

EFTA COURT

JUDGMENT OF THE COURT

Of 5 April 2001

in Case E-3/00: EFTA Surveillance Authority v The Kingdom of Norway

(Failure of a Contracting Party to fulfil its obligations – Fortification of foodstuffs with iron and vitamins – Protection of public health – Precautionary principle)

In Case E-3/00: EFTA Surveillance Authority v The Kingdom of Norway – Application for a declaration that, by applying its legislation so as to prohibit the import and marketing in Norway of corn flakes, fortified per 100 g with 1 mg thiamine, 1 mg riboflavin, 10 mg niacin and 7 mg iron, which have been lawfully manufactured and marketed in other EEA States, the Kingdom of Norway has failed to fulfil its obligations under Article 11 EEA, the Court, composed of: Thór Vilhjálmsson, President, Carl Baudenbacher (Judge-Rapporteur) and Per Tresselt, Judges, gave a judgment of 5 April 2001, the operative part of which is as follows:

- 1. Declares that, by applying its legislation so as to prohibit the import and marketing in Norway of corn flakes, fortified per 100 g with 1 mg thiamine, 1 mg riboflavin, 10 mg niacin and 7 mg iron, which have been lawfully manufactured and marketed in other EEA States, the Kingdom of Norway had, at the relevant time, i.e. 14 January 2000, failed to fulfil its obligations under Article 11 EEA.**
- 2. Orders the Kingdom of Norway to pay the costs of the proceedings.**