

GENERAL AGREEMENT ON TARIFFS AND TRADE

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REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

NORWAY

Information on import licensing procedures of Norway submitted in response to the questionnaire annexed to document L/5106/Rev.1, has been made available to contracting parties in document COM.IND/W/55-COM.AG/W/72/Add.60/Rev.1 and Corr.1. The following notification, describing the present import licensing system, replaces the data previously submitted by Norway.

Outline of systems

1. A general ban on imports is laid down in the Provisional Act of 13 December 1946, relating to the ban on imports. The King in Council has authorized the Ministry of Commerce and Shipping to issue licences and to lay down the various licensing requirements. The Ministry has exempted most agricultural products from the provisions in the general law. The authority to implement regulations as far as agricultural goods are concerned has been given to the Ministry of Agriculture by virtue of the Act of 22 June 1934, relating to the provisional ban on imports, etc.

Accordingly Norway applies two different systems for imports, one for industrial products and one for agricultural products.

PART I

Import licensing system for industrial products

Purposes and coverage of the licensing

2-3. Apart from certain textile products most industrial goods are exempted from the general ban on imports and are put on a free list. For imports of goods on the free list no licences are required.

Imports of certain categories of textile products, mainly ready-made clothes, are subject to a global quota system implemented under GATT's Article XIX. This system will be in force until 30 June 1983. The system applies to imports from all countries except those within the EEC and EFTA areas (free-trade arrangements) and four countries in the Far East, with which Norway has concluded multiyear textile agreements (the Philippines Sri Lanka, Singapore and Thailand). These agreements will expire on 31 December 1982, and thereafter the countries will be included in the global quota system.

For the importation of a number of other textile products import licences are required for surveillance purposes. This arrangement is not intended to establish any new restraints on the imports of these products. It applies to all countries except the EEC and EFTA members.

In order to fulfil the obligations laid down in the International Sugar Agreement licences are required on importation of refined sugar from all sources.

The licensing of the following products are based on bilateral agreements:

For imports from the Eastern European countries licences are required for petrol and oil products, wicker works, certain fabrics, table linen, towels and shot gun cartridges.

Certain goods from Japan and South Korea are also subject to licensing: tyres, certain types of synthetic yarns, some fabrics, table linen, stores, shoes with outer soles of rubber or plastics, radio- and TV-equipment, motorcycles and glide fastners.

From China, Macao, Mongolia, North Korea and Vietnam a limited number of products in addition to the ones mentioned for Japan and South Korea requires a licence: yarn of wool and cotton, carpets, rugs and products of canvas.

Imports of all goods from Taiwan are subject to import licences.

4. The licensing is partly intended to restrict the quantity of imports (this applies especially to the global quota system), and partly to provide a means to supervise imports of certain goods in order to take the necessary steps in cases when market conditions call for action. Alternative methods have not been considered.

5. The licensing is authorized under the Provisional Act of 13 December 1946 relating to the ban of imports. The Ministry of Commerce and Shipping has been given the power to implement the provisions of the law and has consequently the power to decide which products shall be subject to licensing. The licensing can be abolished without legislative approval. The decisions of the Ministry of Commerce and Shipping concerning licensing requirements take the form of regulations.

Procedures

6. (a) Bilateral quotas are subject to yearly negotiations with the exporting countries. Information about these quotas is submitted to the importers' and trade organizations. The formalities of filing applications for licences are laid down in the general provisions concerning import regulation, which are published in a bulletin distributed to all importers whenever needed. Information about global quotas is submitted to the importers' and trade organizations and to the representatives of countries with exporting interests. The information is also notified to GATT and through this notification to all members of the GATT. The overall amount is usually published. For global quotas there is no allocation between countries. There is no maximum amount allocated to each importer.
- (b) The quotas are determined on a yearly basis. The licences are usually issued on a six-monthly basis. (For certain textiles for a period of three months). Licences can be made valid for a longer period when necessary and the validity can be extended by the Ministry of Commerce and Shipping on request, not exceeding the period of licensing.
- (c) Licences are not allotted to domestic producers of like goods unless they have a trade performance to show up. The application for a licence must be accompanied by a pro forma invoice or similar documentation. If a licence can not be used wholly or in part, it shall be returned to the Ministry of Commerce and Shipping. Unused allocations will usually be given to other importers. The name of importers to whom licences have been allocated are not published or revealed to anybody on account of the provisions of the legislation concerning professional secrecy.
- (d) The time allowed for submission of applications for licences when the opening of new quotas is announced, is usually within the quota period.
- (e) The maximum time allowed for processing the applications is two weeks. In general the licences are issued in the course of two to four days.
- (f) When the licences are granted, the importation may take place immediately.
- (g) Consideration of licence applications is effected by one single administrative organ.
- (h) If the demand for licences cannot be fully satisfied, the allocation is usually made on the basis of past performance, but with some allowance for new importers. There is no maximum per applicant. If a new quota is opened up the applications are examined simultaneously, otherwise they are examined on receipt.

(i) If import licences are required in addition to the export permits, then they are issued automatically.

(j) If imports are allowed on the basis of export permits only, the authorities will be provided with statistics of the exports or with lists of the export permits issued. However, for the time being restricted imports into Norway are always subject to an import licence.

(k) In some cases licences are issued in excess of the quota on the condition that the goods shall be re-exported.

7. (a) The applications must be forwarded to the Ministry before the shipment takes place from the exporting country. In cases of inadvertency licences will normally be granted at a later stage.

(b) A licence can be granted immediately on request under special circumstances.

(c) There are no limitations as to the period of the year during which applications for licences and/or importation may be made.

(d) The applications are handled by one single administrative organ.

8. If an application for a licence meets the ordinary criteria it will not be refused. Reasons for refusal are always communicated to the applicant. In the event of refusal the applicants have a right to appeal to the Government.

Eligibility of importers to apply for licence

9. (a) - (b) All persons, firms and institutions domiciled in Norway are eligible to apply for licences and entitled to expect consideration within the framework of normal procedures. The applications must be signed by the actual importer.

Documentational and other requirements for application of licence

10. The information required is a complete specification of the product including the value and the quantity, the name and address of the importer and exporter, country of origin, and contractual conditions. The applications must be accompanied by a pro forma invoice or a confirmation of the order. See annex on page 6 (the sample form is not reproduced).

11. Normal customs documents and - where required - an import licence shall be presented upon importation.

12. There is no licensing fee or administrative charge.

13. There is no deposit or advance payment requirement associated with the issue of licences.

Conditions of licensing

14. The validity period of a licence is usually six months, except when the conditions mentioned in the application otherwise require. If it has to be extended, this will be done by the Ministry of Commerce and Shipping on request.

15. There is no penalty for the non-utilization of a licence or a portion of a licence.

16. Licences are not transferable between importers without a permission from the Ministry of Commerce and Shipping.

17. There are no other conditions attached to the issue of licences.

Other procedural requirements

18. Apart from import licensing there are no other administrative procedures required prior to importation.

19. Foreign exchange is automatically provided by the bank authorities for goods to be imported. The currency licence is incorporated in the import licence.

ANNEX

Form referred to in reply to Question 10

10. Import licence application. Information required in the application.

Name and address of applicant

Name and address of agent, if any

Name and address of foreign seller

1. Description of goods
 2. Quantity
 3. F.o.b.-value in the currency in which payment shall take place
 4. Rate of exchange
 5. F.o.b.-value in Norwegian currency
 6. Country of origin
 7. Terms of contract
 8. Terms of payment
 9. Terms of delivery
 10. Agent's fee
 11. Costs to pay abroad (freight, insurance etc.)
 12. Other relevant informations
- Date, signature, telephone number, reference

PART II

Import Licensing System for Agricultural Products

1. Survey of the import systems

The provisions on imports, at present in effect, aim at providing a reasonable amount of protection for Norwegian agricultural produce against competition from abroad. As a principal rule it is required that demand for the products concerned, shall be fully covered at all times. However, this requirement for demand coverage shall primarily be met by produce of Norwegian origin within price limits fixed for a number of such products.

The practical implementation of the measures for regulating and effectuating imports can be summarized under the following systems:

- A. Quantity restricted supplementary imports over a fixed period as a result of insufficient supply of the product concerned from Norwegian sources.
- B. Free imports over a limited period when the supply of Norwegian produce is negligible or altogether lacking.
- C. Free imports on the basis of prices. The Agricultural Agreement¹ sets fixed prices for different categories of agricultural products. If the domestic price exceeds an upper price limit (12 per cent above agreed average price) for two consecutive weeks, import restrictions are suspended to allow free import. The import restrictions are re-introduced with nine days notice when the weekly quotation reaches or falls below the upper price limit.

The domestic prices are based on wholesale price quotations from different Norwegian Farmers' Marketing Organizations.

- D. Imports of products under global quotas, in part in accordance with international agreements.
- E. Imports subject to a requirements test and subject to an assessment in each individual case.

Under system A, D and E an arrangement to equalize the price between the imported product and corresponding price of internal origin may be practised.

¹ See reply to question 5, second paragraph.

2. Products falling within the scope of the regulating measures, and the systems under which they are classified

The products falling within the scope of the regulating measures can be classified into the following product groups and where one or more of the above-mentioned systems may apply:

- (i) Livestock: horses, cattle, pigs, sheep, goats, reindeer and fowls: system E + D.
- (ii) Meat and meat products: system A + C.
Canned meat of livestock mentioned under item (i) and poultry.
Meat from elk, deer and other wild animals: system D.

In consultations with the producers and the importers, the Ministry of Agriculture may however permit quota-regulated imports even if the requirements for free importation are not fulfilled, when it considers importation necessary in order to provide reasonable supply of the product in question.

In practice, imports have normally taken place on the basis of the last mentioned procedure, so that market price is not allowed to reach the upper price limit.

If outlets on the domestic market cannot be found, the Feed Fund appropriates export subsidies on meat in accordance with the provisions of the Agricultural Agreement.

- (iii) Milk and dairy products, eggs and natural honey:
systems A, D and C.

Special varieties of cheese may be imported under a liberal licensing system, up to a given quota.

- (iv) Live plants and parts of plants, including cut flowers, greenery and bulbs: system A, B and D.
- (v) Fresh potatoes: systems A, B and C.
Powder/Starch, flakes and grain from potatoes,
Customs Tariff heading No. 11.08, also containing dried milk etc.,
Customs Tariff heading No. 19.02: system E.
- (vi) Fresh vegetables: system A, B, C.

- (vii) Fresh fruits and berries: apples, pears, stone fruits and cultivated berries: system A, B, C.
- (viii) Preserved vegetables, fruits and berries: system A+E+D for prices made for fruits and berries.
- (ix) Various other products: sago, manioc, arrow and salepoots, gluten and glutenmeal: system E.
Glucose: system B and D.

3. The import systems have a global application covering imports from all countries.

4. Imports are regulated on a quantitative basis. The object, having regard to Norwegian conditions, is to provide a necessary and reasonable protection against competition from imports for the agricultural and horticultural industries.

5. The regulating measures on imports are implemented in pursuance of the Provisional Act on Prohibition on Imports etc. of 22 June 1934 No. 5 - cf. the Act of 22 March 1918, Royal Decrees of 29 April 1932, 2 June 1960 with later amendments, most recently amended by the Crown Prince Regent's Decree of 8 June 1973, Royal Decrees of 25 February 1977 and 20 August 1982.

The present provisions are based on the Agricultural Agreement concluded between the Government and the two agricultural organizations, the Norwegian Farmers' Union (NBL) and the Small-holders Union (NBSL), and Royal Decree of 9 July 1980, and published in Parliamentary proposition of 1 August 1980.

6. The procedure on the licensing of imports

(a) Information on imports and quotas etc. are given in the form of announcements to, amongst others, trade associations, the customs service, the foreign service and embassies, legations, etc.

(b) The quotas are fixed on the basis of the requirements for supplementary imports during periods when the production of the Norwegian product concerned is insufficient to meet the demand.

(c) Licences for supplementary imports of commodities are issued to the importer concerned. All licences must be submitted to the Ministry before the period of validity expires and be accompanied by a list from the customs authorities of the goods which have been imported or, if that should be the case, a notification that the licence has not been used.

As regards supplementary imports under a quota system of a long duration, unused individual quotas are subject to re-allocation.

Neither the names of individual importers who are allocated quotas, nor their share of quotas, will be disclosed by the authorities. Such information would be in conflict with the oath of secrecy which is required according to the Act in question.

(d) The submission of applications for licences usually takes place immediately after the announcement. Applications may, however, be submitted in the course of the quota period.

(e) The time for processing the applications may vary from two days up to two months depending on the category of product. Normally, within a week.

(f) A licence is issued so that it will have been received by the licensee when the period of importation commences.

(g) The issuing of licences is carried out by a single administrative authority, i.e. the Ministry of Agriculture.

The following committees, councils, associations, etc. participate, however, in the import arrangement and act in an advisory capacity.

- (i) The joint committee for the importation of meat, pork and fat. With representatives from Norway's Meat Marketing Board, the Meat Traders' National Association, the Provision Wholesalers' National Association and the Norwegian Co-operative Union and Wholesale Society.
- (ii) The committee for cheese. With representatives from the Provision Wholesalers' National Association, the National Federation of Retail Grocers of Norway, the Norwegian Co-operative Union and Wholesale Society and the Norwegian Dairies Sales Association.
- (iii) A council for the import of potatoes, vegetables, fruit, berries, live plants and parts of plants is to be appointed. Membership of the Import Council is to be as follows:

The Ministry of Agriculture	- 1 representative
The Ministry of Consumer Affairs and Government Administration	- 2 representatives
The Ministry of Commerce	- 1 representative
The Norwegian Farmers' Union (in Norw.: Norges Bondelag)	- 1 representative
The Norwegian Small-holders' Union (in Norw.: Norsk Bonde- og Smabrukarlag)	- 1 representative
The Norwegian Farmers' Union/The Norwegian Small holders' Union	- 1 joint representative

The Council for Nurseries and Horticulture	- 2 representatives
The Norwegian Fruit and Vegetable Pool (in Norw.: Gartnerhallen)	- 1 representative
The Consumers' Council	- 1 representative
The Consumers' Co-operative Union and Wholesale Society (in Norw.: Norges Kooperative Landsforening)	- 1 representative
The Norwegian Fruit Wholesalers' Association (in Norw.: Norges Fruktgrossisters Forbund)	- 1 representative ^{1/}
The Norwegian Vegetable Wholesalers' Association (in Norw.: Grønnsakgrossistenes Landsforbund)	- 1 representative ^{1/}
The Flower Importers' Association	- 1 representative ^{1/}

The members of the Council and their deputies are appointed by the Ministry of Agriculture, usually for two years, upon proposals by the respective institutions and organizations mentioned above.

Regulations on the activities of the Council are issued by the Ministry of Agriculture, which also appoints the Chairman of the Council.

- (v) The Central Import Agency for Market Garden Produce which represents the Norwegian Market Garden Association, the Norwegian Nurseries' Association, the Norwegian Florists' Association and the Norwegian Vegetable and Flower Seeds Merchants' Association.
- (vi) The Flower Bulb Committee and the Flower Bulb Select Committee comprising representatives of the Norwegian Growers' Association, the Norwegian Vegetable and Flower Seeds Merchants' Association and the Norwegian Garden Society.

^{1/} The representatives of these associations alternate according to the kind of import to be dealt with (fruit/vegetables/flowers). In cases of import of canned goods and raw materials for the canning industry a representative for the National Canning Industries takes a seat.

(h) The allocation of import quotas is mainly based on import performance during the last three years. New importers may be granted "commencement quotas".

(i-j) Bilateral quota arrangements are not practised. Since 1959, licences for agricultural products have been issued on a global basis.

(k) In certain cases, imports of raw materials are permitted on the condition that these are used for the processing and export of the manufactured product.

7. The procedure on the liberal licensing of imports where there are no restrictions on quantities or on imports from particular countries

(a) Where liberal licensing applies, applications for import licences are handled in the most expeditious manner, irrespective of whether or not the goods have arrived in the country.

It should be emphasized that arrangements concerning liberal licensing are carried out also on a global basis.

(b) Provided that the application is of a normal and straightforward nature there is nothing to prevent a licence from being granted without delay. On account of the working routine in connexion with the issuing of licences such a procedure must, however, be restricted as much as possible. As a rule import applications must be made in writing.

(c) Applications for licences are not limited to any particular time of the year, although supplementary imports mainly occur during the winter months.

(d) For categories of goods which come under an imports committee, e.g. cheese, live plants and parts of plants, applications are checked by the secretariat in question and are passed on for further handling by the Ministry which issues the licence.

8. Rules concerning rejections of licences - the right to appeal - complaints instance

Import applications are turned down when the demand for the product in question is met by domestic supplies and when there is no general access to such importation. Applications may also be turned down if the fixed quota has already been fully utilized.

The applicant for the licence is always notified of the reason for the rejection.

9. The importer's right to apply for an import licence

(a) For restricted quota-regulated imports, licences are issued only to firms in accordance with their quota allocation.

(b) For liberal licensing all applications are granted irrespective of the firm which makes the application.

Documentation or other requirements regarding applications for import Licences

10. The nature of the goods involved must be made quite clear in the application and details of the quantity and value must be given. In case of doubt samples must be submitted. Applications shall as a rule be accompanied by a pro forma invoice or specifications.

11. At the actual importation the original invoice must be presented and, in the event, a plant disease certificate and a veterinary certificate for goods where this is required. For preserved fruits and vegetables a quality certificate is required.

12. At present there is a levy on live plants and parts of plants, amounting to 2 per cent of the value indicated in the licence for cut flowers and 1.5 per cent for others.

13. No deposit or advance payment is required for licensing.

14. Conditions for licensing

The period of validity of the licence varies according to the period of importation which is necessary in the case concerned. The question of an extension of the period of validity may arise and in the event, this would be effectuated by attaching a new expiry date to the licence.

15. There is no penalty on licences which have not been used either completely or partially.

16. Licences cannot be transferred between importers.

17. Other conditions for the granting of a licence

(a-b) The Ministry of Agriculture may lay down conditions concerning the manner in which the imported quantity of goods shall be disposed of and used.

18. Other questions in connexion with the handling of imports

There are no other administrative procedures required prior to importation apart from veterinary, phytosanitary and quality regulations.

19. Foreign exchange is automatically provided.