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Judgment in Case E-18/10 *EFTA Surveillance Authority v The Kingdom of Norway*

BY FAILING TO TAKE THE MEASURES NECESSARY TO COMPLY WITH A JUDGMENT OF THE COURT, NORWAY HAS FAILED TO FULFIL ITS OBLIGATIONS UNDER THE SURVEILLANCE AND COURT AGREEMENT.

In a judgment delivered today, the EFTA Court held that by failing to take the measures necessary to comply with the judgment of the Court in Case E-2/07 *EFTA Surveillance Authority v The Kingdom of Norway*, Norway has failed to fulfil its obligations under Article 33 of the Surveillance and Court Agreement (“SCA”).

In its judgment in Case E-2/07, the Court held that Norway had failed to fulfil its obligations under the EEA Agreement by maintaining in force certain provisions of the Norwegian Public Service Pension Act which constituted a violation of the principles of non-discrimination with regard to equal pay and the calculation of benefits.

According to Article 33 SCA, the EFTA States are required to take the measures necessary to comply with judgments of the EFTA Court. In its first case concerning the non-compliance of one of its judgments, the Court found that the interest in the immediate and uniform application of EEA law requires that the process of compliance with a judgment must be commenced immediately and must be completed as soon as possible. In this context, the Court stated that even though the SCA, contrary to EU law, does not provide for a system of penalty payment as regards the non-compliance of the EFTA States with judgments by the EFTA Court, this does not mean that the obligation on EFTA States to comply with the judgments of the EFTA Court is any less strict than the equivalent obligation on EU Member States to comply with the judgments of the Court of Justice of the European Union.

The Court recalled that the question of whether an EFTA State has failed to fulfil its obligations must be determined by reference to the situation in that State as it stood at the end of the period laid down in the reasoned opinion. It was undisputed that, at the time the period prescribed in the reasoned opinion expired, namely on 30 December 2009, i.e. more than two years after the Court had delivered its judgment in Case E-2/07, Norway had not fully adopted the measures necessary to comply with that judgment.

The full text of the judgment may be found on the Internet at: www.eftacourt.int.



This press release is not an official document. Please note that the Court may not comment on the case.