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Brussels, 30 January 2013
Case No: 66969
Event No: 661110

EFTA SURVEILLANCE
AUTHORITY

Ministry of Labour and Social Inclusion
Einar Gerhardsens plass 3
Postboks 8019 Dep
0030 Oslo
Norway

Dear Sir or Madam,

Subject: Regulation on identity cards at construction sites

By letter dated 13 August 2009, the Internal Market Affairs Directorate (“the Directorate”) informed the Norwegian Government that it had received a complaint regarding Regulation No 366 of 30 March 2007 concerning identity cards at construction sites (“ID card Regulation”), adopted on the basis of the Working Environment Act No 62 of 17 June 2005, as amended.

The complaint maintained that the ID card Regulation was in breach of Article 16(2)(e) of Directive 2006/123/EC on services in the internal market which prohibits requirements in national law relating to access to or exercise of service activity, such as an obligation on the provider to possess an identity document specific to the exercise of a service activity.

The complaint furthermore maintained that the Regulation was in breach of Article 36 of the EEA Agreement.

By letter dated 9 September 2009, the Authority invited the Norwegian Government to provide the Authority with information concerning the ID card Regulation, and to express its views on its compatibility with EEA law. The Norwegian Government provided the requested information by letter dated 20 October 2009. The matter was discussed at the package meeting in Norway on 11 and 12 November 2009. Further information was provided by Norway by letter of 20 January 2010.

The Authority decided today that there is insufficient EEA interest in pursuing the case further.

The Directorate notes that the Authority’s decision to close the case is not based on a legal assessment to the effect that the ID card Regulation is considered to be in compliance with either Article 16 of the Services Directive and/or Article 36 EEA.

Yours faithfully,



Olafur Jóhannes Einarsson

Director

Internal Market Affairs Directorate

Please find attached the closure decision.

Case No: 66969
Event No: 658844
Dec. No: 16/13/COL

EFTA SURVEILLANCE AUTHORITY DECISION

of 30 January 2013

closing a complaint case arising from an alleged failure by Norway to comply with its obligations arising from Article 16 of the Services Directive and/or Article 36 of the EEA Agreement with regard to the duty to obtain and carry specific ID cards at construction sites

THE EFTA SURVEILLANCE AUTHORITY

Having regard to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, in particular Article 31 thereof,

Whereas:

By letter dated 13 August 2009, the EFTA Surveillance Authority (“Authority”) informed the Norwegian Government that it had received a complaint regarding Regulation No 366 of 30 March 2007 concerning identity cards at construction sites (“ID card Regulation”), adopted on the basis of the Working Environment Act No 62 of 17 June 2005, as amended.

The complaint maintained that the ID card Regulation was in breach of Article 16(2)(e) of Directive 2006/123/EC on services in the internal market¹ which prohibits requirements in national law relating to access to or exercise of service activity, such as an obligation on the provider to possess an identity document specific to the exercise of a service activity.

The complaint furthermore maintained that the Regulation was in breach of Article 36 of the EEA Agreement.

By letter dated 9 September 2009, the Authority invited the Norwegian Government to provide the Authority with information concerning the ID card Regulation, and to express its views on its compatibility with EEA law. The Norwegian Government provided the requested information by letter dated 20 October 2009. The matter was discussed at the package meeting in Norway on 11 and 12 November 2009. Further information was provided by Norway by letter of 20 January 2010.

At this stage, the Authority has decided that there is insufficient EEA interest in pursuing the case further.

¹ Act referred to at point 1 of Annex X to the EEA Agreement (*Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market*) as adapted to the EEA Agreement by Protocol 1 thereto.

The Authority's decision to close the case is without prejudice to any future decision by the Authority to open a new case on this issue or on a related issue. Such a decision could be taken, for example, in the light of new information concerning the implementation, interpretation or application of the national measures under consideration, receipt of a complaint, or developments in EEA or EU law.

HAS ADOPTED THIS DECISION:

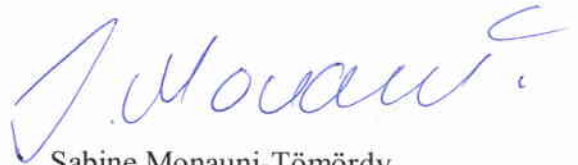
The complaint case arising from an alleged failure by Norway to comply with its obligations arising from Article 16 of the Services Directive and/or Article 36 of the EEA Agreement with regard to the duty to obtain and carry specific ID cards at construction sites, is hereby closed.

Done at Brussels, 30 January 2013.

For the EFTA Surveillance Authority



Oda Helen Sletnes
President



Sabine Monauni-Tömördy
College Member