

# **Regulations relating to the regulation of ownership changes in companies etc licensed to operate seawater rearing units for salmon and trout**

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## **Regulations relating to the regulation of ownership changes in companies etc licensed to operate seawater rearing units for salmon and trout**

Laid down by the Ministry of Fisheries on 16 February 2001 pursuant to section 13, cf. section 4, section 6 and section 10 of Act of 14 June 1985 No. 68 relating to aquaculture.

## **Chapter 1. Introductory provisions**

### **§ 1. Purpose**

The purpose of these regulations is to regulate ownership changes in companies licensed to operate seawater rearing units for salmon and trout in order to achieve the national objectives set for the marine farming industry.

### **§ 2. Scope**

The regulations apply to licences for seawater rearing units for salmon and trout cf. Act of 14 June 1985 No. 68 relating to aquaculture (Aquaculture Act).

## **Chapter 2. Ownership changes requiring approval etc.**

### **§ 3. Transfer of licences**

Licences for rearing salmon and trout are issued to individual persons or enterprises.

A new licence must be acquired from the Directorate of Fisheries if circumstances as mentioned in the first paragraph are changed. Applications are to be submitted to the Directorate of Fisheries using the designated form.

Changes that conflict with the rules for the allocation of licences for seawater rearing units for salmon and trout are not eligible for approval.

#### **§ 4. Notification of changes in ownership structure**

In the event of changes in ownership structure in legal persons licensed to operate seawater rearing units for salmon and trout pursuant to the Aquaculture Act, the licensee shall notify the Directorate of Fisheries of the distribution of ownership shares as a result of the change.

#### **§ 5. Restriction on ownership**

Permission must be obtained from the Ministry if a party's acquisition will result in the party gaining control of more than 10 per cent of the total licence volume. Control means direct or indirect ownership of more than half of the ownership interests, or that equivalent control is achieved by some other means.

Permission must also be obtained from the Ministry if a party's subsequent acquisitions will result in the party gaining control of more than 15 per cent of the total licence volume. Acquisitions resulting in a party gaining control of more than 20 per cent of the total licence volume are not permissible.

When considering whether permission should be granted, emphasis shall be placed on whether the acquisition will help to achieve national objectives set for the industry, including increasing the value of Norwegian fish exports, promoting economic growth and realizing the growth potential of the industry as a whole. Emphasis will also be placed on whether the acquisition contributes to maintaining the industry as a profitable and viable coastal industry.

The Ministry may set the conditions deemed necessary in each individual case on the basis of the purposes these regulations are intended to promote.

#### **§ 6. Regional restriction on ownership**

No person may control more than 50 per cent of the total licence volume within one of the regions under the fisheries authorities.

### **Chapter 3. Documentation**

#### **§ 7.**

In the event of changes made pursuant to sections 3 and 4, the following documentation shall be provided:

- a. name of licensee
- b. distribution of ownership shares following the change in ownership structure.
- c. qualifications in aquaculture held by operations manager.

In the event of changes made pursuant to section 5, the following additional information shall be provided:

- d. information about the party responsible for the acquisition, including a description of the party's enterprise, number of employees, annual accounts, annual report<sup>1</sup> and certificate of registration, the reason for and intention of the acquisition, including investment plans,
- e. the significance of the acquisition for future activity and employment,
- f. information about the company in which ownership shares have been acquired, including a description of the party's enterprise, number of employees, annual

accounts, annual report and certificate of registration. Submission of other information deemed necessary in order to assess the case may be required in addition.

#### **Chapter 4. Miscellaneous provisions**

### **§ 8. Time limit for submission**

Documentation pursuant to the first paragraph in section 7 shall be submitted within 30 days following the conclusion of an agreement on a change in ownership or a licence transfer. In the event of a compulsory sale, the time limit is effective from the time the bid is confirmed or the sales agreement concluded. In the event of other forms of transfer, the time limit is effective from the time the acquisition has been completed. Permission may be given to postpone submission of documentation in special cases.

When further documentation is necessary, a time limit may be set for the submission of such information.

### **§ 9. Coercive fines**

In the event of contravention of the provisions in these regulations, a coercive fine may be imposed pursuant to Regulations of 12 July 1989 No. 551 concerning coercive instruments, laid down pursuant to Chap IV in the Act relating to aquaculture.

### **§ 10. Exemptions**

In special cases, exemptions from the provisions in these regulations may be granted.

### **§ 11. Entry into force**

These regulations enter into force immediately.

<sup>1</sup> Cf. Act of 17 July 1998 No. 56.