ARRANGEMENT REGARDING INTERNATIONAL TRADE IN TEXTILES

Notification under Article 4:4

Bilateral agreement between
Norway and Hong Kong

The Textiles Surveillance Body received a notification from Norway of a new agreement concluded with Hong Kong, valid for the two-year period from 1 July 1990 to 30 June 1992.¹

The TSB, pursuant to its procedures with respect to bilateral agreements concluded under Article 4,² has examined the relevant documentation and is forwarding the text of the agreement to participating countries.

¹The previous bilateral agreement and amendment are contained in COM.TEX/SB/1346 and 1465.
²See COM.TEX/SB/35, Annex B.
³For the TSB’s observation on this notification see COM.TEX/SB/1579.
*English only/Anglais seulement/Inglés solamente

91-0361
MEMORANDUM OF UNDERSTANDING BETWEEN
THE GOVERNMENT OF THE KINGDOM OF NORWAY AND
THE GOVERNMENT OF HONG KONG RELATING TO THE EXPORTS FROM
HONG KONG OF CERTAIN TEXTILE PRODUCTS FOR IMPORT INTO NORWAY

Introduction

1. This Memorandum of Understanding (hereinafter referred to as "MOU") sets out the arrangements that have been made between the Government of the Kingdom of Norway and the Hong Kong Government regarding exports of certain textile products from Hong Kong for import 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 dated 31.7.1986, and in particular to the provisions of Article 1:2 and Article 4 of the MFA and Paragraph 12 of the Protocol of Extension.

Coverage

3. These arrangements apply to Hong Kong's exports to Norway of the textile products listed in Annex A to this MOU, when these are made of cotton, wool or man-made fibres, or blend 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. Notwithstanding these provisions, this MOU shall also apply to the products described in Annex A which are manufactured from impregnated, coated or covered fabrics where the impregnation, coating or covering cannot be seen by the naked eye (for the purpose of this provision no account should be taken of any resulting change of colour), and shall also apply to the products in Categories 1 and 2 in Annex A the outer shells of which are manufactured from woven fabrics laminated with film or membrane even though this film or membrane can be seen by the naked eye on one side only, or from fabrics woven with micromultifibres, in either case giving the fabric the ability to be water resistant and also to breathe.

Classification

4. For the purpose of classifying textile products in the appropriate category, the descriptions set out in Annex A will apply.

5. (a) In case of divergent opinions between Hong Kong and the competent Norwegian authorities at the point of entry into Norway on the classification of products covered by this MOU, consultations as provided for in Paragraph 13 of this MOU shall be held with a view to reaching agreement on appropriate classification of the products concerned and to resolving any difficulties arising therefrom. For this purpose, the authorities of Hong Kong shall be informed by the competent authorities in Norway as soon as a case of divergent opinions on the classification of products arises.
(b) Pending agreement on the appropriate classifications and subject to the permission of the authorities of Hong Kong, the products in question shall be cleared for importation on the basis of the classification indicated by the competent Norwegian authorities at the point of entry, in conformity with the provisions of this MOU.

Restraint Levels

6. For products listed in Annex B to this MOU, Hong Kong shall for each restraint period during the term of this MOU (1.7.1990-30.6.1991, 1.7.1991-30.6.1992) restrain its exports to Norway to the limits set out in Annex B, or the limits modified as provided for in Paragraph 7 of this MOU.

Flexibility Provisions

7. (a) Carryover. If in any restraint period of this MOU, levels specified in Annex B of this MOU for any categories are not fully utilized, the Hong Kong Government may, after prior notification to the Government of the Kingdom of Norway, during the subsequent twelve-month period, approve the export of additional amounts 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, computed on the basis of the levels for the subsequent twelve-month period. This should also be applicable from the last year of the previous MOU into the first year of the present MOU. For the purpose of applying the carryover provisions, shortfalls in the restraint period in question shall be calculated without debiting to the limits of that restraint period the use of carryover from the preceding restraint period.

(b) Carry forward. During each restraint period of this MOU, the Hong Kong Government may, after prior notification to the Government of the Kingdom of Norway, approve the export of amounts in excess of the levels specified in Annex B to this MOU up to the percentages set out in Annex B under column (e), computed on the basis of the levels for the current restraint period. Where the specific levels have been increased by carry forward the Hong Kong Government shall inform the Government of the Kingdom 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) Swing. During each restraint period of this MOU, the Hong Kong Government may approve the export of amounts in excess of the levels specified in Annex B to this MOU up to the percentages set out in Annex B under column (f), computed on the basis of the levels for the current restraint period. 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 (g).
Admission of Imports

8. Exports from Hong Kong to Norway of textile products listed in Annex A shall be subject to a double-checking system of export and import licensing as specified in Annex C of the MOU. The Government of the Kingdom of Norway shall admit imports of the products of Hong Kong origin listed in Annex A provided such imports are covered by Hong Kong Export Licence endorsed, where appropriate, by the Trade Department, Hong Kong, that the products concerned have been debited to the limits for the relevant restraint period.

Circumvention

9. (a) The Hong Kong Government and the Government of the Kingdom of Norway agree to collaborate with a view to taking appropriate action to avoid circumvention of this MOU.

The Hong Kong Government and the Government of the Kingdom of Norway reaffirm their willingness to strengthen this collaboration having regard to the administrative and technical procedures in force in Hong Kong for the implementation of this MOU.

(b) Where information available to the Government of the Kingdom of Norway constitutes prima facie evidence that products of Hong Kong origin subject to restraint limits established under this MOU have been transhipped or re-routed into Norway in circumvention of this MOU, the Government of the Kingdom of Norway may request the opening of consultations in accordance with paragraph 13 herein. Where the evidence provided establishes that the provisions of this MOU have been circumvented, the Hong Kong Government undertakes to debit the appropriate limits for the restraint period in which circumvention took place or for subsequent restraint periods, timing and scale of such debiting being decided in consultation with the Government of the Kingdom of Norway.

Seasonal Fluctuations

10. The Government of Hong Kong will endeavour to ensure that exports of textile products subject to restraint limits are spaced out as evenly as possible during each restraint period, due account being taken of seasonal factors.

Re-exports

11. (a) Exports from Hong Kong to Norway of textile products covered by this MOU shall not be subject to the restraint limits established in Annex B, provided that the export licence certifies that the products concerned are for re-export outside Norway.

(b) Where the competent Norwegian authorities have evidence that products exported from Hong Kong and set off by Hong Kong against a
restraint limit established in Annex B have been subsequently re-exported outside Norway, the Norwegian authorities shall notify the Hong Kong Government of the quantities involved. Upon receipt of such notification, the Hong Kong Government may authorize exports for the current restraint period of identical quantities of products within the same category, which shall not be set off against the restraint limits established in Annex B.

Exchange of Statistics

12. (a) For all products listed in Annex A the Hong Kong Government undertakes to provide the Government of the Kingdom of Norway with quarterly statistics of all export licences issued by the authorities for each category for the current restraint period. Each report shall be transmitted within one month after the period covered by the report. For categories listed in Annex B, the final report for a restraint period shall also set out the adjusted limit if a restraint limit has been adjusted as provided for in paragraph 7 of this MOU.

(b) The Government of the Kingdom of Norway will provide the Hong Kong Government with quarterly statistics of total imports and imports from Hong Kong and other significant suppliers of each of the textile products listed in Annex A. In addition, the Government of the Kingdom of Norway will provide quarterly statistics of licences issued for imports from Hong Kong of each of the categories listed in Annex A.

(c) Both parties undertake to consider sympathetically requests from the other party to provide statistical information on their trade in textiles.

Consultations

13. (a) The Government of Hong Kong and the Government of the Kingdom of Norway agree to consult at the request of either government, on any question arising in the application of this MOU or on any question of textile products in accordance with the provisions of the MFA as extended.

(b) Further, the Government of the Kingdom of Norway and the Government of Hong Kong agree to consult at the request of either government with a view to bringing these arrangements after 1 August 1991 into conformity with the international régime for trade in textile products to succeed or replace the MFA as extended by, for example, modifying this MOU in respect of the restraint period 1.7.91-30.6.92.

(c) Any request for consultations shall be notified in writing to the other party together with a statement explaining the reasons and circumstances that led to the request.
(d) The parties shall enter into consultations within 21 days at the latest from when the request was made, with a view to arriving at a mutually satisfactory conclusion in conformity with the provisions of the MFA as extended or the international régime for trade in textile products to succeed or replace the MFA as extended, as appropriate, within a further 30 days at the latest.

General

14. The Hong Kong Government and the Government of the Kingdom of Norway agree that the provisions of this MOU shall not derogate from the rights of Hong Kong and Norway under the MFA as extended or the international régime for trade in textile products to succeed or replace the MFA as extended, as appropriate.

15. The present MOU shall apply with effect from 1 July 1990 until 30 June 1992, unless this is changed by application of the provisions of Paragraph 16 of this MOU.

16. Either party may at any time denounce this MOU provided that at least 90 days' written notice is given. In that event the MOU shall come to an end 90 days after receipt of the notice by the other party.

17. Annexes A, B, C and D to this MOU shall be considered as an integral part thereof.

Done in two originals in Hong Kong on

For the Government of the Kingdom of Norway  For the Government of Hong Kong
## ANNEX A

<table>
<thead>
<tr>
<th>(a)</th>
<th>(b) Description</th>
<th>(c) Norwegian Classification No.</th>
<th>(d) Hong Kong Classification No.</th>
</tr>
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<tbody>
<tr>
<td>1.</td>
<td>Woven jackets, tailored jackets, Blazers, waistcoats, sportjackets (including parts of ski suits), anoraks and similar garments, parkas, one piece suits and the like, also as parts of suits, sets and costumes, men's &amp; boys', women's &amp; girls (b &amp; g with height above 140 cm, b &amp; g with height above 152 cm from 1.7.1991).</td>
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<td>ex 6201 9110-9320</td>
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<td>ex 6211 2000-3300,-4100-4300</td>
<td>ex 6204 1110-1920</td>
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<td>2.</td>
<td>Woven trousers, slacks, jeans, breeches and the like (including bib and brace overalls) other than swimwear and shorts, also as parts of suits and sets, men's &amp; boys', women's &amp; girls'. (b &amp; g with height above 140 cm, b &amp; g with height above 152 cm from 1.7.1991).</td>
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<td>ex 6203 1110-1940</td>
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<td>3.</td>
<td>Knitted or crocheted shirts, T-shirts and blouses of all kinds, men's &amp; boys', women's &amp; girls' (b &amp; g with height above 140 cm).</td>
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<td>(b) Description</td>
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<td>4.</td>
<td>Knitted or crocheted under-garments, other than T-shirts, blouses, nightwear and panty hose, men's &amp; boys', women's &amp; girls' (b &amp; g with height above 140 cm, b &amp; g with height above 152 cm from 1.7.1991).</td>
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<td>5.</td>
<td>Woven shirts of all kinds, men's &amp; boys' (b with height above 140 cm, b with height above 152 cm from 1.7.1991).</td>
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<td>6.</td>
<td>Knitted or crocheted pullovers, sweaters, jumpers, cardigans and jackets, not elastic nor rubberized, men's &amp; boys', women's &amp; girls' ( b &amp; g with height above 140 cm).</td>
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<td>1,105,761 pcs</td>
<td>1,116,819 pcs</td>
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<td>3,024,582 pcs</td>
<td>3,115,319 pcs</td>
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Administrative Cooperation

1. Products originating in Hong Kong for export to Norway in accordance with the arrangements established by this MOU shall be accompanied by a certificate of Hong Kong origin issued by the Trade Department and other organizations designated by the Hong Kong Government as notified to the Government of the Kingdom of Norway in accordance with Paragraph 11 of this Annex.

2. The competent authorities of Hong Kong shall issue an export licence in respect of all consignments from Hong Kong for exports to Norway of products subject to restraint. A specimen of the current export licence is attached as Annex D. Any changes to this licence will be notified to the competent Norwegian authorities.

3. Exports of products listed in Annex B shall be debited to the restraint limits, as appropriate, established for the period in which shipment of the goods is effected.

4. The presentation of an export licence, in application of Paragraph 5 below shall normally be effected not later than 60 days after the end of the restraint period in which the goods covered by the licence have been shipped.

5. Importation into Norway of textile products subject to restraint limits 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 endorsed copy of the corresponding export licence.

6. 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 limit for the category and restraint period in question and the authorities of Hong Kong shall be informed as soon as possible.

7. If the competent Norwegian authorities find that the total quantities covered by export licences issued by the authorities of Hong Kong for a particular category in any restraint period exceed the restraint limit established for the category or that limit adjusted as provided for in the MOU, the competent Norwegian authorities shall immediately inform the authorities of Hong Kong and the consultation procedure set out in Paragraph 13 of the MOU shall be initiated forthwith.

8. Exports of Hong Kong origin products under restraint not covered by export licences issued by the authorities of Hong Kong in accordance with the provisions of this Annex will be refused the issue of appropriate import documents by the competent Norwegian authorities.
9. Each export licence and certificate of Hong Kong origin shall bear a serial number, by which it can be identified. Each export licence shall also include the Category/Hong Kong Commodity Item Code Number.

10. In the event of theft, loss or destruction of an export licence or a certificate of Hong Kong origin, the exporter may apply to the competent authorities which issued the document for a replacement. This replacement shall bear an appropriate endorsement, and the date of the original export licence or certificate of Hong Kong origin.

11. The Government of Hong Kong shall send the Royal Norwegian Ministry of Foreign Affairs the names and addresses of the authorities competent for the issue and verification of export licences and certificates of Hong Kong origin together with specimens of the stamps and the certificates used by these authorities. The Government of Hong Kong shall also notify the Ministry of any change in this information.
**EXPORT LICENCE (TEXTILES) FORM 6**

**Com. Text/35/1577**

**Page 12.**

**Audit No. 5273370**

**HONG KONG GOVERNMENT**

**Import and Export Ordinance (Cap 80)**

**Import and Export (General) Regulations**

**Date of Receipt and Receipt No**

**Date of Issue and Licence No.**

**Issue of this licence is approved**

**For Director of Trade**

**MANUFACTURER'S DECLARATION**

**Date**

**Principal official of**

**(Name of Manufacturer Co.)**

**hereby declare that I am the manufacturer of the goods in respect of which this application is made, that the goods are of Hong Kong origin in accordance with condition (2) except that the particulars given herein are true**

**I further declare that I am supplying the quantities of the goods covered by this application in accordance with condition (3) overseas**

**(Delete if not applicable)**

**DATE OF ISSUE PLEASE SEAL OVER-LAF**

**FOR CONDITIONS OF ISSUE PLEASE SEAL OVER-LAF**

**All alterations must be carried out by authorised officers. Heavy penalties are provided for false declaration and unauthorized alteration of this licence.**

**Signature**

**Cheque**

<table>
<thead>
<tr>
<th>Mark(s) and Number(s)</th>
<th>No of Packages</th>
<th>Full Description of Goods</th>
<th>No of Units</th>
<th>Value 1.O.S.</th>
<th>H.S.</th>
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**EXPORTER'S DECLARATION**

**Date**

**Principal official of**

**(Name of Exporter Co.)**

**hereby declare that I am the exporter of the goods in respect of which this application is made and that the particulars given herein are true**

**I further declare that I am supplying the quantities of the goods covered by this application in accordance with condition (3) overseas.**

**(Delete if not applicable)**

**Signature**

**Cheque**
CONDITIONS OF ISSUE OF THIS LICENCE INCLUDE THE FOLLOWING

1. This licence is valid for twenty-eight days from the date of issue unless otherwise stated.

2. Goods covered by this licence must be of Hong Kong origin. Goods claiming Hong Kong origin must have undergone principal processes in Hong Kong. These are processes which permanently and substantially change the nature, shape, form, and utility of the raw materials used as laid down by the Director of Trade in circulars on origin.

3. The company supplying the quotas for the goods covered by this licence must:

   Either (i) perform at least four of the following functions:
   (a) receive order from the overseas buyer
   (b) receive payment from the overseas buyer for the goods
   (c) purchase or supply the raw materials for the manufacture of the goods
   (d) contract with the manufacturer for the manufacture of the goods
   (e) make payment to the manufacturer for the goods and
   (f) arrange the export of the goods

   or (ii) perform the principal processes in the manufacture of the consignment in question.

   Please note that the particular requirements of each of the above functions are set out in Notices to Exporters issued by the Trade Department. These particular requirements must also be complied with in order to satisfy this condition. Accordingly, the company concerned should contact the Enquiry Section of the Trade Department if they are in any doubt as to the content and or application of these particular requirements.

   Please note further, that in cases of export against free quota, this condition will additionally be governed by any Notice to Exporters relevant to the free quota scheme.

4. The exporter and manufacturer declared on this licence must comply with the conditions governing the allocation and utilisation of quota as stipulated in the quota allocation certificate issued to quota holders and in Notices to Exporters issued by the Trade Department from time to time. The companies concerned should contact the Enquiry Section of the Trade Department if they are in any doubt as to the content and or application of these conditions.

IMPORTANT WARNING

Breach of any of the conditions of issue renders this licence null and void and any company guilty of such a breach is liable to prosecution and heavy penalties under the Import and Export Ordinance. In addition, the Director of Trade reserves the right to take administrative action against the company, including the cancellation of any balance of unshipped quota permits and the denial of future allocations.

EXPLANATORY NOTES:

1. (1) This form must be submitted in quadruplicate. The triplicate must be surrendered to the Shipping Company before departure of goods and returned to the Trade Department by the Shipping or Airline Company together with the relevant manifests within fourteen days after the day on which the goods are exported as required by Section 11 of the Import and Export Ordinance (Cap 6C) (Registration) Regulations.

   (2) The exporter must file an Export Declaration in respect of items on this licence as required by Regulation 5 of the Import and Export Ordinance (Registration) Regulations.

   (3) Provided there are no complications, the licence will be ready for collection two clear working days after the date upon which the form is received.

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   Please note, that the particular requirements of each of the above functions are set out in Notices to Exporters issued by the Trade Department. These particular requirements must also be complied with in order to satisfy this condition. Accordingly, the company concerned should contact the Enquiry Section of the Trade Department if they are in any doubt as to the content and or application of these conditions.

   Please note further, that in cases of export against free quota, this condition will additionally be governed by any Notice to Exporters relevant to the free quota scheme.

   IMPORTANT WARNING

   Breach of any of the conditions of issue renders this licence null and void and any company guilty of such a breach is liable to prosecution and heavy penalties under the Import and Export Ordinance. In addition, the Director of Trade reserves the right to take administrative action against the company, including the cancellation of any balance of unshipped quota permits and the denial of future allocations.

   EXPLANATORY NOTES:

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