

Surveillance: How EEA law is enforced

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The European Economic Area in a nutshell

The European Economic Area (EEA) removes barriers to trade and red tape so individuals, consumers and businesses alike can make the most of the opportunities offered to them by having direct access to 31 countries and 500 million people.

The cornerstones of the European Internal Market are the four freedoms – free movement of persons, goods, services and capital.

■ 31^{*}
COUNTRIES

The EEA unites EFTA States Iceland, Liechtenstein and Norway with the 28 EU Member States in an Internal Market governed by the same basic rules.

■ 500
MILLION PEOPLE

The EEA Agreement adds the approximately 5.5 million people of Iceland, Liechtenstein and Norway to the EU market of some 500 million people.

■ 4
FREEDOMS



Persons



Capital

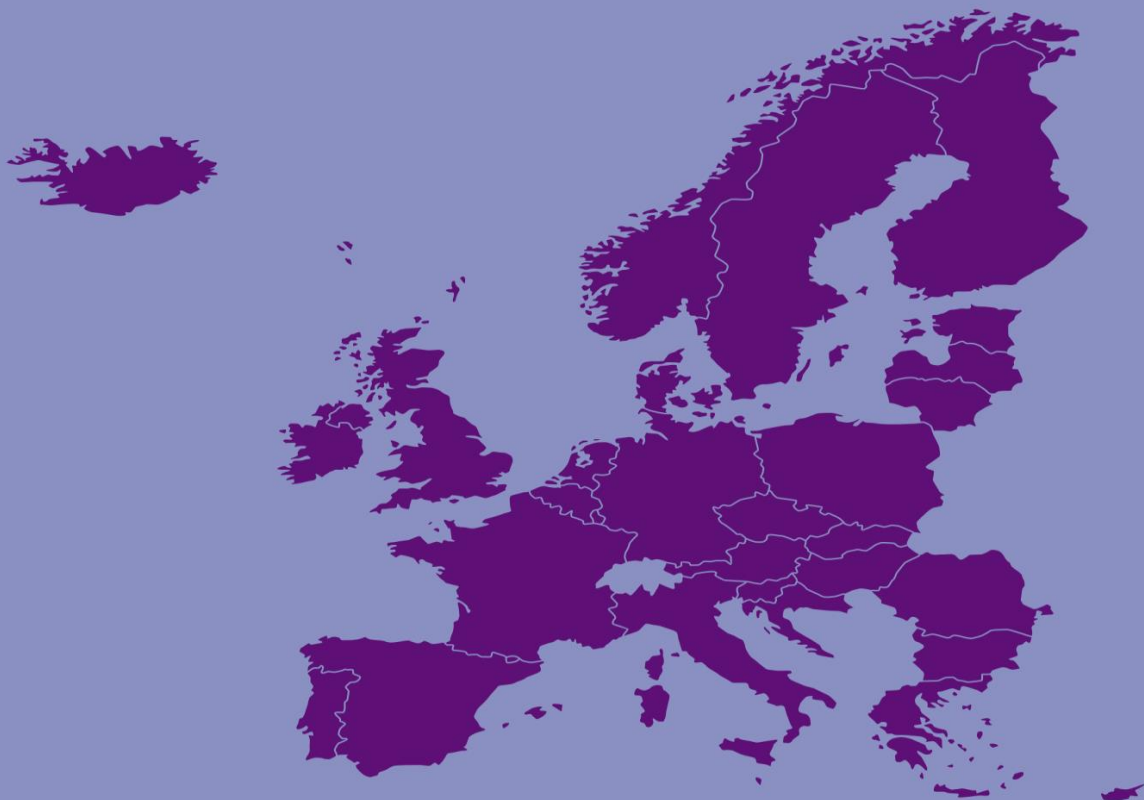


Goods



Services

* The UK is in the process of leaving the EU



ESA

EFTA
Surveillance
Authority



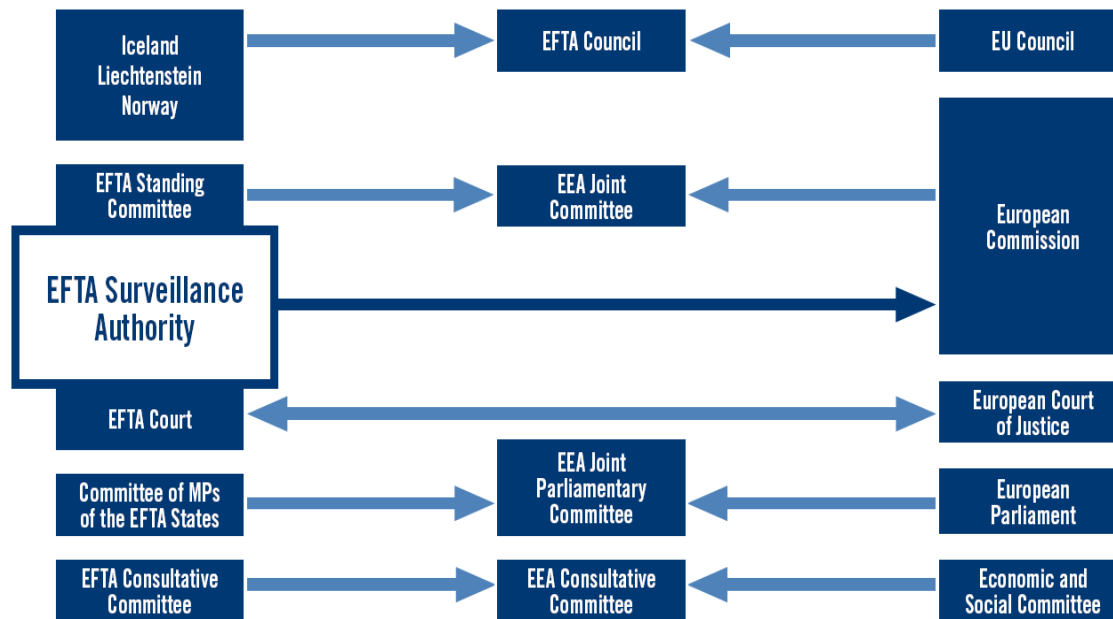
ESA's role

ESA monitors compliance with the EEA Agreement in Norway, Iceland and Liechtenstein.

- Article 108 EEA
- Surveillance and Court Agreement



THE TWO-PILLAR STRUCTURE UNDER THE EEA AGREEMENT



The ESA College

Bente Angell-Hansen

Frank Büchel

Högni S. Kristjansson





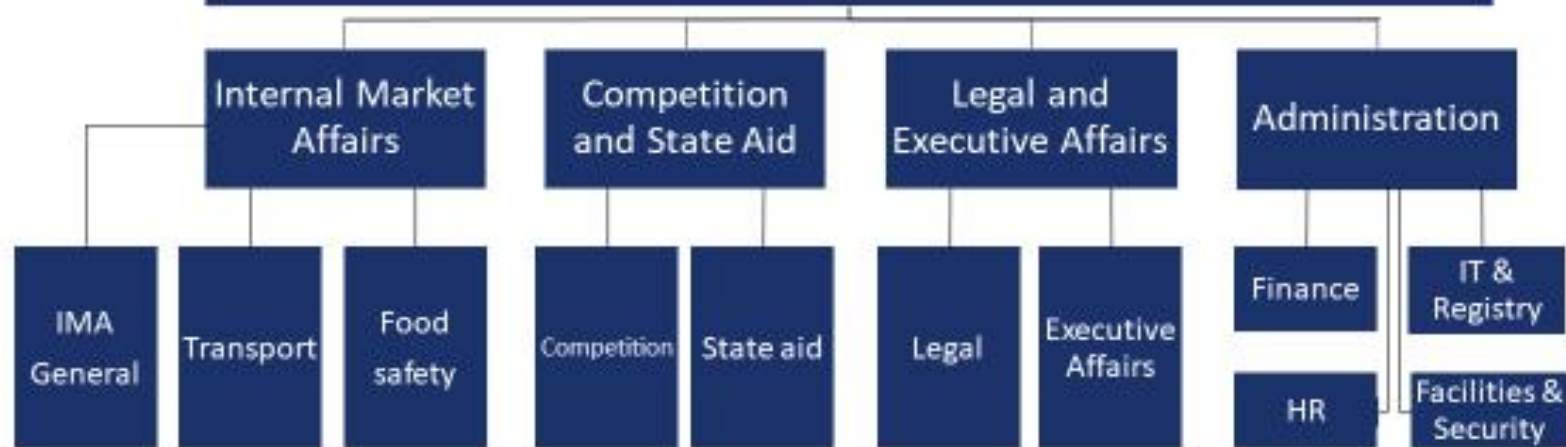
Högni Kristjánsson



Bente Angell-Hansen



Frank Büchel



ESA's field of work

- Compliance with the EEA Agreement
- Implementation of EEA rules and regulations
- Internal Market Affairs
- State aid
- Competition



Limits to ESA's jurisdiction: the scope of the EEA Agreement:

- Agriculture, fisheries and forestry
- Customs union and external trade
- Taxation and tax policy
- Judiciary (ie. Schengen)
- Defence and security



(...but the EEA Agreement may also affect those areas)

The internal market

- Monitor the implementation of new EEA legislation
- Investigate national legislation and practice
- Inspections
 - Food safety and animal welfare
 - Transport security



Monitoring implementation and incorporation

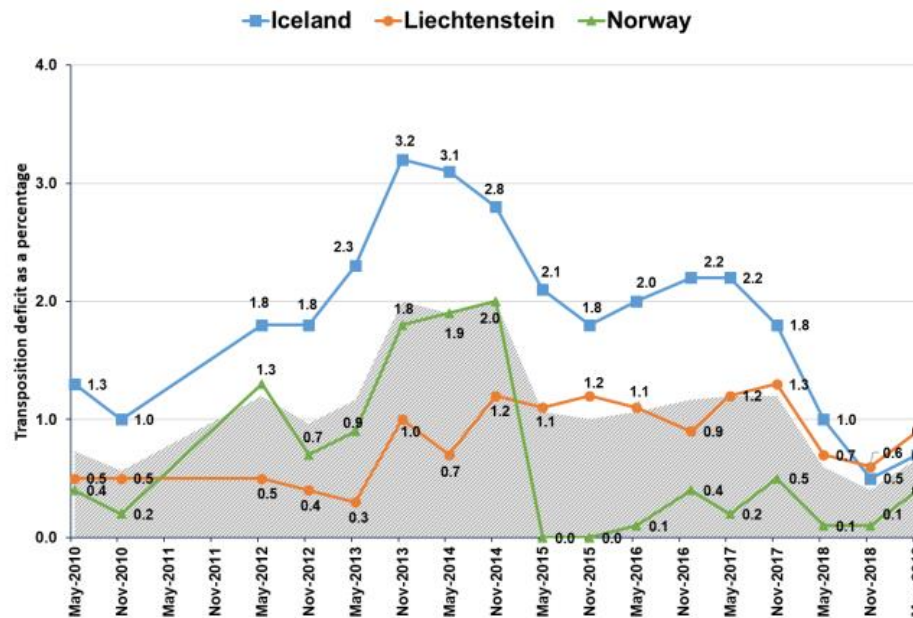


Figure 1: EFTA States' transposition deficit over the past 10 years

Transposition deficit for directives that should have been transposed on or before 31 May 2019

The internal market

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How ESA investigates

- Anyone can file a complaint if they believe their EEA rights have been infringed.
- ESA can also take action based on own initiative cases where it has spotted potential issues in the EFTA countries national legislation.
- In both cases, ESA will look into the matter
 - This may lead to a formal investigation

1

ESA sends out a letter of formal notice, setting out ESA's view, giving the State a chance to respond.

Letter of formal notice

2

Reasoned opinion

If the issue is not resolved, ESA may deliver a reasoned opinion requiring the State to comply with EEA rules.

3

ESA may ultimately bring the case to the EFTA Court, which will have the final say.

EFTA Court

The internal market

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Food safety



Transport



State aid

- ESA monitors state aid in the EEA
- Articles 61-64 of the EEA Agreement, Protocol 3 SCA
- In principle forbidden, with exceptions
- Notification and investigation procedures
- ESA's powers



Officers of the Competition and State Aid Directorate

Competition

- ESA enforces the EEA competition rules
- Articles 53-60 of the EEA Agreement, Protocol 4 SCA
 - Agreements between undertakings
 - Abuse of dominant market position
- ESA's process
- ESA's powers



Legal and Executive Affairs



- Legal review
- Executive support to the ESA College
 - External relations
 - Analysis
- Communications
- Court work



The EFTA Court

- Interpretation of EEA rules
- Direct actions
 - ESA v EEA EFTA States
 - Actions for annulment of ESA decisions
- Advisory opinions
- ESA's other court work
 - CJEU and GCEU
 - National courts



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 EFTA Surveillance Authority

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