



Luxembourg, 8 December 2016

PRESS RELEASE 10/2016

Case E-3/16 - *Ski Taxi SA, Follo Taxi SA and Ski Follo Taxidrift AS v The Norwegian Government*

The Court's public sitting for the delivery of the judgment in Case E-3/16 - *Ski Taxi SA, Follo Taxi SA and Ski Follo Taxidrift AS v The Norwegian Government* will be held on 22 December 2016 at 15:00.

On 24 February 2016, the Supreme Court of Norway referred questions concerning the interpretation of Article 53 EEA to the Court in the case pending before it between, on the one hand, Ski Taxi SA, Follo Taxi SA and Ski Follo Taxidrift AS and, on the other hand, the Norwegian Government, represented by the Norwegian Competition Authority.

In the proceedings before the referring court, Ski Taxi SA, Follo Taxi SA and Ski Follo Taxidrift AS are appealing against a judgment of the Borgarting Court of Appeal of 17 March 2015, which upheld a decision by the Competition Authority to impose administrative fines on Ski Taxi, Follo Taxi and SFD for infringing the national prohibition on anti-competitive agreements by submitting joint bids in two tender procedures launched by Oslo University Hospital.

The Supreme Court of Norway posed the following questions to the Court:

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?*

The Report for the Hearing for the case can be found here:

http://www.eftacourt.int/uploads/tx_nvcases/16_Report_for_the_Hearing_EN_01.pdf

For further information, contact:

Registry
EFTA Court
1, rue du Fort Thüngen
L-1499 Luxembourg
Tel. + 352 42 10 81
Fax + 352 43 43 89