

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Norges Høyesterett dated 14 December 2016 in the case of Torbjørn Selstad Thue and the Norwegian Police Federation (Politiets Fellesforbund) v the Norwegian Government, represented by the Ministry of Justice and Public Security

(Case E-19/16)

A request has been made to the EFTA Court dated 14 December 2016 from Norges Høyesterett (the Supreme Court of Norway), which was received at the Court Registry on 14 December 2016, for an Advisory Opinion in the case of Torbjørn Selstad Thue and the Norwegian Police Federation (Politiets Fellesforbund) v the Norwegian Government, represented by the Ministry of Justice and Public Security on the following questions:

- 1. Is the time spent on a journey ordered by the employer, to and/or from a place of attendance other than the employee's fixed or habitual place of attendance, when such travel takes place outside normal working hours, to be considered working time within the meaning of Article 2 of Directive 2003/88/EC?**
- 2. Insofar as travel as described in Question I is not by itself sufficient to be classified as working time, what is the legal test and the relevant elements to be considered in the assessment of whether the time spent on travel should nonetheless be deemed to constitute working time? As part of this question, an opinion is requested on whether an intensity assessment should be made of the amount of work performed while travelling.**
- 3. Does it have any bearing on the assessments under Questions I and II how often the employer specifies a place of attendance other than the fixed or habitual one?**