

Brussels, 8 November 2011  
Case No: 70684  
Event No: 612558

EFTA SURVEILLANCE  
AUTHORITY

Ministry of the Environment  
Myntgaten 2  
N-0030 Oslo  
Norway

Dear Sir or Madam,

**Subject: Letter of formal notice to 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**

The obligation on the EFTA States to take the measures necessary to implement the following Act referred to at point 32fe of Chapter V of Annex XX to the Agreement on the European Economic Area (“the EEA Agreement”),

*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, (“the Act”)*

and to notify the EFTA Surveillance Authority (“the Authority”) forthwith thereof, follows from Article 25 of that Act, as adapted to the Agreement by Protocol 1 thereto, and from Article 7 of the EEA Agreement.

The Act was incorporated in the EEA Agreement by Joint Committee Decision 18/2009 of 5 February 2009, which entered into force on 1 August 2011. The time limit for the EFTA States to adopt the measures necessary to implement the Act expired on 1 August 2011.

In a letter dated 19 July 2011 (Event No 604046), the Authority reminded the Norwegian Government of its obligation to take the national measures necessary to implement the Act into the Norwegian legal order.

By letter dated 19 October 2011, the Norwegian Government informed the Authority that it was in the process of reviewing the comments received during the recent public consultation. Furthermore, the Norwegian Government informed the Authority that it expected the process of implementation of the Act to be completed in January 2012.

The Authority has received no information from the Norwegian Government indicating that the national measures to ensure full implementation of the Act have been adopted, nor is it in possession of any other information enabling it to conclude that such measures have, nevertheless, been taken.


Accordingly, as its information presently stands, the Authority must conclude that by failing to take, or to notify the Authority of, the measures necessary to ensure full

implementation of the Act, Norway has failed to fulfil its obligations under that Act and under Article 7 of the EEA Agreement.

In these circumstances, and acting under Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, the Authority invites the Norwegian Government to submit its observations on the content of this letter *within two months* following receipt thereof.

After the time limit has expired, the Authority will consider, in the light of any observations received from the Norwegian Government, whether 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.

For the EFTA Surveillance Authority



Sverrir Haukur Gunnlaugsson  
College Member