

Minutes of College Meeting No. 22 - 11 July 2012

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

Officials present: Per Andreas Bjørgan, Ólafur Jóhannes Einarsson, Erik Eidem, Steven Verhulst, Karoline Mathisen, Gabrielle Sommers, Lennart Gärnes, Andreas Breivik, Rodolphe Munoz, Ingvar Sverrisson, Kjell-Arild Rein, Magne Revheim Maeland, Guðlaugur Stefánsson, Florence Simonetti, Trygve Mellvang-Berg and Nina Hoppe

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1. **Agenda**

Event [640131](#)

The College approved the Agenda

2. **Decision(s) taken by delegation procedure**

Decision 263/12/COL to close a case against Norway commenced following receipt of a complaint against that State in the field of energy, carbon capture and storage requirements for new gas fired power plants, taken by Sverrir Haukur Gunnlaugsson on 5 July 2012

Decision 264/12/COL concerning the status of Norway with regard to infectious haematopoietic necrosis and viral haemorrhagic septicaemia and repealing the EFTA Surveillance Authority Decision No 302/08/COL, taken by Sverrir Haukur Gunnlaugsson on 5 July 2012

Decision 265/12/COL to approve the contingency plan for listed exotic diseases in aquatic animals submitted by Norway, taken by Sverrir Haukur Gunnlaugsson on 5 July 2012

3. **Case 70939: Non-notification of implementation by Iceland of Directive 2009/78/EC (stands for two-wheel motor vehicles)**

Event [639686](#)

The College adopted the decision to close a case against Iceland for failure to implement the Act referred to at point 45zw of Chapter I of Annex II of the

Agreement on the European Economic Area (*Directive 2009/78/EC of the European Parliament and of the Council of 13 July 2009 on stands for two-wheel motor vehicles*), 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. 266/12/COL**

4. **Case 70940: Non-notification of implementation by Iceland of Directive 2009/67/EC (installation of lighting and light-signalling devices on two or three-wheel motor vehicles)**

Event [639683](#)

The College adopted the decision to close a case against Iceland for failure to implement the Act referred to at point 45wz of Chapter I of Annex II of the Agreement on the European Economic Area (*Directive 2009/67/EC of the European Parliament and of the Council of 13 July 2009 on the installation of lighting and light-signalling devices on two or three-wheel motor vehicles*), 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. 267/12/COL**

5. **Case 71367: Non-implementation by Norway of Directive 2009/105/EC (simple pressure vessels)**

Event [639700](#)

The College adopted the decision to close a case against Norway for failure to implement the Act referred to at point 6 of Chapter VIII of Annex II of the Agreement on the European Economic Area (*Directive 2009/105/EC of the European Parliament and of the Council of 16 September 2009 relating to simple pressure vessels*), 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. 268/12/COL**

6. **Case 70684: Non-implementation by Norway of Directive 2006/21/EC (management of waste from extractive industries)**

Event [639194](#)

The College adopted the decision to close a case against Norway for failure to implement the Act referred to at point 32fe of Chapter V of Annex XX of the Agreement on the European Economic Area (*Directive 2006/21/EC of the European Parliament and of the Council of 15 March 2006 on the management of waste from extractive industries and amending Directive 2004/35/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. 269/12/COL**

7. **Case 69530: Non-implementation by Iceland of Directive 2008/96/EC (road infrastructure management)**

Event [638915](#)

The College adopted the decision to close a case against Iceland for failure to implement the Act referred to at point 17j of Chapter II of Annex XIII of the Agreement on the European Economic Area (*Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management*), 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. 270/12/COL**

8. Case 69531: Non-implementation by Norway of Directive 2008/96/EC (road infrastructure management)

Event [638930](#)

The College adopted the decision to close a case against Norway for failure to implement the Act referred to at point 17j of Chapter II of Annex XIII of the Agreement on the European Economic Area (*Directive 2008/96/EC of the European Parliament and of the Council of 19 November 2008 on road infrastructure safety management*), 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. 271/12/COL**

9. Case 70846: Non-implementation by Norway of Directive 2008/122/EC (consumer protection regarding timeshare, long term holiday product, resale and exchange contracts)

Event [639197](#)

The College adopted the decision to close a case against Norway for failure to implement the Act referred to at point 7b of Annex XIX of the Agreement on the European Economic Area (*Directive 2008/122/EC of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange contracts*), 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. 272/12/COL**

10. Case 70925: Non-implementation by Liechtenstein of Directive 2008/122/EC (consumer protection regarding timeshare, long term holiday product, resale and exchange contracts)

Event [639205](#)

The College adopted the decision to close a case against Liechtenstein for failure to implement the Act referred to at point 7b of Annex XIX of the Agreement on the European Economic Area (*Directive 2008/122/EC of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of timeshare, long-term holiday product, resale and exchange*

contracts), 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. 273/12/COL**

11. Case 71369: Non-notification of implementation by Liechtenstein of Directive 2009/105/EC (simple pressure vessels)

Event [639696](#)

The College adopted the decision to close a case against Liechtenstein for failure to implement the Act referred to at point 6 of Chapter VIII of Annex II of the Agreement on the European Economic Area (*Directive 2009/105/EC of the European Parliament and of the Council of 16 September 2009 relating to simple pressure vessels*), 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. 274/12/COL**

12. Case 71372: Non-notification of implementation by Liechtenstein of Directive 2010/35/EU (transportable pressure equipment)

Event [639692](#)

The College adopted the decision to close a case against Liechtenstein for 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. 275/12/COL**

13. Case 70182: Non-incorporation by Iceland of Regulation (EU) No 581/2010 (on the maximum periods for the downloading of relevant data from vehicle units and from driver cards)

Event [638816](#)

The College adopted the decision to close a case against Iceland for failure to incorporate the Act referred to at point 24eb of Chapter II of Annex XIII of the Agreement on the European Economic Area (*Commission Regulation (EU) No 581/2010 of 1 July 2010 on the maximum periods for downloading of relevant data from vehicle units and from driver cards*), 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. 276/12/COL**

14. Case 70508: Complaint against Norway concerning livestock housing requirements in organic farming

Event [636335](#)

The College adopted the decision to close a complaint case arising from an alleged failure by Norway to comply with point 6.1.6 of Part B of Annex I to *Regulation (EEC) No 2092/1991 on organic production of agricultural products and indications referring thereto on agricultural products and foodstuffs* by maintaining in force an interpretation of the notion of 'small holdings' whereby organic cattle holdings meeting the criteria are exempt from the prohibition on the tethering of livestock in organic farming, as **Decision No. 277/12/COL**

15. **Case 70489: Incorrect application by Iceland of Article 17(2) of Directive 97/78/EC in relation to the destruction or re-dispatch of rejected consignments after veterinary checks at border inspection posts**

Event [638698](#)

The College adopted the decision to close an own-initiative case arising from an alleged failure by Iceland to comply with Article 17(2) of Directive 97/78/EC (*Directive 97/78/EC laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries*) by not ensuring that consignments of products of animal origin that do not comply with the provisions of the Directive are re-dispatched or destroyed within 60 days, as **Decision No. 278/12/COL**

16. **Case 3040, 59007 and 62109: Complaint cases against Norway in the field of free movement of capital (personal residence requirements)**

Event [637527](#)

The College adopted the decision to close three complaint cases against Norway in the field of free movement of capital concerning personal residence requirements for the acquisition of agricultural land, as **Decision No. 279/12/COL**

17. **Case 67812 and 68836: Complaint cases against Norway in the field of free movement of capital (impersonal residence requirements)**

Event [633173](#)

The College adopted the decision to close two complaint cases against Norway in the field of free movement of capital regarding impersonal residence requirements, as **Decision No. 280/12/COL**

18. **Case 70804: Complaint against Norway for discrimination of crew members and share fishermen from other EEA States**

Event [637432](#)

The College adopted the decision to close a complaint case arising from an alleged

failure by Norway to comply with EEA rules on the free movement of workers by maintaining in force residence requirements for seamen, as **Decision No. 281/12/COL**

19. **Case 63443: Calculation of survivor's pension from the Public Service Pension Fund - follow-up of Norway's compliance with the judgment of the EFTA Court in Case E-2/07**

Event [635211](#)

The College adopted the decision to close an own-initiative case against Norway for failing to comply with its obligations arising from Article 33 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, as **Decision No. 282/12/COL**

20. **Case 70017: Own initiative case against Iceland in the field of Free movement of Services (landing charges)**

Event [638985](#)

The College adopted the decision to close a an own-initiative case arising from an alleged failure by Iceland in the field of free movement of services concerning differential landing charges for domestic and international flights, as **Decision No. 283/12/COL**

21. **Case 71962: Non-incorporation by Norway of Regulation (EU) No 664/2011 (shipments of waste to include certain mixtures of wastes)**

Event [637946](#)

The College adopted the decision to issue a letter of formal notice against Norway for failure to incorporate the Act referred to at point 32c of Annex XX of the Agreement on the European Economic Area (*Commission Regulation (EU) No 664/2011 of 11 July 2011 amending Regulation (EC) No 1013/2006 of the European Parliament and of the Council on shipments of waste to include certain mixtures of wastes in Annex IIIA thereto*), 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. 284/12/COL**

22. **Case 69303: Recognition of foreign lawyers in Liechtenstein under Article 10 of Directive 98/5 based on professional experience**

Event [632189](#)

The College adopted the decision to issue a letter of formal notice against Liechtenstein for failure to fulfil its obligation arising from Article 10(1) of the Act referred to at point 2a of Annex VII to the EEA Agreement (*Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to*

facilitate practice of the profession of lawyer on a permanent basis in a Member State other than that in which the qualification was obtained), as adapted to the EEA Agreement by Protocol 1 thereto, concerning the authorisation for foreign lawyers for establishment under the Liechtenstein title of *Rechtsanwalt*, as **Decision No. 285/12/COL**

23. Case 68781: Complaint against Norway for maintaining in force ownership restrictions in the aquaculture sector contrary to the freedom of establishment

Event [637901](#)

The College adopted the decision to issue a letter of formal notice against Norway for failure to comply with its obligations arising from Article 31 of the Agreement on the European Economic Area by maintaining in force Section 3 of the Fish Farming Regulation, requiring a prior authorisation to be obtained when a market player gains control of more than 15 % of the total concession biomass, and prohibits market players from controlling more than 25 % of the available concessions, as **Decision No. 286/12/COL**

24. Case 71322: Non-implementation by Iceland of Directive 2010/36/EU (safety rules and standards for passenger ships)

Event [637763](#)

The College adopted the 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 56f of Annex XIII to the Agreement on the European Economic Area (*Commission Directive 2010/36/EU of 1 June 2010 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ship*) or, in any event, its failure to notify the Authority forthwith of the measures it has adopted to implement the Act, as **Decision No. 287/12/COL**

25. Case 70874: Non-implementation by Iceland of Directive 2008/122/EC (consumer protection regarding timeshare, long term holiday product, resale and exchange contracts)

Event [636528](#)

The College adopted the 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 7b of Annex XIX to the Agreement on the European Economic Area (*Directive 2008/122/EC of the European Parliament and of the Council of 14 January 2009 on the protection of consumers in respect of certain aspects of*

timeshare, long-term holiday product, resale and exchange contracts) or, in any event, its failure to notify the Authority forthwith of the measures it has adopted to implement the Act, as **Decision No. 288/12/COL**

26. Case 70645: Alleged state aid granted to Oslo Cancer Cluster Innovasjonspark AS

Event [625996](#)

The College adopted the decision that the lease agreement and the tenancy agreement between Oslo Municipality and Oslo Cancer Cluster do not constitute state aid within the meaning of Article 61 of the EEA Agreement, as **Decision No. 289/12/COL**

requested that the Norwegian authorities be informed by means 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 the EEA Section of the Official Journal of the European Communities and the EEA Supplement thereto

27. Case 69096: Restructuring aid granted to Landsbanki/NBI - Formal investigation

Event [638008](#)

The College adopted the decision to approve the aid measures granted to Landsbanki and SpSv as restructuring aid compatible with the functioning of the EEA Agreement pursuant to Article 61(3)(b) subject to Iceland and Landsbanki adhering to the commitments as set out in the decision, as **Decision No. 290/12/COL**

requested that the Icelandic authorities be informed by means 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 the decision in the EEA Section of the Official Journal of the European Communities and the EEA Supplement thereto

agreed to inform the public by means of a joint press release in English and in Icelandic for cases 69095 and 69096

28. Case 69095: Restructuring aid granted to Arion Bank – Formal investigationEvent [638070](#)

The College adopted the decision to approve the aid measures granted to Arion as restructuring aid compatible with the functioning of the EEA Agreement pursuant to Article 61(3)(b) subject to Iceland and Arion adhering to the commitments as set out in the decision, as **Decision No. 291/12/COL**

requested that the Icelandic authorities be informed by means 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 the decision in the EEA Section of the Official Journal of the European Communities and the EEA Supplement thereto

agreed to inform the public by means of a joint press release in English and in Icelandic for cases 69095 and 69096

29. Case 68972: State aid granted through New Glitnir, New Landsbankinn and New Kaupthing during the winding-up of certain investment fundsEvent [624026](#)

The College adopted the decision to approve the aid measures granted with the acquisition by the three main Icelandic banks of assets held by non-ucits funds managed by their subsidiary companies, as **Decision No. 292/12/COL**

requested that the Icelandic authorities be informed by means 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 the decision in the EEA Section of the Official Journal of the European Communities and the EEA Supplement thereto

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

30. Case 55914: Decision authorising College members to take urgent decisions during the Holiday period – Summer 2012Event [640845](#)

The College adopted the decision authorising President Oda Sletnes, on behalf of

the Authority, to take any measure that is urgent or indispensable for the Authority to properly fulfil its tasks during the Summer break 2012, as **Decision No. 293/12/COL**

31. Other Business

None

32. Minutes of the College Meeting no. 22, held on 11 July 2012

Event [640448](#)

The College approved the Minutes of the College Meeting held on 11 July 2012



Oda Helen Sletnes
President



Florence Simonetti
Acting Director