

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

COM.TEX/SB/1095*

7 October 1985

Special Distribution

Textiles Surveillance Body

ARRANGEMENT REGARDING INTERNATIONAL TRADE IN TEXTILES

Notification under Article 4:4

Bilateral Agreement between Norway and Poland

The Textiles Surveillance Body has received a notification from Norway of a bilateral agreement with Poland, concluded under Article 4 of the MFA, valid for the period 1 January 1985 to 31 December 1987.¹

The TSB, pursuant to its procedures regarding bilateral agreements notified under Article 4², has examined the relevant documentation and is forwarding the text of the notification to participating countries for their information.³

¹In its notification under Article 2:1 (COM.TEX/SB/1007), Norway had notified bilateral quotas on imports of certain products from Poland. The TSB was informed during the review of this notification that Norway had concluded a bilateral agreement with Poland.

²See COM.TEX/SB/35, Annex B.

³For the TSB's observations on this notification, see COM.TEX/SB/1104.

*English only/Anglais seulement/Inglês solamente

AGREEMENT BETWEEN THE GOVERNMENT OF THE KINGDOM OF NORWAY
AND THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC
RELATING TO THE EXPORTS FROM POLAND OF CERTAIN
TEXTILE PRODUCTS FOR IMPORTS INTO NORWAY

Preamble

RECOGNIZING the great importance of production and trade in textile products of wool, man-made fibres and cotton for the economies of many countries, and their particular importance for the economic and social development of developing countries and for the expansion and diversification of their export earnings, and conscious also of the special importance of trade in textile products of cotton for many developing countries;

RECOGNIZING further the tendency for an unsatisfactory situation to exist in world trade in textile products and that this situation, if not satisfactorily dealt with, could work to the detriment of countries participating in trade in textile products, whether as importers or exports, or both, adversely affect prospects for international co-operation in the trade field, and have unfortunate repercussions on trade relations generally;

NOTING that this unsatisfactory situation is characterized by the proliferation of restrictive measures, including discriminatory measures, that are inconsistent with the principles of the General Agreement on Tariffs and Trade and also that, in some importing countries, situations have arisen which, in the view of these countries, cause or threaten to cause disruption of their domestic markets;

DESIRING to take co-operative and constructive action within a multilateral framework, so as to deal with the situation in such a way as to promote on a sound basis the development of production and expansion of trade in textile products and progressively to achieve the reduction of trade barriers and the liberalization of world trade in these products;

RECOGNIZING that, in pursuit of such action, the volatile and continually evolving nature of production and trade in textile products should be constantly borne in mind and the fullest account taken of such serious economic and social problems as exist in this field in both importing and exporting countries, and particularly in the developing countries;

RECOGNIZING further that such action should be designed to facilitate economic expansion and to promote the development of developing countries possessing the necessary resources, such as materials and technical skills, by providing larger opportunities for such countries, including countries that are, or that may shortly become, new entrants in the field of textile exports to increase their exchange earnings from the sale in world markets of products which they can efficiently produce;

RECOGNIZING that future harmonious development of trade in textiles particularly having regard to the needs of developing countries, also depends importantly upon matters outside the scope of this Arrangement, and that such factors in this respect include progress leading both to the reduction of tariffs and to the maintenance and improvement of schemes of generalized preferences, in accordance with the Tokyo Declaration;

DETERMINED to have full regard to the principles and objectives of the General Agreement on Tariffs and Trade and, in carrying out the aims of this Arrangement, effectively to implement the principles and objectives agreed upon in the Tokyo Declaration of Ministers dated 14 September 1973 concerning the Multilateral Trade Negotiations.

Introduction

1. This Agreement sets out the arrangements that have been made between the Government of the Kingdom of Norway and the Government of the Polish People's Republic regarding the exports of certain textile products from Poland for imports into Norway.

2. These arrangements have been made having regard to the Arrangement Regarding International Trade in Textiles, (hereinafter referred to as "the MFA") as extended by the Protocol of 22 December 1981, bearing in mind particularly the provisions of Article 1:2 and Article 4 of the MFA.

Coverage

3. These arrangements apply to Poland's export to Norway of the textile products listed in Annex A to this Agreement as per Article 12 of the MFA, when these are made of cotton, wool or man-made fibres, or blend thereof, in which any, or all of those fibres in combination represent either the chief value of the fibres or 50 per cent or more by weight (or 17 per cent or more by weight of wool) of the product.

Classification

4. For the purpose of classifying textile products in the appropriate category, the definitions set out in Annex A will apply.

5. In case of divergent opinions between the competent Norwegian and Polish authorities on the classification of products covered by this Agreement, consultations as provided for in Article 15 of this Agreement shall be held with a view to reaching agreement on the appropriate classification of the products concerned and to resolving any difficulties arising therefrom. For this purpose, the Polish authorities shall be informed by the competent Norwegian authorities as soon as a case of divergent opinions on the classification of products arises.

Pending agreement on the appropriate classification and in order to avoid disruption of trade, the products in question shall be imported on the basis of the classification indicated by the competent Norwegian authorities at the point of entry, in conformity with the provisions of this Agreement.

Restraint levels

6. For products listed in Annex B to this Agreement, Poland shall for each restraint period during the term of this Agreement restrain its exports to Norway to the limits set out in Annex B, or the limits modified as provided for in various articles of this Agreement.

Flexibility provisions

7. Following notification to and statistical verification by the Government of Norway of the quantities involved, portions of any restraint level set out in Annex B which are not used during the restraint period, may be carried over and added to the corresponding level for the following restraint period. The restraint level for any such restraint period can be increased within the limit of 8 per cent.

Following notification to and statistical verification by the Government of Norway of the quantities involved any restraint level may be increased within the limit of 3.5 per cent by an amount advanced from the corresponding restraint level for the following restraint period. The restraint level for any such following restraint period will be reduced by an amount equal to the amount so advanced.

Notwithstanding the foregoing, the carryover and carry forward provisions may be used in combination only up to the limit of 8 per cent.

The statistical verification referred to above shall be completed not later than ten working days from the date of the receipt of the notification.

Products covered by the Agreement without restraint limits

8. Imports of textile products covered by this Agreement which are not subject to quantitative limits shall be subject to a system of administrative control. These products will be subject to a dual system of export and import licensing.

When import licences of a product listed in Annex A not subject to quota restraint have been issued up to a level corresponding to 1.5 per cent of the preceding year's total imports into Norway of that product, and the imports cause or threaten to cause market disruption as defined in Annex A of the MFA, the Norwegian Government may request consultations in order to establish a quantitative limit for the product concerned.

Pending a mutually acceptable solution through this consultation, the Norwegian Government may fix a quantitative limit at the volume reached by imports of the product in question in the twelve-month period preceding notification.

Administration

9. Exports from Poland to Norway of textile products listed in Annex B shall be subject to a double-checking system of export and import licensing as specified in Annex C of the Agreement.

Circumvention

10. Both parties agree to co-operate fully in dealing with problems relating to circumvention of the arrangements set out in this Agreement.

When information available to the Norwegian authorities indicates that products of Polish origin listed in Annex B to this Agreement have been imported into Norway by trans-shipment, rerouting or otherwise, in circumvention of the arrangements set out in this Agreement, the Government of Norway may ask for consultations as provided for in Article 15 of this Agreement, with a view to agree on an appropriate solution.

If the parties fail to reach a mutually satisfactory solution within a period of fifty-one days from the date when the request for consultations was received, the Norwegian authorities may, if solid evidence of circumvention has been provided, and pending the outcome of the consultations, carry out an appropriate adjustment of the restraint level for the product concerned, for the current or the following calendar year.

Seasonal fluctuations

11. The Government of the Polish People's Republic will endeavour to ensure, by way of issuing export licences, that exports of textile products covered by this Agreement and subject to restraint levels are spaced out as evenly as possible each calendar year, due account being taken of normal seasonal factors.

Rules of origin

12. The origin of the products covered by this Agreement shall be determined in accordance with the rules in force in Norway and the procedures for control of the origin of the products set out in Annex C.

Any change in these rules shall be notified to the Polish authorities.

Re-exports

13. Exports from Poland to Norway of textile products covered by this Agreement shall not be subject to the restraint levels established in Annex B, provided that the export licence certifies that the products concerned are for re-export outside Norway.

Where the competent Norwegian authorities have evidence that products exported from Poland and set off by Poland against a restraint level established in Annex B have been subsequently re-exported outside Norway, the Norwegian authorities shall notify the Government of the Polish People's Republic of the quantities involved. Upon receipt of such notification, the Government of the Polish People's Republic may authorize exports for the current calendar year of identical quantities of products within the same category, which shall not be set off against the quantitative limits established in Annex B.

Exchange of statistics

14. For all products covered by Annex B of this Agreement the Government of the Polish People's Republic will provide the Government of Norway with quarterly statistics of all export licences issued by the authorities for each category for the current restraint period.

The Government of Norway will provide the Government of the Polish People's Republic with quarterly statistics of total imports and licences issued for imports from Poland of all categories covered by this Agreement for the current restraint period.

Each report shall be transmitted before the end of the second month following the quarter covered by the report.

Both parties undertake to supply promptly any other pertinent statistical information on the products covered by this Agreement when requested by the other party.

Consultations

15. The Government of Norway and the Government of the Polish People's Republic agree to consult at the request of either government, on any question arising in the application of this Agreement.

Any request for consultations shall be notified in writing to the other party, together with a statement explaining the reasons and circumstances that led to the request.

The parties shall enter into consultations within twenty-one days at the latest from when the request was made, with a view to arriving at a mutually satisfactory conclusion in conformity with the provisions of the MFA within a further thirty days at the latest.

Other textile products

16. Both parties reserve their rights under the MFA with respect to textile products not covered by this Agreement.

General

17. The present Agreement shall enter into force upon signature, but not earlier than 1 January 1985.

The Agreement shall apply with effect from 1 January 1985 until 31 December 1987, unless this is changed by application of the provisions of Article 18 of this Agreement.

18. Either party may at any time propose modifications to this Agreement. Such proposals shall lead to consultations in accordance with the procedures outlined in Article 15.

Either party may at any time denounce this Agreement provided that at least sixty days' notice is given. In that event the Agreement shall come to an end on the expiry of the period of notice.

19. The Annexes to this Agreement shall be considered as an integral part thereof.

Done at Oslo on 6 December 1984 in English in duplicate, both texts being equally authentic.

For the Government of
the Kingdom of Norway

For the Government of the
Polish People's Republic

ANNEX A

Product Categories Covered by the Agreement

<u>Category Number</u>	<u>Unit</u>	<u>Description</u>
1	Pieces	Outer garments of woven material, men's, boys', women's, girls': - Jackets: tailored jackets, blazers, waistcoats, sports jackets (including parts of ski suits), anoraks and similar garments, parkas, one-piece suits and the like, also as parts of suits, sets and costumes.
2	Pieces	Outer garments of woven material, men's, boys', women's, girls': - Trousers, slacks, jeans, breeches and the like (including bib and brace overalls), other than swimwear and shorts, also as parts of suits and sets.
3	Pieces	Knitted or crocheted shirts, T-shirts and blouses of all kinds.
4	Pieces	Knitted or crocheted undergarments, men's, boys', women's, girls', infants'; other than T-shirts, blouses, nightwear and panty hose.
5	Pieces	Men's and boys' shirts of all kinds, of woven material.
6	Pieces	Outer garments and other articles, knitted or crocheted, not elastic nor rubberized: pullovers, sweaters, jumpers, cardigans and jackets.
7	Kgs.	Bed linen
8	Pieces	Outer garments of woven material, women's, girls': blouses, shirts and the like.
9	Pairs	Stockings, under stockings, socks, ankle socks, sockettes and the like, knitted or crocheted, not elastic nor rubberized, except women's stockings, sport stockings and thick woollen socks (known as "raggsokker").

<u>Category Number</u>	<u>Unit</u>	<u>Description</u>
10	Pieces	Women's and girls' outer garments of woven material: dresses, housecoats, frocks and gowns.
11	Pieces	Outer garments of woven material, women's, girls': skirts, including divided skirts.
12	Pieces	Costumes, dresses, suits, skirts and trousers, knitted or crocheted (incl. track suits).
13	Kgs.	Gloves, mittens and mitts of textile material, not knitted or crocheted.
14	Pieces	Outer garments of woven material for infants (defined as for infants of maximum height 110 cm).
15	Pieces	Men's, boys', women's and girls' outer garments of woven material: - Ulsters, overcoats, capes and coats (except those impregnated or coated with oil, varnish, rubber, artificial plastic materials and the like).
16	Pieces	Undergarments, knitted or crocheted - panty hose.
17	Kgs.	Gloves, mittens and mitts, knitted or crocheted, not elastic nor rubberized.
18	Pieces	Nightwear, knitted or crocheted.
19	Pairs	Gaiters and spats (short or long ones) of textile materials (Østerdalssokker").
21	Pieces	Undergarments of woven material, women's and girls' wear (except nightwear).
23B	Kgs.	Woven fabrics of cotton, not printed.
25	Kgs.	Table linen containing cotton.

ANNEX B

Category No.	Unit	1985	1986	1987
1	pieces	8,000	8,040	8,080
2	pieces	3,000	3,015	3,030
3 & 4	pieces	179,000	179,537	180,076
5 & 8	pieces	40,000	40,160	40,321
6	pieces	205,000	205,615	206,232
7	kgs	23,000	23,115	23,231
9	dozen pairs	91,000	91,728	92,462
15	pieces	30,000	30,450	30,907

ANNEX C

ADMINISTRATIVE CO-OPERATION

1. Products originating in Poland for export to Norway in accordance with the arrangements established by this Agreement shall be accompanied by either a certificate of Polish origin conforming to the specimen attached as Annex D, including full and detailed description of the goods.

The certificate of Polish origin shall be issued by the Polish Chamber of Foreign Trade.

2. The competent Polish authorities shall issue an export licence in respect of all consignments from Poland for exports to Norway of products covered by Annex A. The export licence shall conform to the specimen attached as Annex E.

3. For products covered by Annex B, the Polish authorities shall issue export licences up to the quantitative limits agreed through this Agreement (eventually modified as provided for by this Agreement). The export licence must certify that the quantity of the product in question has been set off against the quantitative limit prescribed for the category of the product in question.

4. Each export licence shall cover only one of the categories of products listed in Annex A to this Agreement.

5. Exports shall be set off against the quantitative limits established for the year in which shipment of the goods has been effected.

6. The presentation of an export licence, in application of paragraph 7 below, shall be effected not later than 31 January of the year following that in which the goods covered by the licence have been shipped.

7. Importation into Norway of textile products subject to quantitative limits shall be subject to the presentation of appropriate import documents.

The competent Norwegian authorities shall issue such import documents automatically within ten working days of the presentation by the importer of the original of the corresponding export licence.

8. The competent Norwegian authorities must be notified forthwith of the withdrawal or alteration of any export licence already issued.

The competent Norwegian authorities shall cancel the already issued import documents if the corresponding export licence has been withdrawn.

However, if the competent Norwegian authorities have not been notified about the withdrawal or cancellation of the export licence until after the products have been imported into Norway, the quantities involved shall be set off against the quantitative limit for the category and quota year in question, and the Polish authorities shall be informed as soon as possible.

9. If the competent Norwegian authorities find that the total quantities covered by export certificates issued by the authorities of Poland for a particular category in any quota period exceed the quantitative limit established for that category, the said authorities may suspend the further issue of import documents. In this event, the competent Norwegian authorities shall immediately inform the Polish authorities and the special consultation procedure set out in Article 15 of the Agreement shall be initiated forthwith.

10. Exports of Polish origin not covered by export licences issued by the Polish authorities in accordance with the provisions of this Annex may be refused the issue of appropriate import documents by the competent Norwegian authorities.

11. The export licence and the certificate of Polish origin may comprise additional copies duly indicated as such. They shall be made out in English. If they are completed by hand, entries must be in ink and in printscript.

Only the original, clearly marked "original" shall be accepted by the competent Norwegian authorities as being valid for the purposes of export to Norway in accordance with the arrangements established by this Agreement.

12. Each export licence and certificate of Polish origin shall bear a serial number, by which it can be identified.

The export licence shall also contain the following information:

- (a) country of destination
- (b) country of origin
- (c) name and address of exporter (and manufacturer if different from exporter)
- (d) name and address of importer
- (e) full and detailed description of the goods, including tariff classification numbers, if possible both in the systems of the exporting country and of Norway
- (f) relevant category number and description as set out in Annex A of the Agreement
- (g) f.o.b. value
- (h) quantity in units set out in Annex A
- (i) place and date of shipment - means of transport.

13. In the event of theft, loss or destruction of an export licence or a certificate of Polish origin, the exporter may apply to the competent governmental authority which issued the document for a duplicate to be made out on the basis of the export documents in his possession. The duplicate of any such certificate or licence so issued shall bear the endorsement "duplicate".

The duplicate must bear the date of the original export licence or certificate of Polish origin.

14. The Government of the Polish People's Republic shall send the Government of Norway the names and addresses of the governmental authorities competent for the issue and verification of export licences and certificates of Polish origin together with specimens of the stamps used by these authorities. The Government of the Polish People's Republic shall also notify the Government of Norway of any change in this information.

ANNEX D

		ORIGINAL	No
		1. Year Année commerciale	2. Customs number Noms/No de douane
		CERTIFICATE OF ORIGIN (Textile products)	
		CERTIFICAT D'ORIGINE (Produits textiles)	
		3. Country of origin Pays d'origine	4. Country of destination Pays de destination
5. Place and date of shipment Lieu et date d'embarquement		6. Means of transport Moyen de transport	
7. Marks and numbers Marques et numéros		8. Description of goods Description des marchandises	
		9. Quantity Quantité	
		10. Value Valeur	
11. CERTIFICATION BY THE COMPETENT AUTHORITY The undersigned certify that the goods described above originated in the country of origin in accordance with the provisions in force in Norway. Le soussigné certifie que les marchandises désignées ci-dessus sont originaires du pays figurant dans le case No 3, conformément aux dispositions en vigueur en Norvège.			
12. Competent authority (name, full address, country) Autorité compétente (nom, adresse complète, pays)			

(1) Show net weight (10) and also quantity in the unit prescribed for category where other than set... (11) Indiquer le poids net (10) ainsi que la quantité dans l'unité prescrite pour la c... (12) In the currency of the trade contract. (13) Dans le monnaie de contrat de vente.

ANNEX E

I cetui need a'air pas le poids net

Indiquer le poids net (kg) total que la quantité dans l'unité prévue pour le cell)

(1) Show net weight (kg) and size quantity for category unless other than net wt.
(2) In the context of the sale contract - Dans le montage du contrat de vente

		ORIGINAL	No
		EXPORT LICENCE (textile products)	LICENCE D'EXPORTATION (Produits textiles)
		Country of origin Pays d'origine	Country of destination Pays de destination
Place of sale of shipment - Means of transport Lieu de vente d'embarquement - Moyen de transport		Supplementary details Détails supplémentaires	
Particulars - Number and kind of packages - DESCRIPTION OF GOODS Particulars - Nombre et nature des colis - DÉSIGNATION DES MARCHANDISES		Quantity Quantité	Size Taille
CERTIFICATION BY THE COMPETENT AUTHORITY - VISÉ DE L'AUTORITÉ COMPÉTENTE			
The undersigned certify that the goods described above have been charged against the quantitative limit established for the year shown in box No. 4 of the certificate shown in box No. 4 by the provisions regulating trade in textile products with the countries concerned. Néanmoins, j'atteste que les marchandises désignées ci-dessus ont été chargées contre la limite quantitative fixée pour l'année indiquée dans la case No. 4 du certificat ci-dessus dans la case No. 4 dans le cadre des dispositions régissant les échanges de produits textiles avec les pays concernés.			
Competent authority (Name and address) Autorité compétente (Nom et adresse)			