

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by the Supreme Court of Norway dated 17 June 2024 in the case of Elmatica AS v Confidee AS and Vidar Olsen

(Case E-14/24)

A request has been made to the EFTA Court dated 17 June 2024 from the Supreme Court of Norway (*Norges Høyesterett*), which was received at the Court Registry on 2 July 2024, for an Advisory Opinion in the case of Elmatica AS v Confidee AS and Vidar Olsen on the following questions:

- 1. In disputes concerning access to evidence in cases concerning remedies relating to trade secrets, does EEA law require national courts to weigh one party's right to remedy breaches of its alleged trade secrets against the other party's right to protection of its alleged trade secrets?**
- 2. In that connection, does EEA law place an obligation on national courts to obtain and examine disputed evidence which may contain trade secrets in order to determine whether that evidence is to be adduced in the proceedings, or is it sufficient that national courts may, at their discretion, obtain the evidence in question in those cases where they deem it necessary in order to conduct a proper assessment of whether the evidence is to be adduced?**