

## Chapter 5

## Statistics

## Case handling by the Authority

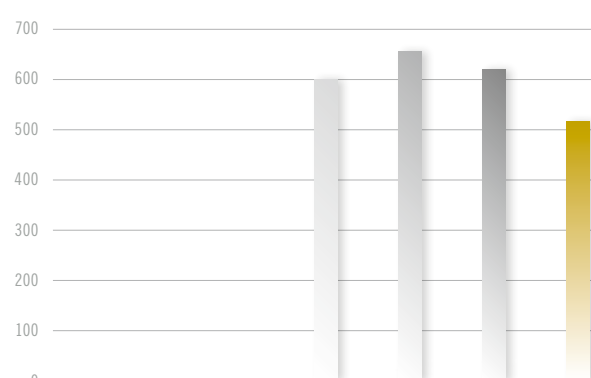
Developments and activities relating to individual cases and sectors in 2009 have been dealt with in the preceding chapters of this annual report. The aim of this chapter is, therefore, to give a brief overview of the Authority's total caseload, sorted by types and countries, as well as of the cases that were opened and closed within the Authority's different fields of work during the past year.

## Pending cases

Figure 1 shows that, at the end of 2009, the Authority had 510 pending cases, more than 100 cases fewer compared to the start of the year. This substantial reduction is a result of the Authority's continuous emphasis on diminishing the backlog of pending cases, now for the second year running. The conclusion of many assessments based on *notifications* (see definitions, below), and *own-initiative* cases opened in past years, in particular relating to the untimely incorporation of directives and regulations, have contributed to the reduction of pending cases. This allows the Authority to apply greater resources on fewer, but more complex, new cases (see Figures 3 and 5), e.g. relating to the financial crisis.

The following figures show the developments in pending cases in the period 2006–09.

Table/Figure 1 Pending cases, by category



	2006	2007	2008	2009
Complaints	149	145	143	130
Notifications	82	94	113	50
Obligatory Tasks	103	101	91	115
Own Initiative	266	325	272	215
<b>Total</b>	<b>600</b>	<b>665</b>	<b>619</b>	<b>510</b>

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**Complaints** are cases where the Authority examines information received from economic operators or individuals regarding measures or practices in the EFTA States which are not considered to be in conformity with EEA rules.

**Notifications** cover state aid measures, draft technical regulations, and telecommunications market notifications that are submitted to the Authority by the EFTA States for examination or approval.

**Obligatory Tasks** are cases which are opened on the basis of an obligation of the Authority arising from the EEA Agreement directly, or from secondary legislation, such as inspections in the area of food safety or transport.

“Case” in this section refers to an assessment of the implementation, or application, of EEA law, or to tasks executed for the purpose of fulfilling the Authority's obligations under EEA law, registered during the relevant year. Such cases do not necessarily lead to the initiation of infringement proceedings against one or more EFTA State(s) or undertakings.



**Own Initiative** refers to cases the Authority opens on its own instigation. Such cases include the non-implementation of directives, and non-incorporation of regulations which have been incorporated into the EEA Agreement by Iceland and Norway<sup>9</sup>, and the examination of implementation (e.g. the verification of the conformity of national laws with EEA legislation) and application of EEA law. The latter covers, for example, examination of individual award procedures for procurement, state aid or concessions where the Authority considers such examination is warranted based on different sources of information.

**Table/Figure 2 Pending cases, by country**

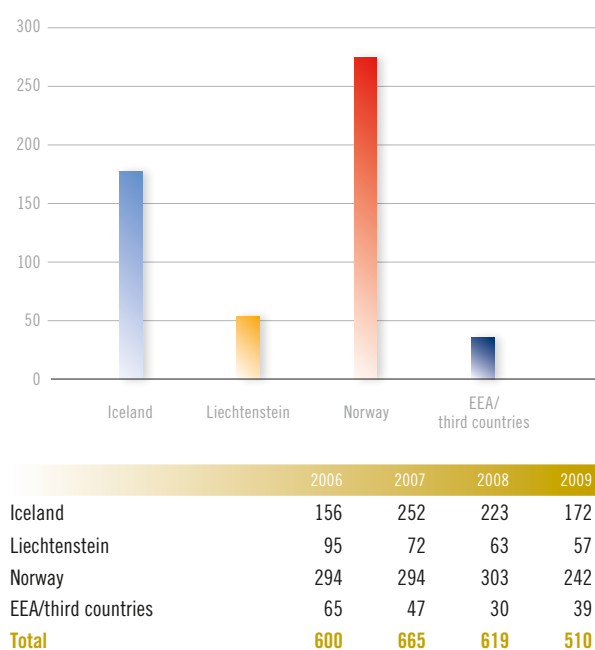


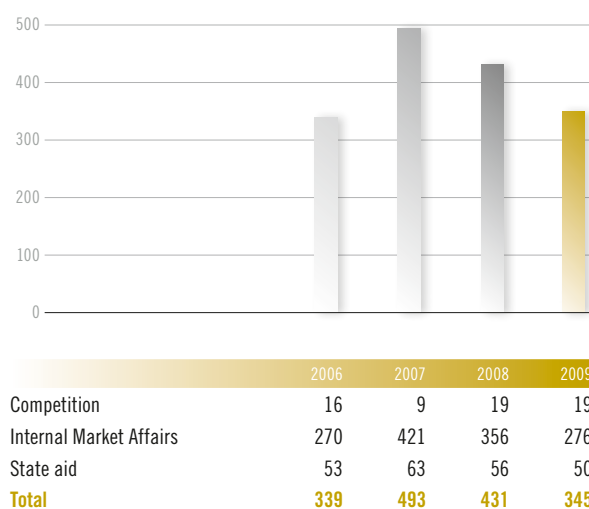
Figure 2 shows the number of cases by country in the period 2006–09. The category “EEA/third countries” refers to cases where more than one EFTA State was involved, typically two or all three EFTA States, or cases transferred to, or dealt with in cooperation with the Commission that concerned EU Member States or third countries.

### Cases opened and closed by the Authority

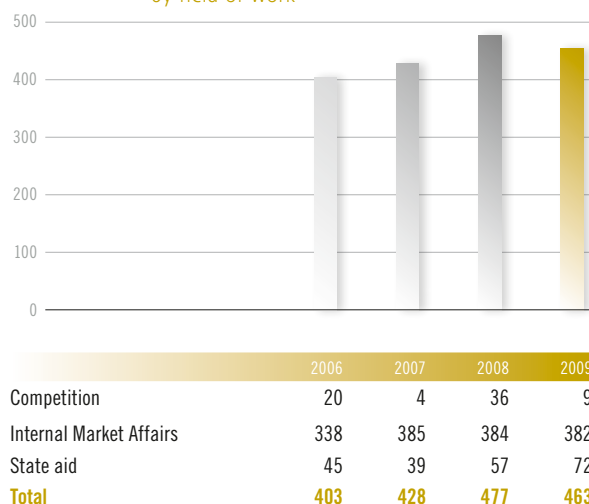
The activities of the Authority can also be illustrated by the number of cases which were opened and closed during the year. A case is closed when the issue at stake has been solved, or when the Authority finds that no infringement of EEA law has taken place.

As it has been a priority of the Authority to reduce the backlog of pending cases, the number of closures has remained higher than the opening of new cases for the second consecutive year.

**Table/Figure 3 Opened (new) cases, by field of work**



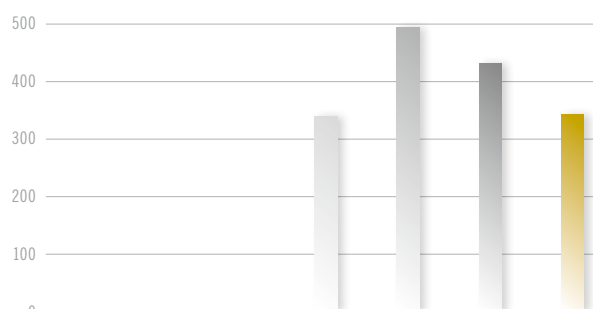
**Table/Figure 4 Cases closed by the Authority, divided by field of work**



Figures 3 and 4 show that the great majority of cases related to internal market affairs, which comprise areas such as the free movement of capital, goods, persons and services, the environment and energy matters as well as public procurement. See Chapter 2 more detailed information on Internal Market Affairs.

In the area of state aid it should be noted that the number of closures has risen significantly over the last two-year period.

<sup>9</sup> In Liechtenstein, regulations are automatically incorporated into the internal legal order through the EEA Joint Committee Decision whereas, for Iceland and Norway, national implementing measures must be subject to additional domestic decisions.

**Table/Figure 5** Opened (new) cases, by country of origin

	2006	2007	2008	2009
Iceland	95	237	181	138
Liechtenstein	40	21	24	25
Norway	163	203	190	144
EEA/third countries	41	32	36	38
<b>Total</b>	<b>339</b>	<b>493</b>	<b>431</b>	<b>345</b>

**Table/Figure 6** Closed cases, by country of origin

	2006	2007	2008	2009
Iceland	119	141	210	187
Liechtenstein	45	44	33	31
Norway	190	203	181	214
EEA/third countries	49	40	53	31
<b>Total</b>	<b>403</b>	<b>428</b>	<b>477</b>	<b>463</b>

Figures 5 and 6 show that there was a further reduction in the number of new cases in 2009, for the third year running. Moreover, the number of new cases remained below the number of closures. As a result, and as shown in the section above, the number of pending cases fell, and the Authority was able to shift resources and focus on larger, complex cases.

A comparable number of cases were opened in relation to Iceland and Norway, while only a small number related to Liechtenstein. In 2009, most closures concerned Norway and Iceland, while again only a relatively small number related to Liechtenstein.

## Complaints in 2009

In order to fulfil its surveillance tasks regarding the situation in the EFTA States, and their compliance with EEA law, the Authority receives complaints from interested and concerned parties. In principle, anyone is entitled to lodge a complaint with the Authority, which will then examine it to determine whether there is need for an investigation. Following the examination, the Authority may decide to close the case, or to initiate formal infringement proceedings based on the complaint. It must be emphasised that in these circumstances the Authority will pursue the case on its own initiative and not on behalf of the complainant.

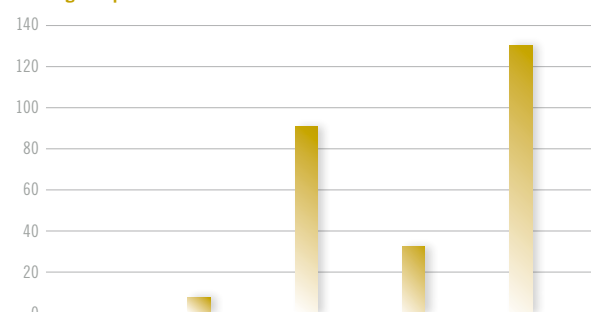
One in every four cases still under examination at the end of the year was a complaint.

As in past years, most complaints concerned Norway's implementation and application of EEA law: 99 of 130 cases still pending at year-end concerned Norway. Equally, most new complaints (33 out of 58) and closures (54 out of 72) also concerned that country.

For all three EFTA States, most new complaints related to internal market affairs, followed by state aid and competition cases. Although not apparent from these figures, it is worth mentioning that the number of new complaints against Iceland more than doubled from the previous year, as the Authority registered more new complaints relating to the banking sector and/or capital movement in Iceland.

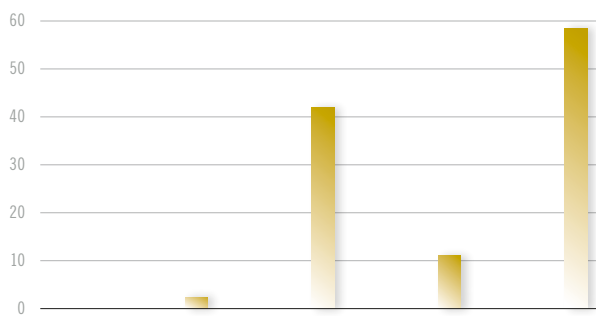
**Table/Figure 7–9** Number of complaint cases, by country of origin and field of work

### Pending complaints on 31 December 2009



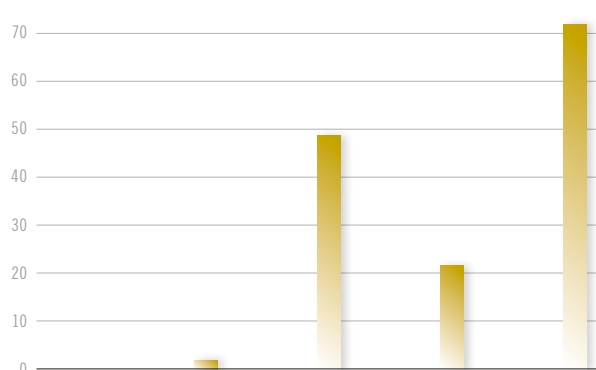
	Competition	Internal Market Affairs	State aid	Total
Iceland		21	7	28
Liechtenstein	1	2		3
Norway	8	64	27	99
<b>Total</b>	<b>8</b>	<b>87</b>	<b>34</b>	<b>130</b>

**New complaints lodged with the Authority in 2009**



	Competition	Internal Market Affairs	State aid	Total
Iceland	1	16	4	21
Liechtenstein	2	2	0	4
Norway	0	26	7	33
<b>Total</b>	<b>3</b>	<b>44</b>	<b>11</b>	<b>58</b>

**Complaints closed during 2009**



	Competition	Internal Market Affairs	State aid	Total
Iceland	1	8	3	12
Liechtenstein	1	4	1	6
Norway	1	36	17	54
<b>Total</b>	<b>3</b>	<b>48</b>	<b>21</b>	<b>72</b>

