

## EFTA COURT

### **Action brought on 26 November 2024 by the EFTA Surveillance Authority against Iceland**

**(Case E-30/24)**

An action against Iceland was brought before the EFTA Court on 26 November 2024 by the EFTA Surveillance Authority, represented by Claire Simpson, Melpomenie Joséphidès and Sigurbjörn Bernharð Edvardsson, acting as Agents of the EFTA Surveillance Authority, Avenue des Arts 19H, B-1000 Brussels, Belgium.

The EFTA Surveillance Authority requests the EFTA Court to:

- 1. Declare that, by maintaining in force an administrative practice which precludes the transfer of the capital value of occupational pensions accrued in Iceland to the pension scheme of the European Union institutions, Iceland has failed to fulfil its obligations under Article 29(1) of Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and/or Article 28 of the EEA Agreement.**
- 2. Order Iceland to pay the costs of these proceedings.**

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

- By the present Application, the EFTA Surveillance Authority (the Authority) seeks a declaration that Iceland has failed to fulfil its obligations under Article 29(1) of Regulation (EC) No 216/2008 (the Regulation) and/or Article 28 of the EEA Agreement by maintaining in force an administrative practice which precludes the transfer of the capital value of occupational pensions accrued in Iceland to the pension scheme of the European Union institutions (PSEUI).
- The Application concerns Iceland's refusal, by way of a consistent administrative practice, to allow staff members of the European Union Aviation Safety Agency (EASA) to transfer the capital value of their occupational pension accrued in Iceland to the PSEUI. According to the Application, it is uncontested that Iceland refuses to permit such transfers.

- On 24 June 2019, the Authority received a complaint from an Icelandic citizen that the Icelandic authorities had refused to transfer his occupational pension rights from Iceland to the PSEUI.
- Following further correspondence between the Authority and Iceland, a letter of formal notice was sent to Iceland on 10 February 2021, concluding that Iceland had failed to fulfil its obligations under Article 29 of the Regulation and/or Article 28/EEA.
- In its reply of 23 June 2021, Iceland submitted that Article 29 of the Regulation did not require Iceland to allow the transfer of accrued pension rights to the PSEUI. Nor was the refusal to allow this transfer a restriction under Article 28 EEA.
- The Authority delivered a reasoned opinion on 15 March 2023, requiring Iceland to take the measures necessary to comply with the reasoned opinion within two months of receipt, i.e. by 15 May 2023.
- Iceland responded on 15 May 2023, maintaining its position that it had neither breached Article 29 of the Regulation nor Article 28 EEA.
- Therefore, the Authority decided to submit the Application to the Court.