

EFTA COURT

Action brought on 29 August 2011 by The Kingdom of Norway against the EFTA Surveillance Authority (Case E-11/11)

An action against the EFTA Surveillance Authority was brought before the EFTA Court on 29 August 2011 by The Kingdom of Norway, represented by Ketil Bøe Moen, advocate, Office of the Attorney General, and Beate Gabrielsen, adviser, Department of Legal Affairs, Ministry of Foreign Affairs, acting as Agents for the Kingdom of Norway.

The Applicant requests the EFTA Court to:

- 1. Annul the EFTA Surveillance Authority's Decision No 205/11/COL of 29 June 2011; and**
- 2. Order the EFTA Surveillance Authority to pay the costs of the proceedings.**

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

- The EFTA Surveillance Authority's Decision No 205/11/COL of 29 June 2011 declared that the three measures provided for in the Supplementary Agreement, signed by Norwegian authorities and Hurtigruten in 2009, constituted state aid which is incompatible with the functioning of the EEA Agreement within the meaning of Article 61(1) EEA in so far as they constitute a form of over-compensation for public service.
- The Applicant seeks the annulment of the contested Decision.
- The Applicant claims, inter alia, that the EFTA Surveillance Authority:
 - has committed a manifest error in law and/or of assessment in finding that the measures in question constitute state aid within the meaning of Article 61(1) EEA;
 - has committed a manifest error in law and/or of assessment under Article 59(2) EEA;

- breached the principle of legal certainty when adopting the contested Decision, and
- has failed to provide an adequate statement of reasons under Article 16 SCA when adopting the contested Decision.