



# EEA Law Enforcement: EFTA Surveillance Authority and EFTA Court



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# EEA Enforcement Surveillance and Judicial Control

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Registrar, EFTA Court

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# Enforcement

- **ESA monitors compliance** with EEA law in **Iceland, Liechtenstein and Norway**.
- The **EEA Agreement** between the European Union, its Member States and the three EEA EFTA States
- The **Surveillance and Court Agreement** between the EEA EFTA States



ICELAND  
LIECHTENSTEIN  
NORWAY

EEA  
COUNCIL

COUNCIL PRESIDENCY  
EU COMMISSION  
& EEAS

EFTA  
STANDING  
COMMITTEE

EEA JOINT  
COMMITTEE

EUROPEAN  
COMMISSION

EFTA  
SURVEILLANCE  
AUTHORITY

EUROPEAN  
COMMISSION

EFTA  
COURT

COURT  
OF JUSTICE

COMMITTEE OF  
MPs OF THE  
EFTA STATES

EEA JOINT  
PARLIAMENTARY  
COMMITTEE

EUROPEAN  
PARLIMENT

EFTA  
CONSULTATIVE  
COMMITTEE

EEA  
CONSULTATIVE  
COMMITTEE

ECONOMIC  
AND SOCIAL  
COMMITTEE

# The Two-Pillar EEA Structure





## The ESA College

Árni Páll Árnason

Arne Røksund

Stefan Barriga

# The EFTA Court

- Jurisdiction over Iceland, Liechtenstein and Norway on **EEA law**
- Largely corresponds to the role of the Court of Justice of the European Union (CJEU) on **EU law**
- Three judges, each nominated by one of the EEA EFTA States



**Páll Hreinsson** (Iceland)  
*President*



**Bernd Hammermann**  
(Liechtenstein)



**Michael Reiertsen** (Norway)

# How ESA investigates



**MONITOR**



**REPORTING  
OBLIGATIONS**



**CONFORMITY  
ASSESSMENT**



**COMPLAINTS**



**OWN  
INITIATIVE**

# Three formal steps of an infringement procedure

## 1. LFN

ESA sends a **letter of formal notice**, setting out ESA's view on why the State's conduct breaches EEA law, giving the State a chance to respond.

## 2. RDO

If the issue is not resolved, ESA may deliver a **reasoned opinion** requiring the State to comply with EEA rules.

## 3. Court

ESA may ultimately bring the case to the EFTA Court to seek a **declaration of non-compliance**. The EFTA Court has the **final say**.



The EEA Agreement is  
'an international treaty  
*sui generis*  
which contains  
a distinct legal order of its own'

*Case E-9/97 Sveinbjörnsdóttir*

# EFTA Court jurisdiction



**Agreed with the  
EU (EEA  
Agreement),  
established by  
EFTA States  
(Surveillance and  
court agreement)**



**Jurisdiction:  
Interpretation  
of EEA law**



**Advisory  
opinions  
requests from  
national courts**



**Direct actions -  
infringements  
ESA v EFTA State**



**Direct actions  
against ESA:  
decisions,  
failure to act,  
liability**



# Transparency in enforcement

## ■ EFTA Court

- *Hearings live streamed*
- *Remote participation*
- *Written submissions made public*

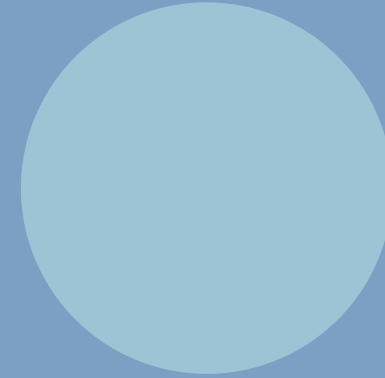
## ■ ESA

- *Infringements*
- *Decisions to the States*
- *publicly available*



# Special relationship

- **Result: Homogeneity**
  - *E-3/98 Rainford-Towning*
- **Basis: Fundamental rights**
  - *E-12/20 Telenor, E-1-7/24 TC*
- **How: Mutual trust**
  - *E-15/24 A v B, C-202/22*  
*(Grand chamber) Alchaster*







Thank you!

ESA

EFTA  
Surveillance  
Authority

