

# CHRONICLE ON INTERNATIONAL COURTS AND TRIBUNALS (JANUARY 2015 – JUNE 2015)

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Summary: I. INTERNATIONAL COURT OF JUSTICE (ICJ). II. INTERNATIONAL CRIMINAL COURT (ICC). III. MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS (MICT). IV. SPECIAL COURT FOR SIERRA LEONE (SCSL) – RESIDUAL SPECIAL COURT FOR SIERRA LEONE (RSCSL). V. EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC). VI. SPECIAL TRIBUNAL FOR THE LEBANON (STL). VII. EFTA COURT.

## ***INTERNATIONAL JUDICIAL TRIBUNALS***

### ***GENERAL JURISDICTION***

#### **I. INTERNATIONAL COURT OF JUSTICE (ICJ) ([WWW.ICJ-CIJ.ORG](http://www.icj-cij.org))**

##### **1. News**

*New composition of the Court.*

On 6 February 2015, Judge Ronny Abraham from France was elected President of the International Court of Justice and Judge Abdulqawi Ahmed Yusuf (Somalia) was elected Vice-President, both of them for a three year term.

On 7 November 2014, Mr Crawford (Australia) and Mr. Gevorgian (Russia), and on 17 November 2014, Mr. Robinson (Jamaica), were elected Members of the Court by the United Nations General Assembly and the Security Council. Their nine-year terms of office began on 6 February 2015. Following these elections, the composition of the Court is as follows:

*President:* Ronny Abraham (France)

*Vice-President:*  
Abdulqawi Ahmed Yusuf (Somalia)

*Judges*  
Hisashi Owada (Japan)  
Peter Tomka (Slovakia)  
Mohamed Bennouna (Morocco)  
Antônio Augusto Cançado Trindade (Brazil)

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Christopher Greenwood (United Kingdom)  
Xue Hanqin (China)  
Joan E. Donoghue (United States of America)  
Giorgio Gaja (Italy)  
Julia Sebutinde (Uganda)  
Dalveer Bhandari (India)  
Patrick Lipton Robinson (Jamaica)  
James Richard Crawford (Australia)  
Kirill Gevorgian (Russian Federation)

*New composition of the Chamber of Summary Procedure, Budgetary and Administrative Committee and Rules Committee.*

Following the elections held on 6 February 2015, the *Chamber of Summary Procedure* is composed as follows:

Members: President Ronny Abraham, Vice-President Abdulqawi Ahmed Yusuf; Judges Xue Hanqin, Joan E. Donoghue, Giorgio Gaja

Substitute members: Judges Antônio Augusto Cançado Trindade, Kirill Gevorgian

The composition of the *Budgetary and Administrative Committee* is as follows: President Ronny Abraham, Vice-President Abdulqawi Ahmed Yusuf; Judges Peter Tomka, Christopher Greenwood, Xue Hanqin, Julia Sebutinde, Dalveer Bhandari

The *Rules Committee* is composed as follows: Judges Hisashi Owada, Antônio Augusto Cançado Trindade, Joan E. Donoghue, Giorgio Gaja, Patrick Lipton Robinson, James Richard Crawford, Kirill Gevorgian

## **2. Judgements**

*Judgment of 3 February 2015 in the Case concerning application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia).* The Court delivered on 3 February 2015 its final judgment, without appeal and binding for the Parties, and

(1) *finds*, by eleven to six votes, that the Court's jurisdiction to entertain Croatia's claim extends to acts prior to 27 April 1992 and rejects the second jurisdictional objection that was raised by Serbia. In favour: Vice-President Sepúlveda-Amor; Judges Abraham, Keith, Bennouna, Cançado Trindade, Yusuf, Greenwood, Donoghue, Gaja, Bhandari; Judge ad hoc Vukas. Against: President Tomka; Judges Owada, Skotnikov, Xue, Sebutinde and Judge ad hoc Kreća. The Court recalls that according to its Judgment of 18 November 2008 it has jurisdiction to rule on Croatia's claim in respect of acts committed from 27 April 1992 on, the date when the FRY became a separate State and thus became party to the Genocide Convention, by succession. After examining parties' arguments, the Court finds that it has jurisdiction to rule on the whole of Croatia's claim, including acts prior to 27 April 1992. It argues that the FRY – subsequently Serbia – could have succeeded to the responsibility of the SFRY for breaches of the Convention prior to that date.

(2) *rejects*, by fifteen votes to two, Croatia's claim. In favour: President Tomka; Vice-President Sepúlveda-Amor; Judges Owada, Abraham, Keith, Bennouna, Skotnikov, Yusuf, Greenwood,

Xue, Donoghue, Gaja, Sebutinde, Bhandari; Judge ad hoc Kreća. Against: Judge Cançado Trindade and Judge ad hoc Vukas. The Court finds that the *dolus specialis*, i.e. the intentional element of genocide, is lacking and therefore rejects Croatia's claim entirely.

(3) *rejects*, by unanimity, Serbia's counter-claim. The Court finds that forces of the Republic of Croatia committed acts falling within subparagraphs (a) and (b) of Article II of the Convention during and after Operation "Storm" of August 199 and finds that acts constituting the *actus reus* of genocide were committed; however, it couldn't be demonstrated the existence of the genocidal intent, the *dolus specialis*.

### **3. Pendant cases**

*Questions relating to the seizure and detention of certain documents and data (Timor-Leste v Australia). Request for the modification of the order indicating provisional measures of 3 March 2014. Order of 22 April 2015.* The Court, unanimously,

(1) *authorizes* the return of all still sealed documents and data, including all copies, to Collaery Lawyers, which were seized on 3 December 2013 by Australia, as well as all copies. This will be supervised by a representative of Timor-Leste who is specially appointed for this task.

(2) *requests* the Parties to inform the Court about the return and to indicate the date when it would have taken place.

(3) *decides* that the second measure of the Court's Order of 3 March 2014 shall cease to have effect.

*Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua) Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica).* Public hearings in these joined cases opened on 14 April 2015 and ended on 1 May 2015. Subsequently, the Court began its deliberation.

*Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile).* Between 4 May 2015 and 8 May 2015, the Court hold public hearings regarding the preliminary objection raised by the Republic of Chile. Subsequently, the Court began its deliberation.

*Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. India). Order of 19 May 2015* – The Court extends, on the one hand, the time-limit to 16 September 2015 for the filing of the Counter-Memorial of the Republic of India on the question of the jurisdiction of the Court. On the other hand, it reserves the subsequent procedure for further decision.

*Obligations concerning Negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. United Kingdom). Order of 19 June 2015* – The President of the Court fixes the time-limit to 15 October 2015 within which a written statement and submissions preliminary objections raised by the United Kingdom of Great Britain and Northern Ireland may be made by the Republic of the Marshall Islands. He reserves the subsequent procedure for further decision.

#### 4. Cases removed

*Questions relating to the Seizure and Detention of Certain Documents and Data (Timor-Leste v. Australia).* The President of the Court places on record by Order of 11 June 2015 the discontinuance by the Democratic Republic of Timor-Leste of the proceedings instituted by its Application filed on 17 December 2013. Consequently, the President directs the removal of the case from the List.

## INTERNATIONAL CRIMINAL LAW

### II. INTERNATIONAL CRIMINAL COURT (ICC) (WWW.ICC-CPI.INT)

#### 1. News

*Preliminary examination of the situation in Palestine.* After the accession of Palestine to the Rome Statute on 2 January 2015, the Prosecutor Fatou Bensouda opens a preliminary examination of allegedly committed crimes "in the occupied Palestinian territory, including East Jerusalem, since June 13, 2014."

*Ratification of amendments to article 8 of the Rome Statute by the Republic of Malta and Costa Rica.* On 30 January and 5 February 2015, respectively, the Republic of Malta and Costa Rica deposited its instruments of ratification of the amendments to the Rome Statute on war crimes and the crime of aggression to the United Nations.

*Reparations for victims in the case The Prosecutor v. Thomas Lubanga Dyilo.* The Appeals Chamber amended on 3 March 2015 Trial Chamber I's order regarding reparations and ordered the Trust Fund for Victims to present a draft implementation plan for collective reparations within six months to the Trial Chamber I.

*New judges.* On 10 March 2015, the following six judges were sworn in after having been elected for a nine-year term during the 13<sup>th</sup> session of the Assembly of States Parties to the Rome Statute in December 2014:

- Marc Perrin de Brichambaut (France),
- Piotr Hofmański (Poland),
- Antoine Kesiya-Mbe Mindua (Democratic Republic of the Congo),
- Bertram Schmitt (Germany),
- Péter Kovács (Hungary),
- Chang-ho Chung (Republic of Korea)

*New President of the ICC.* Judge Silvia Fernández de Gurmendi from Argentina was elected on 11 March 2015 by the judges of the ICC in a plenary session as President of the ICC for a three-year period. Judge Joyce Aluoch (Kenya) was elected First and Judge Kuniko Ozaki (Japan) Second Vice-President.

*Ratification of amendments to article 8 of the Rome Statute by the Czech Republic.* On 12 March 2015, H.E. Ms Edita Hrdá, Permanent Representative of the Czech Republic to the United Nations, deposited the instruments of ratification of the amendments to the Rome Statute

on war crimes and the crime of aggression. The Czech Republic is the twenty-fourth State to have ratified the amendments.

*Welcome ceremony for Palestine as 123<sup>rd</sup> State party to the Rome Statute.* On 1 April 2015, Palestine became the 123<sup>rd</sup> State party to the Rome Statute. The ICC held a ceremony at The Hague in order to welcome the new member state.

*Alleged crimes committed by ISIS.* On 8 April 2015, the Prosecutor of the ICC issued a statement on alleged crimes committed by ISIS and clarifying the jurisdictional competence of the ICC based on the Rome Statute. She expressed her deepest concern of the situation.

*ICC found that the State of Sudan failed to arrest Abdel Raheem Muhammad Hussein.* On 26 June 2015, the Pre-Trial Chamber II of the ICC found that the State of Sudan has failed to arrest Abdel Raheem Muhammad Hussein against whom the Court had issued an arrest warrant on 1 March 2012. Sudan's non-cooperation will be referred to the UN Security Council by the Pre-Trial Chamber II in order they take the measures they deem appropriate.

*New Judge elected.* On 24 June 2015, the Assembly of States Parties to the Rome Statute elected Raul Cano Pangalangan (Philippines, list B) as new Judge in order to fill a judicial vacancy. His term of office lasts until 10 March 2021.

## **2. Judgments**

### **A) Trial Chamber**

*Prosecutor v. Uhuru Muigai Kenyatta.* On 13 March 2015, the Trial Chamber V(B) decided to withdraw the charges against Mr Uhuru Kenyatta and to terminate the proceedings and to vacate the summons.

### **B) Appeal Chamber**

*The Prosecutor v. Abdallah Banda Abaker Nourain.* On 3 March 2015, the Appeal Chamber of the ICC delivered its judgment rejecting Mr. Banda's appeal against the decision of the Trial Chamber IV of 11 September 2014 issuing an arrest warrant against Mr. Banda.

*Prosecutor v. Mathieu Ngudjolo Chui.* On 7 April 2015, the Appeals Chamber of the ICC delivered the judgment on the Prosecutor's appeal against the decision of Trial Chamber II entitled "Judgment pursuant to article 74 of the Statute" of 18 December 2012 (ICC-01/04-02/12-3-tENG). It decided by majority, Judges Tarfusser and Trendafilova dissenting, to reject the appeal and thus confirms the Acquittal Decision of 18 December 2012 delivered by the Trial Chamber, in which Mr Ngudjolo Chui was acquitted of all charges and was released immediately. The Prosecutor filed on 20 December 2012 the Notice of Appeal against the Acquittal Decision.

## **3. Procedural incidents**

*Prosecutor v. Dominic Ongwen.* On 16 January 2015, Mr Ongwen was surrendered to the ICC and transferred to the Court's Detention Centre on 21 January 2015. The initial appearance hearing was on 26 January 2015. The Pre-Trial Chamber II decided on 6 March 2015 to postpone the commencement of the confirmation of the hearings to 21 January 2016, previously

scheduled for 24 August 2015, in order to have more time for investigating the case that includes contacting witnesses.

*Joining of the two cases Prosecutor v. Laurent Gbagbo & Charles Blé Goudé.* On 11 March 2015, Trial Chamber I decided to join the two cases in order to ensure efficacy and expeditiousness.

*Prosecutor v. Bosco Ntaganda.* The Trial Chamber IV rescheduled on 22 April 2015 the opening of the trial in this case to July 2015, which was previously scheduled for 2 June 2015.

*Prosecutor v. Laurent Gbagbo and Charles Blé Goudé.* On 7 May 2015, the Trial Chamber announced that the trial will be opened on 10 November 2015 and the presentation of evidence by the Prosecutor will start in January 2016.

*Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido.* Trial Chamber VII of the ICC announced on 22 May 2015 to open the trial in the mentioned case on 29 September 2015.

*The Prosecutor v. Simone Gbagbo.* The Appeals Chamber of the ICC delivered on 27 May 2015 its judgment rejecting the appeal of the Republic of Côte d'Ivoire and thus confirming the decision of the Pre-Trial Chamber I of the Court of 11 December 2014 that declared the case against Gbagbo admissible before the ICC.

*Prosecutor v. Jean-Pierre Bemba Gombo, Aimé Kilolo Musamba, Jean-Jacques Mangenda Kabongo, Fidèle Babala Wandu and Narcisse Arido.* On 29 May 2015, the Appeals Chamber of the ICC reversed and remanded the decision of the Pre-Trial Chamber II of 21 October 2014 to Trial Chamber VII. In the decision issued on 21 October 2014, the Pre-Trial Chamber had ordered the interim release of four suspects in this case.

*The Prosecutor v. Bosco Ntaganda.* On 16 June 2015, Trial Chamber VI of the ICC scheduled the opening statements for 7 and 8 July 2015, extending it to 9 July 2015 if necessary, taking place at the seat of the ICC, in The Hague.

#### **4. Warrants of arrest**

*The Prosecutor v. Paul Gicheru and Philip Kipkoech Bett.* The prosecution request dates from 9 February 2015 and the warrant of arrest was issued under seal on 10 March 2015. Both of them are suspected of corruptly influencing witnesses of the Prosecution.

### **III. MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS (MICT) (WWW.UNMICT.ORG)**

#### **1. News**

*171 staff recruited for the MICT.* By 30 June 2015, the Mechanism had recruited a total of 171 staff coming from 57 States; 93 were recruited for The Hague and 78 for the Arusha branch. Almost 85% were current or former employees of the two tribunals.

*Assistance to national jurisdiction.* Between July 2014 and 30 June 2015 the number of requests for assistance increased remarkably; the Mechanism received 335 requests for assistance coming from five Member States and one international organization. Since 1 July 2013, when The Hague branch started operating, the Mechanism has received a total of 579 requests.

*Keynote speech by Prosecutor Jallow on Multilateral Treaty for Mutual Legal Assistance for International Crimes.* On 23 June 2015, Prosecutor of the MICT, Mr Jallow, hold a keynote speech at a meeting of supporting States for an international convention on mutual legal assistance for international crimes and thus reaffirmed his support for the elaboration of such an international treaty.

*Attendance and keynote speech of Justice Hassan B. Jallow at the international genocide conference in Sarajevo.* On 12 June 2015, Prosecutor of the MICT Justice Hassan B. Jallow attended and hold a keynote speech at the international conference on the research process, documentation and prosecution of genocide in Bosnia and Herzegovina. In addition, he signed a MoU with the Minister of Justice for Bosnia and Herzegovina, Mr Josip Grubeša, concerning the continued assistance of the Mechanism for facilitating access to evidence to the Ministry of Justice for Bosnia and Herzegovina.

*Endorsement of the Universal Declaration on Archives on International Archives Day.* On 9 June 2015, the MICT endorsed the Universal Declaration, which was elaborated by UNESCO in 2011, and thus became the first United Nations institution to sign it at the management level. The endorsement reaffirms the Mechanisms' commitment to best practices in the management archives and thus recognises the key role of archives in general.

*Report to the UN Security Council.* On 3 June 2015, the President of the MICT, Judge Theodor Meron, addressed the Security Council in order to brief it on the work and progress of the Mechanism in the first half of the year 2015.

*Monitoring of cases referred by the Tribunals to national courts* In March 2015, the Kenyan section of the International Commission of Jurists began the monitoring of cases referred to Rwanda. This activity bases on a MoU signed on 15 January 2015 between the aforementioned section and the MICT. According to article 6 (5) of the MICT statute, the Mechanism is responsible for monitoring cases that are referred to national courts.

*Construction of new Arusha premises.* On 27 February 2015, ground-breaking took place at Lakilaki starting the 12-months construction work for three new premises for the Arusha branch: courtroom, archives and office building.

*Agreement between the United Nations and the Netherlands.* On 23 February 2015, the United Nations and the Netherlands signed an agreement regarding The Hague branch of the MICT regulating issues concerning its functioning with the purpose to guarantee the MICT's independence and stability.

*Transfer of Judicial Records from the ICTY to MICT.* On 27 January 2015, the ICTY began transferring judicial records to the MICT, records pertaining to the following cases: Duško Tadić, Sefer Halilović and Milan Vujin.

## 2. Appeal Chamber

*Prosecutor v. Vujadin Popović, Ljubiša Beara, Drago Nikolić, Radivoje Milić, Vinko Pandurević.* The Trial Chamber sentenced Popović and Beara to life imprisonment; Nikolić to a single sentence of 35 years of imprisonment, Milić to a single sentence of 19 years of imprisonment and Pandurević to a single sentence of 13 years of imprisonment. All, including the Prosecution, appealed against these sentences. On 30 January 2015, the Appeal Court affirmed Popović's and Beara's sentence of life-imprisonment; affirmed the single sentence of 35 years of imprisonment for Nikolić and the 13 years of imprisonment for Pandurević; however, set aside Milić's sentence of 19 years of imprisonment and imposed a sentence of 18 years.

Concerning Popović, Beara and Nikolić, the Appeals Chamber reversed their convictions for genocide, extermination as a crime against humanity, murder as a violation of the law or customs of war, and persecution as a crime against humanity regarding the killing of six Bosnian Muslim men close to Trnovo. However, the Appeals Chamber entered a new conviction against Popović and Beara for conspiracy to commit genocide. With relation to Milić, the Appeals Chamber reversed his convictions for persecution and inhumane acts (forcible transfer) as crimes against humanity regarding the forcible transfer of the men who crossed the Drina River. At the same time, the acquittal was reversed and the Court entered a new conviction against him for murder as a violation of the laws or customs of war for the "opportunistic" killings of ten Bosnian Muslim men found close to the UNPROFOR compound and to the White House. Therefore, the Appeals Chamber revised his sentence minimally.

*Prosecutor v. Zdravko Tolimir.* On 8 April 2015, the Appeals Chamber reaffirmed Tolimir's convictions and the sentence of life-imprisonment of, at least, 30 years. He will be transferred from custody of the Tribunal to the Republic of Serbia where he is going to serve his sentence. On 12 December 2012, Trial Chamber II delivered its Judgement declaring Tolimir guilty of genocide, conspiracy to commit genocide, extermination, persecutions, and inhumane acts through forcible transfer as crimes against humanity, as well as murder as a violation of the laws or customs of war. He was sentenced to life-imprisonment.

## 3. Procedural Incidents

*Prosecutor v Jean Uwinkindi.* On 13 May 2015, a trial chamber was assigned by the President in order to consider the oral request of Jean Uwinkindi for revoking the referral of his case to Rwanda. The Trial Chamber is composed of Judges Vagn Joensen (presiding), William Sekule and Florence Arrey. The President referred, on 21 May 2015, the pro se written request of Mr. Uwinkindi on this issue to the aforementioned trial chamber. Judge Vagn Joensen issued an order on 21 May 2015 assigning himself as pretrial judge. On 22 June 2015, Mr. Uwinkindi was assigned counsel by the Registrar. As at 30 June 2015, the briefing on this request was ongoing.

## IV. SPECIAL COURT FOR SIERRA LEONE (SCSL) - RESIDUAL SPECIAL | COURT FOR SIERRA LEONE (RSCSL) ([HTTP://WWW.RSCSL.ORG](http://www.rscsl.org))

### 1. Decisions

*In the matter of Charles Ghankay Taylor* On 30 January 2015, the Trial Chamber denied Taylor's motion in its entirety to serve his sentence in Rwanda. The Trial Chamber found that



neither the United Kingdom authorities nor the RSCSL are interfering with article 8 “the right to family life” as the family failed to comply with the UK visa requirements and therefore were not allowed to enter the UK and to visit Taylor. Furthermore, it was stated that he was not held, as claimed by Taylor, in relative isolation and all measures were taken in order to guarantee Taylor’s security.

## **V. EXTRAORDINARY CHAMBERS IN THE COURTS OF CAMBODIA (ECCC) ([HTTP://WWW.ECCC.GOV.KH/](http://www.eccc.gov.kh/))**

### **1. News**

*Revised Budget 2014-2015.* On 21 April 2015, the revised budget was approved and published. The budget for 2015 amounts to a total of US\$ 33.8 million, with a national component of US\$ 6.7 million.

*New International Judge in the Pre-Trial Chamber.* On 28 April 2015, *Olivier Beauvallet* (France) was appointed new International Judge serving in the Pre-Trial Chamber of the ECCC after having been nominated by UN Secretary-General Ban Ki-moon and being approved by the Supreme Council of the Magistracy. Mr. Beauvallet replaced Judge Chang-ho Chung of the Republic of Korea who resigned on 28 February 2015.

### **2. Procedural incidents**

*Case 003.* The International Co-Investigating Judge charged on 3 March 2015 Meas Muth in absentia with the alleged crimes of homicide, crimes against humanity and grave breaches of the Geneva Conventions of 1949, all of them allegedly committed at the Wat Enta Nhien security centre and at sea, and on the islands over which Democratic Kampuchea claimed sovereignty.

*Case 004.* On 3 March 2015, Im Chaem was charged in absentia by the International Co-Investigating Judge with the alleged crimes of homicide committed at Phnom Trayoung security centre and crimes against humanity committed at Phnom Trayoung security centre and at the Spean Sreng worksite. The alleged crimes against humanity include murder, extermination, enslavement, imprisonment and persecution on political grounds.

*Case 004.* On 27 March 2015, Ao An was charged by the International Co-Investigating Judge with the alleged crimes of premeditated homicide and crimes against humanity at Kok Pring execution site, Tuol Beng security centre and Wat Au Trakuon security centre.

## **VI. SPECIAL TRIBUNAL FOR THE LEBANON (STL) ([HTTP://WWW.STL-TSL.ORG/](http://www.stl-tsl.org/))**

### **1. News**

*New President of the STL.* On 19 February 2015, the Judges of the Appeals Chamber elected Ivana Hrdličková (Czech Republic) as new President of the STL and re-elected David Baragwanath (New Zealand) as Vice-President. Ms Hrdličková started her term on 1 March 2015 for a period of 18 months.

## 2. Procedural incidents

*Case Ayyash et al.* Until June 2015, several hearings in the Case Ayyash et al. were held.

## ***POLITICAL AND ECONOMIC COOPERATION***

### **VII. EUROPEAN FREE TRADE ASSOCIATION COURT (EFTA COURT) (WWW.EFTACOURT.INT)**

#### 1. News

*Baudenbacher re-elected President.* On 7 January 2015, Carl Baudenbacher was re-elected by the Judges of the EFTA Court for a fifth term, which terminates on 31 December 2017.

*Spring Conference 2015.* On 12 June 2015, the annual Spring Conference of the EFTA Court was held on the topic “Fundamental Rights in EEA Law”.

#### 2. Decisions

*Case E-19/13 - Konkurrenten.no AS v EFTA Surveillance Authority.* On 20 March 2015, the Court delivered its order that the application for annulment of EFTA Surveillance Authority Decision No 519/12/COL of 19 December 2012 was inadmissible.

*Case E-17/14 - EFTA Surveillance Authority v the Principality of Liechtenstein.* The Court delivered its judgement on 31 March 2015 that the Principality of Liechtenstein had failed to fulfil its obligations under art. 31 EEA because it maintained in force art. 63 of its Health Act. According to this article, a person holding the qualification referred to in German as “Dentist” has to pursue this profession as an employee under the responsibility of a fully qualified dental practitioner (“Zahnarzt”). The Principality of Liechtenstein has to bear the costs of the proceeding.

*ICELAND.* The Court delivered in various cases its judgement that Iceland had failed to fulfil its obligations under Article 7 of the EEA Agreement as it did not adopt the necessary measure in order to make part of its internal legal order or to implement acts within the time prescribed in the following cases:

- *Case E-11/14 - EFTA Surveillance Authority v Iceland* (28 January 2015): Concerning the failure of implementing under Article 12 of the Act referred to at point 2 of Annex XII to the Agreement on the European Economic Area (Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payments in commercial transactions), as adapted to the Agreement by way of Protocol 1.
- *Case E-12/14 - EFTA Surveillance Authority v Iceland* (28 January 2015): Concerning the failure of implementing under the Act referred to at point 6 of Chapter IV of Annex II to the Agreement on the European Economic Area (Directive 2009/125/EC of the European Parliament and of the Council of 21

October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products), as adapted to the Agreement by way of Protocol 1 and by EEA Joint Committee Decision No 67/2011 of 1 July 2011.

- *Case E-13/14 - EFTA Surveillance Authority v Iceland* (28 January 2015): Concerning the failure of implementing under the Act referred to at point 21c of Annex XVIII to the EEA Agreement (Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services), as adapted to the EEA Agreement by way of Protocol 1 thereto and by Joint Committee Decision No 147/2009 of 4 December 2009.
- *Case E-14/14 - EFTA Surveillance Authority v Iceland* (28 January 2015): Concerning the failure of implementing the Act referred to at point 1a of Chapter XXIII of Annex II to the Agreement on the European Economic Area (Directive 2009/48/EC of the European Parliament and of the Council of 18 June 2009 on the safety of toys), as adapted to the EEA Agreement by way of Protocol 1 thereto and by Joint Committee Decision No 127/2012 of 13 July 2012.
- *Case E-15/14 - EFTA Surveillance Authority v Iceland* (28 January 2015): Concerning the Act referred to at point 4d of Chapter XI of Annex II to that Agreement, Regulation (EU) No 1007/2011 of the European Parliament and of the Council of 27 September 2011 on textile fibre names and related labelling and marking of the fibre composition of textile products.
- *Case E-20/14 - EFTA Surveillance Authority v Iceland* (31 March 2015): Concerning the Act referred to at point 56x of Chapter V of Annex XIII to the EEA Agreement (Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents).
- *Case E-21/14 - EFTA Surveillance Authority v Iceland* (31 March 2015): Concerning the Act referred to at point 4 of Chapter IV of Annex II to the Agreement on the European Economic Area (Directive 2010/30/EU of the European Parliament and of the Council of 19 May 2010 on the indication by labelling and standard product information of the consumption of energy and other resources by energy-related products).

### **3. Advisory Opinion**

*Case E-16/14 Pharmaq AS v Intervet International BV*. On 9 April 2015, the Court delivered its advisory opinion regarding the interpretation of articles 2, 3 and 4 of the Council Regulation (EEC) No 1768/92 of 18 June 1992 concerning the creation of a supplementary protection certificate for medicinal products (“the SPC Regulation”).