

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Norges Høyesterett dated 19 February 2016 in the case of Ski Taxi SA, Follo Taxi SA og Ski Follo Taxidrift AS v staten v/ Konkurransetilsynet

(Case E-3/16)

A request has been made to the EFTA Court dated 19 February 2016 from Norges Høyesterett (the Supreme Court of Norway), which was received at the Court Registry on 24 February 2016, for an Advisory Opinion in the case of Ski Taxi SA, Follo Taxi SA og Ski Follo Taxidrift AS v staten v/ Konkurransetilsynet on the following questions:

- 1. What is the legal test when determining whether an agreement between undertakings has a competition-restricting object within the meaning of Article 53 EEA?**
 - a) In this context, is it sufficient in order to be able to categorise a form of conduct as an infringement by object pursuant to Article 53 EEA, that the cooperation is capable of restricting competition?**
- 2. What is the legal significance for the consideration of whether a form of conduct constitutes an infringement by object, that such cooperation took place openly vis-à-vis the procuring authority?**
- 3. What legal criteria must in particular be emphasised when considering whether cooperation that takes the form of two competing companies submitting a joint tender through a joint venture, and where the two undertakings are to be subcontractors to the joint venture, should be deemed to constitute an infringement by object?**