

Corrections, supplements, or changes to the conditions of tender

Q&A

Question 1:

Under the Norwegian Emissions Trading Regulations, public service obligation (PSO) routes with an offered capacity of fewer than 50,000 seats per year are exempt from emissions trading obligations. The CO₂ tax on aviation covered by the emissions trading scheme has been abolished. However, routes outside the scheme are instead subject to a Norwegian CO₂ tax, currently NOK 4.18 per litre.

- Can the Ministry of Transport clarify whether the threshold of 50,000 seats applies to each direction separately or to both directions combined?
- Should tenderers use the current CO₂ tax rate when calculating their bids, and, if so, would future changes to the rate constitute grounds for renegotiation?

Answer:

The Ministry of Transport has discussed the matter with the Norwegian Environment Agency, which is the competent authority in Norway for the EU Emissions Trading System (EU ETS). The aviation activities in Norway that are covered by the EU ETS, as well as the applicable exemptions, are set out in Section 1-4 of the Regulations relating to emissions trading and the trading of allowances for greenhouse gas emissions (the Norwegian Emissions Trading Regulations).

The Norwegian Environment Agency has stated that, in its application of Section 1-4, second paragraph, point (i), of the Norwegian Emissions Trading Regulations, a “route” from A to B is regarded as separate from a route from B to A. Consequently, PSO routes on which the offered capacity in one direction does not exceed 50,000 seats per year are exempt from emissions trading obligations.

Based on the Norwegian Environment Agency’s application of the emissions trading rules, tenderers are therefore requested to include the CO₂ tax on domestic aviation in their bids for routes on which the number of seats offered per year is estimated to be below 50,000 in one direction. The tax rate is currently NOK 4.18 per litre in 2026, and the current rate may be used as the basis for the bids. The Ministry considers that changes to the CO₂ tax during the contract period may constitute grounds for renegotiation by both the contracting authority and the operators, pursuant to Section 9.2 of Annex 2 (the contract) to the tender documents.

Question 2:

Section 6.5.2 of the tender documents (page 19) states that the settlement for the first fuel adjustment shall be made against the “compensation payable in December 2027”. Given the Ministry’s previous clarification that compensation will be paid in advance on the 15th day of the relevant operating month (meaning 15 November 2027 for operations in November), please confirm whether the fuel adjustment in question is to be settled against this first actual compensation payment in November 2027.

Answer:

Statistics Norway has indicated that the data needed to calculate the fuel sub-index may be available in November 2027. The Ministry therefore aims to include the adjustment described in section 6.5.2 in the payment for the first month of operations under the next contract period. Under section 7.7 of the contract, that payment is due on 15 November 2027. If this is not possible, any outstanding amount will be included in the payment in December 2027.

Question 3:

Section 6.5.2 of the tender documents states that “fuel costs shall be adjusted in accordance with the sub-index for aviation fuel for the period from 1 October 2026 up to and including September 2027.” The text does not specify how the change over this period is to be calculated. To avoid any doubt, we kindly ask the Ministry to confirm which of the following two methods is correct:

- Option A (date-to-date): Is the adjustment based on the percentage change between the index on the start date (1 October 2026) and the index on the end date (30 September 2027)?
- Option B (average): Is the adjustment based on the percentage change between the index on the start date (1 October 2026) and the average index for the entire period (1 October 2026–30 September 2027)?
- Any other calculation method

We also kindly ask the Ministry to clarify the method for the subsequent annual adjustments in the same manner.

Answer:

The Ministry has discussed the question with Statistics Norway (SSB), which has stated that the fuel sub-index is calculated using a method that broadly corresponds to Option A, namely the change between two periods. SSB clarifies that it does not calculate the index on the basis of prices on specific dates, such as 1 October and 30 September.

SSB collects monthly prices for JET A-1 and jet kerosene. For each fuel type, it obtains one price from one company, meaning that prices are collected from two different companies in total. The companies generally report their prices to SSB in the middle of the month, with a final reporting deadline around the 25th. The reported prices therefore reflect the price level around the middle of the month in question.

The monthly prices are used to calculate a quarterly average for each fuel type. The change between the first and last relevant periods is then calculated.

SSB has provided the following example to illustrate the method:

In the first period, the monthly prices for **JET A-1** are 98, 100 and 102. The quarterly average is:

$$(98 + 100 + 102) / 3 = 100$$

In the last period, the monthly prices for **JET A-1** are 108, 110 and 112. The quarterly average is:

$$(108 + 110 + 112) / 3 = 110$$

The change between the two periods for **JET A-1** is therefore 10 per cent:
 $(110 / 100 - 1) \times 100 = 10$ per cent

Final fuel sub-index

The final percentage change for fuel is calculated as the average of the percentage changes for JET A-1 and jet kerosene.

If **jet kerosene** increases by only 5 per cent, the percentage change for fuel is 7.5 (107.5):
 $(10\% + 5\%) / 2 = 7.5\%$

Question 4:

Observation of the aviation fuel sub-index. The mechanism is based on a non-public “special extract for first-hand domestic sales of aviation fuel” provided by Statistics Norway (SSB). Since tenderers do not have access to this specific sub-index, we are unable to make an informed assessment of the price risk in our calculations.

To enable prudent pricing of the tender, we kindly ask the Ministry to:

- a) Identify a publicly available reference index (e.g. a specific Platts quotation) that may be considered a valid proxy for the sub-index in question.
- b) Clarify the frequency on which the index is based (monthly, weekly or specific dates).

Answer:

Neither the Ministry of Transport nor Statistics Norway (SSB) has access to historical Platts price quotations. The Ministry is therefore unable to identify a specific publicly available quotation as a representative reference for the sub-index. See also the response to Question 3.

Question 5:

Section 6.5.1.2 states: “The services included in the procurement shall be provided by the tenderer itself. Leasing of aircraft including crews (‘wet lease’) is only permitted in exceptional cases, and only if the Ministry accepts this in advance (see section 5.14 in the Terms of Contract).”

Can we assume that the Ministry will accept a joint tender submitted by two or more operating companies, each holding an AOC and assuming joint and several liability?
Would the Ministry also accept a tender from one company with another company acting as a subcontractor, specifically for ticket distribution?

Answer:

If a tenderer plans to use an operator other than, for example, the marketing carrier to operate the flights, whether within the same corporate group or otherwise, both companies must sign the tender and, if awarded the contract, the contract. All tenderers must hold a valid operating licence in accordance with Regulation (EC) No 1008/2008 of 24 September 2008 on common rules for the operation of air services in the Community, cf. section 3.1.1 of the rules for the tender procedure. This constitutes a joint tender and does not amount to an arrangement covered by the restriction on wet leasing in section 5.14 of the contract.

The operator submitting the tender, whether alone or jointly with others, must in all cases assess and demonstrate that the requirements set out in the contract and tender documents are met. These requirements may be met through the use of subcontractors, but submitting a joint tender is the safer approach.

Question 6:

We refer to section 5 of the tender document ("Climate and environment", p. 15), which states that "The Ministry of Transport asks tenderers to note the Government's ambition to incorporate ReFuelEU Aviation into Norwegian law, with effect from 2027."

The price of sustainable aviation fuel (SAF) fluctuates significantly and can be three to five times higher than that of fossil fuel. During the contract period, the minimum SAF blending requirement may increase substantially, from the current 2% to 6% in 2030, pursuant to ReFuelEU Aviation.

To enable us to submit an accurately costed, long-term tender, we ask the Ministry to clarify the following:

Which regulatory scenario for SAF blending should be used as the basis for costing the tender for the contract period?

- a) Should we factor in the increasing blending requirements under ReFuelEU Aviation (i.e. 2% until 2030 and 6% from 2030)?
- b) Or should we assume that the current Norwegian fuel supply requirement will apply throughout the contract period, and that any additional costs resulting from the future implementation of ReFuelEU Aviation will be addressed under the contract's renegotiation provisions (section 9.1)?

Answer:

Please note that, following publication of the invitation to tender, the Ministry of Transport announced in a press release dated 10 August 2026 that ReFuelEU Aviation would enter into force no earlier than 1 January 2028. The Ministry asks tenderers to use this date as the basis for its implementation in Norwegian law when preparing their tenders. In the meantime, the Government intends to mirror the minimum SAF share required under ReFuelEU Aviation until the Regulation enters into force. This means a minimum SAF share of 2% up to and including 2029 and 6% from 2030.

Please also note that a minimum share of synthetic aviation fuel will apply from 2030. The current national SAF supply obligation for aviation applies to all airports, whereas the SAF supply obligation under ReFuelEU Aviation applies to Union airports.

Question 7:

Will the authorities accept route-specific exemptions from the 90% refuelling requirement for PSO routes to/from OSL and BGO, given the particular operational characteristics of the short-runway airport network? If such exemptions are *not* granted, how will the Ministry compensate for the operational disadvantages and any loss of revenue resulting from the mandatory carriage of additional fuel weight, which may affect payload?

We look forward to receiving the Ministry's written clarifications on these points, as the answers may affect the risk assessment and pricing of our tenders. Please contact us if further details or a clarification meeting would be helpful in addressing the operational issues raised here.

Answer:

The Regulation does not provide for a general or automatic route-specific exemption from the 90% requirement. However, it does include mechanisms that may accommodate particular operational needs. Under Article 5(2), an aircraft operator may fall below the 90% threshold where this is necessary to comply with applicable fuel safety rules. In such cases, the operator must be able to justify why the requirement has not been met. The guidance identifies adverse weather conditions, fuel shortages, air traffic management delays, the likelihood of rerouting, safety considerations and natural events as relevant factors.

Flights to and from PSO airports may also involve operational situations in which it is necessary or appropriate to uplift less fuel at Union airports, such as OSL or BGO, including to accommodate passenger and baggage payload, weather conditions or flights with multiple intermediate stops. Such situations must be assessed on a case-by-case basis against the provisions for exemptions and justifications for non-compliance under the Regulation and the accompanying guidance. It therefore cannot be assumed in advance that flights between Union airports and PSO airports will generally qualify for an exemption from the 90% requirement.

The Regulation also allows operators to apply to the aviation authority for an exemption where specific grounds exist. Depending on the circumstances, absent or inadequate fuel infrastructure at an airport may be relevant, but this must be assessed on a case-by-case basis.

It should also be noted that both justifications for falling below the 90% threshold and decisions granting exemptions must be notified to EASA. Under Article 5(9), the Commission may adopt an implementing regulation requiring the competent authority to revoke an exemption that has been granted.

The invitation to tender does not include any mechanisms to account for circumstances relating to the 90% requirement.

Question 8:

The tenders include a separate price adjustment mechanism for fuel costs based on monthly price quotations for conventional fossil Jet A-1. Since fuel suppliers in Norway will, in all likelihood, pass on the additional costs of SAF as a uniform surcharge on the local fuel price at all airports, the actual fuel price we pay will differ significantly from the international fossil fuel index.

- Will the Ministry adapt the fuel price adjustment mechanism to reflect actual local prices in Norway, including regulatory SAF surcharges, rather than adjusting solely against an international fossil fuel index?

- If the indexation mechanism remains unchanged and continues to be based solely on fossil Jet A-1, how does the Ministry envisage ensuring that operators are compensated for the specific price risk associated with Norway's SAF blending requirements?

Answer:

The Ministry has consulted Statistics Norway, which confirms that SAF is not included in the prices reported for the aviation fuel sub-index to be used to adjust compensation. Tenderers must assess the remaining price risk associated with any additional SAF costs when preparing their tenders.

Question 9:

Section 6.5.2 of the invitation to tender states that *"Fuel costs shall be adjusted separately in accordance with the sub-index for aviation fuel for the period from 1 October 2026 up to and including September 2027. The adjustment amount shall be reconciled against the compensation payable in December 2027."*

However, the supplements and amendments to the tender documents state that *"The final basis for the first adjustment of compensation in accordance with the index will not be available until December 2028. The resulting adjustment payments for November and December will therefore be made on 15 January 2029."*

Does this mean that the operator must bear the full risk of changes in fuel prices from the submission of the tender until 1 November 2028?

Answer:

No. Compensation for the first year of operation will be adjusted in line with the aviation fuel sub-index for the period from 1 October 2026 through September 2027. This adjustment will apply from the start of the contract on 1 November 2027, with a retrospective adjustment made as soon as practicable, likely in connection with the compensation payments in November/December 2027.

The first full adjustment of the compensation amounts based on the overall cost index for regional aviation will apply from the operating year beginning on 1 November 2028. The retrospective adjustment for November and December 2028 will then be paid on 15 January 2029, as described in the first bullet point under the supplements to the tender documents.

Basis for compensation adjustment	Measurement period	Expected payment date
Aviation fuel sub-index	1 October 2026–30 September 2027	15 December 2027
Cost index*	30 September 2027–30 September 2028	15 January 2029
Cost index*	30 September 2028–30 September 2029	15 January 2030
Cost index*	30 September 2029–30 September 2030	15 January 2031

*The cost index comprises sub-indices compiled by Statistics Norway (SSB), cf. section 7.1 of the contract. These consist of customised extracts from the labour cost index, the producer price index (industry code 33.1), a customised extract covering first-hand domestic sales of aviation fuel, and the consumer price index excluding energy products (CPI-JE). The adjustment of fuel costs for the period from 1 October 2026 to 30 September 2027 is based entirely on the customised extract covering first-hand sales of aviation fuel. The baseline for this index (15 September 2026 = 100) is based on prices determined using the methodology described in the answer to question 3).

Supplements to the tender documents, cf. section 2.3.3 of the “Rules for the tender procedure”

- The Ministry of Transport refers to section 6.5.2 of the “Rules for the tender procedure” in the tender documents. This section provides that the compensation amount in the tender budget shall be adjusted in line with the twelve-month change in the regional aviation cost index as of September of the same year. The index is determined by the Ministry of Transport based on data from Statistics Norway. The final basis for the first adjustment of compensation in accordance with the index will not be available until December 2028. The resulting adjustment payments for November and December will therefore be made on 15 January 2029.
- Section 6.5.2 provides that fuel costs shall be adjusted in line with the aviation fuel sub-index for the period from 1 October 2026 to the end of September 2027. The sub-index comprises monthly prices for JET A-1 and jet kerosene, cf. the answer to question 3. The index series for these fuel types are provided below for tenderers to consider using for the fuel component of their tenders. Statistics Norway cannot disclose prices due to the confidentiality provision in section 7 of the Statistics Act.

Cost category		2022Q4	2023Q1	2023Q2	2023Q3	2023Q4	2024Q1	2024Q2
Fuel		100,0	88,5	75,9	89,2	97,9	85,9	85,0
2024Q3	2024Q4	2025Q1	2025Q2	2025Q3	2025Q4	2025Q1	2026Q2	2026Q3
79,1	73,9	77,7	68,1	68,5	69,6	79,4	122,2	102,5

- Section 7.5 of the contract provides that if the number of cancellations, for reasons which the operator could have avoided by taking all reasonable measures, exceeds 1.5 per cent of the scheduled number of flights in the flight programme, the operator will not receive compensation for cancellations exceeding that threshold. The Ministry of Transport draws attention to the fact that this provision applies to each individual route area (1–10), rather than to a single contract covering several route areas.

Sub-index – Fuel	
Period	Fuel (September 2026 = 100)
jan.22	54,9708864
feb.22	61,6600504
mar.22	69,0745407
apr.22	83,1502174
may.22	88,9292496
jun.22	102,133973
jul.22	96,2841053
aug.22	89,2404815
sep.22	84,3336033
oct.22	91,50986
nov.22	92,083995
des.22	82,5676807
jan.23	80,0424692
feb.23	81,7459395
mar.23	73,6929982
apr.23	70,6333826
may.23	66,1335263
jun.23	65,1578594
jul.23	66,3887985
aug.23	79,9001104
sep.23	91,0145215
oct.23	94,1175797
nov.23	89,8718553
des.23	76,9820432
jan.24	74,6503035
feb.24	77,3107773
mar.24	76,7337483
apr.24	78,710605
may.24	75,4286249
jun.24	71,9888236
jul.24	73,5945359
aug.24	72,4665913
sep.24	64,6197171
oct.24	63,920455
nov.24	65,594974
des.24	67,1673569
jan.25	69,6749895
feb.25	70,7600577
mar.25	66,4523921
apr.25	62,4100218
may.25	59,8557139
jun.25	58,9613561

jul.25	61,8197494
aug.25	60,5864071
sep.25	59,8641365
oct.25	59,7903243
nov.25	63,6064181
des.25	61,780725
jan.26	60,9247722
feb.26	60,5475955
mar.26	91,7842412
apr.26	120,25007
may.26	113,779718
jun.26	102,253677
jul.26	76,7475396
aug.26	96,9377658
sep.26	100