

EFTA COURT

Action brought on 24 June 2013 by Abelia against the EFTA Surveillance Authority

(Case E-8/13)

An action against the EFTA Surveillance Authority was brought before the EFTA Court on 24 June 2013 by Abelia, represented by attorney-at-law Ingebjørg Harto and attorney-at-law Nina Lea Gjerde, Confederation of Norwegian Enterprise (NHO), P.O. Box 5250 Majorstuen, NO-0303 Oslo, Norway.

The Applicant requests the EFTA Court to:

- 1. Declare void Article 1 of EFTA Surveillance Authority Decision No 160/13/COL of 24 April 2013;**
- 2. Order the Authority to pay the costs of the present proceedings.**

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

- The Applicant is a trade and employers association within the Confederation of Norwegian Enterprise (Næringslivets Hovedorganisasjon) representing 1250 member companies within IT, telecommunications, research and development, consultancy and education services.
- The basis for the application is the EFTA Surveillance Authority's Decision No 160/13/COL of 24 April 2013 to close the case without opening the formal investigation procedure as to whether the Norwegian provisions on VAT and VAT compensation is to be regarded as state aid within the meaning of Article 61(1) of the EEA Agreement.
- The Applicant claims, *inter alia*, that:
 - the EFTA Surveillance Authority failed to initiate a formal investigation procedure pursuant to Article 1(2) in Part I of Protocol 3 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice (SCA), c.f. Article 4(4) in Part II of Protocol 3 SCA;

- the EFTA Surveillance Authority failed to provide reasons as required by Article 16 SCA.