



DECISION OF THE EEA JOINT COMMITTEE No 308/2024
of 6 December 2024
amending Protocol 4 to the EEA Agreement, on rules of origin [2025/573]

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ⁽¹⁾, and in particular Article 98 thereof,

Whereas:

- (1) Article 9 of the Agreement on the European Economic Area (the 'EEA Agreement') refers to Protocol 4 to the EEA Agreement, which lays down the rules of origin.
- (2) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽²⁾ (the 'Convention'), which aims to transpose the existing bilateral systems of rules of origin established in bilateral free trade agreements concluded among the Contracting Parties to the Convention (the 'Contracting Parties') into a multilateral framework, without prejudice to the principles laid down in those bilateral agreements, entered into force on 1 January 2012 as regards Liechtenstein and Norway and on 1 May 2012 as regards Iceland and the Union.
- (3) Pending the entry into force of the amendment of the Convention providing for a new set of modernised and more flexible rules of origin (the 'amendment of the Convention') adopted by the Joint Committee established by the Convention by virtue of its Decision No 1/2023 ⁽³⁾, some Contracting Parties have agreed to implement an alternative set of rules of origin based on the amendment of the Convention (the 'applying Contracting Parties') on a transitional, bilateral basis (the 'Transitional rules'). Since 1 September 2021, a number of bilateral protocols on rules of origin among the applying Contracting Parties have entered into force, rendering the Transitional rules applicable. As regards the European Economic Area ('EEA'), Protocol 4 to the EEA Agreement was replaced by a new Protocol 4 by Decision of the EEA Joint Committee No 163/2022 ⁽⁴⁾. The Transitional rules are set out in Appendix A to that new Protocol 4.
- (4) At the technical meeting held in Brussels on 5 February 2020, the majority of the Contracting Parties to the Convention agreed to implement the Transitional rules.
- (5) The objective of the Transitional rules is to provide for less strict rules, making it easier for goods to qualify for preferential originating status. As the Transitional rules are, in general, more relaxed than those of the Convention, goods fulfilling the rules of origin set out in the Convention could also qualify as originating under the Transitional rules, with the exception of certain agricultural products classified under Chapters 2, 4 to 15 and 16 (except for processed fishery products) and Chapters 17 to 24 of the Harmonized Commodity Description and Coding System.
- (6) The Transitional rules are applicable in parallel with the rules of origin set out in the Convention, thus creating two distinct zones of cumulation of origin. In that context, it can happen that goods fall under both sets of rules of origin simultaneously. According to the principle of permeability under Article 21(1), point (d), of Appendix A to Protocol 4 to the EEA Agreement ('permeability'), goods which have acquired originating status under one set of rules of origin can be also considered as originating under the other set of rules of origin. In order to facilitate the application of permeability between the Convention and the Transitional rules, Article 8 of Appendix A to Protocol 4 to the EEA Agreement should be amended.

⁽¹⁾ OJ L 1, 3.1.1994, p. 3.

⁽²⁾ OJ L 54, 26.2.2013, p. 4.

⁽³⁾ Decision No 1/2023 of the Joint Committee of the Regional Convention on pan Euro Mediterranean Preferential Rules of Origin of 7 December 2023 on the amendment of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin (OJ L, 2024/390, 19.2.2024, ELI: <http://data.europa.eu/eli/dec/2024/390/oj>).

⁽⁴⁾ Decision of the EEA Joint Committee No 163/2022 of 29 April 2022 amending Protocol 4 to the EEA Agreement, on rules of origin (OJ L 246, 22.9.2022, p. 133).

- (7) Protocol 4 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place,

HAS ADOPTED THIS DECISION:

Article 1

The following paragraph is inserted after paragraph 1 of Article 8 of Appendix A to Protocol 4 to the EEA Agreement:

‘1a. Notwithstanding point (b) of paragraph 1 of this Article, the cumulation of origin provided for in Article 7 may be applied for goods classified under Chapters 1, 3 and 16 (for processed fishery products) and Chapters 25 to 97 of the Harmonised System that have obtained originating status by the application of rules of origin as set out in Appendix I and the relevant provisions of Appendix II to the Convention, provided that the goods concerned are considered as originating in the applying Contracting Parties for which cumulation is possible.’

Article 2

This Decision shall enter into force once all the notifications under Article 103(1) of the EEA Agreement have been made (*).

Article 3

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 6 December 2024.

For the EEA Joint Committee
The President
Anders H. EIDE

(*) No constitutional requirements indicated.