

Brussels, 5 October 2011
Case No: 70518
Event No: 609203

EFTA SURVEILLANCE
AUTHORITY

Norwegian Mission to the EU
Rue Archimède 17
1000 Brussels

Dear Sir or Madam,

Subject: Letter of formal notice to Norway for failure to implement the Act referred to at point 13cae of Annex XX of the Agreement on the European Economic Area

The obligation on the EFTA States to take the measures necessary to implement the following Act referred to at point 13cae of Annex XX to the Agreement on the European Economic Area ("the EEA Agreement"),

Commission Directive 2009/90/EC of 31 July 2009 laying down, pursuant to Directive 2000/60/EC of the European Parliament and of the Council, technical specifications for chemical analysis and monitoring of water status, ("the Act")

and to notify the EFTA Surveillance Authority ("the Authority") forthwith thereof, follows from Article 7(1) of that Act, as adapted to the Agreement by Protocol 1 thereto, and from Article 7 of the EEA Agreement.

The Act was incorporated in the EEA Agreement by Joint Committee Decision 57/2011 of 20 May 2011, which entered into force on 21 May 2011. The time limit for EFTA States to adopt the measures necessary to implement the Act expired on the same date.

In a letter dated 16 June 2011 (Event No 599330), the Authority reminded the Norwegian Government of its obligation to take the national measures necessary to implement the Act into the Norwegian legal order.

In a letter dated 21 July 2011, the Norwegian Government informed the Authority that the Act had not been implemented into the Norwegian legal order. Furthermore, the Norwegian Government stated that it would provide the Authority with further information concerning the status of the implementation of the Act on 1 September 2011.

On 19 September 2011, the Norwegian Government informed the Authority that the national regulatory framework implementing Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for the Community action in the field of water policy was in the process of being revised. The implementation of the Act is part of this process. Due to the fact that this revision is an elaborate task and that the current Norwegian regulatory framework is substantially different from the rules foreseen by the Act, the Norwegian Government expects that the implementation process will be completed only in early 2012.

Accordingly, as its information presently stands, the Authority must conclude that by failing to take, or to notify the Authority of, the measures necessary to ensure implementation of the Act, Norway has failed to fulfil its obligations under that Act and under Article 7 of the EEA Agreement.

In these circumstances, and acting under Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice, the Authority invites the Norwegian Government to submit its observations on the content of this letter *within two months* following receipt thereof.

After the time limit has expired, the Authority will consider, in the light of any observations received from the Norwegian Government, whether to deliver a reasoned opinion in accordance with Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice.

For the EFTA Surveillance Authority



Sverrir Haukur Gunnlaugsson
College Member