Dear Sir/Madam,

Subject: Complaint against Norway concerning the award of exclusive rights for the collection and treatment of waste

On 20 October 2015, the EFTA Surveillance Authority ("the Authority") received a complaint against Norway concerning the award of exclusive rights by Norwegian municipalities to partially State-owned private undertakings in the area of waste management (collection and treatment of waste). According to the information received, there seems to be a widespread practice in Norway, not observed in any other EEA State, to directly award this type of contracts without a prior public call for tenders to the said undertakings. The complainant maintains that this administrative practice amounts to a breach of Article 36 EEA and Directive 2004/18 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, as it precludes economic operators from having access to this specific sector of the market. The complainant assumes that there might a confusion among municipalities regarding the correct application of EEA law and has therefore decided to lodge the complaint.

The Authority’s Internal Market Affairs Directorate is presently considering the merits of the complaint. After a preliminary assessment has been undertaken, the Directorate may, where appropriate, ask the Norwegian Government to provide further information as well as its observations on the complaint.

Yours faithfully,

Gabrielle Somers
Deputy Director
Internal Market Affairs Directorate