

Procurement Monitoring Report Template

In view of the Member States' reporting process under the Directives 2014/23/EU, 2014/24/EU and 2014/25/EU

Fields marked with * are mandatory.

I. Information about reporting authority

By clicking in this box you indicate that you have read the privacy statement and provide your consent for the processing of your personal data

[EUSurvey_Privacy_Statement-2020.pdf](#)

* Country

Norway

* Name of National Authority

The Agency for Public and Financial Management

* Name of Unit/Department

Division of Public Procurement

* E-mail address

postmottak@dfo.no

Name of contact person (not published)

E-mail address of contact person (not published)

II. The public procurement framework

1. Legal framework

- * Please indicate links to the main legal instrument implementing the public procurement Directives and its main amendments that occurred during the current reporting period.

5000 character(s) maximum

Please list the links in the text box below. You can link multiple links.

The main legal instruments consist of the Public Procurement Act of 2016 and its underlying regulations. The Public Procurement Regulation implements the Classical Directive, and the Utilities Regulation implements the Utilities Directive. The Regulation on Concession Procurement implements the Concession Directive.

Links to Norwegian sources:

- The Public Procurement Act (anskaffelsesloven): <https://lovdata.no/dokument/NL/lov/2016-06-17-73>
- The Public Procurement Regulation (anskaffelsesforskriften): <https://lovdata.no/dokument/SF/forskrift/2016-08-12-974?q=foa>
- The Utilities Regulation (forsyningsforskriften): <https://lovdata.no/dokument/SF/forskrift/2016-08-12-975?q=forsyningsforskrift>
- The Regulation on Concession Procurement (konesjonskontraktforskriften): <https://lovdata.no/dokument/SF/forskrift/2016-08-12-976?q=konesjonskontraktforskriften>

From 1 January 2024, a new regulatory change established more stringent requirements to ensure climate and environmental considerations in the Norwegian public procurement framework. The amendment entails a new main rule where contracting authorities must list climate and environmental considerations with a minimum weight of thirty percent in the award criteria.

In addition, new rules related to socially responsible procurements has been introduced during the current reporting period. This includes new requirements related to contracting authorities' control measures concerning pay and working condition, and a new mandatory requirement on payments via banks or undertakings authorized to provide payment services. Please find a more detailed summary of the contents of these amendments in chapter VIII of this survey.

2. Procurement institutional framework

Please provide key bodies and institutions regarding public procurement matters, in charge of:

	Relevant bodies <i>(multiple entries possible)</i>
Body of normative regulatory function (including transposition) and policy development	The Ministry of Trade, Industry and Fisheries
Bodies responsible for monitoring and reporting	The Ministry of Trade, Industry and Fisheries, and the Agency for Public and Financial Management
Review bodies	The Courts of Justice, and The Norwegian Complaints Board for Public Procurement
Bodies responsible for the e-procurement and the functioning of the public procurement web portal	The Agency for Public and Financial Management
Centralised procurement bodies	The Agency for Public and Financial Management
Competence centres	The Agency for Public and Financial Management
Other bodies	

III. Key quantitative indicators on public procurement

1. The total number of awarded contracts

Total number of contracts awarded **above** EU thresholds (in a yearly breakdown)

	2021	2022	2023
Number	8520	8539	7466*

* Please describe the methodology on collection of data and/on the source (in case of a database(s)) of data collected:

5000 character(s) maximum

In Norway we collect data of announced contracts above and below the EU threshold through Doffin. Doffin is the Norwegian national database for announcements of public procurements and procurements in the supply sector (water and energy supply, transportation, and telecommunications) that are subject to the EEA regulations.

To extract the number of announced contracts over the EU threshold, we have applied a filter on our dataset which includes the following forms 2, 5, 12, 17, 21, 22, 23, 24, 52. These, according to anskaffelser.no, are contracts announced to TED. A challenge with the extracted data (*), which explains the noticeable decrease in 2023, is our inability to capture announcements in eForms within our current dataset.

Total number of contracts awarded **below** EU thresholds (in a yearly breakdown)

	2021	2022	2023
Number	1060	1017	930*

* Please describe the methodology on collection of data (in case of assessment based on a sample) and/on the source (in case of a database(s)) of data collected:

5000 character(s) maximum

In Norway we collect data of announced contracts above and below the EU threshold through Doffin. Doffin is the Norwegian national database for announcements of public procurements and procurements in the supply sector (water and energy supply, transportation, and telecommunications) that are subject to the EEA regulations.

To extract the number of announced contracts below the EU threshold, we have applied a filter on our dataset which includes only form 65. A challenge with the extracted data(*), which explains the noticeable decrease in 2023, is our inability to capture announcements in eForms within our current dataset.

2. The total value of procurement

Total value of contracts awarded **above** EU thresholds (in a yearly breakdown)

	2021	2022	2023
Value (in EUR million)	-	-	-

* Please describe the methodology on collection of data and/on the source (in case of a database(s)) of data collected:

5000 character(s) maximum

Over half of the announced contracts do not contain an estimated value. Our assessment is that the data quality in this field is too low to be used in any context.

To get an estimate of the value of procurement in Norway each year, we can use data from SSB (Statistics Norway). For 2022, it was approximately 74.2 billion Euros, and for 2021 it was around 62.4 billion Euros. For SSB, it takes time to collect the data and determine the estimated value of public procurements in Norway; therefore, we don't have the data for 2023 yet. It will most likely to be published in October 2024.

Total value of contracts awarded **below** EU thresholds (in a yearly breakdown)

	2021	2022	2023
Value (in EUR million)	-	-	-

* Please describe the methodology on collection of data (in case of assessment based on a sample) and/on the source (in case of a database(s)) of data collected:

5000 character(s) maximum

We don't have these data because: 1) the announced contracts from Doffin have poor quality regarding values below EU thresholds, and 2) SSB does not differentiate between data above and below the EU threshold in their statistics for public procurement.

IV. Sources of wrong application or of legal uncertainty (including possible structural or recurring problems)

1. Preparation and launch of a public procurement procedure:

Which are the main sources of wrong application (or aspects with which legal uncertainty is related)?

In case your answer to question 2, 7, 8 or 9 is yes, additional options will appear.

- 1. Preliminary market consultation
- 2. Estimation of contract value (if yes, please specify below)
- 3. Wrongful setting of deadlines
- 4. Inappropriate selection criteria (too restrictive, tailor made for a particular economic operator, not related to subject matter of contract)
- 5. Discriminatory technical requirements
- 6. Conflict of interest
- 7. Procedures without publication (if yes, please specify below)
- 8. Inappropriate use of specific procedures (if yes, please specify below)
- 9. Other issues (if yes, please specify below)

2. Estimation of contract value:

- Underestimation of contract value to avoid application of EU public procurement rules
- Artificial splitting of the contract (including no aggregation of value of similar contracts)

Indicate best practices that are aimed at mitigating the issues identified in the previous answers and provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

In case your answer to any of the question in this section was 'Yes', please provide further information on these elements, if applicable. You can list multiple links separated with 'enter'.

The Complaints Board of Public Procurement (KOFA) keep an overview of all cases on their website, including information related to the category/categories of the alleged breaches of each complaint. A complaint may be marked with more than one category. The data from KOFA cases gives a substantial overview of the main allegations of sources of wrong application and/or aspects with legal uncertainty, as the majority of public procurement cases are processed here. During the 2021 to 2023 time period, 551 cases were filed to KOFA.

The largest category of alleged breaches during the time period was the combined category related to the core principles of proportionality, open competition, equal treatment, non-discrimination, and transparency, making up 156 cases. In addition, complaints relating to unlawful direct awards is also a substantial category, making up 148 cases during this time period. The latter category is used for any complaint alleging an unlawful direct award has been awarded, and can therefore relate to underlying allegations of wrong application such as procedures without publication, incorrect estimation of contract value, unlawful modifications etc.

The collected data indicates that several other categories are contested in the complaints. Alleged breaches of either incorrectness or ambiguity of the procurement documents make up 59 cases. A total of 49 cases related to the selection criteria and/or their means of proof, while 46 cases contained allegations of unlawful award criteria, and 26 cases related to complaints regarding the subject-matter and/or the technical specification. Incorrectness or ambiguousness of the contract notice was alleged in 14 cases. In addition, the issue of conflict of interest was contested in 13 cases.

2. Evaluation of tenders and contract award:

Which are the main sources of wrong application (or aspects with which legal uncertainty is related)?

In case your answer to question 8 is yes, additional options will appear.

- 1. Unlawful exclusion of tenderers/rejection of offers
- 2. Non compliance with mandatory exclusion grounds
- 3. Unlawful exclusion of third country bidders covered by GPA or by other international agreement
- 4. Incorrect evaluation of award criteria
- 5. Incorrect application of rules related to abnormally low tender
- 6. Lack of publication of contract award notice
- 7. Unlawful modification of the tender conditions before conclusion of the contract
- 8. Other reason (if yes, please specify below)

Indicate best practices that are aimed at mitigating the issues identified in the previous answers and provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

In case your answer to any of the question in this section was 'Yes', please provide further information on these elements, if applicable. You can list multiple links separated with 'enter'.

The Complaints Board of Public Procurement (KOFA) keep an overview of all cases on their website, including information related to the category/categories of the alleged breaches of each complaint. A complaint may be marked with more than one category. The data from KOFA cases gives a substantial overview of the main allegations of sources of wrong application and/or aspects with legal uncertainty, as the majority of public procurement cases are processed here.

According to the data from 2021, 2022 and 2023, cases related to the evaluation of the award criteria account for quite a high amount of the submitted complaints. Out of 551 cases between 2021 and 2023, 143 of them related to the evaluation of the award criteria as one or several subject matters of the complaint. Complaints relating to unlawful direct awards is also a substantial category, making up 148 cases during this time period. The latter category is used for any complaint alleging an unlawful direct award has been awarded, and can therefore relate to underlying allegations of wrong application such as procedures without publication, incorrect estimation of contract value, unlawful modifications etc.

The largest category of alleged breaches during the time period was the combined category related to the core principles of proportionality, open competition, equal treatment, non-discrimination, and transparency, making up 156 cases. In addition, complaints relating to exclusion of tenders (107 cases) and exclusion of offers (123) appear to be often contested breaches.

The collected data indicates that several other categories are contested in the complaints. This includes 51 cases related to the issue of cancellation of a procurement procedure, and 18 cases related to the evaluation methodology used in the procurement. Complaints regarding the clarification and/or rectification of a tender made up 29 cases during the time period, while issues related to tenderers supplementing or submitting additional information was contested in 17 cases. In addition, statement of the reason for a decision was contested in 25 cases, while allegations of unlawful modifications of the procurement documents was present in 12 cases.

3. Contract implementation:

Which are the main sources of wrong application (or aspects with which legal uncertainty is related)?

In case your answer to question 2, or 3 is yes, additional options will appear at the end of STAGE 3 to provide further details.

- 1. Illegal contract modifications
- 2. Wrong application of procurement instruments (if yes, please specify below)
- 3. Other reasons (if yes, please specify below)

Indicate best practices that are aimed at mitigating the issues identified in the previous answers and provide a link to any publicly available document relevant for the issues you indicated.

In case your answer to any of the question in this section was 'Yes', please provide further information on these elements, if applicable. You can list multiple links separated with enter.

The Norwegian Agency for Public and Financial Management (DFØ) has developed official guidelines and tools aimed at supporting contracting authorities with their contract implementation. In August 2023 DFØ published best practice-guidelines on contract follow-up, outlining their recommendations on how economic operators both can and should follow up and monitor their contracts during the implementation period. The guidelines are especially tailored towards to socially responsible procurement criteria.

The guideleines are available here in Norwegian: <https://anskaffelser.no/verktoy/veiledere/beste-praksis-kontraktsoppfolging>

4. Problems that may originate at different stages:

Which are the main sources of wrong application (or aspects with which legal uncertainty is related)?

In case your answer to question 4 is yes, additional options will appear.

- 1. Wrong application of centralised or joint procurement
- 2. Failure to comply with legal deadlines (prescribed by EU or national law)
- 3. Biased prior involvement of candidates or tenderers
- 4. Other issues (if yes, please specify below)

Indicate best practices that are aimed at mitigating the issues identified in the previous answers and provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

In case your answer to any of the question in this section was 'Yes', please provide further information on these elements, if applicable. You can list multiple links separated with enter.

See the response for question 1 and 2 of this chapter for more detailed information.

5. Which are the specific legal provisions of EU public procurement law that raise problems?

Directive 2014/23/EU ('Concessions Directive')

Directive 2014/24/EU ('Classical Directive')

Directive 2014/25/EU ('Utilities Directive')

Directive 2007/66/EC ('Remedies Directive')

Please list the articles of the Directives and describe the issue you face (e.g., unclear, too strict/vague, meets contradictory interpretations or practices):

5000 character(s) maximum

According to the above-mentioned data from the complaints board (KOFA), Article 18 on the principles of procurement, and articles 56 and 57 related to the exclusion of either economic operators and/or a tender is often subject to disputes.

We also see that Article 56 of the Classical Directive regarding clarification is subject to contradictory interpretation and is debated by practitioners and lawyers in the field of public procurement. The same can be said for Article 42, which has been subject to debate regarding at what point in time the criteria set out in the technical specification are required to be fulfilled.

6. Which are the patterns and behaviours that do not stem from wrong application or of legal uncertainty, but indicate possible problems in the application of public procurement rules?

In case your answer to any of these questions is yes, additional options will appear below to provide further details.

- 1. Preference for lowest price as award criteria negatively affective quality of the purchase (if yes, please specify below)
- 2. Frequent use of derogatory procedures (if yes, please specify justifications used for derogatory procedures)
- 3. Frequent use of shortest possible deadlines (if yes, please specify below)
- 4. Recurrent award of contracts to the same economic operator
- 5. Recurrent award of contracts to third country economic operators not covered by GPA or by other international agreement (if yes, please specify justification below)
- 6. Contract awarded in suspected situation of unfair competition (if yes, please see below)
- 7. Low use of green requirements or award criteria (if yes, please provide us with further explanation below)
- 8. Low use of social requirements or award criteria (if yes, please provide us with further explanation below)
- 9. Low use of procurement of innovation (if yes, please provide us with further explanation below)
- 10. Lack of monitoring of implementation of contract (if yes, please specify below)
- 11. Other issues (if yes, please specify below)

10. Lack of monitoring of implementation of contract due to:

- Lack of resources
- Lack of professionalisation
- Other reasons

Indicate best practices that are aimed at mitigating the issues identified in the previous answers and provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

In case your answer to any of the question in this section was 'Yes', please provide further information on these elements, if applicable. You can list multiple links separated with enter.

In our experience, lack of monitoring of the implementation of the contract is a pattern that indicate possible problems in the application of public procurement rules. The lack of monitoring is especially related to lack of resources, including both time and competence.

In addition, we see that issues related to evaluation of tenders, including the evaluation methodology, as a reoccurring issue.

V. Qualitative reporting on application of public procurement review system

1. Please indicate relevant figures for the national review system in the table below, as described below.

(A) **Number of first instance review decisions** (all the first instance review decisions),

(B) **Median length of first instance reviews - median length of all the first instance reviews** (the number of calendar days between a starting date and an end date, where the starting date is when the complaint/action is registered and the end date is when the review decision is issued) and

(C) **Number of first instance review decisions that were appealed to the (next) judicial level and its results** - (all the first instance review decisions that were appealed to the (next) judicial level, both on merit or procedural reasons, in addition, it shall include the number of first instance review decisions that were

a) (primarily) upheld;

b) (primarily) rejected; or

c) neither upheld nor rejected by the (next) judicial level (e.g. because they were not yet decided, retracted).

	2021	2022	2023
A. Number of first instance review decisions	-	-	-
B. Median length of first instance reviews	-	-	-
C. Number of first instance review decisions that were appealed to the (next) judicial level and its results	-	-	-

2. Indicate best practices that are aimed at reducing the number of obstructive complaints/actions for review (A)

5000 character(s) maximum

No statistics available.

Application for interim measures within standstill period – before signing the contract - will lead to automatic suspension of the contract award procedure. The court will normally reach a decision to uphold suspension or not within 4-6 weeks. Claims for damages for breach of the procurement rules before the Court of first instance shall normally be heard within six months. Judgments may be appealed to the Appeal Courts and to the Supreme Court.

In cases before the Norwegian Complaints Board (KOFA), if the contracting authority is willing to suspend the signing of the contract until a decision has been taken, or if interim measures are in place, the case will be given priority and be handled by KOFA in an expedited procedure. Statistics show that on average, priority cases took 60-70 days, and other cases took 300 days. Illegal direct award cases take approx 300 days on average (a priority case is normally handled quickly, but no such case in 2023).

Source:

<https://www.klagenemndssekretariatet.no/klagenemda-for-offentlige-anskaffelser-kofa/statistikk>

We have no available statistics to answer the questions in A, B and C with regard to court cases, which is the review system in Norway. We do have a Complaints Board of Public Procurement (KOFA), and they received 193 complaints in 2021, 160 complaints in 2022 and 170 complaints in 2023. In 2021 the median length of cases where the contracting authorities awaits the decision of the Complaints Board before signing the contract (prioritized cases) was 56 days, while normal cases was 150 days. Cases regarding fees on the basis of unlawful direct procurements had a median length of 77 days for prioritized cases, and 250 days for other cases. In 2022 the median length of cases where the contracting authorities awaits the decision of the Complaints Board before signing the contract (prioritized cases) was 62 days, while normal cases was 96 days. There were no prioritized cases regarding fees on the basis of unlawful direct procurements (gebyr for ulovlige direkte anskaffelser) in 2022, other cases concerning the imposing of fees had a median length of 359 days. In 2023 the median length of cases where the contracting authorities awaits the decision of the Complaints Board before signing the contract (prioritized cases) was 70 days, while normal cases was 98 days. There were no prioritized cases regarding fees on the basis of unlawful direct procurements in 2023, other cases concerning the imposing of fees had a median length of 308 days.

3. Indicate best practices that are aimed at reducing the length of first instance review decisions as marked in the previous column (B)

5000 character(s) maximum

4. Indicate best practices that are aimed at reducing the number of first instance review that were appealed to the next judicial level as marked in the table above (C)

5000 character(s) maximum

VI. Fraud, corruption, conflict of interests and other serious irregularities

Describe the actions undertaken and/or mechanisms put in place to ensure prevention, detection and adequate reporting of case of public procurement serious irregularities including fraud and corruption and conflicts of interests.

1. Regulatory requirements on:

- Enhanced rules on the application of whistle-blower system
- Enhanced rules on transparency
- Enhanced rules on conflict of interest
- Enhanced rules on anti-corruption
- Enhanced rules on the application of exclusion grounds
- Other rules (if yes, please describe below)

Other rules, please describe:

5000 character(s) maximum

Norway has measures and systems in place to protect whistle-blowers from retaliation for reporting illegal activity or corruption. The right to notify became statutory in the Working Environment Act of 2007. In addition, employers are required to prepare internal whistle-blowing procedures. The Ethical Guidelines for the State Sector contain a chapter on reporting. Procedures for government agencies contained in the personnel handbook in the Guidelines address embezzlement, corruption, theft, fraud and breach of trust in the civil service. The Public Procurement Act and the Public procurement regulations do not provide any regulation addressing whistle-blowing specifically.

- Working Environment Act: <https://lovdata.no/NLE/lov/2005-06-17-62>
- Chapter 2 A. Whistleblowing

The Public Procurement legislation, including the Public Procurement Act and the Public Procurement Regulation, implements the fundamental principles of procurement, including the principle of transparency, as provided for by the EU Directives, including Directive 2014/24/EU. Furthermore, it provides that the provisions of the Freedom of information Act also applies to documents related to procurement procedure covered by the public procurement rules.

- Public Procurement Regulation Section 7-4 Transparency: <https://lovdata.no/forskrift/2016-08-12-974/§7-3>
- Freedom of Information Act: <https://lovdata.no/NLE/lov/2006-05-19-16>

Norway has laws, regulations and guidelines that promote transparency and prevent conflicts of interest, including the Ethical Guidelines for the State Sector, which are applicable to all central government bodies. The top management of ministries and subordinate organizations bear special responsibility for follow-up, and the guidelines are subject to review. There are special guidelines for civil servants Guidelines on Gifts in an Official Capacity, in addition to rules on impartiality contained in section 6 of the Public Administration Act. Training and awareness-raising on ethics are provided, and the introductory training for new employees in the ministries focuses on ethical behaviour. The general rules of the legislation relevant to public administration, including rules on conflicts of interest, also apply in respect of public procurement. When carrying out a procurement covered by the Public procurement regulations, the rules on impartiality in the Public Administration Act apply.

- The Public Administration Act: <https://lovdata.no/NLE/lov/1967-02-10>
- Chapter 2 (Sections 6 – 10) Concerning disqualification: https://lovdata.no/NLE/lov/1967-02-10/KAPITTEL_2
- Section 6 Requirements as to impartiality: <https://lovdata.no/NLE/lov/1967-02-10/§6>
- Ethical Guidelines for the Public Service:
https://www.regjeringen.no/globalassets/upload/kilde/fad/bro/2005/0001/ddd/pdfv/281750-etiske_retningslinjer_engelsk_revidert.pdf

- Guidelines on gifts in the Public Service:

https://www.regjeringen.no/contentassets/71c0c2d89c154549a4822c9f09709528/no/pdfs/veileder_om_gaver_i_tjenesten.pdf

Norway has made active and passive corruption criminal offences. According to the Penal Code Section 387 A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who for himself/herself or others demands, receives or accepts an offer of an improper advantage in connection with the conduct of a position, an office or performance of an assignment, or gives or offers any person an improper advantage in connection with the conduct of a position, an office or performance of an assignment. According to Section 388 Aggravated corruption is punishable by imprisonment for a term not exceeding 10 years.

- Penal code Section 387 Corruption: <https://lovdata.no/NLE/lov/2005-05-20-28/§387>

- Penal code Section 388 Aggravated Corruption: <https://lovdata.no/NLE/lov/2005-05-20-28/§387>

Norway has implemented the EU directives on public procurement into Norwegian legislation, by the Public Procurement Act and a set of regulations implementing the corresponding EU directives, including the provisions on exclusion economic operators that have been convicted by final judgment for participating in a criminal organisation or have been found guilty of corruption, fraud etc. Public contracts should not be awarded to economic operators that have been found guilty of corruption. Consequently, such economic operators are excluded from competing for public contracts. However, self-cleaning in the form of compensation or other measures remedying the consequences of criminal offences or misconduct, organisational measures etc, should allow the economic operator the possibility to be admitted to the procurement procedure again.

Norway has implemented in the Public Procurement Regulation section 24-2 provisions on exclusion of economic operators that have been convicted by final judgment for participating in a criminal organisation or have been found guilty of corruption, fraud, etc.

1.1. Best practices.

If available, indicate best practices aimed at detecting irregularities as marked in the previous column and provide a link to any publicly available document relevant for the issues you indicated.

Please provide quantitative data e.g.: number of cases detected and pursued further by the competent authorities.

5000 character(s) maximum

Please provide further information on these elements, if applicable. You can list multiple links separated with enter.

Ethical Guidelines for the Public Service:

https://www.regjeringen.no/globalassets/upload/kilde/fad/bro/2005/0001/ddd/pdfv/281750-etiske_retningslinjer_engelsk_revidert.pdf

Guidelines on gifts in the Public Service:

https://www.regjeringen.no/contentassets/71c0c2d89c154549a4822c9f09709528/no/pdfs/veileder_om_gaver_i_tjenesten.pdf

Together with Transparency International, the Organization of Local and Regional Authorities (KS) have developed a comprehensive package for procuring entities on how to handle risks of corruption, the different forms it may take, key acts and rules that require compliance, examples of ethical dilemmas, Lobbying, Gifts, hospitality and expenses, Conflicts of interest and impartiality, Whistle-blowing etc. A handbook is available in Norwegian and English language editions, which also can be downloaded from Transparency International Norway's website: www.transparency.no and from KS' homepage www.ks.no/etikkportalen. The handbook is available in Norwegian and English language editions, which also can be downloaded from Transparency

International Norway's website: www.transparency.no and from KS' homepage www.ks.no/etikportalen.
"Protect the Municipality! An anti-corruption Handbook"
https://static1.squarespace.com/static/6336b296b65a960446be756c/t/63748a1dd7b0fa1fd263dd55/1668581919801/TI_kommunehandboka_eng_digital.pdf

We are not aware of any relevant statistics.

(See information below regarding Transparency International Norway's collection of Judgments in corruption cases.)

2. Enforcement measures:

- Reporting/monitoring system in place to prevent/detect fraud, corruption, conflict of interest and other serious irregularities
- Reporting/monitoring system in place to measure fraud, corruption, conflict of interest and other serious irregularities
- Systemic audit in place to prevent/detect fraud, corruption, conflict of interest and other serious irregularities
- Sanction system in place to remedy fraud, corruption, conflict of interest and other serious irregularities
- Other rules (if yes, please describe below)

2.1. Best practices.

If available, indicate best practices aimed at detecting irregularities as marked in the previous column and provide a link to any publicly available document relevant for the issues you indicated.

Please provide quantitative data e.g.: number of cases detected and pursued further by the competent authorities.

5000 character(s) maximum

Please provide further information on these elements, if applicable. You can list multiple links separated with enter.

Apart from rules on bookkeeping and audit, Norway has not established any supervisory body or other institution with authority to survey compliance with rules or to prevent /detect fraud, corruption, conflict of interest etc. In case of alleged/suspected breaches, cases are normally reported to the police.

According to the Penal Code Section 387 Corruption A penalty of a fine or imprisonment for a term not exceeding three years shall be applied to any person who for himself/herself or others demands, receives or accepts an offer of an improper advantage in connection with the conduct of a position, an office or performance of an assignment, or gives or offers any person an improper advantage in connection with the conduct of a position, an office or performance of an assignment. According to Section 388 Aggravated corruption is punishable by imprisonment for a term not exceeding 10 years.

Penal code Section 387 Corruption: <https://lovdata.no/NLE/lov/2005-05-20-28/§387>

Penal code Section 388 Aggravated Corruption: <https://lovdata.no/NLE/lov/2005-05-20-28/§387>

Norway has implemented in the Public Procurement Regulation section 24-2 provisions on exclusion of economic operators that have been convicted by final judgment for participating in a criminal organisation or have been found guilty of corruption, fraud etc, similar to Article 57 Exclusion grounds of EU Directive 2014 /24/EU on Public Procurement <https://lovdata.no/forskrift/2016-08-12-974/§24-2>.

Regarding best practise, see the above answer to question 1.1.

We are not aware of any relevant data. Norway has not established any system for registering cases detected and pursued by competent authorities.

Transparency International Norway has collected and published summaries of more than 60 judgments in corruption cases since 1994 till date. "Korrupsjonsdommer i Norge 2003-2023":

<https://static1.squarespace.com/static/6336b296b65a960446be756c/t/65c38494a8bc6f6fc9230572/1707312278759/Domssamling+2024.pdf>

3. Soft law/Policy measures

- Guidance related to the prevention of fraud, corruption, conflict of interest, serious irregularities
- Recommendations related to the prevention of fraud, corruption, conflict of interest, serious irregularities
- Guidance on ethical conduct for public administration staff
- Guidance on fighting bribery practices
- Guidance on the detection of collusion/bid-rigging practices
- Guidance on compliance with competition rules
- National strategy to prevent fraud, corruption, conflict of interest, serious irregularities
- Action plan for the implementation of practices to prevent fraud, corruption, conflict of interest, serious irregularities
- Training/conference related to the prevention of fraud, corruption, conflict of interest, serious irregularities
- Reinforced cooperation among different state bodies
- Establishment of open-access information system to enhance transparency (public registry, declarations)
- Other measures (if yes, please describe below)

3.1. Best practices.

If available, indicate best practices aimed at detecting irregularities as marked in the previous column and provide a link to any publicly available document relevant for the issues you indicated.

Please provide quantitative data e.g.: number of cases detected and pursued further by the competent authorities.

5000 character(s) maximum

Please provide further information on these elements, if applicable. You can list multiple links separated with enter.

Together with Transparency International, the Organization of Local and Regional Authorities (KS) have developed a comprehensive package for procuring entities on how to handle risks of corruption, the different forms it may take, key acts and rules that require compliance, examples of ethical dilemmas, Lobbying, Gifts, hospitality and expenses, Conflicts of interest and impartiality, Whistle-blowing etc. A handbook is available in Norwegian and English language editions, which also can be downloaded from Transparency International Norway's website: www.transparency.no and from KS' homepage www.ks.no/etikkportalen. The handbook is available in Norwegian and English language editions, which also can be downloaded from Transparency International Norway's website: www.transparency.no and from KS' homepage www.ks.no/etikkportalen. "Protect the Municipality! An anti-corruption Handbook" https://static1.squarespace.com/static/6336b296b65a960446be756c/t/63748a1dd7b0fa1fd263dd55/1668581919801/TI_kommunehandboka_eng_digital.pdf

Ethical Guidelines for the Public Service:

https://www.regjeringen.no/globalassets/upload/kilde/fad/bro/2005/0001/ddd/pdfv/281750-etiske_retningslinjer_engelsk_revidert.pdf

Guidelines for gifts in public service:

https://www.regjeringen.no/contentassets/71c0c2d89c154549a4822c9f09709528/no/pdfs/veileder_om_gaver_i_tjenesten.pdf

Transparency International Norway and the Norwegian Association of Local and Regional Authorities (KS) has published "Protect the Municipality! An anti-corruption Handbook":

https://static1.squarespace.com/static/6336b296b65a960446be756c/t/63748a1dd7b0fa1fd263dd55/1668581919801/TI_kommunehandboka_eng_digital.pdf

The prohibition against anti-competitive co-operation means that, in principle, competitors are not permitted to submit a joint bid in connection with a competitive tender (collusive bid rigging). However, collaboration between undertakings which, for various reasons, cannot individually submit a bid in connection with a competitive tender is not caught by the prohibition (joint bidding in bidding consortia). Such collaborations can increase the number of bids submitted and, in this way, promote competition. The Norwegian Competition Authority has issued guidance on project collaborations, announcing that the guidance is intended to be in line with the policy adopted by the EU Commission. <https://konkurransetilsynet.no/illegal-competition/prosjektsamarbeid/?lang=en>

The Oslo Anti-Corruption Conference. Annual conference, normally in June/July, organised by the non-profit foundation Antikorruptjonskonferansen, regulated by the Norwegian Foundations Act, originally organised by Transparency International Norway, in cooperation with inter alia the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime (ØKOKRIM) and NHO - The Confederation of Norwegian Enterprise.

<https://www.antikorruptjonskonferansen.no/2024/home>

There is also a search service called "Einnsyn" where anyone can look up public documents and request access to the content. The service aims at making the public sector more open and accessible.

- <https://einnsyn.no/>

VII. Level of SMEs' participation in public procurement

SMEs' participation

SMEs are defined in the Commission Recommendation (2003/361/EC) as having less than 250 persons employed and an annual turnover of up to EUR 50 million or a balance sheet total of no more than EUR 43 million.

Further information is available at http://ec.europa.eu/growth/smes/business-friendly-environment/sme-definition_en

1. Qualitative reporting on SME participation

Policy measures:

- Policy initiatives launched to support SMEs participation in public procurement;
- Measures targeting SME participation in different techniques for aggregated procurement (framework agreements, dynamic purchasing systems, and centralised procurement activities);
- Measures targeting the participation of start-ups and scale-ups in public procurement;
- Measures ensuring that payment for public contracts are made on time, especially in the case of SMEs;
- Measures addressing the payments to subcontractors;

- Guidelines for contracting authorities on the application of 'divide or explain' principle (concerning division into lots);
- Policy measures in place to monitor SME participation in subcontracting
- Other measures (if yes, please describe below)

1.1. Best practices.

Indicate best practices that are aimed at encouraging the participation of SMEs in public procurement as marked in the previous column.

Please provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

2. Quantitative reporting on SME participation

Please quantify the impact of these best practices in the table below:

2.1. Value of contracts directly awarded to SMEs over total value of awarded contracts – above threshold

	2021	2022	2023
Value (in EUR million)	-	-	-

2.1.1. Value of contracts directly awarded to SMEs over total value of awarded contracts – below threshold

	2021	2022	2023
Value (in EUR million)	-	-	-

Please explain the calculation/assessment method used for collection of data.

No data

2.2. Number of contracts directly awarded to SMEs over total number of awarded contracts – above threshold

	2021	2022	2023
Number	3302*	2097*	

2.2.1. Number of contracts directly awarded to SMEs over total number of awarded contracts – below threshold

	2021	2022	2023
Number	-	-	-

Please explain the calculation/assessment method used for the collection of data.

5000 character(s) maximum

2.2.: To retrieve these numbers, we use a different source from our usual dataset for announced contracts from Doffin. A challenge is that the data quality in this dataset is significantly lower than our preferred dataset, and checking off whether the award is given to an SME is not mandatory. The numbers in this field are therefore only those that have chosen to check the box.

VIII. Practical implementation of national strategic procurement

1. Green procurement ('GPP')

Green Public Procurement ('GPP') is defined as "a process whereby public authorities seek to procure goods, services and works with a reduced environmental impact throughout their life cycle when compared to goods, services and works with the same primary function that would otherwise be procured." [1] A voluntary target of 50 % GPP per Member State in number and value of relevant procedures was proposed by the Commission and welcomed by the Council in 2008.

[1] Commission Communication (COM (2008) 400) "Public procurement for a better environment".

1.1. What is the state of play of green procurement in your Member State? (regulatory requirements and policy measures related to GPP)

1.1.1. How do you in general evaluate the degree of the GPP implementation in your country:

Please assess based on:

- Existence of enabling public procurement legal framework,
 - Existence of GPP policies/action plans,
 - Provisions of practical support to practitioners,
 - Results of monitoring of contracts which include sustainability requirements,
 - Results of monitoring of sustainable outcomes.
- Implementation is advanced
- Implementation is in progress
- Implementation is low

The broad objectives in GPP policies are met:

- Yes
- Partially
- Not yet

1.1.2. Existing GPP regulatory requirements in your Member State:

- General legal obligation imposing GPP goals
- Sectoral regulations requiring sustainable development including public procurement
- Sectoral regulations encouraging sustainable development including public procurement
- Other regulatory requirements (if yes, please describe below)

Indicate best practices that are aimed at encouraging the use of GPP criteria. Please provide a link to any publicly available document relevant for the issues you indicated.

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1. Mandatory 30 % environmental weighting

From 1 January 2024, a new regulatory change established more stringent requirements to ensure climate and environmental considerations in the Norwegian public procurement framework.

This change amended § 7-9 of the Public Procurement Regulation and § 7-9 of the Utilities Regulation. The amendment establishes a new main rule where contracting authorities must list climate and environmental considerations with a minimum weight of thirty percent in the award criteria. The change also amended § 7-6 of the Regulation on Concession Procurement, introducing a rule stating that climate and environmental considerations should be listed among the top three listed award criteria.

As an alternative, the new rules allow for award criteria to be replaced with climate and environmental considerations in the technical specifications, if this has a better effect on the environment and the climate, and if the contracting authority justifies this in the procurement documents.

The obligation to impose criteria in accordance with this provision does not apply if the procurement by its nature has a climate footprint and an environmental burden that is insignificant, and this is justified in the procurement documents.

2. Mandatory requirements for zero emission transport

Policies are currently in place for zero and low-emission requirements within the transportation sector, including a mandatory zero emission requirement for cars and light vans from 2022, with requirements coming up for buses, new large vans, ferries and high-speed passenger vessel services.

Sources in Norwegian:

- The public procurement regulation § 7-9, containing the 30 % requirement, can be found here: <https://lovdata.no/forskrift/2016-08-12-974/§7-9>
- Regulation on zero emissions for public procurement of vehicles for road transport: <https://lovdata.no/dokument/SF/forskrift/2022-12-20-2384>

1.1.3. GPP policy measures applied in your Member State:

- Guidelines to encourage the use of GPP
- National strategy to encourage the use of GPP
- National action plan to implement measurable objectives in GPP
- National target of GPP in certain sectors/in public procurement
- Monitoring/reporting on the use of GPP criteria
- Existence of national competence centre/national network of experts to promote the use of GPP
- Existence of specific working groups to promote the use of GPP in specific sectors
- Mandatory regular trainings for the promotion of GPP
- Optional trainings/events/workshops for the promotion of GPP
- Online information tool on the use/on best practices of GPP
- Other policy measures (if yes, please describe below)

Indicate best practices that are aimed at encouraging the use of GPP criteria. Please provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

Information on the national action plan for GPP, guidelines, tools, best practice examples, and offers of webinars, workshops and 1-1 meetings can all be found on the website of the Norwegian Agency for public and financial management (DFØ), which hosts the Norwegian competence center for GPP: [Anskaffelser.no](https://anskaffelser.no) | [Fagsider om offentlige anskaffelser](#).

Below we have listed multiple relevant documents, but we would like to highlight the following five as best practices to encourage use of GPP criterias:

1. The Norwegian public procurement helpdesk which can be addressed by mail or phone with GPP questions between 09-13 on every weekday. The helpdesk replied to 695 inquiries in 2023, and there is an increasing interest with 481 inquiries from 1st of January to 1st of April in 2024:

<https://anskaffelser.no/dfos-arbeid-med-offentlige-anskaffelser/kontakt-oss-faglige-sporsmal/om-sparretelefonen>

2. The GPP task force which facilitates digital as well as physical workshops for regional authorities. The workshops are designed to be a collaborative effort between the procuring organization and the GPP task force, to ensure that it properly address context specific wants and needs. Political and administrative leaders are encouraged to attend to ensure impact. In 2023 we had 49 workshops with over 2.500 participants:

<https://anskaffelser.no/berekraftige-anskaffingar/klima-og-miljo/innsatsteamet-gronne-anskaffelser>

3. Bilparkdata - a tool based on the Norwegian national vehicle registry to track the number of vehicles bought with zero emission technology, in accordance with the aforementioned zero emissions vehicle regulation for road transport. It is also possible to make rough estimates of CO2 savings per km. As of April 2024 DFO had over 15.000 visits to the tools landing page:

<https://anskaffelser.no/verktoy/analyseverktoy/bilparkdata>

4. The climate spend tool for governmental organisations - A strategic tool based on input-output methodology that help governmental organizations identify the procurement categories with the largest GHG emissions:

<https://anskaffelser.no/verktoy/analyseverktoy/klimaspendverktoy>

5. The Norwegian GPP criteria guide (choose English language at the top of the page):

<https://kriterieveviseren.anskaffelser.no/>

Sources in English:

- National Action plan to increase the proportion of green public procurements and green innovation:
https://anskaffelser.no/sites/default/files/2022-04/DFO_Handlingsplan_2021_Print%20Engelsk_NS_F31.pdf
- Norway's Climate Action Plan for 2021–2030 (2020–2021) White paper including GPP policy targets for Norway:
<https://www.regjeringen.no/en/dokumenter/meld.-st.-13-20202021/id2827405/>
- Norwegian GPP criteria guide (choose language at the top of the page):
<https://kriterieveviseren.anskaffelser.no/>

Sources in Norwegian:

- Strategic White paper 22 (2018-2019) on smarter public procurement:
<https://kriterieveiviseren.anskaffelser.no/>
- Poster summarizing the efforts and tools to monitor and report on GPP progress in Norway:
https://dfo.no/sites/default/files/2023-02/M%C3%A5leplakat%20for%20gr%C3%B8nne%20anskaffelser_0.pdf
- Website for national competence center for public procurement in Norway, including GPP:
www.anskaffelser.no, which includes:
 - o Results from the biannual public procurement survey, answered by over 550 public organizations in Norway:
<https://anskaffelser.no/innkjopsledelse/anskaffelsesundersokelsen>
 - o National Action plan to increase the proportion of green public procurements and green innovation (also in English):
https://anskaffelser.no/sites/default/files/2022-04/DFO_Handlingsplan_2021_Print%20Engelsk_NS_F31.pdf
 - o Introductory course to GPP (interactive e-learning course as well as written guide):
 - o Best practice GPP case studies:
<https://anskaffelser.no/verktoy/eksempelbanken-baerekraftige-anskaffelser>
 - o Task force for GPP workshops and competence building
 - o Voluntary public procurement certification, which includes a separate sustainability module:
<https://anskaffelser.no/nn/innkjopsledelse/sertifiseringsordning-offentlege-anskaffingar-soa>
 - o Tool to estimate GHG and monetary savings from prolonging the lifetime of ICT equipment
<https://anskaffelser.no/verktoy/analyseverktoy/effekt kalkulator-levetidsforlengelse-av-ikt-utstyr>
 - o Tool to estimate GHG-emissions from food products.
<https://anskaffelser.no/verktoy/analyseverktoy/klimakalkulator-matanskaffelser>
 - o Tool to estimate and set GHG-emissions reference numbers for building projects
<https://anskaffelser.no/nn/verktoy/analyseverktoy/klimagassutslipp-bygg>

1.2. What are the key challenges for the uptake of green public procurement?

- Lack of professionalisation of public procurement staff
- Lack of capacity of public procurement staff
- Risk or a perception of a risk amongst public buyers of higher procurement costs
- Risk of no available offer on the market or a perception of some public buyers that such risk exists
- Risk of legal actions for wrong application of GPP criteria or a perception of some public buyers that such risk exists
- Lack of policy guidance and support on GPP
- Lack of policy strategy on GPP
- Lack of guidance on implementation of GPP requirements/criteria in procurement procedures

- Lack of strategic planning by the buyers
- Lack of interest
- Other reasons (if yes, please explain below)

Indicate best practices that are aimed at encouraging the use of GPP criteria. Please provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

The boxes above that we have not ticked off are areas where Norway is quite mature, but the other boxes remain important challenges that have to be addressed for an increased uptake of GPP. In other words, significant general interest, as well as policy strategy, policy guidance and support, and guidance on implementation of GPP in procurement procedures, are not enough to ensure actual uptake of green public procurement practices. To ensure GPP implementation there is also a need of increased professionalization and competence building, better strategic planning, as well as increased capacity and mitigation of various real and perceived risks associated with GPP. This statement is backed up by findings from multiple evaluations of the status of GPP in Norway, for instance:

The 2022 audit of GPP in Norway:

The results of the Office of the Auditor General 2022 audit of the status of GPP in Norway concludes that improved tools and processes for monitoring as well as raising awareness of existing guidance materials are two key barriers to accelerate GPP practices in Norway. The audit concludes that existing guidance materials are of a good quality, but that, in addition to awareness raising, the user friendliness can be further improved.

Source in Norwegian: The Office of the Auditor General 2022 audit of the status of GPP

<https://www.riksrevisjonen.no/rapporter-mappe/no-2021-2022/undersokelse-av-gronne-offentlige-anskaffelser/>

The biannual Norwegian public procurement survey:

The 2022 Norwegian public procurement survey had a response rate of 68% for municipalities, 80% for counties and 88% for governmental organizations, and included multiple questions related to the status of GPP. 85% of respondents included GPP in their procurement strategy, but only 61% had set concrete goals in action plans and other management documents. Only 20% included procurement as part of their carbon budgets. 24% of the survey respondents answered that they to a large extent or very large extent had “sufficient competence to determine in which procurements it is relevant to set requirements for climate and the environment”, 20% of the survey respondents answered that they to a large extent or very large extent had “sufficient competence to determine the requirements and criteria you should set when considering climate and the environment”, 15% of the survey respondents answered that they to a large extent or very large extent had “sufficient time to plan and carry out procurements with climate and environmental considerations”, 15% of the survey respondents answered that they to a large extent or very large extent had “competence to assess the climate- and environmental impact of procurements”, and 17% of the survey respondents answered that they to a large extent or very large extent had sufficient budget to plan and carry out procurements with climate- and environmental considerations. Furthermore, preliminary results from a new question in the 2024 version of the public procurement survey show that the most difficult challenge for public procurers is to quantify the effects of GPP efforts.

Source in Norwegian: Anskaffelsesundersøkelsen:

<https://anskaffelser.no/innkjopsledelse/anskaffelsesundersokelsen>

The conclusion and current best practice recommendation and strategy in Norway for increased uptake for

GPP practices is thus: to increase capacity of public procurers, and to raise awareness about and improve the userfriendliness of existing guidance material, especially pertaining to tools for monitoring GPP progress.

2. Socially responsible public procurement ('SRPP')

Socially responsible public procurement is defined as procurement that takes into account one or several social considerations for advancing social objectives. SRPP covers a wide spectrum of social considerations, such as employment opportunities, decent work conditions, compliance with social and labour rights, social inclusion, equal opportunities and accessibility.

2.1. What is the state of play of SRPP in your Member State?

2.1.1. How do you in general evaluate the degree of the SRPP implementation in your country:

Please assess based on:

- Existence of enabling public procurement legal framework,
 - Existence of SRPP policies/action plans,
 - Provisions of practical support to practitioners,
 - Results of monitoring of contracts which include social requirements,
 - Results of monitoring of social outcomes.
- Implementation is advanced
- Implementation is in progress
- Implementation is low

The broad objectives in SRPP policies are met:

- Yes
- Partially
- Not yet

2.1.2. Existing SRPP regulatory requirements in your Member State:

- General legal obligation imposing SRPP goals
- Mandatory requirements regarding employment from vulnerable groups
- Respecting minimum criteria on human- and labour rights in the value chain
- Specific SRPP requirements for the performance of contracts
- Mandatory exclusion grounds related to SRPP
- Sectoral regulations requiring equal treatment and non-discrimination

Indicate best practices that are aimed at encouraging the use of SRPP. Please provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

Section 8-13 and 19-3 of Regulation No. 974 of 12 August 2016 on Public Procurement (the public procurement regulation) and Section 7-8 of Regulation No. 975 of 12 August 2016 on Procurement in the Utility Sectors includes main rules on limitation on the number of links in the supply chain for service contracts and building and construction contracts that exceeds certain threshold values. These requirements are preventive measures to detect and combat work related crime. Exceptions must be justified in the procurement documents.

From 2024 the public procurement regulation (section 8-12a and 19-5) includes a new mandatory requirement on payment of salary etc. via a bank or undertaking authorized to provide payment services. The regulation is applicable when awarding service contracts and building and construction contracts that exceeds certain threshold values.

The regulation on pay and working conditions in public contracts provides mandatory requirements to combat work related crime in public contracts. The regulation is applicable when awarding service contracts and building and construction contracts in case the contract exceeds certain threshold values. The contracting authority must define the following requirements in the contract:

- Contractual requirements relating to pay and working conditions in compliance with applicable general application of collective agreements in regulations or the nationwide collective agreement for the industry in question.
- Contractual requirements relating to mandatory occupational pension scheme (the employer is required to save an amount corresponding to at least 2 percent of the employee's salary)
- Contractual requirements to ensure that the employees hold valid HSE-cards (HMS-card)
- Contractual requirements stating that the supplier and subcontractors must document compliance with the requirements upon request.
- Appropriate contractual sanctions if the supplier and subcontractor(s) fail to meet the requirements relating to pay and working conditions. These sanctions must be likely to encourage the supplier and subcontractor(s) to comply with the requirements.

The requirements relate to employees of the supplier and any subcontractors who are directly involved in fulfilment of the contract.

The contracting authority must carry out necessary control to ensure that the requirements relating to pay and working conditions have been met. The contracting authority must perform a risk assessment in order to determine the scope and need for more in-depth inspection of the contract. If the risk assessment shows that there is a low risk of the requirements being breached, it will not be necessary to perform a more in-depth inspection of the contract in most instances. However, if it is discovered that there is a high risk of the requirements being breached, the contracting authority must perform a more in-depth inspection of the contract.

The regulation on use of apprentices in public procurements contracts states that the supplier of a service contract or a building and construction contract is required to ensure that at least one apprentice participate in the fulfillment of the contract.

Sources in Norwegian:

- Public Procurement Regulation sections 8-12a, 8-13, 19-3 and 19-5
- Regulation on the duty to stipulate requirements for the use of apprentices in public contracts
<https://lovdata.no/dokument/SF/forskrift/2016-12-17-1708>
- Regulation on pay and working conditions in public contracts:
<https://lovdata.no/dokument/SF/forskrift/2008-02-08-112>

Mandatory exclusion grounds in the procurement regulation section 24-2 (2) related to SRPP includes exclusion of suppliers after final judgement or order to pay a fine concerning:

- Participation in a criminal organization
- Corruption
- Fraud
- Acts of terrorism
- Money laundering or financing of terrorism
- Child labour/human trafficking

Information on guidelines, tools, best practice examples, and offers of webinars can be found on the website of the Norwegian Agency for public and financial management (DFØ), which hosts the Norwegian

competence center for GPP: www.anskaffelser.no

See english website: <https://anskaffelser.no/en/english/public-procurement-and-human-rights>

- i. Guidelines on the regulation on pay and working conditions in public contracts, including templates for contracts etc.
- ii. Guidelines on the public procurement regulation on number of links in the supply chain
- iii. Guidelines on the public procurement regulation on payment of salary etc. via a bank or undertaking authorized to provide payment services
- iv. Guidelines on the regulation on use of apprentices

The Transparency Act of 2021 obligates companies to conduct human rights and decent work due diligence and follow-ups throughout their supply supply chain and business relationships - and to be able to communicate it externally.

<https://lovdata.no/dokument/NLE/lov/2021-06-18-99>

2.1.3. SRPP policy measures applied in your Member State:

- Guidelines to encourage SRPP
- National strategy to encourage SRPP
- National action plan to implement measurable objectives in SRPP
- National target of SRPP in certain sectors/in all sectors
- Monitoring/reporting on the use of SRPP criteria
- Existence of national competence centre/ specific working groups to promote the use of SRPP
- Mandatory regular trainings for the promotion of SRPP
- Optional trainings/events/workshops for the promotion of SRPP
- Online information tool on the use/on best practices of SRPP
- Other policy measures (if yes, please describe below)

Indicate best practices that are aimed at encouraging the use of SRPP. Please provide a link to any publicly available document relevant for the issues you indicated.

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The Action plan to combat social dumping and work-related crime entered into force in October 2022:

<https://www.regjeringen.no/no/dokumenter/status-for-oppfolging-av-handlingsplan-mot-sosial-dumping-og-arbeidslivskriminalitet/id3014933/>

To ensure implementation of SRPP in public procurement, there is a need of increased professionalization and competence building, better strategic planning, as well as increased capacity associated with SRPP. This statement is backed up by findings from multiple evaluations of the status of SRPP in Norway, for instance:

The Office of the Auditor General in Norway found in an audit on the regulation on pay and working conditions in public contracts in 2022 that the contracting authorities do not complies adequate with the requirements for control with the suppliers pay and working conditions.

Source in Norwegian: <https://www.riksrevisjonen.no/rapporter-mappe/no-2022-2023/lonns-og-arbeidsvilkar-i-statlige-anskaffelser/>

Evaluation on how public procurement contributes to fight work related crime in public contracts:

Deloitte carried out an evaluation on behalf of the Ministry of Labour and Social Inclusion and the Ministry of Trade, Industry and Fisheries in 2022. The evaluation concluded there are differences between the professionalization on public procurement, both in general and specifically when it comes to avoid work related crime in public contracts. A clear finding in the evaluation is that, to a greater extent than before, public authorities set stricter requirements against work related crime in relevant contracts, but these requirements are not necessarily reflecting the reality of the business or the industry in question. Furthermore, the contracting authorities does not necessarily followed up these requirements.

Source in Norwegian: https://www.regjeringen.no/contentassets/808b3dbaf0c44e36b4b88b71302bd541/endelig-rapport_evaluering-av-hvordan-offentlige-innkjop-bidrar-til-a-fremme-seriositet_juni-2022-005.pdf

The biannual Norwegian public procurement survey:

The 2022 Norwegian public procurement survey had a response rate of 68% for municipalities, 80% for counties and 88% for governmental organizations, and included multiple questions related to the status of SRPP.

62 % of respondents included pay and working conditions in their procurement strategy, but only 16 % had set concrete goals in action plans and other management documents. Only 31% of the survey respondents answered that they to a large extent or very large extent performed necessary control of pay and working conditions in relevant contracts. 41% of the survey respondents answered to have sufficient competence on pay and working conditions. 39 % of the survey respondents answered that they have sufficient competence on contract follow up.

Source in Norwegian: https://anskaffelser.no/sites/default/files/2022-06/Anskaffelsesundersokelsen_hovedrapport_2022.pdf

Guidelines in Norwegian:

i. Guidelines on the regulation on pay and working conditions in public contracts, including templates for contracts etc.:

<https://anskaffelser.no/berekraftige-anskaffingar/arbeidslivskriminalitet/veileder-om-forskrift-om-lonns-og-arbeidsvilkar-i-offentlige-kontrakter-mv>

ii. Guidelines on the public procurement regulation on number of links in the supply chain:

<https://anskaffelser.no/berekraftige-anskaffingar/arbeidslivskriminalitet/begrensning-i-antall-ledd-i-leverandorkjeden>

iii. Guidelines on the public procurement regulation on payment of salary etc. via a bank or undertaking authorized to provide payment services:

<https://anskaffelser.no/verktoy/veiledere/krav-om-betaling-bank>

iv. Guidelines on the regulation on use of apprentices in public procurements contracts

<https://anskaffelser.no/avtaler-og-regelverk/krav-om-bruk-av-laerlinger-i-offentlige-kontrakter>

v. Guidelines on best practice for follow-up of public contracts:

<https://anskaffelser.no/verktoy/veiledere/beste-praksis-kontraktsoppfolging>

2.2. Key challenges – What are the key challenges in the uptake of SRPP?

- Lack of professionalisation of public procurement staff

- Lack of capacity of public procurement staff
- Risk or a perception of risk amongst public buyers of higher procurement costs
- Risk of no available offer on the market or a perception of some public buyers that such risk exists
- Risk of legal actions for wrong application of SRPP or a perception of some public buyers that such a risk exists
- Lack of policy guidance and support on SRPP
- Lack of policy strategy on SRPP
- Lack of guidance on implementation/insufficient implementation of policies on SRPP
- Lack of strategic planning by the buyers
- Lack of interest
- Other reasons (if yes, please explain below)

Indicate best practices that are aimed at encouraging the use of SRPP. Please provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

3. Public procurement of Innovation

An innovative solution is defined in 2014/24/EU Art.2 (1.22) as "a new or significantly improved product, service or process". This includes not only those solutions resulting from R&D but also those solutions resulting from activities, "including but not limited to production, building or construction processes, a new marketing method, or a new organisational method in business practices, workplace organisation or external relations." Please report on both dimensions.

3.1. What is the state of play of procurement of innovation in your Member State?

3.1.1. How do you in general evaluate the degree of the innovation procurement implementation in your country:

Please assess based on:

- Existence of enabling public procurement legal framework,
 - Existence of innovation policies/action plans,
 - Provisions of practical support to practitioners,
 - Results of monitoring of contracts which include innovation aspects,
 - Results of monitoring of innovation procurement.
- Implementation is advanced
 Implementation is in progress
 Implementation is low

The broad objectives in policies supporting innovation are met:

- Yes
 Partially
 Not yet

3.1.2. Innovation policy measures applied in your Member State:

- Guidelines to describing the procurement of innovation
- National strategy to encourage the procurement of innovation
- National action plan to implement measurable objectives to procure innovation
- National target to procure innovation in certain sectors/in all sectors
- Monitoring/reporting on the procurement of innovation
- Existence of national competence centre/specific working groups develop policies on the procurement of innovation
- Mandatory trainings related to the procurement of innovation
- Optional trainings/events/workshops related to the procurement of innovation
- Online information tool on the use/on best practices related to the procurement of innovation
- Other policy measures (if yes, please describe below)

Indicate best practices that are aimed at encouraging the procurement of innovation. Please provide a link to any publicly available document relevant for the issues you indicated.

5000 character(s) maximum

3.2. Key challenges – What are the key challenges for the uptake of Procurement of Innovation?

- Lack of professionalisation of public procurement staff
- Lack of capacity of public procurement staff
- Risk or a perception of a risk amongst public buyers of higher procurement costs
- Risk of no available offer on the market or a perception of some public buyers that such a risk exists
- Risk of legal actions for procedures carried out wrongly
- Lack of policy guidance and support on Innovation
- Lack of policy strategy on procurement of innovation
- Lack of strategic planning by the buyers
- Lack of interest
- Other reasons (if yes, please explain below)

Other reasons, please describe:

5000 character(s) maximum

In our recent procurement survey among public procurement managers the following was reported to be the key challenges: Available time and resources (68 %), competence and skills on innovation (51 %), financial or budgetary limitations (45 %), management support and commitment (38 %), and lack of overview of market opportunities (technology and suppliers) (28 %).

Indicate best practices that are aimed at mitigating indicated issues.

5000 character(s) maximum

IX. The level of competition in public procurement

1. Do you monitor the level of competition in public procurement in your Member State?

To assess please consider in particular: proportion of single bids, proportion of negotiated procedures without prior publication, proportion of cancelled tenders

- Yes, the level of competition is monitored
- Yes, the level of competition is partially monitored (not comprehensive for all the procurement markets)
- No, the level of competition is not monitored

If the reply to the previous question is no, does your Member State experience a decrease in the level of competition or a generally low level of competition compared to the previous reporting period? (To assess please consider in particular: proportion of single bids, proportion of direct awards, proportion of cancelled tenders)

- Increased
- Remained unchanged
- Decreased

2. Did you launch/complete a comprehensive analysis of main causes of the lack of competition on the public procurement market during the current reporting period?

- Yes, a comprehensive analysis of main causes of the lack of competition was launched/completed in the current reporting period
- No, a comprehensive analysis of main causes of the lack of competition was not launched/completed in the current reporting period
- No, a comprehensive analysis of the main causes of the lack of competition was not launched/completed in the current reporting period as the level of competition is satisfactory

3. What are the sectors mostly concerned by low competition?

Please list the sectors concerned:

5000 character(s) maximum

Please list other relevant factors (for example regions, areas, level of administrative level, type of public buyer, calendar period):

5000 character(s) maximum

4. What are the main causes for the decrease in competition?

- 1. Structure of the market (e.g. size of the market)
- 2. Market concentration in the sectors concerned
- 3. Recurrent, particularly low number of bidders due to (if yes, please specify below):
- 4. Low attractiveness of the public procurement market, in particular (if yes, please specify below):
- 5. Anticompetitive market practices (collusions)
- 6. Other reasons (if yes, please specify below)

Please provide a link to any publicly available document relevant for the issues you indicated:

5000 character(s) maximum

X. Additional information

Please provide any other information you consider relevant:

5000 character(s) maximum

Contact

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