

ANNEX V

REFERRED TO IN ARTICLE 2.8

TRADE IN FISH AND OTHER MARINE PRODUCTS

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Article 1

Scope

This Annex applies to measures affecting trade between the Parties in fish and other marine products, as set out in subparagraphs 1(a) and 2(a) of Annex II (Product Coverage of Non-Agricultural Products).

Article 2

Import Licensing and Accreditation

1. Taking into account the particular trade, development and financial needs of the Parties, import licensing and accreditation procedures, if required by a Party for the importation of fish and other marine products, shall be applied in a neutral, fair, equitable and non-restrictive manner so as not to distort trade between the Parties and in accordance with paragraph 1 of Article III of the GATT 1994.

2. Where a Party has denied an import license application or the accreditation of an importer, with respect to goods of another Party, it shall:

- (a) without undue delay, provide the applicant with a written justification of the reason(s) for the denial;
- (b) ensure that the applicant has the right to at least one level of independent administrative and judicial appeal; and
- (c) where the decision is upheld in an appeal, provide the exporting Party with a written justification of the decision within 14 days.

Article 3

Contact Points

The parties shall exchange names and addresses of contact points responsible for import licensing and accreditation of importers of fish and other marine products, in order to facilitate communication and exchange of information.

Article 4

Notification

A Party adopting or amending regulations related to import licensing and accreditation of importers that are likely to affect trade between the parties in fish and other marine products, shall promptly notify the other Parties.

Article 5

Consultations

Consultations shall be held at the request of a Party which considers that another Party has taken a measure related to import licensing and accreditation of importers, which is likely to create, or has created, an obstacle to trade in fish and other marine products. Such consultations shall take place without undue delay, and no later than ten days from the receipt of the request, with the objective of finding a mutually acceptable solution. Such consultations may be conducted by any agreed method. The Joint Committee shall, where relevant, be informed of such consultations.
