

*This **document** is the European Union's (EU) proposal complementing EU's earlier legal text on the concept of originating products in the EU-Indonesia FTA. It has been tabled for discussion with Indonesia. The actual text in the final agreement will be a result of negotiations between the EU and Indonesia.*

**DISCLAIMER:** *The EU reserves the right to make subsequent modifications to this text and to complement its proposals at a later stage, by modifying, supplementing or withdrawing all, or any part, at any time.*

**PROTOCOL [XX]**

**CONCERNING THE DEFINITION OF THE CONCEPT OF  
“ORIGINATING PRODUCTS” AND  
METHODS OF ADMINISTRATIVE COOPERATION**

*SECTION 6*

**FINAL PROVISIONS**

*Article 29*

**Ceuta and Melilla**

1. For the purpose of this Protocol, the term “Union” does not include Ceuta and Melilla.
2. Products originating in Indonesia, when imported into Ceuta and Melilla, shall in all respects be subject to the same customs regime, including preferential tariff treatment, as that which is applied to products originating in the customs territory of the Union under Protocol 2 of the Act of Accession of the Kingdom of Spain and the Portuguese Republic to the European Communities. Indonesia shall apply to imports of products covered by this Agreement and originating in Ceuta and Melilla the same customs regime, including preferential tariff treatment, as that which is applied to products imported from and originating in the Union.
3. The rules of origin applicable to Indonesia under this Protocol shall apply in determining the origin of products exported from Indonesia to Ceuta and Melilla. The rules of origin applicable to the Union under this Protocol shall apply in determining the origin of products exported from Ceuta and Melilla to Indonesia.
4. The provisions on cumulation of origin of this Protocol shall apply to the import and export

of products between the Union, Indonesia and Ceuta and Melilla.

5. Ceuta and Melilla shall be considered as a single territory.
6. The Spanish customs authorities shall be responsible for the application of this Protocol in Ceuta and Melilla.

*Article 30*

**Amendments to this Protocol**

*[placeholder]*

*Article 31*

**Explanatory Notes**

The Parties may agree on the Explanatory Notes regarding the interpretation and application of this Protocol within the [relevant body of the Agreement].

*Article 32*

**Transitional Provisions for Products in Transit or Storage**

The provisions of this Agreement may be applied to products which comply with the provisions of this Protocol and which on the date of entry into force of this Agreement are either in transit from the exporting Party to the importing Party or under customs control in the importing Party without payment of import duties and taxes, subject to the making of a claim for preferential tariff treatment referred to in Article 17 (Claim for Preferential Tariff Treatment) of this Protocol to the customs authority of the importing Party, within 12 months of that date.

**JOINT DECLARATION CONCERNING THE PRINCIPALITY OF ANDORRA**

1. Products originating in the Principality of Andorra falling within Chapter 25 to 97 of the Harmonized System shall be accepted by Indonesia as originating in the Union within the meaning of this Agreement, provided that the customs union established by Council Decision 90/680/EEC of 26 November 1990 on the conclusion of an agreement in the form of an exchange of letters between the European Economic Community and the Principality of Andorra remains in force.
2. Protocol [XX] (Concerning the Definition of the Concept of “Originating Products” and Methods of Administrative Cooperation) shall apply mutatis mutandis for the purpose of defining the originating status of products referred to in paragraph 1 of this Joint Declaration.

**JOINT DECLARATION CONCERNING THE REPUBLIC OF SAN MARINO**

1. Products originating in the Republic of San Marino shall be accepted by Indonesia as originating in the Union within the meaning of this Agreement, provided that these products are covered by the Agreement on Cooperation and Customs Union between the European Economic Community and the Republic of San Marino, done at Brussels on 16 December 1991, and that the latter remains in force.
2. Protocol [XX] (Concerning the Definition of the Concept of “Originating Products” and Methods of Administrative Cooperation) shall apply mutatis mutandis for the purpose of defining the originating status of the products referred to in paragraph 1 of this Joint Declaration.