

## **EFTA COURT**

### **Request for an Advisory Opinion from the EFTA Court by Oslo tingrett dated 6 January 2016 in the case of Synnøve Finden v Staten v/ Landbruks- og matdepartementet**

**(Case E-1/16)**

A request has been made to the EFTA Court by a letter dated 6 January 2016 from Oslo tingrett (the Oslo District Court), which was received at the Court Registry on 18 January 2016, for an Advisory Opinion in the case of Synnøve Finden v Staten v/ Landbruks- og matdepartementet on the following questions concerning Regulation of 29 June 2007 No 832 on a price equalisation system for milk (the 'PE Regulation'):

**1.1. Is the aid arrangement mentioned in the third paragraph of Section 8 of the PE Regulation an arrangement of a nature whereby the Court, on considering its lawfulness, must consider it in relation to the rules on the freedom of establishment in Article 31 of the EEA Agreement?**

**1.2. If the court is required to consider Article 31 of the EEA Agreement in relation to the lawfulness of the third paragraph of Section 8 of the PE Regulation, will Article 31 of the EEA Agreement only be relevant if there is a cross-border element in the case?**

**1.3. If the court is required to consider Article 31 of the EEA Agreement in relation to the lawfulness of the third paragraph of Section 8 of the PE Regulation, will Article 31 of the EEA Agreement only be relevant in relation to what are commonly referred to as 'Protocol 3 products', or will it be deemed to constitute transport aid of relevance to all product categories, even if transport is limited to the party's own products?**

**2.1. Is the aid arrangement mentioned in the third paragraph of Section 8 of the PE Regulation an arrangement that requires prior notification to ESA pursuant to Article 60 of the EEA Agreement?**

**2.2. If the aid arrangement mentioned in the third paragraph of Section 8 of the PE Regulation requires prior notification to ESA pursuant to Article 60, does this only concern what are commonly referred to as 'Protocol 3 products', or will it be deemed to constitute transport aid of relevance to all product categories?**