

DECISION OF THE EFTA-TUNISIA JOINT COMMITTEE

No. 1 of 2024

Adopted on 9 October 2024

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

THE EFTA-TUNISIA JOINT COMMITTEE,

Recalling the Parties’ intention to participate actively in the process of economic integration in the Euro-Mediterranean region, and expressing their readiness to cooperate in seeking ways and means to strengthen this process;

Recalling that the pan-Euro-Mediterranean system of cumulation of origin consists of a network of Free Trade Agreements that set out identical rules of origin allowing for diagonal cumulation of origin among the member countries of the system;

Noting that the Regional Convention on pan-Euro-Mediterranean preferential rules of origin (hereinafter referred to as the “Convention”) aims at replacing the protocols on rules of origin currently in force among the member countries of the pan-Euro-Mediterranean system of cumulation of origin;

Considering that the Republic of Albania, Bosnia and Herzegovina, North Macedonia, Montenegro, the Republic of Serbia, Kosovo (under Resolution 1244(1999) of the United Nations Security Council), as well as the Republic of Moldova, Georgia and Ukraine are Contracting Parties of the Convention and that the pan-Euro-Mediterranean system is thus extended to these countries;

Noting that the Convention entered into force in relation to Liechtenstein, Norway and Switzerland on 1st January 2012, to Iceland on 1st May 2012 and to Tunisia on 1st January 2015;

Acknowledging that the Contracting Parties to the Convention on 7 December 2023 agreed on the amendment of the Convention in order to provide for a set of modernised and more flexible rules of origin, which will enter into force on 1 January 2025;

Considering that the Convention shall not lead to any less favourable situation than previously under the Free Trade Agreement between the EFTA States and Tunisia (hereinafter referred to as the “Agreement”);

Having regard to Article 40 of the Agreement, empowering the Joint Committee to amend the Annexes and Protocols to the Agreement,

DECIDES that:

1. The text of Protocol B to the Agreement, concerning the definitions of the concept of “originating products” and methods of administrative cooperation and its Annexes shall be replaced by the text of Protocol B set out in the Annex to this Decision.
2. This Decision shall enter into force on the first day of the second month after the last Party has notified the Depositary of the completion of its internal requirements relating to this Decision. It shall enter into force before 1 January 2026 only provided that all Parties have additionally notified the Depositary of the completion of their internal requirements relating to Decision No 1/2023¹ and the Decision of the Joint Committee of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin on transitional provisions to the amendments of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin applicable as of 1 January 2025.

¹ Decision 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.

DONE at Geneva this 9th day of October in 2024, in two original copies, each in the English and the French languages, both texts being equally authentic. In the case of conflict the English version shall prevail. One original for each language shall be deposited by the Secretary-General of the European Free Trade Association with the Depositary.

For Iceland

For the Republic of Tunisia

.....

.....

For the Principality of Liechtenstein

.....

For the Kingdom of Norway

.....

For the Swiss Confederation

.....

**PROTOCOL B CONCERNING THE DEFINITION OF THE CONCEPT OF
"ORIGINATING PRODUCTS" AND METHODS OF ADMINISTRATIVE COOPERATION**

Article 1

Applicable Rules of Origin

1. For the purpose of implementing this Agreement, Appendix I and the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin ('the Convention'), as it may be subsequently amended, shall apply and are hereby incorporated into and made part of the Agreement, mutatis mutandis.
2. All references to the 'relevant agreement' in Appendix I and in the relevant provisions of Appendix II to the Convention shall be construed so as to mean this Agreement.

Article 2

Dispute Settlement

1. Article 38 of the Agreement shall apply with respect to the settlement of any disputes concerning the interpretation or application of Appendix I and the relevant provisions of Appendix II to the Convention, including their Annexes.
2. In all cases the settlement of disputes between the importer and the customs authorities of the importing country shall take place under the legislation of that country.

Article 3

Withdrawal from the Convention

1. Should one of the Parties give notice in writing to the depositary of the Convention of their intention to withdraw from the Convention according to Article 9 thereof, the Parties shall immediately enter into negotiations on rules of origin for the purpose of implementing this 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 moment of withdrawal, shall continue to apply to this Agreement. However, as of the moment 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 only between the withdrawing Party and each of the other Parties.

Article 4

Electronically issued movement certificates EUR.1

1. As an alternative to the provisions regarding the issuance of movement certificates, the Parties shall accept electronically issued movement certificates EUR.1. Considering the digitalised system to issue movement certificates EUR.1, the formal requirements of electronically issued movement certificates EUR.1 are stated in Paragraph 3. The customs authorities of the exporting and the importing Party may agree on other formal requirements of electronically issued movement certificates EUR.1.
2. Each exporting Party shall inform the EFTA Secretariat about the readiness of the issuance of electronic movement certificates EUR.1 and all technical issues related to such implementation (issuance, submission and verification of an electronic certificate).
3. If agreed by the customs authorities of the exporting and importing Parties, paragraphs 1 and 2 of Annex IV to the Convention shall not apply if the movement certificate is issued and validated electronically, and the following applies:
 - (a) ink stamps used by the customs or competent governmental authorities for the validation of the movement certificate EUR.1 (Box 11) may be replaced with an image or electronic stamps;
 - (b) Boxes 11 and 12 may contain facsimile or electronic signatures instead of original signatures;
 - (c) the information in Box 11 concerning the form and number of the export document shall be indicated only where requested by the regulations of the exporting Party;
 - (d) it shall bear a serial number or a code by which it can be identified; and
 - (e) it may be issued in any of the official languages of the Parties or in English.

Article 5

Sub-Committee on Customs and Origin Matters

1. The Parties shall maintain the Sub-Committee of the Joint Committee on Customs and Origin Matters (hereinafter referred to as the “Sub-Committee”).
2. The functions of the Sub-Committee shall be to exchange information, review developments, prepare and co-ordinate positions on rules of origin and assist the Joint Committee regarding:
 - (a) rules of origin and administrative co-operation as set out in the Convention;
 - (b) other matters that are referred to the Sub-Committee by the Joint Committee.
3. The Sub-Committee shall be chaired alternatively by a representative of an EFTA State or Tunisia for an agreed period of time. The chairperson shall be elected at the first meeting of the Sub-Committee. The Sub-Committee shall act by consensus.

4. The Sub-Committee shall report to the Joint Committee. The Sub-Committee may make recommendations to the Joint Committee on matters related to its functions.
 5. The Sub-Committee shall meet as often as required. It may be convened by the Joint Committee or upon request of any Party. The venue shall alternate between Tunisia and an EFTA State.
 6. A provisional agenda for each meeting shall be prepared by the chairperson in consultation with all Parties, and forwarded to the Parties, as a general rule, not later than two weeks before the meeting.
-