

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Borgarting lagmannsrett dated 10 September 2018 in the case of Andreas Gyrré v The Norwegian Government

(Case E-1/19)

A request has been made to the EFTA Court dated 10 September 2018 from Borgarting lagmannsrett (Borgarting Court of Appeal), which was received at the Court Registry on 3 January 2019, for an Advisory Opinion in the case of Andreas Gyrré v The Norwegian Government on the following questions:

- 1. Is point 9 of Annex I to Directive 2005/29/EC of the European Parliament and of the Council concerning unfair business-to-consumer commercial practices in the internal market to be interpreted as covering situations where a trader states or otherwise creates the impression that a product can legally be sold where there is a legislative provision, such as in the London Olympic Games and Paralympic Games Act 2006, in an EEA State which provides that the product cannot legally be sold and which is enforced under national law?**
 - a. Does it have a bearing on this assessment that the prohibition applies in the EEA State where the product is to be used but not in the State where the product is sold?**
 - b. Does it have a bearing on this assessment if, after the sale, it is determined that the prohibition was contrary to EEA law?**

- 2. If a determination of whether the prohibition under national law is contrary to EEA law rules has a bearing on the assessment under point 9 of Annex I to Directive 2005/29/EC:**
 - a. Does the prohibition of resale of such tickets as in the London Olympic Games and Paralympic Games Act 2006 constitute regulation of commercial practices falling within the scope of Directive 2005/29/EC concerning unfair business-to-consumer commercial practices in the internal market?**
 - b. Does the Directive preclude a national prohibition of resale, such as provided for in the London Olympic Games and Paralympic Games Act 2006, where such a prohibition safeguards not only**

consumer protection considerations but also other considerations, such as security?

- c. If it is necessary to ascertain whether restrictions on the resale of tickets for sporting events such as the Olympic Games are contrary to the fundamental freedoms under the EEA Agreement, including Articles 11 and 36 EEA, which criteria should the national court use as a basis for its assessment of whether such restrictions are suitable and necessary for achieving legitimate objectives such as consumer protection and security?**