

EFTA COURT

Action brought on 16 February 2015 by the EFTA Surveillance Authority against the Kingdom of Norway

(Case E-7/15)

An action against the Kingdom of Norway was brought before the EFTA Court on 16 February 2015 by the EFTA Surveillance Authority, Xavier Lewis, Auður Ýr Steinarsdóttir and Øyvind Bø, acting as Agents of the EFTA Surveillance Authority, 35, Rue Belliard, B-1040 Brussels.

The applicant requests the EFTA Court to:

1. Declare that by

- i) Surpassing the limit values for sulphur dioxide (SO₂), particulate matter (PM₁₀) and nitrogen dioxide (NO₂) in the ambient air during the years 2008 to 2012 variously in the zones NO1, NO3, NO4, NO5 and NO6 referred to in Articles 3 to 5 of Directive 1999/30, now Article 13 of Directive 2008/50; and**
- ii) failing to comply with the air quality plan obligation as set out in Article 8(3) of Directive 96/62/EC, now Article 23 of Directive 2008/50 variously as regards zones NO1, NO2, NO3, NO4 and NO5,**

Norway has failed to fulfil its obligations arising under the Act referred to at point 14c of Annex XX of the Agreement on the European Economic Area (*Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe*).

2. Order Norway to bear the costs of these proceedings.

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

- Council Directive 1999/30/EC relating to limit values for sulphur dioxide, nitrogen dioxide and oxides of nitrogen, particulate matter and lead in ambient air, now Directive 2008/50 of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe, imposes limit values for certain pollutants in ambient air in order to avoid, prevent and reduce harmful effects on human health and the environment as whole. It also establishes provisions for the assessment of pollutants as well as measures to maintain good air quality.

- The EFTA Surveillance Authority submits that Norway has failed to comply with its obligation to ensure that the levels of certain pollutants in ambient air do not exceed the limit values set out in EEA law.
- The EFTA Surveillance Authority also submits that Norway has failed to comply with the obligation to draw up suitable air quality plans where limit values plus the relevant margin of tolerance have been exceeded.
- The EFTA Surveillance Authority states that Norway has not challenged any of the shortcomings identified by the Authority in its responses to the letter of formal notice and reasoned opinion.
- The EFTA Surveillance Authority claims that by failing to include the details of adopted measures or projects and a timetable for their implementation, as well as an estimate of the improvement of air quality planned and the expected timeframe required to attain these objectives, Norway has failed to comply with its obligations under Article 8(3) of Directive 96/62, now Article 23(1) of Directive 2008/50.