beyond that referred to in Article 6 (1) of this Protocol.

*Article 4***Wholly obtained products**

The following shall be considered as wholly obtained in the Community or Turkey:

- (a) mineral products extracted from their soil;
- (b) used articles collected there fit only for the recovery of raw materials;
- (c) waste and scrap resulting from manufacturing operations conducted there;
- (d) goods produced there exclusively from the products specified in points (a), (b) and (c).

*Article 5***Sufficiently worked or processed products**

1. For the purposes of Article 2 of this Protocol, products which are not wholly obtained are considered to be sufficiently worked or processed when the conditions set out in the list in Annex II to this Protocol are fulfilled.

The conditions referred to above indicate, for all products covered by this Agreement, the working or processing which must be carried out on non-originating materials used in manufacturing and apply only in relation to such materials. Accordingly, it follows that if a product, which has acquired originating status by fulfilling the conditions set out in the list is used in the manufacture of another product, the conditions applicable to the product in which it is incorporated do not apply to it, and no account shall be taken of the non-originating materials which may have been used in its manufacture.

2. Notwithstanding paragraph 1, non-originating materials which, according to the conditions set out in the list, should not be used in the manufacture of a product may nevertheless be used, provided that:

- (a) their total value does not exceed 10 % of the ex-works price of the product;
- (b) any of the percentages given in the list for the maximum value of non-originating materials are not exceeded through the application of this paragraph.

3. Paragraphs 1 and 2 shall apply except as provided in Article 6 of this Protocol.

*Article 6***Insufficient working or processing operations**

1. Without prejudice to paragraph 2, the following operations shall be considered as insufficient working or processing to confer the status of originating products, whether or not the requirements of Article 5 of this Protocol are satisfied:

- (a) operations to ensure the preservation of products in good condition during transport and storage (ventilation, spreading out, drying, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations);
- (b) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting up;
- (c) (i) changes of packaging and breaking up and assembly of packages;
  - (ii) simple placing in bottles, flasks, bags, cases, boxes, fixing on cards or boards etc., and all other simple packaging operations;
- (d) affixing marks, labels and other like distinguishing signs on products or their packaging;
- (e) simple mixing of products, whether or not of different kinds, where one or more components of the mixtures do not meet the conditions laid down in this Protocol to enable them to be considered as originating in the Community or Turkey;
- (f) simple assembly of parts to constitute a complete product;
- (g) a combination of two or more operations specified in points (a) to (f).

2. All the operations carried out in either the Community or Turkey on a given product shall be considered together when determining whether the working or processing undergone by that product is to be regarded as insufficient within the meaning of paragraph 1.

*Article 7***Unit of qualification**

1. The unit of qualification for the application of the provisions of this Protocol shall be the particular product which is considered as the basic unit when determining

classification using the nomenclature of the Harmonized System.

Accordingly, it follows that:

- (a) when a product composed of a group or assembly of articles is classified under the terms of the Harmonized System in a single heading, the whole constitutes the unit of qualification;
- (b) when a consignment consists of a number of identical products classified under the same heading of the Harmonized System, each product must be taken individually when applying the provisions of this Protocol.

2. Where, under general rule 5 concerning the implementation of the Harmonized System, packaging is included with the product for classification purposes, it shall be included for the purposes of determining origin.

*Article 8***Accessories, spare parts and tools**

Accessories, spare parts and tools dispatched with a piece of equipment, machine, apparatus or vehicle, which are part of the normal equipment and included in the price thereof or which are not separately invoiced, shall be regarded as one with the piece of equipment, machine, apparatus or vehicle in question.

*Article 9***Neutral elements**

In order to determine where a product originates, it shall not be necessary to determine the origin of the following which might be used in its manufacture:

- (a) energy and fuel;
- (b) plant and equipment;
- (c) machines and tools;
- (d) goods which do not enter and which are not intended to enter into the final composition of the product.



## TITLE III

## TERRITORIAL REQUIREMENTS

*Article 10***Principle of territoriality**

1. The conditions set out in Title II relative to the acquisition of originating status must be fulfilled without interruption in the Community or Turkey.

2. If originating goods exported from the Community or Turkey to another country are returned, they must be considered as non-originating, unless it can be demonstrated to the satisfaction of the customs authorities that:

- (a) the goods returned are the same goods as those exported;
- and
- (b) they have not undergone any operation beyond that necessary to preserve them in good condition while in that country or while being exported.

*Article 11***Direct transport**

1. The preferential treatment provided for under the Agreement applies only to products, satisfying the requirements of this Protocol, which are transported directly between the Community and Turkey. However, products constituting one single consignment may be transported through other territories with, should the occasion arise, trans-shipment or temporary warehousing in such territories, provided that they remain under the surveillance of the customs authorities in the country of transit or warehousing and do not undergo operations other than unloading, reloading or any operation designed to preserve them in good condition.

2. Evidence that the conditions set out in paragraph 1 have been fulfilled shall be supplied to the customs authorities of the importing country by the production of:

- (a) a single transport document covering the passage from the exporting country through the country of transit; or
- (b) a certificate issued by the customs authorities of the country of transit:
  - (i) giving an exact description of the products;
  - (ii) stating the dates of unloading and reloading of the products and, where applicable, the names of the ships, or the other means of transport used;
  - and

(iii) certifying the conditions under which the products remained in the transit country; or

- (c) failing these, any substantiating documents.

*Article 12***Exhibitions**

1. Originating products, sent for exhibition in another country and sold after the exhibition for importation in the Community or Turkey shall benefit on importation from the provisions of the Agreement provided it is shown to the satisfaction of the customs authorities that:

- (a) an exporter has consigned these products from the Community or Turkey to the country in which the exhibition is held and has exhibited them there;
- (b) the products have been sold or otherwise disposed of by that exporter to a person in the Community or Turkey;
- (c) the products have been consigned during the exhibition or immediately thereafter in the state in which they were sent for exhibition; and
- (d) the products have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.

2. A proof of origin must be issued or made out in accordance with the provisions of Title V and submitted to the customs authorities of the importing country in the normal manner. The name and address of the exhibition must be indicated thereon. Where necessary, additional documentary evidence of the conditions under which they have been exhibited may be required.

3. Paragraph 1 shall apply to any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display which is not organized for private purposes in shops or business premises with a view to the sale of foreign products, and during which the products remain under customs control.

## TITLE IV

## DRAWBACK OR EXEMPTION

*Article 13***Prohibition of drawback of, or exemption from, customs duties**

1. Non-originating materials used in the manufacture of products originating in the Community or in Turkey for which a proof of origin is issued or made out in accordance with the provisions of Title V shall not be subject in the Community or Turkey to drawback of, or exemption from, customs duties of whatever kind.
2. The prohibition in paragraph 1 shall apply to any arrangement for refund, remission or non-payment, partial or complete, of customs duties or charges having an equivalent effect, applicable in the Community or Turkey to materials used in the manufacture, where such refund, remission or non-payment applies, expressly or in effect, when products obtained from the said materials are exported and not when they are retained for home use there.

3. The exporter of products covered by a proof of origin shall be prepared to submit at any time, upon request from the customs authorities, all appropriate documents proving that no drawback has been obtained in respect of the non-originating materials used in the manufacture of the products concerned and that all customs duties or charges having equivalent effect applicable to such materials have actually been paid.

4. The provisions of paragraphs 1, 2 and 3 shall also apply in respect of packaging within the meaning of Article 7 (2) of this Protocol and accessories, spare parts and tools within the meaning of Article 8 of this Protocol when such items are non-originating.

5. The provisions of paragraphs 1 to 4 shall apply only in respect of materials which are of the kind to which the Agreement applies.

## TITLE V

## PROOF OF ORIGIN

*Article 14***General requirements**

Products originating in the Community shall, on importation into Turkey and products originating in Turkey shall, on importation into the Community, benefit from the Agreement upon submission of either:

- (a) a movement certificate EUR.1, a specimen of which appears in Annex III; or
- (b) in the cases specified in Article 19 (1) of this Protocol, a declaration, the text of which appears in Annex IV, given by the exporter on an invoice, a delivery note or any other commercial document which describes the products concerned in sufficient detail to enable them to be identified (hereinafter referred to as the 'invoice declaration').

application having been made in writing by the exporter or, under the exporter's responsibility, by his authorized representative.

2. For this purpose, the exporter or his authorized representative shall fill out both the movement certificate EUR.1 and the application form, specimens of which appear in Annex III. These forms shall be completed in one of the languages in which this Agreement is drawn up and in accordance with the provisions of the domestic law of the exporting country. If they are handwritten, they shall be completed in ink in printed characters. The description of the products must be given in the box reserved for this purpose without leaving any blank lines. Where the box is not completely filled, a horizontal line must be drawn below the last line of the description, the empty space being crossed through.

3. The exporter applying for the issue of a movement certificate EUR.1 shall be prepared to submit at any time, at the request of the customs authorities of the exporting country where the movement certificate EUR.1 is issued, all appropriate documents proving the originating status of the products concerned as well as the fulfilment of the other requirements of this Protocol.

*Article 15***Procedure for the issue of a movement certificate EUR.1**

1. A movement certificate EUR.1 shall be issued by the customs authorities of the exporting country on

4. A movement certificate EUR.1 shall be issued by the customs authorities of a Member State of the Community or Turkey if the products concerned can be considered as products originating in the Community or Turkey and fulfil the other requirements of this Protocol.

5. The issuing customs authorities shall take any steps necessary to verify the originating status of the products and the fulfilment of the other requirements of this Protocol. For this purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate. The issuing customs authorities shall also ensure that the forms referred to in paragraph 2 are duly completed. In particular, they shall check whether the space reserved for the description of the products has been completed in such a manner as to exclude all possibility of fraudulent additions.

6. The date of issue of the movement certificate EUR.1 shall be indicated in box 11 of the certificate.

7. A movement certificate EUR.1 shall be issued by the customs authorities and made available to the exporter as soon as actual exportation has been effected or ensured.

#### Article 16

##### Movement certificates EUR.1 issued retrospectively

1. Notwithstanding Article 15 (7), a movement certificate EUR.1 may exceptionally be issued after exportation of the products to which it relates if:
  - (a) it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances;
  - or
  - (b) it is demonstrated to the satisfaction of the customs authorities that a movement certificate EUR.1 was issued but was not accepted at importation for technical reasons.
2. For the implementation of paragraph 1, the exporter must indicate in his application the place and date of exportation of the products to which the movement certificate EUR.1 relates, and state the reasons for his request.
3. The customs authorities may issue a movement certificate EUR.1 retrospectively only after verifying that the information supplied in the exporter's application agrees with that in the corresponding file.
4. Movement certificates EUR.1 issued retrospectively must be endorsed with one of the following phrases:

'EXPEDIDO A POSTERIORI', 'UDSTEDT EFTERFØLGENDE', 'NACHTRÄGLICH AUSGESTELLT', 'ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ', 'ISSUED RETROSPECTIVELY', 'DELIVRE A POSTERIORI', 'RILASCIATO A POSTERIORI', 'AFGEGEVEN A POSTERIORI', 'EMITIDO A POSTERIORI', 'UTFÁRDAT I EFTERHAND', 'ANNETTU JÁLKIKÁTEEN', 'SONRADAN VERILMISTIR'.

5. The endorsement referred to in paragraph 4 shall be inserted in the 'remarks' box of the movement certificate EUR.1.

#### Article 17

##### Issue of a duplicate movement certificate EUR.1

1. In the event of theft, loss or destruction of a movement certificate EUR.1, the exporter may apply to the customs authorities which issued it for a duplicate made out on the basis of the export documents in their possession.
2. The duplicate issued in this way must be endorsed with one of the following words:
 

'DUPLICADO', 'DUPLIKAT', 'DUPLIKAT', 'ΑΝΤΙΓΡΑΦΟ', 'DUPLICATE', 'DUPLICATA', 'DUPLICATO', 'DUPLICAAT', 'SEGUNDA VIA', 'KAKSOISKAPPALE', 'DUPLIKAT', 'İKINCI NUSHADIR'.
3. The endorsement referred to in paragraph 2 shall be inserted in the 'remarks' box of the duplicate movement certificate EUR.1.
4. The duplicate, which must bear the date of issue of the original movement certificate EUR.1, shall take effect as from that date.

#### Article 18

##### Issue of movement certificates EUR.1 on the basis of a proof of origin issued or made out previously

When originating products are placed under the control of a customs office in the Community or Turkey, it shall be possible to replace the original proof of origin by one or more movement certificates EUR.1 for the purpose of sending all or some of these products elsewhere within the Community or Turkey. The replacement movement certificate(s) EUR.1 shall be issued by the customs office under whose control the products are placed.

#### Article 19

##### Conditions for making out an invoice declaration

1. An invoice declaration as referred to in point (b) of Article 14 of this Protocol may be made out:

- (a) by an approved exporter within the meaning of Article 20 of this Protocol, or
- (b) by any exporter for any consignment consisting of one or more packages containing originating products whose total value does not exceed ECU 6 000.

2. An invoice declaration may be made out if the products concerned can be considered as products originating in the Community or Turkey and fulfil the other requirements of this Protocol.

3. The exporter making out an invoice declaration shall be prepared to submit at any time, at the request of the customs authorities of the exporting country, all appropriate documents proving the originating status of the products concerned as well as the fulfilment of the other requirements of this Protocol.

4. An invoice declaration shall be made out by the exporter by typing, stamping or printing on the invoice, the delivery note or another commercial document, the declaration, the text of which appears in Annex IV, using one of the linguistic versions set out in that Annex and in accordance with the provisions of the domestic law of the exporting country. If the declaration is handwritten, it shall be written in ink in printed characters.

5. Invoice declarations shall bear the original signature of the exporter in manuscript. However, an approved exporter within the meaning of Article 20 of this Protocol shall not be required to sign such declarations provided that he gives the customs authorities of the exporting country a written undertaking that he accepts full responsibility for any invoice declaration which identifies him as if it had been signed in manuscript by him.

6. An invoice declaration may be made out by the exporter when the products to which it relates are exported, or after exportation on condition that it is presented in the importing country no longer than two years after the importation of the products to which it relates.

#### Article 20

##### Approved exporter

1. The customs authorities of the exporting country may authorize any exporter who makes frequent shipments of products under this Agreement to make out invoice declarations irrespective of the value of the products concerned. An exporter seeking such authorization must offer to the satisfaction of the customs authorities all guarantees necessary to verify the originating status of the products as well as the fulfilment of the other requirements of this Protocol.

2. The customs authorities may grant the status of approved exporter subject to any conditions which they consider appropriate.

3. The customs authorities shall grant to the approved exporter a customs authorization number which shall appear on the invoice declaration.

4. The customs authorities shall monitor the use of the authorization by the approved exporter.

5. The customs authorities may withdraw the authorization at any time. They shall do so where the approved exporter no longer offers the guarantees referred to in paragraph 1, does not fulfil the conditions referred to in paragraph 2 or otherwise makes an incorrect use of the authorization.

#### Article 21

##### Validity of proof of origin

1. A proof of origin shall be valid for four months from the date of issue in the exporting country, and must be submitted within the said period to the customs authorities of the importing country.

2. Proofs of origin which are submitted to the customs authorities of the importing country after the final date for presentation specified in paragraph 1 may be accepted for the purpose of applying preferential treatment, where the failure to submit these documents by the final date set is due to exceptional circumstances.

3. In other cases of belated presentation, the customs authorities of the importing country may accept the proofs of origin where the products have been submitted before the said final date.

#### Article 22

##### Submission of proof of origin

Proofs of origin shall be submitted to the customs authorities of the importing country in accordance with the procedures applicable in that country. The said authorities may require a translation of a proof of origin and may also require the import declaration to be accompanied by a statement from the importer to the effect that the products meet the conditions required for the implementation of the Agreement.

#### Article 23

##### Supporting documents

The documents referred to in Articles 15 (3) and 19 (3) of this Protocol used for the purpose of proving that products covered by a movement certificate EUR.1 or an invoice declaration can be considered as products originating in the Community or Turkey and fulfil the other requirements of this Protocol may consist *inter alia* of the following:

- (a) direct evidence of the processes carried out by the exporter or supplier to obtain the goods concerned, contained for example in his accounts or internal bookkeeping;
- (b) documents proving the originating status of materials used, issued or made out in the Community or Turkey where these documents are used in accordance with domestic law;
- (c) documents proving the working or processing of materials in the Community or Turkey, issued or made out in the Community or Turkey, where these documents are used in accordance with domestic law;
- (d) movement certificates EUR.1 or invoice declarations proving the originating status of materials used, issued or made out in the Community or Turkey in accordance with this Protocol.

#### Article 24

##### Preservation of proof of origin and supporting documents

1. The exporter applying for the issue of a movement certificate EUR.1 shall keep for at least three years the documents referred to in Article 15 (3) of this Protocol.
2. The exporter making out an invoice declaration shall keep for at least three years a copy of this invoice declaration as well as the documents referred to in Article 19 (3) of this Protocol.
3. The customs authorities of the exporting country issuing a movement certificate EUR.1 shall keep for at least three years the application form referred to in Article 15 (2) of this Protocol.
4. The customs authorities of the importing country shall keep for at least three years the movement certificates EUR.1 and the invoice declarations submitted to them.

#### Article 25

##### Discrepancies and formal errors

1. The discovery of slight discrepancies between the statements made in the proof of origin and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the products shall not *ipso facto* render the proof of origin null and void if it is duly established that this document does correspond to the products submitted.
2. Obvious formal errors such as typing errors on a proof of origin should not cause this document to be rejected if these errors are not such as to create doubts concerning the correctness of the statements made in this document.

#### Article 26

##### Amounts expressed in ecus

1. Amounts in the national currency of the exporting country equivalent to the amounts expressed in ecus shall be fixed by the exporting country and communicated to the importing countries through the Commission of the European Communities.
2. When the amounts exceed the corresponding amounts fixed by the importing country, the latter shall accept them if the products are invoiced in the currency of the exporting country. When the products are invoiced in the currency of another Member State of the Community, the importing country shall recognize the amount notified by the country concerned.
3. The amounts to be used in any given national currency shall be the equivalent in that national currency of the amounts expressed in ecus as at the first working day in October 1995.
4. The amounts expressed in ecus and their equivalents in the national currencies of the Member States of the Community and Turkey shall be reviewed by the Joint Committee at the request of the Community or Turkey. When carrying out this review, the Joint Committee shall ensure that there will be no decrease in the amounts to be used in any national currency and shall furthermore consider the desirability of preserving the effects of the limits concerned in real terms. For this purpose, it may decide to modify the amounts expressed in ecus.

### TITLE VI

#### ARRANGEMENTS FOR ADMINISTRATIVE COOPERATION

#### Article 27

##### Mutual assistance

1. The customs authorities of the Member States of the Community and of Turkey shall provide each other,

through the Commission of the European Communities, with specimen impressions of stamps used in their customs offices for the issue of movement certificates EUR.1 and with the addresses of the customs authorities responsible for verifying those certificates and invoice declarations.

2. In order to ensure the proper application of this Protocol, the Community and Turkey shall assist each other, through the competent customs administrations, in checking the authenticity of the movement certificates EUR.1 or the invoice declarations and the correctness of the information given in these documents.

#### *Article 28*

##### **Verification of proofs of origin**

1. Subsequent verifications of proofs of origin shall be carried out at random or whenever the customs authorities of the importing country have reasonable doubts as to the authenticity of such documents, the originating status of the products concerned or the fulfilment of the other requirements of this Protocol.

2. For the purposes of implementing the provisions of paragraph 1, the customs authorities of the importing country shall return the movement certificate EUR.1 and the invoice, if it has been submitted, the invoice declaration, or a copy of these documents, to the customs authorities of the exporting country giving, where appropriate, the reasons for the enquiry. Any documents and information obtained suggesting that the information given on the proof of origin is incorrect shall be forwarded in support of the request for verification.

3. The verification shall be carried out by the customs authorities of the exporting country. For this purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate.

4. If the customs authorities of the importing country decide to suspend the granting of preferential treatment to the products concerned while awaiting the results of the verification, release of the products shall be offered to the importer subject to any precautionary measures judged necessary.

5. The customs authorities requesting the verification shall be informed of the results of this verification as soon as possible. These results must indicate clearly whether the documents are authentic and whether the products concerned can be considered as products originating in the Community or Turkey and fulfil the other requirements of this Protocol.

6. If in cases of reasonable doubt there is no reply within 10 months of the date of the verification request

or if the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products, the requesting customs authorities shall, except in exceptional circumstances, refuse entitlement to the preferences.

#### *Article 29*

##### **Dispute settlement**

Where disputes arise in relation to the verification procedures of Article 28 of this Protocol which cannot be settled between the customs authorities requesting a verification and the customs authorities responsible for carrying out this verification or where they raise a question as to the interpretation of this Protocol, they shall be submitted to the Joint Committee.

In all cases the settlement of disputes between the importer and the customs authorities of the importing country shall be under the legislation of the said country.

#### *Article 30*

##### **Penalties**

Penalties shall be imposed on any person who draws up, or causes to be drawn up, a document which contains incorrect information for the purpose of obtaining preferential treatment for products.

#### *Article 31*

##### **Free zones**

1. The Community and Turkey shall take all necessary steps to ensure that products traded under cover of a proof of origin which in the course of transport use a free zone situated in their territory, are not substituted by other goods and do not undergo handling other than normal operations designed to prevent their deterioration.

2. By means of an exemption to the provisions contained in paragraph 1, when products originating in the Community or Turkey are imported into a free zone under cover of a proof of origin and undergo treatment or processing, the authorities concerned shall issue a new EUR.1 certificate at the exporter's request, if the treatment or processing undergone is in conformity with the provisions of this Protocol.

## TITLE VII

## CEUTA AND MELILLA

## Article 32

## Application of the Protocol

1. The term 'Community' used in Article 2 of this Protocol does not cover Ceuta and Melilla.

2. Products originating in Turkey, when imported into Ceuta or Melilla, shall enjoy in all respects the same customs regime as that which is applied to products originating in the customs territory of the Community under Protocol 2 of the Act of Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities. Turkey shall grant to imports of products covered by the Agreement and originating in Ceuta and Melilla the same customs regime as that which is granted to products imported from and originating in the Community.

3. For the purpose of the application of paragraph 2 concerning products originating in Ceuta and Melilla, this Protocol shall apply *mutatis mutandis* subject to the special conditions set out in Article 33 of this Protocol.

## Article 33

## Special conditions

1. Providing they have been transported directly in accordance with the provisions of Article 12 of this Protocol, the following shall be considered as:

(1) products originating in Ceuta and Melilla:

- (a) products wholly obtained in Ceuta and Melilla;
- (b) products obtained in Ceuta and Melilla in the manufacture of which products other than those referred to in point (a) are used, provided that:

(i) the said products have undergone sufficient working or processing within the meaning of Article 5 of this Protocol;

or that

(ii) those products are originating in Turkey or the Community within the meaning of this Protocol, provided that they have been submitted to working or processing which goes beyond the insufficient working or processing referred to in Article 6 (1) of this Protocol.

(2) products originating in Turkey:

- (a) products wholly obtained in Turkey;
- (b) products obtained in Turkey, in the manufacture of which products other than those referred to in point (a) are used, provided that:

(i) the said products have undergone sufficient working or processing within the meaning of Article 5 of this Protocol;

or that

(ii) those products are originating in Ceuta and Melilla or the Community within the meaning of this Protocol, provided that they have been submitted to working or processing which goes beyond the insufficient working or processing referred to in Article 6 (1) of this Protocol.

2. Ceuta and Melilla shall be considered as a single territory.

3. The exporter or his authorized representative shall enter 'Turkey' and 'Ceuta and Melilla' in box 2 of movement certificates EUR.1 or on invoice declarations. In addition, in the case of products originating in Ceuta and Melilla, this shall be indicated in box 4 of movement certificates EUR.1 or on invoice declarations.

4. The Spanish customs authorities shall be responsible for the application of this Protocol in Ceuta and Melilla.

## TITLE VIII

## FINAL PROVISIONS

## Article 34

## Amendments to the Protocol

The Joint Committee may decide to amend the provisions of this Protocol.

## ANNEX I

## INTRODUCTORY NOTES TO THE LIST IN ANNEX II

**Note 1:**

The list sets out the conditions required for all products to be considered as sufficiently worked or processed within the meaning of Article 5 of the Protocol.

**Note 2:**

- 2.1 The first two columns in the list describe the product obtained. The first column gives the heading number or chapter number used in the Harmonized System and the second column gives the description of goods used in that system for that heading or chapter. For each entry in the first two columns a rule is specified in column 3. Where, in some cases, the entry in the first column is preceded by an 'ex', this signifies that the rule in column 3 applies only to the part of that heading as described in column 2.
- 2.2 Where several heading numbers are grouped together in column 1 or a chapter number is given and the description of products in column 2 is therefore given in general terms, the adjacent rule in column 3 applies to all products which, under the Harmonized System, are classified in headings of the chapter or in any of the headings grouped together in column 1.
- 2.3 Where there are different rules in the list applying to different products within a heading, each indent contains the description of that part of the heading covered by the adjacent rule in column 3.

**Note 3:**

- 3.1 The provisions of Article 5 of the Protocol concerning products having acquired originating status which are used in the manufacture of other products apply regardless of whether this status has been acquired inside the factory where these products are used or in another factory in the Community or in Turkey.
- 3.2 The rule in the list represents the minimum amount of working or processing required and the carrying out of more working or processing also confers originating status; conversely, the carrying out of less working or processing cannot confer originating status. Thus if a rule provides that non-originating material at a certain level of manufacture may be used, the use of such material at an earlier stage of manufacture is allowed and the use of such material at a later stage is not.
- 3.3 When a rule in the list specifies that a product may be manufactured from more than one material, this means that any one or more materials may be used. It does not require that all be used.



## ANNEX II

## LIST OF WORKING OR PROCESSING REQUIRED TO BE CARRIED OUT ON NON-ORIGINATING MATERIALS IN ORDER THAT THE PRODUCT MANUFACTURED CAN OBTAIN ORIGINATING STATUS

HS heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status
(1)	(2)	(3)
Chapter 26	Ores, slag and ash	Manufacture in which all the materials used are classified within a heading other than that of the product
Chapter 27	Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes;	Manufacture in which all the materials used are classified within a heading other than that of the product
ex Chapter 72	Iron and steel; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
7207	Semi-finished products of iron or non-alloy steel	Manufacture from materials of heading Nos 7201, 7202, 7203, 7204 or 7205
7208 to 7216	Flat-rolled products, bars and rods, angles, shapes and sections of iron or non-alloy steel	Manufacture from ingots or other primary forms of heading No 7206
ex 7218, 7219 to 7222	Semi-finished products, flat-rolled products, bars and rods, angles, shapes and sections of stainless steel	Manufacture from ingots or other primary forms of heading No 7218
ex 7224, 7225 to 7228	Semi-finished products, flat-rolled products, hot-rolled bars and rods, in irregularly wound coils; angles shapes and sections, of other alloy steel; hollow drill bars and rods, of alloy or non-alloy steel	Manufacture from ingots or other primary forms of heading Nos 7206, 7218 or 7224
ex Chapter 73	Articles of iron or steel; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product
ex 7301	Sheet piling	Manufacture from materials of heading No 7206
7302	Railway or tramway track construction materials of iron or steel, the following: rails, checkrails and rackrails, switch blades, crossing frogs, point rods and other crossing pieces, sleepers (cross-ties), fishplates, chaires, chair wedges, sole pates (base plates), rail clips, bedplates, ties and other material specialized for jointing or fixing rails	Manufacture from materials of heading No 7206

*ANNEX III***MOVEMENT CERTIFICATE EUR.1 AND APPLICATION FOR A MOVEMENT CERTIFICATE EUR.1****Printing instructions**

1. Each form shall measure 210 × 297 mm; a tolerance of up to minus 5 mm or plus 8 mm in the length may be allowed. The paper used must be white, sized for writing, not containing mechanical pulp and weighing not less than 25 g/m<sup>2</sup>. It shall have a printed green guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.
2. The competent authorities of the Member States of the Community and of Turkey may reserve the right to print the forms themselves or may have them printed by approved printers. In the latter case, each form must include a reference to such approval. Each form must bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number, either printed or not, by which it can be identified.

**MOVEMENT CERTIFICATE**

(\*) If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

<b>1. Exporter</b> (name, full address, country)	<b>EUR. 1      No A      000.000</b>		
<b>3. Consignee</b> (name, full address, country) (Optional)	See notes overleaf before completing this form		
<b>2. Certificate used in preferential trade between</b> ..... align="center">and ..... (insert appropriate countries, groups of countries or territories)			
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; padding: 5px;"> <b>4. Country, group of countries or territory in which the products are considered as originating</b> </td> <td style="width:50%; padding: 5px;"> <b>5. Country, group of countries or territory of destination</b> </td> </tr> </table>		<b>4. Country, group of countries or territory in which the products are considered as originating</b>	<b>5. Country, group of countries or territory of destination</b>
<b>4. Country, group of countries or territory in which the products are considered as originating</b>	<b>5. Country, group of countries or territory of destination</b>		
<b>6. Transport details</b> (Optional)	<b>7. Remarks</b>		

(\*) Complete only when the regulations of the exporting country or territory require.

<b>8. Item number; Marks and numbers; Number and kind of packages<sup>(*)</sup>; Description of goods</b>	<b>9. Gross mass (kg) or other measure (litres, m<sup>3</sup>, etc.)</b>	<b>10. Invoices</b> (Optional)
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<b>11. CUSTOMS ENDORSEMENT</b> Declaration certified Export document <sup>(2)</sup> Form ..... No ..... Customs office ..... Issuing country or territory ..... Date ..... ..... (Signature)	Stamp	<b>12. DECLARATION BY THE EXPORTER</b> I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate.  Place and date .....  ..... (Signature)
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<p><b>13. REQUEST FOR VERIFICATION, to:</b></p>	<p><b>14. RESULT OF VERIFICATION</b></p>
<p>Verification of the authenticity and accuracy of this certificate is requested</p> <p>..... (Place and date)</p> <p style="text-align: right;">Stamp</p> <p>..... (Signature)</p>	<p>Verification carried out shows that this certificate (¹)</p> <p><input type="checkbox"/> was issued by the customs office indicated and that the information contained therein is accurate.</p> <p><input type="checkbox"/> does not meet the requirements as to authenticity and accuracy (see remarks appended).</p> <p>..... (Place and date)</p> <p style="text-align: right;">Stamp</p> <p>..... (Signature)</p> <p>(¹) Insert X in the appropriate box.</p>

**NOTES**

1. Certificates must not contain erasures or words written over one another. Any alterations must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialled by the person who completed the certificate and endorsed by the customs authorities of the issuing country or territory.
2. No spaces must be left between the items entered on the certificate and each item must be preceded by an item number. A horizontal line must be drawn immediately below the last item. Any unused space must be struck through in such a manner as to make any later additions impossible.
3. Goods must be described in accordance with commercial practice and with sufficient detail to enable them to be identified.

## APPLICATION FOR A MOVEMENT CERTIFICATE

(!) If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

<b>1. Exporter</b> (name, full address, country)	<h1 style="margin: 0;">EUR. 1</h1> <span style="font-size: 2em; font-weight: bold; margin-left: 20px;">No A</span> <span style="font-size: 1.5em; font-weight: bold; margin-left: 20px;">000.000</span>		
<b>3. Consignee</b> (name, full address, country) (Optional)	See notes overleaf before completing this form		
<b>6. Transport details</b> (Optional)	<b>2. Application for a certificate to be used in preferential trade between</b>  ..... <div style="text-align: center;">and</div> .....  <small>(insert appropriate countries, groups of countries or territories)</small>		
<b>7. Remarks</b>	<b>4. Country, group of countries or territory in which the products are considered as originating</b>	<b>5. Country, group of countries or territory of destination</b>	
<b>8. Item number; Marks and numbers; Number and kind of packages (!); Description of goods</b>	<b>9. Gross mass (kg) or other measure (litres, m<sup>3</sup>, etc.)</b>	<b>10. Invoices</b> (Optional)	

**DECLARATION BY THE EXPORTER**

I, the undersigned, exporter of the goods described overleaf,

**DECLARE** that the goods meet the conditions required for the issue of the attached certificate;

**SPECIFY** as follows the circumstances which have enabled these goods to meet the above conditions:

.....  
.....  
.....  
.....

**SUBMIT** the following supporting documents (1):

.....  
.....  
.....  
.....

**UNDERTAKE** to submit, at the request of the appropriate authorities, any supporting evidence which these authorities may require for the purpose of issuing the attached certificate, and undertake, if required, to agree to any inspections of my accounts and to any check on the processes of manufacture of the above goods, carried out by the said authorities;

**REQUEST** the issue of the attached certificate for these goods.

.....  
(Place and date)

.....  
(Signature)

\_\_\_\_\_  
(1) For example, import documents, movement certificates, invoices, manufacturer's declarations, etc. referring to the process used in manufacture or to the goods re-exported in the same state.

## ANNEX IV

## 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.

*English version*

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

*Spanish version*

El exportador de los productos incluidos en el presente documento [autorización aduanera nº ...<sup>(1)</sup>] declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial ...<sup>(2)</sup>.

*Danish version*

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

*German version*

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr. ...<sup>(1)</sup>) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, daß diese Waren, soweit nicht anderes angegeben, präferenzbegünstigte ... Ursprungswaren sind<sup>(2)</sup>.

*Greek version*

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

*French version*

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

*Italian version*

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

*Dutch version*

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

<sup>(1)</sup> 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.

<sup>(2)</sup> 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'.

*Portuguese version*

O abaixo assinado, exportador dos produtos cobertos pelo presente documento [autorização aduaneira nº ...<sup>(1)</sup>], declara que, salvo expressamente indicado em contrário, estes produtos são de origem preferencial ...<sup>(2)</sup>.

*Finnish version*

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

*Swedish version*

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

*Turkish version*

İsbu belge (gümrük onay No: ...<sup>(1)</sup>) kapsamındaki maddelerin ihracatçısı aksi açıkça belirtmedikçe, bu maddelerin ... menseli ve tercihli<sup>(2)</sup> maddeler olduğunu beyan eder.

.....<sup>(3)</sup>  
(Place and date)

.....<sup>(4)</sup>  
(Signature of the exporter; in addition the name of the person signing the declaration has to be indicated in clear script)

<sup>(1)</sup> 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.

<sup>(2)</sup> 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'.

<sup>(3)</sup> These indications may be omitted if the information is contained on the document itself.

<sup>(4)</sup> See Article 19 (5) of the Protocol. In case where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.