

EFTA COURT

Action brought on 28 March 2019 by the County of Aust-Agder against Konkurrenten.no AS

(Case E-1/17 COSTS 2)

An action against Konkurrenten.no AS was brought before the EFTA Court on 28 March 2019 by the County of Aust-Agder, represented by Bjørnar Alterskjær and Amie Eliassen of Kluge Advokatfirma AS, Bryggegata 6, Postboks 1548 Vika, 0117 Oslo, Norway.

The applicant asks that the Court make the following order:

- 1. That the total amount of the costs to be paid by Konkurrenten.no AS to the County of Aust-Agder is NOK 403 430.92, converted into euros at the European Central Bank's official rates on the day of the notification of the order.**
- 2. Default interest shall be due on that amount from the date of notification of the present order until the date of payment; the applicable interest rate shall be calculated on the basis of the interest rate applied by the European Central Bank to its principal refinancing operations in force on the first calendar day of the month in which payment is due, increased by three and a half percentage points.**

Legal and factual background and pleas in law adduced in support:

- Konkurrenten.no AS brought an action against Decision No. 179/15/COL of 7 May 2015, by the EFTA Surveillance Authority, before the EFTA Court on 11 January 2017. The applicant applied for leave to intervene in the Case, E-1/17 *Konkurrenten.no AS v EFTA Surveillance Authority*, which was granted by Order of the President on 12 July 2017.
- Article 70(1) of the Rules of Procedure of the EFTA Court states.

"If there is a dispute concerning the costs to be recovered, the Court shall, on application by the party concerned and after hearing the opposite party, make an order."

- In the Order of the Court in Case E-1/17, the EFTA Court ordered Konkurrenten.no AS to bear the costs incurred by the applicant.