

Textiles Surveillance Body

ARRANGEMENT REGARDING INTERNATIONAL TRADE IN TEXTILES

Notification under Article 4:4

Bilateral agreement between Norway and Poland

The Textiles Surveillance Body received a notification from Norway of a bilateral agreement concluded with Poland for the period 1 January 1988 to 31 December 1991.¹

The TSB, pursuant to its procedures regarding bilateral agreements notified under Article 4,² has examined the relevant documentation and is transmitting the text of the notification to participating countries for their information.³

¹ The previous bilateral agreement is contained in COM.TEX/SB/1095.

² See COM.TEX/SB/35, Annex B

³ For the TSB's observation on this notification see COM.TEX/SB/1407.

* English only/Anglais seulement/Inglés solamente

AGREEMENT BETWEEN

THE GOVERNMENT OF THE KINGDOM OF NORWAY
AND
THE GOVERNMENT OF THE POLISH PEOPLE'S REPUBLIC

RELATING TO THE EXPORTS FROM THE POLISH PEOPLE'S REPUBLIC
OF CERTAIN TEXTILE PRODUCTS FOR IMPORTS INTO NORWAY

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 31.07.1986, bearing in mind particularly the provisions of Article 1:2, Article 1:6 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 when these are made of cotton, wool, man-made fibres or blends 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 Paragraph 15 of this Agreement shall be held with a view of reaching agreement on the appropriate classification of the products concerned and of resolving any difficulties arising therefrom. For this purpose, the Polish authorities shall be

inferred 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, in conformity with the provisions of this Agreement.

Restraint levels

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

Flexibility provisions

7. (a) If in any restraint period of this Agreement, levels specified in Annex B of this Agreement for any categories are not fully utilized, the Government of the Polish People's Republic may, after prior notification to the Government of the Kingdom of Norway during the subsequent twelve months period approve the exports of additional amounts (carryover) equivalent to such shortfalls provided that such exports are in the same categories where the shortfalls occurred and do not exceed the percentages set out under column (d) in Annex B.

(b) During each restraint period of this Agreement, the Government of the Polish People's Republic may, after prior notification to the Government of the Kingdom of Norway, approve the exports of amounts in excess of the levels specified in Annex B of this Agreement up to the percentages set out in Annex B under column (e) increased by the appropriate growth rate of these levels (carry forward) for the current restraint period. Where specific levels have been increased by carry forward the Government of the Polish People's Republic shall inform the Government of the Kingdom of Norway of the carry forward

quantities and debit these to the corresponding levels which are agreed or may be agreed upon for the subsequent period.

(c) During each restraint period of this Agreement, the Government of the Polish People's Republic may, after prior notification to the Government of the Kingdom of Norway approve the exports of amounts in excess of the levels specified in Annex B to this agreement up to the percentages set out in Annex B under column (f) increased by the appropriate growth rate (swing). Where specific levels have been increased by swing a corresponding reduction shall be made in one or more of other levels calculated on the basis of the conversion factors listed in Annex B, column (h).

(d) During each restraint period of this Agreement, the additional export quantities resulting from carryover, carry forward and swing taken together shall, for each specific level, not exceed the percentages set out in Annex B under column (g).

Products covered by the Agreement without restraint levels

8. Imports of textile products covered by this Agreement which are not subject to restraint levels shall be subject to a dual system of export and import administrative control.

When imports of a product listed in Annex A not subject to restraint levels have reached a level corresponding to 1.5 % of the preceding calendar 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 restraint level for the product concerned.

Pending a mutually acceptable solution through this consultation, the Norwegian Government may fix a quantitative limit at least at the volume reached by imports of the product in question in the twelvemonths period preceding the request for consultation, and the annual growth rate in such a case shall not be less than 2 %.

Administration

9. Exports from Poland to Norway of textile products listed in Annex B shall be subject to a double-checking system by the Norwegian and Polish authorities, as specified in Annex C of the Agreement.

Circumvention

10. The Government of the Kingdom of Norway and the Government of the Polish People's Republic agree to cooperate 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 transshipment, rerouting or otherwise, in circumvention of the arrangements set out in this Agreement, Norway may ask for consultations as provided for in Paragraph 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 51 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 products 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, however taking into consideration possible concentration of exports attributable to 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 changes 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 restraint levels established in Annex B, provided that the export licence certifies that the products concerned are for re-exports outside Norway.

Where the competent Norwegian authorities have evidence that products exported from 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 for the current calendar year exports 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 undertakes to provide the Government of the Kingdom of Norway with quarterly statistics of all export licences issued by the authorities for each category for the current restraint period.

For all products covered by this Agreement

- the Government of the Kingdom of Norway undertakes to provide the Government of the Polish People's Republic with quarterly statistics of total imports and of imports authorised from Poland by the authorities for each category for the current restraint period.

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

Consultations

15. The Government of the Kingdom 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 reason and circumstances that led to the request.

The parties shall enter into consultations within 21 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 30 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.

Reintroduction of restraints

17. It is agreed by the Government of the Kingdom of Norway that if restraint levels were introduced under the provisions of Paragraph 15 of this Agreement for any category or categories of products that were subject to quantitative

limits in the agreement of December 1984 but were subsequently removed, the annual restraint levels so fixed shall not be less than the highest restraint levels obtained for that category or categories of products in any agreement year in the past duly increased by an annual growth rate.

General

18. The present Agreement shall provisionally enter into force from 1 January 1986, and shall be valid until 31 December 1991.

19. 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 60 days notice is given. In that event the Agreement shall come to an end on the expiry of the period of notice.

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

DONE in two originals in OSLO on 3 March 1988 in the English language, 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

Category

<u>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, windcoats, 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 under garments, men's, boys', women's, girls', infants, other than T-shirts, blouses, night wear 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 rubberised: -Pull-overs, 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 rubberised, except women's stockings, sport stockings and thick woolen socks (known as "ragg-sokker")
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.
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).

Any changes in the classification shall be notified to the Polish authorities and shall not have the effect of reducing any quantitative limit established in Annex B.

ANNEX B

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)
Cat. No	Restraint levels	Annual growth rate	Carry- over	Carry- forward	Swing	Total flexi- bility	Conversion factor
	1 Jan. 31 Dec. 1988	%	%	%	%	%	Unit pr.kg.
1.	19.000	1	8	5	2,5	8	1
2.	9.000	1	8	5	2,5	8	1,5
3+4	210.000	1,5	8	5	2,5	8	4
5+8	60.000	1,5	8	5	2,5	8	4
6.	220.000	2	8	5	2,5	8	3
7.	27.000	1	8	5	2,5	8	1

Footnote

The conversion factor for cat. 7 cannot be applied for swing towards ready - made articles i.e.: cat. 1, 2, 3+4, 5+8 and 6, or vice versa.

ANNEX C

ADMINISTRATIVE COOPERATION

1. Products originating in Poland for export to Norway in accordance with the arrangements established by this Agreement shall be accompanied by a certificate of Polish origin conforming to the specimen attached as Annex D, including full 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 export licences in respect of consignments from Poland for exports to Norway of products covered by Annex A. The export licences 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 restraint levels agreed through this Agreement. The export licence must certify that the quantity of the product in question has been set off against the restraint level 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 B to this Agreement.

5. Exports shall be set off against the restraint levels 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 the year in which the goods covered by the licence have been shipped.

7. Importation into Norway of textile products subject to restraint levels 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 restraint level for the category and period in question, and the Polish authorities shall be informed as soon as possible after the receipt of the notification on the withdrawal of the export licence.

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 period exceed the restraint level 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 Paragraph 15 of the Agreement shall be initiated forthwith.

10. For exports of products of Polish origin and listed in Annex B not covered by export licences issued by the Polish

authorities in accordance with the provisions of this Annex the issue of appropriate import documents may be refused 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 authorities in Norway as being valid for the purposes of export to Norway in accordance with the arrangements established in 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 if possible manufacturer)
- d) Name and address of importer
- e) Full description of the goods, including if possible tariff classification numbers, both in the system 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 unites set out in Annex A
- i) Expected place and date of shipment - means of transport.

13. In the event of theft, loss or destruction of an export licence 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 or 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 Competent Norwegian Authority the names and addresses of the governmental authorities or other bodies competent for the issue and verification of export licences and certificates of Polish origin together with specimens of the stamps used by them. The Government of the Polish People's Republic shall also notify the Ministry of any change in this information.

1 Exporter (name full address country) Exportateur (nom adresse complète pays)	ORIGINAL	2 No
	3 Quota year Année contingente	4 Category number Numéro de catégorie
5 Description of goods (name, quantity, etc.) Description des marchandises (nom, quantité, etc.)	EXPORT LICENCE (Textile products) <hr/> LICENCE D'EXPORTATION (Produits textiles)	
	6 Country of origin Pays d'origine	7 Country of destination Pays de destination
10 Marks and numbers - Number and kind of packages - DESCRIPTION OF GOODS Marques et numéros - Nombre et nature des colis - DESIGNATION DES MARCHANDISES		
		11 Quantity (1) Quantité (1)
		12 FOB Value (2) Valeur FOB (2)
13 CERTIFICATION BY THE COMPETENT AUTHORITY - VISA DE L'AUTORITE COMPETENTE I, the undersigned, certify that the goods described above have been charged against the quantitative limit established for the year shown in box No 3 in respect of the category shown in box No 4 by the provisions regulating trade in textile products with the Republic of Norway Norway Je soussigné certifie que les marchandises désignées ci-dessus ont été imputées sur la limite quantitative fixe pour l'année indiquée dans la case No 3 pour la catégorie désignée dans la case No 4 dans le cadre des dispositions régissant les échanges de produits textiles avec la République de Norvège Norvège		
14 Competent authority (name full address country) Autorité compétente (nom, adresse complète, pays)	At - A on - le	
	(Signature)	(Stamp - Cachet)

(1) Show net weight (kg) and also quantity in the unit prescribed for category where other than net weight - Imputer le poids net (kg) dans la catégorie dans laquelle le poids net n'est pas...
 (2) In the currency of the sale contract - Dans la monnaie du contrat de vente