

## **EFTA COURT**

**Action brought on 26 September 2016 by the EFTA Surveillance Authority against Iceland.**

**(Case E-14/16)**

An action against Iceland was brought before the EFTA Court on 26 September 2016 by the EFTA Surveillance Authority, represented by Carsten Zatschler, Audur Ýr Steinarsdóttir 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 Iceland has failed to fulfil its obligations under the Act referred to at point 17d of Chapter II of Annex XIII to the EEA Agreement (*Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road*), as adapted to the Agreement under its Protocol 1, by**
  - i. failing to ensure that a representative proportion of consignments of dangerous goods transported by road is subject to checks, as required by Article 3(1);**
  - ii. failing to use the checklist in Annex I of the Directive when carrying out those checks, as required by Article 4(1);**
  - iii. failing to ensure that the checks under the Directive are random and that they as far as possible cover an extensive portion of the road network, as required by Article 4(2);**
  - iv. failing to ensure that the places chosen for the checks permit infringing vehicles to be brought into compliance or, if the authority carrying out the check deems it appropriate to be immobilized on-the-spot or at a place designated for that purpose by the said authority without causing a safety hazard, as required by Article 4(3);**
  - v. failing to ensure where appropriate, and where it does not constitute a safety hazard, samples of the goods transported may be taken for examination by laboratories recognized by the competent authority, as required by Article 4(4);**

- vi. failing to ensure that the checks do not exceed a reasonable time, as required by Article 4(5);
- vii. failing to ensure that vehicles in respect of which one or more infringements of the rules on the transport of dangerous goods are established may be immobilized either on-the-spot or at a place designated for this purpose by the authorities carrying out the check and required to be brought into conformity before continuing their journey or may be subject to other appropriate measures, depending on the circumstances or the requirements of safety, as required by Article 5;
- viii. failing to ensure that checks may also be carried out at the premises of undertakings, as required by Article 6(1); and
- ix. failing to send ESA a yearly report as required by Article 9(1).

**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 16 November 2015, with a reasoned opinion delivered by the EFTA Surveillance Authority on 16 September 2015 regarding that State's failure to fulfil its obligations under the Act referred to at point 17d of Chapter II of Annex XIII to the EEA Agreement (*Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road*), as adapted to the Agreement under its Protocol 1.