

## EFTA COURT

### **Request for an Advisory Opinion from the EFTA Court by Héraðsdómur Reykjavíkur dated 16 April 2013 in the case of Creditinfo Lánstraust hf. v Registers Iceland and the Icelandic State**

(Case E-7/13)

A request has been made to the EFTA Court by a letter of 16 April 2013 from Héraðsdómur Reykjavíkur (Reykjavik District Court), which was received at the Court's Registry on 29 April 2013, for an Advisory Opinion in the case of Creditinfo Lánstraust hf. v Registers Iceland and the Icelandic State, on the following questions:

- 1. Is it compatible with EEA Law, and specifically with Article 6 of Council Directive 2003/98/EC, on the re-use of public sector information (cf. the Decision of the EEA Joint Committee, No 105/2005, amending Annex XI (Telecommunication services) to the EEA Agreement), to charge a fee on account of each mechanical enquiry for information from the register if no calculation of the 'total income' and the 'cost', in the sense of Article 6 of the Directive, is available at the time of the determination of the fee?**
- 2. Is it compatible with Article 6 of the Directive if, when the 'cost' subject to Article 6 of the Directive is determined, no account is taken of:**
  - a. income accruing to the State when documents are collected, in the form of fees paid by individuals and undertakings for the recording of contracts in the registers of legal deeds, and**
  - b. income accruing to the State when documents are collected, in the form of taxes which are levied as stamp duties on recorded legal deeds at the time when individuals and undertakings apply to have them recorded in the registers of legal deeds?**
- 3. Is it compatible with Article 6 of the Directive if, when the 'cost' pursuant to Article 6 of the Directive is determined, account is taken of costs incurred by a public sector body in connection with the collection of documents which it is legally obliged to collect, irrespective of whether or not individuals or undertakings request to re-use them?**
- 4. Is it compatible with Article 6 of the Directive if, when the 'cost' pursuant to the article is determined, the legislature sets the amount of the fee in legislation without any particular amount being made subject to substantive examination?**
- 5. Would it be compatible with Article 6 of the Directive if, when the 'cost' pursuant to the Directive is determined, appropriate account**

**were taken of a general requirement in national legislation that public sector bodies be self-financing?**

- 6. If the answer to Question No 5 is in the affirmative, what does this involve in further detail and what cost elements in public sector operations may be taken into account in this context?**