

DECISION OF THE EFTA-SERBIA JOINT COMMITTEE

No. 1 of 2018

(Adopted on 19 June 2018)

AMENDING PROTOCOL B TO THE FREE TRADE AGREEMENT BETWEEN THE
EFTA STATES AND THE REPUBLIC OF SERBIA CONCERNING THE DEFINITION
OF THE CONCEPT OF “ORIGINATING PRODUCTS” AND METHODS OF
ADMINISTRATIVE COOPERATION

THE EFTA-SERBIA JOINT COMMITTEE,

Having regard to the Free Trade Agreement between the EFTA States and the Republic of Serbia, signed in Geneva on 17 December 2009 (hereinafter referred to as the “Agreement”) and in particular Article 7 thereof,

Having regard to Protocol B to the Agreement, concerning the definition of the concept of “originating products” and methods of administrative cooperation (hereinafter referred to as “Protocol B”).

Whereas:

1. Article 7 of the Agreement refers to Protocol B, which lays down the rules of origin and provides for cumulation of origin between Serbia, Iceland, Norway, Switzerland (including Liechtenstein), Turkey, the European Union, any country or territory participating in the European Union’s Stabilisation and Association Process, the Faroe Islands and any country which is a participant in the Euro-Mediterranean partnership, based on the Barcelona Declaration adopted at the Euro-Mediterranean Conference held on 27 and 28 November 1995.
2. Paragraph 7 of Article 32 of the Agreement provides that the Joint Committee established by paragraph 1 of Article 32 of the Agreement may decide to amend the Annexes and Protocols to the Agreement.
3. The Regional Convention on Pan-Euro-Mediterranean preferential rules of origin (hereinafter referred to as the “Convention”) aims to replace the protocols on rules of origin currently in force among the countries of the Pan-Euro-Mediterranean area with a single legal act.
4. The Convention has included the participants in the Stabilisation and Association Process in the Pan-Euro-Mediterranean area.

5. Serbia signed the Convention on 12 November 2012, Norway, Switzerland and Liechtenstein on 15 June 2011 and Iceland on 30 June 2011.

6. Serbia deposited their instruments of acceptance with the depositary of the Convention on 1 July 2013, Norway on 9 November 2011, Switzerland and Liechtenstein on 28 November 2011 and Iceland on 12 March 2011. Consequently, in application of paragraph 3 of Article 10 of the Convention, the Convention entered into force on 1 September 2013 in relation to the Serbia, on 1 January 2012 in relation to Norway, Switzerland and Liechtenstein and on 1 May 2012 in relation to Iceland.

7. The text of Protocol B should therefore be replaced by a new text making reference to the Convention.

8. This amendment shall not lead to any less favourable situation than previously under the Agreement.

HAS ADOPTED THIS DECISION:

Article 1

The text of Protocol B to the Agreement shall be replaced by the text set out in the Annex to this Decision.

Article 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 internal requirements.

Article 3

The Secretary-General of the European Free Trade Association shall deposit the text of this Decision with the Depositary.

ANNEX TO DECISION No. 1 OF 2018

OF THE EFTA-SERBIA JOINT COMMITTEE

PROTOCOL B CONCERNING THE DEFINITION OF THE CONCEPT OF “ORIGINATING PRODUCTS” AND METHODS OF ADMINISTRATIVE COOPERATION

Article 1

Applicable rules of origin

For the purpose of implementing the Agreement, Appendix I and the relevant provisions of Appendix II to the Regional Convention on Pan-Euro-Mediterranean preferential rules of origin (hereinafter referred to as the “Convention”) shall apply and are hereby incorporated into and made part of the Agreement, *mutatis mutandis*.

Article 2

Dispute settlement

Chapter 7 of the Agreement shall apply with respect to the settlement of any dispute concerning the interpretation or application of Appendix I to the Convention.

Article 3

Withdrawal from the Convention

1. Should either Serbia or any of the EFTA States give notice in writing to the Depository of the Convention of their intention to withdraw from the Convention according to Article 9 thereof, the other parties to this agreement shall immediately enter into negotiations on rules of origin for the purpose of implementing the Agreement.

2. Until the entry into force of such newly negotiated rules of origin, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention, applicable at the time of withdrawal, shall continue to apply to the Agreement. However, as of the time of withdrawal, the rules of origin contained in Appendix I and, where appropriate, the relevant provisions of Appendix II to the Convention shall be construed so as to allow bilateral cumulation between the Party withdrawn and the other Parties only.

Article 4

Transitional provisions on cumulation

1. Provided that paragraph 5 of Article 3 of Appendix I of the Convention is fulfilled, it is understood that diagonal cumulating may be applied between Contracting Parties to the Convention, regardless whether the Convention is applicable to them or not.

 2. Notwithstanding paragraph 5 of Article 16 and paragraph 3 of Article 21 of Appendix I to the Convention, where cumulation involves only Serbia, the EFTA States, the Faroe Islands, the European Union, Turkey and any other participants in the European Union's Stabilisation and Association Process, the proof of origin may be a movement certificate EUR.1 or an origin declaration.
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