

EFTA COURT

Action brought on 7 December 2016 by DB Schenker against the EFTA Surveillance Authority

(Case E-7/12 COSTS)

An action against the EFTA Surveillance Authority was brought before the EFTA Court on 7 December 2016 by Schenker North AB, Schenker Privpak AB and Schenker Privpak AS (collectively “DB Schenker”), represented by Jon Midthjell of Advokatfirmaet Midthjell AS, Grev Wedels plass 5, NO-0151 Oslo, Norway.

The applicant asks that the Court make the following order:

- 1. The total amount of the remaining costs to be paid by the EFTA Surveillance Authority to Schenker North AB, Schenker Privpak AB, and Schenker Privpak AS, is fixed at EUR 125 657.**
- 2. That amount shall bear interest for late payment from the date on which the present order is served on the parties until the date of actual payment. The rate of interest to be applied shall be calculated on the basis of the rate applied by the European Central Bank to its principal refinancing operations in force on the first calendar day of the month in which the deadline falls, increased by three and a half percentage points.**

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

- The applicants, collectively referred to as “DB Schenker”, run business operations by land, sea and rail in Norway, Sweden and Denmark. DB Schenker was the applicant in Case E-7/12 against the EFTA Surveillance Authority before the EFTA Court.
- Article 70(1) of the Rules of Procedure of the EFTA Court states.

”If there is a dispute concerning the costs to be recovered, the Court shall, on application by the party concerned and after hearing the opposite party, make an order.”

- In the judgment of Case E-7/12, the EFTA Court ordered the EFTA Surveillance Authority to pay the costs concerning the failure to act, and half of those of the applicants concerning the action for non-contractual liability.