

Case No: 77452
Document No: 1046871
Decision No: 022/19/COL

EFTA SURVEILLANCE
AUTHORITY

EFTA SURVEILLANCE AUTHORITY DECISION

of 2 April 2019

closing proceedings initiated against Finans Norge, Bits, BankID Norge, DNB and Nordea pursuant to Article 53 of the EEA Agreement

(Case No 77452 – e-Payment services in Norway)

THE EFTA SURVEILLANCE AUTHORITY,

HAVING REGARD to the Agreement on the European Economic Area (“the EEA Agreement”), and in particular Article 55 thereof,

HAVING REGARD to the EFTA Surveillance Authority’s (“the Authority”) Decision No 195/16/COL of 25 October 2016 to initiate proceedings against Finans Norge, Bits AS, BankID Norge AS, DNB Bank ASA, DNB ASA, Nordea Bank AB (publ) and Nordea Bank Norge ASA,

WHEREAS:

1. In October 2015, the Authority received a complaint from the Trustly Group AB (“Trustly”), a provider of electronic payment (“e-payment”) services established in Sweden, regarding an alleged coordinated blocking of its ability to provide its e-payment services in Norway by several members of the Norwegian banking sector.¹
2. Following a preliminary review of documents collected from the relevant members of the Norwegian banking sector, the Authority decided that there was sufficient information to initiate proceedings,² pursuant to Article 2(1) of Chapter III of Protocol 4 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice (“SCA”), and require an in-depth investigation in respect of:
 - Finans Norge and its related organisation Bits AS;

¹ The complaint was initially addressed to the Norwegian Competition Authority in April 2015. Pursuant to the rules governing cooperation between the EFTA Surveillance Authority and the national competition authorities of the EFTA States, the case was allocated to the Authority in October 2015: see Chapter III of Protocol 4 to the SCA and the EFTA Surveillance Authority Notice on cooperation within the EFTA Network of Competition Authorities (OJ C 227, 21.9.2006, p. 10 and EEA Supplement No 47, 21.9.2006, p. 1).

² Authority Decision of 25 October 2016 No 195/16/COL to initiate proceedings pursuant to Article 2(1) of Chapter III of Protocol 4 to the SCA (Document No 813942).


- BankID Norge AS;
 - DNB Bank ASA and DNB ASA;
 - Nordea Bank AB (publ) and Nordea Bank Norge ASA.
3. The proceedings were initiated concerning possible infringements by the above parties of Article 53 of the EEA Agreement by:
- engaging in agreements between undertakings, decisions by associations of undertakings and/or concerted practices to exclude a new market entrant by preventing it from providing its e-payments service in Norway; and
 - applying terms and conditions for the operation and/or use of e-payment services in Norway which have as their object or effect the prevention, restriction or distortion of competition.
4. Subsequent to the opening of proceedings by the Authority in October 2016, discussions between the parties and Trustly took place, leading to technical and contractual developments. In November 2018, Trustly notified the Authority of its decision to withdraw its complaint,³ and confirmed that it was no longer experiencing any obstructions to the provision of its e-payments service in Norway.
5. In March 2019, the Authority had constructive discussions and meetings with the parties subject to this investigation.
6. In view of the above considerations and for reasons of prioritisation, the Authority has decided to close these proceedings.

HAS ADOPTED THIS DECISION:

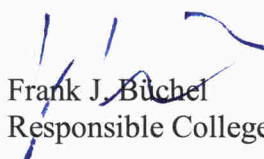
The proceedings initiated against Finans Norge, Bits AS, BankID Norge AS, DNB Bank ASA, DNB ASA, Nordea Bank AB (publ) and Nordea Bank Norge ASA, by Authority Decision No 195/16/COL are hereby closed.

Done at Brussels, 2 April 2019,

For the EFTA Surveillance Authority,



Bente Angell-Hansen
President



Frank J. Büchel
Responsible College Member



Högni Kristjánsson
College Member



Carsten Zatschler
Countersigning as Director
Legal and Executive Affairs

³ Document No 1040848.