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Brussels, 16 March 2005
Cases No: 2123 and 3040
Event No: 312682

EFTA SURVEILLANCE
AUTHORITY

EU-DEL. Brussel No
Ref.: 200500159-2
17-03-2005
Attivkode 5/7.20

Dear Sir/Madam,

Subject: Application of the personal residency and farming requirements for agricultural and forestry land in the Norwegian Act on Concession for the Acquisition of Real Estate

Reference is made to previous correspondence between the Authority's Services and the Norwegian government on the issue of acquisition of real estate in Norway. Reference is also made to the Authority's Services letter of 28 October 2003 (doc no 03-7391-D) informing Norway of a complaint regarding prior authorisation procedure and personal residence and farming obligations, when acquiring agricultural and forestry land in Norway.

The Authority's Services are aware that a new Act on Concession for the Acquisition of Real Estate (*Lov 28. november 2003 nr. 98 om konsesjon for erverv av fast eiendom (Konsesjonsloven) mv.*) has entered into force in Norway. Article 9 of the Act sets out the special conditions and criteria applicable for acquisition of agricultural and forestry land. Sections 7.1. and 7.3. of Circular M-5/2003 contain explanations on the application of Article 9 of the Act. According to Section 7.1. of the Circular, when a decision is taken on whether a concession is to be granted for the acquisition of agricultural and forestry land, more emphasis than before shall be put on individual assessment of whether it is necessary to set a condition of personal residence obligation on the acquirer. Furthermore, it is emphasised in Section 7.3. of the Circular that the previous practice of requiring personal residency and farming of the property by the acquirer is not to continue, and there shall be a real possibility to get concession without the acquirer residing on the property and farming it himself.

In light of this, the Authority's Services would like to receive from the Norwegian government information on the application of the abovementioned rules. In particular, the Authority's Services would like to request the following information:

1. Does the Norwegian government have information on how many applications have been submitted to the Norwegian authorities under the new Concession Act, where the applicant sought to get concession for acquisition of agricultural and forestry land (*landbrukseiendommer*), without having to personally reside on and/or farm the property himself?

Norwegian Mission to the European Union
Rue Archimède, 17
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2. How many cases, defined under point 1, have been appealed to a higher administrative authority, and, or a court?
3. Please provide, if possible, information on how many of the applicants were individuals, companies, Norwegian nationals and/or residents and nationals and/or residents of other EEA States than Norway.
4. What was the outcome of the applications defined in points 1 and 2?
5. In these cases what criteria were applied in the assessment of whether personal residence or farming conditions should be imposed?
6. Do owners of agricultural and forestry land have the possibility to apply for reassessment of their cases when personal residency or farming requirements have been imposed? If so, then what are the procedures in such cases?
7. Any other relevant information.

The Authority would like to invite the Norwegian government to submit the information requested above so that it reaches the Authority before *16 April 2005*,



Erik J. Eidem
Acting Director
Internal Market Affairs Directorate