

DECISION OF THE EFTA-MEXICO JOINT COMMITTEE
No. 3 of 2010

(Adopted on 7 May 2010)

TECHNICAL ADAPTATIONS TO APPENDIX 2(a) TO ANNEX I TO THE AGREEMENT

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

THE JOINT COMMITTEE,

Noting that the amendments to the Nomenclature appended to the International Convention on the Harmonized Commodity Description and Coding System (HS) entered into force on 1 January 2007, entailing adjustments to the HS structure of Appendix 2(a) to Annex I to the Agreement,

Recognising that the technical adaptations to Appendix 2(a) to Annex I to the Agreement do not constitute a substantial change to the Agreement,

Having regard to paragraph 8 of Article 70 of the Agreement, empowering the Joint Committee to amend the Annexes and the Appendices to the Agreement,

DECIDES:

1. Appendix 2(a) to Annex I to the Agreement shall be replaced by Appendix 2(a) to Annex I set out in the Annex to this Decision.
2. This Decision shall enter into force on the first day of the third month after the last Party has notified the Depositary of the completion of its necessary legal procedures to bring this Decision into force.
3. The Secretary-General of the European Free Trade Association shall deposit the text of this Decision with the Depositary.

IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have adopted these decisions.

Signed in Mexico City on 7 May 2010 in two originals.

For the United Mexican States

For Iceland

For the Principality of Liechtenstein

For the Kingdom of Norway

For the Swiss Confederation

Note 1:

For headings 5111 to 5113, 5208 to 5212, 5309 to 5311, 5407 to 5408, 5512 to 5516, 5801, 5806, 5811, 5903 and Chapter 60 (See also Joint Declaration II to Annex I):

HS Heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
5111	Woven fabrics of carded wool or of carded fine animal hair	Manufacture from yarn or Manufacture by dyeing accompanied by at least two additional preparatory or finishing operations ⁽¹⁾ making the fabric ready for further use, provided that the dyeing covers 100% of the surface of at least one side of the product and on condition that the value of non-originating fabric used does not exceed 47.5% of the ex-works of the product	Manufacture by flame resistance treatment accompanied by at least two additional preparatory or finishing operations ⁽¹⁾ making the fabric ready for further use provided that the flame resistance treatment covers 100% of surface of at least one side of the product and on condition that the value of non-originating fabric used does not exceed 47.5% of the ex-works price of the product
5112	Woven fabrics of combed wool or of combed fine animal hair	Manufacture from yarn or Manufacture by dyeing accompanied by at least two additional preparatory or finishing operations ⁽¹⁾ making the fabric ready for further use, provided that the dyeing covers 100% of the surface of at least one side of the product and on condition that the value of non-originating fabric used does not exceed 47.5% of the ex-works of the product	Manufacture by flame resistance treatment accompanied by at least two additional preparatory or finishing operations ⁽¹⁾ making the fabric ready for further use provided that the flame resistance treatment covers 100% of surface of at least one side of the product and on condition that the value of non-originating fabric used does not exceed 47.5% of the ex-works price of the product

HS Heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
5113	Woven fabrics of coarse animal hair or of horsehair	Manufacture from yarn or Manufacture by dyeing accompanied by at least two additional preparatory or finishing operations ⁽¹⁾ making the fabric ready for further use, provided that the dyeing covers 100% of the surface of at least one side of the product and on condition that the value of non-originating fabric used does not exceed 47.5% of the ex-works of the product	
5208	Woven fabrics of cotton, containing 85% or more by weight of cotton, weighing not more than 200 g/m ²	Manufacture from yarn or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendaring, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product	Manufacture by dyeing accompanied by at least two additional preparatory or finishing operations ⁽¹⁾ making the fabric ready for further use, provided that the dyeing covers 100% of the surface of at least one side of the product and on condition that the value of non-originating fabric used does not exceed 47.5% of the ex-works of the product
5209	Woven fabrics of cotton, containing 85% or more by weight of cotton, weighing more than 200 g/m ²		

HS Heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
5210 to 5212	Woven fabrics of cotton, containing less than 85% by weight of cotton, mixed mainly or solely with man-made with man-made fibres, weighing not more than 200 g/m ² ; woven fabrics of cotton, containing less than 85% by weight of cotton, mixed mainly or solely with man-made fibres, weighing more than 200 g/m ² ; other woven fabrics of cotton	Manufacture from yarn or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product	Manufacture by dyeing accompanied by at least two additional preparatory or finishing operations ⁽¹⁾ making the fabric ready for further use, provided that the dyeing covers 100% of the surface of at least one side of the product and on condition that the value of non-originating fabric used does not exceed 47.5% of the ex-works of the product
5309 to 5311	Woven fabrics of other vegetables textile fibres; woven fabrics of paper yarn	Manufacture from yarn	
5407 and 5408	Woven fabrics of man-made filament yarn	Manufacture from yarn or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product	Manufacture by dyeing accompanied by at least two additional preparatory or finishing operations ⁽¹⁾ making the fabric ready for further use, provided that the dyeing covers 100% of the surface of at least one side of the product and on condition that the value of non-originating fabric used does not exceed 47.5% of the ex-works of the product

HS Heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
5811	Quilted textile products in the piece, composed of one or more layers of textile materials assembled with padding by stitching or otherwise, other than embroidery of heading 5810	Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47.5% of the ex-works price of the product	
5903	Textile fabrics impregnated, coated, covered or laminated with plastics, other than those of heading 5902	Manufacture by coating treatment accompanied by at least two additional preparatory or finishing operations ⁽¹⁾ making the fabric ready for further use provided that the coating treatment covers 100% of surface of at least one side of the product and on condition that the value of non-originating fabric used does not exceed 47.5% of the ex-works price of the product	
Chapter 60 6001	Knitted or crocheted fabrics Pile fabrics, including “long pile” fabrics and terry fabrics, knitted or crocheted	Manufacture from yarn	Manufacture by dyeing accompanied by at least two additional preparatory or finishing operations ⁽¹⁾ making the fabric ready for further use, provided that the dyeing covers 100% of the surface of at least one side of the product and on condition that the value of non-originating fabric used does not exceed 47.5% of the ex-works of the product

HS Heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
6002 to 6006	Other knitted or crocheted fabrics	Manufacture from yarn or Manufacture by flame resistance treatment accompanied by at least two additional preparatory or finishing operations ⁽¹⁾ making the fabric ready for further use provided that the flame resistance treatment covers 100% of surface of at least one side of the product and on condition that the value of non-originating fabric used does not exceed 47.5% of the ex-works price of the product	Manufacture by dyeing accompanied by at least two additional preparatory or finishing operations ⁽¹⁾ making the fabric ready for further use, provided that the dyeing covers 100% of the surface of at least one side of the product and on condition that the value of non-originating fabric used does not exceed 47.5% of the ex-works of the product

For the products which comply with these rules the following annual aggregated quotas shall apply:

Exports from Mexico to EFTA States	Exports from EFTA States to Mexico
2 millions US dollars	2 millions US dollars

The maximum amount to be allocated within the same heading shall not exceed of 20% of the each annual aggregated quota.

Mexico shall allocate these quotas.

For the purposes of implementation of this note the following phrase shall be inserted in invoice declaration or in Box 7 (“Remarks”) of the movement certificate EUR.1:

“Meet Note 1 Appendix 2(a)” or in one of the following official languages of the Parties:

- CH : «Enspricht Bemerkung 1 von Beilage 2(a)»
 «Selon Note 1 Appendice 2(a)»
 «Correspond all Nota 1 del Apendice 2(a)»
 IS: «Í samræmi við ákvæði í Notu 1 í Viðauka 2(a)»
 MX: «Cumple con la Nota 1 del Apéndice 2(a)»
 NO: «Oppfyller Note 1 i Tillegg 2(a)»

Note 2:

For Chapter 61 to 62 and headings 6301 to 6307 and 6309 (See also Joint Declaration III to Annex I):

HS Heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3) or (4)	
Chapter 61	Articles of apparel and clothing accessories knitted or crocheted	Manufacture in which all the materials used are classified within a heading other than that of the product, except for materials of heading 6117	
Chapter 62	Articles of apparel and clothing accessories, not knitted or crocheted	Manufacture in which all the materials used are classified within a heading other than that of the product, except for materials of heading 6217	
ex Chapter 63	Other made-up textile articles; sets; worn clothing and worn textile articles; rags, except for headings 6308 and 6310	Manufacture in which all the materials used are classified within a heading other than that of the product	

For the products which comply with these rules the following annual aggregated quotas shall apply:

Exports from Mexico to EFTA States	Exports from EFTA States to Mexico
2 millions US dollars	2 millions US dollars

Mexico shall allocate these quotas.

For the purposes of implementation of this note the following phrase shall be inserted in invoice declaration or in Box 7 ("Remarks") of the movement certificate EUR.1:

"Meet Note 2 Appendix 2(a)" or in one of the following official languages of the Parties:

- CH : «Enspricht Bemerkung 2 von Beilage 2(a)»
 «Selon Note 2 Appendice 2(a)»
 «Correspond all Nota 2 del Apendice 2(a)»
 IS: «Í samræmi við ákvæði í Notu 2 í Viðauka 2(a)»
 MX: «Cumple con la Nota 2 del Apéndice 2(a)»
 NO: «Oppfyller Note 2 i Tillegg 2(a)»

Note 3:

For heading 6403 (see also Joint Declaration IV to Annex I):

HS Heading	Description of product	Working or processing carried out on non-originating materials that confers originating status	
(1)	(2)	(3)	or (4)
6403	Footwear with outer soles of rubber, plastics, leather or composition leather and uppers of leather	Manufacture from materials of any heading except for assemblies of uppers affixed to inner soles or to other sole components of heading 6406	

For the products which comply with this rule of origin the following annual aggregated quota shall apply:

Exports from Mexico to EFTA States	Exports from EFTA States to Mexico
25,000 pairs	25,000 pairs with a customs value over 25 US dollars

Mexico shall allocate these quotas.

For the purposes of implementation of this note the following phrase shall be inserted in invoice declaration or in Box 7 ("Remarks") of the movement certificate EUR.1:

"Meet Note 3 Appendix 2(a)" or in one of the following official languages of the Parties:

CH : «Enspricht Bemerkung 3 von Beilage 2(a)»

«Selon Note 3 Appendice 2(a)»

«Correspond all Nota 3 del Apéndice 2(a)»

IS: «Í samræmi við ákvæði í Notu 3 í Viðauka 2(a)»

MX: «Cumple con la Nota 3 del Apéndice 2(a)»

NO: «Oppfyller Note 3 i Tillegg 2(a)»

Quota allocation:

For the purposes of Note 1 to 3, the tariff quotas will be allocated and managed by the competent governmental authority of Mexico⁽²⁾.

The quotas will be allocated on a "first come, first served" system. The interested person in the quotas, shall provide to the competent governmental authority⁽²⁾ the invoice, pro-forma invoice or Bill of Lading to request part of the quota.

The competent governmental authority⁽²⁾ will provide a certificate of eligibility as a proof of the granted quota. The exporter or importer shall present, when requested by the customs authority, the certificate of eligibility and a proof of origin to obtain the preferential treatment.

List of footnotes

- (1) E.g. singeing, desizing, bleaching, mercerizing, scouring, heat setting, compressive-shrinking (sanforizing), preshrinking, decatizing and other special finishing applications such as softening, stiffening, delustering, brightening, changing surface characteristics, easy-care finishing, calendaring, water and oil/soil repellency, antistatics treatments, antimicrobial treatments.
 - (2) The competent governmental authority means the “Secretaría de Comercio y Fomento Industrial” or its successor.
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