

## EFTA COURT

### **Action brought on 14 May 2009 by Magasin- og Ukepresseforeningen against the EFTA Surveillance Authority**

**(Case E-6/09)**

An action against the EFTA Surveillance Authority was brought before the EFTA Court on 14 May 2009 by Magasin- og Ukepresseforeningen, represented by Jan Magne Juuhl-Langseth and Peter Dyrberg, Advokatfirmaet Schjødt, Dronning Mauds gt 11, Oslo, Norway.

The applicant claims that the Court should:

1. Declare that the EFTA Surveillance Authority has failed to act by not acting on the complaint lodged with the EFTA Surveillance Authority in August 2006 concerning State aid to newspapers; 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 applicant is the Norwegian Magazine Association.
- The applicant contends that the EFTA Surveillance Authority has failed to take a stand on the complaint within reasonable time, in violation of the duties incumbent upon it.
- Article 37 of the Surveillance and Court Agreement reads as follows:

"Should the EFTA Surveillance Authority, in infringement of this Agreement or the provisions of the EEA Agreement, fail to act, an EFTA State may bring an action before the EFTA Court to have the infringement established.

The action shall be admissible only if the EFTA Surveillance Authority has first been called upon to act. If, within two months of being so called upon, the EFTA Surveillance Authority has not defined its position, the action may be brought within a further period of two months.

Any natural or legal person may, under the conditions laid down in the preceding paragraphs, complain to the EFTA Court that the EFTA Surveillance Authority has failed to address to that person any decision".