



Oslo kommune
Næringsetaten

Servicekontoret for næringslivet



Tips and advice for those who are starting a **Sole Proprietorship**



THEMES IN THIS BROCHURE:

- ▶ Requirements to the owner
- ▶ Proprietor's responsibilities and liabilities
- ▶ Registration with the Brønnøysund Registers
- ▶ Accounting - Audits
- ▶ Taxation
- ▶ Personal rights
- ▶ Other mandatory obligations
- ▶ Things to remember When establishing a sole proprietorship

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Introduction



This brochure is for those of you who intend to conduct business in Norway through a sole proprietorship. A sole proprietorship is an enterprise owned by one physical person. Of all types of companies a sole proprietorship is the easiest one to establish. You may run a sole proprietorship while employed by another company, but

this you should clear with your employer first. There may be a clause in your employment contract that forbids this. You cannot register more than one owner of a sole proprietorship. Even if spouses are to run the business together, only one of them can be registered as the owner and represent the company publicly.

TIPS!**TIP 1**

It's a good idea to make some financial arrangements before starting the business to ensure that your family doesn't lose everything if things go wrong. A marriage agreement can for example limit your liabilities.

TIP 2

- If you need a certificate of registration you must register the sole proprietorship in the Register of Business Enterprises (Foretaksregisteret).
- An organisation number can be an asset in that it underpins your credibility.
- You can start operating your business before registering with the Brønnøysund Registers, but remember the requirements for invoices, bills, receipts etc. so that you can document your expenses and costs.
- You can check with the Brønnøysund Registers on telephone 75 00 75 00 or www.brreg.no for details.
- We recommend that you register your sole proprietorship in the Central Coordinating Register for Legal Entities (Enhetsregisteret) in Brønnøysund straight away. Registration is free, your business is allocated an organisation number, and there are no further obligations connected with the registration.



1. REQUIREMENTS TO THE OWNER

There are two requirements you must comply with before you can register a sole proprietorship.

1. You must be of legal age (at least 18 years old)
2. The business must have an address in Norway.
If as owner you are not domiciled in Norway you must have someone who is to run the business for you.

2. PROPRIETOR'S RESPONSIBILITIES AND LIABILITIES

Even though establishing a sole proprietorship is easy, it is important that you are fully aware of the responsibilities and liabilities you will be assuming as owner. The owner of a sole proprietorship is personally responsible and liable for any debts the business incurs. There is thus no difference between the owner's private finances and the business' finances. If the business goes into bankruptcy you will be personally responsible.

[TIP 1]

3. REGISTRATION WITH THE BRØNNØYSUND REGISTERS

3.1. Mandatory registration

If you are going to operate a business that is subject to value added tax (Merverdiavgift, MVA, moms), you must register in the Central Coordinating Register for Legal Entities (Enhetsregisteret) when sales reach NOK 50,000. If you are going to operate with goods that are not your own production, or if you intend to have more than five employees, you must register your sole proprietorship in the Register of Business Enterprises (Foretaksregisteret). This costs NOK 2,500 in 2006.

3.2. Right to register

Businesses that are not subject to mandatory registration can register voluntarily in the Central Coordinating Register for Legal Entities and also in the Register of Business Enterprises. Many principals (customers and clients) ask for or demand an organisation number, and you get this when you register in the Central Coordinating Register for Legal Entities. If you need a Certificate of Registration you must register with the Register of Business Enterprises. Regardless of whether or not you register, the same laws and regulations apply.

[TIP 2]

3.3. Registration

When registering in the Central Coordinating Register for Legal Entities and Register of Business Enterprises, you must use the form «Forenklet registermelding Del 1 - Blankett for enkeltpersonforetak». Processing time at the Brønnøysund Registers is around one week. This applies to applications that are fully and correctly completed with all necessary details.

3.4. Requirements for name of business

According to the Act concerning Business Enterprise Names there is a requirement that the name of the enterprise must include your last name. If your name is Jensen and you intend to import and sell sporting goods, Jensen Import is a legal name. The Act concerning Business Enterprise Names also requires that the name of the business must contain at least three letters from the Norwegian alphabet. The name of the business enterprise cannot consist solely of the name of a country, county, or municipality, and neither shall the name be misleading.

It is obligatory to include the full name of the sole proprietorship and the organisation number on all official papers such as invoices, receipts, agreements etc. You may however market the business' products under a different name. You can for example use «Baluba sports» in your marketing, but invoices, agreements etc. shall carry the official name Jensen Import.

[TIP 3]

4. ACCOUNTING – AUDITS

“Any person or business entity that is liable to submit an income declaration pursuant to the Tax Assessment Act or report pursuant to the Act on Value Added Tax, shall submit a report of annual accounts,” (The Accounting Act § 1-2).

All sole proprietorships shall follow accounting procedures (cf. The Bookkeeping Act with regulations).

“Whomsoever wilfully or negligently contravenes this Act or Regulation resulting from this Act, shall be punished by fines or a term of imprisonment of up to three years” (Bookkeeping Act § 15), so as you can see it is important to either have bookkeeping skills or engage the services of an accountancy firm or qualified accountant.

All sole proprietorships has a duty to keep accounts of all commercial activities. You must keep all receipts, invoices, dockets etc. There is no requirement that you must have an accountant.

Sole proprietorships that have:

- worth of assets exceeding NOK 20 millions
- 20 or more employees

all have what is termed “full accounting obligations”. This means that they have a mandatory obligation to prepare and complete annual accounts and an annual report in accordance with good basis accounting principles and good accounting practices. At the latest one month after the adoption of the Annual Accounts, all those having such mandatory obligation shall send a copy of the accounts to the Register of Company Accounts (Regnskapsregisteret) in Brønnøysund.

A sole proprietorship is not normally obliged to undergo annual audits. It has however been decided that a sole proprietorship with sales revenues of more than NOK 5 million per annum shall appoint a company public accountant to audit the books.

[TIP 4]

TIPS!

TIP 3

Remember to apply for trademark protection etc. from the Norwegian Patent Office.

TIP 4

- According to the Bookkeeping Act §13, accounting material that must be kept, shall be filed away and kept secure for ten years after the close of the fiscal accounting year. Book entries that are originally available in electronic form may be kept available in electronic form for three years and six months after the close of the fiscal accounting year.
- Keep your dockets, bills etc. in good systematic order and make sure they are readily available!
- Devise a system so that completing your self-employment income declaration (Næringsoppgave) is easy.
- If you decide to hire an accountant (regnskapsfører), make sure that he or she holds an authorization.

Requirements for receipts, invoices, dockets etc.:

- Date of issue
- The parties (seller and buyer)
- Type and volume of delivery (products/services)
- Time and place of delivery
- Form of payment and due date
- Transaction costs (VAT, duty etc.)
- Organisation number

NOTES



5. TAXATION

5.1. Tax assessment

You must notify the tax assessment office in your home municipality of the net amount of money you estimate that you will earn in the coming year. Notify the tax authorities using the form RF-1102. Based on the annual results, the tax office will calculate the tax you shall pay. The tax office mails out self-addressed bank deposit slips, accommodating prepayment of tax four times a year (with due dates on March 15, May 15, September 15 and November 15).

[TIP 5]

5.2. The enterprise model (foretaksmodellen)

Effective 1.1.2006 the "Enterprise model" was introduced for sole proprietorships.

The Enterprise taxation model is a method of separating business income from the calculated personal income. Personal income is the sum of personal work and pension payments, and is the basis on which surtax and social security payments are calculated.

Calculated personal income (beregnet personinntekt) is your business income less a calculated shelter deduction (skjermingsfradrag)

Shelter deduction

(A risk free return on investment). Is calculated by multiplying the "Shelter basis" with the "Shelter rate".

Shelter basis

Expressed through the total amount of working capital or assets employed in the partnership.

Shelter rate

(An after tax risk free interest rate) The reference rate is picked from Norges Bank's annual effective synthetic yields on 3 months treasury bills (www.norges-bank.no/english/statistics/interest_rates/). Varies; April 2006: pre-tax 2.66 % /after tax 1.92 %

The wage deduction for sole proprietorships is 15 percent of wages to the employees in the period as well as employer's contributions (arbeidsgiveravgift).

An example:

Carpenter Thor Hammer has two employees and runs a sole proprietorship where he uses his own tools and equipment worth NOK 500,000.

In 2006 he invoiced customers a total of NOK 1 235 000, and his operating costs (including wages and employer's contributions of NOK 420.400 for his 2 employees) totalled NOK 645 000.

This resulted in before tax profits of NOK 590 000, which is taxed at 28 percent, in addition to which he must pay 10.7 percent social security contributions (trygdeavgift) and surtax (toppskatt) on calculated personal income.

Calculated Personal Income (Beregnet personinntekt) is calculated as follows:

- Business income (NOK 590 000)
- less a Shelter Deduction (Skjermingsfradrag) (NOK 500 000 x 2.4 percent),
- less a wage deduction (lønnsfradrag) (NOK 420 400 x 15 percent).
- In other words, his total tax will be 39 % (231 184/590 000 x 100%).

TIPS

TIP 5

When estimating the coming year's income for the tax authorities it is best to err on the conservative side. It's better to adjust the due amount upwards if and when income rises.

TIP 6

Get a simple accounting program, it may make it easier to fill out the self-employment income declaration form (Næringsoppgaven RF-1175).

TIP 7

This applies regardless of who owns the residence and regardless of term of residence. One should not therefore claim a deduction for a home office if one is planning to sell the residence in the near future.

Income from business activities	NOK	590.000
Less Shelter Deduction (Skjermingsfradrag): assets of NOK 500.000 X 2,4%	NOK	12.000
Less a 15% wage deduction (lønnsfradrag): on salaries and employers contribution (NOK 420.000 x 15%)	NOK	63.060
<u>Calculated Personal Income</u>	NOK	<u>514.940</u>

Thus his total tax liability will be:

The enterprise is assessed a 28 percent tax on profits:

Profits of NOK 590.000 x 28% NOK 165.200

Soc. Security tax on Calculated Personal Income

NOK 514.940 x 10.7% (see under 6.1) NOK 55.099

Tax on income in excess of NOK 394.000 (Toppskatt)

(NOK 514.940 – NOK 394.000) x 9% NOK 10.885

Total tax liability from enterprise NOK 231.184

5.3. Income Tax Return (Selvangivelse)

The basis for taxation depends on the enterprise's financial results (profit/loss) for the year, and the value of any withdrawal of assets or money from the enterprise for personal use. In connection with the annual assessment in the following year you must submit your self-assessment form to the local tax office where your enterprise is domiciled. The deadline for submission is 31st March (paper format) or 31st May (electronic format).

In addition to the self-assessment form a number of other relevant documents must be enclosed, among these a self-employment income declaration, which shows how the business has fared financially. If the enterprise is operated in a different municipality than where the sole proprietor lives, the municipality in which the business is operated must receive the original business forms and provide copies thereof as attachments to the self-assessment forms the proprietor files where he lives.

[TIP 6]

5.3.1. Calculating profits

You calculate profits by deducting total operating costs from total income. The general rule is that all costs and expenses incurred in running your business are deductible. The tax basis is then calculated on the profits earned by the business during the accounting year. The main principle is that you are allowed to deduct all costs, while some special rules apply to for example home-based office facilities, operating assets and vehicles. Investments in operating assets with a total worth of less than NOK 15,000 excluding VAT can be entered directly

as costs and it is thus unnecessary to activate these in the balance sheet.

5.3.1.1. Home office

If you are to claim a deduction for a home office on the inputted rental value of your home, the size of the area used as an office must be “considerable” i.e. one or more rooms. There is thus no deduction for an “office” in your living room or similar. You can deduct a share of the rent, lighting and heating cost. If you are renting your accommodation you must check with your landlord that you can have a home office. The deduction for a home office in your own inputted rental value assessed home is at the rate 6.5 percent of the portion of the residence's assessment worth that is applicable to the office space. The assessment value of the office is fixed on the basis of the relationship between the rental value of the residence area and the office area. The owner can however demand that the deduction is set at 5 percent with the addition of actual expenses incurred for lighting, heating cleaning etc. for the office area. If you instead only claim a deduction for the office area of up NOK 1,350,- the tax authorities will accept the amount. If you only use the office for part of the year the standard deduction shall be adjusted proportionally in accordance with the number of months in the year the owner actually used the office. Usage is rounded up to the nearest whole calendar month. If you sell your residence the gain for the use of your home office will be taxable income, as the owner is deemed not to have lived in that section of the residence.

[TIP 7]

NOTES

TIPS**TIP 8****Take out insurance:**

As a self-employed person you can sign up for increased insurance benefits at your local Social Security Office. Below is a schedule showing the insurance premium rates and the corresponding benefits. The insurance premium is levied against Calculated Personal Income

- 100 percent sickness benefits from day 1: premium rate 8.9 percent
- 65 percent sickness benefits from day 1: premium rate 1.8 percent
- 100 percent sickness benefits from day 17: premium rate 3.1 percent
- voluntary industrial injury insurance premium rate 0.4 percent of estimated annual income.

The costs are deductible. The rates quoted here are from the income year 2006. Updated rates can be obtained at: www.nav.no

Other insurances you should consider taking out:

- fire, burglary and water damage
- third party liability insurance
- accident (particularly for hazardous work)
- "key personnel"
- insurance against stoppages in production

Contact your insurance company for more details.

TIP 9**Remember to arrange for:**

- Industrial accident insurance
- Employment contracts
- A plan for systematic health, environmental and safety activities (HES)

**5.3.1.1.1. Change of use (Bruksending)**

In cases of businesses run from your home where it is necessary for your customers to visit your office in order to purchase goods or services, you will have to apply for change of use. For example a physiotherapist or doctor who will be treating patients at home must apply for change of use for the section of the residence used for business purposes.

5.3.1.1.2. Meals when travelling

The only claims that will be allowed are those documented by receipts.

5.3.1.3. Vehicle

If you use your private vehicle in the business you can enter costs of NOK 3.00 per kilometre. The use of a vehicle for business purposes must be documented by a travel log. The travel log must be kept up to date and must cover four items

- Starting point of the journey
- Which companies, customers and places were visited
- Finishing point of the journey
- Driven kilometres for each leg of the journey according to the fare meter.

This deduction applies for up to 6,000 kilometres. If the vehicle is used to drive more than 6,000 km in business it must be activated in the company and depreciated in accordance with the standard regulations. The disadvantage of this model is that you will be taxed for the benefit of the personal use of the vehicle. The advantage is that you can deduct all costs for the vehicle. When the vehicle is sold you will be taxed on the advantage you gained from the difference between the sales price and the book balance in the company's accounts. Any negative difference is deductible in the accounts.

6. PERSONAL RIGHTS

As a self-employed person your rights and obligations differ from those of employed wage-earners.

6.1. Social Security Rates and Insurances

Self-employed persons must make social security contributions (trygdeavgift) at the rate of 10.7 percent of their calculated personal income. They do not qualify for sickness benefits under the National Insurance Scheme for the first 16 days. Sickness benefit is paid from and including day 17. A self-employed person receives 65 percent of his or her calculated personal income, up to a limit of six times G, "Grunnbeløpet i Folketrygden", where G is the National Insurance's base amount which amounts to NOK 62 161 in December 2006.

Self-employed persons do not qualify for government unemployment insurance benefits.

As a self-employed person, if you get injured at work, you will not be able to collect any benefits under the workmen's compensation plan of the Norwegian Social Security Scheme.

[TIP 8]

7. OTHER MANDATORY OBLIGATIONS

7.1. Employer responsibilities – mandatory registration

If you (the enterprise) intend to employ staff, the same employers' rules apply to sole proprietorships as to other types as companies. If you already know that you will employ people when you register the business in Brønnøysund, you should tick off the box that shows that the company has or is expected to have employees (item 3.3) in the «Forenklet registermelding Del 1 - Blankett for enkeltpersonforetak». The Register of Employers- and Employees Unit (Enhet for Arbeidsgiver- og arbeidstakerregisteret) will then contact you.

Employees shall be registered individually in the Register of Employers- and Employees Unit. This can be done via the Internet at: www.nav.no, or by submitting form IA-25-01.05 to the Register of Employers- and Employees Unit.

Spouses can work in a sole proprietorship without the owner having any employer obligations or mandatory registration obligations.

[TIP 9]

7.2. Value Added Tax (VAT)

Value added tax is an indirect tax on the consumption of goods and services. The Norwegian name for VAT is *merverdiavgift* (MVA). Generally the value added tax is 25 percent. For food and beverages the rate is 14 percent, and for transport of passengers and cinema tickets the rate is 8 percent. All goods and services are liable to VAT unless specifically exempted.

7.2.1. Registration in the Value Added Tax Register

Whoever engages in VAT liable commerce must register in the Value Added Tax Register. Use the form «Samordnet registermelding - del 2». The following prerequisites must be met before the enterprise may be registered in the Value Added Tax Register:

1. Evidence of actual commercial activity is required. Only those engaged in commercial activities are liable to pay VAT.
2. Evidence of a minimum value of turnover is required. Turnover is expressed as delivery of goods and services against payment. Turnover may also mean importation, withdrawal or bartering of goods and services. Turnover value must exceed NOK 50.000 in the course of a 12 months period in order to qualify for registration.

A turnover report shall be sent for each of the following six VAT terms per calendar year:

- 1st term: January/February
- 2nd term: March/April
- 3rd term: May/June
- 4th term: July/August
- 5th term: September/October
- 6th term: November/December

[TIP 10]

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TIPS

TIP 10

- Commercial enterprises with annual turnover below NOK 1 million, VAT not included, may, by application to the County Tax Office, submit one annual report. Turnover is defined here as the supply of goods and services against any form of remuneration. The annual report shall cover the full calendar year. If it is clear that turnover probably will exceed NOK 1 million, you must notify the County Tax Office immediately.
- All enterprises may submit VAT returns through the Internet. A user ID and password will be furnished when you submit the form "Samordnet registermelding del 2b"
- Do not register in the VAT Register until you have issued invoices showing that you have reached the turnover limit of NOK 50,000.

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8. THINGS TO REMEMBER WHEN YOU ESTABLISH A SOLE PROPRIETORSHIP

The following is a list of things you must or should do in connection with the establishment of a sole proprietorship. The list is not exhaustive, but can be a good starting point for anyone who has no previous experience of running a sole proprietorship.

8.1. What you must do:**8.1.1. Establishment**

- Decide on the date for starting the enterprise
- Make sure that the company name you have chosen is available and legal. Contact The Register of Business Enterprises in Brønnøysund. (Remember that a sole proprietorship must include your last name (family name) in the business' full name)
- Submit the form for sole proprietorships (or the main form) to The Register of Business Enterprises in Brønnøysund. If you are only offering services or selling self-produced products, it suffice to register in the Central Coordinating Register for Legal Entities – if however you are buying goods for resale, you must register the business in the Register of Business Enterprises
- Estimate your yearly profits, and arrange for payment giros (4 periods) with the local tax assessment office by submitting the form RF-1102
- Adhere strictly to legislation covering the submission of annual accounts and annual report to the Brønnøysund Registers if the business has assets worth more than NOK 20 millions or more than 20 employees
- If the turnover of the business is NOK 5 millions or more you must enter into an agreement to employ the services of an auditor (revisor)

8.1.2. Will the enterprise have employees?

If yes, you must:

- Register employees in the Register of Employers- and Employees Unit.
- Register the enterprise in the Register of Employers (Brønnøysund Registers)
- Take out industrial injury insurance for employees in a private insurance company
- Draw up employment contracts
- Open a dedicated bank account for employees' tax withholdings
- Prepare an HES plan (health, environment and safety) for the company

8.1.3. Normal operations /other mandatory obligations

- Check VAT obligations (legislation/rules and regulations) with the County Tax Office
- Include your enterprise registration number, enterprise name and, if you are liable to charge value added tax, «MVA» on all business documents such as letterheads, invoices, order forms and any other documents for external use.
- Keep updated on, and follow up all requirements and deadlines concerning VAT, employer's social service contributions and employee tax withholdings (in co-operation with your accountant if any)
- If you are obliged to submit your annual accounts to the Register of Company Accounts in the Brønnøysund Registers – you must do so prior to 1st August in the next accounting year
- If you are unsure about your obligations, you may check these by contacting The Central Coordinating Register for Legal Entities (Oppgaveregisteret) in Brønnøysund.

8.2. What you ought to do

- Decide whether you wish to engage the services of an accountant
 - Formulate your business idea (1 to 3 sentences) and prepare a business plan
 - Take out insurances for the enterprise:
 - Fire, burglary and water damage,
 - third party,
 - accident (particularly for hazardous work),
 - key personnel,
 - insurance against production stoppages
 - File Trademark protection of enterprise name
 - If the enterprise has an accountant and/or auditor, sign an agreement stating the scope of work and relationship
 - Set up agreements for cooperation and routines with bank, forwarder and other important business partners
- Carefully study the rent/lease agreement for the rental premises with regard to: length of contract, potential for renewal and/or change, cancellation, limitations, possibility for sub-letting, cleaning, share of joint costs etc.
 - Take the necessary steps to ensure tele-phones/fax/broadband etc. are installed in time for commencement of business.
 - Register the enterprise with the electric power authority and take a reading of the meter
 - Prepare routines for marketing, for example telephone catalogue entries, Internet etc.
 - Order necessary printed material, stationery, business cards, brochures and so forth.

USEFUL INTERNET ADDRESSES

The rates and prices quoted in this brochure are from 2006 and are subject to regular changes. Here are some links to web pages where you can find updated information on rates and prices.

The Brønnøysund Registers	www.brreg.no
Oslo County Tax Office	www.skatteetaten.no
Oslo Tax Collectors Office	www.kemnerkontoret.oslo.kommune.no
Oslo Tax Assessment Office	www.likningskontoret.oslo.no
Inspectorate of Labour	www.arbeidstilsynet.no
Social Security Office	www.nav.no

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Tips and advice on preparing a business plan
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 Tips and advice on good financial management
 Tips and advice on practical work as a Director
 Tips and advice for those starting a limited share company
 Tips and advice for those starting a partnership
 Tips and advice for those planning to import goods into Norway

The above brochures are available at
www.naringsetaten.oslo.kommune.no



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