



C/2024/3639

6.6.2024

Action brought on 25 April 2024 by the EFTA Surveillance Authority against Iceland

(Case E-10/24)

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An action against Iceland was brought before the EFTA Court on 25 April 2024 by the EFTA Surveillance Authority, represented by Hildur Hjörvar, Sigrún Ingibjörg Gísladóttir and Melpo-Menie Joséphidès, acting as Agents of the EFTA Surveillance Authority, Avenue de Arts 19H, 1000 Brussels, Belgium.

The EFTA Surveillance Authority requests the EFTA Court to:

1. Declare that Iceland has failed to fulfil its obligations under Article 7 of the EEA Agreement by failing to make the Act referred to at point 14i of Annex IX to the EEA Agreement (Commission Delegated Regulation (EU) 2021/923 of 25 March 2021 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards setting out the criteria to define managerial responsibility, control functions, material business units and a significant impact on a material business unit's risk profile, and setting out criteria for identifying staff members or categories of staff whose professional activities have an impact on the institution's risk profile that is comparably as material as that of staff members or categories of staff referred to in Article 92(3) of that Directive), as adapted by Protocol 1 to the EEA Agreement, part of its internal legal order, and
2. Order Iceland to bear the costs of these proceedings.

Legal and factual background and pleas in law adduced in support:

- By this application, the EFTA Surveillance Authority ('ESA') seeks a declaration from the Court that Iceland has failed to adopt the measures necessary to make the Act referred to at point 14i of Annex IX to the EEA Agreement, as adapted by Protocol 1 to that Agreement, part of its internal legal order, as required by Article 7 EEA.
- In a reply dated 10 August 2023 to ESA's letter of formal notice of 21 July 2023, Iceland stated that it had not yet taken the necessary measures to implement the Act.
- ESA delivered its reasoned opinion on 24 January 2024, maintaining its position that the Act had not been made part of the Icelandic internal legal order.
- When the deadline for Iceland to comply with the reasoned opinion expired on 24 March 2024, Iceland had neither informed ESA of any measures it had adopted to make the Act part of its internal legal order, nor was ESA in possession of any other information which indicated that the Act had been made part of Iceland's internal legal order.
- ESA notes that, at the point of lodging the present application, Iceland had neither made the Act part of its internal legal order, nor had it informed ESA of having done so.