



ROYAL NORWEGIAN MINISTRY
OF TRANSPORT AND COMMUNICATIONS

EFTA Surveillance Authority (ESA)
Rue Belliard 35
B-1040 Brussels
Belgium

Your ref	Our ref	Date
Case No 74881 Dokument No 75724	15/3147-	30.09.2015

Complaint against Norway concerning access to the taxi services market in Oslo

Reference is made to the letter dated 8 July 2015 from the the Internal Markets' Affairs Directorate (hereinafter the Directorate) of the EFTA Surveillance Authority to the Ministry of Transport and Communications (hereinafter the Ministry) regarding the complaint against Norway concerning rules limiting the access to the taxi services market in Oslo.

Reference is also made to the e-mail from Caspar Ebrecht in the Directorate dated 10 August 2015 to Carina Jacobsen in the Ministry, where the Directorate granted the Ministry's request to an extended deadline until 1 October 2015.

As we have mentioned in our earlier correspondence regarding this case, most recently our letter dated 9 April 2014, the issues addressed by the Directorate in the similar case from 2012 are to a wide extent parallel to the issues addressed in the present complaint. The complaint case from 2012 was closed by the Directorate's Decision of 12 December 2012 (the Directorate's case No. 69474, event No. 654912), as the Directorate decided that there was insufficient EEA interest in pursuing the case further.

It is the Ministry's opinion that in the absence of EEA legislation, the provision of taxi services currently falls under the competence of Member states. As far as the Ministry is aware of, this has also been the opinion of the Commission.

The Ministry has noticed that the Directorate's preliminary view is that the Norwegian national rules on access to the taxi services market constitute a restriction on the freedom of establishment. The Ministry, however, maintains its reasoning from the earlier correspondence, and is of the opinion that the restrictions are necessary and justified by proportionate overriding requirements in the public interest.

The Ministry is aware of that the introduction of different car-hailing apps like Uber etc. may lead to changes in the taxi market which complicates the issue further. We have been informed that the Commission at the moment is handling complaints from Uber against Germany, France and Spain.

As far as we know the Commission is about to launch a study to retrieve more information about the taxi regulation in Europe, and based on the study there may come an initiative from the Commission in 2017 regarding taxi.

Review of the taxi regulation in Norway

In our government's Political platform the following goals are defined and forms the basis for the ongoing review of the taxi regulation:

"The Government will to the greatest possible degree work to promote a business sector that is free and independent, without special treatment or competition-distorting agreements, and will promote the free flow of goods and services and free access to markets."

And more precisely the government will:

"Review and reduce the number of schemes that restrict the establishment of and competition in service industries, such as rules for opening hours, concession and licensing regulations and permits, and restrictions limiting the establishment and location of new businesses."

"Allow taxi firms and other businesses in the taxi industry to organize their ventures in the same way as other companies."

In addition the Norwegian Competition Authority and Consumer Authority recommend a modernization of the regulatory framework.

Any initiatives from the Ministry regarding the taxi regulation will be made with relevant EEA-law in mind.

We kindly ask the Directorate to consider the upcoming Commission's study and review of the taxi industry, as well as the ongoing national initiative on a review of the taxi regulation with the above mentioned goals, before any new decision is made regarding this case.

We will of course keep the Directorate informed of the present review and any regulatory initiatives from the Ministry regarding the taxi regulation.

Yours sincerely,

Anne-Lise Junge Jensen
Deputy Director General

Marianne Engeset Kristing
Senior Adviser

This document has been electronically signed.