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ANNEX 8-G

SCOPE, DEFINITIONS AND OBLIGATIONS RELATED TO INTERNATIONAL MARITIME TRANSPORT SERVICES OF THE EUROPEAN UNION

SECTION A

SCOPE AND DEFINITIONS

1. This Annex applies to measures of the European Union affecting the supply of international maritime transport services.
2. For the purposes of this Annex, Annex 8-E (Schedule of existing measures of the European Union) and Annex 8-F (Schedule of future measures of the European Union), the following definitions apply:
 - (a) "container station and depot services" means activities that consist of storing, stuffing, stripping or repairing of containers and making containers available for shipment, whether in port areas or inland;

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- (b) "customs clearance services" means activities consisting of carrying out, on behalf of another party, customs formalities concerning import, export or through transport of cargoes, irrespective of whether these services are the main activity of the service supplier or a usual complement of its main activity;
- (c) "door-to-door or multimodal transport operations" means the transport of international cargo using more than one mode of transport, including an international sea-leg, under a single transport document;
- (d) "feeder services" means, without prejudice to the scope of activities that may be considered cabotage under the relevant national laws and regulations, the pre- and onward transportation by sea of international cargo, including containerised, break bulk and dry or liquid bulk cargo, between ports located in the territory of the Union, provided such international cargo is "en route", that is, directed to a destination, or coming from a port of shipment, outside the territory of the European Union;
- (e) "international cargo" means cargo transported between a port of the European Union and a port of India or of a third country, or between ports of different Member States;

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- (f) "international maritime transport services" means the transport of passengers or cargo by sea-going vessels between a port of the European Union and a port of India or of a third country, or between ports of different Member States, including the direct contracting with providers of other transport services, with a view to covering door-to-door or multimodal transport operations under a single transport document, but does not include the right to provide such other transport services;
- (g) "maritime agency services" means activities that consist of representing, within a given geographic area, as an agent the business interests of one or more shipping lines or shipping companies, for the following purposes:
 - (i) marketing and sales of maritime transport and related services, from quotation to invoicing, issuance of bills of lading on behalf of the lines or companies, acquisition and resale of the necessary related services, preparation of documentation and provision of business information; or
 - (ii) acting on behalf of the lines or companies organising the call of the ship or taking over cargoes when required;
- (h) "maritime auxiliary services" means maritime cargo handling services, customs clearance services, container station and depot services, maritime agency services, maritime freight forwarding services, and storage and warehousing services;

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- (i) "maritime cargo handling services" means activities exercised by stevedore companies, including terminal operators but not including the direct activities of dockers if the workforce is organised independently of the stevedoring or terminal operator companies. Such activities include the organisation and supervision of:
 - (i) loading or discharging of cargo to or from a ship;
 - (ii) the lashing or unlashings of cargo; and
 - (iii) the reception or delivery and safekeeping of cargoes before shipment or after discharge;
- (j) "maritime freight forwarding services" means the activity consisting of organising and monitoring shipment operations on behalf of shippers, through the arrangement of transport and related services, preparation of documentation and provision of business information; and
- (k) "storage and warehousing services" means storage services of frozen or refrigerated goods, bulk storage services of liquids or gases, and other storage or warehousing services.

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SECTION B

OBLIGATIONS

For the purposes of Chapter 8 (Trade in services), Annex 8-E (Schedule of existing measures of the European Union) and Annex 8-F (Schedule of future measures of the European Union), the European Union understands that, with respect to its commitments for international maritime transport services the principle of unrestricted access to the international maritime markets and trades on a commercial and non-discriminatory basis shall be implemented by:

- (a) according to ships flying the flag of India, or operated by service suppliers of India, treatment no less favourable than that accorded to its own vessels or international maritime transport services suppliers, or to vessels or international maritime transport service suppliers of a third country with regard to, among others:
 - (i) access to port facilities;
 - (ii) the use of port infrastructure and services of ports, such as pilotage, towing and tug assistance, provisioning, bunkering and watering, garbage collecting and ballast waste disposal, port captain's services, navigation aids, emergency repair facilities, anchorage, berth, berthing and unberthing services and shore-based operational services essential to ship operations, including communications, water and electrical supplies;
 - (iii) the use of maritime auxiliary services;

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- (iv) access to customs facilities; and
 - (v) the assignment of berths and facilities for loading and unloading, including related fees and charges, specifications and quality;
 - (b) permitting international maritime transport service suppliers of India, subject to the authorisation by the competent authority where applicable, to re-position owned or leased empty containers, which are not being carried as cargo against payment, between ports of a Member State;
 - (c) permitting international maritime transport service suppliers of India to provide feeder services between ports of a Member State, subject to the authorisation by the competent authority where applicable;
 - (d) not introducing cargo-sharing arrangements in future agreements with third countries concerning international maritime transport services, including dry and liquid bulk and liner trade, and terminating, within a reasonable period of time, such cargo-sharing arrangements in case they exist in previous agreements; and
 - (e) not adopting or maintaining a measure that requires all or part of any international cargo to be transported exclusively by vessels registered in the European Union or owned or controlled by natural persons of the European Union.
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