

Príloha
k č. 262/2002 Z. z.

ADDITIONAL PROTOCOL No. 9
to the central european free trade agreement

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

Having in mind the Agreed Minutes of the Central European Free Trade Agreement Joint Committee session, held on 11 October 2000 in Warsaw;

Recognising that this Additional Protocol and in particular the adjusted rules of origin of goods shall ensure the proper operation of the system of pan-European cumulation as well as shall foster the intensification of mutually beneficial trade relations among the Parties 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 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 2001 it shall be applied provisionally from that date. However, if a Party is not in a position to apply it from 1 January 2001, that Party shall inform the other Parties about this fact as soon as possible, but not later than 21 December 2000. 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.

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

Done at Warsaw this 15th day of November 2000 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 Parties to the Central European Free Trade Agreement.

For the Republic of Bulgaria: **Alexander Jordanov**

For the Czech Republic: **Jiří Maceška**

For the Republic of Hungary: **Iván Bába**

For the Republic of Poland: **Bernard Blaszczyk**

For Romania: **Mihai Berinde**

For the Slovak Republic: **Lubomír Harach**

For the Republic of Slovenia: **Marjan Senjur**

ANNEX

TO THE ADDITIONAL PROTOCOL No. 9

Protocol 7 to the Central European Free Trade Agreement concerning the definition of the concept of "originating products" and methods of administrative co-operation 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 verifiable price paid for the materials in the State Party."

2. Article 7 shall be replaced by:

"Article 7

Insufficient working or processing

1. Without prejudice to paragraph 2, the following operations shall be considered as insufficient working or processing to confer the status of originating products, whether or not the requirements of Article 6 are satisfied:

- (a) preserving operations to ensure that the products remain in good condition during transport and storage;
- (b) breaking-up and assembly of packages;
- (c) washing, cleaning; removal of dust, oxide, oil, paint or other coverings;
- (d) ironing or pressing of textiles;
- (e) simple painting and polishing operations;
- (f) husking, partial or total bleaching, polishing, and glazing of cereals and rice;
- (g) operations to colour sugar or form sugar lumps;
- (h) peeling, stoning and shelling, of fruits, nuts and vegetables;
- (i) sharpening, simple grinding or simple cutting;
- (j) sifting, screening, sorting, classifying, grading, matching (including the making-up of sets of articles);
- (k) simple placing in bottles, cans, flasks, bags, cases, boxes, fixing on cards or boards and all other simple packaging operations;
- (l) affixing or printing marks, labels, logos and other like distinguishing signs on products or their packaging;
- (m) simple mixing of products, whether or not of different kinds,
- (n) simple assembly of parts of articles to constitute a complete article or disassembly of products into parts;
- (o) a combination of two or more operations specified in subparagraphs (a) to (n);
- (p) slaughter of animals.

2. All operations carried out in a State Party on a given product shall be considered together when determining whether the working or processing undergone by that product is to be regarded as insufficient within the meaning of paragraph 1."

3. In Article 15, the final sentence in paragraph 6 shall be replaced by:

"The provisions of this paragraph shall apply until 31 December 2001."

4. The following article shall be inserted after Article 20:

"Article 20a

Accounting segregation

1. Where considerable cost or material difficulties arise in keeping separate stocks of originating and non-originating materials which are identical and interchangeable, the customs authorities may, at the written request of those concerned, authorise the so-called "accounting segregation" method to be used for managing such stocks.
2. This method must be able to ensure that, for a specific reference-period, the number of products obtained which could be considered as "originating" is the same as that which would have been obtained if there had been physical segregation of the stocks.
3. The customs authorities may grant such authorisation, subject to any conditions deemed appropriate.
4. This method is recorded and applied on the basis of the general accounting principles applicable in the country where the product was manufactured.
5. The beneficiary of this facilitation may issue or apply for proofs of origin, as the case may be, for the

quantity of products which may be considered as originating. At the request of the customs authorities, the beneficiary shall provide a statement of how the quantities have been managed.

6. The customs authorities shall monitor the use made of the authorisation and may withdraw it at any time whenever the beneficiary makes improper use of the authorisation in any manner whatsoever or fails to fulfil any of the other conditions laid down in this Protocol.”

5. In Article 22, paragraph 1, first sentence, the following shall be inserted after “exporter”:
“hereinafter referred to as “approved exporter”,”

6. Article 30 shall be replaced by:

“Article 30

Amounts expressed in Euro

1. For the application of the provisions of Article 21.1(b) and Article 26.3 in cases where products are invoiced in a currency other than Euro, amounts in the national currencies of the countries referred to in Article 4 equivalent to the amounts expressed in Euro shall be fixed annually by each of the countries concerned.
2. A consignment shall benefit from the provisions of Article 21.1(b) or Article 26.3 by reference to the currency in which the invoice is drawn up, according to the amount fixed by the country concerned.
3. The amounts to be used in any given national currency shall be the equivalent in that currency of the amounts expressed in Euro as at the first working day of October and shall apply from 1 January the following year. The State Parties shall be notified of the relevant amounts.
4. A country may round up or down the amount resulting from the conversion into its national currency of an amount expressed in Euro. The rounded-off amount may not differ from the amount resulting from the conversion by more than 5%. A country may retain unchanged its national currency equivalent of an amount expressed in Euro if, at the time of the annual adjustment provided for in paragraph 3, the conversion of that amount, prior to any rounding-off, results in an increase of less than 15% in the national currency equivalent. The national currency equivalent may be retained unchanged if the conversion would result in a decrease in that equivalent value.
5. The amounts expressed in Euro shall be reviewed by the Joint Committee at the request of a State Party. When carrying out this review, the Joint Committee shall consider the desirability of preserving the effects of the limits concerned in real terms. For this purpose, it may decide to modify the amounts expressed in Euro.”

7. Annex II shall be amended as follows:

(a) the entry for HS heading 5309 to 5311 shall be replaced by:

“5309 to 5311	Woven fabrics of other vegetable textile fibres; woven fabrics of paper yarn: – Incorporating rubber thread – Other	Manufacture from single yarn ¹ Manufacture from ¹ : – coir yarn, – jute yarn, – natural fibres, – man-made staple fibres not carded or combed or otherwise prepared for spinning, – chemical materials or textile pulp, or – paper	
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¹ For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.

		or Printing accompanied by at least two preparatory or finishing operations (such as scouring, bleaching, mercerizing, heat setting, raising, calendering, shrink resistance processing, permanent finishing, decatizing, impregnating, mending and burling) where the value of the unprinted fabric used does not exceed 47,5% of the exworks price of the product”	
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(b) the entry for HS heading 5602 shall be replaced by:

“5602	Felt, whether or not impregnated, coated, covered or laminated: – Needleloom felt – Other	Manufacture from ¹ : – natural fibres, – chemical materials or textile pulp However: – polypropylene filament of heading No 5402, – polypropylene fibres of heading No 5503 or 5506 or – 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 Manufacture from ¹ : – natural fibres, – man-made staple fibres made from casein, or – chemical materials or textile pulp	
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¹ For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.”

