

Case No: 56136 (former 48001)
Event No: 295063
Dec. No.: 255/04/COL

EFTA SURVEILLANCE AUTHORITY DECISION
of 20 October 2004
regarding the intended prolongation of the Hurtigruten Agreement

THE EFTA SURVEILLANCE AUTHORITY,

HAVING REGARD TO the Agreement on the European Economic Area¹, in particular to Articles 61 to 63 and Protocol 26 thereof,

HAVING REGARD TO the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice², in particular to Article 24, as well as Article 1 (2) in Part I and Article 8 in Part II of Protocol 3 thereof,

WHEREAS by letter from the Norwegian Mission to the European Union dated 20 April 2004, forwarding a letter from the Ministry of Trade and Industry of 16 April 2004 and from the Ministry of Transport and Communication, dated 30 March 2004, received and registered by the EFTA Surveillance Authority³ on 21 April 2004 (Event No 278880), the Norwegian Government notified the Authority, pursuant to Article 1 (3) in Part I of Protocol 3 to the Surveillance and Court Agreement, of its intention to prolong the so-called 'Hurtigruten Agreement' for 2005 and potentially 2006, which would have involved payments to the companies over the State budget,

WHEREAS the Norwegian authorities informed the Authority that a tender procedure would be carried for the provision of services from 2005 onwards, which would be completed in September 2004,

WHEREAS against this background the Norwegian Government considered a prolongation of the Hurtigruten Agreement to be necessary as operators other than the incumbent Hurtigruten companies possibly chosen by the announced tender might not be able to have a fleet ready as of 1 January 2005,

WHEREAS on 11 August 2004 the Authority initiated the formal investigation procedure referred to in Article 1 (2) in Part I of Protocol 3 to the Surveillance and Court Agreement in respect of the public service compensation foreseen under the Hurtigruten Agreement,

¹ Hereinafter referred to as the EEA Agreement.

² Hereinafter referred to as the Surveillance and Court Agreement.

³ Hereinafter referred to as the Authority.

WHEREAS the Decision was transmitted to Norway by letter of 11 August 2004 (Event No 287952),

WHEREAS according to Article 8 (1) in Part II of Protocol 3 to the Surveillance and Court Agreement, the EFTA State concerned may withdraw the notification in due time before the Authority has taken a decision on the aid measure,

WHEREAS by letter from the Mission of Norway to the European Union dated 29 September 2004, forwarding letters from the Ministry of Trade and Industry and the Ministry of Transport and Communication both dated 24 September 2004, received and registered by the Authority on 1 October 2004 (Event No 295396), Norway withdrew the notification of the aid measure and explained that following the result of the tender procedure there was no need to prolong the existing agreement,

WHEREAS the proposed prolongation of the Hurtigruten agreement has not been implemented by the Norwegian authorities and the Authority has not yet taken a final decision on the aid,

WHEREAS according to Article 8 (2) in Part II of Protocol 3 to the Surveillance and Court Agreement, in cases where the Authority has initiated the formal investigation procedure, the Authority shall close that procedure upon withdrawal of the notification,

WHEREAS the closure decision only concerns the notified prolongation of the existing Hurtigruten contracts and not other aspects of existing or future contracts,

HAS ADOPTED THIS DECISION:

- 1. The formal investigation procedure initiated under Article 1 (2) in Part I of Protocol 3 to the Surveillance and Court Agreement, concerning the intended prolongation of the so-called Hurtigruten agreement (case 56136) is hereby closed.**
- 2. The Decision is addressed to Norway.**
- 3. The Decision is authentic in the English language.**

Done at Brussels, 20 October 2004

For the EFTA Surveillance Authority

Hannes Hafstein
President

Einar M. Bull
College Member