

Joint Declaration
concerning the review of the changes to the origin rules as a result of the amendments to
the Harmonized System

Where, following the amendments made to the nomenclature, the changes to the origin rules as introduced by Additional Protocol 2 amending Protocol 3 concerning the definition of the concept of the “originating products” and methods of administrative co-operation alter the substance of any rule existing prior to Additional Protocol 2 amending Protocol 3 concerning the definition of the concept of the “originating products” and methods of administrative co-operation and it appears that such alteration results in a situation prejudicial to the interest of the sectors concerned, then, if one of the Parties so requests in the period up to and including 31 December 2004, an examination shall be made as a matter of urgency by the Joint Committee, of the need to restore the substance of the rule concerned as it was before Additional Protocol 2 amending Protocol 3 concerning the definition of the concept of the “originating products” and methods of administrative co-operation.

In any case the Joint Committee shall decide to restore, or not to restore, the substance of the rule concerned within a period of three months of the request being made to it by either of the Parties to the Agreement.

If the substance of the rule concerned is restored, then the Parties to the Agreement shall also provide the legal framework necessary to ensure that any customs duties paid on the products concerned imported after 1 January 2002 can be reimbursed.

No. ZMP-283/2001

The Ministry of Foreign Affairs of the Republic of Slovenia presents its compliments to the Embassy of the Republic of Turkey and, with reference to Additional Protocol 2 to the Free Trade Agreement between the Republic of Slovenia and the Republic of Turkey, has the honour to communicate the following:

After the conclusion of Additional Protocol 2 to the Free Trade Agreement on 5 December 2001, the Parties to the pan-European system of cumulation formally received in October 2002 proposals for Council decisions on amendments to the origin protocols to the Agreements concluded with the European Community. These amendments include: 1 January 2003 is stated as the date of application and a reference to heading number 4107 is added in Annex II in the entry ex 4114, 3rd column.

In accordance with the above mentioned and due to the fact that identical protocols on rules of origin must apply among all pan-European partner countries, the Slovenian side proposes the same amendment to be made in Annex II of Protocol 3 to Additional Protocol 2 (enclosure).

The Slovenian side would appreciate the written confirmation by the Turkish side of the suggested proposal in order to consider the respective amendment adopted by both Parties. The amendment to Additional Protocol 2 to the Free Trade Agreement between the Republic of Slovenia and the Republic of Turkey shall enter into force on the date of the receipt of the later diplomatic note confirming that all internal legal procedures of the respective Party for the entry into force have been completed, and shall be applied provisionally by Slovenia from 1 January 2003. If this amendment to Additional Protocol 2 can not be adopted before 1 January 2003, it shall be applied provisionally by Slovenia from the date of signature.

The Ministry of Foreign Affairs of the Republic of Slovenia avails itself of this opportunity to renew to the Embassy of the Republic of Turkey the assurances of its highest consideration.

Ljubljana, 18 December 2002

Enclosure

EMBASSY OF THE REPUBLIC OF TURKEY

LJUBLJANA

ANNEX

ex 4114	Patent leather and patent laminated leather; metallised leather	Manufacture from materials of headings 4104 to 4106, 4107 , 4112 or 4113, provided that their total value does not exceed 50 % of the ex-works price of the product
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2003/ Ljubljana B/941

The Embassy of the Republic of Turkey presents its compliments to the Ministry of Foreign Affairs and has the honour to acknowledge receipt of Its Note no. ZMP-283/2001 of 18 December 2002 regarding the proposed amendment to be made to Additional Protocol 2 to the Free Trade Agreement between the Republic of Turkey and the Republic of Slovenia.

The Embassy wishes to inform the esteemed Ministry that the Turkish authorities have agreed to the Slovenian proposals contained in the above-mentioned Note.

However, the procedures for the ratification of Additional Protocol 2 by Turkey are still underway. Therefore, the said Protocol is currently not in force. In this context, the Turkish side is of the view that the procedures for the entry into force of Additional Protocol 2 need to be completed by both sides and the corresponding notifications need to be made in line with Article 3 of the Protocol.

It is only after this stage that the amendments to Additional Protocol 2 can be put into force through a separate ratification and notification process. Nonetheless, the Turkish side agrees to the Slovenian proposal that the amendments to Additional Protocol 2 be applied as of 1 January 2003, irrespective of the date of entry into force.

In view of the above, the Embassy asks the Ministry to kindly make the necessary notifications as regards Additional Protocol 2 and the amendments thereto, once the ratification procedure is completed on the Slovenian side.

The Embassy avails itself of this opportunity to renew to the Ministry the assurances of its highest consideration.

Ljubljana, 31. december 2002

Ministry of Foreign Affairs
Ljubljana