



Witvlei Meat

Your ref.:

Our ref.: 2010/23 MISV 411.1

Date: March 15, 2010

Decision A2010-11 – Witvlei Meat – competition act § 12 cf. § 10 / 11- dismissal of request to intervene

The Norwegian Competition Authority (NCA) refers to your e-mail of 7 January 2010 regarding the allocation of the Norwegian quota for 2010 under the Generalized System of Preferences (GSP) for import of meat of bovine animals originating in Botswana and Namibia.

The GSP-system contains special conditions for products originating in Botswana and Namibia. According to Annex I to the Norwegian GSP-system, some agricultural products originating in Namibia and Botswana are partially treated as products originating in the Least Developed Countries. Special terms are established for such products, for instance meat of bovine animals, limited to a quota of 2700 tons of fresh, chilled and frozen boneless meat per year. Imports exceeding the quantity mentioned will be subject to the rate of duty applicable for imports from ordinary GSP-countries. According to the Annex, “[a]utomatic allocation of the duty-free quantity will take place at customs clearance.” This is, as you state in your e-mail, a “first come – first served” principle.

According to your e-mail, Allied Meat Importers, who has imported meat under the GSP-system for Botswana and Namibia from Meatco (from Namibia) and Botswana Meat Company (the Botswana parastatal), filled the entire Norwegian quota for 2010 as early as possible after midnight on 31 December 2009. This had as a consequence that Witvlei Meat was excluded from importing under the quota.

One of the tasks of the Competition Authority is to supervise competition in the various markets, by inter alia calling attention to any restrictive effects on competition of public measures. The NCA is of the opinion that import quotas in general should be distributed through auctions. The benefits are inter alia equal opportunities to compete for the import quotas as well as increased transparency.

Consequently, the NCA has on several occasions called attention to the benefits of distributing imported goods through import quota auctions. Today, the majority of the import quotas are auctioned. The auctions are managed by the Norwegian Agricultural Authority (Statens Landbruksforvaltning).

However, and based on the provided information, the NCA finds it unlikely that the alleged conduct infringes Norwegian competition law. Consequently, the NCA have found no grounds to prioritize resources on a further investigation of the case, and the case will therefore be closed with the NCA.

This decision can be appealed within three weeks, cf. the Norwegian Administration Act § 28. An appeal must be addressed to the Norwegian Ministry of Government Administration and Reform, but sent directly to the Norwegian Competition Authority.



The Generalized System of Preferences (GSP) for import of meat of bovine animals originating in Botswana and Namibia is administrated by the Norwegian Agricultural Authority. Further questions regarding this matter should be addressed to this authority.

Regards

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