

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

RESTRICTED
COM.TEX/SB/1906*
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Special Distribution

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Textiles Surveillance Body

Original: English

ARRANGEMENT REGARDING INTERNATIONAL TRADE IN TEXTILES

Notification transmitted under Articles 7 and 8

Bilateral agreement between Norway and the Czech Republic

The Textiles Surveillance Body received a notification under Article 4 from Norway of a bilateral agreement concluded with the Czech Republic for the period 1 January 1993 to 31 December 1994. The agreement replaced and superseded the agreement between Norway and the former Czech and Slovak Federal Republic.¹

The TSB decided to transmit the text of the notification to participating countries under Articles 7 and 8, as the Czech Republic had not, at the time of transmittal, accepted the 1993 Protocol maintaining in force the Arrangement.²

¹The agreement between Norway and the Czech and Slovak Federal Republic, amendments and an extension thereof are contained in COM.TEX/SB/1399, 1463, 1585 and 1775.

²For the TSB's observation concerning this notification, see paragraph 24 of COM.TEX/SB/1910.

*English only/Anglais seulement/Inglés solamente

**AGREEMENT BETWEEN
THE GOVERNMENT OF THE KINGDOM OF NORWAY
AND
THE GOVERNMENT OF THE CZECH REPUBLIC
RELATING TO THE EXPORTS FROM THE CZECH 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 Norway and the Government of the Czech Republic regarding the exports of certain textile products from the Czech Republic 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, and as further extended by the Protocols of 31.7.91 and 9.12.92, 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 the exports from the Czech Republic 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 Czech Authorities on the classification of products covered by this Agreement, consultations as provided for in Paragraph 14 of this Agreement shall be held with a view to reaching agreement on the appropriate classification of the products concerned and of resolving any difficulties arising therefrom. For this purpose, the authorities of the Czech Republic 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, in conformity with the provisions of this Agreement.

Restraint levels

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

Designated consultation levels:

- 6 bis. (a) The categories listed in Annex B marked with + are subject of the designated consultation levels specified therein.

- (b) If the Government of the Czech Republic wishes to export textile products to Norway in excess of the applicable designated consultation levels, the Government of the Czech Republic shall request the higher levels. The Government of the Kingdom of Norway shall respond promptly and make every effort to resolve the issues within 14 working days of the receipt of the initial request. If the Government of Norway is unable to comply fully with the request due to problems of market disruption or real risk thereof, as described in Annex A of the MFA, in a category subject to such request the Government of Norway will so inform the Government of the Czech Republic.
- (c) The Government of Norway will supply data in accordance with paragraphs I and II of Annex A of the Arrangement to substantiate the position it has taken. The two Governments shall, unless otherwise agreed, consult as soon as possible within 30 days of the Norwegian denial of the request and shall make every effort to conclude such consultations within 30 days of its commencement. Until a mutually satisfactory change in the consultation level in question is established, shipments shall not exceed the existing consultation level.

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 Czech Republic may, after prior notification to the Government of Norway, during the subsequent twelve-month period approve the exports of additional quantities (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), Annex B.
- (b) During each restraint period, the Government of the Czech Republic may, after prior notification to the Government of Norway, approve the exports of quantities 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 Czech Republic shall inform the Government 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 Czech Republic may, after prior notification to the Government of Norway, approve the exports of quantities 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).

Administration

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

Circumvention

9. The Government of Norway and the Government of the Czech Republic agree to cooperate fully in dealing with problems relating to circumventions of the arrangements set out in this Agreement.

When information available to the Norwegian authorities indicates that products of Czech 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 14 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

10. The Government of the Czech 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

11. The Origin of the products covered by this Agreement shall be determined in accordance with the rules in force in Norway. Any changes in these rules shall be notified to the Czech authorities.

Re-exports

12. Exports from the Czech Republic 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 the Czech Republic against a restraint level established in Annex B have been subsequently re-exported outside Norway, the Norwegian authorities shall notify the Government of the Czech Republic of the quantities involved. Upon receipt of such notification, the Government of the Czech 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

13. For all products covered by Annex B of this Agreement the Government of Norway and the Government of the Czech Republic undertake to provide each other with quarterly statistics of all export and import licences issued 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

14. The Government of Norway and the Government of the Czech Republic agree to consult at the request of either Government, on any question concerning the application of or modification to this Agreement.

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

The parties shall enter into consultations within 30 days at the latest from the date the request was made, with a view to arriving at a mutually satisfactory conclusion in conformity with the provisions of the Arrangement within a further 30 days at the latest.

Other textile products

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

General

16. This Agreement enters into force upon signature and expires on 31 December 1994.

17. Either party may at any time terminate this Agreement provided that at least 60 days notice is given.

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

Done at Oslo, on 11 October 1993 in two originals in the English language.

(signed)

For the Government
of the Kingdom of Norway

(signed)

For the Government
of the Czech Republic

ANNEX A

PRODUCT CATEGORIES COVERED BY THE AGREEMENT

Category Number	Unit	Description
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 (boys and girls with height above 152 cm).
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 (boys and girls with height above 152 cm).
7.	Kgs	Bed linen.
70. (+)	Kgs	Knotted netting, made up fishing nets, other made up nets, and the like.

ANNEX B

(a)	(b)	(c)	(d)	(e)	(f)	(h)
	Restraint level	Annual Growth Rate	Carryover	Carry- forward	Swing	Conversion factor
Cat. No.	1993	Percentages	Percentages	Percentages	Percentages	Unit pr.kg
1	45,000 pcs	3	10	5	3	1
2	112,000 pcs	3	10	5	3	1.5
7	50,000 kgs	3	10	5	3	1
70 (+)	6,180 kgs	3	10	5	3	1

ANNEX C

ADMINISTRATIVE COOPERATION

1. The competent authorities of the Czech Republic shall issue export licences in respect of consignments from the Czech Republic for exports to Norway of products covered by Annex B. The export licences shall conform to the specimen attached as Annex D.

2. For products covered by Annex B, the authorities of the Czech Republic 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.

3. Each export licence shall cover only one of the categories or products listed in Annex B to this Agreement.

4. Exports shall be set off against the restraint levels established for the year in which shipment of the goods has been effected.

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

6. 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.

7. 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 authorities of the Czech Republic shall be informed as soon as possible after the receipt of the notification on the withdrawal of the export licence.

8. If the competent Norwegian authorities find that the total quantities covered by export certificates issued by the authorities of the Czech Republic 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 authorities of the Czech Republic and the special consultation procedure set out in Paragraph 14 of the Agreement shall be initiated forthwith.

9. For exports of products of Czech origin listed in Annex B and not covered by the export licences issued by the authorities of the Czech Republic in accordance with the provisions of this Annex, the issue of appropriate import documents may be refused by the competent Norwegian authorities.

10. 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 in this Agreement.

11. 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 if possible manufacturer).
- d. Name and address of importer.
- e. Full description of the goods, including tariff classification numbers of the Harmonized System or of the Combined Nomenclature of the EC.
- f. Relevant category number and description as set out in Annex A of the Agreement.
- g. F.O.B. or similar value.
- h. Quantity in units set out in Annex A.
- i. Expected place and date of shipment - means of transport.

12. In the event of theft, loss or destruction of an export licence of Czech 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 licence so issued shall bear the endorsement "duplicate".

The duplicate must bear the date of the original export licence.

13. The Government of the Czech Republic shall send the Norwegian Ministry of Foreign Affairs the names and addresses of the government authorities or other bodies competent for the issue and verification of export licences together with specimens of the stamps used by them. The Government of the Czech Republic shall also notify the Ministry of any change in this information.

ANNEX D

- (1) i.e. "no" or "not" (if) there was no secondary cause before now (i.e. before the first big bang)
- (2) i.e. the co-existence of the cause (this is mentioned on several occasions)