



INFORMATION NOTE

A request from the Supreme Court of Norway (*Norges Høyesterett*), dated 11 April 2025, was lodged at the EFTA Court on that day, requesting the Court to give an advisory opinion pursuant to Article 34 of the Agreement between the EFTA States on the Establishment of a Surveillance Authority and a Court of Justice. This request was registered as Case E-6/25 - *Saga Subsea AS v Akselsen and Granlund*, on 11 April 2025.

In the request for an advisory opinion the Supreme Court of Norway sent the following question to the EFTA Court;

Should Article 5 of the European Parliament and Council Directive 2008/104/EC of 19 November 2008 on temporary agency work (the Temporary Agency Work Directive) be interpreted to mean that the provision applies to employees of a temporary work agency domiciled in an EEA State during the period they are hired out for labour to an undertaking domiciled in the same EEA State on board a vessel used in connection with petroleum activities on that State's continental shelf?

On 22 April 2025, in accordance with Article 20 of the Statute and Article 90(1) of the Rules of Procedure of the EFTA Court, the Governments of the EFTA States, the EFTA Surveillance Authority, the Union (which includes the Governments of the EU States), the European Commission and the parties to the dispute were invited to submit written observations to the Court on the referred question within two months.

Before the deadline expired, the Court received and registered written observations from:

Saga Subsea AS

Akselsen and Granlund

The Government of Norway

The EFTA Surveillance Authority

The European Commission

The submitted suggested answers to the question posed by the referring Court are as follows:

Saga Subsea AS

Article 5 of the European Parliament and Council Directive 2008/104/EC of 19 November 2008 on temporary agency work (the Temporary Agency Work Directive) should not be interpreted to mean that the provision applies to employees of a temporary work agency domiciled in an EEA State during the period they are hired out for labour to an undertaking domiciled in the same EEA State on board a vessel used in connection with petroleum activities on that State's continental shelf.

Akselsen and Granlund

Article 5 of Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (Temporary Agency Work Directive) must be interpreted as applying to any worker, including seafarers who are employees of a temporary work agency domiciled in an EEA State, during the period in which they are hired out for labour to undertakings domiciled in that same EEA State on board a vessel in connection with petroleum activities on that State's continental shelf.

The Government of Norway

Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency does not apply to employees of a temporary work agency domiciled in an EEA State during the period they are hired out for labour to an undertaking domiciled in the same EEA State on board a vessel used in connection with petroleum activities on that State's continental shelf.

The EFTA Surveillance Authority

Article 5 of the Temporary Agency Work Directive is to be interpreted to mean that the provision applies to employees of a temporary work agency domiciled in an EEA State during the period they are hired out for labour to an undertaking domiciled in the same EEA State on board a vessel used in connection with petroleum activities on that State's continental shelf

The European Commission

Article 5 of Directive 2008/104/EC on temporary agency work applies to employees of a temporary work agency domiciled in an EEA State during the period they are hired out for labour to an undertaking domiciled in the same EEA State on board a vessel flying the flag of that EEA State, which is used in connection with petroleum activities on that EEA State's continental shelf.

The oral hearing in Case E-6/25 - *Saga Subsea AS v Akselsen and Granlund*, has been set for: **Wednesday 10 September at 9:30am** at the EFTA Court (1 rue du Fort Thüngen, L-1499, Luxembourg). The hearing will also be livestreamed on the Court's website, [here](#).

Luxembourg, 4 August 2025

Ólafur Jóhannes Einarsson

Registrar