EFTA COURT

Action brought on 17 March 2026 by the EFTA Surveillance Authority against Norway

(Case E-3/26)

An action against the Kingdom of Norway was brought before the EFTA Court on 17 March 2026 by the EFTA Surveillance Authority, represented by Hildur Hjörvar, Sigurbjörn Bernharð Edvardsson and Melpo-Menie Joséphidès, acting as Agents of the EFTA Surveillance Authority, Avenue de Arts 19H, B-1000 Brussels, Belgium.

The EFTA Surveillance Authority requests the EFTA Court to:

1. **Declare that Norway has failed to fulfil its obligations under the Act referred to at point 21av of Annex XX to the EEA Agreement (Directive (EU) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles), as adapted by Protocol 1 to the EEA Agreement, and under Article 7 of the EEA Agreement, by failing to adopt the measures necessary to fully implement Articles 1(4) and 1(11) of the Act within the time prescribed, or in any event, by failing to inform the EFTA Surveillance Authority thereof, and**

2. **Order Norway to bear the costs of these proceedings.**

Legal and factual background and pleas in law adduced in support:

- By this application, the EFTA Surveillance Authority ('ESA') seeks a declaration from the Court that Norway has failed to fulfil its obligations under the Act referred to at point 21av of Annex XX to the EEA Agreement (Directive (EU) 2019/1161 of the European Parliament and of the Council of 20 June 2019 amending Directive 2009/33/EC on the promotion of clean and energy-efficient road transport vehicles), as adapted by Protocol 1 to that Agreement, and under Article 7 EEA, by failing to adopt the measures necessary to fully implement Articles 1(4) and 1(11) of the Act within the time prescribed, or in any event, by failing to inform ESA thereof.

- ESA sent a letter of formal notice to Norway on 20 August 2024, to which Norway replied on 23 August 2024 including a notification of a partial implementation of the Act into its internal legal order.

- In light of the information provided by Norway regarding the failure to fully implement the Act, ESA delivered a reasoned opinion on 26 March 2025 concluding that by failing to fully implement Articles 1(4) and 1(11) of the Act, or in any event, by failing to notify ESA of the measures it had adopted to fully implement those provisions of the Act, Norway had failed to fulfil its obligations under the Act and under Article 7 EEA. Norway was given two months to take the necessary measures to comply with the reasoned opinion, i.e. no later than 26 May 2025.

- Norway did not formally reply to the reasoned opinion but informed ESA by informal communication on 26 September 2025 that a formal reply could be expected in two weeks' time.

- When the deadline set in the reasoned opinion expired, ESA had received no notification that Norway had implemented the Act, nor was it in possession of any other information indicating that the Act had been made part of Norway´s internal legal order.

- Since Norway had not complied with the reasoned opinion by the deadline set therein, ESA on 11 March 2026, decided to bring the matter before the Court, pursuant to Article 31 SCA.

- ESA notes that at the point of lodging the present application, they have not been notified, nor do they have any other information suggesting that Norway has implemented the Act into its internal legal order.