

**DECISION OF THE JOINT COMMITTEE OF THE CENTRAL EUROPEAN FREE
TRADE AGREEMENT**

No. 3 /2013

Adopted on 20 November 2013

amending Annex 4 of the Central European Free Trade Agreement (CEFTA 2006), Protocol Concerning the Definition of the Concept of "Originating Products" and Methods of Administrative Cooperation referred to in Article 14, paragraph 1 and 3

The Joint Committee,

Having regard to the Agreement on Amendment of and Accession to the Central European Free Trade Agreement (CEFTA 2006), (hereinafter referred to as the "Agreement") done in Bucharest on 19 December 2006, in particular Article 14 of CEFTA 2006 on Rules of Origin and Cooperation in Customs Administration,

Having regard to Annex 4 to CEFTA 2006, the Protocol Concerning the Definition of the Concept of "Originating Products" and Methods of Administrative Cooperation, hereinafter referred to as "the Protocol",

Whereas:

- (1) Article 14 of CEFTA 2006 refers to its Annex 4 which lays down the rules of origin and provides for CEFTA cumulation of origin, and cumulation of origin in the context of the Stabilization and Association Process.
- (2) The Protocol was last amended by Decision No 2/2009 of the Joint Committee of 29 October 2009 amending Annex 4 to CEFTA 2006 concerning the definition of the concept of originating products and methods of administrative cooperation.
- (3) The regional Convention on pan-Euro-Mediterranean preferential rules of origin¹ (the Convention) aims at replacing the protocols on rules of origin currently in force among the countries of the pan-Euro-Mediterranean area with a single legal act.
- (4) The participants in the Stabilisation and Association Process have been included in the pan-Euro-Mediterranean zone of cumulation of origin through the Convention.

¹ The European Union Official Journal L 54, 26.2.2013, p. 4.

- (5) Where the transition towards the Convention is not simultaneous for all Contracting Parties within the cumulation area, it should not lead to any less favourable situation than previously under the Protocol.
- (6) Annex 4 to CEFTA 2006 should therefore be amended so as to make reference to the Convention.

HAS DECIDED AS FOLLOWS:

Article 1

Rules of origin

Annex 4 to CEFTA 2006, the Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation shall be replaced by the text attached in the Annex.

Article 2

Entry into force

This Decision shall enter into force on the day of its adoption. It shall apply from 1 April 2014.

Adopted in Sarajevo on 20 November 2013 in the presence of representatives of all CEFTA Parties

ANNEX

Protocol concerning the definition of the concept of 'originating products' and methods of administrative cooperation

Article 1

Applicable rules of origin

For the purpose of implementing Article 14 of Annex 1 (CEFTA 2006) to the Agreement on Amendment of and Accession to the Central European Free Trade Agreement, done in Bucharest on 19 December 2006 (the Agreement), Appendix I and the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin², hereafter the Convention, shall apply.

All references to the 'relevant agreement' in Appendix I and in the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin shall be construed so as to mean the Agreement.

Article 2

Dispute settlement

Where disputes arise in relation to the verification procedures of Article 32 of Appendix I to the Convention which cannot be settled between the customs authorities requesting the verification and the custom authorities responsible for carrying out this verification, they shall be submitted to the Joint Committee provided for in Article 42 and 43 of CEFTA 2006.

In all cases the settlement of disputes between the importer and the customs authorities of the importing country shall take place under the legislation of that country.

Article 3

Amendments to the Protocol

The Joint Committee provided for in Article 14 paragraph 1 of CEFTA 2006 may decide to amend the provisions of the present Protocol.

Article 4

Withdrawal from the Convention

Should either one of the CEFTA Parties give notice in writing to the depositary of the Convention of their intention to withdraw from the Convention according to its Article 9, other CEFTA Parties shall immediately enter into negotiations on rules of origin for the purpose of implementing the Agreement.

Until the entry into force of such newly negotiated rules of origin, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention, applicable at the moment of withdrawal, shall continue to apply to this Agreement. However, as of the moment of withdrawal, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II

² OJ L 54, 26.2.2013, p. 4

to the Convention shall be construed so as to allow bilateral cumulation between the Party withdrawn and other CEFTA Parties only.

Article 5

Transitional provisions – cumulation

Notwithstanding Article 3 of Appendix I to the Convention, the rules on cumulation provided for in the old Articles 3 and 4 of Annex 4, the Protocol Concerning the Definition of the Concept of “Originating Products” and Methods of Administrative Cooperation, as last amended by Decision No 2/2009 shall continue to apply between the CEFTA Party in which the Convention has not yet entered into application and other CEFTA Parties until the Convention has entered into application with relation to the respective CEFTA Party.

Notwithstanding Articles 16(5) and 21(3) of Appendix I of the Convention, where cumulation involves only EFTA States, the Faroe Islands, the EU, Turkey and CEFTA Parties, the proof of origin may be a movement certificate EUR.1 or an origin declaration.