

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/3204
23 May 1969

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Original: English

NORWEGIAN LEGISLATION RELATING TO ANTI-DUMPING AND COUNTERVAILING DUTIES

The delegation of Norway has transmitted to the secretariat the following legal texts relating to anti-dumping and countervailing duties:

- rules included in paragraph 3 of the Introductory Provisions to the Customs Tariff.
- extract (paragraph 16) of Law on the Customs Administration of 10 June 1966.

The delegation has explained that the adoption by Norway of the Anti-Dumping Code has not made any modifications of these provisions necessary.

I. Rules Included in the Introductory Provisions to the Customs Tariff

Paragraph 3

1. For the purposes of this paragraph dumping is understood to be the importation or introduction into commerce of a foreign product:

- (a) at a price which is less than the comparable price, in the ordinary course of trade, for the like product when destined for consumption in the exporting country, or
- (b) in the absence of such domestic price, is less than either
 - (i) the highest comparable price for the like product for export to any third country in the ordinary course of trade, or
 - (ii) the cost of production of the product in the country of origin plus a reasonable addition for selling cost and profit.

Due allowance shall be made in each case for differences in conditions and terms of sale, for differences in transportation costs and in taxation, and for other differences affecting price comparability.

2. If the King determines that dumping takes place and that it causes or threatens material injury to domestic industry or materially retards the establishment of such industry, he may provide for the levy of an anti-dumping duty on the product in question.

To counteract injury or retardation of the sort mentioned above, the King may provide for the levy of a countervailing duty on a foreign product on which, in the King's opinion, directly or indirectly, a bounty or subsidy has been granted for its manufacture, production or export, including any special subsidy for its transportation.

On the request from another country the King may provide for the levy of an anti-dumping or countervailing duty also if the dumping or subsidy causes or threatens material injury to the domestic industry in the other country.

3. The anti-dumping duties levied shall not be greater in amount than what is considered to correspond to the margin of dumping, i.e. the difference between the dumping price and the comparable price, as defined in section 1. No countervailing duty shall be levied in an amount exceeding the bounty or subsidy supposed to have been granted.

4. In so far as the King considers it useful, he may provide for the levy of duties in accordance with this paragraph on one or more specified products or kinds of products, on products from one or more specified exporters or on products from one or more specified countries.

Anti-dumping and countervailing duties may also be levied as a preliminary measure until further information is at hand.

5. The King may issue additional regulations concerning the implementation of the decisions relating to duties levied in accordance with this paragraph and concerning adjustments and possible repayment of anti-dumping and countervailing duties.

6. Any decisions to levy a duty provided for in this paragraph shall without delay be submitted to the Storting (Parliament) with full reasons for the action.

II. Extract of Law on the Customs Administration of 10 June, 1966, paragraph 16

When an anti-dumping or countervailing duty is levied on a product, or when such duty is under consideration, the authority, which the King has empowered, may seek further information about prices, production, sale, profit and other matters concerning such products or similar products, foreign as well as national. Any person importing, producing, manufacturing or selling such products is bound by law to give such information.

The following authorities are equally under obligation to give such information:

1. authorities responsible for controlling that the rules laid down in the law on prices, profits and competition of 26 June 1953 are observed;
2. authorities concerned with the regulation and control of imports and exports.

These authorities are entitled to give the information regardless of the provisions ensuring secrecy and these provisions do not prevent that books and documents in the possession of the said authorities can be examined in accordance with the rules in paragraph 17.