

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Borgarting Lagmannsrett dated 3 April 2020 in the case of The Norwegian Government v L

(Case E-2/20)

A request has been made to the EFTA Court dated 3 April 2020 from Borgarting Lagmannsrett (Borgarting Court of Appeal), which was received at the Court Registry on 3 April 2020, for an Advisory Opinion in the case of The Norwegian Government v L on the following questions:

- 1. Is recital 27 of the preamble to Directive 2004/38/EC to be interpreted as meaning that expulsion of an EU/EEA national together with a permanent exclusion order is contrary to Directive 2004/38/EC, even if the person in question has the possibility under Article 32(1) of applying to have the exclusion order lifted?**
- 2. How are the words “material change” in Article 32(1) to be understood when the expulsion is based on personal characteristics of the EU/EEA national?**
- 3. If it is assumed that the personal characteristics of the EU/EEA national justifying the expulsion will not change, will expulsion together with a permanent entry prohibition in such cases be contrary to Directive 2004/38/EC?**
- 4. How is the requirement in Article 27(2), under which expulsion must be a proportionate measure, to be understood in relation to the expulsion of an EU/EEA national together with a permanent entry prohibition when the person in question has a family and children in the country from which s/he is being expelled? Does the Directive preclude expulsion together with a permanent entry prohibition in such cases?**
- 5. How much weight should be attached to the absence of criminal offences whilst serving a sentence and positive development following release on probation in the determination of whether there is “a genuine, present and sufficiently serious threat” as referred to in Article 27(2)?**