

## EFTA COURT

### **Request for an Advisory Opinion from the EFTA Court by Héraðsdómur Reykjavíkur dated 22 May 2015 in the case of Ferskar kjötvörur ehf. v the Icelandic State**

**(Case E-17/15)**

A request has been made to the EFTA Court by a letter dated 22 May 2015 from Héraðsdómur Reykjavíkur (Reykjavik District Court), which was received at the Court Registry on 16 June 2015, for an Advisory Opinion in the case of Ferskar kjötvörur ehf. v the Icelandic State on the following questions:

- 1. Does the field of application of the EEA Agreement, as defined in Article 8 thereof, entail that a Member State of the Agreement has discretion regarding the setting of rules on the importation of raw meat products and is, in this respect, not bound by the provisions of the Agreement and the acts based thereon?**
- 2. If the answer to the first question is in the negative, then the question arises whether it is compatible with the provisions of Council Directive 89/662/EEC that a Member State of the EEA Agreement should set rules demanding that an importer of raw meat products applies for a special permit before the products are imported, and require the submission, for this purpose, of an import declaration, information on the country of origin and production, the type of product and the producer, and the required certificates, including a certificate confirming that the products have been stored frozen for a certain period prior to customs clearance.**
- 3. The national court requests the opinion of the Court whether the provisions of Regulation (EC) No 178/2002 of the European Parliament and of the Council are relevant in answering the second question.**
- 4. Following on from the second and third questions, an answer is requested to the question of whether it constitutes a technical barrier to trade in the sense of Article 18 EEA if an EEA State sets rules under which the importation to that State of raw meat products is not permitted.**
- 5. An opinion is requested on whether it affects the answer to the fourth question, if it is permitted, under the rules of the EEA**

**State of destination, to grant exceptions from the general prohibition referred to in that question.**

- 6. If the answer to the fourth and/or fifth question is in the affirmative, an answer is then requested to the question of in which cases such a prohibition on the importation of raw meat products taking into account, as appropriate, the circumstances described in the fifth question, could be considered justifiable with reference to Article 13 EEA. Also, an answer is requested to the question of what requirements should be made regarding proof in this connection, particularly in the light of the precautionary principle of EEA law.**