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Case No: 80860
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EFTA SURVEILLANCE
AUTHORITY

Ministry of Trade, Industry and Fisheries
P. O. box 8090
Dep N-0032
Oslo, Norway

Dear Sir/Madam,

Subject: Case No 80860 – Bokavtalen
- *Request for information*

This letter is a formal request for information made in accordance with Article 6 of the Surveillance and Court Agreement.

The EFTA Surveillance Authority (“the Authority”) has noted that the Fixed Book Price Agreement (*Bokavtalen*; “the Book Agreement”) of 2017 between the Norwegian Publishers Association and the Norwegian Authors’ Union claims an exemption from Section 10 of the Norwegian Competition Act pursuant to *forskrift om unntak fra konkurranseloven § 10 for samarbeid ved omsetning av bøker* (“the Exemption Regulation”). The Authority has equally noticed that the Exemption Regulation does not apply to conduct in breach of Article 53 of the EEA Agreement.

It appears that the Norwegian authorities have endorsed the content of the Book Agreement, or at least the Book Agreement applicable before the current one.¹

In Annex 2 to the Book Agreement, on the Classification of Books, Group 9 includes translated fiction and literature in its original language.

In light of the above, the Norwegian authorities are invited to reply to the following questions:

1. What is the underlying rationale for the Exemption Regulation?
2. What is the Norwegian authorities’ involvement in the Book Agreement?
3. What is the Norwegian authorities’ view on the compatibility of the Book Agreement with Article 53 EEA, with particular reference to Group 9 of Annex 2?

The Norwegian authorities are hereby invited to comment on these questions **by 31 August 2017**. Please clearly indicate in your reply whether there are any business secrets contained in the information provided, and annex a non-confidential version if necessary.

Should you have any questions, please contact Ingeborg Maria Gundem at the contact details provided on the top of this letter.

¹ See Press Release from the Ministry of Culture of 5 May 2014, available at <https://www.regjeringen.no/no/aktuelt/Regjeringa-seier-ja-til-ny-bokavtale/id758341/>.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Gjermund Mathisen', with a long horizontal flourish extending to the right.

Gjermund Mathisen
Director
Competition and State Aid Directorate