

EEA EFTA States

Internal Market Scoreboard

February 2009



INTERNAL MARKET SCOREBOARD

No. 23

**EEA EFTA STATES
of the
EUROPEAN ECONOMIC AREA**

February 2009

EFTA SURVEILLANCE AUTHORITY

**MAIN CONCLUSIONS FROM
THE 23rd EEA EFTA INTERNAL MARKET
SCOREBOARD**

- **The Internal Market Scoreboard shows that the average transposition deficit of the EEA EFTA States remains at 1.3%, i.e. the same as at the time of the previous Scoreboard. The average transposition deficit of the EU Member States is 1.0%.**
- **With transposition deficit of 0.6%, Liechtenstein complies with the future 1.0% interim target. Norway complies with the current 1.5% target with 1.1% deficit. Regrettably Iceland's deficit, at 2.2% for the third consecutive time, remains well above the current target.**
- **When comparing the 30 EEA States, all three EEA EFTA States are positioned lower in the performance table than at the time of the previous Scoreboard.**
- **Iceland has two directives overdue by more than two years, Liechtenstein and Norway one each.**
- **Norway has an average transposition delay of 7.0 months, Iceland 9.4 and Liechtenstein 13.6 months. The average transposition delays have increased for all the three States since the previous Scoreboard.**
- **The total number of infringement cases pursued by the Authority decreased by 8 cases from the time of the previous Scoreboard.**
- **The overall number of infringement cases due to lack of conformity with or incorrect application of Internal Market rules remains at the same level as at the time of the previous Scoreboard. In comparison to the EU Member States, the number of such infringement proceedings against the EEA EFTA States remains low.**
- **The number of infringement cases concerning non-timely transposition of directives by the EEA EFTA States increased significantly since the previous Scoreboard.**
- **The number of infringement cases against Iceland due to non-timely transposition of regulations remains at a high level.**

1. INTRODUCTION

The Internal Market of the European Union ensures that businesses and citizens of the European Union have the right to trade their goods and services, to work, to invest and to establish themselves wherever within the Union they want. The purpose of the EEA Agreement¹ is to extend the Internal Market to the three EEA EFTA States, namely Iceland, Liechtenstein and Norway², thus ensuring, by and large, the same possibilities for businesses and individuals in those countries.

The benefits of the Internal Market include:

- free trade on equal terms within the EEA, which promotes innovation, competition and lower prices for consumers;
- the right to seek work and establish a business in the 27 EU Member States and 3 EEA EFTA States;
- competition between service providers, which leads to more innovation, better services and lower prices for consumers; and
- more cross-border investment within the EEA.

The Internal Market does not deliver benefits automatically. A prerequisite for the functioning of the Internal Market is that equal conditions exist for competition, based on common, homogeneous rules, across the aforementioned States that are parties to the EEA Agreement. These rules have to be adopted, transposed into national law and properly enforced.

The legal instruments regulating the Internal Market

The common body of law (“*acquis communautaire*”) that regulates the Internal Market consists first and foremost of directives and regulations adopted by the European Union. *Directives* must be transposed into national legislation in the EEA States, but it is left to each EEA State to choose the form and the method of implementation. Each directive provides a time limit by which transposition has to take place. EU directives are incorporated into the EEA Agreement through decisions taken by the EEA Joint Committee. The obligation to transpose a directive into the national law of the EEA EFTA States is triggered by these EEA Joint Committee decisions.

The EFTA Surveillance Authority is required to ensure the fulfillment by the EEA EFTA States of their obligations under the EEA Agreement, including the transposition of the directives in a timely and correct manner. The European Commission is entrusted with the parallel task in relation to the EU Member States. In carrying out its tasks, the Authority co-operates closely with the Commission. This co-operation ensures a uniform implementation and application of the Internal Market rules and principles throughout the whole EEA.

Regulations shall, according to the EEA Agreement, “as such” be made part of the internal legal orders of the EEA EFTA States. According to the legal order of Liechtenstein, a regulation is directly applicable once the EEA Joint Committee decision incorporating it into the EEA Agreement enters into force. In Iceland and Norway,

¹ Agreement on the European Economic Area.

² Switzerland is also a member of EFTA, but not a party to the EEA Agreement. Hence, in this Scoreboard, the term “EEA EFTA States” refers to Iceland, Liechtenstein and Norway.

however, regulations are not directly applicable. Rather, the constitutional orders of Iceland and Norway require that regulations be made part of the internal legal order by way of national implementing measures.

What is the purpose of the Internal Market Scoreboard?

Since 1997, the European Commission and the EFTA Surveillance Authority have issued the Internal Market Scoreboard to monitor how well the EU States and the EEA EFTA States comply with their obligations to ensure timely transposition of Internal Market directives.

The purpose of the EEA EFTA Internal Market Scoreboard is to monitor:

- to what extent the EEA EFTA States notify transposition of new EEA directives on time; and
- the transposition backlog and average delays in transposition of directives.

The findings in this Scoreboard take into account the 1,696 Internal Market directives that were incorporated into the EEA Agreement as at 31 October 2008.³ The Scoreboard records the transposition status for these directives on 10 November 2008.

In addition to the information concerning the transposition of Internal Market directives into national law, the Scoreboard provides information on the number of infringement proceedings initiated against the EEA EFTA States for failure to apply EEA legislation correctly as well as for failure to transpose directives on time.

Finally, the last Chapter of the Scoreboard provides information concerning the transposition of Internal Market regulations by the EEA EFTA States as well as infringement proceedings relating to non-timely transposition of regulations.

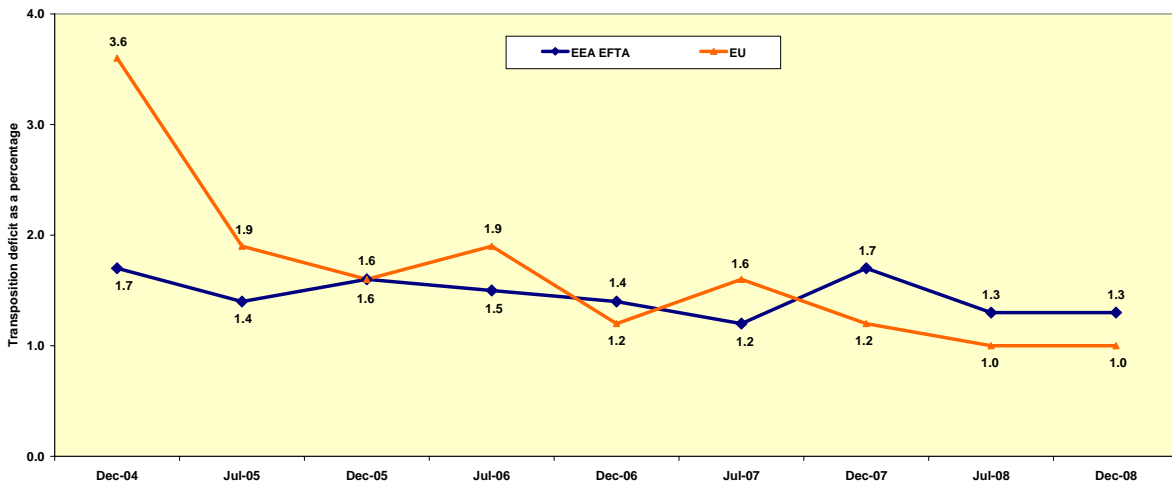
³ The corresponding figure for the EU is 1611 Internal Market directives. The difference is caused by the fact that some directives become applicable in the EU before they are incorporated into the EEA Agreement, and some directives are repealed in the EU before they are repealed in the EEA EFTA States.

2. TRANSPOSITION OF INTERNAL MARKET DIRECTIVES INTO NATIONAL LAW

The transposition deficit indicates how many directives containing Internal Market rules and principles the EEA States have failed to notify as transposed on time.⁴ The current Scoreboard is the last one which measures the transposition performance with reference to the interim target of 1.5% set by the European Council in 2001.⁵ From 2009 onwards the relevant deficit target to measure transposition performance will be 1% according to the European Council conclusions of March 2007.⁶ The interim targets set by the European Council are used as a benchmark by the Authority as well.

2.1. Average transposition deficit in November 2008

Figure 1: The EEA EFTA States' average transposition deficit remained at 1.3%



Note: Transposition deficit for the EEA EFTA States and the EU 27 for directives which should have been transposed on or before 31 October 2008, as of 10 November 2008.

Source for EU figures: The European Commission's Internal Market Scoreboard N° 18.

Only one EEA EFTA State, namely Liechtenstein, was able to reduce its transposition deficit in relation to the previous Scoreboard. The average transposition deficit for the EEA EFTA States remained at 1.3 % (**figure 1**). In view of the 2009 target of 1.0% transposition deficit, the States will have to continue to step up their efforts to transpose directives on time and to bring the EEA EFTA States' deficit down to the level indicated by the European Council. The EU average transposition deficit, at 1.0%, already corresponds to the future interim target of 1.0%.

In absolute terms, the 1.3% deficit indicates that the EEA EFTA States are late with 67 notifications of national transposing measures, which is 4 directives more than at the time the previous Scoreboard was published.

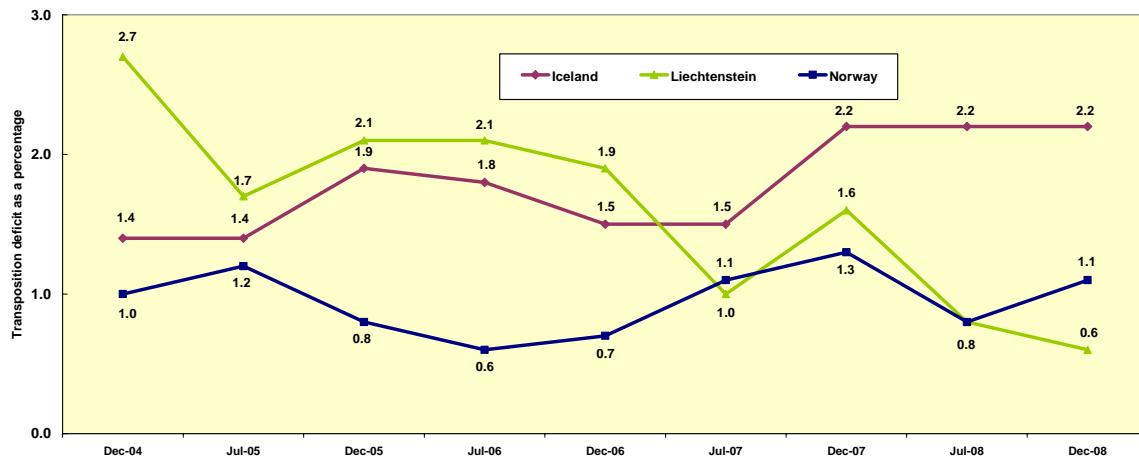
⁴ The EEA EFTA States' transposition deficit shows the proportion of Internal Market directives not notified to the EFTA Surveillance Authority as fully transposed.

⁵ Conclusions of the European Council summit in Stockholm (23-24 March 2001).

⁶ Conclusion of the European Council summit in Brussels (8-9 March 2007).

2.2. Performance measured against the 1.5% interim target

Figure 2: Iceland failed to reach the 1.5% target



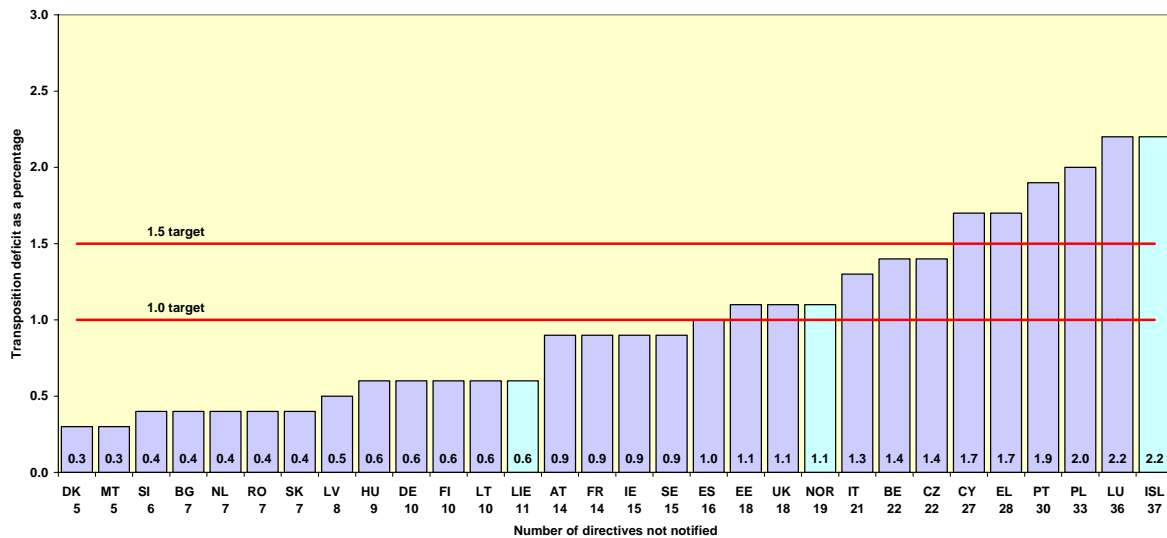
Note: Development of rates of failure to implement EEA Internal Market directives (transposition deficit) between Scoreboard 15 and Scoreboard 23.

Iceland's transposition deficit remained at 2.2% for the third consecutive time (**figure 2**). This corresponds to 37 directives not fully transposed on time. Serious efforts will be required if Iceland is to achieve the 1% transposition deficit target in 2009. Accordingly, drastic action should be taken, including, where necessary, a renewed commitment at a high political level to reach the target.

Since the previous Scoreboard, Liechtenstein's transposition deficit decreased from 0.8% to 0.6%. In fact, Liechtenstein achieved, once again, its best result so far. In absolute terms the number of directives decreased by 2 directives. The deficit of 0.6% corresponds to 11 not fully transposed directives.

By contrast, Norway's transposition deficit increased, from 0.8% to 1.1%. This corresponds to 19 directives not fully transposed, i.e. 6 non-transposed directives more compared to the previous Scoreboard. It is disappointing that Norway slipped back to above 1.0% during the second half of the year.

Figure 3: The position of the EEA EFTA States is even lower now than at the time of the previous Scoreboard and Iceland still remains above the ceiling of the 1.5% target



Note: EEA comparison of transposition deficits.

Source for EU figures: The European Commission’s Internal Market Scoreboard N° 18.

Regrettably, the relative position of all three EEA EFTA States deteriorated since the previous Scoreboard. Iceland is now in the last position amongst all the EEA States (figure 3).

Out of the 30 EEA States, only six remain above the current 1.5% transposition deficit target, Iceland included. Out of the three EEA EFTA States, only Liechtenstein is in line with the future deficit target of 1.0%.

2.3. How late are the EEA EFTA States in transposing directives?

Ensuring timely and correct transposition of directives is a continuous challenge. It requires a constant effort by the EEA EFTA States’ national administrations in order to keep pace with the incorporation of new directives into the EEA Agreement. Failure to do so may undermine the functioning of the Internal Market.

Delays in transposition are at times due to time-consuming legislative processes in the EEA EFTA States. However, directives are usually transposed relatively soon after the expiry of the time limits.

In March 2002, the European Council announced a “zero tolerance” for directives for which the transposition is overdue by two years or more.⁷ Similarly, long overdue directives are of particular concern to the Authority.

Although the EEA EFTA States’ transposition deficit remained at the same level as in the previous Scoreboard, the average delay in the transposition of directives almost doubled,

⁷ European Council summit in Barcelona (15-16 March 2002).

to 10 months. It is important that the States reverse this negative trend by ensuring that implementation takes place in a timely manner.

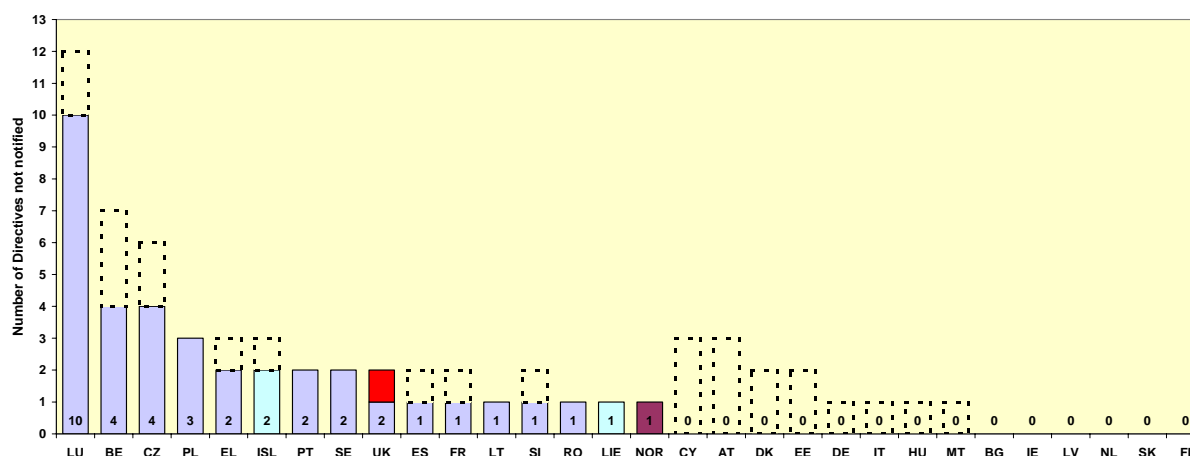
Figure 4: EEA EFTA States’ average transposition delay at 10 months

Length of delay	Number of directives delayed					
	ISL		LIE		NOR	
	Oct 08	Apr 08	Oct 08	Apr 08	Oct 08	Apr 08
Less than 6 months	11	19	2	5	9	7
6 to 12 months	13	8	4	2	3	2
12 to 24 months	6	1	1	2	2	1
Over 24 months	2	3	1	1	1	0
Average delay (in months) by 31 October 2008	9.4	6.8	13.6	11.1	7.0	5.8

Note: Number of overdue Internal Market directives with a transposition deadline of 31 October 2008 for which no notification was received by 10 November 2008, broken down by the length of delay.

Most of the non-transposed directives in the EEA EFTA States are overdue by less than 12 months. However, none of the EEA EFTA States achieved the 0% target set by the European Council for directives overdue by two years or more, although Iceland was able to reduce the number of overdue directives by one (figure 4).

Figure 5: Iceland still had two directives overdue by more than two years, Liechtenstein and Norway one each



dotted lines = decrease since Scoreboard 22 (July 2008) of directives overdue by two or more years
 red = increase since Scoreboard 22 (July 2008) of directives overdue by two or more years

Note: Number of directives with a deadline for transposition into national law on or before 31 October 2006, which were not transposed by 10 November 2008.

Source for EU figures: The European Commission’s Internal Market Scoreboard N° 18.

In November 2008, Liechtenstein had one directive which had been outstanding for more than two years, namely Directive 2002/49/EC relating to environmental noise (figure 5).⁸

⁸ The case concerning the non-transposition by Liechtenstein of Directive 2002/49/EC, overdue for more than four years, was referred to the EFTA Court on 18 December 2006. The judgment of the Court was rendered on 3 October 2007 (Case E-6/06).

Iceland had two directives overdue by more than two years. These were Directive 2003/108/EC amending Directive 2002/96/EC relating to waste electrical and electronic equipment (WEEE) ⁹ and Directive 2004/26/EC amending Directive 97/68/EC relating to measures against emission of pollutants from internal combustion engines in non-road mobile machinery. ¹⁰

Norway's overdue directive, Directive 2003/98/EC, relates to the re-use of public sector information. ¹¹

2.4. Directives not correctly transposed in addition to directives not (fully) transposed

For the functioning of the Internal Market, correct transposition of directives is as crucial as transposition on time.

The transposition deficit figures do not indicate the quality of the national legislation. It is important to bear in mind that the transposition deficit figures presented above only indicate the failure by the EEA EFTA States to notify the implementation of directives at a given point in time. The quality of the national implementing legislation is only assessed at a later stage. Such conformity assessments may prompt the Authority to take further action if it finds that the notified measures do not ensure full and correct implementation.

Furthermore, failure to comply with the basic principles of the EEA Agreement itself, such as the free movement of goods, persons, services and capital, impairs the functioning of the Internal Market and might, therefore, also prompt action by the Authority.

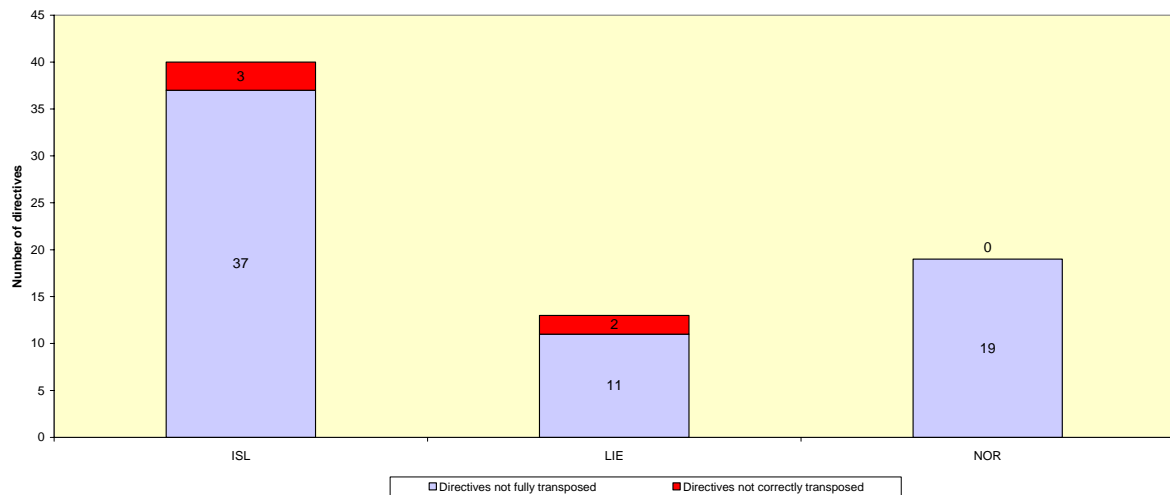
About one third of the notified directives have been made subject to a systematic assessment of conformity between the text of the directive and the notified national measures. The majority of such assessments are concluded without the need to resort to formal infringement proceedings.

⁹ The Authority initiated, in December 2006, infringement proceedings against Iceland concerning the non-transposition of Directives 2003/108/EC and 2002/96/EC.

¹⁰ The infringement case concerning the non-transposition by Iceland of Directive 2004/26/EC was referred to the EFTA Court on 20 February 2008. The judgment of the Court was rendered on 29 October 2008 (Case E-2/08).

¹¹ The Authority initiated, in November 2007, an infringement proceeding against Norway concerning the non-transposition of Directive 2003/98/EC, overdue for more than two years.

Figure 6: Number of not correctly transposed directives is very low



Note: Number of Internal Market directives not yet communicated as having been fully transposed (transposition deficit) added to the number of directives transposed but for which an infringement proceeding for non-conformity has been initiated by the Authority (November 2008).

It appears from the above figure that the number of infringement proceedings against the EEA EFTA States concerning incorrect transposition of directives established on the basis of systematic conformity assessments is significantly lower than the number outstanding directives.

The next chapter of the Scoreboard highlights the infringement proceedings initiated by the Authority, many of which relate to lack of conformity with or incorrect application of Internal Market rules.

3. INFRINGEMENT PROCEDURES

If the Authority considers that an EEA EFTA State has failed to fulfil an obligation under the EEA Agreement it may initiate formal infringement procedures pursuant to Article 31 of the Surveillance and Court Agreement.¹² Such infringement proceedings correspond to those initiated by the European Commission under Article 226 EC.

To the extent possible, the Authority endeavours to solve all matters by informal means, through contacts with the national administrations concerned. Formal infringement proceedings are opened only where an informal exchange of views fails to solve the problem at hand.

The opening of an infringement procedure provides an opportunity for a more formal dialogue between the Authority and the EEA EFTA State concerned. It should be noted that only the EFTA Court can declare that a breach of EEA law has occurred. Until the Court renders its judgment, the fact that an infringement procedure has been opened shows only that, in the Authority's opinion, the State concerned has failed to fulfil its obligations under the EEA Agreement. This should be kept in mind when interpreting the statistics on infringement procedures below.

Infringement cases can be divided into two categories. The first category relates to cases concerning lack of conformity with or incorrect application of EEA provisions, opened either on the basis of complaints or on the Authority's own initiative. This concerns, for example, situations in which the Authority, after having acknowledged transposition of a directive by an EEA EFTA State, concludes at a later stage that the national legislation is not in full conformity with the requirements of the relevant directive or that the EEA EFTA State otherwise does not comply with the EEA Internal Market rules and principles. When EEA legislation/rules are not correctly implemented or applied in practice, citizens and businesses are often deprived of their rights.

The second category of cases relates to late transposition, meaning that directives are not at all or not fully transposed into the national legislation of the EEA EFTA States within the set time limits. Infringement cases in this category (non-transposition cases) are generally clear-cut and, therefore, seldom the subject of legally complicated disputes between the Authority and the EEA EFTA State concerned.

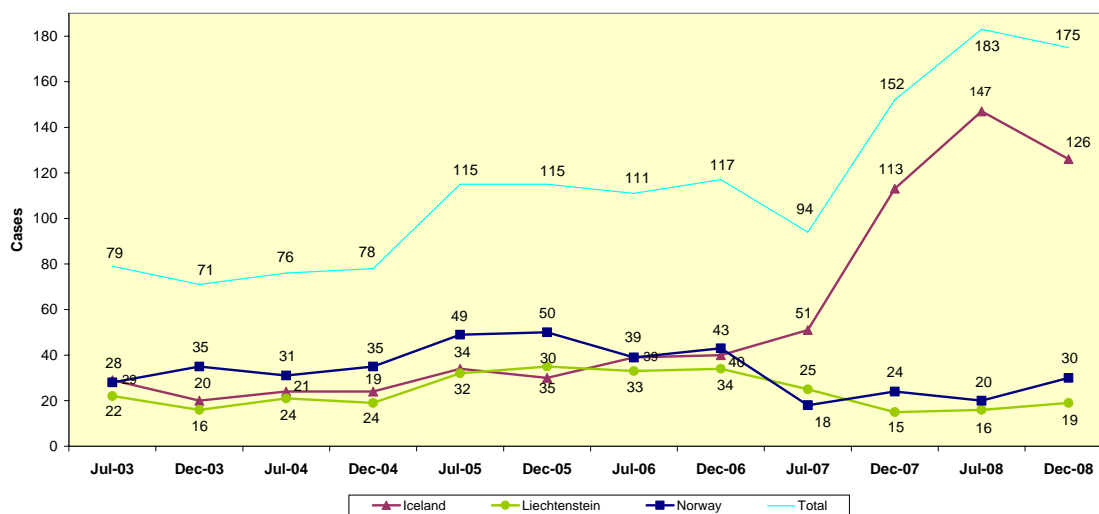
Information on the infringement cases concerning non-timely transposition of regulations is included in Chapter 4 covering the issue of transposition of Internal Market regulations by the EEA EFTA States.

3.1. Evolution of the number of infringement proceedings

On 1 November 2008, a total of 175 infringement cases were being pursued by the Authority (**figure 7**). This represents 8 cases fewer than at the time of the previous Scoreboard.

¹² Agreement on the Establishment of a Surveillance Authority and a Court of Justice.

Figure 7: Number of all infringement cases remains high



Note: Total number of open infringement proceedings against the three EEA EFTA States on 1 November 2008.

Of the 175 infringement cases, 30 cases concerned incorrect implementation or application of Internal Market rules (see point 3.2) whereas 52 cases concerned non-timely transposition of directives (see point 3.3). The remaining 93 cases concerned non-timely transposition of regulations (see point 4.3).

3.2. Infringements due to lack of conformity with or incorrect application of Internal Market rules

The overall number of infringement cases due to lack of conformity with or incorrect application of Internal Market rules remains at the same level as in the previous Scoreboard. The number of cases against Iceland and Liechtenstein remained at the same level but increased slightly against Norway (figure 8).

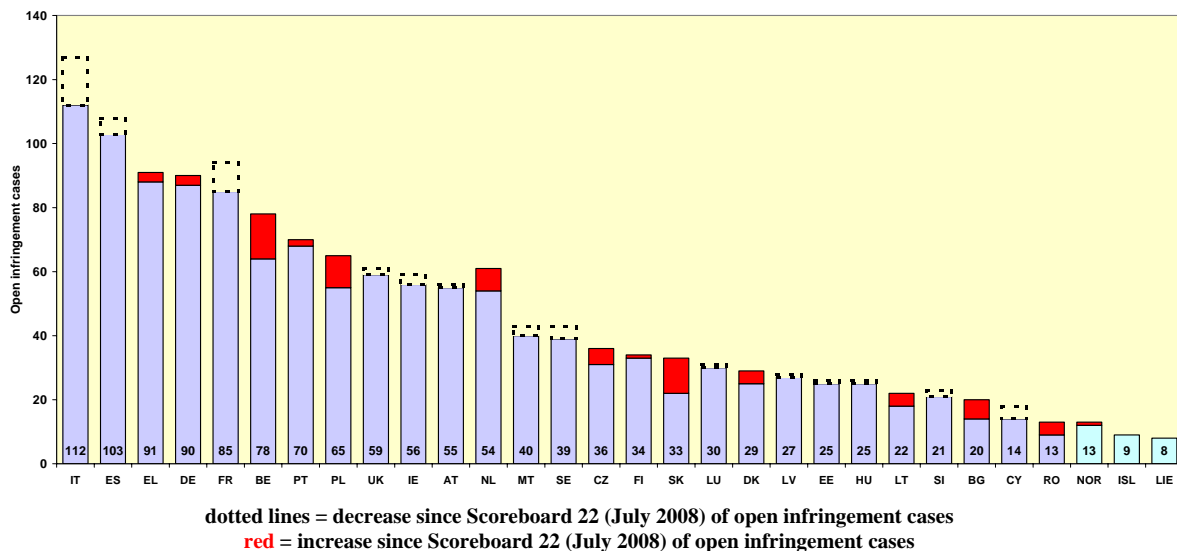
Figure 8: The number of infringement cases against the EEA EFTA States due to lack of conformity with or incorrect application remains at the same level as in the previous Scoreboard

	ISL		LIE		NOR		EEA EFTA	
	Oct 08	Apr 08	Oct 08	Apr 08	Oct 08	Apr 08	Oct 08	Apr 08
Letter of formal notice	7	8	4	6	6	6	17	20
Reasoned opinion	2	1	4	2	7	6	13	9
Referral to EFTA Court	0	0	0	0	0	0	0	0
Total	9	9	8	8	13	12	30	29

Note: Pending infringement cases due to lack of conformity with or incorrect application, according to stage of infringement proceedings, as of 1 November 2008.

In comparison to the EU 27, the number of infringement proceedings in this area against the EEA EFTA States remains low (figure 9). Liechtenstein, with 8 cases, and Iceland, with 9 cases, have the lowest number of infringement proceedings in this category out of the 30 EEA States.

Figure 9: The number of EEA EFTA States infringement cases concerning lack of conformity with or incorrect application remains low



Note: Pending infringement cases due to lack of conformity with or incorrect application as of 1 November 2008 compared to the situation in May 2008.

Source for EU figures: The European Commission’s Internal Market Scoreboard N° 18.

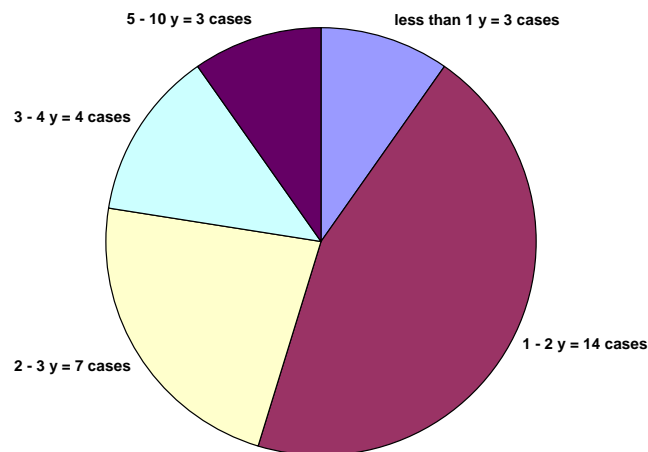
The Authority initiates formal infringement proceedings by sending a letter of formal notice and inviting the Government of the EEA EFTA State concerned to submit its observations on the matter within a specified time limit.

If the matter is not resolved during the given time limit, the Authority may take the second step in the proceedings by delivering a reasoned opinion. A reasoned opinion defines the final position of the Authority, states the grounds for the opinion and requests the Government to take the measures necessary to end the infringement.

If a matter is still not resolved following a reasoned opinion, the Authority may bring the matter before the EFTA Court, whose judgment is binding on the EEA EFTA State concerned.

Early resolution of legal disputes between the Authority and the EEA EFTA States remains critical to the efficient functioning of the Internal Market. However, as **figure 10** shows, the time elapsed between the case being opened by the Authority and the solution (case closed or referred to the EFTA Court) varies between less than one year and more than five years.

Figure 10: 45% of infringement proceedings take more than two years to resolve



Note: Number of years between the launching of official proceedings and resolution (cases closed or referred to the Court) of the Internal Market infringement cases that were closed between 1 November 2006 and 1 November 2008.

Undertakings and citizens may lodge a complaint with the Authority if they believe that they have not been able to exercise their rights under the EEA Agreement because of the failure by an EEA EFTA State to apply the EEA Agreement correctly. Compared to the previous Scoreboard, the number of pending infringement proceedings initiated as a result of a complaint remained at 11.

The 11 pending infringement proceedings initiated on the basis of complaints represent 36.7% of the 30 pending infringement proceedings concerning lack of conformity with or incorrect application of Internal Market rules. Seven of these cases (63.6%) relate to Norway, two to Liechtenstein and two to Iceland.

3.3. Infringements for non-transposition of directives

The number of infringement cases for non-transposition of directives against the EEA EFTA States increased by 53% (18 cases) from the time of the previous Scoreboard (figure 11).

Figure 11: The number of infringement cases against the EEA EFTA States due to non-transposition of directives increased considerably

	ISL		LIE		NOR		EEA EFTA	
	Oct 08	Apr 08	Oct 08	Apr 08	Oct 08	Apr 08	Oct 08	Apr 08
Letter of formal notice	20	16	10	5	12	3	42	24
Reasoned opinion	7	4	0	2	1	2	8	8
Referral to EFTA Court	1	1	1	1	0	0	2	2
Total	28	21	11	8	13	5	52	34

Note: Pending EEA EFTA States infringement cases due to non-transposition of directives, according to stage of infringement proceedings, as of 1 November 2008.

Between 30 April 2008 and 31 October 2008, no new cases concerning non-transposition of directives were referred to the EFTA Court. The Court case against Liechtenstein concerned the non-transposition of Directive 2002/49 relating to environmental noise which had been outstanding for more than four years, whereas the case against Iceland concerned the non-transposition of Directive 2004/26/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery. This is one of the two directives that Iceland has had outstanding for more than two years (see 2.3.).

3.4. Package meetings

So called “Package meetings” involve the Authority’s experts and their counterparts in an EEA EFTA State who meet informally to discuss a “package of cases” with a view to solving the cases without a need for further legal action. Such Package meetings are organised on a yearly basis with each of the EEA EFTA States.

Package meetings are a useful tool for solving problematic cases or for accelerating the handling of the cases. In the latest Package meetings with Iceland, Liechtenstein and Norway, altogether 234 cases were discussed. Most of the cases discussed concerned the fields of transport, barriers hindering free movement of goods, establishment, capital movement, financial services and workers.

4. TRANSPOSITION OF INTERNAL MARKET REGULATIONS INTO NATIONAL LAW

4.1. Transposition of regulations “as such” by the EEA EFTA States

A particular situation arises with regard to the incorporation of Internal Market regulations into the EEA Agreement. According to Article 7 of the EEA Agreement, regulations that are incorporated into the Agreement shall as such be made part of the internal legal order of the EFTA States. Pursuant to the constitutional law of the three EEA EFTA States, regulations become part of the Liechtenstein legal order, due to its monistic legal tradition, once they have been incorporated into the EEA Agreement through an EEA Joint Committee decision, whereas Iceland and Norway are obliged to adopt legal measures in order to make regulations “as such” part of their internal legal orders.

Due to the fact that regulations do not contain a provision setting out an obligation to notify implementing measures (as directives do), the Authority systematically requests that, pursuant to Article 6 of the Surveillance and Court Agreement, Iceland and Norway notify the national measures taken to transpose regulations.

4.2. Delays in the transposition of regulations

As explained above, regulations only become part of the internal legal order of Iceland and Norway following an act of incorporation by the national legislative body. This usually requires a prior translation of regulations into the national language, followed by a publication of the translated regulations in the EEA Supplement to the Official Journal. The delays in the translation and publication of regulations in Icelandic have created a backlog of overdue regulations in Iceland. In November 2008, Iceland had 87 overdue regulations which had not been notified as fully transposed into the national law by 10 November 2008. The corresponding number of regulations for Norway was 7.¹³ However, a positive trend can be seen in the transposition of regulations by both States: although 39 new regulations were incorporated into the EEA Agreement between 30 April 2008 and 31 October 2008, Iceland managed to reduce the number of outstanding regulations during the same period from 124 to 87, and Norway from 19 to 7. However, the number of non-transposed regulations in Iceland still remains at a high level.

4.3. Infringement proceedings concerning failure to transpose regulations in a timely manner

The Authority considers the timely transposition of regulations in Iceland and Norway to be necessary for the smooth functioning of the Internal Market. Consequently, the enforcement of the non-transposed regulations is now handled swiftly and systematically by the Authority. Indeed, out of the 175 infringement cases pending in November 2008 before the Authority, 53% concerned non-timely transposition of regulations by Iceland (89 cases) and Norway (4 cases).

¹³ These numbers do not include regulations in the field of statistics (Annex XXI to the EEA Agreement).

Despite Iceland’s commitment to reduce the delay in transposition of regulations, 44 new infringement cases were opened against Iceland between the time of the previous Scoreboard and this Scoreboard. Two new cases were opened against Norway.

Figure 12: The number of infringement cases against Iceland due to non-transposition of regulations decreased

	ISL		NOR		EEA EFTA	
	Oct 08	Apr 08	Oct 08	Apr 08	Oct 08	Apr 08
Letter of formal notice	58	88	4	3	62	91
Reasoned opinion	30	28	0	0	30	28
Referral to EFTA Court	1¹⁴	1 ¹⁵	0	0	1	1
Total	89	117	4	3	93	120

Note: Pending infringement cases against Iceland and Norway due to non-transposition of regulations, according to stage of infringement proceedings, as of 1 November 2008.

The Authority aims at being able to bring cases before the EFTA Court one year after the date by which Iceland and Norway were supposed to have their national transposition measures in place. However, between 30 April 2008 and 31 October 2008, no new cases concerning non-transposition of regulations were referred to the EFTA Court.

The Authority, being determined to enhance the transparency and level of public information about the performance of the EEA EFTA States in transposing regulations, will continue monitoring the transposition situation carefully and reporting on the situation to the public.

¹⁴ In February 2008, the Authority referred, for the first time, a case concerning non-transposition of a regulation to the EFTA Court. The case concerned Regulation 648/2004 on detergents which was supposed to be transposed into the Icelandic legal order more than two years ago. The judgment of the Court was rendered on 29 October 2008 (Case E-3/08).

¹⁵ See above.

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