

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Borgarting lagmannsrett dated 23 November 2017 in the case of Nye Kystlink AS v Color Group AS and Color Line AS

(Case E-10/17)

A request has been made to the EFTA Court by a letter dated 23 November 2017 from Borgarting lagmannsrett (Borgarting Court of Appeal), which was received at the Court Registry on 24 November 2017, for an Advisory Opinion in the case of Nye Kystlink AS v Color Group AS and Color Line AS on the following questions:

- 1. Does it follow from the EEA law principle of equivalence that a national limitation rule that lays down a separate limitation period of one year for bringing an action for damages arising from a criminal offence that has been established by a final criminal conviction must be applied correspondingly in connection with an action for damages for infringement of Articles 53 and 54 EEA that has been established by a final decision by ESA imposing a fine?**
- 2. Does the EEA law principle of effectiveness restrict the EEA States' right to apply a limitation period of three years for bringing an action for damages for infringement of Articles 53 and 54 EEA, when this limitation period is combined with a duty of investigation on the part of the injured party that could lead to the limitation period expiring before ESA has reached a decision in a case concerning infringement of Articles 53 and 54 EEA based on a complaint from the injured party?**
- 3. What elements should be given weight in the assessment of whether the application of the national limitation period, as mentioned in Question 2, is compatible with the EEA law principle of effectiveness in competition cases of a nature and scope like the present one?**