



The competition authority expands the duty of disclosure for 2025



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Renewed and continued duty of disclosure for a number of players

The Norwegian Competition Authority (the NCA) is continuing the duty of disclosure for certain players, and one additional player has become subject to this duty of disclosure.

In principle, only acquisitions, mergers and agreements that result in a controlling influence in other undertakings above a certain turnover threshold are required to be notified to the NCA. This ordinary notification obligation applies if (i) the undertakings have a combined annual turnover in Norway of NOK 1 billion and (ii) two or more of the undertakings have an annual turnover of more than NOK 100 million.

However, pursuant to Section 24 of the Competition Act, the NCA may impose a duty of disclosure below these thresholds, including for minority acquisitions (where no controlling influence is achieved), for certain players in certain markets, if the NCA is concerned about the competitive situation in the relevant market.

The purpose of the duty of disclosure is to make the NCA aware of all acquisitions and other concentrations in markets where the players are already concentrated. By receiving information about more acquisitions or transactions than the NCA would otherwise have been aware of, the NCA has a greater opportunity to investigate the effects of such mergers by requiring the submission of a merger notification – and, if necessary, to intervene against the merger.

Failure to comply with the duty of disclosure may result in a fine of up to 1 per cent of the company's turnover. The Norwegian Competition Authority is no stranger to imposing fines for breaches of the duty of disclosure and has twice in the last five years imposed fines of NOK 20 million and NOK 15 million respectively on NorgesGruppen and St1 Norge for breaches of the duty.

The NCA has recently announced that, in addition to the continuation of the duty of disclosure for certain markets from 1 January 2025, YX Norge will for the first time be subject to the duty of disclosure in the market for fuel. Currently, players in 12 markets are subject to this duty of disclosure.

The markets and companies subject to the duty of disclosure, which has been renewed and continued for two years until 31 December 2026, are as follows:

- **Fuel:** Uno-X Mobility, St1 Norge AS, Certas Energy Norway AS, Circle K Norge AS and YX Norge (new as of 2025).
- **Electricity:** Statkraft AS, Eviny AS, Skagerak Energi AS, Å Energi AS and Hafslund Kraft AS.
- **Waste:** Norsk Gjenvinning Norge AS
- **Newspapers:** Amedia AS, Polaris ASA and Schibsted ASA
- **Laundry:** Nor Tekstil AS
- **Concrete:** Nordic Concrete Group AS, Heidelberg Materials Norway AS and Unicon AS
- **Alarm:** Verisure AS and Sector Alarm Group AS
- **Electric car charging:** Mer Norway AS, Circle K Norge AS, Eviny Elektrifisering AS, Recharge AS and Tesla Norway AS
- **Sports equipment:** Sport Holding AS
- **Accounting systems:** Visma AS
- **Certain online marketplaces:** Schibsted ASA

In addition, the following companies in the following markets have a disclosure obligation until 31 December 2025

Moreover, the food retailers Norgesgruppen ASA, Coop Norge SA, Rema 1000 and Bunnpris IK Lykke AS have a duty of disclosure until 31 March 2026.