

Príloha k č. 246/2002 Z. z.

**ADDITIONAL PROTOCOL No. 7
TO THE CENTRAL EUROPEAN FREE TRADE AGREEMENT**

Representatives of the Czech Republic, the Republic of Hungary, the Republic of Poland, Romania, the Slovak Republic and the Republic of Slovenia;

Having in mind the Declaration of Prime Ministers, done on 11 September 1998 in Praha;

Recognizing that this Additional Protocol and in particular the adjusted rules of origin of goods shall enable the wider cumulation of origin, as well as shall foster the intensification of mutually beneficial trade relations among them and contribute to the process of integration in Europe;

In accordance with the provisions of Articles 34, 35, 37 and 39 of the Central European Free Trade Agreement;

Have decided as follows:

Article 1

The provisions in Annex to this Additional Protocol shall replace the relevant provisions of Protocol 7 to the Central European Free Trade Agreement.

Article 2

This Additional Protocol shall constitute an integral part of the Central European Free Trade Agreement.

Article 3

1. This Additional Protocol shall enter into force on the thirtieth day from the date of receiving by the Depositary of the last notification of the Parties to the

Central European Free Trade Agreement of the completion of procedures necessary for that purpose.

2. The Depositary shall notify all Parties of the completion of procedures necessary for the entry into force of this Additional Protocol.

3. If this Additional Protocol does not enter into force by 1 January 1999 it shall be applied provisionally from that date. However, if a Party is not in a position to apply it from 1 January 1999, that party shall inform the other Parties about this fact as soon as possible, but not later than 21 December 1998. Concerning that Party this Additional Protocol shall be applied on the tenth day from the date of receiving by the other Parties of the notification on the completion by that Party of the internal procedures necessary for the application of this Additional Protocol.

Article 4

The Parties to the Central European Free Trade Agreement take into account the declaration of the Republic of Bulgaria, attached to this Additional Protocol.

IN WITNESS WHEREOF the undersigned plenipotentiaries being duly authorized thereto, have signed this Additional Protocol.

Done at Prague this 10th day of December 1998 in a single authentic copy in the English language, which shall be deposited with the Government of the Republic of Poland. The Depositary shall transmit certified copies of this Additional Protocol to all the Parties to the Central European Free Trade Agreement.

For the Czech Republic: **Jiří Maceška**
For the Republic of Hungary: **Gábor Gulácsi**
For the Republic of Poland: **Bernard Blaszczyk**

For Romania: **Nicolae Vulpasin**
For the Slovak Republic: **Peter Brño**
For the Republic of Slovenia: **Damjan Prelovšek**

**DECLARATION
OF THE REPUBLIC OF BULGARIA**

The Republic of Bulgaria in connection with the provisions of Article 2 of the Agreement on Accession of the Republic of Bulgaria to the Central European Free Trade Agreement herewith declares that it accepts the Additional Protocol No. 7 to the Central European Free Trade Agreement and shall apply this Additional Protocol from the date of application of the Agreement on Accession of the Republic of Bulgaria to the Central European Free Trade Agreement.

Done at Prague this 10th day of December 1998.

For the Republic of Bulgaria: **Valentin Vasilev**

ANNEX TO THE ADDITIONAL PROTOCOL No. 7

Protocol 7 to the Central European Free Trade Agreement concerning the definition of the concept of "originating products" and methods of administrative cooperation is hereby amended as follows:

1. Article 1(i) shall be replaced by:
"(i) "added value" shall be taken to be the ex-works price minus the customs value of each of the materials incorporated which originate in the other countries referred to in Article 4 or, where the customs value is not known or cannot be ascertained, the first price verifiably paid for the products in the State Party."
2. The Article 3 shall be abolished.
3. Article 4 shall be replaced by the following:

"Article 4 Cumulation of origin

1. Without prejudice to the provisions of Article 2, products shall be considered as originating in a Party if such products are obtained there, incorporating materials originating in the European Community, Bulgaria, Poland, Hungary, the Czech Republic, the Slovak Republic, Romania, Lithuania, Latvia, Estonia, Slovenia, Iceland, Norway, Switzerland (including Liechtenstein¹) or Turkey in accordance with the provisions of the Protocol on rules of origin annexed to the Agreements between this State Party and each of these countries, provided that the working or processing carried out in this State Party goes beyond that referred to in Article 7 of this Protocol. It shall not be necessary that such materials have undergone sufficient working or processing.

2. Where the working or processing carried out in the State Party does not go beyond the operations referred to in Article 7, the product obtained shall be considered as originating in this State Party only where the value added there is greater than the value of the materials used originating in any one of the other countries referred to in paragraph 1. If this is not so, the product obtained shall be considered as originating in the country which accounts for the highest value of originating materials used in the manufacture in this State Party.

3. Products, originating in one of the countries referred to in paragraph 1, which do not undergo any working or processing in the State Party, retain their origin if exported into one of these countries.

4. The cumulation provided for in this Article may only be applied to materials and products which have acquired originating status by an application of rules of origin identical to those given in this Protocol."

4. Article 12 shall be replaced by the following:

"Article 12 Principle of territoriality

1. Except as provided for in Article 4 and paragraph 3 of this Article, the conditions for acquiring originating status set out in Title II must continue to be fulfilled at all times in the State Parties.

2. Except as provided for in Article 4, where originating goods exported from one of the State Parties to another country return, they must be considered as non-originating, unless it can be demonstrated to the satisfaction of the customs authorities that:

- (a) the returning goods are the same as those that were exported; and
- (b) they have not undergone any operation beyond that necessary to preserve them in good condition while in that country or while being exported.

3. The acquisition of originating status in accordance with the conditions set out in Title II shall not be affected by working or processing done outside the State Parties on materials exported from one of the Parties and subsequently reimported there, provided:

- (a) the said materials are wholly obtained in one of the State Parties or have undergone working or processing beyond the insufficient operations listed in Article 7 prior to being exported; and
- (b) it can be demonstrated to the satisfaction of the customs authorities that:
 - i) the reimported goods have been obtained by working or processing the exported materials; and
 - ii) the total added value acquired outside the State Parties by applying the provisions of this Article does not exceed 10 % of the ex-works price of the end product for which originating status is claimed.

¹) The Principality of Liechtenstein has a customs union with Switzerland, and is a Contracting Party to the Agreement on the European Economic Area.

4. For the purposes of paragraph 3, the conditions for acquiring originating status set out in Title II shall not apply to working or processing done outside the State Parties. But where, in the list in Annex II, a rule setting a maximum value for all the non-originating materials incorporated is applied in determining the originating status of the end product, the total value of the non-originating materials incorporated in the territory of the State Party concerned, taken together with the total added value acquired outside the State Party by applying the provisions of this Article, shall not exceed the stated percentage.

5. For the purposes of applying the provisions of paragraphs 3 and 4, "total added value" shall be taken to mean all costs arising outside the State Parties, including the value of the materials incorporated there.

6. The provisions of paragraphs 3 and 4 shall not apply to products which do not fulfil the conditions set out in the list in Annex II or which can be considered sufficiently worked or processed only if the general values fixed in Article 6(2) are applied.

7. The provisions of paragraphs 3 and 4 shall not apply to products coming under Chapters 50 to 63 of the Harmonised System.

8. Any working or processing of the kind covered by the provisions of this Article and done outside the State Parties shall be done under the outward processing arrangements, or similar arrangements."

5. In the last paragraph of Article 15 (6) the date "31 December 1998" shall be replaced by "31 December 2000".

6. In Article 26 the reference "C2/CP3" shall be replaced by "CN22/CN23".

7. In Annex I, Note 5.2, "current conducting filaments" shall be added between "artificial man-made filaments" and "synthetic man-made staple fibres of polypropylene".

8. In Annex I, Note 5.2 the fifth example ("A carpet with tufts ... are met.") shall be deleted.

9. In Annex II, between the rules for HS heading Nos 2202 and 2208 the following rule shall be inserted:

HS Heading	Description of product	Working or processing of non-originating materials that confers originating status	
No (1)	(2)	(3)	or (4)
2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol or higher; ethyl alcohol and other spirits, denatured, of any strength	Manufacture: - using materials not classified in heading Nos 2207 or 2208	

10. In Annex II, the rule for Chapter 57 shall be replaced by:

Chapter 57	Carpets and other textile floor coverings: - Of needleloom felt	Manufacture from ¹ : - natural fibres or - chemical materials or textile pulp However: - polypropylene filament of heading No 5402, - polypropylene fibres of heading Nos 5503 or 5506,	
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	<p>- Of other felt</p> <p>- Other</p>	<p>- polypropylene filament tow of heading No 5501, of which the denomination in all cases of a single filament or fibre is less than 9 decitex, may be used provided their value does not exceed 40 % of the ex-works price of the product</p> <p>- jute fabric may be used as backing</p> <p>Manufacture from¹:</p> <p>- natural fibres not carded or combed or otherwise processed for spinning, or</p> <p>- chemical materials or textile pulp</p> <p>Manufacture from¹</p> <p>- coir or jute yarn^(a),</p> <p>- synthetic or artificial filament yarn,</p> <p>- natural fibres, or</p> <p>- man-made staple fibres not carded or combed or otherwise processed for spinning</p> <p>- jute fabric may be used as backing</p>	
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¹⁾ For special conditions relating to products made of a mixture of textile materials, see introductory Note 5.

^(a)The use of jute yarn is authorised from 1. 7. 2000."

11. In Annex II, the rule for HS heading No 7006 shall be replaced by:

7006	Glass of heading Nos 7003, 7004 or 7005, bent, edgeworked, engraved, drilled, enamelled or otherwise worked, but not framed or fitted with other materials:		
	- Glass plate substrate coated with dielectric thin film, semiconductor grade, in accordance with SEMII standards ¹	Manufacture from non-coated glass plate substrate of heading No 7006	
	- Other	Manufacture from materials of heading No 7001	

¹⁾ SEMII - Semiconductor Equipment and Materials Institute Incorporated."

12. In Annex II, the rule for HS heading No 7601 shall be replaced by:

7601	Unwrought aluminium	Manufacture in which: – all the materials used are classified within a heading other than that of the product; and – the value of all the materials used does not exceed 50 % of the ex-works price of the product or Manufacture by thermal or electrolytic treatment from unalloyed aluminium or waste and scrap of aluminium	
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13. In Annex IV, the Slovenian and the Hungarian versions of the invoice declaration shall be replaced by the following texts:

”Slovenian version:

Izvoznik blaga, zajetega s tem dokumentom (pooblastilo carinskih organov št. ...¹⁾ izjavlja, da, razen če ni drugače jasno navedeno, ima to blago preferencialno poreklo“.

”Hungarian version:

A jelen okmányban szereplő áruk exportőre (vámfelhatalmazási szám¹⁾ kijelentem, hogy eltérő jelzés hiányában az áruk kedvezményes származásúak.“