

EFTA COURT

Action brought on 17 November 2016 by the EFTA Surveillance Authority against Iceland.

(Case E-17/16)

An action against Iceland was brought before the EFTA Court on 17 November 2016 by the EFTA Surveillance Authority, represented by Carsten Zatschler and Marlene Lie Hakkebo, acting as Agents of the EFTA Surveillance Authority, 35 Rue Belliard, B-1040 Brussels.

The EFTA Surveillance Authority requests the EFTA Court to:

- 1. Declare that Iceland has failed to fulfil its obligations under the Act referred to at point 1c of Chapter XXIV of Annex II to the Agreement on the European Economic Area (*Directive 2009/127/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2006/42/EC with regard to machinery for pesticide application*) as adapted by way of Protocol 1 thereto and under Article 7 of the EEA Agreement, by failing to adopt the measures necessary to implement the Act within the time prescribed, or in any event by failing to inform the EFTA Surveillance Authority thereof.**
- 2. Order Iceland to bear the costs of these proceedings.**

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

- The application addresses Iceland's failure to comply, no later than 9 April 2016, with a reasoned opinion delivered by the EFTA Surveillance Authority on 9 February 2016 regarding that State's failure to implement into its national legal order *Directive 2009/127/EC of the European Parliament and of the Council of 21 October 2009 amending Directive 2006/42/EC with regard to machinery for pesticide application*, as referred to at point 1c of Chapter XXIV of Annex II to the Agreement on the European Economic Area, and as adapted to that Agreement by way of Protocol 1 thereto ("the Act").
- The EFTA Surveillance Authority submits that Iceland has failed to fulfil its obligations under the Act and under Article 7 of the EEA Agreement by failing to adopt the measures necessary to implement the Act within the time prescribed.