

## **EFTA COURT**

### **Request for an Advisory Opinion from the EFTA Court by Oslo tingrett dated 31 August 2016 in the case of Mobil Betriebskrankenkasse v Tryg Forsikring**

**(Case E-11/16)**

A request has been made to the EFTA Court by a letter dated 31 August 2016 from Oslo tingrett (the Oslo District Court), which was received at the Court Registry on 7 September 2016, for an Advisory Opinion in the case of Mobil Betriebskrankenkasse v Tryg Forsikring on the following questions:

#### **Question 1, concerning the interpretation of Article 85(1)(a) of the Coordination Regulation:**

**When an institution in the injured party's home country that is responsible for providing benefits, under that country's legislation 'is subrogated to' the injured party's right against a 'third party', other EEA States must recognise the institution's subrogation to the claim. Does this mean**

- **that other EEA States must recognise that the claim has passed from the injured party to the institution and that the existence and scope of the claim depends on the home country's legislation,**
- **that other EEA States must recognise that the claim has passed from the injured party to the institution and that the existence and scope of the claim depends on the legislation in the country where the injury occurred, or**
- **that other EEA States must recognise that the claim has passed from the injured party to the institution, but that the Coordination Regulation has no bearing on the choice of law as regards the existence and scope of the claim?**

#### **Question 2, concerning the interpretation of Article 85(1)(b) of the Coordination Regulation:**

**Where the institution responsible for providing benefits has a direct right against the third party, other EEA States shall recognise such rights. Does this mean**

- **that other EEA States must recognise the right in full, including that its existence and scope depends on the home country's legislation, or**
- **that other EEA States must recognise the right, subject to those limitations that follow from the rules of law in the country where the injury occurred?**