

COURT PROCEEDINGS

EUROPEAN ECONOMIC AREA

EFTA COURT

JUDGMENT OF THE COURT

of 29 October 2008

in Case E-2/08

EFTA Surveillance Authority v Iceland

(Failure by a Contracting Party to fulfil its obligations — Directive 2004/26/EC relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery)

(2009/C 99/07)

In Case E-2/08, EFTA Surveillance Authority v Iceland — APPLICATION for a declaration that, by failing to adopt, or to notify the EFTA Surveillance Authority of, the measures necessary to implement the Act referred to at point 1a of Chapter XXIV of Annex II to the EEA Agreement, i.e. Directive 2004/26/EC of the European Parliament and of the Council of 21 April 2004 amending Directive 97/68/EC, as adapted to the EEA Agreement by Protocol 1 thereto, within the time limit prescribed, the Republic of Iceland has failed to fulfil its obligations under Article 3 of that Act and Article 7 of the EEA Agreement, the Court, composed of: Carl Baudenbacher, President, Henrik Bull, Judge-Rapporteur, and Thorgeir Örlygsson, Judge, gave judgment on 29 October 2008, the operative part of which is as follows:

1. Declares that, by failing to adopt, within the time limit prescribed, the measures necessary to implement the Act referred to at point 1a of Chapter XXIV of Annex II to the EEA Agreement, i.e. Directive 2004/26/EC of the European Parliament and of the Council of 21 April 2004 amending Directive 97/68/EC on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery, as adapted to the EEA Agreement by Protocol 1 thereto, the Republic of Iceland has failed to fulfil its obligations under Article 3 of that Act and under Article 7 of the EEA Agreement.
2. Orders the Republic of Iceland to bear the costs of the proceedings.
