REPLIES TO THE QUESTIONNAIRE ON LICENSING

NORWAY

Addendum

The present document replaces completely the submissions made earlier by Norway and which are contained in documents COM.IND/W/55/Add.13//COM.AG/W/72/Add.13, COM.IND/W/55/Add.13/Corr.1, 2 and 3//COM.AG/W/72/Add.13/Corr.1, 2 and 3 and COM.IND/W/55/Add.56/Rev.1//COM.AG/W/55/Add.56/Rev.1. The paragraph numbers correspond to the question number in the questionnaire.

PART I

Import Licensing System for Industrial Products

1.2.3. Most industrial products are on the free list. The countries to which licensing or quotas apply are set out in the Bulletins from the Ministries.

4./ The licensing is either intended to restrict the quantity of imports, or if automatic, it is applied as a watch system until either the product is fully liberalized or other measures are decided upon.

1/ As of 1 October 1976, the temporary automatic licensing arrangement was extended to a number of textile products. It was further extended as of 15 November to other textile products. Detailed information about this measure will be found in document L/4219/Add.1 and 2.

The arrangement has been introduced as a matter of surveillance only and is not intended to establish any new restraints on the imports of these products. The licences will be issued by the authorities within one week after the applications have been received. The main purpose of the measure is to prevent circumvention of bilateral agreements imposing restrictions on the importation of these products and to give information at an early stage on the development of the importation of same products from other sources.
5. The Norwegian Government may change the procedure, countries of origin, etc. without the consent of the Parliament. The Provisional Act of 1946 lays down a general ban on imports. The King (the Government) may grant dispensation from this general ban. The King has accordingly authorized the Ministry of Commerce and the Ministry of Agriculture to issue licences and to lay down special conditions for the licences.

6. (a) Bilateral quotas are subject to yearly negotiations with the exporting country. Information about these is submitted to the importers' and trade organizations. Information about global quotas is submitted to the importers' and trade organizations and to the representatives of the countries with exporting interest. 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.)

   (c) Licences are not allotted to domestic producers of like goods unless they intend to import. The application for a licence must be accompanied by a pro forma invoice or similar documentation. If a licence cannot be used wholly or in part, it shall be returned to the Ministry of Commerce. Unused allocations will usually be added to the quotas for the succeeding period. The names of importers to whom licences have been allocated are not published.

   (d) The time allowed for the submission of applications for licences when the opening of new quotas is announced is usually one-two months.

   (e) The time allowed for processing the applications usually is one-two weeks maximum.

   (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 provision for new importers. There is no maximum amount 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 are provided with statistics of the exports or with lists of the export permits issued.
(k) For some products licences are issued in excess of the quota on the condition that the goods shall be re-exported.

7. (a) When the licence is obtained the importation can take place immediately.

(b) Usually a licence will be granted immediately.

(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.

9. To be eligible to apply for licences:

1. Persons must be Norwegian inhabitants.

2. Firms must be registered in Norway.

The application must be signed by the actual importer.

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 application must be accompanied by a pro forma invoice or a confirmation of the order.

11. In addition to the import licence, the invoice, the bill of lading, or a similar document is required by the customs authorities.

12. There is no licensing fee.

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

14. The validity period of a licence is set according to the conditions mentioned in the application. If it has to be extended this will be done by the Ministry of Commerce on request.

15. If a licence cannot be used wholly or in part, it shall be returned to the Ministry of Commerce, stating the reasons why the import cannot be effected.
16. Licences are not transferable between importers without a permission from the Ministry of Commerce.

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

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

19. Foreign exchange is automatically provided by the banking authorities for goods to be imported. The currency licence is incorporated in the import licence.
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 fulfilled by produce of Norwegian origin within price limits fixed for a number of such products.

The principles for 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 – in cases where the price from producer c.i.f. Oslo for the product in question has exceeded the upper price limit for quoted prices for two consecutive weeks. Price-based free imports are suspended with a week's notice when the producer's prices again settle at or below the upper price limits.

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.

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, including canned meat, of livestock mentioned under item (i) and also deer and elk.
(iii) Milk and dairy products, eggs and natural honey: systems A.D. + system C for eggs.

(iv) Live plants and parts of plants, including cut flowers and greenery: system A + system B for flowers.

(v) Potatoes: system A.B.C.

(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.

(ix) Various other products: powder, flakes and grain from potatoes, also containing dried milk etc. - Common Customs Tariff heading No. 19.02 - sago, manioc, arrow and saleproots, potato starch, other than roasted starches - Common Customs Tariff heading No. 35.05 - gluten, glutenmeal, glucose.

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.

   A report has been submitted on the question of implementing a protection system based on minimum prices and variable import charges to replace the existing system. However, hitherto it has not proved possible to arrive at an agreement with the agricultural organizations for the introduction of such a system.

5. The regulating measures on imports are implemented in pursuance of the Provisional Act on Prohibition on Imports etc. of 22 June 1934 - cf. the Act of 22 March 1918, Royal Decrees of 29 April 1932, 2 June 1960 and 6 January 1961, where provisions prohibiting the import of certain agricultural products have been laid down.

   These 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 25 February 1977.
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, whereas such licences for imports of manufactures are issued to the importers and not to the producers. 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 period of validity of the licences may vary according to the duration of the periods of importation which has been fixed.

(e) The period of validity of the licence may vary from a few days up to one year.

(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 an 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 advisory committee for the importation of breeders. With representatives from the sales, management, the veterinary sector and the livestock breeders.
(ii) 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.

(iii) 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.

(iv) The Import Council for potatoes, vegetables, fruit, berries and living plants and parts of plants. With representatives from the Ministry of Agriculture, the Ministry of Incomes and Prices, the Ministry of Family and Consumer Affairs, the Ministry of Commerce and Shipping, the Norwegian Farmers' Union, the Union of Norwegian Small-holders and Farmers, the Horticultural Council, the Agricultural Union, the Sales Organization of Horticultural Producers in Norway, the Consumers' Council, the Norwegian Co-operative Union and Wholesale Society, the Union of Norwegian Fruit Wholesalers, the National Union of Vegetable and Potato Wholesalers, the Society of Flower Importers and the Norwegian Vegetable and Potato Wholesalers, the Society of Flower Importers and the Norwegian Vegetable Canning Association.

(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.

(h) The allocation of import quotas is stipulated according to a quota basis which normally constitutes the individual importer's share of the imports in question during a preceding period, as a rule during the past three years. New importers are allocated "commencement quotas" to the extent that total imports make this possible. Otherwise, quotas are fixed on the basis of imports during the periods of free importation of goods for which such an arrangement is practised.

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

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.

For quota-regulated imports, allocation lists are calculated in terms of a fixed quota basis. Such lists are not published. No registration fee is levied.

10. Documentation or other requirements regarding applications for import licences

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. The import in question must have an original invoice and, in the event, a plant disease certificate and a veterinary certificate for goods where this is required.

12. At present, a levy, 1.5 per cent of the licence sum, is required on live plants and parts of plants.

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. For future import allocations it may be necessary to investigate the matter more closely before a decision is made to renew the licence.

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

When questions in connexion with imports are dealt with there are certain goods where veterinary and phytosanitary regulations must be taken into consideration.

19. The regulation of imports of agricultural produce is solely of an economic and market consideration and it has nothing to do with the regulation of currency. Payment is thus made in the same manner as that for free list goods without submitting an import licence.