

## EFTA SURVEILLANCE AUTHORITY DECISION

of 25 October 2016

**to initiate proceedings pursuant to Article 2(1) of Chapter III of Protocol 4 to the  
Surveillance and Court Agreement**

**(Case No 77452– e-Payment Services in Norway)**

THE EFTA SURVEILLANCE AUTHORITY,

HAVING REGARD to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice (the “Surveillance and Court Agreement”), in particular Article 2(1) and (2) of Chapter III and Article 11(6) of Chapter II of Protocol 4 thereto,

WHEREAS:

- (1) In 2015 the EFTA Surveillance Authority (“the Authority”) received a complaint<sup>1</sup> regarding certain conduct allegedly obstructing the provision of a new e-payments service in Norway. It was alleged that such behaviour was potentially in violation of Articles 53 and/or 54 of the EEA Agreement.
- (2) The Authority has gathered further information from several members of the Norwegian banking sector.
- (3) An examination of the information in the Authority’s possession at this stage indicates that Finans Norge, Bits AS, BankID Norge AS, DNB Bank ASA, DNB ASA, Nordea Bank AB (publ) and Nordea Bank Norge ASA may have infringed Article 53 of the EEA Agreement.
- (4) The Authority intends to investigate whether the above members of the Norwegian banking sector engaged 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 contrary to Article 53 of the EEA Agreement. The Authority also intends to investigate whether terms and conditions applied to the operation and/or use of e-payments

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<sup>1</sup> 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 subsequently allocated to the Authority in October 2015.

services in Norway may prevent, restrict or distort competition contrary to Article 53 of the EEA Agreement.

- (5) The opening of proceedings means that the Authority will examine the case as a matter of priority. It does not limit the right of the Authority to extend the scope and/or the addressees of the investigation at a later point in time. It also does not signify that the Authority has made a finding of an infringement or prejudice in any way the existence of an infringement or the outcome of the investigation. If confirmed, the conduct at issue may constitute an infringement of Article 53 of the EEA Agreement.

HAS ADOPTED THIS DECISION

### Article 1

Proceedings are hereby initiated concerning possible infringements by Finans Norge, Bits AS, BankID Norge AS, DNB Bank ASA, DNB ASA, Nordea Bank AB (publ) and Nordea Bank Norge ASA 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.

### Article 2

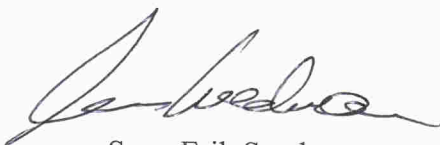
The national competition authorities of the EEA EFTA States are relieved of their competence to apply the EEA competition rules to the practices referred to in Article 1.

### Article 3

1. The initiation of these proceedings will be made public by way of a notice on the Authority's website and the issuing of a press release.
2. Finans Norge, Bits AS, BankID Norge AS, DNB Bank ASA, DNB ASA, Nordea Bank AB (publ) and Nordea Bank Norge ASA shall be informed of this decision.

Done at Brussels, 25 October 2016,

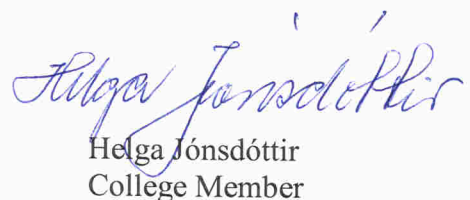
For the EFTA Surveillance Authority,



Sven Erik Svedman  
President



Frank Büchel  
College Member



Helga Jónsdóttir  
College Member