



Luxembourg, 20 November 2024

PRESS RELEASE 12/2024

Judgment in Case E-2/24 *Bygg & Industri Norge AS and Others v the Norwegian State, represented by the Ministry of Labour and Social Inclusion*

RESTRICTIONS ON TEMPORARY WORK AGENCIES IN NORWAY

In a judgment delivered today, the Court answered questions referred to it by Oslo District Court (*Oslo tingrett*) concerning national rules restricting the activities of temporary work agencies in Norway.

The plaintiffs in the main proceedings are Norwegian temporary work agencies, who claim that recent amendments to Norwegian legislation on temporary agency work are contrary to EEA law.

In December 2022, the Norwegian Parliament (*Stortinget*) adopted rules limiting the possibility to hire in workers from temporary work agencies. The amendments abolished the general possibility to hire in workers when the work is of a temporary nature and prohibited temporary agency workers for construction work in Oslo, Viken and former Vestfold. However, it is still possible to hire in temporary agency workers in a selected number of situations.

In its judgment, the Court held that in order to determine whether the national rules fall within the scope of one or more of the fundamental freedoms enshrined in the EEA Agreement, the purpose of the rules as well as the facts of the individual case must be taken into consideration.

The Court found that, in relation to one of the plaintiffs in the main proceedings which is a subsidiary of a Danish parent undertaking, the national rules limited the activities of temporary work agencies and therefore restricted the freedom of establishment under EEA law. The freedom of establishment guarantees the right to participate, on a stable and continuous basis, in the economic life of an EEA State.

Such a restriction may, however, be justified by overriding reasons of general interest. The Court found that the objectives pursued by the national rules at issue were, in principle, legitimate. Thus, it has to be examined whether the measures at issue comply with the principle of proportionality under EEA law, which requires that they are suitable for ensuring, in a consistent and systematic manner, the attainment of the objectives pursued, and do not go beyond what is necessary for them to be attained.

The case will now go back to Oslo District Court which will ultimately decide whether the national rules at issue comply with EEA law.

The full text of the judgment may be found on the Court's website: www.eftacourt.int.

This press release is an unofficial document and is not binding upon the Court.