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EFTA SURVEILLANCE
AUTHORITY

Minutes of College meeting 19 – 3 June 2015

Members present: Oda Helen Sletnes, Helga Jónsdóttir and Frank Büchel

Officials present: Ólafur Einarsson, Gjermund Mathisen, Brit Helle, Markus Schneider, Catherine Howdle, Gabrielle Somers, Charlotte Forno, Kristin Bangsund, Rodolphe Muñoz, Astriður Scheving-Thorsteinsson, Andreas Kjeldsberg Pihl and Nina Hoppe

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1. Agenda

Event 757416

The College approved the Agenda

2. Decisions taken by delegation procedure

758166

The College took note of the decisions taken by delegation procedure

3. Case 75847: Non-incorporation by Norway of Regulation (EU) No 305/2013 supplementing Directive 2010/40/EU with regard to the harmonised provision for an interoperable EU-wide eCall

Decision 753450

The College adopted a Decision to close a case on Norway's failure to take the measures necessary to implement the Act referred to at point 17 of Chapter II of Annex XIII of the Agreement on the European Economic Area (*Commission Delegated Regulation (EU) No 305/2013 of 26 November 2012 supplementing*

Directive 2010/40/EU of the European Parliament and of the Council with regard to the harmonised provision for an interoperable EU-wide eCall), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as **Decision No. 211/15/COL**

4. **Case 76512: Non-incorporation by Iceland of Regulation (EU) 260/2014 (REACH)**

Decision **757657**

The College adopted a Decision to close a case on Iceland's failure to take the measures necessary to implement the Act referred to at point 12zza of Chapter XV of Annex II of the Agreement on the European Economic Area (*Commission Regulation (EU) No 260/2014 of 24 January 2014 amending, for the purpose of its adaptation to technical progress, Regulation (EC) No 440/2008 laying down test methods pursuant to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH)*), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as **Decision No. 212/15/COL**

5. **Case 76942: Non-implementation by Liechtenstein of Directive 2014/74/EU (exemption for lead used in other than C-press compliant pin connector systems)**

Decision **756047**

The College adopted a decision to close a case on Liechtenstein's failure to take the measures necessary to implement the Act referred to at point 12q of Chapter XV of Annex II of the Agreement on the European Economic Area (*Commission Delegated Directive 2014/74/EU of 13 March 2014 amending, for the purposes of adapting to technical progress, Annex IV to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for lead used in other than C-press compliant pin connector systems for industrial monitoring and control instruments*), as adapted to that Agreement by Protocol 1 thereto, into its national law and/or its failure to notify the Authority forthwith of these measures, as **Decision No. 213/15/COL**

6. **Case 75912: Non-implementation by Iceland of Directive 2010/53/EU (standards of quality and safety of human organs intended for transplantation)**

Decision **757654**

The College adopted a decision to close a case on Iceland's failure to take the measures necessary to implement the Act referred to at point 15zn of Chapter XIII of Annex I of the Agreement on the European Economic Area (*Directive 2010/53/EU of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation, as corrected*), as adapted to that Agreement by Protocol 1 thereto, into its national

law and/or its failure to notify the Authority forthwith of these measures, as **Decision No. 214/15/COL**

7. Case 71579: Complaint concerning financial assistance from the Norwegian State Educational Loan Fund

Decision **752960**

The College adopted a Decision to close a complaint case arising from an alleged failure by Norway to comply with Article 36 and Article 4 of the EEA Agreement by maintaining in force the Regulation on Granting Educational Support, as **Decision No. 215/15/COL**

8. Case 77405: Non-incorporation by Iceland of Regulation No (EU) 1251/2013 on registering of oenological practices in the wine sector registers

LFN **757506**

The College adopted a decision to issue a letter of formal notice to Iceland in accordance with Article 31(1) of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice for that State's failure to take the measures necessary to incorporate the Act referred to as a new indent at point 10 in Appendix 1 to Protocol 47 to the Agreement on the European Economic Area (*Commission Implementing Regulation (EU) No 1251/2013 of 3 December 2013 amending Regulation (EC) No 606/2009 as regards certain oenological practices and Regulation (EC) No 436/2009 as regards the registering of these practices in the wine sector registers*), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as **Decision No. 216/15/COL**

9. Case 77406: Non-incorporation by Iceland of Regulation No 347/2014 on the increase in the maximum total sulphur dioxide content where the climate conditions make this necessary

LFN **757512**

The College adopted a decision to issue a letter of formal notice to Iceland in accordance with Article 31(1) of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice for that State's failure to take the measures necessary to incorporate the Act referred to new indent at point 10 in Appendix 1 to Protocol 47 to the Agreement on the European Economic Area (*Commission Implementing Regulation (EU) No 347/2014 of 4 April 2014 amending Regulation (EC) No 606/2009 as regards the increase in the maximum total sulphur dioxide content where the climate conditions make this necessary*), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as **Decision No. 217/15/COL**

10. Case 77408: Non-incorporation by Norway of Regulation (EU) No 157/2014

on conditions for making a declaration of performance on construction products available on a website

LFN 757540

The College adopted a decision to issue a letter of formal notice to Norway in accordance with Article 31(1) of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice for that State's failure to take the measures necessary to incorporate the Act referred to at point 2p of Chapter XXI of Annex II of the Agreement on the European Economic Area (*Commission Delegated Regulation (EU) No 157/2014 of 30 October 2013 on the conditions for making a declaration of performance on construction products available on a website*), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as **Decision No. 218/15/COL**

- 11. Case 77411: Non-incorporation by Norway of Regulation No (EU) 574/2014 on model to be used for drawing up a declaration of performance on construction products**

LFN 757553

The College adopted a Decision to issue a letter of formal notice to Norway in accordance with Article 31(1) of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice for that State's failure to take the measures necessary to incorporate the Act referred to at point 1 of Chapter XXI of Annex II of the Agreement on the European Economic Area (*Commission Delegated Regulation (EU) No 574/2014 of 21 February 2014 amending Annex III to Regulation (EU) No 305/2011 of the European Parliament and of the Council on the model to be used for drawing up a declaration of performance on construction products*), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as **Decision No. 219/15/COL**

- 12. Case 71067: Own initiative case concerning incompatibilities of the Liechtenstein Trade Act with the free movement of services and the freedom of establishment**

Decision 753895

The College adopted a decision to bring a matter against the Principality of Liechtenstein before the EFTA Court in accordance with Article 31(2) of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, seeking a declaration that Liechtenstein

- by maintaining in force Articles 7, 8(1)(e), 8(1)(g) and 21 of the Trade Act, which set up an authorisation scheme for companies willing to establish or to provide cross-border services in Liechtenstein, and,
- by failing to ensure adequate legal certainty with regard to the obligation on EEA States not to duplicate comparable requirements and controls, and,
- by failing to lay down explicitly in the Trade Act safeguards regarding

the procedure and formalities attached to the authorisation schemes, is in breach of its obligations arising from the Services Directive, in particular Articles 9, 12, 13 and 16 thereof, or to the extent that they fall outside the scope of the Services Directive, that Liechtenstein, by maintaining in force the above mentioned national provisions, is in breach of Articles 31 and 36 of the EEA Agreement, as **Decision No. 220/15/COL**

13. Case 75869: Norway's Performance Plans (NEFAB) 2015-2019 (RP2)

Decision **753895**

The College adopted a decision to amend EFTA Surveillance Authority Decision 83/15/COL of 18 March 2015 concerning the consistency of certain targets included in the national or functional airspace block plans submitted pursuant to Regulation (EC) No 549/2004 with the Union-wide performance targets for the second reference period, as **Decision No. 221/15/COL**

14. Decision taken by written procedure

758168

The College took note of the decisions taken by written procedure

15. Other Business

None

16. Minutes of the College Meeting no. 19, held on 3 June 2015

Event **758267**

The College approved the Minutes of the College Meeting held on 3 June 2015



Oda Helen Sletnes
President



Markus Schneider
Acting Director