

EFTA COURT

Action brought on 16 October 2024 by the EFTA Surveillance Authority against Iceland

(Case E-26/24)

An action against Iceland was brought before the EFTA Court on 16 October 2024 by the EFTA Surveillance Authority, represented by Sigurbjörn Bernharð Edvardsson, Sigrún Ingibjörg Gísladóttir 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 to fulfil its obligations under Article 7 of the EEA Agreement by failing to make the Act referred to at point 19bq of Annex IX to the EEA Agreement (Commission Delegated Regulation (EU) 2021/1118 of 26 March 2021 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to regulatory technical standards specifying the methodology to be used by resolution authorities to estimate the requirement referred to in Article 104a of Directive 2013/36/EU of the European Parliament and of the Council and the combined buffer requirement for resolution entities at the resolution group consolidated level where the resolution group is not subject to those requirements under that Directive), as adapted by Protocol 1 to the EEA Agreement, part of its internal legal order, 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 to adopt the measures necessary to make the Act referred to at point 19bq of Annex IX to the EEA Agreement, as adapted by Protocol 1 to that Agreement, part of its internal legal order, as required by Article 7 EEA.
- Iceland did not reply to ESA's letter of formal notice of 11 January 2024.

- ESA delivered a reasoned opinion on 10 July 2024 giving Iceland two months in which to take the measures necessary to comply with the reasoned opinion, no later than 10 September 2024.
- No response from Iceland was received by ESA within the time-frame specified in the reasoned opinion.
- Since Iceland had not complied with the reasoned opinion by the deadline set therein, ESA decided to refer the matter to the Court, pursuant to Article 31 SCA.
- ESA notes that, at the point of lodging the present application, Iceland had not informed ESA of any measures adopted to make the Act part of its internal legal order. Moreover, ESA was not in possession of any other information which indicated that the act had been made part of Iceland's internal legal order.