

ANNEX I

THE EFTA STATES ICELAND, LIECHTENSTEIN AND NORWAY

FACTS AND FIGURES¹

	ICELAND	LIECHTENSTEIN	NORWAY
Name of State	Republic of Iceland	Principality of Liechtenstein	Kingdom of Norway
Size in km ²	103 000	160	324 000
Forest (%) of total area	0.3	34.8	37
Water (%)	2.7	-	4.6
Cultivated Land (%)	1.3	24.3	3.2
01.01.2000 – Population	279 049	32 426	4 478 497
1.1.2000 – Foreign Residents (% of pop.)	2.6	34.3	4.0
1.1.2000- Population Density (inhab./km ²)	2.7	203	14
Gross Domestic Product in Billion ECU (1999)	7.8	2.2	143.5
Unemployment rate (1999)	2.0	1.2	3.2
Head of Government	Davíð Oddsson, Since 1991	Mario Frick Since 1993	Jens Stoltenberg Since 2000
National holiday	17 June	15 August	17 May

¹ Source: Office of the EFTA Statistical Adviser, Luxembourg Source: Office of the EFTA Statistical Adviser, Luxembourg

**ANNEX II
EFTA SURVEILLANCE AUTHORITY**

DIVISION OF RESPONSIBILITIES AMONG COLLEGE MEMBERS

KNUT ALMESTAD	HANNES HAFSTEIN	BERND HAMMERMANN
(PRESIDENT)		
General policies Co-ordination External relation Administration Legal & Executive Affairs State aid and monopolies	Free movement of goods (incl. Technical barriers to trade, other trade matters, veterinary and phytosanitary matters) Public procurement Competition	Free movement of persons Social security Mutual recognition of diplomas Right of establishment Financial services Audiovisual, telecommuni- cation and postal services Transport Capital movements Social policies Consumer protection Environment Company law

ANNEX III
EFTA SURVEILLANCE AUTHORITY

COLLEGE

GOODS DIRECTORATE	PERSONS, SERVICES AND CAPITAL MOVEMENTS DIRECTORATE	COMPETITION AND STATE AID DIRECTORATE	LEGAL & EXECUTIVE AFFAIRS	ADMINISTRATION
<p>GENERAL TRADE PROVISIONS, including: -quantitative restrictions and measures having equivalent effect -discriminatory taxation</p> <p>HARMONISING DIRECTIVES, i.a. in the fields of: -motor vehicles -foodstuffs -pharmaceuticals -chemicals -fertilisers -construction products -toys -product safety including information procedures</p> <p>VETERINARY AND PHYTOSANITARY MATTERS</p> <p>INTELLECTUAL PROPERTY</p> <p>ENERGY</p> <p>PUBLIC PROCUREMENT</p>	<p>FREE MOVEMENT OF PERSONS, including: -free movement of workers -mutual recognition of professional qualifications -right of establishment -social security</p> <p>FREE MOVEMENT OF SERVICES, including: -financial services -banking -securities trading -insurance -audiovisual, telecommunication and postal services -transport</p> <p>CAPITAL MOVEMENTS</p> <p>SOCIAL POLICIES</p> <p>CONSUMER PROTECTION</p> <p>ENVIRONMENT</p> <p>COMPANY LAW</p>	<p>COMPETITION RULES APPLICABLE TO ENTERPRISES -prohibition of cartels -prohibition of abuse of dominant position -control of concentrations</p> <p>STATE AID -review of existing aid -examination of new aid measures</p> <p>MONOPOLIES</p> <p>RULES ON PUBLIC UNDERTAKINGS</p>	<p>REPRESENTING THE AUTHORITY IN COURT PROCEEDINGS</p> <p>FORMAL PART OF INFRINGEMENT PROCEEDINGS</p> <p>ADVICE ON LEGAL QUESTIONS</p> <p>JURIST LINGUIST SERVICES</p> <p>MEETINGS OF THE COLLEGE</p> <p>ORAL, WRITTEN AND DELEGATION PROCEDURES</p> <p>FOLLOW-UP OF COLLEGE DECISIONS</p> <p>PUBLICATION</p> <p>LIBRARY</p> <p>PRESS AND INFORMATION</p> <p>VISITOR GROUPS</p>	<p>HUMAN RESOURCES</p> <p>BUDGET PLANNING</p> <p>FINANCIAL CONTROL</p> <p>INFORMATION TECHNOLOGY</p> <p>STAFF SOCIAL SECURITY</p> <p>OFFICE FACILITIES</p> <p>PROCUREMENT REGISTRY</p>

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ANNEX V
EFTA SURVEILLANCE AUTHORITY
A COMPARATIVE LIST OF APPLICABLE NOTICES
ADOPTED BY THE EUROPEAN COMMISSION AND THE
AUTHORITY IN THE FIELD OF COMPETITION²

Topic	EFTA Surveillance Authority Notice	Commission Notice
Mergers and joint ventures	Notice regarding restrictions ancillary to concentrations <i>OJ 1994 L 153/3 and EEA Supplement to the OJ 1994 15/02</i>	Notice regarding restrictions ancillary to concentrations <i>OJ 1990 C 203/5</i>
	Not adopted	Notice on the concept of full-function joint ventures under Council Regulation (EEC) No 4064/89 on the control of concentrations between undertakings <i>OJ 1998 No C 66/1</i>
	Not adopted	Notice on the concept of concentration under Council Regulation (EEC) No 4064/89 on the control of concentration between undertakings <i>OJ 1998 No C 66/5</i>
	Not adopted	Notice on the concept of undertakings concerned under Council Regulation (EEC) No 4064/89 on the control of concentrations between undertakings <i>OJ 1998 No C 66/14</i>
	Not adopted	Notice on the calculation of turnover under Council Regulation (EEC) No 4064/89 on the control of concentrations between undertakings <i>OJ 1998 No C 66/25</i>
	Not adopted	Notice concerning alignment of procedures for processing mergers

² The preparation by the Authority of non-binding acts corresponding to those adopted by the European Commission is subject to internal resource allocation. As explained in paragraph 5.1.1. it is unlikely that a merger falling under the competence of the Authority will occur. Thus, the Authority has given lowest priority to the adoption of notices in the field of concentrations. In the interim the Authority intends to apply the principles set out in the Commission notices whenever relevant.

		under the ECSC and EC Treaties <i>OJ 1998 No C 66/36</i>
	Not adopted	Information on the assessment of full-function joint ventures pursuant to the competition rules of the European Community <i>OJ 1998 No C 66/38</i>
	Not adopted	Notice on simplified procedure for treatment of certain concentrations under Council Regulation (EEC) No 4064/89 <i>OJ 2000 No C217</i>
	Not adopted	Notice on remedies acceptable under Council Regulation (EEC) No 4069/89 and under Commission Regulation (EC) No 447/98 Adopted on 21/12/00
Vertical agreements	Not adopted	Guidelines on vertical restraints. <i>OJ 2000 No C 291/1</i>
Horizontal agreements	Not adopted	Guidelines on the applicability of Article 81 to horizontal co-operation agreements. <i>OJ 2001 No C 3/2</i>
Exclusive purchasing and distribution (ceased to apply 31 may 2000)	Notice concerning the acts referred to in points 2 and 3 of Annex XIV to the EEA Agreement (Commission Reg. (EEC) No 1983/83 and (EEC) No 1984/83 on the application of Art. 53(3) of the EEA Agreement to categories of exclusive distribution and purchasing agreements <i>OJ 1994 L 153/13 and EEA Supplement to the OJ 1994 15/12</i>	Notice concerning Commission Regulations (EEC) No 1983/83 and (EEC) No 1984/83 of 22 June 1983 on the application of Article 85(3) of the Treaty to categories of exclusive distribution and exclusive purchasing agreements <i>OJ 1984 C 101/2</i>
	Notice modifying the notice concerning the acts referred to in points 2 and 3 of Annex XIV to the EEA Agreement (Commission Reg. (EEC) No 1983/83 and (EEC) No 1984/83) on the application of Article 53(3) of the EEA Agreement to categories of exclusive distribution and purchasing	Notice modifying the notice concerning Commission Regulations (EEC) No 1983/83 and (EEC) No 1984/83 of 22 June 1983 on the application of Article 85(3) to categories of exclusive distribution and purchasing agreements

	<p>exclusive distribution and purchasing agreements</p> <p><i>OJ 1994 L 186/69 and EEA Supplement to the OJ 1994 22/17</i></p>	<i>OJ 1992 C 121/2</i>
Motor vehicle distribution and servicing agreements	<p>Notice concerning the act referred to in point 4 of Annex XIV to the EEA Agreement (Reg. (EEC) No 123/85) on the application of Article 53(3) of the EEA Agreement to certain categories of motor vehicle distribution and servicing agreements</p> <p><i>OJ 1994 L 153/20 and EEA Supplement to the OJ 1994 15/19</i></p>	<p>Notice concerning Regulation (EEC) No 123/85 of 12 December 1984 on the application of Article 85(3) to certain categories of motor vehicle distribution and servicing agreements</p> <p><i>OJ 1985 C 17/4</i></p>
	<p>Notice clarifying the activities of motor vehicle intermediaries</p> <p><i>OJ 1994 L 186/70 and EEA Supplement to the OJ 1994 22/18</i></p>	<p>Notice clarifying the activities of motor vehicle intermediaries</p> <p><i>OJ 1991 C 329/30</i></p>
Imports from third countries	<p>Notice concerning imports into the territory covered by the EEA Agreement of third countries' goods falling within the scope of the EEA Agreement</p> <p><i>OJ 1994 L 153/29 and EEA Supplement to the OJ 1994 15/28</i></p>	<p>Notice concerning imports into the Community of Japanese goods falling within the scope of the Rome Treaty</p> <p><i>OJ 1972 C 111/13</i></p>
Subcontracting agreements	<p>Notice of the EFTA Surveillance Authority concerning its assessment of certain subcontracting agreements in relation to Article 53(1) of the EEA Agreement</p> <p><i>OJ 1994 L 153/30 and EEA Supplement to the OJ 1994 15/29</i></p>	<p>Commission Notice of 18 December 1978 concerning its assessment of certain subcontracting agreements in relation to Article 85(1) of the EEC Treaty</p> <p><i>OJ 1979 C 1/2</i></p>
Agreements of minor importance	<p>Notice on agreements of minor importance which do not fall under Article 53(1) of the EEA Agreement</p> <p><i>OJ 1998 L 200/55 and EEA Supplement to the OJ 1998 28/13</i></p>	<p>Notice on agreements of minor importance which do not fall under Article 85(1) of the Treaty establishing the European Community</p> <p><i>OJ 1997 C 372/13</i></p>
Definition of the relevant market	<p>Notice on the definition of the relevant market for the purpose of competition law within the EEA</p> <p><i>OJ 1998 L 200/48 and EEA Supplement to the OJ 1998 28/3</i></p>	<p>Notice on the definition of the relevant market for the purposes of Community competition law</p> <p><i>OJ 1997 C 372/5</i></p>
Cross-border credit	Notice on the application of the EEA	Notice on the application of the EC

transfers	competition rules to cross-border credit transfers <i>OJ 1997 C 301/7 and EEA Supplement to the OJ 1997 41/43</i>	competition rules to cross-border credit transfers <i>OJ 1995 C 251/3</i>
Access to the file	Not adopted	Notice on the internal rules of procedure for processing requests for access to the file in cases pursuant to Articles 85 and 86 of the EC Treaty, Articles 65 and 66 of the ECSC Treaty and Council Regulation (EEC) No 4064/89 <i>OJ 1997 No C 23/3</i>
Fines	Notice on the non-imposition or reduction of fines in cartel cases <i>OJ 1997 C 282/8 and EEA Supplement to the OJ 1997 39/1</i>	Notice on the non-imposition or reduction of fines in cartel cases <i>OJ 1996 C 207/4</i>
	Not adopted	Guidelines on the method of setting fines imposed pursuant to Article 15(2) of Regulation No 17 and Article 65(5) of the ECSC Treaty <i>OJ 1998 C 9/3</i>
Co-operation with national courts	Notice on co-operation between national courts and ESA in applying Articles 53 and 54 to the EEA Agreement <i>OJ 1995 C 112/7 and EEA Supplement to the OJ 1995 16/01</i>	Notice on co-operation between national courts and the Commission in applying Articles 85 and 86 of the EEC Treaty <i>OJ 1993 C 39/6</i>
Co-operation with national competition authorities	Notice on co-operation between national competition authorities and the EFTA Surveillance Authority in handling cases falling within the scope of Articles 53 and 54 of the EEA Agreement. Adopted 22 May 2000. <i>OJ 2000 C 307/6 and EEA Supplement to the OJ 2000 61/05</i>	Notice on co-operation between national competition authorities and the Commission in handling cases falling within the scope of Articles 85 or 86 of the EC Treaty <i>OJ 1997 No C 313/3</i>
Postal sector	Not adopted	Notice on the application of the competition rules to the postal sector and on the assessment of certain state measures relating to postal services <i>OJ 1998 No C 39</i>
Telecommunications	Guidelines on the application of EEA competition rules in the telecommunications sector <i>OJ 1994 L 153/35 and EEA Supplement to the OJ 1994 15/34</i>	Guidelines on the application of the EEC competition rules in the telecommunication sector <i>OJ 1991 C 233/2</i>
	Not adopted	Notice on the application of the competition rules to access

		<p>agreements in the telecommunications sector</p> <p><i>OJ 1998 C 265/2</i></p>
Aviation	Not adopted	<p>Notice concerning procedures for communications to the Commission pursuant to Articles 4 and 5 of Commission Regulation (EEC) No 1617/93 of 25 June 1993 on the application of Article 85(3) to certain categories of agreements, decisions and concerted practices concerning joint planning and co-ordination of schedules, joint operations, consultations on passenger and cargo tariffs on scheduled air services and slot allocation at airports.</p> <p><i>OJ 1993 C 177/4</i></p>

ANNEX VI
EFTA SURVEILLANCE AUTHORITY
A COMPARATIVE LIST OF NOTICES ADOPTED BY THE
EUROPEAN COMMISSION AND THE AUTHORITY IN THE
FIELD OF STATE AID

Topic	EFTA Surveillance Authority	European Commission
Procedures		
General	OJ No L 231, 03.09.1994, EEA Supplement No.32 Amended 06.12.95, OJ No L 124, 23.05.1996, EEA Supplement No 23	Commission Communications and letters listed in points 2-7 and 10 of Annex XV to the EEA Agreement, relevant judgements of the European Court of Justice and the Commissions' practice.
Co-operation between national courts and the EFTA Surveillance Authority in the State aid field	OJ No L 274, 26.10.2000, EEA Supplement No. 61	OJ No C 312, 23.11.95
Rules on Horizontal Aid		
Aid to small and medium-sized enterprises (SMEs)	OJ No L 42, 13.02.1997, EEA Supplement No.7	OJ No C 213, 23.07.1996
Criteria for applying the accelerated clearance procedure	OJ No L 231, 03.09.1994, EEA Supplement No.32	OJ No C 213, 19.08.1992
The de minimis rule and its application	OJ No L 245, 26.09.1996 EEA Supplement No.43	OJ No C 68, 06.03.1996
Rules applicable to cases of cumulation of aid for different purposes	OJ L 231, 03.09.1994, EEA Supplement No.32	OJ No C 3, 05.01.1985
Aid for Research and Development	OJ No L 245, 26.09.1996, EEA Supplement No.43	OJ No C 45, 17.02.1996
Aid for environmental protection	OJ No L 231, 03.09.1994, EEA Supplement No.32	OJ No C 72, 10.03.1994
Aid for rescuing and restructuring firms in difficulty	OJ No L 274, 26.10.2000, EEA Supplement No.48	OJ No C 288, 09.10.1999
State guarantees	OJ No L 274, 26.10.2000, EEA Supplement No.48	OJ C 71, 11.03.2000
Short-term export-credit insurance	OJ No L 120, 23.04.1998, EEA Supplement No 16	OJ No C 281, 17.09.1997
Measures related to direct business taxation	OJ No L 137, 8.6.2000	OJ No C 384, 10.12.1999
Aid to employment	OJ No L 124, 23.05.96,	OJ No C 334, 12.12.1995

Topic	EFTA Surveillance Authority	European Commission
	EEA Supplement No 23	
Aid for training	OJ No L 137, 8.6.2000	OJ No C 343, 11.11.1999
Sale of land and buildings	OJ No L 137, 8.6.2000	OJ No C 209, 10.07.1997
Rules on State Ownership of Enterprises and on Aid to Public Enterprises		
Public authorities' holdings	OJ No L 231, 03.09.1994, EEA Supplement No.32	EC Bulletin 9-1984
Application of State aid provisions to public enterprises in the manufacturing sector	OJ No L 231, 03.09.1994, EEA Supplement No.32	OJ C 307, 13.11.1993 and OJ L 254 , 12.10.1993
Rules on Sectoral Aid		
Aid to the synthetic fibres industry	OJ No L 140, 13.06.1996, EEA Supplement No 25	OJ C 94, 30.03.1996 and OJ C 24, 29.01.1999
Aid to the motor vehicle industry	OJ No L 112, 11.5.2000	OJ No C 279, 15.09.1997
Aid to non-ECSC steel industries	OJ No L 231, 03.09.1994, EEA Supplement No.32	OJ No C 320, 13.12.1988
Aid to maritime transport	OJ No L 316, 20.11.1997, EEA Supplement No.48	OJ No C 205, 05.07.1997
Rules on Regional Aid		
National regional aid	OJ No L 111, 29.04.1999, EEA Supplement No.18	OJ No C 74, 10.03.1998
Multisectoral framework on regional aid for large investment projects	OJ No L 111, 29.04.1999, EEA Supplement No.18	OJ No C 107, 07.04.1998
Specific rules		
General investment aid schemes	OJ No L 231, 03.09.1994, EEA Supplement No.32	Commission letter to the Member States: SG(79) D/10478, 14.09.1979
Aid to the aviation sector	Reference to the Commission guidelines	OJ No C 350, 10.12.1994
Aid to shipbuilding granted as development assistance to a development country	OJ No L 135, 8.6.2000	Commission letters to the Member States: SG (89) D/311, 03.01.1989 and SG (97) D/4345, 10.06.1997 OJ C 218, 18.07.1997
Standardized annual reporting	OJ No L 231, 03.09.1994, EEA Supplement No.32	Commission letter to the Member States: SG (95) D 20506, 02.08.1995
Conversions between national currencies and EURO	OJ No L 231, 03.09.1994, EEA Supplement No.32	
Reference rate of interest	OJ No L 274, 26.10.2000, EEA Supplement No.48	OJ No C 273, 09.09.97

ANNEX VII

Explanation of proceedings for non-compliance with EEA law

1. Principles

Each Contracting Party to the EEA Agreement is responsible for the implementation of EEA law (adoption of implementing measures before a specified deadline, conformity and correct application) within its own legal system. Under the EEA Agreement³ the EFTA Surveillance Authority is responsible for ensuring that EEA law is correctly applied by the EFTA States. Consequently, where an EFTA State fails to comply with EEA law, the Authority has powers of its own (action for non-compliance) to try to bring the infringement to an end and, where necessary, may refer the case to the EFTA Court⁴. The Authority takes whatever action it deems appropriate in response to a possible infringement arising from either a complaint or other source which it detects.

Non-compliance means failure by an EFTA State to fulfil its obligations under EEA law. It may consist either of an action or omission. The term “State” means the Member State, which infringes EEA law, irrespective of the authority - central, regional or local - to which the compliance is attributable.

2. Admissibility of complaints

Anyone may lodge a complaint with the Authority against an EFTA State for any measure (law regulation or administrative action) or practice attributable to an EFTA State, which they consider incompatible with a provision or a principle of EEA law. A *complainant* does not have to demonstrate a formal interest in bringing proceedings. Neither does a complainant have to prove that he/she is principally and directly concerned by the infringement. To be admissible, a complaint must relate to an infringement of EEA law by an EFTA State⁵. It cannot therefore concern a private dispute.

It is very important for the complaint to be complete and accurate, particularly as regards the facts complained of in relation to the EFTA State in question, any steps that a complainant has already taken at any level and, as far as possible, the provisions of EEA law which a complainant considers to have been infringed.

3. Stages of infringement proceedings

In infringement proceedings, a case may be handled in the following stages:

3.1 Information gathering

In response to a complaint, it may be necessary to gather further information to determine the points of facts and of law concerning each case. Should the Authority contact the authorities of the EFTA State against which a complaint has been made, it will not disclose the complainant’s identity unless he/she has given it express permission to do so. If necessary, the complainant will be asked to supply further information.

After examining the facts and in light of the rules and priorities established by the Authority for opening and pursuing infringement proceedings, the Authority will decide whether further action should be taken on a complaint.

3.2 Opening of an infringement procedure: formal contacts between the Authority and the EFTA State concerned

³ Articles 108 and 109 of the EEA Agreement.

⁴ See mainly Article 31 of the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice.

⁵ *It should be noted that if the Authority receives a complaint against an EC State it will pass the complaint to the Commission of the European Communities which is responsible for ensuring that EEA law is correctly applied by the EC Member States. The Authority will inform a complainant of the transfer to the EC Commission.*

If the Authority considers that there may be an infringement of EEA law, which warrants the opening of an infringement procedure, it addresses a “letter of formal notice” to the EFTA State concerned, requesting it to submit its observations by a specified date. The EFTA State has to adopt a position on the points of fact and of law on which the Authority bases its decision to open the infringement procedure.

In light of the reply or absence of a reply from the EFTA State concerned, the Authority may decide to address a “reasoned opinion” to that State, clearly and definitively setting out the reasons why it considers there to be an infringement of EEA law and calling on the EFTA State to comply with EEA law within a specified time period (normally two months).

The purpose of those formal contacts is to determine whether there is indeed an infringement of EEA law and, if so, to resolve the case at this stage without having to take it to the EFTA Court.

In light of the reply, the Authority may also decide not to proceed with the infringement procedure, for example, where the EFTA State provides credible assurances as to its intention to amend its legislation or administrative practice. Most cases can be resolved in this way.

3.3 Referral to the EFTA Court

If the EFTA State fails to comply with the reasoned opinion, the Authority may decide to bring the case before the EFTA Court. *Normally, the Court will rule on a case, brought by the Authority, within a year.*

Judgments of the EFTA Court differ from those of national courts. At the close of the procedure, the Court delivers a judgment stating whether there has been an infringement. The Court can neither annul a national provision which is incompatible with EEA law, nor force a national administration to respond to the request of an individual, nor order the State to pay damages to an individual adversely affected by an infringement of EEA law.

It is the duty of an EFTA State against which the EFTA Court has given judgment to take whatever measures are necessary to comply with the judgment, and in particular to resolve the dispute, which gave rise to the procedure. If the State does not comply, the Authority may again bring the matter before the EFTA Court *on the grounds of a failure to take the necessary measures to comply with the judgment of the Court.*

4. National remedies

It is national courts and administrative bodies that are primarily responsible for ensuring that the authorities of the EFTA States comply with EEA law.⁶

Therefore, if a complainant considers a particular measure (law, regulation or administrative action) or administrative practice to be incompatible with EEA law he/she should consider, either prior to or in parallel with his/her complaint to the Authority, to use remedy procedures before the national administrative or judicial authorities (including national or regional ombudsmen) and/or through any arbitration and conciliation procedures available. *Where questions on the interpretation of the EEA Agreement are raised before any court or tribunal in an EFTA State, that court or tribunal may request the EFTA Court to give an advisory opinion on the questions*⁷.

By using the means of redress available at the national level a complainant should, as a rule, be able to assert his/her rights more directly and more personally than he/she could following infringement

⁶ *It should be noted that the EEA Agreement is a part of the EFTA States internal legal order. It was made part of Iceland's national legislation by Law of 13 January 1993 No. 2 and by the Norwegian national legislation by Law of 27 November 1992 No. 109. As Liechtenstein follows a monist tradition the Agreement became part of the national legal order upon entry into force. It was published in the Law Gazette LGBl. 1995 No. 68.*

⁷ *Article 34 of the Agreement between the EFTA States on the establishment of a Surveillance Authority and a Court of Justice.*

proceedings successfully brought by the Authority, which may take some time. Only national courts can issue orders to administrative bodies and annul a national decision. It is only national courts which have the power, where appropriate, to order a State to make good the loss sustained by individuals as a result of the infringement of EEA law attributable to it.

5. Administrative guarantees

The following administrative guarantees exist for the benefit of a complainant:

- a) Following registration by the Authority, a complaint will be assigned an official reference number (as set out in a letter of acknowledgement to the complainant) which should be quoted on any correspondence. However, the assignment of an official reference number does not necessarily mean that an infringement procedure will be opened against the EFTA State in question.
- b) Where the Authority makes representations to the authorities of the EFTA State against which the complaint has been made, they will abide by the choice a complainant has made regarding confidentiality, i.e. disclosure of his/her identity. Where a complainant has not indicated his/her choice, the Authority will presume that the complainant has opted for non-confidential treatment. In case of confidential treatment it should be borne in mind, however, that the disclosure of the complainant's identity by the Authority may in some cases be indispensable to the handling of the complaint or *may be unavoidable due to the factual circumstances of the complaint*. In case the Authority decides to disclose the identity, the complainant will be informed in advance.
- c) The Authority will endeavour to take a decision on the substance (either to open infringement proceedings or to close the case) within a year of registration of the complaint.
- d) The complainant will be informed in advance by the relevant Directorate of the Authority if it plans to close the case, with the finding that there is no infringement. The Authority will keep the complainant informed of the course of any infringement procedure.