

EFTA COURT

Action brought on 21 January 2015 by the EFTA Surveillance Authority against Iceland.

(Case E-1/15)

An action against Iceland was brought before the EFTA Court on 21 January 2015 by the EFTA Surveillance Authority, represented by Xavier Lewis and Øyvind Bø, acting as Agents of the EFTA Surveillance Authority, 35 Rue Belliard, B-1040 Brussels.

The EFTA Surveillance Authority requests the EFTA Court to:

- 1. Declare that by failing to adopt and/or to notify the EFTA Surveillance Authority forthwith, of the measures necessary to implement the Act referred to at point 1a, seventh indent, of Chapter XXIV of Annex II to the Agreement on the European Economic Area (Commission Directive 2010/26/EU of 31 March 2010 amending Directive 97/68/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery), as adapted to the Agreement by way of Protocol 1 thereto, within the time prescribed, Iceland has failed to fulfil its obligations under Article 3 of the Act and Article 7 of the Agreement.**
- 2. Order Iceland to bear the costs of these proceedings.**

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

- The application addresses Iceland's failure to comply, no later than on 18 February 2014, with a reasoned opinion delivered by the EFTA Surveillance Authority on 18 December 2013 regarding that State's failure to implement into its national legal order *Commission Directive 2010/26/EU of 31 March 2010 amending Directive 97/68/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery*, as referred to at point 1a, seventh indent, of Chapter XXIV of Annex II to the Agreement on the European Economic Area, and as adapted to that Agreement by way of Protocol 1 thereto ("the Act").

- The EFTA Surveillance Authority submits that Iceland has failed to fulfil its obligations under Article 3 of the Act and under Article 7 of the EEA Agreement by failing to adopt and/or to notify the EFTA Surveillance Authority of, the measures necessary to implement the Act within the time prescribed.