

DECISION OF THE EEA JOINT COMMITTEE**No 45/1999****of 26 March 1999****amending Protocol 4 to the EEA Agreement on rules of origin**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as adjusted by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

- (1) Protocol 4 to the Agreement was amended by Decision No 114/98 of the EEA Joint Committee of 27 November 1998⁽¹⁾.
- (2) The definition of the term 'originating products' needs to be amended to ensure the proper operation of the extended system of cumulation which permits the use of materials originating in the European Community, Poland, Hungary, the Czech Republic, the Slovak Republic, Bulgaria, Romania, Latvia, Lithuania, Estonia, Slovenia, the European Economic Area (hereinafter referred to as 'the EEA'), Iceland, Norway and Switzerland.
- (3) In view of the particular arrangement on industrial products obtaining between the Community and Turkey, it would also be appropriate to extend the cumulation system to such products originating in Turkey.
- (4) To facilitate trade and simplify administrative tasks it would be desirable to amend the wording of Article 3.
- (5) To take account of changes in processing techniques and shortages of certain raw materials, some corrections should be made to the list of working and processing requirements which non-originating materials have to fulfil to qualify for originating status,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 4 is hereby amended as follows:

1. Article 1(i) shall be replaced by:

'(i) "added value" shall be taken to be the ex-works price minus the customs value of each of the materials incorporated which originate in the other countries referred to in Article 3 or, where the customs value is not known or cannot be ascertained, the first price verifiably paid for the products in the EEA.'

2. Article 3 shall be replaced by:

'Article 3

Cumulation with originating materials

1. Without prejudice to the provisions of Article 2(1), products shall be considered as originating in the EEA if such products are obtained there, incorporating materials originating in the Community,

⁽¹⁾ OJ L 277, 28.10.1999, p. 51.

Bulgaria, Poland, Hungary, the Czech Republic, the Slovak Republic, Romania, Lithuania, Latvia, Estonia, Slovenia, Iceland, Norway, Switzerland (including Liechtenstein) (*) or Turkey (**) in accordance with the provisions of the Protocol on rules of origin annexed to the Agreements between the Contracting Parties and these countries, provided that the working or processing carried out in the EEA goes beyond that referred to in Article 6 of this Protocol. It shall not be necessary that such materials have undergone sufficient working or processing.

2. Where the working or processing carried out in the EEA does not go beyond the operations referred to in Article 6, the product obtained shall be considered as originating in the EEA only where the value added there is greater than the value of the materials used originating in any one of the other countries referred to in paragraph 1. If this is not so, the product obtained shall be considered as originating in the country which accounts for the highest value of originating materials used in the manufacture in the EEA.

3. Products originating in one of the countries referred to in paragraph 1, which do not undergo any working or processing in the EEA, retain their origin if exported into one of these countries.

4. The cumulation provided for in this Article may only be applied to materials and products which have acquired originating status by an application of rules of origin identical to those given in this Protocol.

The Contracting Parties shall provide each other, through the Commission of the European Communities, with details of the Agreements and their corresponding rules of origin, which are applied with the other countries referred to in paragraph 1. The Commission of the European Communities shall publish in the *Official Journal of the European Communities* (C series) the date on which the cumulation, provided for in this Article may be applied by those countries listed in paragraph 1 which have fulfilled the necessary requirements.

(*) The Principality of Liechtenstein has a customs union with Switzerland, and is a Contracting Party to the Agreement on the European Economic Area.

(**) Cumulation as provided for in this Article does not apply to materials originating in Turkey which are mentioned in the list at Annex VII to this Protocol.'

3. In Article 25 the reference 'C2/CP3' shall be replaced by 'CN22/CN23'.
4. In Annex I, note 5.2, 'current conducting filaments' shall be added between 'artificial man-made filaments' and 'synthetic man-made staple fibres of polypropylene'.
5. In Annex I, note 5.2, the fifth example ('A carpet with tufts ... are met.') shall be deleted.
6. In Annex II, between the rules for HS headings 2202 and 2208, the following rule shall be inserted:

'HS Heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % or higher; ethyl alcohol and other spirits, denatured, of any strength	Manufacture: — using materials not classified in heading No 2207 or 2208'	

7. In Annex II, the rule for Chapter 57 shall be replaced by:

Chapter 57	Carpets and other textile floor coverings:		
	— Of needleloom felt	Manufacture from (*):	
		— natural fibres, or	
		— chemical materials or textile pulp	
		However:	
		— polypropylene filament of heading No 5402,	
		— polypropylene fibres of heading No 5503 or 5506, or	
		— polypropylene filament tow of heading No 5501, of which the denomination in all cases of a single filament or fibre is less than 9 decitex	
		may be used provided their value does not exceed 40 % of the ex-works price of the product	
		Jute fabric may be used as backing	
	— Of other felt	Manufacture from (*):	
		— natural fibres not carded or combed or otherwise processed for spinning, or	
		— chemical materials or textile pulp	
	— Other	Manufacture from (*):	
		— coir or jute yarn (**),	
		— synthetic or artificial filament yarn,	
		— natural fibres, or	
		— man-made staple fibres not carded or combed or otherwise processed for spinning	
		Jute fabric may be used as backing	

(*) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

(**) The use of jute yarn is authorised from 1 July 2000.

8. In Annex II, the rule for HS heading 7006 shall be replaced by:

7006	<p>Glass of heading No 7003, 7004 or 7005, bent, edgeworked, engraved, drilled, enamelled or otherwise worked, but not framed or fitted with other materials:</p> <p>— Glass plate substrate coated with dielectric thin film, semiconductor grade, in accordance with SEMII standards (*)</p> <p>— Other</p>	<p>Manufacture from non-coated glass plate substrate of heading No 7006</p> <p>Manufacture from materials of heading No 7001</p>	
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(*) SEMII — Semiconductor Equipment and Materials Institute Incorporated.

9. In Annex II, the rule for HS heading 7601 shall be replaced by:

7601	Unwrought aluminium	<p>Manufacture in which:</p> <p>— all the materials used are classified within a heading other than that of the product; and</p> <p>— the value of all the materials used does not exceed 50 % of the ex-works price of the product</p> <p>or</p> <p>Manufacture by thermal or electrolytic treatment from unalloyed aluminium or waste and scrap of aluminium'</p>	
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10. The following shall be added after Annex VI:

*Annex VII

List of products originating in Turkey to which the provisions of Article 3 do not apply, listed in the order of HS chapters and headings

Chapter 1 Chapter 2 Chapter 3 0401 to 0402 ex 0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter
0404 to 0410 0504 0511 Chapter 6 0701 to 0709 ex 0710	Vegetables except sweetcorn of heading 0710 40 00 (uncooked or cooked by steaming or boiling in water), frozen
ex 0711	Vegetables, except sweetcorn of heading 0711 90 30, provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for immediate consumption
0712 to 0714 Chapter 8 ex Chapter 9	Coffee, tea, and spices, excluding maté of heading 0903
Chapter 10 Chapter 11 Chapter 12 ex 1302	Pectic substances, pectinates and pectates
1501 to 1514 ex 1515	Other fixed vegetable fats and oils (excluding jojoba oil and its fractions) and their fractions, whether or not refined, but not chemically modified
ex 1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised, whether or not refined, but not further prepared, excluding hydrogenated castor oil known as "opal-wax"
ex 1517 and ex 1518	Margarines, imitation lard and other prepared edible fats
ex 1522	Residues resulting from the treatment of fatty substances or animal or vegetable waxes, excluding <i>degras</i>
Chapter 16 1701 ex 1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel excluding that of headings 1702 11 00, 1702 30 51, 1702 30 59, 1702 50 00 and 1702 90 10
1703 1801 and 1802 ex 1902	Pasta, stuffed, containing more than 20 % by weight of fish, crustaceans, molluscs or other aquatic invertebrates, sausages and the like or meat and meat offal of any kind, including fats of all kinds

ex 2001	Cucumbers and gherkins, onions, mango chutney, fruit of the genus <i>capsicum</i> other than sweet peppers or pimentos, mushrooms and olives, prepared or preserved by vinegar or acetic acid
2002 and 2003 ex 2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006, excluding potatoes in the form of flour or meal and flakes and sweetcorn
ex 2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006, excluding potato in the form of flour or meal and flakes and sweetcorn
2006 and 2007 ex 2008	Fruits, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included, excluding peanut butter, palm hearts, maize, yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch, vine leaves, hop shoots and other similar edible parts of plants
2009 ex 2106	Flavoured and coloured sugars, syrups and molasses
2204 2206 ex 2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher obtained from agricultural produce listed here
ex 2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol obtained from agricultural produce listed here'
2209 Chapter 23 2401 4501 5301 and 5302	

Article 2

This Decision shall enter into force on 1 January 1999, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee.

Article 3

This Decision shall be published in the EEA section of, and in the EEA Supplement to, the *Official Journal of the European Communities*.

Done at Brussels, 26 March 1999.

For the EEA Joint Committee

The President

F. BARBASO