

EFTA COURT

Action brought on 11 June 2025 by the EFTA Surveillance Authority against Iceland

(Case E-12/25)

An action against Iceland was brought before the EFTA Court on 11 June 2025 by the EFTA Surveillance Authority, represented by Hildur Hjörvar, Sigurbjörn Bernharð Edvardsson, 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 the Act referred to at points 7d, 7f and 7m of Annex XIX to the Agreement on the European Economic Area (Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services), 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 implement the Act within the time prescribed, or in any event, by failing to inform the EFTA Surveillance Authority thereof, 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 fulfil its obligations under the Act referred to at points 7d, 7f and 7m of Annex XIX to the EEA Agreement, as adapted by Protocol 1 to that Agreement, and under Article 7 EEA, by failing to adopt the measures necessary to implement the Act within the time prescribed, or in any event, by failing to inform ESA thereof.
- ESA sent a letter of formal notice to Iceland on 17 July 2024, inviting Iceland to submit its observations within two months, i.e. by 17 September 2024.

- In a response on 2 October 2024, Iceland stated that it had not yet taken the necessary measures to implement the Act and indicated that the legislative work to implement the Act was underway.
- ESA delivered a reasoned opinion on 4 December 2024 giving Iceland two months in which to take the measures necessary to comply with the reasoned opinion, i.e. no later than 4 February 2025.
- No response from Iceland was received by ESA within the time-frame specified in the reasoned opinion, nor was ESA in possession of any other information indicating that the Act had been made part of Iceland's internal legal order.
- Since Iceland had not complied with the reasoned opinion by the deadline set therein, ESA decided to refer the matter to the Court, pursuant to Article 31 SCA.
- ESA has at the point of lodging the present application, not been notified and does not have any other information suggesting that Iceland has implemented the Act into its legal order.