

EFTA COURT

Action brought on 9 July 2021 by SÝN hf. against the EFTA Surveillance Authority (Case E-4/21)

An action against the EFTA Surveillance Authority was brought before the EFTA Court on 9 July 2021 by SÝN hf., represented by Dóra Sif Tynes, Attorney at Law, ADVEL, Kalkofnsvegur 2, 101 Reykjavik, Iceland.

SÝN hf. requests the EFTA Court to:

- 1. Annul the EFTA Surveillance Authority Decision, No 023/21/COL of 26 March 2021, aid to Farice ehf. for investment in a third submarine cable.**
- 2. Order the EFTA Surveillance Authority to pay the full legal costs.**

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

- Sýn (“the applicant”) is an electronic communications and media company active in all telecommunications and broadcasting markets in Iceland, with its registered address for business at Suðurlandsbraut 8 in Reykjavik. The company traces its roots to the establishment of Íslandssími hf. and Tal hf. in the late ‘90s following the liberalisation of the provision of telecommunications services in Iceland. The applicant provides comprehensive electronic communications services, including the provisions of data centre services, under the brand name Vodafone subject to a partnership agreement with Vodafone Group plc.
- Farice hf. was established in 2002 by Icelandic and Faroese parties, with the purpose of preparing, constructing and operating a submarine electronic communication cable system providing international connectivity between Iceland, the Faroe Islands and the UK.
- This application is an action for an annulment of the EFTA Surveillance Decision No 023/21/COL (“the contested decision”). The contested decision was adopted on 26 March 2021, following a notification from the Icelandic authorities submitted on 23 March 2021.
- The applicant seeks the annulment of the contested decision on the grounds that the EFTA Surveillance Authority has:

- Breached its obligation to open the formal investigation procedure under Article 1(2) of Part I of Protocol 3 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice (“SCA”) as it should have had doubts with regard to the compatibility of the measure with the EEA Agreement.
- Breached its obligations under Article 16 SCA to adequately state reasons.