

EFTA COURT

**Action brought on 28 January 2022 by the EFTA Surveillance Authority
against Iceland**

(Case E-3/22)

An action against Iceland was brought before the EFTA Court on 28 January 2022 by the EFTA Surveillance Authority, represented by Ingibjörg-Ólöf Vilhjálmsdóttir, Ewa Gromnicka, and Catherine Howdle, 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 declare that:

By failing to prevent:

- a) **the direct disposal of fallen stock, Category 3 slaughterhouse waste and home slaughter waste in authorised landfills in Iceland without prior processing, contrary to Articles 12(c), 13(c) and 14(c) of Regulation No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002, as amended and as adapted to the EEA Agreement by the specific and the sectoral adaptations referred to in Annex I to that Agreement;**
and
- b) **burial on-site of fallen stock and home slaughter waste (including Category 1 specified risk material) in the absence of the conditions of Article 19 or 20 of Regulation No 1069/2009 being met, contrary to Articles 12, 13 and 14 of Regulation No 1069/2009,**

Iceland has failed to fulfil its obligations:

- a) **under Article 4(3) of Regulation No 1069/2009 to maintain a system of official controls in order to verify that the requirements of Regulation No 1069/2009 concerning disposal of animal by-products are fulfilled by relevant operators;**
- b) **under Article 4(4)(b) of Regulation No 1069/2009 to have an adequate system in place on its territory to ensure that animal by-**

products are disposed of in accordance with Regulation No 1069/2009; and

- c) under Article 32(1) of Commission Regulation No 142/2011 of 25 February 2011 implementing Regulation No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive, as amended and as adapted to the EEA Agreement by the specific and the sectoral adaptations referred to in Annex I to that Agreement, to take the necessary measures to control compliance of relevant operators with their animal by-product disposal obligations.**

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

- By this application, the EFTA Surveillance Authority ('ESA') seeks a declaration that Iceland has breached its obligations under EEA law concerning the disposal of animal by-products, in particular fallen stock, slaughterhouse waste and home slaughter waste.
- The infringements that form the subject matter of the application were discovered during a fact-finding mission carried out by ESA in September 2013. Despite the Icelandic authorities' acknowledgement of the shortcomings, a further ESA mission carried out in June 2018 and extensive correspondence regarding Iceland's intention to comply over a period spanning more than nine years, these infringements have not yet been remedied.
- ESA seeks a declaration that by failing to prevent the direct disposal of fallen stock, Category 3 slaughterhouse waste and home slaughter waste in authorised landfills without prior processing, and the burial on-site of fallen stock and home slaughter waste (including Category 1 specified risk material) in the absence of the statutory conditions for such disposal method being met, Iceland has failed to fulfil its obligations arising from Regulation (EC) No 1069/2009 and Commission Regulation (EU) No 142/2011.