

PROTOCOL
REFERRED TO IN ARTICLE 2.5
RULES OF ORIGIN

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REFERRED TO IN ARTICLE 2.5 (RULES OF ORIGIN AND ADMINISTRATIVE

COOPERATION)

RULES OF ORIGIN

ARTICLE 1

Applicable Rules of Origin

1. 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 (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 the Agreement.

ARTICLE 2

Dispute settlement

1. Chapter 13 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. For greater certainty, where disputes arise in relation to the verification procedures of Article 32 of Appendix I to the Convention which cannot be settled between the customs authorities requesting the verification and the customs authorities responsible for carrying out that verification, they shall be submitted to the Sub-Committee on Trade in Goods and then to the Joint Committee, as provided for in Article 12.1 of the Agreement.
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 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 moment of withdrawal, shall continue to apply to the 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 proofs of origin

1. The Parties agree that the proofs of origin may be issued and/or submitted electronically.
2. The Parties shall accept movement certificates issued electronically when submitted at importation provided that:
 - (a) The movement certificates issued electronically have a similar form as the specimen described in the Convention;
 - (b) The customs authorities of the exporting Party provide for a secured online internet-based system to verify the authenticity of movement certificates issued electronically;
 - (c) The movement certificates issued electronically bear a unique serial number, and, if available, security features by which they can be identified; and
 - (d) The date from which a Party starts the issuance of electronic movement certificates is specified in the notices published in the Official Journal of the European Union (C series) and it is published by the Party according to its own procedure. The acceptance of the movement certificates issued electronically shall apply from the date indicated in those notices.
3. A Party may decide to suspend the acceptance of movement certificates issued electronically where the conditions listed under paragraph 2 are not fulfilled, and shall, in that case, inform the other Party thereof in advance. In that case, notices as referred to under paragraph 2 (d), shall indicate the starting date of the suspension.
4. For the purpose of administrative cooperation, the Parties may decide to assist each other through electronic means.
5. The Parties shall notify the European Commission concerning the date of application of this Article. Notices indicating the application of this Article shall be published in an official publication by the Parties, in accordance with their own procedures.
6. The provisions of paragraphs 1 to 5 shall remain applicable until the Parties may agree to use a pan-Euro-Mediterranean digital environment for proofs of origin developed with the other Contracting Parties that allows proofs of origin to be issued and/or submitted electronically.

7. Paragraphs 1 to 6 of this Article shall apply until equivalent provisions are adopted under the Convention.

ARTICLE 5

Transitional provisions

Until the application of the revised rules of the Convention and notwithstanding Articles 16 (5) and 21 (3) of Appendix I to the Convention, where cumulation involves only the EFTA States, the Faroe Islands, the European Union, Turkey, the participants in the Stabilisation and Association Process, the Republic of Moldova, Georgia and Ukraine, the proof of origin may be a movement certificate EUR.1 or an origin declaration.
