

# GENERAL AGREEMENT ON

## TARIFFS AND TRADE

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### REPLIES TO QUESTIONNAIRE ON IMPORT LICENSING PROCEDURES

#### Norway

The following notification has been received from the delegation of Norway in response to the questionnaire on import licensing procedures annexed to L/5649/Rev.3. The notification updates and replaces information previously provided in L/5374 and L/5640/Add.23.

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The following notification updates the data previously submitted by Norway in documents L/5374 of 22 October 1982 and L/5640/Add.23 of 2 September 1985.

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#### 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 Trade 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. 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.

Licences are, however, required for imports of certain categories of textile products, mainly ready-made clothes, which are subject to MFA-Agreements.

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.

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

For imports from the Eastern European countries licences are required for certain fabrics, table linen, towels, dusters, floor cloths etc.

For imports from South Korea some fabrics and table linen are subject to licensing.

From China, Macao, Mongolia, North Korea and Vietnam the ones mentioned for South Korea, apart from certain fabrics, requires a licences.

From Taiwan a limited number of goods in addition to those mentioned above are subject to import licences, mainly shoes.

As from 21 July 1987 imports from South Africa and Namibia are banned.

4. The licensing is authorized under the provisional Act of 13 December 1946 relating to the ban of imports. The Ministry of Trade 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 Trade and Shipping concerning licensing requirements take the form of regulations.

#### Procedures

5. (a) Bilateral quotas are subject to 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 organisations and to the representatives of countries with exporting interests. The information is also notified to the 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. 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 for imports under bilaterally agreed quotas 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 Trade 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.

6. (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 importations may be made.

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

7. 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

8. (a) - (b) All persons, firms and institutions domiciled in Norway are eligible to apply for licences and entitled to expect

consideration within the framework for normal procedures. The applications must be signed by the actual importer.

Documentational and other requirements for application of licence

9. 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 7 (the sample form is not reproduced).

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

11. There is no licensing fee or administrative charge.

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

Conditions of licensing

13. 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 Trade and Shipping on request.

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

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

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

Other procedural requirements

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

18. Foreign exchange is automatically provided by the bank authorities for goods to be imported.

ANNEX

Form referred to in reply to Question 9

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

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 Norwegian currency
4. Country of origin
5. Terms of delivery
6. Other relevant information

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 Agreement<sup>1</sup> sets target prices for different categories of agricultural products. If the domestic price exceeds an upper price limit (10 per cent above agreed target price for meat and eggs and 12 per cent for horticultural products) 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.

<sup>1</sup> 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

(ii) Meat and meat products: system A + C

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 on the last mentioned procedure, so that market price is not allowed to reach the upper price limit.

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

- (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 ect.,  
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

- (ix) Various other products: sago, manioc, arrow and  
salepoots, gluten and glutenmeal: system E.

- (x) Coarse fodder: system A.

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 Royal Decree of 4 March 1983.

The present provisions are based on the Agricultural Agreement and the above mentioned Royal Decree.

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 when the periode 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 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 committees for the importation of meat, pork, fat and poultry. With representatives from Norwegian Farmed Meat Market Association, Norwegian Egg Producers the Meat Trader's national Association, the Provision Wholesaler's National Association and 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 Trade and shipping	- 1 representative
The Norwegian Farmers' Union (in Norw.: Norges Bondelag)	- 1 representative
The Norwegian Small- holders' Union (in Norw.: Norsk Bonde- og Småbrukarlag)	- 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 Kooper- ative Landsforening)	- 1 representative

The Norwegian Fruit Whole-  
salers' Association  
(in Norw.: Norges Fruktgross-  
isters Forbund) - 1 representative <sup>1</sup>)

The Norwegian Vegetable  
Wholesalers' Association  
(in Norw.: Grønnsaksgross-  
istenes Landsforbund) - 1 representative <sup>1</sup>)

The Flower Importers'  
Association - 1 representative <sup>1</sup>)

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.

<sup>1</sup>) 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.

(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 for the Norwegian Growers' Association, the Norwegian Vegetable and Flower Seeds Merchants' Association and the Norwegian Garden Society.

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

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 connection 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 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.

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 connection 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.