

PROTOCOLS

PROTOCOL 9

on trade in Fish and other marine products

Article 1

1. Without prejudice to the provisions referred to in Appendix 1, the EFTA States shall upon entry into force of the Agreement abolish customs duties on imports and charges having equivalent effect on the products listed in Table I of Appendix 2.

2. Without prejudice to the provisions referred to in Appendix 1, the EFTA States shall apply no quantitative restrictions on imports or measures having equivalent effect on the products listed in Table I of Appendix 2. In this context the provisions of Article 13 of the Agreement shall apply.

Article 2

1. The Community shall, upon the entry into force of the Agreement, abolish customs duties on imports and charges having equivalent effect on the products listed in Table II of Appendix 2.

2. The Community shall reduce customs duties on the products listed in Table III of Appendix 2 progressively in accordance with the following timetable:

- (a) on 1 January 1993 each duty shall be reduced to 86% of the basic duty;
- (b) four further reductions of 14% each of the basic duty shall be made on 1 January 1994, 1 January 1995, 1 January 1996 and 1 January 1997.

3. The basic duties to which the successive reductions provided for in paragraph 2 are to be applied shall, for each product, be the duties bound by the Community under the General Agreement on Tariffs and Trade, or, where the duty is not bound, the autonomous duty on 1 January 1992. Should, after 1 January 1992, any tariff reductions resulting from the multilateral trade negotiations of the Uruguay Round become applicable, such reduced duties shall be used as the basic duties.

Whenever in the context of bilateral agreements between the Community and individual EFTA States reduced duties exist for certain products, those duties shall be considered as the basic duties for each of the EFTA States concerned.

4. The rates of duty calculated in accordance with paragraphs 2 and 3 shall be applied by rounding down to the first decimal place by deleting the second decimal.

5. The Community shall apply no quantitative restrictions on imports or measures having equivalent effect on the products listed in Appendix 2. In this context the provisions of Article 13 of the Agreement shall apply.

Article 3

The provisions of Articles 1 and 2 shall apply to products originating in the Contracting Parties. The rules of origin are set out in Protocol 4 of the Agreement.

Article 4

1. Aid granted through State resources to the fisheries sector which distorts competition shall be abolished.

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2. Legislation relating to the market organization in the fisheries sector shall be adjusted so as not to distort competition.

3. The Contracting Parties shall endeavour to ensure conditions of competition which will enable the other Contracting Parties to refrain from the application of anti-dumping measures and countervailing duties.

Article 5

The Contracting Parties shall take the necessary measures to ensure that all fishing vessels flying the flag of other Contracting Parties enjoy access equal to that of their own vessels to ports and first-stage marketing installations together with all associated equipment and technical installations. Notwithstanding the provisions of the preceding paragraph, a Contracting Party may refuse landings of fish from a fish stock of common interest over the management of which there is serious disagreement.

Article 6

Should the necessary legislative adaptations not have been effected to the satisfaction of the Contracting Parties at the time of entry into force of the Agreement, any points at issue may be put to the EEA Joint Committee. In the event of failure to reach agreement, the provisions of Article 114 of the Agreement shall apply *mutatis mutandis*.

Article 7

The provisions of the agreements listed in Appendix 3 shall prevail over provisions of this Protocol to the extent they grant to the EFTA States concerned more favourable trade regimes than this Protocol.

APPENDIX 1

Article 1

On the following products Finland may temporarily maintain its present regime. Not later than 31 December 1992 Finland shall present a fixed timetable for the elimination of these exemptions.

HS heading No	Description of goods
ex 0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304: — Salmon — Baltic herring
ex 0303	Fish, frozen, excluding fish fillets and other fish meat of heading No 0304: — Salmon — Baltic herring
ex 0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen — Fresh or chilled fillets of salmon — Fresh or chilled fillets of Baltic herring

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(The term 'fillet' shall also cover fillets where the two sides are joined together, for example, by the back or the belly.)

Article 2

1. Liechtenstein and Switzerland may maintain customs duties on imports of the following products.
2. Without prejudice to possible tariffication resulting from the multilateral trade negotiations of the Uruguay Round, Liechtenstein and Switzerland may maintain variable levies in the context of their agricultural policy for the following fish and other marine products.

Article 3

1. On the following products Sweden may until 31 December 1993 apply quantitative restrictions on imports, in so far as this may be necessary to avoid serious disturbances in the Swedish market.
2. As long as Finland temporarily maintains its present regime with regard to Baltic herring, Sweden may apply quantitative restrictions on imports of that product when originating in Finland.

APPENDIX 2

HS heading No	Description of goods
0208	Other meat and edible meat offal, fresh chilled or frozen:
ex 0208 90	– Other: – – Of whale
Chapter 3	Fish and crustaceans, molluscs and other aquatic invertebrates
1504	Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified
1516	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinized, whether or not refined, but not further prepared:
ex 1516 10	– Animal fats and oils and their fractions: – – Obtained entirely from fish or marine mammals
1603	Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates:

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TABLE I

ex 1603 00	– Extracts and juices of whale meat, fish or crustaceans, molluscs or other aquatic invertebrates
1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs
1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved
2301	Flours, meals and pellets, of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumption; greaves:
ex 2301 10	– Flours, meals and pellets, of meat or meat offal; greaves: – – Whale meal
ex 2301 20	– Flours, meals and pellets of fish or of crustaceans, molluscs or other aquatic invertebrates
2309	Preparations of a kind used in animal feeding:
ex 2309 90	– Other – – Fish solubles

TABLE II

CN heading No	Description of goods
0302 50 0302 69 35 0303 60 0303 79 41 0304 10 31	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , fresh, chilled or frozen, including fillets, fresh or chilled
0302 62 00 0303 72 00 ex 0304 10 39	Haddock (<i>Melanogrammus aeglefinus</i>), fresh, chilled or frozen, including fillets, fresh or chilled
0302 63 00 0303 73 00 ex 0304 10 39	Saithe [Coalfish] (<i>Pollachius virens</i>), fresh, chilled or frozen, including fillets, fresh or chilled
0302 21 10 0302 21 30 0303 31 10 0303 31 30 ex 0304 10 39	Lesser or Greenland halibut (<i>Reinhardtius hippoglossoides</i>) and Atlantic halibut (<i>Hippoglossus hippoglossus</i>), fresh, chilled or frozen, including fillets, fresh or chilled
0305 62 00 0305 69 10	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species

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	<i>Boreogadus saida</i> , salted but not dried or smoked and these fish in brine
0305 51 10 0305 59 11	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , dried, unsalted
0305 30 11 0305 30 19	Fillets of cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , dried, salted or in brine, but not smoked
0305 30 90	Other fillets, dried, salted or in brine, but not smoked
1604 19 91	Other fillets, raw, merely coated with batter or breadcrumbs, whether or not pre-fried in oil, deep frozen
1604 30 90	Caviar substitutes

TABLE III

In each of the following headings, the concessions granted by the Community shall not include any products specified in Table II or in the attachment to Table III.

CN heading No	Description of goods
0301	Live fish
0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No 0304
0303	Fish, frozen, excluding fish fillets and other fish meat of heading No 0304
0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen
0305	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; flours, meals and pellets of fish, fit for human consumption
0306	Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine; flours, meals and pellets of crustaceans, fit for human consumption
0307	Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine, flours, meals and

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TABLE III

In each of the following headings, the concessions granted by the Community shall not include any products specified in Table II or in the attachment to Table III.

	pellets of aquatic invertebrates other than crustaceans, fit for human consumption
1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs
1605	Crustaceans and molluscs, and other aquatic invertebrates, prepared or preserved

Attachment to Table III

CN heading No	Description of goods
(a) Salmon: Pacific salmon (<i>Oncorhynchus</i> spp.), Atlantic salmon (<i>Salmo salar</i>) and Danube salmon (<i>Hucho hucho</i>)	
0301 99 11	live
0302 12 00	fresh or chilled
0303 10 00	frozen Pacific
0303 22 00	frozen Atlantic and Danube
0304 10 13	fresh or chilled fillets
0304 20 13	frozen fillets
ex 0304 90 97	other frozen meat of salmon
0305 30 30	fillets, salted or in brine, not smoked
0305 41 00	smoked, including fillets
0305 69 50	salted or in brine, but not dried or smoked
1604 11 00	whole or in pieces, prepared or preserved
1604 20 10	other prepared or preserved
(b) Herring (<i>Clupea harengus</i>, <i>Clupea pallasii</i>)	
0302 40 90	fresh or chilled, from 16.6 to 14.2
ex 0302 70 00	livers and roes, fresh or chilled
0303 50 90	frozen, from 16.6 to 14.2
ex 0303 80 00	livers and roes, frozen
ex 0304 10 39	fresh fillets of herring
0304 10 93	fresh flaps, from 16.6 to 14.2
ex 0304 10 98	other fresh meat of herring
0304 20 75	frozen fillets
0304 90 25	other frozen meat of herring, from 16.6 to 14.2

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Attachment to Table III

ex 0305 20 00	livers and roes of herring, dried, smoked, salted or in brine
0305 42 00	smoked, including fillets
0305 59 30	dried, whether or not salted, but not smoked
0305 61 00	salted or in brine, but not dried or smoked
1604 12 10	fillets, raw, merely coated in batter or breadcrumbs, whether or not pre-fried in oil, deep frozen
1604 12 90	prepared or preserved herring, whole or in pieces, but not minced
ex 1604 20 90	other prepared or preserved herring
(c) Mackerel (<i>Scomber scombrus</i>, <i>Scomber australasicus</i>, <i>Scomber japonicus</i>)	
0302 64 90	fresh or chilled, from 16.6 to 14.2
0303 74 19	frozen, from 16.6 to 14.2 (<i>S. scombrus</i> , <i>S. japonicus</i>)
0303 74 90	frozen, from 16.6 to 14.2 (<i>S. australasicus</i>)
ex 0304 10 39	fresh fillets of mackerel
0304 20 51	frozen fillets (<i>S. australasicus</i>)
ex 0304 20 53	frozen fillets (<i>S. scombrus</i> , <i>S. japonicus</i>)
ex 0304 90 97	other frozen meat of mackerel
0305 49 30	smoked including fillets
1604 15 10	whole or in pieces, prepared or preserved (<i>S. scombrus</i> , <i>S. japonicus</i>)
1604 15 90	whole or in pieces, prepared or preserved (<i>S. australasicus</i>)
ex 1604 20 90	other prepared or preserved mackerel
(d) Shrimps and prawns	
0306 13 10	of the family Pandalidae, frozen
0306 13 30	of the genus <i>Crangon</i> , frozen
0306 13 90	her shrimps and prawns, frozen
0306 23 10	of the family Pandalidae, not frozen
0306 23 31	of the genus <i>Crangon</i> , fresh, chilled or cooked by steaming or by boiling in water
0306 23 39	other shrimps of the genus <i>Crangon</i>
0306 23 90	other shrimps and prawns, not frozen
1605 20 00	prepared or preserved
(e) Coquilles St Jacques (<i>Pecten maximus</i>)	

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Attachment to Table III

ex 0307 21 00	live, fresh or chilled
0307 29 10	frozen
ex 1605 90 10	prepared or preserved
(f) Norway lobsters (<i>Nephrops norvegicus</i>)	
0306 19 30	frozen
0306 29 30	not frozen
ex 1605 40 00	prepared or preserved

APPENDIX 3

Agreements between the Community and individual EFTA States, as referred to in Article 7:

- Agreement between the European Economic Community and the Kingdom of Sweden, signed on 22 July 1972, and a subsequent Exchange of Letters concerning agriculture and fisheries, signed on 14 July 1986;
- Agreement between the European Economic Community and the Swiss Confederation, signed on 22 July 1972, and a subsequent Exchange of Letters concerning agriculture and fisheries, signed on 14 July 1986;
- Agreement between the European Economic Community and the Kingdom of Norway, signed on 14 May 1973, and a subsequent Exchange of Letters concerning agriculture and fisheries, signed on 14 July 1986;
- Article 1 of Protocol No 6 of the Agreement, between the European Economic Community and the Republic of Iceland, signed on 22 July 1972.