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I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 4271/88

of 21 December 1988

on the application of Decision No 5/88 of the EEC—Austria Joint Committee modifying Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in order to simplify the cumulation rules

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Article 1

Having regard to the proposal from the Commission,

Decision No 5/88 of the EEC—Austria Joint Committee shall apply in the Community.

Whereas the Agreement between the European Economic Community and the Republic of Austria ⁽¹⁾ was signed on 22 July 1972 and entered into force on 1 January 1973;

The text of the Decision is attached to this Regulation.

Whereas by virtue of Article 28 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which forms an integral part of the Agreement, the EEC—Austria Joint Committee has adopted Decision No 5/88 amending that Protocol;

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Whereas this Decision shall be applied in the Community,

It shall apply with effect from 1 January 1989.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 December 1988.

For the Council

The President

V. PAPANDREOU

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 2.

DECISION No 5/88 OF THE EEC—AUSTRIA JOINT COMMITTEE

of 14 December 1988

modifying Protocol 3 on the concept of 'originating products' and methods of administrative cooperation in order to simplify the cumulation rules

THE EEC—AUSTRIA JOINT COMMITTEE,

HAS DECIDED AS FOLLOWS:

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

Article 1

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

Whereas, on the one hand, experience has shown that the complex nature of the present cumulation system in Protocol 3 is not likely to facilitate its use by operators nor its control by customs administrations;

Whereas, on the other hand, the present system of cumulation of origin does not represent the best incentive to use materials, parts or components furnished by one or more of the partner countries, as, in particular, the cumulative origin acquired in a particular commercial relationship is not necessarily acceptable in the case of export to other partner countries while the process of manufacture of the final product is strictly identical in the various commercial relationships concerned;

Whereas it is necessary to introduce a single unified cumulation system based on the concept that materials, parts and components originating in the other countries party to the different agreements concluded between the European Economic Community and Finland, Iceland, Norway, Sweden or Switzerland may be used in the manufacture of a product in the Community or in Austria without there being any particular provisions limiting the acquisition of cumulative origin;

Whereas therefore Articles 1, 2 and 3 as well as the provisions in Protocol 3 referring to these Articles must be consequently amended;

Whereas it is necessary to have a safeguard clause in order to avoid the new cumulation rules causing, or threatening to cause, serious injury to producers in the territory of either of the contracting parties;

Whereas it is necessary to review the effects of the introduction of the new cumulation rules after a period of experience to verify their economic effects; whereas, therefore, this Decision should apply for three years,

Protocol 3 is modified as follows:

1. Articles 1, 2 and 3 are replaced as follows:

'Article 1

For the purpose of implementing the Agreement, and without prejudice to the provisions of Articles 2 and 3 of this Protocol, the following products shall be considered as:

1. products originating in the Community:

- (a) products wholly obtained in the Community within the meaning of Article 4 of this Protocol;
- (b) products obtained in the Community incorporating materials which have not been wholly obtained there, provided that:
 - (i) such materials have undergone sufficient working or processing in the Community within the meaning of Article 5 of this Protocol, or that
 - (ii) such materials originate in Austria, within the meaning of this Protocol, or in Finland, Iceland, Norway, Sweden or Switzerland pursuant to the provisions of Protocol 3 annexed to the Agreement between the Community and each of these countries and in so far as the said provisions are identical to those in this Protocol;

2. products originating in Austria:

- (a) products wholly obtained in Austria within the meaning of Article 4 of this Protocol;
- (b) products obtained in Austria incorporating materials which have not been wholly obtained there, provided that:
 - (i) such materials have undergone sufficient working or processing in Austria within the meaning of Article 5 of this Protocol, or that
 - (ii) such materials originate in the Community, within the meaning of this Protocol, or in Finland, Iceland, Norway,

Sweden or Switzerland pursuant to the provisions of Protocol 3 annexed to the Agreement between the Community and each of these countries or pursuant to the origin provisions in the Agreement governing trade between Austria and the said countries in so far as these provisions and those in the said Protocols are identical.

Article 2

1. Notwithstanding Article 1 (1) (b) (ii), products originating in Austria, Finland, Iceland, Norway, Sweden or Switzerland pursuant to the provisions of the Protocol 3 referred to in Article 1, and exported from the Community to Austria in the same state or having undergone in the Community no working or processing going beyond that referred to in Article 5 (5), retain their origin.

2. Notwithstanding the provisions of Article 1 (2) (b) (ii), products originating in the Community, within the meaning of this Protocol, or in Finland, Iceland, Norway, Sweden or Switzerland, pursuant to the origin provisions referred to in Article 1 and in so far as these provisions are identical to those in this Protocol, and exported from Austria into the Community in the same state or having undergone in Austria no working or processing going beyond that referred to in Article 5 (5), retain their origin.

3. For the purpose of implementing paragraphs 1 and 2, where products originating in the Community and in one or more of the countries referred to in Article 1 or in two or more of these countries are used and those products have undergone no working or processing in the Community or in Austria going beyond that referred to in Article 5 (5), the origin is determined by the product with the highest customs value or, if this is not known and cannot be ascertained, with the highest first ascertainable price paid for the products in the Community or in Austria.

Article 3

The products listed in Annex II shall be temporarily excluded from the scope of this Protocol. However, the provisions concerning administrative cooperation and Article 23 shall apply, *mutatis mutandis*, to these products.

2. In Article 5 (5), 'Article 1 (1) (b) and (2) (b)' is replaced by 'Article 1 (1) (b) (i) and (2) (b) (i)'.

3. Article 6 (3) is deleted.

4. In Article 8 (3), second subparagraph, 'mentioned in Article 2' is replaced by 'mentioned in Article 1'.

5. Article 9 is amended as follows:

- (a) Paragraph 3 is replaced as follows:

'3. The customs authorities of the Member States of the Community or Austria may issue EUR 1 certificates under the conditions laid down in this Protocol if the goods to be exported can be considered as products originating in the Community, Austria, Finland, Iceland, Norway, Sweden or Switzerland within the meaning of Article 2 of this Protocol and provided that the goods to be covered by the EUR 1 certificates are in the Community or in Austria.

In such cases, the issue of the EUR 1 certificates is subject to the presentation of the evidence of origin issued or made out previously.'

- (b) In the first subparagraph of paragraph 4, 'provided for in the Agreement' is replaced by 'provided for in the Agreements between the Community and the countries referred to in Article 1'.

- (c) The following paragraph 10 is added:

'10. The provisions of paragraphs 2 to 9 above shall apply, *mutatis mutandis*, to the evidence of origin made out by approved exporters under the conditions set out in Article 13.'

6. In Article 10 (5), 'and the EUR 1 certificates referred to in the second subparagraph of Article 9 (3)' is replaced by 'and the evidence of origin referred to in the second subparagraph of Article 9 (3)'.
7. In Article 13 (8) (a), 'referred to in Article 2 (1)' is replaced by 'referred to in Article 1'.
8. In Article 16 (1), 'referred to in Article 2' is replaced by 'referred to in Article 1'.
9. In Article 22, 'the Agreements referred to in Article 2' is replaced twice by 'the Agreements referred to in Article 1'.
10. In Article 23 (1), *in fine*, 'referred to in Article 2' is replaced by 'referred to in Article 1'.
11. In Article 24, paragraphs 3 and 4 are replaced as follows:

'3. For the application of Articles 1 (2) (b) (ii) and 2, products originating in Spain or products accompanied by a EUR 1 certificate with the symbol "ES" entered in box 7, "Remarks", that are imported into Austria and, not having undergone sufficient working or processing there to confer on them the status of products originating in Austria, are exported to a Member State of the Community other than Spain, or to Finland,

Iceland, Norway, Sweden or Switzerland, shall benefit, on import there only from a treatment identical to that which they would have received had they been imported directly from Spain.

4. For the application of paragraph 3, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of EUR 1 certificates issued in Austria.'

12. In Article 25 (2), 'mentioned in Article 2' is replaced by 'mentioned in Article 1'.

13. Article 27 is replaced as follows:

'Article 27

1. For the purpose of implementing Article 1 (1) (b) (ii) of this Protocol, any product originating in Finland, Iceland, Norway, Sweden or Switzerland shall be treated as a non-originating product during the period or periods in which Austria applies the rate of duty applicable to third countries or any corresponding safeguard measure to that product in respect of one of the said countries under the provisions governing trade between Austria and the said countries.

2. For the purpose of implementing Article 1 (2) (b) (ii) of this Protocol, any product originating in Finland, Iceland, Norway, Sweden or Switzerland shall be treated as a non-originating product during the period or periods in which the Community applies the rate of duty applicable to third countries to that product in respect of one of the said countries under the Agreement concluded by the Community with that country.'

14. Annex I (Explanatory Notes) is amended as follows:

(a) Note 3

- in the title, the reference to Article 3 is deleted,
- in the text of the note, 'specified in Article 2' is replaced by 'specified in Article 1'.

(b) Note 9

'True copies of the EUR 1 certificate or certificates issued previously' is replaced by 'true copies of the evidence of origin issued or made out previously'.

15. In Annex II, Title, 'Article 1' is replaced by 'Article 3'.

Article 2

If it is established that the application of the new cumulation provisions leads to the effective incorporation of non-originating materials in such increased quantities that it causes, or threatens to cause, serious injury to a producing activity exercised in the territory of a contracting party, the contracting party involved may derogate from Article 1 (1) (b) (ii) and (2) (b) (ii) of Protocol 3. In such case, the cumulation rules previously applicable shall apply to the product(s) concerned. Such measures shall be notified to the Joint Committee without delay together with all the necessary details. Without prejudice to any safeguard measure taken, the Joint Committee shall, without delay, examine the situation so as to find a solution acceptable to the contracting parties.

Article 3

1. For the application of Article 2, during the trial period referred to in Article 4, the exporter shall indicate on the documentary evidence of origin by means of the symbol 'DC' those cases where in the Community or in Austria materials originating in Finland, Iceland, Norway, Sweden or Switzerland and in addition materials not originating in the Community, Austria or any of these countries are used.

2. Such indication shall be entered in box 7 of the EUR 1 certificate or, in the case of an exporter's declaration, it should be mentioned immediately after the indication of the country of origin.

Article 4

This Decision shall enter into force on 1 January 1989.

It shall apply until 31 December 1991.

Done at Brussels, 14 December 1988.

For the EEC—Austria Joint Committee
The President
G. WAAS

COUNCIL REGULATION (EEC) No 4272/88

of 21 December 1988

on the application of Decision No 5/88 of the EEC—Finland Joint Committee modifying Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in order to simplify the cumulation rules

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Article 1

Having regard to the proposal from the Commission,

Decision No 5/88 of the EEC—Finland Joint Committee shall apply in the Community.

Whereas the Agreement between the European Economic Community and the Republic of Finland ⁽¹⁾ was signed on 5 October 1973 and entered into force on 1 January 1974;

The text of the Decision is attached to this Regulation.

Whereas by virtue of Article 28 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which forms an integral part of the Agreement, the EEC—Finland Joint Committee has adopted Decision No 5/88 amending that Protocol;

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Whereas this Decision shall be applied in the Community,

It shall apply with effect from 1 January 1989.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 December 1988.

For the Council

The President

V. PAPANDREOU

⁽¹⁾ OJ No L 328, 28. 11. 1973, p. 2.

DECISION No 5/88 OF THE EEC—FINLAND JOINT COMMITTEE
of 12 December 1988

modifying Protocol 3 on the concept of 'originating products' and methods of administrative cooperation in order to simplify the cumulation rules

THE EEC—FINLAND JOINT COMMITTEE,

HAS DECIDED AS FOLLOWS:

Having regard to the Agreement between the European Economic Community, and the Republic of Finland, signed in Brussels on 5 October 1973,

Article 1

Protocol 3 is modified as follows:

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

Whereas, on the one hand, experience has shown that the complex nature of the present cumulation system in Protocol 3 is not likely to facilitate its use by operators nor its control by customs administrations;

Whereas, on the other hand, the present system of cumulation of origin does not represent the best incentive to use materials, parts or components furnished by one or more of the partner countries, as, in particular, the cumulative origin acquired in a particular commercial relationship is not necessarily acceptable in the case of export to other partner countries while the process of manufacture of the final product is strictly identical in the various commercial relationships concerned;

Whereas it is necessary to introduce a single unified cumulation system based on the concept that materials, parts and components originating in the other countries party to the different agreements concluded between the European Economic Community and Austria, Iceland, Norway, Sweden or Switzerland may be used in the manufacture of a product in the Community or in Finland without there being any particular provisions limiting the acquisition of cumulative origin;

Whereas therefore Articles 1, 2 and 3 as well as the provisions in Protocol 3 referring to these Articles must be consequently amended;

Whereas it is necessary to have a safeguard clause in order to avoid the new cumulation rules causing, or threatening to cause, serious injury to producers in the territory of either of the contracting parties;

Whereas it is necessary to review the effects of the introduction of the new cumulation rules after a period of experience to verify their economic effects; whereas, therefore, this Decision should apply for three years,

1. Articles 1, 2 and 3 are replaced as follows:

'Article 1

For the purpose of implementing the Agreement, and without prejudice to the provisions of Articles 2 and 3 of this Protocol, the following products shall be considered as:

1. products originating in the Community:

- (a) products wholly obtained in the Community within the meaning of Article 4 of this Protocol;
- (b) products obtained in the Community incorporating materials which have not been wholly obtained there, provided that:
 - (i) such materials have undergone sufficient working or processing in the Community within the meaning of Article 5 of this Protocol, or that
 - (ii) such materials originate in Finland, within the meaning of this Protocol, or in Austria, Iceland, Norway, Sweden or Switzerland pursuant to the provisions of Protocol 3 annexed to the Agreement between the Community and each of these countries and in so far as the said provisions are identical to those in this Protocol;

2. products originating in Finland:

- (a) products wholly obtained in Finland within the meaning of Article 4 of this Protocol;
- (b) products obtained in Finland incorporating materials which have not been wholly obtained there, provided that:
 - (i) such materials have undergone sufficient working or processing in Finland within the meaning of Article 5 of this Protocol, or that
 - (ii) such materials originate in the Community, within the meaning of this Protocol, or in Austria, Iceland, Norway,

Sweden or Switzerland pursuant to the provisions of Protocol 3 annexed to the Agreement between the Community and each of these countries or pursuant to the origin provisions in the Agreement governing trade between Finland and the said countries in so far as these provisions and those in the said Protocols are identical.

Article 2

1. Notwithstanding Article 1 (1) (b) (ii), products originating in Austria, Finland, Iceland, Norway, Sweden or Switzerland pursuant to the provisions of the Protocol 3 referred to in Article 1, and exported from the Community to Finland in the same state or having undergone in the Community no working or processing going beyond that referred to in Article 5 (5), retain their origin.

2. Notwithstanding the provisions of Article 1 (2) (b) (ii), products originating in the Community, within the meaning of this Protocol, or in Austria, Iceland, Norway, Sweden or Switzerland, pursuant to the origin provisions referred to in Article 1 and in so far as these provisions are identical to those in this Protocol, and exported from Finland into the Community in the same state or having undergone in Finland no working or processing going beyond that referred to in Article 5 (5), retain their origin.

3. For the purpose of implementing paragraphs 1 and 2, where products originating in the Community and in one or more of the countries referred to in Article 1 or in two or more of these countries are used and those products have undergone no working or processing in the Community or in Finland going beyond that referred to in Article 5 (5), the origin is determined by the product with the highest customs value or, if this is not known and cannot be ascertained, with the highest first ascertainable price paid for the products in the Community or in Finland.

Article 3

The products listed in Annex II shall be temporarily excluded from the scope of this Protocol. However, the provisions concerning administrative cooperation and Article 23 shall apply, *mutatis mutandis*, to these products.

2. In Article 5 (5), 'Article 1 (1) (b) and (2) (b)' is replaced by 'Article 1 (1) (b) (i) and (2) (b) (i)'.

3. Article 6 (3) is deleted.

4. In Article 8 (3), second subparagraph, 'mentioned in Article 2' is replaced by 'mentioned in Article 1'.

5. Article 9 is amended as follows:

- (a) Paragraph 3 is replaced as follows:

'3. The customs authorities of the Member States of the Community or Finland may issue EUR 1 certificates under the conditions laid down in this Protocol if the goods to be exported can be considered as products originating in the Community, Austria, Finland, Iceland, Norway, Sweden or Switzerland within the meaning of Article 2 of this Protocol and provided that the goods to be covered by the EUR 1 certificates are in the Community or in Finland.

In such cases, the issue of the EUR 1 certificates is subject to the presentation of the evidence of origin issued or made out previously.'

- (b) In the first subparagraph of paragraph 4, 'provided for in the Agreement' is replaced by 'provided for in the Agreements between the Community and the countries referred to in Article 1'.

- (c) The following paragraph 10 is added:

'10. The provisions of paragraphs 2 to 9 above shall apply, *mutatis mutandis*, to the evidence of origin made out by approved exporters under the conditions set out in Article 13.'

6. In Article 10 (5), 'and the EUR 1 certificates referred to in the second subparagraph of Article 9 (3)' is replaced by 'and the evidence of origin referred to in the second subparagraph of Article 9 (3)'.

7. In Article 13 (8) (a), 'referred to in Article 2 (1)' is replaced by 'referred to in Article 1'.

8. In Article 16 (1), 'referred to in Article 2' is replaced by 'referred to in Article 1'.

9. In Article 22, 'the Agreements referred to in Article 2' is replaced twice by 'the Agreements referred to in Article 1'.

10. In Article 23 (1), *in fine*, 'referred to in Article 2' is replaced by 'referred to in Article 1'.

11. In Article 24, paragraphs 3 and 4 are replaced as follows:

'3. For the application of Articles 1 (2) (b) (ii) and 2, products originating in Spain or products accompanied by a EUR 1 certificate with the symbol "ES" entered in box 7, "Remarks", that are imported into Finland and, not having undergone sufficient working or processing there to confer on them the status of products originating in Finland, are exported to a Member State of the Community other than Spain, or to Austria,

Iceland, Norway, Sweden or Switzerland, shall benefit, on import there only from a treatment identical to that which they would have received had they been imported directly from Spain.

4. For the application of paragraph 3, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of EUR 1 certificates issued in Finland.'

12. In Article 25 (2), 'mentioned in Article 2' is replaced by 'mentioned in Article 1'.

13. Article 27 is replaced as follows:

'Article 27

1. For the purpose of implementing Article 1 (1) (b) (ii) of this Protocol, any product originating in Austria, Iceland, Norway, Sweden or Switzerland shall be treated as a non-originating product during the period or periods in which Finland applies the rate of duty applicable to third countries or any corresponding safeguard measure to that product in respect of one of the said countries under the provisions governing trade between Finland and the said countries.

2. For the purpose of implementing Article 1 (2) (b) (ii) of this Protocol, any product originating in Austria, Iceland, Norway, Sweden or Switzerland shall be treated as a non-originating product during the period or periods in which the Community applies the rate of duty applicable to third countries to that product in respect of one of the said countries under the Agreement concluded by the Community with that country.'

14. Annex I (Explanatory Notes) is amended as follows:

(a) Note 3

- in the title, the reference to Article 3 is deleted,
- in the text of the note, 'specified in Article 2' is replaced by 'specified in Article 1'.

(b) Note 9

'True copies of the EUR 1 certificate or certificates issued previously' is replaced by 'true copies of the evidence of origin issued or made out previously'.

15. In Annex II, Title, 'Article 1' is replaced by 'Article 3'.

Article 2

If it is established that the application of the new cumulation provisions leads to the effective incorporation of non-originating materials in such increased quantities that it causes, or threatens to cause, serious injury to a producing activity exercised in the territory of a contracting party, the contracting party involved may derogate from Article 1 (1) (b) (ii) and (2) (b) (ii) of Protocol 3. In such case, the cumulation rules previously applicable shall apply to the product(s) concerned. Such measures shall be notified to the Joint Committee without delay together with all the necessary details. Without prejudice to any safeguard measure taken, the Joint Committee shall, without delay, examine the situation so as to find a solution acceptable to the contracting parties.

Article 3

1. For the application of Article 2, during the trial period referred to in Article 4, the exporter shall indicate on the documentary evidence of origin by means of the symbol 'DC' those cases where in the Community or in Finland materials originating in Austria, Iceland, Norway, Sweden or Switzerland and in addition materials not originating in the Community, Finland or any of these countries are used.

2. Such indication shall be entered in box 7 of the EUR 1 certificate or, in the case of an exporter's declaration, it should be mentioned immediately after the indication of the country of origin.

Article 4

This Decision shall enter into force on 1 January 1989.

It shall apply until 31 December 1991.

Done at Brussels, 12 December 1988.

For the EEC—Finland Joint Committee

The President

P. BENAVIDES

COUNCIL REGULATION (EEC) No 4273/88

of 21 December 1988

on the application of Decision No 5/88 of the EEC—Iceland Joint Committee modifying Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in order to simplify the cumulation rules

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Article 1

Having regard to the proposal from the Commission,

Decision No 5/88 of the EEC—Iceland Joint Committee shall apply in the Community.

Whereas the Agreement between the European Economic Community and the Republic of Iceland ⁽¹⁾ was signed on 22 July 1972 and entered into force on 1 April 1973;

The text of the Decision is attached to this Regulation.

Whereas by virtue of Article 28 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which forms an integral part of the Agreement, the EEC—Iceland Joint Committee has adopted Decision No 5/88 amending that Protocol;

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Whereas this Decision shall be applied in the Community,

It shall apply with effect from 1 January 1989.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 December 1988.

For the Council

The President

V. PAPANDREOU

⁽¹⁾ OJ No L 301, 31. 12. 1972, p. 2.

DECISION No 5/88 OF THE EEC—ICELAND JOINT COMMITTEE

of 16 December 1988

modifying Protocol 3 on the concept of 'originating products' and methods of administrative cooperation in order to simplify the cumulation rules

THE EEC—ICELAND JOINT COMMITTEE,

HAS DECIDED AS FOLLOWS:

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

Article 1

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

Whereas, on the one hand, experience has shown that the complex nature of the present cumulation system in Protocol 3 is not likely to facilitate its use by operators nor its control by customs administrations;

Whereas, on the other hand, the present system of cumulation of origin does not represent the best incentive to use materials, parts or components furnished by one or more of the partner countries, as, in particular, the cumulative origin acquired in a particular commercial relationship is not necessarily acceptable in the case of export to other partner countries while the process of manufacture of the final product is strictly identical in the various commercial relationships concerned;

Whereas it is necessary to introduce a single unified cumulation system based on the concept that materials, parts and components originating in the other countries party to the different agreements concluded between the European Economic Community and Austria, Finland, Norway, Sweden or Switzerland may be used in the manufacture of a product in the Community or in Iceland without there being any particular provisions limiting the acquisition of cumulative origin;

Whereas therefore Articles 1, 2 and 3 as well as the provisions in Protocol 3 referring to these Articles must be consequently amended;

Whereas it is necessary to have a safeguard clause in order to avoid the new cumulation rules causing, or threatening to cause, serious injury to producers in the territory of either of the contracting parties;

Whereas it is necessary to review the effects of the introduction of the new cumulation rules after a period of experience to verify their economic effects; whereas, therefore, this Decision should apply for three years,

Protocol 3 is modified as follows:

1. Articles 1, 2 and 3 are replaced as follows:

'Article 1

For the purpose of implementing the Agreement, and without prejudice to the provisions of Articles 2 and 3 of this Protocol, the following products shall be considered as:

1. products originating in the Community:

- (a) products wholly obtained in the Community within the meaning of Article 4 of this Protocol;
- (b) products obtained in the Community incorporating materials which have not been wholly obtained there, provided that:
 - (i) such materials have undergone sufficient working or processing in the Community within the meaning of Article 5 of this Protocol, or that
 - (ii) such materials originate in Iceland, within the meaning of this Protocol, or in Austria, Finland, Norway, Sweden or Switzerland pursuant to the provisions of Protocol 3 annexed to the Agreement between the Community and each of these countries and in so far as the said provisions are identical to those in this Protocol;

2. products originating in Iceland:

- (a) products wholly obtained in Iceland within the meaning of Article 4 of this Protocol;
- (b) products obtained in Iceland incorporating materials which have not been wholly obtained there, provided that:
 - (i) such materials have undergone sufficient working or processing in Iceland within the meaning of Article 5 of this Protocol, or that
 - (ii) such materials originate in the Community, within the meaning of this Protocol, or in Austria, Finland,

Norway, Sweden or Switzerland pursuant to the provisions of Protocol 3 annexed to the Agreement between the Community and each of these countries or pursuant to the origin provisions in the Agreement governing trade between Iceland and the said countries in so far as these provisions and those in the said Protocols are identical.

Article 2

1. Notwithstanding Article 1 (1) (b) (ii), products originating in Austria, Finland, Iceland, Norway, Sweden or Switzerland pursuant to the provisions of the Protocol 3 referred to in Article 1, and exported from the Community to Iceland in the same state or having undergone in the Community no working or processing going beyond that referred to in Article 5 (5), retain their origin.

2. Notwithstanding the provisions of Article 1 (2) (b) (ii), products originating in the Community, within the meaning of this Protocol, or in Austria, Finland, Norway, Sweden or Switzerland, pursuant to the origin provisions referred to in Article 1 and in so far as these provisions are identical to those in this Protocol, and exported from Iceland into the Community in the same state or having undergone in Iceland no working or processing going beyond that referred to in Article 5 (5), retain their origin.

3. For the purpose of implementing paragraphs 1 and 2, where products originating in the Community and in one or more of the countries referred to in Article 1 or in two or more of these countries are used and those products have undergone no working or processing in the Community or in Iceland going beyond that referred to in Article 5 (5), the origin is determined by the product with the highest customs value or, if this is not known and cannot be ascertained, with the highest first ascertainable price paid for the products in the Community or in Iceland.

Article 3

The products listed in Annex II shall be temporarily excluded from the scope of this Protocol. However, the provisions concerning administrative cooperation and Article 23 shall apply, *mutatis mutandis*, to these products.'

2. In Article 5 (5), 'Article 1 (1) (b) and (2) (b)' is replaced by 'Article 1 (1) (b) (i) and (2) (b) (i)'.

3. Article 6 (3) is deleted.

4. In Article 8 (3), second subparagraph, 'mentioned in Article 2' is replaced by 'mentioned in Article 1'.

5. Article 9 is amended as follows:

- (a) Paragraph 3 is replaced as follows:

'3. The customs authorities of the Member States of the Community or Iceland may issue EUR 1 certificates under the conditions laid down in this Protocol if the goods to be exported can be considered as products originating in the Community, Austria, Finland, Iceland, Norway, Sweden or Switzerland within the meaning of Article 2 of this Protocol and provided that the goods to be covered by the EUR 1 certificates are in the Community or in Iceland.

In such cases, the issue of the EUR 1 certificates is subject to the presentation of the evidence of origin issued or made out previously.'

- (b) In the first subparagraph of paragraph 4, 'provided for in the Agreement' is replaced by 'provided for in the Agreements between the Community and the countries referred to in Article 1'.

- (c) The following paragraph 10 is added:

'10. The provisions of paragraphs 2 to 9 above shall apply, *mutatis mutandis*, to the evidence of origin made out by approved exporters under the conditions set out in Article 13.'

6. In Article 10 (5), 'and the EUR 1 certificates referred to in the second subparagraph of Article 9 (3)' is replaced by 'and the evidence of origin referred to in the second subparagraph of Article 9 (3)'.

7. In Article 13 (8) (a), 'referred to in Article 2 (1)' is replaced by 'referred to in Article 1'.

8. In Article 16 (1), 'referred to in Article 2' is replaced by 'referred to in Article 1'.

9. In Article 22, 'the Agreements referred to in Article 2' is replaced twice by 'the Agreements referred to in Article 1'.

10. In Article 23 (1), *in fine*, 'referred to in Article 2' is replaced by 'referred to in Article 1'.

11. In Article 24, paragraphs 3 and 4 are replaced as follows:

'3. For the application of Articles 1 (2) (b) (ii) and 2, products originating in Spain or products accompanied by a EUR 1 certificate with the symbol "ES" entered in box 7, "Remarks", that are imported into Iceland and, not having undergone sufficient working or processing there to confer on them the status of products originating in Iceland, are exported to a Member State of the Community other than Spain, or to Austria,

Finland, Norway, Sweden or Switzerland, shall benefit, on import there only from a treatment identical to that which they would have received had they been imported directly from Spain.

4. For the application of paragraph 3, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of EUR 1 certificates issued in Iceland.'

12. In Article 25 (2), 'mentioned in Article 2' is replaced by 'mentioned in Article 1'.

13. Article 27 is replaced as follows:

'Article 27

1. For the purpose of implementing Article 1 (1) (b) (ii) of this Protocol, any product originating in Austria, Finland, Norway, Sweden or Switzerland shall be treated as a non-originating product during the period or periods in which Iceland applies the rate of duty applicable to third countries or any corresponding safeguard measure to that product in respect of one of the said countries under the provisions governing trade between Iceland and the said countries.

2. For the purpose of implementing Article 1 (2) (b) (ii) of this Protocol, any product originating in Austria, Finland, Norway, Sweden or Switzerland shall be treated as a non-originating product during the period or periods in which the Community applies the rate of duty applicable to third countries to that product in respect of one of the said countries under the Agreement concluded by the Community with that country.'

14. Annex I (Explanatory Notes) is amended as follows:

(a) Note 3

— in the title, the reference to Article 3 is deleted,

— in the text of the note, 'specified in Article 2' is replaced by 'specified in Article 1'.

(b) Note 9

'True copies of the EUR 1 certificate or certificates issued previously' is replaced by 'true copies of the evidence of origin issued or made out previously'.

15. In Annex II, Title, 'Article 1' is replaced by 'Article 3'.

Article 2

If it is established that the application of the new cumulation provisions leads to the effective incorporation of non-originating materials in such increased quantities that it causes, or threatens to cause, serious injury to a producing activity exercised in the territory of a contracting party, the contracting party involved may derogate from Article 1 (1) (b) (ii) and (2) (b) (ii) of Protocol 3. In such case, the cumulation rules previously applicable shall apply to the product(s) concerned. Such measures shall be notified to the Joint Committee without delay together with all the necessary details. Without prejudice to any safeguard measure taken, the Joint Committee shall, without delay, examine the situation so as to find a solution acceptable to the contracting parties.

Article 3

1. For the application of Article 2, during the trial period referred to in Article 4, the exporter shall indicate on the documentary evidence of origin by means of the symbol 'DC' those cases where in the Community or in Iceland materials originating in Austria, Finland, Norway, Sweden or Switzerland and in addition materials not originating in the Community, Iceland or any of these countries are used.

2. Such indication shall be entered in box 7 of the EUR 1 certificate or, in the case of an exporter's declaration, it should be mentioned immediately after the indication of the country of origin.

Article 4

This Decision shall enter into force on 1 January 1989.

It shall apply until 31 December 1991.

Done at Brussels, 16 December 1988.

For the EEC—Iceland Joint Committee

The President

P. BENAVIDES

COUNCIL REGULATION (EEC) No 4274/88

of 21 December 1988

on the application of Decision No 5/88 of the EEC—Norway Joint Committee modifying Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in order to simplify the cumulation rules

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Article 1

Having regard to the proposal from the Commission,

Decision No 5/88 of the EEC—Norway Joint Committee shall apply in the Community.

Whereas the Agreement between the European Economic Community and the Kingdom of Norway ⁽¹⁾ was signed on 14 May 1973 and entered into force on 1 July 1973;

The text of the Decision is attached to this Regulation.

Whereas by virtue of Article 28 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which forms an integral part of the Agreement, the EEC—Norway Joint Committee has adopted Decision No 5/88 amending that Protocol;

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Whereas this Decision shall be applied in the Community,

It shall apply with effect from 1 January 1989.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 December 1988.

For the Council

The President

V. PAPANDREOU

⁽¹⁾ OJ No L 171, 27. 6. 1973, p. 2.

DECISION No 5/88 OF THE EEC—NORWAY JOINT COMMITTEE

of 5 December 1988

modifying Protocol 3 on the concept of 'originating products' and methods of administrative cooperation in order to simplify the cumulation rules

THE EEC—NORWAY JOINT COMMITTEE,

HAS DECIDED AS FOLLOWS:

Having regard to the Agreement between the European Economic Community, and the Kingdom of Norway, signed in Brussels on 14 May 1973,

Article 1

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

Whereas, on the one hand, experience has shown that the complex nature of the present cumulation system in Protocol 3 is not likely to facilitate its use by operators nor its control by customs administrations;

Whereas, on the other hand, the present system of cumulation of origin does not represent the best incentive to use materials, parts or components furnished by one or more of the partner countries, as, in particular, the cumulative origin acquired in a particular commercial relationship is not necessarily acceptable in the case of export to other partner countries while the process of manufacture of the final product is strictly identical in the various commercial relationships concerned;

Whereas it is necessary to introduce a single unified cumulation system based on the concept that materials, parts and components originating in the other countries party to the different agreements concluded between the European Economic Community and Austria, Finland, Iceland, Sweden or Switzerland may be used in the manufacture of a product in the Community or in Norway without there being any particular provisions limiting the acquisition of cumulative origin;

Whereas therefore Articles 1, 2 and 3 as well as the provisions in Protocol 3 referring to these Articles must be consequently amended;

Whereas it is necessary to have a safeguard clause in order to avoid the new cumulation rules causing, or threatening to cause, serious injury to producers in the territory of either of the contracting parties;

Whereas it is necessary to review the effects of the introduction of the new cumulation rules after a period of experience to verify their economic effects; whereas, therefore, this Decision should apply for three years,

Protocol 3 is modified as follows:

1. Articles 1, 2 and 3 are replaced as follows:

'Article 1

For the purpose of implementing the Agreement, and without prejudice to the provisions of Articles 2 and 3 of this Protocol, the following products shall be considered as:

1. products originating in the Community:

- (a) products wholly obtained in the Community within the meaning of Article 4 of this Protocol;
- (b) products obtained in the Community incorporating materials which have not been wholly obtained there, provided that:
 - (i) such materials have undergone sufficient working or processing in the Community within the meaning of Article 5 of this Protocol, or that
 - (ii) such materials originate in Norway, within the meaning of this Protocol, or in Austria, Finland, Iceland, Sweden or Switzerland pursuant to the provisions of Protocol 3 annexed to the Agreement between the Community and each of these countries and in so far as the said provisions are identical to those in this Protocol;

2. products originating in Norway:

- (a) products wholly obtained in Norway within the meaning of Article 4 of this Protocol;
- (b) products obtained in Norway incorporating materials which have not been wholly obtained there, provided that:
 - (i) such materials have undergone sufficient working or processing in Norway within the meaning of Article 5 of this Protocol, or that
 - (ii) such materials originate in the Community, within the meaning of this Protocol, or in Austria, Finland, Iceland,

Sweden or Switzerland pursuant to the provisions of Protocol 3 annexed to the Agreement between the Community and each of these countries or pursuant to the origin provisions in the Agreement governing trade between Norway and the said countries in so far as these provisions and those in the said Protocols are identical.

Article 2

1. Notwithstanding Article 1 (1) (b) (ii), products originating in Austria, Finland, Iceland, Norway, Sweden or Switzerland pursuant to the provisions of the Protocol 3 referred to in Article 1, and exported from the Community to Norway in the same state or having undergone in the Community no working or processing going beyond that referred to in Article 5 (5), retain their origin.

2. Notwithstanding the provisions of Article 1 (2) (b) (ii), products originating in the Community, within the meaning of this Protocol, or in Austria, Finland, Iceland, Sweden or Switzerland, pursuant to the origin provisions referred to in Article 1 and in so far as these provisions are identical to those in this Protocol, and exported from Norway into the Community in the same state or having undergone in Norway no working or processing going beyond that referred to in Article 5 (5), retain their origin.

3. For the purpose of implementing paragraphs 1 and 2, where products originating in the Community and in one or more of the countries referred to in Article 1 or in two or more of these countries are used and those products have undergone no working or processing in the Community or in Norway going beyond that referred to in Article 5 (5), the origin is determined by the product with the highest customs value or, if this is not known and cannot be ascertained, with the highest first ascertainable price paid for the products in the Community or in Norway.

Article 3

The products listed in Annex II shall be temporarily excluded from the scope of this Protocol. However, the provisions concerning administrative cooperation and Article 23 shall apply, *mutatis mutandis*, to these products.

2. In Article 5 (5), 'Article 1 (1) (b) and (2) (b)' is replaced by 'Article 1 (1) (b) (i) and (2) (b) (i)'.

3. Article 6 (3) is deleted.

4. In Article 8 (3), second subparagraph, 'mentioned in Article 2' is replaced by 'mentioned in Article 1'.

5. Article 9 is amended as follows:

- (a) Paragraph 3 is replaced as follows:

'3. The customs authorities of the Member States of the Community or Norway may issue EUR 1 certificates under the conditions laid down in this Protocol if the goods to be exported can be considered as products originating in the Community, Austria, Finland, Iceland, Norway, Sweden or Switzerland within the meaning of Article 2 of this Protocol and provided that the goods to be covered by the EUR 1 certificates are in the Community or in Norway.

In such cases, the issue of the EUR 1 certificates is subject to the presentation of the evidence of origin issued or made out previously.'

- (b) In the first subparagraph of paragraph 4, 'provided for in the Agreement' is replaced by 'provided for in the Agreements between the Community and the countries referred to in Article 1'.

- (c) The following paragraph 10 is added:

'10. The provisions of paragraphs 2 to 9 above shall apply, *mutatis mutandis*, to the evidence of origin made out by approved exporters under the conditions set out in Article 13.'

6. In Article 10 (5), 'and the EUR 1 certificates referred to in the second subparagraph of Article 9 (3)' is replaced by 'and the evidence of origin referred to in the second subparagraph of Article 9 (3)'.

7. In Article 13 (8) (a), 'referred to in Article 2 (1)' is replaced by 'referred to in Article 1'.

8. In Article 16 (1), 'referred to in Article 2' is replaced by 'referred to in Article 1'.

9. In Article 22, 'the Agreements referred to in Article 2' is replaced twice by 'the Agreements referred to in Article 1'.

10. In Article 23 (1), *in fine*, 'referred to in Article 2' is replaced by 'referred to in Article 1'.

11. In Article 24, paragraphs 3 and 4 are replaced as follows:

'3. For the application of Articles 1 (2) (b) (ii) and 2, products originating in Spain or products accompanied by a EUR 1 certificate with the symbol "ES" entered in box 7, "Remarks", that are imported into Norway and, not having undergone sufficient working or processing there to confer on them the status of products originating in Norway, are exported to a Member State of the Community other than Spain, or to Austria,

Finland, Iceland, Sweden or Switzerland, shall benefit, on import there only from a treatment identical to that which they would have received had they been imported directly from Spain.

4. For the application of paragraph 3, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of EUR 1 certificates issued in Norway.'

12. In Article 25 (2), 'mentioned in Article 2' is replaced by 'mentioned in Article 1'.

13. Article 27 is replaced as follows:

'Article 27

1. For the purpose of implementing Article 1 (1) (b) (ii) of this Protocol, any product originating in Austria, Finland, Iceland, Sweden or Switzerland shall be treated as a non-originating product during the period or periods in which Norway applies the rate of duty applicable to third countries or any corresponding safeguard measure to that product in respect of one of the said countries under the provisions governing trade between Norway and the said countries.

2. For the purpose of implementing Article 1 (2) (b) (ii) of this Protocol, any product originating in Austria, Finland, Iceland, Sweden or Switzerland shall be treated as a non-originating product during the period or periods in which the Community applies the rate of duty applicable to third countries to that product in respect of one of the said countries under the Agreement concluded by the Community with that country.'

14. Annex I (Explanatory Notes) is amended as follows:

(a) Note 3

- in the title, the reference to Article 3 is deleted,
- in the text of the note, 'specified in Article 2' is replaced by 'specified in Article 1'.

(b) Note 9

'True copies of the EUR 1 certificate or certificates issued previously' is replaced by 'true copies of the evidence of origin issued or made out previously'.

15. In Annex II, Title, 'Article 1' is replaced by 'Article 3'.

Article 2

If it is established that the application of the new cumulation provisions leads to the effective incorporation of non-originating materials in such increased quantities that it causes, or threatens to cause, serious injury to a producing activity exercised in the territory of a contracting party, the contracting party involved may derogate from Article 1 (1) (b) (ii) and (2) (b) (ii) of Protocol 3. In such case, the cumulation rules previously applicable shall apply to the product(s) concerned. Such measures shall be notified to the Joint Committee without delay together with all the necessary details. Without prejudice to any safeguard measure taken, the Joint Committee shall, without delay, examine the situation so as to find a solution acceptable to the contracting parties.

Article 3

1. For the application of Article 2, during the trial period referred to in Article 4, the exporter shall indicate on the documentary evidence of origin by means of the symbol 'DC' those cases where in the Community or in Norway materials originating in Austria, Finland, Iceland, Sweden or Switzerland and in addition materials not originating in the Community, Norway or any of these countries are used.

2. Such indication shall be entered in box 7 of the EUR 1 certificate or, in the case of an exporter's declaration, it should be mentioned immediately after the indication of the country of origin.

Article 4

This Decision shall enter into force on 1 January 1989.

It shall apply until 31 December 1991.

Done at Brussels, 5 December 1988.

For the EEC—Norway Joint Committee

The President

C. BERG-NIELSEN

COUNCIL REGULATION (EEC) No 4275/88

of 21 December 1988

on the application of Decision No 5/88 of the EEC—Sweden Joint Committee modifying Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in order to simplify the cumulation rules

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Article 1

Having regard to the proposal from the Commission,

Decision No 5/88 of the EEC—Sweden Joint Committee shall apply in the Community.

Whereas the Agreement between the European Economic Community and the Kingdom of Sweden ⁽¹⁾ was signed on 22 July 1972 and entered into force on 1 January 1973;

The text of the Decision is attached to this Regulation.

Whereas by virtue of Article 28 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which forms an integral part of the Agreement, the EEC—Sweden Joint Committee has adopted Decision No 5/88 amending that Protocol;

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Whereas this Decision shall be applied in the Community,

It shall apply with effect from 1 January 1989.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 December 1988.

For the Council

The President

V. PAPANDREOU

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 97.

DECISION No 5/88 OF THE EEC—SWEDEN JOINT COMMITTEE

of 5 December 1988

modifying Protocol 3 on the concept of 'originating products' and methods of administrative cooperation in order to simplify the cumulation rules

THE EEC—SWEDEN JOINT COMMITTEE,

HAS DECIDED AS FOLLOWS:

Having regard to the Agreement between the European Economic Community, and the Kingdom of Sweden, signed in Brussels on 22 July 1972,

Article 1

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

Whereas, on the one hand, experience has shown that the complex nature of the present cumulation system in Protocol 3 is not likely to facilitate its use by operators nor its control by customs administrations;

Whereas, on the other hand, the present system of cumulation of origin does not represent the best incentive to use materials, parts or components furnished by one or more of the partner countries, as, in particular, the cumulative origin acquired in a particular commercial relationship is not necessarily acceptable in the case of export to other partner countries while the process of manufacture of the final product is strictly identical in the various commercial relationships concerned;

Whereas it is necessary to introduce a single unified cumulation system based on the concept that materials, parts and components originating in the other countries party to the different agreements concluded between the European Economic Community and Austria, Finland, Iceland, Norway, or Switzerland may be used in the manufacture of a product in the Community or in Sweden without there being any particular provisions limiting the acquisition of cumulative origin;

Whereas therefore Articles 1, 2 and 3 as well as the provisions in Protocol 3 referring to these Articles must be consequently amended;

Whereas it is necessary to have a safeguard clause in order to avoid the new cumulation rules causing, or threatening to cause, serious injury to producers in the territory of either of the contracting parties;

Whereas it is necessary to review the effects of the introduction of the new cumulation rules after a period of experience to verify their economic effects; whereas, therefore, this Decision should apply for three years,

Protocol 3 is modified as follows:

1. Articles 1, 2 and 3 are replaced as follows:

'Article 1

For the purpose of implementing the Agreement, and without prejudice to the provisions of Articles 2 and 3 of this Protocol, the following products shall be considered as:

1. products originating in the Community:

- (a) products wholly obtained in the Community within the meaning of Article 4 of this Protocol;
- (b) products obtained in the Community incorporating materials which have not been wholly obtained there, provided that:
 - (i) such materials have undergone sufficient working or processing in the Community within the meaning of Article 5 of this Protocol, or that
 - (ii) such materials originate in Sweden, within the meaning of this Protocol, or in Austria, Finland, Iceland, Norway or Switzerland pursuant to the provisions of Protocol 3 annexed to the Agreement between the Community and each of these countries and in so far as the said provisions are identical to those in this Protocol;

2. products originating in Sweden:

- (a) products wholly obtained in Sweden within the meaning of Article 4 of this Protocol;
- (b) products obtained in Sweden incorporating materials which have not been wholly obtained there, provided that:
 - (i) such materials have undergone sufficient working or processing in Sweden within the meaning of Article 5 of this Protocol, or that
 - (ii) such materials originate in the Community, within the meaning of this Protocol, or in Austria, Finland, Iceland,

Norway or Switzerland pursuant to the provisions of Protocol 3 annexed to the Agreement between the Community and each of these countries or pursuant to the origin provisions in the Agreement governing trade between Sweden and the said countries in so far as these provisions and those in the said Protocols are identical.

Article 2

1. Notwithstanding Article 1 (1) (b) (ii), products originating in Austria, Finland, Iceland, Norway, Sweden or Switzerland pursuant to the provisions of the Protocol 3 referred to in Article 1, and exported from the Community to Sweden in the same state or having undergone in the Community no working or processing going beyond that referred to in Article 5 (5), retain their origin.

2. Notwithstanding the provisions of Article 1 (2) (b) (ii), products originating in the Community, within the meaning of this Protocol, or in Austria, Finland, Iceland, Norway or Switzerland, pursuant to the origin provisions referred to in Article 1 and in so far as these provisions are identical to those in this Protocol, and exported from Sweden into the Community in the same state or having undergone in Sweden no working or processing going beyond that referred to in Article 5 (5), retain their origin.

3. For the purpose of implementing paragraphs 1 and 2, where products originating in the Community and in one or more of the countries referred to in Article 1 or in two or more of these countries are used and those products have undergone no working or processing in the Community or in Sweden going beyond that referred to in Article 5 (5), the origin is determined by the product with the highest customs value or, if this is not known and cannot be ascertained, with the highest first ascertainable price paid for the products in the Community or in Sweden.

Article 3

The products listed in Annex II shall be temporarily excluded from the scope of this Protocol. However, the provisions concerning administrative cooperation and Article 23 shall apply, *mutatis mutandis*, to these products.'

2. In Article 5 (5), 'Article 1 (1) (b) and (2) (b)' is replaced by 'Article 1 (1) (b) (i) and (2) (b) (i)'.

3. Article 6 (3) is deleted.

4. In Article 8 (3), second subparagraph, 'mentioned in Article 2' is replaced by 'mentioned in Article 1'.

5. Article 9 is amended as follows:

- (a) Paragraph 3 is replaced as follows:

'3. The customs authorities of the Member States of the Community or Sweden may issue EUR 1 certificates under the conditions laid down in this Protocol if the goods to be exported can be considered as products originating in the Community, Austria, Finland, Iceland, Norway, Sweden or Switzerland within the meaning of Article 2 of this Protocol and provided that the goods to be covered by the EUR 1 certificates are in the Community or in Sweden.

In such cases, the issue of the EUR 1 certificates is subject to the presentation of the evidence of origin issued or made out previously.'

- (b) In the first subparagraph of paragraph 4, 'provided for in the Agreement' is replaced by 'provided for in the Agreements between the Community and the countries referred to in Article 1'.

- (c) The following paragraph 10 is added:

'10. The provisions of paragraphs 2 to 9 above shall apply, *mutatis mutandis*, to the evidence of origin made out by approved exporters under the conditions set out in Article 13.'

6. In Article 10 (5), 'and the EUR 1 certificates referred to in the second subparagraph of Article 9 (3)' is replaced by 'and the evidence of origin referred to in the second subparagraph of Article 9 (3)'.

7. In Article 13 (8) (a), 'referred to in Article 2 (1)' is replaced by 'referred to in Article 1'.

8. In Article 16 (1), 'referred to in Article 2' is replaced by 'referred to in Article 1'.

9. In Article 22, 'the Agreements referred to in Article 2' is replaced twice by 'the Agreements referred to in Article 1'.

10. In Article 23 (1), *in fine*, 'referred to in Article 2' is replaced by 'referred to in Article 1'.

11. In Article 24, paragraphs 3 and 4 are replaced as follows:

'3. For the application of Articles 1 (2) (b) (ii) and 2, products originating in Spain or products accompanied by a EUR 1 certificate with the symbol "ES" entered in box 7, "Remarks", that are imported into Sweden and, not having undergone sufficient working or processing there to confer on them the status of products originating in Sweden, are exported to a Member State of the Community other than Spain, or to Austria,

Finland, Iceland, Norway or Switzerland, shall benefit, on import there only from a treatment identical to that which they would have received had they been imported directly from Spain.

4. For the application of paragraph 3, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of EUR 1 certificates issued in Sweden.'

12. In Article 25 (2), 'mentioned in Article 2' is replaced by 'mentioned in Article 1'.

13. Article 27 is replaced as follows:

'Article 27

1. For the purpose of implementing Article 1 (1) (b) (ii) of this Protocol, any product originating in Austria, Finland, Iceland, Norway or Switzerland shall be treated as a non-originating product during the period or periods in which Sweden applies the rate of duty applicable to third countries or any corresponding safeguard measure to that product in respect of one of the said countries under the provisions governing trade between Sweden and the said countries.

2. For the purpose of implementing Article 1 (2) (b) (ii) of this Protocol, any product originating in Austria, Finland, Iceland, Norway or Switzerland shall be treated as a non-originating product during the period or periods in which the Community applies the rate of duty applicable to third countries to that product in respect of one of the said countries under the Agreement concluded by the Community with that country.'

14. Annex I (Explanatory Notes) is amended as follows:

(a) Note 3

- in the title, the reference to Article 3 is deleted,
- in the text of the note, 'specified in Article 2' is replaced by 'specified in Article 1'.

(b) Note 9

'True copies of the EUR 1 certificate or certificates issued previously' is replaced by 'true copies of the evidence of origin issued or made out previously'.

15. In Annex II, Title, 'Article 1' is replaced by 'Article 3'.

Article 2

If it is established that the application of the new cumulation provisions leads to the effective incorporation of non-originating materials in such increased quantities that it causes, or threatens to cause, serious injury to a producing activity exercised in the territory of a contracting party, the contracting party involved may derogate from Article 1 (1) (b) (ii) and (2) (b) (ii) of Protocol 3. In such case, the cumulation rules previously applicable shall apply to the product(s) concerned. Such measures shall be notified to the Joint Committee without delay together with all the necessary details. Without prejudice to any safeguard measure taken, the Joint Committee shall, without delay, examine the situation so as to find a solution acceptable to the contracting parties.

Article 3

1. For the application of Article 2, during the trial period referred to in Article 4, the exporter shall indicate on the documentary evidence of origin by means of the symbol 'DC' those cases where in the Community or in Sweden materials originating in Austria, Finland, Iceland, Norway or Switzerland and in addition materials not originating in the Community, Sweden or any of these countries are used.

2. Such indication shall be entered in box 7 of the EUR 1 certificate or, in the case of an exporter's declaration, it should be mentioned immediately after the indication of the country of origin.

Article 4

This Decision shall enter into force on 1 January 1989.

It shall apply until 31 December 1991.

Done at Brussels, 5 December 1988.

For the EEC—Sweden Joint Committee

The President

P. BENAVIDES

COUNCIL REGULATION (EEC) No 4276/88

of 21 December 1988

on the application of Decision No 5/88 of the EEC—Switzerland Joint Committee modifying Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation in order to simplify the cumulation rules

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS REGULATION:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Article 1

Having regard to the proposal from the Commission,

Decision No 5/88 of the EEC—Switzerland Joint Committee shall apply in the Community.

Whereas the Agreement between the European Economic Community and the Swiss Confederation ⁽¹⁾ was signed on 22 July 1972 and entered into force on 1 January 1973;

The text of the Decision is attached to this Regulation.

Whereas by virtue of Article 28 of Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which forms an integral part of the Agreement, the EEC—Switzerland Joint Committee has adopted Decision No 5/88 amending that Protocol;

Article 2

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Whereas this Decision shall be applied in the Community,

It shall apply with effect from 1 January 1989.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 December 1988.

For the Council

The President

V. PAPANDREOU

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 189.

DECISION No 5/88 OF THE EEC—SWITZERLAND JOINT COMMITTEE

of 6 December 1988

modifying Protocol 3 on the concept of 'originating products' and methods of administrative cooperation in order to simplify the cumulation rules

THE EEC—SWITZERLAND JOINT COMMITTEE,

HAS DECIDED AS FOLLOWS:

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

Article 1

Protocol 3 is modified as follows:

1. Articles 1, 2 and 3 are replaced as follows:

'Article 1

For the purpose of implementing the Agreement, and without prejudice to the provisions of Articles 2 and 3 of this Protocol, the following products shall be considered as:

1. products originating in the Community:
 - (a) products wholly obtained in the Community within the meaning of Article 4 of this Protocol;
 - (b) products obtained in the Community incorporating materials which have not been wholly obtained there, provided that:
 - (i) such materials have undergone sufficient working or processing in the Community within the meaning of Article 5 of this Protocol, or that
 - (ii) such materials originate in Switzerland, within the meaning of this Protocol, or in Austria, Finland, Iceland, Norway or Sweden pursuant to the provisions of Protocol 3 annexed to the Agreement between the Community and each of these countries and in so far as the said provisions are identical to those in this Protocol;
2. products originating in Switzerland:
 - (a) products wholly obtained in Switzerland within the meaning of Article 4 of this Protocol;
 - (b) products obtained in Switzerland incorporating materials which have not been wholly obtained there, provided that:
 - (i) such materials have undergone sufficient working or processing in Switzerland within the meaning of Article 5 of this Protocol, or that
 - (ii) such materials originate in the Community, within the meaning of this Protocol, or in Austria, Finland, Iceland,

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

Whereas, on the one hand, experience has shown that the complex nature of the present cumulation system in Protocol 3 is not likely to facilitate its use by operators nor its control by customs administrations;

Whereas, on the other hand, the present system of cumulation of origin does not represent the best incentive to use materials, parts or components furnished by one or more of the partner countries, as, in particular, the cumulative origin acquired in a particular commercial relationship is not necessarily acceptable in the case of export to other partner countries while the process of manufacture of the final product is strictly identical in the various commercial relationships concerned;

Whereas it is necessary to introduce a single unified cumulation system based on the concept that materials, parts and components originating in the other countries party to the different agreements concluded between the European Economic Community and Austria, Finland, Iceland, Norway or Sweden may be used in the manufacture of a product in the Community or in Switzerland without there being any particular provisions limiting the acquisition of cumulative origin;

Whereas therefore Articles 1, 2 and 3 as well as the provisions in Protocol 3 referring to these Articles must be consequently amended;

Whereas it is necessary to have a safeguard clause in order to avoid the new cumulation rules causing, or threatening to cause, serious injury to producers in the territory of either of the contracting parties;

Whereas it is necessary to review the effects of the introduction of the new cumulation rules after a period of experience to verify their economic effects; whereas, therefore, this Decision should apply for three years,

Norway or Sweden pursuant to the provisions of Protocol 3 annexed to the Agreement between the Community and each of these countries or pursuant to the origin provisions in the Agreement governing trade between Switzerland and the said countries in so far as these provisions and those in the said Protocols are identical.

Article 2

1. Notwithstanding Article 1 (1) (b) (ii), products originating in Austria, Finland, Iceland, Norway, Sweden or Switzerland pursuant to the provisions of the Protocol 3 referred to in Article 1, and exported from the Community to Switzerland in the same state or having undergone in the Community no working or processing going beyond that referred to in Article 5 (5), retain their origin.

2. Notwithstanding the provisions of Article 1 (2) (b) (ii), products originating in the Community, within the meaning of this Protocol, or in Austria, Finland, Iceland, Norway or Sweden pursuant to the origin provisions referred to in Article 1 and in so far as these provisions are identical to those in this Protocol, and exported from Switzerland into the Community in the same state or having undergone in Switzerland no working or processing going beyond that referred to in Article 5 (5), retain their origin.

3. For the purpose of implementing paragraphs 1 and 2, where products originating in the Community and in one or more of the countries referred to in Article 1 or in two or more of these countries are used and those products have undergone no working or processing in the Community or in Switzerland going beyond that referred to in Article 5 (5), the origin is determined by the product with the highest customs value or, if this is not known and cannot be ascertained, with the highest first ascertainable price paid for the products in the Community or in Switzerland.

Article 3

The products listed in Annex II shall be temporarily excluded from the scope of this Protocol. However, the provisions concerning administrative cooperation and Article 23 shall apply, *mutatis mutandis*, to these products.'

2. In Article 5 (5), 'Article 1 (1) (b) and (2) (b)' is replaced by 'Article 1 (1) (b) (i) and (2) (b) (i)'.

3. Article 6 (3) is deleted.

4. In Article 8 (3), second subparagraph, 'mentioned in Article 2' is replaced by 'mentioned in Article 1'.

5. Article 9 is amended as follows:

- (a) Paragraph 3 is replaced as follows:

'3. The customs authorities of the Member States of the Community or Switzerland may issue EUR 1 certificates under the conditions laid down in this Protocol if the goods to be exported can be considered as products originating in the Community, Austria, Finland, Iceland, Norway, Sweden or Switzerland within the meaning of Article 2 of this Protocol and provided that the goods to be covered by the EUR 1 certificates are in the Community or in Switzerland.

In such cases, the issue of the EUR 1 certificates is subject to the presentation of the evidence of origin issued or made out previously.'

- (b) In the first subparagraph of paragraph 4, 'provided for in the Agreement' is replaced by 'provided for in the Agreements between the Community and the countries referred to in Article 1'.

- (c) The following paragraph 10 is added:

'10. The provisions of paragraphs 2 to 9 above shall apply, *mutatis mutandis*, to the evidence of origin made out by approved exporters under the conditions set out in Article 13.'

6. In Article 10 (5), 'and the EUR 1 certificates referred to in the second subparagraph of Article 9 (3)' is replaced by 'and the evidence of origin referred to in the second subparagraph of Article 9 (3)'.

7. In Article 13 (8) (a), 'referred to in Article 2 (1)' is replaced by 'referred to in Article 1'.

8. In Article 16 (1), 'referred to in Article 2' is replaced by 'referred to in Article 1'.

9. In Article 22, 'the Agreements referred to in Article 2' is replaced twice by 'the Agreements referred to in Article 1'.

10. In Article 23 (1), *in fine*, 'referred to in Article 2' is replaced by 'referred to in Article 1'.

11. In Article 24, paragraphs 3 and 4 are replaced as follows:

'3. For the application of Articles 1 (2) (b) (ii) and 2, products originating in Spain or products accompanied by a EUR 1 certificate with the symbol "ES" entered in box 7, "Remarks", that are imported into Switzerland and, not having undergone sufficient working or processing there to confer on them the status of products originating in Switzerland, are exported to a Member State of the Community other than Spain, or

to Austria, Finland, Iceland, Norway or Sweden shall benefit, on import there only from a treatment identical to that which they would have received had they been imported directly from Spain.

4. For the application of paragraph 3, the exporter or his authorized representative shall enter the symbol "ES" in box 7, "Remarks", of EUR 1 certificates issued in Switzerland.'

12. In Article 25 (2), 'mentioned in Article 2' is replaced by 'mentioned in Article 1'.

13. Article 27 is replaced as follows:

'Article 27

1. For the purpose of implementing Article 1 (1) (b) (ii) of this Protocol, any product originating in Austria, Finland, Iceland, Norway or Sweden shall be treated as a non-originating product during the period or periods in which Switzerland applies the rate of duty applicable to third countries or any corresponding safeguard measure to that product in respect of one of the said countries under the provisions governing trade between Switzerland and the said countries.

2. For the purpose of implementing Article 1 (2) (b) (ii) of this Protocol, any product originating in Austria, Finland, Iceland, Norway or Sweden shall be treated as a non-originating product during the period or periods in which the Community applies the rate of duty applicable to third countries to that product in respect of one of the said countries under the Agreement concluded by the Community with that country.'

14. Annex I (Explanatory Notes) is amended as follows:

(a) Note 3

- in the title, the reference to Article 3 is deleted,
- in the text of the note, 'specified in Article 2' is replaced by 'specified in Article 1'.

(b) Note 9

'True copies of the EUR 1 certificate or certificates issued previously' is replaced by 'true copies of the evidence of origin issued or made out previously'.

15. In Annex II, Title, 'Article 1' is replaced by 'Article 3'.

Article 2

If it is established that the application of the new cumulation provisions leads to the effective incorporation of non-originating materials in such increased quantities that it causes, or threatens to cause, serious injury to a producing activity exercised in the territory of a contracting party, the contracting party involved may derogate from Article 1 (1) (b) (ii) and (2) (b) (ii) of Protocol 3. In such case, the cumulation rules previously applicable shall apply to the product(s) concerned. Such measures shall be notified to the Joint Committee without delay together with all the necessary details. Without prejudice to any safeguard measure taken, the Joint Committee shall, without delay, examine the situation so as to find a solution acceptable to the contracting parties.

Article 3

1. For the application of Article 2, during the trial period referred to in Article 4, the exporter shall indicate on the documentary evidence of origin by means of the symbol 'DC' those cases where in the Community or in Switzerland materials originating in Austria, Finland, Iceland, Norway or Sweden and in addition materials not originating in the Community, Switzerland or any of these countries are used.

2. Such indication shall be entered in box 7 of the EUR 1 certificate or, in the case of an exporter's declaration, it should be mentioned immediately after the indication of the country of origin.

Article 4

This Decision shall enter into force on 1 January 1989.

It shall apply until 31 December 1991.

Done at Brussels, 6 December 1988.

For the EEC—Switzerland Joint Committee

The President

P. BENAVIDES

COUNCIL REGULATION (EEC) No 4277/88

of 21 December 1988

concerning the safeguard measure laid down in Article 2 of Decision No 5/88 of the EEC—Austria Joint Committee amending Protocol 3

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Republic of Austria ⁽¹⁾ was signed on 22 July 1972 and came into force on 1 January 1973;

Whereas Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which is an integral part of the said Agreement, was amended by Decision No 5/88 of the EEC—Austria Joint Committee of 14 December 1988 ⁽²⁾ with a view to simplifying the cumulation rules; whereas a specific safeguard measure is provided for in Article 2 of that Decision;

Whereas Council Regulation (EEC) No 2837/72 of 19 December 1972 on the safeguard measures provided for in the Agreement between the European Economic Community and the Republic of Austria ⁽³⁾ relates only to the implementation of the safeguard and interim protective measures provided for in Articles 22 to 27 of the Agreement; whereas it is not suitable for implementation of the specific safeguard measure provided for in Article 2 of Decision No 5/88; whereas procedures for implementing the said safeguard should consequently be laid down;

Whereas the said safeguard measure is to apply throughout the experimental three-year period laid down in Decision No 5/88,

HAS ADOPTED THIS REGULATION:

Article 1

Where the application of the new provisions concerning cumulation leads to such an increase in the quantity of non-originating materials effectively incorporated that serious injury or threat of serious injury is caused to production being carried out in the Community, the Commission, acting on its own initiative or a reasoned request from a Member State, may adopt the safeguard

measures provided for in Article 2 of Decision No 5/88 of the EEC—Austria Joint Committee. Such measures shall become applicable immediately.

Article 2

Before deciding on the measures to be taken, the Commission may hold consultations. Such consultations shall be held in the Committee on Origin set up under Article 12 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods ⁽⁴⁾, as last amended by Regulation (EEC) No 3860/87 ⁽⁵⁾.

Article 3

The Commission shall communicate any decision concerning the safeguard measures referred to in Article 1 to the Council and the Member States without delay. Any Member State may refer the Commission's decision to the Council within a period of not more than 15 working days.

The Council, acting on a qualified majority, may take a different decision within a period which shall in no circumstances exceed three months from the date of the communication referred to in the first subparagraph.

Article 4

Nothing in this Regulation shall affect the procedures for implementation of the safeguard measures and interim protective measures in Articles 22 to 27 of the Agreement laid down by Regulation (EEC) No 2837/72.

Article 5

The notification on behalf of the Community to the Joint Committee provided for in the second paragraph of Article 2 of Decision No 5/88 shall be made by the Commission.

Article 6

This Regulation shall enter into force on 1 January 1989.

It shall apply until 31 December 1991.

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 2.

⁽²⁾ See page 2 of this Official Journal.

⁽³⁾ OJ No L 300, 31. 12. 1972, p. 94.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 1.

⁽⁵⁾ OJ No L 363, 23. 12. 1987, p. 30.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 December 1988.

For the Council
The President
V. PAPANDREOU

COUNCIL REGULATION (EEC) No 4278/88

of 21 December 1988

concerning the safeguard measure laid down in Article 2 of Decision No 5/88 of the
EEC—Finland Joint Committee amending Protocol 3

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Republic of Finland ⁽¹⁾ was signed on 5 October 1973 and came into force on 1 January 1974;

Whereas Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which is an integral part of the said Agreement, was amended by Decision No 5/88 of the EEC—Finland Joint Committee of 12 December 1988 ⁽²⁾ with a view to simplifying the cumulation rules; whereas a specific safeguard measure is provided for in Article 2 of that Decision;

Whereas Council Regulation (EEC) No 3288/73 of 3 December 1973 on the safeguard measures provided for in the Agreement between the European Economic Community and the Republic of Finland ⁽³⁾ relates only to the implementation of the safeguard and interim protective measures provided for in Articles 22 to 27 of the Agreement; whereas it is not suitable for implementation of the specific safeguard measure provided for in Article 2 of Decision No 5/88; whereas procedures for implementing the said safeguard should consequently be laid down;

Whereas the said safeguard measure is to apply throughout the experimental three-year period laid down in Decision No 5/88,

HAS ADOPTED THIS REGULATION:

Article 1

Where the application of the new provisions concerning cumulation leads to such an increase in the quantity of non-originating materials effectively incorporated that serious injury or threat of serious injury is caused to production being carried out in the Community, the Commission, acting on its own initiative or a reasoned request from a Member State, may adopt the safeguard

measures provided for in Article 2 of Decision No 5/88 of the EEC—Finland Joint Committee. Such measures shall become applicable immediately.

Article 2

Before deciding on the measures to be taken, the Commission may hold consultations. Such consultations shall be held in the Committee on Origin set up under Article 12 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods ⁽⁴⁾, as last amended by Regulation (EEC) No 3860/87 ⁽⁵⁾.

Article 3

The Commission shall communicate any decision concerning the safeguard measures referred to in Article 1 to the Council and the Member States without delay. Any Member State may refer the Commission's decision to the Council within a period of not more than 15 working days.

The Council, acting on a qualified majority, may take a different decision within a period which shall in no circumstances exceed three months from the date of the communication referred to in the first subparagraph.

Article 4

Nothing in this Regulation shall affect the procedures for implementation of the safeguard measures and interim protective measures in Articles 22 to 27 of the Agreement laid down by Regulation (EEC) No 3288/73.

Article 5

The notification on behalf of the Community to the Joint Committee provided for in the second paragraph of Article 2 of Decision No 5/88 shall be made by the Commission.

Article 6

This Regulation shall enter into force on 1 January 1989.

It shall apply until 31 December 1991.

⁽¹⁾ OJ No L 328, 28. 11. 1973, p. 2.

⁽²⁾ See page 6 of this Official Journal.

⁽³⁾ OJ No L 338, 7. 12. 1973, p. 2.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 1.

⁽⁵⁾ OJ No L 363, 23. 12. 1987, p. 30.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 December 1988.

For the Council
The President
V. PAPANDREOU

COUNCIL REGULATION (EEC) No 4279/88

of 21 December 1988

concerning the safeguard measure laid down in Article 2 of Decision No 5/88 of the EEC—Iceland Joint Committee amending Protocol 3

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Republic of Iceland ⁽¹⁾ was signed on 22 July 1972 and came into force on 1 April 1973;

Whereas Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which is an integral part of the said Agreement, was amended by Decision No 5/88 of the EEC—Iceland Joint Committee of 16 December 1988 ⁽²⁾ with a view to simplifying the cumulation rules; whereas a specific safeguard measure is provided for in Article 2 of that Decision;

Whereas Council Regulation (EEC) No 2843/72 of 19 December 1972 on the safeguard measures provided for in the Agreement between the European Economic Community and the Republic of Iceland ⁽³⁾ relates only to the implementation of the safeguard and interim protective measures provided for in Articles 22 to 27 of the Agreement; whereas it is not suitable for implementation of the specific safeguard measure provided for in Article 2 of Decision No 5/88; whereas procedures for implementing the said safeguard should consequently be laid down;

Whereas the said safeguard measure is to apply throughout the experimental three-year period laid down in Decision No 5/88,

HAS ADOPTED THIS REGULATION:

Article 1

Where the application of the new provisions concerning cumulation leads to such an increase in the quantity of non-originating materials effectively incorporated that serious injury or threat of serious injury is caused to production being carried out in the Community, the Commission, acting on its own initiative or a reasoned request from a Member State, may adopt the safeguard

measures provided for in Article 2 of Decision No 5/88 of the EEC—Iceland Joint Committee. Such measures shall become applicable immediately.

Article 2

Before deciding on the measures to be taken, the Commission may hold consultations. Such consultations shall be held in the Committee on Origin set up under Article 12 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods ⁽⁴⁾, as last amended by Regulation (EEC) No 3860/87 ⁽⁵⁾.

Article 3

The Commission shall communicate any decision concerning the safeguard measures referred to in Article 1 to the Council and the Member States without delay. Any Member State may refer the Commission's decision to the Council within a period of not more than 15 working days.

The Council, acting on a qualified majority, may take a different decision within a period which shall in no circumstances exceed three months from the date of the communication referred to in the first subparagraph.

Article 4

Nothing in this Regulation shall affect the procedures for implementation of the safeguard measures and interim protective measures in Articles 22 to 27 of the Agreement laid down by Regulation (EEC) No 2843/72.

Article 5

The notification on behalf of the Community to the Joint Committee provided for in the second paragraph of Article 2 of Decision No 5/88 shall be made by the Commission.

Article 6

This Regulation shall enter into force on 1 January 1989.

It shall apply until 31 December 1991.

⁽¹⁾ OJ No L 301, 31. 12. 1972, p. 2.

⁽²⁾ See page 10 of this Official Journal.

⁽³⁾ OJ No L 301, 31. 12. 1972, p. 162.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 1.

⁽⁵⁾ OJ No L 363, 23. 12. 1987, p. 30.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 December 1988.

For the Council
The President
V. PAPANDREOU

COUNCIL REGULATION (EEC) No 4280/88

of 21 December 1988

concerning the safeguard measure laid down in Article 2 of Decision No 5/88 of the EEC—Norway Joint Committee amending Protocol 3

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Kingdom of Norway ⁽¹⁾ was signed on 14 May 1973 and came into force on 1 July 1973;

Whereas Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which is an integral part of the said Agreement, was amended by Decision No 5/88 of the EEC—Norway Joint Committee of 5 December 1988 ⁽²⁾ with a view to simplifying the cumulation rules; whereas a specific safeguard measure is provided for in Article 2 of that Decision;

Whereas Council Regulation (EEC) No 1692/73 of 25 June 1973 on the safeguard measures provided for in the Agreement between the European Economic Community and the Kingdom of Norway ⁽³⁾ relates only to the implementation of the safeguard and interim protective measures provided for in Articles 22 to 27 of the Agreement; whereas it is not suitable for implementation of the specific safeguard measure provided for in Article 2 of Decision No 5/88; whereas procedures for implementing the said safeguard should consequently be laid down;

Whereas the said safeguard measure is to apply throughout the experimental three-year period laid down in Decision No 5/88,

HAS ADOPTED THIS REGULATION:

Article 1

Where the application of the new provisions concerning cumulation leads to such an increase in the quantity of non-originating materials effectively incorporated that serious injury or threat of serious injury is caused to production being carried out in the Community, the Commission, acting on its own initiative or a reasoned request from a Member State, may adopt the safeguard

measures provided for in Article 2 of Decision No 5/88 of the EEC—Norway Joint Committee. Such measures shall become applicable immediately.

Article 2

Before deciding on the measures to be taken, the Commission may hold consultations. Such consultations shall be held in the Committee on Origin set up under Article 12 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods ⁽⁴⁾, as last amended by Regulation (EEC) No 3860/87 ⁽⁵⁾.

Article 3

The Commission shall communicate any decision concerning the safeguard measures referred to in Article 1 to the Council and the Member States without delay. Any Member State may refer the Commission's decision to the Council within a period of not more than 15 working days.

The Council, acting on a qualified majority, may take a different decision within a period which shall in no circumstances exceed three months from the date of the communication referred to in the first subparagraph.

Article 4

Nothing in this Regulation shall affect the procedures for implementation of the safeguard measures and interim protective measures in Articles 22 to 27 of the Agreement laid down by Regulation (EEC) No 1692/73.

Article 5

The notification on behalf of the Community to the Joint Committee provided for in the second paragraph of Article 2 of Decision No 5/88 shall be made by the Commission.

Article 6

This Regulation shall enter into force on 1 January 1989.

It shall apply until 31 December 1991.

⁽¹⁾ OJ No L 171, 27. 7. 1973, p. 2.

⁽²⁾ See page 14 of this Official Journal.

⁽³⁾ OJ No L 171, 27. 7. 1973, p. 103.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 1.

⁽⁵⁾ OJ No L 363, 23. 12. 1987, p. 30.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 December 1988.

For the Council
The President
V. PAPANDREOU

COUNCIL REGULATION (EEC) No 4281/88

of 21 December 1988

concerning the safeguard measure laid down in Article 2 of Decision No 5/88 of the EEC—Sweden Joint Committee amending Protocol 3

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Kingdom of Sweden ⁽¹⁾ was signed on 22 July 1972 and came into force on 1 January 1973;

Whereas Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which is an integral part of the said Agreement, was amended by Decision No 5/88 of the EEC—Sweden Joint Committee of 14 December 1988 ⁽²⁾ with a view to simplifying the cumulation rules; whereas a specific safeguard measure is provided for in Article 2 of that Decision;

Whereas Council Regulation (EEC) No 2839/72 of 19 December 1972 on the safeguard measures provided for in the Agreement between the European Economic Community and the Kingdom of Sweden ⁽³⁾ relates only to the implementation of the safeguard and interim protective measures provided for in Articles 22 to 27 of the Agreement; whereas it is not suitable for implementation of the specific safeguard measure provided for in Article 2 of Decision No 5/88; whereas procedures for implementing the said safeguard should consequently be laid down;

Whereas the said safeguard measure is to apply throughout the experimental three-year period laid down in Decision No 5/88,

HAS ADOPTED THIS REGULATION:

Article 1

Where the application of the new provisions concerning cumulation leads to such an increase in the quantity of non-originating materials effectively incorporated that serious injury or threat of serious injury is caused to production being carried out in the Community, the Commission, acting on its own initiative or a reasoned request from a Member State, may adopt the safeguard

measures provided for in Article 2 of Decision No 5/88 of the EEC—Sweden Joint Committee. Such measures shall become applicable immediately.

Article 2

Before deciding on the measures to be taken, the Commission may hold consultations. Such consultations shall be held in the Committee on Origin set up under Article 12 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods ⁽⁴⁾, as last amended by Regulation (EEC) No 3860/87 ⁽⁵⁾.

Article 3

The Commission shall communicate any decision concerning the safeguard measures referred to in Article 1 to the Council and the Member States without delay. Any Member State may refer the Commission's decision to the Council within a period of not more than 15 working days.

The Council, acting on a qualified majority, may take a different decision within a period which shall in no circumstances exceed three months from the date of the communication referred to in the first subparagraph.

Article 4

Nothing in this Regulation shall affect the procedures for implementation of the safeguard measures and interim protective measures in Articles 22 to 27 of the Agreement laid down by Regulation (EEC) No 2839/72.

Article 5

The notification on behalf of the Community to the Joint Committee provided for in the second paragraph of Article 2 of Decision No 5/88 shall be made by the Commission.

Article 6

This Regulation shall enter into force on 1 January 1989.

It shall apply until 31 December 1991.

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 97.

⁽²⁾ See page 18 of this Official Journal.

⁽³⁾ OJ No L 300, 31. 12. 1972, p. 186.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 1.

⁽⁵⁾ OJ No L 363, 23. 12. 1987, p. 30.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 December 1988.

For the Council
The President
V. PAPANDREOU

COUNCIL REGULATION (EEC) No 4282/88

of 21 December 1988

concerning the safeguard measure laid down in Article 2 of Decision No 5/88 of the
EEC—Switzerland Joint Committee amending Protocol 3

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 113 thereof,

Having regard to the proposal from the Commission,

Whereas an Agreement between the European Economic Community and the Swiss Confederation ⁽¹⁾ was signed on 22 July 1972 and came into force on 1 January 1973;

Whereas Protocol 3 concerning the definition of the concept of 'originating products' and methods of administrative cooperation, which is an integral part of the said Agreement, was amended by Decision No 5/88 of the EEC—Switzerland Joint Committee of 6 December 1988 ⁽²⁾ with a view to simplifying the cumulation rules; whereas a specific safeguard measure is provided for in Article 2 of that Decision;

Whereas Council Regulation (EEC) No 2841/72 of 19 December 1972 on the safeguard measures provided for in the Agreement between the European Economic Community and the Swiss Confederation ⁽³⁾ relates only to the implementation of the safeguard and interim protective measures provided for in Articles 22 to 27 of the Agreement; whereas it is not suitable for implementation of the specific safeguard measure provided for in Article 2 of Decision No 5/88; whereas procedures for implementing the said safeguard should consequently be laid down;

Whereas the said safeguard measure is to apply throughout the experimental three-year period laid down in Decision No 5/88,

HAS ADOPTED THIS REGULATION:

Article 1

Where the application of the new provisions concerning cumulation leads to such an increase in the quantity of non-originating materials effectively incorporated that serious injury or threat of serious injury is caused to production being carried out in the Community, the Commission, acting on its own initiative or a reasoned request from a Member State, may adopt the safeguard

measures provided for in Article 2 of Decision No 5/88 of the EEC—Switzerland Joint Committee. Such measures shall become applicable immediately.

Article 2

Before deciding on the measures to be taken, the Commission may hold consultations. Such consultations shall be held in the Committee on Origin set up under Article 12 of Council Regulation (EEC) No 802/68 of 27 June 1968 on the common definition of the concept of the origin of goods ⁽⁴⁾, as last amended by Regulation (EEC) No 3860/87 ⁽⁵⁾.

Article 3

The Commission shall communicate any decision concerning the safeguard measures referred to in Article 1 to the Council and the Member States without delay. Any Member State may refer the Commission's decision to the Council within a period of not more than 15 working days.

The Council, acting on a qualified majority, may take a different decision within a period which shall in no circumstances exceed three months from the date of the communication referred to in the first subparagraph.

Article 4

Nothing in this Regulation shall affect the procedures for implementation of the safeguard measures and interim protective measures in Articles 22 to 27 of the Agreement laid down by Regulation (EEC) No 2841/72.

Article 5

The notification on behalf of the Community to the Joint Committee provided for in the second paragraph of Article 2 of Decision No 5/88 shall be made by the Commission.

Article 6

This Regulation shall enter into force on 1 January 1989.

It shall apply until 31 December 1991.

⁽¹⁾ OJ No L 300, 31. 12. 1972, p. 189.

⁽²⁾ See page 22 of this Official Journal.

⁽³⁾ OJ No L 300, 31. 12. 1972, p. 284.

⁽⁴⁾ OJ No L 148, 28. 6. 1968, p. 1.

⁽⁵⁾ OJ No L 363, 23. 12. 1987, p. 30.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 21 December 1988.

For the Council

The President

V. PAPANDREOU
