

CHRONICLE ON INTERNATIONAL COURTS AND TRIBUNALS (JANUARY - DECEMBER 2016)

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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 LEONA (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

1. News

Address of the President of the International Court of Justice to the General Assembly of the United Nations On 28 of October 2016, the President Mr. Ronny Abraham of the ICJ said in his speech in the General Assembly of the United Nations that the ICJ "will continue to use all the resources at its disposal to fulfill its role as principal judicial organ of the United Nations"

Seventieth anniversary of the ICJ On 20 April 2016, the ICJ held a commemorative sitting, in the presence of His Majesty the King of the Netherlands and the Secretary-General of the United Nations, to celebrate its seventieth anniversary.

2. Judgements

Judgments of three cases related to the Cessation of Nuclear Arms Race and to Nuclear Disarmament. On 5 October 2016, the Court delivered its judgment in three different cases, all of them were filed by the Marshall Islands against the United Kingdom, Pakistan and India alleging that these countries had failed to fulfil their obligations to nuclear disarmament. The Court found in all cases the absence of a dispute between the

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Parties at the time of filing the Application by the Marshall Islands and therefore could not proceed to the merits of the cases. The Court observed that a dispute between the Parties is a condition for its jurisdiction.

Obligations concerning negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. United Kingdom) The judgment was delivered by eight votes to eight, by the President's casting vote. With this judgment, the Court upheld the first preliminary objection to jurisdiction raised by the United Kingdom. The Marshall Islands had filed an Application against the United Kingdom alleging that it had failed to fulfil its obligation both under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons of 1968 and customary international law, with respect to negotiate the cessation of nuclear arms race and to nuclear disarmament.

Obligations concerning negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. Pakistan) The Marshall Islands filed an Application against Pakistan alleging that the latter failed to fulfill its obligations with respect to negotiate nuclear disarmament and the cessation of the nuclear arms race.

Obligations concerning negotiations relating to Cessation of the Nuclear Arms Race and to Nuclear Disarmament (Marshall Islands v. India) An application was filed against India by the Marshall Islands alleging to fail to fulfill obligations with respect to negotiate nuclear disarmament and the cessation of nuclear arms race.

Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia) On 17 March 2016, the Court found by fourteen votes to two and based on article XXXI of the Pact of Bogotá, that it has jurisdiction in order to “adjudicate upon the dispute regarding the alleged violations by Colombia of Nicaragua's rights in the maritime zones which, according to Nicaragua, the Court declared in its 2012 Judgment appertain to Nicaragua”.

3. Orders

Immunities and Criminal Proceedings (Equatorial Guinea v. France) – On 7 December 2016, the Court delivered its Order in this case finding, unanimously, that France must take all measures to guarantee the protection of the premises presented as housing the diplomatic mission of Equatorial Guinea in France. The Court indicated that, in order to guarantee the inviolability, these premises must enjoy an equivalent treatment as required by Article 22 of the Vienna Convention on Diplomatic Relations.

Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) The Court delivered this Order on 6 December 2016 concerning the case of

armed activities on the territory of the DRC, fixing 6 February 2018 as the time-limit for filing of counter-memorials.

Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile) In the Order delivered on 21 September 2016, the Court, on the one hand, authorized the submission of a Reply by Bolivia and a Rejoinder by Chile; on the other hand, fixed time-limits for the filing of these pleadings: 21 March 2017 for the Reply and 21 September 2017 for the Rejoinder.

Dispute over the Status and Use of the Waters of the Silala (Chile v. Bolivia) On 1 July 2016, the Court delivered an Order, in which it fixed the time-limits for the filing of written pleadings, being 3 July 2017 the time-limit for the Memorial of Chile and 3 July 2018 for the Counter-Memorial of Bolivia.

Immunities and Criminal Proceedings (Equatorial Guinea v. France) The Order in this case, delivered on 1 July 2016, fixed time-limits for filing the Memorial of Equatorial Guinea (3 January 2017) and the Counter-Memorial for France (3 July 2017).

Certain Iranian Assets (Islamic Republic of Iran v. United States of America) On 1 July 2016, the Court fixed in its Order the time-limits for the Memorial and Counter-Memorial of the Parties: 1 February 2017 for the Memorial of Iran and 1 September 2017 for the Counter-Memorial of the United States of America

Maritime Delimitation in the Caribbean Sea and the Pacific Ocean (Costa Rica v. Nicaragua) The Order, delivered by the Court on 16 June 2016, appointed to experts: Geography Professor Eric Fouache (France) and Geology and Geomorphology Professor Francisco Gutiérrez (Spain).

Question of the Delimitation of the Continental Shelf between Nicaragua and Colombia beyond 200 nautical miles from the Nicaraguan Coast (Nicaragua v. Colombia) On 26 April 2016, the Court fixed in its Order the time-limits for the Memorial and Counter-Memorial of the Parties; 28 September 2016 for the Memorial of Nicaragua and 28 September 2017 for the Counter-Memorial of Colombia.

Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) In the Order of 11 April 2016, the Court extended further the time-limits for the memorials on the question of reparations, to 28 September 2016 for the filing of a Memorial on the question of reparations which the Parties consider to be owed to it by the other Party.

Alleged Violations of Sovereign Rights and Maritime Spaces in the Caribbean Sea (Nicaragua v. Colombia) On 17 March 2016, the Court delivered its Order fixing the time-limit for the filing of the Counter-Memorial of Colombia in this case (17 November 2016).

INTERNATIONAL CRIMINAL LAW

II. INTERNATIONAL CRIMINAL COURT (ICC)

www.icc-cpi.int

1. News

Amendments of the Regulations of the ICC The ICC judges adopted on 6 December 2016 to seven of the Regulations of the ICC on some procedural issues such as page or time limits in order to improve efficiency.

The ICC hold retreat with African States Parties The ICC and 13 States Parties as well as representatives of the AU's Office of the Legal Counsel and the Organisation internationale de la Francophonie held a retreat in the capital of Ethiopia, Addis Ababa. Among different issues that were addressed was the questions on witness protection.

Signature of an agreement on Witnesses' protection between Argentina and the ICC Argentina, represented by the Argentinian Ambassador to the Kingdom of The Netherlands, and the ICC, represented by its Registrar, sigend on 21 November 2016 a cooperation agreement on witnesses' protection.

Visit of the Minister of Justice of the Republic of South Africa to the ICC The Minister of Justice and Correctional Services of South Africa visited on 18 November 2016 the ICC and met the President of the Court, briefing the Minister on legal and technical issues with respecto to the functioning of the ICC. They also discussed the reasons for South Africa's decision to withdraw from te ICC; the instrument of withdrawal was deposited on 19 October 2016 with the United Nations and become effective one year later.

Ratifications of amendments to article 8 of the Rome Statute on the crime of aggression by Chile, Iceland, Palestine and The Netherlands Between June and September 2016, these four State Parties ratified the amendment on the crime of aggression.

Norway signed enforcement agreement with the ICC On 7 July 2016, the ICC and the Kingdom of Norway signed an agreement on the enforcement of sentences, which opens up the possibility for convicted persons to serve their sentences of imprisonment in Norway on condition that it was decided so by the Court and accepted by Norway.

Memorandum of Understanding signed between the ICC and the International Commission on Missing Persons On 7 July 2016, the International Commission on Missing Persons and the ICC signed a MoU in order to strengthen their cooperation that is based on "a shared commitment to give a voice to the victims of mass atrocities through our respective work and this MoU marks an important step forward in the long-standing partnership between the ICC and ICMP," said Prosecutor Bensouda.

Creation of the first International Criminal Court Bar Association On 30 June and 1 July 2016, the first Bar Association was created especially for Counsels and their Assistants who practise before the Court. The independent Bar Association aims at, among other goals, enhancing the quality of justice at the Court and to strengthen the independence of the Counsel.

Opening of the Permanent Premises of the ICC On 19 April 2016 the permanent ICC premises, consisting of six towers, were officially opened by His Majesty King of The Netherlands although the ICC moved in already in December 2015. The building has three courtrooms, a media centre and offers over 1,200 workplaces.

Approval by the ICC Presidency of the prosecution of Mr. Germain Katanga by the DRC Upon request by the Democratic Republic of the Congo, the Presidency of the ICC approved on 7 April 2016 the prosecution of Mr Katanga by the public authorities of the DRC for offences allegedly committed between 2002 and 2006 on its territory. The decision of the Presidency was based on the fact that the allegations in the domestic proceedings were not the same for which he was tried before the ICC.

El Salvador ratifies the Rome Statute and the Kampala Amendments on war crimes and the crime of aggression On 3 March 2016, El Salvador deposited the instruments of accession to the Rome Statute and the instrument of ratification of the amendments to the Rome Statute on war crimes and on the crime of aggression, becoming the 124 States Parties to the ICC.

Memorandum of Understanding signed between the Inter-American Court of Human Rights and the ICC The two judicial institutions signed a MoU on cooperation on 15 February 2016 in order to strengthen the cooperation between the two courts, laying down the terms of this cooperation and the exchange of knowledge, experience and expertise.

Authorization of opening investigation into the situation in Georgia The Pre-Trial Chamber I authorised on 27 January the Prosecutor to open an investigation into the situation in

ICC Pre-Trial Chamber I authorises the Prosecutor to commence an investigation into the situation in Georgia and into alleged crimes attributed to the three parties involved in the conflict (armed forces of Georgia and Russia as well as the South Ossetian forces).

Japan joined the ICC Junior Professional Officers Programme On 25 January 2016 Japan joined as the first State Party the JPO Programme of the ICC, which offers junior professional officers to acquire experience.

2. Judgments

A) TRIAL CHAMBER

Case Bemba et al. On 19 October 2016 the Trial Chamber VII found guilty five accused persons of offences against the administration of justice with respect to false testimonies:

- Mr Bemba, Mr Kilolo and Mangenda were found guilty, among other offences, for “intentionally corruptly influencing” defence witnesses
- Mrs Babala was found guilty of having aided “the corrupt influencing of two defence witnesses”
- Mrs Arido, a potential defence witness, was also found guilty of having influenced corruptly other defence witnesses.

Case Al Mahdi On 27 September 2016, the Trial Chamber VIII declared Mr Al Mahdi guilty (as co-perpetrator) of directing attacks against historic monuments and religious buildings intentionally in Timbuktu, the capital of Mali, between June and July 2012. He was sentenced to nine years imprisonment.

Case Al Bashir The Pre-Trial Chamber II decided on 11 July 2016 that both the Republic of Uganda and Djibouti had failed to comply with the request for arrest of Omar Al Bashir and to surrender him to the ICC. It referred the issue to the Assembly of States Parties and the United Nations Security Council.

Case Bemba Gombo On 21 March 2016 the Trial Chamber III found Jean-Pierre Bemba Gombo guilty of crimes against humanity (murder and rape) and three counts of war crimes (murder, rape and pillaging), committed in the Central African Republic from October 2002 to March 2003. On 21 June 2016, the Court sentenced Bemba Gombo to 18 years imprisonment.

B) APPEAL CHAMBER

Ruto and Sang case to be terminated The Trial Chamber V(A) decided on 5 April 2016 to terminate the case against William Samoei Ruto and Joshua Arap Sang. The Chamber concluded that the prosecution did not present sufficient evidence in order to convict the accused and it decided to vacate the charges and to discharge the accused.

3. Procedural incidents

Case Al Bashir On 8 December 2016, the Pre-Trial II scheduled a hearing on 7 April 2017 on the cooperation of South Africa.

Case Ongwen The trial in the Ongwen case opened at the ICC on 6 December 2016 and was going to be resumed in January 2017. Mr Ongwen is accused for having perpetrated war crimes and crimes against humanity; he pleaded not guilty to the charges.

Case Lubanga The Trial Chamber II approved and ordered on 21 October 2016 to implement a plan for “symbolic collective reparations” and was going to decide on the non symbolic collective reparation programme soon. Mr Lubanga was convicted as a co-perpetrator, on 14 March 2012, of committing war crimes.

Case Gbagbo and Goudé On 28 January 2016 the trial of Laurent Gbagbo and Charles Blé Goudé was opened. Both are accused of counts of crimes against humanity committed during the post-electoral violence in Côte d’Ivoire between 16 December 2010 and 12 April 2011.

III. MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS (MICT) www.unmict.org

1. News

Transfer of ICTR Records completed On 13 December 2016, the transfer of record of the former International Criminal Tribunal for Rwanda to the Mechanism was completed.

President urges to release MICT Judge Aydin Sefa Akay On 8 December 2016, the President of the MICT Mr Meron urged in his address to the UN Security Council to release MICT Judge Aydin Sefa Akay who was arrested on 26 September 2016 in Turkey accused being a member of the Gulen Movement, and attempting to abolish Constitutional order and murder. The President already called upon Turkey to release Judge Aydin Sefa Akay from detention on 9 November 2016.

Appointment of Mr Olufemi Elias as Registrar On 29 November 2016, Mr Olufemi Elias was appointed as Registrar of the MICT by the United Nations Secretatry-General.

New premises of the Arusha Branch On 28 November 2016, the MICT opened the new premises of the Arusha branch.

MICT as a new model of international justice On 20 September 2016 MICT President Meron participated in a panel discussion entitled “*A Conversation on New Models of Tribunals*” at The Hague Institute for Global Justice and discussed the Mechanism as a new model of international justice.

Headquarters Agreement enters into force On 1 September 2016 the MICT Headquarters Agreement for the Hague branch entered into force.

Judicial cooperation with African and East African institutions President Meron discussed on 23 August 2016 judicial cooperation with African and East African institutions in meetings with the President of the African Court on Human and People’s Rights (Justice Augustino S. L. Ramandhani), the President of the East Africa Court of Justice (Justice Dr. Emanuel Ugirashebuja) and Judges of the Appellate Division.

Access Policy for the Records issued The MICT issued on 15 August 2016 its access policy for the records held by the Mechanism.

Appointment of Justice Seymour Panton On 20 May 2016 Justice Seymour Panton was appointed Judge of the MICT.

Signature of Sentences Agreement by Mali On 17 May 2016 Mali signed the Enforcement of Sentences Agreement, which opens up the possibility for convicted persons to serve their sentences of imprisonment in Mali on condition that it was decided so by the Court and accepted by Mali.

Transfer of Ntaganzwa to Rwanda On 21 March 2016 Mr Ladislas Ntaganzwa was transferred by the Democratic Republic of the Congo to Rwanda.

Reappointment of Mr Meron as President of the MICT On 1 March 2016 Judge Theodor Meron (Poland) was reappointed by the United Nations Secretary-General for a new term as President of the Mechanism, continuing its term until 30 June 2018.

Appointment of Mr Brammertz as Prosecutor On 1 March 2016 Mr Brammertz (Belgium) was appointed by the United Nations Secretary-General as MICT Prosecutor.

2. Judgments

Case Karadžić, Radovan (MICT-13-55) On 24 March 2016, the Trial Chamber III delivered its sentence convicting Radovan Karadžić of genocide, crimes against humanity and violations of the laws or customs of war: persecution, extermination, murder, deportation, inhumane acts (forcible transfer), terror, unlawful attacks on civilians and hostage-taking in the area of Srebrenica in 1995. He was sentenced to 40 years of imprisonment; he was acquitted of the charge of genocide committed in other areas of Bosnia i Herzegovina.

Case Vojislav Šešelj (MICT-16-99) On 31 March 2016, the Trial Chamber delivered its judgment to acquit Vojislav Šešelj of crimes against humanity and violations of the laws or customs of war. By majority, the Trial Chamber found that the existence of a JCE was not proved by the Prosecution. The Prosecution appealed against the Trial Judgment and filed its notice on 2 May 2016.

3. Procedural Incidents

Case Hadžić, Goran (MICT-16-101) The accused passed away on 12 July 2016. On 22 July 2016, the Trial Chamber terminated the proceedings against *Hadžić*.

Case Florence Hartmann (MICT-15-87) On 29 March 2017 Mrs Harmann was granted early release after having been arrested on 24 March 2016 related to the Judgment of Allegations of Contempt of court (article 77 of the Rules of Procedure and Evidence), delivered on 14 September 2009 and affirmed on appeal on 19 September 2011. The

sentence, an imposed fine of 7,000 Euros, was transformed into a 7-day prison sentence by the Tribunal.

Case Zdravko Tolimir (MICT-15-95) The accused Zdravko Tolimir was in custody in the Scheveningen Penitentiary Facility (at the United Nations Detention Unit) when he died on 8 February 2016.

IV. SPECIAL COURT FOR SIERRA LEONE (SCSL) – RESIDUAL SPECIAL COURT FOR SIERRA LEONE (RSCSL)

<http://www.rscsl.org>

1. News

Election of President On 5 December 2016 the Judges End Plenary elected Justice Renate Winter as President of the RSCSL.

Edwards sworn in as RSCSL Justice Judge Desmond Babatunde Edwards was sworn in as Justice of the RSCSL on 1 December 2016.

Death of Alex Tamba Brima On 9 June 2016 Alex Tamba Brima died in Rwanda after a serious illness and on 21 June 2016 his body was returned to Sierra Leone. He was serving a 50-year sentence in Rwanda for committing war crimes and crimes against humanity.

2. Decisions

Moinina Fofana facing stricter conditions of his Conditional Early Release On 25 April 2016 Designated Judge Vivian Solomon ruled that Moinina Fofana was going to modify the conditions of his Conditional Early Release because he intentionally violated the terms of his Conditional Early Release by attending a political conference in Makeni, among others he was not allowed to travel outside the City of Bo. Earlier, on 18 March 2016, he had admitted to have violated the terms of his Conditional Early Release Agreement.

V. Extraordinary chambers in the Courts of Cambodia (ECCC)

<http://www.eccc.gov.kh/>

1. News

New contributions to the ECCC The following new financial contributions were made to the ECCC:

- *Japan* made on 29 November 2016 a new contribution of 1,120,000 US\$.

- *India* contributed on 12 September 2016 50,000 US\$.
- The *European Union* released on 26 July 2016 the final grant instalment of 2.9 million of Euros of a total of 8.9 million of Euros for the 2015-2016 period.
- *Sweden* announced on 11 June 2016 its support for the period 2016-2019 of 28 million SEK in support of the ECCC.

EEEC Budget for the period 2016 – 2017 On 26 January 2016 Group of Interested States has endorsed the Budget for the ECCC. The total budget for these two years amounts to 32.3 million US\$ for 2016 – 6.6million the national component and 25.7 million US\$ the international component. For 2017, the budget amounts to 26.5 million US\$, 6.4 million being the national and 20.1 million US\$ the international component.

2. Procedural incidents

Case 004 On 14 March 2016 Ao An was charged by the International Co-Investigating Judge with additional alleged crimes, in total being charged having committed allegedly the following crimes:

- Genocide of the Cham;
- Crimes against Humanity, namely murder; extermination; enslavement; imprisonment; torture; persecution against the so-called “17 April people”, former Lon Nol soldiers, Central (Old North) Zone cadres, their families and subordinates, people from the East Zone, and other “bad elements” and “internal enemies”; persecution against Cham and Vietnamese people; and other inhumane acts including forced marriage, rape, enforced disappearances, physical abuse, forced labour, and inhumane conditions of detention;
- Violations of the 1956 Cambodian Penal Code, namely premeditated homicide. These crimes were allegedly variously committed at Anlong Chrey Dam Forced Labour Site; Kok Pring Execution Site; Met Sop (Kor) Security Centre; Tuol Beng Security Centre and Execution Site and Wat Angkuonh Dei Pagoda; Wat Au Trakuon Security Centre; Wat Batheay Security Centre; Wat Phnom Pros Execution Site; Wat Ta Meak Security Centre; Chamkar Svay Chanty Security Centre; Wat Baray Chan Dek Security Centre; Wat Srengge Security Centre; and at various locations in Kampong Cham Province.

Case 004/01 On 15 February 2016, the Co-Investigating Judges ordered to create a new case file (004/01) and the severance of the proceedings against Im Chaem because of her right to a determination of the charges brought against her without undue delay, which allows ending the proceedings to a timely conclusion while the investigations of the Case 004 continue. The Co-Investigating Judges issued on 27 July 2016 a

forwarding order requesting the Co-Prosecutors to file their final submission, according to under Internal Rule 66(4).

3. Judgments and decisions

Case 002/01 Nuon Chea and Khieu Samphan On 23 November 2016, the Supreme Court Chamber of the EEEEC delivered its judgment on appeals against the trial judgment in the Case 002/01 against Nuon Chea and Khieu Samphan, upholding the convictions for crimes against humanity in relation to the evacuation of Phnom Penh after 18 April 1975. It also upheld the convictions for the crime against humanity in relation to the second phase of population transfers that occurred between 1975 and 1977. However, it reversed some parts of the sentence, but concluded that the life sentence for both was appropriate due to the significant roles of the accused, and therefore confirmed the sentence by the Trial Chamber.

VI. Special Tribunal for The Lebanon (STL)

<http://www.stl-tsl.org/>

1. News

STL President and Vice President re-elected On 4 July 2016, Judge Ivana Hrdličková was re-elected as President of the STL and Judge Ralph Riachi as Vice President by the Judges of the Appeals Chamber for another term of 18 months as from 1 September 2016 on.

2. Judgements

Case STL-14-06 On 15 July 2016 both accused, Ibrahim Al Amin and Akhbar Beirut, were found guilty of knowingly and wilfully having interfered with the administration of justice for having published information on purported confidential witnesses in the Ayyash et al. Case. On 29 August 2016, the Contempt Judge sentenced Mr Ibrahim Al Amin to a 20,000 Euro fine and Akhbar Beirut to a 6,000 Euro fine, which should be paid until September 2016.

Case Al Khayat (STL-14-05) On 8 March 2016, the Appeals Panel delivered its Judgment and reversed the conviction of Ms Al Khayat under Count 2 and the fine of 10,000 Euros, imposed by the Contempt Judge, was set aside.

3. Procedural incidents

Case Prosecutor vs Ayyash et al. On 11 July 2016, the Appeals Chamber issued a decision today reversing the Trial Chamber's interim decision that "it did not believe sufficient evidence has yet been presented to convince it that the death of Mr Mustafa Amine Badreddine has been proven to the requisite standard." The Appeals Judges found, by majority, that there was sufficient evidence to prove the death of Mr

Badreddine and ordered to terminate the proceedings against Mustafa Badreddine “without prejudice to resume the proceedings should evidence that he is alive be adduced in the future.”

POLITICAL AND ECONOMIC COOPERATION

VII. EUROPEAN FREE TRADE ASSOCIATION COURT (EFTA COURT)

www.eftacourt.int

1. News

President Baudenbacher attended the 20th Anniversary Symposium of the International Tribunal for the Law of the Sea On 6 October 2016 President Carl Baudenbacher spoke at the 20th Anniversary Symposium of the ITLOS on improving working methods in international adjudication.

2016 EFTA Court Spring Conference on the EEA Single Market The annual Spring Conference of the EFTA Court was held on 3 June 2016 on „The EFTA Court as a European Single Market Court”.

Several actions were brought before the Court by the EFTA Surveillance Authority against Iceland, applying that:

- Iceland failed to comply to fulfill its obligation to introduce the technical roadside inspections required by the relevant act (26 September 2016, Case E-10/16)
- Iceland failed to comply to fulfill its obligation to adopt the necessary measures to implement the act in question on the harmonisation of the laws of the Member States relating to the making available on the market of pressure equipment (3 August 2016, Case E-13/16)
- Iceland failed to fulfill various obligations under the Act referred to at point 17d of Chapter II of Annex XIII to the EEA Agreement (Council Directive 95/50/EC of 6 October 1995 on uniform procedures for checks on the transport of dangerous goods by road) (26 September 2016, Case E-14/16)

Case E-20/16 Action brought against the EFTA Surveillance Authority by Autonomy Capital (Jersey) LP and Eaton Vance Management On 20 December 2016, the Autonomy Capital (Jersey) LP and Eaton Vance Management brought an action against the EFTA Surveillance Authority requesting to declare void the decision of 23 November 2016 closing the complaint in question against Iceland.

Request for an Advisory Opinion from the municipality of Oslo (Case E-5/16) On 22 March 2016 the Norwegian Board of Appeal for Industrial Property Rights requested an

advisory opinion of the EFTA Court on several questions concerning the trademark registration of copyright works.

Request for an Advisory Opinion by Héraðsdómur Reykjavíkur (Case E-6/16) The Héraðsdómur Reykjavíkur requested an advisory opinion from the EFTA Court in the case of Fjarskipti hf. v Póst- og fjarskiptastofnun on questions related to a common regulatory framework for electronic communications networks and services.

Request for an Advisory Opinion by Oslo tingrett (Case E-8/16) On 21 June 2016 the Oslo tingrett requested an advisory opinion from the EFTA Court in the case of Netfonds Holding ASA m.fl. v Staten v/Finansdepartementet.

2. Judgements

Case E-4/16 EFTA Surveillance Authority v The Kingdom of Norway On 16 November 2016, the Court declared that Norway had failed to take the necessary measures to comply with the judgment of the Court of 2 December 2013 in the Case E-13/13 ESA v Norway.

Case E-19/15 EFTA Surveillance Authority v The Principality of Liechtenstein On 10 May 2016, the Court delivered its Judgment declaring that Liechtenstein had breached its obligations arising from Articles 9, 10, 13 and 16 of the Act referred to at point 1 of Annex X to the EEA Agreement (Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market), as adapted to the EEA Agreement under its Protocol 1.

Case E-22/15 EFTA Surveillance Authority v The Principality of Liechtenstein On 1 February 2016, the Court delivered its Judgment declaring that Liechtenstein had failed to adopt the necessary measure within the time prescribed to implement the acts in question concerning medicinal products.

Case E-23/15 EFTA Surveillance Authority v The Principality of Liechtenstein On 1 February 2016, the Court delivered its Judgment declaring that Liechtenstein had failed to adopt the necessary measure within the time prescribed to implement the acts in question concerning standards of quality and safety of human organs intended for transplantation.

Case E-25/15 EFTA Surveillance Authority v Iceland The Court delivered its Judgment on 28 July 2016 declaring that Iceland failed to had taken the necessary measures to, first, recover from the recipients the State aid declared incompatible with the functioning of the EEA Agreement, to cancel any outstanding payments, and to provide the EFTA Surveillance Authority with the information.

Case E-30/15 EFTA Surveillance Authority v Iceland On 29 July 2016 the Court declared that Iceland had failed its obligation to implement the respective act regarding medicinal products for human use within the time prescribed.

Case E-31/15 EFTA Surveillance Authority v Iceland The Court delivered its judgment on 29 July 2016 declaring that Iceland had failed to fulfill its obligation to adopt the necessary measures to implement the concerned act regarding terms of protection of copyright and certain related rights within the time prescribed.

Case E-32/15 EFTA Surveillance Authority v The Principality of Liechtenstein The Court declared in its judgment delivered on 29 July 2016 that Liechtenstein had failed to fulfill its obligations to adopt, within the time prescribed, the necessary measures of the act regarding driving licenses.

Case E-33/15 EFTA Surveillance Authority v Iceland The Court declared in its judgment of 2 August 2016 that Iceland had failed to fulfill its obligation to adopt the necessary measures to implement the mentioned act regarding pharmacovigilance within the time prescribed.

Case E-34/15 EFTA Surveillance Authority v Iceland On 2 August 2016, the Court declared that Iceland had failed to adopt the necessary measures to implement the relevant act on measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery).

Case E-35/15 EFTA Surveillance Authority v The Kingdom of Norway On 2 August 2016 the Court declared in its judgment that Norway had failed to fulfill its obligation to adopt the necessary measures with the prescribed time-limit concerning the act in question on port reception facilities for ship-generated waste and cargo residues.

3. Orders

Case E-2/16, Gerhard Spitzer v EFTA Surveillance Authority On 24 May 2016, the Court delivered its Order dismissing the application as inadmissible. The applicant requested in an action brought against the EFTA Surveillance Authority “to annul the EFTA Surveillance Authority Decision No 425/15/COL from 25th November 2015, to the incorrect approach of the Principality of Liechtenstein on the implementation of the Directive 2002/47/EC void and releases within the meaning of article without substitution these 36 paragraph SCA”.

Case E-4/15 Icelandic Financial Services Association v EFTA Surveillance Authority The Court gave on 31 March 2016 an Order dismissing the application as inadmissible. The applicant requested “the annulment of EFTA Surveillance Authority Decision No 298/14/COL of 16 July 2014, notified in OJ 2014 C 400, p. 13, (“the contested decision”), to close the case concerning existing aid to the Icelandic Housing Financing Fund (*Íbúðalánasjóður*).”

Case E-7/16 Míla ehf. v EFTA Surveillance Authority On 15 November 2016, the Court ordered that the application for annulling the Decision No 061/16/COL of 16 March 2016 of the EFTA Surveillance Authority to close the formal investigation into alleged

State aid through the lease of an optical fibre previously operated on behalf of NATO is dismissed because of its inadmissibility.

4. Advisory Opinions

Case E-3/16, Ski Taxi SA, Follo Taxi SA and Ski Follo Taxidrift AS v The Norwegian Government The Court gave its Advisory Opinion on 22 December 2016 answering the questions referred to it by the Supreme Court of Norway on the interpretation of the Agreement on the European Economic Area, particularly Article 53 (agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade)

Case E-1/16 Synnøve Finden AS v The Norwegian Government On 15 December 2016, the Court gave its Advisory Opinion on issues related to state aid and the interpretation of the Agreement on the European Economic Area, particularly of article 31 (no restrictions on the freedom of establishment of nationals) and 61 (state aid).

Case E-14/15, Holship Norge AS v Norsk Transportarbeiderforbund On 19 April 2016, the Court gave its Advisory Opinion related to the interpretation of the Agreement on the EEA, in particular concerning articles 31 (no restrictions on the freedom of establishment of nationals), 53 (agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade) and 54 (abuse by one or more undertakings of a dominant position).

Joined Cases E-15/15 and E-16/15, Franz-Josef Hagedorn and Vienna-Life Lebensversicherung AG Vienna Life Insurance Group and Rainer Armbruster and Swiss Life (Liechtenstein) AG Answering the questions referred to by the Supreme Court of Liechtenstein, the Court gave on 10 May 2016 its Advisory Opinion on the interpretation of Directive 2002/83/EC of the European Parliament and of the Council of 5 November 2002 concerning life assurance

Case E-17/15 Ferskar kjötvörur ehf. And The Icelandic State On 1 February 2016, the Court gave its Advisory Opinion answering the questions made by the Reykjavik District Court with respect to the applicability of the provisions of the EEA Agreement concernint the import of raw meat products to Iceland.

Case E-25/15 Walter Waller v Liechtensteinische Invalidenversicherung The Court gave its Advisory Opinion on 2 June 2016, answering the questions referred to it by the Princely Court of Appeal, regarding the interpretation of article 87(2) of Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems.

Joined Cases E-26/15 and E-27/15 Criminal proceedings against B and B v Finanzmarktaufsicht Answering the questions referred to by the Princely Court of Appeal of Liechtenstein and the Appeals Board of the Financial Market Authority, the

Court gave its Advisory Opinion on 3 August 2016 with respect to the interpretation of Directive 2005/60/EC of the European Parliament and of the Council of 26 October 2005 on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing.

Case E-28/15 Yankuba Jabbi and The Norwegian Government On 26 July 2016 the Court delivered an Advisory Opinion, answering the questions referred to by the Oslo District Court, regarding the interpretation of Article 7(1)(b) in conjunction with Article 7(2) of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

Case E-29/15, Sorpa bs. v The Icelandic Competition Authority (Samkeppniseftirlitið) The Court gave on 22 September 2016 its Advisory Opinion with respect to the interpretation of the Agreement on the European Economic Area, in particular article 54 (abuse by one or more undertakings of a dominant position).