

EFTA COURT

Action brought on 20 January 2014 by the EFTA Surveillance Authority against Iceland.

(Case E-8/14)

An action against Iceland was brought before the EFTA Court on 20 January 2014 by the EFTA Surveillance Authority, represented by Xavier Lewis and Maria Moustakali, acting as Agents of the EFTA Surveillance Authority, 35 Rue Belliard, B-1040 Brussels.

The EFTA Surveillance Authority requests the EFTA Court to:

1. Declare that by failing to adopt, and/or to notify the EFTA Surveillance Authority forthwith of, all the measures necessary to implement the Act referred to at point 27 of Annex XVIII to the Agreement on the European Economic Area (*Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (Recast)*), as adapted to the EEA Agreement by way of Protocol 1 and by Joint Committee Decision No. 54/2010 thereto, within the time prescribed, Iceland has failed to fulfil its obligations under the Act and under Article 7 of the EEA Agreement.

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

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

- The application addresses Iceland's failure to comply, no later than on 26 August 2013, with a reasoned opinion delivered by the EFTA Surveillance Authority on 26 June 2013 regarding that State's failure to implement into its national legal order Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and consulting employees (Recast) ("the Act"), as referred to at point 27 of Annex XVIII to the Agreement on the European Economic Area, as adapted to the EEA Agreement by way of Protocol 1 thereto.

- The EFTA Surveillance Authority submits that Iceland has failed to fulfil its obligations under Article 16 of the Act and under Article 7 of the EEA Agreement by failing to adopt, and/or to notify the EFTA Surveillance Authority of, all the measures necessary to implement the Act within the time prescribed.