

# IMPORTANT NOTICE

## for Norway!

### for contractors on construction site of BERTSCH Energy GmbH & Co KG

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## Introduction

Ladies and Gentlemen,

please read the following information carefully and return the completed and signed declaration to us. We ask you to bear in mind, that the points mentioned have the sole purpose to inform you and have no claim to completeness. Compliance with the legal obligations in Norway, is in the sole responsibility of each company sending employees to Norway. This document therefore can only be illustrated the requirements in general terms.

## 1. A1-Form

Posted workers from another EU/EEA must provide documentation for this in an A1-form. Posted workers are not entitled to benefit from the Norwegian Labour and Welfare Administration (NAV), but are entitled to health services in Norway for the home country's account. This A1 certificates has to be created in English language.

## 2. Employers/Employees register

The employer and employee register (AA-register) contains information on working conditions in Norway. Public authorities such as NAV, the Tax Administration, Statistics Norway, the Norwegian Labor Inspection Authority and the police use information from the AA-register for problem solving and control. Employers are obliged to report to the registry via the a-scheme. The register is owned and managed by NAV. The AA-register provides an overview of which employees that are employed by the individual employer. The employer must provide information about the following:

- Link between employer and employee
- Type of employment
- Professional code: 7-digit code according to the professional directory
- Start and end date of employment by formal contract / agreement
- The number of hours per week that a full position equals
- Agreed working hours stated in the job percentage
- Working time arrangement: Shifts, shifts, offshore, etc.
- Remuneration type: Fixed, hourly, chord pay etc.
- Date of last change of job percentage
- Date of last pay change
- Duration of working abroad: start and end date, country code
- Leave and layoff: Permission ID, type, start and end date and leave / leave percentage
- For hourly paid: Number of hours, earning period
- Working conditions ID
- The unit's or the business' organisation number
- The employee's national identity number or D-number
- Occupation code
- Date of latest salary adjustment and date of latest adjustment of percentage of employment
- Country code for salary earned in a country outside of Norway

Seconded employees, who's wages are paid by a non-Norwegian employer/foreign employer must not be registered in the AA-register. However the employees need to be reported to the Sentralskattekontoret for utenlandssaker.

<https://www.altinn.no/en/forms-overview/tax-administration/information-about-contracts-contractors-and-employees2/>

### 3. HSE cards

HSE cards are mandatory for all who are engaged in building and construction activities in Norway. The intention is that it shall be easy to identify the employees and their employers in order to have an overview of how the workplace is organised and who is responsible for HSE.

HSE cards can be ordered via the internet on: <https://www.hmskort.no/default.aspx>

To be able to order HSE, the employees must be reported to the Employers'/Employee Register.

The employee must bring an HSE card when arriving at the workplace in Norway. A HSE card is an official ID card for use in the construction and construction industry in Norway. Anyone who wants to work in the construction and construction industry in Norway must have the card, regardless of what kind of work the employee does. The cards must be ordered by the employer on behalf of their employees. To be able to order cards, both the employer and the employees must be registered in relevant public records.

Relevant websites regarding the above-mentioned information are:

- <https://www.workinnorway.no/en/Home>
- <https://www.hmskort.no/default.aspx>
- <https://www.nav.no/workinnorway/no/Virksomhet/Guide+for+midlertidig+tjenesteyting+i+Norge/Starte+opp/Ta+med+ansatte+til+Norge>

## 4. Working conditions

### 4.1 Wages

Thus, generally applicable collective agreements have now been introduced into several sectors, such as the building industry and the maritime construction industry. The government body called the "Tariff Board" has the authority to make collective agreements or parts of collective agreements generally applicable when this is proposed by one of the social partners.

*"The company shall ensure that the wage and working conditions of the company's subcontractor are in accordance with the generally applicable collective agreements".*

The obligation to inspect, implies that systems and routines must be implemented to investigate, and if necessary, follow up on the subcontractor's compliance regarding the generally applicable collective agreements.

#### 4.2 Joint liability for payment of wages and overtime pay

In case the company is using subcontractors to fulfil the contractually agreed services, the company has a joint liability for payment of wages and overtime pay to the workers according to the generally applicable collective agreements and the Norwegian Holiday Act. This obligation is stipulated in the Act related to general application of collective agreements (The General Application Act) Section 13.

#### 4.3 Employment contracts

For employees sent to Norway, there must be issued an employment contract or an addendum to the current employment contract, in writing regarding the work in Norway.

#### 4.4 Norwegian employment law

Even if the employment contract is governed by any other non-Norwegian law, certain employment rules under Norwegian law will apply, such as:

- Certain provisions of the Norwegian Employment Act regarding health, safety and environment ("HSE")
- Overtime supplement equal to 40% of the wages as provided for in the Norwegian Employment Act
- The Norwegian Holiday Act
- The Norwegian Anti-Discrimination Act

In respect of these rules, employees sent to Norway may sue their employers in Norwegian courts.

## 5. Requirements for a foreign contractor operating in Norway

### 5.1 Registration / pre-approval

#### a) The El Supervisory Act

- o Given that the company will perform the electrical installations, the company must register in the "Elvirksomhetsregisteret" (section 6.1.1).
- o Regarding the workers, all electro professionals must apply for permanent or temporary approval with the Norwegian Directorate for Civil Protection (section 6.1.2).

The term electro professionals means persons belonging to the profession group electrical skilled worker and the profession group person who has the professional responsibility for work related to electrical installations.

Electrical skilled worker or a worker who has the professionally responsibility for work related to electrical installations, can apply for permanent or temporary approval with DSB.

#### b) Explosive regulation

- o Given that the work entails rock blasting, a company that has hired a sufficient number of authorized rock blasting advisers can only perform this (section 6.2).
- o Authorized rock blaster or authorized rock blasting adviser must send an application to the Norwegian Directorate for Civil Protection.

Under the explosives regulation, rock blasting can only be performed by a company which has hired a sufficient number of authorized rock blasting advisers and rock blasters with valid certificates, and, if applicable, persons who have had their professional qualifications recognized correspondingly.

Workers from EU/EEA countries who wish to work as authorized rock blaster or authorized rock-blasting adviser in Norway, must send an application to DSB.

### 5.2 Other legal requirements for the construction process

#### a) Construction client regulations (Byggherreforskriften)

- o Obligations throughout the construction process regarding safety, health and working environment (section 6.3).

#### b) Regulation on the technical requirements for constructional works (Byggteknisk forskrift)

- o Technical requirements for the building (section 6.4).
- o The regulation is relevant in regard of the buildings comprised in the license.

#### **Regulation on the technical requirements for constructional works (Byggteknisk forskrift)**

The Regulation intends to ensure that projects are planned, designed and executed on the basis of good visual aesthetics, universal design, and in a manner that ensures that the project complies with the technical standards for safety, the environment health and energy. The regulation is relevant in regard of the buildings comprised in the license.

## 6. Details of the requirements for a foreign contractor operating in Norway

### 6.1 El supervisory Act

#### (1) Enterprises must be registered

According to the Norwegian El Supervisory Act and associated regulations, the management of a company that performs work related to electrical installations and repair of electrical equipment is obligated to be registered in the Norwegian Register of companies that design, install and maintain electrical installations and electrical equipment ("Elvirksomhetsregisteret"). The Norwegian Directorate for Civil Protection ("**DSB**") is the owner of the register.

Companies that have an obligation to be registered in this register must – in advance – be registered in the Norwegian Register of Business Enterprises in order to get a Norwegian organization number.

The companies may offer to perform and perform work related to electrical installations and electrical equipment after having received a receipt confirming successful registration.

## 7. Overview of necessary information regarding employees outside the EU/EEA-area

Please note that different rules apply to employees from countries outside the EU/EEA. Employees with social security agreements from countries outside the EU/EEA must provide documentation for this with a special form from the social security authority in the country from which the employee is sent.

### 7.1 Residence permit

As regards employees outside the EU/EEA-area, there are certain requirements that the company needs to be aware of. Firstly, persons outside the EU/EEA-area and who are going to work in Norway normally need a residence permit from the Norwegian Directorate of Immigration (UDI). For the worker to be able to apply for a residence permit for work purposes, the employer must make him or her a concrete offer of employment. As regards applications for residence permits for skilled workers and seasonal workers, the employer can apply on the worker's behalf. In such case, the employer must have a written authorisation from the worker.

Regarding applications for residence permits for skilled workers, the employer can also apply on behalf of the employee's spouse/cohabitant or children. In such case, the employer must have written authorisation from the family members. If the employer hands in the applications for the employee and the family members at the same time, they will also receive the answer to their applications at the same time.

### 7.2 Tax deduction card

After the employee has applied for a residence permit, the employee must order a tax deduction card from The Norwegian Tax Administration. The employee will receive a confirmation when the Tax Administration has registered the employee's immigration to Norway, together with his or her new identification number (national identity number or D number). The employee will receive this confirmation either in Altinn (an internet portal for digital dialogue between businesses, private individuals and public agencies in Norway) if the employee is an electronic user, or by letter. A letter will be sent to the employee's new address as registered with the National Registry. The employee must remember to mark his or her post box with the correct name.



## 8. General responsibilities for the employer, cf. Section 18 of the Regulations (Byggherreforskriften)

The employer is obliged to comply with the plan for safety, health and working environment and the instructions of the client or coordinator. While planning the execution of work, employers shall pay regard to necessary risk assessments and continuously assess risk in respect of risk areas identified in the client's plan for safety, health and working environment. The employer shall inform the client of risk factors not described in the plan. The information to the client regarding risk factors must be read in connection with the client's procedures for deviation handling, cf. Section 8 d) in the Regulation.

Furthermore, the employer shall ensure implementation of the preventive measures laid down in section 9 of the Regulation. The preventive measures are the following:

- That necessary measures are taken to prevent unauthorised persons from gaining access to the construction site
- That regard is paid to other undertakings at or near the construction site
- Good order and a satisfactory state of cleanliness
- Safe access to the workplaces and safe traffic routes
- Demarcation and laying out of areas for storage of various materials, particularly hazardous materials or substances
- Maintenance, pre-commissioning checks, and checks on installations and equipment with a view to correction of faults that may affect the employees' safety, health and working environment
- Storage, handling and removal of waste and hazardous materials
- Satisfactory working-hour arrangements
- Satisfactory staff rooms
- Adequate accommodation

In addition, the employer shall incorporate relevant parts of the plan for safety, health and working environment in the undertaking's system for internal control, see the Regulations of 6 December 1996 No. 1127 concerning systematic health, environmental and safety activities in enterprises (Internal Control Regulations). This incorporation shall be carried out in such a way that it is possible to identify the relevant provisions of the plan. The employer shall also inform the client (Bertsch Energy) concerning any deviations from the plan for safety, health and working environment that may have significance for employee's safety, health and working environment. There are no statutory time-limits in regard to these obligations, but we recommend that any risks or deviations from the safety plan is informed to the client as soon as possible.

When sending employees to work in Norway, the company has a responsibility to have employment contracts, an overview of working hours and pay slips for the posted workers who will work in Norway during the sending period, cf. The Regulations On Posted Workers Section 4. The documentation must be available either as physical documents or electronically in either Norwegian, Swedish, Danish or in English. There are no statutory time-limits in regard to this obligation, but also here we recommend that this is being done as soon as possible before sending the workers to Norway. Please remark, that there does not exist any exclusion of liability-rules regarding the above-mentioned obligations.

## 9. Penalties

According to Section 20 of the Regulations, wilful or negligent violations of the Regulations or of decisions made pursuant to the Regulations or complicity with such violations shall be subject to penalties pursuant to chapter 19 of the WEA. Section 19 WEA contains the following wording:

- (1) Any proprietor of an undertaking, employer or person managing an undertaking in the employer's stead who wilfully or negligently breaches the provisions or orders contained in or issued pursuant to this Act shall be liable to a fine, imprisonment for up to one year or both. Complicity shall be subject to the same penalties, but employees shall nevertheless be liable to punishment pursuant to section 19-2..
- (2) In the event of particularly aggravating circumstances the penalty may be up to three years' imprisonment. When determining whether such circumstances exist, particular importance shall be attached to whether the offence involved or could have involved a serious hazard to life or health, and whether it was committed or allowed to continue notwithstanding orders or requests from public authorities, decisions adopted by the working environment committee or requests from safety representatives or occupational health services.
- (3) In the event of contraventions that involved or could have involved a serious hazard to life or health, any proprietor of an undertaking, employer, or person managing an undertaking in the employer's stead shall be liable to penalty pursuant to this section, unless the person concerned has acted in a fully satisfactory manner according to his duties under this act.

The company shall ensure compliance with the responsibilities imposed by these Regulations on the coordinator, designers, employers and one-man enterprises, cf. Section 5 of the Regulations.

## 10. Internal control

According to the Construction Client Regulations Section 11, the client (Bertsch Energy GmbH & Co KG) requires undertakings to carry out systematic health, environmental and safety activities. This obligation is further described in The Internal Control Regulations (Section 4 and 5). (According to Section 4), the employer shall ensure that internal control is introduced and exercised, and that this is done in cooperation with the employees and representatives. The internal control shall be adapted to the nature of the business, activities, risk factors and size, to the extent necessary to comply with requirements in or pursuant to health, environmental and safety legislation, (cf. Section 5). For an overview of what internal control implies, see the line table below.

The internal control must be documented by the company in the form and extent that is necessary on the basis of the nature of the employer, activities, risk factors and size. There are no statutory time-limits in regard to this obligation.

Internal control	Documentation
1. Ensure that the laws and regulations of the health, environmental and safety legislation applicable to the employer are available, and keep track of the requirements of particular importance to the employer	-
2. Make sure that employees have sufficient knowledge and skills in the systematic health, environment and safety work, including information on changes	-
3. Make sure that the employees contribute so that the overall knowledge and experience is utilized	-
4. Establish goals for health, environment and safety	Must be documented in writing
5. Have an overview of the organization of the employer, including how responsibility, tasks and authority for the work on health, environment and safety are distributed	Must be documented in writing
6. Identify hazards and problems and, on this basis, assess risk, and prepare related plans and measures to reduce risk factors	Must be documented in writing
7. Implement routines to uncover, rectify and prevent violations of requirements stipulated in or pursuant to the health, environmental and safety legislation	Must be documented in writing
8. Make systematic monitoring and review of the internal control to ensure that it functions as intended	-

**Deliver the following documents and information, latest at the mentioned time to Bertsch Energy GmbH & Co KG via E-Mail ([meldewesen@bertsch.at](mailto:meldewesen@bertsch.at)):**

- A1 Certificate in English language for each worker who is going to the project site (3 weeks before appearance on site)
- HSE Card for each worker who is going to the project site (at least 4 weeks after arrival on site)
- Official application for HSE Card (3 weeks before appearance on site)
- Salary Range for workers on site. Overview about the salaries compared to the respective minimum wages (3) weeks before appearance on site)
- Inform us about all directly or indirectly commissioned subcontractors and self-employed persons, incl. activities, start and duration of activities – (1 week before appearance on site)
- IN CASE of not Eu and 3rd Country residents – Working permit for Norway for each worker who is going to the project side (4 weeks before appearance on site)

## 11. Safety instructions and registration

As a supplier of BERTSCHenergy you are responsible for your own as well as our safety on site. In order to integrate your services frictionless, you are required to educate yourself about applicable regulations and rules on our construction sites. This includes the online safety instructions, which are to be completed at least 2 weeks before your employees' arrival on site. These instructions have to be completed by everyone of your employees as well as any sub-suppliers you work with that will enter our site. Upon successful completion you will be issued a certificate. The certificate is to be printed and presented at our construction site, upon which each of your employees you will be issued a personal badge. This badge will allow your employees to enter and exit our site for pre-determined time period.

Please bear in mind: Without a valid certificate your employees will not be allowed to enter the construction site! Any additional costs or claims as well as push-backs in schedules will be borne by you.

You can access the safety instructions with the following link:

<https://www.bertsch.at/de/384-bertschenergy-kompetenz-in-energie#widget-390>

Login Password:

JxxxxxxS \_ eng

(project id) \_ (language de or eng)

### BAUSTELLENSICHERHEIT

Als Partnerunternehmen oder Besucher unserer Baustelle, sind Sie mitverantwortlich für Ihre und unsere Sicherheit und unseren gemeinsamen Erfolg. Damit Ihre Dienstleistung reibungslos in unsere Prozesse integriert werden, sind bestimmte Regeln einzuhalten.

### ZUGANG SICHERHEITSTEST

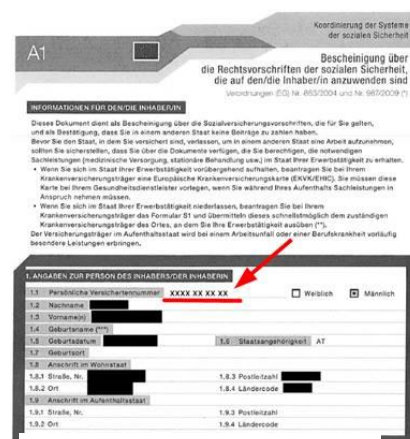
Bitte geben Sie das Passwort für die Sicherheitsschulung ein:

START

Image 1: Login mask for password input

For online registration and access to the safety instructions including the safety test, the following personal information is necessary:

- Name – und last name
- Date of birth
- Job title / function
- Passport photo
- Company name of employer (acc. to company register)
- A1-Form Number



The image shows a sample of the A1-Form, titled 'Bescheinigung über die Rechtsvorschriften der sozialen Sicherheit'. It contains various fields for personal and employment data. A red arrow points to the 'A1-Form Number' field, which is labeled 'A1-Form-Nr.' and contains the value 'XXXX XX XX XX'.

Image 2: A1- Form example with A1 number marked

## 12. Appendix

### 12.1 Declaration

**DECLARATION for NORWAY**

The undersigned

acting as:

for the company:

Street + No.:

Postcode + City:

Email:

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hereby declares to comply with all obligations regarding the points mentioned in this document "Important Notice" and to indemnify "Bertsch Energy GmbH & Co KG" completely. This applies to any form of loss, liability, damage or expense, claims of third parties, etc., which "Bertsch Energy GmbH & Co KG" could suffer as a result of an infringement.

We hereby confirm that we do not and will not illegally employ any personnel. We also confirm that we will pay and remunerate our staff on time and in accordance with the Norwegian minimum wage and legally mandatory additions (e.g. overtime payment, accommodation etc.).

We undertake to impose the obligations contained in this document, including the Important Notice, on our subcontractors.

Failure on our part to fully comply with these obligations and/or to provide "Bertsch Energy GmbH & Co KG" with the information/documents necessary for the various reports/obligations gives "Bertsch Energy GmbH & Co KG" the right to terminate the contract with immediate effect. In the event of an immediate termination of the contract, "Bertsch Energy GmbH & Co KG" reserves the right to claim damages for damages that "Bertsch Energy GmbH & Co KG" could suffer as a result of non-compliance with the obligations described here and/or other statutory obligations by us or our subcontractors.

Should "Bertsch Energy GmbH & Co KG" determine that we do not comply with the various regulations, "Bertsch Energy GmbH & Co KG" reserves the right to take contractual and/or legal action for any damages. "Bertsch Energy GmbH & Co KG" will suspend payment of our invoices until clarified with the Norwegian authorities. The amounts withheld will not yield any interest.

**We shall deliver this document, latest one week after order confirmation to "Bertsch Energy GmbH & Co KG" via E-Mail ([meldewesen@bertsch.at](mailto:meldewesen@bertsch.at)).**

Created in \_\_\_\_\_, on \_\_\_\_\_

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(Signature and/or stamp)