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Brussels, 13 September 2021
Case No: 77396
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Norwegian Ministry of Education and Research
Postboks 8119 Dep
0032 Oslo
Norway

Dear Sir/Madam,

Subject: Support for studies abroad for EEA workers and their family members – supplementary request for information

Reference is made to previous correspondence in the case, in particular the Authority's reasoned opinion dated 1 April 2020 (Doc No 1110282) and the Norwegian Government's reply of 1 July 2020 (Doc No 1141624 / your ref. 17/4898-).

The Internal Market Affairs Directorate ("the Directorate") of the Authority understands that the current provision dealing with the necessary connection to Norway in order to be eligible for study financing when studying abroad can now be found in Section 10 of the current Study Financing Regulation. The Directorate has also been informed that this provision, which was previously found in Section 31-5, was amended with effect from August 2020.

As explained in Norway's letter of 1 July 2020, those amendments entailed that the requirement relating to periods of work for frontier workers was reduced from five years to two out of the last five years. Those amendments also included additions to the second paragraph of the provision, containing the discretionary assessment, making it more detailed, as well as replacing the concept "equivalent connection" with "sufficient connection". On this point, Norway's letter stated:

"Following the dialogue with the Authority, the Norwegian Government has amended the second paragraph to better the clarity of the provision and to reduce the ambiguities as far as possible without removing the discretionary assessment. From [A]ugust 2020, [t]he Ministry has changed the wording in the first sentence of the second paragraph from 'tilsvarende tilknytning' to 'tilstrekkelig tilknytning'. [...] The purpose of this is to clarify the relationship between the first and second paragraph, to make it clearer that it does not in any way negate other factors that may be relevant. The wording 'tilsvarende tilknytning' could be misunderstood as requiring the exact same connection as under the first paragraph. This is not the case. [...]"

With regard to the discretionary assessment under the second paragraph, the letter further explained:

"As mentioned, there are no limitations to which elements that are considered relevant. NSELF describes circumstances from actual cases such as summer vacations in Norway, Norwegian driving license, parents work for Norwegian company abroad, sister/brother/grandparents live in Norway, the family owns a holiday home in Norway, summer jobs in Norway, the students owns a Norwegian national costume etc."

In its letter, the Norwegian Government also provided statistics for the share of return to Norway of EEA nationals who received support for studies abroad. According to that

information, 115 EEA nationals, who had received financial support for their studies abroad, ended their studies in 2015, of which 100 returned to Norway and were still there four to five years later. It is also stated that those EEA nationals received support under the prior residence requirement ("for a consecutive period of two of the last five years"). The letter also explains that since 2015-2016, applications for study financing abroad were rejected in 30 cases, of which 24 were Norwegian nationals.

In light of this and in order for the Authority to further assess the case, the Norwegian Government is invited to provide the following information:

1. Did the amendments to the second paragraph of Section 10, discussed above, entail any substantive change in the discretionary assessment or was the amendment only intended for clarification purposes?
2. Please provide an example of cases that show where the limit is in the second paragraph between those who are considered to have sufficient connection to Norway and those who are not.
3. Does the NSELF use any internal guidelines when assessing applications under the second paragraph of Section 10?
4. Please provide statistics for EEA nationals on the one hand and Norwegian nationals on the other hand who have applied for study financing abroad since 2015-2016, showing how many were accepted and how many were not each year, and which requirement in Section 10 (previously Section 31-5) was fulfilled.

The Norwegian Government is invited to submit the above information, as well as any other information it deems relevant to the case, so that it reaches the Authority by *14 October 2021*.

Yours faithfully,

Gabrielle Somers
Deputy Director
Internal Market Affairs Directorate

This document has been electronically authenticated by Gabrielle Somers.