

No. 399

**UNITED STATES OF AMERICA
and
NORWAY**

Exchange of Notes constituting an agreement relating to the application of most-favoured-nation treatment to the merchandise trade of certain areas under occupation or control. Oslo, 3 July 1948

English and Norwegian official texts communicated by the Permanent Representative of the United States of America at the seat of the United Nations. The registration took place on 1 April 1949.

**ETATS-UNIS D'AMERIQUE
et
NORVEGE**

Echange de notes constituant un accord relatif à l'application du traitement de la nation la plus favorisée aux échanges commerciaux de certaines régions soumises à occupation ou contrôle. Oslo, 3 juillet 1948

Textes officiels anglais et norvégien communiqués par le représentant permanent des Etats-Unis d'Amérique au siège de l'Organisation des Nations Unies. L'enregistrement a eu lieu le 1er avril 1949.

No. 399. EXCHANGE OF NOTES¹ CONSTITUTING AN AGREEMENT BETWEEN THE GOVERNMENTS OF THE UNITED STATES OF AMERICA AND NORWAY RELATING TO THE APPLICATION OF MOST-FAVOURLED-NATION TREATMENT TO THE MERCHANDISE TRADE OF CERTAIN AREAS UNDER OCCUPATION OR CONTROL. OSLO, 3 JULY 1948

I

The American Ambassador to the Norwegian Minister for Foreign Affairs

THE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

No. 607.

Oslo, July 3, 1948

Excellency:

I have the honor to refer to the conversations which have recently taken place between the representatives of our two Governments relating to the territorial application of commercial arrangements between the United States of America and Norway and to confirm the understanding reached as a result of these conversations as follows:

1. For such time as the Government of the United States of America participates in the occupation or control of any areas in western Germany, the Free Territory of Trieste, Japan or southern Korea, the Royal Norwegian Government will apply to the merchandise trade of such area the provisions of the General Agreement on Tariffs and Trade, dated October 30, 1947,² as now or hereafter amended, relating to the most-favored-nation treatment.

2. The undertaking in point 1, above, will apply to the merchandise trade of any area referred to therein only for such time and to such extent as such area accords reciprocal most-favored-nation treatment to the merchandise trade of Norway.

3. The undertakings in points 1 and 2, above, are entered into in the light of the absence at the present time of effective or significant tariff barriers to

¹ Came into force on 3 July 1948, by the exchange of the said notes.

² United Nations, 1947.II.10, Volumes I-IV.

imports into the areas herein concerned. In the event that such tariff barriers are imposed, it is understood that such undertakings shall be without prejudice to the application of the principles set forth in the Havana Charter for an International Trade Organization¹ relating to the reduction of tariffs on a mutually advantageous basis.

4. It is recognized that the absence of a uniform rate of exchange for the currency of the areas in western Germany, Japan or southern Korea referred to in point 1, above, may have the effect of indirectly subsidizing the exports of such areas to an extent which it would be difficult to calculate exactly. So long as such a condition exists, and if consultation with the Government of the United States of America fails to reach an agreed solution to the problem, it is understood that it would not be inconsistent with the undertaking in point 1 for the Royal Norwegian Government to levy a countervailing duty on imports of such goods equivalent to the estimated amount of such subsidization, where the Royal Norwegian Government determines that the subsidization is such as to cause or threaten material injury to an established domestic industry or is such as to prevent or materially retard the establishment of a domestic industry.

5. The undertakings in this note shall remain in force until January 1, 1951, and unless at least six months before January 1, 1951, either Government shall have given notice in writing to the other of intention to terminate these undertakings on that date, they shall remain in force thereafter until the expiration of six months from the date on which such notice shall have been given.

Please accept, Excellency, the renewed assurances of my highest consideration.

C. Ulrick BAY

His Excellency Monsieur Halvard M. Lange
Royal Norwegian Minister for Foreign Affairs
Oslo

¹United Nations, 1948.II.D.4.

II

The Norwegian Minister for Foreign Affairs to the American Ambassador

NORWEGIAN TEXT TEXTE NORVÉGIEN

TRANSLATION¹ — TRADUCTION²

DET KGL. UTENRIKSDEPARTEMENT

THE ROYAL DEPARTMENT FOR FOREIGN
AFFAIRS

Oslo. 3. juli 1948

Oslo, July 3, 1948

Herr Ambassadör,

Mr. Ambassador:

Jeg har den ære å henvise til de samtaler som nylig har funnet sted mellom representanter for våre to regjeringer vedrørende den territoriale anvendelse av visse handelsbestemmelser gjeldende mellom Norge og Amerikas Forente Stater, og å bekrefte følgende forståelse som en nådde frem til under de nevnte samtaler:

I have the honor to refer to the conversations which recently took place between representatives of our two Governments regarding the territorial application of certain trade regulations in force between Norway and the United States of America, and to confirm the following agreement reached during the said conversations:

1. Den kgl. norske regjering vil så lenge som Amerikas Forente Staters regjering deltar i okkupasjonen eller kontrollen av noe område i Vest-Tyskland, det frie område Trieste, Japan eller Syd-Korea, gi varehandelen med vedkommende område bestevilkårsbehandling i samsvar med bestemmelsene i Generalavtalen om tolltariffer og handel, datert 30. oktober 1947, enten i sin nåværende eller i sin fremtidige endrede ordlyd.

1. As long as the Government of the United States of America participates in the occupation or control of any territory in western Germany, the Free Territory of Trieste, Japan, or South Korea, the Royal Norwegian Government will accord trade with such territory most-favored-nation treatment in conformity with the provisions of the General Agreement of October 30, 1947 on Tariffs and Trade, whether it be in its present text or in a future, amended text.

2. De forpliktelser som følger av punkt 1 ovenfor, skal gjelde for vedkommende områdes varehandel bare for så lang tid og i den utstrekning

2. The obligations under Point 1 above shall apply to the trade of such territory only for such a length of time and to such an extent as the said terri-

¹Translation by the Government of the United States of America.

²Traduction du Gouvernement des Etats-Unis d'Amérique.

som vedkommende område tilstår Norges varehandel gjensidig beste-vilkårsbehandling.

3. De forpliktelser som følger av punkt 1 og 2 ovenfor, har partene påtatt seg i lys av det faktum at det for tiden ikke finnes effektiv eller nevneverdig tollbeskyttelse for importen i vedkommende område. For det tilfelle at slik tollbeskyttelse blir innført, er det underforstått at disse forpliktelser ikke skal være til hinder for anvendelse av de grunnsetninger som er fastlagt i Havanacharteret for en internasjonal handelsorganisasjon når det gjelder reduksjon av tollsatser på en gjensidig fordelaktig basis.

4. Det erkjennes at mangelen av en ensartet valutakurs for de områder i Vest-Tyskland, Japan og Syd-Korea som er omhandlet i punkt 1. ovenfor, kan medføre en indirekte subsidiering av eksporten fra slike områder i en grad som det vil være vanskelig å fastslå nøyaktig. Så lenge en slik situasjon er til stede, og hvis rådføring med Amerikas Forente Staters regjering ikke fører til en løsning av problemet som begge parter er enige om, er det underforstått at det ikke skal være uforenlig med forpliktelsene i punkt 1. om den kgl. norske regjering pålegger en særskilt avgift (*countervailing duty*) på importen av slike varer tilsvarende det antatte subsidieringsbeløp, når den kgl. norske regjering finner at subsidieringen er slik at den forårsaker eller truer med å forårsake alvorlig skade på en innarbeidet innenlandsk industri eller er av den art at den forhindrer eller alvorlig forsinker

tory accords the trade of Norway reciprocal most-favored-nation treatment.

3. The obligations under Points 1 and 2 above have been assumed by the Parties in view of the fact that at present there is no effective or appreciable customs protection for imports in such territory. In case such customs protection is introduced, it is understood that these obligations shall not constitute any obstacle to the application of the principles laid down in the Havana Charter for an International Trade Organization when it is a question of reducing customs tariffs on a mutually advantageous basis.

4. It is realized that the lack of a uniform rate of exchange for the territories in western Germany, Japan, and South Korea, referred to under Point 1 above may result in an indirect subsidizing of exports from such territories to an extent which it will be difficult to determine exactly. As long as such a situation prevails, and if consultations with the Government of the United States of America do not lead to a solution of the problem agreeable to both Parties, it is understood that it shall not be held incompatible with the obligations under Point 1 if the Royal Norwegian Government imposes a special duty (*countervailing duty*) on the importation of such goods, corresponding to the estimated amount of the subsidy whenever the Royal Norwegian Government finds that the subsidizing is such as to cause or threaten to cause serious damage to an established domestic industry or is of such

oppbyggingen av en innenlandsk industri.

5. De forpliktelser som følger av denne note, skal forbli i kraft inntil 1. januar 1951, og hvis ikke en av regjeringene minst 6 måneder før 1. januar 1951 har gitt den annen skriftlig underretning om at den har til hensikt å bringe til opphør disse forpliktelser på vedkommende dag, skal de forbli i kraft inntil utløpet av 6 måneder fra den dag da slik underretning blir gitt.

Motta, herr Ambassadör, försikringen om min mest utmerkede höyaktelse.

Halvard M. LANGE

H. E. Herr Charles Ulrick Bay
Amerikas Forente Staters Ambassadör

etc., etc., etc.

Oslo

nature as to prevent or seriously delay the building up of a domestic industry.

5. The obligations under this note shall remain in force until January 1, 1951 and if neither Government shall have notified the other Government in writing at least six months before January 1, 1951 that it intends to terminate these obligations on that date, they shall remain in force until six months after the date on which such notification is given.

Accept, Mr. Ambassador, the assurance of my highest consideration.

Halvard M. LANGE

His Excellency Charles Ulrick Bay
Ambassador of the United States of America

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