

Øversettelse av norske lover

Lovens tittel: Lov om regulering av eksporten av fisk og fiskevarer.

Dato og nr.: 27. april 1990 nr. 9

Sist endret: 24. juni 1994

Eventuelt korttittel:

Lovens fulle tittel p engelsk: Act no. 9 of 27 April 1990 relating to the regulation of exports of fish and fish products.

Eventuelt korttittel:

Oppdragsgiver: Fiskeridepartementet

Dato for oversettelsen: Juni 1996

Øversatt av: *Peter Dillon*

ACT RELATING TO THE REGULATION OF EXPORTS OF FISH AND FISH PRODUCTS

DATE: ACT 1990-04-27 9 FI.
MINISTRY: FID (Ministry of Fisheries).
PUBLISHED: In no. 6.
IN FORCE: 1991-07-01.
LAST AMENDED: ACT 1994-06-24 35.

§ 1. Scope of the Act

The Act applies to exports of fish and fish products, including re-exports and direct deliveries to other countries or to foreign vessels from Norwegian fishing vessels.

For the purposes of the Act, fish and fish products means all species of fish, crustaceans, molluscs and echinoderms, and products of which these species are the only raw material or a significant part of the raw material. The Act also applies to fish of foreign origin. In cases of doubt, the Ministry 1) decides what is to be regarded as fish and fish products in the meaning of the Act.

1 The Ministry of Fisheries.

§ 2. Export Council

The Ministry 1) establishes an Export Council for Fish, consisting of representatives of exporters, manufacturers, fish farmers and fishermen. The Ministry 1) lays down the Council's instructions.

The Export Council will be subordinate to the Ministry 1), and carry out the duties laid down in the present Act or in Regulations issued with authority in the Act. The Council will also serve as an advisory body to the Ministry 1) on questions concerning exports or sales and production in connection with exports.

1 The Ministry of Fisheries.

§ 3. Approval of exporters

Exports of fish and fish products can only 1) be engaged in by exporters approved under an established approval system. The Ministry 2) issues Regulations containing more detailed rules for the approval system, including exceptions to the approval requirement.

The Regulations can among other things stipulate requirements in respect of capital, expertise, the exporting enterprise's sales volume, or the value of the output of the manufacturing enterprise in question. Agreed cooperation between the exporting and the manufacturing enterprise can also be required. Approval as an exporter can also be made conditional on payment of a fee according to litra a) of the first paragraph of § 6. The Ministry 2) can issue Regulations authorising the Export Council for Fish to administer the approval system and keep a register of approved exporters.

The Regulations relating to approval of exporters shall contain provisions concerning lapses of approval.

1 Cf. § 9.

2 The Ministry of Fisheries.

§ 4. Centralised exports

The Ministry 1) can issue Regulations laying down that negotiations concerning and the implementation of sales of particular fish species and fish products to specified foreign markets shall only be carried out by one or more sales companies with limited liability (centralised sales).

The Regulations can lay down more detailed provisions concerning the sharing of quotas.

Centralised sales can as a main rule only take place when justified by conditions in the export market in question.

The Ministry 1) can in special cases grant exemptions from decisions taken according to the first paragraph when the organizations concerned have had an opportunity to comment.

1 The Ministry of Fisheries.

§ 5. Conditions of sale and minimum export prices

The Ministry 1) can issue Regulations laying down that sales of fish and fish products to other countries can only take place subject to particular conditions of sale. Such Regulations can also fix minimum export prices when this is done on account of international agreements.

1 The Ministry of Fisheries.

§ 6. 1) Fee

The Ministry 2) can issue Regulations requiring payment of:

- a) an annual fee to the Export Council 3) payable by each exporter;
- b) a fee on exports of goods falling within the scope of the present Act, calculated on the f.o.b. value.

The amount of the fee is fixed by the Ministry. A fee charged according to litra b) of the first paragraph <can be collected by distraint.>4)

Fees paid in pursuance of the present Section can among other things be spent on:

- expenses relating to the administration of the Export Council 3)
- control according to § 7 of the present Act
- information to the industry
- marketing at home and abroad
- other work for the promotion of exports.

The Ministry 2) issues more detailed rules concerning the collection of fees and use of the money. The Ministry 2) can decide that a specific proportion of the funds shall be allowed as a grant towards the management of a body representing the interests of manufacturers and exporters.

1 Amended by Acts no. 86 of 26 June 1992 (in force from 1

January 1993 according to Royal Decree no. 765 of 23 October 1992) and no. 35 of 24 June 1994.

2 The Ministry of Fisheries.

3 See § 2.

4 Cf. Chapter 7 of the Enforcement Act. - Should presumably read: "is grounds for enforcement by attachment".

§ 7. Control of exports

The Ministry 1) can issue Regulations concerning checking that exports of fish and fish products are carried on in accordance with provisions laid down in or pursuant to the present Act.

1 The Ministry of Fisheries.

§ 8. Duty to provide information

Anyone engaged in or intending to engage in an activity which falls within the scope of the Act is obliged 1) to provide such information concerning the activity as is necessary to enable the administration to deal with cases according to the Act. The King can issue Regulations containing more detailed provisions concerning the extent and implementation of the duty to provide information.

1 Cf. § 9.

§ 9.1) Liability to punishment

Deliberate or negligent violation of provisions laid down in or pursuant to the Act is punishable by fines.2) Complicity and attempts are punishable in the same way.

1 Amended by Act no. 66 of 20 July 1991 (in force from 15 October 1991 according to Royal Decree no. 571 of 6 September 1991).

2 Cf. § 27 of the General Civil Penal Code.

§ 10. Entry into force

The present Act shall enter into force from such date as the King 1) shall decide.

From the same date, Act no. 10 of 30 June 1955 relating to the Regulation and Control of the Production, Sale and Exports of Fish and Fish Products is repealed. Provisions issued with authority in the Act mentioned or with authority in Provisional Act no. 30 of 13 December 1946 banning exports remain in force, in so far as they are not contrary to provisions in the present Act, until repealed or replaced by provisions laid down in pursuance of the present Act.

Act no. 2 of 14 March 1958 relating to a duty on stockfish for the benefit of joint advertising and joint promotion of the stockfish industry is repealed from such date as the King 1) shall decide.

1 1 July 1991 according to Royal Decree no. 155 of 22 March 1991.