



Reykjavík, 13 August 2025

To the President and Members of the EFTA Court

Statement of Defence

submitted pursuant to Article 107 of the Rules of Procedure of the EFTA Court by

the Government of Iceland

represented by

Mr. Hendrik Daði Jónsson, Legal Adviser, Ministry for Foreign Affairs,
Mr. Einar Gunnar Thoroddsen, Head of Division, Ministry of Finance and Economic Affairs,
and Mr. Þorsteinn Júlíus Árnason, Legal Adviser, Ministry of Finance and Economic Affairs,
acting as Agents in

Case E-10/25

EFTA Surveillance Authority

v

Iceland

in which the EFTA Surveillance Authority seeks a declaration that Iceland has failed its obligations under the Act referred to at point 50c of Annex XI to the EEA Agreement, as adapted by Protocol 1 thereto, and under Article 7 of the EEA Agreement, by failing to adopt the measures necessary to implement the Act within the time prescribed, or in any event, by failing to inform the EFTA Surveillance Authority thereof.

The Government of Iceland has the honour of lodging the following Statement of Defence.



I. Introduction

1. By a letter dated 13 June 2025, the Registrar of the EFTA Court served the Government of Iceland with the Application of the EFTA Surveillance Authority (“the Authority”), dated 11 June 2025, which the Court had received electronically on that day.
2. The Authority seeks a declaration from the EFTA Court that Iceland has failed to fulfil its obligations under Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies¹, referred to in point 50c of Annex XI to the EEA Agreement (“the Agreement”), as adapted by Protocol 1 to the Agreement, (“the Act”), and under Article 7 of the Agreement, by failing to adopt the measures necessary to implement the Act within the time prescribed, or in any event, by failing to inform the Authority thereof.
3. In the Court’s letter of 13 June 2025, the Government of Iceland was invited, with reference to Article 107 of the Rules of Procedure of the EFTA Court, to lodge a defence within two months from the date of the notification, that is by Wednesday 13 August 2025.

II. Submissions

4. The Government of Iceland does not dispute the facts of the case, as presented in Section 2 of the Application. Namely, the Government acknowledges that the measures necessary to implement the Act had not been adopted by the deadline set out in the Authority’s Reasoned Opinion, that is by 13 January 2025, and the Authority had furthermore not been informed thereof, in accordance with Article 12(2) of the Act.
5. The Government of Iceland will therefore not contest the declaration sought by the Authority under Section 5 of the Application.
6. The Government of Iceland wishes to inform the Court, however, that a bill establishing a legal basis for the implementation of the Act into the Icelandic legal order as a national regulation was presented to the Althing in the spring session of

¹ OJ L 327, 2.12.2016, pp. 1.



its 154th legislative session, in its 155th legislative session and its 156th legislative session. As the bill has not been adopted, the implementation of the Act into the Icelandic legal order unfortunately remains pending.

7. The Government of Iceland intends to propose an independent implementation bill to the 157th legislative session of the Althing in 2025, with the intention of having it adopted as law before the end of the year.

III. Conclusion

8. The Government of Iceland does not contest the declaration sought by the Authority under Section 5 of the Application.

For the Government of Iceland,

Hendrik Daði Jónsson

Einar Gunnar Thoroddsen

Þorsteinn Júlíus Árnason

Agents