

APPENDIX 4 TO ANNEX XVIII

REFERRED TO IN ARTICLE 8.4 (RESERVATIONS)

RESERVATIONS BY NORWAY

NORWAY

Sector:	All sectors
Sub-sector:	-
Legal source or authority of the measure:	Act of 13 June 1997 No. 45 on Public Limited Liability Companies Act of 13 June 1997 No. 44 on Private Limited Liability Companies Act of 15 June 2001 No. 59 on Foundations Act of 29 June 2007 No. 81 on Cooperative Societies
Succinct description of the measure:	The general manager in a limited liability company or a cooperative, at least half of the members of the board of directors and of the corporate assembly in a limited liability company and at least half of the members of the board of directors in a cooperative or a foundation must be residents of Norway. The residency criteria do not apply to nationals of an European Economic Area (EEA) Member State who are permanent residents of one of these States. ¹ The Ministry of Trade, Industry and Fisheries 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.

¹ The exclusion of the residency criteria for permanent residents of an EEA Member State is not a reservation on national treatment, but the sentence is included to give an exhaustive description of the measure.

NORWAY

Sector:	Power and Energy sector
Sub-sector:	-
Legal source or authority of the measure:	Not applicable
Succinct description of the measure:	Norway reserves the right to maintain or adopt any measure with respect to the power and energy sector.
Purpose or motivation of the measure:	Energy policy considerations.

NORWAY

Sector:	Repair of Transport Equipment sector
Sub-sector:	-
Legal source or authority of the measure:	Not applicable
Succinct description of the measure:	Norway reserves the right to maintain or adopt any measure with respect to the repair of transport equipment sector in Chapter [Investment], as all activities in this sector shall be treated as services under this Agreement.
Purpose or motivation of the measure:	To ensure the policy that any commitments in this area are adopted in Chapter 7 (Trade in Services) of the Agreement.

NORWAY

Sector:	Fishing and fish processing
Sub-sector:	-
Legal source or authority of the measure:	Marine Resources Act of 6 June 2008, No. 37 Regulation of Participation in Fishing Act of 26 March 1999, No. 15. Economic Zone Act of 17 December 1976, No. 91.
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% of the shares and have to be authorised to vote for at least 60% 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 persons other than Norwegian nationals or companies, as defined above, to process, pack or tranship 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' management systems; royalties, levies, grants and funds.
Purpose or motivation of the measure:	To preserve and promote linguistic and cultural diversity in Norway.

NORWAY

Sector:	All sectors
Sub-sector:	-
Legal source or authority of the measure:	Not applicable
Succinct description of the measure:	Norway reserves the right to apply measures inconsistent with Article 8.3 (National treatment) for the imposition, enforcement or collection of direct taxes in so far as such measures do not contravene any tax treaty which is in force between Norway and Malaysia.
Purpose or motivation of the measure:	Taxation policy considerations.

NORWAY

Sector:	All sectors
Sub-sector:	-
Legal source or authority of the measure:	Not applicable
Succinct description of the measure:	Foreign investments, including foreign participation in Norwegian companies, may be subject to prior notification requirements, examination or authorisation by the relevant Norwegian authorities.
Purpose or motivation of the measure:	Investment policy considerations and national security.