

EFTA COURT

Action brought on 22 December 2015 by the EFTA Surveillance Authority against the Kingdom of Norway (Case E-35/15)

An action against the Kingdom of Norway was brought before the EFTA Court on 22 December 2015 by the EFTA Surveillance Authority, represented by Carsten Zatschler, Markus Schneider and Øyvind Bø, 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 the Kingdom of Norway has failed to fulfil its obligations arising under the Act referred to at point 56i of Annex XIII to the Agreement on the European Economic Area (Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues) within the time-limit prescribed by**
 - a. failing to develop and implement an appropriate waste reception and handling plan for each port in Norway as required by Article 5(1) of Directive 2000/59/EC;**
 - b. failing to evaluate and approve the waste reception and handling plans for all ports in Norway, monitor their implementation and ensure their re-approval at least every three years as required by Article 5(3) of Directive 2000/59/EC; and**
 - c. failing to ensure the availability of port reception facilities in all ports in Norway adequate to meet the needs of ships normally using the port without causing undue delay to ships as required by Article 4(1) of Directive 2000/59/EC.**

- 2. Order the defendant to bear the costs of these proceedings.**

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

- The EFTA Surveillance Authority (“ESA”) claims that the Kingdom of Norway has failed to comply in time with key obligations for the protection of the marine environment under Directive 2000/59/EC (the “Directive” or the “Port Reception Facilities Directive”).

- In order to reduce the discharge of ship-generated waste and cargo residues into the sea, the Directive obliges the EEA States to ensure that

adequate facilities, capable of receiving ship-generated waste and cargo residues, are available in all their ports and to develop and implement waste reception and handling plans for each port.

- On 23 October 2007 the Norwegian authorities notified ESA that the Port Reception Facilities Directive had been implemented into national law.
- At the request of ESA, the European Maritime Safety Agency carried out an inspection, and issued a report on 28 September 2010, presenting, *inter alia*, the shortcomings of Norway's compliance with the Directive.
- ESA delivered a reasoned opinion on 10 July 2013, which maintained that Norway had failed to fulfil, *inter alia*, its obligations under Article 4(1), 5(1) and 5(3) of the Directive. Norway was requested to take the necessary measures to comply with the reasoned opinion no later than 10 September 2013.
- ESA submits that, by that date, Norway failed to comply with its obligations (i) to develop and implement an appropriate waste reception and handling plan for each port in Norway as required by Article 5(1) of the Directive; (ii) to evaluate and approve the waste reception and handling plans for all ports in Norway, monitor their implementation and ensure their re-approval at least every three years as required by Article 5(3) of the Directive; and (iii) to ensure the availability of port reception facilities in all ports in its territory as required by Article 4(1) of the directive.