

APPENDIX 4 TO ANNEX XI

REFERRED TO IN ARTICLE 5.11 (RESERVATIONS)

RESERVATIONS BY NORWAY

NORWAY

Sector:	All sectors
Sub-sector:	-
Legal source or authority of the measure:	
Succinct description of the measure:	Norway does not extend to Ukraine any preferences granted under bilateral investment treaties signed by Norway prior to 1997.
Purpose or motivation of the measure:	

NORWAY

Sector:	All sectors
Sub-sector:	-
Legal source or authority of the measure:	
Succinct description of the measure:	Norway reserves the right to apply measures inconsistent with Article 5.4 for the imposition, enforcement or collection of direct taxes in so far as such measures do not contravene any tax treaty ¹ which is in force between Ukraine and Norway.
Purpose or motivation of the measure:	

¹ Convention between The Government of the Kingdom of Norway and The Government of Ukraine for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and on Capital, signed 7 March 1996 or a tax treaty succeeding this tax treaty.

NORWAY

Sector:	All sectors
Sub-sector:	-
Legal source or authority of the measure:	Companies Act of 13 June 1997, No 44 (aksjeloven) and Joint Stock Public Companies Act of 13 June 1997, No 45 (allmennaksjeselskapsloven).
Succinct description of the measure:	The general manager in a joint stock company and at least half of the members of the board of directors and of the corporate assembly must be residents of Norway. The residency criteria do not apply to nationals of an EEA Member State who are permanent residents of one of these States. The Ministry of Trade and Industry may grant exemptions from this Provision.
Purpose or motivation of the measure:	The resident criteria are based on reasons of jurisdiction, in order to ensure that the persons responsible for the company's affairs are accessible.

NORWAY

Sector:	Power and Energy sector. Repair of Transport Equipment sector.
Sub-sector:	-
Legal source or authority of the measure:	Not applicable.
Succinct description of the measure:	All activities in the power and energy sector as well as in the repair of transport equipment sector shall be treated as services under the Agreement.
Purpose or motivation of the measure:	

NORWAY

Sector:	Fishing and fish processing.
Subsector:	-
Legal source or authority of the measure:	Regulation of Participation in Fishing Act of 26 March 1999, No 15. Economic Zone Act of 17 December 1976, No 91. The Fishing Limit Act of 17 June 1966, No 19.
Succinct description of the measure:	<p>A concession to acquire a fishing vessel or share in a company which owns such vessels can only be given to a Norwegian citizen or a body that can be defined as a Norwegian citizen. A company is regarded as having equal rights with a Norwegian citizen when its main office is situated in Norway and the majority of the Board, including the Chair of the Board, are Norwegian citizens and have stayed in the country the last two years. Norwegian citizens also have to own a minimum of 60 per cent of the shares and have to be authorised to vote for at least 60 per cent of the votes.</p> <p>Ownership to the fishing fleet shall be reserved for professional fishermen. To obtain the right to own a fishing vessel, one has to have a record of active, professional fishing on a Norwegian fishing boat for at least three of the last five years.</p> <p>It is prohibited for other persons than Norwegian nationals or companies, as defined above, to process, pack or transship fish, crustaceans and molluscs or parts and products of these inside the fishing limits of the Norwegian Economic Zone. This applies to catches from both Norwegian and foreign vessels. Exceptions are granted under special circumstances.</p>
Purpose or motivation of the measure:	Resource conservation and management.

NORWAY

Sector:	All sectors
Sub-sector:	
Legal source or authority of the measure:	Not applicable.
Succinct description of the measure:	Collective copyright and neighbouring rights' laws and measures: <i>inter alia</i> management systems, royalties, levies, grants and funds.
Purpose or motivation of the measure	To preserve and promote linguistic and cultural diversity in Norway.