

#### **Part 6**

#### **Free Trade Agreement between the EFTA States and the SACU States**

#### **NOTES:**

1. (a) Part 6 contains the full text of the Agreement with the exception of Annex V, referred to in paragraph 1 of Article 7 concerning the definition of the concept of "originating products" and methods of administrative co-operation which is incorporated as Part C in the Schedule to the General Notes to Schedule No. 1.  
  
(b) Any Note to such Annex shall *mutatis mutandis* apply to any other relevant provisions of this Agreement.
2. The EFTA column of Part 1 of Schedule No. 1 and the General Notes to the said Schedule provide for the abolishment of duty or reduced rates of duty, as the case may be, contemplated in the Agreement.
3. The EFTA Agreement in Part 6 consists of the following:

#### **Preamble**

Chapter I	General provisions
Chapter II	Trade in goods
Chapter III	Intellectual property
Chapter IV	Services, investment, public procurement
Chapter V	Economic co-operation and technical assistance
Chapter VI	Institutional and procedural provisions
Chapter VII	Final provisions

Annex I                      Referred to in paragraph 2 of Article 3 –  
Territorial Application

Annex II                     Referred to in paragraph 1(a) of Article 6 –  
Products not covered by the Agreement

Annex III                   Referred to in paragraph 1(b) of Article 6 –  
Processed agricultural products

Annex IV                   Referred to in paragraph 1(c) of Article 6 –  
Fish and other marine products

Annex VI                      Referred to in paragraph 2 of Article 7  
Mutual administrative assistance in customs matters

Annex VII                    Referred to in paragraph 3 of Article 8 –  
Customs duties on imports into SACU

Annex VIII                  Referred to in paragraph 4 of Article 9  
Industrial products under ITAC investigation

Agricultural Agreement between the SACU States and Iceland

Agricultural Agreement between the SACU States and Norway

Agricultural Agreement between the SACU States and Switzerland

FREE TRADE AGREEMENT

BETWEEN

THE EFTA STATES

AND

THE SACU STATES

## **PREAMBLE**

The Republic of Iceland, the Principality of Liechtenstein, the Kingdom of Norway and the Swiss Confederation, Members of the European Free Trade Association (hereinafter referred to as "the EFTA States"),

and

the Republic of Botswana, the Kingdom of Lesotho, the Republic of Namibia, the Republic of South Africa and the Kingdom of Swaziland, together forming the Southern African Customs Union (hereinafter referred to jointly as "SACU" or severally as "the SACU States"),

hereinafter collectively referred to as "the Parties",

**CONSIDERING** that the EFTA States and the SACU States wish to further strengthen their links and to establish close and lasting relations based on partnership and co-operation;

**RECOGNISING** the efforts by the governments of the SACU States to further economic and social development for their people and the willingness of the EFTA States to support this process;

**RECALLING** the importance attached by the Parties to the principles and rules which govern international trade and to the need to apply them in a transparent and non-discriminatory manner;

**TAKING ACCOUNT** of the Parties' rights and obligations in terms of their membership of the World Trade Organisation (hereinafter referred to as "the WTO") and their contribution to the further strengthening of the multilateral trading system;

**RECOGNISING** the special needs and interests of the SACU States as developing or least-developed countries and that such needs and interests be taken care of by less than full reciprocity in reduction commitments as referred to in the Doha Development Agenda;

**CONFIRMING** the commitment of the Parties to promote regional co-operation and economic integration between the countries of Southern Africa and Europe and to encourage the liberalization of trade between the Parties;

**BEARING IN MIND** the Parties' commitment to ensure that their mutual arrangements do not impede the process of regional integration among the EFTA States on the one hand and the SACU States on the other;

**DESIRING** to create new employment opportunities and to improve working conditions and living standards in their respective territories while promoting sustainable development;

**REAFFIRMING** their commitment to the principles and objectives set out in the United Nations Charter and the Universal Declaration of Human Rights; and

**CONVINCED** that this Agreement will create conditions encouraging economic, trade and investment relations between the Parties;

**HAVE AGREED**, in pursuit of the above, to conclude the present Agreement (hereinafter referred to as "this Agreement");

## CHAPTER I            GENERAL PROVISIONS

### ARTICLE I

#### *Objectives*

1. The Parties hereby establish a free trade area in accordance with the provisions of this Agreement, which is based on trade relations between market economies.
2. The objectives of this Agreement are to:
  - (a) achieve the liberalisation of trade in goods in conformity with the General Agreement on Tariffs and Trade (hereinafter referred to as "the GATT 1994");
  - (b) substantially increase investment opportunities in the free trade area;
  - (c) promote adequate and effective protection of intellectual property rights;
  - (d) establish a framework for the further development of their trade and economic relations with a view to expanding and enhancing the benefits of this Agreement; and
  - (e) contribute in this way to the harmonious development and expansion of world trade by the removal of barriers to trade.

### ARTICLE 2

#### *Trade and Economic Relations Governed by this Agreement*

The provisions of this Agreement apply to the trade and economic relations between, on the one side, the individual EFTA States and, on the other side, the individual SACU States or, where specifically provided for, the SACU States acting jointly as SACU. In relation to SACU, the meaning to be attributed to "Parties" or "Party" in each case is to be deduced from the relevant provisions of this Agreement and from the respective competencies of SACU and the SACU States as they follow from the SACU Agreement 2002, as amended from time to time. This Agreement applies neither to the trade relations amongst the EFTA States, nor to the trade relations amongst the SACU States.

### ARTICLE 3

#### *Geographical Scope*

1. Without prejudice to Annex V, this Agreement shall apply:
  - (a) to the land territory, internal waters, and the territorial sea of a Party, and the air-space above the territory in accordance with international law; as well as
  - (b) beyond the territorial sea, with respect to measures taken by a Party in the exercise of its sovereign rights or jurisdiction in accordance with international law.
2. Annex I applies with respect to Norway.

### ARTICLE 4

#### *Relation to Other International Agreements*

1. The Parties confirm their rights and obligations under the Marrakesh Agreement Establishing the World Trade Organization and the other agreements negotiated thereunder (hereinafter referred to as "the WTO Agreement") to which they are parties and any other international agreement applicable between them.
2. No provision of this Agreement shall be interpreted as exempting the Parties from the obligations which are incumbent on them under other international agreements.

### ARTICLE 5

#### *Preferential Agreements with Third Countries*

This Agreement shall not preclude the maintenance, establishment or enlargement of customs unions, free trade areas, arrangements for frontier trade and other preferential agreements of the Parties to the extent that these do not interfere with the fulfillment of obligations under this Agreement. The Parties shall inform each other in the Joint Committee established in accordance with Article 33 (hereinafter referred to as "the Joint Committee") about such agreements with third countries.

## CHAPTER II      TRADE IN GOODS

### ARTICLE 6

#### *Scope*

1. This Chapter shall apply to:
  - (a) products falling within Chapters 25 to 98 of the Harmonized Commodity Description and Coding System (HS), except as provided for in Annex II;
  - (b) products specified in Annex III, with due regard to the arrangements provided for in that Annex; and
  - (c) fish and other marine products as provided for in Annex IV.

originating in an EFTA State or in SACU in accordance with the rules of origin set out in Annex V.

2. SACU and each EFTA State have concluded agreements on trade in agricultural products on a bilateral basis. These agreements form part of the instruments establishing the free trade area between the EFTA States and SACU.

### ARTICLE 7

#### *Rules of Origin and Administrative Co-operation*

1. The provisions on rules of origin are set out in Annex V.
2. The provisions on mutual administrative co-operation in customs matters are set out in Annex VI.

### ARTICLE 8

#### *Customs Duties*

1. No new customs duties shall be introduced in trade between the EFTA States and SACU, covered by paragraph 1 of Article 6, except as provided for in this Agreement.
2. The EFTA States shall, on entry into force of this Agreement, abolish all customs duties on imports of originating products from SACU.



3. SACU shall progressively reduce its customs duties on imports of originating products from the EFTA States as provided for in Annexes IV and VII.
4. The Parties shall, on entry into force of this Agreement, eliminate all customs duties on exports to the other Parties, except as provided for in this Agreement.
5. A customs duty includes any duty or charge of any kind imposed in connection with the importation or exportation of a product, including any form of surtax or surcharge, but does not include any charge imposed in conformity with Articles III, VIII and XI of the GATT 1994.

#### ARTICLE 9

##### *Basic Duties*

1. For each product the basic duty, to which the successive reductions set out in Annexes IV and VII are to be applied, shall be the most-favoured-nation (hereinafter referred to as "MFN") rate of duty applied on 1 July 2003.
2. If before, by or after 1 July 2003 any tariff reduction is applied on an *erga omnes* basis, in particular reductions in accordance with commitments resulting from multilateral negotiations under the WTO, such reduced duties shall replace the basic duties referred to in paragraph 1 as from the date when such reductions are applied, or from the entry into force of this Agreement if this is later.
3. The reduced duties calculated in accordance with Annexes IV and VII shall be applied rounded to the first decimal place or, in case of specific duties, to the second decimal place.
4. Paragraph 1 shall not apply to the products that are under investigation by the International Trade Administration Commission of South Africa as at 1 July 2003, as listed in Annex VIII, and the products listed in Tables 1 and 2 of Annex VII, categorized as Lists 5 and 6.
5. With the exception of the margin of preference categorized as "motors partial 1" and "motors partial 2" in paragraph 5 of Annex VII, paragraph 2 shall not apply to the products listed in Tables 1 and 2 of Annex VII, categorized as List 5 and 6.

#### ARTICLE 10

##### *Import and Export Restrictions*

The rights and obligations of the Parties in respect of export and import restrictions shall be governed by Article XI of the GATT 1994, which is hereby incorporated into and made part of this Agreement.

## ARTICLE 11

### *National Treatment*

Except as otherwise provided for in this Agreement, the Parties shall apply national treatment in accordance with Article III of the GATT 1994, including its interpretative notes, which is hereby incorporated into and made part of this Agreement.

## ARTICLE 12

### *State Trading Enterprises*

The rights and obligations of the Parties in respect of state trading enterprises shall be governed by Article XVII of the GATT 1994 and the Understanding on the Interpretation of Article XVII of the GATT 1994, which are hereby incorporated into and made part of this Agreement.

## ARTICLE 13

### *Technical Regulations, Standards and Conformity Assessment*

1. The rights and obligations of the Parties in respect of technical regulations, standards and conformity assessment shall be governed by the WTO Agreement on Technical Barriers to Trade (hereinafter referred to as "the WTO TBT Agreement") as well as the decisions and recommendations adopted by the WTO TBT Committee since 1 January 1995.

2. The Parties shall strengthen their co-operation in the field of technical regulations, standards and conformity assessment with a view to increasing the mutual understanding of their systems and facilitating access to their respective markets. To this end, the Parties shall, upon request, exchange information and consider expeditiously any request for co-operation. Co-operation may consist of:

- a) encouraging the application of the WTO TBT Agreement;
- b) enhancing regulatory and standard setting practices;
- c) promoting international harmonization of technical regulations;
- d) reinforcing the role of international standards as a basis for technical regulations including conformity assessment procedures;
- e) exchanging information on the variety of mechanisms to facilitate the acceptance of conformity assessment results;

- f) promoting the accreditation of conformity assessment bodies on the basis of relevant Standards and Guides of the International Standards Organisation (ISO)/International Electrotechnical Commission (IEC); and
- g) identifying and assessing possible instruments for trade facilitation, such as equivalence of technical regulations and mutual recognition of conformity assessment results.

3. Without prejudice to the rights and obligations of the Parties under the WTO TBT Agreement, the Parties agree to hold consultations in the framework of the Joint Committee to address any matter that may arise from the application of specific technical regulations, standards and conformity assessment procedures if such application has created or is likely to create an obstacle to trade between the Parties, with a view to finding an appropriate solution in conformity with the WTO TBT Agreement.

#### ARTICLE 14

##### *Sanitary and Phytosanitary Measures*

1. The rights and obligations of the Parties in respect of sanitary and phytosanitary measures shall be governed by the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (hereinafter referred to as "the WTO SPS Agreement").
2. The Parties shall strengthen their co-operation in sanitary and phytosanitary matters with a view to increasing the mutual understanding of their systems and improving access to their markets. Such co-operation may include expert consultations.
3. If a Party considers that another Party has taken measures which are likely to affect, or have affected, access to its market, expert consultations shall be convened with a view to finding an appropriate solution in conformity with the WTO SPS Agreement. Such consultations can be held both within and outside the framework of the Joint Committee. The Parties shall exchange names and addresses of contact points with sanitary and phytosanitary expertise in order to facilitate communication and the exchange of information.
4. Any agreement between the Parties shall be commensurate with the domestic legislation of the Parties and safeguard the SACU States' individual and collective sanitary and phytosanitary status.
5. The Parties affirm their support of the standards set by the international bodies that the WTO SPS Agreement recognizes, taking into consideration that not all the SACU States are signatories to the International Plant Protection Convention.

## ARTICLE 15

### *Competition*

1. The Parties recognise that certain business practices, such as anti-competitive agreements or concerted practices and abuses of dominant positions, may restrict trade between the Parties and thereby hinder the fulfilment of the objectives of this Agreement.
2. A Party which considers that the operation of this Agreement is adversely affected by a practice referred to in paragraph 1 may request the Party or Parties in whose territory such practice originates to co-operate with a view to putting an end to the practice concerned or its adverse effects. Co-operation shall include, to the extent permitted by domestic law, the exchange of information that is available to the Parties in relation to the matter in question.
3. In the event that co-operation between the Parties directly involved according to paragraph 2 does not lead to a solution, the affected Party may request consultations in the Joint Committee with a view to reaching a mutually satisfactory solution.

## ARTICLE 16

### *Subsidies*

1. The rights and obligations of the Parties relating to subsidies and countervailing measures shall be governed by Articles VI and XVI of the GATT 1994 and the WTO Agreement on Subsidies and Countervailing Measures, except as provided for in paragraph 2.
2. Before an EFTA State or SACU initiates an investigation to determine the existence, degree and effect of any alleged subsidy in a SACU State, or in an EFTA State, as provided for in Article 11 of the Agreement on Subsidies and Countervailing Measures, the Party considering initiating an investigation shall notify in writing the Party whose goods are subject to investigation with a view to finding a mutually acceptable solution within 30 days. Consultations shall take place in the Joint Committee if a Party so requests within ten days from the date of receipt of the notification.

## ARTICLE 17

### *Anti-Dumping*

1. The rights and obligations of the Parties in respect of the application of anti-dumping measures shall be governed by Article VI of the GATT 1994 and the Agreement on Implementation of Article VI of the GATT 1994.

2. After an EFTA State or SACU receives a properly documented application and before initiation of an investigation under the provisions of the Agreement referred to in paragraph 1, that Party shall notify in writing the Party whose goods are allegedly being dumped and invite such Party to consultations with a view to finding a mutually acceptable solution within 30 days. The outcome of the consultations shall be communicated to the other Parties. Consultations shall take place in the Joint Committee if a Party so requests within ten days from the date of receipt of the notification.

#### ARTICLE 18

##### *Global Safeguard Measures*

The Parties confirm their rights and obligations under Article XIX of the GATT 1994 and the WTO Agreement on Safeguards.

#### ARTICLE 19

##### *Emergency Action on Imports of Particular Products*

1. Where, as a result of the reduction or elimination of a customs duty under this Agreement, any product originating in an EFTA State or in SACU is being imported into the territory of an EFTA State or SACU, in such increased quantities and under such conditions as to cause serious injury or threat thereof to the domestic industry of like or directly competitive products in the territory of that Party, such Party may take emergency measures under the conditions and in accordance with the procedures laid down in this Article.

2. An EFTA State or SACU intending to take emergency measures shall, as soon as possible and in any case before taking a measure, supply the Joint Committee with all relevant information, with a view to seeking a solution acceptable to all Parties concerned.

3. Emergency measures shall not exceed what is necessary to remedy the difficulties which have arisen and should normally consist of the suspension of the further reduction of any applicable rate of duty provided for under this Agreement for the product concerned or the increase of the rate of duty for that product.

4. Such measures shall contain clear elements progressively leading to their elimination at the end of the set period, at the latest. Measures shall not be taken for a period exceeding one year. In very exceptional circumstances, measures may be taken up to a total maximum period of three years.

5. The Joint Committee shall, within 30 days from the date of notification, examine the information provided under paragraph 2 in order to facilitate a mutually acceptable resolution to the matter. In the absence of such resolution, the importing Party may

adopt a measure pursuant to paragraph 1 to remedy the problem. The emergency measure shall be immediately notified to the Joint Committee. In the selection of the emergency measure, priority must be given to the measure that least disturbs the functioning of this Agreement.

6. In critical circumstances where delay would cause damage which would be difficult to repair, the EFTA State concerned or SACU may take a provisional emergency measure pursuant to a preliminary determination that there is clear evidence that increased imports have caused, or are threatening to cause, serious injury. The Party intending to take such a measure shall immediately inform the other Parties and the Joint Committee thereof and set into motion the procedure according to paragraph 2. The provisional measure shall be terminated within six months, at the latest.

## ARTICLE 20

### *Agricultural Safeguard Measures*

1. Safeguard measures on agricultural products shall be taken pursuant to the conditions laid down in paragraph 1 of Article 19.

2. A measure shall not be taken for a period exceeding one year and may consist in either of the following:

- (a) an increase of the import duty on the product in question to a level not higher than the MFN applied rate of duty on the product in effect at the time the measure is taken; or
- (b) the introduction of a tariff quota for preferential trade, based on historical trade volumes for the five preceding years, excluding the import surge volumes that necessitated the introduction of the safeguard measure.

3. Before taking a safeguard measure, a Party shall notify the other Parties in writing of the measure to be taken. Within 60 days after notification, the notifying Party shall provide all relevant information concerning the safeguard measure. On request, that Party shall consult with the affected Party or Parties with respect of the conditions of application of the measure.

## ARTICLE 21

### *Exceptional Measures in Case of Structural Adjustment*

1. Where any product originating in an EFTA State is being imported into the territory of a SACU State in such increased quantities and under such conditions as to cause or threaten to cause serious disturbances to a particular infant industry or any sector undergoing restructuring, SACU may take exceptional measures of limited duration in the form of an increase or reintroduction of customs duties.

2. Customs duties on imports applicable in SACU to products originating in the EFTA States introduced by these measures may not exceed the level of the applied MFN rates of duty and shall maintain an element of preference for products originating in the EFTA States. The total value of all imports of the products, which are subject to these measures, may not exceed 15 per cent of total imports from the EFTA States during the last year for which statistics are available.

3. Exceptional measures shall be applied for a period not exceeding four years. They shall cease to apply at the latest on the expiry of the maximum transitional period of nine years. These time limits may exceptionally be extended by decision of the Joint Committee.

4. No such measure can be introduced in respect of a product if more than three years have elapsed since the elimination of all duties and quantitative restrictions or charges or measures having an equivalent effect concerning that product.

5. SACU shall notify the Joint Committee of the exceptional measures it intends to take and, at the request of an EFTA State, consultations shall be held on such measures before they are applied in order to reach a satisfactory solution. The notification shall include an indicative schedule for the introduction and subsequent elimination of the customs duties to be imposed.

6. If no agreement on the proposed measures referred to above has been reached within 30 days of the notification, SACU may take appropriate measures to remedy the problem and shall provide the Joint Committee with the definite schedule for the elimination of the customs duties introduced under this Article. This schedule shall provide for a phasing out of these duties at equal annual rates starting at the latest one year after their introduction. The Joint Committee may decide on a different schedule.

## ARTICLE 22

### *Balance of Payments Difficulties*

1. The rights and obligations of the Parties with regard to restrictions to safeguard the balance of payments shall be governed by Article XII of the GATT 1994, which is hereby incorporated into and made part of this Agreement.

2. The Party introducing a measure under this Article shall promptly notify the other Parties and the Joint Committee of such measure.

#### ARTICLE 23

##### *General Exceptions*

The rights and obligations of the Parties in respect of general exceptions shall be governed by Article XX of the GATT 1994, which is hereby incorporated into and made part of this Agreement.

#### ARTICLE 24

##### *Security Exceptions*

The rights and obligations of the Parties in respect of security exceptions shall be governed by Article XXI of the GATT 1994, which is hereby incorporated into and made part of this Agreement.

#### ARTICLE 25

##### *Special Treatment for Botswana, Lesotho, Namibia and Swaziland*

1. Botswana, Lesotho, Namibia and Swaziland may, in accordance with Article 26 of the SACU Agreement 2002, temporarily levy duties on imports to protect infant industries. Such duties shall be equally levied on goods originating in other SACU States and in countries outside SACU.
2. Botswana, Lesotho, Namibia and Swaziland may temporarily restrict the importation or exportation of goods for purposes of rural development, food security and poverty alleviation in a manner not inconsistent with the WTO Agreement. Such measures shall also be taken in respect of all other countries.
3. The Party intending to take a measure in accordance with paragraph 1 or 2 shall inform the Joint Committee, and shall be prepared, at the request of another Party, to discuss the matter in the Joint Committee.



## CHAPTER III INTELLECTUAL PROPERTY

### ARTICLE 26

#### *Intellectual Property Rights*

1. "Intellectual property" comprises in particular copyright, including computer programmes and compilations of data, as well as neighbouring rights, trademarks for goods and services, geographical indications, industrial designs, patents, plant varieties, topographies of integrated circuits, as well as undisclosed information.
2. The Parties shall grant and ensure adequate, effective and non-discriminatory protection of intellectual property rights, and provide for measures for the enforcement of such rights against infringement thereof, counterfeiting and piracy, in accordance with the provisions of this Article and the obligations set out in the international agreements to which they are parties.
3. The Parties shall accord to each others' nationals treatment no less favourable than that they accord to their own nationals. Exemptions from this obligation must be in accordance with the substantive provision of Articles 3 and 5 of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (hereinafter referred to as "the TRIPS Agreement").
4. The Parties shall grant to each other's nationals treatment no less favourable than that accorded to nationals of any other State. Exemptions from this obligation must be in accordance with the substantive provisions of the TRIPS Agreement, in particular Articles 4 and 5 thereof.
5. With the objective of progressively harmonizing their legal framework on intellectual property rights, the EFTA States and the SACU States affirm their commitment to review this Chapter not later than five years after the entry into force of this Agreement.
6. In order to avoid or to remedy trade distortions caused by actual levels of protection of intellectual property rights, at the request of a Party, urgent consultations shall take place with a view to reaching a mutually satisfactory solution.

## CHAPTER IV SERVICES, INVESTMENT, PUBLIC PROCUREMENT

### ARTICLE 27

#### *Services*

1. In recognition of the growing importance of services for the development of their economies, the Parties underline the importance of strict observance of the General Agreement on Trade in Services (hereinafter referred to as "the GATS").
2. The Parties shall endeavour to extend the scope of this Agreement with a view to further liberalising trade in services between the Parties. The Joint Committee shall make the necessary recommendations for the implementation of this objective not later than five years after the entry into force of this Agreement. When formulating these recommendations, it shall take into account the experience gained by the implementation of the obligations of the Parties under the GATS.
3. If a Party enters into an agreement defined in Article V of the GATS, it shall upon request from the other Parties afford adequate opportunity to them to seek to obtain, including through possible negotiations, comparable conditions, on a mutually beneficial basis.

### ARTICLE 28

#### *Investment*

1. The Parties shall endeavour to create and maintain a stable and transparent investment framework and shall not impair by unreasonable or discriminatory measures the management, maintenance, use, enjoyment or disposal of investments by investors of the other Parties. Parties shall admit investments by investors of the other Parties in accordance with their laws and regulations.
2. The Parties recognise the importance of promoting cross-border investment and technology flows as a means for achieving economic growth and development. Co-operation in this respect may include:
  - (a) appropriate means of identifying investment opportunities and information channels on investment regulations;
  - (b) the provision of information on the Parties' measures to promote investment abroad (technical assistance, financial support, investment insurance, etc.);
  - (c) the furthering of a legal environment conducive to increased investment flows; and

- (d) the development of mechanisms for joint investments, in particular with small and medium enterprises.

3. The Parties recognise that it is inappropriate to encourage investment by relaxing health, safety or environmental standards.

4. The Parties affirm their commitment to review issues related to investment in the Joint Committee no later than five years after the entry into force of this Agreement. If a Party grants to a non-Party, after the entry into force of this Agreement, a more favourable investment framework than under this Agreement, it shall afford adequate opportunity to the other Parties to seek to obtain, including through possible negotiations, comparable conditions, on a mutually beneficial basis.

## ARTICLE 29

### *Government Procurement*

1. The Parties agree on the importance of co-operation to enhance the mutual understanding of their respective government procurement laws and regulations.

2. The Parties shall publish their laws, or otherwise make publicly available their laws, regulations and administrative rulings of general application. The Parties agree that it is important to respond to specific questions on their laws and regulations and to provide, upon request, clarification to each other on such matters.

3. The Parties shall, no later than five years after the entry into force of this Agreement, hold consultations in the Joint Committee to consider possible steps to be taken with a view to mutually liberalizing their procurement markets. If a Party grants to a non-Party, after the entry into force of this Agreement, better conditions than under this Agreement with regard to access to its procurement markets, it shall afford adequate opportunity to the other Parties to seek to obtain, including through possible negotiations, comparable conditions, on a reciprocal basis.

## CHAPTER V                      ECONOMIC CO-OPERATION AND TECHNICAL ASSISTANCE

### ARTICLE 30

#### *Objectives and Scope*

1. The Parties declare their readiness to foster economic co-operation on mutually agreed terms and in accordance with their national policy objectives.
2. The EFTA States shall provide technical assistance to the SACU States in order to:
  - (a) facilitate the implementation of the overall objectives of this Agreement, in particular to enhance trading and investment opportunities arising from this Agreement;
  - (b) support the SACU States' own efforts to achieve sustainable economic and social development.
3. Assistance by the EFTA States shall focus on sectors affected by the process of liberalisation and restructuring of the economy of the SACU States as well as on sectors likely to bring the economies of the EFTA States and the SACU States closer together, particularly those generating growth and employment.

### ARTICLE 31

#### *Methods and Means*

1. The Parties shall co-operate with the objective of identifying and employing the most effective methods and means for the implementation of this Chapter. To this end, they shall co-ordinate efforts with relevant international organisations.
2. Conservation of the environment shall be taken into account in the implementation of assistance in the various sectors to which it is relevant.
3. Means of assistance may include:
  - (a) exchange of information, transfer of expertise and training;
  - (b) implementation of joint actions such as seminars and workshops; and
  - (c) technical and administrative assistance.

## ARTICLE 32

### *Fields of Co-operation*

1. In order to facilitate the implementation of this Agreement the Parties shall agree on appropriate modalities for technical assistance and co-operation between their respective authorities. To this end, they shall co-ordinate efforts with relevant international organisations.

2. Assistance may cover targeted fields jointly identified by the Parties that may serve to enhance the SACU States' capacities to benefit from increased international trade and investment, including in particular:

- (a) trade policy, trade facilitation and trade promotion;
- (b) customs and origin matters;
- (c) technical regulations, standards and conformity assessment as well as sanitary and phytosanitary measures;
- (d) local enterprise development; and
- (e) regulatory assistance and implementation of laws in areas such as services, investment, intellectual property and public procurement.

3. Technical assistance in the fields referred to in paragraph 2(c) shall be provided on such matters as capacity building, infrastructure development, enhanced participation in international standards setting activities and improvement of risk assessment.

4. The Government of Norway, as the Depositary by virtue of Article 44, shall seek to co-operate with the SACU Secretariat in order to build capacity in the SACU Secretariat relating to all the functions of a depositary.

## CHAPTER VI INSTITUTIONAL AND PROCEDURAL PROVISIONS

### ARTICLE 33

#### *The Joint Committee*

1. The implementation of this Agreement shall be supervised and administered by a Joint Committee. Each Party shall be represented in the Joint Committee. The Joint Committee shall be jointly chaired by a representative of an EFTA State and a representative of a SACU State.
2. For the purpose of the proper implementation of this Agreement, the Parties shall exchange information and, at the request of a Party, shall hold consultations within the Joint Committee on any matter concerning the interpretation or application of this Agreement. The Joint Committee may review the possibility of further removing obstacles to trade between the Parties.
3. The Joint Committee may take decisions in the cases provided for in this Agreement. On other matters, the Joint Committee may make recommendations to the Parties.

### ARTICLE 34

#### *Procedures of the Joint Committee*

1. The first meeting of the Joint Committee shall be held not later than one year after the entry into force of this Agreement. For the proper implementation of this Agreement, the Joint Committee shall, upon request of a Party, thereafter meet whenever necessary, but at least once every two years.
2. The Joint Committee shall act by consensus.
3. If a representative of a Party in the Joint Committee has accepted a decision subject to the fulfillment of constitutional requirements, the decision shall enter into force, if no later date is contained therein, on the date of receipt of the notification of the fulfillment of the necessary constitutional requirements.
4. For the purpose of this Agreement, the Joint Committee shall adopt its rules of procedure which shall, *inter alia*, contain provisions for convening meetings and for the designation of the Joint Chairpersons and their term of office.
5. The Joint Committee may decide to set up such sub-committees and working parties as it considers necessary to assist it in accomplishing its tasks.

#### ARTICLE 35

##### *Consultations*

1. The Parties shall take all necessary measures to ensure the fulfillment of their obligations under this Agreement. Should any divergence with respect to the interpretation and application of this Agreement arise, the Parties shall make every attempt through co-operation and consultations to arrive at a mutually satisfactory resolution.
2. A Party may request in writing consultations with another Party regarding any actual or proposed measure or any other matter that it considers might affect the operation of this Agreement. The Party requesting consultations shall at the same time notify the other Parties in writing thereof and supply all relevant information.
3. The consultations shall take place in the Joint Committee, if a Party so requests, within 20 days from the receipt of the notification referred to in paragraph 2, with a view to finding a mutually satisfactory solution.

#### ARTICLE 36

##### *Provisional Measures*

If a Party considers that another Party has failed to fulfil an obligation under this Agreement and the Joint Committee has failed to arrive at a mutually satisfactory solution within 90 days from the date of receipt of the request for consultations in the Joint Committee, the Party concerned may take such provisional rebalancing measures as are appropriate and strictly necessary to remedy the imbalance. Priority shall be given to such measures that will least disturb the functioning of this Agreement. The measures taken shall be notified immediately to the other Parties and to the Joint Committee, which shall hold regular consultations with a view to their abolition. The measures shall be abolished when conditions no longer justify their maintenance, or, if the dispute is submitted to arbitration, when an arbitral award has been rendered and complied with.

#### ARTICLE 37

##### *Arbitration*

1. Disputes between Parties, relating to the interpretation of rights and obligations of the Parties under this Agreement, which have not been settled, pursuant to Article 35, through direct consultations or in the Joint Committee within 90 days from the date of the receipt of the written request for consultations, may be referred to arbitration by one or more parties to the dispute by means of a written notification addressed to the Party complained against. A copy of this notification shall be communicated to all Parties.

2. Disputes on the same matter arising under both this Agreement and the WTO Agreement may be settled in either forum at the discretion of the complaining Party. The forum thus selected shall be used to the exclusion of the other. Before a Party initiates dispute settlement proceedings under the WTO Agreement against another Party or Parties, that Party shall notify all other Parties of its intention to do so.
3. The arbitral tribunal shall comprise three members. Each party to the dispute shall, within 30 days from the date of receipt of notification, nominate an arbitrator and the two arbitrators shall, within 30 days from the date of the last nomination, appoint a third arbitrator who will be the Chairperson of the arbitral tribunal. The Chairperson shall not be a national of either party to the dispute, nor permanently reside in the territory of either party to the dispute. If more than one EFTA State or more than one SACU State are parties to a dispute, these parties shall jointly nominate one arbitrator.
4. In case either party to the dispute fails to nominate its arbitrator or the nominated arbitrators fail to agree on a third member within the period specified in paragraph 3, each party to the dispute may request the President of the International Court of Justice to make the necessary appointment.
5. The arbitral tribunal shall settle the dispute in accordance with the provisions of this Agreement and the customary rules of interpretation of public international law.
6. Unless otherwise specified in this Agreement or agreed between the parties to the dispute, the Optional Rules for Arbitrating Disputes between Two States of the Permanent Court of Arbitration, effective 20 October 1992, shall apply.
7. A Party that is not a party to the dispute, on delivery of a written notice to the disputing parties, shall be entitled to receive written submissions of the disputing parties and attend all hearings as observer.
8. The arbitral tribunal shall take its decisions by majority vote.
9. The expenses of the arbitral tribunal, including the remuneration of its members, shall normally be borne by the parties to the dispute in equal shares. The arbitral tribunal may, however, at its discretion decide that a higher proportion of the expenses be paid by one of the parties to the dispute, taking into account, *inter alia*, the financial situations of the Parties involved.
10. This Article shall not apply to Article 15 and Chapters III and IV.



## CHAPTER VII FINAL PROVISIONS

### ARTICLE 38

#### *Evolutionary Clause*

1. The Parties undertake to review this Agreement in light of further developments in international economic relations, *inter alia* in the framework of the WTO, and to examine the possibility of further developing and deepening the co-operation under this Agreement and to extend it to areas not covered therein. The Parties may instruct the Joint Committee to examine this possibility and, where appropriate, to make recommendations to them, particularly with a view to opening up negotiations.
2. Revisions, additions or amendments to this Agreement resulting from the procedure referred to in paragraph 1 shall be done in accordance with the provisions of Article 40.

### ARTICLE 39

#### *Annexes*

The Annexes to this Agreement are an integral part of it. The Joint Committee may, subject to the respective constitutional requirements of the Parties, decide to amend the Annexes.

### ARTICLE 40

#### *Amendments*

1. Any Party may submit proposals for amendments to this Agreement to the Joint Committee for consideration and approval.
2. Amendments to this Agreement shall, after approval by the Joint Committee, be submitted to the Parties for ratification, acceptance or approval in accordance with their respective constitutional requirements.
3. Unless otherwise agreed by the Parties, amendments shall enter into force on the first day of the third month following the deposit of the last instrument of ratification, acceptance or approval.
4. The text of the amendments shall be deposited with the Depositary.
5. The amendment procedure provided for in this Article shall not apply to the amendment of Annexes referred to in Article 39.

#### ARTICLE 41

##### *Accession*

1. Any State, becoming a Member of the European Free Trade Association, or any State, becoming a Member of the Southern African Customs Union, may accede to this Agreement, on terms and conditions to be agreed upon by the Parties. The instrument of accession shall be deposited with the Depositary.
2. In relation to an acceding State, this Agreement shall enter into force on the first day of the third month following the deposit of its instrument of accession, or the approval of the terms of accession by the existing Parties, whichever is later.

#### ARTICLE 42

##### *Withdrawal and Termination*

1. A Party may withdraw from this Agreement by means of a written notification to the Depositary. The withdrawal shall take effect six months after the date on which the notification is received by the Depositary.
2. Any EFTA State which withdraws from the Convention Establishing the European Free Trade Association shall *ipso facto* on the same day as the withdrawal takes effect cease to be a Party to this Agreement.
3. Any SACU State which withdraws from the SACU Agreement shall *ipso facto* on the same day as the withdrawal takes effect cease to be a Party to this Agreement.
4. If all the EFTA States withdraw or if SACU withdraws in accordance with paragraph 1, this Agreement shall be terminated.

#### ARTICLE 43

##### *Entry into Force*

1. This Agreement is subject to ratification, acceptance or approval in accordance with the respective constitutional requirements of the Parties. The instruments of ratification, acceptance or approval shall be deposited with the Depositary.
2. If its constitutional requirements permit, any EFTA State or SACU State may apply this Agreement provisionally. Provisional application of this Agreement under this paragraph shall be notified to the Depositary.
3. This Agreement shall enter into force on 1 July 2006, provided all the Parties have deposited their instruments of ratification, acceptance or approval with, or notified provisional application to, the Depositary at least one month before this date.

4. In case this Agreement does not enter into force on 1 July 2006 it shall enter into force on the first day of the second month following the date on which the last Party has deposited its instrument or notified provisional application.

#### ARTICLE 44

##### *Depositary*

1. The Government of Norway shall act as Depositary.
2. An original copy of this Agreement shall be lodged with the SACU Secretariat.
3. The SACU Secretariat shall co-ordinate the actions of the SACU States in fulfilment of the terms of Articles 40 to 43.

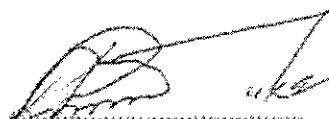
IN WITNESS WHEREOF the undersigned, being duly authorised thereto, have signed this Agreement.

Done in two originals in the English language, one of which shall be deposited with the Government of Norway and the other shall be lodged with the SACU Secretariat. The Depositary shall transmit certified copies to all the Parties.

Done at Höfn  
This 26<sup>th</sup> day of June 2006  
For the Republic of Iceland



Done at Gaborone  
This 14<sup>th</sup> day of July 2006  
For the Republic of Botswana



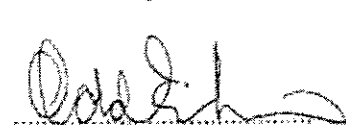
Done at Höfn  
This 26<sup>th</sup> day of June 2006  
For the Principality of Liechtenstein



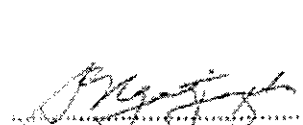
Done at Pretoria  
This 7<sup>th</sup> day of August 2006  
For the Kingdom of Lesotho



Done at Höfn  
This 26<sup>th</sup> day of June 2006  
For the Kingdom of Norway



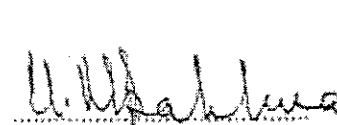
Done at Gaborone  
This 14<sup>th</sup> day of July 2006  
For the Republic of Namibia




Done at Geneva  
This 1<sup>st</sup> day of July 2006  
For the Swiss Confederation



Done at Geneva  
This 1<sup>st</sup> day of July 2006  
For the Republic of South Africa



Done at Geneva  
This 1<sup>st</sup> day of July 2006  
For the Kingdom of Swaziland



## ANNEX 1

REFERRED TO IN PARAGRAPH 2 OF ARTICLE 3

TERRITORIAL APPLICATION

ANNEX 1

REFERRED TO IN PARAGRAPH 2 OF ARTICLE 3

TERRITORIAL APPLICATION

When ratifying this Agreement, the Kingdom of Norway shall have the right to exempt the territory of Svalbard from the application of this Agreement with the exception of trade in goods.

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## ANNEX II

REFERRED TO IN PARAGRAPH 1(b) OF ARTICLE 6

PRODUCTS NOT COVERED BY THE AGREEMENT

ANNEX II

REFERRED TO IN PARAGRAPH 1(a) OF ARTICLE 6

PRODUCTS NOT COVERED BY THE AGREEMENT

Products to which paragraph 1(a) of Article 6 does not apply when imported into EFTA States as specified for each product.

HS Heading	Description of products	Excluded when imported into
35.01	Casein, caseinates and other casein derivatives; casein glues.	Norway Liechtenstein Switzerland
35.02	Albumins (including concentrates of two or more whey proteins, containing by weight more than 80 % whey proteins, calculated on the dry matter), albuminates and other albumin derivatives:	
	- Egg albumin:	
3502.11	-- Dried	Norway Liechtenstein Switzerland
3502.19	-- Other	Norway Liechtenstein Switzerland
3502.20	- Milk albumin, including concentrates of two or more whey proteins	Norway
3502.90	- Other	Norway
35.05	Dextrins and other modified starches (for example, pregelatinised or esterified starches); glues based on starches, or on dextrins or other modified starches:	



HS Heading	Description of products	Excluded when imported into
3505.10	- Dextrins and other modified starches	Norway Liechtenstein Switzerland
ex 3505.20	- Glues, for animal feeding	Liechtenstein Switzerland
38.09	Finishing agents, dye carriers to accelerate the dyeing or fixing of dyestuffs and other products and preparations (for example, dressings and mordants), of a kind used in the textile, paper, leather or like industries, not elsewhere specified or included:	
ex 3809.10	- With a basis of amylaceous substances, for animal feeding	Liechtenstein Switzerland
38.23	Industrial monocarboxylic fatty acids; acid oils from refining; industrial fatty alcohols:	
	- Industrial monocarboxylic fatty acids; acid oils from refining:	
ex 3823.11	-- Stearic acid, for animal feeding	Norway Liechtenstein Switzerland
ex 3823.12	-- Oleic acid, for animal feeding	Norway Liechtenstein Switzerland
ex 3823.13	-- Tall oil fatty acids, for animal feeding	Norway
ex 3823.19	-- Other, for animal feeding	Norway Liechtenstein Switzerland
ex 3823.70	- Industrial fatty alcohols, for animal feeding	Norway

### **ANNEX III**

REFERRED TO IN PARAGRAPH 1(b) OF ARTICLE 6

PROCESSED AGRICULTURAL PRODUCTS

### ANNEX III

#### REFERRED TO IN PARAGRAPH 1(b) OF ARTICLE 6

#### PROCESSED AGRICULTURAL PRODUCTS

##### Article 1

1. In order to take account of differences in the cost of the agricultural raw materials incorporated into the products referred to in Article 2, this Agreement does not preclude:

- (a) the levying, upon import, of a duty; and
- (b) the application of measures adopted upon export.

2. The duty, levied upon import, shall be based on, but not exceed, the difference between the domestic price and the world market price of the agricultural raw materials incorporated into the products concerned.

3. Products covered by this Annex are listed in the Table to this Annex.

##### Article 2

1. Taking into account the provisions laid down in Article 1, the EFTA States shall accord for products originating in SACU treatment no less favourable than that accorded to the European Community, as indicated in the Table to this Annex.

2. For products listed in the Table to this Annex, originating in an EFTA State, SACU shall reduce its customs duties as specified in Table 2 of Annex VII.

##### Article 3

1. The EFTA States and SACU shall notify each other at an early stage, at least before the entry into force, of all measures applied under Article 1.

2. SACU and the EFTA States shall inform each other of all changes in the treatment accorded to the European Community.

##### Article 4

1. The Parties shall not apply export subsidies, as defined in Article 9 of the WTO Agreement on Agriculture, in their trade in products subject to tariff concessions in accordance with this Annex.

2. The Parties shall provide in a transparent and expeditious manner the necessary information to allow them to monitor compliance with paragraph 1.

Article 5

The EFTA States and SACU shall review periodically the development of their trade in products covered by this Annex. In the light of these reviews and taking into account the arrangements between the Parties and the European Community or in WTO, the EFTA States and SACU shall decide on possible changes to the product coverage of this Annex, as well as on a possible development of the measures applied under Article 1.

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TABLE TO ANNEX III

HS Heading	Description of products	Iceland	Norway	Switzerland Liechtenstein
0403	Buttermilk, curdled milk and cream, yoghurt, kephir and other fermented or acidified milk and cream, whether or not concentrated or containing added sugar or other sweetening matter or flavoured or containing added fruit, nuts or cocoa:			
	- Yoghurt:			
ex 10	-- Flavoured or containing added fruit, nuts or cocoa	*	*	*
	- Other:			
ex 90	-- Flavoured or containing added fruits, nuts or cocoa	*	*	*
0501	Human hair, unworked, whether or not washed or scoured; waste of human hair.	FREE	FREE	FREE
0502	Pigs', hogs' or boars' bristles and hair; badger hair and other brush making hair; waste of such bristles or hair.	FREE	FREE	FREE
0503	Horsehair and horsehair waste, whether or not put up as a layer with or without supporting material.	FREE	FREE	FREE
0505	Skins and other parts of birds, with their feathers or down, feathers and parts of feathers (whether or not with trimmed edges) and down, not further worked than cleaned, disinfected or treated for preservation; powder and waste of feathers or parts of feathers.	FREE	FREE	FREE <sup>1)</sup>
0507	Ivory, tortoise-shell, whalebone and whalebone hair, horns, antlers, hooves, nails, claws and beaks, unworked or simply prepared but not cut to shape; powder and waste of these products.	FREE	FREE	FREE
0508	Coral and similar materials, unworked or simply prepared but not otherwise worked; shells of molluscs, crustaceans or echinoderms and cuttlebone, unworked or simply prepared but not cut to shape; powder and waste thereof.	FREE	FREE	FREE <sup>1)</sup>
0510	Ambergris, castoreum, civet and musk; cantharides; bile, whether or not dried; glands and other animal products used in the preparation of pharmaceutical products, fresh, chilled, frozen or otherwise provisionally preserved.	FREE	FREE	FREE
0710	Vegetables (uncooked or cooked by steaming or boiling in water), frozen:			
40	- Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )	FREE	FREE <sup>1)</sup>	FREE
0711	Vegetables provisionally preserved (for example, by sulphur dioxide gas, in brine, in sulphur water or in other preservative solutions), but unsuitable in that state for			

HS Heading	Description of products	Iceland	Norway	Switzerland Lichtenstein
	immediate consumption:			
ex 90	- Other vegetables; mixtures of vegetables:			
	-- Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )	FREE	FREE <sup>(1)</sup>	FREE
0901	Coffee, whether or not roasted or decaffeinated; coffee husks and skins; coffee substitutes containing coffee in any proportion.	FREE	FREE	FREE
0902	Tea, whether or not flavoured.	FREE	FREE	FREE
1302	Vegetable saps and extracts; pectic substances, pectinates and pectates; agar-agar and other mucilages and thickeners, whether or not modified, derived from vegetable products:			
	- Vegetable saps and extracts:			
12	-- Of liquorice	FREE	FREE	FREE
13	-- Of hops	FREE	FREE	FREE
14	-- Of pyrethrum or of the roots of plants containing rotenone	FREE	FREE	FREE
ex 19	-- Other:			
	--- Intermixtures of vegetable extracts, for the manufacture of beverages or of food preparations	FREE	FREE	FREE
	--- Other medicinal than intermixtures of vegetable extracts for the manufacture of beverages or of food preparations or of vanilla oleoresin	FREE	FREE	FREE
20	- Pectic substances, pectinates and pectates	FREE	FREE	FREE
	- Mucilages and thickeners, modified, derived from vegetable products:			
31	-- Agar-agar	FREE	FREE	FREE
32	-- Derived from locust beans, locust bean seeds or guar seeds	FREE	FREE	FREE
39	-- Other	FREE	FREE	FREE
1401	Vegetable materials of a kind used primarily for plaiting (for example bamboos, rattans, reeds, rushes, osier, raffia, cleaned, bleached or dyed cereal straw, and of lime bark).	FREE	FREE	FREE
1402	Vegetable materials of a kind used primarily as stuffing or as padding (for example kapok, vegetable hair and eel-grass), whether or not put up as a layer with or without supporting material.	FREE	FREE	FREE

HS Heading	Description of products	Iceland	Norway	Switzerland Liechtenstein
1403	Vegetable materials of a kind used primarily in brooms or in brushes (for example broomcorn piassava, couch-grass and istle), whether or not in bunks or bundles.	FREE	FREE	FREE
1404	Vegetable products not elsewhere specified or included.	FREE	FREE	FREE <sup>1)</sup>
1516	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 20	- Vegetable fats and oils and their fractions:			
	-- Hydrogenated castor oil, so called "opal-wax"	FREE	FREE	FREE
1517	Margarine; edible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, other than edible fats or oils or their fractions of heading No 1516:			
ex 10	- Margarine, excluding liquid margarine:			
	-- Containing more than 10 % but not more than 15 % by weight of milk fats	*	*	*
ex 90	- Other:			
	-- Containing more than 10 % but not more than 15 % by weight of milk fats	*	(*)	*
	-- Edible mixtures or preparations of a kind used as mould release preparations	FREE	FREE	FREE
1518	Animal or vegetable fats and oils and their fractions, boiled, oxidised, dehydrated, sulphurised, blown, polymerised by heat in vacuum or in inert gas otherwise chemically modified, excluding those of heading No 1516; inedible mixtures or preparations of animal or vegetable fats or oils or of fractions of different fats or oils of this Chapter, not elsewhere specified or included:			
ex 00	Linnoxyn	FREE	FREE	FREE
1520	Glycerol, crude; glycerol waters and glycerol lyes.	FREE	FREE <sup>1)</sup>	FREE
1521	Vegetable waxes (other than triglycerides), beeswax, other insect waxes and spermaceti, whether or not refined or coloured.	FREE	FREE	FREE
1522	Degras; residues resulting from the treatment of fatty substances or animal or vegetable waxes.	FREE	FREE <sup>2)</sup>	FREE
1702	Other sugars, including chemically pure lactose, maltose, glucose and fructose, in solid form; sugar syrups not containing added flavouring or colouring matter; artificial honey, whether or not mixed with natural honey; caramel:			

HS Heading	Description of products	Iceland	Norway	Switzerland Liechtenstein
50	- Chemically pure fructose.	FREE	FREE <sup>1)</sup>	FREE
ex 90	- Other, including invert sugar and other sugar and sugar syrup blends containing in the dry state 50% by weight of fructose:			
	-- Chemically pure maltose:	FREE	FREE <sup>1)</sup>	FREE <sup>1)</sup>
1704	Sugar confectionery (including white chocolate), not containing cocoa.	FREE	*	*
1803	Cocoa paste, whether or not defatted.	FREE	FREE	FREE
1804	Cocoa butter, fat and oil.	FREE	FREE	FREE
1805	Cocoa powder, not containing added sugar or other sweetening matter.	FREE	FREE	FREE
1806	Chocolate and other food preparations containing cocoa:			
10	- Cocoa powder, containing added sugar or other sweetening matter	FREE	FREE	*
20	- Other preparations in blocks, slabs or bars weighing more than 2 kg or in liquid, paste, powder, granular or other bulk form in containers or immediate packings, of a content exceeding 2 kg	(*)	*	*
	- Other, in blocks, slabs or bars:			
31	-- Filled	*	*	*
32	-- Not filled	(*)	*	*
90	- Other	(*)	*	*
1901	Malt extract; food preparations of flour, groats, meal, starch or malt extract, not containing cocoa or containing less than 40% by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included; food preparations of goods of headings Nos. 0401 to 0404, not containing cocoa or containing less than 5% by weight of cocoa calculated on a totally defatted basis, not elsewhere specified or included.			
10	- Preparations for infant use, put up for retail sale	FREE	*	*
20	- Mixes and doughs for the preparation of bakers' wares of heading 19.05	(*)	*	*
90	- Other	FREE	(*)	*
1902	Pasta, whether or not cooked or stuffed (with meat or other substances) or otherwise prepared, such as spaghetti, macaroni, noodles, lasagne, gnocchi, ravioli, cannelloni; couscous, whether or not prepared:			
	- Uncooked pasta, not stuffed or otherwise prepared:			



HS Heading	Description of products	Iceland	Norway	Switzerland Liechtenstein
11	- Containing eggs	*	*	*
19	- Other	FREE	*	*
ex 20	- Stuffed pasta, whether or not cooked or otherwise prepared:			
	- Other than products containing more than 20% by weight of sausage, meat, meat offal or blood, or any combination thereof	(*)	*	*
30	- Other pasta	(*)	*	*
40	- Couscous	(*)	+	+
1903	Tapioca and substitutes therefore prepared from starch, in the form of flakes, grains, pearls, siftings or in similar forms.	FREE	*	FREE
1904	Prepared foods obtained by the swelling or roasting of cereals or cereal products (for example, corn flakes); cereals (other than maize (corn)) in grain form or in the form of flakes or other worked grains (except flour, groats and meal), pre-cooked, or otherwise prepared, not elsewhere specified or included:			
10	- Prepared foods obtained by the swelling or roasting of cereals or cereal products	FREE	FREE	*
20	- Prepared foods obtained from unroasted cereal flakes or from mixtures of unroasted cereal flakes and roasted cereal flakes or swelled cereals	FREE	*	*
30	- Bulgur wheat	(*)	FREE	*
90	- Other	(*)	(*)	*
1905	Bread, pastry, cakes, biscuits and other bakers' wares, whether or not containing cocoa; communion wafers, empty cachets of a kind suitable for pharmaceutical use, sealing wafers, rice paper and similar products.			
10	- Crisp bread	FREE	*	*
20	- Gingerbread and the like	*	*	*
	- Sweet biscuits, waffles and wafers:			
31	- Sweet biscuits	*	*	*
32	- Waffles and wafers	*	*	*
40	- Rusks, toasted bread and similar toasted products	*	*	*
90	- Other	(*)	+	*

HS Heading	Description of products	Iceland	Norway	Switzerland Liechtenstein
2001	Vegetables, fruit, nuts and other edible parts of plants, prepared or preserved by vinegar or acetic acid:			
ex 90	- Other:			
	-- Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> ), palm hearts, yams, sweet potatoes and similar edible parts of plants containing 5 % or more by weight of starch	FREE	(*)	FREE
2002	Tomatoes prepared or preserved otherwise than by vinegar or acetic acid:			
90	- Other	FREE	FREE	FREE
2004	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, frozen, other than products of heading No. 20.06:			
ex 10	- Potatoes:			
	-- In the form of flour, meal or flakes	FREE	*	*
ex 90	- Other vegetables and mixtures of vegetables:			
	-- Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )	FREE	FREE <sup>(1)</sup>	FREE
2005	Other vegetables prepared or preserved otherwise than by vinegar or acetic acid, not frozen, other than products of heading No. 20.06:			
ex 20	- Potatoes:			
	-- In the form of flour, meal or flakes	FREE	*	*
80	- Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )	FREE	FREE <sup>(1)</sup>	FREE
2006	Vegetables, fruit, nuts, fruit-peel and other parts of plants, preserved by sugar (drained, glacé or crystallised):			
ex 00	- Sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )	FREE	*	FREE
2007	Jams, fruit jellies, marmalades, fruit or nut purée and fruit or nut pastes, being cooked preparations, whether or not containing added sugar or other sweetening matter:			
10	- Homogenised preparations	FREE	*	*
	- Other:			
91	-- Citrus fruit	FREE	FREE	*
99	-- Other	FREE	(*)	*

HS Heading	Description of products	Iceland	Norway	Switzerland Liechtenstein
2008	Fruit, nuts and other edible parts of plants, otherwise prepared or preserved, whether or not containing added sugar or other sweetening matter or spirit, not elsewhere specified or included:			
	- Nuts, ground-nuts and other seeds, whether or not mixed together:			
ex 11	-- Ground-nuts:			
	--- Peanut butter	FREE	FREE	*
	--- Ground nuts, roasted	FREE	*	FREE
	* Other, including mixtures other than those of subheading No. 2008.19:			
91	-- Palm hearts	FREE	FREE <sup>11</sup>	FREE
ex 99	-- Other:			
	--- Maize (corn) other than sweet corn ( <i>Zea mays</i> var. <i>saccharata</i> )	FREE	*	FREE
2101	Extracts, essences and concentrates, of coffee, tea or maté and preparations with a basis of these products or with a basis of coffee, tea or maté; roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof:			
	- Extracts, essences and concentrates, of coffee, and preparations with a basis of these extracts, essences or concentrates or with a basis of coffee:			
11	-- Extracts, essences and concentrates	FREE	FREE	FREE
12	-- Preparations with a basis of extracts, essences or concentrates or with a basis of coffee	FREE	FREE	*
20	- Extracts, essences and concentrates, of tea or maté, and preparations with a basis of these extracts, essences or concentrates or with a basis of tea or maté	FREE	FREE	*
30	- Roasted chicory and other roasted coffee substitutes, and extracts, essences and concentrates thereof	FREE	FREE	FREE
2102	Yeasts (active or inactive); other single-cell microorganisms, dead (but not including vaccines of heading No. 3002); prepared baking powders.			
10	- Active yeasts	FREE	FREE	FREE <sup>2)</sup>
20	- Inactive yeasts; other single-cell micro-organisms, dead	FREE	FREE <sup>11</sup>	FREE <sup>1)</sup>
30	- Prepared baking powders	FREE	FREE	FREE

HS Heading	Description of products	Iceland	Norway	Switzerland Liechtenstein
2103	Sauces and preparations therefore; mixed Condiments and mixed seasonings; mustard Flour and meal and prepared mustard.			
10	- Soy sauce	FREE	FREE	FREE
20	- Tomato ketchup and other tomato sauces	FREE	(*)	*
30	- Mustard flour and meal and prepared mustard	FREE	FREE	FREE <sup>1)</sup>
90	- Other	(*)	(*)	*
2104	Soups and broths and preparations therefore; homogenised composite food preparations.	*	(*)	*
2105	Ice cream and other edible ice, whether or not containing cocoa.	Excluded	(*)	*
2106	Food preparations not elsewhere specified or included:			
10	- Protein concentrates and textured protein substances	FREE	*	*
ex 90:	- Other:			
--	Other than flavoured or coloured sugar syrups	Excluded	(*)	*
2201	Waters, including natural or artificial mineral waters and aerated waters, not containing added sugar or other sweetening matter nor flavoured; ice and snow.	FREE	FREE	FREE
2202	Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured, and other non-alcoholic beverages, not including fruit or vegetable juices of heading No. 2009:			
10	- Waters, including mineral waters and aerated waters, containing added sugar or other sweetening matter or flavoured	FREE	FREE	FREE
90	- Other	(*)	(*)	*
2203	Beer made from malt.	FREE	FREE	FREE
2205	Vermouth and other wine of fresh grapes flavoured with plants or aromatic substances.	FREE	FREE	FREE
2207	Undenatured ethyl alcohol of an alcoholic strength by volume of 80 % vol. or higher; ethyl alcohol and other spirits, denatured, of any strength spirits, liqueurs and other spirituous beverages:			
20	- Ethyl alcohol and other spirits, denatured, of any strength	FREE	FREE	FREE
2208	Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol; spirits, liqueurs and other spirituous beverages.			

HS Heading	Description of products	Iceland	Norway	Switzerland Liechtenstein
20	- Spirits obtained by distilling grape wine or grape marc	FREE	FREE	FREE
30	- Whiskies	FREE	FREE	FREE
40	- Rum and tafia	FREE	FREE	FREE
50	- Gin and Geneva	FREE	FREE	FREE
60	- Vodka	FREE	FREE	FREE
70	- Liqueurs and cordials	FREE	FREE	FREE
90	- Other	FREE	FREE	*
2109	Vinegar and substitutes for vinegar obtained from acetic acid.	FREE	FREE	FREE

- \*  
FREE  
(\*)  
1)  
2)
- = Duty in accordance with paragraph 1(a) of Article 1 of this Annex.
  - = No fixed duty in accordance with paragraph 1(a) of Article 1 applied.
  - = Contains also tariff lines which are "free".
  - = When for feed purpose: Norway: Partial concessions. Switzerland: No concessions.
  - = Concessions not granted for baker's yeast and when for feed purpose

## ANNEX IV

REFERRED TO IN PARAGRAPH 1(c) OF ARTICLE 6

FISH AND OTHER MARINE PRODUCTS

ANNEX IV

REFERRED TO IN PARAGRAPH 1(c) OF ARTICLE 6

FISH AND OTHER MARINE PRODUCTS

Article 1

Fish and other marine products, as listed in Table 1, are covered by the provisions of this Agreement, except as otherwise provided for in this Annex.

Table 1

Heading No. (HS)	H.S. Code	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 Catacea); of manatees and dugongs (mammals of the order Sirenia):  -- Of whale <sup>1</sup>
Chapter 3		Fish and crustaceans, molluscs and other aquatic invertebrates.
0509		Natural sponges of animal origin.
15.04		Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified. <sup>1</sup>
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 <sup>1</sup>
16.03		Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates.

<sup>1</sup> An import ban for whale products is applied by SACL, Liechtenstein and Switzerland on the basis of the CITES Convention.

Heading No. (HS)	H.S. Code	Description of products
	ex 1603.00	- Extracts and juices of whale meat, fish or crustaceans, molluscs or other aquatic invertebrates <sup>1</sup>
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 <sup>1</sup>
	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

Upon the date of entry into force of this Agreement all customs duties on imports and charges having equivalent effect shall be abolished for products listed in Table 1 originating in an EFTA State or in SACU, unless otherwise specified in Articles 3 and 4.

#### Article 3

Switzerland, including the territory of the Principality of Liechtenstein, may maintain customs duties on imports of products originating in SACU, listed in Table 2.

<sup>1</sup> An import ban for whale products is applied by SACU, Liechtenstein and Switzerland on the basis of the CITES Convention.



Table 2

Heading No.	Description of products
ex 15.04 and 15.16.10	Fats and oils for human consumption
ex 23.01.10 and 23.01.20	Feedingstuffs for production animals
ex 23.09.90	Feedingstuffs for production animals

Article 4

1. Customs duties and charges having equivalent effect on imports into SACU of products originating in an EFTA State categorized as List 4 in Table 3, shall be eliminated in accordance with the following schedule:

- (a) two years after the date of entry into force of this Agreement, each duty shall be reduced to 88 per cent of the basic duty;
- (b) three years after the date of entry into force of this Agreement, each duty shall be reduced to 75 per cent of the basic duty;
- (c) four years after the date of entry into force of this Agreement, each duty shall be reduced to 63 per cent of the basic duty;
- (d) five years after the entry into force of this Agreement, each duty shall be reduced to 50 per cent of the basic duty;
- (e) six years after the entry into force of this Agreement, each duty shall be reduced to 38 per cent of the basic duty;
- (f) seven years after the entry into force of this Agreement, each duty shall be reduced to 25 per cent of the basic duty;
- (g) eight years after the entry into force of this Agreement, each duty shall be reduced to 13 per cent of the basic duty; and
- (h) nine years after the date of entry into force of this Agreement, the remaining duties shall be completely eliminated.

Table 3

Heading No.	SACU Tariff No.	Description of products	List
03.02		Fish, fresh or chilled, (excluding fish fillets and other fish meat of heading 03.04).	
		- Salmonidae, excluding livers and roes:	
	0302.1100	- Trout ( <i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i> )	4
	0302.1200	- - Pacific salmon ( <i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i> ), Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> )	4
	0302.1900	- - Other	4
03.03		Fish, frozen, (excluding fish fillets and other fish meat of heading 03.04).	
		- Pacific salmon ( <i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</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:	
	0303.1100	- - Sockeye salmon (red salmon) ( <i>Oncorhynchus nerka</i> )	4
	0303.1900	- - Other	4
		- Other salmonidae, excluding livers and roes:	
	0303.2100	- - Trout ( <i>Salmo trutta</i> , <i>Oncorhynchus mykiss</i> , <i>Oncorhynchus clarki</i> , <i>Oncorhynchus aguabonita</i> , <i>Oncorhynchus gilae</i> , <i>Oncorhynchus apache</i> and <i>Oncorhynchus chrysogaster</i> )	4
	0303.2200	- - Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> )	4
	0303.2900	- - Other	4
03.04		Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen.	
		- Fresh or chilled:	
	0304.1090	-- Other	4

Heading No.	SACU Tariff No.	Description of products	List
0305		- Frozen fillets:	
	0304.2090	-- Other	4
		- Other:	
	0304.9090	-- Other	4
		<b>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.</b>	
		- Fish fillets, dried, salted or in brine, but not smoked:	
	0305.3090	-- Other fish	4
		- Smoked fish, including fillets:	
	0305.4100	-- Pacific salmon ( <i>Oncorhynchus nerka</i> , <i>Oncorhynchus gorbuscha</i> , <i>Oncorhynchus keta</i> , <i>Oncorhynchus tshawytscha</i> , <i>Oncorhynchus kisutch</i> , <i>Oncorhynchus masou</i> and <i>Oncorhynchus rhodurus</i> ), Atlantic salmon ( <i>Salmo salar</i> ) and Danube salmon ( <i>Hucho hucho</i> )	4
		-- Other:	
16.04	0305.4990	-- - Other smoked fish	4
		- Dried fish, whether or not salted but not smoked:	
		-- Other:	
	0305.5990	-- - Other	4
		- Fish, salted but not dried or smoked and fish in brine:	
	0305.6900	-- Other	4
		<b>Prepared or preserved fish; caviar and caviar substitutes prepared from fish eggs.</b>	
		- Fish, whole or in pieces, but not minced:	
		-- Other:	
	1604.1910	--- Frozen	4
		- Other prepared or preserved fish:	

Heading No.	SACU Tariff No.	Description of products	List
	1604.2080	- - Other, frozen	4

2. The tariff staging modality in paragraph 1 is set out under the assumption that the reference date for tariff reduction is 1 January 2006. This reference date shall not be affected by any delay in the actual entry into force of this Agreement<sup>1</sup>.

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<sup>1</sup> Relating to the tariff reduction under paragraph 1, for example, if the Agreement were to enter into force during the course of 2006, the first step of tariff reduction would be made on 1 January 2008, i.e. as if the agreement had actually entered into force on 1 January 2006.

## ANNEX VI

REFERRED TO IN PARAGRAPH 2 OF ARTICLE 7

MUTUAL ADMINISTRATIVE ASSISTANCE IN CUSTOMS MATTERS

## ANNEX VI

### REFERRED TO IN PARAGRAPH 2 OF ARTICLE 7

#### MUTUAL ADMINISTRATIVE ASSISTANCE IN CUSTOMS MATTERS

##### Article 1

###### *Definitions*

For the purposes of this Annex:

- (a) "goods" shall mean all goods falling within Chapters 1 to 97 of the Harmonized System, irrespective of the scope of the Free Trade Agreement concluded between the EFTA States and the SACU States;
- (b) "customs legislation" shall mean any legal or regulatory provision adopted by the individual EFTA States or by SACU, governing the import, export, and transit of goods and their placing under any customs procedure, including measures of prohibition, restriction and control;
- (c) "applicant authority" shall mean a competent administrative authority which has been appointed by a Party for this purpose and which makes a request for assistance in customs matters;
- (d) "requested authority" shall mean a competent administrative authority which has been appointed by a Party for this purpose and which receives a request for assistance in customs matters; and
- (e) "breaches of customs legislation" shall mean any violation or attempted violation of that legislation.

##### Article 2

###### *Scope*

1. The Parties shall assist each other, in the areas within their competence, in the manner and under the conditions laid down in this Annex, in ensuring that the customs legislation is correctly applied, in particular by the prevention, detection and investigation of operations in breach of that legislation.

2. Assistance in customs matters, as provided for in this Annex, shall apply to any administrative authority of the Parties which is competent for the application of this Annex. It shall not prejudice the rules governing mutual assistance in criminal matters. Nor shall it cover information obtained under powers exercised at the request of the judicial authorities, except where communication of such information has the prior authorization of the said authorities.

### Article 3

#### *Assistance on Request*

1. At the request of the applicant authority, the requested authority shall furnish it with all relevant information which may enable it to ensure compliance with customs legislation, including information regarding operations noted or planned which are or might be in breach of such legislation.
2. At the request of the applicant authority, the requested authority shall inform it whether goods exported from the territory of one of the Parties have been properly imported into its territory, specifying, where appropriate, the customs procedure applied to the goods.
3. At the request of the applicant authority, the requested authority shall, within the framework of its laws, take the necessary steps to ensure special surveillance of:
  - (a) natural or legal persons of whom there are reasonable grounds for believing that they are or have been in breach of customs legislation;
  - (b) places where goods are stored in a way that gives grounds for suspecting that they are intended to supply operations in breach of customs legislation;
  - (c) movements of goods notified as possibly giving rise to substantial breaches of customs legislation; and
  - (d) means of transport for which there are reasonable grounds for believing that they have been, are or may be used in operations in breach of customs legislation.

### Article 4

#### *Spontaneous Assistance*

The Parties shall provide each other, at their own initiative and in accordance with their laws, rules and other legal instruments, with assistance if they consider that to be necessary for the correct application of customs legislation, particularly when they obtain information pertaining to:

- (a) operations which are or appear to be in breach of such legislation and which may be of interest to other Parties;
- (b) new means or methods employed in carrying out such operations;
- (c) goods known to be subject to substantial breaches of customs legislation;

- (d) natural or legal persons of whom there are reasonable grounds for believing that they are or have been in substantial breach of customs legislation; and
- (e) means of transport for which there are reasonable grounds for believing that they have been, are or may be used in operations in substantial breach of customs legislation.

#### Article 5

##### *Delivery/Notification*

At the request of the applicant authority, the requested authority shall, in accordance with its legislation, take all necessary measures in order to:

- (a) deliver all documents; and
- (b) notify all decisions, as well as any other relevant documents which form part of the procedure in question,

falling within the scope of this Annex to an addressee, residing or established in its territory. In such a case, paragraph 3 of Article 6 shall apply to the request for delivery or notification.

#### Article 6

##### *Form and Substance of Requests for Assistance*

1. Requests pursuant to this Annex shall be made in writing. They shall be accompanied by the documents necessary to enable compliance with the request. When required because of the urgency of the situation, oral requests may be accepted, but must be confirmed in writing immediately.

2. Requests pursuant to paragraph 1 shall include the following information:

- (a) the applicant authority making the request;
- (b) the measure requested;
- (c) the object of and the reason for the request;
- (d) the laws, rules and other legal elements involved;
- (e) indications as exact and comprehensive as possible on the natural or legal persons who are the target of the investigations; and
- (f) a summary of the relevant facts and of the enquiries already carried out, except in cases provided for in Article 5.



3. Requests shall be submitted in an official language of the requested authority or in English or in a language acceptable to that authority.
4. If a request does not meet the formal requirements, its correction or completion may be requested; precautionary measures may, however, be ordered.

#### Article 7

##### *Execution of Requests*

1. In order to comply with a request for assistance, the requested authority shall proceed, within the limits of its competence and available resources, as though it were acting on its own account or at the request of other authorities of that same Party, by supplying information already possessed, by carrying out appropriate enquiries or by arranging for them to be carried out. This provision shall also apply to the administrative department to which the request has been addressed by the requested authority when the latter cannot act on its own.
2. Requests for assistance shall be executed in accordance with the laws, rules and other legal instruments of the requested Party.
3. Duly authorized officials of a Party may, with the agreement of the Party involved and subject to the conditions laid down by the latter, obtain from the offices of the requested authority or other authority for which the requested authority is responsible, information relating to operations which are or may be in breach of customs legislation which the applicant authority needs, in the context of an enquiry, for the purposes of this Annex.
4. Officials of a Party may, with the agreement of the Party involved and subject to the conditions laid down by the latter, be present at enquiries carried out in the latter's territory.

#### Article 8

##### *Form in which Information is to be Communicated*

1. The requested authority shall communicate results of enquiries to the applicant authority in the form of documents, certified copies of documents, reports and the like.
2. The documents provided for in paragraph 1 may be replaced by computerized information produced in any form for the same purpose.

#### Article 9

##### *Exceptions to the Obligation to Provide Assistance*

1. The Parties may refuse to give assistance as provided for in this Annex, where to do so would:

- (a) be likely to prejudice their sovereignty, public policy, security or other essential interests;
- (b) involve currency or tax regulations other than customs legislation; or
- (c) violate an industrial, commercial or professional secret.

2. Where the applicant authority requests assistance which it would itself be unable to provide if so asked, it shall draw attention to that fact in its request. It shall then be for the requested authority to decide how to respond to such a request.

3. If assistance is refused, the decision and the reasons therefore must be notified to the applicant authority without delay.

#### Article 10

##### *Confidentiality*

1. Any information communicated in whatsoever form pursuant to this Annex shall be of a confidential or restricted nature. It shall be covered by the obligation of official secrecy and shall enjoy the protection extended to similar information under the relevant laws of the Party which received it.

2. Personal data, that is all information relating to an identified or identifiable individual, may be exchanged only where the receiving Party undertakes to protect such data in at least an equivalent way to the one applicable to that particular case in the supplying Party.

#### Article 11

##### *Use of Information*

1. Information obtained shall be used solely for the purposes of this Annex. Where one of the Parties requests the use of such information for other purposes, it shall ask for the prior written consent of the authority which furnished the information. Such use shall then be subject to any restrictions laid down by that authority. Information related to illicit drug trafficking may be communicated to other authorities directly involved in the combat of illicit drug traffic.

2. Paragraph 1 shall not impede the use of information in any judicial or administrative proceedings instituted for failure to comply with customs legislation. The

competent authority which supplied that information shall be notified of such use without delay.

3. The Parties may, in their records of evidence, reports and testimonies and in proceedings and charges brought before the courts, use as evidence information obtained and documents consulted in accordance with the provisions of this Annex.

#### Article 12

##### *Experts and Witnesses*

An official of a requested authority may be authorized to appear, within the limitations of the authorization granted, as an expert or witness in judicial or administrative proceedings regarding the matters covered by this Annex in the jurisdiction of another Party, and produce such objects, documents or authenticated copies thereof, as may be needed for the proceedings. The request for an appearance must indicate specifically on what matters and by virtue of what title or qualification the official will be questioned.

#### Article 13

##### *Assistance Expenses*

The Parties shall waive all claims on each other for the reimbursement of expenses incurred pursuant to this Annex, except, as appropriate, for expenses to experts and witnesses and to interpreters and translators who are not public service employees.

#### Article 14

##### *Application*

1. The application of this Annex shall be entrusted to the customs authorities of the Parties. They shall decide on all practical measures and arrangements necessary for its application, taking into consideration the rules in force in the field of data protection.

2. The Parties shall consult each other and subsequently keep each other informed through the EFTA Secretariat of the detailed rules of implementation which are adopted in accordance with the provisions of this Annex. In particular, they shall exchange the list of competent authorities authorized to intervene under this Annex.

Article 15

*Complementarity*

This Annex shall complement and not impede application of any agreements on mutual administrative assistance which have been concluded or may be concluded between the Parties. Nor shall it preclude more extensive mutual assistance granted under such agreements.

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