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Judgment in Case E-6/09 *Magasin- og Ukepresseforeningen v the EFTA Surveillance Authority*).

THE EFTA COURT DISMISSES AN APPLICATION IN THE FIELD OF STATE AID.

In a judgment delivered today, the EFTA Court ruled on an application by the *Magasin- og Ukepresseforeningen*, an association of Norwegian magazine publishers, against the EFTA Surveillance Authority (ESA). The Applicant claimed that the Court should declare that ESA had failed to act by not properly pursuing a complaint that the Applicant had lodged in August 2006 concerning alleged State aid to newspapers. In its complaint to ESA, the Applicant claimed that the preferential VAT rates for newspapers in Norway constituted State aid.

The Court found that the Application was inadmissible as the Applicant did not have *locus standi* to bring the action, neither on procedural nor on substantive grounds. In this respect, the Court held that the Applicant could not challenge the steps taken by ESA under the procedure for review of existing aid on the particular ground that a ‘party concerned’ might challenge a decision not to raise objections under Article 4(3) of Part II of Protocol 3 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice (the “SCA”). This provision only applies to new aid. The Applicant also lacked *locus standi* on substantive grounds, as it had failed to demonstrate that the position on the market of at least some of its members was substantially affected by the aid granted.

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.