

EUROPEAN ECONOMIC AREA

EFTA COURT

Action brought on 18 September 2003 by Transportbedriftenes Landsforening and Nor-Way Bussekspress AS against the EFTA Surveillance Authority — Case E-3/03

(2003/C 294/07)

An action against the EFTA Surveillance Authority was brought before the EFTA Court on 18 September 2003 by Transportbedriftenes Landsforening and Nor-Way Bussekspress AS, represented by Advokat Jan Magne Langseth and Advokat fullmektig Gro Bergeius Andersen, Advokatfirmaet Schjødt, Dronning Mauds gt. 11, N-0201 Oslo, Norway.

The applicant claims that the Court should:

1. annul the EFTA Surveillance Authority's decision dated 16 July 2003 in Case 140/03/COL; and
2. order the EFTA Surveillance Authority to pay the Applicants' costs.

The Applicants plead that the EFTA Surveillance Authority's decision in Case 140/03/COL is characterised by inadequate statement of reasons, errors in assessment of fact, manifest errors of assessment and errors in applying the concept of State aid under the EEA Agreement, including, *inter alia*:

- failure to follow the consultation procedure of Article 2 of Protocol 3 to the Surveillance and Court Agreement,
 - application of Article 5(1) of Directive 92/82/EEC, which is not part of the EEA Agreement,
 - erroneously applying Article 61(1) EEA, and having determined that the Norwegian concession system for scheduled services amounts to State aid, applying Council Regulation 1191/69 as amended by Council Regulation 1893/91, and
 - failure to address Article 59 EEA.
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