

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Borgarting Court of Appeal dated 27 June 2024 in the case of A v B

(Case E-15/24)

A request has been made to the EFTA Court dated 27 June 2024 from Borgarting Court of Appeal (*Borgarting lagmannsrett*), which was received at the Court Registry on 27 June 2024, for an Advisory Opinion in the case of *A v B*, on the following questions:

Firstly, is it, and if so, under which circumstances is it, compatible with the rights of the parents and the child under Directive 2004/38/EC that national legislation on the relationship between a child and its parents stipulates that a custodial parent, in situations where the parents have joint parental responsibility and the non-custodial parent does not consent to the relocation, cannot relocate to another EEA State with the child without initiating legal action and getting the court's permission to relocate, when the same parent would have the right to relocate domestically with the child without obtaining the non-custodial parent's consent or permission from the court?

Secondly, is it, and if so, under which circumstances is it, compatible with Article 28 of the EEA Agreement that national legislation on the relationship between a child and its parents stipulates that a custodial parent, in situations where the parents have joint parental responsibility and the noncustodial parent does not consent to the relocation, cannot relocate to another EEA State with the child to take up employment there without initiating legal action and getting the court's permission to relocate, when the same parent would have the right to relocate domestically with the child without obtaining the non-custodial parent's consent or permission from the court?