

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

ADP/1/Add.4

SCM/1/Add.4

18 March 1980

Special Distribution

Committee on Anti-Dumping Practices
Committee on Subsidies and Countervailing
Measures

Original: English

INFORMATION ON IMPLEMENTATION AND ADMINISTRATION OF THE AGREEMENT

Legislation of Norway

The following communication has been received from the Delegation of Norway.

The Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade of 12 April 1979 (the revised Anti-Dumping Agreement) does not call for any amendments in the existing Norwegian provisions concerning anti-dumping. The provisions which are contained in paragraph 3 of the Introductory Provisions of the Customs Tariff have been notified to GATT previously. Reference is made to document L/3204 and to "Anti-Dumping Legislation 1977" pages 131 and 132.

In the application of the Norwegian provisions contained in these documents the contents of the new agreement as well as the contents of document MTN/NTM/W/232/Rev.1/Add.1 will be observed.

Up to now it has not been deemed necessary to elaborate special procedural regulations for considering the question of imposition of anti-dumping duties. In individual cases which came up when the previous agreement was in force, the provisions of the agreement were observed. Norway will consider whether it will be appropriate to elaborate procedural regulations on the basis of the revised agreement and will inform the GATT secretariat of the results of these considerations later.

The appropriate Norwegian authorities have confirmed that the contents of document L/3204 are also still valid as far as countervailing duties are concerned.

The contents of document L/3204 are reproduced below.

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.