

Case No: 92389  
Document No: 1538431  
Decision No: 083/25/COL

## EFTA SURVEILLANCE AUTHORITY DECISION

of 11 June 2025

**to bring a matter against Iceland before the EFTA Court in accordance with Article 31(2) of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice due to the failure by Iceland to fulfil its obligations under the Act referred to at point 1a, 7a, 7g and 7i of Annex XIX to the Agreement on the European Economic Area (*Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules*), as adapted by Protocol 1 to that Agreement, and under Article 7 of the EEA Agreement, by failing to adopt the measures necessary to implement the Act within the time prescribed, or in any event, by failing to inform the EFTA Surveillance Authority thereof**

### THE EFTA SURVEILLANCE AUTHORITY

Having regard to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, in particular Article 31(2) thereof,

Whereas:

*Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules* ("the Act") was incorporated into the Agreement on the European Economic Area ("EEA Agreement") by Decision No 69/2021 of the EEA Joint Committee of 5 February 2021 at point 1a, 7a, 7g and 7i of Annex XIX to the Agreement, as adapted to the Agreement by Protocol 1.

It follows from Article 7 of the EEA Agreement and from Article 7 of the Act, that the EFTA States were required to adopt the measures necessary to implement the Act and to notify these to EFTA Surveillance Authority ("the Authority"). The time limit to do this expired on 1 April 2024.

As the Authority had not received any notification from Iceland setting out the measures which it had adopted to implement the Act, on 17 July 2024 it sent a Letter of Formal Notice to Iceland (Doc No 1467901).

In its Letter of Formal Notice, the Authority concluded that by failing to adopt or, in any event, to inform the Authority of the national measures it had adopted to implement the Act, Iceland had failed to fulfil its obligations under both the Act and Article 7 of the EEA Agreement.

In its observations of 2 October 2024 (Doc No 1488585) on the Letter of Formal Notice, the Icelandic Government indicated that it was working on legislative amendments.

The Authority issued a Reasoned Opinion on 4 December 2024 (Doc No 1495451), concluding that by failing to adopt the measures necessary to implement the Act, and/or by failing to notify the Authority of the measures it has adopted to implement the Act, Iceland had failed to fulfil its obligations under the Act and under Article 7 of the EEA Agreement.

On 28 April 2025, the Authority asked the Icelandic Government for an update on the status for the implementation of the Act (Doc No 1539496).

The Icelandic Government replied, on 29 April 2025, that a new Icelandic Marketing Act and an amendment to the Icelandic Act on Consumer Contracts, which are intended to implement the Act in Iceland, were expected to be presented and passed by parliament in October 2025 with immediate entry into force. (Doc No 1533509).

At the present time, the Authority has not been notified, and does not have any other information to suggest, that Iceland has implemented the Act into its national legal order.

For these reasons, the Authority considers that the matter should be brought before the EFTA Court.

#### HAS ADOPTED THIS DECISION:

1. Proceedings should be commenced before the EFTA Court to seek a declaration that Iceland has failed to fulfil its obligations under the Act referred to at point 1a, 7a, 7g and 7i of Annex XIX to the EEA Agreement (*Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019 amending Council Directive 93/13/EEC and Directives 98/6/EC, 2005/29/EC and 2011/83/EU of the European Parliament and of the Council as regards the better enforcement and modernisation of Union consumer protection rules*), as adapted by Protocol 1 to the EEA Agreement, and under Article 7 of the EEA Agreement, by failing to adopt the measures necessary to implement the Act within the time prescribed, or in any event, by failing to inform the EFTA Surveillance Authority thereof.
2. The Director of Legal and Executive Affairs is instructed to seize the EFTA Court, liaising with the Internal Market Affairs Directorate and subject to control by the responsible College Member, and to represent the EFTA Surveillance Authority before the EFTA Court.

For the EFTA Surveillance Authority,

Arne Røksund  
President

Stefan Barriga  
Responsible College Member

Árni Páll Árnason  
College Member

Melpo-Menie Joséphidès  
Countersigning as Director,  
Legal and Executive Affairs

*This document has been electronically authenticated by Arne Roeksund, Melpo-Menie Josephides.*