

No. 30547

**FINLAND
and
SWEDEN**

**Agreement concerning trade in agricultural products (with
annex and exchange of letters dated 4 June 1993). Signed
at Helsinki on 27 November 1992**

Authentic texts of the Agreement and annex: Finnish and Swedish.

Authentic text of the exchange of letters: Swedish.

Registered by Finland on 30 November 1993.

**FINLANDE
et
SUÈDE**

**Accord sur le commerce des produits agricoles (avec annexe
et échange de lettres en date du 4 juin 1993). Signé à
Helsinki le 27 novembre 1992**

Textes authentiques de l'Accord et de l'annexe : finnois et suédois.

Texte authentique de l'échange de lettres : suédois.

Enregistré par la Finlande le 30 novembre 1993.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN FINLAND AND SWEDEN CONCERNING TRADE IN AGRICULTURAL PRODUCTS

The Governments of Finland and Sweden,

Having regard to article 23 of the EFTA Convention² and article 1 of the Agreement between Finland and Sweden concerning Trade in Agricultural Products of 28 May 1980,³ have agreed as follows:

1. Finland and Sweden shall establish annual import quotas for agricultural products as follows:

(a) Products of Finnish origin entering Sweden:

<i>HS Heading No.</i>	<i>Description of product</i>	<i>Customs duty/Import levy kg</i>	<i>Quantity (metric tons)</i>
ex 02.01	Meat of bovine animals (<i>Bos taurus</i>), fresh or chilled	free	300
ex 02.03	Meat of swine, fresh or chilled	free	300
ex 02.10	Meat and edible offal, salted, in brine, dried or smoked	free	300
ex 04.06	Cheese and curd	free	1 400
15.17.10	Margarine, excluding liquid margarine	free	2 000*
16.01.00	Sausages and similar products of meat, meat offal or blood; food preparations based on these products	free	} 600
16.02.00	Other prepared or preserved meat, meat offal or blood	free	

* Increase in the EFTA quota. Sweden shall raise its import quota for margarine, established for all EFTA countries, by 2,000 tons to 9,200 tons.

¹ Came into force on 1 July 1993, the date agreed upon in an exchange of notes (effected on 8 March and 11 June 1993) by which the Parties informed each other of its approval pursuant to their national procedures, in accordance with paragraph 8.

² United Nations, *Treaty Series*, vol. 370, p. 3.

³ *Ibid.*, vol. 1276, p. 323.

(b) Products of Swedish origin entering Finland:

<i>HS Heading No.</i>	<i>Description of product</i>	<i>Customs duty/Import levy kg</i>	<i>Quantity (metric tons)</i>
ex 02.01	Meat of bovine animals (<i>Bos taurus</i>), fresh or chilled	normal import levy, less Fmk 15	300
ex 02.03	Meat of swine, fresh or chilled	normal import levy, less Fmk 5	300
ex 02.10	Meat and edible meat offal of bovine animals (<i>Bos taurus</i>), swine or reindeer, salted, in brine, dried or smoked	normal import levy, less Fmk 10	300
ex 04.06.90	Other types of cheese, excluding Edam or Edam-type cheese and Emmenthaler or Emmenthaler-type cheese*	1/6 of normal import levy	1 000
15.17.10	Margarine, excluding liquid margarine	free	2 000
16.01.00	Sausages and similar products of meat, meat offal or blood; food preparations based on these products	toll free/normal import levy, less) Fmk 10	} 600
16.02.00	Other prepared or preserved meat, meat offal or blood	toll free/import levy, less Fmk 10	

* Excluding also cheese of porous and granular type (with the exemption of surface-ripened cheese as well as Prästost, Svecia, Västerbotten, and Regent and other cheeses of Port Salut type).

2. Finland shall guarantee that import licences are granted for the import amounts pursuant to the Agreement.

Finland and Sweden shall guarantee that the reciprocally granted preferences will not become superseded by other import measures.

Finland and Sweden shall guarantee that any “subsidies granted for the export quotas stipulated in the Agreement do not exceed the difference between the ordinary export subsidy and the duty-tariff preference granted”.

3. The Rules of Origin shall be laid down in the Annex to this Agreement.

4. The border protection provisions for the agricultural products covered by this Agreement shall be modified in order to render them consistent with the future GATT agreement.

The balance between the rights and obligations of the Contracting Parties pursuant to this Agreement shall thereby be maintained in a manner deemed appropriate.

5. Should either one of the Contracting Parties so request, consultations shall be held at the earliest possible time on the operation of the Agreement and any problems which may arise such as imports which cause market disruption.

6. If the quotas stipulated in 1 above are exhausted during a given year, both countries shall, upon the request of either one of them, investigate the possibilities for raising the quotas.

7. Finland and Sweden shall make constant efforts to promote free trade in agricultural products between them. To that end, the Contracting Parties shall, prior

to the end of the year 1993, review this Agreement and engage in discussions on ways of further promoting reciprocal free trade in agricultural products.

8. The present Agreement shall be ratified in each of the countries in accordance with their respective procedures. The Agreement shall enter into force as soon as each of the Contracting Parties, through diplomatic channels, has notified the other of its ratification. Thereafter, the Agreement shall remain in force for a renewable period of one year.

9. The Agreement may be denounced in writing by either Contracting Party, in which case it shall cease to have effect six months after the receipt of a written notification of denunciation.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, signed this Agreement at Helsinki on 27 November 1992 in duplicate, in the Finnish and Swedish languages, both texts being equally authentic.

For the Government of Finland:

REINO URONEN

For the Government of Sweden:

KNUT TYBERG

ANNEX

RULES OF ORIGIN

1.1. For the purposes of this Agreement, a product shall be treated as a product with originating status in either Finland or Sweden if it is wholly produced in that country.

1.2. “Wholly produced in Finland or Sweden” means:

- (a) Plant products harvested in those countries;
- (b) Live animals born and raised in those countries;
- (c) Products obtained from live animals raised in those countries;
- (d) Goods produced solely from products referred to in (a) to (c) above.

1.3. Packing materials and wrappings used in packing a product shall not be considered to constitute part of the product when determining whether it is wholly produced, and the place of origin need not be indicated for these packing materials or wrappings.

2. Notwithstanding the rule in paragraph 1, the products referred to in columns 1 and 2 of this list that are produced in either Finland or Sweden using materials not wholly produced in those countries, shall also be considered as products with originating status in those countries, provided that the conditions specified in column 3 for the production or handling of these materials are met.

3.1. The preferential treatment pursuant to the Agreement shall be applied only to those products that are transported directly from Finland to Sweden or from Sweden to Finland without passing through the territory of other countries. A shipment consisting of a single consignment of products with originating status in Finland or Sweden may nonetheless be routed via areas outside Finland or Sweden and if necessary trans-shipped or stored temporarily in such areas, if transportation via those areas is justifiable on geographical grounds and if the products have remained under the control of the customs authorities of the transit or storage country and have not been offered for sale or released for consumption there, or subjected to measures other than those related to discharge and reloading or necessary to maintain them in good condition.

3.2. Proof of compliance with the provisions of paragraph 3.1 above shall be presented to the customs authorities of the importing country in accordance with the procedure stipulated in article 13, paragraph 2, of Protocol 4 of the Agreement on the European Economic Area.¹

4.1. The products with originating status in Finland or Sweden that are referred to in this Annex shall, on importation into Finland or Sweden, enjoy the benefits accorded under this Agreement upon production of either a EUR.1 product certificate or an invoice declaration issued or prepared in accordance with the provisions of Title V of Protocol 4 of the Agreement on the European Economic Area.

4.2. The document referred to in 4.1 above must clearly indicate the country of origin of the product, designating it as either “Finland” or “Sweden”. If an invoice declaration is used, the reference to “of EEA preferential origin” in the text of the declaration contained in Appendix IV to Protocol 4 of the Agreement on the European Economic Area shall be replaced by “of Finnish origin” or “of Swedish origin”.

5. Where appropriate, the provisions of Title IV (refund of duties or tariff reduction), Title V (proof of origin), and Title VI (arrangements for administrative cooperation) of Protocol 4 of the Agreement on the European Economic Area concerning refund of duties, tariff reduction, proof of origin, and forms of administrative cooperation shall apply. Regarding Title IV, it is understood that the prohibition against refund of duties and tariff reduction shall apply only to materials of the kind covered by the Agreement on the European Economic Area.

¹ United Nations, *Treaty Series*, vol. 1793 to 1818, No. I-31121.

LIST OF THE PRODUCTS REFERRED TO IN PARAGRAPH 2 COVERED BY CONDITIONS
OTHER THAN THE "WHOLLY PRODUCED" CRITERION

<i>HS Heading No. (1)</i>	<i>Description of product (2)</i>	<i>Working or processing carried out on non-originating materials that affords originating status (3)</i>
ex 02.01	Meat and edible offal, salted, in brine, dried or smoked	All Chapter 2 materials used must be wholly produced in the area
ex 04.06	Cheese and curd	All Chapter 4 materials used must be wholly produced in the area
ex 15.17	Margarine, excluding liquid margarine	All materials used are rated under tariff headings which differ from the product heading All Chapter 4 materials used must be wholly produced in the area
16.01	Sausages and similar products, of meat, meat offal or blood; food preparations based on these products	All Chapter 2 materials used must be wholly produced in the area
16.02.00	Other prepared or preserved meat, meat offal or blood	All Chapter 2 materials must be wholly produced in the area

EXCHANGE OF LETTERS

I

*Letter from the Director of the Trade Policy Department of the Ministry
of Foreign Affairs to the Swedish Ambassador in Helsinki*

Helsinki, 4 June 1993

Sir,

I have the honour to refer to the Agreement between Finland and Sweden concerning Trade in Agricultural Products that was signed at Helsinki on 27 November 1992 and has been ratified in accordance with the appropriate procedures in the respective countries. At the time when the Agreement was signed, it was presumed that the Agreement on the European Economic Area (EEA) would enter into force on 1 January 1993. The Rules of Origin incorporated in the Agreement between Finland and Sweden were therefore linked to Protocol 4 of the EEA Agreement. However, as the EEA Agreement has not entered into force as yet, a temporary arrangement regarding the Rules of Origin must be set up to cover the transition period up until the EEA Agreement enters into force. In this respect we propose that the stipulations in paragraphs 3.2, 4.1 and 5 of the Annex to the Agreement should be replaced with the following:

“3.2. Proof of compliance with the provisions of paragraph 3.1 shall be presented to the customs authorities of the importing country in accordance with article 12, paragraph 6, of Annex B to the EFTA Convention.

“4. The products originating in Finland or Sweden that are referred to in this Annex shall, on importation into Finland or Sweden, enjoy the benefits accorded under this Agreement upon production of either a EUR.1 product certificate or an invoice declaration issued in accordance with the stipulations in Title II of Annex B to the EFTA Convention.

“5. Where appropriate, the provisions of Titles II and IV of Annex B to the EFTA Convention concerning refund of duties, tariff reduction, proof of origin, and forms of administrative cooperation shall apply. It is understood that the prohibition against refund of duties and tariff reduction shall apply only to materials of the kind covered by the EFTA Convention.”

If this proposal is acceptable to you, I have the honour to propose that this letter, including your reply, should constitute an agreement between Finland and Sweden, to enter into force on 1 July 1993 and terminate on the date the EEA Agreement enters into force, when the original stipulations in paragraphs 3.2, 4.1, 4.2, and 5 of the Annex to the Agricultural Agreement will automatically take effect.

Accept, Sir, etc.

ANTTI SATULI
Director

II

*Letter from the Swedish Ambassador in Helsinki to the Director
of the Trade Policy Department of the Ministry of Foreign Affairs*

Helsinki, 4 June 1993

Sir,

I have the honour to acknowledge the receipt of your letter of 4 June 1993 which reads:

[*See letter I*]

I hereby confirm that the proposal set forth in the above letter is acceptable to the Government of Sweden.

Accept, Sir, etc.

MATS BERGQUIST
Ambassador