

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by Norges Høyesterett dated 28 June 2019 in the case of Melissa Colleen Campbell v The Norwegian Government

(Case E-4/19)

A request has been made to the EFTA Court dated 28 June 2019 from Norges Høyesterett (the Supreme Court of Norway), which was received at the Court Registry on 28 June 2019, for an Advisory Opinion in the case of Melissa Colleen Campbell v The Norwegian Government on the following questions:

- 1. In the light of the EU Court of Justice's recent case law in which the view of the Grand Chamber in its judgment of 12 March 2014 in Case C-456/12 O. and B. concerning the derived right of residence has been maintained, and on the basis of the homogeneity principle, is Article 7(1)(b) of Directive 2004/38/EC, read in conjunction with its Article 7(2), applicable by analogy to a situation where an EEA citizen returns to the home State together with a family member?**
- 2. What does the requirement of 'continuous' residence under the Directive as expressed in paragraph 80 of the EFTA Court's judgment of 26 July 2016 in Case E-28/15 Jabbi entail? It would be especially useful if the EFTA Court could comment on:**
 - a) whether and, if so, to what extent there can be interruptions in residence, and**
 - b) whether the cause of a possible interruption – such as its being for work-related reasons – may be of import for the assessment of whether the residence is continuous within the meaning of the Directive.**
- 3. What is required by the condition that the EEA citizen's residence in the host State must have been 'genuine such as to enable family life in that State', as expressed in, inter alia, paragraph 80 of the EFTA Court's judgment of 26 July 2016 in Case E-28/15, Jabbi; paragraph 51 of the judgment of the EU Court of Justice of 12 March 2014 in Case C-456/12, O. and B., read in conjunction with paragraphs 56 and 57 thereof; and paragraphs 24 and 26 of the latter Court's judgment of 5 June 2018 in Case C 673/16, Coman, and read also in the light of the abuse of rights provision in Article 35 of the Directive?**