

EFTA COURT

Action brought on 18 October 2023 by the EFTA Surveillance Authority against Norway

(Case E-14/23)

An action against Norway was brought before the EFTA Court on 18 October 2023 by the EFTA Surveillance Authority, represented by Hildur Hjörvar, Kyrre Isaksen, and Melpo-Menie Joséphidès, acting as Agents of the EFTA Surveillance Authority, Avenue des 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 Article 7 of the EEA Agreement and Article 8 of the Act by failing to fully implement the Act referred to at point 13 of Annex VI to the Agreement on the European Economic Area (*Directive 2014/50/EU of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights*) into its internal legal order.**
- 2. Order Norway to bear the costs of these proceedings.**

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

- By the present Application, the EFTA Surveillance Authority (the Authority) seeks a declaration from the Court that Norway has failed to adopt the measures necessary to fully implement the Act referred to at point 13 of Annex VI to the Agreement on the European Economic Area (EEA or EEA Agreement), that is *Directive 2014/50/EC of the European Parliament and of the Council of 16 April 2014 on minimum requirements for enhancing worker mobility between Member States by improving the acquisition and preservation of supplementary pension rights* (the Act), into its internal legal order, as required by Article 8 of the Act and Article 7 EEA.
- The Authority sent a letter of formal notice to Norway on 4 October 2018 to which Norway replied on 4 December 2018 stating that preparations of legislative amendments were underway.

- The Authority delivered a reasoned opinion on 6 March 2019 and in its response of 21 June 2019, Norway reiterated that “Norwegian legislation contain[ed] national measures that [were] in line with the Act”.
- The Authority submits that it follows from Article 7 EEA and the principle of sincere cooperation in Article 3 EEA, that the EFTA State must notify, in a timely manner, national measures which transpose EEA Acts into national law. Such notification must be clear, precise and effective. The obligation to notify also stems directly from Article 8 of the Act.
- The Authority submits that Norway has failed to fulfil its obligations under Article 7 EEA and under Article 8 of the Act, by failing to make the Act fully part of its internal legal order.