

Act of 18 December 1987 relating to Control of the Export of Strategic Goods, Services, Technology, etc.

§ 1

The King may decide that goods and technology that may be of significance for other countries' development, production or utilisation of products for military use or that may directly serve to develop the military capability of a country, including goods and technology that can be used to carry out terrorist acts, cf. the Penal Code, section 147a, first paragraph, shall not be exported from the Norwegian customs area without special permission. A prohibition may also be laid down against rendering services such as are mentioned in the first sentence without special permission. Conditions may be laid down for such permission.

The King may also prohibit persons who are resident or staying in Norway and Norwegian companies, foundations and associations from trading in, negotiating or otherwise assisting in the sale of weapons or military materiel from one foreign country to another without special permission. The same applies to strategic goods and technology such as are further specified in regulations.

The King will issue further regulations to supplement and implement this Act.

§ 2

Every person has a duty to provide the Ministry with any assistance or information required in order to ensure compliance with the provisions of this Act or any regulations issued pursuant thereto.

For this purpose the Ministry may conduct inspections and require access to recorded accounting information, accounting records, business documents and other documents that may be of importance. The Ministry itself may conduct inspections or appoint experts to do so. In connection with such inspections the Ministry shall be given access to office or company premises and shall be provided with the necessary assistance and guidance. Appeals pursuant to sections 14 and 15 of the Public Administration Act do not have suspensive effect unless so decided by the subordinate instance or the appeals instance.

The duties set out in the first and second paragraphs apply notwithstanding any statutory duty of secrecy.

Subject to the exceptions that follow from the above provisions, every person has a duty of secrecy as regards information obtained under this Act. However, the duty of secrecy shall not prevent:

1. information from being used to achieve the purpose for which it was provided or obtained, for example in connection with the preparation of a case, a decision, the implementation of a decision, follow-up or control,
2. the information from being accessible to other public officials within the agency or service to the extent that this is necessary to establish suitable work routines and archives systems, for instance for use as guidelines in other cases,
3. the administrative agency from furnishing other administrative agencies with information concerning an enterprise's relationship to the agency and concerning decisions made when this is necessary to further the duties under this Act of the agency furnishing the information,

4. the administrative agency from reporting or providing information concerning breaches of the law to the prosecuting authority or to the supervisory authorities concerned if this is considered desirable in the public interest or if prosecuting the offence comes within the normal scope of the duties of the agency furnishing the information.
5. the administrative agency from exchanging information (coordination) with another administrative agency as required by the Act relating to the reporting obligations of enterprises.

The Ministry may furthermore decide that public agencies in charge of tax assessment and control of value added tax shall be allowed access to information provided in accordance with this Act.

Sections 13 to 13e of the Public Administration Act do not apply.

§ 3

The Ministry may apply for the seizure of accounting records, etc such as are mentioned in section 2, second paragraph. If there is reason to believe that such records exist, and if circumstances otherwise so indicate, the Ministry may apply for a search of offices and all other premises that are not private residences.

An application for search or seizure shall be addressed to the police. As regards further consideration of the application, the provisions of the Criminal Procedure Act apply insofar as they are appropriate. The person whom the application concerns shall have the rights of a party to the case in accordance with the provisions of the Criminal Procedure Act and, insofar as it is necessary for his activities, shall have access to the material seized. Nevertheless, this does not mean that he is to be regarded as charged with a criminal act. Section 204 of the Criminal Procedure Act applies correspondingly. Notwithstanding section 212, first paragraph, of the Criminal Procedure Act, the court will determine which documents etc. it is to examine.

§ 4

If the Ministry applies for search or seizure for the purpose of obtaining information on a matter with which the person concerned has been charged or for which he has been indicted, the application shall be dealt with as a separate matter in accordance with the provisions of section 3, second paragraph. The same applies if the Ministry applies to see documents etc. that are in the possession of the court or the prosecuting authority without a decision having been made as to whether they may be used in a criminal case. If the court upholds the Ministry's application, it may lay down as a condition that the information is not to be used in connection with the investigation of the criminal case until a final decision has been made as to whether the prosecuting authority may make use of it in the said case. If the prosecuting authority's application is not upheld, the Ministry may not hand over the information or the documents to the prosecuting authority unless this is lawful under the provisions that otherwise apply to their duty of secrecy in respect of criminal acts.

§ 5

Unless the matter is subject to more severe penal provisions, any person who wilfully:

1. exports or attempts to export goods, technology or services in contravention of this Act or regulations issued pursuant thereto, or
2. contravenes or attempts to contravene any condition laid down pursuant to this Act, or

3. orally or in writing furnishes incorrect information concerning circumstances of significance for authorisation to export goods, technology or services if this information is furnished:
 - a. in a declaration made for use by a public authority or anyone acting on behalf of a public authority in connection with export or an application for permission to export,
 - b. in a declaration intended to enable another person to make such a declaration as is mentioned under litra a, or
4. in any other way contravenes or attempts to contravene provisions set out in or issued pursuant to this Act,

is liable to fines or a term of imprisonment not exceeding five years, or both.

Complicity in any offence such as is mentioned in the first paragraph is subject to the same penalty.

Any negligent contravention of the matters mentioned in the first paragraph, or complicity in such contravention, is punishable by fines or a term of imprisonment not exceeding two years.

§ 6

(Repealed by Act of 20 July 1991 No. 66)

§ 7

If an enterprise or person does not comply with the duty to provide information set out in section 2, the Ministry may order the payment of a continuous daily fine until this duty has been fulfilled.

The amount of the coercive fine to be paid is set taking into account how important it is to ensure compliance with the order.

An order to pay a coercive fine is enforceable by execution proceedings.

The King will issue further regulations on imposing, calculating and remitting coercive fines.

§ 8

This Act enters into force immediately. The regulations relating to control of strategic exports issued pursuant to Provisional Act of 13 December 1946 No. 30 relating to Export Control apply until further notice.

The Act is not applicable to permission granted prior to its entry into force. Services rendered and transfers of technology etc. effected after the entry into force of the Act nevertheless require permission in accordance with this Act even if they are related to permission which has previously been granted.