



European
Social
Charter

Charte
sociale
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**EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX**

3 June 2021

Case Document No. 2

SMB Norgev. Norway
Complaint No. 198/2021

**OBSERVATIONS BY THE GOVERNEMENT
ON ADMISSIBILITY**

Registered at the Secretariat on 31 May 2021



ATTORNEY GENERAL – CIVIL AFFAIRS

European Council, Council of the European
Union, The Secretary-General
Directorate General, Human Rights and Rule of
Law

Oslo, 31 May 2021

WRITTEN OBSERVATIONS

BY

THE KINGDOM OF NORWAY

represented by Lotte Tvedt , advocate, and, acting as agent, Marius Emberland, advocate, at the
Attorney General of Civil Affairs, in

Application no. 198/2021, SMB Norge v. Norway

- (1) Reference is made to the Deputy Executive Secretary of the European Committee of Social Rights's letter 6 April 2021, formally communicated by e-mail at the same date, relating to the above-mentioned complaint from SMB Norway. It follows from the letter that the President of the Committee, pursuant to Article 6 of the Additional Protocol to the European Social Charter ('the Charter') providing for a system of collective complaints ('the Protocol'), and Rule 28§2 and 29§1 of the Rules of the European Committee of Social Rights, has set 31 May 2021 as the time limit for the Kingdom of Norway (hereinafter 'the Government') to submit its written observations regarding the admissibility of the complaint.
- (2) The Government does not contest that the admissibility conditions in the Protocol are fulfilled.

- (3) Up until 15 June 2019, SMB Norway was known as Bedriftsforbundet (the Norwegian Business Association). In its decision 14 May 2014 regarding complaint 103/2013, Bedriftsforbundet v. Norway, the Committee considered that Bedriftsforbundet should be regarded as a representative employers' organisation in accordance with Article 15c of the Protocol.
- (4) The Government is not aware that any changes has taken place in the organisation of SMB Norge since the Committee's decision in complaint 103/2013, and therefore considers that SMB Norge should be deemed as a representative employers' organisation for the purposes of the the collective complaints procedure.
- (5) Furthermore, the Government considers that the complaint is in accordance with Article 4 of the Protocol.

Oslo, 31 May 2021

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