

EFTA COURT

Action brought on 10 July 2013 by the EFTA Surveillance Authority against Iceland

(Case E-18/13)

An action against Iceland was brought before the EFTA Court on 10 July 2013 by the EFTA Surveillance Authority, represented by Xavier Lewis, Auður Ýr Steinarsdóttir and Maria Moustakali 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 (i) to adopt, or (ii) to notify the EFTA Surveillance Authority forthwith of, all the measures necessary to implement the Act referred to at point 21ar of Annex XX to the Agreement on the European Economic Area (Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 *on national emission ceilings for certain atmospheric pollutants*), as adapted to the Agreement by way of Protocol 1 thereto, within the time prescribed, Iceland has failed to fulfil its obligations under the Act and under 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 present application by the EFTA Surveillance Authority addresses Iceland's failure to comply, no later than 3 December 2012, with a reasoned opinion delivered by the EFTA Surveillance Authority on 3 October 2012 regarding that State's failure to implement into its national legal order, Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants (the Act), as referred to at point 21ar of Annex XX to the Agreement on the European Economic Area, and as adapted to that Agreement by way of Protocol 1 thereto.
- The EFTA Surveillance Authority submits that Iceland has not disputed that there is still delay in implementing Article 2 of the Act and that it has no information before it that could indicate that the Act has been fully implemented. As a result the EFTA Surveillance Authority submits that Iceland has failed to fulfil its obligations under Article 15

of the Act in conjunction with Joint Committee Decision 149/2009, and under Article 7 of the EEA Agreement by failing to adopt, or to notify the measures necessary to implement the Act within the time prescribed.