DECISION OF THE EEA JOINT COMMITTEE

No 177/2004

of 3 December 2004

amending Protocol 3 to the EEA Agreement, concerning products referred to in Article 8(3)(b) of the Agreement and Protocol 4 to the EEA Agreement, on rules of origin

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Article 98 thereof,

Whereas:

(1) Protocol 3 to the Agreement was amended by Decision of the EEA Joint Committee No 138/2004 of 29 October 2004 ([1]).

(2) Protocol 4 to the Agreement was amended by Decision of the EEA Joint Committee No 38/2003 of 14 March 2003 ([2]).

(3) Decision of the EEA Joint Committee No 140/2001 of 23 November 2001 ([3]) provides for a prolongation of the transitional period for Liechtenstein with regard to Protocol 3 to the Agreement until 1 January 2005.

(4) Decision of the EEA Joint Committee No 38/2003 of 14 March 2003 provides for a prolongation of the transitional period for Liechtenstein with regard to certain provisions of Protocol 4 to the Agreement until 1 January 2005.

(5) Due to the Customs Treaty of 29 March 1923, the Principality of Liechtenstein and the Swiss Confederation form a customs union.

(6) The Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 ([4]) has been extended to Liechtenstein through the Additional Agreement concerning the validity, for the Principality of Liechtenstein, of the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 ([5]).

(7) On 26 October 2004, an Agreement between the European Community and the Swiss Confederation amending the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 as regards the provisions applicable to processed agricultural products (the Amending Agreement), in particular Protocol No 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972, was signed.

(8) Article 4(2) of the Amending Agreement provides that the Agreement between the European Community and the Swiss Confederation shall also apply to the territory of the Principality of Liechtenstein as long as the customs union with Switzerland is maintained.

([1]) OJ L 342, 18.11.2004, p. 30.

([2]) OJ L 137, 5.6.2003, p. 46.

([3]) OJ L 22, 24.1.2002, p. 34.

([4]) OJ L 300, 31.12.1972, p. 189.

([5]) OJ L 300, 31.12.1972, p. 281.

(9) Annex 2 of the Amending Agreement replaces Protocol No 2 of the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972, with a new Protocol No 2.

(10) Article 1(3) of the new Protocol No 2 to the Agreement between the European Economic Community and the Swiss Confederation of 22 July 1972 foresees that the provisions of this Protocol shall likewise apply to Liechtenstein as long as Liechtenstein is exempted from applying Protocol 3 to the Agreement.

(11) Given this, it is appropriate to commute the transitional period for Liechtenstein of non-application of Protocol 3 to the Agreement into a lasting arrangement and to exempt Liechtenstein from the provisions of Protocol 3.

(12) The same solution should apply with regard to the derogation for Liechtenstein in Article 2(2) of Protocol 4 to the Agreement,

HAS DECIDED AS FOLLOWS:

Article 1

In Article 1(2) of Protocol 3 to the Agreement and Article 2(2) of Protocol 4 to the Agreement, the words 'until 1 January 2005' shall be deleted.

Article 2

This Decision shall enter into force on 4 December 2004, provided that all the notifications under Article 103(1) of the Agreement have been made to the EEA Joint Committee (*).

It shall apply from 1 January 2005.

Article 3

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 Brussels, 3 December 2004.

For the EEA Joint Committee
The President
Kjartan JÓHANNSSON

(*) No constitutional requirements indicated.