DECISION No 4/1999 OF THE EU-SLOVAK REPUBLIC ASSOCIATION COUNCIL

of 23 December 1999

amending Protocol 4 on the definition of the concept of 'originating products' and methods of administrative cooperation to the EU-Slovak Republic Europe Agreement

(2000/94/EC)

THE ASSOCIATION COUNCIL,

Having regard to the Europe Agreement establishing an association between the European Communities and their Member States, of the one part, and the Slovak Republic, of the other part [1], signed in Brussels on 4 October 1993 and in particular Article 38 of Protocol 4 thereof,

Whereas:

(1) The definition of the term 'originating products' needs to be amended to ensure the proper operation of the extended system of cumulation which permits the use of materials originating in the European Community, Poland, Hungary, the Czech Republic, the Slovak Republic, Bulgaria, Romania, Latvia, Lithuania, Estonia, Slovenia, Turkey, the European Economic Area, Iceland, Norway and Switzerland;

(2) It would seem advisable to revise the Articles concerning the amounts in order fully to take into consideration the entry into force of the euro;

(3) To take account of changes in processing techniques and shortages of certain raw materials, some corrections should be made to the list of working and processing requirements which non-originating materials have to fulfil to qualify for originating status;

(4) Protocol 4 should therefore be amended,

HAS DECIDED AS FOLLOWS:

Article 1

Protocol 4 on the definition of the concept of 'originating products' and methods of administrative cooperation is hereby amended as follows:

1. in Articles 21 and 26 the word 'Ecu' shall be replaced by 'euro';

2. Article 30 shall be replaced by the following:

'*Article 30*

Amounts expressed in euro

1. Amounts in the national currency of the exporting country equivalent to the amounts expressed in euro shall be fixed by the exporting country and communicated to the importing countries through the European Commission.

2. When the amounts exceed the corresponding amounts fixed by the importing country, the latter shall accept them if the products are invoiced in the currency of the exporting country. When the products are invoiced in the currency of EC Member States or another country referred to in Articles 3 and 4, the import country shall recognise the amount notified by the country concerned.

3. The amounts to be used in any given national currency shall be the equivalent in that national currency of the amounts expressed in euro as at the first working day of October 1999.

4. The amounts expressed in euro and their equivalents in the national currencies of Member States and the Slovak Republic shall be reviewed by the Association Committee at the request of the Community or the Slovak Republic. When carrying out this review, the Association Committee shall ensure that there will be no decrease in the amounts to be used in national currency and shall furthermore 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.'

3. Annex II shall be amended as follows:

(a) the entry for HS heading 1904 shall be replaced by:

'1904	Prepared foods obtained by the swelling or roasting of cereal or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included	Manufacture: — from materials not classified within heading No 1806; — in which all the cereals and flour (except durum wheat and its derivatives and Zea indurata maize) used must be wholly obtained [1]; — in which the value of any materials of Chapter 17 used does not exceed 30 % of the ex-works price of the product	

[1] The exception concerning the *Zea indurata* maize is applicabile until 31.12.2002.'

[1] OJ L 359, 31.12.1994, p. 2.

(b) the entry for HS heading 2207 shall be replaced by:

'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: — from materials not classified within heading Nos 2207 or 2208, — in which all the grapes or any material derived from grapes used must be wholly obtained or if all the other materials used are already originating, arrack may be used up to a limit of 5 % by volume'	

(c) the entry for HS 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, or — polypropylene fibres of heading Nos 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 Jute fabric may be used as backing	
	— Of other felt	Manufacture from ([1]): — natural fibres not carded or combed or otherwise processed for spinning, or — chemical materials or textile pulp	
	— Of other textile materials	Manufacture from ([1]): — coir or jute yarn, — synthetic or artificial filament yarn, — natural fibres, or — man-made staple fibres not carded or combed or otherwise processed for spinning Jute fabric may be used as backing	

([1]) For special conditions relating to products made of a mixture of textile materials, see Introductory Note 5.'

(d) the entry for HS heading 8401 shall be replaced by:

'ex 8401	Nuclear fuel elements	Manufacture in which all the materials used are classified within a heading other than that of the product (1)	Manufacture in which the value of all the materials does not exceed 30 % of the ex-works price of the product

(1) This rule shall apply until 31.12.2005.'

(e) the following shall be inserted between the entries for HS headings Nos 9606 and 9612:

'9608	Ball-point pens; felt-tipped and other porous-tipped pens and markers; fountain pens, stylograph pens and other pens; duplicating stylos; propelling or sliding pencils; pen-holders, pencil-holders and similar holders; parts (including caps and clips) of the foregoing articles, other than those of heading No 9609	Manufacture in which all the materials used are classified within a heading other than that of the product. However, nibs or nib-points classified within the same heading may be used'	

Article 2

This Decision shall enter into force on the day of its adoption.

It shall apply from 1 January 2000.

Done at Brussels, 23 December 1999.

For the Association Council

The President

T. HALONEN