

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Héraðsdómur Reykjavíkur dated 16 December 2011 in the case of Vín Trío ehf. v the Icelandic State

(Case E-19/11)

A request has been made to the EFTA Court by a letter of 16 December 2011 from Héraðsdómur Reykjavíkur (Reykjavik District Court), which was received at the Court Registry on 26 December 2011, for an Advisory Opinion in the case of Vín Trío ehf. v the Icelandic State, on the following questions:

- 1) Does it contravene Article 11 or the first paragraph of Article 16 of the Agreement on the European Economic Area if a Contracting Party provides in legislation, or through administrative acts, that a body exercising a State monopoly on the retail of alcohol may refuse to accept for sale in its retail outlets alcoholic beverages containing stimulants such as caffeine?**
- 2) If the EFTA Court considers that an arrangement such as that described in the first question constitutes a quantitative restriction on imports, or a measure having equivalent effects, in the sense of Article 11 of the Agreement on the European Economic Area, then an answer is requested to the question of whether such an arrangement may nevertheless be regarded as justified with reference to Article 13 of the Agreement.**
- 3) If an arrangement such as that described in the first question is regarded as being in contravention of Article 11 or the first paragraph of Article 16 of the Agreement on the European Economic Area, then an answer is requested to the question of whether the EFTA Court considers (to the extent to which it assesses such questions), that the conditions, which the Plaintiff must fulfil in order to acquire a right to compensation from the EFTA State due to a violation of the Agreement, are met.**