DECISION OF THE JOINT EFTA-TURKEY COMMITTEE No. 4 OF 1992

(Assented at the 1st Meeting on 19 November 1992)

AMENDMENT TO ANNEX II ON FISH AND OTHER MARINE PRODUCTS

THE JOINT COMMITTEE,

Having regard to Footnote 2 in the Table to Annex II on fish and other marine products,

Having regard to Article 29 empowering the Joint Committee to amend the Annexes and Protocols to the Agreement,

DECIDES:

1. Annex II on fish and other marine products shall be replaced by the Annex to this Decision.

2. The Secretary-General of the European Free Trade Association shall deposit the text of this Decision with the Government of Sweden.

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ANNEX II ON FISH AND OTHER MARINE PRODUCTS

Article 1

1. Fish and other marine products are covered by the provisions of the Agreement to the extent laid down in Tables 1 and 2, unless otherwise provided for in this Annex.

2. For these products Turkey shall apply a reduction of customs duties of 60 per cent upon the entry into force of the Agreement, as set out in paragraph 2 of Annex V, and the remaining reductions to be realized between 1993 and 1995 to be specified before the end of 1992.

Table 1

The fish and other marine products covered by the provisions of the Agreement so far as trade relations between, on the one side, Finland, Iceland, Norway and Sweden and, on the other side, Turkey are concerned

<table>
<thead>
<tr>
<th>HS heading No.</th>
<th>Description of products</th>
</tr>
</thead>
<tbody>
<tr>
<td>02.08</td>
<td>Other meat and edible meat offal, fresh chilled or frozen:</td>
</tr>
<tr>
<td></td>
<td>ex 0208.90 - Other:</td>
</tr>
<tr>
<td></td>
<td>- - Of whale¹</td>
</tr>
<tr>
<td>Chapter 3</td>
<td>Fish and crustaceans, molluscs and other aquatic invertebrates</td>
</tr>
<tr>
<td>15.04</td>
<td>Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified¹</td>
</tr>
<tr>
<td>15.16</td>
<td>Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, reesterified or elaidinised, whether or not refined, but not further prepared:</td>
</tr>
</tbody>
</table>

¹ Import ban for whale products is applied by Austria, Finland, Liechtenstein, Sweden and Switzerland on the basis of the CITES Convention.
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ex 1516.10 - Animal fats and oils and their fractions:
- - Obtained entirely from fish or marine mammals

16.03 Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates:

ex 1603.00 - Extracts and juices of whale meat, fish or crustaceans, molluscs or other aquatic invertebrates

16.04 Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs

16.05 Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved

23.01 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

2301.20 - Flours, meals and pellets of fish or of crustaceans, molluscs or other aquatic invertebrates

23.09 Preparations of a kind used in animal feeding:

ex 2309.90 - Other:
- - Fish solubles

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1 Import ban for whale products is applied by Austria, Finland, Liechtenstein, Sweden and Switzerland on the basis of the CITES Convention.
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Table 2

The fish and other marine products covered by the provisions of the Agreement so far as trade relations between, on the one side, Austria, Liechtenstein and Switzerland and, on the other side, Turkey are concerned

<table>
<thead>
<tr>
<th>HS heading No.</th>
<th>Description of products</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 3</td>
<td>Fish and crustaceans, molluscs and other aquatic invertebrates:</td>
</tr>
<tr>
<td>ex Chapter 3</td>
<td>- salt water fish</td>
</tr>
<tr>
<td></td>
<td>- eel</td>
</tr>
<tr>
<td></td>
<td>- salmon</td>
</tr>
<tr>
<td></td>
<td>- crustaceans, molluscs and other aquatic invertebrates</td>
</tr>
<tr>
<td>16.05</td>
<td>Crustaceans, molluscs and other invertebrates, prepared or preserved</td>
</tr>
</tbody>
</table>

Article 2

1. Unless otherwise mentioned in paragraphs 2 to 4, after 31 December 1993 aid measures to the fishing sector shall fall under the disciplines of Article 18 of the Agreement and its agreed interpretation in Annex X.

2. The following aid measures to the fishing sector are considered normally not to be in accordance with the Agreement:

   - General aid measures concerning the sector as a whole and which are not fully directed towards structural measures in accordance with the provisions of paragraph (c)(ii) of Annex X.

   - Tax concessions other than those that directly offset cost disadvantages clearly linked to special conditions prevailing in the fishing sector.

   - Social measures if the subsidy element of such measures exceeds what is generally applied in other sectors, taking into account the special conditions prevailing in the fishing sector.

3. The following aid measures shall normally be considered to be in accordance with the provisions of Article 18 of the Agreement:
- Aid measures in the form of lowest permitted domestic first hand sales prices for fish and the purchase of surpluses that are applied in order to offset serious market disturbances.

- Regional aid measures to the extent that they are necessary for maintaining fishing activities in regions that are to an above-average degree dependent on such activities and where income from fishing is clearly below the national average in the fishing sector. Such regional measures shall not more than offset cost disadvantages in relation to other locations for fisheries. States Parties to the Agreement introducing or maintaining such measures shall, in accordance with the provisions of the agreed interpretation of Article 18, provide sufficient information on the regional situation leading to the introduction or maintenance of such measures.

4. The following aid measures are considered not to be in accordance with the Agreement:

- Aid in accordance with paragraph (c) (vi) of the agreed interpretation, as concerns the fishing sector.

- Aid in accordance with paragraph (c) (viii) of the agreed interpretation, as concerns fishing activities.

**Article 3**

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

<table>
<thead>
<tr>
<th>HS heading No.</th>
<th>Description of products</th>
</tr>
</thead>
<tbody>
<tr>
<td>ex 03.02</td>
<td>Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No. 03.04:</td>
</tr>
<tr>
<td></td>
<td>- Salmon</td>
</tr>
<tr>
<td></td>
<td>- Baltic herring</td>
</tr>
</tbody>
</table>
Fish, frozen, excluding fish fillets and other fish meat of heading No. 03.04:
- Salmon
- Baltic herring

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

**Article 4**

On the following products originating in Turkey, 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.

<table>
<thead>
<tr>
<th>HS heading No.</th>
<th>Description of goods</th>
</tr>
</thead>
<tbody>
<tr>
<td>ex 03.02</td>
<td>Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No. 03.04:</td>
</tr>
<tr>
<td></td>
<td>- Herring</td>
</tr>
<tr>
<td></td>
<td>- Cod</td>
</tr>
</tbody>
</table>

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