

Case handler: Rachel Harriott
Tel: (+32)(0)2 286 1844
rha@eftasurv.int

Brussels, 27 November 2020
Case No: 81105
Document No: 1161869

Norwegian Ministry of Trade, Industry and Fisheries
P.O. Box 8090 Dep
0032 Oslo
Norway

Dear Sir/Madam,

Subject: Case 81105: Own-initiative case concerning a possible breach of EEA rules on public procurement in connection with reserving certain contracts for non-profit organisations

Reference is made to previous correspondence between the EFTA Surveillance Authority (“ESA”) and the Norwegian Government concerning the above case, including the Norwegian Government’s email of 25 February 2020, confirming the enactment of Regulation No. 159 of 13 February 2020 on changes to the Procurement Regulations, the Utility Procurement Regulations, and the Concession Contract Regulations (Doc No 1116794).

ESA initially intended to discuss the above legislation as part of the Package Meeting which took place virtually on 22 and 23 October 2020. On 14 October 2020, ESA notified the Norwegian Government that it had been decided that the case should be moved to the ‘long list’ and be discussed during virtual meetings in the new year (Doc No 1161169).

ESA’s Internal Market Affairs Directorate (“the Directorate”) wishes to provide the Norwegian Government with a further update.

The Directorate is aware that the European Commission is planning to publish guidance in 2021 on socially responsible procurement. The Directorate is of the view that this guidance may be relevant to the matters considered in the case to date, including the aims which the Norwegian Government has indicated that the legislation seeks to achieve. The Directorate therefore currently intends to await the publication of this guidance before any decisions on the next steps in the case are taken, and therefore also proposes that discussions with the Norwegian Government are similarly deferred.

Yours faithfully,

Jónína S. Lárusdóttir
Director
Internal Market Affairs Directorate

This document has been electronically authenticated by Jonina S. Larusdottir.