

Case handler: Gaukur Jorundsson
Tel: +32 2 286 1848
e-mail: gjor@eftasurv.int

Brussels, 21 January 2026
Case No: 95305
Document No: 1584576

Steinar Vigdel Kolnes
Sør Kolnesvegen 78,
4055 Sola,
Norway

steinar@kolnes.com

Subject: Letter of acknowledgement

Dear Sir,

Please find attached a letter of acknowledgement.

Yours sincerely,

Maria Moustakali
Deputy Director
Internal Market Affairs Directorate

This document has been electronically authenticated by Maria Moustakali.

Case handler: Gaukur Jorundsson
Tel: +32 2 286 1848
e-mail: gjor@eftasurv.int

Brussels, 21 January 2026
Case No: 95305
Document No: 1584578

Dear Sir,

Subject: Letter of acknowledgement

On 5 January 2025, you submitted a complaint to the EFTA Surveillance Authority (“the Authority”) against Norway. In the complaint you allege that systemic deficiency in the Norwegian judicial framework prevent effective judicial protection, in breach of the EEA Agreement and the general principles of EEA law. The complaint maintains that situations can exist whereby serious judicial misconduct may be acknowledged, yet no effective mechanism exists to establish liability or provide reparation in Norway. In this context, the complaint refers to the EFTA Court’s judgement in Case E-25/24 Dartride AS that EEA States may incur liability for judicial errors where other effective remedies are unavailable.

Your complaint has been registered by the Authority under the case number indicated above. This case number should be quoted in all future correspondence with the Authority. The Authority will consider your complaint in light of the applicable EEA law. You will be informed of the formal steps taken and the result of this examination. The Authority's Internal Market Affairs Directorate (“the Directorate”), which will be handling the complaint, may contact you for further information. The name and contact details of the responsible case handler appear at the top of this letter. You will not be requested to contribute to the procedural costs of any investigation. Please inform the Authority of any change of contact details, as well as any event likely to have an effect on the handling of your complaint.

Please note that the Authority’s mandate is, in short, to monitor the EEA EFTA States’ compliance with EEA law. The Authority is not responsible for resolving individual cases, but has the role of ensuring that the EEA EFTA States comply with their obligations under EEA law. The Authority will therefore not examine your situation specifically, but whether there is an underlying issue with respect to EEA law and within the Authority’s mandate. The Authority would generally only look into a State’s administrative practice contravening EEA law if that administrative practice is of a consistent and general nature.

Please note that immediate and individual problems can often better be dealt with in the informal framework of the SOLVIT network. SOLVIT is an online problem-solving network in which all EEA States work together to solve problems caused by the misapplication of Internal Market law by public authorities without legal proceedings. There is a SOLVIT centre in every EEA State. The SOLVIT-centre will try to find a real solution within ten weeks. The use of SOLVIT is free. You can find all relevant information here: https://ec.europa.eu/solvit/index_en.htm.

Please be aware that when a complaint is received, the Authority is not obliged to open a formal infringement procedure – even if it considers that a breach has occurred. If the Authority does follow up on a complaint, its aim in doing so is not to resolve the individual problem as such but rather to ensure that the laws of the EEA EFTA State in question are brought fully into line with EEA law and are correctly applied.

Therefore, in parallel to the complaint you have lodged with the Authority, it may be in your interest to consider making use of national procedures which may give rise to a remedy. Relevant national provisions may enable you to assert your rights in a more direct manner. For example, if you have suffered damage, only the national courts can award

compensation against Norway. Furthermore, since there *might* be a time limit for challenging national measures, there is a risk that you could lose your right to a remedy at national level if these rights are not exercised promptly. Please keep the Authority informed of any developments concerning your complaint at the national level.

For your information, we have enclosed a note explaining the proceedings which may be taken against an EEA EFTA State for non-compliance with EEA law. We have also enclosed the Authority's privacy statement concerning handling of personal data in the processing of complaints.

The Authority notes that you have chosen to have your complaint treated as confidential. The Authority will not disclose your identity to Norway or to any third party. However, by way of exception to this rule, where disclosure of your identity to Norway is indispensable to the handling of your complaint, you will be informed of this in advance.

Yours faithfully,

Maria Moustakali
Deputy Director
Internal Market Affairs Directorate

This document has been electronically authenticated by Maria Moustakali.

Enclosures: Explanation of proceedings initiated against EEA EFTA States due to non-compliance with EEA law
Privacy statement concerning the handling of personal data in the processing of complaints

Explanation of proceedings which may be taken against EEA EFTA States for non-compliance with EEA law

1 Principles

Each Contracting Party to the EEA Agreement is responsible for the implementation of EEA law within its own legal system. This includes the adoption of implementing measures before a specified deadline, the fulfilment of obligations arising from the Agreement and the correct application of the Agreement's provisions. The EEA Agreement provides that the EFTA Surveillance Authority is responsible for ensuring that EEA law is correctly applied by the EEA EFTA States.¹

When an EEA EFTA State fails to comply with EEA law, the Authority will normally first seek to resolve the issue through direct contact with the EEA EFTA State in question. However, if the State persists in its failure to comply with EEA law, the Authority may refer the case to the EFTA Court.² The Authority takes whatever action it deems appropriate in response to a possible infringement of EEA law, whether notified as a complaint or detected by the Authority itself.

Non-compliance means failure by an EEA EFTA State to fulfil its obligations under EEA law. This may be in the form of either an action or omission. The term "State" is taken to mean the EFTA State which infringes EEA law, and covers all levels of government or administration, irrespective of the authority - central, regional or local - to which the breach is attributable.

2 Admissibility of complaints

Anyone may lodge a complaint with the Authority against an EEA EFTA State arising from any measure (law, regulation or administrative action) or practice attributable to that State which they consider to be incompatible with a provision or a principle of EEA law. The complainant does not have to demonstrate that they are principally and directly concerned by the infringement. To be admissible, however, a complaint must relate to an infringement of EEA law by an EEA EFTA State.³ It cannot concern a dispute between private parties.⁴

It is very important that a complaint lodged with the Authority is complete and accurate. This is particularly important as regards the facts referred to in the complaint concerning the EEA EFTA State in question, any steps that the complainant has already taken, at any level, and, as far as possible, the provisions of EEA law that the complainant considers have been infringed.

3 Stages of infringement proceedings in response to a complaint

The stages described here may be followed by the Authority when investigating a possible infringement of EEA law which has been notified to the Authority by a complainant.

¹ Articles 108 and 109 of the EEA Agreement.

² See Article 31 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice.

³ It should be noted that, if the Authority receives a complaint against an EU State, it will pass the complaint to the European Commission, which is responsible for ensuring that EEA law is correctly applied by the EU Member States. The Authority will inform the complainant of the transfer of the complaint to the European Commission.

⁴ The procedural rules are different for complaints concerning a breach of the EEA Agreement's provisions on Competition (Articles 53 – 60), please consult our web page for further information: <http://www.eftasurv.int/competition/complaints/>

3.1 Information gathering

In response to a complaint, it may be necessary to gather further information to determine the facts and the legal issues arising in the case. If necessary, the complainant will be asked to supply further information.

The Authority will not disclose the complainant's identity to the authorities of the EEA EFTA State against which a complaint has been made if the complainant has requested confidential treatment.

After examining the facts and related legal provisions, and in the light of the rules and priorities established by the Authority for opening and pursuing infringement proceedings, the Authority will decide whether further action should be taken in relation to a complaint.

3.2 Opening of infringement proceedings: formal contacts between the Authority and the EEA EFTA State concerned

If the Authority considers that an infringement of EEA law warranting the opening of infringement proceedings may have occurred, it sends a "letter of formal notice" to the EEA EFTA State concerned. This letter will identify those provisions of EEA law that appear, on the basis of available information, to have been breached. The EEA EFTA State must adopt a position on the facts and points of law on which the Authority bases its decision to open the infringement procedure. The EEA EFTA State is required to submit its observations on the letter of formal notice by a specified date (normally two months).

In light of the reply to the letter of formal notice, or in the absence of a reply from the EEA EFTA State concerned, the Authority may decide to send a "reasoned opinion" to that State. The reasoned opinion sets out, clearly and definitively, the reasons why the Authority considers that an infringement of EEA law has occurred and calls on the State to comply with EEA law within a specified time period (normally two months).

The purpose of this formal correspondence is to determine whether an infringement of EEA law has, indeed, occurred and if so, to try to resolve the case.

In light of the reply to the reasoned opinion, the Authority may decide not to refer the matter to the EFTA Court, for example, where the EEA EFTA State provides credible assurances as to its intention to amend its legislation or administrative practice. Most cases can be resolved in this way. However, if the Authority, is of the view that the infringement of EEA law continues after the expiry of the time period specified in the reasoned opinion, it may choose to bring the case before the EFTA Court.

3.3 Referral to the EFTA Court

Where the Authority brings a case before the EFTA Court, the Court will generally rule on the case within a year.

Judgments of the EFTA Court differ from those of national courts. At the close of the proceedings, the Court delivers a judgment stating whether or not there has been an infringement of EEA law. The Court cannot annul a national provision that is incompatible with EEA law, neither can it force a national administration to respond to the request of an individual, nor can it order the State to pay damages to an individual who has been adversely affected by an infringement of EEA law.

It is the duty of an EEA EFTA State against which the EFTA Court has given judgment to take whatever measures are necessary to comply with the judgment, and, in particular, to resolve the dispute which gave rise to the proceedings. If the State does not comply with

the Court's judgment, the Authority may again bring the matter before the EFTA Court as the State will then have failed to fulfil its obligations under the EEA Agreement.

4 National remedies

National courts and administrative bodies have the primary responsibility of ensuring that the authorities of the EEA EFTA States comply with EEA law.⁵ If, therefore, a complainant considers a particular measure (law, regulation or administrative practice) to be incompatible with EEA law, the complainant should consider the remedies available before the national administrative or judicial authorities (including national or regional ombudsmen) and/or through any arbitration and conciliation procedures available. There is a risk that complainants may lose their rights to a remedy at national level if these rights are not exercised promptly as there *might* be a time limit for seeking such redress at national level. Where questions on the interpretation of the EEA Agreement are raised before any court or tribunal in an EEA EFTA State, that court or tribunal may request the EFTA Court to give an advisory opinion on the questions.⁶

By using the means of redress available at the national level a complainant should, as a rule, be able to assert their rights more directly and more personally than is possible in infringement proceedings successfully brought by the Authority. Proceedings by the Authority can also take some time. Only national courts can issue orders to administrative bodies and annul a national decision. Moreover, only national courts have the power, where appropriate, to order a State to make good the loss sustained by individuals as a result of the infringement of EEA law attributable to it.

5 Administrative guarantees

The following administrative guarantees exist for the benefit of a complainant:

- a) Following registration by the Authority, a complaint will be assigned a case number (as set out in a letter of acknowledgement to the complainant). This case number should be quoted in any subsequent correspondence with the Authority. Assignment of a case number to a complaint does not necessarily mean that infringement proceedings will be opened against the EEA EFTA State in question.
- b) When the Authority contacts the EEA EFTA State against which the complaint has been made, it will abide by the choice made by the complainant regarding confidentiality, including disclosure of the complainant's identity. However, it should be borne in mind that the disclosure of the complainant's identity by the Authority may in some cases be indispensable to the handling of the complaint or may be unavoidable due to the factual circumstances of the complaint. Should the Authority decide it is necessary to disclose the complainant's identity, the Authority will contact the complainant in advance.
- c) The Authority will endeavour to take a decision on the substance of a complaint (either to open infringement proceedings or to close the case) within one year of registration of the complaint.

⁵ It should be noted that the EEA Agreement is part of the EEA EFTA States' internal legal order. It was made part of Iceland's national legislation by Law No. 2 of 13 January 1993 and of the Norwegian national legislation by Law No. 10 of 27 November 1992. As Liechtenstein follows a monist tradition the Agreement became part of its national legal order upon entry into force. It was published in the Law Gazette LGBl. 1995 No. 68.

⁶ Article 34 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice.

- d) Where the Authority plans to close a case with the finding that there is no infringement, the complainant will be informed in advance by the relevant Directorate of the Authority. The complainant will be given the opportunity to comment on the intention to close the case. The Authority will keep the complainant informed of the course of any infringement procedure.
- e) Upon closure of a complaint case, the Authority normally deletes all personal data processed in the context of the case. Should there be a need to process personal data after the complaint case has been closed, mainly due to another linked case the Authority is pursuing on the same subject, the Authority will inform complainants of this so that they are in a position to exercise their rights regarding the further processing of their personal data.

Privacy statement – handling of complaints

1. The GoPro database

Your complaint is saved and processed in the GoPro database, which the Authority uses as an archive for complaints about infringements of EEA law by the EEA EFTA States.

2. Controller

The controller of the processing is the Internal Market Affairs Directorate.

3. Purpose

The purpose of saving/collecting the information contained in your complaint in the GoPro database is to enable the Authority to examine and archive allegations concerning infringements of EEA law and thus carry out its task under Article 109 EEA to monitor that the EEA EFTA States fulfil their obligations under the EEA Agreement. Furthermore, the EFTA Surveillance Authority will keep you informed of the case handling progress in relation to your complaint, using the contact information provided by you.

4. Information collected

The information collected includes the name and address of the person or a legal entity, their nationality, their telephone numbers and email address, and (if applicable) the name of their representative (part 1/2 (questions 1 – 6) of the complaint form). The full text of the complaint, outlining the problems faced by the complainant, may, however, contain other data of a very diverse nature (part 2/2 (questions 7 – 13) of the complaint form).

5. Compulsory information

Certain information must be supplied in order to allow the Authority to examine complaint (your name and address, subject of correspondence, EEA EFTA State concerned, facts showing how the EEA State is in breach of EEA law). Failure to supply such information, and to supply the two parts of the complaint form (1/2 and 2/2) has the consequence that the Authority will file the submission as an enquiry, and the content will only be kept for as long as necessary to deal with any question/enquiry.

6. Protection and safeguard

The collected personal information and all information related to the above-mentioned activities are stored on the GoPro servers, the operations of which are covered by the Authority's Data Protection Rules.

7. Who has access to your complaint

The information saved in the GoPro database is only accessible to the Authority's case handlers and IT support from GoPro. Within the Authority, the access to the personal information in part 1/2 of the complaint form is only granted to the case handler(s) in the Internal Market Affairs Directorate, Internal Market Affairs Directorate management and IT support. Where necessary, data pertaining to your complaint will be transferred to the EEA EFTA States, the EFTA Court and/or EU institutions, pursuant to Articles 7-8 of Decision 235/16/COL.

8. How long is the information kept

Personal data contained in a complaint received by the EFTA Surveillance Authority is kept for the purposes of informing you of the progress of the case until the closure of the complaint case. After the closure of the complaint case, the deletion of the information enabling the person to be identified, kept in part 1/2 of the complaint form or similar, will be initiated – this also encompasses any other correspondence informing the complainant of developments in the complaint case. Information given by a legal entity complaining to the Authority is not deleted.

9. Procedure to grant rights

Data subjects have the right of access to personal data being processed by the EFTA Surveillance Authority, and the rights set out under Section 2 of the Rules adopted by College Decision No 100/19/COL (including the rectification, blocking or erasure of those data, as well as the right of notification and the right to object).⁷ A data subject request form can be found at <https://www.eftasurv.int/esa-at-a-glance/data-protection>.

10. Remedies

Complaints about the processing of complaint information can be addressed to the:

Data Protection Officer of the EFTA Surveillance Authority:

data-protection-officer@eftasurv.int

c/o EFTA Surveillance Authority, Avenue des Arts 19H, 1000 Brussels

or to:

the European Data Protection Supervisor:

edps@edps.europa.eu,

Rue Montoyer 30, 1000 Brussels, Belgium

⁷ The Authority's data protection rules are accessible under the following hyperlink: <https://www.eftasurv.int/cms/sites/default/files/documents/Rules-on-Data-Protection---EFTA-Surveillance-Authority.pdf>