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► **B****AGREEMENT****between the European Economic Community and the Swiss Confederation**

(OJ L 300, 31.12.1972, p. 189)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Decision of the Joint Committee No 5/73	L 160	65	18.6.1973
► <u>M2</u>	Decision of the Joint Committee No 6/73	L 160	67	18.6.1973
► <u>M3</u>	Decision of the Joint Committee No 7/73	L 160	72	18.6.1973
► <u>M4</u>	Decision of the Joint Committee No 8/73	L 160	73	18.6.1973
► <u>M5</u>	Decision No 9/73 of the Joint Committee	L 347	37	17.12.1973
► <u>M6</u>	Decision No 10/73 of the Joint Committee of 12 December 1973	L 365	136	31.12.1973
► <u>M7</u>	Decision No 11/73 of the Joint Committee of 11 December 1973	L 365	162	31.12.1973
► <u>M8</u>	Decision No 11/73 of the Joint Committee of 11 December 1973	L 365	166	31.12.1973
► <u>M9</u>	Decision No 1/74 of the Joint Committee	L 224	17	13.8.1974
► <u>M10</u>	Decision No 2/74 of the Joint Committee	L 224	18	13.8.1974
► <u>M11</u>	Decision No 3/74 of the Joint Committee of 31 October 1974	L 352	32	28.12.1974
► <u>M12</u>	Supplementary protocol to the Agreement between the European Economic Community and the Swiss Confederation	L 106	17	26.4.1975
► <u>M13</u>	Decision No 1/75 of the Joint Committee of 1 December 1975	L 338	74	31.12.1975
► <u>M14</u>	Decision No 2/75 of the Joint Committee of 1 December 1975	L 338	76	31.12.1975
► <u>M15</u>	Decision 1/76 of the Joint Committee of 12 April 1976	L 215	14	7.8.1976
► <u>M16</u>	Agreement in the form of an exchange of letters amending Tables I and II annexed to Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation	L 298	44	28.10.1976
► <u>M17</u>	Agreement in the form of an exchange of letters amending the English version of Table II of Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation	L 328	58	26.11.1976
► <u>M18</u>	Decision No 2/76 of the Joint Committee	L 328	50	26.11.1976
► <u>M19</u>	Decision No 3/76 of the Joint Committee	L 328	56	26.11.1976
► <u>M20</u>	Agreement in the form of an exchange of letters amending Annex A to Protocol 1 to the Agreement between the European Economic Community and the Swiss Confederation	L 338	17	7.12.1976

► <u>M21</u>	Joint Committee Decision No 1/77 of 14 December 1977	L 342	28	29.12.1977
► <u>M22</u>	Joint Committee Decision No 2/77 of 14 December 1977	L 342	87	29.12.1977
► <u>M23</u>	Council Regulation (EEC) No 2933/77 of 20 December 1977	L 342	27	29.12.1977
► <u>M24</u>	Agreement in the form of an exchange of letters amending Annex A to Protocol 1 to the Agreement between the European Economic Community and the Swiss Confederation	L 116	2	28.4.1978
► <u>M25</u>	Agreement in the form of an exchange of letters amending the Agreement between the European Economic Community and the Swiss Confederation	L 303	26	28.10.1978
► <u>M26</u>	Joint Committee Decision No 1/78 of 5 December 1978	L 376	20	30.12.1978
► <u>M27</u>	Joint Committee Decision No 1/80 of 28 May 1980	L 257	20	1.10.1980
► <u>M28</u>	Joint Committee Decision No 2/80 of 28 May 1980	L 257	41	1.10.1980
► <u>M29</u>	Joint Committee Decision No 3/80 amending Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation to take account of the accession of the Hellenic Republic to the Community	L 385	17	31.12.1980
► <u>M30</u>	Joint Committee Decision No 1/81 of 1 June 1981	L 247	14	31.8.1981
► <u>M31</u>	Joint Committee Decision No 2/81 of 1 June 1981	L 247	28	31.8.1981
► <u>M32</u>	Joint Committee Decision No 3/81 of 1 June 1981	L 247	48	31.8.1981
► <u>M33</u>	Joint Committee Decision No 4/81 of 1 June 1981	L 247	63	31.8.1981
► <u>M34</u>	Joint Committee Decision No 1/82 of 17 September 1982	L 382	24	31.12.1982
► <u>M35</u>	EEC-Switzerland Joint Committee Decision No 2/82 of 8 December 1982	L 385	68	31.12.1982
► <u>M36</u>	EEC-Switzerland Joint Committee Decision No 2/82 of 8 December 1982	L 385	68	31.12.1982
► <u>M37</u>	Agreement in the form of an exchange of letters amending Table II annexed to Protocol 2 of the Agreement between the European Economic Community and the Swiss Confederation	L 337	2	2.12.1983
► <u>M38</u>	Agreement in the form of an exchange of letters consolidating and modifying the text of Protocol 3 to the Agreement between the European Economic Community and the Swiss Confederation	L 323	313	11.12.1984
► <u>M39</u>	Decision No 1/85 of the EEC-Switzerland Joint Committee of 21 May 1985	L 301	14	15.11.1985
► <u>M40</u>	Agreement in the form of an Exchange of Letters between the European Economic Community and the Swiss Confederation on trade arrangements for soups, sauces and condiments	L 309	23	21.11.1985
► <u>M41</u>	EEC-Switzerland Joint Committee decision No 2/85 of 3 December 1985	L 47	47	25.2.1986
► <u>M42</u>	Decision No 1/86 of the EEC-Switzerland Joint Committee of 17 March 1986	L 134	27	21.5.1986
► <u>M43</u>	Decision No 2/86 of the EEC-Switzerland Joint Committee of 28 May 1986	L 199	28	22.7.1986
► <u>M44</u>	Decision No 3/86 of the EEC-Austria Joint Committee of 10 December 1986	L 100	26	11.4.1987
► <u>M45</u>	Decision No 1/87 of the EEC-Switzerland Joint Committee of 4 June 1987	L 236	12	20.8.1987
► <u>M46</u>	Decision No 2/87 of the EEC-Switzerland Joint Committee of 23 October 1987	L 388	39	31.12.1987
► <u>M47</u>	Decision No 3/87 of the EEC-Switzerland Joint Committee of 14 December 1987	L 100	14	19.4.1988
► <u>M48</u>	Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation	L 216	75	8.8.1988

► <u>M49</u>	Decision No 2/88 of the EEC-Switzerland Joint Committee of 6 December 1988	L 379	27	31.12.1988
► <u>M50</u>	Decision No 3/88 of the EEC-Switzerland Joint Committee of 6 December 1988	L 379	29	31.12.1988
► <u>M51</u>	Decision No 4/88 of the EEC-Switzerland Joint Committee of 6 December 1988	L 379	30	31.12.1988
► <u>M52</u>	Decision No 5/88 of the EEC-Switzerland Joint Committee of 6 December 1988	L 381	22	31.12.1988
► <u>M53</u>	Decision No 1/89 of the EEC-Switzerland Joint Committee of 26 June 1989	L 278	23	27.9.1989
► <u>M54</u>	Supplementary protocol to the Agreement between the European Economic Community and the Swiss Confederation concerning the elimination of existing and prevention of new quantitative restrictions affecting exports or measures having equivalent effect	L 295	29	13.10.1989
► <u>M55</u>	Decision No 1/90 of the EEC- Switzerland Joint Committee of 2 May 1990	L 176	12	10.7.1990
► <u>M56</u>	Decision No 4/90 of the EEC-Switzerland Joint Committee of 8 June 1990	L 210	36	8.8.1990
► <u>M57</u>	Decision No 1/9 of the EEC-Switzerland Joint Committee of 27 September 1991	L 311	17	12.11.1991
► <u>M58</u>	Decision No 2/91 of the EEC-Switzerland Joint Committee of 27 September 1991	L 311	18	12.11.1991
► <u>M59</u>	Decision No 3/91 of the EEC-Switzerland Joint Committee of 13 December 1991	L 42	45	18.2.1992
► <u>M60</u>	Decision No 3/92 of the EEC-Switzerland Joint Committee of 18 November 1992	L 85	21	6.4.1993
► <u>M61</u>	Decision No 1/93 of the EEC-Switzerland Joint Committee of 5 April 1993	L 283	37	18.11.1993
► <u>M62</u>	Decision No 2/93 of the EEC-Switzerland Joint Committee of 28 April 1993	L 52	11	23.2.1994
► <u>M63</u>	Decision No 3/93 of the EEC-Switzerland Joint Committee of 28 June 1993	L 52	23	23.2.1994
► <u>M64</u>	Decision No 1/94 of the EC-Switzerland Joint Committee of 6 April 1994	L 204	150	6.8.1994
► <u>M65</u>	Agreement in the form of an exchange of letters between the European Community and the Swiss Confederation adding to the Agreement between the European Economic Community and the Swiss Confederation a protocol on mutual administrative assistance in customs matters	L 169	77	27.6.1997
► <u>M66</u>	Decision No 1/96 of the EC-Switzerland Joint Committee of 19 December 1996	L 195	1	23.7.1997
► <u>M67</u>	Decision No 1/1999 of the EC-Switzerland Joint Committee of 24 June 1999	L 249	25	22.9.1999
► <u>M68</u>	Decision No 2/1999 of the EC-Switzerland Joint Committee of 29 November 1999	L 323	14	15.12.1999
► <u>M69</u>	Agreement in the form of an Exchange of Letters between the European Community, of the one part, and the Swiss Confederation, of the other part, concerning Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation	L 76	12	25.3.2000
► <u>M70</u>	Decision No 1/2000 of the EC-Switzerland Joint Committee of 25 October 2000	L 51	1	21.2.2001
► <u>M71</u>	Decision No 1/2001 of the EC-Switzerland Joint Committee of 24 January 2001	L 51	40	21.2.2001
► <u>M72</u>	Decision No 801/2004 of the EC-Switzerland Joint Committee of 28 April 2004	L 352	18	27.11.2004

▶ <u>M73</u>	Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products	L 23	19	26.1.2005
▶ <u>M74</u>	amended by Decision No 1/2014 of the EU-Switzerland Joint Committee of 13 February 2014	L 54	19	22.2.2014
▶ <u>M75</u>	Decision No 2/2005 of the EC-Switzerland Joint Committee of 17 March 2005	L 101	17	21.4.2005
▶ <u>M76</u>	Decision No 3/2005 of the EC-Switzerland Joint Committee of 15 December 2005	L 45	1	15.2.2006
▶ <u>M77</u>	Decision No 1/2006 of the EC-Switzerland Joint Committee of 31 January 2006	L 44	18	15.2.2006
▶ <u>M78</u>	Decision No 2/2006 of the EC-Switzerland Joint Committee of 31 January 2006	L 44	21	15.2.2006
▶ <u>M79</u>	Decision No 1/2007 of the EC-Switzerland Joint Committee of 31 January 2007	L 35	29	8.2.2007
▶ <u>M80</u>	Decision No 1/2008 of the EC-Switzerland Joint Committee of 22 February 2008	L 69	34	13.3.2008
▶ <u>M81</u>	Decision No 1/2009 of the EC-Switzerland Joint Committee of 14 January 2009	L 29	55	31.1.2009
▶ <u>M82</u>	Decision No 2/2009 of the EC-Switzerland Joint Committee of 13 July 2009	L 252	1	24.9.2009
▶ <u>M83</u>	Decision No 1/2010 of the EU-Switzerland Joint Committee of 28 January 2010	L 41	72	16.2.2010
▶ <u>M84</u>	Decision No 1/2011 of the EU-Switzerland Joint Committee of 14 January 2011	L 19	40	22.1.2011
▶ <u>M85</u>	Decision No 1/2012 of the EU-Switzerland Joint Committee of 15 March 2012	L 85	35	24.3.2012
▶ <u>M86</u>	Decision No 1/2013 of the EU-Switzerland Joint Committee of 18 March 2013	L 82	60	22.3.2013
▶ <u>M87</u>	Decision No 2/2015 of the EU-Switzerland Joint Committee of 3 December 2015	L 23	79	29.1.2016

Corrected by:

- ▶ **C1** Corrigendum, OJ L 19, 25.1.1986, p. 63 (21984A1211(06))
- ▶ **C2** Corrigendum, OJ L 33, 10.2.2016, p. 38 (2/2015)

▼B**AGREEMENT****between the European Economic Community and the Swiss Confederation**

THE EUROPEAN ECONOMIC COMMUNITY,

of the one part, and

THE SWISS CONFEDERATION,

of the other part,

DESIRING to consolidate and to extend, upon the enlargement of the European Economic Community, the economic relations existing between the Community and Switzerland and to ensure, with due regard for fair conditions of competition, the harmonious development of their commerce for the purpose of contributing to the work of constructing Europe,

RESOLVED to this end to eliminate progressively the obstacles to substantially all their trade, in accordance with the provisions of the General Agreement on Tariffs and Trade concerning the establishment of free trade areas,

DECLARING their readiness to examine, in the light of any relevant factor, and in particular of developments in the Community, the possibility of developing and deepening their relations where it would appear to be useful in the interests of their economies to extend them to fields not covered by this Agreement,

HAVE DECIDED, in pursuit of these objectives and considering that no provision of this Agreement may be interpreted as exempting the Contracting Parties from the obligations which are incumbent upon them under other international agreements,

TO CONCLUDE THIS AGREEMENT:

Article 1

The aim of this Agreement is:

- (a) to promote through the expansion of reciprocal trade the harmonious development of economic relations between the European Economic Community and the Swiss Confederation and thus to foster in the Community and in Switzerland the advance of economic activity, the improvement of living and employment conditions, and increased productivity and financial stability,
- (b) to provide fair conditions of competition for trade between the Contracting Parties,
- (c) to contribute in this way, by the removal of barriers to trade, to the harmonious development and expansion of world trade.

▼M70*Article 2*

The Agreement shall apply to products originating in the Community or Switzerland:

- (i) which fall within Chapters 25 to 97 of the Harmonised Commodity Description and Coding System, excluding the products listed in Annex I;
- (ii) which are specified in Annex II;

▼ M70

(iii) which are specified in Protocol 2, with due regard to the arrangements provided for in that Protocol.

▼ B*Article 3*

1. No new customs duty on imports shall be introduced in trade between the Community and Switzerland.

2. Customs duties on imports shall be progressively abolished in accordance with the following timetable:

(a) on 1 April 1973 each duty shall be reduced to 80% of the basic duty;

(b) four further reductions of 20% each shall be made on:

1 January 1974,

1 January 1975,

1 January 1976,

1 July 1977.

Article 4

1. The provisions concerning the progressive abolition of customs duties on imports shall also apply to customs duties of a fiscal nature.

The Contracting Parties may replace a customs duty of a fiscal nature or the fiscal element of a customs duty by an internal tax.

2. Denmark, Ireland ► M12 ————— ◀ and the United Kingdom may retain until 1 January 1976 a customs duty of a fiscal nature or the fiscal element of a customs duty in the event of implementation of Article 38 of the 'Act concerning the Conditions of Accession and the Adjustments to the Treaties' ► M12 ————— ◀.

▼ M70

3. Switzerland may retain temporarily, while observing the conditions of Article 18, duties corresponding to the fiscal element contained in customs duties on imports of products specified in Annex III.

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The Joint Committee provided for in Article 29 shall examine whether the conditions set out in the preceding subparagraph are being met, particularly where a change has been made in the amount of the fiscal element.

The Joint Committee shall examine the position with a view to the conversion of such duties into internal charges before 1 January 1980 or before any other date which it might determine in the light of circumstances.

Article 5

1. The basic duty to which the successive reductions provided for in Article 3 and in Protocol No 1 are to be applied shall, for each product, be the duty actually applied on 1 January 1972.

2. If, after 1 January 1972, any tariff reductions resulting from the tariff agreements concluded as a result of the Trade Conference held in Geneva from 1964 to 1967 become applicable, such reduced duties shall replace the basic duties referred to in paragraph 1.

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3. The reduced duties calculated in accordance with Article 3 and ►**M12** Protocols No 1 and No 2 ◄ shall be applied rounded to the first decimal place.

Subject to the application by the Community of Article 39 (5) of the 'Act concerning the Conditions of Accession and the Adjustments to the Treaties' ►**M12** ————— ◄, as regards the specific duties or the specific part of the mixed duties in the Irish Customs Tariff, Article 3 and ►**M12** Protocols No 1 and No 2 ◄ shall be applied, with rounding to the fourth decimal place.

Article 6

1. No new charge having an effect equivalent to a customs duty on imports shall be introduced in trade between the Community and Switzerland.

2. Charges having an effect equivalent to customs duties on imports introduced on or after 1 January 1972 in trade between the Community and Switzerland shall be abolished upon the entry into force of the Agreement.

Any charge having an effect equivalent to a customs duty on imports, the rate of which on 31 December 1972 is higher than that actually applied on 1 January 1972 shall be reduced to the latter rate upon the entry into force of the Agreement.

3. Charges having an effect equivalent to customs duties on imports shall be progressively abolished in accordance with the following timetable:

(a) by 1 January 1974 at the latest each charge shall be reduced to 60% of the rate applied on 1 January 1972;

(b) three further reductions of 20% each shall be made on:

1 January 1975,

1 January 1976,

1 July 1977.

Article 7

1. No customs duty on exports or charge having equivalent effect shall be introduced in trade between the Community and Switzerland.

Customs duties on exports and charges having equivalent effect shall be abolished not later than 1 January 1974.

▼M70

2. In the case of products listed in Annex IV, customs duties on exports and charges having equivalent effect shall be abolished in accordance with the provisions of that Annex.

▼B*Article 8*

Protocol No 1 lays down the tariff treatment and arrangements applicable to certain products.

Article 9

Protocol No 2 lays down the tariff treatment and arrangements applicable to certain goods obtained by processing agricultural products.

▼B*Article 10*

1. In the event of specific rules being established as or of any alteration of the current rules the Contracting Party in question may adapt the arrangements resulting from this Agreement in respect of the products which are the subject of those rules or alterations.

2. In such cases the Contracting Party in question shall take due account of the interests of the other Contracting Party. To this end the Contracting Parties may consult each other within the Joint Committee.

Article 11

Protocol No 3 lays down the rules of origin.

Article 12

A Contracting Party which is considering the reduction of the effective level of its duties or charges having equivalent effect applicable to third countries benefiting from most favoured-nation treatment, or which is considering the suspension of their application, shall, as far as may be practicable, notify the Joint Committee not less than thirty days before such reduction or suspension comes into effect. It shall take note of any representations by the other Contracting Party regarding any distortions which might result therefrom.

▼M25*Article 12a*

In the event of amendments to the customs tariff nomenclature of one or both of the Contracting Parties for products referred to in the Agreement, the Joint Committee may adapt the tariff nomenclature of those products in the Agreement to conform with such amendments having due regard to the principle that the advantages resulting from the Agreement should be maintained.

▼B*Article 13*

1. No new quantitative restriction on imports or measures having equivalent effect shall be introduced in trade between the Community and Switzerland.

2. Quantitative restrictions on imports shall be abolished on 1 January 1973 and any measures having an effect equivalent to quantitative restrictions on imports shall be abolished not later than 1 January 1975.

▼M54*Article 13a*

1. No new quantitative restriction on exports or measures having equivalent effect shall be introduced in trade between the Community and Switzerland.

▼ M54

2. Quantitative restrictions on exports and any measures having equivalent effect shall be abolished on 1 January 1990, except for those applied on 1 January 1989 to products listed in Protocol 6 which shall be eliminated in accordance with the provisions of the said Protocol.

Article 13b

A Contracting Party which is considering a change in the arrangements which it applies to exports to third countries shall, as far as may be practicable, notify the Joint Committee not less than 30 days before the proposed change comes into effect. It shall take note of any representations by the other Contracting Party regarding any distortions which may result therefrom.

▼ B*Article 14***▼ M70**

1. The Community reserves the right to modify the arrangements applicable to the petroleum products falling within heading Nos 27.10, 27.11, ex 27.12 (excluding ozokerite and lignite/peat wax), and 27.13 of the Harmonised Commodity Description and Coding System upon adoption of decisions under the common commercial policy for the products in question or upon establishment of a common energy policy.

▼ B

In this event the Community shall take due account of the interests of Switzerland; to this end it shall inform the Joint Committee, which shall meet under the conditions set out in Article 31.

2. Switzerland reserves the right to take similar action should it be faced with like situations.

3. Subject to paragraphs 1 and 2, the Agreement shall not prejudice the non-tariff rules applied to imports of petroleum products.

Article 15

1. The Contracting Parties declare their readiness to foster, so far as their agricultural policies allow, the harmonious development of trade in agricultural products to which the Agreement does not apply.

2. The Contracting Parties shall apply their agricultural rules in veterinary, health and plant health matters in a non-discriminatory fashion and shall not introduce any new measures that have the effect of unduly obstructing trade.

3. The Contracting Parties shall examine, under the conditions set out in Article 31, any difficulties that might arise in their trade in agricultural products and shall endeavour to seek appropriate solutions.

Article 16

From 1 July 1977 products originating in Switzerland may not enjoy more favourable treatment when imported into the Community than that applied by the Member States of the Community between themselves.

▼B*Article 17*

The Agreement shall not preclude the maintenance or establishment of customs unions, free trade areas or arrangements for frontier trade, except in so far as they alter the trade arrangements provided for in the Agreement, in particular the provisions concerning rules of origin.

Article 18

The Contracting Parties shall refrain from any measure or practice of an internal fiscal nature establishing, whether directly or indirectly, discrimination between the products of one Contracting Party and like products originating in the territory of the other Contracting Party.

Products exported to the territory of one of the Contracting Parties may not benefit from repayment of internal taxation in excess of the amount of direct or indirect taxation imposed on them.

Article 19

Payments relating to trade in goods and the transfer of such payments to the Member State of the Community in which the creditor is resident or to Switzerland shall be free from any restrictions.

The Contracting Parties shall refrain from any exchange or administrative restrictions on the grant, repayment or acceptance of short- and medium-term credits covering commercial transactions in which a resident participates.

Article 20

The Agreement shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, law and order or public security, the protection of life and health of humans, animals or plants, the protection of national treasures of artistic, historic or archaeological value, the protection of industrial and commercial property, or rules relating to gold or silver. Such prohibitions or restrictions must not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Contracting Parties.

Article 21

Nothing in the Agreement shall prevent a Contracting Party from taking any measures:

- (a) which it considers necessary to prevent the disclosure of information contrary to its essential security interests;

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- (b) which relate to trade in arms, munitions or war materials or to research, development or production indispensable for defence purposes, provided that such measures do not impair the conditions of competition in respect of products not intended for specifically military purposes;
- (c) which it considers essential to its own security in time of war or serious international tension.

Article 22

1. The Contracting Parties shall refrain from any measure likely to jeopardize the fulfilment of the objectives of the Agreement.
2. They shall take any general or specific measures required to fulfil their obligations under the Agreement.

If either Contracting Party considers that the other Contracting Party has failed to fulfil an obligation under the Agreement, it may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 27.

Article 23

1. The following are incompatible with the proper functioning of the Agreement in so far as they may affect trade between the Community and Switzerland:
 - (i) all agreements 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 as regards the production of or trade in goods;
 - (ii) abuse by one or more undertakings of a dominant position in the territories of the Contracting Parties as a whole or in a substantial part thereof;
 - (iii) any public aid which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods.
2. Should a Contracting Party consider that a given practice is incompatible with this Article, it may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 27.

Article 24

Where an increase in imports of a given product is or is likely to be seriously detrimental to any production activity carried on in the territory of one of the Contracting Parties and where this increase is due to:

- (i) the partial or total reduction in the importing Contracting Party, as provided for in the Agreement, of customs duties and charges having equivalent effect levied on the product in question; and
- (ii) the fact that the duties or charges having equivalent effect levied by the exporting Contracting Party on imports of raw materials or intermediate products used in the manufacture of the product in question are significantly lower than the corresponding duties or charges levied by the importing Contracting Party;

the Contracting Party concerned may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 27.

▼ M54*Article 24a*

Where compliance with the provisions of Articles 7 and 13a leads to

1. re-export towards a third country against which the exporting Contracting Party maintains, for the product concerned quantitative export restrictions, export duties or measures or charges having equivalent effect; or
2. a serious shortage, or threat thereof, of a product essential to the exporting Contracting Party;

and where the situations referred to above give rise or are likely to give rise to major difficulties for the exporting Contracting Party, that Contracting Party may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 27.

▼ B*Article 25*

If one of the Contracting Parties finds that dumping is taking place in trade with the other Contracting Party, it may take appropriate measures against this practice in accordance with the Agreement on implementation of Article VI of the General Agreement on Tariffs and Trade, under the conditions and in accordance with the procedures laid down in Article 27.

Article 26

If serious disturbances arise in any sector of the economy or if difficulties arise which could bring about serious deterioration in the economic situation of a region, the Contracting Party concerned may take appropriate measures under the conditions and in accordance with the procedures laid down in Article 27.

▼ M54*Article 27*

1. In the event of a Contracting Party subjecting imports or exports of products liable to give rise to the difficulties referred to in Articles 24, 24a and 26 to an administrative procedure, the purpose of which is to provide rapid information on the trend of trade flows, it shall inform the other Contracting Party.

2. In the cases specified in Articles 22 to 26, before taking the measures provided for therein or, in cases to which paragraph 3 (e) applies, as soon as possible, the Contracting Party in question shall supply the Joint Committee with all relevant information required for a thorough examination of the situation with a view to seeking a solution acceptable to the Contracting Parties. In the selection of measures, priority must be given to those which least disturb the functioning of the Agreement.

The safeguard measures shall be notified immediately to the Joint Committee, and shall be the subject of periodical consultations within the Committee, particularly with a view to their abolition as soon as circumstances permit.

▼ **M54**

3. For the implementation of paragraph 2, the following provisions shall apply:

- (a) As regards Article 23, either Contracting Party may refer the matter to the Joint Committee if it considers that a given practice is incompatible with the proper functioning of the Agreement within the meaning of Article 23 (1).

The Contracting Parties shall provide the Joint Committee with all relevant information and shall give it the assistance it requires in order to examine the case and, where appropriate, to eliminate the practice objected to.

If the Contracting Party in question fails to put an end to the practice objected to within the period fixed by the Joint Committee, or in the absence of agreement in the Joint Committee within three months of the matter being referred to it, the Contracting Party concerned may adopt any safeguard measures it considers necessary to deal with the serious difficulties resulting from the practices in question; in particular it may withdraw tariff concessions.

- (b) As regards Article 24, the difficulties arising from the situation referred to in 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 Contracting Party has not taken a decision putting an end to the difficulties within 30 days of the matter being referred, the importing Contracting Party is authorized to levy a compensatory charge on the product imported.

The compensatory charge shall be calculated according to the incidence on the value of the goods in question of the tariff disparities in respect of the raw materials or intermediate products incorporated therein.

- (c) As regards Article 24a, the difficulties arising from the situations referred to in that Article shall be referred for examination to the Joint Committee. With regard to subparagraph (ii) of Article 24a, the threat of shortage shall be duly evidenced by appropriate quantitative and price indicators.

The Joint Committee may take any decision needed to put an end to the difficulties. If the Joint Committee has not taken such a decision within 30 days of the matter being referred to it, the exporting Contracting Party is authorized to apply temporarily appropriate measures on the exportation of the product concerned.

- (d) As regards Article 25, consultation in the Joint Committee shall take place before the Contracting Party concerned takes the appropriate measures.

- (e) Where exceptional circumstances requiring immediate action make prior examination impossible, the Contracting Party concerned may, in the situations specified in Articles 24, 24a, 25 and 26 and also in the case of export aids having a direct and immediate incidence on trade, apply forthwith the precautionary measures strictly necessary to remedy the situation.

▼B*Article 28*

Where one or more Member States of the Community or Switzerland is in difficulties or is seriously threatened with difficulties as regards its balance of payments, the Contracting Party concerned may take the necessary safeguard measures. It shall inform the other Contracting Party forthwith.

Article 29

1. A Joint Committee is hereby established, which shall be responsible for the administration of the Agreement and shall ensure its proper implementation. For this purpose, it shall make recommendations and take decisions in the cases provided for in the Agreement. These decisions shall be put into effect by the Contracting Parties in accordance with their own rules.
2. For the purpose of the proper implementation of the Agreement the Contracting Parties shall exchange information and, at the request of either Party, shall hold consultations within the Joint Committee.
3. The Joint Committee shall adopt its own rules of procedure.

Article 30

1. The Joint Committee shall consist of representatives of the Community, on the one hand, and of representatives of Switzerland, on the other.
2. The Joint Committee shall act by mutual agreement.

Article 31

1. Each Contracting Party shall preside in turn over the Joint Committee, in accordance with the arrangements to be laid down in its rules of procedure.
2. The Chairman shall convene meetings of the Joint Committee at least once a year in order to review the general functioning of the Agreement.

The Joint Committee shall, in addition meet whenever special circumstances so require, at the request of either Contracting Party, in accordance with the conditions to be laid down in its rules of procedure.

3. The Joint Committee may decide to set up any working party that can assist it in carrying out its duties.

Article 32

1. Where a Contracting Party considers that it would be useful in the interests of the economies of both Contracting Parties to develop the relations established by the Agreement by extending them to fields not covered thereby, it shall submit a reasoned request to the other Contracting Party.

The Contracting Parties may instruct the Joint Committee to examine this request and, where appropriate, to make recommendations to them, particularly with a view to opening negotiations.

▼B

2. The agreements resulting from the negotiations referred to in paragraph 1 will be subject to ratification or approval by the Contracting Parties in accordance with their own procedures.

Article 33

The Annexes and Protocols to the Agreement shall form an integral part thereof.

Article 34

Either Contracting Party may denounce the Agreement by notifying the other Contracting Party. The Agreement shall cease to be in force twelve months after the date of such notification.

Article 35

The Agreement shall apply, on the one hand, to the territories to which the Treaty establishing the European Economic Community applies upon the terms laid down in that Treaty and, on the other, to the territory of the Swiss Confederation.

Article 36

This Agreement is drawn up in duplicate, in the Danish, Dutch, English, French, ►**M12** German and Italian languages ◀ each of these texts being equally authentic.

This Agreement will be approved by the Contracting Parties in accordance with their own procedures.

It shall enter into force on 1 January 1973 provided that the Contracting Parties have notified each other before that date that the procedures necessary to this end have been completed.

After this date this Agreement shall enter into force on the first day of the second month following such notification. The final date for such notification shall be 30 November 1973.

The provisions applicable on 1 April 1973 shall be applied upon the entry into force of this Agreement if it enters into force after that date.

Udfærdiget i Bruxelles, den toogtyvende juli nitten hundrede og tooghalvfjerds.

Geschehen zu Brüssel am zweiundzwanzigsten Juli neunzehnhundert-zweiundsiebzig.

Done at Brussels on this twenty-second day of July in the year one thousand nine hundred and seventy-two.

Fait à Bruxelles, le vingt-deux juillet mil neuf cent soixante-douze.

Fatto a Bruxelles, il ventidue luglio millenovecentosettantadue.

Gedaan te Brussel, de tweeëntwintigste juli negentienhonderdtweeënzeventig.

▼M12

▼ B

På Rådet for De europæiske Fællesskabers vegne
Im Namen des Rates der Europäischen Gemeinschaften
In the name of the Council of the European Communities
Au nom du Conseil des Communautés européennes
A nome del Consiglio delle Comunità europee
Namens de Raad van de Europese Gemeenschappen

▼ M12

▼ B



Für die Schweizerische Eidgenossenschaft

Pour la Confédération Suisse

Per la Confederazione svizzera



▼ M73

ANNEX I

List of products referred to in Article 2(i) of the Agreement

HS code	Description
2905 43	– – Mannitol
2905 44	– – D-glucitol (sorbitol)
3501	Casein, caseinates and other casein derivatives; casein glues:
3501 10	– Casein
ex 350 19 0	– Other: – Other than casein glues
3502	Albumins (including concentrates of two or more whey proteins, containing by weight more than 80% whey proteins, calculated on the dry matter), albuminates and other albumin derivatives: – Egg albumin:
3502 11	– – Dried
3502 19	– – Other
3502 20	– Milk albumin, including concentrates of two or more whey proteins
3505	Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches
3809	Finishing agents, dye carriers to accelerate the dyeing or fixing or dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included:
3809 10	– With a basis of amylaceous substances
3823	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols: – Industrial monocarboxylic fatty acids; acid oils from refining:
3823 11	– – Stearic acid
3823 12	– – Oleic acid
3823 19	– – Other
3823 70	– Industrial fatty alcohols
3824 60	– Sorbitol other than that of subheading 2905 44
5301	Flax, raw or processed but not spun; flax tow and waste (including yarn waste and garnetted stock)
5302	True hemp (<i>Cannabis sativa</i> L.), raw or processed but not spun; tow and waste of true hemp (including yarn waste and garnetted stock)

▼ **M70***ANNEX II***List of products referred to in Article 2(ii) of the Agreement**

HS code	Description
1302.	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:
ex1302.19	— Vegetable saps and extracts: — — Other: — — — Vanilla oleoresin
1404.	Vegetable products not elsewhere specified or included:
1404.20	— Cotton linters
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:
ex1516.20	— Vegetable fats and oils and their fractions: . Hydrogenated castor oil, so called 'opal-wax'
ex1518.	Animal or vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas or otherwise chemically modified, excluding those of heading No 1516; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, not elsewhere specified or included: Linoxyn

▼ **M70**

ANNEX III

List of products referred to in Article 4 of the Agreement

On 1 January 1997 Switzerland converted the fiscal element of customs duties on imports of products specified in Annex II to the 1972 Agreement into an internal tax. That Annex is therefore deleted.

▼ M70*ANNEX IV***▼ M54****List of products referred to in Article 7 of the Agreement**

Customs duties applied by Switzerland to exports to the Community of the products listed below shall be eliminated in accordance with the following timetable.

Harmonized system Heading No	Product description	Date of elimination
<i>ex</i> 26.20	Ash and residues containing mainly aluminium	1 January 1993
74.04	Copper waste and scrap	1 January 1993
76.02	Aluminium waste and scrap	1 January 1993

▼B

PROTOCOL no 1
concerning the treatment applicable to certain products

SECTION A

**TREATMENT APPLICABLE TO IMPORTS INTO THE COMMUNITY
OF CERTAIN PRODUCTS ORIGINATING IN SWITZERLAND**

Article 1

▼M25

1. Customs duties on imports into the Community as originally constituted of products falling within Chapter 48 or 49 of the Common Customs Tariff shall be progressively abolished in accordance with the following timetable:

Timetable	Products falling within heading or subheading Nos 48.01 C II, 48.01 E, 48.07 B, 48.13 or 48.15 B	Other products
	Rates of duty applicable — percentage	Percentage of basic duties applicable
1 January 1978	8	65
1 January 1979	6	50
1 January 1980	6	50
1 January 1981	4	35
1 January 1982	4	35
1 January 1983	2	20
1 January 1984	0	0

2. Customs duties on imports into Ireland of products referred to in paragraph 1 shall be progressively abolished in accordance with the following timetable:

Timetable	Percentage of basic duties applicable
1 January 1978	20
1 January 1979	15
1 January 1980	15
1 January 1981	10
1 January 1982	10
1 January 1983	5
1 January 1984	0

3. By way of derogation from Article 3 of the Agreement, Denmark and the United Kingdom shall apply the following customs duties to imports of products in paragraph 1 which originate in Switzerland:

Timetable	Products falling within heading or subheading Nos 48.01 C II, 48.01 E, 48.07 B, 48.13 or 48.15 B	Other products
	Rates of duty applicable — percentage	Percentage of Common Customs Tariff duty applicable
1 January 1978	8	65
1 January 1979	6	50
1 January 1980	6	50

▼ M25

Timetable	Products falling within heading or subheading Nos 48.01 C II, 48.01 E, 48.07 B, 48.13 or 48.15 B Rates of duty applicable — percentage	Other products Percentage of Common Customs Tariff duty applicable
1 January 1981	4	35
1 January 1982	4	35
1 January 1983	2	20
1 January 1984	0	0

▼ B

4. During the period from 1 January 1974 to 31 December 1983 Denmark ► M12 ————— ◀ and the United Kingdom shall be entitled to open each year, for imports of products originating in Switzerland, zero-duty tariff quotas the amounts of which, shown in Annex A for 1974, shall be equal to the average amount of imports between 1968 and 1971 raised cumulatively by four increases of 5%; after 1 January 1975 the amount of these tariff quotas shall be raised annually by 5%.

5. The expression 'the Community as originally constituted' means the Kingdom of Belgium, the Federal Republic of Germany, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands.

Article 2

1. Customs duties on imports into the Community as originally constituted and into Ireland of the products specified in paragraph 2 shall be progressively reduced to the following levels in accordance with the following timetable:

Timetable	Percentage of basic duties applicable
1 April 1973	95
1 Januar/1974	90
1 January 1975	85
1 Januar/1976	75
1 Januar/1977	60
1 January 1978	40 with a maximum of 3% <i>ad valorem</i> (except subheading Nos 78.01 A II and 79.01 A)
1 Januar/1979	20
1 Januar/1980	0

For tariff subheading Nos 78.01 A II and 79.01 A, listed in the table given in paragraph 2, the tariff reductions shall be made, as regards the Community as originally constituted and notwithstanding Article 5(3) of the Agreement, rounded to the second decimal place.

▼B

2. The products referred to in the paragraph above are the following:

Common Customs Tariff heading No	Description
ex 73.02	Ferro-alloys, excluding ferro-nickel and products covered by the ECSC Treaty
76.01	Unwrought aluminium; aluminium waste and scrap: A. Unwrought
78.01	Unwrought lead (including argentiferous lead); lead waste and scrap A. Unwrought II. Other
79.01	Unwrought zinc; zinc waste and scrap: A. Unwrought
81.01	Tungsten (Wolfram), unwrought or wrought, and articles thereof
81.02	Molybdenum, unwrought or wrought, and articles thereof
81.03	Tantalum, unwrought or wrought, and articles thereof
81.04	Other base metals, unwrought or wrought, and articles thereof; cermets, unwrought or wrought, and articles thereof: B. Cadmium C. Cobalt II. Wrought ► M25 D. Chromium: I. Unwrought; waste and scrap: b) Other II. Other ◀ E. Germanium F. Hafnium (celtium) G. Manganese H. Niobium (columbium) IJ. Antimony K. Titanium L. Vanadium M. Uranium depleted in U 235 O. Zirconium P. Rhenium Q. Gallium; indium; thallium R. Cermets

▼B*Article 3*

Imports to which the-tariff treatment provided for in Articles 1 and 2 applies, except unwrought lead other than bullion lead (falling within subheading No 78.01 A II of the Common Customs Tariff), shall be subjected to annual indicative ceilings above which the customs duties applicable in respect of third countries may be reintroduced in accordance with the following provisions:

- (a) Taking into account the Community's right to suspend application of ceilings for certain products, the ceilings fixed for 1973 are shown in Annex B. These ceilings are calculated on the assumption that the Community as originally constituted and Ireland shall make the first tariff reduction on 1 April 1973. For 1974 the level of the ceilings shall correspond to that applied in 1973 readjusted on an annual basis for the Community and raised by 5%. From 1 January 1975 the level of the ceilings shall be raised annually by 5%.

For products covered by this Protocol but not included in Annex B, the Community reserves the right to introduce ceilings of which the level will be equal to the average amount of imports into the Community over the last four years for which statistics are available, increased by 5%; for the following years, the levels of these ceilings shall be raised annually by 5%.

- (b) Should, for two successive years, imports of a product subject to a ceiling be less than 90% of the level fixed, the Community shall suspend the application of this ceiling.
- (c) In the event of short-term economic difficulties, the Community reserves the right, after consultation within the Joint Committee, to maintain for a year the level fixed for the preceding year.
- (d) On 1 December each year the Community shall notify the Joint Committee of the list of products subject to ceilings in the following year and of the levels of the ceilings.
- (e) Imports under the tariff quotas opened in accordance with Article 1 (4) shall also be set off against the ceiling levels fixed for the same products.
- (f) Notwithstanding Article 3 of the Agreement and Articles 1 and 2 of this Protocol, when a ceiling fixed for imports of a product covered by this Protocol is reached, Common Customs Tariff duties on imports of the product in question may be reimposed until the end of the calendar year.

In this event, prior to 1 July 1977:

- (i) Denmark ► **M12** ————— ◀ and the United Kingdom shall reimpose customs duties as follows:

Years	Percentage of Common Customs Tariff duties applicable
1973	0
1974	40
1975	60
1976	80

▼B

- (ii) Ireland shall reimpose customs duties applicable to third countries.

The customs duties specified in Articles 1 and 2 of this Protocol shall be reintroduced on 1 January of the following year.

- (g) After 1 July 1977 the Contracting Parties shall examine within the Joint Committee the possibility of revising the percentage by which the levels of ceilings are raised, having regard to the trend of consumption and imports in the Community and to experience gained in applying this Article.
- (h) The ceilings shall be abolished at the end of the tariff dismantling periods provided for in Articles 1 and 2 of this Protocol.

Article 4

1. The community as originally constituted shall retain until 31 December 1975 a minimum rate of customs duties on imports of the following products:

Common Customs Tariff heading No	Description	Minimum rate retained
91.01	Pocket-watches, wrist-watches and other watches, including stop-watches	0.35 UA per article
91.07	Watch movements (including stop-watch movements), assembled:	0.28 UA per article
	A. With balance-wheel and hairspring	
91.11	Other clock and watch parts:	0.28 UA per article
	C. Watch movements, unassembled:	
	I. With balance-wheel and hairspring	

2. The customs duties referred to in paragraph 1 shall be abolished in two equal stages on 1 January 1976 and 1 July 1977. Notwithstanding Article 5(3) of the Agreement, duties reduced in this way shall be applied, rounded to the second decimal place.

3. The provisions of the Agreement shall apply to products falling within Chapter 91 of the Brussels Nomenclature provided that Switzerland applies the provisions of the Additional Agreement to the 1967 Agreement concerning products of the clock and watch industry between the Swiss Confederation and the European Economic Community and its Member States, signed in Brussels on 20 July 1972.

Any obligations laid down in the supplementary Agreement shall be considered obligations within the meaning of Article 22 of this Agreement.

▼B

SECTION B

TREATMENT APPLICABLE TO IMPORTS INTO SWITZERLAND OF CERTAIN PRODUCTS ORIGINATING IN THE COMMUNITY*Article 5***▼M25**

1. From 1 January 1978 customs duties on imports into Switzerland of products originating in the Community as originally constituted and in Ireland and listed in Annex C to this Protocol shall be progressively abolished in accordance with the following timetable:

Timetable	Percentage of basic duties applicable
1 January 1978	65
1 January 1979	50
1 January 1980	50
1 January 1981	35
1 January 1982	35
1 January 1983	20
1 January 1984	0

2. Customs duties on imports into Switzerland of products falling within Customs Cooperation Council Nomenclature heading No 4418 and originating in the Community as originally constituted and in Ireland shall be progressively abolished in accordance with the following timetable:

Timetable	Percentage of basic duties applicable
1 January 1978	65
1 January 1979	50
1 January 1980	40
1 January 1981	20
1 January 1982	0

3. From 1 January 1978 and by way of derogation from Article 3 of the Agreement, Switzerland reserves the right, in the light of its economic needs and administrative considerations, to apply the following customs duties to imports of products mentioned in Annex C and originating in Denmark and the United Kingdom:

Timetable	Percentage of basic duties applicable
1 January 1978	65
1 January 1979	50
1 January 1980	50
1 January 1981	35
1 January 1982	35
1 January 1983	20
1 January 1984	0

▼ B*Article 6***▼ M25**

For products falling within Customs Cooperation Council Nomenclature heading Nos 4418, 4801 and 4807, Switzerland reserves the right to introduce, in the case of serious difficulties, indicative ceilings in accordance with the procedures defined in Article 3 of this Protocol. For imports exceeding the ceilings, customs duties not exceeding those applicable in respect of third countries may be reintroduced.

▼ B

ANNEX A

List of tariff quotas for 1974

DENMARK ► M12 ————— ◀, UNITED KINGDOM

Common Customs Tariff heading No	Description	Level (in metric tons)	
		Den- mark	United Kingdom
Chapter 48	PAPER AND PAPERBOARD; ARTICLES OF PAPER PULP, OF PAPER OR OF PAPERBOARD		
► <u>M25</u> 48.01 ◀	► <u>M25</u> Paper and paperboard (including cellulose wadding), in rolls or sheets: ◀ C. Kraft paper and kraft board: ex II. other, excluding kraft liner and sack paper	—	► <u>M12</u> ————— ◀ 145
	► <u>M25</u> ex F. Other: ◀ ► <u>M25</u> — Bible paper, manifold (thin typing) paper; other printing paper and other writing paper, not containing mechanical wood pulp or in which mechanical wood pulp does not represent more than 5% ◀	—	► <u>M12</u> ————— ◀ 202
	► <u>M25</u> — Wallpaper base ◀	—	► <u>M12</u> ————— ◀ 244
48.03	Parchment or greaseproof paper and paperboard, and imitations thereof, and glazed transparent paper, in rolls and sheets	—	► <u>M12</u> ————— ◀ 126
► <u>M25</u> 48.07 ◀	► <u>M25</u> Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not constituting printed matter falling within Chapter 49), in rolls or sheets: ◀ ► <u>M25</u> C. Other: ◀ ► <u>M25</u> — Coated printing or writing paper ◀	—	► <u>M12</u> ————— ◀ 152
	► <u>M25</u> — Other ◀	—	► <u>M12</u> ————— ◀ 586

▼ **B**

Common Customs Tariff heading No	Description	Level (in metric tons)		
		Den- mark	► M12 — ◀	United Kingdom
► M25 48.16 ◀	► M25 Boxes, bags and other packing containers, of paper or paperboard; box files, letter trays and similar articles, of paper or paperboard, of a kind commonly used in offices, shops and the like: ◀	—	► M12 — ◀	
	► M25 A. Boxes, bags and other packing containers, of paper or paperboard ◀	—		207
► M25 48.21 ◀	► M25 Other articles of paper pulp, paper, paperboard or cellulose wadding: ◀			
	► M25 B. Napkins and napkin liners, for babies, put up for retail sale ◀	—	► M12 — ◀	
	► M25 D. Other ◀	—	► M12 — ◀	147
► M25 ex Chapter 48 ◀	► M25 Other products falling within Chapter 48, excluding products falling within subheading 48.01 A ◀	1 261	► M12 — ◀	522
ex Chapter 49	Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans — subject to customs duties in the Common Customs Tariff (heading Nos 49.03, 49.05 A, 49.07 A, 49.07 O II, 49.08, 49.09, 49.10, 49.11 B)	190	► M12 — ◀	756918.00 ⁽¹⁾

⁽¹⁾ In sterling.

▼B*ANNEX B***List of ceilings for 1973**

Common Customs Tariff heading No	Description	Level (in metric tons)
73.02	Ferro-alloys: C. Ferro-silicon	6 617
76.01	Unwrought aluminium; aluminium waste and scrap: A. Unwrought	9 824

▼B*ANNEX C***List of products for which Switzerland will reduce its duties in regard to the Community during an extended transitional period**

Swiss Customs Tariff heading No	Description
▼<u>M25</u>	
4801	Paper and paperboard (including cellulose wadding), in rolls or sheets
▼<u>B</u>	
4803	Parchment or greaseproof paper and paperboard, and imitations thereof, and glazed transparent paper, in rolls or sheets:
20	— other
▼<u>M25</u>	
4807	Paper and paperboard, impregnated, coated, surface-coloured, surface-decorated or printed (not constituting printed matter falling within Chapter 49), in rolls or sheets
▼<u>B</u>	
4815	Other paper and paperboard, cut to size or shape:
22	— other
4821	Other articles of paper pulp, paper, paperboard or cellulose wadding:
20	— Tablecloths, serviettes and handkerchiefs

▼ M73**PROTOCOL 2****Concerning certain processed agricultural products***Article 1***General principles**

1. The provisions of the Agreement shall apply to products listed in Tables I and II unless otherwise specified in this Protocol.
2. In particular, with respect to these products, the Contracting Parties may not levy customs duties on imports or charges having equivalent effect, including agricultural components, or grant export refunds or any refund, remission or non-payment, partial or complete, of customs duties or charges having an equivalent effect.
3. The provisions of this Protocol shall likewise apply to the Principality of Liechtenstein until the application of Protocol 3 to the Agreement on the European Economic Area to the Principality of Liechtenstein.

*Article 2***Application of price compensation measures**

1. In order to take account of differences in the cost of the agricultural raw materials used in the manufacture of the products specified in Table I, the Agreement does not preclude the application of price compensation measures to these products; that is the levying of agricultural components upon import and the granting of export refunds or the granting of refunds, remissions or non-payments, partial or complete of customs duties or charges having an equivalent effect.
2. If a Contracting Party applies internal measures, which reduce the price of raw materials to processing industries, these measures shall be taken into account in the calculation of the price compensation amounts.

*Article 3***Price compensation measures on imports**

1. Switzerland's basic amounts for the agricultural raw materials taken into consideration in calculating the agricultural components on imports shall neither exceed the difference between the Swiss domestic reference price and the Community's domestic reference price for the respective agricultural raw material nor the Swiss import duty actually applied for the agricultural raw material when imported as such.
2. The Swiss import regime for products specified in Table I is laid down in Table IV.
3. If the Swiss domestic reference price is lower than the Community's domestic reference price, the Community may introduce the price compensation measures as laid down in Article 2 that is the levying of agricultural components upon import, in accordance with Regulation (EC) No 1460/96 as subsequently amended.

▼ **M73***Article 4***Price compensation measures on exports**

1. The Swiss export refunds or refunds, remissions or non-payments, partial or complete, of customs duties or charges having an equivalent effect for exports to the Community for products listed in Table I shall not exceed the difference between the Swiss domestic reference price and the Community's domestic reference price for the agricultural raw materials used in the manufacture of these products multiplied by the quantities actually used. If the Swiss domestic reference price is equal or lower than the Community's domestic reference price, the Swiss export refund or refund, remission or non-payment, partial or complete, of customs duties or charges having an equivalent effect shall be zero.
2. If the Swiss domestic reference price is lower than the Community's domestic reference price, the Community may introduce the price compensation measures as laid down in Article 2 that is the granting of export refunds, in accordance with Regulation (EC) No 1520/2000 as subsequently amended, or the granting of refunds, remissions or non-payments, partial or complete of customs duties or charges having an equivalent effect.
3. For sugar (HS headings 1701, 1702 and 1703) used in the manufacture of products listed in Table I and Table II the Contracting Parties may not grant any export refunds or any refund, remission or non-payment, partial or complete, of customs duties or charges having an equivalent effect.

*Article 5***Reference prices**

1. The Community and Swiss domestic reference prices for agricultural raw materials mentioned in Articles 3 and 4 are listed in Table III.
2. The Contracting Parties shall periodically, at least once every year, provide to the Joint Committee the domestic reference prices of all raw materials for which price compensation measures are applied. The domestic reference prices, which are provided, shall reflect the actual price situation in the territory of the Contracting Party. They shall be the prices normally paid at the wholesale or the manufacturing stage by processing industries. If an agricultural raw material is available to the processing industry, or to a part of it, at a price lower than the one otherwise ruling on the domestic market, the domestic reference prices provided shall be adjusted accordingly.
3. The Joint Committee shall fix the domestic reference prices and the price differences, for agricultural raw materials listed in Table III on the basis of the information provided by the services of the European Commission and the Swiss Federal Administration. If necessary for the preservation of the relative preferential margins, the basic amounts of the agricultural raw materials listed in Table IV shall be adapted.
4. The Joint Committee shall review the domestic prices for agricultural raw materials mentioned in Articles 3 and 4 that are listed in Table III prior to the application of this Protocol.

*Article 6***Special provision on administrative cooperation**

Special provisions on administrative cooperation are laid down in the Appendix to this Protocol.

▼ M73

Article 7
Amendments

The Joint Committee may decide to amend the tables, the appendices to the tables and the Appendix attached to this Protocol.

TABLE I

Products subject to price compensation measures

HS heading	Description of products
0403	Buttermilk, curdled milk and cream, yogurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:
.10	– Yogurt:
ex .10	– – Flavoured or containing added fruit, nuts or cocoa
.90	– Other:
ex .90	– – Flavoured or containing added fruit, nuts or cocoa
0405	Butter and other fats and oils derived from milk; dairy spreads:
.20	– Dairy spreads:
ex .20	– Of a fat content, by weight, of 39% or more but less than 75%
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading 1516:
.10	– Margarine, excluding liquid margarine:
ex .10	– – Containing more than 10% but not more than 15% by weight of milk fats
.90	– Other:
ex .90	– – Containing more than 10% but not more than 15% by weight of milk fats
1704	Sugar confectionery (including white chocolate), not containing cocoa:
1806	Chocolate and other food preparations containing cocoa:

▼ **M73**

HS heading	Description of products
1901	Malt extract; food preparations of flour, groats, meal, starch or malt extract, not containing cocoa powder or containing less than 40% by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings 0401 to 0404, not containing cocoa or containing less than 5% by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included:
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared:
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included:
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products:
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006:
.10	– Potatoes:
ex .10	– – In the form of flour, meal or flakes
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006:
.20	– Potatoes:
ex .20	– In the form of flour, meal or flakes
2008	Fruit, 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: – Nuts, ground-nuts and other seeds, whether or not mixed together:
.11	– – Ground-nuts:
ex .11	– – – Peanut butter
2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof: – Extracts, essences and concentrates, of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:

▼ **M73**

HS heading	Description of products
.12	– – Preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:
ex .12	– – – Containing by weight 1,5% or more milk fat, 2,5% or more milk proteins, 5% or more sugar or 5% or more starch
.20	– Extracts, essences and concentrates, of tea or maté, and preparations with a basis of these extracts, essences or concentrates, or with a basis of tea or maté:
ex .20	– Containing by weight 1,5% or more milk fat, 2,5% or more milk proteins, 5% or more sugar or 5% or more starch
2103	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard:
.20	– Tomato ketchup and other tomato sauces
.90	– Other:
ex .90	– – Other than mango chutney, liquid
2104	Soups and broths and preparations therefor; homogenised composite food preparations
2105	Ice cream and other edible ice, whether or not containing cocoa:
2106	Food preparations not elsewhere specified or included:
.10	– Protein concentrates and textured protein substances:
ex .10	– – Containing more than 1% milk fats, 1% other fats or more than 5% sugars
.90	– Other

▼ **M78**

2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009
.90	- Other:
ex .90	- - Containing milk components of headings No 0401 and No 0402
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol.; spirits, liqueurs and other spirituous beverages:

▼ **M78**

HS heading	Description of products
.90	- Other:
ex .90	- - Other than concentrated grape juice containing added spirit

▼ **M73**

3501	Casein, caseinates and other casein derivatives; casein glues
.10	– Casein
.90	– Other:
ex .90	– – Other than casein glues

TABLE II

Free-trade products

HS heading	Description of products
0501	Human hair, unworked, whether or not washed or scoured; waste of human hair
0502	Pigs', hogs' or boars' bristles and hair; badger hair and other brush making hair; waste of such bristles or hair:
0503	Horsehair and horsehair waste, whether or not put up as a layer with or without supporting material
0505	Skins and other parts of birds, with their feathers or down, feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation; powder and waste of feathers or parts of feathers
10	– Feathers of a kind used for stuffing; down
ex 90	– Other (other than for feed purposes)
0506	Bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised; powder and waste of these products
0507	Ivory, tortoiseshell, whalebone and whalebone hair, horns, antlers, hooves, nails, claws and beaks, unworked or simply prepared but not cut to shape; powder and waste of these products
0508	Coral and similar materials, unworked or simply prepared but not otherwise worked; shells of molluscs, crustaceans or echinoderms and cuttle-bone, unworked or simply prepared but not cut to shape, powder and waste thereof:

▼ **M73**

HS heading	Description of products
ex 00	– Other (than for feed purposes)
0509	Natural sponges of animal origin:
0510	Ambergris, castoreum, civet and musk; cantharides; bile, whether or not dried; glands and other animal products used in the preparation of pharmaceutical products, fresh, chilled, frozen or otherwise provisionally preserved
0710	Vegetables, frozen:
40	– Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
0711	Vegetables 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:
90	– Other vegetables; mixtures of vegetables:
ex 90	– – Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
0901	Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion:
0902	Tea, whether or not flavoured:
0903	Maté
1212	Locust beans, seaweeds and other algae, sugar beet and sugar cane, fresh, chilled, frozen or dried, whether or not ground; fruit stones and kernels and other vegetable products (including unroasted chicory roots of the variety <i>Cichorium intybus sativum</i>) of a kind used primarily for human consumption, not elsewhere specified or included:
ex 20	– Seaweeds and other algae (other than for feed purposes)
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:
1401	Vegetable materials of a kind used primarily for plaiting (for example bamboos, rattans, reeds, rushes, osier, raffia, cleaned, bleached or dyed cereal straw, and lime bark):
1402	Vegetable materials of a kind used primarily as stuffing or as padding (for example kapok, vegetable hair and eelgrass), whether or not put up as a layer with or without supporting material
1403	Vegetable materials of a kind used primarily in brooms or in brushes (for example broomcorn piassava, couch grass and istle), whether or not in hanks or bundles
1404	Vegetable products not elsewhere specified or included:

▼ **M73**

HS heading	Description of products
10	– Raw vegetable materials of a kind used primarily in dyeing and tanning
20	– Cotton linters
ex 90	– Other (other than for feed purposes)
1505	Wool grease and fatty substances derived therefrom (including lanolin):
ex 00	– Other (than for feed purposes)
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:
20	– Vegetable fats and oils and their fractions:
ex 20	– – Hydrogenated castor oil, so called ‘opal-wax’
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this chapter, other than edible fats or oils or their fractions of heading 1516:
90	– Other:
ex 90	– – Edible mixtures or preparations of a kind used as mould release preparations
1518	Animal or vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas otherwise chemically modified, excluding those of heading 1516; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, not elsewhere specified or included:
ex 00	– Linoxyn
1520	Glycerol, crude; glycerol waters and glycerol lyes
1521	Vegetable waxes (other than triglycerides), beeswax, other insect waxes and spermaceti, whether or not refined or coloured
1522	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes
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:
50	– Chemically pure fructose

▼ **M73**

HS heading	Description of products
90	– Other, including invert sugar and other sugar syrup blends containing in the dry state 50% by weight of fructose:
ex 90	– – Chemically pure maltose (other than for feed purposes)
1803	Cocoa paste, whether or not defatted:
1804	Cocoa butter, fat and oil
1805	Cocoa powder, not containing added sugar or other sweetening matter
1903	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or in similar forms
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:
90	– Other:
ex 90	– – Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>); palm hearts; yams, sweet potatoes and similar edible parts of plants of heading 0714
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading 2006:
90	– Other vegetables and mixtures of vegetables:
ex 90	– – Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading 2006:
80	– Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
2006	Vegetables, fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallised):
ex 00	– Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, obtained by cooking, whether or not containing added sugar or other sweetening matter:
2008	Fruit, 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: – Nuts, ground-nuts and other seeds, whether or not mixed together:

▼ **M73**

HS heading	Description of products
11	-- Ground-nuts:
ex 11	-- Ground nuts, roasted -- Other, including mixtures other than those of subheading 2008 19:
91	-- Palm Hearts
99	-- Other:
ex 99	-- Maize (corn), other than sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)
2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof: -- Extracts, essences and concentrates, of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:
11	-- Extracts, essences and concentrates:
12	-- Preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:
ex 12	-- Containing no milk fats, milk proteins, sucrose, isoglucose, glucose or starch or containing by weight less than 1,5% milk fat, 2,5% milk proteins, 5% sucrose or isoglucose 5% glucose or starch
20	-- Extracts, essences and concentrates, of tea or maté, and preparations with a basis of these extracts, essences or concentrates, or with a basis of tea or maté:
ex 20	-- Containing no milk fats, milk proteins, sucrose, isoglucose, glucose or starch or containing by weight less than 1,5% milk fat, 2,5% milk proteins, 5% sucrose or isoglucose, 5% glucose or starch
30	-- Roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof:
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading 3002); prepared baking powders:
ex 10	-- Active yeasts (other than bakers' yeast and other than for feeding purposes)
ex 20	-- Inactive yeasts; other single-cell micro-organisms, dead (other than for feed purposes)
30	-- Prepared baking powders
2103	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard:
10	-- Soya sauce

▼ **M73**

HS heading	Description of products
30	– Mustard flour and meal and prepared mustard:
ex 30	– – Mustard flour and meal other than for feed purposes; prepared mustard
90	– Other:
ex 90	– – Mango chutney, liquid
2106	Food preparations not elsewhere specified or included:
10	– Protein concentrates and textured protein substances:
ex 10	– – Other than containing more than 1% milk fats, 1% other fats or more than 5% sugars
2201	Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter not flavoured; ice and snow

▼ **M78**

2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No 2009
.10	- Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured
.90	- Other:
ex .90	- - Other than fruit juice or vegetable juice diluted with water or aerated and other than containing milk components of headings No 0401 and No 0402

▼ **M73**

2203	Beer made from malt:
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances:
2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80% vol or higher; ethyl alcohol and other spirits, denatured, of any strength:
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol; spirits, liqueurs and other spirituous beverages:
20	– Spirits obtained by distilling grape wine or grape marc:
30	– Whiskies:
40	– Rum and tafia:
50	– Gin and Geneva:
60	– Vodka:
70	– Liqueurs and cordials:
2209	Vinegar and substitutes for vinegar obtained from acetic acid:

▼ M86▼ M74

TABLE III

EU and Swiss domestic reference prices

Agricultural Raw material	Swiss domestic reference price	EU domestic reference price	Article 4(1) Applied on Swiss side Difference Swiss/EU reference price	Article 3(3) Applied on EU side Difference Swiss/EU reference price
	CHF per 100 kg net	CHF per 100 kg net	CHF per 100 kg net	EUR per 100 kg net
Common wheat	50,60	24,30	26,30	0,00
Durum wheat	—	—	1,20	0,00
Rye	42,20	18,95	23,25	0,00
Barley	—	—	—	—
Maize	—	—	—	—
Common wheat flour	94,60	46,65	47,95	0,00
Whole-milk powder	634,10	463,85	170,25	0,00
Skimmed-milk powder	421,15	401,20	19,95	0,00
Butter	1 068,00	521,20	546,80	0,00
White sugar	—	—	—	—
Eggs	—	—	38,00	0,00
Fresh potatoes	44,10	27,75	16,35	0,00
Vegetable fat	—	—	170,00	0,00

▼ M73

TABLE IV

Swiss Import Regime

- (a) The customs duty for the products listed in the Appendix to this Table is an agricultural component calculated on the basis of the net mass. The standard recipes are specified in the Appendix.

▼ M86▼ M74

- (b) The basic amounts for agricultural raw materials taken into account for the calculation of the agricultural components:

Agricultural raw material	Applied basic amount on the Swiss side Article 3(2)	Applied basic amount on the EU side Article 4(2)
	CHF per 100 kg net	EUR per 100 kg net
Common wheat	22,00	0,00
Durum wheat	1,00	0,00
Rye	20,00	0,00

▼ **M74**

Agricultural raw material	Applied basic amount on the Swiss side Article 3(2)	Applied basic amount on the EU side Article 4(2)
	CHF per 100 kg net	EUR per 100 kg net
Barley	—	—
Maize	—	—
Common wheat flour	41,00	0,00
Whole-milk powder	145,00	0,00
Skimmed-milk powder	17,00	0,00
Butter	465,00	0,00
White sugar	—	—
Eggs	32,00	0,00
Fresh potatoes	14,00	0,00
Vegetable fat	145,00	0,00

▼ **M78**

(c) The customs duty for the products listed in the table below is zero.

Swiss tariff heading	Comments
1901.9099	
1904.9020	
1905.9040	
2103.2000	
ex 2103.9000	Other than mango chutney, liquid
2104.1000	
2106.9010	
2106.9024	
2106.9029	
2106.9030	
2106.9040	
2106.9099	
ex 2202.9090	Containing milk components of headings 0401 and 0402
2208.9010	
2208.9099	

▼ **M73**

- (d) As from the application of this Protocol the customs duties for the products listed in the table below are reduced to zero in three equal yearly steps.

Swiss tariff heading	Applied duty as from the entry into force	Applied duty as from one year after the entry into force	Applied duty as from two years after the entry into force
	CHF per 100 kg gross	CHF per 100 kg gross	CHF per 100 kg gross
2208.9021	27,30	13,70	00,00
2208.9022	46,70	23,30	00,00

- (e) The tariff headings set out in this Table refer to those applicable in Switzerland on 1 January 2002. Notwithstanding Article 12bis of the Agreement, the terms of this Table will not be affected by any changes that may be made in the tariff nomenclature.

▼ M78

Appendix

Swiss tariff heading	Comments	Common wheat	Durum wheat	Rye	Barley	Maize	Common wheat flour	Whole-milk powder	Skimmed-milk powder	Butter	Sugar	Eggs	Fresh potatoes	Vegetable fat
		Kg of raw material per 100 kg net of finished product												
1901.2099							90				20			

▼ M73*Appendix to Protocol 2***Provisions on administrative cooperation**

1. The Contracting Parties agree that administrative cooperation is essential for the implementation and the control of the preferential treatment granted under this Protocol and underline their commitment to combat irregularities and fraud in customs and related matters.
2. Where a Contracting Party has made a finding, on the basis of objective information, of a failure to provide administrative cooperation and/or of irregularities or fraud under this Protocol, the Contracting Party concerned may temporarily suspend the relevant preferential treatment of the product(s) concerned in accordance with this Annex.
3. For the purpose of this Appendix a failure to provide administrative cooperation shall mean, *inter alia*:
 - (a) a repeated failure to respect the obligations to verify the originating status of the product(s) concerned;
 - (b) a repeated refusal or undue delay in carrying out and/or communicating the results of subsequent verification of the proof of origin;
 - (c) a repeated refusal or undue delay in obtaining authorisation to conduct administrative cooperation missions to verify the authenticity of documents or accuracy of information relevant to the granting of the preferential treatment in question.

For the purpose of this Appendix a finding of irregularities or fraud may be made, *inter alia*, where there is a rapid increase, without satisfactory explanation, in imports of goods exceeding the usual level of production and export capacity of the other Contracting Party that is linked to objective information concerning irregularities or fraud.

4. The application of a temporary suspension shall be subject to the following conditions:
 - (a) the Contracting Party which has made a finding, on the basis of objective information, of a failure to provide administrative cooperation and/or of irregularities or fraud in customs and related matters shall without undue delay notify the Joint Committee of its finding together with the objective information and enter into consultations within the Joint Committee, on the basis of all relevant information and objective findings, with a view to reaching a solution acceptable to both Contracting Parties;
 - (b) where the Contracting Parties have entered into consultations within the Joint Committee as above and have failed to agree on an acceptable solution within three months following the notification, the Contracting Party concerned may temporarily suspend the relevant preferential treatment of the product(s) concerned. A temporary suspension shall be notified to the Joint Committee without undue delay;
 - (c) temporary suspensions under this Appendix shall be limited to that necessary to protect the financial interests of the Contracting Party concerned. They shall not exceed a period of six months, which may be renewed. Temporary suspensions shall be notified immediately after their adoption to the Joint Committee. They shall be subject to periodic consultations within the Joint Committee in particular with a view to their termination as soon as the conditions for their application are no longer given;

▼ M73

5. At the same time as the notification to the Joint Committee under paragraph 4(a) of this Appendix, the Contracting Party concerned should publish a notice to importers in its Official Journal. The notice to importers should indicate for the product concerned that there is a finding, on the basis of objective information, of a failure to provide administrative cooperation and/or of irregularities or fraud.

▼ M87**PROTOCOL 3****concerning the definition of the concept of ‘originating products’
and methods of administrative cooperation***Article 1***Applicable rules of origin**

For the purpose of implementing this Agreement, Appendix I and the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin⁽¹⁾ (‘the Convention’), shall apply.

All references to the ‘relevant agreement’ in Appendix I to the Convention and in the relevant provisions of Appendix II to the Convention shall be construed so as to mean this Agreement.

*Article 2***Dispute settlement**

Where disputes arise in relation to the verification procedures of Article 32 of Appendix I to the Convention that cannot be settled between the customs authorities requesting the verification and the customs authorities responsible for carrying out this verification, 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 take place under the legislation of that country.

*Article 3***Amendments to the Protocol**

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

*Article 4***Withdrawal from the Convention**

1. Should either the EU or Switzerland give notice in writing to the depositary of the Convention of their intention to withdraw from the Convention according to its Article 9, the EU and Switzerland shall immediately enter into negotiations on rules of origin for the purpose of implementing this Agreement.

2. Until the entry into force of such newly negotiated rules of origin, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention, applicable at the moment of withdrawal, shall continue to apply to this Agreement. However, as of the moment of withdrawal, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention shall be construed so as to allow bilateral cumulation between the European Union and Switzerland only.

*Article 5***Transitional provisions — cumulation**

Notwithstanding Articles 16(5) and 21(3) of Appendix I to the Convention, where cumulation involves only EFTA States, the Faroe Islands, the EU, Turkey, the participants in the Stabilisation and Association Process and the Republic of Moldova, the proof of origin may be a movement certificate EUR.1 or an origin declaration.

⁽¹⁾ OJ L 54, 26.2.2013, p. 4.

▼B**PROTOCOL No 4****concerning certain provisions relating to Ireland**

Notwithstanding Article 13 of the Agreement, the measures provided for in paragraphs 1 and 2 of Protocol No 6 and in Article 1 of Protocol No 7 of the 'Act concerning the Conditions of Accession and the Adjustments to the Treaties' ►**M12** ——— ◀ on certain quantitative restrictions relating to Ireland and on imports of motor vehicles and the motor vehicle assembly industry in Ireland shall apply to Switzerland.

▼B**PROTOCOL No 5****Concerning the treatment that may be applied by Switzerland to imports of certain products subject to the scheme for building up compulsory reserves***Article 1*

Switzerland may subject to a scheme of compulsory reserves products which are indispensable for the survival of the population and army in times of war, and the production of which in Switzerland is insufficient or non-existent and the characteristics and nature of which enable reserves to be built up.

Switzerland shall apply this scheme in a manner that does not involve discrimination, direct or indirect, between products imported from the Community and like or substitute national products.

Article 2

At the date of signature of the agreement the following products shall be subject to the treatment laid down in Article 1:

▼M70

Swiss Customs Tariff Heading No	Description
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:
	— Vegetable fats and oils and their fractions:
ex 2091/2099	— — Other: . Hydrogenated castor oil, so-called 'opal wax', for the manufacture of soap or organic surface-active agents
1704.	Sugar confectionery (including white chocolate), not containing cocoa:
	— Other:
ex 9010	— — White chocolate, in containers holding more than 1 kg
1806.	Chocolate and other food preparations containing cocoa:
ex 1010/1020	— Cocoa powder, containing added sugar or other sweetening matter, in containers holding more than 1 kg
	— Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg:
2091/2099	— — Other
ex 3111/3290	— Other, in blocks, slabs or bars, in containers holding more than 1 kg
ex 9011/9029	— Other, in containers holding more than 1 kg

▼ **M70**

Swiss Customs Tariff Heading No	Description
1905.	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products: — Other: — — Bread and other ordinary bakers' wares, not containing added sugar or other sweetening matter, honey, eggs, fats, cheese or fruit: — — — Not put up for retail sale: — — — — Breadcrumbs: — — — — — For use in animal feeding
9021	
2510.	Natural calcium phosphates, natural aluminium calcium phosphates and phosphatic chalk:
ex 1000/2000	— Natural phosphates, used as fertilisers
2707.	Oils and other products of the distillation of high temperature coal tar; similar products in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents: — For use as motor fuel:
1010	— — Benzole
2010	— — Toluole
3010	— — Xylole
4010	— — Naphthalene
5010	— — Other aromatic hydrocarbon mixtures of which 65% or more by volume (including losses) distils at 250°C by the ASTM D 86 method
6010	— — Phenols
9110	— — Creosote oils
9910	— — Other — For use as heating fuel:
ex 4090	— — Naphthalene
ex 5090	— — Other aromatic hydrocarbon mixtures of which 65% or more by volume (including losses) distils at 250°C by the ASTM D 86 method
ex 6090	— — Phenols
ex 9190	— — Creosote oils
ex 9990	— — Other
2709.	Petroleum oils and oils obtained from bituminous minerals, crude:
0010	— For use as motor fuel

▼ **M70**

Swiss Customs Tariff Heading No	Description
0090	— Other
2710.	Petroleum oils and oils obtained from bituminous minerals, other than crude; preparations not elsewhere specified or included, containing by weight 70% or more of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations: — For use as motor fuel: — — Gasoline and its fractions:
0011	— — — Unleaded, for use as such as motor fuel
0012	— — — Other
0013	— — White spirit
0014	— — Diesel oil
0015	— — Petroleum
0019	— — Other — For other purposes:
ex 0021	— — Gasoline and its fractions: . For gas production, petrochemical processing or industrial heating
0022	— — White spirit
0023	— — Petroleum
0024	— — Heating oils
ex 0025	— — Unmixed distillates of mineral oils, of which less than 20% distils, by volume, below 300°C, not including liquid paraffin of pharmaceutical quality
0026	— — Mixed distillates of mineral oils, of which less than 20% distils, by volume, below 300°C
0027	— — Lubricating mineral oils
0029	— — Other distillates and products
2809.	Diphosphorus pentaoxide; phosphoric acid and polyphosphoric acids:
ex 2000	— phosphoric acid and polyphosphoric acids: . Phosphoric acid, used as fertiliser
2814.	Ammonia, anhydrous or in aqueous solution:
ex 1000	— Anhydrous ammonia, used as fertiliser
ex 2000	— Ammonia in aqueous solution, used as fertiliser
2827.	Chlorides, chloride oxides and chloride hydroxides; bromides and bromide oxides; iodides and iodide oxides:

▼ **M70**

Swiss Customs Tariff Heading No	Description
ex 1000	— Ammonium chloride, used as fertiliser
2834.	Nitrites; nitrates: — Nitrates:
ex 2100	— — Of potassium, used as fertiliser
ex 2900	— — Other: . Of magnesium and calcium, used as fertiliser
2835.	Phosphinates (hypophosphites), phosphonates (phosphites), phosphates and polyphosphates: — Phosphates:
ex 2400	— — Of potassium, used as fertiliser
ex 2500	— — Calcium hydrogenorthophosphate ('dicalcium phosphate'), used as fertiliser
ex 2600	— — Other calcium phosphates, used as fertiliser
ex 2900	— — Other, used as fertiliser — Polyphosphates:
ex 3900	— — Other, used as fertiliser
2836.	Carbonates; peroxocarbonates (percarbonates); commercial ammonium carbonate containing ammonium carbamate:
ex 4000	— Potassium carbonates, used as fertiliser
2842.	Other salts of inorganic acids or peroxyacids, excluding azides: — Double or complex silicates
ex 1090	— — Other: . Double or complex salts (water softeners), for the manufacture of washing products — Other:
ex 9090	— — Other: . Double or complex salts (water softeners), for the manufacture of washing products
2901.	Acyclic hydrocarbons: —Saturated:
1091	— — Other than in gaseous state: — — — For use as motor fuel — Unsaturated: — — Buta-1,3-diene and isoprene: — — — Isoprene:

▼ **M70**

Swiss Customs Tariff Heading No	Description
2421	— — — — For use as motor fuel — — — Other: — — — Other than in gaseous state:
2991	— — — — For use as motor fuel
2902.	Cyclic hydrocarbons: — Cyclanes, cyclenes and cycloterpenes: — — Cyclohexane:
1110	— — — For use as motor fuel — — Other:
1910	— — — For use as motor fuel — Benzene:
2010	— — For use as motor fuel — Toluene:
3010	— — For use as motor fuel — Xylenes: — — <i>o</i> -Xylene:
4110	— — — For use as motor fuel — — <i>m</i> -Xylene:
4210	— — — For use as motor fuel — — <i>p</i> -Xylene:
4310	— — — For use as motor fuel — — Mixed xylene isomers:
4410	— — — For use as motor fuel — Ethylbenzene:
6010	— — For use as motor fuel — cumene:
7010	— — For use as motor fuel — Other:
9010	— — For use as motor fuel
2905.	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives: — Saturated monohydric alcohols: — — Methanol (methyl alcohol):

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Swiss Customs Tariff Heading No	Description
1110	— — — For use as motor fuel
	— — Propan-1-ol (propyl alcohol) and propan-2-ol (isopropyl alcohol):
1210	— — — For use as motor fuel
	— — Other butanols:
1410	— — — For use as motor fuel
	— — Pentanol (amyl alcohol) and isomers thereof:
1510	— — — For use as motor fuel
	— — Octanol (octyl alcohol) and isomers thereof:
1610	— — — For use as motor fuel
ex 1690	— — — Other: . Fatty alcohols for the manufacture of soaps and organic surface-active agents
ex 1700	— — Dodecan-1-ol (lauryl alcohol), hexadecan-1-ol (cetyl alcohol) and octadecan-1-ol (stearyl alcohol) . Fatty alcohols for the manufacture of soaps and organic surface-active agents — — Other:
1910	— — — For use as motor fuel
ex 1990	— — — Other: . Fatty alcohols for the manufacture of soaps and organic surface-active agents — Unsaturated monohydric alcohols: — — Acyclic terpene alcohols:
2210	— — — For use as motor fuel
	— — Other:
2910	— — — For use as motor fuel
	— — — Other:
ex 2999	— — — — Other: . Fatty alcohols for the manufacture of soaps and organic surface-active agents
2907.	Phenols; phenol-alcohols: — Monophenols:
ex 1300	— — Octylphenol, nonylphenol and their isomers; salts thereof for the manufacture of soaps and organic surface-active agents

▼ **M70**

Swiss Customs Tariff Heading No	Description
ex 1500	— — Naphthols and their salts, for the manufacture of soaps and organic surface-active agents — — Other:
ex 1990	— — — Other, for the manufacture of soaps and organic surface-active agents
ex 3000	— Phenol-alcohols for the manufacture of soaps and organic surface-active agents
2909.	Ethers, ether-alcohols, ether-phenols, ether-alcohol-phenols, alcohol peroxides, ether peroxides, ketone peroxides (whether or not chemically defined), and their halogenated, sulphonated, nitrated or nitrosated derivatives:
	— Acyclic ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives:
	— — Other:
1910	— — — For use as motor fuel
	— Cyclanic, cyclenic or cycloterpenic ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives:
2010	— — For use as motor fuel
	— Aromatic ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives
3010	— — For use as motor fuel
	— Ether-alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives:
	— — Monomethyl ethers of ethylene glycol or of diethylene glycol:
4210	— — — For use as motor fuel
	— — Monobutyl ethers of ethylene glycol or of diethylene glycol:
4310	— — — For use as motor fuel
	— — Other monoalkylethers of ethylene glycol or of diethylene glycol:
4410	— — — For use as motor fuel
	— — Other:
4910	— — — For use as motor fuel
	— Ether-phenols, ether-alcohol-phenols and their halogenated, sulphonated, nitrated or nitrosated derivatives:
5010	— — For use as motor fuel
	— Alcohol peroxides, ether peroxides, ketone peroxides and their halogenated, sulphonated, nitrated or nitrosated derivatives:
6010	— — For use as motor fuel

▼ **M70**

Swiss Customs Tariff Heading No	Description
2910.	Epoxides, epoxyalcohols, epoxyphenols and epoxyethers, with a three-membered ring, and their halogenated, sulphonated, nitrated or nitrosated derivatives:
ex 1000	— Oxirane (ethylene oxide), for the manufacture of soaps and organic surface-active agents
2915.	Saturated acyclic monocarboxylic acids and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives:
ex 6090	— Butyric acids, valeric acids, their salts and esters: — — Other: . Fatty alcohols for the manufacture of soaps and organic surface-active agents
ex 7090	— Palmitic acid, stearic acid, their salts and esters: — — Other: . Fatty alcohols for the manufacture of soaps and organic surface-active agents
ex 9090	— Other: — — Other: . Fatty alcohols for the manufacture of soaps and organic surface-active agents
2916.	Unsaturated acyclic monocarboxylic acids, cyclic monocarboxylic acids, their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives:
ex 1590	— Unsaturated acyclic monocarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives: — — Oleic, linoleic or linolenic acids, their salts and esters: — — — Other: . Fatty alcohols for the manufacture of soaps and organic surface-active agents
ex 1990	— — — Other: . Fatty acids, for the manufacture of soaps and organic surface-active agents
2917.	Polycarboxylic acids, their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives:
	— Acyclic polycarboxylic acids, their anhydrides, halides, peroxides, peroxyacids and their derivatives:

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Swiss Customs Tariff Heading No	Description
ex 1200	— — Adipic acid, its salts and esters: . Esters of adipic acid for the manufacture of synthetic lubricants
2922.	Oxygen-function amino-compounds: — Amino-acids and their esters, other than those containing more than one kind of oxygen function; salts thereof: — — Other:
ex 4990	— — — Other: . Nitrilotriacetates, for the manufacture of washing products
2933.	Heterocyclic compounds with nitrogen hetero-atom(s) only:
ex 4000	— Compounds containing a quinoline or isoquinolene ring-system (whether or not hydrogenated), not further fused: . substances with an antibiotic action — Compounds containing a pyrimidine ring (whether or not hydrogenated) or piperazine ring in the structure: — — Other:
ex 5910	— — — Products covered by the lists in Part 1b: . Substances with an antibiotic action — Other:
ex 9010	— — Products covered by the lists in Part 1b: . Substances with an antibiotic action
2934.	Nucleic acids and their salts; other heterocyclic compounds: — Other:
ex 9020	— — Products covered by the lists in Part 1b: . Substances with an antibiotic action
2941.1000/9000	Antibiotics
3003.	Medicaments (excluding goods of heading No 3002, 3005 or 3006) consisting of two or more constituents which have been mixed together for therapeutic or prophylactic uses, not put up in measured doses or in forms or packings for retail sale:
1000	— Containing penicillins or derivatives thereof, with a penicillanic acid structure, or streptomycins or their derivatives
2000	— Containing other antibiotics
3004.	Medicaments (excluding goods of heading No 3002, 3005 or 3006) consisting of mixed or unmixed products for therapeutic or prophylactic uses, put up in measured doses or in forms or packings for retail sale:

▼ **M70**

Swiss Customs Tariff Heading No	Description
1000	— Containing penicillins or derivatives thereof, with a penicillanic acid structure, or streptomycins or their derivatives
2000	— Containing other antibiotics
3102.1000/9000	Mineral or chemical fertilisers, nitrogenous
3103.1000/9000	Mineral or chemical fertilisers, phosphatic
3104.1000/9000	Mineral or chemical fertilisers, potassic
3105.	Mineral or chemical fertilisers containing two or three of the fertilising elements nitrogen, phosphorus and potassium; other fertilisers; goods of this chapter in tablets or similar forms or in packages of a gross weight not exceeding 10 kg:
2000	— Mineral or chemical fertilisers containing the three fertilising elements nitrogen, phosphorus and potassium
3000	— Diammonium hydrogenorthophosphate (diammonium phosphate)
4000	— Ammonium dihydrogenorthophosphate (monoammonium phosphate) and mixtures thereof with diammonium hydrogenorthophosphate (diammonium phosphate)
	— Other mineral or chemical fertilisers containing the two fertilising elements nitrogen and phosphorus:
5100	— — Containing nitrates and phosphates
5900	— — Other:
6000	— Mineral or chemical fertilisers containing the two fertilising elements phosphorus and potassium
ex 9000	— Other: . Containing nitrogen, phosphoric acid or potassium
3401.	Soap; organic surface-active products and preparations for use as soap, in the form of bars, cakes, moulded pieces or shapes, whether or not containing soap; paper, wadding, felt and non-wovens, impregnated, coated or covered with soap or detergent: — Soap and organic surf-aceactive products and preparations, in the form of bars, cakes, moulded pieces or shapes, and paper, wadding, felt and non-wovens, impregnated, coated or covered with soap or detergent:
ex 1100	— — For toilet use (including medicated products), not including paper, wadding, felt and non-wovens, impregnated, coated or covered with soap or detergent: — — Other:
1910	— — — Ordinary soaps

▼ **M70**

Swiss Customs Tariff Heading No	Description
ex 1990	— — — Other, not including paper, wadding, felt and non-wovens, impregnated, coated or covered with soap or detergent
2000	— Soap in other forms
3402.	Organic surface-active agents (other than soap); surface-active preparations, washing preparations (including auxiliary washing preparations) and cleaning preparations, whether or not containing soap, other than those of heading No 3401:
	— Organic surf-aceactive agents, whether or not put up for retail sale:
	— — Anionic:
ex 1190	— — — Other: . For the manufacture of washing products
	— — Cationic:
ex 1290	— — — Other: . For the manufacture of washing products
	— — Non-ionic:
ex 1390	— — — Other: . For the manufacture of washing products
ex 1900	— — Other: . For the manufacture of washing products
ex 2000	— Preparations put up for retail sale: . Washing products, ready to use
ex 9000	— Other: . For the manufacture of washing products . Washing products, ready to use
3403.	Lubricating preparations (including cutting-oil preparations, bolt or nut release preparations, anti-rust or anti-corrosion preparations and mould release preparations, based on lubricants) and preparations of a kind used for the oil or grease treatment of textile materials, leather, furskins or other materials, but excluding preparations containing, as basic constituents, 70% or more by weight of petroleum oils or of oils obtained from bituminous minerals:
	— Containing petroleum oils or oils obtained from bituminous minerals:
ex 1900	— — Other: . Synthetic lubricants
	— Other:

▼ **M70**

Swiss Customs Tariff Heading No	Description
ex 9900	— — Other: . Synthetic lubricants
3505.	Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches: — Dextrins and other modified starches:
1010	— — For use in animal feeding — Glues:
2010	— — For use in animal feeding
ex 3807.0000	Wood tar; wood tar oils; wood creosote; wood naphtha; vegetable pitch; brewers' pitch and similar preparations based on rosin, resin acids or on vegetable pitch: . For heating
3811.	Anti-knock preparations, oxidation inhibitors, gum inhibitors, viscosity improvers, anti-corrosive preparations and other prepared additives, for mineral oils (including gasoline) or for other liquids used for the same purposes as mineral oils: — Other:
9010	— — For use as motor fuel
3814.	Organic composite solvents and thinners, not elsewhere specified or included; prepared paint or varnish removers:
0010	— For use as motor fuel
3817.	Mixed alkylbenzenes and mixed alkylnaphthalenes, other than those of heading No 2707 or 2902: — Mixed alkylbenzenes:
1010	— — For use as motor fuel
ex 1090	— — Other: . For the manufacture of soaps and organic surface-active agents — Mixed alkylnaphthalenes:
2010	— — For use as motor fuel:
ex 2090	— — Other: . For the manufacture of soaps and organic surface-active agents
3819.0000	Hydraulic brake fluids and other prepared liquids for hydraulic transmission, not containing or containing less than 70% by weight of petroleum oils or oils obtained from bituminous minerals

▼ **M70**

Swiss Customs Tariff Heading No	Description
3823.	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols:
ex 1300	— Industrial monocarboxylic fatty acids; acid oils from refining: — — Tall oil fatty acids . For the manufacture of soaps and organic surface-active agents
3824.	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixtures of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included:
9030	— Other: — — For use as motor fuel — — Other:
ex 9099	— — — Other: . Prepared water softeners
3902.	Polymers of propylene or of other olefins, in primary forms:
ex 9090	— Other: — — Other: . Poly-alpha-olefin (PAO), for the manufacture of synthetic lubricants

▼ **B***Article 3*

In the case of any modification of the list of products in Article 2, the scheme described in Article 1 shall also be applied to like or substitute national products.

Switzerland shall inform the Joint Committee which shall ascertain beforehand whether the implementing conditions set out in Article 1 have been adhered to.

Article 4

The Joint Committee shall supervise the functioning of the arrangements provided for in this Protocol.

▼ M54**PROTOCOL No 6****concerning the elimination of certain quantitative restrictions on exports**

Quantitative restrictions applied by the Community on exports to Switzerland of the products listed below shall be eliminated at the latest on the dates indicated.

Harmonized system Heading No	Product description	Date of elimination
74.04	Copper waste and scrap	1.1.1993
<i>ex</i> 44.01	Fuel wood, of coniferous wood and pine and fir shavings	1.1.1993
<i>ex</i> 44.03	Wood in the rough, whether or not stripped of its bark or merely roughed down	
	— Other, not including poplar	1.1.1993
	Wood, roughly squared or half squared but not further manufactured	
	— Other, not including poplar	1.1.1993
<i>ex</i> 44.07	Wood sawn lengthwise, sliced or peeled but not further prepared, of a thickness exceeding 6 mm	
	— Of coniferous wood not including small boards for the manufacture of boxes, sieves or riddles and the like	1.1.1993
<i>ex</i> 41.01	Raw hides and skins of bovine animals weighing less than 6 kg per skin	1.1.1992
<i>ex</i> 41.02	Raw skins of sheep and lambs	1.1.1992
<i>ex</i> 41.03	Raw hides and skins of goats and kids	1.1.1992
<i>ex</i> 43.01	Raw furskins of rabbits	1.1.1992

▼ M65**ADDITIONAL PROTOCOL****on mutual administrative assistance in customs matters***Article 1***Definitions**

For the purposes of this Protocol:

- (a) ‘goods’ shall mean all goods falling within Chapters 1 to 97 of the Harmonized System, irrespective of the scope of the Agreement of 22 July 1972;
- (b) ‘customs legislation’ shall mean any legal or regulatory provision adopted by the European Community or by the Swiss Confederation governing the import, export, and transit of goods and their placing under any customs procedure, including measures of prohibition, restriction and control;
- (c) ‘applicant authority’ shall mean a competent administrative authority which has been appointed by a Contracting Party for this purpose and which makes a request for assistance in customs matters;
- (d) ‘requested authority’ shall mean a competent administrative authority which has been appointed by a Contracting Party for this purpose and which receives a request for assistance in customs matters;
- (e) ‘breaches of customs legislation’ shall mean any violation or attempted violation of that legislation.

*Article 2***Scope**

1. The Contracting Parties shall assist each other, in the areas within their competence, in the manner and under the conditions laid down in this Protocol, in ensuring that the customs legislation is correctly applied, in particular by the prevention, detection and investigation of operations in breach of that legislation.

2. Assistance in customs matters, as provided for in this Protocol, shall apply to any administrative authority of the Contracting Parties which is competent for the application of this Protocol. It shall not prejudice the provisions governing mutual assistance in criminal matters. Nor shall it cover information obtained under powers exercised at the request of the judicial authorities, except where the said authorities agree that it should.

*Article 3***Assistance on request**

1. At the request of the applicant authority, the requested authority shall furnish it with all relevant information which may enable it to ensure correct compliance with customs legislation, including information regarding operations noted or planned which are, or might be, in breach of such legislation.

2. At the request of the applicant authority, the requested authority shall inform it whether goods exported from the territory of one of the Contracting Parties have been properly imported into the territory of the other Party, specifying, where appropriate, the customs procedure applied to the goods.

▼ M65

3. At the request of the applicant authority, the requested authority shall, within the framework of its laws, take the necessary steps to ensure surveillance of:

- (a) natural or legal persons with regard to whom there are reasonable grounds for believing that they are, or have been, in breach of customs legislation;
- (b) places where goods are stored in a way that gives reasonable grounds for suspecting that they are intended to supply operations in breach of customs legislation;
- (c) movements of goods notified as possibly giving rise to breaches of customs legislation;
- (d) means of transport for which there are reasonable grounds for believing that they have been, are or may be, used in operations in breach of customs legislation.

*Article 4***Spontaneous assistance**

The Contracting Parties shall provide each other, at their own initiative and in accordance with their laws, rules and other legal instruments, with assistance if they consider that to be necessary for the correct application of customs legislation, particularly when they obtain information pertaining to:

- operations which are, or appear to them to be, in breach of such legislation and which may be of interest to the other Contracting Party,
- new means or methods employed in carrying out such operations,
- goods known to be subject to breaches of customs legislation,
- natural or legal persons with regard to whom there are reasonable grounds for believing that they are, or have been, in breach of customs legislation,
- means of transport for which there are reasonable grounds for believing that they have been, are or may be, used in operations in breach of customs legislation.

*Article 5***Delivery/notification**

At the request of the applicant authority, the requested authority shall, in accordance with its legislation, take all necessary measures in order:

- to deliver all documents,
- to notify all decisions, as well as any other relevant act which forms part of the procedure in question,

falling within the scope of this Protocol to an addressee, residing or established in its territory. In such a case, Article 6 (3) shall apply to the request for delivery or notification.

▼ **M65***Article 6***Form and substance of requests for assistance**

1. Requests pursuant to this Protocol shall be made in writing. They shall be accompanied by the documents deemed necessary to enable the request to be complied with. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.
2. Requests pursuant to paragraph 1 shall include the following information:
 - (a) the applicant authority making the request;
 - (b) the measure requested;
 - (c) the object of, and reason for, the request;
 - (d) the laws, rules and other legal elements involved;
 - (e) details which are as accurate and comprehensive as possible on the natural or legal persons who are the target of the investigations;
 - (f) a summary of the relevant facts and enquiries already carried out, except in cases provided for in Article 5.
3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to that authority.
4. If a request does not meet the formal requirements, its correction or supplementation may be requested; precautionary measures may, however, be ordered.

*Article 7***Execution of requests**

1. In order to comply with a request for assistance, the requested authority shall proceed, within the limits of its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Contracting Party, by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out. This provision shall also apply to the administrative department to which the request has been addressed by the requested authority when the latter cannot act on its own.
2. Requests for assistance shall be executed in accordance with the laws, rules and other legal instruments of the requested Contracting Party.
3. Duly authorized officials of a Contracting Party may, with the agreement of the other Contracting Party involved and subject to the conditions laid down by the latter, obtain from the offices of the requested authority or other authority for which the requested authority is responsible, information relating to operations which are, or may be, in breach of customs legislation which the applicant authority needs, in the context of an enquiry, for the purposes of this Protocol.
4. Officials of a Contracting Party may, with the agreement of the other Contracting Party involved and subject to the conditions laid down by the latter, be present at enquiries carried out in the latter's territory.

▼ **M65***Article 8***Form in which information is to be communicated**

1. The requested authority shall communicate results of enquiries to the applicant authority in the form of documents, certified copies of documents, reports and the like.
2. The documents provided for in paragraph 1 may be replaced by computerized information produced in any form for the same purpose.

*Article 9***Exceptions to the obligation to provide assistance**

1. The Contracting Parties may refuse to give assistance as provided for in this Protocol, where to do so would:
 - (a) be likely to prejudice the sovereignty of the Swiss Confederation or that of a Member State of the Community which has been asked to provide assistance pursuant to this Protocol; or
 - (b) be likely to prejudice public policy, their security or other essential interests, in particular in the cases referred to within the meaning of Article 10 (2); or
 - (c) involve tax or currency regulations other than customs legislation; or
 - (d) involve the violation of an industrial, commercial or professional secret.
2. Where the applicant authority requests assistance which it would itself be unable to provide if so asked, it shall draw attention to that fact in its request. It shall then be for the requested authority to decide how to respond to such a request.
3. If assistance is refused, the decision and the reasons therefor must be notified to the application authority without delay.

*Article 10***Confidentiality**

1. Any information communicated in whatsoever form pursuant to this Protocol shall be of a confidential or restricted nature, depending on the rules applicable in each of the Contracting Parties. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws applicable in the territory of the Contracting Party which received it and the corresponding provisions applying to the Community institutions.
2. Personal data, namely all information relating to an identified or identifiable individual, may be exchanged only where the receiving Contracting Party undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the supplying Contracting Party.

▼ **M65***Article 11***Use of information**

1. Information obtained shall be used solely for the purposes of this Protocol. Where one of the Contracting Parties requests the use of such information for other purposes, it shall ask for the prior written consent of the authority which furnished the information. Such use shall then be subject to any restrictions laid down by that authority.
2. Paragraph 1 shall not impede the use of information in any judicial or administrative proceedings instituted for failure to comply with customs legislation. The competent authority which supplied that information shall be notified of such use without delay.
3. The Contracting Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Protocol.

*Article 12***Experts and witnesses**

An official of a requested authority may be authorized to appear, within the limitations of the authorization granted, as an expert or witness in judicial or administrative proceedings regarding the matters covered by this Protocol in the jurisdiction of the other Contracting Party, and produce such objects, documents or authenticated copies thereof, as may be needed for the proceedings. The request for an appearance must indicate specifically on what matters and by virtue of what title or qualification the official will be questioned.

*Article 13***Assistance expenses**

The Contracting Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Protocol, except, as appropriate, for expenses to experts and witnesses and to interpreters and translators who are not public service employees.

*Article 14***Application**

1. The application of this Protocol shall be entrusted to the customs authorities of the Swiss Confederation on the one hand and the competent services of the Commission of the European Communities and, where appropriate, the customs authorities of the Member States of the European Community on the other. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration the rules in force in the field of data protection.
2. The Contracting Parties shall consult each other and keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Protocol. In particular, they shall exchange the list of competent authorities authorized to intervene pursuant to this Protocol.

JOINT DECLARATION

The parties agree that a working group should be created by the Joint Committee to assist it in the management of the Protocol on mutual administrative assistance.

▼B**FINAL ACT**

The representatives

OF THE EUROPEAN ECONOMIC COMMUNITY,

and

OF THE SWISS CONFEDERATION,

assembled at Brussels on this twenty-second day of July in the year one thousand nine hundred and seventy-two,

for the signature of the Agreement between the European Economic Community and the Swiss Confederation,

at the time of signature of this Agreement,

— have adopted the following declarations annexed to this Act:

1. Joint declaration by the Contracting Parties concerning Article 4(3) of Protocol No1,
2. Joint declaration by the Contracting Parties concerning transport of goods in transit,
3. Declaration concerning workers,

— and have taken note of the declarations listed below and annexed to this Act:

1. Declaration by the European Economic Community concerning the regional application of certain provisions of the Agreement,
2. Declaration by the European Economic Community concerning Article 23(1) of the Agreement.

The abovementioned representatives

and the representative of the

PRINCIPALITY OF LIECHTENSTEIN,

have signed the Additional Agreement concerning the validity, for the Principality of Liechtenstein, of the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972.

Udfærdiget i Bruxelles, den

toogtyvende juli nitten hundrede og tooghalvfjerds.

Geschehen zu Brüssel amzweiundzwanzigsten Juli neunzehnhundertzweiundsiebzig.

Done at Brussels on thistwenty-second day of July in the year one thousand nine hundred and seventy-two.

Fait à Bruxelles, levingt-deux juillet mil neuf cent soixante-douze.

Fatto a Bruxelles, ilventidue luglio millenovecentosettantadue.

Gedaan te Brussel, detweeëntwintigste juli negentienhonderdtweeënzeventig.

▼M12

▼ B

På Rådet for De europæiske Fællesskabers vegne
Im Namen des Rates der Europäischen Gemeinschaften
In the name of the Council of the European Communities
Au nom du Conseil des Communautés européennes
A nome del Consiglio delle Comunità europee
Namens de Raad van de Europese Gemeenschappen

▼ M12 _____

▼ B



Jean-François Levesque

E. P. Walthausen

Für die Schweizerische Eidgenossenschaft
Pour la Confédération suisse
Per la Confederazione svizzera



Hans Adam II

Für das Fürstentum Liechtenstein



▼B**DECLARATIONS****Joint declaration by the Contracting Parties concerning Article 4(3) of Protocol No 1**

The Contracting Parties acknowledge that the Exchange of Letters of 30 June 1967 between the European Economic Community and the Swiss Confederation relating to the Clock and Watch Agreement shall remain valid and may be invoked if the provisions of this Agreement should cease to apply to products falling within Chapter 91 of the Brussels Nomenclature in accordance with Article 4(3) of Protocol No 1.

Joint declaration by the Contracting Parties concerning transport of goods in transit

The Contracting Parties consider that it is in the common interest that the rates and conditions for the transport of goods

(i) to and from the Community involving transit through Swiss territory; or

(ii) to and from Switzerland involving transit through Community territory,

should not involve any discrimination or distortion based on the country of destination of the goods concerned or on the country from which they come and likely to have an adverse effect on the proper functioning of the free movement of these goods.

Declaration concerning workers

In view of the importance of the activities in Switzerland of workers who are nationals of Member States in the context of their reciprocal relations, the Contracting Parties emphasize the common interest they have in matters relating to labour. In this connection, they note with satisfaction the signature in Rome on 22 June 1972 of a document recording the results of the work of the Italian-Swiss Joint Committee.

The Contracting Parties have noted that in the course of that Committee's work important principles were formulated and substantial progress was thereby achieved, the stabilization policy adopted by the Swiss authorities being fully observed; appropriate provisions were adopted to achieve further progress as soon as possible. They noted also that this stabilization goes hand in hand with the implementation of a policy which is designed to introduce progressively as uniform a labour market as possible.

The Contracting Parties are determined, on either side, to promote the introduction of the most satisfactory solutions to these questions of common interest. They declare their willingness to examine together any problems which may arise concerning their workers.

Declaration by the European Economic Community concerning the regional application of certain provisions of the Agreement

The European Economic Community declares that the application of any measures it may take under Articles 23, 24, 25 or 26 of the Agreement, in accordance with the procedure and under the arrangements set out in Article 27, or under Article 28, may be limited to one of its regions by virtue of Community rules.

▼B**Declaration by the European Economic Community concerning Article 23(1)
of the Agreement**

The European Economic Community declares that in the context of the autonomous implementation of Article 23(1) of the Agreement which is incumbent on the Contracting Parties, it will assess any practices contrary to that Article on the basis of criteria arising from the application of the rules of Articles 85, 86, 90 and 92 of the Treaty establishing the European Economic Community.