

Administration and Activities of the Court

The Court took up its functions on 4 January 1994 in Geneva with five Judges nominated by Austria, Finland, Iceland, Norway, and Sweden. Due to the accession of Austria, Finland and Sweden to the European Union and the ratification of the EEA Agreement by Liechtenstein, the Court has, since mid-1995, consisted of three regular Judges and six ad hoc Judges. The Governments of the EEA/EFTA States decided on 14 December 1994 to move the seat of the Court to Luxembourg. Since 1 September 1996, the Court has had its premises at 1, Rue du Fort Thuengen, Kirchberg, Luxembourg.

As provided for in Article 14 of Protocol 5 to the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice (ESA/Court Agreement), the Court remains permanently in session. It is open from Monday to Friday each week, except for official holidays

Provisions regarding the legal status of the Court are found in Protocol 7 to the ESA/Court Agreement, which bears the title: “Legal Capacity, Privileges and Immunities of the EFTA Court”. The Court has concluded a Headquarters Agreement with the Grand Duchy of Luxembourg, which was signed on 17 April 1996 and approved by the Luxembourg Parliament on 11 July 1996. This Agreement contains detailed provisions on the rights and obligations of the Court, its judges and staff, as well as privileges and immunities of persons appearing before the Court. Provisions for the internal administration of the Court are laid down in the Staff Regulations and Rules and in the Financial Regulations and Rules, as adopted on 4 January 1994, with later amendments.

The ESA/Court Agreement also contains provisions on the role of the Governments of the EEA/EFTA States in the administration of the Court. Article 43 of the Agreement stipulates that the Rules of Procedure shall be approved by the Governments. Article 48 of the Agreement states that

the Governments shall establish the annual budget of the Court, based on a proposal from the Court. A committee of representatives of the participating States was established and is charged with the task of determining the annual budget. This body, the ESA/Court Committee, is composed of the heads of the Icelandic, Liechtenstein and Norwegian Missions to the European Union in Brussels.

In 2016, the Court held regular meetings with the Court of Justice of the European Union and attended that Court's official functions. It also participated in the official functions of the Grand Duchy of Luxembourg. Representatives of EFTA and its Member States, of the EU judiciary and of other EU institutions, of the Luxembourg judiciary, the diplomatic corps and the Luxembourg civil society took part in the official functions of the Court. Ambassadors from the EFTA States, EU Member States and other countries have visited the Court. Law professors, assistants, researchers and students from several European universities, as well as trainees from the EFTA institutions in Brussels, Luxembourg, and Geneva, attended oral hearings and seminars on the Court's jurisdiction and case law.

The Judges, the Registrar and legal secretaries have given speeches on the EEA and the Court and on European integration in general in all the EFTA States, as well as in a number of other countries. The President and the Judges of the Court paid visits to the governments and the courts of the EEA/EFTA States. In March, the President was received by the 5th President of Iceland, Ólafur Ragnar Grímsson. In June, he paid a courtesy visit to the new Chief Justice of Norway Toril Marie Øie.

In June 2016, the Court held its annual Spring Conference on the subject "The EFTA Court as a European Single Market Court". Some 140 participants, amongst them members of the Court of Justice of the European Union, the European Court of Human Rights, the EFTA States' supreme courts, government representatives, practitioners and academics, gathered to discuss topics which President Baudenbacher referred to in his opening speech as the "beef" of EEA law. In the

morning session, Judge Páll Hreinsson elaborated on “The Key Differences with regard to the Scope of the Fundamental Freedoms in the EU and the EEA”. Dr. Romina Polley, partner at the law firm Clearly Gottlieb, shared her insights by elucidating the role of the EFTA Court as a European single market court in the field of competition law. The afternoon session was commenced by Carsten Zatschler, Director of ESA’s Directorate of Legal and Executive Affairs, who gave a vivid talk on State aid law. Prof. Jeffrey Golden, Chairman of P.R.I.M.E. Finance Foundation, assessed “The Role of Courts in a Systemic Crisis”, and Prof. Catherine Barnard concluded the day’s proceedings by providing the audience with her insightful views on “Social Policy and the EU referendum in the UK”.

In October, President Baudenbacher attended the 20th Anniversary Symposium of the International Tribunal for the Law of the Sea (ITLOS). He spoke on a panel, chaired by the Vice-President of ITLOS, Boualem Bouguetaia, on improving working methods in international adjudication. The other panel speakers were Judge Ronny Abraham, President of the International Court of Justice and Judge Joseph Akl of ITLOS. The President also attended the solemn ceremony to mark the 20th Anniversary of ITLOS on 7 October 2016 in the City Hall of Hamburg. The ceremony was attended by more than 500 guests and included speeches given by Mr Joachim Gauck, President of the Federal Republic of Germany, Mr Ban Ki-moon, Secretary-General of the United Nations, Mr Olaf Scholz, First Mayor and President of the Senate of the Free and Hanseatic City of Hamburg, and Mr Vladimir Vladimirovich Golitsyn, President of ITLOS. Also in October, President Baudenbacher gave a lecture on Brexit and the EEA at King’s College London.

Under the auspices of the EFTA Court Lunchtime Talks, President Vladimir Golitsyn from the International Tribunal for the Law of the Sea gave insights into the role of his court in strengthening the rule of law in international relations; Mr. Ralf Jansen, General Counsel and Member of the Management Board of the European Stability Mechanism (ESM), gave an introduction to the ESM and its work; EFTA Surveillance Authority

President Sven Erik Svedman gave a talk on ESA and the issues currently before it; Dr. Erhard Busek, former Vice-Chancellor of Austria, gave a talk on the Balkans and its importance for the security of Europe; and Judge Robert Spanó of the European Court of Human Rights in Strasbourg gave a lunchtime talk entitled “The EFTA Court and Human Rights – More Strasbourg friendly than the CJEU?”.

The website of the Court is: www.eftacourt.int. It contains general information on the Court, its case law, reports for the hearing and press releases, publications, news, and the main legal texts governing the activities of the Court.

The Court’s e-mail address is: eftacourt@eftacourt.int