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► **B****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

(OJ L 23, 26.1.2005, p. 19)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Decision No 1/2013 of the EU-Switzerland Joint Committee of 18 March 2013	L 82	60	22.3.2013
► <u>M2</u>	Decision No 1/2014 of the EU-Switzerland Joint Committee of 13 February 2014	L 54	19	22.2.2014
► <u>M3</u>	Decision No 1/2015 of the EU-Switzerland Joint Committee of 20 March 2015	L 88	16	1.4.2015
► <u>M4</u>	Decision No 1/2017 of the EU-Switzerland Joint Committee of 8 February 2017	L 54	16	1.3.2017



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**

THE EUROPEAN COMMUNITY, hereinafter referred to as ‘the Community’,

of the one part, and

THE SWISS CONFEDERATION, hereinafter referred to as ‘Switzerland’,

of the other part,

hereinafter together referred to as ‘the Contracting Parties’,

HAVING REGARD to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 and to the Joint Declaration on further negotiations attached to the Final Acts of the Agreements between the European Communities and their Member States and the Swiss Confederation, signed in Luxembourg on 21 June 1999,

CONSIDERING that Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972, hereinafter referred to as ‘the Agreement’, should be updated in accordance with the results of the Uruguay Round and be adapted as regards product coverage,

CONSIDERING that the trade flows between Switzerland and the new Member States should be maintained after enlargement of the European Union,

DESIRING to improve reciprocal market access for processed agricultural products,

HAVING REGARD to the 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, on Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation, of 17 March 2000,

HAVE AGREED AS FOLLOWS:

Article 1

The Agreement is hereby amended as follows:

1. Annex I to the Agreement shall be replaced by the new Annex I which is attached to this Agreement as Annex 1.
2. Protocol 2 to the Agreement shall be replaced by the new Protocol 2, which is attached to this Agreement as Annex 2.

Article 2

The following agreements shall be repealed with effect from the entry into force of this Agreement:

- 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, on Protocol 2 to the Agreement between the European Economic Community and the Swiss Confederation, of 17 March 2000,

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- Exchange of letters between the European Commission and the Swiss Federal Administration on arrangements designed to improve transparency in the various price compensation measures applied by the European Community and Switzerland which affect trade in processed agricultural products covered by Protocol 2, of 29 November 1988.

Article 3

The Annexes to this Agreement, including tables and appendices to the tables and the appendix to Protocol 2, shall form an integral part hereof.

Article 4

1. This Agreement shall apply, on the one hand, to the territories to which the Treaty establishing the European Community is applied and under the conditions laid down in that Treaty and, on the other hand, to the territory of Switzerland.
2. This Agreement shall also apply to the territory of the Principality of Liechtenstein as long as the customs union with Switzerland is maintained.

Article 5

1. This Agreement shall be approved by the Contracting Parties in accordance with their own procedures. It shall enter into force on the day following the day on which the Contracting Parties have notified each other of the completion of their internal procedures necessary to this end.
2. Pending the completion of the ratification procedures referred to in paragraph 1, the Contracting Parties shall apply this Agreement from the first day of the fourth month following the date of the signature, provided that the implementing measures as defined in Article 5(4) of Protocol 2 are adopted at the same date.

Article 6

1. This Agreement shall be drawn up in duplicate in the Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Polish, Portuguese, Slovak, Slovene, Spanish and Swedish languages, each text being equally authentic.
2. The Maltese language version shall be authenticated by the Contracting Parties on the basis of an Exchange of Letters. It shall also be authentic, in the same way as for the languages referred to in paragraph 1.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, have hereunto set their hands.

Hecho en Luxemburgo, el veintiséis de octubre de dos mil cuatro.

V Lucemburku dne dvacátého šestého října dva tisíce čtyři.

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Udfærdiget i Luxembourg den seksogtyvende oktober to tusind og fire.

Geschehen zu Luxemburg am sechszwanzigsten Oktober zweitausendundvier.

Kahe tuhande neljanda aasta oktoobrikuu kahekümne kuuendal päeval Luxembourgis.

Έγινε στο Λουξεμβούργο, στις είκοσι έξι Οκτωβρίου δύο χιλιάδες τέσσερα.

Done at Luxembourg on the twenty-sixth day of October in the year two thousand and four.

Fait à Luxembourg, le vingt-six octobre deux mille quatre.

Fatto a Lussemburgo, addì ventisei ottobre duemilaquattro.

Luksemburga, divi tukstoši ceturta gada divdesmit sestajā oktobrī.

Priimta du tūkstančiai ketvirtų metų spalio dvidešimt šestą dieną Liuksemburge.

Kelt Luxembourgban, a kettőezer negyedik év október havának huszonhatodik napján.

Magħmula fil-Lussemburgu fis-sitta u għoxrin jum ta' Ottubru tas-sena elfejn u erbgha.

Gedaan te Luxemburg, de zesentwintigste oktober tweeduizendvier.

Sporządzono w Luksemburgu w dniu dwudziestym szóstym października roku dwutysięcznego czwartego.

Feito no Luxemburgo, em vinte e seis de Outubro de dois mil e quatro.

V Luxemburgu dvadsiateho šiesteho oktobra dvetisícštyri.

V Luxembourg, dne šestindvajsetega oktobra leta dva tisoè štiri.

Tehty Luxemburgissa kahdentenakymmenentenäkuudentena päivänä lokakuuta vuonna kaksituhattaneljä.

Som skedde i Luxemburg den tjugosjätte oktober tjugohundrafyra.

Por la Comunidad Europea

Za Evropské společenství

For Det Europæiske Fællesskab

Für die Europäische Gemeinschaft

Euroopa Ühenduse nimel

Για την Ευρωπαϊκή Κοινότητα

For the European Community

Pour la Communauté européenne

Per la Comunità europea

Eiropas Kopienas vārdā

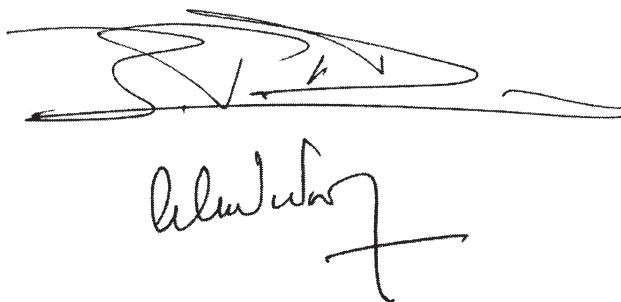
Europos bendrijos vardu

Az Európai Közösség részéről

Għall-Komunità Ewropea

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Voor de Europese Gemeenschap
W imieniu Wspólnoty Europejskiej
Pela Comunidade Europeia
Za Európske spoločenstvo
Za Evropsko skupnost
Euroopan yhteisön puolesta
På Europeiska gemenskapens vägnar

A handwritten signature in black ink, consisting of a stylized, cursive script that appears to be 'J. J. J.' followed by a long horizontal stroke.

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

A handwritten signature in black ink, consisting of the word 'Hein' followed by a series of horizontal, wavy lines.



ANNEX I

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 3501 90	– 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)

*ANNEX 2***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.



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.

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:
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:

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HS heading	Description of products
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:
.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

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HS heading	Description of products
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages:
ex .90	– Other than undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol and other than concentrated grape juice containing added spirit
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:
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>)

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HS heading	Description of products
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	Vegetables 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:
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

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HS heading	Description of products
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
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:

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HS heading	Description of products
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	– – – 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
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

▼ B

HS heading	Description of products
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
▼ <u>M4</u>	
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
.91	– Non-alcoholic beer
.99	– Other:
ex.99	– – Other than vegetable or fruit juices of headings No 2002 and No 2009 and mixtures thereof, aerated or diluted with water or aqueous extracts of tea, herbs, coffee or maté, and other than containing milk components of headings No 0401 and No 0402
▼ <u>B</u>	
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:

▼ M4

TABLE III

EU and Swiss domestic reference prices

Agricultural raw material	Swiss domestic reference price CHF per 100 kg net	EU domestic reference price CHF per 100 kg net	Article 4(1) Applied on Swiss side Difference Swiss/EU reference price CHF per 100 kg net	Article 3(3) Applied on EU side Difference Swiss/EU reference price EUR per 100 kg net
Common wheat	52,10	18,37	33,75	0,00
Durum wheat	—	—	1,20	0,00
Rye	42,75	16,35	26,40	0,00
Barley	—	—	—	—
Maize	—	—	—	—

▼ **M4**

Agricultural raw material	Swiss domestic reference price CHF per 100 kg net	EU domestic reference price CHF per 100 kg net	Article 4(1) Applied on Swiss side Difference Swiss/EU reference price CHF per 100 kg net	Article 3(3) Applied on EU side Difference Swiss/EU reference price EUR per 100 kg net
Common wheat flour	90,40	40,20	50,20	0,00
Whole-milk powder	585,00	261,37	323,65	0,00
Skimmed-milk powder	396,20	195,08	201,10	0,00
Butter	1 010,90	368,10	642,80	0,00
White sugar	—	—	—	—
Eggs	—	—	38,00	0,00
Fresh potatoes	43,25	17,66	25,60	0,00
Vegetable fat	—	—	170,00	0,00

▼ **B**

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.

▼ **M4**

- (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 Art 3(2)	Applied basic amount on the EU side Art 4(2)
	CHF per 100 kg net	EUR per 100 kg net
Common wheat	27,20	0,00
Durum wheat	1,00	0,00
Rye	20,95	0,00
Barley	—	—
Maize	—	—
Common wheat flour	40,90	0,00
Whole-milk powder	262,65	0,00
Skimmed-milk powder	163,90	0,00
Butter	523,90	0,00

▼M4

Agricultural raw material	Applied basic amount on the Swiss side Art 3(2)	Applied basic amount on the EU side Art 4(2)
	CHF per 100 kg net	EUR per 100 kg net
White sugar	—	—
Eggs	30,95	0,00
Fresh potatoes	19,90	0,00
Vegetable fat	138,55	0,00

▼B

(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	
2208.9099	

(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.

▼B*Appendix to Table IV***Swiss standard recipes**

The standard recipes referred to in Table IV, paragraph a (Swiss Import Regime) used in the calculation of the agricultural components are specified in the table below.

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												
0403.1010								6	8		20			
0403.1020								10	8		15			
0403.9031								20		18				
0403.9041								10	8					
0403.9049								10	8					
0403.9061								20		20	15			
ex 0403.9071	Containing more than 1 % but not more than 3 % by weight of milk fat							8	12		15			
ex 0403.9071	Containing more than 3 % by weight of milk fat							15	12		15			
ex 0405.2010	Of a fat content, by weight, of 39 % or more but less than 75 %								6	85	9			
ex 0405.2090	Of a fat content, by weight, of 39 % or more but less than 75 %								6	85	9			
ex 1517.1010	Containing more than 10 % but not more than 15 % by weight of milk fat									15				80

▼B

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	Vegetab- le fat
		Kg of raw material per 100 kg net of finished product												
ex 1517.1061	Containing more than 10 % but not more than 15 % by weight of milk fat									15				80
ex 1517.1069	Containing more than 10 % but not more than 15 % by weight of milk fat									15				80
ex 1517.1071	Containing more than 10 % but not more than 15 % by weight of milk fat									15				40
ex 1517.1079	Containing more than 10 % but not more than 15 % by weight of milk fat									15				40
ex 1517.1081	Containing more than 10 % but not more than 15 % by weight of milk fat									15				25
ex 1517.1089	Containing more than 10 % but not more than 15 % by weight of milk fat									15				25
ex 1517.1091	Containing more than 10 % but not more than 15 % by weight of milk fat									15				10
ex 1517.1099	Containing more than 10 % but not more than 15 % by weight of milk fat									15				10
ex 1517.9010	Containing more than 10 % but not more than 15 % by weight of milk fat									15				85

▼B

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	Vegetab- le fat
		Kg of raw material per 100 kg net of finished product												
ex 1517.9061	Containing more than 10 % but not more than 15 % by weight of milk fat									15				85
ex 1517.9069	Containing more than 10 % but not more than 15 % by weight of milk fat									15				85
1704.1010						16					74			
1704.1020						32					65			
1704.1030						40					52			
1704.9010								20			45			
1704.9020						21					53			
1704.9031						16					40			
1704.9032						16					10			
1704.9041						24					80			
1704.9042						56					60			
1704.9043						72					37			
1704.9050						61					46			10
1704.9060						61		11			45			
1704.9091											80			
1704.9092											60			

▼B

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												
1704.9093											40			
1806.1010											90			
1806.1020											60			
1806.2011										105				
1806.2012										85	15			
1806.2013										45	30			
1806.2014								70			10			
1806.2015								25			55			
1806.2019									70		10			
1806.2091								28			50			
1806.2092								20			50			
1806.2093								11			55			
ex 1806.2094	Containing more than 15 % by weight of fat										55			20
ex 1806.2094	Containing not more than 15 % by weight of fat										55			8
ex 1806.2095	Containing more than 15 % by weight of fat							6	8		45			20
ex 1806.2095	Containing more than 2 % but not more than 15 % by weight of fat							6	8		45			8

▼B

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	Vegetab- le fat
		Kg of raw material per 100 kg net of finished product												
1806.2096								6	8		45			
ex 1806.2097	Containing more than 20 % by weight of fat										45			30
ex 1806.2097	Containing more than 2 % but not more than 20 % by weight of fat										45			10
1806.2099											55			
1806.3111								12	2		40			5
1806.3119								6	8		45			
1806.3121											45			15
1806.3129											55			
1806.3211								28			50			
1806.3212								17			50			
1806.3213								9			55			
1806.3290											55			
ex 1806.9011	Containing more than 15 % by weight of fat							6	8		45			17
ex 1806.9011	Containing more than 8 % but not more than 15 % by weight of fat							6	8		45			12
ex 1806.9011	Containing more than 2 % but not more than 8 % by weight of fat							6	8		45			6

▼B

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												
1806.9019								6	8		45			
ex 1806.9021	Containing more than 15 % by weight of fat										45			17
ex 1806.9021	Containing more than 8 % but not more than 15 % by weight of fat										45			12
ex 1806.9021	Containing more than 2 % but not more than 8 % by weight of fat										45			6
1806.9029											55			
1901.1011							30	50			20			
ex 1901.1012	Containing more than 3 % but not more than 6 % by weight of milk fat						40	15	18		20			4
ex 1901.1012	Containing more than 6 % but not more than 12 % by weight of milk fat						40	25	10		20			4
ex 1901.1013	Containing more than 1 % but not more than 1,5 % by weight of milk fat						40	4	18		20			4
ex 1901.1013	Containing more than 1,5 % but not more than 3 % by weight of milk fat						40	10	18		20			4
1901.1021			30				55				18			
1901.1022						35	65							

▼B

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												
1901.2011							50		10			8		5
1901.2012							50		10			8		5
1901.2018							50		10			8		5
1901.2019							50		10			8		5
1901.2081							55	5		40				
1901.2082							70	10		20				
ex 1901.2083	Containing more than 1 % but not more than 3 % by weight of milk fat						52	6		1	15	8		5
ex 1901.2083	Containing more than 3 % but not more than 6 % by weight of milk fat						52	8		4	15	8		5
ex 1901.2083	Containing more than 6 % but not more than 12 % by weight of milk fat						52	10		10	15	8		5
1901.2091							50			50				
1901.2092							50			22	25			
ex 1901.2093	Containing more than 1 % but not more than 3 % by weight of milk fat						55			3	20			10
ex 1901.2093	Containing more than 3 % but not more than 6 % by weight of milk fat						55			6	20			10

▼B

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	Vegetab- le fat
		Kg of raw material per 100 kg net of finished product												
ex 1901.2093	Containing more than 6 % but not more than 12 % by weight of milk fat						55			12	20			10
1901.2099							75			5	20			
1901.9011							60		5			2		5
1901.9012							60		5			2		5
1901.9018							60		5			2		5
1901.9019							60		5			2		5
1901.9021					166									
1901.9022					140									
1901.9031							10	25		100				
1901.9032							15	25		70				
1901.9033								25		40	30			
1901.9034							5	85			10			
1901.9035							5	40			55			
1901.9036							50	4	40		10			
1901.9037							50		40		10			
1901.9041							15	25		60				
1901.9042							15	40		40				10

▼B

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												
1901.9043										40				
1901.9044								40		10				
1901.9045										10				
1901.9046								12			15			
1901.9047									20		15			
1901.9081							45	5		50				
1901.9082							50	15		20	15			
1901.9089							54	10	8		15	8		5
1901.9091							35			60	5			
1901.9092							50			22	25			
1901.9093						15	55				20			20
1901.9094						30	60				20			
1901.9095											20			5
1901.9096											20	8	30	
ex 1902.1100	Not containing common wheat, rye, barley, maize nor potatoes; other than for feed purposes		145									15		
ex 1902.1100	Others	30	115									15		
ex 1902.1900	Not containing common wheat, rye, barley, maize nor potatoes; other than for feed purposes		160											

▼B

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												
ex 1902.1900	Others	30	130											
1902.2000			60									20		10
1902.3000			60									20		10
ex 1902.4010	For human consumption		160											
ex 1902.4010	Others	30	130											
1902.4090			60									20		10
1904.1010		25				15	5				13			5
1904.1090						110					20			
1904.2000		35		5	5	3			2		6			
1904.3000			120											
1904.9010			80											
1904.9090			100											5
1905.1010				136										
1905.1020				125							10			
ex 1905.2010	Containing more than 1 % but not more than 3 % by weight of milk fat						35			3	25			
ex 1905.2010	Containing more than 3 % but not more than 9 % by weight of milk fat						35			8	25			

▼B

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												
ex 1905.2010	Containing more than 9 % by weight of milk fat						35			10	25			
1905.2020							35				25			15
1905.2030							50				25			
ex 1905.3110	Containing more than 1 % but not more than 3 % by weight of milk fat						50			3	20			12
ex 1905.3110	Containing more than 3 % but not more than 6 % by weight of milk fat						50			6	20			9
ex 1905.3110	Containing more than 6 % but not more than 15 % by weight of milk fat						50			15	20			3
ex 1905.3110	Containing more than 15 % by weight of milk fat						50			20	20			
ex 1905.3190	Containing more than 1 % but not more than 3 % by weight of fat						50				20			2,5
ex 1905.3190	Containing more than 3 % but not more than 6 % by weight of fat						50				20			5
ex 1905.3190	Containing more than 6 % but not more than 15 % by weight of fat						50				20			13
ex 1905.3190	Containing more than 15 % by weight of fat						50				20			20
1905.3210							95							

▼B

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												
1905.3220							40				20			25
1905.4010							90							5
1905.4021							80				5			5
1905.4029							40				25			15
1905.9021							105							
1905.9025							105							
1905.9029					16		95							
1905.9031							110							
1905.9032							105							
1905.9039					16		95							
1905.9071							50		10			8		5
1905.9072							50		10			8		5
1905.9078							50		10			8		5
1905.9079							50		10			8		5
1905.9091							5						370	35
1905.9092							85							10
1905.9093							35			8	25	8		
ex 1905.9094	Breadcrumbs						105							

▼B

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	Vegetab- le fat
		Kg of raw material per 100 kg net of finished product												
ex 1905.9094	Other than breadcrumbs						35				25	8		15
ex 1905.9095	Breadcrumbs						105							
ex 1905.9095	Other than breadcrumbs						50				25			
ex 2004.1011	In form of flour, meal or flakes								5				570	
ex 2004.1019	In form of flour, meal or flakes								5				570	
ex 2004.1091	In form of flour, meal or flakes								5				570	
ex 2004.1099	In form of flour, meal or flakes								5				570	
2005.2011									5				570	
2005.2012								2				8	410	2
2008.1110														25
ex 2101.1210	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			45			15
ex 2101.1290	Containing by weight 1,5 % or more milk fat, 2,5 % or more milk proteins, 5 % or more sugar or 5 % or more starch							10			35			10
ex 2101.2010	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			55			

▼B

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												
ex 2101.2090	Containing by weight 1,5 % or more milk fat, 2,5 % or more milk proteins, 5 % or more sugar or 5 % or more starch							10			35			
2104.2000							5						40	3
ex 2105.0000	Containing no milk fats or containing not more than 3 % by weight of milk fats, containing no other fats or containing not more than 3 % by weight of other fats								10		20			
ex 2105.0000	Containing no milk fats or containing not more than 3 % by weight of milk fats, containing more than 3 % but not more than 10 % by weight of other fats								10		20			7
ex 2105.0000	Containing no milk fats or containing not more than 3 % by weight of milk fats, containing more than 10 % by weight of other fats								10		20			13
ex 2105.0000	Containing more than 3 % but not more than 7 % by weight of milk fats								10	7	20			
ex 2105.0000	Containing more than 7 % but not more than 10 % by weight of milk fats								10	11	20			

▼B

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	Vegetab- le fat
		Kg of raw material per 100 kg net of finished product												
ex 2105.0000	Containing more than 10 % but not more than 13 % by weight of milk fats								10	14	20			
ex 2105.0000	Containing more than 13 % by weight of milk fats								10	19	20			
2106.1011						10		12	10		10			5
2106.9021											75			
2106.9022											55			
2106.9023											45			
2106.9070							15	1		5		5		5
2106.9081										100	10			
ex 2106.9085	Containing more than 20 % but not more than 35 % by weight of milk fat									35				40
ex 2106.9085	Containing more than 35 % but not more than 50 % by weight of milk fat									50				40
ex 2106.9086	Containing more than 20 % but not more than 35 % by weight of milk fat									35				
ex 2106.9086	Containing more than 35 % but not more than 50 % by weight of milk fat									50				

▼B

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	Vegetab- le fat
		Kg of raw material per 100 kg net of finished product												
ex 2106.9087	Containing more than 3 % but not more than 6 % by weight of milk fat							10		6	5			30
ex 2106.9087	Containing more than 6 % but not more than 12 % by weight of milk fat							10		12	5			30
ex 2106.9087	Containing more than 12 % but not more than 20 % by weight of milk fat							10		20	5			30
ex 2106.9088	Containing more than 1 % but not more than 1,5 % by weight of milk fat							10	5		30			30
ex 2106.9088	Containing more than 1,5 % but not more than 3 % by weight of milk fat							10	10		30			30
ex 2106.9091	Containing more than 40 % but not more than 60 % by weight of fat								20					50
ex 2106.9091	Containing more than 60 % by weight of fat								20					70
ex 2106.9092	Containing more than 10 % but not more than 25 % by weight of fat								15		25	6		18
ex 2106.9092	Containing more than 25 % but not more than 40 % by weight of fat								15		25	6		32
ex 2106.9093	Containing more than 1 % but not more than 5 % by weight of fat								10		35			5

▼B

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	Vegetab- le fat
		Kg of raw material per 100 kg net of finished product												
ex 2106.9093	Containing more than 5 % but not more than 10 % by weight of fat								10		35			10
2106.9094											60			
2106.9095									5		35			
2106.9096					40							20		
ex 3501.1010	Other than casein glues								301					
ex 3501.1090	Other than casein glues								301					
ex 3501.9010	Other than casein glues								301					
ex 3501.9090	Other than casein glues								301					



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;

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.