

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Norges Høyesterett dated 27 March 2020 in the case of The Norwegian Government v Anniken Jenny Lindberg

(Case E-3/20)

A request has been made to the EFTA Court dated 27 March 2020 from Norges Høyesterett (the Supreme Court of Norway), which was received at the Court Registry on 14 April 2020, for an Advisory Opinion in the case of The Norwegian Government v Anniken Jenny Lindberg on the following questions:

Article 21 of the Professional Qualifications Directive

- 1. Is Article 21(1) of the Professional Qualifications Directive to be interpreted as meaning that the host State may, in each case, require the applicant to produce both the relevant “evidence of formal qualifications” referred to in column 2 of point 5.3.2 of Annex V to the Directive and the specified “certificates” the home State may have included in column 4 for the profession in question, or should the term “appropriate” be interpreted as meaning that the host State must determine whether it is appropriate to require the specified certificates in a given case?**

If the term “appropriate” is to be understood as requiring the host State to determine whether it is appropriate to require the specified certificates in a given case:

- 2. What is the legal assessment and which factors will be legally relevant in the determination of whether it is “appropriate” to require listed certificates?**
- 3. Is it of any consequence if the evidence of formal qualifications alone provides documentary evidence of training that is deemed to fulfil the minimum criteria laid down in Article 34(2) of the Directive and if the certificate that cannot be produced relates to post-graduate practice?**

Rights under the Main Part of the EEA Agreement

- 1. Is the host State under an obligation to examine the application for recognition under Articles 28 and 31 of the EEA Agreement if an applicant with training from a member country for a profession with harmonised minimum training requirements does not fulfil the criteria**

for recognition under Article 21 or Article 10 of the Professional Qualifications Directive?

If so:

- 2. What is the legal assessment and what are the legally relevant factors in the determination of whether such an applicant may derive additional rights under Article 28 or Article 31 of the EEA Agreement?**
- 3. What importance does it have that an applicant does not have a certificate for post-graduate practice which the home State has listed in column 4 of point 5.3.2 of Annex V to the Professional Qualifications Directive, if the host State does not require post-graduate practice of applicants trained in the host State and the training completed by the applicant is deemed to be equivalent to the training offered in the host State?**
- 4. May it be required to give an applicant full rights in the host State if the evidence of formal qualifications the applicant is able to produce does not give the applicant corresponding professional rights in the home State?**