

EFTA COURT

Action brought on 9 April 2025 by the EFTA Surveillance Authority against Iceland

(Case E-3/25)

An action against Iceland was brought before the EFTA Court on 9 April 2025 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 the Act referred to at point 7 of Chapter XVII of Annex II to the EEA Agreement (Directive (EU) 2018/852 of the European Parliament and of the Council of 30 May 2018 amending Directive 94/62/EC on packaging and packaging waste), as adapted by Protocol 1 to the EEA Agreement, and under Article 7 of the EEA Agreement, by failing to adopt the measures necessary to implement Articles 1(2), 1(5), and 1(17) of the Act within the time prescribed, or in any event, by failing to inform the EFTA Surveillance Authority thereof, 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 fulfil its obligations under the Act referred to at point 7 of chapter XVII of Annex II to the EEA Agreement, as adapted by Protocol 1 to that Agreement, and under Article 7 EEA, by failing to adopt the measures necessary to implement Articles 1(2), 1(5), and 1(17) of the Act within the time prescribed, or in any event, by failing to inform the EFTA Surveillance Authority thereof.
- Following correspondence, ESA sent a letter of formal notice to Iceland on 15 March 2022.
- Iceland did not reply to ESA's letter of formal notice.

- ESA delivered a reasoned opinion on 31 May 2022 giving Iceland two months in which to take the measures necessary to comply with the reasoned opinion, i.e. no later than 31 July 2022.
- No response from Iceland was received by ESA within the time-frame specified in the reasoned opinion, nor was ESA in possession of any other information indicating that the Act had been made part of Iceland's internal legal order.
- On 7 June 2023, Iceland formally notified ESA that the Act had been implemented into its national legal order as of 1 January 2023, indicating that Articles 1(2), 1(5), and 1(17) remained unimplemented.
- On 28 August 2023, ESA inquired about the implementation of said articles and Iceland responded on 11 September 2023 stating that they would inform ESA as soon as full implementation was in place.
- ESA sent a further inquiry regarding the status of implementation on 23 September 2024 and a follow-up inquiry on 29 November 2024. Iceland replied that the implementation was foreseen for February 2025.
- On 27 February 2025, ESA requested confirmation as to whether Articles 1(2), 1(5), and 1(17) still remained unimplemented. ESA received an answer from Iceland on 4 March 2025 stating that the provisions were being implemented.
- ESA has, at the point of lodging the present application, neither received notification that Iceland has implemented the said articles, nor is ESA in possession of any other information suggesting that they have been made part of Iceland's legal order.
- 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.