
Chapter Eleven

Natural Resources Processing

Article 1100: Application of General Rules

For greater certainty, Chapter Four (General Rules) applies to this Chapter, except as otherwise provided in this Chapter.

Article 1101: Relationship to Other Chapters

In the event of an inconsistency between this Chapter and any other chapter in Part IV, this Chapter prevails to the extent of the inconsistency.

Article 1102: Scope and Coverage

1. This Chapter applies to measures adopted or maintained by a Party relating to the processing of natural resources.
2. For the purposes of this Chapter, "processing of natural resources" means the production and sale of the forestry, fisheries and mineral resources products listed in Annex 1102.2.
3. This Agreement does not apply to:
 - (a) the licensing, certification, registration, leasing or other disposition of rights to the harvesting of forestry, fisheries or mineral resources;
 - (b) the management or conservation of forestry, fisheries or mineral resources;
 - (c) water, and services and investments pertaining to water; or
 - (d) the measures listed in Annex 1102.3.
4. For greater certainty, "environmental measure", as defined in Article 200 (Definitions of General Application), does not include measures the purpose of which is the management or conservation of fisheries resources.

Article 1103: Consultations and Dispute Resolution⁶⁶

Chapter Seventeen shall apply to consultations and the resolution of disputes arising out of this chapter.

⁶⁶ This article was amended by the Seventh Protocol of Amendment.

Article 1104: Working Group on Processing of Natural Resources

1. The Parties shall establish a Working Group on Processing of Natural Resources composed of representatives of each Party.
2. The Working Group shall, within 12 months after the date of entry into force of this Agreement, and no later than every second year thereafter, or earlier at the call of the Committee, undertake a review with the purpose of:
 - (a) assessing whether this Chapter has met its objectives;
 - (b) identifying and resolving outstanding implementation issues respecting this Chapter;
 - (c) revising this Chapter to accommodate changing principles under this Agreement; and
 - (d) reviewing the opportunities for progress on matters related to the processing of natural resources that are not covered in, or are excluded from, this Chapter.

Article 1105: Reconciliation

1. The Parties shall make every effort to reconcile, in accordance with Annex 405.1, their measures that have an impact on trade in the processing of natural resources.
2. Further to Annex 405.1, the reconciliation of measures adopted or maintained for a legitimate objective, such as the protection of health or safety or the protection of the environment, in accordance with this Chapter shall be based on criteria including, but not limited to, the following:
 - (a) a reasonable level of scientific and technical evidence;
 - (b) an assessment of the economic and environmental costs of the non-implementation of the measure; and
 - (c) the economic feasibility of the measure.
3. For greater certainty, a measure referred to in paragraph 2 shall not be considered to be inconsistent with this Agreement by reason solely of the lack of full scientific certainty regarding the need for the measure.

Article 1106: Definitions

In this Chapter:

water means surface and ground water in liquid, gaseous or solid state, but does not include water packaged in containers with a capacity of 20 litres or less;

Working Group means the Working Group established under Article 1104(1).

Annex 1102.2

Scope and Coverage

Chapter numbers cited in this Annex refer to specific items in the *Harmonized Commodity Description and Coding System*.

Part I

Forestry Resources

CHAPTER 6:

0604.91.30 Christmas trees.

CHAPTER 44:

- 44.01 Fuel wood, in logs, in billets, in twigs, in faggots or in similar forms; wood in chips or particles; sawdust and wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms.
- 44.03 Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared.
- 44.04 Hoopwood; split poles; piles, pickets and stakes of wood, pointed but not sawn lengthwise; wooden sticks, roughly trimmed but not turned, bent or otherwise worked, suitable for the manufacture of walking-sticks, umbrellas, tool handles or the like; chipwood and the like.
- 44.05 Wood wool; wood flour.
- 44.06 Railway or tramway sleepers (cross-ties) of wood.
- 44.07 Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding 6 mm.
- 44.08 Veneer sheets and sheets for plywood (whether or not spliced) and other wood sawn lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness not exceeding 6 mm.
- 44.09 Wood (including strips and friezes for parquet flooring, not assembled) continuously shaped (tongued, grooved, rebated, chamfered, V-jointed, beaded, moulded, rounded or the like) along any of its edges or faces, whether or not planed, sanded or finger-jointed.
- 44.10 Particle board and similar board of wood or other ligneous materials, whether or not agglomerated with resins or other organic binding substances.

44.11 Fibreboard of wood or other ligneous materials, whether or not bonded with resins or other organic substances.

44.12 Plywood, veneered panels and similar laminated wood.

4413.00.00 Densified wood, in blocks, plates, strips or profile shapes.

CHAPTER 47: Woodpulp

4701.00.00 Mechanical wood pulp.

4702.00.00 Chemical wood pulp, dissolving grades.

47.03 Chemical wood pulp, soda or sulphate, other than dissolving grades.

47.04 Chemical wood pulp, sulphite, other than dissolving grades.

4705.00.00 Semi-chemical wood pulp.

47.06 Pulps of other fibrous cellulosic material.

47.07 Waste and scrap of paper or paperboard.

CHAPTER 48: Paper and Paperboard

4801.00.00 Newsprint, in rolls or sheets.

48.02 Uncoated paper and paperboard, of a kind used for writing, printing or other graphic purposes.

4803.00 Toilet or facial tissue (mill rolls).

48.04 Uncoated kraft paper and paperboard, in rolls or sheets.

48.05 Other uncoated paper and paperboard, in rolls or sheets (corrugating medium, multi-ply paper and paperboard and, linerboard).

48.06 Vegetable parchment, greaseproof and glassine papers.

48.07 Composite paper and paperboard.

48.08 Paper and paperboard (corrugated paper and sack kraft paper).

48.10 Paper and paperboard, coated on one or both sides.

Part II**Fisheries Resources****CHAPTER 3: Fish and crustaceans, molluscs and other aquatic invertebrates**

- 03.01 Live fish.
- 03.02 Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No. 03.04.
- 03.03 Fish, frozen, excluding fish fillets and other fish meat of heading No. 03.04.
- 03.04 Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen.
- 03.05 Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; fish meal fit for human consumption.
- 03.06 Crustaceans, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; crustaceans, in shell, cooked by steaming or by boiling in water, whether or not chilled, frozen, dried, salted or in brine.
- 03.07 Molluscs, whether in shell or not, live, fresh, chilled, frozen, dried, salted or in brine; aquatic invertebrates other than crustaceans and molluscs, live, fresh, chilled, frozen, dried, salted or in brine.

CHAPTER 5: Products of animal origin, not elsewhere specified or included

- 05.08 Shells, crushed for animal feed.
- 05.11 Fish/crustaceans/molluscs for bait.

CHAPTER 12:

- 12.12.20.00 Seaweeds and other algae.

CHAPTER 15:

- 15.04 Fats and oils and their fractions, of fish or marine mammals, whether or not refined, but not chemically modified.

CHAPTER 16: Preparations of meat, of fish or of crustaceans, molluscs or other aquatic invertebrates

- 1603.00 Extracts and juices of meat, fish or crustaceans, molluscs or other aquatic invertebrates.
- 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.

CHAPTER 23:

23.01 Flours, meals and pellets, of meat or meat offal, of fish or of crustaceans, molluscs or other aquatic invertebrates, unfit for human consumptions; greaves.

OTHER: Meat, furskins (whole or pieces) and other raw or processed products from marine mammals.

Part III

Mineral Resources

CHAPTER 25: Nonmetallic minerals.

CHAPTER 26: Ores, slag, ash.

CHAPTER 28: Chemical elements and compounds.

CHAPTER 31: Fertilizers (mineral or chemical fertilizers (nitrogenous, phosphatic and potassic)).

CHAPTER 32: Pigments and other preparations.

CHAPTER 68: Articles of stone, plaster, cement, asbestos, mica, or similar materials.

CHAPTER 69: Ceramic products (bricks, blocks tiles of siliceous fossil materials).

CHAPTER 71: Precious or semi-precious stones, precious metals.

CHAPTER 72: Iron and steel.

CHAPTER 74: Copper.

CHAPTER 75: Nickel.

CHAPTER 76: Aluminum.

CHAPTER 78: Lead.

CHAPTER 79: Zinc.

CHAPTER 80: Tin.

CHAPTER 81: Other base metals.

OTHER: Residues and tailings which may be processed for their metal, non-metal or mineral content.

Annex 1102.3

Measures to Which Agreement Does Not Apply

1. This Agreement does not apply to:
 - (a) existing measures by British Columbia and Alberta on the export of logs, chips and residuals;
 - (b) existing export approval measures by Quebec on unprocessed fish; and
 - (c) any measure made pursuant to the existing Newfoundland and Labrador *Fish Inspection Act* requiring fish to be processed at facilities licensed under said Act.
2. A Party that maintains measures referred to in paragraph 1 shall give notice of such measures to the Secretariat.

Annex 1103.2
Consultations⁶⁷

⁶⁷ This annex was deleted by the Seventh Protocol of Amendment.