

## **EFTA COURT**

### **Request for an Advisory Opinion from the EFTA Court by Borgarting Court of Appeal dated 19 August 2024 in the case of The Norwegian State v Greenpeace Nordic, Nature and Youth Norway**

**(Case E-18/24)**

A request has been made to the EFTA Court dated 19 August 2024 from Borgarting Court of Appeal (*Borgarting lagmannsrett*), which was received at the Court Registry on 2 September 2024, for an Advisory Opinion in the case of *The Norwegian State v Greenpeace Nordic, Nature and Youth Norway*, on the following questions:

- 1. Where a project is listed in Directive 2011/92/EU Annex I point 14, are the greenhouse gas emissions that will be released from the extracted petroleum and natural gas, environmental “effects” of the project under Article 3(1)?**
- 2. If Question 1 is answered in the affirmative, is a national court required under Article 3 EEA, to the extent possible under national law, to eliminate the unlawful consequences of a development consent granted without a prior EIA of said effects?**
- 3. If Question 2 is answered in the affirmative and national law allows for the annulment and/or suspension of the unlawful consent, can a national court retroactively dispense with the obligation to assess these effects under Article 3(1) if it is shown that the failure has not influenced the outcome of the decision-making process?**