

Brussels, 20 March 2013
Case No:73474
Event No:666032

EFTA SURVEILLANCE
AUTHORITY

Minutes of College Meeting No. 9 - 20 March 2013

Members present: Oda Helen Sletnes, Sverrir Haukur Gunnlaugsson and Sabine Monauni-Tömördy

Officials present: Per Andreas Bjørgan, Xavier Lewis, Helle Brit, Bernhard Zaglmayer, Helle Britt, Ketill Einarsson, Hubertus von Rosenberg, Sif Konradsdóttir, Fabian Kaisen, Werner Kühn, Kristin Bangsund, Steven Verhulst, Ingvar Sverrisson, Rodolphe Munoz, Markus Schneider, Trygve Mellvang-Berg, Bente Gjørtz, and Nina Hoppe

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1. Agenda

Event [665769](#)

The College approved the Agenda

2. Decision taken by delegation procedure

Event [665243](#)

None

3. **Case 72017: Award procedure for the procurement of radar equipment by the Norwegian Coastal Administration (Kystverket)**

Event [663804](#)

The College adopted a decision to close a case against Norway commenced following receipt of a complaint against that State in the field of public procurement, as **Decision No. 106/13/COL**

4. **Case 71511: Complaint against Iceland concerning double VAT upon import and customs treatment charges**

Event [664569](#)

The College adopted a decision to close a case against Iceland commenced following receipt of a complaint against that State in the field of the free movement of goods, as **Decision No. 107/13/COL**

5. **Case 71373: Non-implementation by Iceland of Directive 2010/35/EU (Transportable pressure equipment)**

Event [665525](#)

The College adopted a decision to close a case on Iceland's failure to implement the Act referred to at point 6d of Chapter VIII of Annex II of the Agreement on the European Economic Area (*Directive 2010/35/EU of the European Parliament and of the Council of 16 June 2010 on transportable pressure equipment and repealing Council Directives 76/767/EEC, 84/525/EEC, 84/526/EEC, 84/527/EEC and 1999/36/EC*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof, as **Decision No. 108/13/COL**

6. **Case 73437: Non-incorporation by Iceland of Regulation (EU) No 427/2012 (Extension of special guarantees concerning salmonella laid down in Regulation (EC) No 853/2004 to eggs intended for Denmark)**

Event [664856](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to incorporate the Act referred to at point 17a in Part 6.1 of Chapter I of Annex I of the Agreement on the European Economic Area (*Commission Implementing Regulation (EU) No 427/2012 of 22 May 2012 on the extension of special guarantees concerning salmonella laid down in Regulation (EC) No 853/2004 of the European Parliament and of the Council to eggs intended for Denmark*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 109/13/COL**

7. **Case 73427: Non-incorporation by Iceland of Regulation (EU) No 593/2012 (Airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks)**

Event [664634](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to incorporate the Act referred to point 66q of Chapter VI of Annex XIII of the Agreement on the European Economic Area (*Commission Regulation (EU) No 593/2012 of 5 July 2012 amending Regulation (EC) No 2042/2003 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 110/13/COL**

8. **Case 73086: Non-incorporation by Norway of Regulation (EC) No 1150/2009 (Standard forms for the publication of notices in the framework of public procurement)**

Event [659405](#)

The College adopted a decision to issue a letter of formal notice to Norway for failure to incorporate the Act referred to at point 6c of Annex XVI of the Agreement on the European Economic Area (*Commission Regulation (EC) No 1150/2009 of 10 November 2009 amending Regulation (EC) No 1564/2005 as regards the standard forms for the publication of notices in the framework of public procurement in accordance with Council Directives 89/665/EEC and 92/13/EEC*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 111/13/COL**

9. **Case 73439: Non-incorporation by Iceland of Regulation (EU) No 842/2011 (Standard forms for the publication of notices in the field of public procurement)**

Event [664859](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to incorporate the Act referred to at point 6d of Annex XVI of the Agreement on the European Economic Area (*Commission Implementing Regulation (EU) No 842/2011 of 19 August 2011 establishing standard forms for the publication of notices in the field of public procurement and repealing Regulation (EC) No 1564/2005*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 112/13/COL**

10. **Case 73074: Non-incorporation by Iceland of Regulation (EU) No 130/2012 (Type-approval requirements for motor vehicles)**

Event [659253](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to incorporate the Act referred to at point 45zzn of Chapter I of Annex II of the Agreement on the European Economic Area (*Commission Regulation (EU) No 130/2012 of 15 February 2012 concerning type-approval requirements for motor vehicles with regard to vehicle access and manoeuvrability and implementing Regulation (EC) No 661/2009 of the European Parliament and of the Council concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefore*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 113/13/COL**

11. **Case 73440: Non-incorporation by Iceland of Regulation (EU) No 459/2012 (Emissions from light passenger and commercial vehicles)**

Event [664865](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to incorporate the Act referred to at points 45zt and 45zu of Chapter I of Annex II of the Agreement on the European Economic Area (*Commission Regulation (EU) No 459/2012 of 29 May 2012 amending Regulation (EC) No 715/2007 of the European Parliament and of the Council and Commission Regulation (EC) No 692/2008 as regards emissions from light passenger and commercial vehicles (Euro 6)*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 114/13/COL**

12. Case 73442: Non-incorporation by Iceland of Regulation (EU) No 523/2012 (Type-approval of motor vehicles)

Event [664889](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to incorporate the Act referred to at points 45zza and 45zzr of Chapter I of Annex II of the Agreement on the European Economic Area (*Commission Regulation (EU) No 523/2012 of 20 June 2012 amending Regulation (EC) No 661/2009 of the European Parliament and of the Council as regards the inclusion of certain Regulations of the United Nations Economic Commission for Europe on the type-approval of motor vehicles, their trailers and systems, components and separate technical units intended therefore*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 115/13/COL**

13. Case 73467: Non-incorporation by Iceland of Regulation (EU) No 756/2010 (Persistent organic pollutants)

Event [665207](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to incorporate the Act referred to at point 12w of Chapter XV of Annex II of the Agreement on the European Economic Area (*Commission Regulation (EU) No 756/2010 of 24 August 2010 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annexes IV and V*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 116/13/COL**

14. Case 73468: Non-incorporation by Norway of Regulation (EU) No 756/2010 (Persistent organic pollutants)

Event [665211](#)

The College adopted a decision to issue a letter of formal notice to Norway for failure to incorporate the Act referred to at point 12w of Chapter XV of Annex II of the Agreement on the European Economic Area (*Commission Regulation (EU) No 756/2010 of 24 August 2010 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annexes IV and V*), as adapted to the EEA Agreement by Protocol 1

thereto, into its national law, as **Decision No. 117/13/COL**

15. Case 73464: Non-incorporation by Iceland of Regulation (EU) No 757/2010 (Persistent organic pollutants)

Event [665143](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to incorporate the Act referred to at point 12w of Chapter XV of Annex II of the Agreement on the European Economic Area (*Commission Regulation (EU) No 757/2010 of 24 August 2010 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annexes I and III*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 118/13/COL**

16. Case 73465: Non-incorporation by Norway of Regulation (EU) No 757/2010 (Persistent organic pollutants)

Event [665175](#)

The College adopted a decision to issue a letter of formal notice to Norway for failure to incorporate the Act referred to at point 12w of Chapter XV of Annex II of the Agreement on the European Economic Area (*Commission Regulation (EU) No 757/2010 of 24 August 2010 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annexes I and III*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 119/13/COL**

17. Case 73462: Non-incorporation by Iceland of Regulation (EU) No 493/2012 (Calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators)

Event [665125](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to incorporate the Act referred to at point 12zzi, of Chapter XV of Annex II of the Agreement on the European Economic Area (*Commission Regulation (EU) No 493/2012 of 11 June 2012 laying down, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 120/13/COL**

18. Case 73463: Non-incorporation by Norway of Regulation (EU) No 493/2012 (Calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators)

Event [665131](#)

The College adopted a decision to issue a letter of formal notice to Norway for failure to incorporate the Act referred to at point 12zzi, of Chapter XV of Annex II of the Agreement on the European Economic Area (*Commission Regulation (EU) No 493/2012 of 11 June 2012 laying down, pursuant to Directive 2006/66/EC of the European Parliament and of the Council, detailed rules regarding the calculation of recycling efficiencies of the recycling processes of waste batteries and accumulators*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 121/13/COL**

19. Case 73162: Non-implementation by Iceland of Directive 2007/23/EC (Placing on the market of pyrotechnic articles)

Event [660498](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to implement the Act referred to at point 4 of Chapter XXIX of Annex II to the Agreement on the European Economic Area (*Directive 2007/23/EC of the European Parliament and of the Council of 23 May 2007 on the placing on the market of pyrotechnic articles*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and its failure to notify the Authority forthwith thereof, as **Decision No. 122/13/COL**

20. Case 72069: Conformity assessment of Iceland's application of Directive 2003/88/EC (concerning certain aspects of the organisation of working time – sickness during scheduled annual leave)

Event [662243](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to fulfil its obligations arising from Article 7(1) of the Act referred to at point 32h of Annex XVIII to the EEA Agreement (*Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time*), as adapted to the EEA Agreement by Protocol 1 thereto as well as from Article 3 of the EEA Agreement, by maintaining in force a legal framework which restricts the right of workers to a paid annual leave in the event they fall sick during their scheduled annual leave, as **Decision No. 123/13/COL**

21. Cases 68052 and 71203: Complaint concerning conditions to obtain custom credit in Norway by non-resident companies

Event [658233](#)

The College adopted a decision to issue a letter of formal notice to Norway for failure to fulfil its obligations arising from Article 11 or, alternatively, Article 4 of the EEA Agreement, by maintaining the administrative practice to require security in the form of a bank guarantee from non-resident companies that apply for customs credit in Norway, notwithstanding their actual creditworthiness, while

Norwegian companies are required to provide bank guarantees only when it is considered appropriate in specific circumstances, as **Decision No. 124/13/COL**

22. Case 72190: Non-implementation by Iceland of Directive 2009/61/EC (Installation of lighting and light-signalling devices on wheeled agricultural and forestry tractors)

Event [664818](#)

The College adopted a decision to deliver a reasoned opinion to Iceland in accordance with Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice concerning the failure by Iceland to adopt the measures necessary to implement the Act referred to at point 38 of Chapter II of Annex II to the Agreement on the European Economic Area (*Directive 2009/61/EC of the European Parliament and of the Council of 13 July 2009 relating to the installation of lighting and light-signalling devices on wheeled agricultural and forestry tractors (Codified version)*) or, in any event, its failure to notify the Authority forthwith of the measures it has adopted to implement the Act, as **Decision No. 125/13/COL**

23. Case 69067: Complaint against Norway on the prohibition of collection of frequent flyer points on domestic routes

Event [663197](#)

The College adopted a decision to deliver a reasoned opinion to Norway in accordance with Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice concerning a breach by Norway of Directive 2005/29/EC or alternatively of Articles 36 and 31 of the EEA Agreement, by maintaining in force Section 1 of Regulation No 684/2007 "*Forskrift om forbod mot bonusprogram i innanriks luftfart*" which prohibits air carriers to offer collection of frequent flyer points as a part of a frequent flyer programme on domestic air routes in Norway, Norway has failed to fulfil its obligation, as **Decision No. 126/13/COL**

24. Case 73197: Notification of the permanent pricing mechanism of Export Credit Norway

Event [661303](#)

The College adopted a decision to initiate the formal investigation of the state aid allocated for the financing and operation of certain commercial aspects of the Harpa Concert Hall and Conference Center, as **Decision No. 127/13/COL**

requested that the Icelandic Authorities be informed by way of a letter enclosing a copy of the decision

requested that the European Commission be informed in accordance with Protocol 27(d) of the EEA Agreement, by means of a copy of the Decision

requested that the other EFTA States, EU Member States and interested parties be informed by publishing a summary notice of the Decision in its authentic language version, in the EEA Section of the Official Journal of the European Union and the EEA Supplement thereto

agreed to inform the public by means of a press release in English and Norwegian

25. Case 70520: Decision to initiate the formal investigation procedure into potential state aid involved in the financing of certain commercial aspects of the Harpa Concert Hall and Conference Center

Event [655195](#)

The College adopted a decision to open the investigation of the state aid allocated for the financing and operation of the Harpa Concert Hall and Conference Center, as **Decision No. 128/13/COL**

requested that the Norwegian Authorities be informed by way of a letter enclosing a copy of the decision

requested that the European Commission be informed in accordance with Protocol 27(d) of the EEA Agreement, by means of a copy of the Decision

requested that the other EFTA States, EU Member States and interested parties be informed by publishing a meaningful summary of the Decision in its authentic language version, in the EEA Section of the Official Journal of the European Union and the EEA Supplement thereto

agreed to inform the public by means of a press release in English and Icelandic

26. Case 72678: Appropriate measures (Article 18) – Analysis Center Trondheim

Event [660956](#)

The College adopted a decision to propose that Norway take certain appropriate measures with regard to the financing of the Analysis Center Trondheim, as **Decision No. 129/13/COL**

requested that the Norwegian Authorities be invited to accept this proposal for appropriate measures within one month from the date of the decision

requested that the European Commission be informed in accordance with Protocol 27(d) of the EEA Agreement, by means of a copy of the Decision

agreed to inform the public by means of a press release in English and Norwegian

27. Decision taken by written procedure

None

28. Other Business

None

29. Minutes of the College Meeting no. 9, held on 20 March 2013

Event [666032](#)

The College approved the Minutes of the College Meeting held on 20 March 2013



Oda Helen Sletnes
President



Markus Schneider
Acting-Director