

Document no: 844387

PR(17)08

Brussels, 15 March 2017

Fact sheet

The EFTA Surveillance Authority (ESA) has decided to take Norway to the EFTA Court. The case matter concerns the public procurement procedure in connection with the award of a contract for the construction and operation of an underground parking in the Municipality of Kristiansand.

More specifically, ESA considers that the Municipality has:

1. failed to publish a contract notice EEA-wide in the Official Journal of the European Union and the TED database,
2. not respected the minimum time-limit for the submission of applications in an award procedure, and
3. incorrectly described the subject matter of the public contract by failing to use the correct, or at any rate a complete and sufficiently precise set of CPV codes. CPV codes are standardised references used to describe the subject matter of procurement contracts irrespective of language.

ESA started a review of the tender process after receiving a complaint in August 2015. ESA issued a [letter of formal notice](#) on the matter in February 2016. The second step in the procedure was a [reasoned opinion](#) sent in July 2016.

The Municipality of Kristiansand [responded](#) to ESA's letter of formal notice through the Norwegian Government in September 2015. The Norwegian Ministry of Trade, Industry and Fisheries provided a [reply](#) to the reasoned opinion in October 2016, arguing against ESA's conclusions.

As the Norwegian responses have not changed ESA's view of the substance matter, the case is sent to the EFTA Court. The case is brought against the Kingdom of Norway, and the EFTA Court will have the final say on how EEA rules are to be applied.

For general background information on EEA rules on public procurement, see ESA's [background note](#).