

## EFTA COURT

### **Action brought on 10 July 2024 by the EFTA Surveillance Authority against Iceland**

**(Case E-16/24)**

An action against Iceland was brought before the EFTA Court on 10 July 2024 by the EFTA Surveillance Authority, represented by Hildur Hjörvar, Kyrre Isaksen 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 its obligations arising from Article 12(3) of Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC, as adapted to the EEA Agreement by Protocol 1 thereto, by failing to have in place advance arrangements between safety investigation authorities and other authorities involved in activities related to the safety investigation and to communicate such arrangements to the Authority, 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 its obligations arising from Article 12(3) of Regulation (EU) 996/2010 of the European Parliament and of the Council of 20 October 2010 on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC, as adapted to the EEA Agreement by Protocol 1 thereto, by failing to have in place advance arrangements and to communicate such arrangements to the Authority.
- Following exchange of letters and other communication from December 2018, ESA sent a letter of formal notice to Iceland on 4 May 2022.

- By a letter of 7 July 2022, Iceland informed ESA that no formal agreement on advance arrangements had been made but that it foresaw that such an agreement would be signed in the autumn of 2022.
- ESA delivered its reasoned opinion on 10 May 2023 where Iceland was required to take the measures necessary to comply with the reasoned opinion.
- On 6 June 2023, Iceland shared a draft of an agreement on advanced arrangements with ESA. It was agreed that Iceland would share the final version of the agreement with ESA by 10 July 2023, which was the deadline set in the reasoned opinion.
- Iceland informed ESA on 7 July 2023 of a delay in its response to the reasoned opinion. On 4 August 2023, Iceland requested an extension of the time limit set in the reasoned opinion until 1 November 2023. ESA did not accept the request for extension and following further communication between the parties, Iceland responded to the reasoned opinion by a letter of 19 October 2023. In the letter, Iceland indicated that it hoped for the agreement to be signed by the end of 2023.
- By email of 27 December 2023, Iceland informed ESA that the agreement would not be finalised by the end of the year. ESA has not received any further updates from Iceland on the matter.