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GAIN Report

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Norway

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

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Report Highlights:

This report gives an overview of food laws currently in force in Norway. Being a member of the European Economic Area (EEA), Norway applies relevant EU-legislation on food standards. Updates have been made in Section IV Food Additives Regulations and Section V Pesticide and Other Contaminants and Section VI Other Regulations and Requirements.

Section I. Food Laws:

The Norwegian Food Safety Authority (Mattilsynet) is the central supervisory authority for matters relating to food, including imports.

Being a member of the European Economic Area (EEA), Norway applies relevant EU-legislation on food standards. The bulk of the Norwegian food legislation on food safety, labeling and traceability is subject to standardized EU rules, which have been incorporated into Norwegian legislation through the EEA cooperation. When Norway became a member of the EEA in 1994, Norwegian food standards were already, to a large extent, harmonized with EU food legislation. For information on the EU generally, please refer to the USEU Food and Agricultural Import Regulations and Standards Report available at www.useu.be/agri/usda.html as well as at www.fas.usda.gov/scripts/attacherep/default.asp.

Norway has not, however, harmonized its tariffs for foodstuffs with the EU. Norwegian tariffs for commodities that are grown and/or produced domestically are significantly higher compared to EU tariffs.

In the EEA, derogations allow Norway, Sweden, and Finland, to apply stricter salmonella control and stricter border controls than that of EU member countries (e.g. a quarantine on imports of live animals).

Norway applies more restrictive legislation than the EU with regard to Genetically Modified Organisms (GMOs), under the umbrella of public health.

Section II. Labeling Requirements:

A. General Requirements

The EU's labeling directive is applied in Norway. Information on labeling requirements specific for Norway is given below.

Exemption for "Small Packages"

Small packages (the largest surface less than 10 cm²) are exempted from general labeling requirements applicable throughout the EEA/EU area. In Norway, this exemption also covers glass intended for recycling, having an indelible labeling and being without a printed label (text printed directly on the glass). For such glass, information about sales name, net quantity, and durability is deemed sufficient. The "in the same field of vision" requirement is waived for glass bottles.

Requirements Specific to Organic Labeling

DEBIO is a member of IFOAM (International Federation of Organic Agricultural Movement) and is well known to Norwegian consumers. Mattilsynet has delegated authority to DEBIO to carry out control of organic products, both domestically produced and imported. DEBIO is a membership organization that is also open to importers. DEBIO has been accredited by Norsk Akkreditering in accordance with the European standard EN-45011.

Currently, DEBIO's label is used for more or less all approved organic foodstuffs. More information on conditions for using the DEBIO symbol is available on: www.debio.no

From July 1, 2012, it will be mandatory to use the new EU label on pre-packed organic products in EU countries as well as in EEA countries (Norway, Iceland and Liechtenstein). National labels may still be used and combined with the EU label.

The new label is already in use in the EU but may not be used in Norway until national legislation is in place. The comment period for the Norwegian Food Safety Authority's proposal for national legislation ended on September 1, 2010.

Section III. Packaging and Container Regulations:

EU regulations apply, please refer to the USEU FAIRS Report.

Section IV. Food Additives Regulations:

EU regulations apply, please refer to the USEU FAIRS Report.

Section V. Pesticides and Other Contaminants:

EU regulations apply, please refer to the USEU FAIRS Report.

Section VI. Other Regulations and Requirements:

A. Advance approval of foods

Foodstuffs are not normally subject to prior approval by the Norwegian Food Safety Authority, Mattilsynet. There are, however, two exemptions from this rule:

1. Novel Foods and GMOs
2. Additives or enrichment with vitamins and minerals other than those already approved in Norwegian (EU) legislation.

In these two specific cases, prior approval is a pre-condition for release for free circulation on the Norwegian market.

Imports of organic products are subject to advance notice, provided the exporter wants to label and market the product as organic.

B. Alcoholic Products Require an Import Permit and Registration

Imports of alcoholic beverages generally require registration with the Norwegian Customs Authorities. Alcoholic beverages are subject to special legislation. For example, imports of schnapps or aquavit with an alcoholic content exceeding 60 per cent by volume are not allowed. For more information please visit www.toll.no.

C. Specific Health Requirements for the Import of Certain Agricultural Products

Fresh meat (included frozen), ground meat and meat preparations imported into Norway are subject to salmonella control at the border unless a declaration on the veterinary certificate states that it has been tested according to Commission decision 1688/2005.

- Norwegian rules for plant protection (Regulation No 1333 from 2000, last amended in December 2008) stipulate that the plant health authority in the exporting country issue an official plant health certificate in accordance with the International Phytosanitary Portal (IPPC). For travelers, certain exemptions for limited quantities (private consumption) are possible.
- Imports of potatoes, fresh fruits, vegetables, berries, seed and onions must be accompanied by health certificates, according to Regulation No 1333 from 2000.

D. Testing and Certification of Birdseed is Mandatory

Imports of birdseed into Norway must be sampled and tested for wild oat (*Avena fatua*). If seeds of wild oat are found, the lot is not allowed entry into Norway. In addition, it is not allowed to import viable hemp seeds (*Cannabis sativa*).

Seed lot imports must be accompanied by a "Certificate – Test for *Avena fatua* in Birdseeds" issued by the Kimen Seed Laboratory. The Kimen Seed Laboratory is authorized by Norwegian Food Safety Authority to carry out analysis and to issue the certificates. The seed should be sampled by an official seed sampler in the exporting country and submitted to Kimen Seed Laboratory before shipment.

Sample size:

- Large-seeded species (cereals and seeds larger than wheat seeds): 1 kilogram.
Maximum lot size: 25 tons
- Small-seeded species (seeds smaller than wheat seeds): 0,5 kilogram.
Maximum lot size: 10 tons.

Mixtures of large-seeded and small-seeded species shall be sampled as large-seeded species.

Submitting the samples:

The seed sampler submits the sample directly to Kimen Seed Laboratory for testing and certificate issuance. The sample must be marked with the following information: Name of the species, lot number, lot size, sampling and sealing agency, name and address of the lot receiver in Norway, the organization number of the Norwegian company, and the customs tariff number (23 09 90 50 for indoor birdseed, 23 09 90 60 for wild birdseed and carrier pigeon seed and 12 06 00 10 for sunflower seed).

The sample shall be submitted to:

Kimen Seed Laboratory
P.O.Box 164
N-1431 Ås
Norway
Tel: +47 64 97 06 60

Section VII. Other Specific Standards:

A. The Norwegian Recovery System

In 1994, the Norwegian food trade and industry established their own collection and recycling system. In 1996, the umbrella organization Materialretur AS was founded, renamed to Grønt Punkt Norge AS ("Green Dot Norway plc"). Grønt Punkt Norge AS is a privately owned non-profit company responsible for financing the recovery and recycling of used packaging on behalf of the industrial sector. Member companies pay a license fee for the recycling services, which are provided by material organizations. The license fees are based on the cost of recovery and recycling.

Importers of goods packed abroad must pay a "licence fee" for the relevant packaging material. The importer is the first legal owner of the goods in Norway. Agents are classified as importers if they at one or more occasions are legal owners of the goods (even if they do not physically handle the products). This does not apply to agents who only broker supply contracts: in such cases the agent's client is considered the importer.

More information can be found at www.grontpunkt.no

B. Mandatory Norwegian Recycling Requirements for Non-Alcoholic Beverages

Recycling and waste disposal of beverage packages are regulated by the Ministry of Environment through regulation 930 (dated June, 1 2004). The recycling system covers only packages distributed for and destined to end consumers. The purpose of the legislative measure is to contribute to an effective system with a high degree (minimum 25%) of recycling, and also to achieve reduction of littering.

The importer is responsible for either establishing a recycling system himself or, more likely for practical reasons, associating himself with an established system. The application should be sent to the Norwegian Pollution Control Authority (SFT), www.sft.no. SFT decides the recycling share for a particular year. Minimum is always 25%. Packages subject to deposit payments should be labeled, such as return bottles.

D. Novel Foods and GMOs (Genetically Modified Organisms)

As an EEA member, Norway basically applies EU rules on Novel Foods and GMOs. It should be highlighted though, that the primary Norwegian legislation – The Gene Technology Act – is more restrictive in the sense that it lays down three additional requirements. GMO-products should also be ethically justified and provide societal benefits as well as be in line with sustainable development.

Applications for GMO approval must always be sent to the Norwegian Food Authority Mattilsynet, which evaluates the application and assesses conformity with the implementing legislation – Naeringsmiddeloven. This requirement also includes products already approved for free release on the EU's internal market.

E. Dietetic or Special Use Foods

Norway applies special legislation for baby food, e.g., lower maximum level for traces of radioactivity for baby food (370 Bq/kg) than for other food (600 Bq/kg). The lower level of 370 Bq/kg also applies to milk. The regulation "Barnematforskriften" was adapted on October 18, 2002. Baby food is defined as products specifically produced for babies and small children (0-3 years old).

The regulation provides rules on the content of protein, fat, sugar and vitamins/minerals. It is allowed to add nutritive substance to all baby food products. For those vitamins that may be added, certain maximum levels are stipulated. For a few baby food products, the added vitamins and minerals must exceed a certain minimum level. However, there are some limitations concerning vitamins A and D. For vitamins A and D the regulation stipulates that for certain cereal-based products the addition should be only to the minimum content. Amino acids may be added when the protein quality is not sufficient.

F. Food Sanitation Laws/Guidelines

The new EU "Hygiene Package" (Food Control regulation) which entered into force on January 1, 2006, was adopted by the Norwegian government in December 2008, and entered into force on March 1, 2010.

E. Marine Products

On March 22, 2004, the Norwegian Food Safety Authority laid down a regulation that, until further notice, allows importers of fish and fishery products intended for food uses to be exempted from paying obligatory fees on imports as set out in Regulation No 221 from 2004, last amended in December 2008.

F. Organic Foods and Health Foods

The Norwegian Food Safety Authority, Mattilsynet, has published two separate guidelines to facilitate implementation of Regulation No 1103 from 2005. Since Norway applies the basic EU legislation, the country treats the whole area as one single market for organic products. Import procedures do differ between products coming from this EEA market compared to imports coming from countries outside the EEA area.

In the EEA area, EU rules do apply. For third countries, there is a distinction between "approved third countries" and "other third countries". Currently, the list of approved third countries includes Argentina, Australia, Costa Rica, Israel, Switzerland, India and New Zealand.

For imports from other third countries, including the United States, only time limited approvals for specified contingents are possible. The basis for approval is the control procedures carried out in the exporting country. Such imports are subject to border control. In addition, normal trade documents for the import of both livestock and vegetable products shall also be

accompanied by an organic certificate, Økologisertifikatet. The importer must also obtain an import authorization – importtillatelse - issued by Mattilsynet. Mattilsynet has delegated implementation of control measures to its district offices at the border postings.

Import procedures step by step:

- The importer shall contact the control body – DEBIO – and specify what contingent import authorization is sought.
- The control body – DEBIO – carries out investigations in order to clarify whether the products in question have 1) been produced equivalent to EU rules (regulation 2094/92) and 2) the control procedures in the third country is deemed to be equally good as provided for in this regulation.
- DEBIO gives its order/recommendation to Mattilsynet (Nasjonalt senter for planter og vegetabilisk mat), which notifies the EU as well as sends the import authorization to the importer with a copy to DEBIO.

In accordance with EU regulation, an advance notice shall be sent to the authorities at least 24 hours before the cargo arrives at a customs border posting. The early warning might be done through the MATILDA information system. If so, the word ØKOLOGISK should be written initially - with capital letters - in the field of the commodity specification. If the importer has no access to MATILDA, then fax, telephone or e-mail might be used.

In addition, the importer should also notify the control body – DEBIO – of the arriving consignment, including the date and place for arrival, at least one day before delivery. A copy of the organic certificate should be enclosed with this notification.

G. Additional Levy for Non-Alcoholic Beverages

Non-alcoholic beverages to which sugar or sweeteners have been added are subject to an additional levy in Norway. The levy amounts to NOK 2.71/liter for ready to drink products and NOK 16.53/liter for concentrates. Beverages with an alcoholic content of up to 0.7% are treated as non-alcoholic beverages. Light beer or non-alcoholic beer is, however, generally exempted from the levy obligation since sugar or sweeteners are normally not added to these products. Milk products to which only a small amount of sugar has been added (15 g/per liter or less) and powder products are exempted from the levy.

H. Standards for Fruit Juice

Norwegian standards for fruit juices and similar products are established in national Regulation nr. 1116 from 2003, based on EU Council Directive 2001/112/EC.

Section VIII. Copyright and/or Trademark Laws:

A. What is a Trademark?

A trademark is a symbol distinguishing one trade good from others. Registration gives exclusive rights, preventing others from using a trademark which can be confused with the registered goods. These rights apply to use of the mark on the goods themselves, on the packaging, in advertising, in business documents, in verbal description or otherwise.

B. Conditions for Obtaining Norwegian Trademark Protection

In order to obtain Norwegian registration, the trademark must fulfill certain requirements. A trademark can only be registered if it is suitable for differentiating the applicant's goods or services from those of others. Marks that only state the nature of a product or its properties cannot be registered as a trademark, e.g. "wholemeal bread" for bread. Another important condition for registration is that the mark must not be misleading or likely to lead to confusion with another product name, company or trademark.

C. Examples of Allowed Trademarks

Examples of allowed trademarks:

- Figures, e.g. the drop-shape in the Statoil-logo.
- Word marks, e.g. Freia (Chocolate)
- Combined marks containing words and figures, e.g. the Solo label.
- Three-dimensional marks (goods accessories), i.e. the shape, accessories and packaging for a product can also be registered. The Farris bottle is a good example of this type of registration.
- Letters and numbers, e.g. 4711

In addition, slogans might be subject to trademark protection in Norway.

D. International Recognition

The Madrid Protocol is a system for the international registration of trademarks. Like the United States, Norway is a member. Norway is also a member of the Universal Copyright convention.

E. How and Where to Apply?

To register a trademark in Norway, you need to file a trademark application with the Norwegian Patent Office. A Norwegian trademark registration provides protection only within Norway.

[Application Form \(in Norwegian only\)](#)

Below you will find some guidance and tips from the Norwegian Competent Authority:

1. Always check to see if the same or a similar trademark already exists before spending time and money on protecting or using a proposed trademark through the premature printing of advertising materials or letterhead. You cannot register a trademark when others already hold a registration or have applied for one. The Norwegian Patent Office Preliminary Search Service carries out fast, reasonably priced investigations on your behalf and can also assess the results. You can also contact Brønnøysund Register Centre to check whether a company name is already being used by someone else.
2. Make sure that you have included all the goods or services for which you want to register the trademark. It is not possible to add further goods or services once the application has been filed. In such a case, a new application must be submitted. Goods and services are classified according to an international classification system.
3. Once you have filed an application, only minor changes can be made which do not affect the overall impression of the trademark. The trademark should therefore be submitted in the same form as it is to be used.

F. What Does It Cost to Apply for Trademark Registration under the Madrid Protocol?

The Norwegian Patent Office requires a clearance fee of NOK 550 (approximately US\$ 90).

G. When Does a Trademark Registration Cease To Be Valid?

The registration lasts for 10 years from the date of registration. Registration can be renewed every 10 years for an unlimited number of times. If anyone considers that the trademark has been registered on a false basis, it may be pronounced legally

void. In certain cases, registrations may be cancelled by the Norwegian Patent Office. Registrations can also be annulled by a legal pronouncement if the mark has not been used for a period of 5 years.

H. More Information on the Protection of Trademarks

More information on the protection of trademarks can be obtained from the Norwegian Patent Office Information Centre, tel: +47 22 38 73 33, e-mail: mail@patentstyret.no.

The Norwegian Patent Office (NPO) is a government authority organized under the Ministry of Trade and industry.

Section IX. Import Procedures:

A. Registration Procedures

The Brønnøysund Register Centre is a government body under the Norwegian Ministry of Trade and Industry. It consists of several different national computerized registers.

The Register of Business Enterprises registers all Norwegian and foreign business enterprises in Norway. The register ensures the protection of business names against third parties and provides an overview of the financial structure of a business enterprise. The register is an important source of information for anyone in need of correct information about participants in Norwegian business and industry. All enterprises operating business activities - both those with unlimited as well as limited responsibilities - are obliged to register with the Register of Business Enterprises. This also applies to sole proprietorships operating a trade with purchased goods or which employ more than five persons in primary positions. Other sole proprietorships may register on a voluntary basis. Registration in the Register of Business Enterprises provides a business enterprise with:

- The right to operate a business enterprise
 - Legal protection of the business name
- certificate of registration as identification for lenders, legal registration authorities, and customs and excise authorities
- business enterprise organization number as important identification to authorities and for coordinating private and public business registers
- Identification of the executives of a business enterprise

B. VAT Registration is Mandatory

To import foodstuffs subject to tariffs for commercial purposes, it is necessary to be registered for VAT. The VAT rate for foodstuffs is 14%. The rate for products other than food is 25%. Foreign enterprises with no local office or company in Norway must register for VAT through a representative.

The normal procedure for a foreign company is to register, e.g., with a representative. There are no specific professional qualifications required except that the representative must have a location in Norway. Both the exporter and his representative are legally responsible for payments of VAT levies. The primary responsibility lies with the foreign company. Only when it has not been possible to receive VAT payments from the foreign company will the Norwegian tax authorities assign the representative as legally responsible.

C. General Requirements on Trade Documents

On January 1, 2005, Norway introduced the European notification system for transport of animal products and live animals, TRACES (TRAde Control and Expert System). Imports of animal products from third countries to Norway must be notified by the importer- through the TRACES system. Non animal food and fees products must be notified through the Norwegian Matilda VAM-system. Imports of non-animal products that must be accompanied by health certificates must be notified through the Norwegian MATS system.

D. CVED (Common Veterinary Entry Document)

From January 1, 2006, the Common Veterinary Entry Document (CVED) functions as advance notice for the import of animal products from third countries. No other specific import application or declaration is needed. However, Norway requires the importer to be registered and thus approved. The importer is responsible for filling out the CVED. The CVED can be filled out electronically in TRACES and then sent to the one of the Border Inspection Posts of the Norwegian Food Safety Authority, Mattilsynet, for approval.

E. Other Specific Health Related Requirements for Agricultural Imports

Please see Section VI C.

F. Information on Tariff Rates and Related Levies

The Customs tariff schedule provides specific information regarding costs of importing particular commodities. The schedule can be viewed on the following website:

http://www.toll.no/templates_TAD/Tolltariffen/StartPage.aspx?id=164540&epslanguage=EN

Additional information is available from the Norwegian Customs Information Centre.

Consumption Based Levies Targeting Alcohol, Sweets and Tobacco

In addition to tariffs, Norway applies consumption taxes for specific products. These special taxes are paid both by Norwegian producers and importers indiscriminately and apply to the tobacco industry, breweries, distilleries and the chocolate and sweets industry.

Food Production Tax – Plant Health Tax – Research Tax

In addition to VAT and tariffs, Norwegian authorities have imposed a food production tax on all goods related to foodstuffs with the exception of water. The food production tax has been introduced as part of a simplified model for the financing of the food authorities' inspections and controls and is charged on both Norwegian as well as imported goods. Correspondingly, a plant health fee is charged for plant products.

Moreover, some agricultural products are charged a research fee at 35% at the time of customs release. Please contact the Norwegian Agricultural Authority to find out which products are affected by this fee.

G. Customs Clearance Procedures in Norway

All customs clearance of commodities shall be registered in the Norwegian Business Information System TVINN (Tollvesenets informasjonssystem med næringslivet). Norwegian customs clearance is based on the principle of self-declaration. This means that the importer declares the imported commodities through a transmission to TVINN. Alternatively, the importer can fill out a blank SAD (Single Administrative Document). In that case, the Norwegian Customs Authority will carry out the TVINN registration based on the SAD declaration.

The Norwegian Customs Authority decides in each individual case the extent of conformity checks needed. This control can be a simple document check or actual physical control of the commodities. In recent years, it has been more and more customary for checks to take place at a later stage than the border posting, such as at the storage facilities or bookkeeping of the owner of the imported goods.

In order to obtain approval for customs clearance, the owner of the commodities should present an import declaration, SAD-document RG 0155 or RG 0157. The declaration must be signed by the owner or his representative.

In addition to the import declaration, the following documents should be presented by the owner or his representative:

- Invoice
- Contract of affreightment

- Certificate of origin
- Licenses (for commodities under import regulation or subject to import restrictions.)

Other documents deemed necessary (by the Norwegian Customs Authorities) to determine the tariff duty, weight, volume or value. Such trade documents could for example consist of a pro-forma invoice or a brochure. If the importer chooses the TVINN-declaration, the documents listed above must not (unless upon direct request from the Norwegian Customs Authorities) be presented prior to the specific time of customs clearance.

In accordance with Norwegian administrative law, all decisions made by authorities can be appealed. There is an appeal system for disputed and rejected shipments. Decisions taken by the regional customs director (Regiondirektøren) can be appealed to the Directorate of Customs and Excise three weeks from the date of decision.

H. General Information on Customs Clearance – CLASSIFICATION CODE IS ALWAYS THE KEY!

All kinds of goods can be classified according to the Harmonized Commodity Description and Coding System, which is the basis of the Norwegian Customs tariff. This code is the key to the determination of which duty rate must be applied, as well as whether or not an import license or permit is required for a commodity. This classification also determines which other authorities are concerned—notably the Norwegian Food Safety Authority Mattilsynet – as regards allocation of tariff reduced quotas.

Some commodities are fairly easy to classify while others may be more difficult. In most cases, the General Directions and the comments to each chapter of the tariff schedule can aid in this process. For commodities that are particularly difficult to classify, it may be advisable for the exporter/importer to contact his/her regional Customs office and apply for a Binding Classification Ruling. This is a written ruling stipulating the commodity code for a product. In Norway, only the regional customs director is entitled to decide this. The period of validity is 6 years. The application should be sent to the regional office (to which the importer belongs) at the Norwegian Customs Authorities. It should be accompanied by samples, brochure, invoice, and import declaration.

Appendix I. Government Regulatory Agency Contacts:

1. Information on product classification, tariff rates and procedures for customs release:

Norwegian Customs
 Directorate of Customs and Excise
 Postboks 8122 Dep.
 0032 Oslo
 Phone: +47 22 86 03 00
www.toll.no
 E-mail: tad@toll.no

Customs Region East Norway
 E-mail: ostnorge@toll.no
 Phone: +47 69 36 22 00

Customs Region Oslo og Akershus
 E-mail: oslo@toll.no
 Phone: +47 22 86 03 00

Customs Region South Norway
 E-mail: sornorge@toll.no
 Phone: +47 38 12 00 12

Customs Region West Norway
 E-mail: vestnorge@toll.no

Phone: +47 55 57 37 00

Customs Region Central Norway

E-mail: midt norge@toll.no

Phone: +47 73 88 43 00

Customs Region North Norway

E-mail: nord norge@toll.no

Phone: +47 77 62 55 00

2. Labeling, food legislation, health claims, pesticides, GMO, food and animal health control measures:

The Norwegian Food Safety Authority

Ullevålsveien 76

0454 Oslo

Phone: +47 23 21 68 00

Fax: +47 23 21 70 01

www.mattilsynet.no

E-mail: postmottak@mattilsynet.no

3. Allocation of tariff quotas/import licenses:

Norwegian Agricultural Authority (SLF)

P.O. Box 8140 Dep.

0033 Oslo, Norway

Phone: +47 24 13 10 00

Fax: +47 24 13 10 05

www.slf.dep.no

E-mail: postmottak@slf.dep.no

4. Questions regarding packaging materials, recycling scheme, environmental protection rules:

The Norwegian Pollution Control Authority (SFT)

Postboks 8100 Dep

0032 Oslo

Phone: +47 22 57 34 00

Fax: +47 22 67 67 06

www.sft.no

E-mail: postmottak@sft.no

5. In order to import alcoholic beverages, a special permit must be obtained. Applications for permits are handled by:

The Norwegian Medicines Agency

Sven Oftedalsvei 8

0950 OSLO

Phone: +47 22 89 77 00

Telefax: +47 22 89 77 99

www.noma.no

E-mail: post@noma.no

Some health foods may be classified as pharmaceutical products. The key contact for such products is the Norwegian Medicines Agency (NoMA). The agency is responsible for supervising the production, trials and marketing of medicines. NOMA also regulates prices and trade conditions for pharmacies.

Appendix II. Other Import Specialist Contacts:

U.S. Embassy
Foreign Agricultural Service
Dag Hammarskjölds Väg 31
115 89 Stockholm
Tel: + 46 8 783 5470/5392
Fax: +46 8 662 8495
Email: AgStockholm@fas.usda.gov

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