Legal Basis of the Restrictions

Import restrictions in force in Norway are applied under Law No. 29 of 13 December 1946 entitled "The Ban on Imports (Provisional) Act", as amended on 29 June 1951, and under a law of 22 June 1934 in respect of certain agricultural products.

Briefly, the "Ban on Imports Act" provides that no person may import any goods without an import licence granted by the Government; all persons must submit to the appropriate Ministry information requested in order to implement the provisions of the Act, such as account books and other relevant business implementation of the Act. By a Royal Decree of 12 November 1947 the authority to implement the Act was delegated to the Ministry of Commerce, which by virtue of this authority, has issued a number of detailed regulations. The Ministry of Commerce Regulations issued on 23 June 1950, which have been amended from time to time, provide, inter alia, for the carrying out of the general import regulations and also for exemptions therefrom, as for example, in the case of certain gifts, advertising materials, tourist effects and the like.

Pursuant to the above-mentioned Law of 1934, a Royal Decree of 1 August 1958 was issued which laid down regulations regarding the ban on imports of certain agricultural products. The authority to implement these regulations was delegated to the Ministry of Agriculture, which was, inter alia, also empowered to grant dispositions from the import ban.

Administration of the Restrictions

Import licences are issued by the Ministry of Commerce and the Ministry of Agriculture. The relevant laws and decrees and the regulations issued thereunder are published in the Norwegian Legal Gazette, as well as in

1 The full text of the Law of 13 December 1946, as amended on 29 June 1951, is attached as Annex I.

2 This Royal Decree was amended on 27 May 1949, 8 May 1952, 17 May 1953 and 18 May 1956.
announcements by the Ministry of Commerce which are distributed to importers through the exchange banks. These announcements include all relevant information such as the commodities which continue subject to import regulation, the geographical areas concerned, etc.

Under the regulations the Ministry of Commerce may consult associations of importers or import committees, which exist for most branches of the import trade, on questions such as the distribution of licences among importers.

An Advisory Council on Imports, which is composed of representatives of agricultural organisations, importers and the authorities, assists the Ministry of Agriculture in the implementation of import Regulation of farm products.

The Ministry of Commerce also has special responsibilities concerning the execution of compensation arrangements on which relevant regulations were issued on 24 June 1950. These arrangements are only permitted where regular trading and exchange transactions cannot be carried out. Applications for specific compensation arrangements must be presented to the Ministry of Commerce which determines the conditions for the conclusion of the arrangements.

Methods of Restriction

Apart from certain types of imports (gifts, advertising material, tourists' personal effects, books and newspapers, goods for use on board ocean-going vessels, spare parts for foreign aeroplanes, and the like) which, by virtue of the general regulations are exempted from import control, imports may be divided into the following categories: (1) Liberalized Imports and Free Licensing, (2) Global Quota List, (3) Bilateral arrangements, including compensation and barter, (4) Discretionary Licensing of Imports ("case-by-case method"), and (5) Prohibition of Imports.

(1) Liberalized Imports and Free Licensing: Commodities not contained in the list, published on 1 January 1959, of commodities for which imports are regulated, may be imported by anyone subject to presentation of the original invoice. Imports of these commodities are free from any country within the dollar area, the former EPU area and associated monetary areas, the Spanish monetary area, Czechoslovakia, Finland, Hungary, Israel, Yugoslavia, Poland and Rumania. Imports of some commodities (fruits and vegetables) are free during certain periods from these areas. Imports of raw materials, semi-manufactured goods and machines for domestic production of goods not subject to import regulation are liberally licensed. Under special regulations about sixty items are admitted to the extent that domestic demand is fully met.

1 The list of regulated imports was established on 1 January 1959 and was amended on 24 February 1959 and 1 July 1959. The list as it stands now is reproduced in the official bulletin Melding fra Handelsdepartement, No. 1 of 1959.

2 Under the procedures in force up to the end of 1958, liberalized imports were specified in free Lists. Separate free Lists existed for the dollar area and for other countries. The introduction of the new procedure on 1 January 1959 was tantamount to extending the previous free List for imports from OEEC countries to the dollar area.
(2) Global Quota List: A major part of the imports which are on the regulated imports list may be imported under global quotas from the "global quota area", which comprises countries in the dollar area, the former EPU area, Chile, Finland, Paraguay, Peru, Uruguay and Yugoslavia and, as from 20 August 1959, Spain (for passenger cars and delivery trucks the quotas do not apply to imports from the dollar area). A global quota list is established for every calendar year, in the light of recent and current imports, the balance-of-payments position, the essentiality of various goods, etc. For commodities on the global quota list no bilateral quotas are established in trade agreements with countries within the "global quota area". The current global quota list is attached as Annex II.

Licences for global quota commodities are generally allocated among importers on the basis of their previous imports. Where this method is impracticable or inexpedient, licences are issued on the basis of an evaluation of requirements. A global quota item may comprise several different kinds of goods, among which the importers may choose to import under their quota. Of the approximately 150 items on the global quota list, more than half are licensed liberally.

(3) Bilateral Arrangements: A large proportion of the imports on the regulated imports list but not on the global quota list is affected under bilateral trade agreements and other bilateral arrangements. Many of the trade agreements provide for quotas, but imports are often admitted over and above the quotas set. With some of the countries with which there are trade agreements, mainly those in Eastern Europe, payments are effected under clearing agreements providing for swing credits. Licences issued under bilateral quotas are allocated to importers in the same manner as under global quotas. (See also Annex III.)

Compensation and barter arrangements are entered into where the exchange of goods cannot take place in a more regular and normal way, e.g. where the export commodity cannot normally be exported against payment of foreign exchange, or because Norwegian exports to the country concerned are met with obstructions in the form of quantitative restrictions or other impediments, and the Norwegian authorities are prepared to grant additional facilities for the imports taken in exchange. Every proposed compensation or barter arrangement must be submitted to the Ministry of Commerce for approval on an ad hoc basis. Decisions made by the Ministry of Commerce are based on the special factors pertaining to the arrangement under consideration. As a result of the relaxation of restrictions on international trade and payments there has been a sharp fall in the number of compensation transactions so that these now account for an insignificant portion of imports and exports.

(i) Discretionary Licensing: Imports other than those referred to above are licensed on a "case-by-case" basis, account being taken of essentiality, price considerations, the balance-of-payments situation, etc.

Each licence is made valid for a period which covers the delivery schedule entered on the application, usually three to six months, and may be extended.
(5) Prohibition of Imports: In applying restrictions for balance-of-payments reasons, the authorities in some cases withheld the granting of exemptions or the issue of import licences, particularly in regard to luxury articles or other non-essential commodities, although no special import prohibition exists for these categories of goods. Certain imports are specially prohibited on health or veterinary grounds, or for reasons of public interest, morals, etc., and in a few cases imports must satisfy certain quality requirements which also apply to the corresponding domestic products.

No special import fees or levies are imposed in Norway; importers are required to pay only a licence fee of 0.1 per cent (1 1/100) of the amount of licence on the issue thereof for the regulated commodities, in order to meet licensing costs.

Categories of Imports Affected by the Restrictions

The most important commodities and commodity groups which continue subject to import restriction, by which is meant that they are neither formally liberalized nor liberally licensed, are the following:

**Global Commodities**
- Hardened animal and vegetable oils and fat
- Paints and lacquer
- Soap, washing powders, polishing and cleaning agents
- Certain kinds of wood, panelling and isolation sheets
- Floor carpeting
- Commodities of glass, porcelain (not industrial) and faience
- Products of steel wire (netting, tacks, rope)
- Soil pipes, steel cupboards etc., flat ware
- Certain engines
- Certain machinery
- TV sets and tape recorders
- Automobiles and delivery vans, motor-cycles
- Bath-tubs, refrigerators and deep-freeze equipment
- Objets d’art

**Bilaterally Restricted Commodities**
- Cheese, and bread products
- Bulbs and cut flowers
- Potash fertilizer
- Furniture sheets, plywood and certain cord products
- Furniture
- Sports articles and toys

**Discretionary Licensing**
- Certain plant oils
- Certain machinery
- Some foodstuffs
To the above-mentioned commodities should be added the agricultural products coming under the import regulations administered by the Ministry of Agriculture (i.e. items covered by the Agricultural Agreement for 1958/61 between the Norwegian authorities and the farmers' organisations). These commodities (fruit and vegetables which are produced in Norway, and conserves from them, meat, eggs and potatoes) may normally not be imported during the periods when Norwegian supplies are adequate to meet demand and prices are below the fixed maximum level. Outside these periods, or if prices during two consecutive weekly periods are in excess of the maximum level, the Ministry of Agriculture grants permission for imports. Normally imports are then completely free.

Proportion of Imports covered by each Import Procedure

The list of regulated products now includes about 1,000 items (out of a total of about 4,500 in the customs tariff based on the Brussels nomenclature). In 1958, the estimated free-list imports accounted for 65 per cent of total imports. The remaining 35 per cent included articles which were liberally imported as well as government-controlled imports of cereals, fuel, coffee, sugar, etc., where demand was fully met. The bulk of imports from Eastern Europe was also liberally licensed. If all these imports were excluded, the imports which were subject to actual restrictions in 1958 can be estimated at 11-12 per cent of total imports. Tankers alone account for about 9.7 per cent.

Breakdown of Norwegian Imports according to Import Systems and Areas

(In millions of US dollars c.i.f.)

<table>
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<td>1209</td>
<td>100.0</td>
<td>1274</td>
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* Estimates
Treatment of Imports from Different Sources

A wide range of imports is not subject to restriction, and may be imported freely from the dollar area, the former EPU countries and their associated monetary areas, Czechoslovakia, Finland, Hungary, Israel, Poland, Rumania, the Spanish monetary area and Yugoslavia. On the basis of 1948 trade, private imports from the O.E.C. countries have been liberalized to 31.7 per cent (food products 83.3 per cent, raw materials 93.3 per cent, manufactured products 77.5 per cent). Imports from the dollar area, on the basis of private trade in 1953, have been liberalized to 91.7 per cent.

Goods on a global quota list may be imported up to a fixed monetary ceiling from any country in the global quota area which comprises the dollar area, the former EPU countries, Chile, Finland, Paraguay, Peru, Uruguay and Yugoslavia and, as from 20 August 1959, also Spain.

Bilateral trade agreements are in force with all O.E.C. countries except Iceland, and they provide for import quotas except in the case of those with Ireland and Turkey. Trade agreements are in force with all Eastern European countries except Albania and Eastern Germany (with the latter country there is a global compensation arrangement between a private Norwegian company and the East German Chamber of Commerce). All these agreements contain quotas and some provide for the application of the "O.E.C. free list". Bilateral quota agreements have been concluded with Israel, Finland, Spain and Morocco (the "O.E.C. free list" applies to these countries). Trade agreements are also in force with Argentina, Brazil, China, India, Pakistan and Tunisia.

State-Trading or Government Monopoly and the Restrictive Operation of Such Regimes

In Norway there are four state monopolies concerned with foreign trade: the State Grain Corporation, the Wine Monopoly, the State Corporation for Import of Fishing Tackle and the Norwegian Medical Depot. Within their powers these monopolies operate as independent institutions and are guided by commercial considerations in their import policy. Imports carried out by the monopolies are not subject to licensing. The former system of centralized imports of coal, cinders and coke is now terminated.

The State Grain Corporation was set up under an Act of 22 June 1928 and has the exclusive right to import wheat, rye, barley and oats and milled products thereof as well as feeding stuffs. The purpose of the monopoly is to secure adequate supplies for the country of these essential articles, of which Norway has not been able to produce more than one-third of her requirements. As Norway in time of emergency might be cut off from regular sources of supply the monopoly is considered a vital part of the defence of the country.

A major part of import of grain comes from North America. The monopoly in carrying out its purchases takes only commercial considerations into account as, for cost-of-living reasons, it has to procure from abroad the most suitable supplies for two-thirds of domestic consumption.

The Wine Monopoly was established under an Act of 19 June 1931 and has the exclusive right to import alcoholic beverages defined in the Law of 5 April 1927. It is the sole distributor for all alcoholic beverages in Norway. The
Monopoly was established for social reasons. Norwegian production of wine accounts for only 5 per cent of the total consumption, and is limited to fruit wine which does not compete with imported wines.

The total consumption of liquor is divided fairly equally between that of domestic production and that of foreign origin respectively. The price of Norwegian liquors is considerably lower. In effect, there are no import restrictions for wine and liquor and imports fully meet the demand.

The Norwegian State Corporation for the Import of Fishing Tackle has the exclusive right to import raw materials for the production of fishing equipment and manufactured fishing gear. The institution of this Monopoly is based on the social and economic importance which the Government attaches to assuring the Norwegian fishing industry, whose exports account for 20 per cent of total Norwegian exports, the most reasonable and uniform prices for its equipment. The policy of the Norwegian Government is not to use this Monopoly to restrict imports or to protect the home production of fishing equipment. All benefits to be derived from the activities of the Monopoly are to be used for the regularization of prices for fishing equipment.

The Norwegian Medical Depot has been set up recently.

Government-controlled imports: The following articles are subject to governmental control: sugar, coffee. The system operates in the way that the import of sugar and coffee is effected with the help of a panel consisting of members from the grocers' association and the administration. Licences have to be granted, however, upon application, by the Ministry of Commerce. Sugar and coffee are not produced in Norway and the demand is fully met.

Measures Taken in Preceding Years to Relax Restrictions

In recent years there has been a continuous trend in the direction of liberalizing imports. The principal measures already taken include the establishment on 1 July 1956 of a free list for the United States of America and dependencies and Canada, and the subsequent extension of the list to the whole dollar area. For imports of goods specified in the list, licences were issued automatically.

On 1 July 1959 the global quota area was extended to include the dollar area, Chile, Paraguay, Peru, Uruguay and Yugoslavia. At the same time, the list of items which could be freely imported from the EPU area was extended from 75 to 78 per cent (1948 basis). Imports of prunes, raisins and currants were reverted to private trade and liberalized.

In September 1956 it was announced that licences for the importation of oranges would be issued freely.

In October 1956 certain dried fruits were transferred from government to private account. In the same month the dollar area free lists were expanded by the addition of various dried fruits.

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1 See also Annex VI.
In November 1956 new items were added to the dollar free list, so raising the liberalization from 83.5 per cent to 84 per cent. Licensing requirements for imports of goods contained in the free list were abolished. Measures taken in April 1957 raised the non-dollar liberalization percentage to 80.6 and dollar liberalization to 83.7.

On January 1958 the free list was extended. The liberalization percentage vis-à-vis the OEEC area then rose to 81.4, and vis-à-vis the dollar area to 86.6.

As from 1 January 1959 all commodities previously liberalized only in respect of the OEEC were also liberalized for the dollar area. Further liberalization measures went into effect on 1 July 1959, which raised the non-dollar liberalization percentage to 81.7 and the dollar liberalization to 91.7.

II EFFECTS ON TRADE

(Statement by the Norwegian Government)

Norway has pursued a fairly radical policy in the matter of the liberalization of international trade. The significance of the liberalization which has been implemented is even greater when viewed in relation to the country's own production. The total of Norway's imports and exports of goods and services corresponds to about four-fifths of the gross national product, and this flow of goods and services is today in all essentials free from restrictions. Moreover, Norway operates with a relatively moderate tariff level.

The quantitative restrictions which remain in force on the import side are of very little relative importance in the total picture. The goods which may not be imported in quantities to cover full demand account for hardly more than 5 per cent of the total commodity imports. It is, nonetheless, the expressed intention of the Norwegian Government further to pursue liberalization at a rate compatible with developments in the country's balance of payments and the economic situation in general. The economic recession in Western Europe in 1957/58 hit Norway harder in several ways than it did many other countries, and it was implemental in delaying a continuation of liberalization. Despite the fact that falling exchange earnings and a substantial deficit on the current balance of payments formed a poor basis on which to extend liberalization, a significant relaxation of the remaining restrictions was carried through during this period.

Quantitative restrictions have at no time been regarded as a means of protecting domestic industry in Norway. This is clearly established in the statutory authority for the general regulation of imports. In practice, however, an element of protection is involved in any kind of import regulation of sectors where competitive domestic production exists. Nor has the substantial liberalization of imports, which has gradually been implemented in Norway, been able to avoid leaving its mark on the development of Norwegian domestic industry. The high level of investment and an effective employment policy have, however, enabled the transition to wider competition on the domestic market to be made without significant disturbances in the development...
of production. The unintentional - and undesired - protection, which still remains in isolated sectors of Norwegian industry arising from quantitative restrictions, is of minor significance for business and competitive conditions in the Norwegian economy as a whole. Import regulations will, nonetheless, be of importance for individual enterprises, especially in those cases where tariff protection is low or ineffective. The fact that there has been no success in establishing effective international bodies to supervise restrictive business practices is also of importance in this connexion.

All in all, it can be stated that the undesired repercussions of Norwegian import regulation are of very modest dimensions, both from the point of view of Norwegian industry and other countries' export interests. For Norway's trading partners it has, of course, been of greater importance that it has been possible to implement liberalization of imports into Norway in such a way as has not hampered economic expansion. The very great increase in production which has taken place in Norway in the post-war years had been reflected in a pronounced increase in imports.

Due to liberalization, bilateral trade today plays a very limited role in Norwegian foreign trade. The hope expressed by the International Monetary Fund to the effect that Norway will make progress "in reducing reliance on bilateral payments agreements" must be motivated by an exaggerated impression of the importance of such an action. This impression is undoubtedly connected with the way in which the bilateral agreements are described both in the reports of the Fund and in the documents from GATT's secretariat. A simple listing of the countries with which Norway has signed bilateral agreements, without any assessment of the importance of the agreement for trade, is bound to give the reader a wrong picture of the situation. For example, Norway has bilateral trade agreements with all the OEEC countries excepting Iceland, Ireland and Turkey. The value of bilateral import quotas in the agreements with the OEEC countries - for those commodities which are not imported to full demand - amounts in estimate to between 20 and 25 million kroner, whereas total imports from these countries amount to about 6,350 million kroner. Norway trades on a bilateral basis with only a minority of countries. Imports from these countries amounted in 1953 to only 6 per cent of total imports and comprise a large number of commodities which can be freely imported from other countries. A curtailment of this bilateral trade would not have any significance for the export possibilities of other countries.

In this connexion there is ground to stress the lack of balance in the liberalization measures within the GATT area. In Norwegian opinion it is particularly unfortunate that the liberalization obligations are concentrated so strongly on quantitative restriction. Norwegian exports of goods and services are faced in many countries with other restrictions which impede international trade fully as much as quantitative restrictions. Not the least of such impediments is the unfortunate and strongly protectionist shipping policies followed in certain countries. Norway's ability further to expand liberalization will, of necessity, be influenced by the extent to which other countries are willing to relax their restrictions.
LIST OF ANNEXES

I The Ban on Imports (Provisional) Act, Law No. 29 of 13 December 1946.

II Norwegian Global Quota List for 1959 Imports.¹

III Quotas in Bilateral Agreements.¹

VI Recapitulatory List of Liberalization Measures.¹

¹ One copy of Annexes II, III and VI (in the English language only) is supplied to each contracting party.
The Provisional Law of 13 December 1946 concerning

THE BAN ON IMPORT

Paragraph 1. Without a special licence (import licence) nobody must import objects and goods of any kind - including live animals - from abroad, Svalbard, Jan Mayen and land under Norwegian suzerainty.

The King or persons authorized by him may grant exemptions from the ban.

Paragraph 2. The King or any person authorized by him issues an import licence. Special conditions may be made for the licence.

For licences duty shall be paid as determined by the King. The duty may be collected by distraint.

Paragraph 3. Everybody must submit to the appropriate Ministry the information requested in order to carry through the provisions of this Law, such as a statement of import of objects and goods which under the second paragraph of paragraph 1 does not come under the prohibition of the first paragraph of the same section. On request, accounts books, business documents and other documents, which the Ministry consider of importance for the case must be presented. If necessary the Ministry may order the Police to inspect such books and documents.

When the Ministry has so ruled, public authorities connected with tax assessment and the control of the purchase tax may be allowed to obtain the information submitted in accordance with this Law.

Insofar as service obligations do not prevent such action, everybody shall observe silence with regard to information obtained occupationally under this Law.

Paragraph 4. The King or any person authorized by him may issue further supplementary regulations for the carrying out of this Law.

Paragraph 5. If any person wilfully has

1. imported or tried to import objects or goods in contravention of this Law or regulations issued by virtue of the Law or

2. broken or tried to break conditions laid down by virtue of this Law or

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1 Amended by Law 29 June 1951, No. 1

2 The Ministry of Commerce by virtue of Royal Decree of 12 December 1947
3. sold imported objects or goods without letting it be known that conditions under the first paragraph of paragraph 2 restricted the disposal of the goods sold or

4. given wrongful information orally or in writing,

(a) in attestations given for use by a public authority or a representative of the Government in an import case or in connexion with an application for an import licence;

(b) in attestations which may lead to another person giving such attestations as mentioned under (a) about conditions which may be of importance when determining the right to import objects or goods or

5. contravened or tried to contravene in other ways provisions under the Law, or issued by virtue of the Law,

he shall be punished by fines or imprisonment of up to six months or with both if the act does not call for a heavier sentence under any law.

For aiding in a breach as mentioned in the first paragraph, similar punishment shall apply.

If anyone has unintentionally committed or aided in any such breach as is mentioned in the first paragraph, he shall be punished with fines or imprisonment up to three months.

A breach of this section is misconduct.

Paragraph 6. Any breach under paragraph 5 committed in a business occupation which the wrongdoer carries on for his own account or for others, he may be sentenced to refrain from such occupation for such length of time and to such an extent as the sentence determines, but not for longer than five years. Any person who has been sentenced to lose his right to carry on such occupation cannot be a Manager or Director, or occupy any other prominent position in a business undertaking - a personal firm, company, association or corporation - in such occupations as mentioned in the sentence, nor can he be a Board member or occupy any other position of trust in a company, association or corporation as mentioned.

If the breach has been committed on behalf of a company, association or corporation, the persons who were represented by the wrongdoer may be fined and sentenced to lose their right to carry on a business undertaking.

The objects and goods imported or attempted imported in contravention of this Law or regulations issued by virtue of the Law, may be confiscated by a court sentence without regard to ownership and without regard to whether a criminal case may be instituted against anybody. This will also apply to such objects and goods which any person has disposed of or tried to dispose of in contravention of conditions laid down by virtue of the Law. If the objects or goods mentioned cannot be confiscated, their value - all or in part - may
Paragraph 7. This Law will take effect immediately. Intermediate provisions of 20 July 1945, concerning the ban on imports, shall be repealed from the same time.

Regulations issued and determinations by virtue of the mentioned provisions shall be valid until they are repealed or replaced by regulations or determinations by virtue of this Law.
The quotas in Norway's bilateral agreements as per December 31, 1957, in per cent of total imports (excluding ships) in 1957

The figures relating to quota imports under the different agreements do not include free list or global quota commodities even if the country concerned is outside the free list or global quota area. Liberally licensed commodities, commodities under any other free import system and state trading imports have also been excluded.

The total import figures relating to each country include imports subject to control as well as free list and global quota imports, but do not include ships. F.O.B. values are estimated.

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