

Regulations to the implementation of control of the export of strategic goods, services and technology

Laid down by the Ministry of Foreign Affairs on 4 July 2007 pursuant to the Act of 18 December 1987 No. 93 relating to control of the export of strategic goods, services, technology, etc., cf. Royal Decree of 18 December 1987 No. 967 on delegation of authority pursuant to the Act of 18 December 1987 No. 93 relating to control of the export of strategic goods, services, technology, etc.

§ 1

- a. Permission from the Ministry of Foreign Affairs is required for the export of certain goods, specific technology, including intangible transfers of technology, technical data and production rights for goods, and certain services (licensing requirement). Permission is given in the form of an export licence either on the prescribed form or in the form of a letter, cf section 4. The licensing requirement also applies to the export of such goods from bonded warehouses.
- b. The Ministry of Foreign Affairs will draw up lists of these goods and appurtenant technology. In cases of doubt, the Ministry will decide whether or not the goods or technology is subject to the licensing requirement. The Ministry may amend the lists.
- c. The lists comprise the following:
 - List I: Weapons, ammunition, other military materiel and appurtenant technology.
 - List II: Strategic goods and appurtenant technology not included in List I.
- d. Permission from the Ministry of Foreign Affairs is required for services connected with goods and technology included in Lists I and II, and any other services, provided abroad or in Norway for use abroad, that may directly serve to develop a country's military capability.
- e. The Ministry of Foreign Affairs may require end-user declarations in connection with the export of goods and technology included in Lists I and II, or any services provided in connection with such goods or technology.
- f. Notwithstanding the Ministry of Foreign Affairs' lists, a licence is required for export of any goods, technology or service for military purposes to areas where there is a war or the threat of war, or to countries where there is a civil war.
- g. Notwithstanding the Ministry of Foreign Affairs' lists, a licence is required for export of any goods, technology or service in cases where the exporter knows that or has reason to believe that such goods, technology or service are or may be intended, in their entirety or in part, for use in connection with the development, production, maintenance, storage, detection, identification or proliferation of nuclear, chemical or biological weapons or other nuclear explosive devices. Corresponding provisions apply in connection with the development, production, maintenance or storage of missiles that can deliver such weapons.
- h. Notwithstanding the Ministry of Foreign Affairs' lists, a licence is required for export of any goods, technology or service for military use to areas that are subject to an arms embargo adopted by the UN Security Council pursuant to Chapter VII of the Charter of the United Nations.

- i. Trading in, negotiating or otherwise assisting in the sale of military goods and technology included in List I from the Ministry of Foreign Affairs from one foreign country to another is not permitted without a licence from the Ministry. Corresponding provisions apply in connection with negotiations for goods included on List II, and for appurtenant technology and services if it is known or there is reason to believe that such goods, technology or service are or may be intended, in their entirety or in part, for use in connection with the development, production, maintenance, storage, detection, identification or proliferation of nuclear, chemical or biological weapons or other nuclear explosive devices, and in connection with the development, production, maintenance or storage of missiles that can deliver such weapons.

§ 2

An export licence will not be granted on the basis of considerations such as the fact that binding agreements have been entered into or that payment has been received. Sales of goods for which a licence is required to other countries should always include a proviso stating that the sale is subject to a successful application for an export licence.

§ 3

The following are exempted from the licensing requirement in section 1:

- a. goods that are returned to a foreign owner after temporary import to Norway for exhibition or demonstration. This exception does not apply to goods in List I,
- b. rescue equipment and oil response equipment exported in connection with rescue operations,
- c. firearms, parts of firearms and ammunition exported in accordance with part VI of the Regulations of 25 January 1963 No. 9722 relating to firearms, weapon parts and ammunition,
- d. goods exported to the European Space Agency (ESA), or its representative, and that are strictly necessary for the official activities of the organisation. The exception applies only to deliveries to member states of ESA,
- e. goods that are solely destined for transport across Norwegian customs territory, if both sender and recipient are outside Norwegian customs territory. This exception does not apply to goods in List I,
- f. goods, technology and services for the use of the Norwegian population or Norwegian enterprises on Svalbard and Jan Mayen,
- g. goods, services and technology for use on the Norwegian continental shelf,
- h. goods, services and technology for use on board Norwegian-owned ships sailing under the Norwegian flag or Norwegian-owned aircraft engaged in international trade,
- i. exports by the Norwegian defence authorities, provided that the right of ownership to the goods is not transferred and the goods are to be used by Norwegian forces abroad or the recipient is a defence authority in a NATO or EU member state. This exemption also applies to goods that Norwegian defence authorities send out of the country for repair, maintenance, updating, and so on, and that are to be returned to Norway. Pursuant to these

provisions, the defence authorities shall by 15 February each year send a report to the Ministry of Foreign Affairs on all exports such as are mentioned above that took place in the previous calendar year,

- j. military materiel included in List I that is owned by a defence authority in a NATO or EU member state and that is being returned abroad after temporary import to Norway in connection with an exercise or training.

§ 4

Permission from the Ministry of Foreign Affairs for the export of goods subject to the licensing requirement under section 1 of these regulations is given in the form of an export licence on submission of an application on the prescribed application form. Applications and licences may be transmitted electronically.

Applications for permission to export such technology or services such as are mentioned in section 1 are to be submitted in the form of a letter. A licence will also be issued in the form of a letter.

Applications to engage in negotiations on the sale of technology or services such as are mentioned in section 1, subsection i, are to be submitted in the form of a letter. A licence will also be issued in the form of a letter.

The exporter is obliged to furnish any information or documentation the Ministry of Foreign Affairs deems necessary for the processing of the application.

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

§ 5

An export licence for goods and technology, or for the provision of services, may not be transferred to another person without the permission of the Ministry of Foreign Affairs.

§ 6

The exporter shall ensure:

- that goods, technology and services exported are in accordance with the licence granted,
- that goods, technology and 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 the quantity or description stated in the export licence,
- that the export is effected within the period for which the export licence is stated to be valid,
- that any special conditions set out in the export licence have been met.

§ 7

A valid export licence from the Ministry of Foreign Affairs shall be obtained before the export of goods to which the licensing requirement applies. The exporter shall ensure

that the export is in accordance with the valid export licence, see section 6. The Ministry of Foreign Affairs or the customs authorities may order the exporter to produce documentation of any consignment exported or any licence issued pursuant to these regulations for control purposes.

§ 8

Applications for an extension of the period for which a licence is valid shall be sent to the Ministry of Foreign Affairs accompanied by a statement explaining the reasons for the application. The same applies to applications for an alteration to a licence. An application shall be submitted in the form of a letter. Applications and licences may also be transmitted electronically.

An export licence may only be altered by the Ministry of Foreign Affairs.

§ 9

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

§ 10

The exporter or the person authorised to act on the exporter's behalf shall notify the Ministry of Foreign Affairs immediately in the event that a valid licence is lost.

§ 11

The exporter (licence holder) shall retain the used licence for ten years after the expiry date of the licence. The Ministry of Foreign Affairs may require the exporter to produce the licence for control purposes.

§ 12

Conditions may be set for the granting of a licence. These conditions shall be compatible with the purpose of the Act of 18 December 1987 relating to control of the export of strategic goods, services, technology, etc.

§13

A licence granted pursuant to these regulations may be revoked if the exporter to a considerable extent misuses the licence or to a considerable extent fails to fulfil the terms specified therein. A licence may also be revoked if new information or changes in the facts become known, or the political situation in the recipient state or area changes, and this significantly alters the basis on which permission was granted. The general rules concerning the reversal of individual decisions also apply.

§ 14

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

§ 15

These regulations enter into force on 15 February 1989.