

ANNEX II

REFERRED TO IN SUB-PARAGRAPH (c) OF ARTICLE 2

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Article 1

1. Unless otherwise provided for in this Annex, fish and other marine products, as specified below, are covered by the provisions of the Agreement.

2. Upon the date of entry into force of the Agreement all customs duties on imports and charges having equivalent effect shall be abolished for these products originating in the EFTA States and in Romania unless otherwise specified below.

HS heading No.	Description of products
02.08	Other meat and edible meat offal, fresh chilled or frozen:
ex 0208.40	- Of whales, dolphins and porpoises (mammals of the order Cetacea); of manatees and dugongs (mammals of the order Sirenia): -- Of whales ²
Chapter 3	Fish and crustaceans, molluscs and other aquatic invertebrates
15.04	Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified²
15.16	Animal or vegetable fats and oils and their fractions, partly or wholly hydrogenated, inter-esterified, re-esterified or elaidinised, 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 ²
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 ²

¹ As amended by Joint Committee Decisions No. 2 of 1996 (19 March 1996), No. 3 of 1997 (18 December 1997) and No. 1 of 2005 (14 March 2005)

² Import ban for whale products is applied by Liechtenstein and Switzerland on the basis of the CITES Convention.

HS heading No.	Description of products
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 ¹
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

Article 2 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 19 of the Agreement and its interpretation in Annex XII.
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 XII;
 - 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.

¹ Import ban for whale products is applied by Liechtenstein and Switzerland on the basis of the CITES Convention.

² Article 2 was deleted by Joint Committee Decision No. 3 of 2004 (1 April 2004). The Decision will enter into force when the instruments of acceptance have been deposited by all Parties with the Depository. The current Article 2 will then be deleted.

3. The following aid measures shall normally be considered to be in accordance with the provisions of Article 19 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 Annex XII, 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 Annex XII, as concerns the fishing sector;
- aid in accordance with paragraph (c)(viii) of Annex XII, as concerns fishing activities.

Article 3¹

Article 4²

¹ Article 3 was deleted as Austria ceased to be a Party to the Agreement.

² Article 4 was deleted as Finland ceased to be a Party to the Agreement.

Article 5¹

Liechtenstein and Switzerland may maintain customs duties on imports and charges having equivalent effect for the following fish and other marine products originating in Romania:

HS heading No.	Description of products
ex Chapter 15	Fats and oils for human consumption
ex Chapter 23	Feedingstuffs for production animals.

Article 6²

Article 7³

¹ Paragraph 1 of Article 5 was deleted by Joint Committee Decision No. 1 of 2005 (14 March 2005)

² Article 6 was deleted as Sweden ceased to be a Party to the Agreement.

³ Article 7 was deleted by Joint Committee Decision No. 1 of 2005 (14 March 2005).