

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 (SCA), 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 subsequent amendments.

The SCA 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 2018, 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 the EFTA States and their institutions, 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 the Judges of the Court have paid visits to the governments and the courts of the EEA/EFTA States. In October, the Judges paid a visit to the Principality of Liechtenstein. During the visit, the Judges met with Prime Minister Adrian Hasler as well the Minister for Foreign Affairs, Justice and Culture Aurelia Frick. In addition, there was an exchange of views with the Presidents of the Liechtenstein national courts.

In November 2017, the Judges of the EFTA Court elected Páll Hreinsson as President of the EFTA Court for a term commencing on 1 January 2018 and ending on 31 December 2020. The President directs the judicial business and the administration of the Court, and presides at hearings and deliberations.

At a public sitting of the Court held in April 2018, Dr Bernd Hammermann, nominated by the Principality of Liechtenstein and appointed by common accord of the EFTA States, took the oath and entered into office as Judge of the EFTA Court. He replaced former President, Carl Baudenbacher on the EFTA Court bench. Judge Baudenbacher was the Court's President from 2003 to 2017, and was the longest serving member of the EFTA Court bench having served for more than 22 ½ years.

In June, the EFTA Court held its annual Spring Conference on the topic "The EEA in Times of Change". The conference was attended by more than 150 participants, including members of EFTA States' supreme courts, the EFTA Surveillance Authority and of the EU institutions, representatives from governments, business associations and trades unions, practitioners and academics. Following President Hreinsson's introduction, the morning session focused on competition law. Professor Catherine Barnard discussed the important topic of regulatory competition, particularly in light of Brexit, with special regard to the Northern Ireland border. The recent case law of the Court on Articles 53 and 54 EEA was then addressed by Tormod Johansen and Ólafur Jóhannes Einarsson. The morning session was closed by Dr Gjermund Mathisen with an analysis of the role of "ESA as a competition authority" in view of recent developments. The afternoon session, with a focus on Brexit, was opened by Professor Christophe Hillion, who considered the implications of the British referendum on the UK's EEA membership. This was followed by a panel, composed of representatives from the EEA/EFTA States, Helge Seland, Jóhanna Bryndís Bjarnadóttir and Dr Andrea Entner-Koch, where the consequences of Brexit for the EEA was debated. Finally, Professor Enchelmaier examined the issue of freedom of establishment for legal persons in the aftermath of the UK's departure from the EU.

In September, Mr Ólafur Jóhannes Einarsson took over as the Registrar of the Court from Mr Gunnar Selvik. The Registrar is, under the supervision of the President, responsible for the Court's procedures, as well as the general administration of the Court.

Under the auspices of the EFTA Court Lunchtime Talks, Dr Federico Fabbrini, Full Professor of European Law at the School of Law & Government of Dublin City University (DCU), where he is also the founding director of the DCU Brexit Institute, gave a talk entitled "Brexit, the Future of EU-UK Relations and the Future of Europe".

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