

# Morten Goller

Partner

Authorisation: Advokat

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Morten is an expert in dispute resolution - including litigation and negotiation - in procurement, competition, contract, tax and construction law. He assists a number of Norwegian and international clients with advice related to state subsidy law and competition law, and specialises in public procurement law regulations. Morten previously worked at the Office of the Attorney General, and was a partner at law firm Wikborg Rein for 13 years before joining Wiersholm. He has also been a member of the Norwegian Complaints Board for Public Procurement. He is admitted to the Supreme Court and litigates regularly before the courts. He also has international arbitration and EFTA Court experience. In the Norwegian Financial Daily's annual lawyers survey, Morten is ranked as Norway's leading expert in procurement law and as a leading lawyer in civil law litigation. He is also ranked as one of Norway's leading lawyers in procurement law, competition law and litigation and dispute resolution by the renowned ranking agencies Chambers and Partners and Legal 500.

*Morten Goller has an extraordinary knowledge and understanding of all aspects of the public procurement rules and the practical sides of both the tendering process and the procurement process.*

**Chambers Europe, 2024**

## Industry expertise

Retail  
Industry  
Public sector  
Transport

## Areas of practice

Construction  
EU/EEA Law  
IT Contracts  
Competition Law  
Public Procurement  
Litigation and Dispute Resolution  
Tax  
Telecommunication and Infrastructure

## **Selected projects**

### **Claim for damages for expectation losses**

Assistance to Skanska Norge AS in connection with a dispute against Bane NOR SF, a state-owned company responsible for the national railway infrastructure. The case concerned Skanska's claim for damages for loss of profit following alleged breaches of the Norwegian procurement rules in a competition for a major railway contract. Oslo District Court and Borgarting Court of Appeal sided with Skanska, finding that the winner of the competition should have been excluded and that Skanska should have been awarded the contract. A unique feature of the case is the amount of damages awarded – NOK 273 million (excluding interest). This is by far the highest amount ever awarded for breach of the procurement rules in Norway. The case was appealed to The Norwegian Supreme Court, but the Supreme Court's Appeals Selection Committee did not refer the case, and the judgment from Borgarting Court of Appeal is final. This dispute gives rise to a number of procurement law questions related to correct handling of rejections, requirements for sound implementation of evaluations and the basic principle of verification. To avoid liability in procurement processes, these are the core areas that must be observed.

### **PPP project**

Assistance to one of the key tenderers in a tender process regarding procurement and contracting of a major roads construction and maintenance contract based on a public private partnership model (PPP). This is the first PPP contract regarding roads construction and maintenance in many years in Norway. The procurement has received significant political attention, as the partnership model has been highly praised by the current conservative government and severely criticized by the labour party opposition. Wiersholm's assistance has comprised all phases of the procurement process, including the prequalification phase and the tender phase with negotiations of the PPP contract. As our clients were awarded the contract in March 2018, Wiersholm has also assisted the PPP company and its sponsors in the phase towards closing of the PPP Contract. This includes assistance in preparation and negotiation of financing documents as well as the design and build contract and the operation and maintenance contract for the project.

## **Offentlige anskaffelser**

Morten has litigated more public procurement cases than any other Norwegian lawyer. He litigated Norway's only private action for damages for breach of the competition rules before Borgarting Court of Appeal, and has represented the claimant in most of the cases in which significant amounts in damages have been awarded to bypassed providers. Such as LB-2012-36777 (Skanska), LB-2015-102226 (Seby) LB-2015-72805 (BT Signaal) etc. Morten also assists public clients in such actions. Morten represented Skanska Norge AS in an action regarding breach of the procurement rules, which resulted in the company being awarded NOK 54 million plus interest and costs in damages. This is the highest amount that has ever been awarded for breach of the public procurement rules in Norway.

## **Work experience**

Partner, Wiersholm, 2024

Managing Partner, Wiersholm, 2018

Partner, Wiersholm, 2014

Partner, Wikborg Rein, 2001

Associate/Lawyer, the Office of the Attorney General, 1993

Mandatory Army Service, the Office of the Judge Advocate General, 1992

## **Education**

Executive Education, Harvard Law School, 2018

LL.M., Columbia University, 1997

Cand. Jur., University of Oslo, 1992

## **Membership**

Chairman of the Board, Pareto Securities AS,

Chairman of the Board, Pareto Offshore AS,

## **Awards**

Highly Regarded, World Tax, Tax controversy, 2024

Band 1, Chambers Europe, Competition/Antitrust: Public Procurement, 2024

Band 1, Chambers Europe, Dispute Resolution, 2024

Hall of Fame , Legal 500, Public Procurement , 2024

Topp 10, Advokatundersøkelsen, Finansavisen , Public procurement , 2024

Topp 10, Advokatundersøkelsen, Finansavisen , Dispute resolution, 2024

Band 1, Chambers Global, Dispute Resolution , 2024

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Topp 10, Advokatundersøkelsen, Finansavisen, Dispute resolution, 2023

Hall of Fame, Legal 500, , 2023

Band 1, Chambers Europe, Dispute Resolution, 2023

Band 1, Chambers Global, Dispute Resolution, 2023

Band 1, Chambers Global , Dispute Resolution - Norway , 2022

Band 1 , Chambers Europe , Competition/Antitrust: Public Procurement - Norway, 2022

Band 1 , Chambers Europe , Dispute Resolution - Norway , 2022

Leading individuals , Legal 500, 2022, Public Procurement , 2022

Band 2, Chambers Global, Dispute Resolution - Norway, 2021

Band 1, Chambers Europe, Competition/Antitrust: Public Procurement - Norway, 2021

Leading individuals, Legal 500, Public procurement, 2021

Band 1, Chambers Europe, Competition/Antitrust: Public Procurement - Norway, 2020

Band 1, Chambers Europe, Dispute Resolution - Norway, 2020

Leading individuals, Legal 500, Public Procurement, 2020

Band 1, Chambers Europe, Competition/Antitrust: Public Procurement,