

DECISION No 801/2004 OF THE EC-SWITZERLAND JOINT COMMITTEE

of 28 April 2004

amending Protocol 3 to the Agreement concerning the definition of the concept of 'originating products' and methods of administrative cooperation

(2004/801/EC)

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Communities, of the one part, the Swiss Confederation, of the other part ⁽¹⁾, hereinafter referred to as 'the Agreement', signed in Brussels on 22 July 1972, and in particular Article 38 of Protocol 3 thereof,

Whereas:

- (1) Protocol 3 of the Agreement, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, hereinafter referred to as 'the Protocol' has been amended several times. A consolidation of those amendments to the text of the Protocol therefore appears necessary for the sake of clarity and legal certainty of the rules of origin to be applied.
- (2) Technical modifications of the processing rules are also required to take account of modifications to the Harmonised Commodity Description and Coding System (Harmonised System) which took effect from 1 January 2002.
- (3) Certain processing requirements for non-originating materials to obtain originating status need to be amended to take account of the lack of production of a certain material within the Contracting Parties and of the specific conditions in which some products (monolithic integrated circuits) are to be obtained, implying limited processing operations outside the contracting parties.
- (4) Some technical amendments are required in order to correct anomalies in and between the different language versions of the text.

- (5) It is therefore appropriate, for the proper functioning of the Agreement and with a view to facilitate the work of users and customs administrations, to incorporate in a new text of the Protocol all the provisions in question.
- (6) Joint Declarations concerning the Principality of Andorra, the Republic of San Marino and the review of the changes to the origin rules as a result of the amendments to the Harmonised System have to be maintained, together with the Protocol,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 3 of the Agreement, concerning the definition of the concept of 'originating products' and methods of administrative cooperation, shall be replaced by the text attached hereto, together with the relevant Joint Declarations.

Article 2

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

It is applicable from 1 July 2002.

Done at Brussels, 28 April 2004.

For the Joint Committee

The Chairman

Dante MARTINELLI

⁽¹⁾ OJ L 300, 31.12.1972, p. 189.