

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Héraðsdómur Reykjavíkur dated 4 September 2014 in the case of Wow air ehf. v Samkeppniseftirlitið (Icelandic Competition Authority), Isavia ohf. and Icelandair ehf.

(Case E-18/14)

A request has been made to the EFTA Court by a letter dated 4 September 2014 from Héraðsdómur Reykjavíkur (Reykjavik District Court, Iceland), which was received at the Court Registry on 4 September 2014, for an Advisory Opinion in the case of Wow air ehf. v Samkeppniseftirlitið (Icelandic Competition Authority), Isavia ohf. and Icelandair ehf., on the following questions:

- 1. Does Council Regulation (EEC) No 95/93, of 18 January 1993, on common rules for the allocation of slots at Community airports, oblige the Member States to ensure that a coordinator appointed under the provisions of the Regulation is, as regards the execution of his tasks, granted independent administrative power under domestic legislation as part of the executive of the Member State, or does the Member State have discretion to decide the status of the coordinator under domestic legislation?**
- 2. Is it assumed, in the instructions on the handling of complaints concerning the allocation of slots in Articles 8(7) and 8(8) of Council Regulation (EEC) No 95/93, that all complaints, including complaints based on competition considerations, will be subject to the procedure prescribed therein, or is recital 15 of the preamble to the Regulation to be understood as meaning that the Regulation is to be applied without prejudice to the competition rules of the Treaty, in particular Articles 85 and 86, in such a way that complaints based on competition considerations shall be subject exclusively to the jurisdiction of the competition authorities in the relevant Member State and are therefore to be submitted directly to them?**
- 3. If the competition authority of a Member State issues instructions on the basis of domestic competition legislation, and with reference to Council Regulation (EEC) No 95/93, with the intention of encouraging competition, is it assumed in the Regulation that these instructions will be issued to the managing body of an airport/competent authority or should these instructions be issued to the coordinator?**