

Brussels, 18 December 2013
Case No:74754
Event No:692898

Minutes of College Meeting No. 39 - 18 December 2013

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

Officials present: Per Andreas Bjørgan, Brit Helle, Xavier Lewis, Andreas Kjeldsberg Pihl, Markus Schneider, Gudlaugur Stefansson, Jonas Pålshammer, Cyrille Hugon, Gabrielle Sommers, Astridur S. Thorsteinsson, Caspar Ebrecht, Werner Miguel Kühn, Mila Varela Choucino, Karoline Mathisen, Olafur Isberg Hannesson, Kristin Bangsund and Bente Gjoertz

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1. Agenda

Event [692897](#)

The College approved the Agenda

2. Decisions taken by delegation procedure

Event [692896](#)

3. **Case 74431: Non-incorporation by Norway of Regulation (EU) 965/2012 (Technical requirements and administrative procedures related to air operations)**

Event [689042](#)

The College adopted a Decision to close a case on Norway's failure to incorporate the Act referred to at point 66nf of Annex XIII of the Agreement on the European Economic Area (*Commission Regulation (EU) No 965/2012 of 5 October 2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 473/13/COL**

4. Cases 73129, 73130 and 73131: Non-incorporation by Iceland of Regulation (EC) 1005/2009 and Regulations (EU) 744/2010 and 291/2011 (Substances that deplete the ozone layer)

Event [692098](#)

The College adopted a decision to close a case on Iceland's failure to incorporate the Act referred to at points 21aa and 21aaa of Annex XX of the Agreement on the European Economic Area:

- *Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer,*
- *Commission Regulation (EU) No 744/2010 of 18 August 2010 amending Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer, with regard to the critical uses of halons,*
- *Commission Regulation (EU) No 291/2011 of 24 March 2011 on essential uses of controlled substances other than hydrochlorofluorocarbons for laboratory and analytical purposes in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer*

as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 498/13/COL**

5. Cases 74351, 74352, 74353, 74354 and 74355: Non-incorporation by Iceland of Regulations (EU) No 519/2012 (Persistent organic pollutants as regards Annex I), No 640/2012, No 494/2011, No 835/2012 and No 836/2012 (REACH)

Event [692081](#)

The College adopted a decision to close a case on Iceland's failure to incorporate the Act referred to the respective points of Chapter XV of Annex II of the Agreement on the European Economic Area:

added as a new indent in point 12w:

- *Commission Regulation (EU) No 519/2012 of 19 June 2012 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annex I;*

added as a new indent in point 12zza:

- *Commission Regulation (EU) No 640/2012 of 6 July 2012 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);*

added as new indents in point 12zc:

- *Commission Regulation (EU) No 494/2011 of 20 May 2011 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards Annex XVII (Cadmium);*
- *Commission Regulation (EU) No 835/2012 of 18 September 2012 amending Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and*

Restriction of Chemicals (REACH) as regards Annex XVII (Cadmium);
and

- *Commission Regulation (EU) No 836/2012 of 18 September 2012 amending Annex XVII 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 regards lead,*

as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 499/13/COL**

6. Case 73562: Non-incorporation by Iceland of Regulation (EU) 784/2012 (Listing of an auction platform)

Event [692399](#)

The College adopted a Decision to close a case on Iceland's failure to incorporate the Act referred to at point 21ala of Annex XX of the Agreement on the European Economic Area (*Commission Regulation (EU) No 784/2012 of 30 August 2012 amending Regulation (EU) No 1031/2010 to list an auction platform to be appointed by Germany and correcting Article 59(7) thereof*) as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 500/13/COL**

7. Case 73839: Non-implementation by Iceland of Directive 2012/3/EU (Bendiocarb as an active substance in Annex I)

Event [692386](#)

The College adopted a Decision to close a case on Iceland's failure to implement the Act referred to at point 12n of Chapter XV of Annex II to the Agreement on the European Economic Area (*Commission Directive 2012/3/EU of 9 February 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include bendiocarb as an active substance in Annex I 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. 501/13/COL**

8. Cases 74345, 74346, 74347, 74348 and 74349: Non-implementation by Iceland of Directives 2012/14/EU, 2012/15/EU, 2012/16/EU, 2012/20/EU, 2012/22/EU (inclusion of active substances in Annex I)

Event [686557](#)

The College adopted a Decision to close a case on Iceland's failure to implement the Act referred to as new indents in point 12n of Chapter XV of Annex II to the Agreement on the European Economic Area:

- *Commission Directive 2012/14/EU of 8 May 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include methyl nonyl ketone as an active substance in Annex I thereto;*
- *Commission Directive 2012/15/EU of 8 May 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include*

margosa extract as an active substance in Annex I thereto;

- *Commission Directive 2012/16/EU of 10 May 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include hydrochloric acid as an active substance in Annex I thereto;*
- *Commission Directive 2012/20/EU of 6 July 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include flufenoxuron as an active substance for product-type 8 in Annex I thereto;*
- *Commission Directive 2012/22/EU of 22 August 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include DDACarbonate as an active substance in Annex I 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. 502/13/COL**

9. **Cases 74243, 74244, 74245, 74246 and 74247: Non-implementation by Liechtenstein of Directives Nos 2012/14/EU, 2012/15/EU, 2012/16/EU, 2012/20/EU and 2012/22/EU (to include Methyl nonyl ketone, margosa extract, hydrochloric acid, flufenoxuron (for product-type 8) and DDACarbonate as an active substances in Annex I)**

Event [692106](#)

The College adopted a decision to close a case on Liechtenstein's failure to implement the Act referred to at point 12n of Chapter II.XV of Annex II to the Agreement on the European Economic Area:

- *Commission Directive 2012/14/EU of 8 May 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include methyl nonyl ketone as an active substance in Annex I thereto;*
- *Commission Directive 2012/15/EU of 8 May 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include margosa extract as an active substance in Annex I thereto;*
- *Commission Directive 2012/16/EU of 10 May 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include hydrochloric acid as an active substance in Annex I thereto;*
- *Commission Directive 2012/20/EU of 6 July 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include flufenoxuron as an active substance for product-type 8 in Annex I thereto;*
- *Commission Directive 2012/22/EU of 22 August 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include DDACarbonate as an active substance in Annex I 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. 503/13/COL**

10. **Cases 67792 and 69796: Own initiative case and complaint case against Norway on the alleged incorrect implementation of the Energy Performance Buildings Directive 2002/91/EC**

Event [690282](#)

The College adopted a decision to close an own initiative case and a complaint from an alleged incorrect implementation of the Energy Performance of Buildings

Directive 2002/91/EC by Norway, as **Decision No. 504/13/COL**

11. Cases 74730, 74731 and 74732: Non-incorporation by Norway of Regulations (EU) 1254/2012, 1255/2012 and 1256/2012 (International accounting standards)

Event [692365](#)

The College adopted a decision to issue a letter of formal notice to Norway for failure to incorporate the Act referred to at point 10ba of Annex XXII of the Agreement on the European Economic Area:

- *Commission Regulation (EU) No 1254/2012 of 11 December 2012 amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Standard 10, International Financial Reporting Standard 11, International Financial Reporting Standard 12, International Accounting Standard 27 (2011), and International Accounting Standard 28 (2011);*
- *Commission Regulation (EU) No 1255/2012 of 11 December 2012 amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Accounting Standard 12, International Financial Reporting Standards 1 and 13, and Interpretation 20 of the International Financial Reporting Interpretations Committee;*
- *Commission Regulation (EU) No 1256/2012 of 13 December 2012 amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Standard 7 and International Accounting Standard 32;*

as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 505/13/COL**

12. Cases 74716, 74717, 74719 and 74720: Non-incorporation by Iceland of Regulations listed by simplified procedure during the second quarter of 2013

Event [691836](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to fulfil its obligations under Article 7 of the EEA Agreement by failing to take the measures necessary to make the Acts listed in the Annex to this letter of formal notice part of its internal legal order, as **Decision No. 506/13/COL**

13. Case 74735: Non-incorporation by Iceland of Regulations (EU) 259/2012 (Consumer laundry detergents)

Event [692467](#)

The College adopted a decision to issue a letter of formal notice to Iceland for failure to incorporate the Act referred to at point 12u of Chapter XV of Annex II of the Agreement on the European Economic Area (*Regulation (EU) No 259/2012 of the European Parliament and of the Council of 14 March 2012 amending Regulation (EC) No 648/2004 as regards the use of phosphates and other phosphorus compounds in consumer laundry detergents and consumer automatic dishwasher detergents*) as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, as **Decision No. 507/13/COL**

14. Cases 74736, 74737 and 74738: Non-implementation by Norway of Directives 2012/38/EU, 2012/41/EU and 2012/42/EU (Inclusion of active substances in Annex I to Directive 98/8/EC concerning the placing of biocidal products on the market)

Event [692476](#)

The College adopted a decision to issue a letter of formal notice to Norway for failure to implement the Act referred to at point 12n of Chapter XV of Annex II to the Agreement on the European Economic Area:

- *Commission Directive 2012/38/EU of 23 November 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include cis-Tricos-9-ene as an active substance in Annex I thereto;*
- *Commission Directive 2012/41/EU of 26 November 2012 amending Directive 98/8/EC of the European Parliament and of the Council to extend the inclusion in Annex I thereto of the active substance nonanoic acid to product type 2;*
- *Commission Directive 2012/42/EU of 26 November 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include hydrogen cyanide as an active substance in Annex I 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. 508/13/COL**

15. Cases 74739, 74740 and 74741: Non-implementation by Liechtenstein of Directives 2012/38/EU, 2012/41/EU and 2012/42/EU (Inclusion of active substances in Annex I to Directive 98/8/EC concerning the placing of biocidal products on the market)

Event [692497](#)

The College adopted a decision to issue a letter of formal notice to Liechtenstein for failure to implement the Act referred to at point 12n of Chapter XV of Annex II to the Agreement on the European Economic Area:

- *Commission Directive 2012/38/EU of 23 November 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include cis-Tricos-9-ene as an active substance in Annex I thereto;*
- *Commission Directive 2012/41/EU of 26 November 2012 amending Directive 98/8/EC of the European Parliament and of the Council to extend the inclusion in Annex I thereto of the active substance nonanoic acid to product type 2;*

- *Commission Directive 2012/42/EU of 26 November 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include hydrogen cyanide as an active substance in Annex I thereof;*

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. 509/13/COL**

16. Cases 74704 and 74705: Non-implementation by Liechtenstein of Directives 2012/40/EU and 2012/43/EU (Amending Annex I to Directive 98/8/EC concerning the placing of biocidal products on the market)

Event [691326](#)

The College adopted a decision to issue a letter of formal notice to Liechtenstein for failure to implement the Act referred to at point 12n of Chapter XV of Annex II to the Agreement on the European Economic Area:

- *Commission Directive 2012/40/EU of 26 November 2012 correcting Annex I to Directive 98/8/EC of the European Parliament and of the Council concerning the placing of biocidal products on the market, and*
- *Commission Directive 2012/43/EU of 26 November 2012 amending certain headings of Annex I to Directive 98/8/EC of the European Parliament and of the Council;*

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. 510/13/COL**

17. Case 74237: Non-incorporation by Iceland of Regulation (EU) No 880/2011 (Lists and names of EU reference laboratories)

Event [691882](#)

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 make the Act referred to at the sixth indent in point 11 in Part 1.1 of Chapter I of Annex I; the first indent in point 41 in Part 3.2 of Chapter I of Annex I; the first indent of point 90 in Part 4.2 of Chapter I of Annex I; the fourth indent of point 31j of Chapter II of Annex I; and at the fourth indent in point 54zzzi of Chapter XII of Annex II to the Agreement on the European Economic Area (*Commission Regulation (EU) No 880/2011 of 2 September 2011 correcting Regulation (EU) No 208/2011 amending Annex VII to Regulation (EC) No 882/2004 of the European Parliament and of the Council and Commission Regulations (EC) No 180/2008 and (EC) No 737/2008 as regards lists and names of EU reference laboratories*) part of its internal legal order, as **Decision No. 511/13/COL**

18. Case 74238: Non-incorporation by Iceland of Regulation (EU) No 45/2012 (Movement documents for ovine and caprine animals)

Event [691896](#)

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 make the Act referred to at the sixth indent in point 7b of Part 1.1 of Chapter I of Annex I to the Agreement on the European Economic Area (*Commission Implementing Regulation (EU) No 45/2012 of 19 January 2012 amending the Annex to Council Regulation (EC) No 21/2004 as regards the content of the movement documents*) part of its internal legal order, as **Decision No. 512/13/COL**

19. Case 74270: Non-incorporation by Iceland of Regulation (EU) 1007/2011 (Textile fibre names and related labelling)

Event [691304](#)

The College adopted a decision to deliver a reasoned opinion 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 make the Act referred to at point 4d of Chapter XI of Annex II to the Agreement on the European Economic Area (*Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products and repealing Council Directive 73/44/EEC and Directives 96/73/EC and 2008/121/EC of the European Parliament and of the Council*) part of its internal legal order, as **Decision No. 513/13/COL**

20. Case 73615: Non-incorporation by Iceland of Regulation (EC) No 1102/2008 (Banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury)

Event [684573](#)

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 make the Act referred to at point 22a of Chapter IV of Annex XX to the Agreement on the European Economic Area (*Regulation (EC) No 1102/2008 of the European Parliament and of the Council of 22 October 2008 on the banning of exports of metallic mercury and certain mercury compounds and mixtures and the safe storage of metallic mercury*) part of its internal legal order, as **Decision No. 514/13/COL**

21. Case 74062: Non-incorporation by Iceland of Regulation (EU) No 333/2011 (criteria determining when certain types of scrap metal cease to be waste)

Event [689891](#)

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 make the Act referred to at point 32ffa of Annex XX to the Agreement on the European Economic Area (*Council Regulation (EU) No 333/2011 of 31 March 2011 establishing criteria determining when certain types of scrap metal cease to be waste under Directive 2008/98/EC of the European Parliament and of the Council*) part of its internal legal order, as **Decision No. 515/13/COL**

22. Case 74308: Non-incorporation by Iceland of Regulation (EU) No 788/2012 (Maximum residue levels of pesticides)

Event [692402](#)

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 make the Act referred to at point 74 of Chapter XII of Annex II to the Agreement on the European Economic Area (*Commission Implementing Regulation (EU) No 788/2012 of 31 August 2012 concerning a coordinated multiannual control programme of the Union for 2013, 2014 and 2015 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin*) part of its internal legal order, as **Decision No. 516/13/COL**

23. Cases 74267 and 74268: Non-incorporation by Iceland of Regulations (EU) No 556/2012 and 489/2012 (Residues and addition of vitamins and minerals in foodstuffs)

Event [692395](#)

The College took note of the fact that Iceland, on 17 December 2013, has notified the Authority of the measures necessary to make the Acts referred to

- at the 28th indent of point 40 of Chapter II of Annex I and at the 28th indent of point 54zzy of Chapter XII of Annex II (*Commission Regulation (EU) No 556/2012 of 26 June 2012 amending Annex III to Regulation (EC) No 396/2005 of the European Parliament and of the Council as regards maximum residue levels for spinosad in or on raspberries*);
- at point 72 of Chapter XII of Annex II (*Commission Implementing Regulation (EU) No 489/2012 of 8 June 2012 establishing implementing rules for the application of Article 16 of Regulation (EC) No 1925/2006 of the European Parliament and of the Council on the addition of vitamins and minerals and of certain other substances to foods*);

to the Agreement on the European Economic Area part of its internal legal order and consequently decided not 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.

24. Cases 74263, 74262, 74255, 74254 and 74261: Non-incorporation by Iceland of Regulations (EU) No 1048/2012, 1050/2012, 1056/2012, 1058/2012 and 1183/2012 (Ingredients in foodstuffs and food contact materials and health claims)

Event [692409](#)

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 make the Acts referred to at the respective points of Chapter XII of Annex II to the Agreement on the European Economic Area:

- at point 73 (*Commission Regulation (EU) No 1048/2012 of 8 November 2012 on the authorisation of a health claim made on foods and referring to the reduction of disease risk*);
- at the 1st indent of point 69 (*Commission Regulation (EU) No 1050/2012 of 8 November 2012 amending Regulation (EU) No 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards Polyglycitol syrup*);
- at the 1st indent of point 54zzzzq (*Commission Regulation (EU) No 1056/2012 of 12 November 2012 amending Regulation (EC) No 1332/2008 of the European Parliament and of the Council on food enzymes with regard to transitional measures*);
- at the 11th indent of point 54zzzz (*Commission Regulation (EU) No 1058/2012 of 12 November 2012 amending Regulation (EC) No 1881/2006 as regards maximum levels for aflatoxins in dried figs*);
- at the 3rd indent of point 55 (*Commission Regulation (EU) No 1183/2012 of 30 November 2012 amending and correcting Regulation (EU) No 10/2011 on plastic materials and articles intended to come into contact with food*);

part of its internal legal order, as **Decision No. 518/13/COL**

25. Case 74350: Non-implementation by Iceland of Directive 2010/26/EU (Emission of gaseous and particulate pollutants from internal combustion engines)

Event [692176](#)

The College adopted a decision to deliver a reasoned opinion 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 1a of Chapter XXIV of Annex II to the Agreement on the European Economic Area (*Commission Directive 2010/26/EU of 31 March 2010 amending Directive 97/68/EC of the European Parliament and of the Council 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*), and/or its failure to notify the Authority forthwith of the measures it has adopted to implement the Act, as **Decision No. 519/13/COL**

26. Case 74269: Non-implementation by Iceland of Directive 2010/30/EU (Labelling and standard product information of the consumption of energy and other resources by energy-related products)

Event [691797](#)

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 4 of Chapter IV of Annex II to the Agreement on the European Economic Area (*Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products*) or, in any event, its failure to notify the Authority forthwith of the measures it has adopted to implement the Act, as **Decision No. 520/13/COL**

27. Case 74293: Non-implementation by Iceland of Directive 2011/7/EU (Late payment)

Event [691461](#)

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 2 of Annex XII to the Agreement on the European Economic Area (*Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions*) or, in any event, its failure to notify the Authority forthwith of the measures it has adopted to implement the Act, as **Decision No. 521/13/COL**

28. Case 74292: Non-implementation by Liechtenstein of Directive 2011/7/EU (Late payment)

Event [691443](#)

The College adopted a decision to deliver a reasoned opinion to Liechtenstein 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 Liechtenstein to adopt the measures necessary to implement the Act referred to at point 2 of Annex XII to the Agreement on the European Economic Area (*Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions*) or, in any event, its failure to notify the Authority forthwith of the measures it has adopted to implement that Act, as **Decision No. 522/13/COL**

29. **Cases 74281, 74282, 74283, 74284 and 74285: Non-implementation by Norway of Directives 2012/14/EU, 2012/15/EU, 2012/16/EU, 2012/20/EU and 2012/22/EU (Amending Annex I to Directive 98/8/EC concerning the placing of biocidal products on the market)**

Event [691492](#)

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 the failure by Norway to adopt the measures necessary to implement the Acts referred to at point 12n of Chapter XV of Annex II to the Agreement on the European Economic Area,

- *Commission Directive 2012/14/EU of 8 May 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include methyl nonyl ketone as an active substance in Annex I thereto;*
- *Commission Directive 2012/15/EU of 8 May 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include margosa extract as an active substance in Annex I thereto;*
- *Commission Directive 2012/16/EU of 10 May 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include hydrochloric acid as an active substance in Annex I thereto;*
- *Commission Directive 2012/20/EU of 6 July 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include flufenoxuron as an active substance for product-type 8 in Annex I thereto;*
- *Commission Directive 2012/22/EU of 22 August 2012 amending Directive 98/8/EC of the European Parliament and of the Council to include DDACarbonate as an active substance in Annex I thereto);*

or, in any event, its failure to notify the Authority forthwith of the measures it has adopted to implement the Act, as **Decision No. 523/13/COL**

30. **Case 74337: Non-implementation by Iceland of Directive 2009/31/EC (Geological storage of carbon dioxide)**

Event [692549](#)

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 as indents in points 1a, 1i, 13ca, 19a, 32c and at points 1f and 21at of Annex XX to the Agreement on the European Economic Area (*Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide and amending Council Directive 85/337/EEC, European Parliament and Council Directives 2000/60/EC, 2001/80/EC, 2004/35/EC, 2006/12/EC, 2008/1/EC and Regulation (EC) No 1013/2006*) or, in any event, its failure to notify the Authority forthwith of the measures it has adopted to implement the Act, as **Decision No. 524/13/COL**

31. **Case 74341: Non-implementation by Iceland of Directive 2011/65/EU (Hazardous substances in electrical and electronic equipment (recast))**

Event [692508](#)

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 12q of Chapter XV of Annex II to the Agreement on the European Economic Area (*Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment (recast)*) or, in any event, its failure to notify the Authority forthwith of the measures it has adopted to implement the Act, as **Decision No. 525/13/COL**

32. **Cases 74343 and 74344: Non-implementation by Iceland of Directives 2012/50/EU (Exemption for applications containing lead) and 2012/51/EU (Exemption for applications containing cadmium)**

Event [692511](#)

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 Acts referred to at point 12q of Chapter XV of Annex II to the Agreement on the European Economic Area:

- *Commission Delegated Directive 2012/50/EU of 10 October 2012 amending, for the purposes of adapting to technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for applications containing lead*
- *Commission Delegated Directive 2012/51/EU of 10 October 2012 amending, for the purposes of adapting to technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for applications containing cadmium*

or, in any event, its failure to notify the Authority forthwith of the measures it has adopted to implement the Act, as **Decision No. 526/13/COL**

33. **Case 74384: Non-implementation by Iceland of Directive 2010/44/EU (Fund mergers, master-feeder structures and notification procedure)**

Event [691987](#)

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 30f of Annex IX to the Agreement on the European Economic Area (*Commission Directive 2010/44/EU of 1 July 2010 implementing Directive*

*2009/65/EC of the European Parliament and of the Council as regards certain provisions concerning fund mergers, master-feeder structures and notification procedure) or, in any event, its failure to notify the Authority forthwith of the measures it has adopted to implement the Act, as **Decision No. 527/13/COL***

34. Case 72104: Incorrect implementation by Norway of the feed ban in Regulation (EC) No 999/2001 on transmissible spongiform encephalopathies (Mad cow disease, scrapie, etc)

Event [664028](#)

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 Norway's failure to fulfil its obligations arising from Article 7 of the Act referred to at point 12 of Part 7.1 of Chapter I of Annex I to the EEA Agreement (*Regulation (EC) No 999/2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies*) and point II(B) of Annex IV thereto, as adapted to the EEA Agreement by Protocol 1 thereto, thereby incorrectly implementing the feed ban contained in the rules on transmissible spongiform encephalopathies, by maintaining in force the national administrative practice, as set out in the NFSA's guidelines for the interpretation of Annex IV of Regulation (EC) No 999/2001, which allows the production of feed for ruminant animals in facilities not physically separate from facilities that also produce feed for non-ruminant species containing fishmeal and by allowing the presence of fishmeal up to a limit of 0,15% in ruminant feed, as **Decision No. 528/13/COL**

35. Case 70950: Application from Norway for revision of the annual BSE (mad cow disease) monitoring programme

Event [686405](#)

The College adopted a decision to reject the Norwegian application for revision of the annual monitoring programme for BSE, as **Decision No. 529/13/COL**

36. Case 73153: Non-implementation by Iceland of Directive 2009/38/EC on the establishment of a European Works Council

Event [691868](#)

The College adopted a decision to bring a matter before the EFTA Court in accordance with Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice due to the failure by that State to adopt the measures necessary to implement the Act referred to at point 27 of Annex XVIII to the EEA Agreement (*Directive 2009/38/EC of the European Parliament and of the Council of 6 May 2009 on the establishment of a European Works Council or a procedure in Community-scale undertakings and Community-scale groups of undertakings for the purposes of informing and*

consulting employees (Recast)), as adapted to the Agreement by Protocol 1 thereto, into its national law, and/or its failure to notify the Authority forthwith of the measures it has adopted to implement the Act, as **Decision No. 530/13/COL**

37. Case 73147: Non-implementation by Iceland of Directive 2005/35/EC on ship-source pollution

Event [680042](#)

The College adopted a decision to bring a matter before the EFTA Court in accordance with Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice due to the failure by that State to adopt the measures necessary to implement the Act referred to at point 56v of Annex XIII to the Agreement (*Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and/or its failure to notify the Authority forthwith thereof, as **Decision No. 531/13/COL**

38. Case 73104: Non-implementation by Iceland of Directive 2008/98/EC on waste

Event [691920](#)

The College adopted a decision to bring a matter before the EFTA Court in accordance with Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice due to the failure by that State to adopt the measures necessary to implement the Act referred to at point 32ff of Chapter V of Annex XX to the Agreement on the European Economic Area (*Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and/or its failure to notify the Authority forthwith thereof, as **Decision No. 532/13/COL**

39. Case 72670: Non-implementation by Iceland of Directive 2006/38/EC on the charging of heavy goods vehicles for the use of certain infrastructures

Event [690324](#)

The College adopted a decision to bring a matter before the EFTA Court in accordance with Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice due to the failure by that State to adopt the measures necessary to implement the Act referred to at point 18a of Chapter II of Annex XIII to the Agreement on the European Economic Area (*Directive 2006/38/EC of the European Parliament and of the Council of 17 May 2006 amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures*), as adapted to the EEA Agreement by Protocol 1 thereto, into its national law and/or its failure to notify the Authority forthwith thereof, as **Decision No. 533/13/COL**

40. Case 72373: Non-implementation by Norway of Directive 2009/12/EC on airport charges

Event [690028](#)

The College adopted a decision to bring a matter before the EFTA Court in accordance with Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice due to the failure by that State to adopt the measures necessary to implement the Act referred to at point 65a of Annex XIII to the Agreement, *Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges*, 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. 534/13/COL**

41. Case 66983: Registration taxation of foreign-registered leased cars temporarily imported and used in Norway by persons permanently resident in Norway

Event [690008](#)

The College adopted a Decision to bring a matter before the EFTA Court in accordance with Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice due to the failure by that State to fulfil its obligations arising from Article 36 of the EEA Agreement by maintaining in force a regulation which provides that a full amount of registration tax is due for foreign-registered leased motor vehicles temporarily imported by Norwegian residents to Norway, without the person having any right to an exemption or refund where the vehicle is neither intended to be used essentially in Norway on a permanent basis nor is in fact used in that manner, as **Decision No. 535/13/COL**

42. Case 73079: Non-notification by Iceland of national measure to implement Directive 2008/43/EC (Identification and traceability of explosives for civil uses)

Event [691846](#)

The College adopted a decision to bring a matter before the EFTA Court in accordance with Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice due to the failure by that State to adopt the measures necessary to implement the Act referred to at point 5 of Chapter XXIX of Annex II to the Agreement on the European Economic Area (*Commission Directive 2008/43/EC of 4 April 2008 setting up, pursuant to Council Directive 93/15/EEC, a system for the identification and traceability of explosives for civil uses*) as adapted to the EEA Agreement by Protocol 1 thereto, into its national law, and/or its failure to notify the Authority forthwith of the measures it has adopted to implement the Act, as **Decision No. 536/13/COL**

43. Case 73162: Non-notification by Iceland of national measure to implement Directive 2007/23/EC (On the placing on the market of pyrotechnic articles)

Event [691826](#)

The College adopted a decision to bring a matter before the EFTA Court in accordance with Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice due to the failure by that State to adopt the measures necessary to implement the Act referred to at point 4 of Chapter XXIX of Annex II to the Agreement (*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/or its failure to notify the Authority forthwith of the measures it has adopted to implement the Act, as **Decision No. 537/13/COL**

44. Case 71118: Non-incorporation by Iceland of Regulation (EC) No 999/2001 on transmissible spongiform encephalopathies (removal of specified risk material (SRM))

Event [691712](#)

The College took note of information received from Iceland to the effect that the measures necessary to make the Act referred to at point 7.1.12 of Chapter I of Annex I to the Agreement on the European Economic Area (Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 *laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies*) part of its internal legal order will be adopted this week and consequently decided not to bring the matter before the EFTA Court in accordance with Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice.

45. Case 73097: State aid – Iceland - Restructuring plan for Nordfjordur Savings Bank

Event [688245](#)

The College adopted a Decision that the measures which the Icelandic authorities implemented to rescue and restructure Nordfjordur Savings Bank as set out in section I.3.2 above constitute state aid within the meaning of Article 61(1) of the EEA Agreement, compatible with the functioning of the EEA Agreement pursuant to Article 61(3)(b), as **Decision No. 539/13/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 the notice in its authentic language version, in the EEA Section of the Official Journal of the European Union and the EEA Supplement thereto

46. Case 71513: State aid – Iceland - Restructuring plan for Vestmannaeyjar Savings Bank

Event [645918](#)

The College adopted a decision that the measures which the Icelandic authorities implemented to rescue and restructure Vestmannaeyjar Savings Bank as set out in section I.3.2 above constitute state aid within the meaning of Article 61(1) of the EEA Agreement, compatible with the functioning of the EEA Agreement pursuant to Article 61(3)(b), as **Decision No. 540/13/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 the notice 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

47. Case 73392: Proposal to set out the Authority's Rules on Security separately from the Authority's Manual of Operational Procedures

Event [692992](#)

The College adopted a Decision to detach the Authority's Rules on Security from its Manual of Operational Procedures, as **Decision No. 541/13/COL**

48. Case 73392: Proposal for a College Decision to amend the Authority's Manual of Operational Procedures (general revision)

Event [692911](#)

The College adopted a decision to amend the Authority's Manual of Operational Procedures (general revision), as **Decision No. 542/13/COL**

49. Decisions taken by written procedure

None

50. Other Business

None

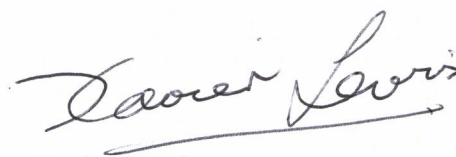
51. Minutes of the College Meeting no. 39, held on 18 December 2013

Event [692898](#)

The College approved the Minutes of the College Meeting held on 18 December 2013



Oda Helen Sletnes
President



Xavier Lewis
Director