

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(80) 903 final

Brussels, 22 December 1980

Draft

JOINT COMMITTEE DECISION

amending Protocol No 3 concerning the definition of the concept of "originating products" and methods of administrative cooperation to take account of the change in the international method of determining "customs value"

Proposal for a

COUNCIL REGULATION (EEC)

on the application of Joint Committee EEC Decision (1) No amending Protocol No 3 concerning the definition of the concept of originating products and methods of administrative cooperation to take account of the change in the international method of determining "customs value"

(1) Austria, Finland, Iceland, Norway, Portugal, Sweden, Switzerland
LIBRARIES

(submitted to the Council by the Commission)

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EXPLANATORY NOTE

In certain cases the rules of origin require that not more than a certain percentage of the ex-works price of a product consists of third country products. The value of the third country products to be taken into consideration is defined in Article 6(1) of Protocol No 3 to the EEC-EFTA Agreements as "their customs value at the time of importation". In Annex I to Protocol No 3, Note 6 defines customs value as follows :

" "Customs value" shall be understood as meaning the customs value laid down in the Convention concerning the valuation of goods for customs purposes signed in Brussels on 15 December 1950. "

The Convention has been replaced by the "Agreement on implementation of Article VII of the General Agreement on tariffs and trade done at Geneva on 12 April 1979."

As far as the Community is concerned this was introduced on 1 July 1980 by Council Regulation (EEC) No. 1244/80 (OJ No L 134/80) and the EFTA countries will be introducing the change as from 1 January 1981. It is therefore necessary to amend as from 1 January 1981 the second part of the Explanatory Note to read as follows :

" "Customs value" shall be understood as meaning the customs value as determined in accordance with the Agreement on implementation of Article VII of the General Agreement on tariffs and trade done at Geneva on 12 April 1979. "

In overall terms this change can involve no economic effects on the origin rules.

The annexed draft of a Decision to be taken by each Council shall include the amendment upon which an agreement has been reached after discussions on this subject with the customs experts of the EFTA countries.

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It is suggested that the Council adopts this draft on the common position of the Community for use in the EEC-EFTA Joint Committees.

For reasons of clarity of presentation and to prevent duplication of work a model proposition for Council Regulations to apply the Joint Committee Decisions is also annexed.

Protocol Council Regulation (EEC) No. 101/73 on the application of Joint Committee (EC-EEA) Decision No. 1 concerning Protocol No 3 concerning the definition of the concept of originating products and methods of administrative cooperation to take account of the change in the international method of determining "customs value"

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 of the Commission,

Whereas an Agreement between the European Economic Community and

(2) (3) was signed on (4) and entered into force on

(5);

Whereas by virtue of Article 28 of Protocol No 3 concerning the definition of the concept of originating products and methods of administrative cooperation, which forms an integral part of the above Agreement, the Joint Committee has adopted Decision No. amending Protocol No 3 concerning the definition of the concept of originating products and methods of administrative cooperation to take account of the change in the international method of determining "customs value";

Whereas it is necessary to apply this Decision in the Community;

.../...

- (1) Austria, Finland, France, Germany, Portugal, Sweden, Switzerland
- (2) The Republic of Iceland, the Republic of the Netherlands, the Republic of Iceland, the Kingdom of Denmark, the Portuguese Republic, the Kingdom of Sweden, the Grand Duchy of Luxembourg
- (3) Austria, Sweden, Finland: OJ L 100 of 1973
Finland: OJ L 100 of 1973
Norway: OJ L 100 of 1973
Iceland, Denmark: OJ L 100 of 1973
- (4) Austria, Iceland, Denmark, Sweden, Finland: 25.9.73
Norway: 14 May 1973
Finland: 5 October 1973
- (5) Austria, Portugal, Sweden, Switzerland: 1st January 1973
Iceland: 1st April 1973
Norway: 1st July 1973
Finland: 1st January 1974

HAS ADOPTED THIS REGULATION :

Article 1

For the application of the Agreement between the European Economic Community and (1), Joint Committee Decisions No; shall be applied in the Community.

Article 2

This Regulation shall enter into force on 1st January 1981.

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

Done at Brussels,

For the Council
The President

(1) The Republic of Austria, The Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Portuguese Republic, the Kingdom of Sweden, the Swiss Confederation.

The Joint Committee

JOINT COMMITTEE DECISION NO of
amending Protocol No 3 concerning the definition of the concept of
"originating products" and methods of administrative cooperation
to take account of the change in the international method of determining
"customs value"

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Economic Community
and the (1) signed in Brussels on (2),

Having regard to Protocol No 3 concerning the definition of the concept
of "originating products" and methods of administrative cooperation
(hereinafter referred to as "Protocol No 3"), and in particular Article
28 thereof,

Whereas Explanatory Note 6 to Protocol No 3 concerning the definition of
the concept of "originating products" and methods of administrative cooperation
needs amending consequent upon the adoption of the "Agreement on implementation
of Article VII of the General Agreement on Tariffs and Trade done at Geneva
on 12 April 1979", which contains a new international method of determining
"customs value", as at present "customs value" is defined as meaning the
customs value laid down in the Convention of goods for customs purposes signed
in Brussels on 15 December 1950;

HAS DECIDED AS FOLLOWS :

.../...

- (1) The Republic of Austria, the Republic of Finland, the Republic of
Iceland, the Kingdom of Norway, the Portuguese Republic, the Kingdom
of Sweden, the Swiss Confederation
- (2) Austria, Iceland, Portugal, Sweden, Switzerland : 28 July 1973
Norway : 14 May 1973
Finland : 5 October 1973

Article 1

The text of Explanatory Note 6 second sub-paragraph of Protocol No 3 shall be replaced by :

" "Customs value" shall be understood as meaning the customs value as determined in accordance with the Agreement on implementation of Article VII of the General Agreement on Tariffs and Trade done at Geneva on 12 April 1979. "

Article 2

This Decision shall enter into force on 1 January 1981.

Done at Brussels,

For the Joint Committee
The President