

Case No: 87754
Doc No: 1565454
Last updated: 10/10/2025

**Package Meeting in Norway
13-14 November 2025**

Proposal for discussion points

**Package Meeting in Norway
13-14 November 2025**

Proposal for discussion points

**Free Movement of Goods and Services
(Annex II, Articles 11 and 36)**

Responsible case handler: Joachim Nilsen Frislid

Other participants: Maria Moustakali
Bernhard Zaglmayer
Johanne Førde

1. Regulations on the prohibition of the marketing of certain foods particularly aimed at children (Case No: 94145)

On 25 April 2025, Norway adopted Regulations on the prohibition of the marketing of certain foods particularly aimed at children (**“the Regulations”**). Prior to this, on 2 October 2024, Norway had notified the Authority of a draft version of the Regulations (draft technical regulation 2024/9015/NO **“the DTR”**). The Authority expressed some concerns regarding the DTR in comments of 18 December 2024 (Doc No 1497210), regarding the personal scope of the regulations, their application to service providers under the Audiovisual Media Services Directive and the e-Commerce Directive, and, from the point of view of the free movement of goods and services, questions related to the proportionality of the Regulations as well as legal clarity and foreseeability.

Following the adoption of the Regulations, the Norwegian Government informed the Authority of several amendments that had been made to the DTR (Doc No 1537899; your ref. 24/3660-).

Based on subsequent dialogue with the Ministry of Health and Care Services (**“the Ministry”**),¹ the Authority understands that the Norwegian Directorate of Health is in the progress of finalising Guidelines to the Regulations. Stakeholders have been given until 1 October 2025 to comment on the draft Guidelines, a final version of which is expected to enter into application on 25 October this year.

Against the backdrop of the concerns expressed by the Authority in its comments of 18 December 2024 to the DTR, and the adaptations subsequently made to the Regulations, the Authority believes that ensuring a transparent dialogue with the Norwegian Government may be useful to facilitate compatibility between the Regulations and EEA law.

Specific questions to be discussed:

- i. The Norwegian Government is invited to inform the Authority about relevant

¹ An informal meeting took place between the Ministry's Department of Public Health and the Authority's Internal Market Affairs Directorate on 5 September 2025.

developments that have taken place regarding this case since the last meeting between the Ministry and the Authority.² This may include, for example:

- a. The status and results of the work of the Directorate of Health on finalising Guidelines to the Regulations.
- b. Any other initiatives by the Norwegian Government to facilitate cooperation with business operators concerning the Regulations.
- c. Any other measures taken or under consideration by the Norwegian Government to ensure compatibility between the Regulations and EEA law.

Estimated time: 45 minutes

² See the previous footnote.

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**Energy
(Annex IV)**

Responsible case handlers: Anne De Geeter

Ada Gimnes Jarøy

Other participant: Gaukur Jörundsson

1. *Conformity assessment of Directives 2009/72 and 2009/73 for Norway (Case No: 84737)*

The case concerns the implementation of Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC and of Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (respectively ‘the Third Electricity and Gas Directives’).

The Authority is assessing the national measures implementing these Directives’ provisions on energy regulators’ independence.

By letter of 16 October 2020 (Doc No 1154909), the Authority sent a request for information to the Norwegian Government. The Norwegian Government provided the requested information on 22 December 2020 (Doc No 1170752; your ref. 19/2064).

The Authority, the Norwegian Government and representatives of the Norwegian energy regulatory authority, RME, exchanged on the case at the Package Meetings of October 2021, 2022 and 2023 as well as in meetings on a regularly basis in the course of 2024 and 2025.

Discussions between the Authority, the Norwegian Government and RME focus on the organisation and competences of RME.

At the meeting, the Authority wishes to discuss the status of the case. The Authority welcomes the presence in the meeting of RME.

Specific questions to be discussed:

- i. Discussions on the organisation and structure of RME.
- ii. Discussions on the framework for RME’s competences, especially with regard to tariffs.

Estimated time: 1 hour

2. Complaint concerning Norway price for electricity (Case No: 94448)

On 11 August 2025, the Authority received a complaint against Norway concerning the fixed price scheme for electricity in Norway, referred to as the 'Norway Price', introduced under the Norwegian Act No. 44 of 20 June 2025 on Norway Price and electricity support for households (LOV-2025-06-20-44, in Norwegian: 'Lov om Norgespris og strømstønad til husholdninger').

The complaint raises concerns that the Norway Price is incompatible with the Third Electricity Directive.

The Authority informed the Norwegian Government of the complaint on 12 August 2025 (Doc No 1554276).

The Authority is in the process of assessing the complaint and wish to discuss at the meeting its preliminary findings in light of recent exchanges.

Specific questions to be discussed:

- i. Discussions on the Norway Price's objective, justification and proportionality;
- ii. Discussions on the Norway Price's impact on the Third Electricity Directive and other relevant EEA law;
- iii. Discussions on the impact of the Norway Price on the electricity market;
- iv. Discussions on the relationship of the Norway Price with other price-related measures applicable in Norway.

Estimated time: 45 minutes

3. Norwegian supplier of last resort regime for electricity, and its fixed add-on fee for mandatory electricity supply (Case No: 93289)

On 5 December 2024, the Authority received a complaint against the Norwegian regime for the electricity supplier of last resort, established under Section 2-1a of the Norwegian Regulation on metering, settlement, invoicing of network services and electrical energy, the neutrality of the network company, etc. (FOR-1999-03-11-30), based on Section 3-3 of the Norwegian Energy Act (LOV-1990-06-29-50).

The complaint raises concerns that the said regime is incompatible with the Third Electricity Directive and the EEA Agreement.

The Authority informed the Norwegian Government of the complaint on 19 December 2024 (Doc No 1507365).

On 12 February 2025, the Authority sent a request for information to the Norwegian Government (Doc No 1513145). The Norwegian Government responded to this

request on 13 March 2025 (Doc No 1524279; your ref. 24/3320).

At the meeting, the Authority would like to discuss the status of the case, especially at the light of the Norway Price recently adopted in Norway and mentioned above.

Specific questions to be discussed:

- i. Discussions over the electricity supplier of last resort regime's objective, justification and proportionality;
- ii. Discussions over the regime's impact on the Third Electricity Directive;
- iii. Discussions over the regime's impact on the electricity market;
- iv. Discussions over the relationship of the regime with other price-related measures applicable in Norway.

Estimated time: 30 minutes

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**Free movement of persons
(Annex V)**

Responsible case handler: Ciarán Burke

Other participants: Maria Moustakali
Sigrún Ingibjörg Gísladóttir
Kyrre Isaksen

*1. Own initiative case concerning Norway's expulsion practice for petty crimes
(Case No: 87300)*

By letter dated 20 September 2021 (Doc No 1223984), the Authority informed the Norwegian Government that it had opened an own-initiative case to examine whether Norway's legislation and practices, on the basis of which EEA nationals may be expelled for minor criminal offences, were compatible with EEA law. The Authority's examination of the case chiefly focussed on Article 27 of Directive 2004/38/EC.

The Authority has sent several requests for information to Norway (Doc Nos 1223984, 1275269, 1298806, 1375531, 1394171) and received the Norwegian replies (Doc No 1228465, your ref. 15/1261; Doc No 1286358, your ref. 15/1261; Doc No 1306586, your ref. 15/1261; Doc No 1384878, your ref. 15/1261; Doc No 1406394, your ref. 15/1261). Moreover, the case was discussed at the last three Package Meetings in Norway in 2021, 2022 and 2023 (Follow-up letters: Doc Nos 1247323, 1325668, 141957, and respective replies by Norway: Doc No 1261815, your ref. 15/1261; Doc No 1348741, your ref. 15/1261; Doc No 1428777, your ref. 15/1261 – KBH).

Since the case was opened and follow the above exchanges between the Authority and the Norwegian authorities, a new Circular was issued – Circular UDI RS 2010-022, which has been in force since November 2023.³ This Circular provides detailed information concerning the factors that will be taken into account when the Norwegian Directorate of Immigration ("UDI") makes a decision to reject or expel an EEA national or a family member of an EEA national from Norwegian territory. It also includes information concerning minimum thresholds for expulsion for a variety of classes of criminal offences.

In the most recent exchanges with the Norwegian Government, the Authority sent a request for information on 2 April 2025 (Doc No 1523559). The Norwegian

³ See the reply of the Norwegian Government to the Authority's Follow-Up Letter of 8 January 2024 (Doc No 1428777; your ref. 15/1261 – KBH)

Government replied on 27 June 2025 (Doc No 1546340; your ref. 25/2458 – KBH). In the documents annexed, the Norwegian Government provided representative samples of decisions taken under the new circular and other information requested by the Authority.

Specific questions to be discussed:

At this year's Package Meeting, the Norwegian Government is requested to provide the Authority with answers to the following questions:

1. The Norwegian Government is requested to provide the Authority with a representative sample of expulsion and rejection decisions covering the period between December 2022 and December 2023 under the circular that was previously in force, and to explain the criteria on the basis of which the decisions in the sample were selected.
2. The Norwegian Government is invited to elaborate upon the practice of expelling EEA nationals who may potentially be identified as persons with disabilities.⁴ The Authority notes, in particular, that the Immigration Regulations, Section 19-29 reads, in extract: *"...Rejection or expulsion in the interest of public order or security may inter alia take place if the foreign national (b) according to competent health service personnel obviously suffers from a serious mental disorder, a manifest psychosis involving states of agitation, delusions or hallucinations with states of bewilderment, and the condition arose before the foreign national was granted right of residence."* [Bortvisning eller utvisning av hensyn til offentlig orden eller sikkerhet kan blant annet skje dersom utlendingen b) ifølge kompetent helsepersonell åpenbart lider av alvorlig sinnslidelse, åpenbare psykoser med opphisselsestilstander, vrangforestillinger eller hallusinasjoner med forvirringstilstander, og tilstanden er inntrådt før utlendingen fikk oppholdsrett.] Under what circumstances does the Norwegian Government consider such persons to constitute a threat to fundamental societal values?
3. The Authority notes, following from the previous question, that under Section 7.2 of Circular UDI-2010-022, *"An EEA national can be rejected pursuant to the provisions of Section 19-29 third paragraph of the Regulations if he or she...suffers from a mental disorder..."* [En EØS-borger kan bortvises etter nærmere vilkår i utf. § 19-29 tredje ledd dersom han eller hun ... lider av sinnslidelser ...] The Norwegian Government is invited to clarify, if applicable, whether such persons may only be rejected/expelled if they have engaged in criminal offences.
4. The Norwegian Government is invited to clarify whether EEA nationals and/or UK nationals falling under the scope of the Separation Agreement have been expelled due to simple fines (*forenklet forelegg*) following the

⁴ The Authority uses this term according to the understanding provided by the United Nations Convention on the Rights of Persons with Disabilities. UN General Assembly (A/RES/61/106), 2515 UNTS, p.3. Article 1 of the Convention notes that *"Persons with disabilities include those who have long-term physical, **mental**, intellectual or sensory **impairments** which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others,"* while Article 17 provides that *"Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others."*

adoption of the new and updated circulars.

5. How does the Norwegian Government differentiate between public order and public policy? Furthermore, if relevant, is there a list dividing and classifying different types of crimes under these two categories?
6. The Norwegian Government is requested to provide statistics concerning how many expulsion/rejection decisions UNE overturned in favour of EEA nationals under EEA law, and UK nationals falling under the scope of the Separation Agreement. Please provide representative examples of such decisions.
7. The Norwegian Government is requested to clarify the nationality of the individuals in the statistics provided to the Authority on 27 June 2025, and any additional statistics provided in response to the present letter.
8. One of the police reports submitted to the Authority on 27 June 2025 provided refers to the term "*foreløpig uttalelse*" (preliminary statement). Please provide an explanation as to the context of that term. Is the police report in itself a preliminary statement, or does the report refer to another document classified as "*foreløpig uttalelse*"? If the latter is the case, the Norwegian Government is requested to provide the Authority with this document.

Additional questions may be addressed at the Package Meeting, based on the latest correspondence between the Norwegian Government and the Authority.

Estimated time: 1.5 hours

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**Social Security
(Annex VI)**

Responsible case handlers: **Bernhard Zaglmayer (Items 1-4)**

Per-Arvid Sjøgård (Item 5)

Other participants: **Ewa Gromnicka (Items 1-5)**

1. Access to disability benefits in Norway (Case No: 94417)

This case results from a series of complaints received by the Authority over the past 18 months. These complaint cases were bundled in the present case so that the Authority can address the issues concerning accessing disability benefits in Norway in a wholistic and systematic manner.

On 28 August 2025, the Authority sent a detailed request for information to the Norwegian Government (Doc No 1551625), to which a reply is expected by 15 October 2025.

The discussions at the Package Meeting will be held in the context of the questions raised in the letter, including in light of the reply received in the meantime.

Estimated time: 1 hour

2. Aggregation of insurance periods from international organisations (Case No: 93705)

On 13 March 2025, the Authority received a complaint against Norway concerning the lack of aggregation of insurance periods in the context of employment in international organisations.

According to the complainant, who was active in several international institutions, where Norway was a member, for approximatively 20 years, Norway would only consider three years of these 20 years in its public service pension fund (SPK).

On 16 April 2025, the Authority sent a request for information to Norway (Doc No 1528126), to which the Norwegian Government replied by a letter dated 28 May 2025 (Doc No 1540241; your ref. 25/1355-). It states that there exists a special agreement on the inclusion of leave without pay and other temporary absence as pensionable service in the Public Service Pension Fund ("the leave agreement"), which allows a person subject to the Public Service Pension Fund to remain affiliated and collect insurance periods during maximum five years while working abroad in an

international organisation.

On 26 September 2025, the Authority has sent a supplementary request for information to the Norwegian Government (Doc No 1561252), to which a reply is expected by 27 October 2025.

The discussions at the Package Meeting will be held on the basis of the reply received until the Package Meeting.

Estimated time: 1 hour

3. Access to family benefits in Norway where both parents need to fulfil the entitlement criteria (Case No: 93835)

On 3 April 2025, the Authority received a complaint against Norway concerning the entitlement to cash-for-care benefit (*kontantstøtte*). According to the complainant, it is necessary that both parents when living together fulfil the requirement of five years of insurance affiliation in Norway to be entitled to the benefit. If the parents do not live together, it is sufficient that one parent fulfils the requirement.

The Authority sent a request for information to Norway (Doc No 1531440), indicating that this would be problematic from the point of view of applying the Social Security Coordination Regulations 883/2004 and 987/2009, the latter of which sets out as principle in its Article 60(1) that one family member would suffice to apply for family benefits in the sense of the Regulation in an EEA State, as the family is always to be seen as one whole.

The Norwegian Government could clarify the situation of parents living in different EEA States in its reply of 16 June 2025 (Doc No 1548492; your ref: 25/1579-), stating that in such cases one parent would suffice to establish the right to the cash-for-care benefit and, thus, Norway would comply with Article 60(1) of Regulation 987/2009. Purely internal situations would not fall in the scope of Regulation 883/2004.

In the view of the Authority, the Norwegian Government has, however, not elaborated on the situation of a spouse coming or returning from another EEA State to Norway, where, for the purpose of determining the access to social benefits, Regulation 883/2004 would apply, i.e. for aggregating insurance periods.

Therefore, a supplementary request for information was sent to Norway on 17 September 2025, to which a reply is expected by 17 October 2025.

The discussions at the Package Meeting will be held in the context of the reply of the Norwegian Government.

Estimated time: 30 minutes

4. *Access to parental benefits in Norway when spouse works in Sweden (Case No: 94713)*

On 16 September 2025, the EFTA Surveillance Authority (“the Authority”) received a complaint against Norway concerning access to parental benefits in Norway, where one spouse is also entitled to parental benefits in Sweden due to economic activity there.

According to the complainant, NAV referred to its guidance (*Hovednr. 45 – Rundskriv til EØS-avtalens bestemmelser om trygd - 14.9 Likestilling av faktiske forhold – trygdeforordningen artikkel 5*) stating that parental benefits used in another EEA State is deducted from the respective Norwegian shared parental leave quota. The complainant sees this not to be in line with Article 5 of Regulation 883/2004 on the assimilation of benefits, income, facts and events, contrary to what is stated in the guidance.

On 7 October 2025, the Authority sent a request for information to Norway, to which a reply is expected by 7 November 2025.

The discussions at the Package Meeting will be held in the context of the reply of the Norwegian Government to the request for information.

Estimated time: 30 minutes

5. *Restrictions on cross-border labour market issues (Case No: 91342)*

Most Norwegian labour market measures (in Norwegian: “arbeidsmarkedstiltak”) are strictly confined to the national territory, without any consideration of whether such limitations are justified in each individual case.

It was in that context that the Authority, by a letter dated 15 December 2023, informed the Norwegian Government that it had opened an own initiative case to examine whether the national rules at issue were in breach of EEA law. To that effect, the Directorate addressed several questions to which the Norwegian Government replied on 22 January 2024 (Doc No 1430901).

The matter was subsequently discussed in detail at the Package Meeting in Oslo in October 2024 (Doc No 1481484). Shortly thereafter and following the Directorate’s request, the Norwegian Government by email on 18 November 2024 provided a set of relevant statistics demonstrating the links between labour market measures and social security benefits in general, and, more specifically, the various training measures (Doc No 1553700).

The data received confirmed that labour market measures are most commonly undertaken by individuals simultaneously receiving the Norwegian work assessment allowance. Through said correspondence, the Norwegian Government has essentially accepted the Directorate’s description of the national rules in question.

While the restrictions at issue apply across the board, i.e. to any labour market

measure and, by extension, to several social security benefits, the Authority is currently focussing on the assessment of the specific measure of training (in Norwegian: “opplæring”) and only insofar as it is provided simultaneously with a work assessment allowance.

The Authority would like for the discussions to concern the case as such, including in light of the most recent correspondence.

Estimated time: 1 hour

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**Professional Qualifications
(Annex VII)**

Responsible case handler: Bernhard Zaglmayer

Other participant: Johanne Førde

1. Lack of compensation measures for the recognition of health professionals in Norway (Case No: 91996)

On 25 September 2024, the Authority has issued a letter of formal notice to Norway (Doc No: 1459443) concluding that , by maintaining the administrative practice of not providing any aptitude tests as a compensation measure for health professions in general and not providing any support to nutritionists for a realistic possibility to access an adaptation period, Norway has failed to fulfil its obligation arising from Articles 14(1) and (2) in conjunction with 3(1)(g) of Directive 2005/36/EC.

By a letter dated 22 November 2024 (Doc No 1500230; your ref. 24/1436-), the Norwegian Government replied stating in essence that it envisages to establish aptitude tests during 2025. In reply to the Authority's request for information of 19 May 2025 (Doc No 1536185), the Norwegian Government specified that the Directorate of Health was in the process of establishing permanent arrangements to be able to offer aptitude tests. The professions where there is urgent need will be prioritised. Nevertheless, public procurement procedures need to be applied (Doc No 1554835; your ref. 24/1436-).

The Norwegian Government is invited to report on the process of organising aptitude tests for health professionals. For that purpose, it would be welcomed by the Authority, if a representative of the Directorate of Health could be present at the meeting.

Specific questions to be discussed:

Specifically, the Authority

- is interested in which professions are prioritised, and which kind of training institutions are envisaged to be entrusted with the testing.
- would like to know whether the Norwegian Government has reassessed the situation for supervised training periods where it currently requires a position at a university hospital and where such places are very scarce.
- would like to know, as to the potential need to amend Section 18 of Regulation No 1130 from 2008, whether a clarification of that provision in terms of consequences of non-compliance with the deadlines set out in that

Article implementing Article 7(4) of Directive 2005/36, as amended, has been considered.

Estimated time: 1 hour

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**Establishment
(Taxation)
(Annex VIII)**

Responsible case handler: **Gaukur Jorundsson**

Other participants: **Maria Moustakali**
 Sigrún Ingibjörg Gísladóttir

1. Norwegian exit tax rules for natural persons (Case No: 93706)

The EFTA Surveillance Authority (“the Authority”) is in the process of examining the Norwegian exit tax rules for natural persons, as set out in Section 10-70 of the Act on Taxation of Wealth and Income (“the Tax Act”). By letter dated 13 June 2025 (Doc No 1528646), the Authority asked the Norwegian Government to provide information on the Norwegian exit tax regime for natural persons, in particular on the rationale for the most recent amendments to the Norwegian exit tax regime.

The Authority received the response to the request for information by letter dated 18 September 2025.

Specific questions to be discussed:

- i. The substance of Norway’s reply to the Authority’s letter, in particular the proportionality of the conditions for deferral, the 70% dividend rule, and further discussion of point 1(b) of the Authority’s request for information, on whether it is possible to obtain a more flexible and individual payment plan, for example in case of established liquidity issues following realisation of the underlying shares or after deferral period expires, taking into account e.g. the new Collection Act and related mechanisms, such as the availability of payment agreements.

Estimated time: 1 hour

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**Financial Services
(Annex IX)**

Responsible case handlers: Marianne Arvei Moen (Items 1,2)
Erlendur Durante (Items 3)

Other participants: Marco Uccelli (Items 1-3)
Sigrún Ingibjörg Gísladóttir (Items 1-3)
Johanne Førde (Items 1-3)

1. IRB calculations in Norway (Case No: 88178)

On 4 October 2024, the Directorate of the Internal Market (“the Directorate”) of the EFTA Surveillance Authority (“the Authority”) submitted a preliminary assessment (Doc No 1488233) concerning guidelines issued by the Financial Supervisory Authority of Norway (“the Norwegian FSA”) on requirements for internal ratings-based (IRB) models, ref. the previous “Circular 3/2021 Requirement for IRB models for banks, mortgage companies and finance companies” (“the Circular”).

The IRB approach allows banks to calculate risk weights and capital requirements for credit risk based on their own estimates of risk parameters. The old Circular set out the Norwegian FSA’s expectations regarding banks’ use of the IRB approach. The Authority has been assessing whether certain rules in the Circular go beyond the current applicable EEA law, including but not limited to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms (CRR).

On 26 May 2025, the Norwegian Government informed the Authority that the Ministry of Finance revoked the current IRB Circular and is working on a supervisory module on the IRB method, to be published in 2025.

Specific questions to be discussed:

The Authority would like to discuss the case based on the latest exchanges and correspondence ahead of the meeting. In particular, the Authority wishes to discuss the content of the new supervisory module in relation to the issues discussed previously in the case, with reference to the preliminary assessment.

Estimated time: 45 minutes

2. Conformity assessment of national measures implementing Directive 2015/2366 on payment services in the internal market (PSD II) (Case No: 91568)

Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC - PSD II ("the Directive")

was incorporated into the EEA Agreement by Joint Committee Decision No 165/2019 of 14 June 2019 at point 14, 31e, 31g, 15, 16e and 16ea of Annex IX to the EEA Agreement. Following the fulfilment of constitutional requirements, the decision entered into force on 1 May 2022, which is the compliance date for the Directive in the EEA EFTA States.

By Form 1 submitted to the Authority on 16 September 2022, Norway notified full implementation of the Directive from 1 April 2019 (Doc No 1313460). In order to perform a conformity assessment of the national measures implementing the Directive in Norway, the Directorate invited the Norwegian Government to submit a Table of Correspondence ("ToC") on 29 February 2024 (Doc No 1435227).

The Authority sent a letter on 11 October 2024 with questions to the replies submitted by Norway in the ToC. The case was discussed at the 2024 Package Meeting. A follow-up letter was sent by the Authority on 4 November 2024. The Norwegian Government submitted a reply on 14 January 2025 (Doc No 1510631).

Specific questions to be discussed:

The Authority intends to discuss the case based on its assessment of the reply and any further correspondence ahead of the meeting.

Estimated time: 30 minutes

3. Independence of the competent authority in Norway (Case No: 94575)

The Internal Market Affairs Directorate (IMA) is currently examining whether the Norwegian Government has adequately ensured that its competent authorities possess the independence required under EEA law to carry out financial supervisory tasks.

On 1 April 2025, a new national act on financial supervision (LOV-2024-06-21-41) entered into force. According to Section 1-4, subsection (1), Finanstilsynet may be instructed on the handling of individual cases where these concern matters of principle or matters of vital importance to society.

In addition, the Ministry of Finance retains certain powers under the Financial Institutions Act (LOV-2015-04-10-17). These appear to cover a broad range of areas, including the granting of licenses, involvement in the approval of acquisitions and increases of qualifying holdings, the approval of mergers and demergers, and the establishment of financial groups.

IMA intends to submit a request for information to the Norwegian Government to

clarify the scope of the Ministry's competences in financial supervision and their practical application. The information received will serve as a basis for IMA's assessment of the case.

At the meeting, IMA will outline its request for information and invite the Norwegian Government to discuss any response that may already have been submitted.

Estimated time: 45 minutes

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**Data Protection
(Annex XI)**

Responsible case handler: Ciarán Burke
Other participants: Maria Moustakali
Ewa Gromnicka

1. Own initiative case concerning NAV's processing of IP addresses (Case No: 88929)

On 7 July 2022, the Authority opened an own initiative case to investigate the application of Regulation 2016/679 (EU), the General Data Protection Regulation ("GDPR"), as well as its predecessor, Directive 95/46/EC in Norway, from 2012 until the present day. The Norwegian Government was requested to clarify the position, current and past practices of the Norwegian Labour and Welfare Administration ("NAV") in relation to the processing and storing of Internet Protocol addresses ("IP addresses") of individuals sending employment status forms to the NAV.

At the 2022 Package Meeting, the Norwegian Government made it clear that the previous regime of tracking IP addresses had ceased and explained the new practice introduced for control purposes (Norway's reply to the follow-up letter of 8 February 2023 (Doc No 1351284; your ref. 22/3509-15).

The case was also discussed at the 2023 Package Meeting, when the Norwegian Government presented the main points of the new regime, while the representatives of the Authority enquired about the compatibility of the new regime based on the use of the Currency Transaction Register with the relevant provisions of the GDPR.

In the Reply of the Norwegian Government to the Authority's Follow-Up Letter, sent on 8 January 2024 (Doc No 1428332; your ref. 22/3509), the Norwegian Government made it clear that NAV had halted all use of the Currency Transaction Register for control purposes until such time as a thorough assessment of the regime has been carried out.

The Reply noted that after the 2023 Package Meeting, NAV had initiated a complete review of the current practice of using the Currency Transaction Register for control purposes. In this regard, the Norwegian Government undertook that the relevant Circular be updated.

On the basis of the foregoing, the Authority addressed a Supplementary Request for Information to Norway on 6 February 2024 (Doc No 1433725). There, the Authority asked three questions of the Norwegian Government, principally pertaining to

whether an alternative means of control had been put in place in lieu of the Currency Transaction Register, measures taken to ensure GDPR compliance (including the results of any impact assessment), and details of relevant circulars and relevant instruments enacted for this purpose. The Norwegian Government replied to the Authority's letter on 25 June 2024 (Doc No 1466464; your ref. 22/3509). Here, the Norwegian Government presented a brief account of the measures that had been taken.

The Norwegian Government, in its response to the Authority's letter, stated it wished to discuss the questions addressed at the 2024 Package Meeting. In the Follow-Up Letter to the 2024 Package Meeting (Doc No 1494992), the Authority requested that the Norwegian Government provide, first, with a clear timeline for the steps to be taken with respect to the new control regime, at the latest, by 7 January 2025.

The Authority received letters from the Norwegian Government on 7 January 2024 (Doc No 1509234; your ref. 22/3509) and 4 February 2024 (Doc No 1515386; your ref. 22/3509) stating that the process of internal evaluation of the new draft regime had been delayed, and undertaking to write to the Authority again by the end of February. On 3 March 2025, the Authority received a longer letter from the Norwegian Government, setting out a broad outline draft of the proposed new control regime (Doc No 1521954; your ref. 22/3509).

After subsequent e-mail correspondence, representatives of the Authority met with representatives of the Norwegian Government at the EFTA House in Brussels on 1 July 2025. At that meeting, the representatives of the Authority expressed concerns to their Norwegian counterparts about the compliance of the proposed regime with EEA law.

It was agreed at the meeting of 1 July 2025 in the EFTA House that the case would again be discussed at the Norwegian Package Meeting, and that the Norwegian Government would update the Authority on the proposed amendments to the control regime, also in light of the remarks made by the Authority at that meeting.

As such, the Authority requests that the Norwegian Government answer the following questions:

1. Is the new (draft) regime in use? If so, since when? If not, when is it planned to implement the new regime?
2. What changes have been made to the draft regime since the exchange with the Authority on 1 July 2025, and what measures have been taken to address the Authority's concerns?
3. How has the Norwegian Government been exercising control in the meantime?

The Authority further requests that the Norwegian Government provide an updated overview of the new regime for the Authority.

Estimated time: 1h15

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**Transport
(Annex XIII)**

Responsible case handlers: **Aron Freyr Jóhannsson (Items 1,2)**

Kadus Basit (Items 3-5)

Gunnar Örn Indriðason (6, 7)

Other participants: **Valgerður Guðmundsdóttir (Items 1-7)**

Kyrre Isaksen (Item 2, 3, 4, 6, 7)

Gunnar Örn Indriðason (Items 1-2)

Kadus Basit (Items 1, 2, 6, 7)

Aron Freyr Jóhannsson (3-7)

Bisma Rasool (Online, 3-5, 6, 7)

1. Minimum safety requirements for tunnels in the Trans-European Road Network (TERN) – Norway (Case No: 84698)

On 3 December 2020, the Authority issued a reasoned opinion (Doc No 1160732), in which it concluded that Norway had failed to ensure that all tunnels with lengths of over 500 m in the Trans-European Road Network (TERN) complied with the minimum safety requirements of Directive 2004/54/EC by the deadline set out therein. For tunnels that were already in operation at the time of the entry into force of the Directive, the deadline for refurbishment of those tunnels expired on 30 April 2019. At the time of the reasoned opinion, 68 tunnels were not in compliance with the minimum safety requirements.

The reasoned opinion has been discussed at each Package Meeting in Norway since 2021. At the 2024 Package Meeting, the Norwegian Government presented the status on the implementation of the Directive in Norway and indicated that by end of year 2025 the number of tunnels to be upgraded would be reduced to 9. Additionally, 20 tunnels on the TERN would be replaced with new road sections and would thus not be refurbished. The figures presented during the meeting were later submitted by the Norwegian Government to the Authority on 29 January 2025 (Doc No 1514468; your ref. 15/570-, with attachments). Thus, at the end of 2025 there will be 29 tunnels in operation which are not in compliance with the minimum safety requirements.

At the meeting the Authority wishes to discuss the status of the case, including any developments or updates.

Specific questions to be discussed:

- i. What is the status of compliance for tunnels falling under the scope of the Directive, and to what degree have alternative safety measures been implemented in tunnels that are not yet in compliance with the Directive?
- ii. Have there been or is there any information indicating possible changes to the previously presented timeframe for complying with the minimum safety requirements of the Directive?

Estimated time: 1 hour

2. Deployment of data link services – EFTA Court Judgment (Case No: 90753)

On 12 July 2023, the EFTA Court delivered its judgment in case E-15/22 (EFTA Surveillance Authority v The Kingdom of Norway). The EFTA Court concluded that, by not providing and operating data link services by 5 February 2018, Norway had failed to fulfil its obligations under Articles 3(1) and 7(1) of Commission Regulation (EC) No 29/2009.

On 8 February 2024 (Doc No 1434955), the Authority invited Norway to inform the Authority how and by which date it intends to implement the conclusions of the EFTA Court judgment.

In a reply received on 29 February 2024 (Doc No 1439611; your ref. 18/1264-), the Norwegian Government stated that doubts have been cast by the air navigation service provider in Norway as to the feasibility of adhering to the 2025 timeline. A replanning for the implementation of a future air traffic management system is ongoing. The Norwegian Government also stated that the Norwegian Civil Aviation Authority (CAA) had addressed the non-compliance and required corrective actions by 30 April 2024.

In a further update received 11 October 2024 (Doc No 1490164; your ref. 18/1264-), the Norwegian Government informed the Authority that the CAA had approved a corrective action plan from Avinor ANS on 27 August 2024. The corrective action plan states that full compliance will be achieved by 31 July 2028.

The case was discussed at the 2024 Package Meeting in Norway on 24 and 25 October. By a letter dated 15 November 2024 (Doc No 1498412; your ref. 18/1264-), the Norwegian Government shared with the Authority the CAA report establishing a level 2 finding and correspondence between Avinor and the CAA. The letter additionally stated that the Norwegian Government was awaiting a reply from the CAA concerning the possibility of imposing fines.

The Norwegian Government shared the CAA's analysis by letter on 19 December 2024 (Doc No 1508112; your ref. 18/1264- and Doc No 1508110; your ref. 22/03427-41). According to the analysis the CAA would apply fines if the milestones agreed in the corrective action plan were not met. However punitive fines were not considered possible according to the analysis.

On 8 October 2025, the Authority adopted a letter of formal notice (Doc No 1498364).

At the meeting, the Authority wishes to discuss the status of the case, including any developments or updates.

Specific questions to be discussed:

- i. What is the status of the deployment of data link services in Norway?
- ii. Possible updates to the corrective action plan in order to better understand the progress of the deployment of the data link system as it progresses.

Estimated time: 1 hour

3. Seafarers' wages in Norway (Case No: 94430)

On 2 June 2025, the Norwegian Parliament adopted legislation in Norway that mandates Norwegian pay on ships in Norwegian waters, EEZ and the Norwegian continental shelf.

On 24 July 2025, the Internal Market Affairs Directorate ("the Directorate") of the Authority opened an own-initiative case to investigate the compatibility of the above-mentioned legislation with EEA law.

The Authority has been assessing the adopted legislation and intends prior to the Package Meeting to send a letter to address its view on the matter (Doc No 1564927).

Specific questions to be discussed:

- i. Question 1: Discuss the proportionality, suitability and necessity of the proposed measures
- ii. Question 2: Discuss the effect of the measure vis-à-vis the existing aid schemes (i.e. tax refund scheme) approved by the Authority

Estimated time: 1 hour

4. Incorrect implementation of Directive 2005/65/EC on port security in Norway (Case No: 92209)

The Authority has opened an own-initiative case to pursue infringement proceedings against Norway for its failure to implement correctly Directive 2005/65 on port security. The case emanates from the findings of the Authority inspection of the Norwegian competent authority in March 2022, which have been confirmed in several other port inspections in Norway since then.

The Authority issued a letter of formal notice (Decision No 145/24/COL, Doc No

1469846) to Norway on 18 September 2024 asking the Norwegian Government to comply with its obligations under Articles 2, 5, 6, 7, 9, 10(1) and 13 of Directive 2005/65/EC, as well as in Article 12(1) of Commission Regulation No 324/2008.

The matter was discussed at the annual package meeting in 2024.

The Authority received a reply to the letter of formal notice from the Norwegian Government on 18 December 2024 (Doc No 1508174; your ref. 24/4698-13).

At the Package Meeting, the Directorate would like to discuss the status of the case and any progress made by Norway to address the concerns raised by the Authority.

Specific questions to be discussed:

- i. What steps have been taken since the reply to the letter of formal notice to address the conclusions of the Authority?

Estimated time: 1 hour

5. Conformity assessments of Directive 2016/797 (Case No: 89522), Directive 2016/798 (Case No: 89517) and Directive 2012/34/EU (Case No: 89524)

The Authority has been assessing the transposition and implementation of the above-mentioned directives in Norway.

First, as regards the Rail Interoperability Directive (2016/797), the Authority would like an update on the measures taken to address the conclusions of the Authority.

Second, as regards the Railway Safety Directive (2016/798), the Authority has sent a request for information addressing some potential shortcomings with the Norwegian transposition measures (Doc No 1559996).

Third, as regards the Single European Railway Area Directive (2012/34/EU), the Authority intends to send prior to the Package Meeting a letter to address some topics (e.g. independence of the regulatory body) for further discussion (Doc No 1564261).

At the Package Meeting, the Directorate would like to discuss all three above-mentioned cases.

Specific questions to be discussed:

- i. Question 1: What is the Ministry's view on the issues addressed in the Authority's letters concerning the Railway Safety Directive and the Single European Railway Area Directive?
- ii. Question 2: What steps have been taken, if any, since the receipt of the aforementioned letters of the Authority?

Estimated time: 1 – 1.5 hours**6. Norway - Direct award of PSO (Østlandet 1 and 2) for the period 2023-2033 (Case No: 90137)**

On 14 March 2023, the Internal Market Affairs Directorate (“the Directorate”) of the EFTA Surveillance Authority (“the Authority”) opened an own-initiative case to investigate the application in Norway of Regulation (EC) No 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road (‘Land PSO Regulation’), and Directive 2012/34/EU concerning the direct award of the railway network packages Østlandet 1 and 2 and abortion of announced award under competitive award for Trafikkpakke 4 and 5 (Doc No 1360069).

Furthermore, the Authority has received two complaints concerning the same matter (Case Nos 90137 and 91300).

The matter has been discussed at the annual Package Meetings in 2023 and 2024.

The Directorate sent a Pre-Article 31 letter to Norway on 3 October where it reached the preliminary conclusions that the Norwegian Government committed a "manifest error" and breached the principle of proportionality by directly awarding public service obligation (PSO) contracts for railway transport in the Østlandet- region without properly assessing the genuine need for market intervention. The Directorate’s preliminary conclusions are that the government failed to conduct an appropriate market analysis to determine which services could have been provided by the market on commercial terms, for either the entire region or specific parts of it. The Government’s reliance on socio-economic analyses and bids from a cancelled competitive tender, which were based on a need for compensation, did not adequately test the market’s willingness to provide services on its own commercial terms.

As the Norwegian Government has requested an extension of the deadline to respond until 8 December, the deadline has not yet expired but the Authority wishes to use the opportunity to discuss the case during the Package Meeting.

Estimated time: 45 minutes**7. Norway - Incorrect application of Article 5(3a) of Regulation 1370/2007 (Case No: 93059)**

By a letter dated 30 October 2024, the Internal Market Affairs Directorate (“the Directorate”) of the EFTA Surveillance Authority (“the Authority”) informed the Norwegian Government that it had opened an own initiative case regarding the application of Regulation 1370/2007 (“the Land PSO Regulation”) in Norway (Doc No 1494184) . The case concerns a temporary direct award of railway services on the basis of Article 5(3a) of the Land PSO Regulation, as amended.

On 22 October 2024, the Ministry of Transport published an announcement on its website with the title “Vy direktetildeles kontrakt på Sørlandsbanen, Jærbanen og Arendalsbanen fra 2027”. According to this announcement, the Ministry has instructed the Railway Directorate (Jernbanedirektoratet) as the competent authority to directly award a temporary railway public service contract for the so-called South bundle (“Traffic Package 1 South”), covering the Sørlandet line, the Jær line and the Arendal line to the railway operator Vygruppen (“Vy”) for a period of up to five years under Article 5(3a) of the Land PSO Regulation.

The announcement includes a mandate (“mandat”), which sets out more details on the measures which the Railway Directorate is supposed to carry out. That mandate is undated and not signed but the Directorate’s understanding is that under Norwegian administrative law, the mandate is a binding instruction by the Ministry of Transport to the Railway Directorate as a subordinate public entity.

The matter was also brought up by the Norwegian Government and discussed during the annual Package Meeting in Oslo, which took place on 24 and 25 October 2024.

The Norwegian Government responded to the Directorate’s letter of 30 October on 27 November 2024 (Doc No 1501678; your ref. 25/2126-).

Furthermore, on 3 December 2024, the Authority received a complaint where the complainant alleges that the decision taken by the Ministry of Transport to instruct the Norwegian Railway Directorate to award the public service obligation (PSO) contract for Trafikkpakke 1 to Vygruppen AS for a period of (up to) 5 years constituted a breach of Regulation (EC) No 1370/2007 (Case No 93321).

A pre-Article 31 letter (Doc No 1517632) was sent to Norway on 24 March 2025.

The Norwegian Government sent its response to the letter on 28 May 2025 (with a corrected version of the letter submitted on 4 June 2025) (Doc No 1543025; your ref. 25/2126-).

Specific questions to be discussed:

- i. Current status of the reassessment of the PSO bundles.
- ii. Information on how the Railway Directorate assessed the interest expressed in the RFI for the Sørlandet.

Estimated time: 45 minutes

**Package Meeting in Norway
13-14 November 2025**

Proposal for discussion points

**Health and Safety at Work,
Labour Law and Equal Treatment for Men and Women
(Annex XVIII)**

Responsible case handler: Per-Arvid Sjøgård

Other participant: Ewa Gromnicka

1. Own initiative case concerning restrictions on the use of temporary agency workers in Norway (Case No: 89887)

Legislative amendments adopted by Norway in December 2022 removed the possibility to use temporary agency workers when the work is of a temporary nature, such as for seasonal work or production peaks. In addition, Norway introduced an absolute prohibition on the use of temporary agency work in the construction sector in certain counties, including Oslo.

On 19 July 2023, the Authority issued a letter of formal notice to Norway concluding that those provisions constitute unjustified restrictions on the use of temporary agency work in breach of the Temporary Agency Work Directive and Article 36 EEA on the freedom to provide services (Doc No 1373235).

Following a request made by the Oslo District Court, the EFTA Court delivered an advisory opinion on 20 November 2024 in Case E-2/24 *Bygg & Industri and others v. Norway*. In its subsequent judgement of 18 August 2025, the plaintiffs' action seeking compensation for an alleged infringement of EEA law, was rejected (23-130279TVI-TOSL/02).

The Authority would like to discuss the case as such and, also, in light of the most recent correspondence.

Estimated time: 1 hour

2. Conformity assessment of Norway's implementation of Directive 2018/957 amending the Posting of Workers Directive (Case No: 90906)

On 6 January 2023, the Authority received a Form 1 from the Norwegian Government indicating full implementation of Directive 2018/957 (Doc No 1340831).

By way of a letter dated 6 September 2023, the Authority informed the Norwegian Government that it had decided to carry out a conformity assessment of Norway's implementation of the amending Directive (Doc No 1395496). To facilitate this assessment, a Table of Correspondence ("ToC") was requested.

On 6 October 2023, the Authority received the requested ToC (Doc No 1403141).

On that basis, the Authority undertook a first assessment which raised issues prompting it to request certain clarifications, by way of a letter dated 22 April 2024 (Doc No 1437404). The Norwegian Government responded on 24 June 2024 (Doc No 1466192).

The concerns raised by the Authority were, subsequently, discussed at the Package Meeting in Oslo in October 2024 (Doc No 1493657). Those discussions were summarised in the Authority's follow-up letter, to which Norway responded as requested on 11 December 2024 (Doc No 1505643; your ref. 23/3115).

The Authority would like to discuss the case as such and, also, in light of the most recent correspondence.

Estimated time: 45 minutes

**Package Meeting in Norway
13-14 November 2025**

Proposal for discussion points

**Environment
(Annex XX)**

Responsible case handlers: **Mathias Thorkildsen (Items 1-4)**
 Kristine Aaland (Item 5)
 Anne De Geeter (Item 5)
 Ada Gimnes Jarøy (Item 5)

Other participants: **Marco Uccelli (1-5)**
 Rachel Harriott (Online, Item 4)
 Sigrún Ingibjörg Gísladóttir (Items 1-4)

1. Own-initiative case concerning wastewater treatment in Norway (Case No: 94034)

This case concerns Directive 91/271/EEC on urban wastewater treatment (“the Urban Waste Water Treatment Directive” or “UWWTD”) and its transposition and application in Norway.

On 6 June 2025, the EFTA Surveillance Authority (“the Authority”)’s Internal Market Affairs Directorate (“the Directorate”) informed the Norwegian Government that it was examining compliance with ESA Decision 035/17/COL granting Norway a derogation regarding the Ladehammeren urban wastewater treatment plant in the agglomeration of Trondheim and repealing Decision No 725/07/COL (Doc No 1536014). In that context, the Norwegian Government was asked to clarify certain questions relating to that decision, as well as to explain the Norwegian legal transposition of key provisions of the UWWTD.

Norway replied on 7 July 2025 (Doc No 1548447; your ref. 23/5164-).

Following an initial assessment, the Directorate decided to expand the scope of the case to cover the implementation of the UWWTD on the national level. On 8 September 2025, the Directorate sent a supplementary request for information to Norway (Doc No 1555285).

On 15 September 2025, the Directorate granted Norway an extension to reply to the supplementary request for information until 31 October 2025.

At the meeting, the representatives of the Authority would like to discuss the below questions as well as any other questions that may arise following Norway's reply to

the Directorate's supplementary request for information.

Specific questions to be discussed:

i. Alternative criteria for primary treatment

In Norway's letter of 7 July 2025, Norway explained that the Norwegian legal framework provides for an alternative method for demonstrating compliance with primary treatment. Reference was made to Section 14-2 letter a of the Norwegian Pollution Control Regulation, which sets maximum effluent concentrations as alternative criteria to the Directive's minimum percentage reduction requirements for BOD5 and suspended solids. Similarly, the permit for Ladehammeren wastewater plant contains a maximum effluent concentration requirement for BOD5 as an alternative to the minimum percentage reduction set out in ESA Decision 035/17.

Please explain how, in the Norwegian Government's view, the setting of such alternative criteria is compliant with the definition of primary treatment in Article 2(7) UWWTD and ESA Decision 035/17.

ii. Obligation to provide collecting systems

Article 3(1) of the UWWTD requires that all agglomerations of more than 2000 population equivalent [p.e.] are provided with collecting systems.

In Norway's letter of 7 July 2025, Norway explained that this obligation is implemented through several acts and regulations. Among other things, Norway explained that "The Planning and Building Act (Act of 27 June 2008 No. 71) section 27-2 ensures that buildings close to a collecting system are legally obligated to connect to the collecting system".

How close to a collecting system must a building be for this obligation to arise? Does this obligation guarantee that all buildings in all agglomeration are legally required to be connected to a collecting system?

iii. Treatment requirements

In its reply of 7 July 2025, Norway explained that the obligation to ensure secondary treatment is transposed into the Pollution Control Regulation, Sections 14-6, 14-7 and 14-8.

For discharges to sensitive areas, Section 14-6 requires phosphorus removal. Secondary treatment is required for new treatment plants or existing treatment plants that are significantly changed. For discharges in the agglomerations of Nordre Follo, Oslo, Jessheim and Lillehammer, nitrogen removal and secondary treatment is required for municipal wastewater if such discharges had requirements of nitrogen removal on 1 January 2007.

For discharges to normal areas, Section 14-7 requires phosphorus removal. Secondary treatment is required for new treatment plants or

existing treatment plants that are significantly changed.

For discharges to less sensitive areas, Section 14-8 requires secondary treatment. However, if the wastewater is subject to phosphorus removal, secondary treatment is only required if the existing treatment plant is significantly changed. Subject to conditions, the Country Governor may set less stringent treatment requirements.

Please explain why the Norwegian transposition:

- does not set requirements for nitrogen removal to all sensitive areas,
- only requires secondary treatment for discharges in normal and sensitive areas for new treatment plants or when these are significantly changed,
- for discharges to less sensitive areas that have not been subjected to less stringent treatment and that is subject to phosphorus removal, only requires secondary treatment for treatment plants that are new or when these are significantly changed,
- only requires secondary treatment and nitrogen removal for discharges in the sensitive areas of Nordre Follo, Oslo, Jessheim and Lillehammer if the discharge had requirements for nitrogen removal on 1 January 2007.

Please explain whether, in the Norwegian Government's view, these treatment requirements are compliant with Articles 4 to 6 of the UWWTD.

Estimated time: 1 hour

2. Concerns regarding deterioration of water bodies due to disposal of mining waste (Case No: 86194)

This case concerns the correct implementation and application of Article 4(7) of Directive 2000/60/EC establishing a framework for Community action in the field of water policy ("Water Framework Directive" or "WFD") in Norway.

On 30 August 2023, the Norwegian Government published a proposal that included, among other things, an amendment of Section 12 of the Norwegian Water Regulation, aimed at aligning the wording of that provision with the wording of Article 4(7) of the WFD.

By letter of 31 January 2025 (Doc No 1514979; your ref. 23/2693), the Norwegian Government indicated that it was aiming to adopt the final decision on any amendments to Section 12 during 2025.

On 5 March 2025, the EFTA Court handed down its judgment in Case E-13/24, *Friends of the Earth Norway and Young Friends of the Earth Norway*, giving its advisory opinion on the interpretation of Article 4(7) of the WFD.

On 12 August 2025, the Borgarting Court of Appeal declared invalid four decisions

granting permits to a mining project involving the disposal of mining waste tailings into the Fårdefjord, on the basis that these decisions were adopted in breach of the Water Framework Directive. The Norwegian Government has appealed the judgment.

Specific questions to be discussed:

- i. Please provide an update on the proposal to amend Section 12 of the Norwegian Water Regulation.
- ii. Please indicate what actions the Norwegian Government intends to take, if any, to ensure that its practice concerning Article 4(7) WFD aligns with the judgment of the EFTA Court in E-13/24.

Estimated time: 45 minutes

3. Controls of water bodies (hydropower) (Case No: 88013)

This case concerns the implementation of Article 11 of the Water Framework Directive.

By letter of 6 May 2024, the Directorate set out its preliminary view that Norway had failed to transpose and apply Articles 11(3)(e) and 11(5) of the Water Framework Directive (Doc No 1441163).

The case was discussed at a meeting in Oslo on 20 June 2024.

Norway replied by letter dated 1 July 2024 (Doc No 1467858; your ref. 24/1828-), indicating that it would follow up with the following actions:

- Consider how Section 25(4)(e) of the Norwegian Water Regulation may be adjusted to transpose all the elements of Article 11(3)(e) of the WFD;
- Consider adjustments to Section 25(7) of the Norwegian Water Regulation so that the Norwegian transposition aligns with Article 11(5) of the WFD;
- Investigate how Article 11(3)(e) of the WFD can be transposed into Norwegian law to ensure a periodic review of controls.
- Conduct an assessment to ensure compliance with the requirement of “prior authorisation” in Article 11(3)(e) of the WFD for the hydropower facilities referred to as “unlicensed”.

By letter dated 11 July 2024, the Directorate requested Norway to indicate a clear timeline for its planned action (Doc No 1470349).

By letter dated 30 August 2024 (Doc No 1479096; your ref. 24/1828), the Norwegian Government indicated it would assess how Article 11(3)(e) of the WFD can be transposed into Norwegian law to ensure a periodic review of controls, with the aim of adopting amendments by 1 January 2026. The Norwegian Government also indicated it would establish a regulation to extend the standard terms for hydropower

facilities by 1 January 2026, or 1 July 2026 if legislative amendment would be required.

By letter dated 10 December 2024 (Doc No 1493992), the Directorate invited the Norwegian Government to expedite its assessment.

Specific questions to be discussed:

- i. The Norwegian Government is invited to provide an update on the planned amendments mentioned above.

Estimated time: 45 minutes

4. Structured dialogues - follow-up to the RBMP assessment (Case No: 94263)

On 7 April 2025, the Authority published its Report on the Implementation of the Water Framework Directive,⁵ accompanied by country-specific assessment for each of the three EEA EFTA States' River Basin Management Plans.⁶

Following the publication of its report, the Authority has initiated “structured dialogues” with each of the EEA EFTA States. The idea is to identify necessary action points and take stock of progress towards following up on the Authority's recommendations.

On 20 June 2025, representatives of the Authority met with representatives of the Norwegian Government for an initial stock-taking of how Norway intends to follow up on the Authority's recommendations.

At this meeting, the representatives of the Authority would like to continue the discussion on specific recommendations.

Specific questions to be discussed:

Norway is kindly invited to provide updates/elaborate further on:

- i. Norway's work to coordinate water body status classifications with Finland (recommendation 2).
- ii. The delineation of transitional water bodies in Norway (recommendation 3).
- iii. The inclusion of hydromorphological quality elements in the assessment of ecological status (recommendation 6).
- iv. Work to reduce the number of water bodies in unknown chemical status (recommendations 7 and 8).

⁵ Available at <https://www.eftasurv.int/cms/sites/default/files/documents/gopro/Main%20report%20-%20implementation%20of%20the%20WFD.pdf>.

⁶ The assessment of Norway's River Basin Management Plans is available here: <https://www.eftasurv.int/cms/sites/default/files/documents/gopro/RBMP%20assessment%20Norway.pdf>.

- v. Work to improve the level of confidence in the classification of ecological and chemical status (recommendation 9).
- vi. Justifications where monthly monitoring is not carried out for all 45 priority substances (recommendation 10).
- vii. Work to improve the monitoring and assessment of groundwater status (recommendations 12 and 13).
- viii. Work to improve descriptions of how measures are prioritised based on cost-effectiveness analysis (recommendation 18).
- ix. Work to address ESA's recommendation to provide further measures that will have a demonstrable effect on addressing the pressures caused by aquaculture (recommendation 19).
- x. Work on guidance on flow requirements (recommendation 21).
On this point, Norway is invited to elaborate on the differences between the Norwegian flow regime and ecological flows as defined in CIS guidance 31, and any potential changes to the guidance on highly modified water bodies.
- xi. The position regarding water abstraction analysis (recommendation 22).
- xii. Work to address ESA's recommendations concerning measures to address the impact of agriculture.
- xiii. Guidance on heavily modified water bodies (recommendation 26).
- xiv. The proposed approach to economic analysis points (recommendations 26 to 29).
- xv. Norway's approach in relation to protected areas (recommendation 30).

Estimated time: 2 hours

5. Conformity assessment of Directive 2009/31/EC on the geological storage of CO₂ for Norway (Case No: 90918)

The case concerns the implementation of *Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006* ("the CCS Directive").⁷

On 5 October 2023, the Authority sent a request for information to the Norwegian Government, inviting it to submit a table of correspondence for the national implementation of the CCS Directive (Doc No 1396545).

The Norwegian Government provided the requested information on 10 November 2023 (Doc Nos 1412878, 1412876 and 1412874; your ref. 23/2255).

⁷ OJ L 140, 5.6.2009, p. 114-135, as incorporated into the EEA Agreement at point 21 at of Annex XX by the Decision of the EEA Joint Committee No 115/2012 (OJ L 270, 4.10.2012, p. 38 and EEA Supplement No 56, 4.10.2012, p. 39) and which entered into force on 1 June 2013.

The Authority and the Norwegian Government exchanged on the CCS Directive's implementation in Norway at the Package Meetings of October 2022⁸ and October 2023,⁹ with particular focus on the directive provisions related to third-party access. Further exchanges also took place via email.

At the 2023 Package Meeting, the Norwegian Government informed the Authority that it was planning a revision of the national legislation implementing the CCS Directive, including the provisions on third-party access, and would keep the Authority informed.

At the meeting, the Authority would like to discuss the status of the case and any recent correspondence. The Authority also welcomes an exchange regarding the permit regime for CCS in Norway.

Specific questions to be discussed:

- i. What is the status and timeline for the Norwegian Government's revision of the national legislation implementing the CCS Directive?
- ii. What is the scope of the revision, i.e., which national provisions are to be amended?
- iii. What are the envisaged changes regarding the third-party access regime?

Estimated time: 1 hour

⁸ Reference is made to the Authority's Follow-up letter of 15 December 2022 (Doc No 1325668).

⁹ Reference is made to the Authority's Follow-up letter of 14 November 2023 (Doc No 1409521).

**Package Meeting in Norway
13-14 November 2025**

Proposal for discussion points

EEA-UK Separation Agreement

Responsible case handler: Ciarán Burke
Other participants: Maria Moustakali
Kyrre Isaksen

- 1. Complaint against Norway concerning failure to give effect to rights to frontier workers coming under the scope of the Separation Agreement (Case No: 91492)*

On 14 December 2023, the Authority received a complaint against Norway concerning various alleged failures by organs and institutions under the supervision of the Norwegian Government to give effect to rights to frontier workers coming under the scope of the EEA-UK Separation Agreement. These principally pertain to the Directorate of Immigration (UDI) and the Ministry of Labour and Social Inclusion.

The Authority's Internal Market Affairs Directorate sent a request for information to the Norwegian Government on 23 September 2024 (Doc No 1481758). After requesting and being granted additional time to reply, the Norwegian Government replied to the Authority's request for information on 8 November 2024 (Doc No 1496712; your ref. 24/3413).

Specific questions to be discussed:

At this year's Package Meeting, the Norwegian Government is requested to provide the Authority with answers to the following questions:

1. In light of the fact that the Norwegian Government has repeatedly recognised that the right to reside in Norway is unconnected to entry on the National Population Register (or, as a result, the issuance of a National Identification Number), and that registration does not affect the right of EEA nationals or UK nationals falling under the personal scope of the Separation Agreement to reside in Norway, and that, in its letter of 8 November 2024, the Norwegian Government has stated that "this registration, [that is, registration with the immigration authorities] is not the same as registration in the Norwegian National Registry", please explain the distinctions between the two registration systems as a matter of Norwegian law, and whether, in view of the Norwegian Government, this has any consequences, as a matter of Separation Agreement law and EEA law.
2. In its letter of 8 November 2024, the Norwegian Government asserts that, in order to overcome the practical problems experienced by individuals such as the complainant who have experienced practical problems in accessing

public services in Norway via the eID system, *“the complainant...may therefore purchase a Buypass eID or a Commfides eID in order to be able to log in to all types of digital public services.”* How straightforward is this in practice? Is the system of Buypass eIDs and Commfides eIDs public or private? In the latter case, what public body exercises public oversight with respect to ensuring access? Given the information that the Authority has furnished to the Norwegian Government concerning the complainant’s situation, why does the Norwegian Government believe that the complainant has had such problems accessing public services?

3. Since the case has been opened and the Norwegian Government has been made aware of problems experienced by the complainant, have any measures been taken by the Norwegian Government to assess or stress test the system in order to ensure that no impediments to access are felt in practice for such individuals?
4. The Norwegian Government is requested to explain the distinctions in the legal regimes – and the practical consequences arising from these distinctions – with respect to individuals who may receive a D-number on the one hand, and a National Identification Number, on the other.

Estimated time: 30 minutes