

II

(Acts whose publication is not obligatory)

COUNCIL

DECISION No 5/2002 OF THE EUROPEAN UNION-MEXICO JOINT COUNCIL

of 24 December 2002

relating to Annex III to Decision No 2/2000 of the European Union-Mexico Joint Council of 23 March 2000, concerning the definition of the concept of 'originating products' and methods of administrative cooperation

(2003/98/EC)

THE JOINT COUNCIL,

request of one of the Parties, would enable under certain conditions the Joint Committee to restore, where appropriate, the rules previously applicable,

Having regard to the Economic Partnership, Political Coordination and Cooperation Agreement between the European Community and its Member States, of the one part, and the United Mexican States, of the other part, signed in Brussels on 8 December 1997 (hereinafter referred to as 'the Agreement'), and in particular Articles 5 and 47 thereof,

HAS DECIDED AS FOLLOWS:

Article 1

Whereas:

(1) Annex III to Decision No 2/2000 of the EU-Mexico Joint Council of 23 March 2000, concerning the definition of the concept of 'originating products' and methods of administrative cooperation sets out the rules of origin for the products originating in the territory of the Parties to the Agreement.

1. For the purposes of benefiting from the special rules of origin applied within the limits of the quotas provided for in Appendix II and in Notes 9 and 12.1 of Appendix II(a) of Annex III to Decision No 2/2000, either box No 7 (Remarks) of the movement certificate EUR. 1 or the invoice declaration must include the phrase contained in Annex I to this Decision for the relevant tariff heading, in any of the languages listed in Article 59 of the Agreement.

(2) To ensure the correct and harmonious operation of these rules, it is necessary to adapt Annex III in order to include the amendments to the Harmonised Commodity Description and Coding System ('Harmonised System') which took effect on 1 January 2002.

2. The European Commission and the Secretaría de Economía shall regularly inform each other as to the quantities of products drawn from these quotas for rules of origin.

Article 2

(3) The sole purpose of the adaptation contained in this Decision is to establish consistency between the Appendices and Joint Declaration VI, on the one hand, and the Parties' tariff laws and regulations, on the other hand, and cannot therefore be considered to constitute a substantial change to Decision No 2/2000.

1. Note 7.4 to Appendix I, Appendix II and Note 4 to Appendix II(a) of Annex III to Decision No 2/2000, as well as Joint Declaration VI, shall be replaced by the text contained in Annex II to this Decision.

2. In accordance with the new editorial standard of the Harmonised System, the expression 'heading No' or 'heading Nos' shall read 'heading' or 'headings' respectively in the English version of Annex III to Decision 2/2000.

Article 3

(4) To ensure a smooth transition between the existing rules and the new rules as defined by this Decision, it appears desirable to set up a mechanism that, upon

Where, following the amendments made to the Harmonised System, the changes to the rules of origin as introduced by this Decision alter the substance of any rule existing previously,

and where 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 three years after the date on which this Decision enters into force, the Joint Committee shall examine as a matter of urgency the need to restore the substance of the rule concerned as it was before this Decision. At all events, the Joint Committee shall decide to restore, or not to restore, the substance of the rule concerned within a period of six months of the request being made to it by either of the Parties to the Agreement.

Article 4

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

Done at Brussels, 24 December 2002.

For the Joint Council

The President

P. S. MØLLER