

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 2/2016 OF THE EU-SWITZERLAND JOINT COMMITTEE of 3 December 2015

amending Protocol 3 to the Agreement between the European Economic Community and the Swiss Confederation concerning the definition of the concept of 'originating products' and methods of administrative cooperation [2016/121]

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Swiss Confederation, signed in Brussels on 22 July 1972 ⁽¹⁾ ('the Agreement'), and in particular its Article 11,

Having regard to Protocol 3 to the Agreement concerning the definition of the concept of 'originating products' and methods of administrative cooperation, ('Protocol 3'),

Whereas:

- (1) Article 11 of the Agreement refers to Protocol 3, which lays down the rules of origin and provides for cumulation of origin between the EU, Switzerland (including Liechtenstein), Iceland, Norway, Turkey, the Faroe Islands and the participants in the Barcelona Process ⁽²⁾.
- (2) Article 39 of Protocol 3 provides that the Joint Committee provided for in Article 29 of the Agreement may decide to amend the provisions of this protocol.
- (3) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽³⁾ ('the Convention'), aims to replace the protocols on rules of origin currently in force among the countries of the pan-Euro-Mediterranean area with a single legal act.
- (4) The EU and Switzerland signed the Convention on 15 June 2011.
- (5) The EU and Switzerland deposited their instruments of acceptance with the depositary of the Convention on 26 March 2012 and 28 November 2011, respectively. Consequently, in application of its Article 10(3), the Convention entered into force in relation to the EU and Switzerland on 1 May 2012 and 1 January 2012, respectively.
- (6) The Convention has included the participants in the Stabilisation and Association Process and the Republic of Moldova in the pan-Euro-Mediterranean zone of cumulation of origin.
- (7) Protocol 3 to the Agreement should therefore be amended so as to make reference to the Convention,

HAS ADOPTED THIS DECISION:

Article 1

Protocol 3 to the Agreement, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, shall be replaced by the text set out in the Annex to this Decision.

⁽¹⁾ OJ L 300, 31.12.1972, p. 189.

⁽²⁾ Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, the West Bank and the Gaza Strip, Syria and Tunisia.

⁽³⁾ OJ L 54, 26.2.2013, p. 4.

Article 2

This Decision shall enter into force on the day of its adoption.

It shall apply from 1 February 2016.

Done at Brussels, 3 December 2015.

For the Joint Committee

The Chairman

Luc DEVIGNE

ANNEX

‘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.