

## EUROPEAN ECONOMIC AREA

## EFTA COURT

**Request for an Advisory Opinion from the EFTA Court by Héraðsdómur Reykness by decision of that court of 27 June 2003 in the case of The State Prosecutor v Ásgeir Logi Ásgeirsson, Axel Pétur Ásgeirsson and Helgi Már Reynisson**

**(Case E-2/03)**

(2003/C 248/05)

A request has been made to the EFTA Court by decision of 27 June 2003 of Héraðsdómur Reykness (District Court of Reykjaness), Hafnarfirði, Iceland, which was received at the Court Registry on 9 July 2003, for an Advisory Opinion in the case of The State Prosecutor v Ásgeir Logi Ásgeirsson, Axel Pétur Ásgeirsson and Helgi Már Reynisson, on the following questions:

1. Does the term 'trade regimes' in Article 7 of Protocol 9 to the EEA Agreement and Appendix 3 to the same Protocol, extend to the rules of origin contained in the agreement between European Economic Community and the Republic of Iceland, signed on 22 July 1972, so as to prevail over the rules of origin contained in Protocol 4 to the EEA Agreement?
  2. If the rules of origin contained in Protocol 4 to the EEA Agreement are, notwithstanding the provisions of Article 7 of Protocol 9, considered to apply to the circumstances of the case, then does defrosting, heading, filleting, boning, trimming, salting and packing fish that has been imported frozen whole to Iceland from countries outside the EEA constitute sufficient working and processing within the meaning of these rules for the product to be considered of Icelandic origin?
  3. Irrespective of whether the Court takes a position on the interpretation of Protocol 3 to the Agreement of 1972, interpretation is requested of the rules of origin contained in Protocol 4 to the EEA Agreement as to whether defrosting, heading, filleting, boning, trimming, salting and packing fish that has been imported into Iceland frozen whole from countries outside the EEA constitutes sufficient working and processing for the product to be considered of Icelandic origin.
  4. If Article 7 of Protocol 9 to the EEA Agreement is considered to apply to the rules of origin contained in the Agreement between the European Economic Community and the Republic of Iceland referred to in question 1, and if these rules of origin are considered to prevail over the rules of origin contained in Protocol 4 to the EEA Agreement, and if the EFTA Court is competent to provide an opinion on the interpretation of the rules of origin of this agreement, is then the processing of the type described in question 2 sufficient working and processing in the sense of the Protocol in question in order for the product to be considered of Icelandic origin?
  5. Subject to the same proviso regarding the competence of the EFTA Court to interpret the Agreement between the European Economic Community and the Republic of Iceland which was signed on 22 July 1972, to which Member States of the European Union does protocol 6 to that agreement apply?
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