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► **B** **AGREEMENT ON THE EUROPEAN ECONOMIC AREA**

(OJ L 1, 3.1.1994, p. 3)

Amended by:

		Official Journal		
		No	page	date
► <b><u>M1</u></b>	Protocol adjusting the Agreement on the European Economic Area	L 1	572	3.1.1994
► <b><u>M2</u></b>	Decision of the EEA Joint Committee No 2/94	L 85	64	30.3.1994
► <b><u>M3</u></b>	Decision of the EEA Joint Committee No 3/94	L 85	65	30.3.1994
► <b><u>M4</u></b>	Decision of the EEA Joint Committee No 4/94	L 85	66	30.3.1994
► <b><u>M5</u></b>	Decision of the EEA Joint Committee No 5/94	L 85	71	30.3.1994
► <b><u>M6</u></b>	Decision of the EEA Joint Committee No 6/94	L 95	22	14.4.1994
► <b><u>M7</u></b>	Decision of the EEA Joint Committee No 7/94	L 160	1	28.6.1994
► <b><u>M8</u></b>	Decision of the EEA Joint Committee No 8/94	L 198	142	30.7.1994
► <b><u>M9</u></b>	Decision of the EEA Joint Committee No 10/94	L 253	32	29.9.1994
► <b><u>M10</u></b>	Decision of the EEA Joint Committee No 11/94	L 253	34	29.9.1994
► <b><u>M11</u></b>	Decision of the EEA Joint Committee No 1/95	L 47	19	2.3.1995
► <b><u>M12</u></b>	Decision of the EEA Council No 1/95	L 86	58	20.4.1995
► <b><u>M13</u></b>	Decision of the EEA Joint Committee No 35/95	L 205	39	31.8.1995
► <b><u>M14</u></b>	Decision of the EEA Joint Committee No 36/95	L 205	45	31.8.1995
► <b><u>M15</u></b>	Decision of the EEA Joint Committee No 4/96	L 102	45	25.4.1996
► <b><u>M16</u></b>	Decision of the EEA Joint Committee No 45/96	L 291	38	14.11.1996
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► <b><u>M20</u></b>	Decision of the EEA Joint Committee No 70/96	L 71	43	13.3.1997
► <b><u>M21</u></b>	Decision of the EEA Joint Committee No 84/96	L 71	44	13.3.1997
► <b><u>M22</u></b>	Decision of the EEA Joint Committee No 55/96	L 85	64	27.3.1997
► <b><u>M23</u></b>	Decision of the EEA Joint Committee No 83/96	L 145	52	5.6.1997
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► <b><u>M33</u></b>	Decision of the EEA Joint Committee No 37/97	L 160	38	4.6.1998
► <b><u>M34</u></b>	Decision of the EEA Joint Committee No 38/97	L 160	39	4.6.1998

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► <b><u>M35</u></b>	Decision of the EEA Joint Committee No 73/97	L 193	39	9.7.1998
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FINAL ACT

**▼B****PREAMBLE**

THE EUROPEAN ECONOMIC COMMUNITY,  
 THE EUROPEAN COAL AND STEEL COMMUNITY,  
 THE KINGDOM OF BELGIUM,  
 THE KINGDOM OF DENMARK,  
 THE FEDERAL REPUBLIC OF GERMANY,  
 THE HELLENIC REPUBLIC,  
 THE KINGDOM OF SPAIN,  
 THE FRENCH REPUBLIC,  
 IRELAND,  
 THE ITALIAN REPUBLIC,  
 THE GRAND DUCHY OF LUXEMBOURG,  
 THE KINGDOM OF THE NETHERLANDS,  
 THE PORTUGUESE REPUBLIC,  
 THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND  
 AND  
 THE REPUBLIC OF AUSTRIA,  
 THE REPUBLIC OF FINLAND,  
 THE REPUBLIC OF ICELAND,  
 THE PRINCIPALITY OF LIECHTENSTEIN,  
 THE KINGDOM OF NORWAY,  
 THE KINGDOM OF SWEDEN,

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hereinafter referred to as the CONTRACTING PARTIES;

CONVINCED of the contribution that a European Economic Area will bring to the construction of a Europe based on peace, democracy and human rights;

REAFFIRMING the high priority attached to the privileged relationship between the European Community, its Member States and the EFTA States, which is based on proximity, long-standing common values and European identity;

DETERMINED to contribute, on the basis of market economy, to world-wide trade liberalization and cooperation, in particular in accordance with the provisions of the General Agreement on Tariffs and Trade and the Convention on the Organization for Economic Cooperation and Development;

CONSIDERING the objective of establishing a dynamic and homogeneous European Economic Area, based on common rules and equal conditions of competition and providing for the adequate means of enforcement including at the judicial level, and achieved on the basis of equality and reciprocity and of an overall balance of benefits, rights and obligations for the Contracting Parties;

DETERMINED to provide for the fullest possible realization of the free movement of goods, persons, services and capital within the whole European Economic Area, as well as for strengthened and broadened cooperation in flanking and horizontal policies;

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AIMING to promote a harmonious development of the European Economic Area and convinced of the need to contribute through the application of this Agreement to the reduction of economic and social regional disparities;

DESIROUS of contributing to the strengthening of the cooperation between the members of the European Parliament and of the Parliaments of the EFTA States, as well as between the social partners in the European Community and in the EFTA States;

CONVINCED of the important role that individuals will play in the European Economic Area through the exercise of the rights conferred on them by this Agreement and through the judicial defence of these rights;

DETERMINED to preserve, protect and improve the quality of the environment and to ensure a prudent and rational utilization of natural resources on the basis, in particular, of the principle of sustainable development, as well as the principle that precautionary and preventive action should be taken;

DETERMINED to take, in the further development of rules, a high level of protection concerning health, safety and the environment as a basis;

NOTING the importance of the development of the social dimension, including equal treatment of men and women, in the European Economic Area and wishing to ensure economic and social progress and to promote conditions for full employment, an improved standard of living and improved working conditions within the European Economic Area;

DETERMINED to promote the interests of consumers and to strengthen their position in the market place, aiming at a high level of consumer protection;

ATTACHED to the common objectives of strengthening the scientific and technological basis of European industry and of encouraging it to become more competitive at the international level;

CONSIDERING that the conclusion of this Agreement shall not prejudice in any way the possibility of any EFTA State to accede to the European Communities;

WHEREAS, in full deference to the independence of the courts, the objective of the Contracting Parties is to arrive at, and maintain, a uniform interpretation and application of this Agreement and those provisions of Community legislation which are substantially reproduced in this Agreement and to arrive at an equal treatment of individuals and economic operators as regards the four freedoms and the conditions of competition;

WHEREAS this Agreement does not restrict the decision-making autonomy or the treaty-making power of the Contracting Parties, subject to the provisions of this Agreement and the limitations set by public international law;

HAVE DECIDED to conclude the following Agreement:

## PART I

### OBJECTIVES AND PRINCIPLES

#### *Article 1*

1. The aim of this Agreement of association is to promote a continuous and balanced strengthening of trade and economic relations between the Contracting Parties with equal conditions of competition, and the respect of the same rules, with a view to creating a homogeneous European Economic Area, hereinafter referred to as the EEA.

2. In order to attain the objectives set out in paragraph 1, the association shall entail, in accordance with the provisions of this Agreement:

- (a) the free movement of goods;
- (b) the free movement of persons;
- (c) the free movement of services;

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- (d) the free movement of capital;
- (e) the setting up of a system ensuring that competition is not distorted and that the rules thereon are equally respected; as well as
- (f) closer cooperation in other fields, such as research and development, the environment, education and social policy.

*Article 2*

For the purposes of this Agreement:

- (a) the term ‘Agreement’ means the main Agreement, its Protocols and Annexes as well as the acts referred to therein;
- (b) ►**M1** the term ‘EFTA States’ means the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Kingdom of Sweden and, under the conditions laid down in Article 1 (2) of the Protocol adjusting the Agreement on the European Economic Area, the Principality of Liechtenstein; ◀
- (c) the term ‘Contracting Parties’ means, concerning the Community and the EC Member States, the Community and the EC Member States, or the Community, or the EC Member States. The meaning to be attributed to this expression in each case is to be deduced from the relevant provisions of this Agreement and from the respective competences of the Community and the EC Member States as they follow from the Treaty establishing the European Economic Community and the Treaty establishing the European Coal and Steel Community.

*Article 3*

The Contracting Parties shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Agreement.

They shall abstain from any measure which could jeopardize the attainment of the objectives of this Agreement,

Moreover, they shall facilitate cooperation within the framework of this Agreement.

*Article 4*

Within the scope of application of this Agreement, and without prejudice to any special provisions contained therein, any discrimination on grounds of nationality shall be prohibited.

*Article 5*

A Contracting Party may at any time raise a matter of concern at the level of the EEA Joint Committee or the EEA Council according to the modalities laid down in Articles 92(2) and 89(2), respectively.

**▼B***Article 6*

Without prejudice to future developments of case-law, the provisions of this Agreement, in so far as they are identical in substance to corresponding rules of the Treaty establishing the European Economic Community and the Treaty establishing the European Coal and Steel Community and to acts adopted in application of these two Treaties, shall, in their implementation and application, be interpreted in conformity with the relevant rulings of the Court of Justice of the European Communities given prior to the date of signature of this Agreement.

*Article 7*

Acts referred to or contained in the Annexes to this Agreement or in decisions of the EEA Joint Committee shall be binding upon the Contracting Parties and be, or be made, part of their internal legal order as follows:

- (a) an act corresponding to an EEC regulation shall as such be made part of the internal legal order of the Contracting Parties;
- (b) an act corresponding to an EEC directive shall leave to the authorities of the Contracting Parties the choice of form and method of implementation.

**PART II****FREE MOVEMENT OF GOODS****CHAPTER 1****BASIC PRINCIPLES***Article 8*

1. Free movement of goods between the Contracting Parties shall be established in conformity with the provisions of this Agreement.
2. Unless otherwise specified, Articles 10 to 15, 19, 20 and 25 to 27 shall apply only to products originating in the Contracting Parties.
3. Unless otherwise specified, the provisions of this Agreement shall apply only to:
  - (a) products falling within Chapters 25 to 97 of the Harmonized Commodity Description and Coding System, excluding the products listed in Protocol 2;
  - (b) products specified in Protocol 3, subject to the specific arrangements set out in that Protocol.

*Article 9*

1. The rules of origin are set out in Protocol 4. They are without prejudice to any international obligations which have been, or may be, subscribed to by the Contracting Parties under the General Agreement on Tariffs and Trade.
2. With a view to developing the results achieved in this Agreement, the Contracting Parties will continue their efforts in order further to improve and simplify all aspects of rules of origin and to increase cooperation in customs matters.

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3. A first review will take place before the end of 1993. Subsequent reviews will take place at two-yearly intervals. On the basis of these reviews, the Contracting Parties undertake to decide on the appropriate measures to be included in this Agreement.

*Article 10*

Customs duties on imports and exports, and any charges having equivalent effect, shall be prohibited between the Contracting Parties. Without prejudice to the arrangements set out in Protocol 5, this shall also apply to customs duties of a fiscal nature.

*Article 11*

Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between the Contracting Parties.

*Article 12*

Quantitative restrictions on exports and all measures having equivalent effect shall be prohibited between the Contracting Parties.

*Article 13*

The provisions of Articles 11 and 12 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between the Contracting Parties.

*Article 14*

No Contracting Party shall impose, directly or indirectly, on the products of other Contracting Parties any internal taxation of any kind in excess of that imposed directly or indirectly on similar domestic products.

Furthermore, no Contracting Party shall impose on the products of other Contracting Parties any internal taxation of such a nature as to afford indirect protection to other products.

*Article 15*

Where products are exported to the territory of any Contracting Party, any repayment of internal taxation shall not exceed the internal taxation imposed on them whether directly or indirectly.

*Article 16*

1. The Contracting Parties shall ensure that any State monopoly of a commercial character be adjusted so that no discrimination regarding the conditions under which goods are procured and marketed will exist between nationals of EC Member States and EFTA States.



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2. The provisions of this Article shall apply to any body through which the competent authorities of the Contracting Parties, in law or in fact, either directly or indirectly supervise, determine or appreciably influence imports or exports between Contracting Parties. These provisions shall likewise apply to monopolies delegated by the State to others.

## CHAPTER 2

## AGRICULTURAL AND FISHERY PRODUCTS

*Article 17*

Annex I contains specific provisions and arrangements concerning veterinary and phytosanitary matters.

*Article 18*

Without prejudice to the specific arrangements governing trade in agricultural products, the Contracting Parties shall ensure that the arrangements provided for in Articles 17 and 23 (a) and (b), as they apply to products other than those covered by Article 8(3), are not compromised by other technical barriers to trade. Article 13 shall apply.

*Article 19*

1. The Contracting Parties shall examine any difficulties that might arise in their trade in agricultural products and shall endeavour to seek appropriate solutions.

2. The Contracting Parties undertake to continue their efforts with a view to achieving progressive liberalization of agricultural trade.

3. To this end, the Contracting Parties will carry out, before the end of 1993 and subsequently at two-yearly intervals, reviews of the conditions of trade in agricultural products.

4. In the light of the results of these reviews, within the framework of their respective agricultural policies and taking into account the results of the Uruguay Round, the Contracting Parties will decide, within the framework of this Agreement, on a preferential, bilateral or multilateral, reciprocal and mutually beneficial basis, on further reductions of any type of barriers to trade in the agricultural sector, including those resulting from State monopolies of a commercial character in the agricultural field.

*Article 20*

Provisions and arrangements that apply to fish and other marine products are set out in Protocol 9.

## CHAPTER 3

## COOPERATION IN CUSTOMS-RELATED MATTERS AND TRADE FACILITATION

*Article 21*

1. In order to facilitate trade between them, the Contracting Parties shall simplify border controls and formalities. Arrangements for this purpose are set out in Protocol 10.

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2. The Contracting Parties shall assist each other in customs matters in order to ensure that customs legislation is correctly applied. Arrangements for this purpose are set out in Protocol 11.

3. The Contracting Parties shall strengthen and broaden cooperation with the aim of simplifying the procedures for trade in goods, in particular in the context of Community programmes, projects and actions aimed at trade facilitation, in accordance with the rules set out in Part VI.

4. Notwithstanding Article 8(3), this Article shall apply to all products.

*Article 22*

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 EEA Joint Committee not later than 30 days before such reduction or suspension comes into effect. It shall take note of any representations by other Contracting Parties regarding any distortions which might result therefrom.

## CHAPTER 4

**OTHER RULES RELATING TO THE FREE MOVEMENT OF GOODS***Article 23*

Specific provisions and arrangements are laid down in:

- (a) Protocol 12 and Annex II in relation to technical regulations, standards, testing and certification;
- (b) Protocol 47 in relation to the abolition of technical barriers to trade in wine;
- (c) Annex III in relation to product liability.

They shall apply to all products unless otherwise specified.

*Article 24*

Annex IV contains specific provisions and arrangements concerning energy.

*Article 25*

Where compliance with the provisions of Articles 10 and 12 leads to:

- (a) 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
- (b) a serious shortage, or threat thereof, of a product essential to the exporting Contracting Party;

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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 in accordance with the procedures set out in Article 113.

*Article 26*

Anti-dumping measures, countervailing duties and measures against illicit commercial practices attributable to third countries shall not be applied in relations between the Contracting Parties, unless otherwise specified in this Agreement.

## CHAPTER 5

**COAL AND STEEL PRODUCTS***Article 27*

Provisions and arrangements concerning coal and steel products are set out in Protocols 14 and 25.

## PART III

**FREE MOVEMENT OF PERSONS, SERVICES AND CAPITAL**

## CHAPTER 1

**WORKERS AND SELF-EMPLOYED PERSONS***Article 28*

1. Freedom of movement for workers shall be secured among EC Member States and EFTA States.
2. Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of EC Member States and EFTA States as regards employment, remuneration and other conditions of work and employment.
3. It shall entail the right, subject to limitations justified on grounds of public policy, public security or public health:
  - (a) to accept offers of employment actually made;
  - (b) to move freely within the territory of EC Member States and EFTA States for this purpose;
  - (c) to stay in the territory of an EC Member State or an EFTA State for the purpose of employment in accordance with the provisions governing the employment of nationals of that State laid down by law, regulation or administrative action;
  - (d) to remain in the territory of an EC Member State or an EFTA State after having been employed there.
4. The provisions of this Article shall not apply to employment in the public service.
5. Annex V contains specific provisions on the free movement of workers.

**▼B***Article 29*

In order to provide freedom of movement for workers and self-employed persons, the Contracting Parties shall, in the field of social security, secure, as provided for in Annex VI, for workers and self-employed persons and their dependants, in particular:

- (a) aggregation, for the purpose of acquiring and retaining the right to benefit and of calculating the amount of benefit, of all periods taken into account under the laws of the several countries;
- (b) payment of benefits to persons resident in the territories of Contracting Parties.

*Article 30*

In order to make it easier for persons to take up and pursue activities as workers and self-employed persons, the Contracting Parties shall take the necessary measures, as contained in Annex VII, concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications, and the coordination of the provisions laid down by law, regulation or administrative action in the Contracting Parties concerning the taking up and pursuit of activities by workers and self-employed persons.

## CHAPTER 2

**RIGHT OF ESTABLISHMENT***Article 31*

1. Within the framework of the provisions of this Agreement, there shall be no restrictions on the freedom of establishment of nationals of an EC Member State or an EFTA State in the territory of any other of these States. This shall also apply to the setting up of agencies, branches or subsidiaries by nationals of any EC Member State or EFTA State established in the territory of any of these States.

Freedom of establishment shall include the right to take up and pursue activities as self-employed persons and to set up and manage undertakings, in particular companies or firms within the meaning of Article 34, second paragraph, under the conditions laid down for its own nationals by the law of the country where such establishment is effected, subject to the provisions of Chapter 4.

2. Annexes VIII to XI contain specific provisions on the right of establishment.

*Article 32*

The provisions of this Chapter shall not apply, so far as any given Contracting Party is concerned, to activities which in that Contracting Party are connected, even occasionally, with the exercise of official authority.

*Article 33*

The provisions of this Chapter and measures taken in pursuance thereof shall not prejudice the applicability of provisions laid down by law, regulation or administrative action providing for special treatment for foreign nationals on grounds of public policy, public security or public health.

**▼B***Article 34*

Companies or firms formed in accordance with the law of an EC Member State or an EFTA State and having their registered office, central administration or principal place of business within the territory of the Contracting Parties shall, for the purposes of this Chapter, be treated in the same way as natural persons who are nationals of EC Member States or EFTA States.

‘Companies or firms’ means companies or firms constituted under civil or commercial law, including cooperative societies, and other legal persons governed by public or private law, save for those which are non-profit-making.

*Article 35*

The provisions of Article 30 shall apply to the matters covered by this Chapter.

## CHAPTER 3

**SERVICES***Article 36*

1. Within the framework of the provisions of this Agreement, there shall be no restrictions on freedom to provide services within the territory of the Contracting Parties in respect of nationals of EC Member States and EFTA States who are established in an EC Member State or an EFTA State other than that of the person for whom the services are intended.

2. Annexes IX to XI contain specific provisions on the freedom to provide services.

*Article 37*

Services shall be considered to be ‘services’ within the meaning of this Agreement where they are normally provided for remuneration, in so far as they are not governed by the provisions relating to freedom of movement for goods, capital and persons.

‘Services’ shall in particular include:

- (a) activities of an industrial character;
- (b) activities of a commercial character;
- (c) activities of craftsmen;
- (d) activities of the professions.

Without prejudice to the provisions of Chapter 2, the person providing a service may, in order to do so, temporarily pursue his activity in the State where the service is provided, under the same conditions as are imposed by that State on its own nationals.

**▼B***Article 38*

Freedom to provide services in the field of transport shall be governed by the provisions of Chapter 6.

*Article 39*

The provisions of Articles 30 and 32 to 34 shall apply to the matters covered by this Chapter.

## CHAPTER 4

**CAPITAL***Article 40*

Within the framework of the provisions of this Agreement, there shall be no restrictions between the Contracting Parties on the movement of capital belonging to persons resident in EC Member States or EFTA States and no discrimination based on the nationality or on the place of residence of the parties or on the place where such capital is invested. Annex XII contains the provisions necessary to implement this Article.

*Article 41*

Current payments connected with the movement of goods, persons, services or capital between Contracting Parties within the framework of the provisions of this Agreement shall be free of all restrictions.

*Article 42*

1. Where domestic rules governing the capital market and the credit system are applied to the movements of capital liberalized in accordance with the provisions of this Agreement, this shall be done in a non-discriminatory manner.

2. Loans for the direct or indirect financing of an EC Member State or an EFTA State or its regional or local authorities shall not be issued or placed in other EC Member States or EFTA States unless the States concerned have reached agreement thereon.

*Article 43*

1. Where differences between the exchange rules of EC Member States and EFTA States could lead persons resident in one of these States to use the freer transfer facilities within the territory of the Contracting Parties which are provided for in Article 40 in order to evade the rules of one of these States concerning the movement of capital to or from third countries, the Contracting Party concerned may take appropriate measures to overcome these difficulties.

2. If movements of capital lead to disturbances in the functioning of the capital market in any EC Member State or EFTA State, the Contracting Party concerned may take protective measures in the field of capital movements.

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3. If the competent authorities of a Contracting Party make an alteration in the rate of exchange which seriously distorts conditions of competition, the other Contracting Parties may take, for a strictly limited period, the necessary measures in order to counter the consequences of such alteration.

4. Where an EC Member State or an EFTA State is in difficulties, or is seriously threatened with difficulties, as regards its balance of payments either as a result of an overall disequilibrium in its balance of payments, or as a result of the type of currency at its disposal, and where such difficulties are liable in particular to jeopardize the functioning of this Agreement, the Contracting Party concerned may take protective measures.

*Article 44*

The Community, on the one hand, and the EFTA States, on the other, shall apply their internal procedures, as provided for in Protocol 18, to implement the provisions of Article 43.

*Article 45*

1. Decisions, opinions and recommendations related to the measures laid down in Article 43 shall be notified to the EEA Joint Committee.

2. All measures shall be the subject of prior consultations and exchange of information within the EEA Joint Committee.

3. In the situation referred to in Article 43(2), the Contracting Party concerned may, however, on the grounds of secrecy and urgency take the measures, where this proves necessary, without prior consultations and exchange of information.

4. In the situation referred to in Article 43(4), where a sudden crisis in the balance of payments occurs and the procedures set out in paragraph 2 cannot be followed, the Contracting Party concerned may, as a precaution, take the necessary protective measures. Such measures must cause the least possible disturbance in the functioning of this Agreement and must not be wider in scope than is strictly necessary to remedy the sudden difficulties which have arisen.

5. When measures are taken in accordance with paragraphs 3 and 4, notice thereof shall be given at the latest by the date of their entry into force, and the exchange of information and consultations as well as the notifications referred to in paragraph 1 shall take place as soon as possible thereafter.



CHAPTER 5  
ECONOMIC AND MONETARY POLICY COOPERATION

*Article 46*

The Contracting Parties shall exchange views and information concerning the implementation of this Agreement and the impact of the integration on economic activities and on the conduct of economic and monetary policies. Furthermore, they may discuss macro-economic situations, policies and prospects. This exchange of views and information shall take place on a non-binding basis.

CHAPTER 6  
TRANSPORT

*Article 47*

1. Articles 48 to 52 shall apply to transport by rail, road and inland waterway.
2. Annex XIII contains specific provisions on all modes of transport.

*Article 48*

1. The provisions of an EC Member State or an EFTA State, relative to transport by rail, road and inland waterway and not covered by Annex XIII, shall not be made less favourable in their direct or indirect effect on carriers of other States as compared with carriers who are nationals of that State.
2. Any Contracting Party deviating from the principle laid down in paragraph 1 shall notify the EEA Joint Committee thereof. The other Contracting Parties which do not accept the deviation may take corresponding countermeasures.

*Article 49*

Aid shall be compatible with this Agreement if it meets the needs of coordination of transport or if it represents reimbursement for the discharge of certain obligations inherent in the concept of a public service.

*Article 50*

1. In the case of transport within the territory of the Contracting Parties, there shall be no discrimination which takes the form of carriers charging different rates and imposing different conditions for the carriage of the same goods over the same transport links on grounds of the country of origin or of destination of the goods in question.
2. The competent authority according to Part VII shall, acting on its own initiative or on application by an EC Member State or an EFTA State, investigate any cases of discrimination falling within this Article and take the necessary decisions within the framework of its internal rules.



**▼B***Article 51*

1. The imposition, in respect of transport operations carried out within the territory of the Contracting Parties, of rates and conditions involving any element of support or protection in the interest of one or more particular undertakings or industries, shall be prohibited unless authorized by the competent authority referred to in Article 50(2).

2. The competent authority shall, acting on its own initiative or on application by an EC Member State or an EFTA State, examine the rates and conditions referred to in paragraph 1, taking account in particular of the requirements of an appropriate regional economic policy, the needs of underdeveloped areas and the problems of areas seriously affected by political circumstances, on the one hand, and of the effects of such rates and conditions on competition between the different modes of transport, on the other.

The competent authority shall take the necessary decisions within the framework of its internal rules.

3. The prohibition provided for in paragraph 1 shall not apply to tariffs fixed to meet competition.

*Article 52*

Charges or dues in respect of the crossing of frontiers which are charged by a carrier in addition to transport rates shall not exceed a reasonable level after taking the costs actually incurred thereby into account. The Contracting Parties shall endeavour to reduce these costs progressively.

## PART IV

**COMPETITION AND OTHER COMMON RULES**

## CHAPTER 1

**RULES APPLICABLE TO UNDERTAKINGS***Article 53*

1. The following shall be prohibited as incompatible with the functioning of this Agreement: all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Contracting Parties and which have as their object or effect the prevention, restriction or distortion of competition within the territory covered by this Agreement, and in particular those which:

- (a) directly or indirectly fix purchase or selling prices or any other trading conditions;
- (b) limit or control production, markets, technical development, or investment;
- (c) share markets or sources of supply;
- (d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

**▼B**

2. Any agreements or decisions prohibited pursuant to this Article shall be automatically void.

3. The provisions of paragraph 1 may, however, be declared inapplicable in the case of:

- any agreement or category of agreements between undertakings;
- any decision or category of decisions by associations of undertakings;
- any concerted practice or category of concerted practices;

which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not:

- (a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives;
- (b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

*Article 54*

Any abuse by one or more undertakings of a dominant position within the territory covered by this Agreement or in a substantial part of it shall be prohibited as incompatible with the functioning of this Agreement in so far as it may affect trade between Contracting Parties.

Such abuse may, in particular, consist in:

- (a) directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;
- (b) limiting production, markets or technical development to the prejudice of consumers;
- (c) applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (d) making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

*Article 55*

1. Without prejudice to the provisions giving effect to Articles 53 and 54 as contained in Protocol 21 and Annex XIV of this Agreement, the EC Commission and the EFTA Surveillance Authority provided for in Article 108(1) shall ensure the application of the principles laid down in Articles 53 and 54.

The competent surveillance authority, as provided for in Article 56, shall investigate cases of suspected infringement of these principles, on its own initiative, or on application by a State within the respective territory or by the other surveillance authority. The competent surveillance authority shall carry out these investigations in cooperation with the competent national authorities in the respective territory and in cooperation with the other surveillance authority, which shall give it its assistance in accordance with its internal rules.

**▼B**

If it finds that there has been an infringement, it shall propose appropriate measures to bring it to an end.

2. If the infringement is not brought to an end, the competent surveillance authority shall record such infringement of the principles in a reasoned decision.

The competent surveillance authority may publish its decision and authorize States within the respective territory to take the measures, the conditions and details of which it shall determine, needed to remedy the situation. It may also request the other surveillance authority to authorize States within the respective territory to take such measures.

*Article 56*

1. Individual cases falling under Article 53 shall be decided upon by the surveillance authorities in accordance with the following provisions:

- (a) individual cases where only trade between EFTA States is affected shall be decided upon by the EFTA Surveillance Authority;
- (b) without prejudice to subparagraph (c), the EFTA Surveillance Authority decides, as provided for in the provisions set out in Article 58, Protocol 21 and the rules adopted for its implementation, Protocol 23 and Annex XIV, on cases where the turnover of the undertakings concerned in the territory of the EFTA States equals 33 % or more of their turnover in the territory covered by this Agreement;
- (c) the EC Commission decides on the other cases as well as on cases under (b) where trade between EC Member States is affected, taking into account the provisions set out in Article 58, Protocol 21, Protocol 23 and Annex XIV.

2. Individual cases falling under Article 54 shall be decided upon by the surveillance authority in the territory of which a dominant position is found to exist. The rules set out in paragraph 1(b) and (c) shall apply only if dominance exists within the territories of both surveillance authorities.

3. Individual cases falling under subparagraph (c) of paragraph 1, whose effects on trade between EC Member States or on competition within the Community are not appreciable, shall be decided upon by the EFTA Surveillance Authority.

4. The terms 'undertaking' and 'turnover' are, for the purposes of this Article, defined in Protocol 22.

*Article 57*

1. Concentrations the control of which is provided for in paragraph 2 and which create or strengthen a dominant position as a result of which effective competition would be significantly impeded within the territory covered by this Agreement or a substantial part of it, shall be declared incompatible with this Agreement.

2. The control of concentrations falling under paragraph 1 shall be carried out by:

- (a) the EC Commission in cases falling under Regulation (EEC) No 4064/89 in accordance with that Regulation and in accordance with Protocols 21 and 24 and Annex XIV to this Agreement. The EC Commission shall, subject to the review of the EC Court of Justice, have sole competence to take decisions on these cases;

**▼B**

- (b) the EFTA Surveillance Authority in cases not falling under subparagraph (a) where the relevant thresholds set out in Annex XIV are fulfilled in the territory of the EFTA States in accordance with Protocols 21 and 24 and Annex XIV. This is without prejudice to the competence of EC Member States.

*Article 58*

With a view to developing and maintaining a uniform surveillance throughout the European Economic Area in the field of competition and to promoting a homogeneous implementation, application and interpretation of the provisions of this Agreement to this end, the competent authorities shall cooperate in accordance with the provisions set out in Protocols 23 and 24.

*Article 59*

1. In the case of public undertakings and undertakings to which EC Member States or EFTA States grant special or exclusive rights, the Contracting Parties shall ensure that there is neither enacted nor maintained in force any measure contrary to the rules contained in this Agreement, in particular to those rules provided for in Articles 4 and 53 to 63.

2. Undertakings entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly shall be subject to the rules contained in this Agreement, in particular to the rules on competition, in so far as the application of such rules does not obstruct the performance, in law or in fact, of the particular tasks assigned to them. The development of trade must not be affected to such an extent as would be contrary to the interests of the Contracting Parties.

3. The EC Commission as well as the EFTA Surveillance Authority shall ensure within their respective competence the application of the provisions of this Article and shall, where necessary, address appropriate measures to the States falling within their respective territory.

*Article 60*

Annex XIV contains specific provisions giving effect to the principles set out in Articles 53, 54, 57 and 59.

## CHAPTER 2

**STATE AID***Article 61*

1. Save as otherwise provided in this Agreement, any aid granted by EC Member States, EFTA States or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Contracting Parties, be incompatible with the functioning of this Agreement.

2. The following shall be compatible with the functioning of this Agreement:

- (a) aid having a social character, granted to individual consumers, provided that such aid is granted without discrimination related to the origin of the products concerned;

**▼B**

- (b) aid to make good the damage caused by natural disasters or exceptional occurrences;
  - (c) aid granted to the economy of certain areas of the Federal Republic of Germany affected by the division of Germany, in so far as such aid is required in order to compensate for the economic disadvantages caused by that division.
3. The following may be considered to be compatible with the functioning of this Agreement:
- (a) aid to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment;
  - (b) aid to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of an EC Member State or an EFTA State;
  - (c) aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest;
  - (d) such other categories of aid as may be specified by the EEA Joint Committee in accordance with Part VII.

*Article 62*

1. All existing systems of State aid in the territory of the Contracting Parties, as well as any plans to grant or alter State aid, shall be subject to constant review as to their compatibility with Article 61. This review shall be carried out:

- (a) as regards the EC Member States, by the EC Commission according to the rules laid down in Article 93 of the Treaty establishing the European Economic Community;
- (b) as regards the EFTA States, by the EFTA Surveillance Authority according to the rules set out in an agreement between the EFTA States establishing the EFTA Surveillance Authority which is entrusted with the powers and functions laid down in Protocol 26.

2. With a view to ensuring a uniform surveillance in the field of State aid throughout the territory covered by this Agreement, the EC Commission and the EFTA Surveillance Authority shall cooperate in accordance with the provisions set out in Protocol 27.

*Article 63*

Annex XV contains specific provisions on State aid.

*Article 64*

1. If one of the surveillance authorities considers that the implementation by the other surveillance authority of Articles 61 and 62 of this Agreement and Article 5 of Protocol 14 is not in conformity with the maintenance of equal conditions of competition within the territory covered by this Agreement, exchange of views shall be held within two weeks according to the procedure of Protocol 27, paragraph (f).

**▼B**

If a commonly agreed solution has not been found by the end of this two-week period, the competent authority of the affected Contracting Party may immediately adopt appropriate interim measures in order to remedy the resulting distortion of competition.

Consultations shall then be held in the EEA Joint Committee with a view to finding a commonly acceptable solution.

If within three months the EEA Joint Committee has not been able to find such a solution, and if the practice in question causes, or threatens to cause, distortion of competition affecting trade between the Contracting Parties, the interim measures may be replaced by definitive measures, strictly necessary to offset the effect of such distortion. Priority shall be given to such measures that will least disturb the functioning of the EEA.

2. The provisions of this Article will also apply to State monopolies, which are established after the date of signature of the Agreement.

## CHAPTER 3

**OTHER COMMON RULES***Article 65*

1. Annex XVI contains specific provisions and arrangements concerning procurement which, unless otherwise specified, shall apply to all products and to services as specified.

2. Protocol 28 and Annex XVII contain specific provisions and arrangements concerning intellectual, industrial and commercial property, which, unless otherwise specified, shall apply to all products and services.

## PART V

**HORIZONTAL PROVISIONS RELEVANT TO THE FOUR FREEDOMS**

## CHAPTER 1

**SOCIAL POLICY***Article 66*

The Contracting Parties agree upon the need to promote improved working conditions and an improved standard of living for workers.

*Article 67*

1. The Contracting Parties shall pay particular attention to encouraging improvements, especially in the working environment, as regards the health and safety of workers. In order to help achieve this objective, minimum requirements shall be applied for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Contracting Parties. Such minimum requirements shall not prevent any Contracting Party from maintaining or introducing more stringent measures for the protection of working conditions compatible with this Agreement.

**▼B**

2. Annex XVIII specifies the provisions to be implemented as the minimum requirements referred to in paragraph 1.

*Article 68*

In the field of labour law, the Contracting Parties shall introduce the measures necessary to ensure the good functioning of this Agreement. These measures are specified in Annex XVIII.

*Article 69*

1. Each Contracting Party shall ensure and maintain the application of the principle that men and women should receive equal pay for equal work.

For the purposes of this Article, 'pay' means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives, directly or indirectly, in respect of his employment from his employer.

Equal pay without discrimination based on sex means:

- (a) that pay for the same work at piece rates shall be calculated on the basis of the same unit of measurement;
- (b) that pay for work at time rates shall be the same for the same job.

2. Annex XVIII contains specific provisions for the implementation of paragraph 1.

*Article 70*

The Contracting Parties shall promote the principle of equal treatment for men and women by implementing the provisions specified in Annex XVIII.

*Article 71*

The Contracting Parties shall endeavour to promote the dialogue between management and labour at European level.

## CHAPTER 2

**CONSUMER PROTECTION***Article 72*

Annex XIX contains provisions on consumer protection.

## CHAPTER 3

**ENVIRONMENT***Article 73*

1. Action by the Contracting Parties relating to the environment shall have the following objectives:

- (a) to preserve, protect and improve the quality of the environment;

**▼B**

- (b) to contribute towards protecting human health;
  - (c) to ensure a prudent and rational utilization of natural resources.
2. Action by the Contracting Parties relating to the environment shall be based on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source, and that the polluter should pay. Environmental protection requirements shall be a component of the Contracting Parties' other policies.

*Article 74*

Annex XX contains the specific provisions on protective measures which shall apply pursuant to Article 73.

*Article 75*

The protective measures referred to in Article 74 shall not prevent any Contracting Party from maintaining or introducing more stringent protective measures compatible with this Agreement.

## CHAPTER 4

**STATISTICS***Article 76*

1. The Contracting Parties shall ensure the production and dissemination of coherent and comparable statistical information for describing and monitoring all relevant economic, social and environmental aspects of the EEA.
2. To this end the Contracting Parties shall develop and use harmonized methods, definitions and classifications as well as common programmes and procedures organizing statistical work at appropriate administrative levels and duly observing the need for statistical confidentiality.
3. Annex XXI contains specific provisions on statistics.
4. Protocol 30 contains specific provisions on the organization of cooperation in the field of statistics.

## CHAPTER 5

**COMPANY LAW***Article 77*

Annex XXII contains specific provisions on company law.

## PART VI

**COOPERATION OUTSIDE THE FOUR FREEDOMS***Article 78*

The Contracting Parties shall strengthen and broaden cooperation in the framework of the Community's activities in the fields of:

- research and technological development,
- information services,



**▼B**

- the environment,
- education, training and youth,
- social policy,
- consumer protection,
- small and medium-sized enterprises,
- tourism,
- the audiovisual sector, and
- civil protection,

in so far as these matters are not regulated under the provisions of other Parts of this Agreement.

*Article 79*

1. The Contracting Parties shall strengthen the dialogue between them by all appropriate means, in particular through the procedures provided for in Part VII, with a view to identifying areas and activities where closer cooperation could contribute to the attainment of their common objectives in the fields referred to in Article 78.
2. They shall, in particular, exchange information and, at the request of a Contracting Party, hold consultations within the EEA Joint Committee in respect of plans or proposals for the establishment or amendment of framework programmes, specific programmes, actions and projects in the fields referred to in Article 78.
3. Part VII shall apply *mutatis mutandis* with regard to this Part whenever the latter or Protocol 31 specifically provides therefor.

*Article 80*

The cooperation provided for in Article 78 shall normally take one of the following forms:

- participation by EFTA States in EC framework programmes, specific programmes, projects or other actions;
- establishment of joint activities in specific areas, which may include concertation or coordination of activities, fusion of existing activities and establishment of *ad hoc* joint activities;
- the formal and informal exchange or provision of information;
- common efforts to encourage certain activities throughout the territory of the Contracting Parties;
- parallel legislation, where appropriate, of identical or similar content;
- coordination, where this is of mutual interest, of efforts and activities via, or in the context of, international organizations, and of cooperation with third countries.

**▼B***Article 81*

Where cooperation takes the form of participation by EFTA States in an EC framework programme, specific programme, project or other action, the following principles shall apply:

- (a) The EFTA States shall have access to all parts of a programme.
- (b) The status of the EFTA States in the committees which assist the EC Commission in the management or development of a Community activity to which EFTA States may be contributing financially by virtue of their participation shall take full account of that contribution.
- (c) Decisions by the Community, other than those relating to the general budget of the Community, which affect directly or indirectly a framework programme, specific programme, project or other action, in which EFTA States participate by a decision under this Agreement, shall be subject to the provisions of Article 79(3). The terms and conditions of the continued participation in the activity in question may be reviewed by the EEA Joint Committee in accordance with Article 86.
- (d) At the project level, institutions, undertakings, organizations and nationals of EFTA States shall have the same rights and obligations in the Community programme or other action in question as those applicable to partner institutions, undertakings, organizations and nationals of EC Member States. The same shall apply *mutatis mutandis* to participants in exchanges between EC Member States and EFTA States, under the activity in question.
- (e) EFTA States, their institutions, undertakings, organizations and nationals shall have the same rights and obligations with regard to dissemination, evaluation and exploitation of results as those applicable to EC Member States, their institutions, undertakings, organizations and nationals.
- (f) The Contracting Parties undertake, in accordance with their respective rules and regulations, to facilitate the movement of participants in the programme and other action to the extent necessary.

*Article 82*

1. When the cooperation envisaged under the present Part involves a financial participation of the EFTA States, this participation shall take one of the following forms:

- (a) The contribution of the EFTA States, arising from their participation in Community activities, shall be calculated proportionally:

— to the commitment appropriations; and

— to the payment appropriations;

entered each year for the Community in the general budget of the Community for each budgetary line corresponding to the activities in question.

**▼B**

The 'proportionality factor' determining the participation of the EFTA States shall be the sum of the ratios between, on the one hand, the gross domestic product at market prices of each of the EFTA States and, on the other hand, the sum of the gross domestic products at market prices of the EC Member States and of that EFTA State. This factor shall be calculated, for each budgetary year, on the basis of the most recent statistical data.

The amount of the contribution of the EFTA States shall be additional, both in commitment appropriations and in payment appropriations, to the amounts entered for the Community in the general budget on each line corresponding to the activities concerned.

The contributions to be paid each year by the EFTA States shall be determined on the basis of the payment appropriations.

Commitments entered into by the Community prior to the entry into force, on the basis of this Agreement, of the participation of the EFTA States in the activities in question — as well as the payments which result from this — shall give rise to no contribution on the part of the EFTA States.

- (b) The financial contribution of the EFTA States deriving from their participation in certain projects or other activities shall be based on the principle that each Contracting Party shall cover its own costs, with an appropriate contribution which shall be fixed by the EEA Joint Committee to the Community's overhead costs.
- (c) The EEA Joint Committee shall take the necessary decisions concerning the contribution of the Contracting Parties to the costs of the activity in question.

2. The detailed provisions for the implementation of this Article are set out in Protocol 32.

*Article 83*

Where cooperation takes the form of an exchange of information between public authorities, the EFTA States shall have the same rights to receive, and obligations to provide, information as EC Member States, subject to the requirements of confidentiality, which shall be fixed by the EEA Joint Committee.

*Article 84*

Provisions governing cooperation in specific fields are set out in Protocol 31.

*Article 85*

Unless otherwise provided for in Protocol 31, cooperation already established between the Community and individual EFTA States in the fields referred to in Article 78 on the date of entry into force of this Agreement shall thereafter be governed by the relevant provisions of this Part and of Protocol 31.

**▼B***Article 86*

The EEA Joint Committee shall, in accordance with Part VII, take all decisions necessary for the implementation of Articles 78 to 85 and measures derived therefrom, which may include, *inter alia*, supplementing and amending the provisions of Protocol 31, as well as adopting any transitional arrangements required by way of implementation of Article 85.

*Article 87*

The Contracting Parties shall take the necessary steps to develop, strengthen or broaden cooperation in the framework of the Community's activities in fields not listed in Article 78, where such cooperation is considered likely to contribute to the attainment of the objectives of this Agreement, or is otherwise deemed by the Contracting Parties to be of mutual interest. Such steps may include the amendment of Article 78 by the addition of new fields to those listed therein.

*Article 88*

Without prejudice to provisions of other Parts of this Agreement, the provisions of this Part shall not preclude the possibility for any Contracting Party to prepare, adopt and implement measures independently.

## PART VII

## INSTITUTIONAL PROVISIONS

## CHAPTER 1

## THE STRUCTURE OF THE ASSOCIATION

## Section 1

## The EEA Council

*Article 89*

1. An EEA Council is hereby established. It shall, in particular, be responsible for giving the political impetus in the implementation of this Agreement and laying down the general guidelines for the EEA Joint Committee.

To this end, the EEA Council shall assess the overall functioning and the development of the Agreement. It shall take the political decisions leading to amendments of the Agreement.

2. The Contracting Parties, as to the Community and the EC Member States in their respective fields of competence, may, after having discussed it in the EEA Joint Committee, or directly in exceptionally urgent cases, raise in the EEA Council any issue giving rise to a difficulty.

3. The EEA Council shall by decision adopt its rules of procedure.

**▼B***Article 90*

1. The EEA Council shall consist of the members of the Council of the European Communities and members of the EC Commission, and of one member of the Government of each of the EFTA States.

Members of the EEA Council may be represented in accordance with the conditions to be laid down in its rules of procedure.

2. Decisions by the EEA Council shall be taken by agreement between the Community, on the one hand, and the EFTA States, on the other.

*Article 91*

1. The office of President of the EEA Council shall be held alternately, for a period of six months, by a member of the Council of the European Communities and a member of the Government of an EFTA State,

2. The EEA Council shall be convened twice a year by its President. The EEA Council shall also meet whenever circumstances so require, in accordance with its rules of procedure.

**Section 2****The EEA Joint Committee***Article 92*

1. An EEA Joint Committee is hereby established. It shall ensure the effective implementation and operation of this Agreement. To this end, it shall carry out exchanges of views and information and take decisions in the cases provided for in this Agreement.

2. The Contracting Parties, as to the Community and the EC Member States in their respective fields of competence, shall hold consultations in the EEA Joint Committee on any point of relevance to the Agreement giving rise to a difficulty and raised by one of them.

3. The EEA Joint Committee shall by decision adopt its rules of procedure.

*Article 93*

1. The EEA Joint Committee shall consist of representatives of the Contracting Parties.

2. The EEA Joint Committee shall take decisions by agreement between the Community, on the one hand, and the EFTA States speaking with one voice, on the other.

*Article 94*

1. The office of President of the EEA Joint Committee shall be held alternately, for a period of six months, by the representative of the Community, i.e. the EC Commission, and the representative of one of the EFTA States.

2. In order to fulfil its functions, the EEA Joint Committee shall meet, in principle, at least once a month. It shall also meet on the initiative of its President or at the request of one of the Contracting Parties in accordance with its rules of procedure.

**▼B**

3. The EEA Joint Committee may decide to establish any subcommittee or working group to assist it in carrying out its tasks. The EEA Joint Committee shall in its rules of procedure lay down the composition and mode of operation of such subcommittees and working groups. Their tasks shall be determined by the EEA Joint Committee in each individual case.

4. The EEA Joint Committee shall issue an annual report on the functioning and the development of this Agreement.

**Section 3****Parliamentary cooperation***Article 95*

1. An EEA Joint Parliamentary Committee is hereby established. It shall be composed of equal numbers of, on the one hand, members of the European Parliament and, on the other, members of Parliaments of the EFTA States. The total number of members of the Committee is laid down in the Statute in Protocol 36.

2. The EEA Joint Parliamentary Committee shall alternately hold sessions in the Community and in an EFTA State in accordance with the provisions laid down in Protocol 36.

3. The EEA Joint Parliamentary Committee shall contribute, through dialogue and debate, to a better understanding between the Community and the EFTA States in the fields covered by this Agreement.

4. The EEA Joint Parliamentary Committee may express its views in the form of reports or resolutions, as appropriate. It shall, in particular, examine the annual report of the EEA Joint Committee, issued in accordance with Article 94(4), on the functioning and the development of this Agreement.

5. The President of the EEA Council may appear before the EEA Joint Parliamentary Committee in order to be heard by it.

6. The EEA Joint Parliamentary Committee shall adopt its rules of procedure.

**Section 4****Cooperation between economic and social partners***Article 96*

1. Members of the Economic and Social Committee and other bodies representing the social partners in the Community and the corresponding bodies in the EFTA States shall work to strengthen contacts between them and to cooperate in an organized and regular manner in order to enhance the awareness of the economic and social aspects of the growing interdependence of the economies of the Contracting Parties and of their interests within the context of the EEA.

2. To this end, an EEA Consultative Committee is hereby established. It shall be composed of equal numbers of, on the one hand, members of the Economic and Social Committee of the Community and, on the other, members of the EFTA Consultative Committee. The EEA Consultative Committee may express its views in the form of reports or resolutions, as appropriate.

3. The EEA Consultative Committee shall adopt its rules of procedure.



CHAPTER 2  
THE DECISION-MAKING PROCEDURE

*Article 97*

This Agreement does not prejudice the right for each Contracting Party to amend, without prejudice to the principle of non-discrimination and after having informed the other Contracting Parties, its internal legislation in the areas covered by this Agreement:

- if the EEA Joint Committee concludes that the legislation as amended does not affect the good functioning of this Agreement; or
- if the procedures referred to in Article 98 have been completed.

*Article 98*

The Annexes to this Agreement and Protocols 1 to 7, 9 to 11, 19 to 27, 30 to 32, 37, 39, 41 and 47, as appropriate, may be amended by a decision of the EEA Joint Committee in accordance with Articles 93(2), 99, 100, 102 and 103.

*Article 99*

1. As soon as new legislation is being drawn up by the EC Commission in a field which is governed by this Agreement, the EC Commission shall informally seek advice from experts of the EFTA States in the same way as it seeks advice from experts of the EC Member States for the elaboration of its proposals.

2. When transmitting its proposal to the Council of the European Communities, the EC Commission shall transmit copies thereof to the EFTA States.

At the request of one of the Contracting Parties, a preliminary exchange of views takes place in the EEA Joint Committee.

3. During the phase preceding the decision of the Council of the European Communities, in a continuous information and consultation process, the Contracting Parties consult each other again in the EEA Joint Committee at the significant moments at the request of one of them.

4. The Contracting Parties shall cooperate in good faith during the information and consultation phase with a view to facilitating, at the end of the process, the decision-taking in the EEA Joint Committee.

*Article 100*

The EC Commission shall ensure experts of the EFTA States as wide a participation as possible according to the areas concerned, in the preparatory stage of draft measures to be submitted subsequently to the committees which assist the EC Commission in the exercise of its executive powers. In this regard, when drawing up draft measures the EC Commission shall refer to experts of the EFTA States on the same basis as it refers to experts of the EC Member States.

**▼B**

In the cases where the Council of the European Communities is seized in accordance with the procedure applicable to the type of committee involved, the EC Commission shall transmit to the Council of the European Communities the views of the experts of the EFTA States.

*Article 101*

1. In respect of committees which are covered neither by Article 81 nor by Article 100 experts from EFTA States shall be associated with the work when this is called for by the good functioning of this Agreement,

These committees are listed in Protocol 37. The modalities of such an association are set out in the relevant sectoral Protocols and Annexes dealing with the matter concerned.

2. If it appears to the Contracting Parties that such an association should be extended to other committees which present similar characteristics, the EEA Joint Committee may amend Protocol 37.

*Article 102*

1. In order to guarantee the legal security and the homogeneity of the EEA, the EEA Joint Committee shall take a decision concerning an amendment of an Annex to this Agreement as closely as possible to the adoption by the Community of the corresponding new Community legislation with a view to permitting a simultaneous application of the latter as well as of the amendments of the Annexes to the Agreement. To this end, the Community shall, whenever adopting a legislative act on an issue which is governed by this Agreement, as soon as possible inform the other Contracting Parties in the EEA Joint Committee.

2. The part of an Annex to this Agreement which would be directly affected by the new legislation is assessed in the EEA Joint Committee.

3. The Contracting Parties shall make all efforts to arrive at an agreement on matters relevant to this Agreement.

The EEA Joint Committee shall, in particular, make every effort to find a mutually acceptable solution where a serious problem arises in any area which, in the EFTA States, falls within the competence of the legislator.

4. If, notwithstanding the application of the preceding paragraph, an agreement on an amendment of an Annex to this Agreement cannot be reached, the EEA Joint Committee shall examine all further possibilities to maintain the good functioning of this Agreement and take any decision necessary to this effect, including the possibility to take notice of the equivalence of legislation. Such a decision shall be taken at the latest at the expiry of a period of six months from the date of referral to the EEA Joint Committee or, if that date is later, on the date of entry into force of the corresponding Community legislation.



**▼B**

5. If, at the end of the time-limit set out in paragraph 4, the EEA Joint Committee has not taken a decision on an amendment of an Annex to this Agreement, the affected part thereof, as determined in accordance with paragraph 2, is regarded as provisionally suspended, subject to a decision to the contrary by the EEA Joint Committee. Such a suspension shall take effect six months after the end of the period referred to in paragraph 4, but in no event earlier than the date on which the corresponding EC act is implemented in the Community. The EEA Joint Committee shall pursue its efforts to agree on a mutually acceptable solution in order for the suspension to be terminated as soon as possible.

6. The practical consequences of the suspension referred to in paragraph 5 shall be discussed in the EEA Joint Committee. The rights and obligations which individuals and economic operators have already acquired under this Agreement shall remain. The Contracting Parties shall, as appropriate, decide on the adjustments necessary due to the suspension.

*Article 103*

1. If a decision of the EEA Joint Committee can be binding on a Contracting Party only after the fulfilment of constitutional requirements, the decision shall, if a date is contained therein, enter into force on that date, provided that the Contracting Party concerned has notified the other Contracting Parties by that date that the constitutional requirements have been fulfilled.

In the absence of such a notification by that date, the decision shall enter into force on the first day of the second month following the last notification.

2. If upon the expiry of a period of six months after the decision of the EEA Joint Committee such a notification has not taken place, the decision of the EEA Joint Committee shall be applied provisionally pending the fulfilment of the constitutional requirements unless a Contracting Party notifies that such a provisional application cannot take place. In the latter case, or if a Contracting Party notifies the non-ratification of a decision of the EEA Joint Committee, the suspension provided for in Article 102(5) shall take effect one month after such a notification but in no event earlier than the date on which the corresponding EC act is implemented in the Community.

*Article 104*

Decisions taken by the EEA Joint Committee in the cases provided for in this Agreement shall, unless otherwise provided for therein, upon their entry into force be binding on the Contracting Parties which shall take the necessary steps to ensure their implementation and application.

## CHAPTER 3

**HOMOGENEITY, SURVEILLANCE PROCEDURE AND SETTLEMENT OF DISPUTES**

## Section 1

**Homogeneity***Article 105*

1. In order to achieve the objective of the Contracting Parties to arrive at as uniform an interpretation as possible of the provisions of the Agreement and those provisions of Community legislation which are substantially reproduced in the Agreement, the EEA Joint Committee shall act in accordance with this Article.

**▼B**

2. The EEA Joint Committee shall keep under constant review the development of the case-law of the Court of Justice of the European Communities and the EFTA Court. To this end judgments of these Courts shall be transmitted to the EEA Joint Committee which shall act so as to preserve the homogeneous interpretation of the Agreement.

3. If the EEA Joint Committee within two months after a difference in the case-law of the two Courts has been brought before it, has not succeeded to preserve the homogeneous interpretation of the Agreement, the procedures laid down in Article 111 may be applied.

*Article 106*

In order to ensure as uniform an interpretation as possible of this Agreement, in full deference to the independence of courts, a system of exchange of information concerning judgments by the EFTA Court, the Court of Justice of the European Communities and the Court of First Instance of the European Communities and the Courts of last instance of the EFTA States shall be set up by the EEA Joint Committee. This system shall comprise:

- (a) transmission to the Registrar of the Court of Justice of the European Communities of judgments delivered by such courts on the interpretation and application of, on the one hand, this Agreement or, on the other hand, the Treaty establishing the European Economic Community and the Treaty establishing the European Coal and Steel Community, as amended or supplemented, as well as the acts adopted in pursuance thereof in so far as they concern provisions which are identical in substance to those of this Agreement;
- (b) classification of these judgments by the Registrar of the Court of Justice of the European Communities including, as far as necessary, the drawing up and publication of translations and abstracts;
- (c) communications by the Registrar of the Court of Justice of the European Communities of the relevant documents to the competent national authorities, to be designated by each Contracting Party.

*Article 107*

Provisions on the possibility for an EFTA State to allow a court or tribunal to ask the Court of Justice of the European Communities to decide on the interpretation of an EEA rule are laid down in Protocol 34.

**Section 2****Surveillance procedure***Article 108*

1. The EFTA States shall establish an independent surveillance authority (EFTA Surveillance Authority) as well as procedures similar to those existing in the Community including procedures for ensuring the fulfilment of obligations under this Agreement and for control of the legality of acts of the EFTA Surveillance Authority regarding competition.

2. The EFTA States shall establish a court of justice (EFTA Court).

**▼B**

The EFTA Court shall, in accordance with a separate agreement between the EFTA States, with regard to the application of this Agreement be competent, in particular, for:

- (a) actions concerning the surveillance procedure regarding the EFTA States;
- (b) appeals concerning decisions in the field of competition taken by the EFTA Surveillance Authority;
- (c) the settlement of disputes between two or more EFTA States.

*Article 109*

1. The fulfilment of the obligations under this Agreement shall be monitored by, on the one hand, the EFTA Surveillance Authority and, on the other, the EC Commission acting in conformity with the Treaty establishing the European Economic Community, the Treaty establishing the European Coal and Steel Community and this Agreement.

2. In order to ensure a uniform surveillance throughout the EEA, the EFTA Surveillance Authority and the EC Commission shall cooperate, exchange information and consult each other on surveillance policy issues and individual cases.

3. The EC Commission and the EFTA Surveillance Authority shall receive any complaints concerning the application of this Agreement. They shall inform each other of complaints received.

4. Each of these bodies shall examine all complaints falling within its competence and shall pass to the other body any complaints which fall within the competence of that body.

5. In case of disagreement between these two bodies with regard to the action to be taken in relation to a complaint or with regard to the result of the examination, either of the bodies may refer the matter to the EEA Joint Committee which shall deal with it in accordance with Article 111.

*Article 110*

Decisions under this Agreement by the EFTA Surveillance Authority and the EC Commission which impose a pecuniary obligation on persons other than States, shall be enforceable. The same shall apply to such judgments under this Agreement by the Court of Justice of the European Communities, the Court of First Instance of the European Communities and the EFTA Court.

Enforcement shall be governed by the rules of civil procedure in force in the State in the territory of which it is carried out. The order for its enforcement shall be appended to the decision, without other formality than verification of the authenticity of the decision, by the authority which each Contracting Party shall designate for this purpose and shall make known to the other Contracting Parties, the EFTA Surveillance Authority, the EC Commission, the Court of Justice of the European Communities, the Court of First Instance of the European Communities and the EFTA Court.

When these formalities have been completed on application by the party concerned, the latter may proceed to enforcement, in accordance with the law of the State in the territory of which enforcement is to be carried out, by bringing the matter directly before the competent authority.

**▼B**

Enforcement may be suspended only by a decision of the Court of Justice of the European Communities, as far as decisions by the EC Commission, the Court of First Instance of the European Communities or the Court of Justice of the European Communities are concerned, or by a decision of the EFTA Court as far as decisions by the EFTA Surveillance Authority or the EFTA Court are concerned. However, the courts of the States concerned shall have jurisdiction over complaints that enforcement is being carried out in an irregular manner.

## Section 3

**Settlement of disputes***Article 111*

1. The Community or an EFTA State may bring a matter under dispute which concerns the interpretation or application of this Agreement before the EEA Joint Committee in accordance with the following provisions.

2. The EEA Joint Committee may settle the dispute. It shall be provided with all information which might be of use in making possible an in-depth examination of the situation, with a view to finding an acceptable solution. To this end, the EEA Joint Committee shall examine all possibilities to maintain the good functioning of the Agreement.

3. If a dispute concerns the interpretation of provisions of this Agreement, which are identical in substance to corresponding rules of the Treaty establishing the European Economic Community and the Treaty establishing the European Coal and Steel Community and to acts adopted in application of these two Treaties and if the dispute has not been settled within three months after it has been brought before the EEA Joint Committee, the Contracting Parties to the dispute may agree to request the Court of Justice of the European Communities to give a ruling on the interpretation of the relevant rules.

If the EEA Joint Committee in such a dispute has not reached an agreement on a solution within six months from the date on which this procedure was initiated or if, by then, the Contracting Parties to the dispute have not decided to ask for a ruling by the Court of Justice of the European Communities, a Contracting Party may, in order to remedy possible imbalances,

— either take a safeguard measure in accordance with Article 112(2) and following the procedure of Article 113;

— or apply Article 102 *mutatis mutandis*.

4. If a dispute concerns the scope or duration of safeguard measures taken in accordance with Article 111(3) or Article 112, or the proportionality of rebalancing measures taken in accordance with Article 114, and if the EEA Joint Committee after three months from the date when the matter has been brought before it has not succeeded to resolve the dispute, any Contracting Party may refer the dispute to arbitration under the procedures laid down in Protocol 33. No question of interpretation of the provisions of this Agreement referred to in paragraph 3 may be dealt with in such procedures. The arbitration award shall be binding on the parties to the dispute.

**▼B**CHAPTER 4  
SAFEGUARD MEASURES*Article 112*

1. If serious economic, societal or environmental difficulties of a sectorial or regional nature liable to persist are arising, a Contracting Party may unilaterally take appropriate measures under the conditions and procedures laid down in Article 113.
2. Such safeguard measures shall be restricted with regard to their scope and duration to what is strictly necessary in order to remedy the situation. Priority shall be given to such measures as will least disturb the functioning of this Agreement.
3. The safeguard measures shall apply with regard to all Contracting Parties.

*Article 113*

1. A Contracting Party which is considering taking safeguard measures under Article 112 shall, without delay, notify the other Contracting Parties through the EEA Joint Committee and shall provide all relevant information.
2. The Contracting Parties shall immediately enter into consultations in the EEA Joint Committee with a view to finding a commonly acceptable solution.
3. The Contracting Party concerned may not take safeguard measures until one month has elapsed after the date of notification under paragraph 1, unless the consultation procedure under paragraph 2 has been concluded before the expiration of the stated time-limit. When exceptional circumstances requiring immediate action exclude prior examination, the Contracting Party concerned may apply forthwith the protective measures strictly necessary to remedy the situation.

For the Community, the safeguard measures shall be taken by the EC Commission.

4. The Contracting Party concerned shall, without delay, notify the measures taken to the EEA Joint Committee and shall provide all relevant information.
5. The safeguard measures taken shall be the subject of consultations in the EEA Joint Committee every three months from the date of their adoption with a view to their abolition before the date of expiry envisaged, or to the limitation of their scope of application.

Each Contracting Party may at any time request the EEA Joint Committee to review such measures.

**▼B***Article 114*

1. If a safeguard measure taken by a Contracting Party creates an imbalance between the rights and obligations under this Agreement, any other Contracting Party may towards that Contracting Party take such proportionate rebalancing measures as are strictly necessary to remedy the imbalance. Priority shall be given to such measures as will least disturb the functioning of the EEA.
2. The procedure under Article 113 shall apply.

PART VIII  
**FINANCIAL MECHANISM**

*Article 115*

With a view to promoting a continuous and balanced strengthening of trade and economic relations between the Contracting Parties, as provided for in Article 1, the Contracting Parties agree on the need to reduce the economic and social disparities between their regions. They note in this regard the relevant provisions set out elsewhere in this Agreement and its related Protocols, including certain of the arrangements regarding agriculture and fisheries.

*Article 116*

A Financial Mechanism shall be established by the EFTA States to contribute, in the context of the EEA and in addition to the efforts already deployed by the Community in this regard, to the objectives laid down in Article 115.

*Article 117*

Provisions governing the Financial Mechanism are set out in Protocol 38.

PART IX  
**GENERAL AND FINAL PROVISIONS**

*Article 118*

1. Where a Contracting Party considers that it would be useful in the interests of all the Contracting Parties to develop the relations established by this Agreement by extending them to fields not covered thereby, it shall submit a reasoned request to the other Contracting Parties within the EEA Council. The latter may instruct the EEA Joint Committee to examine all the aspects of this request and to issue a report.

The EEA Council may, where appropriate, take the political decisions with a view to opening negotiations between the Contracting Parties.

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.

**▼B***Article 119*

The Annexes and the acts referred to therein as adapted for the purposes of this Agreement as well as the Protocols shall form an integral part of this Agreement.

*Article 120*

Unless otherwise provided in this Agreement and in particular in ►**M1** Protocols 41 and 43 ◀, the application of the provisions of this Agreement shall prevail over provisions in existing bilateral or multilateral agreements binding the European Economic Community, on the one hand, and one or more EFTA States, on the other, to the extent that the same subject matter is governed by this Agreement.

*Article 121*

The provisions of this Agreement shall not preclude cooperation:

- (a) within the framework of the Nordic cooperation to the extent that such cooperation does not impair the good functioning of this Agreement;
- (b) within the framework of the regional union between Switzerland and Liechtenstein to the extent that the objectives of this union are not attained by the application of this Agreement and the good functioning of this Agreement is not impaired;
- (c) within the framework of cooperation between Austria and Italy concerning Tyrol, Vorarlberg and Trentino-South Tyrol/Alto Adige, to the extent that such cooperation does not impair the good functioning of this Agreement.

*Article 122*

The representatives, delegates and experts of the Contracting Parties, as well as officials and other servants acting under this Agreement shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components.

*Article 123*

Nothing in this 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;
- (b) which relate to the production of, or trade in, arms, munitions and war materials or other products indispensable for defence purposes 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 the event of serious internal disturbances affecting the maintenance of law and order, in time of war or serious international tension constituting threat of war or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security.

▼B*Article 124*

The Contracting Parties shall accord nationals of EC Member States and EFTA States the same treatment as their own nationals as regards participation in the capital of companies or firms within the meaning of Article 34, without prejudice to the application of the other provisions of this Agreement.

*Article 125*

This Agreement shall in no way prejudice the rules of the Contracting Parties governing the system of property ownership.

*Article 126*

1. The Agreement shall apply to the territories to which the Treaty establishing the European Economic Community and the Treaty establishing the European Coal and Steel Community is applied and under the conditions laid down in those Treaties, and to the territories of the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Principality of Liechtenstein, ►M1 the Kingdom of Norway and the Kingdom of Sweden ◀.

2. Notwithstanding paragraph 1, this Agreement shall not apply to the Åland Islands. The Government of Finland may, however, give notice, by a declaration deposited when ratifying this Agreement with the Depository, which shall transmit a certified copy thereof to the Contracting Parties, that the Agreement shall apply to those Islands under the same conditions as it applies to other parts of Finland subject to the following provisions:

- (a) The provisions of this Agreement shall not preclude the application of the provisions in force at any given time on the Åland Islands on:
  - (i) restrictions on the right for natural persons who do not enjoy regional citizenship in Åland, and for legal persons, to acquire and hold real property on the Åland Islands without permission by the competent authorities of the Islands;
  - (ii) restrictions on the right of establishment and the right to provide services by natural persons who do not enjoy regional citizenship in Åland, or by any legal person, without permission by the competent authorities of the Åland Islands.
- (b) The rights enjoyed by Ålanders in Finland shall not be affected by this Agreement.
- (c) The authorities of the Åland Islands shall apply the same treatment to all natural and legal persons of the Contracting Parties.

*Article 127*

Each Contracting Party may withdraw from this Agreement provided it gives at least 12 months' notice in writing to the other Contracting Parties.

Immediately after the notification of the intended withdrawal, the other Contracting Parties shall convene a diplomatic conference in order to envisage the necessary modifications to bring to the Agreement.



**▼B***Article 128*

1. ►**M1** Any European State becoming a member of the Community shall, and the Swiss Confederation or any European State becoming a member of EFTA may, apply to become a party to this Agreement. It shall address its application to the EEA Council. ◀

2. The terms and conditions for such participation shall be the subject of an agreement between the Contracting Parties and the applicant State. That agreement shall be submitted for ratification or approval by all Contracting Parties in accordance with their own procedures.

*Article 129*

1. This Agreement is drawn up in a single original in the Danish, Dutch, English, Finnish, French, German, Greek, Icelandic, Italian, Norwegian, Portuguese, Spanish and Swedish languages, each of these texts being equally authentic.

The texts of the acts referred to in the Annexes are equally authentic in Danish, Dutch, English, French, German, Greek, Italian, Portuguese and Spanish as published in the *Official Journal of the European Communities* and shall for the authentication thereof be drawn up in the Finnish, Icelandic, Norwegian and Swedish languages.

2. This Agreement shall be ratified or approved by the Contracting Parties in accordance with their respective constitutional requirements.

It shall be deposited with the General Secretariat of the Council of the European Communities by which certified copies shall be transmitted to all other Contracting Parties.

The instruments of ratification or approval shall be deposited with the General Secretariat of the Council of the European Communities which shall notify all other Contracting Parties.

**▼M1**

3. This Agreement shall enter into force on the date and under the conditions provided for in the Protocol adjusting the Agreement on the European Economic Area.

**▼B**

En fe de lo cual, los plenipotenciarios abajo firmantes suscriben el presente acuerdo.

Til bekæftelse heraf har undertegnede befuldmægtigede underskrevet denne aftale.

Zu Urkund dessen haben die unterzeichneten Bevollmächtigten ihre Unterschriften unter dieses Abkommen gesetzt.

Εἰς πίστωση τῶν ἀνωτέρω, οἱ υπογεγραμμένοι πληρεξούσιοι ἔθεσαν τὴς υπογραφὰς τοὺς στὴν παρούσα συμφωνία.

In witness whereof the undersigned Plenipotentiaries have signed this Agreement.

En foi de quoi, les plénipotentiaires soussignés ont apposé leurs signatures au bas du présent accord.

ÞEssu til staðfestingar hafa undirritaðir fulltrúar, sem til þess hafa fullt umboð, undirritað samning þennan.

In fede di che, i plenipotenziari sottoscritti hanno apposto le loro firme in calce al presente accordo.

Ten blijke waarvan de ondergetekende gevolmachtigden hun handtekening onder deze Overeenkomst hebben gesteld.

Som bevitnelse på dette har de undertegnede befullmäktigade undertegnet denne avtal.

Em fê do que, os plenipotenciários abaixo assinados apuseram as suas assinaturas no final do presente acordo.

Tämän vakuudeksi alla mainitut täysivaltaiset edustajat ovat allekirjoittaneet tämän sopimuksen.

Till bestyrkande härav har undertecknade befullmäktigade ombud undertecknat detta avtal.

Hecho en Oporto, el dos de mayo de mil novecientos noventa y dos.

Udfærdiget i Porto, den anden maj nitten hundrede og tooghalvfems.

Geschehen zu Porto am zweiten Mai neunzehnhundertzweiundneunzig.

Έγινε στο Πόρτο, στις δύο Μαΐου χίλια εννιακόσια ενενήντα δύο.

Done at Oporto on the second day of May in the year one thousand nine hundred and ninety-two.

Fait à Porto, le deux mai mil neuf cent quatre-vingt-douze.

Gjört í Oporto annan dag maímánaðar árið nítján hundruð níutíu og tvö.

Fatto a Porto, addì due maggio millenovecentonovantadue.

Gedaan te Oporto, de tweede mei negentienhonderd tweeënegentig.

Gitt i Oporte på den annen dag i mai i året nittenhundre og nitti to.

Feito no Porto, em dois de Maio de mil novecentos e noventa e dois.

Tehty portossa toisena päivänä toukokuuta tuhat yhdeksänsataayhdeksänkymmentäkaksi.

Undertecknat i Oporto de 2 maj 1992.



▼B

Für die Bundesrepublik Deutschland

*Hans-Martin*

Για την Ελληνική Δημοκρατία

*K. K. K.*

Por el Reino de España

*M. M.*

Pour la République française

*Roland Dumas*

Thar cheann Na hÉireann

For Ireland

*David O'Connell*

▼B

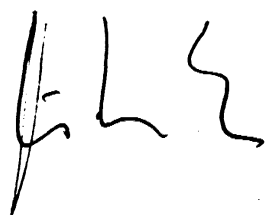
Per la Repubblica italiana

*S. De Michelis*

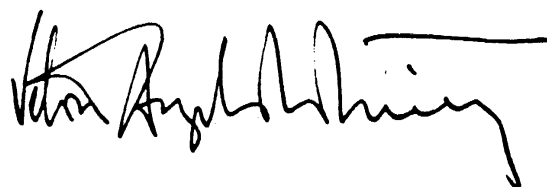
Pour le grand-duché de Luxembourg



Voor het Koninkrijk der Nederlanden

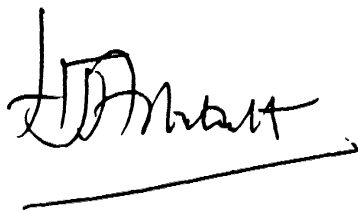


Pela República Portuguesa

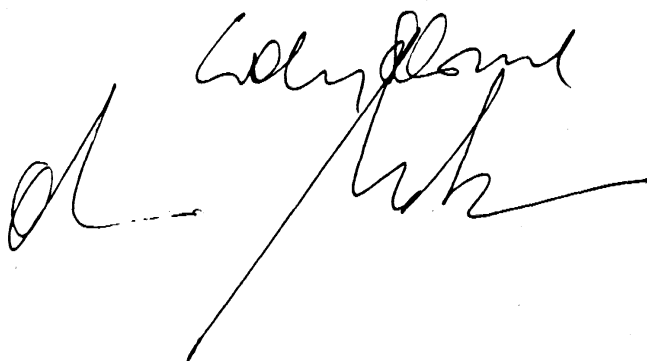


▼B

For the United Kingdom of Great Britain and Northern Ireland

A handwritten signature in black ink, appearing to be 'J. M. M. M.', with a horizontal line drawn underneath it.

Für die Republik Österreich

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Suomen tasavallan puolesta

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Fyrir Lýðveldið Ísland

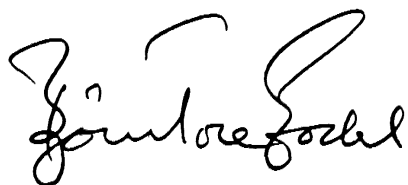
A handwritten signature in black ink, appearing to be 'J. B. B.', with a horizontal line drawn underneath it.

Für das Fürstentum Liechtenstein

A handwritten signature in black ink, appearing to be 'H. H. H.', with a horizontal line drawn underneath it.

▼B

For Kongeriket Norge

A handwritten signature in black ink, appearing to read "Jøntore Solbøl". The script is cursive and somewhat stylized.

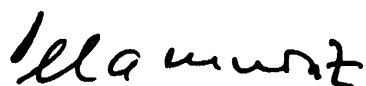
För Konungariket Sverige

A handwritten signature in black ink, appearing to read "Björn Wahlström". The script is cursive and somewhat stylized.

Für die Schweizerische Eidgenossenschaft

Pour la Confédération suisse

Per la Confederazione svizzera

A handwritten signature in black ink, appearing to read "M. M. M. M.". The script is cursive and somewhat stylized.

**▼B****PROTOCOLS****PROTOCOL 1****on horizontal adaptations**

The provisions of the acts referred to in the Annexes to the Agreement shall be applicable in accordance with the Agreement and this Protocol, unless otherwise provided in the respective Annex. The specific adaptations necessary for individual acts are set out in the Annex where the act concerned is listed.

**1. INTRODUCTORY PARTS OF THE ACTS**

The preambles of the acts referred to are not adapted for the purposes of the Agreement. They are relevant to the extent necessary for the proper interpretation and application, within the framework of the Agreement, of the provisions contained in such acts.

**2. PROVISIONS ON EC COMMITTEES**

Procedures, institutional arrangements or other provisions concerning EC committees contained in the acts referred to are dealt with in Articles 81, 100 and 101 of the Agreement and in Protocol 31.

**3. PROVISIONS SETTING UP PROCEDURES FOR ADAPTING/AMENDING COMMUNITY ACTS**

Where an act referred to provides for EC procedures on its adaptation, extension or amendment or for the development of new Community policies, initiatives or acts, the relevant decision-making procedures provided for in the Agreement shall apply.

**4. EXCHANGE OF INFORMATION AND NOTIFICATION PROCEDURES****▼M2**

- (a) Where an EC Member State is to submit information to the EC Commission, an EFTA State shall submit such information to the EFTA Surveillance Authority which shall pass it on to the Standing Committee on the EFTA States. The same shall apply when the transmission of information is to be carried out by the competent authorities. The EC Commission and the EFTA Surveillance Authority shall exchange information they have received from the EC Member States or from the EFTA States or from the competent authorities.

**▼B**

- (b) Where an EC Member State is to submit information to one or more other EC Member States, it shall also submit that information to the EC Commission which shall pass it on to the Standing Committee for distribution to the EFTA States.

An EFTA State shall submit corresponding information to one or more other EFTA States and to the Standing Committee which shall pass it on to the EC Commission for distribution to the EC Member States. The same shall apply when the information is to be submitted by the competent authorities.



**▼B**

- (c) In areas where, for reasons of urgency, rapid transfer of information is called for, appropriate sectoral solutions providing for direct exchange of information shall apply.
- (d) Functions of the EC Commission in the context of procedures for verification or approval, information, notification or consultation and similar matters shall for the EFTA States be carried out according to procedures established among them. This is without prejudice to paragraphs 2, 3 and 7. The EC Commission and the EFTA Surveillance Authority or the Standing Committee, as the case may be, shall exchange all information regarding these matters. Any issue arising in this context may be referred to the EEA Joint Committee.

**5. REVIEW AND REPORTING PROCEDURES**

Where, according to an act referred to, the EC Commission or another EC body is to prepare a report or an assessment or the like, the EFTA Surveillance Authority or the Standing Committee, as the case may be, shall, unless otherwise agreed, concurrently prepare, as appropriate, a corresponding report or assessment or the like, with regard to the EFTA States. The EC Commission and the EFTA Surveillance Authority or the Standing Committee, as the case may be, shall consult each other and exchange information during the preparation of their respective reports, copies of which shall be sent to the EEA Joint Committee.

**6. PUBLICATION OF INFORMATION**

- (a) Where, according to an act referred to, an EC Member State is to publish certain information on facts, procedures and the like, also the EFTA States shall, under the Agreement, publish the relevant information in a corresponding manner.
- (b) Where, according to an act referred to, facts, procedures, reports and the like are to be published in the Official Journal of the European Communities, the corresponding information regarding the EFTA States shall be published in a separate EEA section <sup>(1)</sup> thereof.

**7. RIGHTS AND OBLIGATIONS**

Rights conferred and obligations imposed upon the EC Member States or their public entities, undertakings or individuals in relation to each other, shall be understood to be conferred or imposed upon Contracting Parties, the latter also being understood, as the case may be, as their competent authorities, public entities, undertakings or individuals.

**8. REFERENCES TO TERRITORIES**

Whenever the acts referred to contain references to the territory of the 'Community' or of the 'common market' the references shall for the purposes of the Agreement be understood to be references to the territories of the Contracting Parties as defined in Article 126 of the Agreement.

**9. REFERENCES TO NATIONALS OF EC MEMBER STATES**

Whenever the acts referred to contain references to nationals of EC Member States, the references shall for the purposes of the Agreement be understood to be references also to nationals of EFTA States.

<sup>(1)</sup> The table of contents of the EEA section would also contain references to where the information in question concerning the EC and its Member States could be found.

**▼B**

## 10. REFERENCES TO LANGUAGES

Where an act referred to confers upon the EC Member States or their public entities, undertakings or individuals rights or imposes obligations regarding the use of any of the official languages of the European Communities, the corresponding rights and obligations regarding the use of any of the official languages of all Contracting Parties shall be understood to be conferred or imposed upon Contracting Parties, their competent authorities, public entities, undertakings or individuals.

## 11. ENTRY INTO FORCE AND IMPLEMENTATION OF ACTS

Provisions on the entry into force or implementation of the acts referred to in the Annexes to the Agreement are not relevant for the purposes of the Agreement. The time limits and dates for the EFTA States for bringing into force and implementing acts referred to follow from ►M1 the date of entry into force ◀ of the Agreement, as well as from provisions on transitional arrangements.

## 12. ADDRESSEES OF THE COMMUNITY ACTS

Provisions indicating that a Community act is addressed to the Member States of the Community are not relevant for the purposes of the Agreement.

**▼B****PROTOCOL 2****on products excluded from the scope of the Agreement in accordance with Article 8(3)(a)**

The following products falling within HS, Chapters 25 to 97, are excluded from the scope of the Agreement:

HS heading No	Product description
35.01	Casein, caseates and other casein derivatives; Casein glues
35.02	Albumins, albuminates and other albumin derivatives:
10	– Egg albumin:
ex 10	– – Other than unfit, or to be rendered unfit, for human consumption
90	– Other:
ex 90	– – Milk albumin (lactalbumin), other than unfit, or to be rendered unfit, for human consumption
35.05	Dextrins and other modified starches (for example, pregelatinized or esterified starches); glues based on starches, or on dextrins or other modified starches:
10	– Dextrins and other modified starches:
ex 10	– – Starches, esterified or etherified

**▼B****PROTOCOL 3****concerning products referred to in Article 8(3)(b) of the Agreement**

## CHAPTER I

**GENERAL PROVISION***Article 1***Application of the EEA provisions**

Subject to the provisions of this Protocol and unless otherwise specified in the Agreement, the provisions of the Agreement shall apply to products listed in Tables I and II.

## CHAPTER II

**PRICE COMPENSATION ARRANGEMENTS***Article 2***General principle of price compensation**

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 variable components upon import and the granting of refunds upon export.
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 price compensation amounts.

*Article 3***New calculation system**

1. Subject to the conditions and specific provisions set out in Articles 4 to 9, the price compensation shall be calculated on the basis of the amounts of raw materials actually used in the manufacture of the product and on the basis of jointly confirmed reference prices.
2. Unless otherwise provided in Article 1 of Appendix 1, the Contracting Parties shall not levy customs duties or other fixed amounts on imported goods which are subject to the system referred to in paragraph 1.
3. The list of raw materials for which each Contracting Party may apply price compensation is established in Appendix 2. The procedure for the amendment of the list is established in Appendix 3.

*Article 4***Declaration of raw materials**

1. Whenever, in connection with the importation, a declaration of raw materials used in the production process is submitted to the authorities of the importing State, these authorities shall, unless they have reasonable doubt as to the accuracy of the information in the declaration, calculate the variable component in proportion to the net weight of the product presented for clearance and the amounts of raw materials indicated in the declaration.

**▼B**

2. Rules concerning the declarations to be used and procedures for their submission are established in Appendix 4.

*Article 5***Verification of declarations**

1. The Contracting Parties shall assist each other in verifying the accuracy of the declarations.
2. The details of the verification procedure of the declarations are established in Appendix 5.

*Article 6***Reference prices**

1. Contracting Parties shall notify to the EEA Joint Committee the prices of raw materials for which price compensation measures are applied. The prices which are notified 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 notification shall be adjusted accordingly.
2. The EEA Joint Committee shall on the basis of the notifications periodically confirm the reference prices to be used in the calculation of price compensation amounts.
3. Details of the reference prices to be used, the notification system and the procedures for the confirmation of the reference prices are established in Appendix 6.

*Article 7***Coefficients**

1. When converting amounts of raw materials concerned into quantities of raw materials for which there is a reference price confirmed, the Contracting Parties shall use agreed coefficients.
2. A list of the coefficients to be applied is provided for in Appendix 7.

*Article 8***Difference between the reference prices**

For each of the raw materials concerned, the price compensation amount shall not exceed the difference between the domestic reference price and the lowest of the reference prices in any of the Contracting Parties.

*Article 9***Limit to price compensation amounts**

A Contracting Party shall not levy on a product coming from another Contracting Party variable price compensation components higher than the customs duty or fixed amount which it applied on 1 January 1992 to the product concerned when coming from the Contracting Party in question. This limit also applies when the customs duty or fixed amount was administered through a tariff quota, but not in cases where, in addition to the customs duty or fixed amount, the product concerned was subject to a price compensation measure on 1 January 1992.



CHAPTER III  
OTHER PROVISIONS

*Article 10*

**Non-application of Chapter II to Table II products**

1. The provisions of Chapter II shall not apply to products listed in Table II. In particular, with respect to these products, the Contracting Parties may not levy customs duties on imports or charges having equivalent effect, including variable components, or grant refunds upon export.

2. As regards the products referred to in paragraph 1, special arrangements concerning customs duties on imports and other fixed amounts are set out in Article 2 of Appendix 1.

*Article 11*

**Application of Protocol No 2**

In so far as trade between an EFTA State and the Community in a product covered by the respective Table of Protocol No 2 of the Free Trade Agreement is concerned and without prejudice to the provision of Article 6 of Appendix 1 to this Protocol, the provisions of the Protocol No 2 and Protocol No 3 of the respective Free Trade Agreement as well as all other relevant provisions of the Free Trade Agreement shall apply:

- if the product is listed in Table I but the conditions for the application of the system set out in Articles 3 to 9 are not fulfilled, or
- if the product falls within HS Chapters 1 to 24 but is not listed in Table I or II, or
- if the product is listed in Protocol 2 of this Agreement.

*Article 12*

**Transparency**

1. The Contracting Parties shall make available to the EEA Joint Committee as soon as possible and at the latest two weeks after their entry into force, full details of any price compensation measures applied on the basis of the system set out in Articles 3 to 9. Any Contracting Party may request an examination of such measures in the light of the foregoing provisions within the EEA Joint Committee.

2. In case a Contracting Party applies, autonomously or on contractual basis, to products not listed in Table I or to products listed in that Table but coming from third countries, a system similar to that set out in Articles 3 to 9, it shall inform the EEA Joint Committee.

3. The Contracting Parties shall also inform the EEA Joint Committee of internal measures which reduce the price of raw materials to processing industries.

**▼B**

4. Any Contracting Party may request a discussion in the EEA Joint Committee on the systems and measures referred to in paragraphs 2 and 3.

*Article 13***Country-specific arrangements**

►**M12** 1. ◀ Articles 4 to 6 of Appendix 1 contain specific arrangements concerning Austria, Finland, Iceland and Norway.

**▼M12**

2. With regard to Liechtenstein, the provisions of this Protocol shall apply as from 1 January 2000.

**▼B***Article 14***Reviews**

The Contracting Parties shall review at two-yearly intervals the development of their trade in processed agricultural products. A first review shall be held before the end of 1993. In the light of these reviews the Contracting Parties will decide on a possible extension of the product coverage of the Protocol as well as on a possible abolition of the remaining customs duties and other charges referred to in Articles 1 and 2 of Appendix 1.

**▼B***APPENDIX I**Article 1*

1. The Contracting Parties may, in addition to variable price compensation components, apply customs duties or other fixed amounts not exceeding 10 % on the following products:

20.07 Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter

2. The Contracting Parties shall abolish progressively in accordance with the following timetable customs duties and other fixed amounts on the products listed below:

(a) on 1 January 1993 each duty shall be reduced to five-sixths of the basic duty;

(b) five further reductions of one-sixth each shall be made on 1 January 1994, 1 January 1995, 1 January 1996, 1 January 1997 and 1 January 1998.

13.02 Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:

20 – Pectic substances, pectinates and pectates:

ex 20 – – Containing 5 % or more by weight of added sugar

15.17 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 No 15.16:

10 – Margarine, excluding liquid margarine:

ex 10 – – Containing more than 10 % but not more than 15 % by weight of milkfats

90 – Other:

ex 90 – – Containing more than 10 % but not more than 15 % by weight of milkfats

21.06 Food preparations not elsewhere specified or included:

ex 21.06 – Other than flavoured or coloured sugar syrups:

– – Containing more than 15 % by weight of milkfat

3. The Contracting Parties shall reduce progressively in accordance with the following timetable customs duties and other fixed amounts on the product indicated below:

(a) on 1 January 1993 each duty shall be reduced to 90 % of the basic duty;

(b) four further reductions of 10 % each shall be made on 1 January 1994, 1 January 1995, 1 January 1996 and 1 January 1997.

17.02 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.



**▼B***Article 2*

1. The Contracting Parties shall abolish progressively in accordance with the following timetable customs duties on imports and other fixed amounts on the products listed below:

- (a) on 1 January 1993 each duty shall be reduced to five-sixths of the basic duty;
- (b) five further reductions of one-sixth each shall be made on 1 January 1994, 1 January 1995, 1 January 1996, 1 January 1997 and 1 January 1998.

- 13.02 Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:
- 20 – Pectic substances, pectinates and pectates:
  - ex 20 – Containing less than 5 % by weight of added sugar

2. The Contracting Parties shall reduce progressively in accordance with the following timetable customs duties on imports and other fixed amounts on the product indicated below:

- (a) on 1 January 1993 each duty shall be reduced to 90 % of the basic duty;
- (b) four further reductions of 10 % each shall be made on 1 January 1994, 1 January 1995, 1 January 1996 and 1 January 1997.

- 17.02 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:
- 90 – Other, including invert sugar;
  - ex 90 – – Chemically pure maltose.

*Article 3*

1. The basic duties to which the successive reductions provided for in Articles 1 and 2 are to be applied shall, for each product, be the duties actually applied by a Contracting Party on 1 January 1992 to products coming from the other Contracting Parties. If, after 1 January 1992, any tariff reductions resulting from the multilateral trade negotiations of the Uruguay Round become applicable, such reduced duties shall be used as the basic duties.

2. The reduced duties shall be applied by rounding down to the first decimal place by deleting the second decimal.

*Article 4*

1. With regard to Finland, the provisions of Article 9 of the Protocol shall not apply to the products falling within HS heading Nos 15.17 and 20.07.

2. With regard to Norway, the provisions of Article 9 of the Protocol shall not apply to the products falling within HS heading Nos 20.07, 20.08 and 21.04.

**▼B***Article 5*

1. With regard to Iceland, the provisions of the Protocol shall not apply to the following products:

- 21.05 Ice cream and other edible ice, whether or not containing cocoa
- 21.06 Food preparations not elsewhere specified or included:
  - 90 – Other:
    - ex 90 – – Preparations consisting mainly of fat and water, containing more than 15 % by weight of butter or other milkfat

This temporary arrangement shall be taken up for a review by the Contracting Parties before the end of 1998.

2. With regard to Iceland the limitation, foreseen in Article 9 of the Protocol, of price compensation amounts levied on imports shall not apply to Iceland for products falling within HS heading Nos 04.03, 15.17, 18.06, 19.01, 19.02, 19.05, 20.07, 21.03 and 21.04.

However, the amounts of import charges levied at the border shall not in any case exceed the level applied by Iceland in 1991 to imports coming from any Contracting Party.

*Article 6*

1. With regard to Austria, Article 16 of the Agreement shall be applicable to products falling within HS heading No 22.08 at the latest from 1 January 1996. The licensing system applied by Austria to these products shall, however, be liberalized and licences granted automatically from 1 January 1993.

Austria shall progressively eliminate during the period 1 January 1993 to 1 January 1996, in accordance with the following timetable, the customs duties levied at the border on spirituous beverages and unde-natured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol., falling within HS heading No 22.08:

- (a) on 1 January 1993 the customs duty actually applied on 1 January 1991 shall be reduced by 15 %,
- (b) a further reduction of 15 % shall be made on 1 January 1994,
- (c) a further reduction of 30 % shall be made on 1 January 1995, and
- (d) a final reduction of 40 % shall be made on 1 January 1996.

The reduced duties shall be applied by rounding down to the first decimal place by deleting the second decimal.

Notwithstanding the above, Austria will, taking into account the tariff concessions granted to the European Community in the trade arrangement for certain agricultural products originating in the Community, abolish as from 1 January 1993 import duties on the following products:

- 2208 ex 30 Irish whiskey
- 40 Rum and tafia
- ex 90 Irish cream liqueurs and ouzo

**▼B**

2. As regards other duties and taxes imposed on spirituous beverages falling within HS heading No 22.08 Austria will comply with the provisions of Article 14 of the Agreement.

3. (a) Austria shall apply the provisions of the Agreement to the following products at the latest from 1 January 1997:

- 3505 Dextrins and other modified starches (for example, pregelatinized or esterified starches); glues based on starches, or on dextrins or other modified starches:
- 10 – Dextrins and other modified starches:
  - ex 10 – – Other than starches, esterified or etherified
  - 20 – Glues
- 3809 Finishing agents, dye carriers to accelerate the dyeing or fixing of 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:
- 10 – With a basis of amylaceous substances
  - – Other:
  - ex 91 – – Of a kind used in the textile industry:
    - Containing starch or products derived from starch
  - ex 92 – – Of a kind used in the paper industry:
    - Containing starch or products derived from starch
  - ex 99 – – Other:
    - Containing starch or products derived from starch
- 3823 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:
- 10 – Prepared binders for foundry moulds or cores:
  - ex 10 – – Based on starch or dextrin starch
  - 90 – Other:
  - ex 90 – – With a total content of sugar, starch, products derived from starch or goods of heading Nos 0401 to 0404 of 30 % by weight or more

(b) As long as Austria does not apply the provisions of the Agreement for the above-listed products, the provisions of the Free Trade Agreement between the EEC and Austria concerning bilateral trade in this sector, including the rules of origin of Protocol No 3 and all other relevant provisions, shall continue to be applicable. Under the same conditions, for trade between Austria and the other EFTA States in the above-listed products, Article 21 of, and Annex B to the EFTA Convention as well as all other relevant provisions shall continue to be applicable.

**▼B**

*APPENDIX 2*

**List of raw materials subject to price compensation referred to in Article 3(3)**

*APPENDIX 3*

**Procedure for the amendment of the list of raw materials subject to price compensation referred to in Article 3(3) and Appendix 2**

*APPENDIX 4*

**Rules concerning the declarations to be used and procedures for their submission referred to in Article 4(2)**

*APPENDIX 5*

**Details of the verification procedure of the declaration referred to in Article 5(2)**

*APPENDIX 6*

**Details of the reference prices to be used, the notification system and the procedures for the confirmation of the reference prices referred to in Article 6(3)**

*APPENDIX 7*

**List of coefficients to be applied and referred to in Article 7(2).**

▼B

TABLE I

HS heading No	Description of goods
0403	Buttermilk, curdled milk and cream, yoghurt, 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	– Yoghurt:
ex 10	– – Flavoured or containing added fruit, nuts or cocoa
90	– Other:
ex 90	– – Flavoured or containing added fruit, nuts or cocoa
0710	Vegetables (uncooked or cooked by steaming or boiling in water), frozen:
40	– Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )
0711 <sup>(1)</sup>	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> )
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:
20	– Pectic substances, pectinates and pectates:
ex 20	– – Containing 5 % or more by weight of added sugar
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 No 1516:
10	– Margarine, excluding liquid margarine:
ex 10	– – Containing more than 10 % but not more than 15 % by weight of milkfats
90	– Other:
ex 90	– – Containing more than 10 % but not more than 15 % by weight of milkfats
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
1704	Sugar confectionery (including white chocolate), not containing cocoa

▼B

HS heading No	Description of goods
1806	Chocolate and other food preparations containing cocoa
1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 50 %, not elsewhere specified or included; food preparations of goods of heading Nos 0401 to 0404, not containing cocoa powder or containing cocoa powder in a proportion by weight of less than 10 %, 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; <ul style="list-style-type: none"> <li>– Uncooked pasta, not stuffed or otherwise prepared; <ul style="list-style-type: none"> <li>11 – – Containing eggs</li> <li>19 – – Other</li> <li>20 – Stuffed pasta, whether or not cooked or otherwise prepared: <ul style="list-style-type: none"> <li>ex 20 – – Other than products containing more than 20 % by weight of sausage, meat, meat offal or blood, or any combination thereof</li> <li>30 – Other pasta</li> <li>40 – Couscous</li> </ul> </li> </ul> </li> </ul>
1903	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or in similar forms
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, pre-cooked or otherwise prepared
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
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid; <ul style="list-style-type: none"> <li>90 – Other: <ul style="list-style-type: none"> <li>ex 90 – – Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>); yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch</li> </ul> </li> </ul>
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen: <ul style="list-style-type: none"> <li>10 – Potatoes: <ul style="list-style-type: none"> <li>ex 10 – – In the form of flour, meal or flakes</li> <li>90 – Other vegetables and mixtures of vegetables: <ul style="list-style-type: none"> <li>ex 90 – – Sweet corn (<i>Zea mays</i> var. <i>saccharata</i>)</li> </ul> </li> </ul> </li> </ul>

▼B

HS heading No	Description of goods
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen:
20	– Potatoes:
ex 20	– – In the form of flour, meal or flakes
80	– Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )
2007	Jams, fruit jellies, marmalades, fruit or nut puree and fruit or nut pastes, being cooked preparations, 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:
11	– – Ground-nuts:
ex 11	– – – Peanut butter
	– Other, including mixtures other than those of subheading No 2008 19:
92	– – Mixtures:
ex 92	– – – Based on cereals
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:
10	– Extracts, essences and concentrates, of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:
ex 10	– – Containing by weight 1.5 % or more milkfat, 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 milkfat, 2,5 % or more milk proteins, 5 % or more sugar or 5 % or more starch
30	– Roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof:
ex 30	– – Other roasted coffee substitutes than roasted chicory; extracts, essences and concentrates of other roasted coffee substitutes than roasted chicory

▼B

HS heading No	Description of goods
2102	Yeasts (active or inactive); other single-cell micro-organisms, dead (but not including vaccines of heading No 3002); prepared baking powders:
10	– Active yeasts:
ex 10	– – Other than bakers' yeast, excluding those for animal feeding
20	– Inactive yeasts; other single-cell micro-organisms, dead:
ex 20	– – Other than those for animal feeding
30	– Prepared baking powders
2103	Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard:
20	– Tomato ketchup and other tomato sauces
30	– Mustard flour and meal and prepared mustard:
ex 30	– – Prepared mustard containing 5 % or more by weight of added sugar
90	– Other:
ex 90	– – Other than mango chutney, liquid
2104	Soups and broths and preparations therefor; homogenized composite food preparations
2105	Ice cream and other edible ice, whether or not containing cocoa
2106	Food preparations not elsewhere specified or included:
ex 2106	– Other than flavoured or coloured sugar syrups
2203	Beer made from malt
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol.; spirits, liqueurs and other spirituous beverages; compound alcoholic preparations of a kind used for the manufacture of beverages:
50	– Gin and geneva
90	– Other:
ex 90	– – Liqueurs containing more than 5 % by weight of added sugar; vodka and aquavit
2209	Vinegar and substitutes for vinegar obtained from acetic acid



▼B

HS heading No	Description of goods
29,5	Acyclic alcohols and their halogenated, sulphonated, nitrated or nitrosated derivatives:
	– Other polyhydric alcohols:
43	– – Mannitol
44	– – D-glucitol (sorbitol)
3505	Dextrins and other modified starches (for example, pregelatinized or esterified starches); glues based on starches, or on dextrins or other modified starches:
ex 3505	– Other than starches, esterified or etherified (ex 10)
3809	Finishing agents, dye carriers to accelerate the dyeing or fixing of 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:
10	– With a basis of amylaceous substances
3823	Prepared binders for foundry moulds or cores; chemical products and preparations of the chemical or allied industries (including those consisting of mixture of natural products), not elsewhere specified or included; residual products of the chemical or allied industries, not elsewhere specified or included:
60	– Sorbitol other than that of subheading No 2905 44

(1) HS heading Nos 0711, 2001, 2004: Sweet corn mentioned under these headings does not include mixtures of sweet corn and other products of these headings.

TABLE II

HS heading No	Description of goods
0901	Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion
0902	Tea
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:
	– Vegetable saps and extracts:
12	– – Of liquorice
13	– – Of hops
20	– Pectic substances, pectinates and pectates:
ex 20	– – Containing less than 5 % by weight of added sugar
	– Mucilages and thickeners, whether or not modified, derived from vegetable products:
31	– – Agar-agar

▼B

HS heading No	Description of goods
32	– – Mucilages and thickeners, whether or not modified, derived from locust beans, locust bean seeds or guar seeds
39	– – Other
1404	Vegetable products not elsewhere specified or included:
20	– Cotton linters
1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinized, 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’
1518	Animal or vegetable fats and oils and their fractions, boiled, oxidized, dehydrated, sulphurized, blown, polymerized 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:
ex 1518	– Linoxyn
1519	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols:
ex 1519	– Other than those for animal feeding
1520	Glycerol (glycerine), whether or not pure; 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:
90	– Other, including invert sugar:
ex 90	– – Chemically pure maltose
1803	Cocoa paste, whether or not defatted
1804	Cocoa butter, fat and oil
1805	Cocoa powder, not containing added sugar or other sweetening matter

▼B

HS heading No	Description of goods
2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid:
90	– Other than whole or in pieces
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:
91	– Other, including mixtures other than those of subheading No 2008 19: – – Palm hearts
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:
10	– Extracts, essences and concentrates, of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:
ex 10	– – Containing no milkfats, milk proteins, sugar or starch or containing by weight less than 1.5 % milkfat, 2.5 % milk proteins, 5 % sugar or 5 % 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 milkfats, milk proteins, sugar or starch or containing by weight less than 1.5 % milkfat, 2.5 % milk proteins, 5 % sugar or 5 % starch
30	– Roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof:
ex 30	– – Roasted chicory; extracts, essences and concentrates of roasted chicory
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; prepared mustard containing less than 5 % by weight of added sugar
90	– Other:
ex 90	– – Mango chutney, liquid

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HS heading No	Description of goods
2201	Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavoured; ice and snow
2208	<p data-bbox="528 416 1037 539">Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol.; spirits, liqueurs and other spirituous beverages; compound alcoholic preparations of a kind used for the manufacture of beverages:</p> <p data-bbox="416 568 1037 618">20 – Spirits obtained by distilling grape wine or grape marc</p> <p data-bbox="416 647 1037 674">30 – Whiskies</p> <p data-bbox="416 703 1037 730">40 – Rum and tafia</p> <p data-bbox="416 759 1037 786">90 – Other:</p> <p data-bbox="389 815 1037 864">ex 90 – – Other than liqueurs containing more than 5 % by weight of added sugar, vodka and aquavit</p>

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▼ **M18**TITLE I  
GENERAL PROVISIONS*Article 1***Definitions**

For the purposes of this Protocol:

- (a) ‘manufacture’ means any kind of working or processing including assembly or specific operations;
- (b) ‘material’ means any ingredient, raw material, component or part, etc., used in the manufacture of the product;
- (c) ‘product’ means the product being manufactured, even if it is intended for later use in another manufacturing operation;
- (d) ‘goods’ means both materials and products;
- (e) ‘customs value’ means the value as determined in accordance with the 1994 Agreement on implementation of Article VII of the General Agreement on Tariffs and Trade (WTO Agreement on customs valuation);
- (f) ‘ex-works price’ means the price paid for the product ex works to the manufacturer in the European Economic Area (EEA) in whose undertaking the last working or processing is carried out, provided the price includes the value of all the materials used, minus any internal taxes which are, or may be, repaid when the product obtained is exported;
- (g) ‘value of materials’ means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the EEA;
- (h) ‘value of originating materials’ means the value of such materials as defined in subparagraph (g) applied *mutatis mutandis*;
- (i) ‘added value’ shall be taken to be the ex-works price minus the customs value of each of the products incorporated which did not originate in the country in which those products were obtained;
- (j) ‘chapters’ and ‘headings’ mean the chapters and the headings (four-digit codes) used in the nomenclature which makes up the Harmonized Commodity Description and Coding System, referred to in this Protocol as ‘the Harmonized System’ or ‘HS’;
- (k) ‘classified’ refers to the classification of a product or material under a particular heading;
- (l) ‘consignment’ means products which are either sent simultaneously from one exporter to one consignee or covered by a single transport document covering their shipment from the exporter to the consignee or, in the absence of such a document, by a single invoice;
- (m) ‘territories’ includes territorial waters.

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## TITLE II

**DEFINITION OF THE CONCEPT OF 'ORIGINATING PRODUCTS'***Article 2***General requirements**

1. A product shall be considered to be originating in the EEA within the meaning of this Agreement if it has been either wholly obtained there within the meaning of Article 4 or sufficiently worked or processed in the EEA within the meaning of Article 5. For this purpose, the territories of the Contracting Parties to which this Agreement applies, shall be considered as a single territory.

2. Notwithstanding paragraph 1, the territory of the Principality of Liechtenstein shall, until 1 January 2000, be excluded from that of the EEA, for the purpose of determining the origin of the products referred to in Tables I and II of Protocol 3 and such products shall be considered to be originating in the EEA only if they have been either wholly obtained or sufficiently worked or processed in the territories of the other Contracting Parties.

*Article 3***Diagonal cumulation of origin**

1. Subject to the provisions of paragraphs 2 and 3, materials originating in Poland, Hungary, the Czech Republic, the Slovak Republic, Bulgaria, Romania, Latvia, Lithuania, Estonia, Slovenia or Switzerland, within the meaning of the Agreements between the Contracting Parties and these countries, shall be considered as originating in the EEA when incorporated into a product obtained there. It shall not be necessary that such materials have undergone sufficient working or processing.

2. Products which have acquired originating status by virtue of paragraph 1 shall only continue to be considered as products originating in the EEA when the value added there exceeds the value of the materials used originating in any one of the other countries referred to in paragraph 1. If this is not so, the products concerned shall be considered as originating in the country referred to in paragraph 1 which accounts for the highest value of originating materials used. In the allocation of origin, no account shall be taken of materials originating in the other countries referred to in paragraph 1 which have undergone sufficient working or processing in the EEA.

3. The cumulation provided for in this Article may only be applied where the processing requirements for non-originating materials to obtain originating status contained in the Agreements concerned are identical to the requirements contained in Annex II to this Protocol. The Contracting Parties shall provide each other, through the European Commission, with details of agreements and their corresponding rules of origin which have been concluded with the other countries referred to in paragraph 1.

4. The European Commission shall publish in the *Official Journal of the European Communities* (C series) the date on which the countries referred to in paragraph 1 have met the obligations laid down in paragraph 3.



**▼M18***Article 4***Wholly obtained products**

1. The following shall be considered as wholly obtained in the EEA:
  - (a) mineral products extracted from their soil or from their seabed;
  - (b) vegetable products harvested there;
  - (c) live animals born and raised there;
  - (d) products from live animals raised there;
  - (e) products obtained by hunting or fishing conducted there;
  - (f) products of sea fishing and other products taken from the sea outside the territorial waters of the Contracting Parties by their vessels;
  - (g) products made aboard their factory ships exclusively from products referred to in subparagraph (f);
  - (h) used articles collected there fit only for the recovery of raw materials, including used tyres fit only for retreading or for use as waste;
  - (i) waste and scrap resulting from manufacturing operations conducted there;
  - (j) products extracted from marine soil or subsoil outside their territorial waters provided that they have sole rights to work that soil or subsoil;
  - (k) goods produced there exclusively from the products specified in subparagraphs (a) to (j).
2. The terms 'their vessels' and 'their factory ships' in paragraph 1 (f) and (g) shall apply only to vessels and factory ships:
  - (a) which are registered or recorded in an EC Member State or an EFTA State;
  - (b) which sail under the flag of an EC Member State or an EFTA State;
  - (c) which are owned to an extent of at least 50 % by nationals of EC Member States or of an EFTA State, or by a company with its head office in one of these States, of which the manager or managers, Chairman of the Board of Directors or the Supervisory Board, and the majority of the members of such boards are nationals of EC Member States or of an EFTA State and of which, in addition, in the case of partnerships or limited companies, at least half the capital belongs to those States or to public bodies or nationals of the said States;

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- (d) of which the master and officers are nationals of EC Member States or of an EFTA State; and
- (e) of which at least 75 % of the crew are nationals of EC Member States or of an EFTA State.

*Article 5***Sufficiently worked or processed products**

1. For the purposes of Article 2, products which are not wholly obtained are considered to be sufficiently worked or processed when the conditions set out in the list in Annex II are fulfilled.

The conditions referred to above indicate, for all products covered by this Agreement, the working or processing which must be carried out on non-originating materials used in manufacturing and apply only in relation to such materials. Accordingly, it follows that if a product which has acquired originating status by fulfilling the conditions set out in the list is used in the manufacture of another product, the conditions applicable to the product in which it is incorporated do not apply to it, and no account shall be taken of the non-originating materials which may have been used in its manufacture.

2. Notwithstanding paragraph 1, non-originating materials which, according to the conditions set out in the list, should not be used in the manufacture of a product may nevertheless be used, provided that:

- (a) their total value does not exceed 10 % of the ex-works price of the product;
- (b) any of the percentages given in the list for the maximum value of non-originating materials are not exceeded through the application of this paragraph.

This paragraph shall not apply to products falling within Chapters 50 to 63 of the Harmonized System.

3. Paragraphs 1 and 2 shall apply except as provided in Article 6.

*Article 6***Insufficient working or processing operations**

1. Without prejudice to paragraph 2, the following operations shall be considered as insufficient working or processing to confer the status of originating products, whether or not the requirements of Article 5 are satisfied:

- (a) operations to ensure the preservation of products in good condition during transport and storage (ventilation, spreading out, drying, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations);
- (b) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching (including the making-up of sets of articles), washing, painting, cutting up;

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- (c) (i) changes of packaging and breaking up and assembly of packages;
- (ii) simple placing in bottles, flasks, bags, cases, boxes, fixing on cards or boards, etc., and all other simple packaging operations;
- (d) affixing marks, labels and other like distinguishing signs on products or their packaging;
- (e) simple mixing of products, whether or not of different kinds, where one or more components of the mixtures do not meet the conditions laid down in this Protocol to enable them to be considered as originating in the EEA;
- (f) simple assembly of parts to constitute a complete product;
- (g) a combination of two or more operations specified in subparagraphs (a) to (f);
- (h) slaughter of animals.

2. All the operations carried out in the EEA on a given product shall be considered together when determining whether the working or processing undergone by that product is to be regarded as insufficient within the meaning of paragraph 1.

*Article 7***Unit of qualification**

1. The unit of qualification for the application of the provisions of this Protocol shall be the particular product which is considered as the basic unit when determining classification using the nomenclature of the Harmonized System.

Accordingly, it follows that:

- (a) when a product composed of a group or assembly of articles is classified under the terms of the Harmonized System in a single heading, the whole constitutes the unit of qualification;
- (b) when a consignment consists of a number of identical products classified under the same heading of the Harmonized System, each product must be taken individually when applying the provisions of this Protocol.

2. Where, under General Rule 5 of the Harmonized System, packaging is included with the product for classification purposes, it shall be included for the purposes of determining origin.

**▼M18***Article 8***Accessories, spare parts and tools**

Accessories, spare parts and tools dispatched with a piece of equipment, machine, apparatus or vehicle, which are part of the normal equipment and included in the price thereof or which are not separately invoiced, shall be regarded as one with the piece of equipment, machine, apparatus or vehicle in question.

*Article 9***Sets**

Sets, as defined in General Rule 3 of the Harmonized System, shall be regarded as originating when all component products are originating. Nevertheless, when a set is composed of originating and non-originating products, the set as a whole shall be regarded as originating, provided that the value of the non-originating products does not exceed 15 % of the ex-works price of the set.

*Article 10***Neutral elements**

In order to determine whether a product originates, it shall not be necessary to determine the origin of the following which might be used in its manufacture:

- (a) energy and fuel;
- (b) plant and equipment;
- (c) machines and tools;
- (d) goods which do not enter and which are not intended to enter into the final composition of the product.

## TITLE III

**TERRITORIAL REQUIREMENTS***Article 11***Principle of territoriality**

1. The conditions set out in Title II relative to the acquisition of originating status must be fulfilled without interruption in the EEA, except as provided for in Article 3 and paragraph 3 below.

2. If originating goods exported from the EEA to another country are returned, except in so far as provided for in Article 3, they must be considered as non-originating, unless it can be demonstrated to the satisfaction of the customs authorities that:

- (a) the goods returned are the same goods as those exported; and
- (b) they have not undergone any operation beyond that necessary to preserve them in good condition while in that country or while being exported.

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3. The acquisition of originating status under the conditions set out in Title II shall not be affected by working or processing carried out outside the EEA on materials exported from the EEA and subsequently reimported there, provided that:

- (a) the said materials are wholly obtained in the EEA or have undergone there working or processing going beyond the insufficient operations listed in Article 6 prior to their exportation outside the EEA; and
- (b) it can be demonstrated to the satisfaction of the customs authorities that:
  - (i) the reimported goods result from the working or processing of the exported materials; and
  - (ii) the total added value acquired outside the EEA through the application of this Article does not exceed 10 % of the ex-works price of the final product for which originating status is claimed.

4. For the purposes of paragraph 3, the conditions set out in Title II relative to the acquisition of originating status shall not apply in respect of working or processing carried out outside the EEA. Nevertheless, where, in the list in Annex II, a rule giving the maximum value of all the non-originating materials used is applied in determining the originating status of the final product concerned, the total value of the non-originating materials used in the EEA and the total added value acquired outside the EEA through the application of this Article taken together shall not exceed the percentage given.

5. For the purposes of paragraphs 3 and 4, 'total added value' shall mean all costs accumulated outside the EEA, including the value of the materials added there.

6. Paragraphs 3 and 4 shall not apply to products which do not fulfil the conditions set out in the list in Annex II and which can only be considered as sufficiently worked or processed as a result of the application of the general tolerance in Article 5 (2).

7. Paragraphs 3 and 4 shall not apply to products falling within Chapters 50 to 63 of the Harmonized System.

#### *Article 12*

#### **Direct transport**

1. The preferential treatment provided for under the Agreement applies only to products satisfying the requirements of this Protocol which are transported directly within the EEA or through the territories of the countries referred to in Article 3. However, products constituting one single consignment may be transported through other territories with, should the occasion arise, trans-shipment or temporary warehousing in such territories, provided that they remain under the surveillance of the customs authorities in the country of transit or warehousing and do not undergo operations other than unloading, reloading or any operation designed to preserve them in good condition.

Originating products may be transported by pipeline across territory other than that of the EEA.

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2. Evidence that the conditions set out in paragraph 1 have been fulfilled shall be supplied to the customs authorities of the importing country by the production of:

- (a) a single transport document covering the passage from the exporting country through the country of transit; or
- (b) a certificate issued by the customs authorities of the country of transit:
  - (i) giving an exact description of the products;
  - (ii) stating the dates of unloading and reloading of the products and, where applicable, the names of the ships, or the other means of transport used; and
  - (iii) certifying the conditions under which the products remained in the transit country; or
- (c) failing these, any substantiating documents.

*Article 13***Exhibitions**

1. Originating products, sent for exhibition in a country other than those referred to in Article 3 and sold after the exhibition for importation in the EEA shall benefit on importation from the provisions of the Agreement provided it is shown to the satisfaction of the customs authorities that:

- (a) an exporter has consigned these products from one of the Contracting Parties to the country in which the exhibition is held and has exhibited them there;
- (b) the products have been sold or otherwise disposed of by that exporter to a person in another Contracting Party;
- (c) the products have been consigned during the exhibition or immediately thereafter in the state in which they were sent for exhibition; and
- (d) the products have not, since they were consigned for exhibition, been used for any purpose other than demonstration at the exhibition.

2. A proof of origin must be issued or made out in accordance with the provisions of Title V and submitted to the customs authorities of the importing country in the normal manner. The name and address of the exhibition must be indicated thereon. Where necessary, additional documentary evidence of the conditions under which they have been exhibited may be required.

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3. Paragraph 1 shall apply to any trade, industrial, agricultural or crafts exhibition, fair or similar public show or display which is not organized for private purposes in shops or business premises with a view to the sale of foreign products, and during which the products remain under customs control.

## TITLE IV

**DRAWBACK OR EXEMPTION***Article 14***Prohibition of drawback of, or exemption from, customs duties****▼ M49**

1. Non-originating materials used in the manufacture of products originating in the EEA within the meaning of this Protocol or in one of the countries referred to in Article 3 for which a proof of origin is issued or made out in accordance with the provisions of Title V shall not be subject in any of the contracting parties to drawback of, or exemption from, customs duties of whatever kind.

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2. The prohibition in paragraph 1 shall apply to any arrangement for refund, remission or non-payment, partial or complete, of customs duties or charges having an equivalent effect, applicable in any of the Contracting Parties to materials used in the manufacture, where such refund, remission or non-payment applies, expressly or in effect, when products obtained from the said materials are exported and not when they are retained for home use there.

3. The exporter of products covered by a proof of origin shall be prepared to submit at any time, upon request from the customs authorities, all appropriate documents proving that no drawback has been obtained in respect of the non-originating materials used in the manufacture of the products concerned and that all customs duties or charges having equivalent effect applicable to such materials have actually been paid.

4. The provisions of paragraphs 1 to 3 shall also apply in respect of packaging within the meaning of Article 7 (2), accessories, spare parts and tools within the meaning of Article 8 and products in a set within the meaning of Article 9 when such items are non-originating.

5. The provisions of paragraphs 1 to 4 shall apply only in respect of materials which are of the kind to which the Agreement applies. Furthermore, they shall not preclude the application of a system of export refunds for agricultural products, applicable upon export in accordance with the provisions of the Agreement.

## TITLE V

**PROOF OF ORIGIN***Article 15***General requirements**

1. Originating products shall, on importation into one of the Contracting Parties, benefit from the Agreement upon submission of either:

- (a) a movement certificate EUR.1, a specimen of which appears in Annex III; or

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(b) in the cases specified in Article 20 (1), a declaration, the text of which appears in Annex IV, given by the exporter on an invoice, a delivery note or any other commercial document which describes the products concerned in sufficient detail to enable them to be identified (hereinafter referred to as the 'invoice declaration').

2. Notwithstanding paragraph 1, originating products shall, in the cases specified in Article 25, benefit from this Agreement without it being necessary to submit any of the documents referred to above.

*Article 16***Procedure for the issue of a movement certificate EUR.1**

1. A movement certificate EUR.1 shall be issued by the customs authorities of the exporting country on application having been made in writing by the exporter or, under the exporter's responsibility, by his authorized representative.

2. For this purpose, the exporter or his authorized representative shall fill out both the movement certificate EUR.1 and the application form, specimens of which appear in Annex III. These forms shall be completed in one of the languages in which this Agreement is drawn up and in accordance with the provisions of the domestic law of the exporting country. If they are handwritten, they shall be completed in ink in printed characters. The description of the products must be given in the box reserved for this purpose without leaving any blank lines. Where the box is not completely filled, a horizontal line must be drawn below the last line of the description, the empty space being crossed through.

3. The exporter applying for the issue of a movement certificate EUR.1 shall be prepared to submit at any time, at the request of the customs authorities of the exporting country where the movement certificate EUR.1 is issued, all appropriate documents proving the originating status of the products concerned as well as the fulfilment of the other requirements of this Protocol.

4. A movement certificate EUR.1 shall be issued by the customs authorities of an EC Member State or an EFTA State if the products concerned can be considered as products originating in the EEA or in one of the countries referred to in Article 3 and fulfil the other requirements of this Protocol.

5. The issuing customs authorities shall take any steps necessary to verify the originating status of the products and the fulfilment of the other requirements of this Protocol. For this purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate. The issuing customs authorities shall also ensure that the forms referred to in paragraph 2 are duly completed. In particular, they shall check whether the space reserved for the description of the products has been completed in such a manner as to exclude all possibility of fraudulent additions.

6. The date of issue of the movement certificate EUR.1 shall be indicated in Box 11 of the certificate.

7. A movement certificate EUR.1 shall be issued by the customs authorities and made available to the exporter as soon as actual exportation has been effected or ensured.



▼ **M18***Article 17***Movement certificates EUR.1 issued retrospectively**

1. Notwithstanding Article 16 (7), a movement certificate EUR.1 may exceptionally be issued after exportation of the products to which it relates if:

- (a) it was not issued at the time of exportation because of errors or involuntary omissions or special circumstances; or
- (b) it is demonstrated to the satisfaction of the customs authorities that a movement certificate EUR.1 was issued but was not accepted at importation for technical reasons.

2. For the implementation of paragraph 1, the exporter must indicate in his application the place and date of exportation of the products to which the movement certificate EUR.1 relates, and state the reasons for his request.

3. The customs authorities may issue a movement certificate EUR.1 retrospectively only after verifying that the information supplied in the exporter's application agrees with that in the corresponding file.

4. Movement certificates EUR.1 issued retrospectively must be endorsed with one of the following phrases:

‘NACHTRÄGLICH AUSGESTELLT’, ‘DELIVRE A POSTERIORI’, ‘RILASCIATO A POSTERIORI’, ‘AFGEGEVEN A POSTERIORI’, ‘ISSUED RETROSPECTIVELY’, ‘UDSTEDT EFTERFØLGENDE’, ‘ΕΚΔΟΘΕΝ ΕΚ ΤΩΝ ΥΣΤΕΡΩΝ’, ‘EXPEDIDO A POSTERIORI’, ‘EMITIDO A POSTERIORI’, ‘ANNETTU JÄLKIKÄTEEN’, ‘UTFÄRDAT I EFTERHAND’, ‘ÚTGEFID EFTIR Á’, ‘UTSTEDT SENERE’.

5. The endorsement referred to in paragraph 4 shall be inserted in the ‘Remarks’ box of the movement certificate EUR.1.

*Article 18***Issue of a duplicate movement certificate EUR.1**

1. In the event of theft, loss or destruction of a movement certificate EUR.1, the exporter may apply to the customs authorities which issued it for a duplicate made out on the basis of the export documents in their possession.

2. The duplicate issued in this way must be endorsed with one of the following words:

‘DUPLIKAT’, ‘DUPLICATA’, ‘DUPLICATO’, ‘DUPLICAAT’, ‘DUPLICATE’, ‘ΑΝΤΙΓΡΑΦΟ’, ‘DUPLICADO’, ‘SEGUNDA VIA’, ‘KAKSOISKAPPALE’, ‘EFTIRRIT’.

3. The endorsement referred to in paragraph 2 shall be inserted in the ‘Remarks’ box of the duplicate movement certificate EUR.1.

4. The duplicate, which must bear the date of issue of the original movement certificate EUR.1, shall take effect as from that date.

▼ **M18***Article 19***Issue of movement certificates EUR.1 on the basis of a proof of origin issued or made out previously**

When originating products are placed under the control of a customs office in the Community or an EFTA State, it shall be possible to replace the original proof of origin by one or more movement certificates EUR.1 for the purpose of sending all or some of these products elsewhere within the EEA. The replacement movement certificate(s) EUR.1 shall be issued by the customs office under whose control the products are placed.

*Article 20***Conditions for making out an invoice declaration**

1. An invoice declaration as referred to in Article 15 (1) (b) may be made out:

- (a) by an approved exporter within the meaning of Article 21, or
- (b) by any exporter for any consignment consisting of one or more packages containing originating products whose total value does not exceed ECU 6 000.

2. An invoice declaration may be made out if the products concerned can be considered as products originating in the EEA or in one of the countries referred to in Article 3 and fulfil the other requirements of this Protocol.

3. The exporter making out an invoice declaration shall be prepared to submit at any time, at the request of the customs authorities of the exporting country, all appropriate documents proving the originating status of the products concerned as well as the fulfilment of the other requirements of this Protocol.

4. An invoice declaration shall be made out by the exporter by typing, stamping or printing on the invoice, the delivery note or another commercial document, the declaration, the text of which appears in Annex IV, using one of the linguistic versions set out in that Annex and in accordance with the provisions of the domestic law of the exporting country. If the declaration is handwritten, it shall be written in ink in printed characters.

5. Invoice declarations shall bear the original signature of the exporter in manuscript. However, an approved exporter within the meaning of Article 21 shall not be required to sign such declarations provided that he gives the customs authorities of the exporting country a written undertaking that he accepts full responsibility for any invoice declaration which identifies him as if it had been signed in manuscript by him.

6. An invoice declaration may be made out by the exporter when the products to which it relates are exported, or after exportation on condition that it is presented in the importing country no longer than two years after the importation of the products to which it relates.

**▼M18***Article 21***Approved exporter**

1. The customs authorities of the exporting country may authorize any exporter who makes frequent shipments of products under this Agreement to make out invoice declarations irrespective of the value of the products concerned. An exporter seeking such authorization must offer to the satisfaction of the customs authorities all guarantees necessary to verify the originating status of the products as well as the fulfilment of the other requirements of this Protocol.
2. The customs authorities may grant the status of approved exporter subject to any conditions which they consider appropriate.
3. The customs authorities shall grant to the approved exporter a customs authorization number which shall appear on the invoice declaration.
4. The customs authorities shall monitor the use of the authorization by the approved exporter.
5. The customs authorities may withdraw the authorization at any time. They shall do so where the approved exporter no longer offers the guarantees referred to in paragraph 1, does not fulfil the conditions referred to in paragraph 2 or otherwise makes an incorrect use of the authorization.

*Article 22***Validity of proof of origin**

1. A proof of origin shall be valid for four months from the date of issue in the exporting country, and must be submitted within the said period to the customs authorities of the importing country.
2. Proofs of origin which are submitted to the customs authorities of the importing country after the final date for presentation specified in paragraph 1 may be accepted for the purpose of applying preferential treatment, where the failure to submit these documents by the final date set is due to exceptional circumstances.
3. In other cases of belated presentation, the customs authorities of the importing country may accept the proofs of origin where the products have been submitted before the said final date.

*Article 23***Submission of proof of origin**

Proofs of origin shall be submitted to the customs authorities of the importing country in accordance with the procedures applicable in that country. The said authorities may require a translation of a proof of origin and may also require the import declaration to be accompanied by a statement from the importer to the effect that the products meet the conditions required for the implementation of the Agreement.

**▼M18***Article 24***Importation by instalments**

Where, at the request of the importer and on the conditions laid down by the customs authorities of the importing country, dismantled or non-assembled products within the meaning of General Rule 2 (a) of the Harmonized System falling within Sections XVI and XVII or heading Nos 7308 and 9406 of the Harmonized System are imported by instalments, a single proof of origin for such products shall be submitted to the customs authorities upon importation of the first instalment.

*Article 25***Exemptions from proof of origin**

1. Products sent as small packages from private persons to private persons or forming part of travellers' personal luggage shall be admitted as originating products without requiring the submission of a proof of origin, provided that such products are not imported by way of trade and have been declared as meeting the requirements of this Protocol and where there is no doubt as to the veracity of such a declaration. In the case of products sent by post, this declaration can be made on the customs declaration C2/CP3 or on a sheet of paper annexed to that document.
2. Imports which are occasional and consist solely of products for the personal use of the recipients or travellers or their families shall not be considered as imports by way of trade if it is evident from the nature and quantity of the products that no commercial purpose is in view.
3. Furthermore, the total value of these products shall not exceed ECU 500 in the case of small packages or ECU 1 200 in the case of products forming part of travellers' personal luggage.

*Article 26***Supplier's declaration**

1. When a movement certificate EUR.1 is issued, or an invoice declaration is made out, in one of the Contracting Parties for originating products, in the manufacture of which goods coming from other Contracting Parties which have undergone working or processing in the EEA without having obtained preferential originating status have been used, account shall be taken of suppliers' declarations given for these goods in accordance with this Article.
2. The supplier's declaration referred to in paragraph 1 shall serve as the evidence of the working or processing undergone in the EEA by the goods concerned for the purpose of determining whether the products in the manufacture of which these goods are used, can be considered as products originating in the EEA and fulfil the other requirements of this Protocol.
3. A separate supplier's declaration shall, except in cases provided for in paragraph 4, be made out by the supplier for each consignment of goods in the form prescribed in Annex V on a sheet of paper annexed to the invoice, the delivery note or any other commercial document describing the goods concerned in sufficient detail to enable them to be identified.

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4. Where a supplier regularly supplies a particular customer with goods for which the working or processing undergone in the EEA is expected to remain constant for considerable periods of time, he may provide a single supplier's declaration to cover subsequent consignments of those goods, hereinafter referred to as a 'long-term supplier's declaration'.

A long-term supplier's declaration may normally be valid for a period of up to one year from the date of making out the declaration. The customs authorities of the country where the declaration is made out lay down the conditions under which longer periods may be used.

The long-term supplier's declaration shall be made out by the supplier in the form prescribed in Annex VI, and shall describe the goods concerned in sufficient detail to enable them to be identified. It shall be provided to the customer concerned before supplying him with the first consignment of goods covered by this declaration or together with his first consignment.

The supplier shall inform his customer immediately if the long-term supplier's declaration is no longer applicable to the goods supplied.

5. The supplier's declaration referred to in paragraphs 3 and 4 shall be typed or printed using one of the languages in which the Agreement is drawn up, in accordance with the provisions of the domestic law of the country where it is made out, and shall bear the original signature of the supplier in manuscript. The declaration may also be handwritten; in such a case, it shall be written in ink in printed characters.

6. The supplier making out a declaration must be prepared to submit at any time, at the request of the customs authorities of the country where the declaration is made out, all appropriate documents proving that the information given on this declaration is correct.

*Article 27*

**Supporting documents**

The documents referred to in Articles 16 (3), 20 (3) and 26 (6) used for the purpose of proving that products covered by a movement certificate EUR.1 or an invoice declaration can be considered as products originating in the EEA and fulfil the other requirements of this Protocol and that the information given in a supplier's declaration is correct may consist *inter alia* of the following:

- (a) direct evidence of the processes carried out by the exporter or supplier to obtain the goods concerned, contained for example in his accounts or internal bookkeeping;
- (b) documents proving the originating status of materials used, issued or made out in the Contracting Party where these documents are used in accordance with domestic law;
- (c) documents proving the working or processing of materials in the EEA, issued or made out in the Contracting Party where these documents are used in accordance with domestic law;
- (d) movement certificates EUR.1 or invoice declarations proving the originating status of materials used, issued or made out in other Contracting Parties in accordance with this Protocol or in one of the countries referred to in Article 3 in accordance with that Article;

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- (e) suppliers' declarations proving the working or processing undergone in the EEA by materials used, made out in other Contracting Parties in accordance with this Protocol;
- (f) appropriate evidence concerning working or processing undergone outside the EEA by application of Article 11, proving that the requirements of that Article have been satisfied.

*Article 28***Preservation of proof of origin, suppliers' declarations and supporting documents**

1. The exporter applying for the issue of a movement certificate EUR.1 shall keep for at least three years the documents referred to in Article 16 (3).
2. The exporter making out an invoice declaration shall keep for at least three years a copy of this invoice declaration as well as the documents referred to in Article 20 (3).
3. The supplier making out a supplier's declaration shall keep for at least three years copies of the declaration and of the invoice, delivery note or other commercial document to which this declaration is annexed as well as the documents referred to in Article 26 (6).

The supplier making out a long-term supplier's declaration shall keep for at least three years copies of the declaration and of all the invoices, delivery notes or other commercial documents concerning goods covered by that declaration sent to the customer concerned, as well as the documents referred to in Article 26 (6). This period shall begin from the date of expiry of validity of the long-term supplier's declaration.

4. The customs authorities of the exporting country issuing a movement certificate EUR.1 shall keep for at least three years the application form referred to in Article 16 (2).
5. The customs authorities of the importing country shall keep for at least three years the movement certificates EUR.1 and the invoice declarations submitted to them.

*Article 29***Discrepancies and formal errors**

1. The discovery of slight discrepancies between the statements made in the proof of origin and those made in the documents submitted to the customs office for the purpose of carrying out the formalities for importing the products shall not *ipso facto* render the proof of origin null and void if it is duly established that this document does correspond to the products submitted.
2. Obvious formal errors such as typing errors on a proof of origin should not cause this document to be rejected if these errors are not such as to create doubts concerning the correctness of the statements made in this document.

**▼M18***Article 30***Amounts expressed in ECU**

1. Amounts in the national currency of the exporting country equivalent to the amounts expressed in ECU shall be fixed by the exporting country and communicated to the other Contracting Parties.
2. When the amounts exceed the corresponding amounts fixed by the importing country, the latter shall accept them if the products are invoiced in the currency of the exporting country. When the products are invoiced in the currency of another Contracting Party or a country referred to in Article 3, the importing country shall recognize the amount notified by the country concerned.
3. The amounts to be used in any given national currency shall be the equivalent in that national currency of the amounts expressed in ECU as at the first working day in October 1996.
4. The amounts expressed in ECU and their equivalents in the national currencies of the EC Member States and EFTA States shall be reviewed by the EEA Joint Committee at the request of a Contracting Party. When carrying out this review, the EEA Joint Committee shall ensure that there will be no decrease in the amounts to be used in any national currency and shall furthermore consider the desirability of preserving the effects of the limits concerned in real terms. For this purpose, it may decide to modify the amounts expressed in ECU.

## TITLE VI

**ARRANGEMENTS FOR ADMINISTRATIVE COOPERATION***Article 31***Mutual assistance**

1. The customs authorities of the Contracting Parties shall provide each other with specimen impressions of stamps used in their customs offices for the issue of movement certificates EUR.1 and with the addresses of the customs authorities responsible for verifying those certificates and invoice declarations.
2. In order to ensure the proper application of this Protocol, the Contracting Parties shall assist each other, through the competent customs administrations, in checking the authenticity of the movement certificates EUR.1, the invoice declarations and the supplier's declarations and the correctness of the information given in these documents.

*Article 32***Verification of proofs of origin**

1. Subsequent verifications of proofs of origin shall be carried out at random or whenever the customs authorities of the importing country have reasonable doubts as to the authenticity of such documents, the originating status of the products concerned or the fulfilment of the other requirements of this Protocol.

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2. For the purposes of implementing the provisions of paragraph 1, the customs authorities of the importing country shall return the movement certificate EUR.1 and the invoice, if it has been submitted, the invoice declaration, or a copy of these documents, to the customs authorities of the exporting country giving, where appropriate, the reasons for the enquiry. Any documents and information obtained suggesting that the information given on the proof of origin is incorrect shall be forwarded in support of the request for verification.

3. The verification shall be carried out by the customs authorities of the exporting country. For this purpose, they shall have the right to call for any evidence and to carry out any inspection of the exporter's accounts or any other check considered appropriate.

4. If the customs authorities of the importing country decide to suspend the granting of preferential treatment to the products concerned while awaiting the results of the verification, release of the products shall be offered to the importer subject to any precautionary measures judged necessary.

5. The customs authorities requesting the verification shall be informed of the results of this verification as soon as possible. These results must indicate clearly whether the documents are authentic and whether the products concerned can be considered as products originating in the EEA or one of the countries referred to in Article 3 and fulfil the other requirements of this Protocol.

6. If in cases of reasonable doubt there is no reply within ten months of the date of the verification request or if the reply does not contain sufficient information to determine the authenticity of the document in question or the real origin of the products, the requesting customs authorities shall, except in exceptional circumstances, refuse entitlement to the preferences.

*Article 33***Verification of supplier's declarations**

1. Subsequent verifications of suppliers' declarations or long-term suppliers' declarations may be carried out at random or whenever the customs authorities of the country where such declarations have been taken into account to issue a movement certificate EUR.1 or to make out an invoice declaration have reasonable doubts as to the authenticity of the document or the correctness of the information given in this document.

2. For the purposes of implementing the provisions of paragraph 1, the customs authorities of the abovementioned country shall return the supplier's declaration and the invoice(s), delivery note(s) or other commercial document(s) concerning goods covered by this declaration, to the customs authorities of the country where the declaration was made out, giving, where appropriate, the reasons of substance or form of an enquiry.

They shall forward, in support of the request for subsequent verification, any documents and information that have been obtained suggesting that the information given in the supplier's declaration is incorrect.

3. The verification shall be carried out by the customs authorities of the country where the supplier's declaration was made out. For this purpose, they shall have the right to call for any evidence and carry out any inspection of the supplier's accounts or any other check which they consider appropriate.



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4. The customs authorities requesting the verification shall be informed of the results of this verification as soon as possible. These results must indicate clearly whether the information given in the supplier's declaration is correct and make it possible for them to determine whether and to what extent this supplier's declaration could be taken into account for issuing a movement certificate EUR.1 or for making out an invoice declaration.

*Article 34***Dispute settlement**

1. Where disputes arise in relation to the verification procedures of Articles 32 and 33 which cannot be settled between the customs authorities requesting a verification and the customs authorities responsible for carrying out this verification or where they raise a question as to the interpretation of this Protocol, they shall be submitted to the EEA Joint Committee.

2. In all cases the settlement of disputes between the importer and the customs authorities of the importing country shall be under the legislation of the said country.

*Article 35***Penalties**

Penalties shall be imposed on any person who draws up, or causes to be drawn up, a document which contains incorrect information for the purpose of obtaining a preferential treatment for products.

*Article 36***Free zones**

1. The Contracting Parties shall take all necessary steps to ensure that products traded under cover of a proof of origin which in the course of transport use a free zone situated in their territory, are not substituted by other goods and do not undergo handling other than normal operations designed to prevent their deterioration.

2. By means of an exemption to the provisions contained in paragraph 1, when products originating in the EEA are imported into a free zone under cover of a proof of origin and undergo treatment or processing, the authorities concerned shall issue a new EUR.1 certificate at the exporter's request, if the treatment or processing undergone is in conformity with the provisions of this Protocol.

## TITLE VII

**CEUTA AND MELILLA***Article 37***Application of the Protocol**

1. The term EEA used in this Protocol does not cover Ceuta and Melilla. The term 'products originating in the EEA' does not cover products originating in Ceuta and Melilla.

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2. For the purpose of the application of Protocol 49 concerning products originating in Ceuta and Melilla, this Protocol shall apply *mutatis mutandis* subject to the special conditions set out in Article 38.

*Article 38***Special conditions**

1. Providing they have been transported directly in accordance with the provisions of Article 12, the following shall be considered as:

- (1) products originating in Ceuta and Melilla:
  - (a) products wholly obtained in Ceuta and Melilla;
  - (b) products obtained in Ceuta and Melilla in the manufacture of which products other than those referred to in (a) are used, provided that:
    - (i) the said products have undergone sufficient working or processing within the meaning of Article 5 of this Protocol; or that
    - (ii) the said products are originating in the EEA within the meaning of this Protocol, provided that they have been submitted to working or processing which goes beyond the insufficient working or processing referred to in Article 6(1).
- (2) products originating in the EEA:
  - (a) products wholly obtained in the EEA;
  - (b) products obtained in the EEA, in the manufacture of which products other than those referred to in (a) are used, provided that:
    - (i) the said products have undergone sufficient working or processing within the meaning of Article 5 of this Protocol; or that
    - (ii) the said products are originating in Ceuta and Melilla within the meaning of this Protocol, provided that they have been submitted to working or processing which goes beyond the insufficient working or processing referred to in Article 6 (1).
2. Ceuta and Melilla shall be considered as a single territory.
3. The exporter or his authorized representative shall enter 'EEA' and 'Ceuta and Melilla' in Box 2 of movement certificates EUR.1 or on invoice declarations. In addition, in the case of products originating in Ceuta and Melilla, this shall be indicated in Box 4 of movement certificates EUR.1 or on invoice declarations.
4. The Spanish customs authorities shall be responsible for the application of this Protocol in Ceuta and Melilla.

**▼M18***ANNEX I***INTRODUCTORY NOTES TO THE LIST IN ANNEX II****Note 1:**

The list sets out the conditions required for all products to be considered as sufficiently worked or processed within the meaning of Article 5 of the Protocol.

**Note 2:**

- 2.1. The first two columns in the list describe the product obtained. The first column gives the heading number or chapter number used in the Harmonized System and the second column gives the description of goods used in that system for that heading or chapter. For each entry in the first two columns a rule is specified in columns 3 or 4. Where, in some cases, the entry in the first column is preceded by an 'ex', this signifies that the rules in columns 3 or 4 apply only to the part of that heading as described in column 2.
- 2.2. Where several heading numbers are grouped together in column 1 or a chapter number is given and the description of products in column 2 is therefore given in general terms, the adjacent rules in columns 3 or 4 apply to all products which, under the Harmonized System, are classified in headings of the chapter or in any of the headings grouped together in column 1.
- 2.3. Where there are different rules in the list applying to different products within a heading, each indent contains the description of that part of the heading covered by the adjacent rules in columns 3 or 4.
- 2.4. Where, for an entry in the first two columns, a rule is specified in both columns 3 and 4, the exporter may opt, as an alternative, to apply either the rule set out in column 3 or that set out in column 4. If no origin rule is given in column 4, the rule set out in column 3 has to be applied.

**Note 3:**

- 3.1. The provisions of Article 5 of the Protocol concerning products having acquired originating status which are used in the manufacture of other products apply regardless of whether this status has been acquired inside the factory where these products are used or in another factory in the same country or another EEA country.

*Example:*

An engine of heading No 8407, for which the rule states that the value of the non-originating materials which may be incorporated may not exceed 40 per cent of the ex-works price, is made from 'other alloy steel roughly shaped by forging' of heading No ex 7224.

If this forging has been forged in the EEA from a non-originating ingot, it has already acquired originating status by virtue of the rule for heading No ex 7224 in the list. The forging can then count as originating in the value calculation for the engine regardless of whether it was produced in the same country or in another EEA country. The value of the non-originating ingot is thus not taken into account when adding up the value of the non-originating materials used.

- 3.2. The rule in the list represents the minimum amount of working or processing required and the carrying out of more working or processing also confers originating status; conversely, the carrying out of less working or processing cannot confer originating status. Thus if a rule provides that non-originating material at a certain level of manufacture may be used, the use of such material at an earlier stage of manufacture is allowed and the use of such material at a later stage is not.

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- 3.3. Without prejudice to Note 3.2 where a rule states that ‘materials of any heading’ may be used, materials of the same heading as the product may also be used, subject, however, to any specific limitations which may also be contained in the rule. However, the expression ‘manufacture from materials of any heading, including other materials of heading No...’ means that only materials classified in the same heading as the product of a different description than that of the product as given in column 2 of the list may be used.
- 3.4. When a rule in the list specifies that a product may be manufactured from more than one material, this means that any one or more materials may be used. It does not require that all be used.

*Example:*

The rule for fabrics of heading Nos 5208 to 5212 provides that natural fibres may be used and that chemical materials, among other materials, may also be used. This does not mean that both have to be used; it is possible to use one or the other or both.

- 3.5. Where a rule in the list specifies that a product must be manufactured from a particular material, the condition obviously does not prevent the use of other materials which, because of their inherent nature, cannot satisfy the rule. (See also Note 6.2 below in relation to textiles).

*Example:*

The rule for prepared foods of heading No 1904 which specifically excludes the use of cereals and their derivatives does not prevent the use of mineral salts, chemicals and other additives which are not products from cereals.

However, this does not apply to products which, although they cannot be manufactured from the particular materials specified in the list, can be produced from a material of the same nature at an earlier stage of manufacture.

*Example:*

In the case of an article of apparel of ex Chapter 62 made from non-woven materials, if the use of only non-originating yarn is allowed for this class of article, it is not possible to start from non-woven cloth — even if non-woven cloths cannot normally be made from yarn. In such cases, the starting material would normally be at the stage before yarn — that is the fibre stage.

- 3.6. Where, in a rule in the list, two percentages are given for the maximum value of non-originating materials that can be used, then these percentages may not be added together. In other words, the maximum value of all the non-originating materials used may never exceed the highest of the percentages given. Furthermore, the individual percentages must not be exceeded in relation to the particular materials they apply to.

**Note 4:**

- 4.1. The term ‘natural fibres’ is used in the list to refer to fibres other than artificial or synthetic fibres. It is restricted to the stages before spinning takes place, including waste, and, unless otherwise specified, includes fibres that have been carded, combed or otherwise processed but not spun.

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- 4.2. The term 'natural fibres' includes horsehair of heading No 0503, silk of heading Nos 5002 and 5003 as well as the wool fibres, fine or coarse animal hair of heading Nos 5101 to 5105, the cotton fibres of heading Nos 5201 to 5203 and the other vegetable fibres of heading Nos 5301 to 5305.
- 4.3. The terms 'textile pulp', 'chemical materials' and 'paper-making materials' are used in the list to describe the materials not classified in Chapters 50 to 63, which can be used to manufacture artificial, synthetic or paper fibres or yarns.
- 4.4. The term 'man-made staple fibres' is used in the list to refer to synthetic or artificial filament tow, staple fibres or waste, of heading Nos 5501 to 5507.

**Note 5:**

- 5.1. Where for a given product in the list a reference is made to this note, the conditions set out in column 3 shall not be applied to any basic textile materials, used in the manufacture of this product, which, taken together, represent 10 per cent or less of the total weight of all the basic textile materials used. (See also Notes 5.3 and 5.4 below).
- 5.2. However, the tolerance mentioned in Note 5.1 may only be applied to mixed products which have been made from two or more basic textile materials.

The following are the basic textile materials:

- silk,
- wool,
- coarse animal hair,
- fine animal hair,
- horsehair,
- cotton,
- paper-making materials and paper,
- flax,
- true hemp,
- jute and other textile bast fibres,
- sisal and other textile fibres of the genus *Agave*,
- coconut, abaca, ramie and other vegetable textile fibres,
- synthetic man-made filaments,
- artificial man-made filaments,
- synthetic man-made staple fibres of polypropylene,
- synthetic man-made staple fibres of polyester,
- synthetic man-made staple fibres of polyamide,

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- synthetic man-made staple fibres of polyacrylonitrile,
- synthetic man-made staple fibres of polyimide,
- synthetic man-made staple fibres of polytetrafluoroethylene,
- synthetic man-made staple fibres of polyphenylene sulphide,
- synthetic man-made staple fibres of polyvinyl chloride,
- other synthetic man-made staple fibres,
- artificial man-made staple fibres of viscose,
- other artificial man-made staple fibres,
- yarn made of polyurethane segmented with flexible segments of polyether whether or not gimped,
- yarn made of polyurethane segmented with flexible segments of polyester whether or not gimped,
- products of heading No 5605 (metallized yarn) incorporating strip consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of a transparent or coloured adhesive between two layers of plastic film,
- other products of heading No 5605.

*Example:*

A yarn of heading No 5205 made from cotton fibres of heading No 5203 and synthetic staple fibres of heading No 5506 is a mixed yarn. Therefore, non-originating synthetic staple fibres that do not satisfy the origin rules (which require manufacture from chemical materials or textile pulp) may be used up to a weight of 10 per cent of the yarn.

*Example:*

A woollen fabric of heading No 5112 made from woollen yarn of heading No 5107 and synthetic yarn of staple fibres of heading No 5509 is a mixed fabric. Therefore synthetic yarn which does not satisfy the origin rules (which require manufacture from chemical materials or textile pulp) or woollen yarn that does not satisfy the origin rules (which require manufacture from natural fibres, not carded or combed or otherwise prepared for spinning) or a combination of the two may be used provided their total weight does not exceed 10 per cent of the weight of the fabric.

*Example:*

Tufted textile fabric of heading No 5802 made from cotton yarn of heading No 5205 and cotton fabric of heading No 5210 is only a mixed product if the cotton fabric is itself a mixed fabric being made from yarns classified in two separate headings or if the cotton yarns used are themselves mixtures.

**▼M18***Example:*

If the tufted textile fabric concerned had been made from cotton yarn of heading No 5205 and synthetic fabric of heading No 5407, then, obviously, the yarns used are two separate basic textile materials and the tufted textile fabric is accordingly a mixed product.

*Example:*

A carpet with tufts made from both artificial yarns and cotton yarns and with a jute backing is a mixed product because three basic textile materials are used. Thus, any non-originating materials that are at a later stage of manufacture than the rule allows may be used, provided their total weight does not exceed 10 per cent of the weight of the textile materials of the carpet. Thus, both the jute backing and/or the artificial yarns could be imported at that stage of manufacture, provided the weight conditions are met.

- 5.3. In the case of products incorporating 'yarn made of polyurethane segmented with flexible segments of polyether whether or not gimped' this tolerance is 20 per cent in respect of this yarn.
- 5.4. In the case of products incorporating 'strip consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium powder, of a width not exceeding 5 mm, sandwiched by means of an adhesive between two layers of plastic film', this tolerance is 30 per cent in respect of this strip.

**Note 6:**

- 6.1. In the case of those textile products which are marked in the list by a footnote referring to this note, textile materials, with the exception of linings and interlinings, which do not satisfy the rule set out in the list in column 3 for the made-up product concerned may be used provided that they are classified in a heading other than that of the product and that their value does not exceed 8 per cent of the ex-works price of the product.
- 6.2. Without prejudice to Note 6.3, materials which are not classified within Chapters 50 to 63 may be used freely in the manufacture of textile products, whether or not they contain textiles.

*Example:*

If a rule in the list provides that for a particular textile item, such as trousers, yarn must be used, this does not prevent the use of metal items, such as buttons, because buttons are not classified within Chapters 50 to 63. For the same reason, it does not prevent the use of slide-fasteners even though slide-fasteners normally contain textiles.

- 6.3. Where a percentage rules applies, the value of materials which are not classified within Chapters 50 to 63 must be taken into account when calculating the value of the non-originating materials incorporated.

**Note 7:**

- 7.1. For the purposes of heading Nos ex 2707, 2713 to 2715, ex 2901, ex 2902 and ex 3403, the 'specific processes' are the following:
- (a) vacuum distillation;
  - (b) redistillation by a very thorough fractionation process <sup>(1)</sup>;
  - (c) cracking;

<sup>(1)</sup> See Additional Explanatory Note 4 (b) to Chapter 27 of the Combined Nomenclature.

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- (d) reforming;
  - (e) extraction by means of selective solvents;
  - (f) the process comprising all the following operations: processing with concentrated sulphuric acid, oleum or sulphuric anhydride; neutralization with alkaline agents; decolorization and purification with naturally active earth, activated earth, activated charcoal or bauxite;
  - (g) polymerization;
  - (h) alkylation;
  - (i) isomerization.
- 7.2. For the purposes of heading Nos 2710, 2711 and 2712, the 'specific processes' are the following:
- (a) vacuum distillation;
  - (b) redistillation by a very thorough fractionation process <sup>(1)</sup>;
  - (c) cracking;
  - (d) reforming;
  - (e) extraction by means of selective solvents;
  - (f) the process comprising all the following operations: processing with concentrated sulphuric acid, oleum or sulphuric anhydride; neutralization with alkaline agents; decolorization and purification with naturally active earth, activated earth, activated charcoal or bauxite;
  - (g) polymerization;
  - (h) alkylation;
  - (ij) isomerization;
  - (k) in respect of heavy oils falling within heading No ex 2710 only, desulphurization with hydrogen resulting in a reduction of at least 85 per cent of the sulphur content of the products processed (ASTM D 1266-59 T method);
  - (l) in respect of products falling within heading No 2710 only, deparaffining by a process other than filtering;
  - (m) in respect of heavy oils falling within heading No ex 2710 only, treatment with hydrogen at a pressure of more than 20 bar and a temperature of more than 250 °C with the use of a catalyst, other than to effect desulphurization, when the hydrogen constitutes an active element in a chemical reaction. The further treatment with hydrogen of lubricating oils of heading No ex 2710 (e.g. hydrofinishing or decolorization) in order, more especially, to improve colour or stability shall not, however, be deemed to be a specific process;
  - (n) in respect of fuel oils falling within heading No ex 2710 only, atmospheric distillation, on condition that less than 30 per cent of these products distil, by volume, including losses, at 300 °C by the ASTM D 86 method;



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- (o) in respect of heavy oils other than gas oils and fuel oils falling within heading No ex 2710 only, treatment by means of a high-frequency electrical brush-discharge.
- 7.3. For the purposes of heading Nos ex 2707, 2713 to 2715, ex 2901, ex 2902 and ex 3403, simple operations such as cleaning, decanting, desalting, water separation, filtering, colouring, marking, obtaining a sulphur content as a result of mixing products with different sulphur content, any combination of these operations or like operations do not confer origin.

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## ANNEX II

**LIST OF WORKING OR PROCESSING REQUIRED TO BE CARRIED OUT ON NON-ORIGINATING MATERIALS IN ORDER THAT THE PRODUCT MANUFACTURED CAN OBTAIN ORIGINATING STATUS**

*The products mentioned in the list may not all be covered by the Agreement. It is therefore necessary to consult the other parts of the Agreement*

HS heading No	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
Chapter 1	Live animals	All the animals of Chapter 1 used must be wholly obtained	
Chapter 2	Meat and edible meat offal	Manufacture in which all the materials of Chapters 1 and 2 used must be wholly obtained	
Chapter 3	Fish and crustaceans, molluscs and other aquatic invertebrates	Manufacture in which all the materials of Chapter 3 used must be wholly obtained	
ex Chapter 4	Dairy produce; birds' eggs; natural honey; edible products of animal origin, not elsewhere specified or included; except for:	Manufacture in which all the materials of Chapter 4 used must be wholly obtained	
0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavour or containing added fruit, nuts or cocoa	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials of Chapter 4 used must be wholly obtained;</li> <li>— any fruit juice (except those of pineapple, lime or grapefruit) of heading No 2009 used must already be originating;</li> <li>— the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product</li> </ul>	
ex Chapter 5	Products of animal origin, not elsewhere specified or included; except for:	Manufacture in which all the materials of Chapter 5 used must be wholly obtained	
ex 0502	Prepared pigs', hogs' or boars' bristles and hair	Cleaning, disinfecting, sorting and straightening of bristles and hair	
Chapter 6	Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials of Chapter 6 used must be wholly obtained;</li> <li>— the value of all the materials used does not exceed 50 % of the ex-works price of the product</li> </ul>	

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(1)	(2)	(3)	or	(4)
Chapter 7	Edible vegetables and certain roots and tubers	Manufacture in which all the materials of Chapter 7 used must be wholly obtained		
Chapter 8	Edible fruit and nuts; peel of citrus fruits or melons	Manufacture in which: — all the fruit and nuts used must be wholly obtained; — the value of any materials of Chapter 17 used does not exceed 30 % of the value of the ex-works price of the product		
ex Chapter 9	Coffee, tea, mate and spices; except for:	Manufacture in which all the materials of Chapter 9 used must be wholly obtained		
0901	Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion	Manufacture from materials of any heading		
0902	Tea, whether or not flavoured	Manufacture from materials of any heading		
ex 0910	Mixtures of spices	Manufacture from materials of any heading		
Chapter 10	Cereals	Manufacture in which all the materials of Chapter 10 used must be wholly obtained		
ex Chapter 11	Products of the milling industry; malt; starches; inulin; wheat gluten; except for:	Manufacture in which all the cereals, edible vegetables, roots and tubers of heading No 0714 or fruit used must be wholly obtained		
ex 1106	Flour, meal and powder of the dried, shelled leguminous vegetables of heading No 0713	Drying and milling of leguminous vegetables of heading No 0708		
Chapter 12	Oil seeds and oleaginous fruits; miscellaneous grains, seeds and fruit; industrial or medicinal plants; straw and fodder	Manufacture in which all the materials of Chapter 12 used must be wholly obtained		
1301	Lac; natural gums, resins, gum-resins and oleoresins (for example, balsams)	Manufacture in which the value of any materials of heading No 1301 used may not exceed 50 % of the ex-works price of the product		

▼ **M18**

(1)	(2)	(3)	or (4)
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:  — Mucilages and thickeners, modified, derived from vegetable products  — Other	Manufacture from non-modified mucilages and thickeners  Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
Chapter 14	Vegetable plaiting materials; vegetable products not elsewhere specified or included	Manufacture in which all the materials of Chapter 14 used must be wholly obtained	
ex Chapter 15	Animal or vegetable fats and oils and their cleavage products; prepared edible fats; animals or vegetable waxes; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
1501	Pig fat (including lard) and poultry fat, other than that of heading No 0209 or 1503:  — Fats from bones or waste  — Other	Manufacture from materials of any heading except those of heading Nos 0203, 0206 or 0207 or bones of heading No 0506  Manufacture from meat or edible offal of swine of heading No 0203 or 0206 or of meat and edible offal of poultry of heading No 0207	
1502	Fats of bovine animals, sheep or goats, other than those of heading No 1503  — Fats from bones or waste  — Other	Manufacture from materials of any heading except those of heading Nos 0201, 0202, 0204 or 0206 or bones of heading No 0506  Manufacture in which all the materials of Chapter 2 used must be wholly obtained	

## ▼M18

(1)	(2)	(3)	or	(4)
1504	Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified:			
	— Solid fractions	Manufacture from materials of any heading including other materials of heading No 1504		
	— Other	Manufacture in which all the materials of Chapters 2 and 3 used must be wholly obtained		
ex 1505	Refined lanolin	Manufacture from crude wool grease of heading No 1505		
1506	Other animals fats and oils and their fractions, whether or not refined, but not chemically modified:			
	— Solid fractions	Manufacture from materials of any heading including other materials of heading No 1506		
	— Other	Manufacture in which all the materials of Chapter 2 used must be wholly obtained		
1507 to 1515	Vegetable oils and their fractions:			
	— Soya, ground nut, palm, copra, palm kernel, babassu, tung and oiticica oil, myrtle wax and Japan wax, fractions of jojoba oil and oils for technical or industrial uses other than the manufacture of food-stuffs for human consumption	Manufacture in which all the materials used are classified within a heading other than that of the product		
	— Solid fractions, except for that of jojoba oil	Manufacture from other materials of heading Nos 1507 to 1515		
	— Other	Manufacture in which all the vegetable materials used must be wholly obtained		
1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinized, whether or not refined, but not further prepared	Manufacture in which:		
		— all the materials of Chapter 2 used must be wholly obtained;		
		— all the vegetable materials used must be wholly obtained. However, materials of heading Nos 1507, 1508, 1511 and 1513 may be used		

▼ **M18**

(1)	(2)	(3)	or (4)
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 No 1516	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials of Chapters 2 and 4 used must be wholly obtained;</li> <li>— all the vegetable materials used must be wholly obtained. However, materials of heading Nos 1507, 1508, 1511 and 1513 Nos be used</li> </ul>	
Chapter 16	Preparations of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates	Manufacture from animals of Chapter 1. All the materials of Chapter 3 used must be wholly obtained	
ex Chapter 17	Sugars and sugar confectionery; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex 1701	Cane or beet sugar and chemically pure sucrose, in solid form, flavoured or coloured	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product	
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: <ul style="list-style-type: none"> <li>— Chemically pure maltose and fructose</li> <li>— Other sugars in solid form, flavoured or coloured</li> <li>— Other</li> </ul>	Manufacture from materials of any heading including other materials of heading No 1702  Manufacture in which the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product  Manufacture in which all the materials used must already be originating	
ex 1703	Molasses resulting from the extraction or refining of sugar, flavoured or coloured	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product	

▼ **M18**

(1)	(2)	(3)	or (4)
1704	Sugar confectionery (including white chocolate), not containing cocoa	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product</li> </ul>	
Chapter 18	Cocoa and cocoa preparations	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product</li> </ul>	
1901	Malt extract; food preparations of flour, meal, starch or malt extract, not containing cocoa 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 heading Nos 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: <ul style="list-style-type: none"> <li>— Malt extract</li> <li>— Other</li> </ul>	Manufacture from cereals of Chapter 10  Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product</li> </ul>	
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: <ul style="list-style-type: none"> <li>— Containing 20 % or less by weight of meat, meat offal, fish, crustaceans or molluscs</li> </ul>	Manufacture in which all the cereals and derivatives (except durum wheat and its derivatives) used must be wholly obtained	

▼ **M18**

(1)	(2)	(3)	or (4)
	<p>— Containing more than 20 % by weight of meat, meat offal, fish, crustaceans or molluscs</p>	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>— all cereals and derivatives (except durum wheat and its derivatives) used must be wholly obtained;</li> <li>— all the materials of Chapters 2 and 3 used must be wholly obtained</li> </ul>	
1903	Tapioca and substitutes therefor prepared from starch, in the form of flakes, grains, pearls, siftings or in similar forms	Manufacture from materials of any heading except potato starch of heading No 1108	
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 and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included	<p>Manufacture:</p> <ul style="list-style-type: none"> <li>— from materials not classified within heading No 1806;</li> <li>— in which all the cereals and flour (except durum wheat and its derivatives) used must be wholly obtained;</li> <li>— in which the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product</li> </ul>	
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	Manufacture from materials of any heading except those of Chapter 11	
ex Chapter 20	Preparations of vegetables, fruit, nuts or other parts of plants; except for:	Manufacture in which all the fruit, nuts or vegetables used must be wholly obtained	
ex 2001	Yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch, prepared or preserved by vinegar or acetic acid	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex 2004 and ex 2005	Potatoes in the form of flour, meal or flakes, prepared or preserved otherwise than by vinegar or acetic acid	Manufacture in which all the materials used are classified within a heading other than that of the product	
2006	Vegetables, fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glaze or crystallized)	Manufacture in which the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product	



## ▼M18

(1)	(2)	(3)	or (4)
2007	Jams, fruit jellies, marmalades, fruit or nut puree and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product</li> </ul>	
ex 2008	— Nuts, not containing added sugar or spirit	Manufacture in which the value of the originating nuts and oil seeds of heading Nos 0801, 0802 and 1202 to 1207 used exceeds 60 % of the ex-works price of the product	
	— Peanut butter; mixtures based on cereals; palm hearts; maize (corn)	Manufacture in which all the materials used are classified within a heading other than that of the product	
	— Other except for fruit and nuts cooked otherwise than by steaming or boiling in water, not containing added sugar, frozen	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product</li> </ul>	
2009	Fruit juices (including grape must) and vegetable juices, unfermented and not containing added spirit, whether or not containing added sugar or other sweetening matter	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product</li> </ul>	
ex Chapter 21	Miscellaneous edible preparations; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
2101	Extracts, essences and concentrates, of coffee, tea or mate and preparations with a basis of these products or with a basis of coffee, tea or mate; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— all the chicory used must be wholly obtained</li> </ul>	

▼ **M18**

(1)	(2)	(3)	or (4)
2103	<p>Sauces and preparations therefor; mixed condiments and mixed seasonings; mustard flour and meal and prepared mustard:</p> <p>— Sauces and preparations therefor; mixed condiments and mixed seasonings</p> <p>— Mustard flour and meal and prepared mustard</p>	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, mustard flour or meal or prepared mustard may be used</p> <p>Manufacture from materials of any heading</p>	
ex 2104	Soups and broths and preparations therefor	Manufacture from materials of any heading except prepared or preserved vegetables of heading Nos 2002 to 2005	
2106	Food preparations not elsewhere specified or included	<p>Manufacture in which:</p> <p>— all the materials used are classified within a heading other than that of the product;</p> <p>— the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product</p>	
ex Chapter 22	Beverages, spirits and vinegar; except for:	<p>Manufacture in which:</p> <p>— all the materials used are classified within a heading other than that of the product;</p> <p>— all the grapes or any material derived from grapes used must be wholly obtained</p>	
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	<p>Manufacture in which:</p> <p>— all the materials used are classified within a heading other than that of the product;</p> <p>— the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product;</p> <p>— any fruit juice used (except for pineapple, lime and grapefruit juices) must already be originating</p>	

## ▼M18

(1)	(2)	(3)	or (4)
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80 % vol; spirits, liqueurs and other spirituous beverages	Manufacture: <ul style="list-style-type: none"> <li>— from materials not classified within heading Nos 2207 or 2208,</li> <li>— in which all the grapes or any material derived from grapes used must be wholly obtained or if all the other materials used are already originating, arrack may be used up to a limit of 5 % by volume</li> </ul>	
ex Chapter 23	Residues and waste from the food industries; prepared animal fodder; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex 2301	Whale meal; flours, meals and pellets of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption	Manufacture in which all the materials of Chapters 2 and 3 used must be wholly obtained	
ex 2303	Residues from the manufacture of starch from maize (excluding concentrated steeping liquors), of a protein content, calculated on the dry product, exceeding 40 % by weight	Manufacture in which all the maize used must be wholly obtained	
ex 2306	Oil cake and other solid residues resulting from the extraction of olive oil, containing more than 3 % of olive oil	Manufacture in which all the olives used must be wholly obtained	
2309	Preparations of a kind used in animal feeding	Manufacture in which: <ul style="list-style-type: none"> <li>— all the cereals, sugar or molasses, meat or milk used must already be originating;</li> <li>— all the materials of Chapter 3 used must be wholly obtained</li> </ul>	
ex Chapter 24	Tobacco and manufactured tobacco substitutes; except for:	Manufacture in which all the materials of Chapter 24 used must be wholly obtained	
2402	Cigars, cheroots, cigarillos and cigarettes, of tobacco or of tobacco substitutes	Manufacture in which at least 70 % by weight of the unmanufactured tobacco or tobacco refuse of heading No 2401 used must already be originating	

## ▼M18

(1)	(2)	(3)	or (4)
ex 2403	Smoking tobacco	Manufacture in which at least 70 % by weight of the unmanufactured tobacco or tobacco refuse of heading No 2401 used must already be originating	
ex Chapter 25	Salt; sulphur; earths and stone; plastering materials, lime and cement; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex 2504	Natural crystalline graphite, with enriched carbon content, purified and ground	Enriching of the carbon content, purifying and grinding of crude crystalline graphite	
ex 2515	Marble, merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape, of a thickness not exceeding 25 cm	Cutting, by sawing or otherwise, of marble (even if already sawn) of a thickness exceeding 25 cm	
ex 2516	Granite, porphyry, basalt, sandstone and other monumental and building stone, merely cut, by sawing or otherwise, into blocks or slabs of a rectangular (including square) shape, of a thickness not exceeding 25 cm	Cutting, by sawing or otherwise, of stone (even if already sawn) of a thickness exceeding 25 cm	
ex 2518	Calcined dolomite	Calcination of dolomite not calcined	
ex 2519	Crushed natural magnesium carbonate (magnesite), in hermetically-sealed containers, and magnesium oxide, whether or not pure, other than fused magnesia or dead-burned (sintered) magnesia	Manufacture in which all the materials used are classified within a heading other than that of the product. However, natural magnesium carbonate (magnesite) may be used	
ex 2520	Plasters specially prepared for dentistry	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
ex 2524	Natural asbestos fibres	Manufacture from asbestos concentrate	
ex 2525	Mica powder	Grinding of mica or mica waste	
ex 2530	Earth colours, calcined or powdered	Calcination or grinding of earth colours	
Chapter 26	Ores, slag and ash	Manufacture in which all the materials used are classified within a heading other than that of the product	

▼ **M18**

(1)	(2)	(3)	or (4)
ex Chapter 27	Mineral fuels, mineral oils and products of their distillation; bituminous substances; mineral waxes; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex 2707	Oils in which the weight of the aromatic constituents exceeds that of the non-aromatic constituents, being oils similar to mineral oils obtained by distillation of high temperature coal tar, of which more than 65 % by volume distils at a temperature of up to 250 °C (including mixtures of petroleum spirit and benzole), for use as power or heating fuels	Operations of refining and/or one or more specific process(es) <sup>(1)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50 % of the ex-works price of the product	
ex 2709	Crude oils obtained from bituminous minerals	Destructive distillation of bituminous materials	
2710	Petroleum oils and oils obtained from bituminous materials, other than crude; preparations not elsewhere specified or included, containing by weight 70 % or more of petroleum oils or of oils obtained from bituminous materials, these oils being the basic constituents of the preparations	Operations of refining and/or one or more specific process(es) <sup>(2)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50 % of the ex-works price of the product	
2711	Petroleum gases and other gaseous hydrocarbons	Operations of refining and/or one or more specific process(es) <sup>(2)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50 % of the ex-works price of the product	

## ▼M18

(1)	(2)	(3)	or (4)
2712	Petroleum jelly; paraffin wax, microcrystalline petroleum wax, slack wax, ozokerite, lignite wax, peat wax, other mineral waxes and similar products obtained by synthesis or by other processes, whether or not coloured	Operations of refining and/or one or more specific process(es) <sup>(2)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50 % of the ex-works price of the product	
2713	Petroleum coke, petroleum bitumen and other residues of petroleum oils or of oils obtained from bituminous materials	Operations of refining and/or one or more specific process(es) <sup>(1)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50 % of the ex-works price of the product	
2714	Bitumen and asphalt, natural; bituminous or oil shale and tar sands; asphaltites and asphaltic rocks	Operations of refining and/or one or more specific process(es) <sup>(1)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50 % of the ex-works price of the product	
2715	Bituminous mixtures based on natural asphalt, on natural bitumen, on petroleum bitumen, on mineral tar or on mineral tar pitch (for example, bituminous mastics, cut-backs)	Operations of refining and/or one or more specific process(es) <sup>(1)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50 % of the ex-works price of the product	

## ▼ M18

(1)	(2)	(3)	or (4)
ex Chapter 28	Inorganic chemicals; organic or inorganic compounds of precious metals, of rare-earth metals, of radioactive elements or of isotopes; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 2805	‘Mischmetall’	Manufacture by electrolytic or thermal treatment in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
ex 2811	Sulphur trioxide	Manufacture from sulphur dioxide	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 2833	Aluminium sulphate	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
ex 2840	Sodium perborate	Manufacture from disodium tetraborate pentahydrate	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex Chapter 29	Organic chemicals; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 2901	Acyclic hydrocarbons for use as power or heating fuels	Operations of refining and/or one or more specific process(es) <sup>(1)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50 % of the ex-works price of the product	

## ▼M18

(1)	(2)	(3)	or (4)
ex 2902	Cyclanes and cyclenes (other than azulenes), benzene, toluene, xylenes, for use as power or heating fuels	Operations of refining and/or one or more specific process(es) <sup>(1)</sup> or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used, provided their value does not exceed 50 % of the ex-works price of the product	
ex 2905	Metal alcoholates of alcohols of this heading and of ethanol	Manufacture from materials of any heading, including other materials of heading No 2905. However, metal alcoholates of this heading may be used, provided their value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
2915	Saturated acyclic monocarboxylic acids and their anhydrides, halides, peroxides and peroxy-acids; their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading. However, the value of all the materials of heading Nos 2915 and 2916 used may not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 2932	— Internal ethers and their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading. However, the value of all the materials of heading No 2909 used may not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
	— Cyclic acetals and internal hemiacetals and their halogenated, sulphonated, nitrated or nitrosated derivatives	Manufacture from materials of any heading	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
2933	Heterocyclic compounds with nitrogen hetero-atom(s) only	Manufacture from materials of any heading. However, the value of all the materials of heading Nos 2932 and 2933 used may not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
2934	Nucleic acids and their salts; other heterocyclic compounds	Manufacture from materials of any heading. However, the value of all the materials of heading Nos 2932, 2933 and 2934 used may not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product



## ▼M18

(1)	(2)	(3)	or (4)
ex Chapter 30	Pharmaceutical products; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex-works price of the product	
3002	<p>Human blood; animal blood prepared for therapeutic, prophylactic or diagnostic uses; antisera and other blood fractions and modified immunological products, whether or not obtained by means of biotechnological processes; vaccines, toxins, cultures of micro-organisms (excluding yeasts) and similar products:</p> <p>— Products consisting of two or more constituents which have been mixed together for therapeutic or prophylactic uses or unmixed products for these uses, put up in measured doses or in forms or packings for retail sale</p> <p>— Other:</p> <p>— — human blood</p> <p>— — animal blood prepared for therapeutic or prophylactic uses</p> <p>— — blood fractions other than antisera, haemoglobin, blood globulins and serum globulins</p>	<p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20 % of the ex-works price of the product</p> <p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20 % of the ex-works price of the product</p> <p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20 % of the ex-works price of the product</p> <p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20 % of the ex-works price of the product</p>	

## ▼M18

(1)	(2)	(3)	or (4)
3003 and 3004	<p>— haemoglobin, blood globulins and serum globulins</p> <p>— other</p> <p>Medicaments (excluding goods of heading Nos 3002, 3005 or 3006):</p> <p>— Obtained from amikacin of heading No 2941</p> <p>— Other</p>	<p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20 % of the ex-works price of the product</p> <p>Manufacture from materials of any heading, including other materials of heading No 3002. The materials of this description may also be used, provided their value does not exceed 20 % of the ex-works price of the product</p> <p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials of heading No 3003 or 3004 may be used provided their value, taken together, does not exceed 20 % of the ex works price of the product</p> <p>Manufacture in which:</p> <p>— all the materials used are classified within a heading other than that of the product. However, materials of heading No 3003 or 3004 may be used provided their value, taken together, does not exceed 20 % of the ex-works price of the product;</p> <p>— the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>	
ex Chapter 31	Fertilizers; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product

## ▼M18

(1)	(2)	(3)	or (4)
ex 3105	Mineral or chemical fertilizers containing two or three of the fertilizing elements nitrogen, phosphorous and potassium; other fertilizers; goods of this Chapter, in tablets or similar forms or in packages of a gross weight not exceeding 10 kg, except for: <ul style="list-style-type: none"> <li>— sodium nitrate</li> <li>— calcium cyanamide</li> <li>— potassium sulphate</li> <li>— magnesium potassium sulphate</li> </ul>	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex-works price of the product;</li> <li>— the value of all the materials used does not exceed 50 % of the ex-works price of the product</li> </ul>	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex Chapter 32	Tanning or dyeing extracts; tannins and their derivatives; dyes, pigments and other colouring matter; paints and varnishes; putty and other mastics; inks; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 3201	Tannins and their salts, ethers, esters and other derivatives	Manufacture from tanning extracts of vegetable origin	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
3205	Colour lakes; preparations as specified in Note 3 to this Chapter based on colour lakes <sup>(3)</sup>	Manufacture from materials of any heading, except heading Nos 3203, 3204 and 3205. However, materials from heading No 3205 may be used provided their value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex Chapter 33	Essential oils and resinoids; perfumery, cosmetic or toilet preparations; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product

▼ **M18**

(1)	(2)	(3)	or (4)
3301	Essential oils (terpeneless or not), including concretes and absolutes; resinoids; extracted oleoresins; concentrates of essential oils in fats, in fixed oils, in waxes or the like, obtained by enfleurage or maceration; terpenic by-products of the deterpenation of essential oils; aqueous distillates and aqueous solutions of essential oils	Manufacture from materials of any heading, including materials of a different 'group' (4) in this heading. However, materials of the same group may be used, provided their value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex Chapter 34	Soap, organic surface-active agents, washing preparations, lubricating preparations, artificial waxes, prepared waxes, polishing or scouring preparations, candles and similar articles, modelling pastes, 'dental waxes' and dental preparations with a basis of plaster; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 3403	Lubricating preparations containing petroleum oils or oil obtained from bituminous minerals, provided they represent less than 70 % by weight	Operations of refining and/or one or more specific process(es) (1) or Other operations in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50 % of the ex-works price of the product	
3404	Artificial waxes and prepared waxes:  — With a basis of paraffin, petroleum waxes, waxes obtained from bituminous minerals, slack wax or scale wax  — Other	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50 % of the ex-works price of the product  Manufacture from materials of any heading, except: — hydrogenated oils having the character of waxes of heading No 1516; — fatty acids not chemically defined or industrial fatty alcohols having the character of waxes of heading No 3823; — materials of heading No 3404	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product

## ▼M18

(1)	(2)	(3)	or (4)
		However, these materials may be used provided their value does not exceed 20 % of the ex-works price of the product	
ex Chapter 35	Albuminoidal substances; modified starches; glues; enzymes; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
3505	Dextrins and other modified starches (for example, pregelatinized or esterified starches); glues based on starches, or on dextrins or other modified starches:		
	— Starch ethers and esters	Manufacture from materials of any heading, including other materials of heading No 3505	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
	— Other	Manufacture from materials of any heading, except those of heading No 1108	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 3507	Prepared enzymes not elsewhere specified or included	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
Chapter 36	Explosives; pyrotechnic products; matches; pyrophoric alloys; certain combustible preparations	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex Chapter 37	Photographic or cinematographic goods; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product

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(1)	(2)	(3)	or (4)
3701	<p>Photographic plates and film in the flat, sensitized, unexposed, of any material other than paper, paperboard or textiles; instant print film in the flat, sensitized, unexposed, whether or not in packs:</p> <p>— Instant print film for colour photography, in packs</p> <p>— Other</p>	<p>Manufacture in which all the materials used are classified within a heading other than heading No 3701 or 3702. However, materials from heading No 3702 may be used provided their value does not exceed 30 % of the ex-works price of the product</p> <p>Manufacture in which all the materials used are classified within a heading other than heading No 3701 or 3702. However, materials from heading Nos 3701 and 3702 may be used provided their value taken together, does not exceed 20 % of the ex-works price of the product</p>	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product</p> <p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product</p>
3702	Photographic film in rolls, sensitized, unexposed, of any material other than paper, paperboard or textiles; instant print film in rolls, sensitized, unexposed	Manufacture in which all the materials used are classified within a heading other than heading Nos 3701 or 3702	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
3704	Photographic plates, film paper, paperboard and textiles, exposed but not developed	Manufacture in which all the materials used are classified within a heading other than heading Nos 3701 to 3704	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex Chapter 38	Miscellaneous chemical products; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product

▼ **M18**

(1)	(2)	(3)	or (4)
ex 3801	<p>— Colloidal graphite in suspension in oil and semi-colloidal graphite; carbonaceous pastes for electrodes</p> <p>— Graphite in paste form, being a mixture of more than 30 % by weight of graphite with mineral oils</p>	<p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p> <p>Manufacture in which the value of all the materials of heading No 3403 used does not exceed 20 % of the ex-works price of the product</p>	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product</p>
ex 3803	Refined tall oil	Refining of crude tall oil	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 3805	Spirits of sulphate turpentine, purified	Purification by distillation or refining of raw spirits of sulphate turpentine	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 3806	Ester gums	Manufacture from resin acids	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 3807	Wood pitch (wood tar pitch)	Distillation of wood tar	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
3808	Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant-growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (for example, sulphur-treated bands, wicks and candles, and fly-papers)	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the products	
3809	Finishing agents, dye carriers to accelerate the dyeing or fixing of 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	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the products	

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(1)	(2)	(3)	or (4)
3810	Pickling preparations for metal surfaces; fluxes and other auxiliary preparations for soldering, brazing or welding; soldering, brazing or welding powders and pastes consisting of metal and other materials; preparations of a kind used as cores or coatings for welding electrodes or rods	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the products	
3811	<p>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:</p> <p>— Prepared additives for lubricating oil, containing petroleum oils or oils obtained from bituminous minerals</p> <p>— Other</p>	<p>Manufacture in which the value of all the materials of heading No 3811 used does not exceed 50 % of the ex-works price of the product</p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>	
3812	Prepared rubber accelerators; compound plasticizers for rubber or plastics, not elsewhere specified or included; anti-oxidizing preparations and other compound stabilizers for rubber or plastics	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
3813	Preparations and charges for fire-extinguishers; charged fire-extinguishing grenades	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
3814	Organic composite solvents and thinners, not elsewhere specified or included; prepared paint or varnish removers	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	



▼ **M18**

(1)	(2)	(3)	or (4)
3818	Chemical elements doped for use in electronics, in the form of discs, wafers or similar forms; chemical compounds doped for use in electronics	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
3819	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	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
3820	Anti-freezing preparations and prepared de-icing fluids	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
3822	Diagnostic or laboratory reagents on a backing and prepared diagnostic or laboratory reagents, whether or not on a backing, other than those of heading No 3002 or 3006	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
3823	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols		
	— Industrial monocarboxylic fatty acids, acid oils from refining	Manufacture in which all the materials used are classified within a heading other than that of the product	
	— Industrial fatty alcohols	Manufacture from materials of any heading including other materials of heading No 3823	
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:		

## ▼M18

(1)	(2)	(3)	or (4)
	<p>— The following of this heading:</p> <p>Prepared binders for foundry moulds or cores based on natural resinous products</p> <p>Naphthenic acids, their water insoluble salts and their esters</p> <p>Sorbitol other than that of heading No 2905</p> <p>Petroleum sulphonates, excluding petroleum sulphonates of alkali metals, of ammonium or of ethanamines; thiophenated sulphonic acids of oils obtained from bituminous minerals, and their salts</p> <p>Ion exchangers</p> <p>Getters for vacuum tubes</p> <p>Alkaline iron oxide for the purification of gas</p> <p>Ammoniacal gas liquors and spent oxide produced in coal gas purification</p> <p>Sulphonaphthenic acids, their water insoluble salts and their esters</p> <p>Fusel oil and Dippel's oil</p> <p>Mixtures of salts having different anions</p> <p>Copying pastes with a basis of gelatin, whether or not on a paper or textile backing</p> <p>— Other</p>	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 20 % of the ex-works price of the product</p> <p>Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product</p>	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product</p>
3901 to 3915	<p>Plastics in primary forms, waste, parings and scrap, of plastic; except for heading Nos ex 3907 and 3912 for which the rules are set out below:</p> <p>— Addition homopolymerization products in which a single monomer contributes more than 99 % by weight to the total polymer content</p>	<p>Manufacture in which:</p> <p>— the value of all the materials used does not exceed 50 % of the ex-works price of the product;</p> <p>— the value of any materials of Chapter 39 used does not exceed 20 % of the ex-works price of the product<sup>(5)</sup></p>	<p>Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product</p>

## ▼ M18

(1)	(2)	(3)	or (4)
ex 3907	<p>— Other</p> <p>— Copolymer, made from polycarbonate and acrylonitrile-butadiene-styrene copolymer (ABS)</p>	<p>Manufacture in which the value of the materials of Chapter 39 used does not exceed 20 % of the ex-works price of the product <sup>(5)</sup></p> <p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, materials classified within the same heading may be used provided their value does not exceed 50 % of the ex-works price of the product <sup>(5)</sup></p>	<p>Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product</p>
	<p>— Polyester</p>	<p>Manufacture in which the value of any materials of Chapter 39 used does not exceed 20 % of the ex-works price of the product and/or manufacture from polycarbonate of tetrabromo-(bisphenol A)</p>	
3912	<p>Cellulose and its chemical derivatives, not elsewhere specified or included, in primary forms</p>	<p>Manufacture in which the value of any materials classified in the same heading as the product does not exceed 20 % of the ex-works price of the product</p>	
3916 to 3921	<p>Semi-manufactures and articles of plastics; except for heading No ex 3916, ex 3917, ex 3920 and ex 3921, for which the rules are set out below:</p>		
	<p>— Flat products, further worked than only surface-worked or cut into forms other than rectangular (including square); other products, further worked than only surface-worked</p>	<p>Manufacture in which the value of any materials of Chapter 39 used does not exceed 50 % of the ex-works price of the product</p>	<p>Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product</p>
	<p>— Other:</p> <p>— — Addition homopolymerization products in which a single monomer contributes more than 99 % by weight to the total polymer content</p>	<p>Manufacture in which:</p> <p>— the value of all the materials used does not exceed 50 % of the ex-works price of the product;</p> <p>— the value of any materials of Chapter 39 used does not exceed 20 % of the ex-works price of the product <sup>(5)</sup></p>	<p>Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product</p>

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(1)	(2)	(3)	or (4)
ex 3916 and ex 3917	<p>— — Other</p> <p>Profile shapes and tubes</p>	<p>Manufacture in which the value of any materials of Chapter 39 used does not exceed 20 % of the ex-works price of the product <sup>(5)</sup></p> <p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>— the value of all the materials used does not exceed 50 % of the ex-works price of the product;</li> <li>— the value of any materials classified within the same heading as the product does not exceed 20 % of the ex-works price of the product</li> </ul>	<p>Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product</p> <p>Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product</p>
ex 3920	— Ionomer sheet or film	Manufacture from a thermoplastic partial salt which is a copolymer of ethylene and metacrylic acid partly neutralized with metal ions, mainly zinc and sodium	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
ex 3921	<p>— Sheets of regenerated cellulose, polyamides or polyethylene</p> <p>Foils of plastic, metallized</p>	<p>Manufacture in which the value of any materials classified in the same heading as the product does not exceed 20 % of the ex-works price of the product</p> <p>Manufacture from highly transparent polyester foils with a thickness of less than 23 micron <sup>(6)</sup></p>	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
3922 to 3926	Articles of plastic	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
ex Chapter 40	Rubber and articles thereof, except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex 4001	Laminated slabs of crepe rubber for shoes	Lamination of sheets of natural rubber	
4005	Compounded rubber, unvulcanized, in primary forms or in plates, sheets or strip	Manufacture in which the value of all the materials used, except natural rubber, does not exceed 50 % of the ex-works price of the product	

## ▼M18

(1)	(2)	(3)	or (4)
4012	Retreaded or used pneumatic tyres of rubber; solid or cushion tyres, interchangeable tyre treads and tyre flaps, of rubber:  — Retreaded pneumatic, solid or cushion tyres, of rubber  — Other	Retreading of used tyres  Manufacture from materials of any heading, except those of heading No 4011 or 4012	
ex 4017	Articles of hard rubber	Manufacture from hard rubber	
ex Chapter 41	Raw hides and skins (other than furskins) and leather; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex 4102	Raw skins of sheep or lambs, without wool on	Removal of wool from sheep or lamb skins, with wool on	
4104 to 4107	Leather, without hair or wool, other than leather of heading No 4108 or 4109	Retanning of pre-tanned leather or  Manufacture in which all the materials used are classified within a heading other than that of the product	
4109	Patent leather and patent laminated leather; metallized leather	Manufacture from leather of heading Nos 4104 to 4107 provided its value does not exceed 50 % of the ex-works price of the product	
Chapter 42	Articles of leather; saddlery and harness; travel goods, handbags and similar containers; articles of animal gut (other than silk worm gut)	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex Chapter 43	Furskins and artificial fur; manufactures thereof; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex 4302	Tanned or dressed furskins, assembled:  — Plates, crosses and similar forms	Bleaching or dyeing, in addition to cutting and assembly of non-assembled tanned or dressed furskins	

## ▼M18

(1)	(2)	(3)	or (4)
4303	<p>— Other</p> <p>Articles of apparel, clothing accessories and other articles of furskin</p>	<p>Manufacture from non-assembled, tanned or dressed furskins</p> <p>Manufacture from non-assembled tanned or dressed furskins of heading No 4302</p>	
ex Chapter 44	Wood and articles of wood; wood charcoal; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex 4403	Wood roughly squared	Manufacture from wood in the rough, whether or not stripped of its bark or merely roughed down	
ex 4407	Wood sawn or chipped lengthwise, sliced or peeled, of a thickness exceeding 6 mm, planed, sanded or finger-jointed	Planing, sanding or finger-jointing	
ex 4408	Veneer sheets and sheets for plywood, of a thickness not exceeding 6 mm, spliced, and other wood sawn lengthwise, sliced or peeled of a thickness not exceeding 6 mm, planed, sanded or finger-jointed	Splicing, planing, sanding or finger-jointing	
ex 4409	<p>Wood continuously shaped along any of its edges or faces, whether or not planed, sanded or finger-jointed:</p> <p>— Sanded or finger-jointed</p> <p>— Beadings and mouldings</p>	<p>Sanded or finger-jointed</p> <p>Beading or moulding</p>	
ex 4410 to ex 4413	Beadings and mouldings, including moulded skirting and other moulded boards	Beading or moulding	
ex 4415	Packing cases, boxes, crates, drums and similar packings, of wood	Manufacture from boards not cut to size	
ex 4416	Casks, barrels, vats, tubs and other cooper's products and parts thereof, of wood	Manufacture from riven staves, not further worked than sawn on the two principal surfaces	

## ▼M18

(1)	(2)	(3)	or (4)
ex 4418	<p>— Builders' joinery and carpentry of wood</p> <p>— Beadings and mouldings</p>	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, cellular wood panels, shingles and shakes may be used</p> <p>Beading or moulding</p>	
ex 4421	Match splints; wooden pegs or pins for footwear	Manufacture from wood of any heading except drawn wood of heading No 4409	
ex Chapter 45	Cork and articles of cork; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
4503	Articles of natural cork	Manufacture from cork of heading No 4501	
Chapter 46	Manufactures of straw, of esparto or of other plaiting materials; basketware and wickerwork	Manufacture in which all the materials used are classified within a heading other than that of the product	
Chapter 47	Pulp of wood or of other fibrous cellulosic material; recovered (waste and scrap) paper or paperboard	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex Chapter 48	Paper and paperboard; articles of paper pulp, of paper or of paperboard; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex 4811	Paper and paperboard, ruled, lined or squared only	Manufacture from paper-making materials of Chapter 47	
4816	Carbon paper, self-copy paper and other copying or transfer papers (other than those of heading No 4809), duplicator stencils and offset plates, of paper, whether or not put up in boxes	Manufacture from paper-making materials of Chapter 47	
4817	Envelopes, letter cards, plain postcards and correspondence cards, of paper or paperboard; boxes, pouches, wallets and writing compendiums, of paper or paperboard, containing an assortment of paper stationery	<p>Manufacturing in which:</p> <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 50 % of the ex-works price of the product</li> </ul>	

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(1)	(2)	(3)	or (4)
ex 4818	Toilet paper	Manufacture from papermaking materials of Chapter 47	
ex 4819	Cartons, boxes, cases, bags and other packing containers, of paper, paperboard, cellulose wadding or webs of cellulose fibres	Manufacture in which: — all the materials used are classified within a heading other than that of the product; — the value of all the materials used does not exceed 50 % of the ex-works price of the product	
ex 4820	Letter pads	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
ex 4823	Other paper, paperboard, cellulose wadding and webs of cellulose fibres, cut to size or shape	Manufacture from papermaking materials of Chapter 47	
ex Chapter 49	Printed books, newspapers, pictures and other products of the printing industry; manuscripts, typescripts and plans; except for:  4909 Printed or illustrated postcards; printed cards bearing personal greetings, messages or announcements, whether or not illustrated, with or without envelopes or trimmings  4910 Calendars of any kind, printed, including calendar blocks:  — Calendars of the 'perpetual' type or with replaceable blocks mounted on bases other than paper or paperboard  — Other	Manufacture in which all the materials used are classified within a heading other than that of the product  Manufacture from materials not classified within heading No 4909 or 4911  Manufacture in which: — all the materials used are classified within a heading other than that of the product; — the value of all the materials used does not exceed 50 % of the ex-works price of the product  Manufacture from materials not classified in heading No 4909 or 4911	



▼ **M18**

(1)	(2)	(3)	or (4)
ex Chapter 50	Silk; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex 5003	Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock), carded or combed	Carding or combing of silk waste	
5004 to ex 5006	Silk yarn and yarn spun from silk waste	Manufacture from <sup>(7)</sup> : <ul style="list-style-type: none"> <li>— raw silk or silk waste carded or combed or otherwise prepared for spinning,</li> <li>— other natural fibres not carded or combed or otherwise prepared for spinning,</li> <li>— chemical materials or textile pulp, or</li> <li>— paper-making materials</li> </ul>	
5007	Woven fabrics of silk or of silk waste: <ul style="list-style-type: none"> <li>— Incorporating rubber thread</li> <li>— Other</li> </ul>	Manufacture from single yarn <sup>(7)</sup>  Manufacture from <sup>(7)</sup> : <ul style="list-style-type: none"> <li>— coir yarn,</li> <li>— natural fibres,</li> <li>— man-made staple fibres not carded or combed or otherwise prepared for spinning,</li> <li>— chemical materials or textile pulp, or</li> <li>— paper</li> </ul> or <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product</p>	

▼ **M18**

(1)	(2)	(3)	or (4)
ex Chapter 51	Wool, fine or coarse animal hair; horsehair yarn and woven fabric; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
5106 to 5110	Yarn of wool, of fine or coarse animal hair or of horsehair	Manufacture from (7): — raw silk or silk waste carded or combed or otherwise prepared for spinning, — natural fibres not carded or combed or otherwise prepared for spinning, — chemical materials or textile pulp, or — paper-making materials	
5111 to 5113	Woven fabrics of wool, of fine or coarse animal hair or of horsehair:  — Incorporating rubber thread  — Other	Manufacture from single yarn (7)  Manufacture from (7): — coir yarn, — natural fibres, — man-made staple fibres not carded or combed or otherwise prepared for spinning, — chemical materials or textile pulp, or — paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product	
ex Chapter 52	Cotton; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	

▼ **M18**

(1)	(2)	(3)	or (4)
5204 to 5207	Yarn and thread of cotton	Manufacture from (7): — raw silk or silk waste carded or combed or otherwise prepared for spinning, — natural fibres not carded or combed or otherwise prepared for spinning, — chemical materials or textile pulp, or — paper-making materials	
5208 to 5212	Woven fabrics of cotton:  — Incorporating rubber thread  — Other	Manufacture from single yarn (7)  Manufacture from (7): — coir yarn, — natural fibres, — man-made staple fibres not carded or combed or otherwise prepared for spinning, — chemical materials or textile pulp, or — paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product	
ex Chapter 53	Other vegetable textile fibres; paper yarn and woven fabrics of paper yarn; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
5306 to 5308	Yarn of other vegetable textile fibres; paper yarn	Manufacture from (7): — raw silk or silk waste carded or combed or otherwise prepared for spinning, — natural fibres not carded or combed or otherwise prepared for spinning, — chemical materials or textile pulp, or — paper-making materials	

## ▼M18

(1)	(2)	(3)	or (4)
5309 to 5311	<p>Woven fabrics of other vegetable textile fibres; woven fabrics of paper yarn:</p> <p>— Incorporating rubber thread</p> <p>— Other</p>	<p>Manufacture from single yarn (7)</p> <p>Manufacture from (7):</p> <ul style="list-style-type: none"> <li>— coir yarn,</li> <li>— natural fibres,</li> <li>— man-made staple fibres not carded or combed or otherwise prepared for spinning,</li> <li>— chemical materials or textile pulp, or</li> <li>— paper</li> </ul> <p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product</p>	
5401 to 5406	Yarn, monofilament and thread of man-made filaments	<p>Manufacture from (7):</p> <ul style="list-style-type: none"> <li>— raw silk or silk waste carded or combed or otherwise prepared for spinning,</li> <li>— natural fibres not carded or combed or otherwise prepared for spinning,</li> <li>— chemical materials or textile pulp, or</li> <li>— paper-making materials</li> </ul>	
5407 and 5408	<p>Woven fabrics of man-made filament yarn:</p> <p>— Incorporating rubber thread</p>	Manufacture from single yarn (7)	

▼ **M18**

(1)	(2)	(3)	or (4)
	— Other	Manufacture from <sup>(7)</sup> :  — coir yarn,  — natural fibres,  — man-made staple fibres not carded or combed or otherwise prepared for spinning,  — chemical materials or textile pulp, or  — paper  or  Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product	
5501 to 5507	Man-made staple fibres	Manufacture from chemical materials or textile pulp	
5508 to 5511	Yarn and sewing thread of man-made staple fibres	Manufacture from <sup>(7)</sup> :  — raw silk or silk waste carded or combed or otherwise prepared for spinning,  — natural fibres not carded or combed or otherwise prepared for spinning,  — chemical materials or textile pulp, or  — paper-making materials	
5512 to 5516	Woven fabrics of man-made staple fibres:  — Incorporating rubber thread	Manufacture from single yarn <sup>(7)</sup>	

## ▼M18

(1)	(2)	(3)	or (4)
	— Other	Manufacture from (7): — coir yarn, — natural fibres, — man-made staple fibres not carded or combed or otherwise prepared for spinning, — chemical materials or textile pulp, or — paper or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product	
ex Chapter 56	Wadding, felt and non-wovens; special yarns; twine, cordage, ropes and cables and articles thereof; except for:	Manufacture from (7): — coir yarn, — natural fibres, — chemical materials or textile pulp, or — paper making materials	
5602	Felt, whether or not impregnated, coated, covered or laminated:  — Needleloom felt	Manufacture from (7): — natural fibres, — chemical materials or textile pulp However: — polypropylene filament of heading No 5402, — polypropylene fibres of heading No 5503 or 5506, or — polypropylene filament tow of heading No 5501, of which the denomination in all cases of a single filament or fibre is less than 9 decitex may be used provided their value does not exceed 40 % of the ex-works price of the product	

▼ **M18**

(1)	(2)	(3)	or (4)
5604	<p>— Other</p> <p>Rubber thread and cord, textile covered; textile yarn, and strip and the like of heading No 5404 or 5405, impregnated, coated, covered or sheathed with rubber or plastics:</p> <p>— Rubber thread and cord, textile covered</p> <p>— Other</p>	<p>Manufacture from (7):</p> <p>— natural fibres,</p> <p>— man-made staple fibres made from casein, or</p> <p>— chemical materials or textile pulp</p> <p>Manufacture from rubber thread or cord, not textile covered</p> <p>Manufacture from (7):</p> <p>— natural fibres not carded or combed or otherwise processed for spinning,</p> <p>— chemical materials or textile pulp, or</p> <p>— paper-making materials</p>	
5605	<p>Metallized yarn, whether or not gimped, being textile yarn, or strip or the like of heading No 5404 or 5405, combined with metal in the form of thread, strip or powder or covered with metal</p>	<p>Manufacture from (7):</p> <p>— natural fibres,</p> <p>— man-made staple fibres not carded or combed or otherwise processed for spinning,</p> <p>— chemical materials or textile pulp, or</p> <p>— paper-making materials</p>	
5606	<p>Gimped yarn, and strip and the like of heading No 5404 or 5405, gimped (other than those of heading No 5605 and gimped horsehair yarn); chenille yarn (including flock chenille yarn; loop wale-yarn</p>	<p>Manufacture from (7):</p> <p>— natural fibres,</p> <p>— man-made staple fibres not carded or combed or otherwise processed for spinning,</p> <p>— chemical materials or textile pulp, or</p> <p>— paper-making materials</p>	

▼ **M18**

(1)	(2)	(3)	or (4)
Chapter 57	<p>Carpets and other textile floor coverings:</p> <p>— Of needleloom felt</p> <p>— Of other felt</p> <p>— Other</p>	<p>Manufacture from <sup>(7)</sup>:</p> <p>— natural fibres, or</p> <p>— chemical materials or textile pulp</p> <p>However:</p> <p>— polypropylene filament of heading No 5402,</p> <p>— polypropylene fibres of heading No 5503 or 5506, or</p> <p>— polypropylene filament tow of heading No 5501, of which the denomination in all cases of a single filament or fibre is less than 9 decitex may be used provided their value does not exceed 40 % of the ex-works price of the product</p> <p>Manufacture from <sup>(7)</sup>:</p> <p>— natural fibres not carded or combed or otherwise processed for spinning, or</p> <p>— chemical materials or textile pulp</p> <p>Manufacture from <sup>(7)</sup>:</p> <p>— coir yarn,</p> <p>— synthetic or artificial filament yarn,</p> <p>— natural fibres, or</p> <p>— man-made staple fibres not carded or combed or otherwise processed for spinning</p>	
ex Chapter 58	<p>Special woven fabrics; tufted textile fabrics; lace; tapestries; trimmings; embroidery; except for:</p> <p>— Combined with rubber thread</p>	<p>Manufacture from single yarn <sup>(7)</sup></p>	



▼ **M18**

(1)	(2)	(3)	or (4)
	<p>— Other</p>	<p>Manufacture from <sup>(7)</sup>:</p> <ul style="list-style-type: none"> <li>— natural fibres,</li> <li>— man-made staple fibres not carded or combed or otherwise processed for spinning, or</li> <li>— chemical materials or textile pulp,</li> </ul> <p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product</p>	
5805	Hand-woven tapestries of the types gobelins, flanders, aubusson, beauvais and the like, and needle-worked tapestries (for example, petit point, cross stitch), whether or not made up	Manufacture in which all the materials used are classified within a heading other than that of the product	
5810	Embroidery in the piece, in strips or in motifs	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 50 % of the ex-works price of the product</li> </ul>	
5901	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books or the like; tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for hat foundations	Manufacture from yarn	
5902	<p>Tyre cord fabric of high tenacity yarn of nylon or other polyamides, polyesters or viscose rayon:</p> <ul style="list-style-type: none"> <li>— Containing not more than 90 % by weight of textile materials</li> </ul>	Manufacture from yarn	

## ▼M18

(1)	(2)	(3)	or (4)
5903	<p>— Other</p> <p>Textile fabrics impregnated, coated, covered or laminated with plastics, other than those of heading No 5902</p>	<p>Manufacture from chemical materials or textile pulp</p> <p>Manufacture from yarn</p> <p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product</p>	
5904	<p>Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape</p>	<p>Manufacture from yarn <sup>(7)</sup></p>	
5905	<p>Textile wall coverings:</p> <p>— Impregnated, coated, covered or laminated with rubber, plastics or other materials</p> <p>— Other</p>	<p>Manufacture from yarn</p> <p>Manufacture from <sup>(7)</sup>:</p> <p>— coir yarn,</p> <p>— natural fibres,</p> <p>— man-made staple fibres not carded or combed or otherwise processed for spinning, or</p> <p>— chemical materials or textile pulp,</p> <p>or</p> <p>Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product</p>	

▼ **M18**

(1)	(2)	(3)	or (4)
5906	Rubberized textile fabrics, other than those of heading No 5902:  — Knitted or crocheted fabrics  — Other fabrics made of synthetic filament yarn, containing more than 90 % by weight of textile materials  — Other	Manufacture from <sup>(7)</sup> :  — natural fibres,  — man-made staple fibres not carded or combed or otherwise processed for spinning, or  — chemical materials or textile pulp  Manufacture from chemical materials  Manufacture from yarn	
5907	Textile fabrics otherwise impregnated, coated or covered; painted canvas being theatrical scenery, studio back-cloths or the like	Manufacture from yarn  or  Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerising, heat setting, rasing, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5 % of the ex-works price of the product	
5908	Textile wicks, woven, plaited or knitted, for lamps, stoves, lighters, candles or the like; incandescent gas mantles and tubular knitted gas mantle fabric therefor, whether or not impregnated:  — Incandescent gas mantles, impregnated  — Other	Manufacture from tubular knitted gas mantle fabric  Manufacture in which all the materials used are classified within a heading other than that of the product	
5909 to 5911	Textile articles of a kind suitable for industrial use:  — Polishing discs or rings other than of felt of heading No 5911	Manufacture from yarn or waste fabrics or rags of heading No 6310	

▼ **M18**

(1)	(2)	(3)	or (4)
	<p>— Woven fabrics, of a kind commonly used in paper-making or other technical uses, felted or not, whether or not impregnated or coated, tubular or endless with single or multiple warp and/or weft, or flat woven with multiple warp and/or weft of heading No 5911</p> <p>— Other</p>	<p>Manufacture from (7):</p> <ul style="list-style-type: none"> <li>— coir yarn,</li> <li>— the following materials: <ul style="list-style-type: none"> <li>— — yarn of polytetrafluoroethylene (8),</li> <li>— — yarn, multiple, of polyamide, coated impregnated or covered with a phenolic resin,</li> <li>— — yarn of synthetic textile fibres of aromatic polyamides, obtained by polycondensation of m-phenylenediamine and isophthalic acid,</li> <li>— — monofil of polytetrafluoroethylene (8),</li> <li>— — yarn of synthetic textile fibres of poly-p-phenylene terephthalamide,</li> <li>— — glass fibre yarn, coated with phenol resin and gimped with acrylic yarn (8),</li> <li>— — copolyester monofilaments of a polyester and a resin of terephthalic acid and 1,4-cyclohexanediethanol and isophthalic acid,</li> <li>— — natural fibres,</li> <li>— man-made staple fibres not carded or combed or otherwise processed for spinning, or</li> <li>— chemical materials or textile pulp</li> </ul> </li> </ul> <p>Manufacture from (7):</p> <ul style="list-style-type: none"> <li>— coir yarn,</li> <li>— natural fibres,</li> <li>— man-made staple fibres not carded or combed or otherwise processed for spinning, or</li> <li>— chemical materials or textile pulp</li> </ul>	
Chapter 60	Knitted or crocheted fabrics	<p>Manufacture from (7):</p> <ul style="list-style-type: none"> <li>— natural fibres,</li> <li>— man-made staple fibres not carded or combed or otherwise processed for spinning, or</li> <li>— chemical materials or textile pulp</li> </ul>	

▼ **M18**

(1)	(2)	(3)	or (4)
Chapter 61	<p>Articles of apparel and clothing accessories, knitted or crocheted:</p> <p>— Obtained by sewing together or otherwise assembling, two or more pieces of knitted or crocheted fabric which have been either cut to form or obtained directly to form</p> <p>— Other</p>	<p>Manufacture from yarn <sup>(7)</sup> <sup>(9)</sup></p> <p>Manufacture from <sup>(7)</sup>:</p> <p>— natural fibres,</p> <p>— man-made staple fibres not carded or combed or otherwise processed for spinning, or</p> <p>— chemical materials or textile pulp</p>	
<p>ex Chapter 62</p> <p>ex 6202, ex 6204, ex 6206, ex 6209 and ex 6211</p> <p>ex 6210 and ex 6216</p> <p>6213 and 6214</p>	<p>Articles of apparel and clothing accessories, not knitted or crocheted; except for:</p> <p>Women's, girls' and babies' clothing and clothing accessories for babies, embroidered</p> <p>Fire-resistant equipment of fabric covered with foil of aluminized polyester</p> <p>Handkerchiefs, shawls, scarves, mufflers, mantillas, veils and the like:</p> <p>— Embroidered</p>	<p>Manufacture from yarn <sup>(7)</sup> <sup>(9)</sup></p> <p>Manufacture from yarn <sup>(9)</sup></p> <p>or</p> <p>Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product <sup>(9)</sup></p> <p>Manufacture from yarn <sup>(9)</sup></p> <p>or</p> <p>Manufacture from uncoated fabric provided the value of the uncoated fabric used does not exceed 40 % of the ex-works price of the product <sup>(9)</sup></p> <p>Manufacture from unbleached single yarn <sup>(7)</sup> <sup>(9)</sup></p> <p>or</p> <p>Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product <sup>(9)</sup></p>	

## ▼M18

(1)	(2)	(3)	or (4)
6217	<p>— Other</p> <p>Other made up clothing accessories; parts of garments or of clothing accessories, other than those of heading No 6212:</p> <p>— Embroidered</p> <p>— Fire-resistant equipment of fabric covered with foil of aluminized polyester</p> <p>— Interlinings for collars and cuffs, cut out</p> <p>— Other</p>	<p>Manufacture from unbleached single yarn (7) (9)</p> <p>or</p> <p>Making up followed by printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted goods of heading Nos 6213 and 6214 used does not exceed 47,5 % of the ex-works price of the product</p> <p>Manufacture from yarn (9)</p> <p>or</p> <p>Manufacture from unembroidered fabric provided the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product (9)</p> <p>Manufacture from yarn (9)</p> <p>or</p> <p>Manufacture from uncoated fabric provided the value of the uncoated fabric used does not exceed 40 % of the ex-works price of the product (9)</p> <p>Manufacture in which:</p> <p>— all the materials used are classified within a heading other than that of the product;</p> <p>— the value of all the materials used does not exceed 40 % of the ex-works price of the product</p> <p>Manufacture from yarn (9)</p>	

▼ **M18**

(1)	(2)	(3)	or (4)
ex Chapter 63	Other made-up textile articles; sets; worn clothing and worn textile articles; rags; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
6301 to 6304	Blankets, travelling rugs, bed linen etc.; curtains etc.; other furnishing articles:		
	— Of felt, of nonwovens	Manufacture from <sup>(7)</sup> : — natural fibres, or — chemical materials or textile pulp	
	— Other:		
	— — Embroidered	Manufacture from unbleached single yarn <sup>(9)</sup> <sup>(10)</sup> or Manufacture from unembroidered fabric (other than knitted or crocheted) provided the value of the unembroidered fabric used does not exceed 40 % of the ex-works price of the product	
	— — Other	Manufacture from unbleached single yarn <sup>(9)</sup> <sup>(10)</sup>	
6305	Sacks and bags, of a kind used for the packing of goods	Manufacture from <sup>(7)</sup> : — natural fibres, — man-made staple fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp	
6306	Tarpaulins, awnings and sunblinds; tents; sails for boats, sailboards or landcraft; camping goods:		
	— Of nonwovens	Manufacture from <sup>(7)</sup> <sup>(9)</sup> : — natural fibres, or — chemical materials or textile pulp	
	— Other	Manufacture from unbleached single yarn <sup>(7)</sup> <sup>(9)</sup>	
6307	Other made-up articles, including dress patterns	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	

## ▼M18

(1)	(2)	(3)	or (4)
6308	Sets consisting of woven fabric and yarn, whether or not with accessories, for making up into rugs, tapestries, embroidered table cloths or serviettes, or similar textile articles, put up in packings for retail sale	Each item in the set must satisfy the rule which would apply to it if it were not included in the set. However, non-originating articles may be incorporated provided their total value does not exceed 15 % of the ex-works price of the set	
ex Chapter 64	Footwear, gaiters and the like; except for:	Manufacture from materials of any heading except for assemblies of uppers affixed to inner soles or to other sole components of heading No 6406	
6406	Parts of footwear (including uppers whether or not attached to soles other than outer soles); removable in-soles, heel cushions and similar articles; gaiters, leggings and similar articles, and parts thereof	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex Chapter 65	Headgear and parts thereof, except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
6503	Felt hats and other felt headgear, made from the hat bodies, hoods or plateaux of heading No 6501, whether or not lined or trimmed	Manufacture from yarn or textile fibres <sup>(9)</sup>	
6505	Hats and other headgear, knitted or crocheted, or made up from lace, felt or other textile fabric, in the piece (but not in strips), whether or not lined or trimmed; hair-nets of any material, whether or not lined or trimmed	Manufacture from yarn or textile fibres <sup>(9)</sup>	
ex Chapter 66	Umbrellas, sun umbrellas, walking-sticks, seat-sticks, whips, riding-crops, and parts thereof; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
6601	Umbrellas and sun umbrellas (including walking-stick umbrellas, garden umbrellas and similar umbrellas)	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
Chapter 67	Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair	Manufacture in which all the materials used are classified within a heading other than that of the product	



## ▼M18

(1)	(2)	(3)	or (4)
ex Chapter 68	Articles of stone, plaster, cement, asbestos, mica or similar materials; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex 6803	Articles of slate or of agglomerated slate	Manufacture from worked slate	
ex 6812	Articles of asbestos; articles of mixtures with a basis of asbestos or of mixtures with a basis of asbestos and magnesium carbonate	Manufacture from materials of any heading	
ex 6814	Articles of mica, including agglomerated or reconstituted mica, on a support of paper, paperboard or other materials	Manufacture from worked mica (including agglomerated or reconstituted mica)	
Chapter 69	Ceramic products	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex Chapter 70	Glass and glassware; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex 7003 ex 7004 and ex 7005	Glass with a non-reflecting layer	Manufacture from materials of heading No 7001	
7006	Glass of heading Nos 7003, 7004 or 7005, bent, edgeworked, engraved, drilled, enamelled or otherwise worked, but not framed or fitted with other materials	Manufacture from materials of heading No 7001	
7007	Safety glass, consisting of toughened (tempered) or laminated glass	Manufacture from materials of heading No 7001	
7008	Multiple-walled insulating units of glass	Manufacture from materials of heading No 7001	
7009	Glass mirrors, whether or not framed, including rear-view mirrors	Manufacture from materials of heading No 7001	

▼ **M18**

(1)	(2)	(3)	or (4)
7010	Carboys, bottles, flasks, jars, pots, phials, ampoules and other containers, of glass, of a kind used for the conveyance or packing of goods; preserving jars of glass; stoppers, lids and other closures, of glass	<p>Manufacture in which all the materials used are classified within a heading other than that of the product</p> <p>or</p> <p>Cutting of glassware, provided the value of the uncut glassware does not exceed 50 % of the ex-works price of the product</p>	
7013	Glassware of a kind used for table, kitchen, toilet, office, indoor decoration or similar purposes (other than that of heading No 7010 or 7018)	<p>Manufacture in which all the materials used are classified within a heading other than that of the product</p> <p>or</p> <p>Cutting of glassware, provided the value of the uncut glassware does not exceed 50 % of the ex-works price of the product</p> <p>or</p> <p>Hand-decoration (with the exception of silk-screen printing) of hand-blown glassware, provided the value of the hand-blown glassware does not exceed 50 % of the ex-works price of the product</p>	
ex 7019	Articles (other than yarn) of glass fibres	<p>Manufacture from:</p> <ul style="list-style-type: none"> <li>— uncoloured slivers, rovings, yarn or chopped strands, or</li> <li>— glass wool</li> </ul>	
ex Chapter 71	Natural or cultured pearls, precious or semi-precious stones, precious metals, metals clad with precious metal, and articles thereof; imitation jewellery; coin; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex 7101	Natural or cultured pearls, graded and temporarily strung for convenience of transport	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
ex 7102, ex 7103 and ex 7104	Worked precious or semi-precious stones (natural, synthetic or reconstructed)	Manufacture from unworked precious or semi-precious stones	

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(1)	(2)	(3)	or (4)
7106, 7108 and 7110	Precious metals:  — Unwrought	Manufacture from materials not classified within heading Nos 7106, 7108 or 7110  or  Electrolytic, thermal or chemical separation of precious metals of heading Nos 7106, 7108 or 7110  or  Alloying of precious metals of heading Nos 7106, 7108 or 7110 with each other or with base metals	
ex 7107, ex 7109 and ex 7111	— Semi-manufactured or in powder form  Metals clad with precious metals, semi-manufactured	Manufacture from unwrought precious metals  Manufacture from metals clad with precious metals, unwrought	
7116	Articles of natural or cultured pearls, precious or semi-precious stones (natural, synthetic or reconstructed)	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
7117	Imitation jewellery	Manufacture in which all the materials used are classified within a heading other than that of the product  or  Manufacture from base metal parts, not plated or covered with precious metals, provided the value of all the materials used does not exceed 50 % of the ex-works price of the product	
ex Chapter 72	Iron and steel; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
7207	Semi-finished products of iron or non-alloy steel	Manufacture from materials of heading Nos 7201, 7202, 7203, 7204 or 7205	
7208 to 7216	Flat-rolled products, bars and rods, angles, shapes and sections of iron or non-alloy steel	Manufacture from ingots or other primary forms of heading No 7206	
7217	Wire of iron or non-alloy steel	Manufacture from semi-finished materials of heading No 7207	

▼ **M18**

(1)	(2)	(3)	or (4)
ex 7218, 7219 to 7222	Semi-finished products, flat-rolled products, bars and rods, angles, shapes and sections of stainless steel	Manufacture from ingots or other primary forms of heading No 7218	
7223	Wire of stainless steel	Manufacture from semi-finished materials of heading No 7218	
ex 7224, 7225 to 7228	Semi-finished products, flat-rolled products, hot-rolled bars and rods, in irregularly wound coils; angles, shapes and sections, of other alloy steel; hollow drill bars and rods, of alloy or non-alloy steel	Manufacture from ingots or other primary forms of heading Nos 7206, 7218 or 7224	
7229	Wire of other alloy steel	Manufacture from semi-finished materials of heading No 7224	
ex Chapter 73	Articles of iron or steel; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex 7301	Sheet piling	Manufacture from materials of heading No 7206	
7302	Railway or tramway track construction materials of iron or steel: rails, checkrails and rack-rails, switch blades, crossing frogs, point rods and other crossing pieces, sleepers (cross-ties), fish-plates, chairs, chair wedges, sole plates (base plates), rail clips, bedplates, ties and other material specialized for jointing or fixing rails	Manufacture from materials of heading No 7206	
7304, 7305 and 7306	Tubes, pipes and hollow profiles, of iron (other than cast iron) or steel	Manufacture from materials of heading Nos 7206, 7207, 7218 or 7224	
ex 7307	Tube or pipe fittings of stainless steel (ISO No X5CrNiMo 1712), consisting of several parts	Turning, drilling, reaming, threading, deburring and sand-blasting of forged blanks the value of which does not exceed 35 % of the ex-works price of the product	

## ▼M18

(1)	(2)	(3)	or (4)
7308	Structures (excluding prefabricated buildings of heading No 9406) and parts of structures (for example, bridges and bridge-sections, lock-gates, towers, lattice masts, roofs, roofing frame-works, doors and windows and their frames and thresholds for doors, shutters, balustrades, pillars and columns), of iron or steel; plates, rods, angles, shapes, sections, tubes and the like, prepared for use in structures, of iron or steel	Manufacture in which all the materials used are classified within a heading other than that of the product. However, welded angles, shapes and sections of heading No 7301 may not be used	
ex 7315	Skid chain	Manufacture in which the value of all the materials of heading No 7315 used does not exceed 50 % of the ex-works price of the product	
ex Chapter 74	Copper and articles thereof; except for:	Manufacture in which:	
7401	Copper mattes; cement copper (precipitated copper)	<ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 50 % of the ex-works price of the product</li> </ul>	
7402	Unrefined copper; copper anodes for electrolytic refining	Manufacture in which all the materials used are classified within a heading other than that of the product	
7403	Refined copper and copper alloys, unwrought:		
	— Refined copper	Manufacture in which all the materials used are classified within a heading other than that of the product	
	— Copper alloys and refined copper containing other elements	Manufacture from refined copper, unwrought, or waste and scrap of copper	
7404	Copper waste and scrap	Manufacture in which all the materials used are classified within a heading other than that of the product	

## ▼M18

(1)	(2)	(3)	or (4)
7405	Master alloys of copper	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex Chapter 75  7501 to 7503	Nickel and articles thereof, except for:  Nickel mattes, nickel oxide sinters and other intermediate products of nickel metallurgy; unwrought nickel; nickel waste and scrap	Manufacture in which:  — all the materials used are classified within a heading other than that of the product;  — the value of all the materials used does not exceed 50 % of the ex-works price of the product  Manufacture in which all the materials used are classified within a heading other than that of the product	
ex Chapter 76  7601  7602  ex 7616	Aluminium and articles thereof, except for:  Unwrought aluminium  Aluminium waste or scrap  Aluminium articles other than gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials (including endless bands) of aluminium wire, and expanded metal of aluminium	Manufacture in which:  — all the materials used are classified within a heading other than that of the product;  — the value of all the materials used does not exceed 50 % of the ex-works price of the product  Manufacture by thermal or electrolytic treatment from unalloyed aluminium or waste and scrap of aluminium  Manufacture in which all the materials used are classified within a heading other than that of the product  Manufacture in which:  — all the materials used are classified within a heading other than that of the product. However, gauze, cloth, grill, netting, fencing, reinforcing fabric and similar materials (including endless bands) of aluminium wire, or expanded metal of aluminium may be used;  — the value of all the materials used does not exceed 50 % of the ex-works price of the product	

## ▼M18

(1)	(2)	(3)	or (4)
Chapter 77	Reserved for possible future use in HS		
ex Chapter 78	Lead and articles thereof; except for:	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 50 % of the ex-works price of the product</li> </ul>	
7801	<p>Unwrought lead:</p> <ul style="list-style-type: none"> <li>— Refined lead</li> <li>— Other</li> </ul>	<p>Manufacture from 'bullion' or 'work' lead</p>	
7802	Lead waste and scrap	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, waste and scrap of heading No 7802 may not be used</p>	
ex Chapter 79	Zinc and articles thereof; except for:	<p>Manufacture in which:</p> <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 50 % of the ex-works price of the product</li> </ul>	
7901	Unwrought zinc	<p>Manufacture in which all the materials used are classified within a heading other than that of the product. However, waste and scrap of heading No 7902 may not be used</p>	
7902	Zinc waste and scrap	<p>Manufacture in which all the materials used are classified within a heading other than that of the product</p>	

## ▼M18

(1)	(2)	(3)	or (4)
ex Chapter 80	Tin and articles thereof; except for:	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 50 % of the ex-works price of the product</li> </ul>	
8001	Unwrought tin	Manufacture in which all the materials used are classified within a heading other than that of the product. However, waste and scrap of heading No 8002 may not be used	
8002 and 8007	Tin waste and scrap; other articles of tin	Manufacture in which all the materials used are classified within a heading other than that of the product	
Chapter 81	Other base metals; cermets; articles thereof:		
	— Other base metals, wrought; articles thereof	Manufacture in which the value of all the materials classified within the same heading as the product used does not exceed 50 % of the ex-works price of the product	
	— Other	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex Chapter 82	Tools, implements, cutlery, spoons and forks, of base metal; parts thereof of base metal; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
8206	Tools of two or more of the heading Nos 8202 to 8205, put up in sets for retail sale	Manufacture in which all the materials used are classified within a heading other than heading Nos 8202 to 8205. However, tools of heading Nos 8202 to 8205 may be incorporated into the set provided their value does not exceed 15 % of the ex-works price of the set	



▼ **M18**

(1)	(2)	(3)	or (4)
8207	Interchangeable tools for hand tools, whether or not power-operated, or for machine-tools (for example, for pressing, stamping, punching, tapping, threading, drilling, boring, broaching, milling, turning, or screwdriving), including dies for drawing or extruding metal, and rock drilling or earth boring tools	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 40 % of the ex-works price of the product</li> </ul>	
8208	Knives and cutting blades, for machines or for mechanical appliances	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 40 % of the ex-works price of the product</li> </ul>	
ex 8211	Knives with cutting blades, serrated or not (including pruning knives), other than knives of heading No 8208	Manufacture in which all the materials used are classified within a heading other than that of the product. However, knife blades and handles of base metal may be used	
8214	Other articles of cutlery (for example, hair clippers, butchers' or kitchen cleavers, choppers and mincing knives, paper knives); manicure or pedicure sets and instruments (including nail files)	Manufacture in which all the materials used are classified within a heading other than that of the product. However, handles of base metal may be used	
8215	Spoons, forks, ladles, skimmers, cake-servers, fish-knives, butter-knives, sugar tongs and similar kitchen or tableware	Manufacture in which all the materials used are classified within a heading other than that of the product. However, handles of base metal may be used	
ex Chapter 83	Miscellaneous articles of base metal; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex 8302	Other mountings, fittings and similar articles suitable for buildings, and automatic door closers	Manufacture in which all the materials used are classified within a heading other than that of the product. However, the other materials of heading No 8302 may be used provided their value does not exceed 20 % of the ex-works price of the product	

## ▼M18

(1)	(2)	(3)	or (4)
ex 8306	Statuettes and other ornaments, of base metal	Manufacture in which all the materials used are classified within a heading other than that of the product. However, the other materials of heading No 8306 may be used provided their value does not exceed 30 % of the ex-works price of the product	
ex Chapter 84	Nuclear reactors, boilers, machinery and mechanical appliances; parts thereof; except for:	Manufacture in which: — all the materials used are classified within a heading other than that of the product; — the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
ex 8401	Nuclear fuel elements	Manufacture in which all the materials used are classified within a heading other than that of the product <sup>(11)</sup>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8402	Steam or other vapour generating boilers (other than central heating hot water boilers capable also of producing low pressure steam); super heated water boilers	Manufacture in which: — all the materials used are classified within a heading other than that of the product; — the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8403 and ex 8404	Central heating boilers other than those of heading No 8402 and auxiliary plant for central heating boilers	Manufacture in which all the materials used are classified within a heading other than heading No 8403 or 8404	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
8406	Steam turbines and other vapour turbines	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8407	Spark-ignition reciprocating or rotary internal combustion piston engines	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines)	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	

## ▼M18

(1)	(2)	(3)	or (4)
8409	Parts suitable for use solely or principally with the engines of heading No 8407 or 8408	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8411	Turbo-jets, turbo propellers and other gas turbines	Manufacture in which: — all the materials used are classified within a heading other than that of the product; — the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8412	Other engines and motors	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
ex 8413	Rotary positive displacement pumps	Manufacture in which: — all the materials used are classified within a heading other than that of the product; — the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
ex 8414	Industrial fans, blowers and the like	Manufacture in which: — all the materials used are classified within a heading other than that of the product; — the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8415	Air conditioning machines, comprising a motor-driven fan and elements for changing the temperature and humidity, including those machines in which the humidity cannot be separately regulated	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	

## ▼M18

(1)	(2)	(3)	or (4)
8418	Refrigerators, freezers and other refrigerating or freezing equipment, electric or other; heat pumps other than air conditioning machines of heading No 8415	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul>	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
ex 8419	Machines for wood, paper pulp and paperboard industries	Manufacture: <ul style="list-style-type: none"> <li>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25 % of the ex-works price of the product</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8420	Calendering or other rolling machines, other than for metals or glass, and cylinders therefor	Manufacture: <ul style="list-style-type: none"> <li>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25 % of the ex-works price of the product</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8423	Weighing machinery (excluding balances of a sensitivity of 5 cg or better), including weight operated counting or checking machines; weighing machine weights of all kinds	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 40 % of the ex-works price of the product</li> </ul>	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product

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(1)	(2)	(3)	or (4)
8425 to 8428	Lifting, handling, loading or unloading machinery	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex-works price of the product; — where, within the above limit, the materials classified within heading No 8431 are only used up to a value of 10 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8429	Self-propelled bulldozers, angle-dozers, graders, levellers, scrapers, mechanical shovels, excavators, shovel loaders, tamping machines and road rollers:  — Road rollers  — Other	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product  Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex-works price of the product; — where, within the above limit, the materials classified within heading No 8431 are only used up to a value of 10 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8430	Other moving, grading, levelling, scraping, excavating, tamping, compacting, extracting or boring machinery, for earth, minerals or ores; pile-drivers and pile-extractors; snow-ploughs and snow-blowers	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex-works price of the product; — where, within the above limit, the value of the materials classified within heading No 8431 are only used up to a value of 10 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
ex 8431	Parts suitable for use solely or principally with road rollers	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	

## ▼M18

(1)	(2)	(3)	or (4)
8439	Machinery for making pulp of fibrous cellulosic material or for making or finishing paper or paperboard	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex-works price of the product; — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8441	Other machinery for making up paper pulp, paper or paperboard, including cutting machines of all kinds	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex-works price of the product; — where, within the above limit, the materials classified within the same heading as the product are only used up to a value of 25 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8444 to 8447	Machines of these headings for use in the textile industry	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
ex 8448	Auxiliary machinery for use with machines of headings Nos 8444 and 8445	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8452	Sewing machines, other than book-sewing machines of heading No 8440; furniture, bases and covers specially designed for sewing machines; sewing machine needles:  — Sewing machines (lock stitch only) with heads of a weight not exceeding 16 kg without motor or 17 kg with motor	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex-works price of the product; — where the value of all the non-originating materials used in assembling the head (without motor) does not exceed the value of the originating materials used; — the thread tension, crochet and zigzag mechanisms used are already originating	

▼ **M18**

(1)	(2)	(3)	or (4)
	— Other	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8456 to 8466	Machine-tools and machines and their parts and accessories of heading Nos 8456 to 8466	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8469 to 8472	Office machines (for example, typewriters, calculating machines, automatic data processing machines, duplicating machines, stapling machines)	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8480	Moulding boxes for metal foundry; mould bases; moulding patterns; moulds for metal (other than ingot moulds), metal carbides, glass, mineral materials, rubber or plastics	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
8482	Ball or roller bearings	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 40 % of the ex-works price of the product</li> </ul>	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8484	Gaskets and similar joints of metal sheeting combined with other material or of two or more layers of metal; sets or assortments of gaskets and similar joints, dissimilar in composition, put up in pouches, envelopes or similar packings; mechanical seals	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8485	Machinery parts, not containing electrical connectors, insulators, coils, contacts or other electrical features, not specified or included elsewhere in this Chapter	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	

## ▼M18

(1)	(2)	(3)	or (4)
ex Chapter 85	Electrical machinery and equipment and parts thereof; sound recorders and reproducers, television image and sound recorders and reproducers, and parts and accessories of such articles; except for:	Manufacture in which <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 40 % of the ex-works price of the product</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8501	Electric motors and generators (excluding generating sets)	Manufacture: <ul style="list-style-type: none"> <li>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— where, within the above limit, the materials classified within heading No 8503 are only used up to a value of 10 % of the ex-works price of the product</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8502	Electric generating sets and rotary converters	Manufacture: <ul style="list-style-type: none"> <li>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— where, within the above limit, the materials classified within heading No 8501 or 8503, taken together, are only used up to a value of 10 % of the ex-works price of the product</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
ex 8504	Power supply units for automatic data-processing machines	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
ex 8518	Microphones and stands therefor; loudspeakers, whether or not mounted in their enclosures; audio-frequency electric amplifiers; electric sound amplifier sets	Manufacture: <ul style="list-style-type: none"> <li>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul>	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product



▼ **M18**

(1)	(2)	(3)	or (4)
8519	Turntables (record-decks), record-players, cassette-players and other sound reproducing apparatus, not incorporating a sound recording device	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex-works price of the product; — where the value of all the non-originating materials used does not exceed the value of the originating materials used	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8520	Magnetic tape recorders and other sound recording apparatus, whether or not incorporating a sound reproducing device	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex-works price of the product; — where the value of all the non-originating materials used does not exceed the value of the originating materials used	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8521	Video recording or reproducing apparatus, whether or not incorporating a video tuner	Manufacture: — in which the value of all the materials used does not exceed 40 % of the ex-works price of the product; — where the value of all the non-originating materials used does not exceed the value of the originating materials used	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8522	Parts and accessories suitable for use solely or principally with the apparatus of heading Nos 8519 to 8521	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8523	Prepared unrecorded media for sound recording or similar recording of other phenomena, other than products of Chapter 37	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8524	Records, tapes and other recorded media for sound or other similarly recorded phenomena, including matrices and masters for the production of records, but excluding products of Chapter 37:		

## ▼M18

(1)	(2)	(3)	or (4)
	<p>— Matrices and masters for the production of records</p> <p>— Other</p>	<p>Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product</p> <p>Manufacture:</p> <p>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</p> <p>— where, within the above limit, the materials classified within heading No 8523 are only used up to a value of 10 % of the ex-works price of the product</p>	<p>Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product</p>
8525	Transmission apparatus for radio-telephony, radio-telegraphy, radio-broadcasting or television, whether or not - incorporating reception apparatus or sound recording or reproducing apparatus; television cameras; still image video cameras and other video camera recorders	<p>Manufacture:</p> <p>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</p> <p>— where the value of all the non-originating materials used does not exceed the value of the originating materials used</p>	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8526	Radar apparatus, radio navigational aid apparatus and radio remote control apparatus	<p>Manufacture:</p> <p>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</p> <p>— where the value of all the non-originating materials used does not exceed the value of the originating materials used</p>	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8527	Reception apparatus for radio-telephony, radio-telegraphy or radio broadcasting, whether or not combined, in the same housing, with sound recording or reproducing apparatus or a clock	<p>Manufacture:</p> <p>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</p> <p>— where the value of all the non-originating materials used does not exceed the value of the originating materials used</p>	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product

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(1)	(2)	(3)	or (4)
8528	Reception apparatus for television, whether or not incorporating radio broadcast receivers or sound or video recording or reproducing apparatus; video monitors and video projectors	Manufacture: <ul style="list-style-type: none"> <li>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul>	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8529	Parts suitable for use solely or principally with the apparatus of heading Nos 8525 to 8528: <ul style="list-style-type: none"> <li>— Suitable for use solely or principally with video recording or reproducing apparatus</li> <li>— Other</li> </ul>	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product  Manufacture: <ul style="list-style-type: none"> <li>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul>	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8535 and 8536	Electrical apparatus for switching or protecting electrical circuits, or for making connections to or in electrical circuits	Manufacture: <ul style="list-style-type: none"> <li>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— where, within the above limit, the materials classified within heading No 8538 are only used up to a value of 10 % of the ex-works price of the product</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8537	Boards, panels, consoles, desks, cabinets and other bases, equipped with two or more apparatus of heading No 8535 or 8536, for electric control or the distribution of electricity, including those incorporating instruments or apparatus of Chapter 90, and numerical control apparatus, other than switching apparatus of heading No 8517	Manufacture: <ul style="list-style-type: none"> <li>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— where, within the above limit, the materials classified within heading No 8538 are only used up to a value of 10 % of the ex-works price of the product</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product

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(1)	(2)	(3)	or (4)
ex 8541	Diodes, transistors and similar semi-conductor devices, except wafers not yet cut into chips	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 40 % of the ex-works price of the product</li> </ul>	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8542	Electronic integrated circuits and microassemblies	Manufacture: <ul style="list-style-type: none"> <li>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— where, within the above limit, the materials classified within heading No 8541 or 8542, taken together, are only used up to a value of 10 % of the ex-works price of the product</li> </ul>	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
8544	Insulated (including enamelled or anodized) wire, cable (including coaxial cable) and other insulated electric conductors, whether or not fitted with connectors; optical fibre cables, made up of individually sheathed fibres, whether or not assembled with electric conductors or fitted with connectors	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8545	Carbon electrodes, carbon brushes, lamp carbons, battery carbons and other articles of graphite or other carbon, with or without metal, of a kind used for electrical purposes	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8546	Electrical insulators of any material	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	

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(1)	(2)	(3)	or (4)
8547	Insulating fittings for electrical machines, appliances or equipment, being fittings wholly of insulating materials apart from any minor components of metal (for example, threaded sockets) incorporated during moulding solely for purposes of assembly other than insulators of heading No 8546; electrical conduit tubing and joints therefor, of base metal lined with insulating material	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8548	Waste and scrap of primary cells, primary batteries and electric accumulators; spent primary cells, spent primary batteries and spent electric accumulators; electrical parts of machinery or apparatus, not specified or included elsewhere in this Chapter	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
ex Chapter 86	Railway or tramway locomotives, rolling-stock and parts thereof; railway or tramway track fixtures and fittings and parts thereof; mechanical (including electromechanical) traffic signalling equipment of all kinds; except for:	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8608	Railway or tramway track fixtures and fittings; mechanical (including electromechanical) signalling, safety or traffic control equipment for railways, tramways, roads, inland waterways, parking facilities, port installations or airfields; parts of the foregoing	Manufacture in which: — all the materials used are classified within a heading other than that of the product; — the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
ex Chapter 87	Vehicles other than railway or tramway rolling-stock, and parts and accessories thereof; except for:	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
8709	Works trucks, self-propelled, not fitted with lifting or handling equipment, of the type used in factories, warehouses, dock areas or airports for short distance transport of goods; tractors of the type used on railway station platforms; parts of the foregoing vehicles	Manufacture in which: — all the materials used are classified within a heading other than that of the product; — the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product



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(1)	(2)	(3)	or (4)
ex 8712	Bicycles without ball bearings	Manufacture from materials not classified in heading No 8714	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8715	Baby carriages and parts thereof	Manufacture in which: — all the materials used are classified within a heading other than that of the product; — the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
8716	Trailers and semi-trailers; other vehicles, not mechanically propelled; parts thereof	Manufacture in which: — all the materials used are classified within a heading other than that of the product; — the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
ex Chapter 88	Aircraft, spacecraft, and parts thereof; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 8804	Rotochutes	Manufacture from materials of any heading including other materials of heading No 8804	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
8805	Aircraft launching gear; deck-arrestor or similar gear; ground flying trainers; parts of the foregoing articles	Manufacture in which all the materials used are classified within a heading other than that of the product	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
Chapter 89	Ships, boats and floating structures	Manufacture in which all the materials used are classified within a heading other than that of the product. However, hulls of heading No 8906 may not be used	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product

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(1)	(2)	(3)	or (4)
ex Chapter 90	Optical, photographic, cinematographic, measuring, checking, precision, medical or surgical instruments and apparatus; parts and accessories thereof; except for:	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 40 % of the ex-works price of the product</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
9001	Optical fibres and optical fibre bundles; optical fibre cables other than those of heading No 8544; sheets and plates of polarizing material; lenses (including contact lenses), prisms, mirrors and other optical elements, of any material, unmounted, other than such elements of glass not optically worked	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9002	Lenses, prisms, mirrors and other optical elements, of any material, mounted, being parts of or fittings for instruments or apparatus, other than such elements of glass not optically worked	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9004	Spectacles, goggles and the like, corrective, protective or other	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
ex 9005	Binoculars, monoculars, other optical telescopes, and mountings therefor, except for astronomical refracting telescopes and mountings therefor	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product



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(1)	(2)	(3)	or (4)
ex 9006	Photographic (other than cinematographic) cameras; photographic flashlight apparatus and flashbulbs other than electrically ignited flashbulbs	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
9007	Cinematographic cameras and projectors, whether or not incorporating sound recording or reproducing apparatus	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
9011	Compound optical microscopes, including those for photomicrography, cinephotomicrography or microprojection	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
ex 9014	Other navigational instruments and appliances	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9015	Surveying (including photogrammetrical surveying), hydrographic, oceanographic, hydrological, meteorological or geophysical instruments and appliances, excluding compasses; rangefinders	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	

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(1)	(2)	(3)	or (4)
9016	Balances of a sensitivity of 5 cg or better, with or without weights	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9017	Drawing, marking-out or mathematical calculating instruments (for example, drafting machines, pantographs, protractors, drawing sets, slide rules, disc calculators); instruments for measuring length, for use in the hand (for example, measuring rods and tapes, micrometers, callipers), not specified or included elsewhere in this Chapter	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9018	Instruments and appliances used in medical, surgical, dental or veterinary sciences, including scintigraphic apparatus, other electro-medical apparatus and sight-testing instruments:		
	— Dentists' chairs incorporating dental appliances or dentists' spittoons	Manufacture from materials of any heading, including other materials of heading No 9018	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
	— Other	Manufacture in which: — all the materials used are classified within a heading other than that of the product; — the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
9019	Mechano-therapy appliances; massage apparatus; psychological aptitude-testing apparatus; ozone therapy, oxygen therapy, aerosol therapy, artificial respiration or other therapeutic respiration apparatus	Manufacture in which: — all the materials used are classified within a heading other than that of the product; — the value of all the materials used does not exceed 40 % of the ex-works price of the product	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product

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(1)	(2)	(3)	or (4)
9020	Other breathing appliances and gas masks, excluding protective masks having neither mechanical parts nor replaceable filters	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 40 % of the ex-works price of the product</li> </ul>	Manufacture in which the value of all the materials used does not exceed 25 % of the ex-works price of the product
9024	Machines and appliances for testing the hardness, strength, compressibility, elasticity or other mechanical properties of materials (for example, metals, wood, textiles, paper, plastics)	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9025	Hydrometers and similar floating instruments, thermometers, pyrometers, barometers, hygrometers and psychrometers, recording or not, and any combination of these instruments	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9026	Instruments and apparatus for measuring or checking the flow, level, pressure or other variables of liquids or gases (for example, flow meters, level gauges, manometers, heat meters), excluding instruments and apparatus of heading Nos 9014, 9015, 9028 or 9032	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9027	Instruments and apparatus for physical or chemical analysis (for example, polarimeters, refractometers, spectrometers, gas or smoke analysis apparatus); instruments and apparatus for measuring or checking viscosity, porosity, expansion, surface tension or the like; instruments and apparatus for measuring or checking quantities of heat, sound or light (including exposure meters); microtomes	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9028	Gas, liquid or electricity supply or production meters, including calibrating meters therefor:  — Parts and accessories	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	

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(1)	(2)	(3)	or (4)
	— Other	Manufacture: <ul style="list-style-type: none"> <li>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
9029	Revolution counters, production counters, taximeters, mileometers, pedometers and the like; speed indicators and tachometers, other than those of heading No 9014 or 9015; stroboscopes	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9030	Oscilloscopes, spectrum analysers and other instruments and apparatus for measuring or checking electrical quantities, excluding meters of heading No 9028; instruments and apparatus for measuring or detecting alpha, beta, gamma, X-ray, cosmic or other ionizing radiations	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9031	Measuring or checking instruments, appliances and machines, not specified or included elsewhere in this Chapter; profile projectors	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9032	Automatic regulating or controlling instruments and apparatus	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
9033	Parts and accessories (not specified or included elsewhere in this Chapter) for machines, appliances, instruments or apparatus of Chapter 90	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
ex Chapter 91	Clocks and watches and parts thereof; except for:	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	

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(1)	(2)	(3)	or (4)
9105	Other clocks	Manufacture: <ul style="list-style-type: none"> <li>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
9109	Clock movements, complete and assembled	Manufacture: <ul style="list-style-type: none"> <li>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— where the value of all the non-originating materials used does not exceed the value of the originating materials used</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
9110	Complete watch or clock movements, unassembled or partly assembled (movement sets); incomplete watch or clock movements, assembled; rough watch or clock movements	Manufacture: <ul style="list-style-type: none"> <li>— in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;</li> <li>— where, within the above limit, the materials classified within heading No 9114 are only used up to a value of 10 % of the ex-works price of the product</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
9111	Watch cases and parts thereof	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 40 % of the ex-works price of the product</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product
9112	Clock cases and cases of a similar type for other goods of this Chapter, and parts thereof	Manufacture in which: <ul style="list-style-type: none"> <li>— all the materials used are classified within a heading other than that of the product;</li> <li>— the value of all the materials used does not exceed 40 % of the ex-works price of the product</li> </ul>	Manufacture in which the value of all the materials used does not exceed 30 % of the ex-works price of the product

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(1)	(2)	(3)	or (4)
9113	Watch straps, watch bands and watch bracelets, and parts thereof:  — Of base metal, whether or not gold- or silver-plated, or of metal clad with precious metal  — Other	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product  Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
Chapter 92	Musical instruments; parts and accessories of such articles	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product	
Chapter 93	Arms and ammunition; parts and accessories thereof	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
ex Chapter 94	Furniture; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings; lamps and lighting fittings, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like; prefabricated buildings; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product
ex 9401 and ex 9403	Base metal furniture, incorporating unstuffed cotton cloth of a weight of 300 g/m <sup>2</sup> or less	Manufacture in which all the materials used are classified in a heading other than that of the product  or  Manufacture from cotton cloth already made up in a form ready for use of heading No 9401 or 9403, provided: — its value does not exceed 25 % of the ex-works price of the product; — all the other materials used are already originating and are classified in a heading other than heading No 9401 or 9403	Manufacture in which the value of all the materials used does not exceed 40 % of the ex-works price of the product;
9405	Lamps and lighting fittings including searchlights and spotlights and parts thereof, not elsewhere specified or included; illuminated signs, illuminated name-plates and the like, having a permanently fixed light source, and parts thereof not elsewhere specified or included	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	

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(1)	(2)	(3)	or (4)
9406	Prefabricated buildings	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
ex Chapter 95	Toys, games and sports requisites; parts and accessories thereof; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
9503	Other toys; reduced-size ('scale') models and similar recreational models, working or not; puzzles of all kinds	Manufacture in which: — all the materials used are classified within a heading other than that of the product; — the value of all the materials used does not exceed 50 % of the ex-works price of the product	
ex 9506	Golf clubs and parts thereof	Manufacture in which all the materials used are classified within a heading other than that of the product. However, roughly shaped blocks for making golf club heads may be used	
ex Chapter 96	Miscellaneous manufactured articles; except for:	Manufacture in which all the materials used are classified within a heading other than that of the product	
ex 9601 and ex 9602	Articles of animal, vegetable or mineral carving materials	Manufacture from 'worked' carving materials of the same heading	
ex 9603	Brooms and brushes (except for besoms and the like and brushes made from marten or squirrel hair), hand-operated mechanical floor sweepers, not motorized, paint pads and rollers, squeegees and mops	Manufacture in which the value of all the materials used does not exceed 50 % of the ex-works price of the product	
9605	Travel sets for personal toilet, sewing or shoe or clothes cleaning	Each item in the set must satisfy the rule, which would apply to it if it were not included in the set. However, non-originating articles may be incorporated, provided their total value does not exceed 15 % of the ex-works price of the set	

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(1)	(2)	(3)	or	(4)
9606	Buttons, press-fasteners, snap-fasteners and press-studs, button moulds and other parts of these articles; button blanks	Manufacture in which: — all the materials used are classified within a heading other than that of the product; — the value of all the materials used does not exceed 50 % of the ex-works price of the product		
9612	Typewriter or similar ribbons, inked or otherwise prepared for giving impressions, whether or not on spools or in cartridges; ink-pads, whether or not inked, with or without boxes	Manufacture in which: — all the materials used are classified within a heading other than that of the product; — the value of all the materials used does not exceed 50 % of the ex-works price of the product		
ex 9613	Lighters with piezo-igniter	Manufacture in which the value of all the materials of heading No 9613 used does not exceed 30 % of the ex-works price of the product		
ex 9614	Smoking pipes and pipe bowls	Manufacture from roughly shaped blocks		
Chapter 97	Works of art, collectors' pieces and antiques	Manufacture in which all the materials used are classified within a heading other than that of the product		

(1) For the special conditions relating to 'specific processes' see Introductory Notes 7.1 and 7.3.

(2) For the special conditions relating to 'specific processes' see Introductory Note 7.2.

(3) Note 3 to Chapter 32 says that these preparations are those of a kind used for colouring any material or used as ingredients in the manufacturing of colouring preparations, provided they are not classified in another heading in Chapter 32.

(4) A 'group' is regarded as any part of the heading separated from the rest by a semi-colon.

(5) In the case of products composed of materials classified both within heading Nos 3901 to 3906, on the one hand, and within heading Nos 3907 to 3911, on the other hand, this restriction only applies to that group of materials which predominates by weight in the product.

(6) The following foils shall be considered as highly transparent: foils, the optical dimming of which — measured according to ASTM-D 1003-16 by Gardner Hazemeter (i.e. Hazefactor) — is less than 2 percent.

(7) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

(8) The use of this material is restricted to the manufacture of woven fabrics of a kind used in papermaking machinery.

(9) See Introductory Note 6.

(10) For knitted or crocheted articles, not elastic or rubberized, obtained by sewing or assembly pieces of knitted or crocheted fabrics (cut out or knitted directly to shape), see Introductory Note 6.

(11) This rule shall apply until 31 December 1998.



**▼M18***ANNEX III***MOVEMENT CERTIFICATE EUR.1 AND APPLICATION FOR A  
MOVEMENT CERTIFICATE EUR.1****Printing instructions**

1. Each form shall measure 210 x 297 mm; a tolerance of up to minus 5 mm or plus 8 mm in the length may be allowed. The paper used must be white, sized for writing, not containing mechanical pulp and weighing not less than 25 g/m<sup>2</sup>. It shall have a printed green guilloche pattern background making any falsification by mechanical or chemical means apparent to the eye.
2. The competent authorities of the EEA Member States may reserve the right to print the forms themselves or may have them printed by approved printers. In the latter case, each form must include a reference to such approval. Each form must bear the name and address of the printer or a mark by which the printer can be identified. It shall also bear a serial number, either printed or not, by which it can be identified.

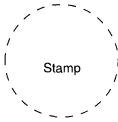
▼M18

**MOVEMENT CERTIFICATE**

<b>1. Exporter</b> (name, full address, country)	<b>EUR. 1      No A      000.000</b>	
	See notes overleaf before completing this form	
<b>3. Consignee</b> (name, full address, country) (Optional)	<b>2. Certificate used in preferential trade between</b> ..... and ..... (insert appropriate countries, groups of countries or territories)	
	<b>4. Country, group of countries or territory in which the products are considered as originating</b>	<b>5. Country, group of countries or territory of destination</b>
<b>6. Transport details</b> (Optional)	<b>7. Remarks</b>	
<b>8. Item number; Marks and numbers; Number and kind of package <sup>(1)</sup>; Description of goods</b>	<b>9. Gross weight (kg) or other measure (litres, m<sup>3</sup>, etc.)</b>	<b>10. Invoices</b> (Optional)
	<b>11. CUSTOMS ENDORSEMENT</b> Declaration certified Export document <sup>(2)</sup> Form ..... No ..... Customs office ..... Issuing country or territory ..... Date ..... ..... (Signature)	
..... (Signature)		<b>12. DECLARATION BY THE EXPORTER</b> I, the undersigned, declare that the goods described above meet the conditions required for the issue of this certificate.  Place and date .....  ..... (Signature)

(1) If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

(2) Complete only when the regulations of the exporting country or territory require.



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<b>13. REQUEST FOR VERIFICATION, to:</b>	<b>14. RESULT OF VERIFICATION</b>
<p>Verification of the authenticity and accuracy of this certificate is requested</p> <p>..... (Place and date)</p> <p style="text-align: center;">Stamp</p> <p>..... (Signature)</p>	<p>Verification carried out shows that this certificate <sup>(1)</sup></p> <p><input type="checkbox"/> was issued by the customs office indicated and that the information contained therein is accurate.</p> <p><input type="checkbox"/> does not meet the requirements as to authenticity and accuracy (see remarks appended).</p> <p>..... (Place and date)</p> <p style="text-align: center;">Stamp</p> <p>..... (Signature)</p> <p><sup>(1)</sup> Insert X in the appropriate box.</p>

**NOTES**

1. Certificates must not contain erasures or words written over one another. Any alterations must be made by deleting the incorrect particulars and adding any necessary corrections. Any such alteration must be initialled by the person who completed the certificate and endorsed by the customs authorities of the issuing country or territory.
2. No spaces must be left between the items entered on the certificate and each item must be preceded by an item number. A horizontal line must be drawn immediately below the last item. Any unused space must be struck through in such a manner as to make any later additions impossible.
3. Goods must be described in accordance with commercial practice and with sufficient detail to enable them to be identified.

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## APPLICATION FOR A MOVEMENT CERTIFICATE

1. <b>Exporter</b> (name, full address, country) (Optional)	<b>EUR. 1      No A      000.000</b>		
	See notes overleaf before completing this form		
3. <b>Consignee</b> (name, full address, country) (Optional)	2. <b>Application for a certificate to be used in preferential trade between</b>		
	<p>.....</p> <p style="text-align: center;">and</p> <p>.....</p> <p style="text-align: center;">(insert appropriate countries or groups of countries or territories)</p>		
6. <b>Transport details</b> (Optional)	4. <b>Country, group of countries or territory in which the products are considered as originating</b>	5. <b>Country, group of countries or territory of destination</b>	
	7. <b>Remarks</b>		
8. <b>Item number; Marks and numbers; Number and kind of packages <sup>(1)</sup>; Description of goods</b>		9. <b>Gross weight (kg) or other measure (litres, m<sup>3</sup>, etc.)</b>	10. <b>Invoices</b> (Optional)

(1) If goods are not packed, indicate number of articles or state 'in bulk' as appropriate.

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**DECLARATION BY THE EXPORTER**

I, the undersigned, exporter of the goods described overleaf,

**DECLARE** that the goods meet the conditions required for the issue of the attached certificate;

**SPECIFY** as follows the circumstances which have enabled these goods to meet the above conditions:

.....  
.....  
.....  
.....

**SUBMIT** the following supporting documents (1):

.....  
.....  
.....  
.....

**UNDERTAKE** to submit, at the request of the appropriate authorities, any supporting evidence which these authorities may require for the purpose of issuing the attached certificate, and undertake, if required, to agree to any inspection of my accounts and to any check on the processes of manufacture of the above goods, carried out by the said authorities;

**REQUEST** the issue of the attached certificate for these goods.

.....  
(Place and date)

.....  
(Signature)

(1) For example, import documents, movement certificates, manufacturer's declarations, etc. referring to the products used in manufacture or to the goods re-exported in the same state.

**▼ M18***ANNEX IV***INVOICE DECLARATION**

The invoice declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

**English version**

The exporter of the products covered by this document (customs authorization No....<sup>(1)</sup>) declares that, except where otherwise clearly indicated, these products are of EEA preferential origin<sup>(2)</sup>.

**Spanish version**

El exportador de los productos incluidos en el presente documento (autorización aduanera n.º...<sup>(1)</sup>) declara que, salvo indicación en sentido contrario, estos productos gozan de un origen preferencial EEE<sup>(2)</sup>.

**Danish version**

Eksportøren af varer, der er omfattet af nærværende dokument (toldmyndighedernes tilladelse nr....<sup>(1)</sup>), erklærer, at varen, medmindre andet tydeligt er angivet, har præferenceoprindelse i EØS<sup>(2)</sup>.

**German version**

Der Ausführer (Ermächtigter Ausführer; Bewilligungs-Nr....<sup>(1)</sup>) der Waren, auf die sich dieses Handelspapier bezieht, erklärt, daß diese Waren, soweit nicht anders angegeben, präferenzbegünstigte EWR-Ursprungswaren sind<sup>(2)</sup>.

**Greek version**

Ο εξαγωγέας των προϊόντων που καλύπτονται από το παρόν έγγραφο (άδεια τελωνείου αριθ...<sup>(1)</sup>) δηλώνει ότι, εκτός εάν δηλώνεται σαφώς άλλως, τα προϊόντα αυτά είναι προτιμησιακής καταγωγής ΕΟΧ<sup>(2)</sup>.

**French version**

L'exportateur des produits couverts par le présent document (autorisation douanière n.º...<sup>(1)</sup>) déclare que, sauf indication claire du contraire, ces produits ont l'origine préférentielle EEE<sup>(2)</sup>.

**Italian version**

L'esportatore delle merci contemplate nel presente documento [autorizzazione doganale n....<sup>(1)</sup>] dichiara che, salvo indicazione contraria, le merci sono di origine preferenziale SEE<sup>(2)</sup>.

**Dutch version**

De exporteur van de goederen waarop dit document van toepassing is (douanevergunning nr....<sup>(1)</sup>), verklaart dat, behoudens uitdrukkelijke andersluidende vermelding, deze goederen van preferentiële EER-oorsprong zijn<sup>(2)</sup>.

**Portuguese version**

O abaixo assinado, exportador dos produtos cobertos pelo presente documento (autorização aduaneira n.º...<sup>(1)</sup>), declara que, salvo expressamente indicado em contrário, estes produtos são de origem preferencial EEE<sup>(2)</sup>.

**Finnish version**

Tässä asiakirjassa mainittujen tuotteiden viejä (tullin lupan:o...<sup>(1)</sup>) ilmoittaa, että nämä tuotteet ovat, ellei toisin ole selvästi merkitty, etuuskohteluun oikeutettuja ETA-alkuperätuotteita<sup>(2)</sup>.

**▼ M18****Swedish version**

Exportören av de varor som omfattas av detta dokument (tullmyndighetens tillstånd nr...<sup>(1)</sup>) försäkrar att dessa varor, om inte annat tydligt markerats, har förmånsberättigande EES-ursprung <sup>(2)</sup>.

**Icelandic version**

Útflytjandi framleiðsluvara sem skjal þetta tekur til (leyfi tollyfirvalda nr...<sup>(1)</sup>), lýsir því yfir að vörurnar séu, ef annars er ekki greinilega getið, af EES-fríðindauppruna <sup>(2)</sup>.

**Norwegian version**

Eksportøren av produktene omfattet av dette dokument (tollmyndighetenes autorisasjonsnr...<sup>(1)</sup>) erklærer at disse produktene, unntatt hvor annet er tydelig angitt, har EØS-preferanseopprinnelse <sup>(2)</sup>.

..... <sup>(3)</sup>  
(Place and date)

..... <sup>(4)</sup>  
(Signature of the exporter; in addition the name of the person signing the declaration has to be indicated in clear script)

<sup>(1)</sup> When the invoice declaration is made out by an approved exporter within the meaning of Article 21 of the Protocol, the authorization number of the approved exporter must be entered in this space. When the invoice declaration is not made out by an approved exporter, the words in brackets shall be omitted or the space left blank.

<sup>(2)</sup> The origin of the products is to be indicated. When the invoice declaration relates, in whole or in part, to products originating in Ceuta and Melilla within the meaning of Article 38 of the Protocol, the exporter must clearly indicate them in the document on which the declaration is made out by means of the symbol 'CM'.

<sup>(3)</sup> These indications may be omitted if the information is contained on the document itself.

<sup>(4)</sup> See Article 20 (5) of the Protocol. In cases where the exporter is not required to sign, the exemption of signature also implies the exemption of the name of the signatory.

**▼M18**

*ANNEX V*

**Supplier's declaration**

The supplier's declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

**SUPPLIER'S DECLARATION**

**for goods which have undergone working or processing in the EEA without having obtained preferential originating status**

I, the undersigned, supplier of the goods covered by the annexed document, declare that:

1. The following materials which do not originate in the EEA have been used in the EEA to produce these goods:

Description of the goods supplied <sup>(1)</sup>	Description of non-originating materials used	HS heading of non-originating materials used <sup>(2)</sup>	Value of non-originating materials used <sup>(2)</sup> <sup>(3)</sup>
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
		Total value	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
		Total value	.....

2. All the other materials used in the EEA to produce these goods originate in the EEA;



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3. The following goods have undergone working or processing outside the EEA in accordance with Article 11 of Protocol 4 to the EEA Agreement and have acquired the following total added value there:

Description of the goods supplied	Total added value acquired outside the EEA <sup>(1)</sup>
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....
.....	.....

(Place and date)

(Address and signature of the supplier; in addition the name of the person signing the declaration has to be indicated in clear script)

<sup>(1)</sup> When the invoice, delivery note or other commercial document to which the declaration is annexed relates to different kinds of goods, or to goods which do not incorporate non-originating materials to the same extent, the supplier must clearly differentiate them.

Example:

The document relates to different models of electrical motors of heading No 8501 to be used in the manufacture of washing machines of heading No 8450. The types and value of the non-originating materials used in the manufacture of these motors differ from one model to another. The models must therefore be differentiated in the first column and the indications in the other columns must be provided separately for each of the models to make it possible for the manufacturer of washing machines to make a correct assessment of the originating status of his products depending on which model of electrical motor he uses.

<sup>(2)</sup> The indications requested in these columns should only be given if they are necessary.

Examples:

The rule for garments of ex Chapter 62 says that non-originating yarn may be used. If a manufacturer of such garments in France uses fabric imported from Norway which has been obtained there by weaving non-originating yarn, it is sufficient for the Norwegian supplier to describe in his declaration the non-originating material used as yarn, without it being necessary to indicate the HS heading and value of such yarn.

A producer of iron wire of HS heading No 7217 who has produced it from non-originating iron bars should indicate in the second column 'bars of iron'. Where this wire is to be used in the production of a machine, for which the origin rule contains a limitation for all non-originating materials used to a certain percentage value, it is necessary to indicate in the third column the value of the non-originating bars.

<sup>(3)</sup> 'Value of materials' means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for the materials in the EEA.

The exact value of each non-originating material used must be given per unit of the goods specified in the first column.

<sup>(4)</sup> 'Total added value' shall mean all costs accumulated outside the EEA, including the value of all the materials added there.

The exact total added value acquired outside the EEA must be given per unit of the goods specified in the first column.

**▼ M18**

*ANNEX VI*

**Long-term supplier's declaration**

The long-term supplier's declaration, the text of which is given below, must be made out in accordance with the footnotes. However, the footnotes do not have to be reproduced.

**LONG-TERM SUPPLIER'S DECLARATION**

**for goods which have undergone working or processing in the EEA without having obtained preferential originating status**

I, the undersigned, supplier of the goods covered by this document, which are regularly supplied to .....<sup>(1)</sup> declare that

1. The following materials which do not originate in the EEA have been used in the EEA to produce these goods:

Description of the goods supplied materials used <sup>(2)</sup>	Description of non-originating materials used	HS heading of non-originating materials used <sup>(3)</sup>	Value of non-originating materials used <sup>(3)</sup> <sup>(4)</sup>
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
		Total value	.....
.....	.....	.....	.....
.....	.....	.....	.....
		Total value	.....

2. All the other materials used in the EEA to produce these goods originate in the EEA;

▼ **M18**

3. The following goods have undergone working or processing outside the EEA in accordance with Article 11 of Protocol 4 to the EEA Agreement and have acquired the following total added value there:

Description of the goods supplied <sup>(2)</sup>	Total added value acquired outside the EEA <sup>(3)</sup>
.....	.....
.....	.....
.....	.....

This declaration is valid for all subsequent consignments of these goods dispatched

from .....

to .....<sup>(6)</sup>.

I undertake to inform .....<sup>(1)</sup> immediately if this declaration is no longer valid.

.....  
(Place and date)

.....  
(Address and signature of the supplier; in addition the name of the person signing the declaration has to be indicated in clear script)

<sup>(1)</sup> Name and address of customer.

<sup>(2)</sup> When the declaration covers different goods, or goods which do not incorporate non-originating materials to the same extent, the supplier must clearly differentiate them.

Example:

The document relates to electrical motors of heading No 8501 to be used in the manufacture of washing machines of heading No 8450. The types and value of the non-originating materials used in the manufacture of these motors differ from one model to another. The models must therefore be differentiated in the first column and the indications in the other columns must be provided separately for each of the models to make it possible for the manufacturer of washing machines to make a correct assessment of the originating status of his products depending on which model of electrical motor he uses.

<sup>(3)</sup> The indications requested in these columns should only be given if they are necessary.

Examples:

The rule for garments of ex Chapter 62 says that non-originating yarn may be used. If a manufacturer of such garments in France uses fabric imported from Norway which has been obtained there by weaving non-originating yarn, it is sufficient for the Norwegian supplier to describe in his declaration the non-originating material used as yarn, without it being necessary to indicate the HS heading and value of such yarn.

A producer of iron wire of HS heading No 7217 who has produced it from non-originating iron bars should indicate in the second column 'bars of iron'. Where this wire is to be used in the production of a machine, for which the origin rule contains a limitation for all non-originating materials used to a certain percentage value, it is necessary to indicate in the third column the value of the non-originating bars.

<sup>(4)</sup> 'Value of materials' means the customs value at the time of importation of the non-originating materials used, or, if this is not known and cannot be ascertained, the first ascertainable price paid for these materials in the EEA.

The exact value of each non-originating material used must be given per unit of the goods specified in the first column.

<sup>(5)</sup> 'Total added value' shall mean all costs accumulated outside the EEA, including the value of all the materials added there.

The exact total added value acquired outside the EEA must be given per unit of goods specified in the first column.

<sup>(6)</sup> Insert dates. The period of validity of the supplier's declaration should not normally exceed 12 months, subject to the conditions laid down by the customs authorities of the country where the supplier's declaration is made out.

**▼M18****JOINT DECLARATION****concerning acceptance of proofs of origin issued within the framework of the agreements referred to in Article 3 of Protocol 4 for products originating in the Community, Iceland or Norway**

1. Proofs of origin issued within the framework of the agreements referred to in Article 3 of Protocol 4 for products originating in the Community, Iceland or Norway shall be accepted for the purpose of granting preferential treatment provided for by the EEA Agreement.
2. Such products shall be considered as materials originating in the EEA when incorporated into a product obtained there. It shall not be necessary for such materials to have undergone sufficient working or processing.
3. Furthermore, insofar as such products are covered by the EEA Agreement, they shall be considered as originating in the EEA when re-exported to another EEA Contracting Party.

**JOINT DECLARATION****concerning the Principality of Andorra**

1. Products originating in the Principality of Andorra falling within Chapters 25 to 97 of the Harmonized System shall be accepted by Iceland, Liechtenstein and Norway as originating in the EEA within the meaning of this Agreement.
2. Protocol 4 shall apply *mutatis mutandis* for the purpose of defining the originating status of the abovementioned products.

**JOINT DECLARATION****concerning the Republic of San Marino**

1. Products originating in the Republic of San Marino shall be accepted by Iceland, Liechtenstein and Norway as originating in the EEA within the meaning of this Agreement.
2. Protocol 4 shall apply *mutatis mutandis* for the purpose of defining the originating status of the abovementioned products.

▼B

## PROTOCOL 5

on customs duties of a fiscal nature (Liechtenstein  
►M1 ————— ◀)

1. Without prejudice to paragraph 2 of this Protocol, Liechtenstein ►M1 ————— ◀ may retain temporarily customs duties of a fiscal nature for products falling under the tariff headings specified in the annexed table while observing the conditions of Article 14 of the Agreement, Concerning tariff headings Nos 0901 and ex 2101, these customs duties shall be abolished at the latest on 31 December 1996.
2. When production is started in Liechtenstein ►M1 ————— ◀ of a product of like kind to one of those listed in the table, the customs duty of a fiscal nature to which the latter product is subject must be abolished.
3. The EEA Joint Committee shall examine the situation before the end of 1996.

TABLE

Tariff heading No	Description of goods
0901	Coffee, whether or not roasted or decaffeinated; coffee husks and skins; substitutes containing coffee in any proportion (for a transitional period of four years)
ex 2101	Extracts, essences and concentrates, of coffee, and preparations with a basis of these extracts, essences and concentrations (for a transitional period of four years)
2707. 1010/9990	Mineral oils and products of their distillation
2709. 0010/0090	
2710. 0011/0029	
2711. 1110/2990	Petroleum gases and other gaseous hydrocarbons
ex all tariff chapters	Products which are used as motor fuels
ex 8407	Spark-ignition reciprocating or rotary internal combustion piston engines, for motor vehicles of heading Nos 8702.9010, 8703.1000/2420, 9010/9030, 8704.3110/3120, 9010/9020
ex 8408	Compression-ignition internal combustion piston engines (diesel or semi-diesel engines), for motor vehicles of heading Nos 8702.1010, 8703.1000, 3100/3320, 8704.2110/2120
ex 8409	Parts suitable for use solely or principally with the engines of heading Nos 8407 or 8408:  – Cylinder blocks and cylinder heads for motor vehicles of heading Nos 8702.1010, 9010, 8703.1000/2420, 3100/3320, 8704.2110/2120, 3110/3120
ex 8702	Public-transport-type passenger motor vehicles, weighing each not more than 1 600 kg
ex 8703	Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading No 8702), including station wagons and racing cars
ex 8704	Motor vehicles for the transport of goods, weighing each not more than 1 600 kg
ex 8706	Chassis fitted with engines, for motor vehicles of heading Nos 8702.1010, 9010, 8703.1000/9030, 8704.2110/2120, 3110/3120, 9010/9020

**▼B**

Tariff heading No	Description of goods
ex 8707	Bodies (including cabs), for motor vehicles of heading Nos 8702.1010, 9010, 8703.1000/9030, 8704.2110/2120, 3110/3120, 9010/9020
ex 8708	Parts and accessories of motor vehicles of heading Nos 8702.1010, 9010, 8703.1000/9030, 8704.2110/2120, 3110/3120, 9010/9020:
1000	– bumpers and parts thereof
2990	– other parts and accessories of bodies (including cabs), other than those of heading Nos 8708.1000/2010, not including luggage racks, licence plates and ski-racks; brakes and servo-brakes and parts thereof
3100	– mounted brake linings
3990	– other than compressed air tanks, for brakes
4090	– gear boxes
5090	– drive-axles with differential, whether or not provided with other transmission components
6090	– non-driving axles and parts thereof
7090	– road wheels and parts and accessories thereof, not including wheel rims and parts thereof, not surface-treated, and wheel rims and parts thereof, unfinished or roughed down
9299	– silencers and exhaust pipes other than ordinary silencers with side tubes of a length of not more than 15 cm
9390	– clutches and parts thereof
9490	– steering wheels, steering columns and steering boxes
9999	– other, not including steering-wheel covers

▼ M1

## **PROTOCOL 6**

### **on the building up of compulsory reserves by Liechtenstein**

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

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

**▼B****PROTOCOL 7****on quantitative restrictions which Iceland may retain**

Notwithstanding Article 11 of the Agreement, Iceland may retain quantitative restrictions on the products listed below:

Icelandic heading No	Designation
96.03	Brooms, brushes (including brushes constituting parts of machines, appliances or vehicles), hand-operated mechanical floor sweepers, not motorized, mops and feather dusters; prepared knots and tufts for broom or brush making; paint pads and rollers; squeegees (other than roller squeegees): — Tooth brushes, shaving brushes, hair brushes, nail brushes, eyelash brushes and other toilet brushes for use on the person, including such brushes constituting parts of appliances:
96.03 29	— — Other:
96.03 29 01	— — — With brush backs of plastic material
96.03 29 09	— — — Other



**▼B**

**PROTOCOL 8**  
**on State Monopolies**

1. Article 16 of the Agreement shall be applicable at the latest from 1 January 1995 in the case of the following State monopolies of a commercial character:
  - Austrian monopoly on salt;
  - Icelandic monopoly on fertilizers;
  - ►**M1** ————— ◀ Liechtenstein monopoly on salt and gunpowder.
2. Article 16 shall also apply to wine (HS heading No 22.04).



**PROTOCOL 9**  
**on trade in Fish and other marine products**

*Article 1*

1. Without prejudice to the provisions referred to in Appendix 1, the EFTA States shall upon entry into force of the Agreement abolish customs duties on imports and charges having equivalent effect on the products listed in Table I of Appendix 2.

2. Without prejudice to the provisions referred to in Appendix 1, the EFTA States shall apply no quantitative restrictions on imports or measures having equivalent effect on the products listed in Table I of Appendix 2. In this context the provisions of Article 13 of the Agreement shall apply.

*Article 2*

1. The Community shall, upon the entry into force of the Agreement, abolish customs duties on imports and charges having equivalent effect on the products listed in Table II of Appendix 2.

2. The Community shall reduce customs duties on the products listed in Table III of Appendix 2 progressively in accordance with the following timetable:

- (a) on 1 January 1993 each duty shall be reduced to 86 % of the basic duty;
- (b) four further reductions of 14 % each of the basic duty shall be made on 1 January 1994, 1 January 1995, 1 January 1996 and 1 January 1997.

3. The basic duties to which the successive reductions provided for in paragraph 2 are to be applied shall, for each product, be the duties bound by the Community under the General Agreement on Tariffs and Trade, or, where the duty is not bound, the autonomous duty on 1 January 1992. Should, after 1 January 1992, any tariff reductions resulting from the multilateral trade negotiations of the Uruguay Round become applicable, such reduced duties shall be used as the basic duties.

Whenever in the context of bilateral agreements between the Community and individual EFTA States reduced duties exist for certain products, those duties shall be considered as the basic duties for each of the EFTA States concerned.

4. The rates of duty calculated in accordance with paragraphs 2 and 3 shall be applied by rounding down to the first decimal place by deleting the second decimal.

5. The Community shall apply no quantitative restrictions on imports or measures having equivalent effect on the products listed in Appendix 2. In this context the provisions of Article 13 of the Agreement shall apply.

**▼B***Article 3*

The provisions of Articles 1 and 2 shall apply to products originating in the Contracting Parties. The rules of origin are set out in Protocol 4 of the Agreement.

*Article 4*

1. Aid granted through State resources to the fisheries sector which distorts competition shall be abolished.
2. Legislation relating to the market organization in the fisheries sector shall be adjusted so as not to distort competition.
3. The Contracting Parties shall endeavour to ensure conditions of competition which will enable the other Contracting Parties to refrain from the application of anti-dumping measures and countervailing duties.

*Article 5*

The Contracting Parties shall take the necessary measures to ensure that all fishing vessels flying the flag of other Contracting Parties enjoy access equal to that of their own vessels to ports and first-stage marketing installations together with all associated equipment and technical installations. Notwithstanding the provisions of the preceding paragraph, a Contracting Party may refuse landings of fish from a fish stock of common interest over the management of which there is serious disagreement.

*Article 6*

Should the necessary legislative adaptations not have been effected to the satisfaction of the Contracting Parties at the time of entry into force of the Agreement, any points at issue may be put to the EEA Joint Committee. In the event of failure to reach agreement, the provisions of Article 114 of the Agreement shall apply *mutatis mutandis*.

*Article 7*

The provisions of the agreements listed in Appendix 3 shall prevail over provisions of this Protocol to the extent they grant to the EFTA States concerned more favourable trade regimes than this Protocol.

**▼B***APPENDIX I**Article 1*

On the following products Finland may temporarily maintain its present regime. Not later than 31 December 1992 Finland shall present a fixed timetable for the elimination of these exemptions.

HS heading No	Description of goods
ex 0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304: — Salmon — Baltic herring
ex 0303	Fish, frozen, excluding fish fillets and other fish meat of heading No 0304: — Salmon — Baltic herring
ex 0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen — Fresh or chilled fillets of salmon — Fresh or chilled fillets of Baltic herring  (The term 'fillet' shall also cover fillets where the two sides are joined together, for example, by the back or the belly.)

*Article 2*

1. Liechtenstein ►**MI** ————— ◀ may maintain customs duties on imports of the following products.

HS heading No	Description of goods
ex 0301 to 0305	Fish, except ex 0304 frozen fillets, other than salt-water fish, eels and salmon

These arrangements shall be taken up for a review before 1 January 1993.

2. Without prejudice to possible tariffication resulting from the multilateral trade negotiations of the Uruguay Round, Liechtenstein ►**MI** ————— ◀ may maintain variable levies in the context of ►**MI** its ◀ agricultural policy for the following fish and other marine products.

HS heading No	Description of goods
ex Chapter 15	Fats and oils for human consumption
ex Chapter 23	Feedingstuffs for production animals

*Article 3*

1. On the following products Sweden may until 31 December 1993 apply quantitative restrictions on imports, in so far as this may be necessary to avoid serious disturbances in the Swedish market.

**▼B**

HS heading No	Description of goods
ex 0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304: — Herring — Cod

2. As long as Finland temporarily maintains its present regime with regard to Baltic herring, Sweden may apply quantitative restrictions on imports of that product when originating in Finland.

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## APPENDIX 2

TABLE I

HS heading No	Description of goods
0208	Other meat and edible meat offal, fresh chilled or frozen:
ex 0208 90	– Other:
	– – Of whale
Chapter 3	Fish and crustaceans, molluscs and other aquatic invertebrates
1504	Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified
1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinized, whether or not refined, but not further prepared:
ex 1516 10	– Animal fats and oils and their fractions:
	– – Obtained entirely from fish or marine mammals
1603	Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates:
ex 1603 00	– Extracts and juices of whale meat, fish or crustaceans, molluscs or other aquatic invertebrates
1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs
1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved
2301	Flours, meals and pellets, of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption; greaves:
ex 2301 10	– Flours, meals and pellets, of meat or meat offal; greaves:
	– – Whale meal
ex 2301 20	– Flours, meals and pellets of fish or of crustaceans, molluscs or other aquatic invertebrates
2309	Preparations of a kind used in animal feeding:
ex 2309 90	– Other
	– – Fish solubles



TABLE II

CN heading No	Description of goods
0302 50 0302 69 35 0303 60 0303 79 41 0304 10 31	Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) and fish of the species <i>Boreogadus saida</i> , fresh, chilled or frozen, including fillets, fresh or chilled
0302 62 00 0303 72 00 ex 0304 10 39	Haddock ( <i>Melanogrammus aeglefinus</i> ), fresh, chilled or frozen, including fillets, fresh or chilled
0302 63 00 0303 73 00 ex 0304 10 39	Saithe [Coalfish] ( <i>Pollachius virens</i> ), fresh, chilled or frozen, including fillets, fresh or chilled
0302 21 10 0302 21 30 0303 31 10 0303 31 30 ex 0304 10 39	Lesser or Greenland halibut ( <i>Reinhardtius hippoglossoides</i> ) and Atlantic halibut ( <i>Hippoglossus hippoglossus</i> ), fresh, chilled or frozen, including fillets, fresh or chilled
0305 62 00 0305 69 10	Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) and fish of the species <i>Boreogadus saida</i> , salted but not dried or smoked and these fish in brine
0305 51 10 0305 59 11	Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) and fish of the species <i>Boreogadus saida</i> , dried, unsalted
0305 30 11 0305 30 19	Fillets of cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ) and fish of the species <i>Boreogadus saida</i> , dried, salted or in brine, but not smoked
0305 30 90	Other fillets, dried, salted or in brine, but not smoked
1604 19 91	Other fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, deep frozen
1604 30 90	Caviar substitutes

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TABLE III

In each of the following headings, the concessions granted by the Community shall not include any products specified in Table II or in the attachment to Table III.

CN heading No	Description of goods
0301	Live fish
0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304
0303	Fish, frozen, excluding fish fillets and other fish meat of heading No 0304
0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen
0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption
0306	Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of crustaceans, fit for human consumption
0307	Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine; flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption
1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs
1605	Crustaceans and molluscs, and other aquatic invertebrates, prepared or preserved



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## Attachment to Table III

CN heading No	Description of goods
(a) Salmon: Pacific salmon ( <i>Oncorhynchus</i> spp.), Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> )	
0301 99 11	live
0302 12 00	fresh or chilled
0303 10 00	frozen Pacific
0303 22 00	frozen Atlantic and Danube
0304 10 13	fresh or chilled fillets
0304 20 13	frozen fillets
ex 0304 90 97	other frozen meat of salmon
0305 30 30	fillets, salted or in brine, not smoked
0305 41 00	smoked, including fillets
0305 69 50	salted or in brine, but not dried or smoked
1604 11 00	whole or in pieces, prepared or preserved
1604 20 10	other prepared or preserved
(b) Herring ( <i>Clupea harengus</i> , <i>Clupea pallasii</i> )	
0302 40 90	fresh or chilled, from 16.6 to 14.2
ex 0302 70 00	livers and roes, fresh or chilled
0303 50 90	frozen, from 16.6 to 14.2
ex 0303 80 00	livers and roes, frozen
ex 0304 10 39	fresh fillets of herring
0304 10 93	fresh flaps, from 16.6 to 14.2
ex 0304 10 98	other fresh meat of herring
0304 20 75	frozen fillets
0304 90 25	other frozen meat of herring, from 16.6 to 14.2
ex 0305 20 00	livers and roes of herring, dried, smoked, salted or in brine
0305 42 00	smoked, including fillets
0305 59 30	dried, whether or not salted, but not smoked
0305 61 00	salted or in brine, but not dried or smoked
1604 12 10	fillets, raw, merely coated in batter or breadcrumbs, whether or not pre-fried in oil, deep frozen
1604 12 90	prepared or preserved herring, whole or in pieces, but not minced
ex 1604 20 90	other prepared or preserved herring

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CN heading No	Description of goods
(c) Mackerel ( <i>Scomber scombrus</i> , <i>Scomber australasicus</i> , <i>Scomber japonicus</i> )	
0302 64 90	fresh or chilled, from 16.6 to 14.2
0303 74 19	frozen, from 16.6 to 14.2 ( <i>S. scombrus</i> , <i>S. japonicus</i> )
0303 74 90	frozen, from 16.6 to 14.2 ( <i>S. australasicus</i> )
ex 0304 10 39	fresh fillets of mackerel
0304 20 51	frozen fillets ( <i>S. australasicus</i> )
ex 0304 20 53	frozen fillets ( <i>S. scombrus</i> , <i>S. japonicus</i> )
ex 0304 90 97	other frozen meat of mackerel
0305 49 30	smoked including fillets
1604 15 10	whole or in pieces, prepared or preserved ( <i>S. scombrus</i> , <i>S. japonicus</i> )
1604 15 90	whole or in pieces, prepared or preserved ( <i>S. australasicus</i> )
ex 1604 20 90	other prepared or preserved mackerel
(d) Shrimps and prawns	
0306 13 10	of the family Pandalidae, frozen
0306 13 30	of the genus <i>Crangon</i> , frozen
0306 13 90	her shrimps and prawns, frozen
0306 23 10	of the family Pandalidae, not frozen
0306 23 31	of the genus <i>Crangon</i> , fresh, chilled or cooked by steaming or by boiling in water
0306 23 39	other shrimps of the genus <i>Crangon</i>
0306 23 90	other shrimps and prawns, not frozen
1605 20 00	prepared or preserved
(e) Coquilles St Jacques ( <i>Pecten maximus</i> )	
ex 0307 21 00	live, fresh or chilled
0307 29 10	frozen
ex 1605 90 10	prepared or preserved
(f) Norway lobsters ( <i>Nephrops norvegicus</i> )	
0306 19 30	frozen
0306 29 30	not frozen
ex 1605 40 00	prepared or preserved

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*APPENDIX 3*

Agreements between the Community and individual EFTA States, as referred to in Article 7:

- Agreement between the European Economic Community and the Kingdom of Sweden, signed on 22 July 1972, and a subsequent Exchange of Letters concerning agriculture and fisheries, signed on 14 July 1986;

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- Agreement between the European Economic Community and the Kingdom of Norway, signed on 14 May 1973, and a subsequent Exchange of Letters concerning agriculture and fisheries, signed on 14 July 1986;
- Article 1 of Protocol No 6 of the Agreement, between the European Economic Community and the Republic of Iceland, signed on 22 July 1972.



## PROTOCOL 10

### on simplification of inspections and formalities in respect of carriage of goods

#### CHAPTER I

#### GENERAL PROVISIONS

##### *Article 1*

##### **Definitions**

For the purposes of this Protocol:

- (a) 'inspections' shall mean the carrying out by customs or any other supervisory department of an operation which consists of the physical examination, including visual inspection, of the means of transport and/or the goods themselves with the aim of checking that their nature, origin, state, quantity or value are in conformity with the particulars given in the documents which have been presented;
- (b) 'formalities' shall mean any formality imposed on operators by the administration consisting in the presentation or examination of documents and certificates accompanying goods or other particulars, irrespective of form or medium, relating to the goods or means of transport.

##### *Article 2*

##### **Scope**

1. Without prejudice to the specific provisions in force under agreements concluded between the European Economic Community and EFTA States, this Protocol shall apply to inspections and formalities concerning the carriage of goods which have to cross a frontier between an EFTA State and the Community, as well as between the EFTA States.

2. This Protocol shall not apply to inspections or formalities:

- in respect of ships and aircraft as means of transport; however, it shall apply to vehicles and goods carried by the said means of transport;
- required for the issue of health or plant health certificates in the country of origin or of provenance of the goods.

#### CHAPTER II

#### PROCEDURES

##### *Article 3*

##### **Random checks and formalities**

1. Save as otherwise expressly provided in this Protocol, the Contracting Parties shall take the necessary measures to ensure that:

- the different inspections and formalities provided for in Article 2(1) are carried out with the minimum delay necessary and, in so far as possible, at one place;
- inspections are carried out by means of random checks, except in duly justified circumstances.

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2. For the purposes of implementing the second indent of paragraph 1, the basis for carrying out random checks shall be the total number of consignments passing through a frontier post and presented to a customs office or inspection authority during a given period, and not the total number of goods making up each consignment.

3. The Contracting Parties shall facilitate, at the places of departure and destination of goods, the use of simplified procedures and data processing and data transmission techniques for the purposes of the export, transit and import of goods.

4. The Contracting Parties shall endeavour to deploy customs offices, including those in the interior of their territory, in such a way as best to take account of the requirements of commercial operators.

*Article 4***Veterinary rules**

In areas relating to the protection of human and animal health and the protection of animals, implementation of the principles set out in Articles 3, 7 and 13 and the rules governing the fees to be charged in respect of the formalities and inspections carried out shall be decided upon by the EEA Joint Committee in accordance with Article 93(2) of the Agreement.

*Article 5***Plant health rules**

1. Plant health inspections of imports shall take the form only of random checks and sample testing except in duly justified circumstances. Such inspections shall be carried out at either the place of destination of the goods or another place designated within the respective territories on condition that the itinerary of the goods is affected to the least possible extent.

2. Rules governing the carrying out of identity checks on imports in relation to goods covered by plant health legislation shall be adopted by the EEA Joint Committee in accordance with Article 3(2) of the Agreement. The measures pertaining to the fees to be charged in respect of plant health formalities and inspections shall be decided upon by the EEA Joint Committee in accordance with Article 93(2) of the Agreement.

3. Paragraphs 1 and 2 shall not apply to goods other than those produced in the Community or in an EFTA State except in cases where, by their nature, they present no plant health risk or in cases where they have undergone a plant health inspection on entering the territory of the respective Contracting Parties, and are found, at the time of such inspections, to meet the requirements relating to plant health laid down in their legislation.

4. Where a Contracting Party considers that there is imminent danger of the introduction or spread of harmful organisms in its territory, it may take such temporary measures as are necessary to protect itself against that danger. The Contracting Parties shall notify one another forthwith of the measures taken and of the reasons which made them necessary.

**▼B***Article 6***Delegation of powers**

The Contracting Parties shall see to it that, by express delegation by the competent authorities and on their behalf, one of the other services represented, and preferably the customs service, may carry out inspections for which those authorities are responsible and, in so far as such inspections relate to the requirement to produce the necessary documents, checks on the validity and authenticity thereof and on the identity of the goods declared in such documents. In that event the authorities concerned shall ensure that the means required for carrying out such checks are made available.

*Article 7***Recognition of inspections and documents**

For the purposes of implementing this Protocol and without prejudice to the possibility of carrying out random checks, the Contracting Parties shall, in the event of goods being imported or entering in transit, recognize the inspections carried out and the documents drawn up by the competent authorities of the other Contracting Parties which certify that the goods comply with the legal requirements of the country of import or equivalent requirements in the country of export.

*Article 8***Opening hours of frontier posts**

1. Where the volume of traffic so warrants, the Contracting Parties shall see to it that:

(a) frontier posts are open, except when traffic is prohibited, so that:

- frontiers can be crossed 24 hours a day with the corresponding inspections and formalities in respect of goods placed under a customs transit procedure, their means of transport and vehicles travelling unladen, save where frontier inspection is necessary in order to prevent the spread of disease or protect animals;
- inspections and formalities relating to the movement of means of transport and goods which are not moving under a customs transit procedure may be performed from Monday to Friday during an uninterrupted period of at least 10 hours, and on Saturday during an uninterrupted period of at least six hours, unless those days are public holidays;

(b) as regards vehicles and goods transported by air, the periods referred to in the second indent of subparagraph (a) are adapted in such a way as to meet actual needs and for that purpose are split or extended if necessary.

2. Where general compliance with the periods referred to in the second indent of subparagraph 1(a) and in subparagraph 1(b) poses problems for veterinary services, the Contracting Parties shall see to it that, subject to at least 12 hours' notice being given by the carrier, a veterinary expert is available during those periods; in the case of the transport of live animals, however, the period of such notice may be increased to 18 hours.

3. Where several frontier posts are situated in the immediate vicinity of one and the same frontier zone, the Contracting Parties concerned may jointly agree for certain of such posts, to derogate from paragraph 1 provided that the other posts in that zone are able to clear goods and vehicles in accordance with that paragraph.

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4. As regards the frontier posts and customs offices and services referred to in paragraph 1, and under the conditions laid down by the Contracting Parties, the competent authorities shall, if specifically requested during business hours and for sound reasons, provide for inspections and formalities to be carried out, as an exception, outside business hours, on condition that, where relevant, payment is made for services so rendered.

*Article 9***Express lanes**

The Contracting Parties shall endeavour to establish at frontier posts, where technically possible and justified by the volume of traffic, express lanes reserved for goods placed under a customs transit procedure, their means of transport, vehicles travelling unladen and all goods subject to such inspections and formalities as do not exceed those required in respect of goods placed under a transit procedure.

## CHAPTER III

**COOPERATION***Article 10***Cooperation between authorities**

1. In order to facilitate the crossing of frontiers, the Contracting Parties shall take the measures necessary to extend cooperation at both national and regional or local level between the authorities responsible for the organization of inspections and between the various departments carrying out inspections and formalities on either side of such frontiers.

2. Each Contracting Party shall, in so far as it is concerned, see to it that persons engaged in trade covered by this Protocol can rapidly inform the competent authorities of any problems encountered when crossing frontiers.

3. The cooperation referred to in paragraph 1 shall cover in particular:

- (a) the arrangement of frontier posts in such a way as to meet traffic requirements;
- (b) the conversion of frontier offices into juxtaposed inspection offices, where possible;
- (c) the harmonization of the responsibilities of the frontier posts and offices situated on either side of the frontier;
- (d) the seeking of appropriate solutions to any problems reported.

4. The Contracting Parties shall cooperate in order to harmonize the business hours of the various departments carrying out inspections and formalities on either side of the frontier.

**▼B***Article 11***Notification of new inspections and formalities**

Where a Contracting Party intends to introduce a new inspection or formality, it shall inform the other Contracting Parties thereof. The Contracting Party concerned shall ensure that the measures taken to facilitate the crossing of frontiers are not rendered inoperative through the application of such new inspections or formalities.

*Article 12***Free flow of traffic**

1. The Contracting Parties shall take the measures necessary to ensure that waiting time caused by the various inspections and formalities does not exceed the time required for their proper completion. To that end, they shall organize the business hours of the departments which are to carry out inspections and formalities, the staff available and the practical arrangements for processing goods and documents associated with the carrying out of inspections and formalities in such a way as to reduce waiting time in the flow of traffic to the fullest possible extent.

2. The competent authorities of the Contracting Parties in whose territory serious disruption in regard to the carriage of goods occurs, which is likely to jeopardize the objectives of simplifying and expediting the crossing of frontiers, shall immediately inform the competent authorities of the other Contracting Parties affected by such disruption.

3. The competent authorities of each Contracting Party so affected shall immediately take appropriate measures to ensure, as far as possible, the free flow of traffic. The measures shall be notified to the EEA Joint Committee which shall, where appropriate, meet in emergency session at the request of a Contracting Party, to discuss these measures.

*Article 13***Administrative assistance**

In order to ensure the smooth functioning of trade between the Contracting Parties and to facilitate the detection of any irregularity or infringement, the competent authorities of the Contracting Parties shall cooperate with each other *mutatis mutandis* in accordance with the provisions of Protocol 11.

*Article 14***Consultation groups**

1. The competent authorities of the Contracting Parties concerned may set up any consultation group responsible for dealing with questions of a practical, technical or organizational nature at regional or local level.

2. Such consultation groups shall meet whenever necessary at the request of the competent authorities of a Contracting Party. The EEA Joint Committee shall be kept regularly informed of their deliberations by the Contracting Parties responsible for them.



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CHAPTER IV  
**FINAL PROVISIONS**

*Article 15*

**Payment facilities**

The Contracting Parties shall see to it that any sums payable in respect of the inspections and formalities applied to trade can also be paid by means of guaranteed or certified international cheques, expressed in the currency of the country in which such sums are payable.

*Article 16*

**Relationship to other agreements and national legislation**

This Protocol shall not prevent the application of greater facilities which two or more Contracting Parties grant to each other, nor the right of the Contracting Parties to apply their own legislation to controls and formalities at their frontiers, on condition that this does not reduce in any way the facilities deriving from this Protocol.

**▼B****PROTOCOL 11**  
**on mutual assistance in Customs Matters***Article 1***Definitions**

For the purposes of this Protocol:

- (a) ‘customs legislation’ shall mean provisions applicable in the territories of the Contracting Parties governing the import, export, transit of goods and their placing under any other customs procedure, including measures of prohibition, restriction and control adopted by the said Parties;
- (b) ‘customs duties’ shall mean all duties, taxes, fees or other charges which are levied and collected in the territories of the Contracting Parties, in application of customs legislation, but not including fees and charges which are limited in amount to the approximate costs of services rendered;
- (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) ‘contravention’ shall mean any violation of the customs legislation as well as any attempted violation of such legislation.

*Article 2***Scope**

1. The Contracting Parties shall assist each other, in the manner and under the conditions laid down in this Protocol, in ensuring that customs legislation is correctly applied, in particular by the prevention, detection and investigation of contraventions of this legislation.
2. Assistance in customs matters, as provided for in this Protocol, applies to any administrative authority of the Contracting Parties which is competent for the application of this Protocol. It shall not prejudice the rules governing mutual assistance in criminal matters.

*Article 3***Assistance on request**

1. At the request of the applicant authority, the requested authority shall furnish it with all relevant information to enable it to ensure that customs legislation is correctly applied, including information regarding operations noted or planned which contravene or would contravene 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.

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3. At the request of the applicant authority, the requested authority shall take the necessary steps to ensure that a surveillance is kept on:
- (a) natural or legal persons of whom there are reasonable grounds for believing that they are contravening or have contravened customs legislation;
  - (b) movement of goods notified as possibly giving rise to substantial contraventions of customs legislation;
  - (c) means of transport for which there are reasonable grounds for believing that they have been, are or may be used in the contravening of customs legislation.

*Article 4***Spontaneous assistance**

The Contracting Parties shall within their competences provide each other 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 have contravened, contravene or would contravene such legislation and which may be of interest to other Contracting Parties;
- new means or methods employed in realizing such operations;
- goods known to be subject to substantial contravention of customs legislation on import, export, transit or any other customs procedure.

*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;
- notify all decisions;

falling within the scope of this Protocol to an addressee, residing or established in its territory.

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

1. Requests pursuant to the present Protocol shall be made in writing. Documents necessary for the execution of such requests shall accompany the request. 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;
  - (b) the measure requested;
  - (c) the object of and the reason for the request;

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- (d) laws, rules and other legal instruments involved;
  - (e) indications as exact and comprehensive as possible on the natural or legal persons being the target of the investigations;
  - (f) a summary of the relevant facts, 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 such authority.
4. If a request does not meet the formal requirements, its correction or completion may be demanded; the ordering of precautionary measures may, however, take place.

*Article 7***Execution of requests**

1. In order to comply with a request for assistance, the requested authority or, when the latter cannot act on its own, the administrative department to which the request has been addressed by this authority, shall proceed, within its competence and resources available, 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.
2. Requests for assistance will 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 within 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 the contravention of customs legislation which the applicant authority needs for the purposes of this Protocol.
4. Officials of a Contracting Party may, with the agreement of the other Contracting Party, be present at enquiries carried out in the latter's territory.

*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 sovereignty, public policy (*l'ordre publique*), security or other essential interests; or

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(b) involve currency or tax regulations other than regulations concerning customs duties; or

(c) violate an industrial, commercial or professional secret.

2. Where the applicant authority asks for 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 left to the requested authority to decide how to respond to such a request.

3. If assistance is withheld or denied, the decision and the reasons therefor must be notified to the applicant authority without delay.

*Article 10***Obligation to observe confidentiality**

Any information communicated in whatever form pursuant to this Protocol shall be of a confidential nature. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to like information under the relevant laws applicable in the Contracting Party which received it and the corresponding provisions applying to the Community authorities.

*Article 11***Use of information**

1. Information obtained shall be used solely for the purposes of this Protocol and may be used within each Contracting Party for other purposes only with the prior written consent of the administrative authority which furnished the information and shall be subject to any restrictions laid down by that authority. These provisions are not applicable to information concerning offences relating to narcotic drugs and psychotropic substances. Such information may be communicated to other authorities directly involved in the combat of illicit drug traffic.

2. Paragraph 1 shall not impede the use of information in any judicial or administrative proceedings subsequently instituted for failure to comply with customs legislation.

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 expert or witness in judicial or administrative proceedings regarding the matters covered by this Protocol in the jurisdiction of another 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 matter and by virtue of what title or qualification the official will be questioned.

**▼B***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 dependent upon public services.

*Article 14***Implementation**

1. The management of this Protocol shall be entrusted to the central customs authorities of the EFTA States, on the one hand, and the competent services of the EC Commission and, where appropriate, the customs authorities of the EC Member States, on the other. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration rules in the field of data protection. They may recommend to the competent bodies amendments which they consider should be made to this Protocol.

2. The Contracting Parties shall transmit to each other lists of the competent authorities appointed to act as correspondents for the purpose of the operational implementation of this Protocol.

As regards cases covered by Community competence, due account shall be taken in this respect of specific situations which, because of the urgency or the fact that only two countries are involved in a request or communication, may require direct contacts between the competent services of the EFTA States and of the EC Member States for the handling of requests or exchange of information. This information shall be supplemented by lists, to be revised when necessary, of officials of those services responsible for preventing, investigating and combating contravention of customs legislation.

Moreover, in order to ensure the maximum efficiency of operation of this Protocol, the Contracting Parties shall take appropriate measures to ensure that the departments responsible for combating customs fraud establish direct personal contacts, including when applicable at the level of local customs authorities, in order to facilitate exchange of information and handling of requests.

3. The Contracting Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Article.

*Article 15***Complementarity**

1. This Protocol shall complement and not impede application of any agreements on mutual assistance which have been concluded or may be concluded between EC Member States and EFTA States as well as between the EFTA States. Nor shall it preclude more extensive mutual assistance granted under such agreements.

2. Without prejudice to Article 11, these agreements do not prejudice Community provisions governing the communication between the competent services of the EC Commission and the customs authorities of the Member States of any information obtained in customs matters which could be of Community interest.

**▼B****PROTOCOL 12****on conformity assessment agreements with third countries**

Mutual recognition agreements with third countries concerning conformity assessment for products where the use of a mark is provided for in EC legislation will be negotiated on the initiative of the Community. The Community will negotiate on the basis that the third countries concerned will conclude with the EFTA States parallel mutual recognition agreements equivalent to those to be concluded with the Community. The Contracting Parties shall cooperate in accordance with the general information and consultation procedures set out in the EEA Agreement. Should a difference arise in relations with third countries, it will be dealt with in accordance with the relevant provisions of the EEA Agreement.

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**PROTOCOL 13**

**on the non-application of anti-dumping and countervailing measures**

The application of Article 26 of the Agreement is limited to the areas covered by the provisions of the Agreement and in which the Community *acquis* is fully integrated into the Agreement.

Moreover, unless other solutions are agreed upon by the Contracting Parties, its application is without prejudice to any measures which may be introduced by the Contracting Parties to avoid circumvention of the following measures aimed at third countries:

- anti-dumping measures;
- countervailing duties;
- measures against illicit commercial practices attributable to third countries.



**▼B**

**PROTOCOL 14**  
**on trade in coal and steel products**

*Article 1*

This Protocol applies to products covered by the bilateral Free Trade Agreements (hereinafter referred to as the 'Free Trade Agreements') concluded between, on the one hand, the European Coal and Steel Community and its Member States and the individual EFTA States, on the other hand, or, as the case may be, between the Member States of the European Coal and Steel Community and the respective EFTA States,

*Article 2*

1. The Free Trade Agreements shall remain unaffected unless otherwise provided in this Protocol. Where the Free Trade Agreements do not apply, the provisions of this Agreement are applicable. Where the substantive provisions of the Free Trade Agreements continue to be applied, the institutional provisions of those agreements will also be applicable.

2. Quantitative restrictions on exports, measures having equivalent effect and customs duties and charges having equivalent effect, applicable to trade within the European Economic Area, shall be abolished.

*Article 3*

The Contracting Parties shall not introduce any restrictions or administrative and technical regulations which would form, in trade between the Contracting Parties, an impediment to the free movement of products covered by this Protocol.

*Article 4*

The substantive competition rules applicable to undertakings concerning products covered by this Protocol are included in Protocol 25. Secondary legislation is set out in Protocol 21 and Annex XIV.

*Article 5*

The Contracting Parties shall comply with the rules for aid to the steel industry. They recognize in particular the relevance of, and accept, the Community rules for aid to the steel industry as laid down in Commission Decision 322/89/ECSC which expires on 31 December 1991. The Contracting Parties declare their commitment to integrate into the EEA Agreement new Community rules for aid to the steel industry by the entry into force of this Agreement, provided that they are substantially similar to those of the aforementioned act.

*Article 6*

1. The Contracting Parties shall exchange information on markets. The EFTA States shall use their best endeavours in order to ensure that steel producers, consumers and merchants provide such information.

**▼B**

2. The EFTA States shall use their best endeavours in order to ensure that the steel-producing undertakings established within their territories will participate in annual surveys concerning investment referred to in Article 15 of Commission Decision No 3302/81/ECSC of 18 November 1981. The Contracting Parties will exchange, without prejudice to the requirements of business confidentiality, information on significant investment or disinvestment projects.

3. All matters relating to the exchange of information between the Contracting Parties shall be covered by the general institutional provisions of this Agreement,

*Article 7*

The Contracting Parties note that the rules of origin laid down in Protocol 3 of the Free Trade Agreements concluded between the European Economic Community and individual EFTA States are replaced by Protocol 4 to this Agreement.

▼B**PROTOCOL 15****on transitional periods on the free movement of persons  
(► M1 ————— ◀ Liechtenstein)***Article 1*

The provisions of the Agreement and its Annexes relating to the free movement of persons between the EC Member States and EFTA States shall apply subject to the transitional provisions laid down in this Protocol.

▼M1

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▼B*Article 5*

1. Liechtenstein, on the one hand, and EC Member States and other EFTA States, on the other hand, may maintain in force until 1 January 1998 with regard to nationals from EC Member States and other EFTA States and to nationals of Liechtenstein, respectively, national provisions submitting to prior authorization entry, residence and employment.

2. Liechtenstein may maintain in force until 1 January 1998 with regard to nationals of EC Member States and other EFTA States quantitative limitations for new residents, seasonal workers and frontier workers. These quantitative limitations will be gradually reduced.

*Article 6*

1. Liechtenstein may maintain in force until 1 January 1998 national provisions limiting professional mobility of seasonal workers, including the obligation of such workers to leave the territory of Liechtenstein at the expiry of their seasonal permit for at least three months. As from 1 January 1993, seasonal permits will be automatically renewed for seasonal workers holding a seasonal work contract on their return to the territory of Liechtenstein.

2. Articles 10, 11 and 12 of Regulation (EEC) No 1612/68 as listed in point 2 of Annex V to the Agreement shall apply in Liechtenstein with regard to residents as from 1 January 1995 and with regard to seasonal workers as from 1 January 1997.

3. The arrangements provided for in paragraph 2 shall also apply to members of the family of a self-employed person in the territory of Liechtenstein.

*Article 7*

Liechtenstein may maintain in force until:

- 1 January 1998 national provisions requiring a worker who, while having his residence in a territory other than that of Liechtenstein, is employed in the territory of Liechtenstein (frontier worker) to return each day to the territory of his residence;
- 1 January 1998 national provisions on restrictions on professional mobility and access to professions for all categories of workers;

**▼B**

- 1 January 1995 national provisions on restrictions on access to professional activities with regard to self-employed persons having their residence in the territory of Liechtenstein. Such restrictions may be upheld until 1 January 1997 with regard to self-employed persons having their residence in a territory other than that of Liechtenstein.

*Article 8*

1. Other than the limitations set out in Articles 2 to 7, ►**M1** \_\_\_\_\_ ◀ Liechtenstein shall not introduce any new restrictive measures concerning entry, employment and residence of workers and self-employed persons as of the date of signature of the Agreement.
2. ►**M1** \_\_\_\_\_ ◀ Liechtenstein shall take all necessary measures so that during the transitional periods nationals of EC Member States and of other EFTA States may take up available employment in the territory of ►**M1** \_\_\_\_\_ ◀ Liechtenstein with the same priority as nationals of ►**M1** \_\_\_\_\_ ◀ Liechtenstein ►**M1** \_\_\_\_\_ ◀.

*Article 9***▼M1**

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**▼B**

2. At the end of the transitional period for Liechtenstein the transitional measures shall be jointly reviewed by the Contracting Parties, duly taking into account the specific geographic situation of Liechtenstein.

*Article 10*

During transitional periods, existing bilateral arrangements will continue to apply unless provisions which are more favourable in their effect to citizens of the EC Member States and EFTA States result from the Agreement.

*Article 11*

For the purposes of this Protocol, the terms 'seasonal worker' and 'frontier worker' contained therein shall have the meaning as defined by the national legislation of ►**M1** \_\_\_\_\_ ◀ Liechtenstein ►**M1** \_\_\_\_\_ ◀, at the time of signature of the Agreement.

▼ B

## PROTOCOL 16

**on measures in the field of social security related to transitional periods on the free movement of persons (► M1 ————— ◀ Liechtenstein)**

*Article 1*

For the purposes of applying this Protocol and Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community (OJ No L 149, 5.7.1971, p. 416), 'seasonal worker' shall mean, as regarding ► M1 ————— ◀ Liechtenstein, any worker who is a national of an EC Member State or another EFTA State and who is the holder of a seasonal permit in the sense of the national legislation of ► M1 ————— ◀ Liechtenstein ► M1 ————— ◀, for a maximum period of nine months.

*Article 2*

During the period of validity of the permit, the seasonal worker shall be entitled to unemployment benefits according to ► M1 ————— ◀ Liechtenstein legislation ► M1 ————— ◀, under the same conditions as a national of ► M1 ————— ◀ Liechtenstein ► M1 ————— ◀, and according to the provisions of Regulation (EEC) No 1408/71.

*Article 3*

Part of the unemployment contributions paid by seasonal workers shall be reimbursed by ► M1 ————— ◀ Liechtenstein ► M1 ————— ◀, to the States of residence of these Workers according to the following procedure:

- (a) For each State, the total amount of contributions shall be established according to the number of seasonal workers who are nationals of this State and present in ► M1 ————— ◀ Liechtenstein ► M1 ————— ◀, at the end of August, to the average length of the season, to the wages and to the rates of contribution to ► M1 ————— ◀ Liechtenstein unemployment insurance, respectively (shares of the employer and of the worker).
- (b) The amount reimbursed to each State shall correspond to fifty per cent of the total amount of the contributions, calculated according to subparagraph (a).
- (c) The reimbursement shall be made only when the total number of seasonal workers residing in the State concerned exceeds, during the accounting period ► M1 ————— ◀ 50 ► M1 ————— ◀.

▼ M1▼ B*Article 5*

The validity of this Protocol shall be limited to the length of the transitional periods as defined in Protocol 15.

**▼B**

**PROTOCOL 17**  
**concerning Article 34**

1. Article 34 of the Agreement shall not prejudice the adoption of legislation or the application of any measures by the Contracting Parties concerning third-country access to their markets.

Any legislation in a field which is governed by the Agreement shall be dealt with according to the procedures laid down in the Agreement and the Contracting Parties shall endeavour to elaborate corresponding EEA rules.

In all other cases the Contracting Parties shall inform the EEA Joint Committee of the measures and, whenever necessary, endeavour to adopt provisions to ensure that the measures are not circumvented through the territory of the other Contracting Parties.

If no agreement can be reached on such rules or provisions, the Contracting Party concerned may take measures necessary to prevent circumvention.

2. For the definition of the beneficiaries of the rights derived from Article 34, Title I of the General Programme for the abolition of restrictions on freedom of establishment (OJ 2, 15.1.1962, p. 36/62) shall apply with the same legal effect as within the Community.

**▼B****PROTOCOL 18****on internal procedures for the implementation of Article 43**

For the Community, the procedures to be followed for the implementation of Article 43 of the Agreement are set out in the Treaty establishing the European Economic Community.

For the EFTA States, the procedures are set out in the agreement on a Standing Committee of the EFTA States and will cover the following elements:

An EFTA State which intends to take measures in accordance with Article 43 of the Agreement shall in good time give notice thereof to the Standing Committee of the EFTA States.

However, in case of secrecy or urgency, notice shall be given to the other EFTA States and to the Standing Committee of the EFTA States at the latest by the date of entry into force of the measures.

The Standing Committee of the EFTA States shall examine the situation and deliver an opinion regarding the introduction of the measures. It shall keep the situation under review and may at any time make, by majority vote, recommendations regarding the possible amendment, suspension or abolition of the measures introduced or regarding any other measures to assist the EFTA State concerned to overcome its difficulties.



**PROTOCOL 19**  
**on maritime transport**

The Contracting Parties shall not apply between themselves the measures referred to in Council Regulations (EEC) Nos 4057/86 (OJ No L 378, 31.12.1986, p. 14) and Nos 4058/86 (OJ No L 378, 31.12.1986, p. 21) and Council Decision 83/573/EEC (OJ No L 332, 28.11.1983, p. 37) or any other similar measures, provided that the *acquis* on maritime transport included in the Agreement is fully implemented.

The Contracting Parties will coordinate their actions and measures towards third countries and third country companies in the area of maritime transport according to the following provisions:

1. if a Contracting Party decides to monitor the activities of certain third countries in the field of cargo shipping it shall inform the EEA Joint Committee and may propose to other Contracting Parties that they participate in this action;
2. if a Contracting Party decides to make diplomatic representations to a third country in response to a restriction or a threat to restrict free access to cargoes in ocean trades, it shall inform the EEA Joint Committee. The other Contracting Parties may decide to join in such diplomatic representations;
3. if any of the Contracting Parties intends to take measures or action against a third country and/or third-country shipowners in order to respond, *inter alia*, to unfair pricing practices by certain third-country shipowners engaged in international cargo-liner shipping or to restrictions or threats to restrict free access to cargoes in ocean trades, it shall inform the EEA Joint Committee. Whenever appropriate, the Contracting Party initiating the procedures may request the other Contracting Parties to cooperate in these procedures.

The other Contracting Parties may decide to take the same measures or actions for their own jurisdictions. Where measures or actions taken by a Contracting Party are evaded through the territory of other Contracting Parties which have not adopted such measures or actions, the Contracting Party whose measures or actions are evaded may take appropriate measures to remedy the situation;

4. if any of the Contracting Parties intends to negotiate cargo-sharing arrangements as described in Articles 5(1) and 6 of Council Regulation (EEC) No 4055/86 (OJ No L 378, 31.12.1986, p. 1) or to extend the provisions of this Regulation to nationals of a third country as foreseen in Article 7 thereof, it shall inform the EEA Joint Committee.

If one or more of the other Contracting Parties object to the intended action, a satisfactory solution will be sought within the EEA Joint Committee. If the Contracting Parties do not reach agreement, appropriate measures may be taken. If no other means are available, such measures may include the revocation between Contracting Parties of the principle of freedom to provide maritime transport services, established in Article 1 of the Regulation;

5. whenever possible, the information referred to in paragraphs 1 to 4 shall be given in good time to allow the Contracting Parties to coordinate their actions;
6. at the request of a Contracting Party, consultations shall take place between Contracting Parties on questions concerning shipping matters and dealt with in international organizations and on the various aspects of development which have taken place in relations between Contracting Parties and third countries in shipping matters, and on the functioning of bilateral or multi-lateral agreements concluded in this sphere.





## PROTOCOL 20

### on access to inland waterways

1. Mutual right of access shall be granted by each of the Contracting Parties to each other's inland waterways. In the case of the Rhine and the Danube, the Contracting Parties will take all necessary steps to reach simultaneously the objective of equal access and freedom of establishment in the area of inland waterways.
2. Arrangements to ensure reciprocal equal access to inland waterways within the territory of the Contracting Parties for all Contracting Parties shall be elaborated within the international organizations concerned by 1 January 1996, taking into account the obligations under relevant multilateral Agreements.
3. All relevant *acquis* in inland waterways shall apply as of the entry into force of the Agreement to those EFTA States which have, at that time, access to Community inland waterways, and to the other EFTA States as soon as they obtain the right of equal access.

However, Article 8 of Regulation (EEC) No 1101/89 of 27 April 1989 (OJ No L 116, 28.4.1989, p. 25), as adapted for the purposes of the Agreement, shall become applicable to such inland waterway vessels from the latter EFTA States which are brought into service after 1 January 1993 as soon as these States obtain access to the inland waterways of the Community.

▼B**PROTOCOL 21****on the implementation of competition rules applicable to undertakings***Article 1*

The EFTA Surveillance Authority shall, in an agreement between the EFTA States, be entrusted with equivalent powers and similar functions to those of the EC Commission, at the time of the signature of the Agreement, for the application of the competition rules of the Treaty establishing the European Economic Community and the Treaty establishing the European Coal and Steel Community, enabling the EFTA Surveillance Authority to give effect to the principles laid down in Articles 1(2)(e) and 53 to 60 of the Agreement, and in Protocol 25.

The Community shall, where necessary, adopt the provisions giving effect to the principles laid down in Articles 1(2)(e) and 53 to 60 of the Agreement, and in Protocol 25, in order to ensure that the EC Commission has equivalent powers and similar functions under this Agreement to those which it has, at the time of the signature of the Agreement, for the application of the competition rules of the Treaty establishing the European Economic Community and the Treaty establishing the European Coal and Steel Community.

*Article 2*

If, following the procedures set out in Part VII of the Agreement, new acts for the implementation of Articles 1(2)(e) and 53 to 60 and of Protocol 25, or on amendments of the acts listed in Article 3 of this Protocol are adopted, corresponding amendments shall be made in the agreement setting up the EFTA Surveillance Authority so as to ensure that the EFTA Surveillance Authority will be entrusted simultaneously with equivalent powers and similar functions to those of the EC Commission.

*Article 3*

1. In addition to the acts listed in Annex XIV, the following acts reflect the powers and functions of the EC Commission for the application of the competition rules of the Treaty establishing the European Economic Community;

*Control of concentrations*

1. **389 R 4064**: Articles 6 to 25 of Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings (OJ No L 395, 30.12.1989, p. 1), as corrected by OJ No L 257, 21.9.1990, p. 13.

▼M43

2. **398 R 0447**: Commission Regulation (EC) No 447/98 of 1 March 1998 on the notifications, time limits and hearings provided for in Council Regulation (EEC) No 4064/89 on the control of concentrations between undertakings (OJ L 61, 2.3.1998, p. 1).

▼B*General procedural rules*

3. **362 R 0017**: Council Regulation No 17/62 of 6 February 1962. First Regulation implementing Articles 85 and 86 of the Treaty (OJ No 13, 21.2.1962, p. 204/62), as amended by:

— **362 R 0059**: Regulation No 59/62 of 3 July 1962 (OJ No 58, 10.7.1962, p. 1655/62),

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- **363 R 0118:** Regulation No 118/63 of 5 November 1963 (OJ No 162, 7.11.1963, p. 2696/63),
- **371 R 2822:** Regulation (EEC) No 2822/71 of 20 December 1971 (OJ No L 285, 29.12.1971, p. 49),
- **1 72 B:** Act concerning the conditions of Accession and Adjustments to the Treaties — Accession to the European Communities of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland (OJ No L 73, 27.3.1972, p. 92),
- **1 79 H:** Act concerning the conditions of Accession and Adjustments to the Treaties — Accession to the European Communities of the Hellenic Republic (OJ No L 291, 19.11.1979, p. 93),
- **1 85 I:** Act concerning the conditions of Accession and Adjustments to the Treaties — Accession to the European Communities of the Kingdom of Spain and the Portuguese Republic (OJ No L 302, 15.11.1985, p. 165).

**▼M24**

4. **394 R 3385:** Commission Regulation (EC) No 3385/94 of 21 December 1994 on the form, content and other details of applications and notifications provided for in Council Regulation No 17 (OJ No L 377, 31. 12. 1994, p. 28).

**▼B**

5. **363 R 0099:** Commission Regulation No 99/63 of 25 July 1963 on the hearings provided for in Article 19(1) and (2) of Council Regulation (EEC) No 17/62 (OJ No 127, 20.8.1963, p. 2268/63).

*Transport*

6. **362 R 0141:** Council Regulation No 141/62 of 26 November 1962 exempting transport from the application of Council Regulation No 17/62 amended by Regulations Nos 165/65/EEC and 1002/67/EEC (OJ No 124, 28.11.1962, p. 2751/62).
7. **368 R 1017:** Article 6 and Articles 10 to 31 of Council Regulation (EEC) No 1017/68 of 19 July 1968 applying rules of competition to transport by rail, road and inland waterway (OJ No L 175, 23.7.1968, p. 1).
8. **369 R 1629:** Commission Regulation (EEC) No 1629/69 of 8 August 1969 on the form, content and other details of complaints pursuant to Article 10, applications pursuant to Article 12 and notifications pursuant to Article 14(1) of Council Regulation (EEC) No 1017/68 of 19 July 1968 (OJ No L 209, 21.8.1969, p. 1).
9. **369 R 1630:** Commission Regulation (EEC) No 1630/69 of 8 August 1969 on the hearings provided for in Article 26(1) and (2) of Council Regulation (EEC) No 1017/68 of 19 July 1968 (OJ No L 209, 21.8.1969, p. 11).
10. **374 R 2988:** Council Regulation (EEC) No 2988/74 of 26 November 1974 concerning limitation periods in proceedings and the enforcement of sanctions under the rules of the European Economic Community relating to transport and competition (OJ No L 319, 29.11.1974, p. 1).

**▼B**

11. **386 R 4056:** Section II of Council Regulation (EEC) No 4056/86 of 22 December 1986 laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport (OJ No L 378, 31.12.1986, p. 4).
12. **388 R 4260:** Commission Regulation (EEC) No 4260/88 of 16 December 1988 on the communications, complaints and applications and the hearings provided for in Council Regulation (EEC) No 4056/86 laying down detailed rules for the application of Articles 85 and 86 of the Treaty to maritime transport (OJ No L 376, 31.12.1988, p. 1).
13. **387 R 3975:** Council Regulation (EEC) No 3975/87 of 14 December 1987 laying down the procedure for the application of the rules on competition to undertakings in the air transport sector (OJ No L 374, 31.12.1987, p. 1), as amended by:
  - **391 R 1284:** Council Regulation (EEC) No 1284/91 of 14 May 1991 (OJ No L 122, 17.5.1991, p. 2),

**▼M3**

- **392 R 2410:** Council Regulation (EEC) No 2410/92 of 23 July 1992 (OJ No L 240, 24. 8. 1992, p. 18).

**▼B**

14. **388 R 4261:** Commission Regulation (EEC) No 4261/88 of 16 December 1988 on the form, content and other details of complaints and of applications, and the hearings provided for in Council Regulation (EEC) No 3975/87 laying down the procedure for the application of the rules of competition to undertakings in the air transport sector (OJ No L 376, 31.12.1988, p. 10).

2. In addition to the acts listed in Annex XIV, the following acts reflect the powers and functions of the EC Commission for the application of the competition rules of the Treaty establishing the European Coal and Steel Community (ECSC):

1. Article (ECSC) 65(2), subparagraphs 3 to 5, (3), (4), subparagraph 2, and (5).
2. Article (ECSC) 66(2), subparagraphs 2 to 4, and (4) to (6).
3. **354 D 7026:** High Authority Decision No 26/54 of 6 May 1954 laying down in implementation of Article 66(4) of the Treaty a regulation concerning information to be furnished (*Official Journal of the European Coal and Steel Community* No 9, 11.5.1954, p. 350/54).
4. **378 S 0715:** Commission Decision No 715/78/ECSC of 6 April 1978 concerning limitation periods in proceedings and the enforcement of sanctions under the Treaty establishing the European Coal and Steel Community (OJ No L 94, 8.4.1978, p. 22).
5. **384 S 0379:** Commission Decision No 379/84/ECSC of 15 February 1984 defining the powers of officials and agents of the Commission instructed to carry out the checks provided for in the ECSC Treaty and decisions taken in application thereof (OJ No L 46, 16.2.1984, p. 23).

**▼B***Article 4*

1. Agreements, decisions and concerted practices of the kind described in Article 53(1) which come into existence after the entry into force of the Agreement and in respect of which the parties seek application of Article 53(3) shall be notified to the competent surveillance authority pursuant to Article 56, Protocol 23 and the rules referred to in Articles 1 to 3 of this Protocol. Until they have been notified, no decision in application of Article 53(3) may be taken.

2. Paragraph 1 shall not apply to agreements, decisions and concerted practices where:

(a) the only parties thereto are undertakings from one EC Member State or from one EFTA State and the agreements, decisions or concerted practices do not relate either to imports or to exports between Contracting Parties;

(b) not more than two undertakings are party thereto, and the agreements only:

(i) restrict the freedom of one party to the contract in determining the prices or conditions of business upon which the goods which he has obtained from the other party to the contract may be resold, or

(ii) impose restrictions on the exercise of the rights of the assignee or user of industrial property rights - in particular patents, utility models, designs or trademarks - or of the person entitled under a contract to the assignment, or grant, of the right to use a method of manufacture or knowledge relating to the use and to the application of industrial processes;

(c) they have as their sole object:

(i) the development or uniform application of standards or types, or

(ii) joint research or development, or

(iii) specialization in the manufacture of products including agreements necessary for achieving this:

— where the products which are the subject of specialization do not, in a substantial part of the territory covered by the Agreement, represent more than 15 per cent of the volume of business done in identical products or those considered by consumers to be similar by reason of their characteristics, price and use, and

— where the total annual turnover of the participating undertakings does not exceed ECU 200 million.

These agreements, decisions and concerted practices may be notified to the competent surveillance authority pursuant to Article 56, Protocol 23 and the rules referred to in Articles 1 to 3 of this Protocol.

*Article 5*

1. Agreements, decisions and concerted practices of the kind described in Article 53(1) which are in existence at the date of entry into force of the Agreement and in respect of which the parties seek application of Article 53(3) shall be notified to the competent surveillance authority pursuant to the provisions in Article 56, Protocol 23 and the rules referred to in Articles 1 to 3 of this Protocol within six months of the date of entry into force of the Agreement.

**▼B**

2. Paragraph 1 shall not apply to agreements, decisions or concerted practices of the kind described in Article 53(1) of the Agreement and falling under Article 4(2) of this Protocol; these may be notified to the competent surveillance authority pursuant to Article 56, Protocol 23 and the rules referred to in Articles 1 to 3 of this Protocol.

*Article 6*

The competent surveillance authority shall specify in its decisions pursuant to Article 53(3) the date from which the decisions shall take effect. That date may be earlier than the date of notification as regards agreements, decisions of associations of undertakings or concerted practices falling under Articles 4(2) and 5(2) of this Protocol, or those falling under Article 5(1) of this Protocol which have been notified within the time limit specified in Article 5(1).

*Article 7*

1. Where agreements, decisions or concerted practices of the kind described in Article 53(1) which are in existence at the date of entry into force of the Agreement and notified within the time limits specified in Article 5(1) of this Protocol do not satisfy the requirements of Article 53(3) and the undertakings or associations of undertakings concerned cease to give effect to them or modify them in such a manner that they no longer fall under the prohibition contained in Article 53(1) or that they satisfy the requirements of Article 53(3), the prohibition contained in Article 53(1) shall apply only for a period fixed by the competent surveillance authority. A decision by the competent surveillance authority pursuant to the foregoing sentence shall not apply as against undertakings and associations of undertakings which did not expressly consent to the notification.

2. Paragraph 1 shall apply to agreements, decisions or concerted practices falling under Article 4(2) of this Protocol which are in existence at the date of entry into force of the Agreement if they are notified within six months after that date.

*Article 8*

Applications and notifications submitted to the EC Commission prior to the date of entry into force of the Agreement shall be deemed to comply with the provisions on application and notification under the Agreement.

The competent surveillance authority pursuant to Article 56 of the Agreement and Article 10 of Protocol 23 may require a duly completed form as prescribed for the implementation of the Agreement to be submitted to it within such time as it shall appoint. In that event, applications and notifications shall be treated as properly made only if the forms are submitted within the prescribed period and in accordance with the provisions of the Agreement.

*Article 9*

Fines for infringement of Article 53(1) shall not be imposed in respect of any act prior to notification of the agreements, decisions and concerted practices to which Articles 5 and 6 of this Protocol apply and which have been notified within the period specified therein.

**▼B***Article 10*

The Contracting Parties shall ensure that the measures affording the necessary assistance to officials of the EFTA Surveillance Authority and the EC Commission, in order to enable them to make their investigations as foreseen under the Agreement, are taken within six months of the entry into force of the Agreement.

*Article 11*

As regards agreements, decisions and concerted practices already in existence at the date of entry into force of the Agreement which fall under Article 53(1), the prohibition in Article 53(1) shall not apply where the agreements, decisions or practices are modified within six months from the date of entry into force of the Agreement so as to fulfil the conditions contained in the block exemptions provided for in Annex XIV.

*Article 12*

As regards agreements, decisions of associations of undertakings and concerted practices already in existence at the date of entry into force of the Agreement which fall under Article 53(1), the prohibition in Article 53(1) shall not apply, from the date of entry into force of the Agreement, where the agreements, decisions or practices are modified within six months from the date of entry into force of the Agreement so as not to fall under the prohibition of Article 53(1) any more.

*Article 13*

Agreements, decisions of associations of undertakings and concerted practices which benefit from an individual exemption granted under Article 85(3) of the Treaty establishing the European Economic Community before the entry into force of the Agreement shall continue to be exempted as regards the provisions of the Agreement, until their date of expiry as provided for in the decisions granting these exemptions or until the EC Commission otherwise decides, whichever date is the earlier.

**▼B****PROTOCOL 22****concerning the definition of 'undertaking' and 'turnover'  
(Article 56)***Article 1*

For the purposes of the attribution of individual cases pursuant to Article 56 of the Agreement, an 'undertaking' shall be any entity carrying out activities of a commercial or economic nature.

*Article 2*

'Turnover' within the meaning of Article 56 of the Agreement shall comprise the amounts derived by the undertakings concerned, in the territory covered by the Agreement, in the preceding financial year from the sale of products and the provision of services falling within the undertaking's ordinary scope of activities after deduction of sales rebates and of value-added tax and other taxes directly related to turnover.

*Article 3*

In place of turnover, the following shall be used:

- (a) for credit institutions and other financial institutions, their total assets multiplied by the ratio between loans and advances to credit institutions and customers in transactions with residents in the territory covered by the Agreement and the total sum of those loans and advances;
- (b) for insurance undertakings, the value of gross premiums received from residents in the territory covered by the Agreement, which shall comprise all amounts received and receivable in respect of insurance contracts issued by or on behalf of the insurance undertakings, including also outgoing reinsurance premiums, and after deduction of taxes and parafiscal contributions or levies charged by reference to the amounts of individual premiums or the total value of premiums.

*Article 4*

1. In derogation from the definition of the turnover relevant for the application of Article 56 of the Agreement, as contained in Article 2 of this Protocol, the relevant turnover shall be constituted:

- (a) as regards agreements, decisions of associations of undertakings and concerted practices related to distribution and supply arrangements between non-competing undertakings, of the amounts derived from the sale of goods or the provision of services which are the subject matter of the agreements, decisions or concerted practices, and from the other goods or services which are considered by users to be equivalent in view of their characteristics, price and intended use;
- (b) as regards agreements, decisions of associations of undertakings and concerted practices related to arrangements on transfer of technology between non-competing undertakings, of the amounts derived from the sale of goods or the provision of services which result from the technology which is the subject matter of the agreements, decisions or concerted practices, and of the amounts derived from the sale of those goods or the provision of those services which that technology is designed to improve or replace.



**▼B**

2. However, where at the time of the coming into existence of arrangements as described in paragraph 1(a) and (b) turnover as regards the sale of goods or the provision of services is not in evidence, the general provision as contained in Article 2 shall apply.

*Article 5*

1. Where individual cases concern products falling within the scope of application of Protocol 25, the relevant turnover for the attribution of those cases shall be the turnover achieved in these products.

2. Where individual cases concern products falling within the scope of application of Protocol 25 as well as products or services falling within the scope of application of Articles 53 and 54 of the Agreement, the relevant turnover is determined by taking into account all the products and services as provided for in Article 2.



## PROTOCOL 23

### concerning the cooperation between the surveillance authorities (Article 58)

#### GENERAL PRINCIPLES

##### *Article 1*

The EFTA Surveillance Authority and the EC Commission shall exchange information and consult each other on general policy issues at the request of either of the surveillance authorities.

The EFTA Surveillance Authority and the EC Commission, in accordance with their internal rules, respecting Article 56 of the Agreement and Protocol 22 and the autonomy of both sides in their decisions, shall cooperate in the handling of individual cases falling under Article 56(1)(b) and (c), (2), second sentence and (3), as provided for in the provisions below.

For the purposes of this Protocol, the term 'territory of a surveillance authority' shall mean for the EC Commission the territory of the EC Member States to which the Treaty establishing the European Economic Community or the Treaty establishing the European Coal and Steel Community, as the case may be, applies, upon the terms laid down in those Treaties, and for the EFTA Surveillance Authority the territories of the EFTA States to which the Agreement applies.

#### THE INITIAL PHASE OF THE PROCEEDINGS

##### *Article 2*

In cases falling under Article 56(1)(b) and (c), (2), second sentence and (3) of the Agreement, the EFTA Surveillance Authority and the EC Commission shall without undue delay forward to each other notifications and complaints to the extent that it is not apparent that these have been addressed to both surveillance authorities! They shall also inform each other when opening *ex officio* procedures.

The surveillance authority which has received information as provided for in the first subparagraph may present its comments thereon within 40 working days of its receipt.

##### *Article 3*

The competent surveillance authority shall, in cases falling under Article 56(1)(b) and (c), (2), second sentence and (3) of the Agreement, consult the other surveillance authority when:

- publishing its intention to give a negative clearance,
- publishing its intention to take a decision in application of Article 53(3), or
- addressing to the undertakings or associations of undertakings concerned its statement of objections.

The other surveillance authority may deliver its comments within the time limits set out in the abovementioned publication or statement of objections.

Observations received from the undertakings concerned or third parties shall be transmitted to the other surveillance authority.

**▼B***Article 4*

In cases falling under Article 56(1)(b) and (c), (2), second sentence and (3) of the Agreement, the competent surveillance authority shall transmit to the other surveillance authority the administrative letters by which a file is closed or a complaint rejected.

*Article 5*

In cases falling under Article 56(1)(b) and (c), (2), second sentence and (3) of the Agreement, the competent surveillance authority shall invite the other surveillance authority to be represented at hearings of the undertakings concerned. The invitation shall also extend to the States falling within the competence of the other surveillance authority.

**ADVISORY COMMITTEES***Article 6*

In cases falling under Article 56(1)(b) and (c), (2), second sentence and (3) of the Agreement, the competent surveillance authority shall, in due time, inform the other surveillance authority of the date of the meeting of the Advisory Committee and transmit the relevant documentation.

All documents forwarded for that purpose from the other surveillance authority shall be presented to the Advisory Committee of the surveillance authority which is competent to decide on a case in accordance with Article 56 together with the material sent out by that surveillance authority.

Each surveillance authority and the States falling within its competence shall be entitled to be present in the Advisory Committees of the other surveillance authority and to express their views therein; they shall not have, however, the right to vote.

**REQUEST FOR DOCUMENTS AND THE RIGHT TO MAKE OBSERVATIONS***Article 7*

In cases falling under Article 56(1)(b) and (c), (2), second sentence and (3) of the Agreement, the surveillance authority which is not competent to decide on a case in accordance with Article 56 may request at all stages of the proceedings copies of the most important documents lodged with the competent surveillance authority for the purpose of establishing the existence of infringements of Articles 53 and 54 or of obtaining a negative clearance or exemption, and may furthermore, before a final decision is taken, make any observations it considers appropriate.

**ADMINISTRATIVE ASSISTANCE***Article 8*

1. When sending a request for information to an undertaking or association of undertakings located within the territory of the other surveillance authority, the competent surveillance authority, as defined in Article 56 of the Agreement, shall at the same time forward a copy of the request to the other surveillance authority.

**▼B**

2. Where an undertaking or association of undertakings does not supply the information requested within the time limit fixed by the competent surveillance authority, or supplies incomplete information, the competent surveillance authority shall by decision require the information to be supplied. In the case of undertakings or associations of undertakings located within the territory of the other surveillance authority, the competent surveillance authority shall forward a copy of that decision to the other surveillance authority.
3. At the request of the competent surveillance authority, as defined in Article 56 of the Agreement, the other surveillance authority shall, in accordance with its internal rules, undertake investigations within its territory in cases where the competent surveillance authority so requesting considers it to be necessary.
4. The competent surveillance authority is entitled to be represented and take an active part in investigations carried out by the other surveillance authority in respect of paragraph 3.
5. All information obtained during such investigations on request shall be transmitted to the surveillance authority which requested the investigations immediately after their finalization.
6. Where the competent surveillance authority, in cases falling under Article 56(1)(b) and (c), (2), second sentence and (3) of the Agreement, carries out investigations within its territory, it shall inform the other surveillance authority of the fact that such investigations have taken place and, on request, transmit to that authority the relevant results of the investigations.

*Article 9*

1. Information acquired as a result of the application of this Protocol shall be used only for the purpose of procedures under Articles 53 and 54 of the Agreement.
2. The EC Commission, the EFTA Surveillance Authority, the competent authorities of the EC Member States and the EFTA States, and their officials and other servants shall not disclose information acquired by them as a result of the application of this Protocol and of the kind covered by the obligation of professional secrecy.
3. Rules on professional secrecy and restricted use of information provided for in the Agreement or in the legislation of the Contracting Parties shall not prevent exchange of information as set out in this Protocol.

*Article 10*

1. Undertakings shall, in cases of notifications of agreements, address the notification to the competent surveillance authority in accordance with Article 56 of the Agreement. Complaints may be addressed to either surveillance authority.
2. Notifications or complaints addressed to the surveillance authority which, pursuant to Article 56, is not competent to decide on a given case shall be transferred without delay to the competent surveillance authority.
3. If, in the preparation or initiation of *ex officio* proceedings, it becomes apparent that the other surveillance authority is competent to decide on a case in accordance with Article 56 of the Agreement, this case shall be transferred to the competent surveillance authority.

**▼B**

4. Once a case is transmitted to the other surveillance authority as provided for in paragraphs 2 and 3, a retransmission of the case may not take place. A transmission of a case may not take place after the publishing of the intention to give a negative clearance, the publishing of the intention to take a decision in application of Article 53(3) of the Agreement, the addressing to undertakings or associations of undertakings concerned of the statement of objections or the sending of a letter informing the applicant that there are insufficient grounds for pursuing the complaint.

*Article 11*

The date of submission of an application or notification shall be the date on which it is received by the EC Commission or the EFTA Surveillance Authority, regardless of which of these is competent to decide on the case under Article 56 of the Agreement. Where, however, the application or notification is sent by registered post, it shall be deemed to have been received on the date shown on the postmark of the place of posting.

**LANGUAGES***Article 12*

Undertakings shall be entitled to address and be addressed by the EFTA Surveillance Authority and the EC Commission in an official language of an EFTA State or the European Community which they choose as regards notifications, applications and complaints. This shall also cover all instances of a proceeding, whether it be opened on notification, application or complaint or *ex officio* by the competent surveillance authority.

**▼B****PROTOCOL 24****on cooperation in the field of control of concentrations****GENERAL PRINCIPLES***Article 1*

1. The EFTA Surveillance Authority and the EC Commission shall exchange information and consult each other on general policy issues at the request of either of the surveillance authorities.
2. In cases falling under Article 57(2)(a), the EC Commission and the EFTA Surveillance Authority shall cooperate in the handling of concentrations as provided for in the provisions set out below.
3. For the purposes of this Protocol, the term 'territory of a surveillance authority' shall mean for the EC Commission the territory of the EC Member States to which the Treaty establishing the European Economic Community or the Treaty establishing the European Coal and Steel Community, as the case may be, applies, upon the terms laid down in those Treaties, and for the EFTA Surveillance Authority the territories of the EFTA States to which the Agreement applies.

*Article 2*

1. Cooperation shall take place, in accordance with the provisions set out in this Protocol, where:
  - (a) the combined turnover of the undertakings concerned in the territory of the EFTA States equals 25 per cent or more of their total turnover within the territory covered by the Agreement, or
  - (b) each of at least two of the undertakings concerned has a turnover exceeding ECU 250 million in the territory of the EFTA States, or
  - (c) the concentration is liable to create or strengthen a dominant position as a result of which effective competition would be significantly impeded in the territories of the EFTA States or a substantial part thereof.
2. Cooperation shall also take place where:
  - (a) the concentration threatens to create or strengthen a dominant position as a result of which effective competition would be significantly impeded on a market within an EFTA State which presents all the characteristics of a distinct market, be it a substantial part of the territory covered by this Agreement or not, or
  - (b) an EFTA State wishes to adopt measures to protect legitimate interests as set out in Article 7.

**INITIAL PHASE OF THE PROCEEDINGS***Article 3*

1. The EC Commission shall transmit to the EFTA Surveillance Authority copies of notifications of the cases referred to in Article 2(1) and (2)(a) within three working days and, as soon as possible, copies of the most important documents lodged with or issued by the EC Commission.

**▼B**

2. The EC Commission shall carry out the procedures set out for the implementation of Article 57 of the Agreement in close and constant liaison with the EFTA Surveillance Authority. The EFTA Surveillance Authority and EFTA States may express their views upon those procedures. For the purposes of Article 6 of this Protocol, the EC Commission shall obtain information from the competent authority of the EFTA State concerned and give it the opportunity to make known its views at every stage of the procedures up to the adoption of a decision pursuant to that Article. To that end, the EC Commission shall give it access to the file.

**HEARINGS***Article 4*

In cases referred to in Article 2(1) and (2)(a), the EC Commission shall invite the EFTA Surveillance Authority to be represented at the hearings of the undertakings concerned. The EFTA States may likewise be represented at those hearings,

**THE EC ADVISORY COMMITTEE ON CONCENTRATIONS***Article 5*

1. In cases referred to in Article 2(1) and (2)(a), the EC Commission shall in due time inform the EFTA Surveillance Authority of the date of the meeting of the EC Advisory Committee on Concentrations and transmit the relevant documentation.

2. All documents forwarded for that purpose from the EFTA Surveillance Authority, including documents emanating from EFTA States, shall be presented to the EC Advisory Committee on Concentrations together with the other relevant documentation sent out by the EC Commission.

3. The EFTA Surveillance Authority and the EFTA States shall be entitled to be present in the EC Advisory Committee on Concentrations and to express their views therein; they shall not have, however, the right to vote.

**RIGHTS OF INDIVIDUAL STATES***Article 6*

1. The EC Commission may, by means of a decision notified without delay to the undertakings concerned, to the competent authorities of the EC Member States and to the EFTA Surveillance Authority, refer a notified concentration to an EFTA State where a concentration threatens to create or strengthen a dominant position as a result of which effective competition would be significantly impeded on a market within that State, which presents all the characteristics of a distinct market, be it a substantial part of the territory covered by the Agreement or not.

2. In cases referred to in paragraph 1, any EFTA State may appeal to the European Court of Justice, on the same grounds and conditions as an EC Member State under Article 173 of the Treaty establishing the European Economic Community, and in particular request the application of interim measures, for the purpose of applying its national competition law.

**▼B***Article 7*

1. Notwithstanding the sole competence of the EC Commission to deal with concentrations of a Community dimension as set out in Council Regulation (EEC) No 4064/89 of 21 December 1989 on the control of concentrations between undertakings (OJ No L 395, 30.12.1989, p. 1, as corrected by OJ No L 257, 21.9.1990, p. 13), EFTA States may take appropriate measures to protect legitimate interests other than those taken into consideration according to the above Regulation and compatible with the general principles and other provisions as provided for, directly or indirectly, under the Agreement.
2. Public security, plurality of media and prudential rules shall be regarded as legitimate interests within the meaning of paragraph 1.
3. Any other public interest must be communicated to the EC Commission and shall be recognized by the EC Commission after an assessment of its compatibility with the general principles and other provisions as provided for, directly or indirectly, under the Agreement before the measures referred to above may be taken. The EC Commission shall inform the EFTA Surveillance Authority and the EFTA State concerned of its decision within one month of that communication.

**ADMINISTRATIVE ASSISTANCE***Article 8*

1. In carrying out the duties assigned to it for the implementation of Article 57, the EC Commission may obtain all necessary information from the EFTA Surveillance Authority and EFTA States.
2. When sending a request for information to a person, an undertaking or an association of undertakings located within the territory of the EFTA Surveillance Authority, the EC Commission shall at the same time forward a copy of the request to the EFTA Surveillance Authority.
3. Where such persons, undertakings or associations of undertakings do not provide the information requested within the period fixed by the EC Commission, or provide incomplete information, the EC Commission shall by decision require the information to be provided and forward a copy of that decision to the EFTA Surveillance Authority.
4. At the request of the EC Commission, the EFTA Surveillance Authority shall undertake investigations within its territory.
5. The EC Commission is entitled to be represented and take an active part in investigations carried out pursuant to paragraph 4.
6. All information obtained during such investigations on request shall be transmitted to the EC Commission immediately after their finalization.
7. Where the EC Commission carries out investigations within the territory of the Community, it shall, as regards cases falling under Article 2(1) and (2)(a), inform the EFTA Surveillance Authority of the fact that such investigations have taken place and on request transmit in an appropriate way the relevant results of the investigations.



**▼B****PROFESSIONAL SECRECY***Article 9*

1. Information acquired as a result of the application of this Protocol shall be used only for the purpose of procedures under Article 57 of the Agreement.
2. The EC Commission, the EFTA Surveillance Authority, the competent authorities of the EC Member States and of the EFTA States, and their officials and other servants shall not disclose information acquired by them as a result of the application of this Protocol and of the kind covered by the obligation of professional secrecy.
3. Rules on professional secrecy and restricted use of information provided for in the Agreement or the legislation of the Contracting Parties shall not prevent the exchange and use of information as set out in this Protocol.

**NOTIFICATIONS***Article 10*

1. Undertakings shall address their notifications to the competent surveillance authority in accordance with Article 57(2) of the Agreement.
2. Notifications or complaints addressed to the authority which, pursuant to Article 57, is not competent to take decisions on a given case shall be transferred without delay to the competent surveillance authority.

*Article 11*

The date of submission of a notification shall be the date on which it is received by the competent surveillance authority.

The date of submission of a notification shall be the date on which it is received by the EC Commission or the EFTA Surveillance Authority, if the case is notified in accordance with the implementing rules under Article 57 of the Agreement, but falls under Article 53.

**LANGUAGES***Article 12*

1. Undertakings shall be entitled to address and be addressed by the EFTA Surveillance Authority and the EC Commission in an official language of an EFTA State or the Community which they choose as regards notifications. This shall also cover all instances of a proceeding.
2. If undertakings choose to address a surveillance authority in a language which is not one of the official languages of the States falling within the competence of that authority, or a working language of that authority, they shall simultaneously supplement all documentation with a translation into an official language of that authority.

**▼B**

3. As far as undertakings are concerned which are not parties to the notification, they shall likewise be entitled to be addressed by the EFTA Surveillance Authority and the EC Commission in an appropriate official language of an EFTA State or of the Community or in a working language of one of those authorities. If they choose to address a surveillance authority in a language which is not one of the official languages of the States falling within the competence of that authority, or a working language of that authority, paragraph 2 shall apply.

4. The language which is chosen for the translation shall determine the language in which the undertakings may be addressed by the competent authority.

**TIME LIMITS AND OTHER PROCEDURAL QUESTIONS***Article 13*

As regards time limits and other procedural provisions, the rules implementing Article 57 shall apply also for the purpose of the cooperation between the EC Commission and the EFTA Surveillance Authority and EFTA States, unless otherwise provided for in this Protocol.

**TRANSITION RULE***Article 14*

Article 57 shall not apply to any concentration which was the subject of an agreement or announcement or where control was acquired before the date of entry into force of the Agreement. It shall not in any circumstances apply to a concentration in respect of which proceedings were initiated before that date by a national authority with responsibility for competition.



**PROTOCOL 25**  
**on competition regarding coal and steel**

*Article 1*

1. All agreements between undertakings, decisions by associations of undertakings and concerted practices in respect of particular products referred to in Protocol 14 which may affect trade between Contracting Parties tending directly or indirectly to prevent, restrict or distort normal competition within the territory covered by this Agreement shall be prohibited, and in particular those tending:

- (a) to fix or determine prices,
- (b) to restrict or control production, technical development or investment,
- (c) to share markets, products, customers or sources of supply.

2. However, the competent surveillance authority, as provided for in Article 56 of the Agreement, shall authorize specialization agreements or joint-buying or joint-selling agreements in respect of the products referred to in paragraph 1, if it finds that:

- (a) such specialization or such joint-buying or joint-selling will make for a substantial improvement in the production or distribution of those products;
- (b) the agreement in question is essential in order to achieve these results and is not more restrictive than is necessary for that purpose; and
- (c) the agreement is not liable to give the undertakings concerned the power to determine the prices, or to control or restrict the production or marketing, of a substantial part of the products in question within the territory covered by the Agreement, or to shield them against effective competition from other undertakings within the territory covered by the Agreement.

If the competent surveillance authority finds that certain agreements are strictly analogous in nature and effect to those referred to above, having particular regard to the fact that this paragraph applies to distributive undertakings, it shall authorize them also when satisfied that they meet the same requirements.

3. Any agreement or decision prohibited by paragraph 1 shall be automatically void and may not be relied upon before any court or tribunal in the EC Member States or the EFTA States.

*Article 2*

1. Any transaction shall require the prior authorization of the competent surveillance authority, as provided for in Article 56 of the Agreement, subject to the provisions of paragraph 3 of this Article, if it has in itself the direct or indirect effect of bringing about within the territory covered by the Agreement, as a result of action by any person or undertaking or group of persons or undertakings, a concentration between undertakings at least one of which is covered by Article 3, which may affect trade between Contracting Parties, whether the transaction concerns a single product or a number of different products, and whether it is effected by merger, acquisition of shares or parts of the undertaking or assets, loan, contract or any other means of control.

**▼B**

2. The competent surveillance authority, as provided for in Article 56 of the Agreement, shall grant the authorization referred to in paragraph 1 if it finds that the proposed transaction will not give to the persons or undertakings concerned the power, in respect of the product or products within its jurisdiction:

- to determine prices, to control or restrict production or distribution or to hinder effective competition in a substantial part of the market for those products, or
- to evade the rules of competition instituted under this Agreement, in particular by establishing an artificially privileged position involving a substantial advantage in access to supplies or markets.

3. Classes of transactions may, in view of the size of the assets or undertakings concerned, taken in conjunction with the kind of concentration to be effected, be exempted from the requirement of prior authorization.

4. If the competent surveillance authority, as provided for in Article 56 of the Agreement, finds that public or private undertakings which, in law or in fact, hold or acquire in the market for one of the products within its jurisdiction a dominant position shielding them against effective competition in a substantial part of the territory covered by this Agreement are using that position for purposes contrary to the objectives of this Agreement and if such abuse may affect trade between Contracting Parties, it shall make to them such recommendations as may be appropriate to prevent the position from being so used.

*Article 3*

For the purposes of Articles 1 and 2 as well as for the purposes of information required for their application and proceedings in connection with them, 'undertaking' means any undertaking engaged in production in the coal or the steel industry within the territory covered by the Agreement, and any undertaking or agency regularly engaged in distribution other than sale to domestic consumers or small craft industries.

*Article 4*

Annex XIV to the Agreement contains specific provisions giving effect to the principles set out in Articles 1 and 2.

*Article 5*

The EFTA Surveillance Authority and the EC Commission shall ensure the application of the principles laid down in Articles 1 and 2 of this Protocol in accordance with the provisions giving effect to Articles 1 and 2 as contained in Protocol 21 and Annex XIV to the Agreement.

*Article 6*

Individual cases referred to in Articles 1 and 2 of this Protocol shall be decided upon by the EC Commission or the EFTA Surveillance Authority in accordance with Article 56 of the Agreement.

**▼B***Article 7*

With a view to developing and maintaining a uniform surveillance throughout the European Economic Area in the field of competition and of promoting a homogeneous implementation, application and interpretation of the provisions of the Agreement to this end, the competent authorities shall cooperate in accordance with the provisions set out in Protocol 23.

**▼B****PROTOCOL 26****on the powers and functions of the EFTA Surveillance Authority in the field of State aid**

The EFTA Surveillance Authority shall, in an agreement between the EFTA States, be entrusted with equivalent powers and similar functions to those of the EC Commission, at the time of the signature of the Agreement, for the application of the competition rules applicable to State aid of the Treaty establishing the European Economic Community, enabling the EFTA Surveillance Authority to give effect to the principles expressed in Articles 1(2)(e), 49 and 61 to 63 of the Agreement. The EFTA Surveillance Authority shall also have such powers to give effect to the competition rules applicable to State aid relating to products falling under the Treaty establishing the European Coal and Steel Community as referred to in Protocol 14.



## PROTOCOL 27

### on cooperation in the field of State aid

In order to ensure a uniform implementation, application and interpretation of the rules on State aid throughout the territory of the Contracting Parties as well as to guarantee their harmonious development, the EC Commission and the EFTA Surveillance Authority shall observe the following rules:

- (a) exchange of information and views on general policy issues such as the implementation, application and interpretation of the rules on State aid set out in the Agreement shall be held periodically or at the request of either surveillance authority;
- (b) the EC Commission and the EFTA Surveillance Authority shall periodically prepare surveys on State aid in their respective States. These surveys shall be made available to the other surveillance authority;
- (c) if the procedure referred to in the first and second subparagraphs of Article 93(2) of the Treaty establishing the European Economic Community or the corresponding procedure set out in an agreement between the EFTA States establishing the EFTA Surveillance Authority is opened for State aid programmes and cases, the EC Commission or the EFTA Surveillance Authority shall give notice to the other surveillance authority as well as to the parties concerned to submit their comments;
- (d) the surveillance authorities shall inform each other of all decisions as soon as they are taken;
- (e) the opening of the procedure referred to in paragraph (c) and the decisions referred to in paragraph (d) shall be published by the competent surveillance authorities;
- (f) notwithstanding the provisions of this Protocol, the EC Commission and the EFTA Surveillance Authority shall, at the request of the other surveillance authority, provide on a case-by-case basis information and exchange views on individual State aid programmes and cases;
- (g) information obtained in accordance with paragraph (f) shall be treated as confidential.

**▼B****PROTOCOL 28**  
**on intellectual property***Article 1***Substance of protection**

1. For the purposes of this Protocol, the term 'intellectual property' shall include the protection of industrial and commercial property as covered by Article 13 of the Agreement.
2. Without prejudice to the provisions of this Protocol and of Annex XVII, the Contracting Parties shall upon the entry into force of the Agreement adjust their legislation on intellectual property so as to make it compatible with the principles of free circulation of goods and services and with the level of protection of intellectual property attained in Community law, including the level of enforcement of those rights.
3. Subject to the procedural provisions of the Agreement and without prejudice to the provisions of this Protocol and of Annex XVII, the EFTA States will adjust, upon request and after consultation between the Contracting Parties, their legislation on intellectual property in order to reach at least the level of protection of intellectual property prevailing in the Community upon signature of the Agreement.

*Article 2***Exhaustion of rights**

1. To the extent that exhaustion is dealt with in Community measures or jurisprudence, the Contracting Parties shall provide for such exhaustion of intellectual property rights as laid down in Community law. Without prejudice to future developments of case-law, this provision shall be interpreted in accordance with the meaning established in the relevant rulings of the Court of Justice of the European Communities given prior to the signature of the Agreement.
2. As regards patent rights, this provision shall take effect at the latest one year after the entry into force of the Agreement.

*Article 3***Community patents**

1. The Contracting Parties undertake to use their best endeavours to conclude within a period of three years after the entry into force of the Agreement relating to Community patents (89/695/EEC) negotiations with a view to the participation of the EFTA States in that Agreement. However, for Iceland, this date will not be earlier than 1 January 1998.
2. The specific conditions for the participation of the EFTA States in the Agreement relating to Community patents (89/695/EEC) shall be subject to future negotiations,
3. The Community undertakes, after the entry into force of the Agreement relating to Community patents, to invite those EFTA States who so request to enter into negotiations, in accordance with Article 8 of the Agreement relating to Community patents, provided they will have in addition respected the provisions of paragraphs 4 and 5.



**▼B**

4. The EFTA States shall comply in their law with the substantive provisions of the European Patent Convention of 5 October 1973.

5. As regards patentability of pharmaceutical and foodstuff products, Finland shall comply with the provisions of paragraph 4 by 1 January 1995. As regards patentability of pharmaceutical products, Iceland shall comply with the provisions of paragraph 4 by 1 January 1997. The Community shall however not address an invitation as mentioned in paragraph 3 to Finland and Iceland before these dates, respectively.

6. Notwithstanding Article 2, the holder, or his beneficiary, of a patent for a product mentioned in paragraph 5 filed in a Contracting Party at a time when a product patent could not be obtained in Finland or Iceland for that product may rely upon the rights granted by that patent in order to prevent the import and marketing of that product in the Contracting Parties where that product enjoys patent protection even if that product was put on the market in Finland or Iceland for the first time by him or with his consent.

This right may be invoked for the products referred to in paragraph 5 until the end of the second year after Finland or Iceland, respectively, has made these products patentable.

*Article 4***Semiconductor products**

1. The Contracting Parties shall have the right to take decisions on the extension of the legal protection of topographies of semiconductor products to persons from any third country or territory, which is not a Contracting Party to this Agreement, who do not benefit from the right to protection according to the provisions of this Agreement. They may also conclude agreements to this effect.

2. The Contracting Party concerned shall endeavour, where the right to protection for topographies of semiconductor products is extended to a non-Contracting Party, to ensure that the non-Contracting Party concerned will grant the right to protection to the other Contracting Parties to this Agreement under equivalent conditions to those granted to the Contracting Party concerned.

3. The extension of rights conferred by parallel or equivalent agreements or understandings or equivalent decisions between any of the Contracting Parties and third countries shall be recognized and respected by all of the Contracting Parties.

4. In respect of paragraphs 1 to 3, the general information, consultation and dispute settlement procedures contained in this Agreement shall apply.

5. In any case of different relations arising between any of the Contracting Parties and any third country, consultations shall take place without delay as set out in paragraph 4 concerning the implications of such a divergence for the continuation of the free circulation of goods under this Agreement. Whenever such an agreement, understanding or decision is adopted, despite continuing disagreement between the Community and any other Contracting Party concerned, Part VII of this Agreement shall apply.

**▼B***Article 5***International conventions**

1. The Contracting Parties shall undertake to obtain their adherence before 1 January 1995 to the following multilateral conventions on industrial, intellectual and commercial property:

- (a) Paris Convention for the Protection of Industrial Property (Stockholm Act, 1967);
- (b) Berne Convention for the Protection of Literary and Artistic Works (Paris Act, 1971);
- (c) International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome, 1961);
- (d) Protocol relating to the Madrid Agreement concerning the International Registration of Marks (Madrid, 1989);
- (e) Nice Agreement concerning the International Classification of Goods and Services for the purpose of the Registration of Marks (Geneva, 1977, amended 1979);
- (f) Budapest Treaty on the International Recognition of the Deposit of Micro-organisms for the purposes of Patent Procedure (1980);
- (g) Patent Cooperation Treaty (1984).

2. For the adherence of Finland, Ireland and Norway to the Protocol relating to the Madrid Agreement the date mentioned in paragraph 1 shall be replaced by 1 January 1996 and, for Iceland, 1 January 1997, respectively.

3. Upon entry into force of this Protocol, the Contracting Parties shall comply in their internal legislation with the substantive provisions of the Conventions listed in paragraph 1(a) to (c). However, Ireland shall comply in its internal legislation with the substantive provisions of the Berne Convention by 1 January 1995.

*Article 6***Negotiations concerning the General Agreement on Tariffs and Trade**

The Contracting Parties agree, without prejudice to the competence of the Community and its Member States in matters of intellectual property, to improve the regime established by the Agreement as regards intellectual property in light of the results of the Uruguay Round negotiations.

*Article 7***Mutual information and consultation**

The Contracting Parties undertake to keep each other informed in the context of work within the framework of international organizations and within the context of agreements dealing with intellectual property.

**▼B**

The Contracting Parties also undertake, in areas covered by a measure adopted in Community law, to engage upon request in prior consultation in the abovementioned framework and contexts.

*Article 8***Transitional provisions**

The Contracting Parties agree to enter into negotiations in order to enable full participation of interested EFTA States in future measures concerning intellectual property which might be adopted in Community law.

Should such measures have been adopted before the entry into force of the Agreement, negotiations to participate in such measures shall begin at the earliest opportunity.

*Article 9***Competence**

The provisions of this Protocol shall be without prejudice to the competence of the Community and of its Member States in matters of intellectual property.

**▼B**

**PROTOCOL 29**  
**on vocational training**

In order to promote the movement of young people within the EEA, the Contracting Parties agree to strengthen their cooperation in the field of vocational training and to endeavour to improve conditions for students wishing to study in an EEA State other than their own. In this context they agree that the provisions of the Agreement concerning the right of residence for students do not alter the possibilities of individual Contracting Parties, existing before the entry into force of the Agreement, as to the tuition fees charged to foreign students.

**▼B****PROTOCOL 30****on specific provisions on the organization of cooperation in the field of statistics**

1. A conference of representatives of national statistical organizations of the Contracting Parties, the Statistical Office of the European Communities (Eurostat) and the Office of the Statistical Adviser of the EFTA States (OSA EFTA) shall be created. The conference shall guide statistical cooperation, develop programmes and procedures for statistical cooperation in close coordination with those of the Community and monitor their implementation.

**▼M4**

2. The EFTA States shall, from 1 January 1994, participate within the framework of plans for priority actions in the field of statistical information. In particular, an EEA Statistical Programme shall be established as a subset of the EC Statistical Programme set up under the Council Decision to which reference is made in paragraph 9. The EEA Statistical Programme shall be the framework within which all the EEA statistical activities are carried out. The elements of the EEA Statistical Programme are listed in the Appendix.

Each year, the Conference to which reference is made in paragraph 1 shall draw up the guidelines for the implementation of the EEA Statistical Programme in the following year. These guidelines shall be established in parallel with the annual guidelines for implementing the Community Statistical Programme according to Article 3 of the Council Decision referred to in paragraph 9.

The Conference shall, as necessary, propose the EEA Joint Committee items to be added or deleted from the list contained in the Appendix.

3. The EFTA States shall participate fully in the EC Committees which assist the EC Commission in the management or development of the actions referred to in paragraph 2 in so far as the subjects dealt with are covered by the Agreement.
4. Statistical information from EFTA States relating to matters covered by the Agreement shall be coordinated by the OSA EFTA and transmitted through it to Eurostat. Storage and processing of data shall take place within Eurostat.

Eurostat and the OSA EFTA shall ensure that EEA statistics are disseminated to the various users and to the public.

Confidential statistical data may be used only for statistical purposes.

5. From 1 January 1994, the EFTA States shall contribute financially to actions included in the EEA Statistical Programme in accordance with Article 82 (1) (a) of the Agreement and the financial regulations thereto.

The EFTA States shall defray the additional cost incurred by Eurostat for storing, processing and disseminating data from their countries according to the provisions of the Agreement. The amounts involved shall be fixed periodically by the EEA Joint Committee.

The EFTA States shall contribute financially to the Community's overhead costs other than those incurred for storing, disseminating or processing data in accordance with Article 82 (1) (b) of the Agreement.

**▼ M4**

6. The EFTA States shall be included in the statistical activities covered by the EEA Statistical Programme to the same extent as EC Member States in accordance with the provisions of the Agreement.
7. Responsibility for implementing the specific statistical actions in the EFTA States shall lie with the national statistical authorities; implementing procedures shall take account of the organization of each EFTA State's official statistics.

Where implementation measures for EC Member States, based on Article 4 (c) of the Council Decision referred to in paragraph 9, imply the transmission of available data or other available information concerning activities covered by the EEA Statistical Programme to the Commission, they shall also apply to EFTA States in accordance with paragraph 4.

8. At the request of the EEA Joint Committee, and at all events in the third year of cooperation and again at the end of the period covered by the EEA Statistical Programme, the Conference to which reference is made in paragraph 1 shall examine the progress made. In particular, it shall assess whether the objectives, priorities and actions planned during the period have been achieved and shall submit a report for the approval of the EEA Joint Committee.

9. The following Community act is the object of this Protocol:

**393 D 0464:** Council Decision 93/464/EEC of 22 July 1993 on the framework programme for priority actions in the field of statistical information 1993 to 1997 (OJ No L 219, 28. 8. 1993, p. 1).

▼ **M4***Appendix***List of programme elements of the EEA statistical programme**

Standardization and new EDP methods  
 Architecture of the European statistical information system  
 NSI network  
 General digests  
 Gross national product  
 European system of integrated economic accounts (ESA)  
 Current methodological questions in national accounts  
 Development of balance sheets  
 Green national accounts

National accounts aggregates  
 Quarterly national accounts  
 Accounts of general government  
 Accounts of other institutional sectors  
 Accounts of branch — structural database  
 Input-output tables  
 Capital stocks

Methodology of purchasing power parities  
 Price surveys of capital goods  
 Methodology and harmonization of consumer price indices  
 Production of consumer price indices  
 Surveys of final consumption prices

Coordination of monetary, financial and balance of payments statistics  
 Ecu and EMS Statistics  
 General government financial balance sheets  
 Financial accounts  
 Financial balance sheets  
 Financial and monetary indicators — short term indicators  
 Financial and monetary indicators — structural indicators

Balance of payments methodology  
 EFTA collection system for balance of payments data  
 Short-term on statistics on the balance of payments  
 Statistics on international movements of capital  
 Statistics on international trade in services and geographical breakdown of the current-account balance

Nomenclature of economic activities  
 Classification of products by activities (CPA)  
 Nomenclature server  
 Functional and derived classifications  
 Coordination of statistics and accounts — general  
 Coordination of statistics and accounts — macro-economic  
 Coordination of statistics and accounts — micro-macro  
 Relations with the Member States  
 Institutional matters and statistical systems  
 Analysis of external trade  
 Statistics relating to the trading of goods EC/EFTA and EEA with third countries: methodology Nomenclature of goods for extra EEA and intra-EEA trade  
 Country nomenclature  
 Foreign trade statistics — production  
 Foreign trade statistics — dissemination

Statistical confidentiality

Methodology of energy statistics  
 Surveys on energy consumption  
 Survey on the combined production of electricity and heat  
 Structure, balance sheets and input-output tables

▼ **M4**

Renewable energy source  
 Energy prices  
 Special actions in support of the new Community policies  
 Raw materials (balance sheets and recovery of raw materials)

Adaptation of industrial statistics to the needs of the Single Market after 1992  
 Links with business  
 Industrial statistics: methodology  
 Industrial statistics: analysis  
 Annual European survey of business — industry  
 Industrial short-term indicators  
 Prodcum  
 SMEs  
 Special and priority actions  
 Production and dissemination of iron and steel statistics

Statistics on research and development (R&FD) and innovation  
 Statistical research  
 Statistical techniques for measuring and processing data (registers, panels, measures of competitiveness and cohesion)

Services — methodology, methodological coordination of statistics on enterprises  
 Services: production and dissemination  
 Services products  
 Services — short term trends  
 Financial services including insurance  
 Business services  
 Communications and audio-visual services  
 Services for individuals and institutions  
 Public sector companies and government: micro-economics aspects of the public sector  
 Distributive trade  
 Tourism: methodology  
 Tourism: production and dissemination  
 Horeca and travel agencies  
 Transport — methodology  
 Transport — production and dissemination  
 Inland transport of goods  
 Sea transport  
 Air transport  
 Passenger transport  
 Activities of transport enterprises  
 European statistics on road traffic accidents

Community labour force survey (LFS)  
 The labour force, employment and unemployment  
 Working time and volume of work  
 Definitions and methods for employment statistics  
 Current demographic statistics  
 EEA census programme  
 Migration and migrants  
 Demographic projections in EEA  
 European forum for population studies

Social protection — Esspros financial flows (receipts and expenditure) and numbers of beneficiaries  
 Social protection: analysis of functions  
 Social protection: micro-economic studies  
 Poverty indicators  
 Household panel  
 Harmonization of family budget surveys  
 Household incomes  
 Statistics on household living conditions



▼ **M4**

Social and regional databank  
 Social statistics observatory  
 General time budget survey  
 Social situation of 'target groups' and 'target situations'

Education  
 Vocational training  
 Definitions and methods of education and training statistics  
 European statistics on accidents at work  
 European statistics on home and leisure accidents (Ehlass)  
 Harmonization of data on occupational diseases  
 Short-term wage indicators  
 Harmonized statistics of earnings in industry and services  
 Survey on labour costs  
 Survey on the structure of wages

Regional accounts  
 Social statistics at regional level  
 Agricultural statistics at regional level  
 Other regional statistics (transport, energy, environment, R&D, etc...)  
 Nuts nomenclature  
 Regio data bank and publications  
 Local data

Community surveys on the structure of agricultural holdings  
 Eurofarm  
 Forestry statistics  
 Community typology of agricultural holdings  
 Economic accounts for agriculture (EAA)

Agricultural land use  
 Agricultural land use — cereals  
 Crop products — cereal production  
 Crop products — cereal balance sheets  
 Production and balance sheets — fishery products

Publication of environment statistics  
 Water statistics  
 Atmospheric emission statistics  
 Waste statistics  
 Collection of economic information on the environment (Seriee)  
 Environmental expenditure statistics industry and services  
 Statistics of government expenditure  
 Household expenditure statistics  
 Statistics concerning economic and financial instruments of environmental policy  
 Transport, tourism and the environment  
 Enterprises and the environment, eco-industries  
 Energy and the environment  
 Agriculture, forestry and the environment  
 Material flows of selected products and substances that are harmful to the environment of health  
 Frameworks, accounts and indicators  
 Development of official Community and EEA environment statistics  
 Spatial statistics  
 Envstat Database

▼ **B****PROTOCOL 31****on cooperation in specific fields outside the four freedoms**▼ **M9***Article 1***Research and technological development**

1. The EFTA States shall, from 1 January 1994, participate in the implementation of the framework programmes of Community activities in the field of research and technological development referred to in paragraph 5, through participation in their specific programmes.

2. The EFTA States shall contribute financially to the activities referred to in paragraph 5 in accordance with Article 82 (1) (a) of the Agreement.

3. The EFTA States shall participate fully in all the EC committees which assist the EC Commission in the management, development and implementation of the activities referred to in paragraph 5.

4. Given the particular nature of the cooperation foreseen in the field of research and technological development, representatives of the EFTA States shall in addition be associated with the work of the Scientific and Technical Research Committee (Crest) and other EC committees which the EC Commission consults in this field, to the extent necessary for the good functioning of that cooperation.

5. The following Community acts, as well as acts deriving therefrom, are the object of this Article:

— **390 D 0221:** Council Decision 90/221/EEC/Euratom of 23 April 1990 concerning the framework programme of Community activities in the field of research and technological development (1990 to 1994) (OJ No L 117, 8. 5. 1990, p. 28),

— **394 D 1110:** Decision No 1110/94/EC of the European Parliament and of the Council of 26 April 1994 concerning the fourth framework programme of the European Community activities in the field of research and technological development and demonstration (1994 to 1998) (OJ No L 126, 18. 5. 1994, p. 1),  
 ► **M42** as amended by:

— **396 D 0616:** Decision No 616/96/EC of the European Parliament and of the Council of 25 March 1996 (OJ L 86, 4.4.1996, p. 69),

— **397 D 2535:** Decision No 2535/97/EC of the European Parliament and of the Council of 1 December 1997 (OJ L 347, 18.12.1997, p. 1). ◀

6. Evaluation and major redirection of activities in the framework programmes of Community activities in the field of research and technological development referred to in paragraph 5 shall be governed by the procedure referred to in Article 79 (3) of the Agreement.

7. The Agreement shall be without prejudice, on the one hand, to the bilateral cooperation taking place under the framework programme for Community activities in the field of research and technological development (1987 to 1991)<sup>(1)</sup> and, on the other hand, in so far as they concern cooperation which is not covered by the Agreement, to the bilateral framework agreements for scientific and technical cooperation between the Community and the EFTA States.

<sup>(1)</sup> **387 D 0516:** Council Decision 87/516/Euratom/EEC of 28 September 1987 (OJ No L 302, 24. 10. 1987, p. 1).

▼ **M8***Article 2***Information Services and security of information systems**

1. The EFTA States shall, from 1 January 1994, participate in the Community programmes and actions referred to in paragraph 5.
2. The EFTA States shall contribute financially to the programme and actions referred to in paragraph 5 in accordance with Article 82 (1) (a) of the Agreement.
3. The EFTA States shall, as from the start of cooperation in programmes and actions referred to in paragraph 5, participate fully in the EC committees which assist the EC Commission in the management or development of these programmes and actions.
4. Evaluation and major redirection of activities in the programmes in the field of information services shall be governed by the procedure referred to in Article 79 (3) of the Agreement.
5. The following Community acts, as well as acts deriving therefrom, are the object of this Article:

— **389 D 0286:** Council Decision 89/286/EEC of 17 April 1989 on the implementation at Community level of the main phase of the strategic programme for innovation and technology transfer (1989 to 1994) (Sprint programme) (OJ No L 112, 25. 4. 1989, p. 12), as amended by:

— **394 D 0005:** Council Decision 94/5/EC of 20 December 1993 (OJ No L 6, 8. 1. 1994, p. 25);

— **391 D 0691:** Council Decision 91/691/EEC of 12 December 1991 adopting a programme for the establishment of an internal information services market (OJ No L 377, 31. 12. 1991, p. 41);

— **392 D 0242:** Council Decision 92/242/EEC of 31 March 1992 in the field of security of information systems (OJ No L 123, 8. 5. 1992, p. 19);

▼ **M33**

— **396 D 0664:** Council Decision 96/664/EC of 21 November 1996 on the adoption of a multiannual programme to promote the linguistic diversity of the Community in the information society (OJ L 306, 28.11.1996, p. 40);

▼ **M23**

— **396 D 0339:** Council Decision 96/339/EC of 20 May 1996 adopting a multiannual Community programme to stimulate the development of a European multimedia content industry and to encourage the use of multimedia content in the emerging information society (Info 2000) (OJ No L 129, 30.5.1996, p. 24).

**▼B***Article 3***Environment**

1. Cooperation in the field of environment shall be strengthened in the framework of the activities of the Community, in particular in the following areas:

**▼M52**

— policy and action programmes on the environment and, in particular, in the framework of Community activities which may result from the following Community acts:

— **493 Y 0517**: Resolution of the Council and the representatives of the Governments of the Member States, meeting within the Council of 1 February 1993 on a Community programme of policy and action in relation to the environment and sustainable development (OJ C 138, 17.5.1993, p. 1),

— **397 D 0150**: Commission Decision 97/150/EC of 24 February 1997 on the setting-up of a European consultative forum on the environment and sustainable development (OJ L 58, 27.2.1997, p. 48);

**▼B**

— integration of environmental protection requirements into other policies;

— economic and fiscal instruments;

— environmental questions which have transboundary implications;

— major regional and global topics under discussion within international organizations.

The cooperation shall include, *inter alia*, regular meetings.

**▼M10**

2. (a) The EFTA States shall participate fully in the European environment agency, hereinafter referred to as the 'Agency', and the European environment information and observation network, as set up in Council Regulation (EEC) No 1210/90<sup>(1)</sup> ►**M51**, as amended by Council Regulation (EC) No 933/1999<sup>(2)</sup>. ◀
- (b) The EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82 (1) and Protocol 32 of the Agreement.
- (c) The EFTA States shall, in consequence of (b), participate fully, without the right to vote, in the Agency Management Board and shall be associated with the work of the Scientific Committee of the Agency. This shall not prejudice the outcome of any future discussions concerning the granting of such voting rights.
- (d) The EFTA States shall, within three months from the entry into force of Decision 11/94 of 12 August 1994, inform the Agency of the main component elements of their national information networks as set out in Article 4 (2) of Regulation (EEC) No 1210/90.

<sup>(1)</sup> OJ No L 120, 11. 5. 1990, p. 1.

<sup>(2)</sup> OJ L 117, 5.5.1999, p. 1.

**▼M10**

- (e) The EFTA States may in particular designate from among the institutions referred to in (d) or other organizations established in their territory a national focal point for coordinating and/or transmitting the information to be supplied at national level to the Agency and to the institutions or bodies forming part of the network, including the topic centres referred to under (f).
- (f) The EFTA States may also, within the period laid down in (d), identify the institutions or other organizations established in their territory which could be specifically entrusted with the task of cooperating with the Agency as regards certain topics of particular interest. An institution thus identified should be in a position to conclude an agreement with the Agency to act as a topic centre of the network for specific tasks in a precise geographical area. These centres shall cooperate with other institutions which form part of the network.
- (g) Within three months of receiving the information referred to in (d), (e) and (f), the Management Board of the Agency shall review the main elements of the network to take account of the participation of the EFTA States.
- (h) The Agency may agree with the institutions or bodies designated by the EFTA States and which form part of the network, as referred to in (d), (e) and (f), upon the necessary arrangements, in particular contracts, for successfully carrying out the tasks which it may entrust to them.
- (i) Environmental data supplied to or emanating from the Agency may be published and shall be made accessible to the public, provided that confidential information is afforded the same degree of protection in the EFTA States as it is afforded within the Community.
- (j) The Agency shall have legal personality. It shall enjoy in all the Contracting Parties the most extensive legal capacity accorded to legal persons under their laws.
- (k) EFTA States shall apply to the Agency the Protocol of Privileges and Immunities of the European Communities.
- (l) By way of derogation from Article 12 (2) of the conditions of employment of other servants of the European Communities, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the executive director of the Agency.
- (m) By virtue of Article 79 (3), Part VII (institutional provisions) of the Agreement shall apply to this paragraph.

**▼B**

3. Where it has been decided by the EEA Joint Committee that cooperation shall take the form of parallel legislation of identical or similar content by the Contracting Parties, the procedures referred to in Article 79(3) of the Agreement shall thereafter apply to the preparation of such legislation in the field in question.

*Article 4***Education, training and youth**

1. The EFTA States shall, from the entry into force of the Agreement, participate in the Community programme Youth for Europe in accordance with Part VI.

**▼B**

2. The EFTA States shall, as from 1 January 1995, participate subject to the provisions of Part VI, in all programmes of the Community in the field of education, training and youth then in force or adopted. The planning and development of programmes of the Community in this field shall, as from the entry into force of the Agreement, be subject to the procedures referred to in Part VI, in particular Article 79(3).

**▼M36**

2a. The EFTA States shall, as from 1 January 1997, participate in the Community actions related to the budget line B3-1 0 1 1 European voluntary service, entered in the Community budget for the year 1997.

3. The EFTA States shall contribute financially in accordance with Article 82(1)(a) to the programmes and actions referred to in paragraphs 1, 2 and 2a.

**▼B**

4. The EFTA States shall, as from the start of cooperation in programmes to which they contribute financially in accordance with Article 82(1)(a), participate fully in all the EC committees which assist the EC Commission in the management or development of these programmes.

5. ►**M8** The EFTA States shall, from 1 January 1994, participate in the various activities of the Community, including Eurydice and Arion, involving the exchange of information including, where appropriate, contacts and meetings of experts, seminars and conferences. ◀ The Contracting Parties shall, furthermore, through the EEA Joint Committee or otherwise, take any other initiatives which may appear appropriate in this regard.

6. The Contracting Parties shall encourage appropriate cooperation between the competent organizations, institutions and other bodies in their respective territories where this would contribute to the strengthening and broadening of cooperation. This shall apply in particular to matters covered by the activities of the European Centre for Development of Vocational Training (CEDEFOP). <sup>(1)</sup>

*Article 5***Social policy**

1. In the field of social policy, the dialogue referred to in Article 79(1) of the Agreement shall comprise, *inter alia*, the holding of meetings, including contacts between experts, the examination of questions of mutual interest in specific fields, the exchange of information on activities of the Contracting Parties, stock-taking of the state of cooperation and the carrying out, in common, of activities such as seminars and conferences.

<sup>(1)</sup> **375 R 0337**: Council Regulation (EEC) No 337/75 of 10 February 1975 establishing a European Centre for the Development of Vocational Training (OJ No L 39, 13.2.1975, p. 1), as amended by:

— **1 79 H**: Act concerning the Conditions of Accession and Adjustments to the Treaties — Accession of the Hellenic Republic (OJ No L 291, 19.11.1979, p. 17).

— **1 85 I**: Act concerning the Conditions of Accession and Adjustment to the Treaties — Accession of the Kingdom of Spain and the Portuguese Republic (OJ No L 302, 15.11.85, pp. 157 and 158).

**▼ B**

2. The Contracting Parties shall seek in particular to strengthen cooperation in the framework of Community activities which may result from the following Community acts:

- **388 Y 0203**: Council Resolution of 21 December 1987 on safety, hygiene and health at work (OJ No C 28, 3.2.1988, p. 3);
- **391 Y 0531**: Council Resolution of 21 May 1991 on the third medium-term Community action programme on equal opportunities for women and men (1991-95) (OJ No C 142, 31.5.1991, p. 1);

**▼ M22**

- **395 D 0593**: Council Decision 95/593/EC of 22 December 1995 on a medium-term Community action programme on equal opportunities for men and women (1996 to 2000) (OJ No L 335, 30.12.1995, p. 37).

The EFTA States shall participate in this Community action programme in accordance with the provisions laid down in Appendix 2 to this Protocol;

**▼ B**

- **390 Y 627(06)**: Council Resolution of 29 May 1990 on action to assist the long-term unemployed (OJ No C 157, 27.6.1990, p. 4);
- **386 X 0379**: Council Recommendation 86/379/EEC of 24 July 1986 on the employment of disabled people in the Community (OJ No L 225, 12.8.1986, p. 43);
- **389 D 0457**: Council Decision 89/457/EEC of 18 July 1989 establishing a medium-term Community action programme concerning the economic and social integration of the economically and socially less privileged groups in the society (OJ No L 224, 2.8.1989, p. 10).

3. The EFTA States shall, from the entry into force of the Agreement, participate within the framework of the Community actions for the elderly, <sup>(1)</sup>

The EFTA States shall contribute financially in accordance with Article 82(1)(b) of the Agreement.

The EFTA States shall participate fully in the EC committees which assist the EC Commission in the management or development of the programme except for matters relating to the distribution of EC financial resources between Member States of the Community.

**▼ M13**

4. The EFTA States shall, during 1995, participate in the Community actions to assist disabled people according to the Work Programme in Appendix 1 to this Protocol. The EFTA States shall contribute financially in accordance with the 'Budgetary Aspects' section of that Work Programme during this period.

5. The EFTA States shall, from 1 January 1996, participate in the Community programmes and actions referred to in paragraph 8.

<sup>(1)</sup> **391 D 0049**: Council Decision 91/49/EEC of 26 November 1990 (OJ No L 28, 2.2.1991, p. 29). ► **M8** With regard to Council Decision 91/49/EEC, it is agreed that the EFTA States shall, from 1 January 1994, contribute to the administrative costs related to the follow-up actions of the Community covered by the budget line B3-4104, 'measure for elderly persons'. ◀

▼ **M13**

6. From that date, the EFTA States shall contribute financially to the programmes and actions referred to in paragraph 8 in accordance with Article 82 (1) (a) of the Agreement.

7. The EFTA States shall, as from the start of the cooperation in the programmes and actions referred to in paragraph 8, participate fully in the EC committees which assist the Commission in the management or development of these programmes and actions.

8. The Contracting Parties shall seek in particular to strengthen cooperation in the framework of Community activities which may result from the following Community facts:

— **393 D 0136**: Council Decision 93/136/EEC of 25 February 1993 establishing a third Community action programme to assist disabled people (Helios II 1993 to 1996) (OJ No L 56, 9. 3. 1993, p. 30).

— **394 D 0782**: Council Decision 94/782/EC of 6 December 1994 concerning the continuance of the Handynet system in the framework of the activities undertaken to date on the first technical aids module (OJ No L 316, 9. 12. 1994, p. 42).

► **M13** 9. ◀ The EEA Joint Committee shall take the necessary decisions in order to facilitate cooperation between the Contracting Parties in future programmes and activities of the Community in the social field.

► **M13** 10. ◀ The Contracting Parties shall encourage appropriate cooperation between the competent organizations, institutions and other bodies in their respective territories where this would contribute to the strengthening and broadening of cooperation. This shall apply in particular to matters covered by the activities of the European Foundation for the Improvement of Working and Living Conditions. <sup>(1)</sup>

*Article 6***Consumer protection**

1. In the field of consumer protection, the Contracting Parties shall strengthen the dialogue between them by all appropriate means, with a view to identifying areas and activities where closer cooperation could contribute to the attainment of their objectives.

2. The Contracting Parties shall seek to strengthen cooperation in the framework of Community activities, which may result from the following Community acts, in particular in ensuring consumer influence and participation:

▼ **M8**

— **392 Y 0723**: Council Resolution of 13 July 1992 on future priorities for the development of consumer protection policy (OJ No C 186, 23. 7. 1992, p. 1);

— **593 DC 0378**: Second Commission three-year plan 1993-1995;

<sup>(1)</sup> **375 R 1365**: Regulation (EEC) No 1365/75 of the Council of 26 May 1975 on the creation of a European Foundation for the Improvement of Living and Working Conditions (OJ No L 139, 30.5.1975, p. 1), as amended by:

— **1 79 H**: Act concerning the Conditions of Accession and Adjustments to the Treaties — Accession of the Hellenic Republic (OJ No L 291, 19.11.1979, p. 17).

— **1 85 I**: Act concerning the Conditions of Accession and Adjustments to the Treaties — Accession of the Kingdom of Spain and the Portuguese Republic (OJ No L 302, 15.11.85, pp. 157 and 158).



**▼ B**

- **388 Y 1117(01)**: Council Resolution of 4 November 1988 on the improvement of consumer involvement in standardization (OJ No C 293, 17.11.1988, p. 1).

*Article 7***Small and medium-sized enterprises**

1. The cooperation in the field of small and medium-sized enterprises shall in particular be promoted within the framework of actions of the Community:

- to remove undue administrative, financial and legal constraints on business;
- to inform and assist enterprises, and in particular small and medium-sized enterprises, on policies and programmes which might be of relevance to them;
- to encourage cooperation and partnership between enterprises, and in particular small and medium-sized enterprises, from different regions of the European Economic Area.

**▼ M8**

2. The EFTA States shall, from 1 January 1994, participate in the Community programmes and actions referred to in paragraph 5.

3. The EFTA States shall contribute financially to the programmes and actions referred to in paragraph 5 in accordance with Article 82 (1) (a) of the Agreement.

4. The EFTA States shall, as from the start of the cooperation in the programmes and actions referred to in paragraph 5, participate fully in the EC committees which assist the EC Commission in the management or development of these programmes and actions.

5. The Contracting parties shall seek in particular to strengthen cooperation in the framework of Community activities which may result from the following Community acts:

- **393 D 0379**: Council Decision 93/379/EEC of 14 June 1993 on a multiannual programme of Community measures to intensify the priority areas and to ensure the continuity and consolidation of policy for enterprise, in particular small and medium-sized enterprises, in the Community (OJ No L 161, 2. 7. 1993, p. 68);

**▼ M34**

- **397 D 0015**: Council Decision 97/15/EC of 9 December 1996 on a third multiannual programme for small and medium-sized enterprises (SMEs) in the European Union (1997 to 2000) (OJ L 6, 10.1.1997, p. 25);

**▼ M8**

- **389 Y 1007(01)**: Council Resolution of 26 September 1989 on the development of subcontracting within the Community (OJ No C 254, 7. 10. 1989, p. 1);

▼ **M8**

- **390 X 0246**: Council Recommendation of 28 May relating to the implementation of a policy of administrative simplification in favour of small and medium-sized enterprises in the Member States (OJ No L 141, 2. 6. 1990, p. 55);
- **393 Y 1203(01)**: Council Resolution of 22 November 1993 on strengthening of the competitiveness of enterprises, in particular of small and medium-sized enterprises and craft enterprises, and developing employment (OJ No C 326, 3. 12. 1993, p. 1).

*Article 8***Tourism**

1. The EFTA States shall, from 1 January 1994, participate in the Community programmes and actions referred to in paragraph 4.
2. The EFTA States shall contribute financially to the programmes and actions referred to in paragraph 4 in accordance with Article 82 (1) (a) of the Agreement.
3. The EFTA States shall, as from the start of the cooperation in the programmes and actions referred to in paragraph 4, participate fully in the EC committees which assist the EC Commission in the management or development of these programmes and actions.
4. The Contracting Parties shall seek in particular to strengthen cooperation in the framework of Community activities which may result from the following Community act:
  - **392 D 0421**: Council Decision 92/421/EEC of 13 July 1992 concerning a Community action plan to assist tourism (OJ No L 231, 13. 8. 1992, p. 26).

*Article 9***Audiovisual sector**

1. The EFTA States shall, from 1 January 1994, participate in the Community programmes and actions referred to in paragraph 4.
2. The EFTA States shall contribute financially to the programmes and actions referred to in paragraph 4 in accordance with Article 82 (1) (a) of the Agreement.
3. The EFTA States shall, as from the start of cooperation in the programmes and actions referred to in paragraph 4, participate fully in the EC committees which assist the EC Commission in the management or development of these programmes and actions.
4. The Contracting Parties shall seek in particular to strengthen cooperation in the framework of Community activities which may result from the following Community ► **M20** acts ◀:
  - **390 D 0685**: Council Decision 90/685/EEC of 21 December 1990 concerning the implementation of an action programme to promote the development of the European Audiovisual industry (MEDIA) (1991 to 1995) (OJ No L 380, 31. 12. 1990, p. 37);

**▼ M20**

- **395 D 0563:** Council Decision 95/563/EC of 10 July 1995 on the implementation of a programme encouraging the development and distribution of European audiovisual works (Media II — Development and distribution) (1996 to 2000) (OJ No L 321, 30. 12. 1995, p. 25);
- **395 D 0564:** Council Decision 95/564/EC of 22 December 1995 on the implementation of a training programme for professionals in the European audiovisual programme industry (Media II — Training) (1996 to 2000) (OJ No L 321, 30. 12. 1995, p. 33).

**▼ B***Article 10***Civil protection**

1. The Contracting Parties shall seek to strengthen cooperation in the framework of Community activities which may result from (489 Y 0223) Resolution of the Council and the Representatives of the Member States, meeting within the Council, of 13 February 1989 on the new developments in Community cooperation on civil protection (OJ No C 44, 23.2.1989, p. 3).

2. The EFTA States shall ensure that the number 112 is introduced within their territories as the single European emergency call number in accordance with the provisions of (391 D 0396) Council Decision of 29 July 1991 on the introduction of a single European emergency call number (OJ No L 217, 6.8.1991, p. 31).

**▼ M41**

3. The Contracting Parties shall seek to strengthen cooperation with a view to improving mutual aid within the European Economic Area in the event of natural or technological disaster in the framework of Community activities which may result from the following Community act:

- **491 Y 0727(01):** Resolution 91/C 198/01 of the Council and the representatives of the Governments of the Member States, meeting with the Council of 8 July 1991, on improving mutual aid between Member States in the event of natural or technological disaster (OJ C 198, 27.7.1991, p. 1).

4. The Contracting Parties shall seek in particular to strengthen cooperation in the framework of Community activities which may result from the following Community act:

- **494 Y 1110(01):** Resolution 94/C 313/01 of the Council and the representatives of the Governments of the Member States, meeting with the Council of 31 October 1994, on strengthening Community cooperation on civil protection (OJ C 313, 10.11.1994, p. 1).

**▼ M8***Article 11***Trade Facilitation**

1. The EFTA States shall, from 1 January 1994, participate in the Community programmes and actions referred to in paragraph 4 in accordance with Article 21 (3) of the Agreement.

**▼ M8**

2. The EFTA States shall contribute financially to the programmes and actions referred to in paragraph 4 in accordance with Article 82 (1) (a) of the Agreement.

3. The EFTA States shall, shall as from the start of cooperation in the programmes and actions referred to in paragraph 4, participate fully in the EC committees which assist the EC Commission in the management or development of these programmes and actions.

4. The following Community acts, as well as acts deriving therefrom, are the object of this Article:

— **387 D 0499:** Council Decision 87/499/EEC of 5 October 1987 introducing a communications network Community programme on trade electronic data interchange systems (TEDIS) (OJ No L 285, 8. 10. 1987, p. 35);

— **389 D 0241:** Council Decision 89/241/EEC of 5 April 1989 amending Decision 87/499/EEC introducing a communications network Community programme on trade electronic data interchange systems (TEDIS) (OJ No L 97, 11. 4. 1989, p. 46);

— **391 D 0385:** Council Decision 91/385/EEC of 22 July 1991 establishing the second phase of the TEDIS programme (Trade electronic data interchange systems) (OJ No L 208, 30. 7. 1991, p. 66).

*Article 12***Transport and mobility**

1. The EFTA States shall, as from 1 January 1994, participate in the Community actions related to the budget line B6-8351 'Transport and mobility', entered in the EC budget for the year 1994.

2. The EFTA States shall contribute financially to the actions referred to in paragraph 1 in accordance with Article 82 (1) (a) of the Agreement.

**▼ M14***Article 13***Culture**

1. Cooperation in the field of culture shall be strengthened in the framework of the activities and programmes of the Community in that area. The EFTA States participate in the various activities of the Community in the field of culture involving exchange of information, meetings of experts, seminars, conferences and diverse cultural events.

2. The EFTA States shall contribute financially to the activities referred to in paragraph 1 in accordance with Article 82 (1) (a) of the Agreement.

3. The EFTA States shall participate fully in the EC committees and other bodies which assist the Commission in the management, development and implementation of the activities referred to in paragraph 1.

▼ **M21***Article 14***Energy programmes and environment-related energy activities:**

1. As from 1 January 1996, the EFTA States shall participate in the Community programme referred to in paragraph 5 (a) and in actions pursuant thereto.

2. As from 1 January 1996, the EFTA States shall participate in the Community programme referred to in paragraph 5 (b) and in actions pursuant thereto.

3. The EFTA/EEA States shall contribute financially to the programmes referred to in paragraph 5 (a) and (b), and to actions pursuant thereto, in accordance with Article 82 (1) (a) of the Agreement.

4. As from the start of the cooperation in the programmes referred to in paragraph 5 (a) and (b), and the actions pursuant thereto, the EFTA/EEA States shall participate fully in the EC committees which assist the European Commission in the management of such programmes and actions.

5. The Contracting Parties shall seek to strengthen cooperation in the framework of Community activities resulting from the following Community acts:

(a) **393D 0500:** Council Decision 93/500/EEC of 13 September 1993 concerning the promotion of renewable energy sources in the Community (Altener programme) (OJ No L 235, 18. 9. 1993, p. 41).

(b) **396D 0737:** Council Decision 96/737/EC of 16 December 1996 concerning a multiannual programme for the promotion of energy efficiency in the Community (SAVE II programme) (OJ No L 335, 24. 12. 1996, p. 50).

▼ **M19***Article 15***Employment**

1. Cooperation in the field of employment shall be strengthened by participation of the EFTA States in the European Employment Services network (Eures). The EFTA States shall participate, as from 1 January 1996, in all the various activities of the Community under Eures including exchange of information, meetings of experts, seminars, conferences and other related events.

2. The EFTA States shall contribute financially to the activities referred to in paragraph 1 in accordance with Article 82 (1) (a) of the Agreement.

**▼ M19**

3. The EFTA States shall participate fully in the working party and other bodies which assist the Commission in the management, development and implementation of the activities related to the Eures network.

4. Paragraphs 1 to 3 above shall not apply to Liechtenstein before 1 January 1998. Thereafter they shall apply to Liechtenstein subject to the result of the joint review to which reference is made in Article 9 of Protocol 15 of the Agreement.

**▼ M17***Article 16***Public health**

1. Cooperation in the field of public health shall be strengthened by participation of the EFTA States in Community activities which may result from the following Community acts:

— **396 D 0645:** European Parliament and Council Decision No 645/96/EC of 29 March 1996 adopting a programme of Community action on health promotion, information, education and training within the framework for action in the field of public health (1996 to 2000) (OJ No L 95, 16. 4. 1996, p. 1),

— **396 D 0646:** European Parliament and Council Decision No 646/96/EC of 29 March 1996 adopting an action plan to combat cancer within the framework for action in the field of public health (1996 to 2000) (OJ No L 95, 16. 4. 1996, p. 9),

— **396 D 0647:** European Parliament and Council Decision No 647/96/EC of 29 March 1996 adopting a programme of Community action on the prevention of AIDS and certain other communicable diseases within the framework for action in the field of public health (1996 to 2000) (OJ No L 95, 16. 4. 1996, p. 16),

**▼ M35**

— **397 D 0102:** European Parliament and Council Decision No 102/97/EC of 16 December 1996 adopting a programme of Community action on the prevention of drug dependence within the framework for action in the field of public health (1996 to 2000) (OJ L 19, 22.1.1997, p. 25),

**▼ M40**

— **397 D 1400:** Decision No 1400/97/EC of the European Parliament and of the Council of 30 June 1997 adopting a programme of Community action on health monitoring within the framework for action in the field of public health (1997 to 2001) (OJ L 193, 22.7.1997, p. 1).

2. The EFTA States shall participate in the Community programmes and actions referred to in the first three indents of paragraph 1 as from 1 January 1996, in the programme referred to in the fourth indent as from 1 January 1997 and in the programme referred to in the fifth indent as from 1 January 1998.

**▼ M17**

3. The EFTA States shall contribute financially to the programmes and actions referred to in paragraph 1 in accordance with Article 82 (1) (a) of the Agreement.

4. The EFTA States shall participate fully in the EC committees which assist the Commission in the management, development and implementation of the programmes and actions referred to in paragraph 1.

▼ M37*Article 17***Telematic interchange of data between administrations (IDA)**

1. The EFTA States shall, as from 1 January 1997 and in accordance with the work programme in Appendix 3 to this Protocol, participate in the projects and activities of the Community programme referred to in paragraph 4.
2. The EFTA States shall contribute financially to the programme referred to in paragraph 4 in accordance with Article 82(1)(a) of the Agreement.
3. The EFTA States shall, as from the start of cooperation in the programme referred to in paragraph 4, participate fully in the EEA-relevant parts of the Telematics in Administration Committee (TAC) which assists the European Commission in the implementation, management and development of that programme, as far as the EEA-relevant project parts of the programme are concerned.
4. The following Community Act is the object of this Article:
  - **395 D 0468:** Council Decision 95/468/EC of 6 November 1995 on a Community contribution for telematic interchange of data between administrations in the Community (IDA) (OJ L 269, 11. 11. 1995, p. 23).

▼ **M13***Appendix 1 to Protocol 31***HELIOS II — WORK PROGRAMME**

1995

**1. CONSULTATIVE BODIES <sup>(1)</sup>**

Full participation on the same conditions as EC Member States, except in respect of voting procedures (if any) and those matters dealt with in the 'Budgetary Aspects' section of this Work Programme.

**1.1. ADVISORY COMMITTEE — three meetings**

— two government representatives from each EFTA State.

**1.2. EUROPEAN DISABILITY FORUM — three meetings**

— twelve existing European NGOs to represent the interests of disabled people and disability organizations in EFTA States,

— two existing representatives of social partners to represent the interests of social partners in EFTA States,

— one representative of national NGO or National Council of Disabled People nominated by each EFTA State.

**1.3. LIAISON GROUP — three meetings**

— one government representative from each EFTA State,

— one person to represent EFTA National NGOs and National Councils of Disabled People who are members of the Forum.

**2. WORKING GROUPS <sup>(2)</sup>**

Full participation on the same conditions as EC Member States, except in respect of voting procedures (if any) and those matters dealt with in the 'Budgetary Aspects' section of this Work Programme.

**2.1. HANDYNET TECHNICAL COORDINATION GROUP — three meetings**

— one representative from each National Coordination Centre (NCC).

**2.2. HANDYNET STUDY GROUP ON THESAURUS — three meetings**

— one representative from each EFTA State.

**2.3. HELIOS WORKING GROUP ON INTEGRATED EDUCATION — three meetings**

— two government representatives from each EFTA State.

**2.4. HELIOS WORKING GROUP ON EMPLOYMENT — three meetings**

— one government representative from each EFTA State.

<sup>(1)</sup> Council Decision 93/136/EEC of 25 February 1993 establishing a third Community Action Programme to assist disabled people (OJ No L 56, 9. 3. 1993, p. 30).

<sup>(2)</sup> Council Decision 94/782/EC of 6 December 1994 concerning the continuance of the Handynet system in the framework of the activities undertaken to date on the first technical aids module (OJ No L 316, 9. 12. 1994, p. 42).



**▼ M13****2.5. HELIOS WORKING GROUPS ON AN INDEPENDENT WAY OF LIFE**

— Sport — two meetings

two representatives of the National Committee for Sport for Disabled People in each EFTA State.

— Mobility and Transport — two meetings

two government representatives from each EFTA State.

— Tourism — two meetings

three representatives from NGOs/Tourism organizations in each EFTA State.

**3. EXCHANGE ACTIVITIES <sup>(1)</sup>**

3.1. Commission to provide each EFTA State with information about priority themes, work relating to them and results.

3.2. EFTA States to be invited to nominate participants in the seminars/conferences which will be held for representatives of the 'Activities' to draw conclusions from their work during the year.

3.3. Planning and preparation for involvement of 'Activities' in EFTA States in programme from 1 January 1996, including:

(a) Nomination of 'Activities' by EFTA States' Governments by 30 September 1995 — four sectors: Functional Rehabilitation, Educational Integration, Economic Integration, Social Integration/Independent Way of Life (Number of 'Activities' to be agreed).

(b) Initial meeting (symposium) for 'Activities' in each sector and decisions on involvement in particular themes.

**4. HANDYNET <sup>(1)</sup>**

Full participation on the same conditions as EC Member States with the objective of the database containing full information relevant to all EFTA States by 1 January 1996:

— NCCs to collect data and transfer it to Helios Team of Experts.

— Helios Team of Experts to incorporate data in CD-ROM; and supply updated CD-ROMs (three times during the year) — free of charge to NCCs and Data Collection (DCCs).

— Information and Advisory Centres (IACs) to provide access to information on CD-ROM to disabled people, through networks, etc.

**5. COOPERATIONS WITH NGOs <sup>(1)</sup>**

5.1. Commission to provide each EFTA State with information about the subjects and timing of events which are organized by NGOs and which receive a subsidy (up to 50 %, and subject to a ceiling) from the Helios II Programme (Europrogrammes proposed by each of the twelve European NGOs on the Forum).

5.2. Representatives from EFTA States, NGOs, etc, to be invited to attend events which are not restricted to a particular organization or organizations.

<sup>(1)</sup> Council Decision 93/136/EEC of 25 February 1993 establishing a third Community Action Programme to assist disabled people (OJ No L 56, 9. 3. 1993, p. 30).

**▼ M13**

- 5.3. European NGOs to consider requests for events to be organized and held in EFTA States to be included in Europrogrammes for 1996 and to present an opinion to the Commission for final decision. (Europrogramme events receive subsidies of up to 50 % of total cost subject to a ceiling).

**6. PUBLIC AWARENESS**

- 6.1. Commission to distribute Helioscope (Helios Review), Helios Flash and other documentation to organizations and individuals within EFTA States on demand.
- 6.2. Annual day for disabled people (3 December) — organizations and individuals in EFTA States to be invited to participate in European level events.
- 6.3. Helios Competition and Prizes — participation in the annual conference.
- 6.4. Information stands (conferences, fairs, etc.)

Venues in EFTA States to be considered for inclusion in annual programme.

- 6.5. Helios National Information Day.

1996

**1 & 2. CONSULTATIVE BODIES and WORKING GROUPS**

Participation as for 1995, but Commission to pay expenses for participants on following basis:

- Government representatives — travel costs,
- others — travel costs, subsistence allowance, and allowance for incidental expenses.

Where a participant is accompanied by another person because of his or her disability that person's costs will be met on the same basis as those of the participant.

**3. EXCHANGE ACTIVITIES**

Full participation on the same conditions as EC Member States, including participation by representatives of nominated 'Activities' in:

- study visits, training sessions etc. organized to pursue specific themes — all costs to be met by Commission subject to a maximum amount for each 'Activity', and
- seminars/conferences held at end of year. All costs to be met by the Commission.

**4. HANDYNET**

As for 1995.

**5. COOPERATION WITH NGOs**

Full participation on the same conditions as EC Member States, including:

**▼ M13**

- 5.1. National NGOs and National Councils of Disabled People who are members of the Forum:
- to organize a national conference with a European dimension on a Helios II Priority Theme — Commission to pay 50 % of costs subject to a ceiling,
  - to participate in National Information Day — Commission to pay 100 % of costs subject to a ceiling.
- 5.2. European NGOs — Europrogrammes to include events organized and held in EFTA States.
6. **PUBLIC AWARENESS**
- 6.1. As for 1995.
- 6.2. Helios Competition and Prizes:
- one member of jury to be appointed by each EFTA State,
  - projects by organizations in EFTA States to be eligible for prizes,
  - full participation in annual conference with costs to be met on same basis as for EC Member States.

**HELIOS II — WORK PROGRAMME****BUDGETARY ASPECTS**

1995

No direct contribution to the budget of the EC.

EFTA States pay:

- all their own costs relating to their participation,
- all costs that relate to necessary services provided by the Helios Team of Experts such as salaries, travel and equipment costs incurred by the experts in consequence of the extension of the programme to the EFTA States,
- all costs related to additional staff appointed specifically to assist with the participation of the EFTA States.

Proposals for additional staff:

- two experts to be appointed to the Helios team of experts in Brussels to assist with activities relating to Handynet; one secretary to be appointed to support them.

*Note:*

Preparations by budget experts of the EC and the EFTA States for the 1996 financial year will take place in the first half of 1995 following the procedure in Protocol 32 of the Agreement. These discussions will lead to final decisions on the financial contribution of the EFTA States to the general budget of the EC, and will also cover the question of additional staff.

1996

Full contribution to the budget of the EC (in accordance with Article 82 (1) (a) of the Agreement).

▼ **M22**

*Appendix 2 to Protocol 31*

1. The EFTA States shall participate in the medium-term Community action programme on equal opportunities for men and women (1 January 1996 to 31 December 2000).
2. The EFTA States shall contribute financially to the programme in accordance with Article 82 (1) (a) of the Agreement.
3. The EFTA States shall participate fully in the EC committees which assist the Commission in the management, development and implementation of the action programme referred to in paragraph 1.

▼ **M37***Appendix 3 to Protocol 31***Telematic interchange of data between administrations (IDA)****Work programme**

The EFTA States shall participate only in the following projects and activities resulting from Article 2 of Council Decision 95/468/EC of 6 November 1995 on a Community contribution for telematic interchange of data between administrations in the Community (IDA):

- Practical introduction of electronic mail on the basis of X.400
- Horizontal activities — (architecture, generic services, TESTA)
- Horizontal action — interoperability between national telematic systems
- Horizontal actions — generic services — monitoring of market offers
- Horizontal activities — information content interoperability
- Horizontal activities — legal and security aspects
- IDA awareness and promotion activities
- Horizontal activities — quality control and project support
- TESS (telematics for social security) = SOSENET (social security network)
- EURES (European employment services)

The possible participation by Liechtenstein shall be examined at the end of 1997, subject to the result of the joint review to which reference is made in Article 9 of Protocol 15 to the Agreement.

- EUPHIN — European Union public health information network
- ANIMO (animal movement)

Norway and Iceland shall participate from the date of entry into force of the EEA Joint Committee Decision incorporating the relevant Community Acts into the EEA Agreement. The possible participation by Liechtenstein shall be examined at the end of 1998.

- Physan — common catalogues of varieties
- Physan — Europhyt

**▼ M37**

The EFTA States shall participate from the date of entry into force of the EEA Joint Committee Decision incorporating the relevant Community Acts into the EEA Agreement.

- SHIFT (system to assist the health controls of imports of items at frontier inspection posts from third countries)

Norway and Iceland shall participate from the date of entry into force of the EEA Joint Committee Decision incorporating the relevant Community Acts into the EEA Agreement.

The possible participation for Liechtenstein shall be examined at the end of 1998.

- ITCG (illegal traffic of cultural goods)
- SIMAP (information system for public procurement)
- TARIC (integrated tariff of the community)
- EBTI (European binding tariff info)
- Transit (Community/common)
- CCN/CSI (common communications network)
- EIONET (European environment agency network)
- EMEA (European medicine evaluation agency network)

The EFTA States shall participate from the date of entry into force of the EEA Joint Committee Decision incorporating the relevant Community Acts into the EEA Agreement.

- DSIS (distributed statistical information services)
- Extracom
- SERT (statistiques d'entreprises et réseaux télématiques)
- Statel — generic services (horizontal activities).



## PROTOCOL 32

### on financial modalities for implementation of Article 82

#### *Article 1*

#### **Procedure for the determination of the financial participation of the EFTA States**

1. The procedure for the calculation of the financial participation of the EFTA States in Community activities shall be that set out in the following paragraphs.

2. The EC Commission shall communicate to the EEA Joint Committee together with relevant background material at the latest on 30 May of each financial year:

- (a) the amounts entered 'for information', in commitment appropriations and payment appropriations, in the statement of expenditure of the preliminary draft general budget of the European Communities, corresponding to the activities in which the EFTA States take part and calculated in accordance with the provisions of Article 82;
- (b) the estimated amount of the contributions, entered for information in the statement of revenue of the preliminary draft budget, corresponding to the participation of the EFTA States in these activities.

3. The EEA Joint Committee shall, before 1 July each year, confirm that the amounts referred to in paragraph 2 are in accordance with the provisions of Article 82 of the Agreement.

4. The amounts 'for information' corresponding to the participation of the EFTA States, both in commitment appropriations and in payment appropriations, as well as the amount of the contributions, shall be adjusted when the budget is adopted by the budgetary authority, in order to respect the provisions of Article 82.

5. As soon as the general budget has been finally adopted by the budgetary authority the EC Commission shall communicate to the EEA Joint Committee the amounts which are entered therein 'for information' both in the statement of revenue and of expenditure corresponding to the participation of the EFTA States.

The EEA Joint Committee shall, within a period of 15 days following that communication, confirm that these amounts are in accordance with the provisions of Article 82.

6. By 1 January at the latest of each financial year, the Standing Committee of the EFTA States shall inform the EC Commission of the final breakdown of the contribution for each EFTA State.

This breakdown shall be of a binding character for each EFTA State.

Should this information not be provided by 1 January, the breakdown of the previous year shall apply on a provisional basis.

**▼B***Article 2***Making available the contributions of the EFTA States**

1. On the basis of the information transmitted by the Standing Committee of the EFTA States pursuant to the provisions of Article 1(6) above, the EC Commission shall establish:

- (a) pursuant to Article 28(1) of the Financial Regulation <sup>(1)</sup> a proposal for a claim, corresponding to the amount of the participation of the EFTA States, calculated on the basis of the commitment appropriations.

The drawing up of the proposal for a claim shall give rise to the formal opening by the EC Commission of the commitment appropriations on the budgetary lines concerned within the framework of the budgetary structure created to this end.

If the budget has not been adopted by the opening of the financial year, the provisions of Article 9 of the Financial Regulation shall apply;

- (b) pursuant to Article 28(2) of the Financial Regulation, a call for funds corresponding to the amount of the contributions of the EFTA States, calculated on the basis of the payment appropriations.

2. This order shall provide for the payment, by each EFTA State, of its contribution in two stages:

— six-twelfths of its contribution not later than 20 January,

— six-twelfths of its contribution not later than 15 July.

However, the six-twelfths to be paid at the latest on 20 January are calculated on the basis of the amount, 'for information' set out in the statement of revenue of the preliminary draft budget: the regularization of the amounts thus paid shall occur with the payment of the twelfths falling due on 15 July.

If the budget is not adopted before 30 March, the second payment shall also take place on the basis of the amount foreseen 'for information' in the preliminary draft budget. The regularization shall take place three months after the completion of the procedures provided for in Article 1(5).

The collections corresponding to the payment by the EFTA States of their contributions shall give rise to the formal opening of payment appropriations on the budgetary lines concerned within the framework of the budgetary structure created to this end without prejudice to the application of the provisions of Article 9 of the Financial Regulation.

3. Contributions shall be expressed and paid in ECUs.

4. To this end, each EFTA State shall open with its Treasury or the body it shall designate for this purpose an account in ECUs on behalf of the EC Commission.

<sup>(1)</sup> Financial Regulation of 21 December 1977 applicable to the general budget of the European Communities (OJ No L 355, 31.12.1977, p. 1), as modified by Council Regulation (Euratom/ECSC/EEC) No 610/90 of 13 March 1990 (OJ No L 70, 16.3.1990, p. 1), hereinafter referred to as the Financial Regulation.



**▼B**

5. Any delay in the entries in the account referred to in paragraph 4 in relation to the deadlines set out in paragraph 2 shall give rise to the payment, by the EFTA State concerned, of interest at a rate equal to the rate applied by the European Monetary Cooperation Fund to its operations in ECUs, plus 1.5 of a percentage point, for the month of the expiration date and published each month in the *Official Journal of the European Communities*, series C.

*Article 3***Adjustments in the light of implementation**

1. The amounts of the participation of the EFTA States, determined for each budgetary line concerned, in accordance with the provisions of Article 82 of the Agreement shall normally remain unchanged during the financial year in question.

2. The EC Commission, at the time of the closure of the accounts relating to each financial year (n), within the framework of the establishment of the revenue and expenditure account, shall proceed to the regularization of the accounts with respect to the participation of the EFTA States, taking into consideration:

- modifications which have taken place, either by transfer or by supplementary budget during the financial year;
- the final implementation of the appropriations for the financial year, taking into account possible cancellations and carry-overs;
- any sums covering Community-related expenditure which the EFTA States cover individually or payments made by EFTA States in kind, e.g. administrative support.

This regularization shall occur in the framework of the establishment of the budget for the following year (n + 2).

3. However, in exceptional circumstances duly justified, and in so far as the proportionality factor has to be safeguarded, the EC Commission may request, from the EFTA States, after approval by the EEA Joint Committee, an additional contribution during the same financial year as that during which the variation has occurred. Such additional contributions shall be registered on the accounts referred to in Article 2(4) on a date to be fixed by the EEA Joint Committee and which shall as far as possible coincide with the regularization foreseen in Article 2(2). In the event of delay in these registrations, the provisions of Article 2(5) shall apply.

4. Complementary rules for the implementation of paragraphs 1 to 3 shall be adopted as necessary by the EEA Joint Committee.

This shall apply in particular as regards the manner in which account shall be taken of any sums covering Community-related expenditure which the EFTA States cover individually or payments made by EFTA States in kind.

*Article 4***Review**

The provisions of:

- Article 2(1),
- Article 2(2),

**▼B**

— Article 3(2) and

— Article 3(3),

shall be reviewed before 1 January 1994 by the EEA Joint Committee and amended as appropriate in the light of experience of their implementation and in the light of Community decisions affecting the Financial Regulation and/or the presentation of the general budget.

*Article 5***Conditions for implementation**

1. The utilization of the appropriations arising from the participation of the EFTA States shall take place in accordance with the provisions of the Financial Regulation.

2. However, with regard to the rules relating to tendering procedures, calls for tender shall be open to all EC Member States as well as to all EFTA States in so far as they involve financing on budgetary lines in respect of which the EFTA States are participating.

*Article 6***Information**

1. The EC Commission shall provide the Standing Committee of the EFTA States, at the end of each quarter, with an extract from its accounts showing, with regard both to receipts and expenditure, the situation as regards the implementation of the programmes and other actions in which the EFTA States participate financially.

2. After the closure of the financial year, the EC Commission shall communicate to the Standing Committee of the EFTA States the data concerning the programmes and other actions in which the EFTA States participate financially, which appear in the revenue and expenditure account and the balance sheet drawn up in accordance with the provisions of Articles 78 and 81 of the Financial Regulation.

3. The Community shall provide the Standing Committee of the EFTA States with such other financial information as the latter may reasonably request as regards the programmes and other actions in which they participate financially.

*Article 7***Control**

1. The control of the determination and of the availability of all income as well as the control of the commitment and of the scheduling of all expenditure corresponding to the participation of the EFTA States, shall take place in accordance with the provisions of the Treaty establishing the European Economic Community, of the Financial Regulation and of the applicable regulations in the fields referred to in Articles 76 and 78 of the Agreement.

2. Appropriate arrangements shall be established between the auditing authorities in the Community and in the EFTA States with a view to facilitating the control of income and expenditure corresponding to the participation of EFTA States in Community activities in accordance with paragraph 1.

**▼B***Article 8***GDP figure to be taken into consideration to calculate the proportionality factor**

1. The GDP data at market prices referred to in Article 82 of the Agreement shall be those published as a result of the implementation of Article 76 of the Agreement.
2. Exceptionally, for the financial years 1993 and 1994, the data concerning GDP shall be those established by the OECD. If necessary, the EEA Joint Committee may decide to extend this provision for one or more subsequent years.

**▼B**

**PROTOCOL 33**

**on arbitration procedures**

1. If a dispute has been referred to arbitration there shall be three arbitrators, unless the parties to the dispute decide otherwise.
2. The two sides to the dispute shall each, within 30 days, appoint one arbitrator.
3. The arbitrators so designated shall nominate by consensus one umpire, who shall be a national of one of the Contracting Parties other than those of the arbitrators designated. If they cannot agree within two months of their appointment, the umpire shall be chosen by them from seven persons on a list established by the EEA Joint Committee. The Joint Committee shall establish and keep under review this list in accordance with the rules of procedure for the Committee.
4. Unless the Contracting Parties decide otherwise, the arbitration tribunal shall adopt its rules of procedure. It takes its decisions by majority.

**▼B****PROTOCOL 34****on the possibility for courts and tribunals of EFTA States to request the Court of Justice of the European Communities to decide on the interpretation of EEA rules corresponding to EC rules***Article 1*

When a question of interpretation of provisions of the Agreement, which are identical in substance to the provisions of the Treaties establishing the European Communities, as amended or supplemented, or of acts adopted in pursuance thereof, arises in a case pending before a court or tribunal of an EFTA State, the court or tribunal may, if it considers this necessary, ask the Court of Justice of the European Communities to decide on such a question.

*Article 2*

An EFTA State which intends to make use of this Protocol shall notify the Depositary and the Court of Justice of the European Communities to what extent and according to what modalities the Protocol will apply to its courts and tribunals.

*Article 3*

The Depositary shall notify the Contracting Parties of any notification under Article 2.

**▼B**

**PROTOCOL 35**  
**on the implementation of EEA rules**

Whereas this Agreement aims at achieving a homogeneous European Economic Area, based on common rules, without requiring any Contracting Party to transfer legislative powers to any institution of the European Economic Area; and

Whereas this consequently will have to be achieved through national procedures;

*Sole Article*

For cases of possible conflicts between implemented EEA rules and other statutory provisions, the EFTA States undertake to introduce, if necessary, a statutory provision to the effect that EEA rules prevail in these cases.



**PROTOCOL 36**  
**on the Statute of the EEA Joint Parliamentary Committee**

*Article 1*

The EEA Joint Parliamentary Committee established by Article 95 of the Agreement shall be constituted and function in accordance with the provisions of the Agreement and this Statute.

*Article 2*

The EEA Joint Parliamentary Committee shall consist of 66 members.

An equal number of members of the EEA Joint Parliamentary Committee shall be appointed by the European Parliament and by the Parliaments of the EFTA States, respectively.

*Article 3*

The EEA Joint Parliamentary Committee shall elect its President and Vice-President from among its members. The office of President of the Committee shall be held alternately, for a period of one year, by a member appointed by the European Parliament and by a member appointed by a Parliament of an EFTA State.

The Committee shall appoint its bureau.

*Article 4*

The EEA Joint Parliamentary Committee shall hold a general session twice a year, alternately in the Community and in an EFTA State. The Committee shall decide at each session where the next general session shall be held. Extraordinary sessions may be held when the Committee or its bureau so decides in accordance with the rules of procedure of the Committee.

*Article 5*

The EEA Joint Parliamentary Committee shall adopt its rules of procedure with a two-third majority of the members of the Committee.

*Article 6*

The costs for participation in the EEA Joint Parliamentary Committee shall be borne by the Parliament that appointed a member.

**▼B****PROTOCOL 37****containing the list provided for in Article 101**

1. Scientific Committee for Food (Commission Decision 74/234/EEC)
2. Pharmaceutical Committee (Council Decision 75/320/EEC)
3. Scientific Veterinary Committee (Commission Decision 81/651/EEC)
4. Committee on Transport Infrastructure (Council Decision 78/174/EEC)
5. Administrative Commission on Social Security for Migrant Workers (Council Regulation (EEC) 1408/71)
6. Contact Committee on Money Laundering, (Council Directive 91/308/EEC)
7. Advisory Committee on Restrictive Practices and Dominant Positions (Council Regulation (EEC) 17/62)
8. Advisory Committee on Concentrations (Council Regulation (EEC) 4064/89)

**▼M5**

9. Coordinating Group on Mutual Recognition of Higher-Education Diplomas (Council Directive 89/48/EEC.)



▼B

**PROTOCOL 38**  
**on the Financial Mechanism**

*Article 1*

1. The Financial Mechanism shall provide financial assistance to the development and structural adjustment of the regions referred to in Article 4, on the one hand, in the form of interest rebates on loans and, on the other hand, in the form of direct grants.

2. The Financial Mechanism shall be financed by the EFTA States. The latter shall extend a mandate to the European Investment Bank, which shall execute this mandate according to the following Articles. The EFTA States shall establish a Financial Mechanism Committee which shall take the decisions required by Articles 2 and 3 as far as interest rebates and grants are concerned.

*Article 2*

1. The interest rebates provided for in Article 1 shall be available in connection with loans granted by the European Investment Bank and denominated, as far as possible, in ECUs.

2. The interest rebate on such loans shall be fixed at ►M1 two ◀ percentage points, per annum, by reference to European Investment Bank interest rates and shall be available for 10 years in respect of any one loan.

3. There shall be a period of grace of two years before repayment, in equal tranches, of capital commences.

4. The interest rebates shall be subject to approval by the EFTA Financial Mechanism Committee and to the opinion of the EC Commission.

▼M1

5. The total volume of loans, which shall be eligible for the interest rebates provided for in Article 1 shall be ECU 1 500 million, to be committed in equal tranches over a period of five years from 1 July 1993. Should the EEA Agreement enter into force after that date, the period shall be five years from the entry into force.

▼B

*Article 3*

▼M1

1. The total amount of grants provided for in Article 1 shall be ECU 500 million, to be committed in equal tranches over a period of five years from 1 July 1993. Should the EEA Agreement enter into force after that date, the period shall be five years from the entry into force.

▼B

2. These grants shall be disbursed by the European Investment Bank on the basis of the proposals from the beneficiary EC Member States and after seeking the opinion of the EC Commission and having the approval of the EFTA Financial Mechanism Committee, which shall be informed throughout the process.

**▼B***Article 4*

1. The financial assistance provided for in Article 1 shall be limited to projects carried out by public authorities and public or private undertakings in Greece, the island of Ireland, Portugal and in those regions of Spain listed in the Appendix. The share of each region in the overall level of financial assistance shall be determined by the Community, which shall inform the EFTA States.
2. Priority shall be given to projects which place particular emphasis on the environment (including urban development), on transport (including transport infrastructure) or on education and training. Among projects submitted by private undertakings, special consideration shall be given to small and medium-sized enterprises.
3. The maximum grant element for any project supported by the Financial Mechanism shall be fixed at a level which is not inconsistent with EC policies in this regard.

*Article 5*

The EFTA States shall make such arrangements with the European Investment Bank and the EC Commission as may be mutually deemed appropriate to ensure the good functioning of the Financial Mechanism. The costs related to the administration of the Financial Mechanism shall be decided in this context.

*Article 6*

The European Investment Bank shall be entitled to attend, as an observer, meetings of the EEA Joint Committee when matters in relation to the Financial Mechanism which concern the European Investment Bank are on the agenda.

*Article 7*

Further provisions for the implementation of the Financial Mechanism may be decided upon by the EEA Joint Committee as necessary.

**▼B**

*Appendix to Protocol 38*

**List of eligible Spanish regions**

Andalucía

Asturias

Castilla y León

Castilla-La Mancha

Ceuta-Melilla

Valencia

Extremadura

Galicia

Islas Canarias

Murcia

**▼B**

**PROTOCOL 39**

**on the ECU**

For the purposes of this Agreement, 'ECU' means the ECU as defined by the competent Community authorities. In all acts referred to in the Annexes to the Agreement, 'European unit of account' shall be replaced by 'ECU'.

**▼B**

**PROTOCOL 40**

**on Svalbard**

1. When ratifying the EEA Agreement, the Kingdom of Norway shall have the right to exempt the territory of Svalbard from the application of the Agreement.
2. If the Kingdom of Norway avails itself of this right, existing agreements applicable to Svalbard, i.e. the Convention establishing the European Free Trade Association, the Free Trade Agreement between the European Economic Community and the Kingdom of Norway and the Free Trade Agreement between the Member States of the European Coal and Steel Community and the European Coal and Steel Community of the one part, and the Kingdom of Norway of the other part, shall continue to apply to the territory of Svalbard.

**▼B****PROTOCOL 41  
on existing agreements**

In accordance with the provisions of Article 120 of the EEA Agreement, the Contracting Parties have agreed that the following existing bilateral or multi-lateral Agreements binding the European Economic Community, on the one hand, and one or more EFTA States, on the other, shall continue to apply after the entry into force of the EEA Agreement:

**▼M1**  
\_\_\_\_\_**▼B**

- |            |  |
|------------|--|
| 1.12.1987  | Agreement between the Republic of Austria, on the one hand, and the Federal Republic of Germany and the European Economic Community, on the other, on cooperation on management of water resources in the Danube basin.  |
| 19.11.1991 | Agreement in the form of an Exchange of Letters between the Republic of Austria and the European Economic Community concerning the marketing, in Austrian territory, of Community table wines and 'Landwein' in bottles. |

**▼B****PROTOCOL 42****on bilateral arrangements concerning specific agricultural products**

The Contracting Parties take note that at the same time as the Agreement, bilateral agreements on trade in agricultural products have been signed. These agreements, which develop further or supplement agreements made earlier by the Contracting Parties, and moreover reflect, *inter alia*, their agreed common objective to contribute to the reduction of social and economic disparities between their regions, shall enter into force, at the latest, at the time of entry into force of the present Agreement.

**▼B**

**PROTOCOL 43**

**on the Agreement between the EC and the Republic of Austria on the transit  
of goods by road and rail**

The Contracting Parties note that simultaneously with the present Agreement, a bilateral Agreement was signed between the European Communities and Austria on the transit of goods by road and rail.

Provisions of the bilateral Agreement shall prevail over provisions of the present Agreement to the extent that they cover the same subject matter and as specified in the present Agreement.

Six months before the expiration of the Agreement between the European Community and the Republic of Austria on the transit of goods by road and rail, the situation in road transport will be jointly reviewed.

**▼M1**

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**▼B****PROTOCOL 45****on transitional periods concerning Spain and Portugal**

The Contracting Parties consider that the Agreement does not affect the transitional periods accorded to Spain and Portugal by the Act of their accession to the European Communities, which could remain after the entry into force of the Agreement, independently of the transitional periods provided for in the Agreement itself.

**▼B****PROTOCOL 46****on the development of cooperation in the fisheries sector**

In the light of the results of two-yearly reviews of the state of their cooperation in the fisheries sector, the Contracting Parties will seek to develop this cooperation on a harmonious, mutually beneficial basis and within the framework of their respective fisheries policies. The first review will take place before the end of 1993.

**▼B****PROTOCOL 47****on the abolition of technical barriers to trade in wine**

The Contracting Parties shall authorize imports and marketing of wine products, originating in their territories, which are in conformity with the EC legislation, as adapted for the purposes of the Agreement, as set out in ►**M7** Appendix 1 ◀ to this Protocol related to product definition, oenological practices, composition of products and modalities for circulation and marketing.

**▼M7**

The Contracting Parties shall establish mutual assistance between control authorities in the wine sector in accordance with the provisions laid down in Appendix 2.

**▼B**

For the purpose of this Protocol 'originating wine products' shall be understood as 'wine products in which all the grapes or any materials derived from grapes used therein must be wholly obtained'.

For all purposes other than trade between the EFTA States and the Community, the EFTA States may continue to apply their national legislation.

The provisions of Protocol 1 on horizontal adaptations shall apply to the acts referred to in ►**M7** Appendix 1 ◀ to this Protocol. The Standing Committee of the EFTA States shall fulfil the functions mentioned in points 4(d) and 5 of Protocol 1.

**▼M12**

For products covered by the acts referred to in this Protocol, Liechtenstein may apply Swiss legislation deriving from its regional union with Switzerland on the Liechtenstein market in parallel with the legislation implementing the acts referred to in this Protocol. Provisions on free movement of goods contained in this Agreement or in acts referred to shall be applicable as regards exports from Liechtenstein to the other Contracting Parties only to products which are in conformity with the acts referred to in this Protocol.

▼ M7

## APPENDIX I

▼ B

1. **373 R 2805:** Commission Regulation (EEC) No 2805/73 of 12 October 1973 determining a list of white quality wines, produced in specified regions and of imported white quality wines containing a certain percentage of sulphur dioxide and laying down certain transitional provisions relating to the percentage of sulphur dioxide in wines produced before 1 October 1973 (OJ No L 289, 16.10.1973, p. 21), as amended by:
  - **373 R 3548:** Commission Regulation (EEC) No 3548/73 of 21 December 1973 (OJ No L 361, 29.12.1973, p. 35),
  - **375 R 2160:** Commission Regulation (EEC) No 2160/75 of 19 August 1975 (OJ No L 220, 20.8.1975, p. 7),
  - **377 R 0966:** Commission Regulation (EEC) No 966/77 of 4 May 1977 (OJ No L 115, 6.5.1977, p. 77).

The provisions of the Regulation shall, for the purposes of the Agreement, be read with the following adaptation:

Wines originating in EFTA States for which the provisions of this Regulation are relevant, shall continue to be covered by section B of Article 1.

2. **374 R 2319:** Commission Regulation (EEC) No 2319/74 of 10 September 1974 specifying certain wine-growing areas which may produce table wines having a maximum total alcoholic strength of 17° (OJ No L 248, 11.9.1974, p. 7).
3. **378 R 1972:** Commission Regulation (EEC) No 1972/78 of 16 August 1978 laying down detailed rules on oenological practices (OJ No L 226, 17.8.1978, p. 11), as amended by:
  - **380 R 0045:** Commission Regulation (EEC) No 45/80 of 10 January 1980 (OJ No L 7, 11.1.1980, p. 12).

▼ M7

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6. **384 R 2394:** Commission Regulation No 2394/84/EEC of 20 August 1984 laying down conditions of ion exchange resins and detailed implementing rules for the preparation of rectified concentrated grape must (OJ No L 224, 21.8.1984, p. 8), as amended by:
  - **385 R 0888:** Commission Regulation (EEC) No 888/85 of 2 April 1985 (OJ No L 96, 3.4.1985, p. 14),
  - **386 R 2751:** Commission Regulation (EEC) No 2751/86 of 4 September 1986 (OJ No L 253, 5.9.1986, p. 11).

▼ M7

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▼ B

8. **385 R 3803:** Council Regulation (EEC) No 3803/85 of 20 December 1985 laying down the provisions enabling the origin of Spanish red table wines to be determined and their commercial movements to be followed (OJ No L 367, 31.12.1985, p. 36).

**▼ B**

9. **385 R 3804:** Council Regulation (EEC) No 3804/85 of 20 December 1985 drawing up the list of areas under vines in certain Spanish regions where table wines may have an actual alcoholic strength which is lower than Community requirements (OJ No L 367, 31.12.1985, p. 37).
10. **386 R 0305:** Commission Regulation (EEC) No 305/86 of 12 February 1986 on the maximum total sulphur dioxide content of wine originating in the Community before 1 September 1986 and, for a transitional period, imported wine (OJ No L 38, 13.2.1986, p. 13).

**▼ M7****▼ B**

12. **386 R 1888:** Commission Regulation (EEC) No 1888/86/EEC of 18 June 1986 on the maximum total sulphur dioxide content of certain sparkling wines originating in the Community and prepared before 1 September 1986, and, for a transitional period, of imported sparkling wines (OJ No L 163, 19.6.1986, p. 19).
13. **386 R 2094:** Commission Regulation (EEC) No 2094/86 of 3 July 1986 laying down detailed rules for the use of tartaric acid for the deacidification of specified wine products in certain regions of zone A (OJ No L 180, 4.7.1986, p. 17), as amended by:
  - **386 R 2736;** Commission Regulation (EEC) No 2736/86 (OJ No L 252, 4.9.1986, p. 15).

**▼ M15****▼ B**

15. **387 R 0822:** Council Regulation (EEC) No 822/87 of 16 March 1987 on the common organization of the market in wine (OJ No L 84, 27.3.1987, p. 1), as corrected by OJ No L 284, 19.10.1988, p. 65, as amended by:
  - **387 R 1390:** Council Regulation (EEC) No 1390/87 of 18 May 1987 (OJ No L 133, 22.5.1987, p. 3),
  - **387 R 1972:** Council Regulation (EEC) No 1972/87 of 2 July 1987 (OJ No L 184, 3.7.1987, p. 26),
  - **387 R 3146:** Council Regulation (EEC) No 3146/87 of 19 October 1987 (OJ No L 300, 23.10.1987, p. 4),
  - **387 R 3992:** Commission Regulation (EEC) No 3992/87 of 23 December 1987 (OJ No L 377, 31.12.1987, p. 20),
  - **388 R 1441:** Council Regulation (EEC) No 1441/88 of 24 May 1988 (OJ No L 132, 28.5.1988, p. 1),
  - **388 R 2253:** Council Regulation (EEC) No 2253/88 of 19 July 1988 (OJ No L 198, 26.7.1988, p. 35),
  - **388 R 2964:** Council Regulation (EEC) No 2964/88 of 26 September 1988 (OJ No L 269, 29.9.1988, p. 5),
  - **388 R 4250:** Council Regulation (EEC) No 4250/88 of 21 December 1988 (OJ No L 373, 31.12.1988, p. 55),
  - **389 R 1236:** Council Regulation (EEC) No 1236/89 of 3 May 1989 (OJ No L 128, 11.5.1989, p. 31),
  - **390 R 0388:** Council Regulation (EEC) No 388/90 of 12 February 1990 (OJ No L 42, 16.2.1990, p. 9),

**▼ B**

- **390 R 1325**: Council Regulation (EEC) No 1325/90 of 14 May 1990 (OJ No L 132, 23.5.1990, p. 19),
- **390 R 3577**: Council Regulation (EEC) No 3577/90 of 4 December 1990 (OJ No L 353, 17.12.1990, p. 23),

**▼ M7**

- **391 R 1734**: Council Regulation (EEC) No 1734/91 of 13 June 1991 (OJ No L 163, 26. 6. 1991, p. 6),
- **392 R 1756**: Council Regulation (EEC) No 1756/92 of 30 June 1992 (OJ No L 180, 1. 7. 1992, p. 27),
- **393 R 1566**: Council Regulation (EEC) No 1566/93 of 14 June 1993 (OJ No L 154, 25. 6. 1993, p. 39),

**▼ M11**

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- **394 R 1891**: Council Regulation (EC) No 1891/94 of 27 July 1994 (OJ No L 197, 30. 7. 1994, p. 42),

**▼ M25**

- **395 R 1544**: Council Regulation (EC) No 1544/95 of 29 June 1995 (OJ L 148, 30. 6. 1995, p. 31),

**▼ M39**

- **396 R 1592**: Council Regulation (EC) No 1592/96 of 30 July 1996 (OJ L 206, 16.8.1996, p. 31),

**▼ M44**

- **397 R 0536**: Council Regulation (EC) No 536/97 of 17 March 1997 (OJ L 83, 25.3.1997, p. 5),
- **397 R 1417**: Council Regulation (EC) No 1417/97 of 22 July 1997 (OJ L 196, 24.7.1997, p. 10),

**▼ M48**

- **397 R 2087**: Council Regulation (EC) No 2087/97 of 20 October 1997 (OJ L 292, 25.10.1997, p. 1).

**▼ B**

The provisions of the Regulation shall, for the purposes of the Agreement, be read with the following adaptations:

- (a) Article 1(1), 1(4)(c), 1(4)(e), 1(4)(g) and the second subparagraph of 1(4) shall not apply;

**▼ M1**


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**▼ B**

- (c) Titles I, with the exception of Article 13, III and IV shall not apply;
- (d) Austria ► **M1** ————— ◀ and Liechtenstein shall establish a classification scheme of vine varieties drawn up in accordance with the principles laid down in Article 13;
- (e) In Article 16(7) ‘coupage of wine originating in a third country’ shall read ‘coupage of wine originating in a third country or an EFTA State’;

**▼B**

- (f) For products produced on their respective territories, Austria ►**MI** ————— ◀ and Liechtenstein may apply their national legislation regarding practices as referred to in Articles 18, 19, 21, 22, 23 and 24;
- (g) Article 20 shall not apply;
- (h) By way of derogation from Article 66(1), the following quality wines produced in Austria according to particular methods may exceed 18 but not 22 milliequivalents of volatile acid per litre: ‘Ausbruch’, ‘Beerenauslese’, ‘Trockenbeerenauslese’, ‘Eiswein’ and ‘Strohwein’;
- (i) Articles 70, 75, 76, 80 and 85 shall not apply;
- (j) Article 78 shall be covered by point 3 of Protocol 1;
- (k) Annex I shall be supplemented as follows:
- (a) ‘Strohwein’: the product originating in Austria and produced according to provisions laid down in Article 17(3)(1) of the Austrian wine law Österreichisches Weingesetz, 1985);
- (b) The grape must in fermentation produced in accordance with provisions of point 3 of Annex I may be designated as:
- ‘Sturm’ if it originates in Austria;
- ‘Federweiss’ or ‘Federweisser’ if it originates in ►**MI** ————— ◀ Liechtenstein.
- However, for technical reasons the actual alcoholic strength by volume may exceptionally exceed three-fifths of the total alcoholic strength by volume.
- (c) The term ‘Tafelwein’ and its equivalents as referred to in point 13 shall not be used for wines originating in Austria;
- (l) Annexes III, V and VII shall not apply;
- (m) For the purposes of Annex IV, Austria and Liechtenstein ►**MI** ————— ◀ shall be considered as belonging to wine-growing zone B;
- (n) By way of derogation from Annex VI:
- Austria may maintain the general prohibition for sorbic acid,
- Norway and Sweden may maintain the general prohibition of metatartaric acid,
- wines originating in Austria and Liechtenstein ►**MI** ————— ◀ may be treated with silver chloride according to their respective wine laws.

16. **387 R 0823:** Council Regulation (EEC) No 823/87 of 16 March 1987 laying down special provisions relating to quality wines produced in specified regions (OJ No L 084, 27.3.1987, p. 59), as amended by:

— **389 R 2043:** Council Regulation (EEC) No 2043/89 of 19 June 1989 (OJ No L 202, 14.7.1989, p. 1).

**▼ B**

— **390 R 3577**: Council Regulation (EEC) No 3577/90 of 4 December 1990 (OJ No L 353, 17.12.1990, p. 23).

**▼ M7**

— **391 R 3896**: Council Regulation (EEC) No 3896/91 of 16 December 1991 (OJ No L 368, 31. 12. 1991, p. 3.).

**▼ M15**

— **194 N**: Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (OJ No C 241, 29. 8. 1994, p. 21 as adjusted by OJ No L 1, 1. 1. 1995, p. 1).

**▼ M26**

— **395 R 3011**: Council Regulation (EC) No 3011/95 of 19 December 1995 (OJ L 314, 28. 12. 1995, p. 14).

**▼ M39**

— **396 R 1426**: Council Regulation (EC) No 1426/96 of 26 June 1996 (OJ L 184, 24.7.1996, p. 1).

**▼ B**

The provisions of the Regulation shall, for the purposes of the present Agreement, be read with the following adaptations:

Wine products originating in EFTA States shall be considered as equivalent to quality wines produced in specified regions ('quality wines p.s.r. '), provided that they comply with national legislation which, for the purposes of this Protocol, shall be in accordance with the principles of Article 2 of the Agreement.

However, the description quality wines p.s.r., as well as the other descriptions referred to in the second subparagraph of Article 1(2) of the Regulation, may not be used for these wines.

The lists of quality wines established by wine-producing EFTA States shall be published in the *Official Journal of the European Communities*.

**▼ M7****▼ B**

18. **388 R 3377**: Commission Regulation (EEC) No 3377/88 of 28 October 1988 authorizing the United Kingdom to permit under certain conditions an additional increase in the alcoholic strength of certain table wines (OJ No L 296, 29.10.1988, p. 69).

19. **388 R 4252**: Council Regulation (EEC) No 4252/88 of 21 December 1988 on the preparation and marketing of liqueur wines produced in the Community (OJ No L 373, 31.12.1988, p. 59), as amended by:

— **390 R 1328**: Regulation (EEC) No 1328/90 of 14 May 1990 (OJ No L 132, 23.5.1990, p. 24) ,

**▼ M7**

— **391 R 1735**: Council Regulation (EEC) No 1735/91 of 13 June 1991 (OJ No L 163, 26. 6. 1991, p. 9),

— **392 R 1759**: Council Regulation (EEC) No 1759/92 of 30 June 1992 (OJ No L 180, 1. 7. 1992, p. 31),



▼ M7

- **393 R 1568**: Council Regulation (EEC) No 1568/93 of 14 June 1993 (OJ No L 154, 25. 6. 1993, p. 42),

▼ M11

- **394 R 1893**: Council Regulation (EC) No 1893/94 of 27 July 1994 (OJ No L 197, 30. 7. 1994, p. 45),

▼ M27

- **395 R 1547**: Council Regulation (EC) No 1547/95 of 29 June 1995 (OJ No L 148, 30. 6. 1995, p. 35),

▼ M39

- **396 R 1594**: Council Regulation (EC) No 1594/96 of 30 July 1996 (OJ L 206, 16.8.1996, p. 35),

▼ M45

- **397 R 1419**: Council Regulation (EC) No 1419/97 of 22 July 1997 (OJ L 196, 24.7.1997, p. 13).

▼ B

20. **389 R 0986**: Commission Regulation (EEC) No 986/89 of 10 April 1989 on the accompanying documents for carriage of wine products and the relevant records to be kept (OJ No L 106, 18.4.1989, p. 1) as amended by:

- **389 R 2600**: Commission Regulation (EEC) No 2600/89 of 25 August 1989 (OJ No L 261, 29.8.1989, p. 15),

- **390 R 2246**: Commission Regulation (EEC) No 2246/90 of 31 July 1990 (OJ No L 203, 1.8.1990, p. 50),

- **390 R 2776**: Commission Regulation (EEC) No 2776/90 of 27 September 1990 (OJ No L 267, 29.9.1990, p. 30),

- **391 R 0592**: Commission Regulation (EEC) No 592/91 of 12 March 1991 (OJ No L 66, 13.3.1991, p. 13).

The provisions of the Regulation shall, for the purposes of the Agreement, be read with the following adaptation:

Article 10(4) and Title II shall not apply.

21. **389 R 2202**: Commission Regulation (EEC) No 2202/89 of 20 July 1989 defining the terms ‘coupage’, ‘the turning into wine’, ‘bottler’ and ‘bottling’ (OJ No L 209, 21.7.1989, p. 31).

22. **389 R 2392**: Council Regulation (EEC) No 2392/89 of 24 July 1989 laying down general rules for the description and presentation of wines and grape musts (OJ No L 232, 9.8.1989, p. 13), as amended by:

- **389 R 3886**: Council Regulation (EEC) No 3886/89 of 11 December 1989 (OJ No L 378, 27.12.1989, p. 12) ,

▼ M7

- **391 R 2356**: Council Regulation (EEC) No 2356/91 of 29 July 1991 (OJ No L 216, 3. 8. 1991, p. 1),

- **391 R 3897**: Council Regulation (EEC) No 3897/91 of 16 December 1991 (OJ No L 368, 31. 12. 1991, p. 5),

▼ M15

- **194 N**: Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (OJ No C 241, 29. 8. 1994, p. 21 as adjusted by OJ No L 1, 1. 1. 1995, p. 1),

**▼ M39**

— **396 R 1427**: Council Regulation (EC) No 1427/96 of 26 June 1996 (OJ L 184, 24.7.1996, p. 3).

**▼ B**

The provisions of the Regulation shall, for the purposes of the Agreement, be read with the following adaptations:

- (a) For wine products originating in Austria ► **M1** ————— ◀ and Liechtenstein description requirements of Chapter II shall apply instead of the requirements of Chapter I;
- (b) In accordance with the requirements of Article 25(l)(d), the designation ‘table wine’ or ‘Landwein’ and its equivalents, shall be used in combination with the name of the country of origin;
- (c) For table wines respectively originating in ► **M1** ————— ◀ Liechtenstein, the terms ‘Landwein’, ‘Vin de pays’ and ‘Vino tipico’ may be used provided that ► **M1** the producer State has ◀ laid down rules for use in accordance with at least the following conditions:
  - specific geographical reference,
  - certain production requirements, particularly as regards vine varieties, minimum natural alcoholic strength by volume and organoleptic characteristics.

**▼ M11**

(d) In Article 25 (1) (c):

- second indent, the words ‘... the name or business name of the importer ...’ shall be replaced by the words ‘... the name or business name of the bottler..’;
- the third indent shall read as follows:
  - ‘— are put up in other containers: the name or business name of the consignor and of the local administrative area or part thereof where his head office is situated;’

(e) In Article 26 (1) (c):

- second indent, the words ‘... the name or business name of the importer ...’ shall be replaced by the words ‘... the name or business name of the bottler ...’;
- the third indent shall read as follows:
  - ‘— are put up in other containers: the name or business name of the consignor and of the local administrative area or part thereof where his head office is situated;’

(f) Article 27 (1) (d) shall read as follows:

- ‘(d) the name or business name of the consignor and the local administrative area or part thereof where his head office is situated;’.

**▼ M15** \_\_\_\_\_**▼ M7** \_\_\_\_\_**▼ B**

25. **390 R 2676**: Commission Regulation (EEC) No 2676/90 of 17 September 1990 determining Community methods for the analysis of wines (OJ No L 272, 3.10.1990, p. 1), ► **M7** as amended by:

**▼ B**

— **392 R 2645:** Commission Regulation (EEC) No 2645/92 of 11 September 1992 (OJ No L 266, 12. 9. 1992, p. 10), ◀

**▼ M15**

— **395 R 0060:** Commission Regulation (EC) No 60/95 of 16 January 1995 (OJ No L 11, 17. 1. 1995, p. 19),

**▼ M28**

— **396 R 0069:** Commission Regulation (EC) No 69/96 of 18 January 1996 (OJ L 14, 19. 1. 1996, p. 13),

**▼ M46**

— **397 R 0822:** Commission Regulation (EC) No 822/97 of 6 May 1997 (OJ L 117, 7.5.1997, p. 10).

**▼ B**

26. **390 R 3201:** Commission Regulation (EEC) No 3201/90 of 16 October 1990 laying down detailed rules for the description and presentation of wines and grape musts (OJ No L 309, 8.11.1990, p. 1), as corrected by OJ No L 272, 3.10.1991, p. 47.

**▼ M7**

— **391 R 3298:** Commission Regulation (EEC) No 3298/91 of 12 November 1991 (OJ No L 312, 13. 11. 1991, p. 20),

— **392 R 0153:** Commission Regulation (EEC) No 153/92 of 23 January 1992 (OJ No L 17, 24. 1. 1992, p. 20),

— **392 R 3650:** Commission Regulation (EEC) No 3650/92 of 17 December 1992 (OJ No L 369, 18. 12. 1992, p. 25),

— **393 R 1847:** Commission Regulation (EEC) No 1847/93 of 9 July 1993 (OJ No L 168, 10. 7. 1993, p. 33),

**▼ M11**

— **394 R 1362:** Commission Regulation (EC) No 1362/94 of 15 June 1994 (OJ No L 150, 16. 6. 1994, p. 7),

**▼ M29**

— **395 R 2603:** Commission Regulation (EC) No 2603/95 of 8 November 1995 (OJ L 267, 9. 11. 1995, p. 16),

**▼ M30**

— **396 R 0692:** Commission Regulation (EC) No 692/96 of 17 April 1996 (OJ L 97, 18. 4. 1996, p. 15),

**▼ M38**

— **396 R 1056:** Commission Regulation (EC) No 1056/96 of 12 June 1996 (OJ L 140, 13.6.1996, p. 15),

**▼ M47**

— **397 R 1472:** Commission Regulation (EC) No 1472/97 of 28 July 1997 (OJ L 200, 29.7.1997, p. 18),

**▼ M48**

— **397 R 2543:** Commission Regulation (EC) No 2543/97 of 15 December 1997 (OJ L 347, 18.12.1997, p. 24),

**▼ M50**

— **398 R 2770:** Commission Regulation (EC) No 2770/98 of 21 December 1998 (OJ L 346, 22.12.1998, p. 25).

**▼B**

The provisions of the Regulation shall, for the purposes of the Agreement, be read with the following adaptations:

- (a) In Article 5(3), first subparagraph, second indent, the following terms shall be added: ‘Weinhauer’ and ‘Hauer’;
- (b) In Annex I, point 4, (Austria) the following terms shall be added:

‘— Strohwein,  
— Qualitätswein’;

**▼M1**

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**▼B**

- (e) Annex II shall be supplemented as follows:

‘23.LIECHTENSTEIN

Wines bearing one of the following names of the wine-growing regions of origin:

— Balzers  
— Bondern  
— Eschen  
— Mauren  
— Schaan  
— Triesen  
— Vaduz’;

**▼M1**

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**▼B**

- (g) In Annex V, paragraph (2) shall be completed as follows:

‘4. In Austria, the following wines produced in the wine-growing regions of Burgenland, Niederösterreich, Steiermark and Wien:

— Quality wines made from “Gewürztraminer” and “Muskat-Ottonel”  
— Beerenauslese, Trockenbeerenauslese, Eiswein, Strohwein, Ausbruch’.

27. **390 R 3220**: Commission Regulation (EEC) No 3220/90 of 7 November 1990 laying down conditions for the use of certain oenological practices provided for in Council Regulation (EEC) No 822/87 (OJ No 308/22, 8.11.1990, p. 22), ►**M48** as amended by:

— **397 R 2053**: Commission Regulation (EC) No 2053/97 of 20 October 1997 (OJ L 287, 21.10.1997, p. 15). ◀

**▼B**

28. **390 R 3825:** Commission Regulation (EEC) No 3825/90 of 19 December 1990 on the transitional measures applicable in Portugal from 1 January to 1 September 1991 in the wine sector (OJ No L 366, 29.12.1990, p. 56).

The provisions of the Regulation shall, for the purposes of the Agreement be read with the following adaptations:

Articles 2, 4 and 5 shall not apply.

**▼M7**

29. **390 R 3827:** Commission Regulation (EEC) No 3827/90 of 19 December 1990 on transitional arrangements for the description of certain quality wines produced in specified areas (OJ No L 366, 29. 12. 1990, p. 59), as amended by:

— **391 R 0816:** Commission Regulation (EEC) No 816/91 of 2 April 1991 (OJ No L 83, 3. 4. 1991, p. 8),

— **391 R 2271:** Commission Regulation (EEC) No 2271/91 of 29 July 1991 (OJ No L 208, 30. 7. 1991, p. 36),

— **391 R 3245:** Commission Regulation (EEC) No 3245/91 of 7 November 1991 (OJ No L 307, 8. 11. 1991, p. 15).

30. **390 R 2776:** Commission Regulation (EEC) No 2776/90 of 27 September 1990 on transitional measures to be applied in the wine sector after the unification of Germany in the territory of the former German Democratic Republic (OJ No L 267, 29. 9. 1990, p. 30).

The provision of the Regulation shall, for the purpose of the present Agreement, be read with the following adaptation:

— Article 1 (1) and (3) shall not apply.

31. **391 R 2384:** Commission Regulation (EEC) No 2384/91 of 31 July 1991 on the transitional measures applicable to the wine-growing sector in Portugal during the 1991/92 wine year (OJ No L 219, 7. 8. 1991, p. 9).

The provision of the Regulation shall, for the purpose of the present Agreement, be read with the following adaptations:

(a) Article 2 (3) shall not apply.

(b) Article 3 shall not apply.

32. **391 R 3223:** Commission Regulation (EEC) No 3223/91 of 5 November 1991 authorizing the United Kingdom to permit under certain conditions an additional increase in the alcoholic strength of certain table wines (OJ No L 305, 6. 11. 1991, p. 14).

33. **391 R 3895:** Council Regulation (EEC) No 3895/91 of 11 December 1991 laying down rules for the description and presentation of special wines (OJ No L 368, 31. 12. 1991, p. 1).

34. **391 R 3901:** Commission Regulation (EEC) No 3901/91 of 18 December 1991 laying down certain detailed rules on the description and presentation of special wines (OJ No L 368, 31. 12. 1991, p. 15).

35. **392 R 0506:** Commission Regulation (EEC) No 506/92 of 28 February 1992 on transitional measures regarding the total acidity content of wines produced in Spain and released to the Spanish market for 1992 (OJ No L 55, 29. 2. 1992, p. 77).

▼ M7

36. **392 R 0761:** Commission Regulation (EEC) No 761/92 of 27 March 1992 laying down transitional measures relating to coupage of table wine in Spain for 1992 (OJ No L 83, 28. 3. 1992, p. 13).
37. **392 R 1238:** Commission Regulation (EEC) No 1238/92 of 8 May 1992 determining the Community methods applicable in the wine sector for the analysis of neutral alcohol (OJ No L 130, 15. 5. 1992, p. 13).

The provision of the Regulation shall, for the purpose of the present Agreement, be read with the following adaptation:

Article 1 (2) shall not apply.

38. **392 R 2332:** Council Regulation (EEC) No 2332/92 of 13 July 1992 on sparkling wines produced in the Community (OJ No L 231, 13. 8. 1992, p. 1), as amended by:
- **393 R 1568:** Council Regulation (EEC) No 1568/93 of 14 June 1993 (OJ No L 154, 25. 6. 1993, p. 42) ,

▼ M11

- **394 R 1893:** Council Regulation (EC) No 1893/94 of 27 July 1994 (OJ No L 197, 30. 7. 1994, p. 45),

▼ M27

- **395 R 1547:** Council Regulation (EC) No 1547/95 of 29 June 1995 (OJ L 148, 30. 6. 1995, p. 35),

▼ M39

- **396 R 1428:** Council Regulation (EC) No 1428/96 of 26 June 1996 (OJ L 184, 24.7.1996, p. 7),
- **396 R 1429:** Council Regulation (EC) No 1429/96 of 26 June 1996 (OJ L 184, 24.7.1996, p. 9),
- **396 R 1594:** Council Regulation (EC) No 1594/96 of 30 July 1996 (OJ L 206, 16.8.1996, p. 35),

▼ M45

- **397 R 1419:** Council Regulation (EC) No 1419/97 of 22 July 1997 (OJ L 196, 24.7.1997, p. 13).

▼ M7

39. **392 R 2333:** Council Regulation (EEC) No 2333/92 of 13 July 1992 laying down general rules for the description and presentation of sparkling wines and aerated sparkling wines (OJ No L 231, 13. 8. 1992, p. 9), ► M15 as amended by:
- **194 N:** Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden and the adjustments to the Treaties on which the European Union is founded (OJ No C 241, 29. 8. 1994, p. 21 as adjusted by OJ No L 1, 1. 1. 1995, p. 1). ◀

The provision of the Regulation shall, for the purpose of the present Agreement, be read with the following adaptations:

- (a) The first indent of Article 3 (4) shall not apply.

**▼ M7**

(b) Article 5 (2) shall be completed as follows:

‘g. In the case of quality sparkling wine referred to in Article 1, second paragraph, (b) of Regulation (EEC) No 2332/92, originating in:

— Austria: “Qualitätsschaumwein” or “Qualitätssekt” ’

(c) Article 6 (6) shall be completed as follows:

‘c. The term “Hauersekt” shall be reserved for quality sparkling wines equivalent to quality sparkling wines produced in a specified region in accordance with Article 6 (4) of this Regulation and with Regulation (EEC) No 2332/92, provided that they are:

— produced in Austria,

— produced from grapes harvested in the same vineyard where the producer makes wine from grapes intended for the preparation of quality sparkling wines,

— marketed by the producer and made available with labels indicating the vineyard, the vine variety and the year,

— regulated by Austrian rules.’

**▼ M11**

(d) Article 3 (3) shall read as follows:

‘3. In the case of the products referred to in Article 1 (1) (c) and (d), the description on the labelling shall include the following information in addition to the information specified in paragraph 1:

(a) the name or business name of the producer or of a vender established in the EEA;

and

(b) the names of the local administrative area or part of such area, and EEA State in which the abovementioned person's head office is situated;

in accordance with Article 5 (4) and (5).’

**▼ M7**

40. **392 R 3459:** Commission Regulation (EEC) No 3459/92 of 30 November 1992 authorizing the United Kingdom to permit an additional increase in the alcoholic strength of table wines and of quality wines produced in a specified region (OJ No L 350, 1. 12. 1992, p. 60).

41. **393 R 0586:** Commission Regulation (EEC) No 586/93 of 12 March 1993 providing for an exception in respect of the volatile acid content of certain wines (OJ No L 61, 13. 3. 1993, p. 39), ► **M11** as amended by:

— **394 R 1252:** Commission Regulation (EC) No 1252/94 of 31 May 1994 (OJ No L 137, 1. 6. 1994, p. 45),

**▼ M31**

— **396 R 0693:** Commission Regulation (EC) No 693/96 of 17 April 1996 (OJ L 97, 18. 4. 1996, p. 17),

**▼ M32**

- **395 R 1243:** Commission Regulation (EC) No 1243/95 of 31 May 1995 (OJ L 121, 1. 6. 1995, p. 64),
- **395 R 1278:** Commission Regulation (EC) No 1278/95 of 6 June 1995 (OJ L 124, 7. 6. 1995, p. 4).

**▼ M11**

The provisions of the Regulation shall, for the purposes of the Agreement, be read with the following adaptation:

Article 1 (d) shall not apply.

42. **393 R 2238:** Commission Regulation (EEC) No 2238/93 of 26 July 1993 on the accompanying documents for the carriage of wine products and the relevant records to be kept (OJ No L 200, 10. 8. 1993, p. 10.), as corrected by OJ No L 301, 8. 12. 1993, p. 29.

The provisions of the Regulation shall, for the purpose of the present Agreement, be read with the following adaptations:

- (a) Article 1 (1) (b) first indent and 1 (2) shall not apply;
  - (b) Article 5 (2) shall not apply;
  - (c) Article 6 (1) second subparagraph shall not apply;
  - (d) Article 7 (1) (a) (ii), 7 (5) and 7 (6) shall not apply;
  - (e) In Article 7 (1) (c) first indent, the words ‘— on copies 1 and 2 ...’ shall be replaced by the words ‘— on copies 1, 2 and 4 ...’;
  - (f) Article 8 (1) (c) (i) shall be completed by the following indents:
    - ‘— in the case of the document referred to in Regulation (EEC) No 2719/92: copy No 4 or a certified copy of it shall be handed to the competent authority in the State of destination by the consignee or his representative;
    - in the case of the document referred to in Regulation (EEC) No 3649/92: a certified copy of copy No 2 shall be handed to the competent authority in the State of destination by the consignee or his representative’;
  - (g) Article 8 (2), 8 (3) and 8 (5) shall not apply;
  - (h) Title II shall not apply;
  - (i) Article 19 (2) shall not apply.
- 42a. **393 R 3111:** Commission Regulation (EC) No 3111/93 of 10 November 1993 establishing the lists of quality liqueur wines produced in specified regions referred to in Articles 3 and 12 of Regulation (EEC) No 4252/88 (OJ No L 278, 11. 11. 1993, p. 48).

**▼ M15**

- 42b. **394 R 2733:** Commission Regulation (EC) No 2733/94 of 9 November 1994 authorizing the United Kingdom to permit an additional increase in the alcoholic strength of table wines and of quality wines produced in a specified region (OJ No L 289, 10. 11. 1994, p. 5).



▼ **M15**

- 42c. **395 R 0554:** Commission Regulation (EC) No 554/95 of 13 March 1995 laying down detailed rules for the description and presentation of sparkling and aerated sparkling wines (OJ No L 56, 14. 3. 1995, p. 3).

▼ **M39**

— **396 R 1915:** Commission Regulation (EC) No 1915/96 of 3 October 1996 (OJ L 252, 4.10.1996, p. 10).

- 42d. **396 R 1128:** Commission Regulation (EC) No 1128/96 of 24 June 1996 laying down detailed rules for the coupage of table wine in Spain (OJ L 150, 25.6.1996, p. 13).

▼ **M7**

**ACTS OF WHICH THE CONTRACTING PARTIES SHALL TAKE NOTE**

The Contracting Parties take note of the content of the following acts:

43. List published pursuant to Article 22 of Commission Regulation (EEC) No 986/89 of 10 April 1989 on the accompanying documents for carriage of wine products and the relevant records to be kept (OJ No C 330, 19. 12. 1991, p. 3).
44. List of quality wines produced in specified regions (OJ No C 333, 24. 12. 1991, p. 4).
45. List of table wines designated as ‘Landwein’, ‘vin de pays’, ‘vino tipico’, ‘ονομασία κατά παράδοση’ or ‘οίνος τοπικός’, ‘vino de la tierra’, ‘vinho regional’ (OJ No C 155, 20. 6. 1992, p. 14), ► **M15** as amended by:
- the list published in OJ No C 203, 27. 7. 1993, p. 4. ◀
46. List of Austrian wines.

▼ **M11**

47. List of the official bodies officially recognized for the purpose of granting awards for table wines, quality wines psr and imported wines designated by a geographical ascription (OJ No C 289, 17. 11. 1990, p. 3), as amended by the lists published in OJ No C 339, 22. 12. 1992, p. 3, and OJ No C 37, 5. 2. 1994, p. 3.

▼ M7

## APPENDIX 2

**Establishing mutual assistance between control authorities in the wine sector**

## TITLE I

**PRELIMINARY PROVISIONS***Article 1***Definitions**

For the purposes of this Appendix:

- (a) 'rules concerning trade in wine' shall mean any provision laid down in this Protocol;
- (b) 'competent authority' shall mean each of the authorities or each of the departments designated by a Contracting Party to ensure compliance with the rules concerning trade in wine;
- (c) 'liaison authority' shall mean the competent body or authority designated by a Contracting Party to liaise as appropriate with the liaison authorities of other Contracting Parties;
- (d) 'applicant authority' shall mean a competent authority which has been designated by a Contracting Party for this purpose and which makes a request for assistance in areas covered by this Appendix;
- (e) 'requested authority' shall mean a competent body or authority which has been designated by a Contracting Party for this purpose and which receives a request for assistance in areas covered by this Appendix;
- (f) 'contravention' shall mean any violation of the rules concerning trade in wine, as well as any attempted violation of such rules.

*Article 2***Scope**

1. The Contracting Parties shall assist each other, in the manner and under the conditions laid down in this Appendix. The correct application of the rules concerning trade in wine shall be ensured in particular through mutual assistance, detection and investigation of contraventions of these rules.
2. Assistance in matters concerning such rules, as provided for in this Appendix, shall apply to any authority of the Contracting Parties. It shall not prejudice the rules relating to criminal proceedings or mutual assistance among Contracting Parties at judicial level in criminal matters.

## TITLE II

**CONTROLS TO BE CARRIED OUT BY THE CONTRACTING PARTIES***Article 3***Principles**

1. The Contracting Parties shall take the necessary measures to ensure the assistance, as provided for in Article 2, through appropriate control measures.
2. Such controls shall be carried out either systematically or by sampling. In the case of sampling, Contracting Parties shall ensure by their number, nature and frequency that controls are representative.

**▼M7**

3. Contracting Parties shall ensure that the competent authorities have a sufficient number of suitable, qualified and experienced staff to carry out efficiently the controls referred to in paragraph 1. They shall take all appropriate measures to facilitate the work of the officials of their competent authorities, in particular with regard to the following purposes:

- having access to the vineyards, wine-making and storage installations and for installations for processing wine-sector products and vehicles for transporting those products,
- having access to the commercial premises (or warehouses) and vehicles of anyone holding, with a view to sale, marketing or transporting wine-sector products or products which may be intended for use in the wine sector,
- having the possibility of undertaking a survey of wine-sector products and substances or products which may be used for the preparation of such products,
- having the possibility of taking samples of products held with a view to sale, marketed or transported,
- having the possibility of examining accounts or other documents for the purposes of controls and of taking copies or extracts thereof,
- having the possibility of taking appropriate protective measures regarding the preparation, holding, transport, description, presentation, export to other Contracting Parties and marketing of a wine-sector product or a product intended for use in the preparation of such a product, if there is reason to believe that there has been a serious infringement of this Protocol, in particular in the case of fraudulent treatment or risks to public health.

*Article 4***Control authorities**

1. Where a Contracting Party designates several competent authorities, it shall ensure the coordination of the work of those authorities.
2. Each Contracting Party shall designate a single liaison authority. The authority designated shall:
  - forward the applications for cooperation with a view to implementing this Appendix to the liaison authorities of other Contracting Parties,
  - receive such applications from the latter authorities and forward them to the competent authority or authorities of the Contracting Party concerned under which it comes,
  - represent that Contracting Party *vis-à-vis* other Contracting Parties in the context of the cooperation covered by Title III,
  - notify the other Contracting Parties of the measures taken pursuant to Article 3.

## TITLE III

**MUTUAL ASSISTANCE BETWEEN CONTROL AUTHORITIES***Article 5***Assistance on request**

1. At the request of the applicant authority, the requested authority shall furnish it with all relevant information to enable it to verify the correct application of the rules concerning trade in wine, including information concerning operations noted or planned which contravene or would contravene such rules.

▼ M7

2. At the reasoned request of the applicant authority, the requested authority shall perform or take necessary steps to perform special surveillance or controls enabling the desired objectives to be achieved.

3. The requested authority as referred to in paragraphs 1 and 2 shall act as if on its own account or at the request of an authority in its own country.

4. In agreement with the requested authority, the applicant authority may designate its own officials or officials of another competent authority of the Contracting Party it represents:

— either to obtain on the premises of the competent authorities coming under the Contracting Party in which the requested authority has its seat, information relating to the verification of the correct application of the rules concerning trade in wine or to control activities, including the making of copies of transport and other documents or extracts from the register,

— or to be present during activities requested pursuant to paragraph 2.

The copies referred to in the first indent may be made only with the agreement of the requested authority.

5. An applicant authority which wishes to send to a Contracting Party an official designated in accordance with paragraph 4, first subparagraph, to be present at the control operations referred to in the second indent of that subparagraph shall advise the requested authority accordingly in good time before the start of those operations.

The officials of the requested authority shall at all times be in charge of carrying out control operations.

The officials of the applicant authority shall:

— produce written authorization specifying their identity and status,

— have, within the limits imposed by the Contracting Party of the requested authority on its own officials in carrying out the controls concerned:

— the rights of access provided for in Article 3 (3),

— the right to be informed of the results of controls carried out by the officials of the requested authority pursuant to Article 3 (3),

— adopt, in the course of controls, an attitude compatible with the rules and practices which must be followed by officials of the Contracting Party within the territory of which the control operations are carried out.

6. The reasoned requests referred to in this Article shall be forwarded to the requested authority of the Contracting Party in question via the liaison authority of that Contracting Party. The same shall apply for:

— the answers to those requests, and

— communications concerning the application of paragraphs 2, 4 and 5.

By way of derogation from the first subparagraph and in the interests of quicker and more effective cooperation between them, a Contracting Party may, in certain appropriate cases, permit a competent authority to:

— make its reasoned request or communication directly to a competent authority of another Contracting Party,

— reply directly to reasoned requests or communications received from a competent authority of another Contracting Party.

**▼M7***Article 6***Urgent notification**

Where a competent authority of a Contracting Party has grounds for suspicion or learns:

- that a product referred to in this Protocol does not comply with the rules concerning trade in wine or has been the subject of fraudulent action to obtain or market such a product, and
- that such failure to comply with the rules is of specific interest to one or more other Contracting Parties and is such as to lead to administrative measures or legal action,

that competent authority shall, via the liaison authority under which it comes, notify the liaison authority of the Contracting Party concerned without delay.

*Article 7***Form and substance of requests for assistance**

1. Requests pursuant to this Appendix shall be made in writing. Documents necessary for the execution of such requests shall accompany the request. 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:

- the name of the applicant authority making the request,
- the measure requested,
- the object of, and the reason for, the request,
- laws, rules, and other legal instruments involved,
- indications as exact and comprehensive as possible on the natural or legal persons being the target of the investigations,
- a summary of the relevant facts.

3. Requests shall be submitted in an official language of the requested authority or in a language acceptable to such authority.

4. If a request does not meet the formal requirements, its correction or completion may be demanded; the ordering of precautionary measures may, however, take place.

*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.

**▼M7***Article 9***Exceptions to the obligation to provide assistance**

1. The Contracting Party or the requested authority may refuse to give assistance as provided for in this Appendix, where to do so would:

- be likely to prejudice sovereignty, public policy (l'ordre public), security or other essential interests, or
- involve currency or tax regulations.

2. Where the applicant authority asks for assistance which it would itself be unable to provide if so asked, it shall draw attention to the fact in its request. It shall then be left to the requested authority to decide how to respond to such a request.

3. If assistance is withheld or denied, the decision and the reasons therefor must be notified to the applicant authority without delay.

*Article 10***Common provisions**

1. The information referred to in Article 5 and Article 6 shall be accompanied by documents or other evidence and details of any administrative measures or legal action and shall relate in particular to:

- composition and organoleptic characteristics,
- description and presentation,
- compliance with the rules laid down for preparation and marketing of the product in question.

2. The liaison authorities concerned by a case for which the mutual assistance procedure referred to in Articles 5 and 6 is initiated shall inform each other without delay of:

- the progress of investigations, particularly in the form of reports and other documents or information media, and
- any administrative or legal action taken subsequent to the operations concerned.

3. Travel costs incurred in the application of this Appendix shall be borne by the Contracting Party which has appointed an official for the measures referred to in Article 5 (2) and (4).

4. This Article shall not prejudice national provisions concerning the secrecy of legal proceedings.

## TITLE IV

**GENERAL PROVISIONS***Article 11***Collection of samples**

1. In the context of the application of Titles II and III, the competent authority of a Contracting Party may request the competent authority of another Contracting Party to collect samples in accordance with the relevant provisions in that Contracting Party.

**▼M7**

2. The requested authority shall hold the samples collected pursuant to paragraph 1 and shall determine, *inter alia*, the laboratory to which they are to be submitted for examination. The applicant authority may designate another laboratory to analyse parallel samples. For this purpose, the requested authority shall forward an appropriate number of samples to the applicant authority.

3. In the case of disagreement between the applicant authority and the requested authority with regard to the results of the examination referred to in paragraph 2, an arbitration analysis shall be carried out by a mutually designated laboratory.

*Article 12***Obligation to observe confidentiality**

1. Any information communicated in whatever form pursuant to this Appendix shall be of a confidential nature. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended under the relevant laws applicable in the Contracting Party which received it or the corresponding provisions applying to the Community authorities, as the case may be.

2. This Appendix shall not oblige a Contracting Party whose legislation or administrative practices impose stricter limits for the protection of industrial and commercial secrecy than those laid down in this Appendix to supply information, where the applicant Contracting Party does not take steps to comply with these stricter limits.

*Article 13***Use of information**

1. Information obtained shall be used solely for the purposes of this Appendix and may be used within each Contracting Party for other purposes only with the prior written consent of the administrative authority which furnished the information and shall 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 subsequently instituted for offence under ordinary criminal law, provided that it has been obtained in the framework of an international legal assistance procedure.

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 Appendix.

*Article 14***Information obtained pursuant to this Appendix — conclusive force**

The findings of the specific officials of the competent authorities of a Contracting Party in the course of application of this Appendix may be invoked by the competent authorities of the other Contracting Parties. In such cases, they shall have no less value because of the fact that they do not come from the Contracting Party in question.

*Article 15***Persons subject to controls**

Natural or legal persons and groups of such persons whose activities may be the subject of the controls referred to in this Appendix shall not obstruct such controls and shall be required to facilitate them at all times.

**▼M7***Article 16***Implementation**

1. The Contracting Parties shall transmit to each other:
  - lists of the liaison authorities designated to act as correspondents for the purpose of the operational implementation of this Appendix,
  - lists of laboratories authorized to carry out analyses pursuant to Article 11 (2).
2. The Contracting Parties shall consult each other and subsequently keep each other informed of the detailed rules of implementation which are adopted in accordance with the provisions of this Appendix. In particular, they shall transmit to each other national provisions and a summary of administrative and judicial decisions of particular relevance to the correct application of the rules concerning trade in wine.

*Article 17***Complementarity**

This Appendix shall complement and not impede application of any agreements on mutual assistance which have been concluded or may be concluded between two or more Contracting Parties. Nor shall it preclude more extensive mutual assistance granted under such agreements.



**▼B**

**PROTOCOL 48**  
**concerning Articles 105 and 111**

Decisions taken by the EEA Joint Committee under Articles 105 and 111 may not affect the case-law of the Court of Justice of the European Communities.

**▼B**

**PROTOCOL 49**  
**on Ceuta and Melilla**

Products covered by the Agreement and originating in the EEA, when imported into Ceuta or Melilla, shall enjoy in all respects the same customs regime as that which is applied to products originating in the customs territory of the Community under Protocol No 2 of the Act of Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities. The EFTA States shall grant to imports of products covered by the Agreement and originating in Ceuta and Melilla the same customs regime as that which is granted to products imported from and originating in the EEA.