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Norwegian Ministry of Health and Care Services
Postboks 8011 Dep
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Dear Sir/Madam,

Subject: Supplementary Request for Information concerning reimbursement for costs related to cross-border healthcare – Directive 2011/24.

By letter dated 30 September 2020¹, the Internal Market Affairs Directorate (“the Directorate”) of the EFTA Surveillance Authority (“the Authority”) informed the Norwegian Government that it had received a complaint concerning the Norwegian legislation and administrative practices on the reimbursement of costs related to cross-border healthcare.

For the purposes of examining the matter in more detail, the Norwegian Government was invited to provide further information and explanations. The reply was received on 30 October 2020.²

The subject of this supplementary request for information concerns one of the issues at stake, namely the provision contained in Section 11(5) of the national implementing regulation.³ That provision reads as follows: “*The insured person must pay for and provide translation of necessary documentation if that documentation is not available in Norwegian, Danish, Swedish or English. The translation shall, as a main rule, be made by a state authorised translator. The translation requirement may be waived if it is considered that there is no need for such translation.*”

In its reply to the Directorate of 30 October 2020, the Norwegian Government has *inter alia* explained that the national authorities will assess on a case-by-case basis whether the documents may be understood without translation and whether requiring translation would amount to a disproportionate burden.

The Directorate is of the view that several issues still need to be clarified in order to fully understand how the provision in Section 11(5) of the implementing regulation is applied in practice. The Norwegian Government is therefore kindly requested to provide the following information and explanations:

1. It follows from Section 11(5) of the national implementing regulation that the translation requirement may be waived if the national authority considers this to be

¹ Doc No 1152080.

² Doc No 1160689.

³ FOR-2010-11-22-1466 Forskrift om stønad til helsetjenester mottatt i et annet EØS-land.

unnecessary. Please provide, with the accompanying explanations as necessary, the following:

- 1.1. Anonymised examples of documentation for which translation was *not* deemed necessary
 - 1.2. Anonymised examples of documentation for which translation was deemed necessary.
 - 1.3. A description of the detailed criteria pertaining to the circumstances in which translation will actually be required, including, where applicable, how and whether the public may access information concerning these criteria.
2. As regards the requirement that translations shall, as a main rule, be made by a state authorised translator, the Directorate observes that this refers to a specific, Norwegian certification system which does not appear to exist in most other EEA States. Please clarify:
- 2.1. Whether this condition means that, when a translation is considered necessary, only translations provided by a translator accredited by the Norwegian School of Economics will be accepted?
 - 2.2. Whether translations, be they undertaken by a state authorised translator or other, must be in Norwegian (must the target language be in Norwegian)? For example, would the national authority refuse a translation from Spanish to English?
 - 2.3. Whether the condition entails that, in circumstances in which an individual exercises the profession of translator in another EEA State (whether or not this EEA State has a system of accredited translators), and translates a document, for example, from Hungarian to Norwegian, this translation will be accepted by the Norwegian authorities?

The Norwegian Government is invited to submit the above information, as well as any other information it deems relevant to the case, so that it reaches the Authority by 24 October 2021.

Yours faithfully,

Gabrielle Somers
Deputy Director
Internal Market Affairs Directorate

This document has been electronically authenticated by Gabrielle Somers.