



2024/3200

19.12.2024

COUNCIL DECISION (EU) 2024/3200

of 5 December 2024

on the position to be adopted on behalf of the European Union within the Joint Committee set up by the Agreement on the European Economic Area as regards the amendment of that Agreement by replacing Protocol 4 thereto on rules of origin

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area (the 'EEA Agreement') was concluded by the Union by means of Decision 94/1/ECSC, EC of the Council and the Commission⁽¹⁾ and entered into force on 1 January 1994.
- (2) Protocol 4 to the EEA Agreement ('Protocol 4') defines the concept of 'originating products' and lays down methods of administrative cooperation. Pursuant to Article 98 of the EEA Agreement, the Joint Committee established under Article 92 of the EEA Agreement (the 'Joint Committee') may decide to amend Protocol 4 to the EEA Agreement.
- (3) At its next meeting, or by an Exchange of Letters, the Joint Committee is to take a decision amending the EEA Agreement by replacing Protocol 4.
- (4) It is appropriate to establish the position to be adopted on the Union's behalf within the Joint Committee as the decision of the Joint Committee will have legal effects.
- (5) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin (the 'Convention') was concluded by the Union by Council Decision 2013/94/EU⁽²⁾ and entered into force in relation to the Union on 1 May 2012. It lays down provisions on the origin of goods traded under relevant bilateral free trade agreements concluded between the Contracting Parties to the Convention (the 'Contracting Parties'), which apply without prejudice to the principles laid down in those bilateral agreements.
- (6) The Convention was amended by Decision No 1/2023 of the Joint Committee of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin⁽³⁾ (the 'amendment of the Convention').
- (7) The amendment of the Convention enters into force on 1 January 2025 in relation to all Contracting Parties, including between the parties to the EEA Agreement.
- (8) Article 6 of the Convention provides that each Contracting Party is to take appropriate measures to ensure that the Convention is effectively applied. To that effect, the Joint Committee is to take a decision replacing Protocol 4 with a new protocol which includes a dynamic reference to the Convention, so as to refer always to the latest version of the Convention in force. In the absence of such a reference, the effective application of the amendment of the Convention would not be ensured, thus creating a situation in which EEA origin would be determined based on rules of origin that are different from those set out in the amendment of the Convention.

⁽¹⁾ Decision 94/1/ECSC, EC of the Council and the Commission of 13 December 1993 on the conclusion of the Agreement on the European Economic Area between the European Communities, their Member States and the Republic of Austria, the Republic of Finland, the Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway, the Kingdom of Sweden and the Swiss Confederation (OJ L 1, 3.1.1994, p. 1).

⁽²⁾ Council Decision 2013/94/EU of 26 March 2012 on the conclusion of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin (OJ L 54, 26.2.2013, p. 3).

⁽³⁾ Decision No 1/2023 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 (OJ L, 2024/390, 19.2.2024, ELI: <http://data.europa.eu/eli/dec/2024/390/oj>).

- (9) Apart from the inclusion of a dynamic reference to the Convention, the provisions of Protocol 4 that are specific to the EEA, such as the rules on EEA origin, should be maintained in the new protocol, and the joint declarations, which should remain unchanged, should also be maintained.
- (10) The position of the Union within the Joint Committee should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted on the Union's behalf within the Joint Committee established by the Agreement on the European Economic Area (the 'EEA Agreement') at its next meeting, as regards the amendment of the EEA Agreement by replacing Protocol 4 thereto by a new protocol which includes a dynamic reference to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin, shall be based on the draft decision of the Joint Committee attached to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption and shall expire on 31 December 2025.

Done at Brussels, 5 December 2024.

For the Council

The President

NAGY B.

DRAFT

DECISION No ... OF THE EEA JOINT COMMITTEE**of ...****amending the Agreement on the European Economic Area by replacing Protocol 4 thereto on rules of origin**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, and in particular Article 98 thereof,

Whereas:

- (1) Article 9 of the Agreement on the European Economic Area (the 'EEA Agreement') refers to Protocol 4 to the EEA Agreement ('Protocol 4'), which lays down the rules of origin.
- (2) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽¹⁾ (the 'Convention') aims to transpose the existing bilateral systems of rules of origin established in bilateral free trade agreements concluded among the Contracting Parties to the Convention into a multilateral framework, without prejudice to the principles laid down in those bilateral agreements.
- (3) The Union, the Principality of Liechtenstein ('Liechtenstein') and the Kingdom of Norway ('Norway') signed the Convention on 15 June 2011 and Iceland signed the Convention on 30 June 2011.
- (4) Norway, Liechtenstein, Iceland and the Union each deposited their instrument of acceptance with the depositary of the Convention on 9 November 2011, 28 November 2011, 12 March 2012 and 26 March 2012, respectively. Consequently, and in accordance with Article 10(3) of the Convention, the Convention entered into force on 1 January 2012 as regards Liechtenstein and Norway, and on 1 May 2012 as regards the Union and Iceland.
- (5) Decision of the EEA Council No 1/95 ⁽²⁾ lays down the rules for the application of Protocol 4 to Liechtenstein.
- (6) The Convention was amended by Decision No 1/2023 of the Joint Committee of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽³⁾ (the 'amendment of the Convention'). The amendment of the Convention enters into force on 1 January 2025 in relation to all Contracting Parties.
- (7) Article 6 of the Convention provides that each Contracting Party is to take appropriate measures to ensure that the Convention is effectively applied.
- (8) Protocol 4 should therefore be replaced by a new protocol which includes a dynamic reference to the Convention, so as to refer always to the latest version of the Convention in force.
- (9) Apart from the inclusion of a dynamic reference to the Convention, the provisions of Protocol 4 that are specific to the EEA, such as the rules on EEA origin, should be maintained in the new protocol, and the joint declarations, which should remain unchanged, should also be maintained.
- (10) Protocol 4 should therefore be amended in order to allow for this extended cooperation to take place from 1 January 2025,

HAS ADOPTED THIS DECISION:

⁽¹⁾ OJ EU L 54, 26.2.2013, p. 4.

⁽²⁾ Decision of the EEA Council No 1/95 of 10 March 1995 on the entry into force of the Agreement on the European Economic Area for the Principality of Liechtenstein (OJ EC L 86, 20.4.1995, p. 58).

⁽³⁾ Decision No 1/2023 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 (OJ EU L, 2024/390, 19.2.2024, ELI: <http://data.europa.eu/eli/dec/2024/390/oj>).

Article 1

Articles 1 to 39 of, and the Annexes to, Protocol 4 to the Agreement on the European Economic Area (the 'EEA Agreement'), as well as the joint declarations concerning Protocol 4 to the EEA Agreement, are replaced by the text set out in the Annex to this Decision.

Article 2

For the purposes of the application of this Decision, proofs of origin may be issued retrospectively for exports performed between 1 January 2025 and the date of entry into force of this Decision.

Article 3

This Decision shall enter into force once all the notifications under Article 103(1) of the EEA Agreement have been made (*).

It shall apply from 1 January 2025.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at ...,

For the EEA Joint Committee

The President

The Secretaries

To the EEA Joint Committee

(*) [No constitutional requirements indicated.] [Constitutional requirements indicated].

ANNEX

‘PROTOCOL 4

ON RULES OF ORIGIN

Article 1

Rules of origin

1. For the purpose of implementing the EEA Agreement, Appendix I and the relevant provisions of Appendix II to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin ⁽¹⁾ (“the Convention”), as last amended and published in the *Official Journal of the European Union*, shall apply and are hereby incorporated into and made part of the EEA 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 EEA Agreement.

Article 2

Specific provisions for the European Economic Area

1. For the purpose of implementing the EEA Agreement, the following products shall be considered as originating in the EEA:

- (a) products wholly obtained in the EEA;
- (b) products obtained in the EEA incorporating materials which have not been wholly obtained there, provided that such materials have undergone sufficient working or processing in the EEA.

For the purpose of EEA origin, the territories of the Contracting Parties to the EEA Agreement to which the Agreement applies shall be considered as a single territory.

2. Notwithstanding paragraph 1, the territory of the Principality of Liechtenstein shall be excluded from that of the EEA, for the purpose of determining the origin of the products referred to in Tables I and II of Protocol 3 and such products shall be considered to be originating in the EEA only if they have been either wholly obtained or sufficiently worked or processed in the territories of the other Contracting Parties ⁽²⁾.

3. Notwithstanding the definition of “territory” in Appendix I to the Convention, “territory” includes the land territory, internal waters and the territorial sea of the Contracting Parties to the EEA Agreement to which the EEA Agreement applies.

4. For the purpose of implementing the EEA Agreement, the term “EEA” shall not cover Ceuta and Melilla. For the purposes of applying Protocol 49 to the EEA Agreement concerning products originating in Ceuta and Melilla, this Protocol shall apply *mutatis mutandis*, subject to the special conditions set out in Annex V to the Convention.

Article 3

Additional cumulation provisions

1. The Contracting Parties agree to extend the application of Article 7(3) of the Convention on importation of products falling within Chapters 50 to 63.

2. The Contracting Parties to the EEA Agreement agree to waive the obligation to include in the proof of origin the statement referred to in Article 8(3) of the Convention “CUMULATION APPLIED WITH (name of the country/countries in English)”.

⁽¹⁾ OJ L 54, 26.2.2013, p. 4.

⁽²⁾ OJ L 86, 20.4.1995, p. 58.

JOINT DECLARATION CONCERNING THE ACCEPTANCE OF PROOFS OF ORIGIN ISSUED WITHIN THE FRAMEWORK OF THE AGREEMENTS REFERRED TO IN ARTICLE 7 OF THE CONVENTION FOR PRODUCTS ORIGINATING IN THE EUROPEAN UNION, ICELAND OR NORWAY

1. Proofs of origin issued within the framework of the agreements referred to in Article 7 of Appendix I to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin for products originating in the European Union, Iceland or Norway shall be accepted for the purpose of granting preferential tariff treatment provided for by the EEA Agreement.
2. Such products shall be considered as materials originating in the EEA when incorporated into a product obtained there. It shall not be necessary for such materials to have undergone sufficient working or processing.
3. Furthermore, in so far as such products are covered by the EEA Agreement, they shall be considered as originating in the EEA when re-exported to another EEA Contracting Party.

JOINT DECLARATION CONCERNING THE PRINCIPALITY OF ANDORRA

1. Products originating in the Principality of Andorra falling within Chapters 25 to 97 of the Harmonised System shall be accepted by Iceland, Liechtenstein and Norway as originating in the European Union within the meaning of the Agreement.
2. Protocol 4 shall apply, *mutatis mutandis*, for the purpose of defining the originating status of the abovementioned products.

JOINT DECLARATION CONCERNING THE REPUBLIC OF SAN MARINO

1. Products originating in the Republic of San Marino shall be accepted by Iceland, Liechtenstein and Norway as originating in the European Union within the meaning of the Agreement.
2. Protocol 4 shall apply, *mutatis mutandis* for the purpose of defining the originating status of the abovementioned products.

JOINT DECLARATION CONCERNING THE WITHDRAWAL OF A CONTRACTING PARTY FROM THE REGIONAL CONVENTION ON PAN-EURO-MEDITERRANEAN PREFERENTIAL RULES OF ORIGIN

1. Should a Contracting Party to the EEA Agreement give notice in writing to the depositary of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin of their intention to withdraw from the Convention according to its Article 9, the withdrawing Contracting Party shall immediately enter into negotiations on rules of origin with all other EEA Contracting Parties 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 Regional Convention on pan-Euro-Mediterranean preferential rules of origin, applicable at the moment of withdrawal, shall apply *mutatis mutandis* between the withdrawing Contracting Party and the other EEA Contracting Parties. 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 between the withdrawing Contracting Party and the other EEA Contracting Parties only.'