

## ANNEX 8B

### INTERNATIONAL MARITIME TRANSPORT SERVICES

#### Article 1 Definitions

For the purposes of this Annex:

“container station and depot services” means activities consisting of storing, stuffing, stripping, or repairing of containers and making containers available for shipment, whether in port areas or inland;

“customs clearance services” means the carrying out, on a fee or contract basis, of customs formalities concerning import, export, or through transport of cargo, irrespective of whether these services are the main or secondary activity of the service supplier;

“door-to-door or multimodal transport operations” means the transport of cargo using more than one mode of transport, involving an international sea-leg, under a single transport document;<sup>1</sup>

“feeder services” means 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 a Party, provided that the international cargo should be “en route”, that is, directed to a destination, or coming from a port of shipment, outside the territory of that Party;<sup>2</sup>

“international cargo” means cargo transported between a port of a Party and a port of the other Party or of a non-Party;

“international maritime transport services” means the transport of passengers or cargo by sea-going vessels between a port of a Party and a port of the other Party or of a non-Party, and includes the direct contracting with suppliers of other transport services, with a view to covering door-to-door or multimodal transport operations under a single transport document, but not the supply of those other transport services;

“international maritime transport services supplier” means a services supplier that seeks to supply or supplies international maritime transport services;

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<sup>1</sup> For greater certainty, a single transport document is a document (that may be supported by other documents) which evidences that a contract has been concluded to transport cargo from a point in one Party to a point of delivery in another Party or non-Party. These documents may be in electronic form, where applicable.

<sup>2</sup> For greater certainty, the transport of passengers or cargo between a port and vessel for the purposes of loading or discharge of the vessel is not considered a feeder service.

“maritime agency services” means the representation, within a given geographic area, as an agent of the business interests of one or more shipping lines or shipping companies, for the following purposes:

- (a) marketing and sales of maritime transport and related services, from quotation to invoicing, issuance of bills of lading on behalf of the shipping lines or shipping companies, acquisition and resale of the necessary related services, preparation of documentation and provision of business information; and
- (b) acting on behalf of the shipping lines or shipping companies organising the call of the vessel or taking over cargo when required;

“maritime auxiliary services” means maritime cargo handling services, customs clearance services, container station and depot services, maritime agency services, maritime freight forwarding services, and maritime storage and warehousing services;

“maritime cargo handling services” means the performance, organisation and supervision of:

- (a) the loading or discharging of cargo to or from a vessel;
- (b) the lashing or unlashings of cargo; and
- (c) the reception or delivery and safekeeping of cargo before shipment or after discharge,

by stevedoring or terminal operator companies, but does not include work performed by dock workers, when this workforce is organised independently of stevedoring or terminal operator companies;

“maritime freight forwarding services” means the organising and monitoring of shipments on behalf of shippers, through the supply of services including the arrangement of transport and related services, consolidation and packing of cargo, preparation of documentation, and provision of business information; and

“maritime 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 related to the supply of international maritime transport services.

## **Article 2**

### **Scope**

This Annex applies to measures of a Party affecting the supply of international maritime transport services.

## **Article 3**

### **Obligations**

1. This Annex shall not apply to a measure to the extent that the measure is not subject to an obligation in Chapter 8 (Cross-Border Trade in Services) or Chapter 13 (Investment) by reason of Article 8.7 (Non-Conforming Measures – Cross-Border Trade in Services) and Article 13.13 (Non-Conforming Measures – Investment).
2. Each Party shall:
  - (a) accord to vessels supplying an international maritime transport service and flying the flag of the other Party, and international maritime transport services suppliers of the other Party, treatment no less favourable than that it accords, in like circumstances, to its own vessels or international maritime transport services suppliers, or to vessels or international maritime transport services suppliers of a non-Party, with regard to:
    - (i) access to ports;
    - (ii) the use of port infrastructure and services of ports, such as pilotage, towing and tug assistance, provisioning, fuelling 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;
    - (iv) access to customs facilities; and
    - (v) the assignment of berths and facilities for loading and unloading,including related fees and charges;
  - (b) permit vessels supplying an international maritime transport service and flying the flag of the other Party, and international maritime transport services suppliers of the other Party, subject to the

authorisation by the competent authority where applicable to reposition owned or leased empty containers, that are not being carried as cargo against payment, between ports of that Party; and

- (c) permit:
  - (i) vessels flying the flag of the other Party; and
  - (ii) international maritime transport services suppliers of the other Party,

to provide feeder services between ports of that Party subject to the authorisation by the competent authority where applicable.

3. Neither Party shall:

- (a) adopt or maintain a cargo-sharing arrangement with a non-Party concerning maritime transport services, including dry and liquid bulk and liner trade; or
- (b) adopt or maintain a measure that requires all or part of any international cargo to be transported exclusively by vessels registered in that Party or owned or controlled by nationals of that Party.