

EFTA Surveillance Authority

Brussels, 10 December 2009

Per Sanderud
President

ESA

- EEA agreement grant access to the internal market - binding obligations to EFTA countries
- ESA shall survey that the EEA/EFTA countries comply with the agreement
- ESA is independent of the Governments
- College "board" with three members
- 60-70 staff from 16 nations, need more EFTA nationals

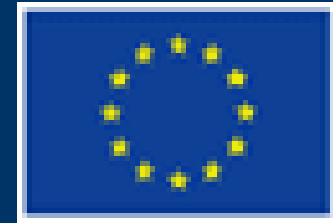
What is the EEA Agreement?

- Economic co-operation
- Focus on internal markets– the four freedoms
- Rules on competition and states aid

- The EEA Agreement **does not** include (*inter alia*)
 - Common agricultural and fisheries policy
 - Customs union and common commercial policy
 - Economic and monetary union
 - Taxation
 - Justice and home affairs (N.B.: The Schengen- agreement)
 - Common foreign and security policy
 - Consequences of Lisbon treaty??



The two pillar structure under the EEA Agreement



Iceland
Liechtenstein
Norway

EFTA Standing
Committee

**EFTA Surveillance
Authority**

EFTA Court

Committee of MP's
of the EFTA States

EFTA Consultative
Committee

EEA Council

EEA Joint
Committee

EEA Joint
Parliamentary
Committee

EEA Consultative
Committee

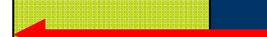
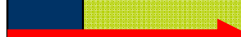
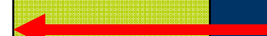
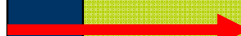
EU Council

European
Commission

European Court
of Justice

European
Parliament

Economic and
Social Committee



Certain characteristics of the EEA Agreement

- The EEA Agreement is dynamic
 - New rules are adopted every month
 - EEA law is interpreted by the EU and EFTA Courts, the Commission and the Authority

- The EEA Agreement requires homogeneity
 - Same interpretation of the rules in all 30 countries

The Authority's tasks – general surveillance

- Internal market
 - Free movement of goods, persons, services and capital (a large number of directives and regulations safeguard a level playing field)
 - Public procurement

- Monitor correct implementation of EEA law
 - Compliance with EEA rules and principles
 - New EEA acts shall be implemented into national law, timely and correct, notify
 - Handling of cases based on complaints or initiated at the Authority's own initiative
 - The EFTA countries and ESA may be brought before the EFTA Court

Case handling (cont.)

- Informal contact

- Formal proceedings
 1. Letter of formal notice
 2. Reasoned Opinion
 3. EFTA Court Referral

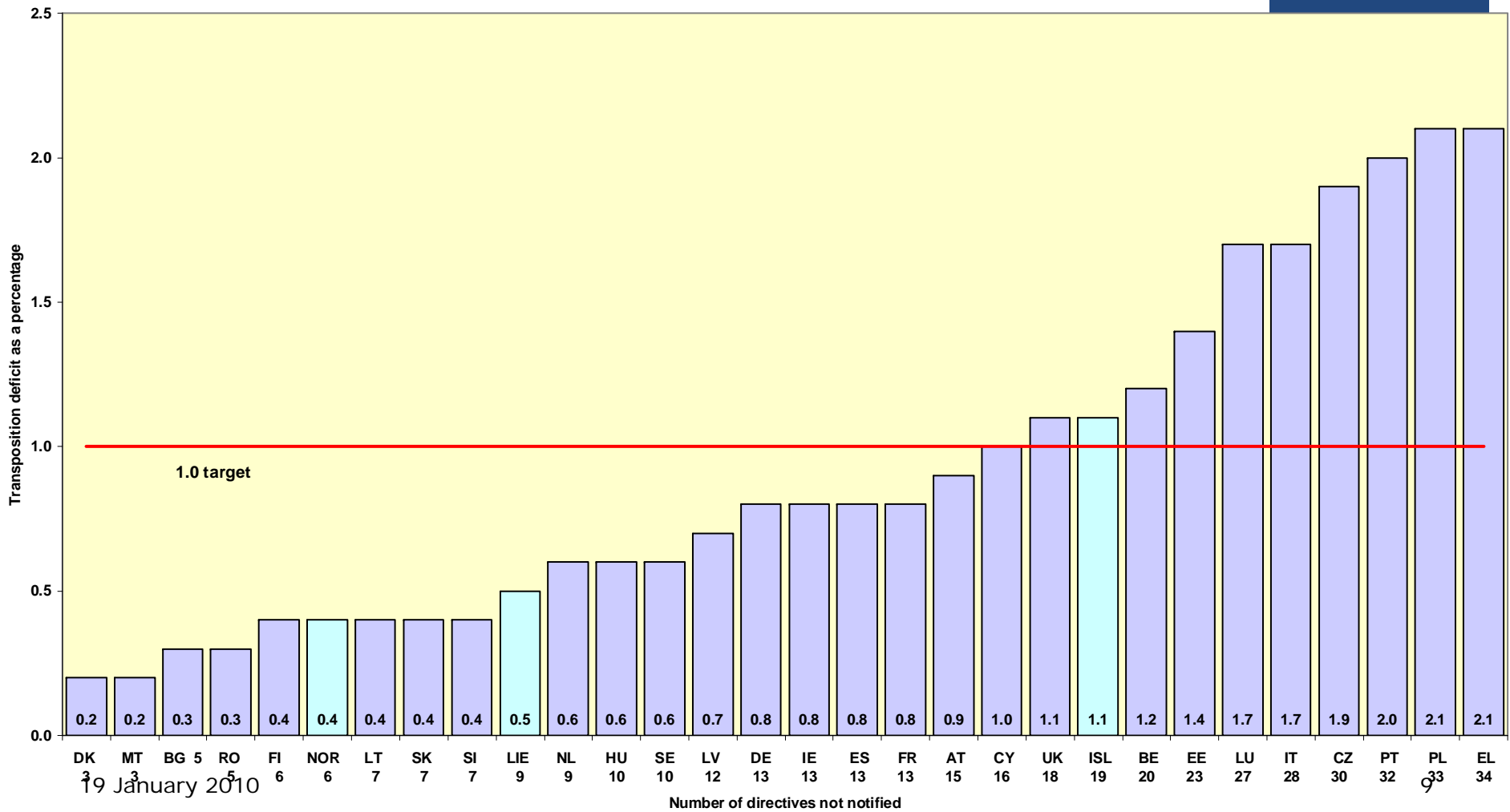
Exampels of cases – the four freedoms

- Waterfall reversion act (Norway)
- Earmarked positions at universities(Norway)
- Import of alcohol(Norway)
- Tollroads(Norway)
- Waterscooters (Norway)

- Financial crises (Iceland)

- Residence requirements (Liechtenstein)
 - Freedom of establishment

Transposition deficit July 2009



State Aid

- The state aid rules
 - Main principle: State aid is prohibited
 - State aid: Selective aid to undertakings, in whatever form
 - A number of exceptions (soft law)
- Requests from an EFTA State to grant state aid must be notified to and approved by the Authority, stand-still obligation
- Authority may request that unlawful aid be recovered
- Marked investor principle

Some important cases – state aid

- Financial crises (Iceland/Norway)
- Energy and environment (CCS and ETS)(Norway)
- Icelandic Housing Fund (Iceland)
- State guarantees power contracts/ companies (Norway/Iceland)

Competition rules

- Competition rules applicable to undertakings
 - Cartels and other forms of concertation between undertakings
 - Abuse of a dominant market position
- The Authority monitors competition in EFTA States, co-operates closely with national authorities and Commission
- Concentrates on cross-border problems
- The Authority may issue fines to undertakings for breaches of EEA competition rules
- Examples from Norway; Norway Post, Color line, bus companies

Other tasks

- Veterinary control - inspections
- Transport – airport and harbour security
- Electronic communications, review of national markets regulations
- Competance to take decisions/give exemptions according directives and regulations

www.eftasurv.int

Thank you for your attention!