



ROYAL NORWEGIAN
MINISTRY OF JUSTICE AND PUBLIC SECURITY

EFTA Surveillance Authority

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Request for Information concerning an own-initiative case relating to Norwegian restrictions upon entry due to COVID-19

Reference is made to the letter 24 November 2020 from the EFTA Surveillance Authority, regarding a request for information concerning an own-initiative case relating to Norwegian restrictions upon entry due to COVID-19. Reference is also made to the e-mail 16 December 2020 granting an extension until 8 January 2021 for the reply, while at the same time requesting an immediate clarification on a number of new points.

Please find below our replies to both the questions listed in the letter 24 November, as well as the additional questions in the email 16 December 2020.

- 1. Does the Norwegian Government consider that any potential restrictions to the provisions of EEA law dealing with freedom of movement are justified on the grounds of the protection of human health? If so, how has the proportionality of the measure been assessed?**

Additional question: We would be grateful if you could provide us with a high-level overview of the thinking behind the amendments to the regulations, and what the changes hope to achieve.

The Ministry of Justice and Public Security confirms that it considers the potential restrictions to the freedom of movement due to the obligation of certain persons in

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entry quarantine to stay in quarantine hotels, to be justified on the grounds of the protection of human health.

The requirement that certain persons in entry quarantine were obliged to stay in quarantine hotels was introduced by Royal decree on 6 November 2020. The Royal decree was adopted under section 7-12 of the Act relating to control of communicable diseases¹, which allows the King to issue provisions of a legislative nature to safeguard public health when an outbreak of a communicable disease that is hazardous to public health threatens public health, or when there is a risk of such an outbreak, and if delay entails risk due to these circumstances. The Storting must be immediately informed of any such regulations adopted. If the provisions adopted under section 7-12 need to be maintained for a period longer than 30 days, they must be presented to the Storting as law as soon as possible. On this background, on 11 December 2020 the Ministry presented a proposal for amendment to the Act relating to control of communicable diseases to the Storting, where it proposes an amendment to section 4-3 of the Act providing a specific legal basis for the regulations regarding quarantine hotels. The specific rules on the obligation to stay in quarantine hotels and the exemptions thereto, will still be regulated in the Covid-19-regulations.²

A consultation paper concerning amendments to the regulation of quarantine hotels in the Covid-19-regulations was sent on a public hearing on 9 December 2020, with a deadline for submitting comments 11 December.³ Based on the comments received, changes to the Covid-19-regulation section 5 (as well as some other sections), were adopted and entered into force 13 December 2020.⁴

Section 5 of the Covid-19-regulation will be explained further below in the Ministry's answers to the Authority's question 2 to 12. However, it may be noted that the changes of 13 December imply, inter alia, that a larger group than previously are exempt from the requirement of staying in quarantine hotels.

The background of the arrangement with quarantine hotels was the rapid increase of confirmed cases of coronavirus in Norway, in the late autumn of 2020.⁵ Calculations showed that the increasing infection rates were in danger of straining the resources of the special health services ("spesialisthelsetjenesten") in a way that could be detrimental to the offer of health services to vulnerable groups, high-risk groups and patients with planned treatment courses. A large number of municipalities experienced outbreaks, and the capacity to carry out testing, isolating, contact tracing and quarantine, was in danger of being overloaded.⁶

The increasing infection rate further highlighted the inadequacy of the rules in place at the time, and the urgent need for further infection control measures. Statistics from the

¹ [Lov om vern mot smittsomme sykdommer \[smittevernloven\] - Lovdata](#)

² See [Prop. 62 L \(2020–2021\) - regjeringen.no](#)

³ See [Høringsnotat om endringer i reglene om karantenehotell \(regjeringen.no\)](#)

⁴ [Forskrift om smitteverntiltak mv. ved koronautbruddet \(covid-19-forskriften\) - Lovdata](#)

⁵ The background of the arrangement with quarantine hotels is further elaborated in Prop. 62 L (2020 – 2021), in particular, section 3.

⁶ See, in particular, Prop. 62 L (2020 – 2021) section 3.3.

Norwegian Institute of Public Health showed that an increased share of persons infected had been infected abroad. There were no statistics with regard to secondary infections (persons infected by persons infected abroad), but the health authorities considered it reasonable to assume that this group was significant. The health authorities also considered that the available knowledge on the spreading of covid-19 suggested stricter quarantine requirements for persons traveling from countries with high rates of covid-19 infections without access to a “quarantine appropriate” accommodation in Norway. The health authorities recommended that travelers without documentation of fixed abode in Norway, or documentation that of a suitable accommodation with a private room was provided by employer or contracting client, should be required to stay in quarantine hotels. Moreover, the health authorities recommended that persons in quarantine hotels were required to take a test on the first or second day after arrival, and a subsequent test on day six or seven.⁷

In view of the escalating infection rate and the assessments of the health authorities, the Government concluded that the situation could get out of control, and that the need for swift regulation – and enforcement – was pressing. As mentioned above, further infection control measures – including the requirement that certain persons in entry quarantine were obliged to stay in quarantine hotels – were introduced by Royal decree on 6 November 2020, and subsequently amended in December 2020. Conversely, the testing regime recommended by the health authorities for persons staying at the quarantine hotel was not introduced.

With regard to the latter amendments, updated infection control assessments from the Norwegian Directorate of Health and the Norwegian Institute of Public Health was obtained.⁸ In brief, the health authorities considered that the continued use of quarantine hotels was necessary (albeit with a few proposed changes from Norwegian Institute of Public Health). The Ministry would like to highlight the following considerations of the health authorities (as is reflected in Prop. 62 L):

- The Norwegian Directorate of Health underlined that a significant number of persons are expected to travel to Norway to visit family and friends in the upcoming holiday. Furthermore, a large number of guest workers and students are expected to travel (or return) to Norway in the beginning of 2021, as well as an increased number of seasonal workers in the coming winter and spring. The expected increase of travelers to Norway would pose a significant risk for outbreaks and the infection rates may get out of control if the quarantine measures do not work well enough.⁹
- The Norwegian Institute of Public Health pointed out that cases of non-compliance with the quarantine requirements, seemingly both on part of the employers and on part of the employees, have been observed. In order for the

⁷ See [Oppdrag 208 - Anbefaling til Helse- og omsorgsdepartementet om forsterkede tiltak fra Helsedirektoratet](#)

⁸ See [Oppdrag 249 - Importsmitte og karantenehotell - med tilleggsspørsmål.pdf \(helsedirektoratet.no\)](#) and [Tilleggsoppdrag til oppdrag 249 - Godkjenningsordning og tilsyn.pdf \(helsedirektoratet.no\)](#). See also Prop. 62 L (2020 – 2021) section 3.4.2 and 3.4.3.

⁹ See Prop. 62 L page 13.

quarantine to be effective, it must be carried out in an appropriate location.¹⁰ The Norwegian Directorate of Health also pointed out that the use of quarantine hotels is expected to provide a certain security that the quarantine is carried out in appropriate locations as prescribed, and in compliance with infection control guidelines.¹¹

- The Norwegian Directorate of Health stated that the only alternative measure with the same effect as quarantine hotels, would be to close the borders for travelers to Norway, but that this was considered the most restrictive alternative.¹²

The proportionality of the use of quarantine hotels under EEA law has been assessed inter alia in Prop. 62 L section 4.2. The Ministry considers that the purpose of preventing the spread of the covid-19 pandemic clearly constitutes a legitimate aim that may justify restrictions on free movement.¹³ It also considers that the use of quarantine hotels is suitable in preventing the spread of covid-19 from travelers without access to appropriate quarantine accommodation. In this regard, the Ministry refers to the assessments by the Norwegian Directorate of Health and the Norwegian Institute of Public Health as mentioned above. The Ministry is furthermore of the view that this purpose is pursued in a consistent and systematic manner, and refers to the answers to the Authority's question 2 to 12 below and Prop 62 L.¹⁴ It may also be noted that the requirement that persons in entry quarantine must stay in quarantine hotels during the quarantine period, as well as the exemptions from this rule, is not made contingent upon nationality.

The Ministry also considers that the current use of quarantine hotels is necessary given the knowledge at hand, and that the same effect could not be achieved with less restrictive measures. The alternative would be to close the borders for travelers, which would be more restrictive than the requirement of quarantine hotels. Any restrictive effects of this requirement are also mitigated by the fact that the government covers a substantial share of the costs.¹⁵ The Ministry also underlines that the necessity of the measure is continuously assessed in light of the ongoing situation.¹⁶

On a more general note, the Ministry underlines that the covid-19 pandemic continues to have very serious consequences on a global scale, both in terms of human health and to society as a whole. In this context, the member states' discretion under EEA law in

¹⁰ See [Oppdrag 249 - Importsmitte og karantenehotell - med tilleggsspørsmål.pdf \(helsedirektoratet.no\)](#) and [Tilleggsoppdrag til oppdrag 249 - Godkjenningsordning og tilsyn.pdf \(helsedirektoratet.no\)](#).

¹¹ [Oppdrag 249 - Importsmitte og karantenehotell - med tilleggsspørsmål.pdf \(helsedirektoratet.no\)](#) and [Tilleggsoppdrag til oppdrag 249 - Godkjenningsordning og tilsyn.pdf \(helsedirektoratet.no\)](#).

¹² [Oppdrag 249 - Importsmitte og karantenehotell - med tilleggsspørsmål.pdf \(helsedirektoratet.no\)](#) and [Tilleggsoppdrag til oppdrag 249 - Godkjenningsordning og tilsyn.pdf \(helsedirektoratet.no\)](#).

¹³ Council Recommendation (EU) 2020/1475 of 13 October 2020), as well as Art. 29 of Directive 2004/38/EC and the fact that The World Health Organization has declared the outbreak of covid-19 a pandemic and a serious incident of importance to international public health.

¹⁴ See, inter alia, E-8/17 Kristoffersen paragraph 118.

¹⁵ See the Covid-19-Regulation (FOR-2020-03-27-470) § 17 c.

¹⁶ See in this regard, Prop. 62 L page 5 and 18.

setting the level of protection as regards preventing the spread of covid-19, is of great importance.¹⁷ This discretion allows for a consideration of the individual properties of each particular state (e.g. population, health system, infrastructure etc.) when choosing the level of protection. As the pandemic is being met by a range of different measures in different countries, with a greater or lesser degree of uncertainty about the effect of the individual measures, the Ministry would also like to accentuate the findings of the EFTA-court in E-16/10 *Philip Morris* paragraph 80 -83

2. Are there any other, comparable, requirements to the aforementioned ones already identified by the Directorate, in currently applicable Norwegian law?

On 15 March 2020 Norway introduced restrictions on foreign nationals entry due to the covid-19 pandemic, see *Regulations of 15 March 2020 No. 293 relating to rejection etc. of foreign nationals out of concern for public health*. These regulations are later replaced by *Interim Act of 19 June 2020 No. 83 relating to entry restrictions for foreign nationals out of concern for public health* and the *Regulations of 29 June 2020 No. 1423 relating to entry restrictions for foreign nationals out of concern for public health*.

The entry restrictions have been be subject to rapid amendments and adjustments, and they are continuously assessed and balanced against important societal and economic consequences of the measures. Foreign nationals who reside in the EEA, Andorra, Monaco, San Marino, Switzerland or Vatican City State and EEA nationals who are resident in a third country, are allowed entry into Norway, see section 2 letter a and section 1 letter i of the regulations. Travelers arriving from the areas listed in Annex A to the covid-19-regulation must submit certification showing a negative test result for SARS-CoV-2 to be allowed entry, see section 4a of the regulations. This requirement applies to EEA nationals and third country nationals alike. Foreign nationals who come to Norway without such certification may be refused entry. Exemptions apply, inter alia for foreign nationals who reside in Norway. For more information, see the regulations section 4a and section 9 of the below mentioned circular.

The interim act is available in Norwegian here: [Midlertidig lov om innreiserestriksjoner for utlendinger av hensyn til folkehelsen - Lovdata](#) and in English here (English translation not yet updated): [Interim Act relating to entry restrictions for foreign nationals out of concern for public health - Lovdata](#). The regulations are available in Norwegian here: [forskrift 29. juni 2020 nr. 1423](#) and in English translation here: [Regulations relating to entry restrictions for foreign nationals out of concern for public health - Lovdata](#). The regulations are described in this circular (English translation updated 20 November 2020): [G-28/2020 – Revised circular relating to entry into force of the Regulations relating to entry restrictions for foreign nationals out of concern for public health - regjeringen.no](#)

3. How and when are members of the public who arrive in Norway informed of the requirement to stay in quarantine hotels?

¹⁷ See, inter alia, E-3/06 *Ladbroke* para 55 and E-16/10 *Philip Morris* paragraph 77 and 80.

Information on the obligation to stay in quarantine for ten days after arrival in Norway from regions or countries with high levels of Covid-19, as well as the requirement to stay at a quarantine hotel, is available on helsenorge.no: [Quarantine and isolation due to the coronavirus - helsenorge.no](https://helsenorge.no) The information is also available in English. The Covid-19-regulation ("Covid-19-forskriften") is available on lovdata.no, in Norwegian only, see [Forskrift om smitteverntiltak mv. ved koronautbruddet \(covid-19-forskriften\) - Lovdata](https://lovdata.no). The Circular on quarantine hotels, G-33/2020 as revised 13 December 2020, is mainly addressed to the authorities responsible for implementing the regulations, but also provides information which may be useful to the public, see [G-33/2020 – Revidert rundskriv om karantenehotell - regjeringen.no](https://regjeringen.no). The Circular is only available in Norwegian.

Persons arriving in Norway will be informed about the quarantine requirements by the border police upon arrival. Unless they are exempted from the obligation to undergo travel quarantine, everyone arriving in Norway is required to fill in the *self-declaration form for persons who are to undergo entry quarantine*, see [avkrysningsskjema karantenehotell engelsk.pdf \(regjeringen.no\)](https://regjeringen.no). The form includes information about the regulations governing entry quarantine, the obligations to stay in a quarantine hotel as well as the exceptions to this rule, and may be downloaded prior to arrival, or signed at the border.

Persons exempted from the requirement to stay in quarantine hotels, are required to document that they belong to one of the groups exempted under section 5 first paragraph litra a to d (see question 4 below). Upon arrival at the Norwegian border, the police will check the documentation presented by the traveler, and provide guidance about the regulations.

4. On what legal basis are the exemptions to the requirements to stay in quarantine hotels justified?

As described in the reply to question 1 above, the obligation to stay in quarantine hotels was introduced in order to ensure that all persons required to undergo entry quarantine had a suitable place of accommodation where they could reside during the quarantine period. Accordingly, persons who can document that they have access to another suitable place of accommodation, are exempted from the obligation to stay in a quarantine hotel.

When the requirement to stay in quarantine hotels was first introduced by Royal Decree 6 November 2020, persons belonging to the following three categories were exempted from the requirement:

- a) Residents in Norway or persons who owned a residential property in Norway
- b) Persons who arrived to work in Norway and who had an employer or contracting client who provide a suitable accommodation with a private room
- c) Asylum-seeker and resettlement refugees

On the basis of updated infection control assessments of the health authorities and the government's experiences with the 6 November regulations, amendments were adopted

and entered into force 13 December 2020 (see question 1 above). The general obligation to undergo travel quarantine in a quarantine hotel was maintained, but adjustments were made to the groups exempted from the requirement. The main purpose of the amendments was to ensure, that the exceptions were based on the updated infection control assessments of the health authorities while at the same time being based on criteria that are easy to document and control upon arrival in Norway.

Under the current regulations, the following groups are exempted from the obligation to stay in quarantine hotels:

- a) Persons who can document that they are a resident in Norway or have a fixed abode in Norway and are staying in this home or another suitable accommodation during the quarantine period.
- b) Persons who can document that they are married or have a child together with a person who has a fixed abode in Norway, and will be undergoing entry quarantine at the home of the spouse or the other parent. Minor children of those mentioned in the first sentence may also undergo entry quarantine in the same home.
- c) Persons who have come to Norway to perform work or an assignment, and whose employer or contracting client will provide a suitable accommodation during the quarantine period where it will be possible to avoid close contact with others. The accommodation must have a private room with TV and internet, a private bathroom, and a private kitchen or food service. Upon entry into the country, confirmation from the employer or contracting client that it will provide accommodation and that the accommodation satisfies the stated conditions must be presented.
- d) Persons who are not going to perform work or an assignment in Norway during their stay, and who have another suitable place of accommodation during the quarantine period where it will be possible to avoid close contact with others. The accommodation must have a private room, access to a private bathroom, and a private kitchen or food service. Upon entry into the country, confirmation from the party making the accommodation available that these conditions are fulfilled must be presented.
- e) Asylum seekers or resettlement refugees
- f) Long-haul truck drivers, freight train personnel or military personnel exempted under section 6 b paragraph 6 or section 6 i.

5. The amended regulations appear to draw distinctions between

- a. Persons who arrive to work in Norway and who have an employer or client who has provided a suitable place to stay with a private room during the quarantine period, on the one hand [such persons are exempted from staying in quarantine hotels]: and**
- b. Persons who arrive to work in Norway and who have arranged a suitable place to stay with a private room during the quarantine period for themselves [such persons are obliged to stay in quarantine hotels].**

Given that, in both cases, such individuals have an appropriate place to stay for quarantine purposes, what is the basis of this distinction?

Persons who have come to Norway to perform work or an assignment will have to present confirmation from their employer or contracting client that they will provide accommodation and that the accommodation satisfies the requirements stated in section 5 (see also part 2 of the self-declaration form mentioned under question 3). The accommodation must have a private room with TV and internet, a private bathroom, and a private kitchen or food service. This group is thus still only exempted from the obligation to stay in a quarantine hotel if their employer provides them with another suitable place of accommodation. The requirements that these accommodations will need to satisfy, have been strengthened compared to the regulations adopted 6 November.

The amendments adopted 13 December introduced a new exception to the general obligation to stay in quarantine hotels. According to section 5 first paragraph new *litra d*, persons who are not going to perform work or an assignment in Norway during their stay, are exempted from the requirement to stay in a quarantine hotel if they can document that they have access to a place of accommodation during the quarantine period where it will be possible to avoid close contact with others. The accommodation must have a private room, access to a private bathroom, and a private kitchen or food service. Upon entry into the country, they will have to present confirmation from the party making the accommodation available that these conditions are fulfilled (see part 3 of the self-declaration form).

In the draft proposal for an amendment to section 5 which was sent on a public consultation 9 December 2020, the Ministry of Justice had suggested that persons arriving in Norway to work would also be exempted from the obligation to stay in quarantine hotels if they could present documentation that they had themselves organised a place of accommodation in accordance with the abovementioned requirements. However, in their comments to the draft proposal, the Norwegian Directorate of Health argued that workers should only be exempted if accommodation was arranged by the employer or contracting client, see [Høring – forslag til endringer i covid-19-forskriften \(oppholdssted i karantenetiden\) - regjeringen.no](#). The Directorate of Health strongly argued against allowing workers to organise their own accommodation during the quarantine period. The Directorate referred to the infection control assessments 30 November and 3 December, and reiterated that there are still considerable challenges related to outbreaks of Covid-19 among workers arriving from other countries. In the opinion of the Directorate, this is partly due to insufficient control mechanisms to ensure that accommodation provided for this group is in fact suitable for quarantine purposes. They also expressed concern that it would be difficult to control the documentation presented at the border, and that there was a significant risk that workers would spend their quarantine period in unsuitable places of accommodation.

On the basis of the comments and clear advice of the Directorate of Health, the government decided to maintain the rule adopted 6 November 2020, providing that persons arriving in Norway to work or perform an assignment, will only be exempted if accommodation is arranged by the employer or contracting client.

However, persons arriving in Norway to work for a longer period of time, may now also be exempted under section 6 first paragraph litra a if they can document a long term rental contract for housing in Norway. Under litra a there is no requirement that the accommodation is provided by the employer.

6. The amended regulations further distinguish between

- a. Persons who live in or own a home in Norway, and who reside in the home “or other suitable place of residence”, on the one hand [such persons are exempted from staying in quarantine hotels]; and**
- b. Persons who do not live in or own a home in Norway, but who may nonetheless reside in – or wish to reside in – a suitable place of residence for the quarantine period [such persons are obliged to stay in quarantine hotels].**

Given that, in both cases, such individuals have an appropriate place to stay for quarantine purposes, what is the basis of this distinction?

Question 6 raises in fact the question of *two* distinctions that were made in the regulations adopted 6 November, and subsequently amended by the 13 December regulations.

Firstly, in the 6 November regulations, section 5 first paragraph litra a exempted persons who were either residents in Norway, or owned a residential property in Norway. In the 13 December regulations, litra a was amended include persons not registered as residents in Norway, but who have a fixed abode in Norway. Persons who rented a property for permanent accommodation for a longer period of time are now covered by the exemption in section 5 first paragraph litra a.

Secondly, the 13 December regulations introduced a new exception for persons who are not arriving in Norway to work, and who can document that they have access to a suitable place of accommodation during the quarantine period, see question 5 above. Consequently, there is no longer any distinction between individuals with suitable accommodation for quarantine purposes.

Additional question: An individual is obliged to stay in a quarantine hotel if he/she can't find a place to stay with a private kitchen and bathroom; whereas if an individual has a home in Norway, he/she is not required to show it has a private kitchen and bathroom just to stay there. On what basis is this distinction grounded?

Persons who are registered as residents in Norway, or has a fixed abode/permanent housing in Norway, whether owned or rented, may stay in their home or another suitable place of accommodation during the quarantine period. Persons exempted under this rule are not required to show that the housing has a private room, private kitchen and bathroom. The government is of the opinion that such requirements in relation to those who are spending the quarantine period in their own homes would be problematic

in light of the right to private life and family life as protected by the Norwegian Constitution and the European Convention on Human Rights. Persons covered by this exemption are however covered by the requirement to quarantine upon entry. The differentiation between those spending the quarantine period in their own homes and those undergoing quarantine in accommodation provided by an employer or other third party, is also in line with the recommendations of the health authorities. In their assessments 30 November and 3 December 2020 the health authorities argue that in a private home there will be fewer persons who may be exposed to the risk of contamination, see [Oppdrag 249 - Importsmitte og karantenehotell - med tilleggsspørsmål.pdf \(helsedirektoratet.no\)](#) and [Tilleggsoppdrag til oppdrag 249 - Godkjenningsordning og tilsyn.pdf \(helsedirektoratet.no\)](#). Other persons in the home will also have knowledge of the increased risk. See section 6.2 in the consultation paper [Høringsnotat om endringer i reglene om karantenehotell \(regjeringen.no\)](#).

7. Are comparable measures in place for persons who travel from one part of Norway where there may be a large number of Covid-19 cases to another part of Norway in which there are very few, for example via internal flights? If not, what is the basis of the distinction drawn between internal and external travel?

There are no quarantine requirements for persons who travel within Norway. A large number of individuals are required to regularly travel between regions due to work, in order to maintain relations with close family members, to receive necessary health care etc. Although to a certain extent the same may be held for international travel, the level and frequency of such necessary travel is clearly higher for domestic travel. Quarantine requirements for persons arriving from areas with high levels of infections to an area with a low level of infection, would therefore be difficult to implement.

However, domestic travel that is not strictly necessary is discouraged. This recommendation is based the risk of the infection being spread if you travel from an area in Norway with a high level of infection to an area with a low level of infection. For more detailed information on the advice on domestic travel, we refer to [Domestic travel - helsenorge.no](#).

8. Given that individuals exempted from the necessity to stay in quarantine hotels will likely incur reduced costs, when compared to the compulsory daily charge levied upon those persons obliged to stay in quarantine hotels, how was the level of the compulsory daily charge calculated, and on what basis is this additional cost justified, given that individuals are obliged to stay in quarantine hotels?

Additional questions: The regime concerning employers whose workers are staying in quarantine hotels does not seem to have changed, except that the fee for such employers has been reduced from 1500 NOK/day to 500 NOK/day. On what basis is this scheme maintained, and why was the price

changed?

Thirdly, we would be grateful for a costs breakdown of how Norway has calculated that it costs 3000 NOK/day for an individual to be accommodated in a quarantine hotel, and the reasons underpinning the 500 NOK/day rate, ideally also including a costs breakdown for the latter.

The rate payable is a result of balancing several considerations. For reasons of infection control, it will be unfortunate if the rate payable is set so high that travelers do not use the scheme. If the rate payable is set too low, it could give an unwanted incentive to come to Norway.

The rate payable is not calculated as a certain percentage of the total expenses for quarantine hotels, nor is it broken down into various types of expenses.

As of 13 December the rate payable by employers and customers for employee and contractors using public quarantine hotels was reduced from NOK 1500 to NOK 500 per day, see section 17 c of the Covid-regulations. Private individuals who stay in quarantine hotels while undergoing quarantine will be required to pay a rate of NOK 500 per day. Children under the age of 10 years old staying in a room with their parent or guardian will not be required to pay. Children aged 10 to 18 years old will be required to pay a rate of NOK 250 per day.

A rate payable of NOK 500 for private individuals is found reasonable, given that this is a scheme imposed on the individual by the state. At the same time, it can be mentioned that the scheme involves a full pension with three meals per day, and that it is reasonable for the individual to cover expenses that would have been incurred for the individual in any case.

The rate payable for employees/workers was originally set higher than for private individuals based on an assessment of what was reasonable to expect the two groups to be able to pay. The level of rate payable for employees/workers was originally set on the basis of available information at the relevant time about current expenses for employers related to the quarantine obligation before the establishment of the state scheme with quarantine hotels. Through the pandemic, many companies have had significant additional expenses related to, among other things, accommodation, salaries and follow-up of workers who are in quarantine, even though there are no concrete estimates for how much. It was assumed that private individuals to a greater extent than employees/workers would have the opportunity to find a more affordable place to stay than employees/workers, and this was the reason why the rate payable was originally lower for private individuals. The current rate payable of NOK 500 for both groups is significantly lower than an ordinary hotel stay including full pension would normally cost in Norway.

The Norwegian authorities note that the amendments to the Covid-19 regulation have resulted in a reduction of the rate payable by employers and customers for employee and contractors using public quarantine hotels from NOK 1500 to NOK 500 per employee per day, from 13 December 2020. This is justified with regard to infection

control. Where there is no suitable quarantine site, quarantine hotels should be used. This scheme will have the greatest significance in terms of infection control if it includes people who otherwise live close together, for example employees who live in barracks towns or crews on ships / offshore. For these groups, and their employers, price will often be a deciding factor. Then it is important that the price is not a deterrent or means that you are pushed into less favorable forms of housing that either do not satisfy the requirements for a suitable quarantine place or that have unfortunate social consequences. If the price for an employer or client per day is maintained at NOK 1,500 per day, i.e. 15,000 for a ten-day period, there is reason to believe that employers will not choose this solution for their low-paid employees. Until now, very few employees/workers have stayed in quarantine hotels, and this may indicate that the original rate payable has been too high. Given the difference between the rate previously payable by employers for employees/workers (NOK 1500) and private persons (NOK 500) it cannot be excluded that individuals have provided incorrect information in order to obtain a lower cost. A price similar to that for private individuals can lead to more correct use of quarantine hotels. Norwegian authorities want that more employees/workers carry out the entry quarantine at quarantine hotels, as one can to a greater extent have control over the fact that the facilities are in line with the requirements for suitability. The size of the rate payable for stays at quarantine hotels can be an important incentive to increase the proportion of employers who want to use the scheme.

9. How is the compliance of individuals who are exempted from the requirement to stay in quarantine hotels with the requirement to quarantine in another location monitored? Are individuals required to inform authorities of their chosen location for quarantine? Is there a central – or regional – database of such locations? Do the authorities perform periodic checks of compliance with quarantine requirements via visits to registered locations? If not, do the authorities perform any other form of controls or checks for compliance?

As described above, further exemptions from the requirement to stay in quarantine hotels entered into force 13 December 2020, accompanied by a requirement to confirm a suitable place of residence for implementing the quarantine. A self-declaration form has been developed to this effect¹⁸. The police follows up on information or observance of non-compliance, but there is currently no database of quarantine locations, or any periodic checks of compliance with quarantine requirements via visits to such locations.

The Ministry of Justice and Public Security, in cooperation with the Ministry of Health and Care Services, has recently proposed amendments to the Covid-19 regulation in order to establish a digital registration system for travelers to Norway who are subject to entry quarantine. According to the proposal, travelers from quarantined areas are required to register information i.a. on their quarantine location prior to arrival in Norway.

¹⁸ <https://www.regjeringen.no/no/aktuelt/egenerklaringsskjema-for-personer-som-skal-i-innreisekarantene-og-bekreftelse-pa-egnet-oppholdssted-for-gjennomforing-av-karantene2/id2791503/>

The system is meant to ensure compliance with the quarantine requirements, strengthen infection control and improve infection tracing. For these purposes, the registered information will be made available to the relevant authorities, according to the proposal. Personal data must be deleted after 20 days.

The proposal has been subjected to a public consultation process which ended 16 December 2020, and is under assessment. [Høring – forslag til endringer i covid-19-forskriften \(reiseregistreringssystem\) - regjeringen.no](#). According to plan, the registration system should be in operation from January 2021.

10. The Circular on Quarantine Hotels requires the relevant municipality to disseminate information about the rights and obligations of the traveler on arrival at the quarantine hotel. How is this achieved in practice? In what languages is such information available?

21 municipalities have quarantine hotels. The information provided under is based on inquiries in 12 municipalities.

Regarding the dissemination of information to travelers arriving at quarantine hotels, in most cases, the travelers have been met physically at a hotel and given information leaflets there. In most cases there have been hotel personnel, but also security guards or health personnel from the municipalities have given the travelers information regarding the quarantine rules. Many municipalities emphasize that nationally prepared information leaflets from various health authorities, in particular the Norwegian Directorate of Health and the National Institute of Public Health are distributed to travelers. Some municipalities also have airport staff, often with police and interpreters, to provide travelers with information and guidance as early as possible.

Regarding language the information is disseminated in, all municipalities have written information in at least Norwegian and English. In addition, many municipalities have adapted the information to presumed possible recipients. Several municipalities have therefore translated information leaflets into several foreign languages, for example, Polish, Russian, Lithuanian, Romanian, Spanish and Italian. Several municipalities also refer to the Norwegian Directorate of Health's information which is written in a number of different languages via a separate card with a QR code, and which they believe is a good solution.

As mentioned above, in connection with the revision of the Covid-19-regulations, a self-declaration form for persons who are to undergo entry quarantine has been prepared. This form includes information about entry quarantine, where it should be carried out and quarantine hotels. The form is translated to English, Polish and Lithuanian. Translation to further languages are in process.

11. How do the Norwegian authorities deal with cases of individuals who refuse to stay at quarantine hotels, or who leave before the quarantine period has

elapsed? Given that Section 5 of the amended regulations provides that the municipality shall offer the persons staying in quarantine hotels the opportunity to test for SARS-CoV-2 during the quarantine period, if a traveler can show evidence of a negative test, is he or she exempted from the obligation to quarantine further – or at all – in a quarantine hotel?

Individuals who refuse to stay in a quarantine hotel, or wish to leave before the quarantine period has elapsed, will not be held back by force, but they will consequently be in violation of the Covid-19-regulation. Circular G-33/2020 on Quarantine Hotels states in sections 4 h and 4 j that if such violations are observed, the police will be contacted and consider criminal proceedings. A violation of the obligation to quarantine will typically result in a fine of up to NOK 20 000. Furthermore, foreign nationals who violate their obligation to quarantine may in certain circumstances be rejected pursuant to Article 2 of the Interim Act relating to entry restrictions for foreign nationals out of concern for public health.

Due to the incubation time for covid-19, a negative test after arrival in Norway does not exclude the possibility of infection. According to the final paragraph in section 5 of the Covid-19 regulation, a negative test for SARS-coV-2 does not grant an exemption from the obligation to quarantine further, or at all. This is also clarified in section 4 g in Circular G-33/2020 on Quarantine Hotels.

12. How do the Norwegian authorities deal with cases of individuals who are exempted from the requirement to stay at quarantine hotels, and who therefore quarantine elsewhere, but who leave their place of quarantine before the quarantine period has elapsed? If such a traveler can show evidence of a negative test, is he or she exempted from the obligation to quarantine further – or at all?

Reference is made to the information provided in the answer to question 9 above. The introduction of a digital registration system for travelers is expected to improve the

ability to detect non-compliance. A negative test does not in any case exempt an individual from the obligation to quarantine further, or at all.

Yours sincerely

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Legal Adviser

The document is approved electronically, as such no handwritten signatures are required.