EFTA COURT

Action brought on 8 May 2024 by the EFTA Surveillance Authority against Iceland

(Case E-11/24)

An action against Iceland was brought before the EFTA Court on 8 May 2024 by the EFTA Surveillance Authority, represented by Hildur Hjörvar, Sigrún Ingibjörg Gísladóttir 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 Iceland has failed to fulfil its obligations under Article 7 of the EEA Agreement by failing to make the Act referred to at point 56z of Chapter V of Annex XIII to the EEA Agreement (*Regulation (EU) 2017/352 of the European Parliament and of the Council of 15 February 2017 establishing a framework for the provision of port services and common rules on the financial transparency of ports*), as adapted by Protocol 1 to the EEA Agreement, part of its internal legal order, and**

2. **Order Iceland 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 Iceland has failed to adopt the measures necessary to make the Act referred to at point 56z of Chapter V of Annex XIII to the EEA Agreement, as adapted by Protocol 1 to that Agreement, part of its internal legal order, as required by Article 7 EEA.

- In a reply dated 25 September 2023 to ESA´s letter of formal notice of 4 July 2023, Iceland informed ESA that it had not yet taken the necessary measures to implement the Act.

- ESA delivered its reasoned opinion on 22 November 2023, maintaining its view that the Act had not been made part of the Icelandic internal legal order. Iceland did not respond to the reasoned opinion.

- When the deadline set in the reasoned opinion expired, Iceland had neither informed ESA of any measures it had adopted to make the Act

part of its internal legal order, nor was ESA in possession of any other information which indicated that the Act had been made part of Iceland´s internal legal order.

- ESA notes that, at the point of lodging the present application, Iceland had neither made the Act part of its internal legal order, nor had it informed ESA of having done so.