



Minutes of College Meeting 6 - 15 March 2017

Members present:

Sven Erik Svedman
Frank J. Büchel
Helga Jónsdóttir

Officials present:

Linda Bjerninge
Anne Vestbakke
Carsten Zatschler
Fabian Kaisen
Olafur Einarsson
Birgitte Jourdan-Andersen
Maxime Baudouin
Laurits Nielsen
Per Christian Baeroe
Werner Miguel Kühn
Lisa Dutton

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1. Agenda

Document 847209

The College approved the draft agenda.

2. Case 77973: College Decision 046/17/COL - Letter of formal notice - Assessment of acquisitions and increase of holdings in the financial sector (Directive 2007/44)

Document 817335

The College adopted a Decision to issue a letter of formal notice concerning Norway's failure to fulfil its obligation arising from Article 19(8), 19a(1) and (2) of the Act referred to in Annex IX, point 14, to the EEA Agreement (Directive 2006/48/EC of the European Parliament and of the Council of 14 June 2006 relating to the taking up and pursuit of the business of credit institutions (recast))

and Article 58 (7), 59(1) and (2) of the Act referred to in Annex IX, point 1, to the EEA Agreement (Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (recast)), as adapted to the EEA Agreement by Protocol 1 thereto., as Decision No. 046/17/COL.

3. Case 79827: College Decision 042/17/COL - Reasoned opinion to Iceland for non-incorporation of Regulation 294/2013 amending Regulation No 142/2011 on animal by-products and derived products not intended for human consumption

Document 842377

The College adopted a Decision to deliver a reasoned opinion 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 at point 9c in Part 7.1 of Chapter I of Annex I of the Agreement on the European Economic Area (Commission Regulation (EU) No 294/2013 of 14 March 2013 amending and correcting Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as Decision No. 042/17/COL. The College agreed that the competent College member would dispatch the reasoned opinion to Iceland.

4. Case 79831: College Decision 053/17/COL - Reasoned opinion to Iceland for non-incorporation of Regulation 142/2011 as regards implementing Regulation No 1069/2009 on animal by-products and derived products not intended for human consumption

Document 842439

The College adopted a Decision to deliver a reasoned opinion 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 at point 9c in Part 7.1 of Chapter I of Annex I of the Agreement on the European Economic Area (Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as Decision No. 053/17/COL. The College agreed that the competent College member would dispatch the reasoned opinion to Iceland.

5. Case 79830: College Decision 054/17/COL - Reasoned opinion to Iceland for non-incorporation of Regulation 2015/9 as regards health rules as regards animal by-products and derived products not intended for human consumption

Document 842433

The College adopted a Decision to deliver a reasoned opinion 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 at point 9c in Part 7.1 of Chapter I of Annex I of the Agreement on the European Economic Area (Commission Regulation (EU) 2015/9 of 6 January 2015 amending Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as Decision No. 054/17/COL. The College agreed that the competent College member would dispatch the reasoned opinion to Iceland.

6. Case 79828: College Decision 051/17/COL- Reasoned opinion to Iceland for non-incorporation of Regulation 1069/2009 as regards animal by-products and derived products not intended for human consumption

Document 842391

The College adopted a Decision to deliver a reasoned opinion 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 at point 9b in Part 7.1 of Chapter I of Annex I of the Agreement on the European Economic Area (Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation)), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as Decision No. 051/17/COL. The College agreed that the competent College member would dispatch the reasoned opinion to Iceland.

7. Case 79833: College Decision 048/17/COL - Reasoned opinion to Iceland for non-incorporation of Regulation 1063/2012 amending Regulation No 142/2011 on animal by-products and derived products not intended for human consumption

Document 842584

The College adopted a Decision to deliver a reasoned opinion 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 at point 9c in Part 7.1 of Chapter I of Annex I of the Agreement on the European Economic Area (Commission Regulation (EU) No 1063/2012 of 13 November 2012 amending Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived

products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as Decision No. 048/17/COL. The College agreed that the competent College member would dispatch the reasoned opinion to Iceland.

8. Case 79826: College Decision 052/17/COL - Reasoned opinion to Iceland for non-incorporation of Regulation 1097/2012 as regards the dispatch of animal by-products and derived products between Member States

Document 842347

The College adopted a Decision to deliver a reasoned opinion 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 at point Part 7.1, 9c of Chapter I - Veterinary Issues of Annex I of the Agreement on the European Economic Area (32012R1097 Commission Implementing Regulation (EU) No 1097/2012 of 23 November 2012 amending Regulation (EU) No 142/2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive as regards dispatch of animal by-products and derived products between Member States Text with EEA relevance OJ L 326, 24/11/2012, p. 3), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as Decision No. 052/17/COL. The College agreed that the competent College member would dispatch the reasoned opinion to Iceland.

9. Case 79835: College Decision 043/17/COL - Reasoned opinion to Iceland for non-incorporation of Regulation 592/2014 as regards the use of animal by-products and derived products as a fuel in combustion plants

Document 842590

The College adopted a Decision to deliver a reasoned opinion 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 at point 9c in Part 7.1 of Chapter I of Annex I of the Agreement on the European Economic Area (Commission Regulation (EU) No 592/2014 of 3 June 2014 amending Regulation (EU) No 142/2011 as regards the use of animal by-products and derived products as a fuel in combustion plants), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as Decision No. 043/17/COL. The College agreed that the competent College member would dispatch the reasoned opinion to Iceland.

10. Case 79829: College Decision 044/17/COL - Reasoned opinion to Iceland for non-incorporation of Regulation 717/2013 as regards entries for animal welfare in certain model health certificates

Document 842406

The College adopted a Decision to deliver a reasoned opinion 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 at point 9c in Part 7.1 of Chapter I of Annex I of the Agreement on the European Economic Area (Commission Regulation (EU) No 717/2013 of 25 July 2013 amending Regulation (EU) No 142/2011 as regards the entries for animal welfare in certain model health certificates), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as Decision No. 044/17/COL. The College agreed that the competent College member would dispatch the reasoned opinion to Iceland.

11. Case 79834: College Decision 050/17/COL- Reasoned opinion to Iceland for non-incorporation of Regulation 555/2013 as regards the transit of certain animal by-products from Bosnia and Herzegovina

Document 842587

The College adopted a Decision to deliver a reasoned opinion 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 at point 9c in Part 7.1 of Chapter I of Annex I of the Agreement on the European Economic Area (Commission Regulation (EU) No 555/2013 of 14 June 2013 amending Regulation (EU) No 142/2011 as regards the transit of certain animal by-products from Bosnia and Herzegovina), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as Decision No. 050/17/COL. The College agreed that the competent College member would dispatch the reasoned opinion to Iceland.

12. Case 79845: College Decision 056/17/COL - Reasoned opinion to Iceland for non-incorporation of Regulation 536/2014 as regards clinical trials on medicinal products for human use

Document 844656

The College adopted a Decision to deliver a reasoned opinion 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 at point 18 of Chapter XIII of Annex II of the Agreement on the European Economic Area (Regulation (EU) No 536/2014 of the European Parliament and of the Council of 16 April 2014 on clinical trials on medicinal products for human use, and repealing Directive 2001/20/EC), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as Decision No. 056/17/COL. The College agreed that the competent College member would dispatch the reasoned opinion to Iceland.

13. Case 79822: College Decision 057/17/COL - Reasoned opinion to Iceland for non-incorporation of Regulation 376/2014 as regards the reporting of occurrences in civil aviation - Amendment

Document 842312

The College adopted a Decision to deliver a reasoned opinion 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 at point 66d of Annex XIII of the Agreement on the European Economic Area (Regulation (EU) No 376/2014 of the European Parliament and of the Council of 3 April 2014 on the reporting, analysis and follow-up of occurrences in civil aviation, amending Regulation (EU) No 996/2010 of the European Parliament and of the Council and repealing Directive 2003/42/EC of the European Parliament and of the Council and Commission Regulations (EC) No 1321/2007 and (EC) No 1330/2007), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as Decision No. 057/17/COL. The College agreed that the competent College member would dispatch the reasoned opinion to Iceland.

14. Case 79823: College Decision 055/17/COL - Reasoned opinion to Iceland for non-incorporation of Regulation 2015/1018 as regards the list classifying occurrences in civil aviation

Document 842338

The College adopted a Decision to deliver a reasoned opinion 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 at point 66gd of Annex XIII of the Agreement on the European Economic Area (Commission Implementing Regulation (EU) 2015/1018 of 29 June 2015 laying down a list classifying occurrences in civil aviation to be mandatorily reported according to Regulation (EU) No 376/2014 of the European Parliament and of the Council), as adapted to that Agreement by Protocol 1 thereto, as such into its national law, as Decision No. 055/17/COL. The College agreed that the competent College member would dispatch the reasoned opinion to Iceland.

15. Case 77745: College Decision 058/17/COL - EFTA Court Referral Decision - Complaint against Norway concerning a tender procedure in relation to an underground car park in Kristiansand

Document 835395

PRS 844342

PRS NO 844600

Factsheet 844387

Factsheet NO 844601

The College adopted a Decision to refer a matter to the EFTA Court against Norway for breach of several provisions of Directive 2004/18/EC on public procurement in the tender procedure carried out by the Municipality of Kristiansand for the construction and the operation of an underground car park, as Decision No. 058/17/COL.

The College agreed to inform the public by means of a press release and a factsheet.

16. Decisions taken by delegation procedure

The College took note of the following decision taken by delegation procedure since the last meeting:

- Document 821639
Case 78920: College Decision 047/17/COL - Closure Decision - Complaint against the Norwegian Labour and Welfare Administration (NAV) concerning posting of workers, taken on 9 March 2017 by Frank J. Büchel

17. Decisions taken by written procedure

None

18. Delegated decisions under the Delegation Decisions 470/15/COL and 483/15/COL

Document 844301

The College took note of list of the delegated decisions taken under the Delegation Decisions 470/15/COL and 483/15/COL between 1-28 February 2017.

19. Other business

None

20. Minutes of the College Meeting 6 - Wednesday 15 March 2017

Document 842671

For approval

Sven Erik Svedman
President

Carsten Zatschler
Director

This document has been electronically signed by Carsten Zatschler, Sven Erik Svedman on 15/03/2017