

Ref. 20614

21 April 2009

1 Annex

DECISION OF THE KOREA-EFTA JOINT COMMITTEE

No. 5 of 2009

(Adopted on 21 April 2009)

AMENDMENT TO ANNEX V TO THE AGREEMENT

FISH AND OTHER MARINE PRODUCTS

THE JOINT COMMITTEE,

Noting the developments in international trade in fish and other marine products,

Noting the discussions taking place in the WTO regarding the definition of fish and fisheries products,

Noting that the Parties desire to harmonise the scope of the Annex in line with international developments,

Noting that the amendments to the Nomenclature appended to the International Convention on the Harmonized Commodity Description and Coding System (HS), which entered into force on 1 January 2007, require adjustments in the HS structure of Table 3 to paragraph 7 of Article 4 of Annex V to the Agreement,

Recognizing that amendments to the tariff nomenclature of a Party or Parties shall not have any negative impact on the preferential treatment under the Agreement, of the goods concerned,

Having regard to paragraph 7 of Article 8.1 of the Agreement, empowering the Joint Committee to amend the Annexes to the Agreement,

DECIDES:

1. The following products shall be added to Table 1 to Article 1 of Annex V:

<b>Heading No.</b>	<b>H.S. Code</b>	<b>Description of products</b>
<b>05.11</b>		<b>Animal products not elsewhere specified or included; dead animals of Chapter 1 or 3, unfit for human consumption.</b>
	ex 0511.91	- Other:
		-- Products of fish or crustaceans, molluscs or other aquatic invertebrates; dead animals of Chapter 3

2. The following products shall be added to Table 2 to Article 3 of Annex V:

<b>Heading No.</b>	<b>Description of products</b>
ex 0511.91	Feedingstuffs for production animals

3. The following paragraph shall be added to Article 4 of Annex V:

“8. Notwithstanding paragraph 1, Korea may maintain customs duties on imports of products of fish or crustaceans, molluscs or other aquatic invertebrates: dead animals of Chapter 3, classified under HS 0511.91 and originating in an EFTA Member State.”

4. Table 3 to paragraph 7 of Article 4 of Annex V shall be replaced by Table 3 set out in the Annex to this Decision.
5. This Decision shall enter into force on the first day of the third month after the last Party has notified the Depositary that its internal requirements have been fulfilled.
6. The Secretary-General of the European Free Trade Association shall deposit the text of this Decision with the Depositary.

**Table 3**

<b>Heading No.</b>	<b>Description</b>	<b>Base Rate</b>	<b>Category</b>
0208	Other meat and edible meat offal, fresh, chilled or frozen.		
0208400000	Of whales, dolphins and porpoises (mammals of the order Cetacea); of manatees and dugongs (mammals of the order Sirenia)	30	R
0301	Live fish.		
030110	Ornamental fish		
0301101000	Gold carp	10	R
0301102000	Tropical fish	10	R
0301109000	Other	10	R
03019	Other live fish:		
030192	Eels ( <i>Anguilla</i> spp.)		
0301921000	Glass eel	10	R
0301929000	Other	30% or 1,908 won/kg, whichever is the greater	R
0301930000	Carp	10	R
0301940000	Bluefin tunas ( <i>Thunnus thynnus</i> )	10	B2
0301950000	Southern bluefin tunas ( <i>Thunnus maccoyii</i> )	10	B2
030199	Other		
0301992000	Yellow tail	10	R
03019940	Sea-bream		
0301994010	Fry (for aquaculture)	45% or 3,292 won/kg, whichever is the greater	R

Heading No.	Description	Base Rate	Category
0301994090	Other	45% or 3,292 won/kg, whichever is the greater	R
0301995000	Conger eel	10	R
0301996000	Sharp toothed eel	10	R
0301997000	Salad eel	10	R
0301998000	Flat fish	10	R
03019990	Other		
0301999010	True bass	10	R
0301999020	Puffers	10	R
0301999030	Tilapia	10	R
0301999040	Rock fish (including pacific ocean perch)	10	R
030199905	Sea bass		
0301999051	Fry (for aquaculture)	45	R
0301999059	Other	45	R
0301999060	Mulletts	10	R
0301999070	Loaches	10	R
0301999080	Cat fishes	10	R
030199909	Other		
0301999091	Rock Trout (Hexagrammos spp., Agrammus spp.)	10	R
0301999092	Crusian carp	10	R
0301999094	Grass carp	10	R
0301999095	Croakers	36	R
0301999099	Other	10	B2
0302	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading 03.04.		

Heading No.	Description	Base Rate	Category
03023	Tunas (of the genus Thunnus), skipjack or stripe-bellied bonito (Euthynnus (Katsuwonus) pelamis), excluding livers and roes :		
0302320000	Yellowfin tunas (Thunnus albacares)	20	B4
0302340000	Bigeye tunas (Thunnus obesus)	20	B2
03026	Other fish, excluding livers and roes :		
0302610000	Sardines (Sardina pilchardus, Sardinops spp.), sardinella(Sardinella spp.), brisling or sprats (Sprattus sprattus)	20	B2
0302640000	Mackerel (Scomber scombrus, Scomber australasicus, Scomber japonicus)	20	B2
0302650000	Dogfish and other sharks	20	B2
0302660000	Eels (Anguilla spp.)	20	B2
030269	Other		
0302691000	Alaska pollack	20	B3
0302692000	Yellow tail	20	B4
0302693000	Hair tail	20	B4
0302694000	Sea-bream	20	B4
0302695000	Conger eel	20	B4
0302696000	Sharp toothed eel	20	B4
0302697000	Horse mackerel	20	B4
0302698000	Saury (including horn fish)	20	B4
03026990	Other		
0302699010	Chub mackerel	20	B4
0302699020	Puffers	20	B4
0302699030	Pomfret	20	B4
0302699040	Angler (Monkfish)	20	B2
030270	Livers and roes		

Heading No.	Description	Base Rate	Category
0303	Fish, frozen, excluding fish fillets and other fish meat of heading 03.04.		
03031	Pacific salmon ( <i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbusha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i> ), excluding livers and roes :		
0303110000	Sockeye salmon (red salmon) ( <i>Oncorhynchus nerka</i> )	10	B2
0303190000	Other	10	B2
03032	Other salmonidae, excluding livers and roes :		
0303220000	Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> )	10	B1
0303290000	Other	10	B4
03033	Flat fish ( <i>Pleuronectidae</i> , <i>Bothidae</i> , <i>Cynoglossidae</i> , <i>Soleidae</i> , <i>Scophthalmidae</i> and <i>Citharidae</i> ), excluding livers and roes :		
0303330000	Sole ( <i>Solea</i> spp.)	10	B2
0303390000	Other	10	B2
03034	Tunas (of the genus <i>Thunnus</i> ), skipjack or stripe-bellied bonito ( <i>Euthynnus</i> ( <i>Katsuwonus</i> ) <i>pelamis</i> ), excluding livers and roes :		
0303420000	Yellowfin tunas ( <i>Thunnus albacares</i> )	10	B2
0303430000	Skipjack or stripe-bellied bonito	10	B2
0303440000	Bigeye tunas ( <i>Thunnus obesus</i> )	10	B2
0303490000	Other	10	B2
03035	Herrings ( <i>Clupea harengus</i> , <i>Clupea pallasii</i> ) and cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> ), excluding livers and roes :		
0303520000	Cod ( <i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i> )	10	B2
03036	Swordfish ( <i>Xiphias gladius</i> ) and toothfish ( <i>Dissostichus</i> spp.), excluding livers and roes :		

<b>Heading No.</b>	<b>Description</b>	<b>Base Rate</b>	<b>Category</b>
0303610000	Swordfish ( <i>Xiphias gladius</i> )	10	B2
0303620000	Toothfish ( <i>Dissostichus</i> spp.)	10	B4
03037	Other fish, excluding livers and roes :		
0303710000	Sardines ( <i>Sardina pilchardus</i> , <i>Sardinops</i> spp.), sardinella ( <i>Sardinella</i> spp.), brisling or sprats ( <i>Sprattus sprattus</i> )	10	B2
0303740000	Mackerel ( <i>Scomber scombrus</i> , <i>Scomber australasicus</i> , <i>Scomber japonicus</i> )	10	TRQ
0303750000	Dogfish and other sharks	10	B2
0303780000	Hake ( <i>Merluccius</i> spp., <i>Urophycis</i> spp.)	10	B2
030379	Other		
0303791000	Alaska pollack	30	R
0303792000	Sable fish	10	B4
0303793000	Hair tail	10	B4
03037940	Sea-bream		
0303794010	Red horsehead fish ( <i>Branchiostegus Japonicus</i> )	10	B2
0303794090	Other	10	B2
0303795000	Conger eel	10	B4
0303796000	Yellow corvina	10	B4
0303797000	Horse mackerel	10	B3
0303798000	Saury (including horn fish)	40	R
03037990	Other		
0303799010	Chub mackerel	10	B4
0303799020	Puffers	10	B4
0303799030	White sea smelt	10	B4
0303799050	John dory	10	B2

<b>Heading No.</b>	<b>Description</b>	<b>Base Rate</b>	<b>Category</b>
0303799060	Atka mackerel	10	B2
0303799070	Rock fish (including pacific ocean perch)	10	B2
0303799080	Whip tail or hoki	10	B4
030379909	Other		
0303799091	Angler (Monkfish)	10	B2
0303799092	Hagfish (Pacific, Atlantic)	10	B2
0303799093	Skate	30	R
0303799094	Milk fish	10	B2
0303799095	Croakers	70	R
0303799096	Ray	10	B4
0303799097	Sand lance	10	B4
0303799098	Toothfish, other than Dissostichus spp.	10	B4
0303799099	Other	10	B2
030380	Livers and roes		
0303801000	Livers	10	B4
03038020	Roes		
0303802010	Of alaska pollack	10	B4
0303802090	Other	10	B1
0304	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen.		
03041	Fresh or chilled :		
030419	Other		
03041910	Of conger-eel		
0304191010	Fillets	20	B4
03041920	Of plaice		
0304192010	Fillets	20	B4

Heading No.	Description	Base Rate	Category
03041930	Of bluefin tunas		
0304193010	Filletts	20	B2
03042	Frozen fillets :		
0304210000	Swordfish (Xiphias gladius)	10	B1
0304220000	Toothfish (Dissostichus spp.)	10	B4
030429	Other		
0304291000	Of alaska pollack	10	B4
0304292000	Of conger-eel	10	B4
0304294000	Of plaice	10	B4
0304295000	Of bluefin tunas	10	B2
0304296000	Of toothfish, other than Dissostichus spp.	10	B4
0304297000	Of tilapia	10	B4
0304298000	Of file fish	10	B1
0304299000	Other	10	B1
03049	Other :		
030491	Swordfish (Xiphias gladius)		
0304911000	Frozen fish surimi	10	B4
0304919000	Other	10	B3
030492	Toothfish (Dissostichus spp.)		
0304921000	Frozen fish surimi	10	B4
0304929000	Other	10	B3
030499	Other		
03049910	Alaska pollack		
0304991010	Frozen fish surimi	10	B4
0304991090	Other	10	B3

Heading No.	Description	Base Rate	Category
03049990	Other		
0304999010	Frozen fish surimi	10	B4
0304999090	Other	10	B3
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.		
030520	Livers and roes of fish, dried, smoked, salted or in brine		
03052040	Roes, salted or in brine		
0305204010	Of alaska pollack	20	B4
0305204020	Of yellow corvina	20	B4
0305204030	Of herrings	20	B4
0305204090	Other	20	B1
03054	Smoked fish, including fillets :		
030549	Other		
0305491000	Anchovies	20	B4
0305492000	Alaska pollack	20	B4
0305499000	Other	20	B2
03055	Dried fish, whether or not salted but not smoked :		
030559	Other		
0305591000	Sharks' fins	20	B4
0305592000	Anchovy	20	B4
0305593000	Alaska pollack	20	B4
0305594000	Yellow corvina	20	B4
0305595000	Puffers	20	B2
0305596000	Sharp toothed eel	20	B2

Heading No.	Description	Base Rate	Category
0305597000	Sand lance	20	B4
0305599000	Other	20	B2
03056	Fish, salted but not dried or smoked and fish in brine :		
0305610000	Herrings ( <i>Clupea harengus</i> , <i>Clupea pallasii</i> )	20	B2
030563	Anchovies ( <i>Engraulis</i> spp.)		
0305631000	Salt fermented anchovy	20	B2
0305639000	Other	20	B4
030569	Other		
0305693000	Hair tail	20	B4
0305694000	Sardines	20	B2
0305695000	Mackerel	20	B4
0305696000	Yellow corvina	20	B4
0305697000	Horse mackerel	20	B3
0305698000	Saury (including horn fish)	20	B2
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.		
03061	Frozen :		
0306110000	Rock lobster and other sea crawfish ( <i>Palinurus</i> spp., <i>panulirus</i> spp., <i>Jasus</i> spp.)	20	B2
030613	Shrimps and prawns		
0306131000	Peeled	20	B2
0306139000	Other -Of specie <i>Pandalus borealis</i> -Of other than of <i>Pandalus borealis</i>	27	B1 R

Heading No.	Description	Base Rate	Category
030614	Crabs		
0306142000	King crabs	20	B2
0306143000	Blue crab	14	B4
0306149000	Other	14	B2
03062	Not frozen :		
030623	Shrimps and prawns		
0306232000	Dried	20	B4
0306233000	Salted or in brine -Of specie Pandalus borealis -Of other than of Pandalus borealis	55% or 363won/kg, whichever is the greater	B1 R
030624	Crabs		
03062410	Live, fresh or chilled		
0306241010	Blue crab	20	B4
0306241020	Snow crab	20	B4
0306242000	Dried	20	B2
0306243000	Salted or in brine	20	B2
030629	Other, including flours, meals and pellets of crustaceans, fit for human consumption		
0306291000	Live, fresh or chilled	20	B2
0306292000	Dried	20	B2
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 pellets of aquatic invertebrates other than crustaceans, fit for human consumption.		
030710	Oysters		
03071010	Live, fresh or chilled		
0307101090	Other	20	B2

Heading No.	Description	Base Rate	Category
0307102000	Frozen	20	B3
0307103000	Dried	20	B2
0307104000	Salted or in brine	20	B2
03072	Scallops, including queen scallops, of the genera Pecten, Chlamys or Placopecten :		
0307210000	Live, fresh or chilled	20	B2
030729	Other		
0307291000	Frozen	20	B3
0307293000	Salted or in brine	20	B2
03073	Mussels (Mytilus spp., Perna spp.) :		
0307310000	Live, fresh or chilled	20	B2
030739	Other		
0307392000	Dried	20	B2
03074	Cuttle fish (Sepia officinalis, Rossia macrosoma, Sepiola spp.) and squid (Ommastrephes spp., Loligo spp., Nototodarus spp., Sepioteuthis spp.):		
030741	Live, fresh or chilled		
0307412000	Squid	10	B2
030749	Other		
03074910	Frozen		
0307491010	Cuttle fish	10	B4
0307491020	Squid	27	R
0307492000	Salted or in brine	10	B4
0307493000	Dried	10	B4
03075	Octopus (Octopus spp.) :		
030751	Live, fresh or chilled		
0307511000	Poulp squid	20	B4

Heading No.	Description	Base Rate	Category
0307512000	Webfoot Octopus	20	B4
0307519000	Other	20	B4
030759	Other		
03075910	Frozen		
0307591010	Octopus	20	B4
0307591020	Poulp squid	20	B4
0307591030	Webfoot octopus	20	B4
0307591090	Other	20	B4
0307592000	Dried	20	B2
0307599000	Other	20	B4
03079	Other, including flours, meals and pellets of aquatic invertebrates other than crustaceans, fit for human consumption :		
030791	Live, fresh or chilled		
0307911	Molluscs		
03079111	Hard clams		
0307911190	Other	20	B4
0307911200	Abalone	20	B4
0307911300	Top shells	20	B2
03079114	Pearl oyster		
0307911410	For seed	20	B2
0307911490	Other	20	B2
03079115	Ark shells		
0307911510	For seed	20	B4
0307911590	Other	20	B4
0307911700	Adductors of shell fish	20	B4

<b>Heading No.</b>	<b>Description</b>	<b>Base Rate</b>	<b>Category</b>
0307911800	Baby clams	20	B4
03079119	Other		
0307911910	Marsh clams	20	B4
0307911990	Other	20	B4
03079190	Other		
0307919010	Sea-urchins	20	B2
0307919020	Sea-cucumbers	20	B4
030791903	Sea-squirts		
0307919031	For seed	20	B4
0307919039	Other	20	B4
0307919040	Jelly fish	20	B4
0307919090	Other	20	B4
030799	Other		
0307991	Frozen		
03079911	Molluscs		
0307991110	Cockles	20	B2
0307991120	Hen clams	20	B4
0307991130	Baby clams	20	B4
0307991140	Adductors of shell fish	20	B4
0307991150	Ark shells	20	B4
0307991160	Top shells (frozen)	20	B2
0307991190	Other	20	B4
03079919	Other		
0307991910	Sea-cucumbers	20	B2
0307991920	Sea-squirts	20	B2

Heading No.	Description	Base Rate	Category
0307991990	Other	20	B2
0307992	Dried		
03079921	Molluscs		
0307992110	Hen clams	20	B2
0307992120	Adductors of shell fish	20	B2
0307992190	Other	20	B4
03079929	Other		
0307992920	Sea-cucumbers	20	B4
0307992990	Other	20	B2
0307993	Salted or in brine		
03079931	Molluscs		
0307993110	Hen clams	20	B2
0307993120	Baby clams	20	B4
0307993130	Top shells (salted or brine)	20	B2
0307993190	Other	20	B4
03079939	Other		
0307993910	Sea-urchins	20	B4
0307993920	Sea-cucumbers	20	B2
0307993930	Jelly fish	20	B4
0307993990	Other	20	B2
0511	Animal products not elsewhere specified or included; dead animals of Chapter 1 or 3, unfit for human consumption.		
ex 0511.91	- Other:  -- Products of fish or crustaceans, molluscs or other aquatic invertebrates; dead animals of Chapter 3		

Heading No.	Description	Base Rate	Category
1504	Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified.		
1504200000	Fats and oils and their fractions, of fish, other than liver oils.	3	B1
160300	Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates.		
1603003000	Fish extracts	30	B2
1603004000	Fish juices	30	B2
1603009000	Other	30	B2
1604	Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs.		
16041	Fish, whole or in pieces, but not minced :		
160411	Salmon		
1604111000	In airtight containers	20	B2
160412	Herrings		
1604121000	In airtight containers	20	B2
1604129000	Other	20	B2
160413	Sardines, sardinella and brisling or sprats		
1604131000	In airtight containers	20	B4
1604139000	Other	20	B2
160414	Tunas, skipjack and bonito (Sarda spp.)		
16041410	In airtight containers		
160414101	Tunas		
1604141011	In oil	20	B2
1604141019	Other	20	B2
160414102	Skipjack		
1604141021	In oil	20	B2

<b>Heading No.</b>	<b>Description</b>	<b>Base Rate</b>	<b>Category</b>
1604141022	Boiled	20	B2
1604141029	Other	20	B2
160414103	Bonito		
1604141039	Other	20	B2
1604149000	Other	20	B4
160415	Mackerel		
1604151000	In airtight containers	20	B4
1604159000	Other	20	B4
160416	Anchovies		
1604161000	In airtight containers	20	B4
1604169000	Other	20	B2
160419	Other		
16041910	In airtight containers		
1604191010	Saury	20	B2
1604191020	Horse mackerel	20	B2
1604191030	Eels (anguilla spp.)	20	B4
1604191090	Other	20	B2
16041990	Other		
1604199010	Jerk filefish	20	B4
1604199090	Other	20	B2
160420	Other prepared or preserved fish		
1604201000	Fish pastes	20	B2
1604202000	Fish marinade	20	B2
16042040	Fish cake		
1604204010	Of crab flavor	20	B2

<b>Heading No.</b>	<b>Description</b>	<b>Base Rate</b>	<b>Category</b>
1604204090	Other	20	B2
1604209000	Other	20	B4
160430	Caviar and caviar substitutes		
1604301000	Caviar	20	B2
1605	Crustaceans, molluscs and other aquatic invertebrates, prepared or preserved.		
160510	Crab		
16051010	Crab meat		
1605101010	In airtight containers	20	B2
1605101020	Smoked, excluding in airtight containers	20	B2
1605101090	Other	20	B4
1605109000	Other	20	B4
160520	Shrimps and prawns		
16052090	Other		
1605209020	Breaded	20	B2
1605209090	Other	20	B1
160590	Other		
16059010	In airtight containers		
1605901010	Oysters	20	B2
1605901020	Mussels	20	B2
1605901030	Baby clam	20	B4
1605901080	Squid	20	B4
160590109	Other		
1605901091	Abalone	20	B2
1605901092	Top shell	20	B4
1605901099	Other	20	B4

Heading No.	Description	Base Rate	Category
16059020	Smoked, excluding in airtight containers		
1605902010	Squid	20	B4
1605902090	Other	20	B4
16059090	Other		
1605909010	Seasoned squid	20	B4
1605909020	Sea-cucumbers	20	B4
1605909030	Bai top shell	20	B4
1605909040	Mussel	20	B4
1605909090	Other	20	B4
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.		
230120	Flours, meals and pellets, of fish or of crustaceans, molluscs or other aquatic invertebrates		
2301201000	Flours, meals and pellets of fish	5	B1
2301209000	Other	5	B2