

EFTA COURT

Action brought on 4 October 2013 by the Fédération Internationale de Football Association (FIFA) against the EFTA Surveillance Authority

(Case E-21/13)

An action against the EFTA Surveillance Authority (ESA) was brought before the EFTA Court on 4 October 2013 by Fédération Internationale de Football Association (FIFA), represented by Ami Barav, Barrister of the Bar of England and Wales and Avocat of the Paris Bar, Peter Dyrberg, Advokat of the Danish Bar and Damien Reymond, Avocat of the Paris Bar, c/o Olswang, 326 Avenue Louise, bte 26, B-1050 Brussels, Belgium.

The applicant requests the EFTA Court to:

- (i) annul the contested decision in as far as it approves the inclusion of the “non-prime” matches of the FIFA World CupTM on the Norwegian events’ list;**
- (ii) order ESA to pay its own costs and the costs incurred by FIFA in connection with these proceedings.**

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

- The applicant, the Fédération Internationale de Football Association (FIFA), seeks the annulment of EFTA Surveillance Authority (ESA) decision No 309/13/COL of 16 July 2013 under Article 14(2) of the Audiovisual Media Services Directive (AVMSD) (the contested decision), in so far as it approves the inclusion on the Norwegian events’ list, drawn up pursuant to Article 14(1), of all the matches played within the framework of the final stage of the FIFA World CupTM, especially the matches other than the final, the semi-finals and the matches played by the Norwegian team (the “non-prime” matches).
- On 12 July and 5 August 2013, FIFA requested a communication of the contested decision from ESA. In response, ESA provided them with a link to the on-line database in which the decision was published.
- FIFA is the organiser and the sole original rights’ holder of the FIFA World CupTM, which figures on the Norwegian list as approved by ESA. It considers that, in approving the inclusion on that list of the entire

FIFA World CupTM, in particular the “non-prime” matches played within the framework of that competition, ESA has committed a manifest error and disregarded EEA law and the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice (SCA).

The applicant claims, inter alia, that the EFTA Surveillance Authority has:

- infringed Article 16 SCA; and
- infringed Articles 14(2) of the AVMSD and 5(2)(d) SCA in failing to adequately verify the compatibility of the Norwegian measures with EEA law.