

ANNEX I

REFERRED TO IN SUBPARAGRAPH 1(a) OF ARTICLE 2.1

EXCLUDED PRODUCTS

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EXCLUDED PRODUCTS

The products listed in Tables 1 and 2 are excluded from application under subparagraph 1(a) of Article 2.1 of the Agreement, as indicated therein:

Table 1 – For the EFTA States

HS Code	Description of Products	Excluded when imported into:
35.01	Casein, caseinates and other casein derivatives; casein glues.	Norway Liechtenstein/ Switzerland
35.02	Albumins (including concentrates of two or more whey proteins, containing by weight more than 80% whey proteins, calculated on the dry matter), albuminates and other albumin derivatives.	
	- Egg albumin:	
3502.11	-- Dried	Norway Liechtenstein/ Switzerland
3502.19	-- Other	Norway Liechtenstein/ Switzerland
3502.20	- Milk albumin, including concentrates of two or more whey proteins	Norway
3502.90	- Other	Norway
35.05	Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches.	
3505.10	- Dextrins and other modified starches	Norway Liechtenstein/ Switzerland

HS Code	Description of Products	Excluded when imported into:
ex 3505.20	- Glues, for animal feeding	Liechtenstein/ Switzerland
38.09	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included.	
ex 3809.10	- With a basis of amylaceous substances, for animal feeding	Liechtenstein/ Switzerland
38.23	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols.	
	- Industrial monocarboxylic fatty acids; acid oils from refining:	
ex 3823.11	-- Stearic acid, for animal feeding	Norway Liechtenstein/ Switzerland
ex 3823.12	-- Oleic acid, for animal feeding	Norway Liechtenstein/ Switzerland
ex 3823.13	-- Tall oil fatty acids, for animal feeding	Norway
ex 3823.19	-- Other, for animal feeding	Norway Liechtenstein/ Switzerland
ex 3823.70	- Industrial fatty alcohols, for animal feeding	Norway

Table 2 – For Ukraine

HS Code	Description of Products
2905441100	- - - - Containing 2% or less by weight of D-mannitol, calculated on the D-glucitol content]
2905441900	- - - - Other
2905449900	- - - - Other
2905450000	- - Glycerol (1,2,3-trioksiopropan)
3301131000	- - - Not deterpenated
3301139000	- - - Deterpenated
3301192010	Terpenic essential oils of citrus fruit, incl. concretes and absolutes (excl. those of seet and bitter orange and lemon), of lime and bergamotu
3301198010	Terpeneless essential oils of citrus fruit, incl. concretes and absolutes (excl. those of sweet and bitter orange and lemon), of lime and bergamotu
3301241000	- - - Not deterpenated
3301249000	- - - Deterpenated
3301251000	- - - Not deterpenated
3301259000	- - - Deterpenated
3301291100	- - - Not deterpenated
3301293100	- - - Deterpenated
3301294100	- - - - Not deterpenated
3301297100	- - - - - Of geranium; Of vetiver; Of jasmine
3301297900	- - - - - Of lavanda
3301299100	- - - - - Other
3301300000	- Resinoids
3301901000	- - Terpenic by-products of the deterpenation of essential oils
3301902100	- - - Of liquorice and hops
3301903000	- - - Other
3301909000	- - Other
3302101000	- - - - Of an actual alcoholic strength by volume exceeding 0,5%
3302102100	- - - - - Containing no milkfats, sucrose, isoglucose, glucose or starch or containing, by weight, less than 1,5% milkfat, 5% sucrose or isoglucose, 5% glucose or starch
3302102900	- - - - - Other
3302104000	- - - Other
3501101000	- - For the manufacture of regenerated textile fibres
3501105000	- - For industrial uses other than the manufacture of foodstuffs or fodder
3501109000	- - Other
3501901000	- - Casein glues
3501909000	- - Other
3502111000	- - - Unfit, or to be rendered unfit, for human consumption
3502119000	- - - Other

HS Code	Description of Products
3502191000	- - - Unfit for human consumption as food or fit for processing for other purposes
3502199000	- - - Other
3502201000	- - - Unfit, or to be rendered unfit
3502209100	- - - Dried (for example, in sheets, scales, flakes, powder)
3502209900	- - - Other
3502902000	- - - Unfit, or to be rendered unfit, for human consumption
3502907000	- - - Other
3502909000	- - Albuminates and other albumin derivatives
3503001000	- Gelatin and derivatives thereof
3503008010	- - Bone glue granuled and scalelike
3503008090	- - Other
3504000000	Peptones and their derivatives; other protein substances and their derivatives, not elsewhere specified or included; hide powder, whether or not chromed
3505101000	- - Dextrins
3505105000	- - - Starches, esterified or etherified
3505109000	- - - Other
3505201000	- - Containing, by weight, less than 25% of starches or dextrins or other modified starches
3505203000	- - Containing, by weight, 25% or more but less than 55% of starches or dextrins or other modified starches
3505205000	- - Containing, by weight, 55% or more but less than 80% of starches or dextrins or other modified starches
3505209000	- - Containing, by weight, 80% or more of starches or dextrins or other modified starches
3809101000	- - Containing by weight of such substances less than 55%
3809103000	- - Containing by weight of such substances 55% or more but less than 70%
3809105000	- - Containing by weight of such substances 70% or more but less than 83%
3809109000	- - Containing by weight of such substances 83% or more
3823130000	- - Tall oil fatty acids
3823191000	- - - Distilled fatty acids
3823193000	- - - Fatty acid distillate
3823199000	- - - Other
3823700000	- Industrial fatty alcohols
3824601100	- - - Containing 2% or less by weight of D-mannitol, calculated on the D-glucitol content
3824601900	- - - Other
3824609100	- - - Containing 2% or less by weight of D-mannitol, calculated on the D-glucitol content
3824609900	- - - Other
4103200000	- Of reptiles
4103300000	- Of swine
4103901000	- - Of goats or kids:
4103909000	- - Other

HS Code	Description of Products
4301300000	- Of lamb, the following: Astrakhan, Broadtail, Caracul, Persian and similar lamb, Indian, Chinese, Mongolian or Tibetan lamb, whole, with or without head, tail or paws
4301600000	- Of fox, whole, with or without head, tail or paws
4301807010	Raw furskins, whole, with or without heads, tails or paws (excl. those of mink, lamb - Astrachan, Caracul, Persian, Broadtail and similar, and Indian, Chinese, Mongolian or Tibetan -, fox, marmots and of wild felines): seals, aims, with a chairman, tail, paws, or without them
4301900000	- Heads, tails, paws and other pieces or cuttings, suitable for furriers' use
5203000000	Cotton, carded or combed

APPENDIX 1 TO THE PROTOCOL ON RULES OF ORIGIN

INTRODUCTORY NOTES TO THE LIST IN APPENDIX 2

Note 1:

The list sets out the conditions required for all products to be considered as sufficiently worked or processed within the meaning of Article 7 of the Protocol on Rules of Origin.

Note 2:

- 2.1 The first two columns in the list describe the product obtained. The first column gives the heading number or chapter number used in the Harmonized System and the second column gives the description of goods used in that system for that heading or chapter. For each entry in the first two columns, a rule is specified in columns 3 or 4. Where, in some cases, the entry in the first column is preceded by an 'ex', this signifies that the rules in columns 3 or 4 apply only to the part of that heading as described in column 2.
- 2.2 Where several heading numbers are grouped together in column 1, or where a chapter number is given and the description of products in column 2 is therefore given in general terms, the adjacent rules in columns 3 or 4 apply to all products which, under the Harmonized System, are classified in headings of the chapter or in any of the headings grouped together in column 1.
- 2.3 Where the list contains different rules applying to different products within a heading, each indent contains the description of that part of the heading covered by the adjacent rules in columns 3 or 4.
- 2.4 Where, for an entry in the first two columns, a rule is specified in both columns 3 and 4, the exporter may opt, as an alternative, to apply either the rule set out in column 3 or that set out in column 4. If no origin rule is given in column 4, the rule set out in column 3 has to be applied.

Note 3:

- 3.1 The provisions of Article 7 of the Protocol on Rules of Origin concerning products having acquired originating status which are used in the manufacture of other products apply regardless of whether such status has been acquired inside the factory where these products are used or in another factory in a Party.

Example:

An engine of heading 84.07, for which the rule states that the value of the non-originating materials which may be incorporated may not exceed 40 per cent of the ex-works price, is made from “other alloy steel roughly shaped by forging” of heading ex 72.24.

If this forging has been forged in the Party concerned from a non-originating ingot, it has already acquired originating status by virtue of the rule for heading ex 72.24 in the list. The forging can then count as originating in the value calculation for the engine regardless of whether it was produced in the same factory or in another factory in the Party concerned. The value of the non-originating ingot is thus not taken into account when adding up the value of the non-originating materials used.

- 3.2 The rule in the list represents the minimum amount of working or processing required and the carrying out of more working or processing also confers originating status; conversely, the carrying out of less working or processing cannot confer originating status. Thus, if a rule provides that non-originating material at a certain level of manufacture may be used, the use of such material at an earlier stage of manufacture is allowed and the use of such material at a later stage is not.
- 3.3 Without prejudice to Note 3.2, where a rule states that “materials of any heading” may be used, materials of the same heading as the product may also be used, subject, however, to any specific limitations which may also be contained in the rule. However, the expression “manufacture from materials of any heading, including other materials of heading ...” means that only materials classified in the same heading as the product of a different description than that of the product as given in column 2 of the list may be used.
- 3.4 When a rule in the list specifies that a product may be manufactured from more than one material, this means that any one or more materials may be used. It does not require that all be used.

Example:

The rule for fabrics of headings 52.08 to 52.12 provides that natural fibres may be used and that chemical materials, among other materials, may also be used. This does not mean that both have to be used; it is possible to use one or the other or both.

- 3.5 Where a rule in the list specifies that a product must be manufactured from a particular material, the condition obviously does not prevent the use of other materials which, because of their inherent nature, cannot satisfy the rule. (See also Note 6.2 in relation to textiles).

Example:

The rule for prepared foods of heading 19.04 which specifically excludes the use of cereals and their derivatives does not prevent the use of mineral salts, chemicals and other additives which are not products from cereals.

However, this does not apply to products which, although they cannot be manufactured from the particular material specified in the list, can be produced from a material of the same nature at an earlier stage of manufacture.

Example:

In the case of an article of apparel of ex Chapter 62 made from non-woven materials, if the use of only non-originating yarn is allowed for this class of article, it is not possible to start from non-woven cloth - even if non-woven cloths cannot normally be made from yarn. In such cases, the starting material would normally be at the stage before yarn - that is the fibre stage.

- 3.6 Where, in a rule in the list, two percentages are given for the maximum value of non-originating materials that can be used, then these percentages may not be added together. In other words, the maximum value of all the non-originating materials used may never exceed the highest of the percentages given. Furthermore, the individual percentages must not be exceeded in relation to the particular materials they apply to.

Note 4:

- 4.1 The term “natural fibres” is used in the list to refer to fibres other than artificial or synthetic fibres. It is restricted to the stages before spinning takes place, including waste, and, unless otherwise specified, includes fibres that have been carded, combed or otherwise processed but not spun.
- 4.2 The term “natural fibres” includes horsehair of heading 05.11, silk of headings 50.02 and 50.03 as well as the wool fibres, fine or coarse animal hair of headings 51.01 to 51.05, the cotton fibres of headings 52.01 to 52.03 and the other vegetable fibres of headings 53.01 to 53.05.
- 4.3 The terms “textile pulp”, “chemical materials” and “paper-making materials” are used in the list to describe the materials not classified in Chapters 50 to 63, which can be used to manufacture artificial, synthetic or paper fibres or yarns.
- 4.4 The term “man-made staple fibres” is used in the list to refer to synthetic or artificial filament tow, staple fibres or waste, of headings 55.01 to 55.07.

Note 5:

- 5.1 Where for a given product in the list reference is made to this Note, the conditions set out in column 3 shall not be applied to any basic textile materials, used in the manufacture of this product, which, taken together, represent ten per cent or less of the total weight of all the basic textile materials used. (See also Notes 5.3 and 5.4).
- 5.2 However, the tolerance mentioned in Note 5.1 may only be applied to mixed products which have been made from two or more basic textile materials.

The basic textile materials referred to in this Note are the following:

- silk;
- wool;
- coarse animal hair;
- fine animal hair;
- horsehair;
- cotton;
- paper-making materials and paper;
- flax;
- true hemp;
- jute and other textile bast fibres;
- sisal and other textile fibres of the genus Agave;
- coconut, abaca, ramie and other vegetable textile fibres;
- synthetic man-made filaments;
- artificial man-made filaments;
- current conducting filaments;
- synthetic man-made staple fibres of polypropylene;
- synthetic man-made staple fibres of polyester;
- synthetic man-made staple fibres of polyamide;
- synthetic man-made staple fibres of polyacrylonitrile;
- synthetic man-made staple fibres of polyimide;
- synthetic man-made staple fibres of polytetrafluoroethylene;
- synthetic man-made staple fibres of polyphenylene sulphide;
- synthetic man-made staple fibres of polyvinyl chloride;
- other synthetic man-made staple fibres;
- artificial man-made staple fibres of viscose;

- other artificial man-made staple fibres;
- yarn made of polyurethane segmented with flexible segments of polyether whether or not gimped;
- yarn made of polyurethane segmented with flexible segments of polyester whether or not gimped;
- products of heading 56.05 (metallised yarn) incorporating strip consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium powder, of a width not exceeding five mm, sandwiched by means of a transparent or coloured adhesive between two layers of plastic film; and
- other products of heading 56.05.

Example:

A yarn of heading 52.05 made from cotton fibres of heading 52.03 and synthetic staple fibres of heading 55.06 is a mixed yarn. Therefore, non-originating synthetic staple fibres that do not satisfy the origin rules (which require manufacture from chemical materials or textile pulp) may be used up to a weight of ten per cent of the yarn.

Example:

A woollen fabric of heading 51.12 made from woollen yarn of heading 51.07 and synthetic yarn of staple fibres of heading 55.09 is a mixed fabric. Therefore synthetic yarn which does not satisfy the origin rules (which require manufacture from chemical materials or textile pulp) or woollen yarn that does not satisfy the origin rules (which require manufacture from natural fibres, not carded or combed or otherwise prepared for spinning) or a combination of the two may be used provided their total weight does not exceed ten per cent of the weight of the fabric.

Example:

Tufted textile fabric of heading 58.02 made from cotton yarn of heading 52.05 and cotton fabric of heading 52.10 is only a mixed product if the cotton fabric is itself a mixed fabric being made from yarns classified in two separate headings or if the cotton yarns used are themselves mixtures.

Example:

If the tufted textile fabric concerned had been made from cotton yarn of heading 52.05 and synthetic fabric of heading 54.07, then, obviously, the yarns used are two separate basic textile materials and the tufted textile fabric is accordingly a mixed product.

- 5.3 In the case of products incorporating “yarn made of polyurethane segmented with flexible segments of polyether whether or not gimped” the tolerance referred to in Note 5.1 is 20 per cent in respect of this yarn.

- 5.4 In the case of products incorporating “strip consisting of a core of aluminium foil or of a core of plastic film whether or not coated with aluminium powder, of a width not exceeding five mm, sandwiched by means of an adhesive between two films of plastic film”, the tolerance referred to in Note 5.1 is 30 per cent in respect of this strip.

Note 6:

- 6.1 In the case of textile products which are marked in the list by a footnote referring to this Note, textile materials, with the exception of linings and interlinings, which do not satisfy the rule set out in the list in column 3 for the made-up product concerned may be used, provided that they are classified in a heading other than that of the product and that their value does not exceed eight per cent of the ex-works price of the product.
- 6.2 Without prejudice to Note 6.3, materials which are not classified within Chapters 50 to 63 may be used freely in the manufacture of textile products, whether or not they contain textiles.

Example:

If a rule in the list provides that for a particular textile item, such as trousers, yarn must be used, this does not prevent the use of metal items, such as buttons, because buttons are not classified under Chapters 50 to 63. For the same reason, it does not prevent the use of slide-fasteners even though slide-fasteners normally contain textiles.

- 6.3 Where a percentage rule applies, the value of materials which are not classified under Chapters 50 to 63 must be taken into account when calculating the value of the non-originating materials incorporated.

Note 7

- 7.1 For the purposes of headings ex 27.07, 27.13 to 27.15, ex 29.01, ex 29.02 and ex 34.03, the “specific processes” are the following:
- (a) vacuum distillation;
 - (b) redistillation by a very thorough fractionation process;
 - (c) cracking;
 - (d) reforming;
 - (e) extraction by means of selective solvents;

- (f) the process comprising all the following operations: processing with concentrated sulphuric acid, oleum or sulphuric anhydride; neutralisation with alkaline agents; decolourisation and purification with naturally active earth, activated earth, activated charcoal or bauxite;
- (g) polymerisation;
- (h) alkylation; and
- (i) isomerisation.

7.2 For the purposes of headings 27.10, 27.11 and 27.12, the “specific processes” are the following:

- (a) vacuum distillation;
- (b) redistillation by a very thorough fractionation process;
- (c) cracking;
- (d) reforming;
- (e) extraction by means of selective solvents;
- (f) the process comprising all the following operations: processing with concentrated sulphuric acid, oleum or sulphuric anhydride; neutralisation with alkaline agents; decolourisation and purification with naturally active earth, activated earth, activated charcoal or bauxite;
- (g) polymerisation;
- (h) alkylation;
- (ij) isomerisation;
- (k) in respect of heavy oils falling within heading ex 27.10 only, desulphurisation with hydrogen resulting in a reduction of at least 85 per cent of the sulphur content of the products processed (ASTM D 1266-59 T method);
- (l) in respect of products falling within heading 27.10 only, deparaffining by a process other than filtering;
- (m) in respect of heavy oils falling within heading ex 27.10 only, treatment with hydrogen at a pressure of more than 20 bar and a temperature of more than 250°C with the use of a catalyst, other than to effect desulphurisation, when the hydrogen constitutes an active element in a chemical reaction. The further treatment with hydrogen of lubricating oils of heading ex 27.10 (e.g. hydro finishing or decolourisation) in

order, more especially, to improve colour or stability shall not, however, be deemed to be a specific process;

- (n) in respect of fuel oils falling within heading ex 27.10 only, atmospheric distillation, on condition that less than 30 per cent of these products distils, by volume, including losses, at 300°C by the ASTM D 86 method;
- (o) in respect of heavy oils other than gas oils and fuel oils falling within heading ex 27.10 only, treatment by means of a high-frequency electrical brush-discharge; and
- (p) in respect of crude products (other than petroleum jelly, ozokerite, lignite wax or peat wax, paraffin wax containing by weight less than 0.75 per cent of oil) of heading ex 27.12 only, de-oiling by fractional crystallisation.

- 7.3 For the purposes of headings ex 27.07, 27.13 to 27.15, ex 29.01, ex 29.02 and ex 34.03, simple operations such as cleaning, decanting, desalting, water separation, filtering, colouring, marking, obtaining a sulphur content as a result of mixing products with different sulphur contents, as well as any combination of these operations or like operations, do not confer origin.
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