

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

COM.TEX/SB/1098*
7 October 1985

Special Distribution

Textiles Surveillance Body

ARRANGEMENT REGARDING INTERNATIONAL TRADE IN TEXTILES

Notification under Article 4:4

Bilateral Agreement between Norway and Malaysia

The Textiles Surveillance Body has received a notification from Norway of a bilateral agreement with Malaysia, concluded under Article 4 of the MFA, valid for the period 1 July 1984 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 informed the TSB that it had concluded an agreement with Malaysia under the 1981 Protocol of Extension.

²See COM.TEX/SB/35, Annex B.

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

* English only/Anglais seulement/Inglés solamente

AGREEMENT BETWEEN THE GOVERNMENT OF NORWAY
AND THE GOVERNMENT OF MALAYSIA
RELATING TO THE EXPORTS FROM MALAYSIA OF CERTAIN
TEXTILE PRODUCTS FOR IMPORTS INTO NORWAY

Introduction

1. This Agreement sets out the arrangements that have been made between the Government of Norway and the Government of Malaysia regarding the exports of certain textile products from Malaysia 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 Malaysia's export to Norway of the textile products listed in Annex A to this Agreement, when these are made of cotton, wool or man-made fibres, or blends thereof, in which one, 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). Notwithstanding these provisions, this Agreement shall also apply to the products described in Annex A which are manufactured from impregnated fabrics as defined in a note to Annex A.

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 Malaysia and the competent Norwegian authorities at the point of entry into Norway 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 authorities of Malaysia shall be informed by the competent authorities in Norway 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, Malaysia shall for each quota 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. Any quantitative limit set out in Annex B may, after consultation between the Government of Norway and the Government of the Malaysia as provided for in Article 15 be exceeded in either year of any two subsequent agreement years by carry forward and/or carryover. Carryover and carry forward taken together shall not exceed 4 per cent, of which carry forward shall not represent more than 2 per cent.

Products covered by the Agreement without quantitative 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 on products 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, the Norwegian Government may request consultations in order to establish a quantitative limit for the product concerned. Pending a mutually acceptable solution through these consultations 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 Malaysia 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. Norway and Malaysia 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 Malaysian 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, Norway may ask for consultations as provided for in Article 15 of this Agreement, with a view to agree on an appropriate adjustment of the quantitative limits for the products concerned.

Seasonal fluctuations

11. The Government of Malaysia will endeavour to ensure that exports of textile products subject to quantitative limits 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.

Re-exports

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

Where the competent Norwegian authorities have evidence that products exported from Malaysia and set off by Malaysia against a quantitative limit established in Annex B have been subsequently re-exported outside Norway, the Norwegian authorities shall notify Malaysia of the quantities involved. Upon receipt of such notification, Malaysia 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 this Agreement the Government of Malaysia undertakes to provide the Government of Norway with monthly statistics of all export licences issued by the authorities for each category for each quota period. For products listed in Annex B, these statistical reports shall also set out:

- (i) the maximum export level for each category for the relevant quota period;
- (ii) the modified limit if the quota has been modified as provided for in Article 7 of this Agreement; and
- (iii) the rate of utilization of the quota.

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

The Government of Norway will provide the Government of Malaysia with quarterly statistics of total imports and licences issued for imports from Malaysia of all categories covered by this Agreement.

Both parties agree to supply each other with statistical information on all textile exports/imports by country of destination/origin, when requested.

Consultations

15. The Government of Norway and the Government of Malaysia 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. The Norwegian Government reserves its rights under the MFA with respect to textile products not covered by this Agreement.

General

17. The present Agreement shall enter into force when the parties have notified each other that all internal procedures which are necessary for the fulfilment of the obligations in the Agreement have been completed.

Provided that such notifications have taken place, the Agreement shall apply with effect from 1 July 1984 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 22 April 1985 in two originals in the English language, both texts being equally authentic.

On behalf of the Government
of the Kingdom of Norway

On behalf of the
Government of Malaysia

ANNEX AProduct 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	Dozen 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 with 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.
20	Pieces	Outer garments of woven material, men's, boys', women's, girls', impregnated or coated with oil, varnish, rubber, artificial plastic materials and the like.
21	Pieces	Undergarments of woven material, women's and girls' wear (except nightwear).

NOTE TO ANNEX A

Definition of "impregnated fabrics" for the purpose of Article 3

1. Fabrics of cotton, wool or man-made fibres or any blend containing one or more of those fibres in which either wool represents 17 per cent or more by weight or any or all of those fibres in combination represent 50 per cent or more by weight of the unfinished fabric shall be defined as "impregnated fabrics" where those fabrics have been impregnated, coated, covered or laminated with preparations of cellulose derivatives or of other artificial plastic materials whatever the nature of the plastic material (compact, foam, sponge or expanded).

2. The definition does not cover:

- (a) fabrics which, after impregnation, coating, covering or lamination, cannot, without fracturing, be bent manually around a cylinder of a diameter of 7 mm at a temperature between 15°C and 30°C.
- (b) fabrics either completely embedded in artificial plastic material or coated or covered on both sides with such material.

ANNEX B

RESTRAINT LEVELS

Category No.	Quantity Unit	Quota Period			
		1.7.1984-31.12.1984	1985	1986	1987
1	Pieces	19,000	38,038	38,076	38,114
2	Pieces	36,545	73,163	73,236	73,309
3 & 4	Pieces	63,750	128,138	128,779	129,423
5	Pieces	120,000	240,240	240,480	240,720
6	Pieces	66,500	133,665	134,333	135,005
7	Kgs	6,340	12,733	12,771	12,809
8	Pieces	32,000	64,320	64,642	64,965
10 & 11	Pieces	25,000	50,750	51,511	52,284
12 & 18	Pieces	25,000	51,000	52,020	53,060

ANNEX C

ADMINISTRATIVE CO-OPERATION

1. The competent authorities of Malaysia shall issue an export licence in respect of all consignments from Malaysia for exports to Norway of products covered by the Agreement as set out in Annex A. The export licence shall conform to the specimen attached as Annex D. For products covered by Annex B, the competent authorities of Malaysia shall 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.
2. The export licence mentioned in paragraph 1 shall also serve to certify that the products in question are of Malaysian origin.
3. Each export licence shall cover only one of the categories of products listed in Annex B to this Agreement.
4. The competent Norwegian authorities must be notified forthwith of the withdrawal or alteration of any export licence already issued.
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 9 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.
8. 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.
9. 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 Malaysia shall be informed as soon as possible.
10. If the competent Norwegian authorities find that the total quantities covered by export certificates issued by Malaysia for a particular category in any quota period exceed the quantitative limit established in Annex B for that category or that limit modified as provided for in this Agreement, or any limit established under Article 8 of the Agreement, the said authorities may suspend the further issue of import documents. In this event, the competent Norwegian authorities shall immediately inform the authorities of Malaysia and the special consultation procedure set out in Article 15 of the Agreement shall be initiated forthwith.

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

However, if the import of such products is allowed into Norway by the competent Norwegian authorities, the quantities involved shall not be set off against the appropriate quantitative limits unless it is agreed with the Malaysian authorities.

12. The export licence 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 authorities in Norway as being valid for the purposes of export to Norway in accordance with the arrangements established by this Agreement.

13. Each export licence 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;
- (f) relevant category number and description as set out in Annex A of the Agreement;
- (g) f.o.b. value;
- (h) quantity in unit set out in Annex A.

14. In the event of theft, loss or destruction of an export licence or a certificate of Malaysian 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.

15. Malaysia shall send the Norwegian Ministry of Trade the names and addresses of the governmental authorities competent for the issue and verification of export licences together with specimens of the stamps used by these authorities. Malaysia shall also notify the Ministry of any change in this information.

ANNEX D

1 Exporter (name, full address, country)		ORIGINAL		2 No.	
3 Consignee (name, full address, country) in Norway		EXPORT LICENCE (TEXTILE PRODUCTS)			
		4 Quota period		5 Category number	
6 Place and date of shipment — Means of transport		7 Country of origin		8 Country of destination	
		9 Approved and debited quantity against restraint level			
10 Marks and numbers — Number and kind of packages — DESCRIPTION OF GOODS		11 Quantity or weight		12 FOB Value	
<p>13 CERTIFICATION BY THE COMPETENT AUTHORITY</p> <p>I, the undersigned, certify that the goods described above are originating in Malaysia in accordance with provisions in force in Norway and these goods have been charged against the quantitative limit established for the quota ^{be=80} shown in box no 4 in respect of the ^{ca=80} shown in box no 5 by the provisions regulating trade in textile products with Norway.</p>					
14 Competent authority (name, full address, country)		At on			
		(Signature)		(Stamp)	