

III.

(Unofficial translation)

ACT
RELATING TO TAX ON INVESTMENTS ETC.
OF 19 JUNE 1969

as amended by Acts of 26 June 1970, 11 June 1971, 8 June 1973, 20 December 1974, 19 December 1975, 4 March 1977, 16 June 1978, 13 June 1980 and 29 May 1981, 3 June 1983, 3 March 1989 and 16 June 1989.

§ 1.

In so far as the Storting (Parliament) decides that a tax on permanent operating plant etc. shall be paid to the Treasury, the provisions contained in this Act shall apply unless otherwise specially stipulated in another Act or in the Storting's Decision on the Investment Tax.

§ 2.

The Investment Tax shall be paid by any person who is liable for registration under the Act relating to Value Added Tax.

§ 3.

Tax shall be paid on taxable operating plant on:

1. acquisition to the extent that the right to deduction for input tax exists under the Act relating to Value Added Tax,
2. own production with the exception of goods mentioned in §§ 16-17 of the Act relating to Value Added Tax.

Tax shall also be paid on taxable operating plant imported from abroad.

The tax liability comprises work carried out on ground, building or plant falling inside the registered activity or on goods which are or will become taxable operating plant in that activity. The tax liability according to the preceding sentence shall also apply when the work is carried out by an alien who is not registered with the tax authorities.

Tax shall be due if the person engaged in trade or business makes use of, as operating plant in his activity, goods which are designed for sale or for use as raw material or semi-finished products.

The Ministry may issue detailed rules concerning the delimiting and supplementing of the provisions in the first, second and third subsection. The Ministry shall decide with binding effect what is to be regarded as raw material and semi-finished products.

The Ministry may issue regulations regarding a refund when operating plant that has been imported later is re-exported.

§ 4.

The following are exempt from tax:

1. non-permanent operating plant,
2. work carried out on one's own account involving repairs, maintenance and cleaning of operating plant,
3. the construction of buildings for productive use in agriculture and forestry and the construction of forest roads and agricultural roads,
4. goods, acquired by owner or hirer, related directly to construction, rebuilding, repairs and maintenance of such ships as mentioned in the Act relating to Value Added Tax § 16, first subsection No. 2 and platforms as mentioned in the Act relating to Value Added Tax § 17, first subsection No. 1 d),
5. goods on which tax has been paid according to the provisions contained in §§ 14 and 22 of the Act relating to Value Added Tax,
6. in accordance with regulations made by the Ministry, investments for the protection of the environment imposed on industry established before 1 January 1974 and also investments for the protection as well as the improvement of the environment in agriculture.

The Ministry may issue regulations as to what is comprised by the provisions contained in the first subsection and may confine exceptions under No. 1 to certain operating plant or to operating plant for specific use. The Ministry shall decide, with binding effect, what is to be regarded as "non-permanent operating plant".

§ 5.

The basis for calculating the Investment Tax on acquisition of taxable operating plant and work input as mentioned in § 3 shall be the purchase price, tax according to the Act relating to Value Added Tax not included.

If taxable operating plant is imported from abroad, the tax shall, with exception as mentioned in third subsection, second sentence, be calculated according to the provisions in § 62 in the Act relating to Value Added Tax.

In other cases the tax shall be calculated on the basis of the ordinary sales value of corresponding operating plant or work input. The provision of the preceding sentence shall similarly apply to operating plant and work input as mentioned in the first and second subsection if the taxable person in his business sells goods or services of the same kind. The Ministry shall decide, with binding effect, what is to be regarded as the "ordinary sales value".

§ 6.

The paying of tax as well as the filling in of returns, showing the payment, shall be carried out as in the case of Value Added Tax.

§ 7.

If this Act or regulations issued under it are violated, the penal provisions provided for in § 72 of the Act relating to Value Added Tax shall similarly apply.

Any person who wilfully or negligently contravenes this Act or any regulations issued under the Act, with the result that the Treasury has been or could have been deprived of tax, may have an additional tax imposed on him as provided for in § 73 of the Act relating to Value Added Tax.

The basis for calculation of the tax under this Act may be stipulated on a discretionary basis in accordance with what is provided in §§ 55 and 56 in the Act relating to Value Added Tax.

As regards any notice to creditors issued in the administration of an estate, the provision contained in § 27, second subsection, third sentence of the Act relating to Value Added Tax shall similarly apply.

In the carrying into effect of this Act the provisions contained in the Act relating to Value Added Tax, Chapters I, II, III, V, VIII, IX, X, XI, XII, XIII, XIV, XV, XVIII and XX, shall moreover, apply in so far as they are suitable.

§ 8.

This Act shall come into force on 1 January 1970.

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