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2. ORGANIZATION AND LICENSING OF THE
EXPORT OF FISHERY PRODUCTS.

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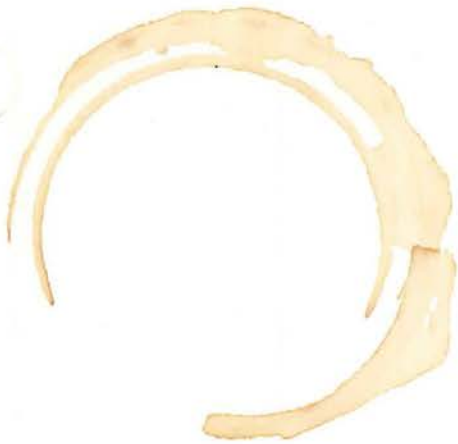
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THE FISHERIES OF NORWAY

2. ORGANIZATION AND LICENSING OF THE EXPORT OF FISHERY PRODUCTS

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BY
P.M. JANGAARD

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Preface

The following is the second in a series of articles discussing the structure of the Norwegian fisheries. The intention is to eventually assemble these articles in one volume which should then give a fairly detailed account of the system of sales organizations, fishermen's organizations, government, etc., in Norway.

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I. INTRODUCTION

Extensive regulations affecting the export of fishery products with a basis in law has gradually evolved in Norway over the past decades. An administrative apparatus closely associated with the Department of Fisheries has been set up to administer the various export regulations. Since the system was developed as the need arose for a specific fishery or product, the organizational structure may appear to be somewhat arbitrary.

Processors, exporters and to a smaller extent, fishermen's organizations control the export through export committees although the Department of Fisheries administers the regulations. In most cases, export rights (licenses) have been given to large sales organizations such as FRIONOR Norwegian Frozen Fish Limited, Norsildmel and Unidos.

The export of a particular product group can be centralized or free. Centralized export means that a certain organization or group has exclusive export rights for certain products to a certain market. Total centralization of a product means that all export to all markets of that product must go through one organization (for instance Norsildmel A/L for fishmeal). Partial centralization is more common. This means that the export must be carried out through a certain organization to specified markets while export to the others is free in which case qualified exporters can participate individually.

All export to countries in Eastern Europe is centralized. The

main reason for this is that these countries have import monopolies and free export can easily lead to unfair competition and price cutting. For certain products the export to markets in Western countries is also centralized, partly to carry out the necessary coordination of the export and partly to plan for the long term in order to obtain fair and stable prices.

Export committees are set up for a number of products or group of products and the members are appointed by the Department after having been nominated by producers, exporters and fishermen's organizations. No regulations are introduced or changed or prices or conditions set before the export committee has discussed and approved them.

For certain products the condition for obtaining export rights is that a company must be a member of an authorized fish exporters cooperative (national association for fish exporters). In addition, there are a number of other bodies that are more or less voluntary producer and exporter associations. These are responsible for the export from their members and FRIONOR and Nordic Group are examples of these.

The law giving the authorities the right to regulate export is the Fish Export Act of June 30, 1955. Briefly, this act spells out that 1) All fish exporters must be officially approved. 2) The right to export fish may be centralized in officially appointed export committees. This right can be transferred to approved associations of exporters, producers or fishermen. 3) Certain minimum levels can be fixed with regard to prices and terms of sale.

In the following chapters, the law and the various export organizations will be discussed in more detail.

II. THE FISH EXPORT ACT OF JUNE 30, 1955

In order to enable the fishing industry to take full advantage of changing marketing opportunities and to protect the industry in periods of depressed prices, a series of acts regulating the export of fishery products have been enacted since the 1930's. The Fish Export Act of July 2, 1948, combined many of these acts into one and in turn was replaced by the Act of June 30, 1955. This act provided a clearer formulation and sharper definition of the powers given in law. The act has been further amended as the need arises due to changing economic conditions (for instance the Act of June 11, 1965, No. 2).

The provisions of the Act are as follows:

Section 1.

For the purpose of the present Act the terms "fish" and "fishery products" shall comprise fish, herrings and crustaceans with by-products, and products where fish, herrings or crustaceans constitute the only raw material or major part of the raw material used. The provisions of the Act shall likewise apply to fish and fishery products of foreign origin.

Section 2.

The King (i.e. the Government) may determine that negotiations for sales and conclusion of sales of fish and fishery products to a foreign market may only be carried out by an export committee appointed by the appropriate Ministry.

When a decision has been made pursuant to the first paragraph, the Ministry may - after having heard the opinion of the relevant export committee - decide that the sole right of the export committee wholly or partly shall be exercised through a sales organization of exporters,

producers or fishermen on account of the sales organization itself or its members. When such a decision is made, the Ministry may permit exporters or producers that are not members of the organization to participate in effectuating sales to the centralized markets after having consulted with the relevant sales organization and provided it seems reasonable and there are no objections.

The King may likewise determine that sales of fish and fishery products to a foreign country can only take place at prices and on sales conditions prescribed by the Ministry after giving the export committee concerned the opportunity to express its opinion. The Ministry can authorize an export committee to specify sales conditions and to set prices for one or several markets, or for one or several types of goods.

Section 3.

The King may determine that negotiations of sales and the conclusion of sales of fish and fishery products to a foreign country can only be carried out by, or on behalf of, exporters who are members of an organization which have bylaws approved by the Ministry concerned. The bylaws shall contain provisions relating to the payment of a membership fee to cover the expenses of the organization. Anyone who is refused admission to an organization of this type can appeal the decision to the Ministry. Should a refusal of membership in the organization seem particularly unreasonable, the Ministry can allow the appeal even though the exporter in question does not comply with all the conditions prescribed by the rules.

In cases where such an organization of exporters has not been approved by virtue of the present section, the right to negotiate for and conclude sales contracts of fish and fishery products to a foreign country may be made conditional upon special approval as exporter granted by the Ministry concerned.

Section 4.

When a decision has been made by virtue of the provisions of Section 2, the King may determine that export shall not take place until the exporter has submitted to the customs authorities a document issued by the Ministry concerned, or by a person authorized by the Ministry, certifying that the sale has been concluded in accordance with the provisions of the present Act.

Section 5.

When the sale of fish and fishery products to a foreign country is regulated in accordance with the provisions of Section 2, the King may, if this is required by the interests of that particular export, lay down provisions regarding the regulation of production and distribution.

Such control of production and distribution can be limited to fish of certain sizes or of certain origins.

Section 6.

In cases where decisions are made pursuant to the provisions of the present Act the King may authorize the appropriate Ministry to lay down detailed rules regarding enforcement, the duty to deliver and the allocation of quotas. In special cases the Ministry may also be authorized to grant exemptions from decisions which have been made pursuant to Sections 2, 3 and 5 of the present Act. Prior to such exemption being granted the export committee concerned shall be given the opportunity to express its point of view.

Section 7.

Export committees shall be appointed by the appropriate Ministry, which determines their composition and period of activity, including the appointment of the chairman and of his deputy. Before a committee is appointed, the organizations which are to be represented in the committee shall be given the opportunity to nominate their representatives and deputies.

A person who has been appointed is duty bound to accept the appointment, unless the Ministry for special reasons is able to exempt him from the appointment.

The Ministry determines for each individual committee the allowances to be paid to its members.

Section 8.

The Export committees shall execute the powers granted them by virtue of the present Act, and may be required to check to make sure that prices and conditions of sales previously made are adhered to. Furthermore, the committees shall act as advisory bodies for the Ministry on questions concerning export and sale and production connected therewith, and are in duty bound to furnish the Ministry with any information the Ministry may find necessary in order to be able to carry on its activity in accordance with the present Act.

The Ministry shall issue instructions for each individual committee.

Section 9.

Everyone is required to furnish the Ministry, or any person authorized by the Ministry, with all information deemed necessary in order to enable these to carry on their activity in accordance with the present Act. Such information may be required in writing or given orally, within time limits set by the Ministry or its representatives.

The Ministry, or any person authorized by the Ministry, can also demand the right to examine business documents, business papers, protocols of meetings and other books and documents. If necessary, the aid of the police can be requested in order to have said books and documents delivered.

The authority to demand information or to examine books and documents cannot be given to anyone who is a competitor of the business man in question.

The person who is requested to supply information can demand that information concerning secret technical installations or production methods shall only be given to the Minister concerned or to the person the said Minister specially appoints to receive the said information. This rule shall apply similarly to examination of documents.

Section 10.

Any person who through his position or office by virtue of the present Act receives information regarding production or business secrets, or regarding other matters which are not the subject of public knowledge, must within the limits which result from his activity by virtue of the present Act or by virtue of other legislation, retain the information obtained in secrecy. He must not make use of such information in his business activity.

Section 11.

Expenses incurred through the execution of regulations laid down by or in pursuance of the present Act, including expenses in connection with control, shall be covered by means of a levy on the exported goods. The appropriate Ministry determines the size of the levy and issues detailed instructions with regard to the collection and the use of the means. The levy may be collected by lien.

Section 12.

He who intentionally or by negligence contravenes the present Act or regulations pursuant to the Act, shall be punished by fines. Attempt at contravention and abetting thereto shall be punished in like manner.

In regulations laid down by virtue of the present Act, it may be determined that contravention of these regulations is not punishable.

Section 13.

If a punishable action as described in section 12 has been committed by anyone acting on behalf of a company, an institution or cooperative organization, the fines and loss of the right to carry on business may be adjudged the company, institution or cooperative organization. This shall, however, only take place if the contravention in question has been carried out in order to promote the interests of the company, institution or cooperative organization, or if the company, institution or cooperative organization can be presumed to have had considerable advantage from the said contravention. Section 28 of the Penal Code does not apply to fines levied by virtue of this section.

Section 14.

He who intentionally or by negligence reveals or makes use of information in contravention of the regulations laid down by the present Act, or abets thereto, shall be punished by fines.

Section 15.

Taking part in controlling and regulating activity pursuant to the present Act is considered as public service according to the rules in chapter 11, 12, 33 and 34 of the Penal Code.

Section 16.

Goods mentioned in section 1 may be confiscated from the culprit or from the person on whose behalf or to whose advantage the culprit has acted in cases where disposal of the goods or attempt at disposal has been made in contravention with regulations laid down by virtue of the present Act.

Confiscation can be carried out without a court order being issued. Instead of the goods themselves the equivalent value of said goods can be confiscated wholly or in part.

Section 17.

This Act shall enter into force at once.

Simultaneously the Provisional Act of 2nd July, 1948, relating to the regulation of production and export of fish and fish products, etc., is repealed.

Provisions laid down pursuant to the above mentioned Act shall - provided they are not in contravention of provisions laid down by the present Act - remain in force until they are repealed or superceded by provisions laid down by virtue of the present Act.

III. EXPORT ORGANIZATIONS

A. Export Committees

The export committees are appointed by the Department of Fisheries. With very few exceptions all members are appointed after having been nominated or suggested by exporters (or producers) and fishermen's associations. It is customary that the Department follows these nominations and suggestions.

Even if the export committees vary in their number of members, the composition largely follows the same pattern: A majority of representatives for the exporters (or producers) and one or more for the fishermen. In some committees the fishermen's representation has been increased since the law came into force. The administration is not represented in any committee.

The most important purpose of the export committee is to act as advisory bodies for the Department in question regarding the export of fishery products. It is therefore the practice today that no regulation be introduced, cancelled or changed by law before the matter has been dealt with by the export committee concerned. During the preparation for trade negotiations, suggestions for product listings are always sought from the committee concerned. According to the law conditions for sale and minimum export prices can not be set before the export committee concerned has had an opportunity to give an opinion.

The export committees furthermore manage the centralized export where nothing else has been definitely stated. The committees themselves

conclude all contracts on sales abroad or they can transfer this right to other sales organizations. This applies especially to all export to Eastern Europe (USSR, Poland, DDR, Czechoslovakia, Hungary, Romania and Bulgaria) and China.

In many cases the export rights have been transferred to other sales organizations, for instance, the centralized export of frozen fish and fillets and other frozen fishery products has been granted to FRIONOR Norwegian Frozen Fish Limited. The centralized markets for frozen fish are presently Eastern Europe, U.S.A. and Israel. Other export organizations also share in the export to certain countries, for instance, the Nordic Group, Findus, etc., as listed in section III C.

Certain committees, for instance the Fresh Fish Committee, carry out a considerable amount of informational and educational activities for the exporters. In most cases this task is carried out by the exporters associations (fish exporters cooperative) or sales organizations.

There are thirteen export committees today. The following listing shows their names, head office and the products they include.

EXPORT COMMITTEES

as per June 1, 1975

Export Committee for klipfish and wet salted fish (klippfisk og saltfisk)

Kristiansund N.

Export Committee for fresh fish (fersk fisk)

Alesund

Export Committee for fresh herring (fersk sild)

Bergen

Export Committee for fat herring (feitsild)

Trondheim

Export Committee for frozen fish and fillets (frossen fisk og filet)

Oslo

Export Committee for frozen herring (frossen sild)

Ålesund

Export Committee for salted roe (saltet rogn)

Bergen

Export Committee for salted herring (saltet sild)

Bergen

Export Committee for cod liver oil (tran)

Bergen

Export Committee for dried fish (tørrfisk)

Bergen

Export Committee for the canning factories (hermetikkfabrikkenes eksportutvalg)

Stavanger

Export Committee for fish oil and meal (Norsildmel)

Bergen

B. Authorized Fish Exporter's Cooperatives

The condition for obtaining export rights for certain products is that a company must be a member of an authorized fish exporter's cooperative (national association of fish exporters). The conditions for membership are set out in the by-laws of the cooperative and must be approved by the Department of Fisheries. Negotiations and signing of

sales contracts must still be carried out by the Export Committee, or a designated export organization, for the product in question.

An exporter must meet certain requirements to qualify for membership. These requirements are that the head (or manager) of the company must have a certain experience in the export business and that the company must have at their disposal sufficient capital and operating funds and have offices, warehouses, etc.

The export associations are open to anyone that can meet these requirements. If membership is refused, an appeal can be made to the Department of Fisheries which can support the complainant even if the company does not fill all the requirements as set out in the by-laws. The Department has to a considerable extent utilized this right of appeal, especially for the benefit of somewhat larger producers with a certain experience in the field.

At the present time there are seven such authorized fish exporter's cooperatives. The list on page 12 also shows the various centralized markets and the export committee or organization which carry out contract negotiations.

The list might not be complete since the Department of Fisheries has issued dispensations for some products and markets and changes are made as conditions warrant it.

Exporters of medicinal codliver oil must obtain special authorization from the Department. Such approval has so far only been given to firms which have cold-clearing equipment at their disposal.

Fish Export To Centralized Markets Through Authorized Fish Exporter's Cooperatives

Product	Obligatory Membership In Authorized Fish Exporters Cooperatives	Centralized Markets Are:	Contracts For Sales To The Centralized Markets Can Only Be Closed By:
All types of dried fish (tørrfisk)	The Norwegian Dried Fish Exporters National Association	Countries in Eastern Europe and China	Export committee for dried fish
Salted, dried fish (klippfisk)	The Norwegian Salted and Dried Fish Exporters National Association	Countries in Eastern Europe, China and Portugal	A/L Unidos
All types of salt fish (saltfisk)	The Norwegian Salt Fish Exporters National Association	Countries in Eastern Europe, China and Portugal	A/L Unidos
Salted and sugar salted roe, incl. herring roe in barrels down to 1/8 barrel	The Norwegian Salt Roe Exporters National Association	Countries in Eastern Europe, China and Spain	Export committee for salted roe
Salted fat herring (feitsild)	The Norwegian Fat Herring Exporters Association	Countries in Eastern Europe and China	Export committee for fat herring
All types of salted herring except salted fat herring	The Norwegian Salt Herring Exporters National Association	Countries in Eastern Europe and China	Export committee for salted herring
Smoked salt herring	The Salt Herring Exporters National Association, Smoked Herring Group	Countries in Eastern Europe and China	Export committee for salted herring

C. Other Export Organizations

In addition to the export committees and the authorized fish exporters cooperatives, there are a number of other bodies that are more or less voluntary producer and exporter associations. These bodies are responsible for the export from their members and can thereby better coordinate and rationalize the marketing side. Some of these export organizations have been given exclusive rights to export certain products when the Department has decided that the export is to be carried out centrally. Those without these special rights are obliged to sell to markets that are not centralized, the so-called free markets. The most important sales organizations are listed below.

1. FRIONOR - Norwegian Frozen Fish Limited, Oslo

Frionor is a marketing cooperative of ca. 120 producers and exporters of frozen fishery products and has exclusive export rights to the markets that the Department has designated as centralized at any time. It is today the worlds largest single exporter of frozen fish.

Frionor was formed in 1946 after a committee, having visited and studied the situation in the United States, recommended to the Ministry of Fisheries that producers of frozen fish and fishery products should form a cooperative and be given an exclusive licence to export these products. The organization should develop sales through a New York office and in Norway a control system should be initiated in order to ensure that all products meet the stringent

quality standards of these markets.

A second committee was appointed in July, 1946, and before the end of August they had prepared the framework of a cooperative to be called Norsk Frossenfisk. At a meeting in Oslo on October 10 and 11, the organization was formally constituted by 45 Norwegian producers of frozen fish. The trade mark FRIONOR was incorporated in the title of the organization in 1963.

Any producer could join Frionor by acquiring shares (10,000 kr each; one for each 10 tons a day of fillet capacity) and by accepting the rules and by-laws developed over the years. These include stringent quality inspection in the plants and a certain control over the type of products produced. Additional money (B capital) was raised from banks and insurance companies in order to finance the distribution and production chain.

The shareholders have one vote for each share held. The Board (Styret) is elected from shareholders for a one year term and the seven directors meet every second month. The Council (Rådet) serves as a policy-making, review and control body and has 16 members; five of these retire each year. The Council also has representatives from banks, the Department of Fisheries and the Norwegian Fishermen's Association.

The head office is in Oslo where there is a staff of about 50 headed by Mr. Arne Asper, Managing Director; Mr. Leiv Birkeland, Sales Director and Mr. Rolv Andersskog, Secretary Treasurer. Frionor

has formed several subsidiary companies, for instance, Swedish Frionor, A/S Friogrill, etc., to process and market fishery products in various countries. A plant in New Bedford, Mass., produces finished products for the U. S. market. On the domestic market Frionor has joined forces with the meat sales cooperative (Norges Kjøtt og Fleskesentral) and this subsidiary has built up an extensive distribution network (refrigerated trucks, etc.) to serve the retailer and the consumer.

The net profits of the operation of Frionor are partly deposited in a price equalization fund and partly in a fund credited to the shareholders. The book value of each share has therefore increased considerably over the years.

Frionor guarantees certain prices to the producer and are therefore responsible for the products after they have been picked up at the processing plant. Losses or profits due to sudden drops or increases in market prices are therefore incurred by Frionor, rather than the producer.

2. Nordic Group A/L Trondheim

The Nordic Group is a cooperative marketing organization with about 15 members and over 30 processing plants. The group has been given export rights to the United States, and was formed expressly for that purpose. The members can sell individually to other countries under their own brand names.

The Nordic Group was formed in 1968. The members initially

bought one share each at 5000 kr per share with the opportunity to purchase one additional share for each freezing plant operated by the member. A fee is levied on the fish exported and the money used to cover the operation and administration of the group. The board consists of 6 members elected at the general meeting for 2 year terms. At least 10% of any profits must be channeled into a price regulation fund and profits, after normal deductions for this fund and for operating expenses, can be distributed to members as dividends according to the quantity exported.

Compared to Frionor, the Nordic Group members operate more independently since the producers have a better opportunity to choose what they would like to produce based on the sales opportunities and prices available at any time. The members are responsible for their own products until sold and can therefore benefit from price increases and conversely lose money on declining markets.

Like Frionor, the group has their own quality control inspectors that visit the plant continuously in order to maintain the high standards of quality. Sales in the United States are carried out through two independent representatives and a cold storage is maintained in Gloucester, Mass.

3. Others

A/L Unidos, Aalesund

Unidos is a cooperative marketing organization for processors and exporters of salted and dried fish (klippfisk) and wet salted fish.

Unidos has exclusive rights to export these products to the centralized markets. The organization also carries out a certain amount of export for its shareholders to certain markets on a voluntary basis according to the wishes of the members.

Norsildmel A/L, Bergen

The Norwegian Herring Oil and Herring Meal Industry Sales Association is a marketing cooperative of about 70 fish meal and oil producers. The association was named when almost all Norwegian meal and oil was produced from herring. Today most of the meal and oil is produced from capelin and the rest from mackerel, Norway Pout, etc.

Norsildmel has exclusive rights to all export of fish meal and oil to all markets. All export must go through the association, but membership in the association is voluntary. When delivery quotas are necessary, non-members have equal rights with members.

A/S Findus, Hammerfest

Findus is a Norwegian-Swiss firm in the Nestlee group in the same field as Frionor. In certain markets in Western Europe, Findus has the same exclusive rights as Frionor.

O.Y. Norfinn A/S, Kristiansund N.

Norfinn is a Norwegian-Finnish firm in the same field as Frionor. Norfinn has special export rights to Finland for frozen fish and fillets and is otherwise a member of Frionor.

A/S Norwegian Felix, Brønnøysund

Felix is a Norwegian-Swedish firm which carries out processing and export of frozen fish and fillets. Felix is also a member of Frionor and has special export rights to Sweden.

Norwegian Mackerel Sales Organization (Norges Makrellag S/L) Kristiansund S.

This organization is a statutory fish sales organization for the first-hand sale of mackerel, but the organization has also exclusive rights to the export of frozen mackerel to the centralized markets.

Norwegian Frozen Herring Limited (Norsk Frossensild A/L) Aalesund

This group is a cooperative marketing organization for herring freezing plants and has exclusive rights to export round frozen herring to the centralized markets. Due to the failure of the winter herring fishery over the past few years, the export of this product has declined.

The above mentioned association have exclusive export rights to various markets. Several voluntary associations have also been established on the initiative of the exporters in order to coordinate marketing domestically and to non-centralized export markets. One of these is Northern Norway Fresh Fish Sales Organization Limited (Nord-Norges Ferskfiskomsetning A/L). Trondheim

This is a cooperative of the five private producer sales organizations for Northern Norway with over 400 individual members.

The organization sells all types of Northern Norwegian fresh fish and fillets, fresh and frozen roe, fresh and frozen whale meat, frozen shrimp, fresh and frozen feed for mink and foxes, etc., on the domestic market and to free export markets in Europe.

IV. EXPORT FEES

The organization of the export of fish and fishery products is financed from export fees as set out in the Export Act. The Department of Fisheries sets the amount of the fee and the regulations regarding the collection and use of the money collected. The regulations are changed so often that they are not included here.

To promote the export of Norwegian fishery products, export fees are collected in various ways. According to the act of March 23, 1956, it has been stipulated that a fee of 3/4 per mille of the export value of all exported goods is to be added to a special fund - Norwegian Export Fund - to promote Norwegian export interests. The fund is managed by The Norwegian Export Council which also looks after the export interests of the fishing industry.

Some products are furthermore subject to special fees which are earmarked for use in the marketing of that particular product.

According to the provisional act of June 22, 1928, on export fees on codliver oil, the King (the government) has legal authority to impose a fee to be deposited in a fund in order to cover expenses for the joint promotion of Norwegian medicinal codliver oil abroad.

According to the act of June 28, 1952, on fees on canned products for joint advertising, etc., a fee of one percent of the value of exported and domestically sold canned sardines and herring is collected. The fees are to go to a fund to cover the expenses for joint advertising and promotion of Norwegian canned products and to cover expenses in looking after the common interests of the canning industry.

In the act of June 5, 1958, on fees on salted dried cod (klippfisk) for use in advertising and promotion for the industry, a fee of one ["]øre per kilo has been imposed on fish being exported. The fee is to go to a fund for joint advertising and promotion of Norwegian salted, dried cod and to cover expenses regarding common interests in the industry.

Parallel regulations apply to dried fish (["]torrfisk) according to the act of March 14, 1958, on fees for the benefit of joint advertising and promotion for the dried fish industry.

A number of other fees are also being collected on exported fishery products for various other purposes for instance to cover inspection expenses for social programs, etc., which will not be further discussed here. The federal quality inspection is today covered by the budget.

V. ACKNOWLEDGEMENTS

Some of the information for this paper has been extracted from the following publication:

Nordset .A. and R. Eriksen. 1968. Marketing systems for fish and fishery products in Norway. Norwegian Directorate of Fisheries, Bergen. "Small Publications" No. 2, 1968. 63p. (In Norwegian)

In addition I would like to thank many people in the fishing industry and Government service in Norway for supplying information which I have freely used in preparing this report.