

## **EFTA COURT**

**Action brought on 12 August 2015 by the EFTA Surveillance Authority against Iceland.**

**(Case E-21/15)**

An action against Iceland was brought before the EFTA Court on 12 August 2015 by the EFTA Surveillance Authority, represented by Øyvind Bø and Marlene Lie Hakkebo, 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 to adopt the necessary measures to implement the Act referred to at point 1a of Chapter XXIV of Annex II to the Agreement on the European Economic Area, (*Directive 2011/88/EU of the European Parliament and of the Council of 16 November 2011 amending Directive 97/68/EC as regards the provisions for engines placed on the market under the flexibility scheme*), as adapted to the Agreement by way of Protocol 1 thereto, within the time prescribed, Iceland has failed to fulfil its obligations under Article 2 of the Act and 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 application addresses Iceland's failure to comply, no later than 28 March 2015, with a reasoned opinion delivered by the EFTA Surveillance Authority on 28 January 2015 regarding that State's failure to implement into its national legal order *Directive 2011/88/EU of the European Parliament and of the Council of 16 November 2011 amending Directive 97/68/EC as regards the provisions for engines placed on the market under the flexibility scheme*, as referred to at point 1a of Chapter XXIV of Annex II to the Agreement on the European Economic Area, and as adapted to that Agreement by way of Protocol 1 thereto ("the Act").
- The EFTA Surveillance Authority submits that Iceland has failed to fulfil its obligations under Article 2 of the Act and under Article 7 of the EEA Agreement by failing to adopt the measures necessary to implement the Act within the time prescribed.