

## **EFTA COURT**

### **Request for an Advisory Opinion from the EFTA Court by Trygderetten dated 1 December 2023 in the case of K v Nasjonalt klageorgan for helsetjenesten (Helseklage) (The National Office for Health Service Appeals)**

**(Case E-15/23)**

A request has been made to the EFTA Court dated 1 December 2023 from *Trygderetten* (The National Insurance Court), which was received at the Court Registry on 1 December 2023, for an Advisory Opinion in the case of K v Nasjonalt klageorgan for helsetjenesten (Helseklage) (The National Office for Health Service Appeals), on the following questions:

- 1. Is it compatible with Article 36 of the EEA Agreement and Article 7 of Directive 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare to refuse reimbursement of costs for dental treatment in another EEA State on the ground that the treating dental practitioner does not possess the required specialisation in order to have equivalent treatment reimbursed in the service recipient's home State?**
- 2. Does it affect the answer to question 1 if the specialisation required in the service recipient's home State is included in Annex V to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications?**
- 3. If the specialisation is not included in Annex V to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, must the competent authorities in the service recipient's home State also conduct an assessment under Article 36 of the EEA Agreement in order to determine whether the treating dental practitioner has equivalent competence to that required under national law?**