

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