

Ministry for Foreign Affairs Ordinance of 10 January 1989 to implement export regulations for strategic goods, services and technology

In relation to the act on control of exports of strategic goods, services and technology of 18 December 1987, Paragraph 1, Royal decree of 18 December 1987 nr. 967, the Ministry of Foreign Affairs have established the following ordinance:

Para. 1

- a. Export of certain goods requires permission (export licence) from the Ministry for Foreign Affairs. The licence requirement also applies to the export of this type of goods from bonded warehouses.
- b. The Ministry for Foreign Affairs will compile lists of such goods. The Ministry decides in cases of doubt whether an item requires a licence or not. The Ministry can make modifications to the lists of items.
- c. The lists of goods consist of:
 - List I: Weapons, ammunition and other military material.
 - List II. Strategic goods not included in List I.
- d. The permission of the Ministry of Foreign Affairs is required to export technology, all forms of technical information and production rights for products included in List I and List II; this also applies to intangible transfers.
- e. The permission of the Ministry of Foreign Affairs is required for the provision of services connected with the products and technology included in Lists I and II and services which otherwise may serve directly to develop a country's military capability, which are rendered abroad or in Norway for use abroad.

The Ministry of Foreign Affairs may require end-user statements in connection with the export of
- f. products included in lists I and II and with the export of technology or provision of services in connection with all such products.
- g. As regards exports for military purposes to areas where there is a war or the threat of war, or to countries where there is a civil war, all goods, assistance and services are subject to the licence requirement even if they are not included in the Foreign Ministry's lists.
- h. The licence requirement applies to all goods, even if they are not included in the Foreign Ministry's lists, in cases where the exporter knows that the goods are intended for or will be used in connection with the development, production, maintenance, storage, detection, identification, or destruction of nuclear, chemical or biological weapons. The same applies in connection with the development, production, maintenance or storage of missiles capable of launching such weapons.
- i. It is not permitted for persons who are domiciled or resident in Norway and Norwegian companies, foundations or associations to engage in trade in, negotiate or by other means assist in the sale of the military products included in list I from one foreign country to another without the consent of the Ministry of Foreign Affairs.

Para. 2

Export licences may not be granted on the basis of such considerations as the fact that binding agreements have been concluded or payment received. Therefore, when goods for which a licence is required are sold abroad, it is advisable to stipulate that the sale is conditional on an application for an export licence being granted.

The following are exempted from the licence requirement set out in Paragraph 1.

- Precursors to chemical weapons if the substance in question makes up less than 10 percent of a mixture or forms a normal component of consumer goods packaged for personal use,
- goods in foreign ownership which will be returned abroad after temporary import to Norway in connection with an exhibition or demonstration. This exception does not apply to goods included in List I,
- recovery and oil rig equipment that is to be used in emergency assistance actions,
- weapons that are cleared by Customs with the authorization "Declaration on temporary export of hunting or sporting guns" (see part V of the Regulations of 25 January 1963 relating to firearms, parts of firearms and ammunition, laid down by the Ministry of Justice,
- goods for use by the European Space Agency (ESA), or its representatives, or that are strictly required for the official activities of that organization (article VI of Annex I to the ESA Convention),
- goods in direct transit when the addressee and country of destination are unaltered in relation to that which was stated when the goods were cleared for export from the country of export. This exception does not apply to goods included in List I,
- goods, technologies and services for use by the Norwegian population and to Norwegian recipients on Svalbard and Jan Mayern,
- goods, services and technologies for use on the Norwegian part of the Continental Shelf,
- goods, services and technologies for use on board Norwegian ships under a Norwegian flag, and Norwegian aircraft during international flights.

Para. 4

The permission of the Ministry of Foreign Affairs to export goods included in the lists referred to in Paragraph 1 is granted in the form of an export licence on submission of an application on a prescribed form.

Applications for permission to export technology or provide services as mentioned in Paragraph 1 shall be submitted in the form of a letter. Permission will also be granted in the form of a letter.

The exporter is obliged to furnish any information and documentation deemed necessary by the Ministry of Foreign Affairs for dealing with the application.

The application shall be signed by the exporter or by any person authorized to act on the exporter's behalf.

Para. 5

Permission to export goods and technology and to provide services may not be transferred to any other person without the consent of the Ministry of Foreign Affairs.

Para. 6

The exporter shall see to it:

- that any goods, technology or services exported are in accordance with the licence granted,
- that goods, technology or services exported are delivered to the destination stated in the licence,

- that the quantity or description of goods, technology or services exported does not deviate from what is stated in the export licence,
- that the export is effected within the period for which the export licence is stated to be valid,
- that special conditions specified in the export licence have been fulfilled.

Para. 7

When goods to be declared to the customs authorities are exported, the original export permission (export licence) shall be submitted to the customs authorities (not a photocopy or the like). The customs authorities shall note down the quantity exported as stated in the licence and the date of export. If the goods for which the licence has been granted are exported in several consignments, it must be ensured that the total quantity of these consignments does not exceed the quantity specified in the licence. The customs authorities will return the export licence to the exporter after having noted down the above mentioned information.

Para. 8

Any application for an extension of the period for which a licence is valid shall be submitted to the Ministry of Foreign Affairs accompanied by a statement of the reason why an extension is being applied for. The same applies to any application concerning an alteration of the licence. The application is to be submitted in the form of a letter.

Any additions, deletions or other corrections to an export licence may be made only by the Ministry of Foreign Affairs.

Para. 9

If an export licence that has been granted is not used, or if it cannot be used in accordance with the conditions specified therein, the licence shall immediately be returned to the Ministry of Foreign Affairs accompanied by a statement of the reason why the export cannot be effected.

Para. 10

The loss of an export licence that has been granted is to be reported in writing to the Ministry of Foreign Affairs by the exporter or by any person authorized to act on behalf of the exporter.

Para. 11

The exporter (holder of the licence) shall retain the used licence for three years from the date of expiry of the licence. The exporter is obliged to submit the licence to the Ministry of Foreign Affairs for control purposes if requested to do so.

Para. 12

The Ministry of Foreign Affairs may grant exceptions from these regulations.

Para. 13

These regulations enter into force on 15 February 1989.

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