

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Eidsivating Court of Appeal dated 27 September 2024 in the case of Dartride AS v Norwegian State, represented by the Ministry of Justice and Public Security

(Case E-25/24)

A request has been made to the EFTA Court dated 27 September 2024 by Eidsivating Court of Appeal (*Eidsivating lagmannsrett*), which was received at the Court Registry on 27 September 2024, for an Advisory Opinion in the case of *Dartride AS v Norwegian State, represented by the Ministry of Justice and Public Security (Staten v/Justis- og beredskapsdepartementet)*, on the following questions:

- 1. Do the EEA Agreement and [the principle of] State liability under EEA law entail that the State can be liable for damages for errors by the courts in the application of the EEA rules?**
- 2. If question 1 is answered in the affirmative:**
 - a. Which decisions by national courts can trigger liability for EEA States?**
 - b. Is it compatible with EEA law for the possibility of filing a lawsuit concerning damages for errors by the courts in their application of the EEA rules to be subject to fulfilment of conditions laid down in the third paragraph of section 200 of the Courts of Justice Act?**