



EFTA seminar

ESA, 16.12.2010

Per Sanderud, President

ESA

- The EEA agreement grants access to the internal market – binding obligation to all EEA 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?

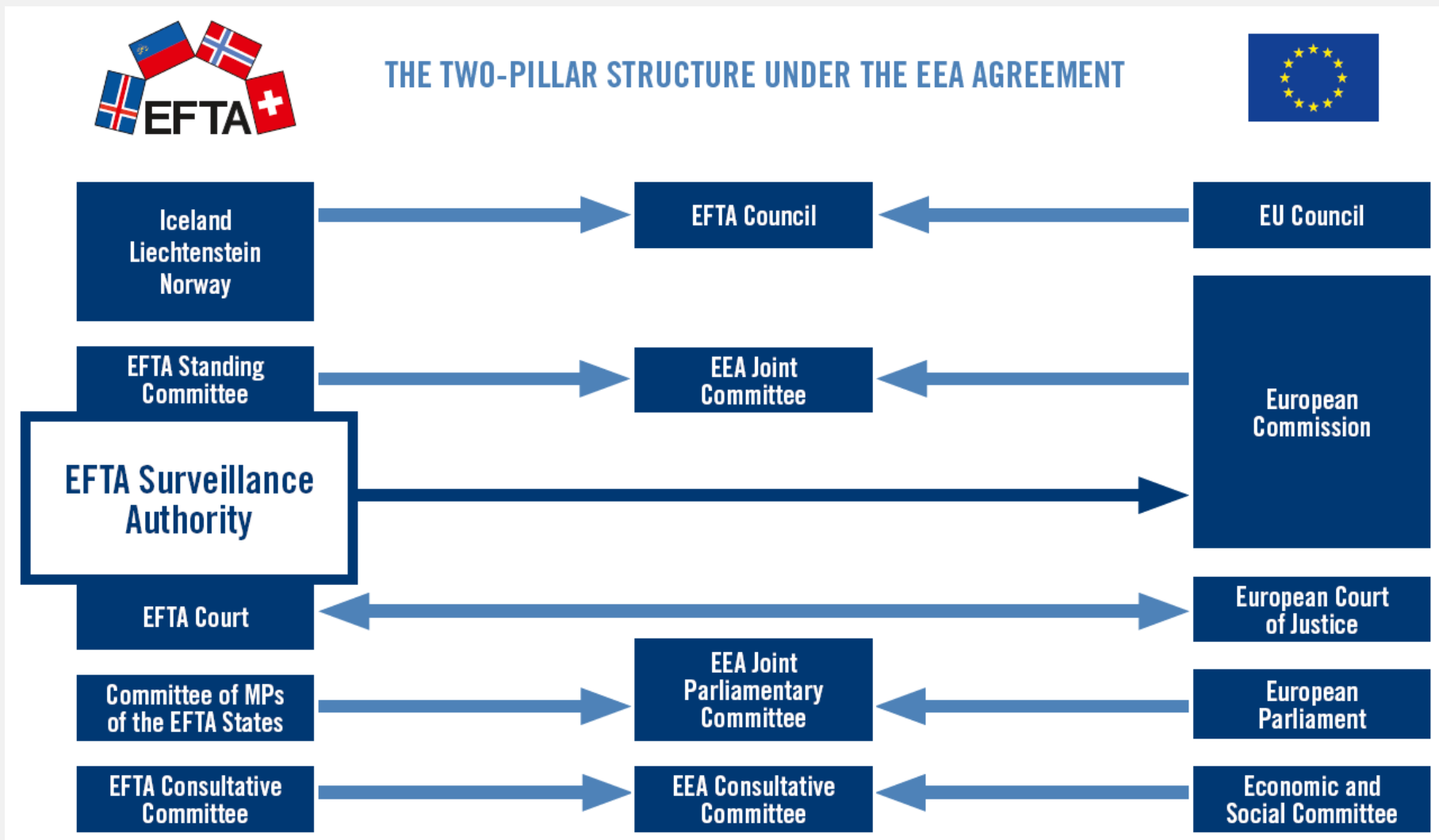
Does include:

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

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



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

Case handling

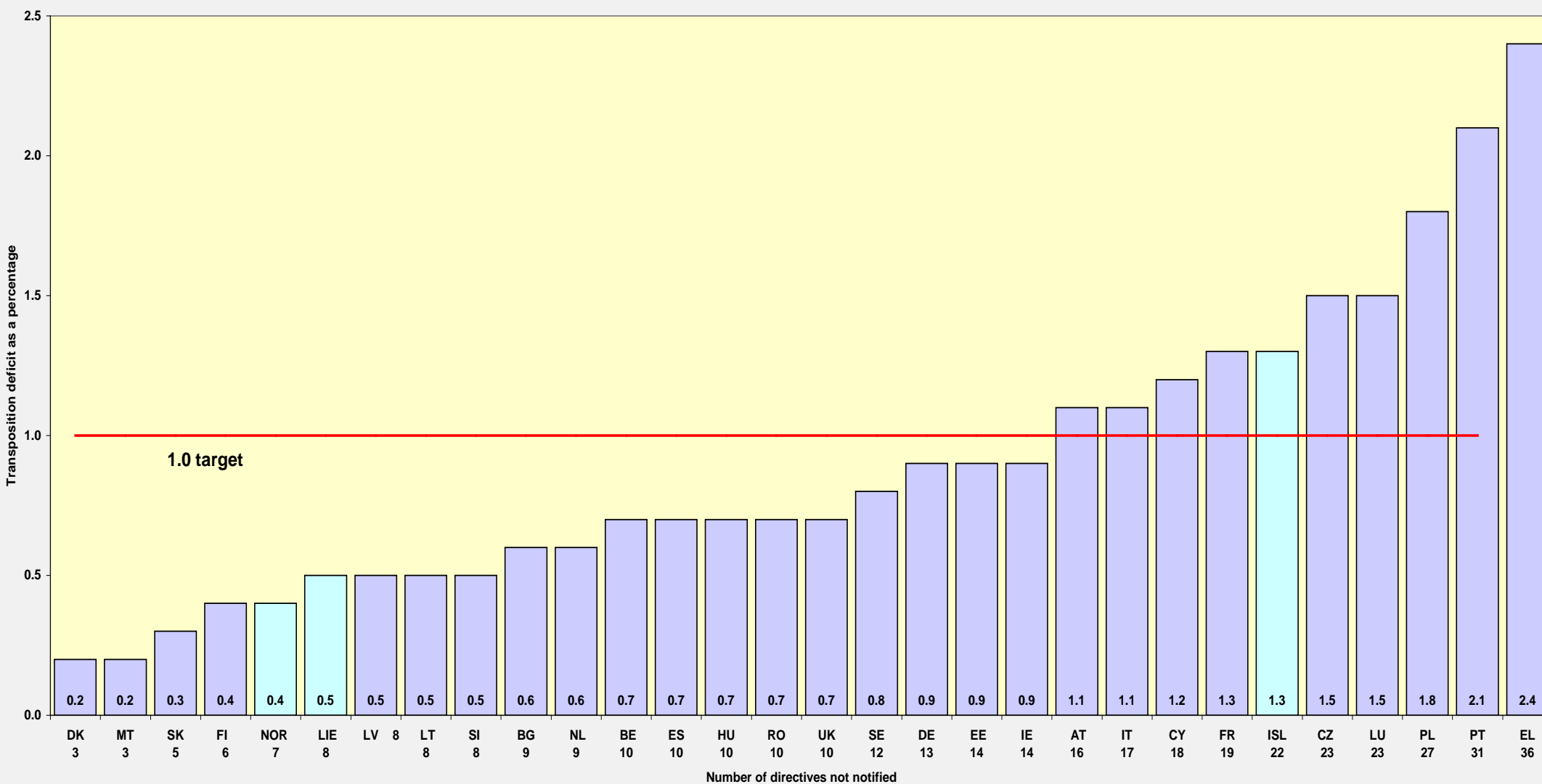
- Informal contact

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

Pending cases by category

	2006	2007	2008	2009
Complaint	149	145	144	130
Notification	82	94	112	50
Obligatory Tasks	103	101	92	115
Own Initiative	265	325	269	215
Total	599	665	617	510

Scoreboard July 2010



Exampels of cases – the four freedoms

- Waterfall reversion act (Norway)
- Exit taxation (Norway)
- Ownership restrictions stock exchange(Norway)
- Tollroads(Norway)
- Waterscooters (Norway)
- Financial crises Iceland, Icesave and ranking of creditors
- Phosphates fish, Iceland and Norway
- Residence requirements (Liechtenstein)
 - Freedom of establishment

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

State aid and municipalities-Important issues

- Services of general interest, Altmark criteria's
- Cross subsidisation
- Guarantees

Some important cases – state aid

- Financial crises (Iceland/Norway)
- Energy and environment (CCS, ETS, windmill park)(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
- Competence to take decisions/give exemptions according directives and regulations

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EFTA SURVEILLANCE
AUTHORITY



The EFTA Surveillance Authority

...monitors compliance with European Economic Area rules in Iceland, Liechtenstein and Norway, enabling them to participate in the European internal market.

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