

ANNEX

DECISION No 2/76 OF THE JOINT COMMITTEE

supplementing and amending Lists A and B annexed to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation and the list contained in Article 25 of that Protocol

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community and the Portuguese Republic, signed in Brussels on 22 July 1972,

Having regard to Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation (hereinafter referred to as 'Protocol 3'), and in particular Article 28 thereof,

Whereas experience gained since the entry into force of the Agreement shows that the rules of origin laid down for certain products in Protocol 3 must be adapted to take account of developments in the manufacturing techniques for those products and in international economic conditions of trade therein; whereas the amendment of the tariff classification of non-crystallizable sorbitol must also be taken into account;

Whereas certain of these rules of origin should therefore be supplemented and amended,

HAS DECIDED AS FOLLOWS:

Article 1

1. In List A annexed to Protocol 3 the rules relating to heading Nos ex 38.19, 40.05, 59.11, ex Chapter 84 and heading No ex 84.41 shall be replaced by those set out in Annex I to this Decision.

2. In the said List A the headings listed below and the corresponding rules shall be deleted:

- ex 28.13 Hydrobromic acid,
- 28.27 Lead oxides; red lead and orange lead,
- ex 28.28 Lithium hydroxide,

- ex 28.29 Lithium fluoride,
- ex 28.30 Lithium chloride,
- ex 28.33 Bromides,
- ex 28.42 Lithium carbonate,
- ex 29.02 Organic bromides,
- ex 29.02 Trichloridi (chloro-phenyl) ethane,
- ex 29.35 Pyridine; alphapicoline; betapicoline; gammapicoline,
- ex 29.35 Vinylpyridine,
- ex 29.38 Nicotinic acid,
- ex 98.15 Vacuum flasks and other vacuum vessels.

Article 2

1. In List B annexed to Protocol 3 the rules set out in Annex II to this Decision shall be inserted in the appropriate place as determined by the numerical order of the tariff headings.

2. In the said List B the rule relating to heading No ex 84.41 shall be replaced by the rules set out in Annex III to this Decision.

Article 3

1. In the list set out in Article 25 of Protocol 3, as amended by Decision No 9/73 of the Joint Committee, rule No 1 shall be replaced by the rule set out in Annex IV to this Decision.

2. The rule set out in Annex V to this Decision shall be added to the list set out in Article 25 of Protocol 3, as amended by Decision No 9/73 of the Joint Committee.

Done at Brussels, 18 August 1976.

For the Joint Committee

The Chairman

R. de KERGORLAY

ANNEX I

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No	Description		
ex 38.19	<p>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, excluding:</p> <ul style="list-style-type: none"> — Fusel oil and Dippel's oil; — Naphthenic acids and their non-water-soluble salts; esters of naphthenic acids; — Sulphonaphthenic acids and their non-water-soluble salts; esters of sulphonaphthenic acids; — Petroleum sulphonates, excluding petroleum sulphonates of alkali metals, of ammonium or of ethanolamines, thiophenated sulphonic acids of oils obtained from bituminous minerals and their salts; — Mixed alkylbenzenes and mixed alkyl-naphthalenes; — Ion exchangers; — Catalysts; — Getters for vacuum tubes; — Refractory cements or mortars and similar preparations; — Alkaline iron oxide for the purification of gas; — Carbon (excluding that in artificial graphite of heading No 38.01) of metallo-graphite or other compounds, in the form of small plates, bars or other semi-manufactures — Sorbitol other than sorbitol of heading No 29.04 		<p>Manufacture in which the value of the products used does not exceed 50% of the value of the finished product</p>
ex 38.19	<p>Auxiliary products of a kind used in the textile, leather and paper industries (not elsewhere specified or included); composite plasticizers, hardeners, and stabilizers for plastic materials and for products based on plastic materials (not elsewhere specified or included)</p>		<p>Manufacture in which the value of the products used does not exceed 60% of the value of the finished product ⁽¹⁾</p>

⁽¹⁾ These provisions shall apply until 30 November 1977.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No	Description		
40.05	Plates, sheets and strip of unvulcanized natural or synthetic rubber, other than smoked sheets and crepe sheets of heading No 40.01 or 40.02; granules of unvulcanized synthetic rubber compounded ready for vulcanization; unvulcanized natural or synthetic rubber, compounded before or after coagulation either with carbon black (with or without the addition of mineral oil) or with silica (with or without the addition of mineral oil), in any form, of a kind known as masterbatch		Manufacture in which the value of the products used, except that of natural rubber, does not exceed 50 % of the value of the finished product
ex 59.11	Rubberized textile fabrics, other than rubberized knitted or crocheted goods, with the exception of those consisting of fabric of continuous synthetic textile fibres or of fabric composed of parallel yarns of continuous synthetic textile fibres, impregnated or covered with rubber latex, containing at least 90 % by weight of textile materials and used for the manufacture of tyres or for other technical uses		Manufacture from yarn
ex 59.11	Rubberized textile fabrics, other than rubberized knitted or crocheted goods, consisting of fabric of continuous synthetic textile fibres or of fabric composed of parallel yarns of continuous synthetic textile fibres, impregnated or covered with rubber latex, containing at least 90 % by weight of textile materials and used for the manufacture of tyres or for other technical uses		Manufacture from chemical products
ex Chapter 84	Boilers, machinery and mechanical appliances and parts thereof, excluding refrigerators and refrigerating equipment (electrical and other) (No 84.15) and sewing machines (lockstitch only) with heads of a weight not exceeding 16 kg without motor or 17 kg including the motor (ex 84.41)		Working, processing or assembly in which the value of the materials and parts used does not exceed 40 % of the value of the finished product ⁽¹⁾

⁽¹⁾ These provisions shall not apply to fuel elements of heading No ex 84.59 until 31 December 1984.

Products obtained		Working or processing that does not confer the status of originating products	Working or processing that confers the status of originating products when the following conditions are met
Customs Tariff heading No	Description		
ex 84.41	Sewing machines (lockstitch only) with heads of a weight not exceeding 16 kg without motor or 17 kg including the motor		<p>Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40% of the value of the finished product, and provided that:</p> <ul style="list-style-type: none"> — at least 50% by value of the materials and parts ⁽¹⁾ used for the assembly of the head (motor excluded) are originating products, — and the thread tension, crochet and zigzag mechanisms are originating products

⁽¹⁾ In determining the value of products, materials and parts, the following must be taken into account:

- (a) in respect of originating products, materials and parts, the first verifiable price paid, or the price which would be paid in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of other products, materials and parts, the provisions of Article 6 of this Protocol determining:
 - the value of imported products,
 - the value of products of undetermined origin.

ANNEX II

Finished products		Working or processing that confers the status of originating products
Customs Tariff heading No	Description	
ex 25.19	Natural magnesium carbonate (magnesite), whether or not calcined, other than magnesium oxide, crushed and put into hermetically sealed containers	Crushing and putting into hermetically sealed containers of natural magnesium carbonate (magnesite), whether or not calcined, other than magnesium oxide
ex 25.24	Natural asbestos fibres	Treatment of asbestos concentrate
ex 25.26	Milled and homogenized mica waste	Milling and homogenizing mica waste
ex 47.01	Sulphate pulp derived by mechanical or chemical means from any fibrous vegetable material, bleached	Manufacture from unbleached sulphate pulp derived by mechanical or chemical means from any fibrous vegetable material, provided that the value of the non-originating products used does not exceed 60 % of the value of the finished product
ex 73.29	Skid chains	Working or processing in which the value of the non-originating products used does not exceed 50 % of the value of the finished product
ex 97.06	Golf club heads, of wood or other materials	Manufacture from roughly shaped blocks

ANNEX III

Finished products		Working or processing that confers the status of originating products
Customs Tariff heading No	Description	
ex 84.41	Sewing machines, including furniture specially designed for sewing machines with the exception of sewing machines (lockstitch only) with heads of a weight not exceeding 16 kg without motor or 17 kg including the motor	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40 % of the value of the finished product
ex 84.41	Sewing machines (lockstitch only) with heads of a weight not exceeding 16 kg without motor or 17 kg including the motor	Working, processing or assembly in which the value of the non-originating materials and parts used does not exceed 40 % of the value of the finished product, and provided that: <ul style="list-style-type: none"> — at least 50 % by value of the materials and parts ⁽¹⁾ used for assembly of the head (motor excluded) are originating products, — and the thread tension, crochet and zigzag mechanisms are originating products

⁽¹⁾ In determining the value of materials and parts, the following must be taken into account:

- (a) in respect of originating materials and parts, the first verifiable price paid, or the price which would be paid in case of sale, for the said products on the territory of the country where working, processing or assembly is carried out;
- (b) in respect of other materials and parts, the provisions of Article 6 of this Protocol determining:
 - the value of imported products,
 - the value of products of undetermined origin.

ANNEX IV

<i>Column 1</i>	<i>Column 2</i>
Products used	Products obtained
1. ex 11.08 Starches, obtained from maize, potatoes, wheat, manioc (tapioca) or sago	35.05 Dextrins and dextrin glues; soluble or roasted starches; starch glues

ANNEX V

<i>Column 1</i>	<i>Column 2</i>
Products used	Products obtained
25. ex 29.14 Vinyl acetate monomer Any product other than or not containing a product obtained by polymerization of the monomer	ex 39.02 Polyvinyl acetate