



C/2024/3938

20.6.2024

Request for an Advisory Opinion from the EFTA Court by Oslo District Court dated 26 January 2024 in the case of Bygg & Industri Norge AS and others v the Norwegian State, represented by the Ministry of Labour and Social Inclusion (Staten v/Arbeids- og inkluderingsdepartementet)

(Case E-2/24)

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A request has been made to the EFTA Court dated 26 January 2024 from Oslo District Court (*Oslo tingrett*), which was received at the Court Registry on 26 January 2024, for an Advisory Opinion in the case of *Bygg & Industri Norge AS and others v the Norwegian State, represented by the Ministry of Labour and Social Inclusion (Staten v/Arbeids- og inkluderingsdepartementet)*, on the following questions:

1. Does the fact that a temporary work agency from an EEA State that hires out workers to undertakings in the same EEA State has employees who are nationals of other EEA States have any implications for the determination of whether there is a cross-border element under the rules on the freedom to provide services, ref. Article 36 of the EEA Agreement?
2. What can constitute legitimate objectives for restrictions on the freedom to provide services under Article 36 of the EEA Agreement in the form of prohibitions and limitations on the hiring-in of workers?
3. Which criteria will be relevant in the determination of whether the hiring-in of workers will be suitable and necessary in order to safeguard legitimate objectives? In that context, should any significance be attached to the fact that the restriction constitutes a geographical and sector-specific prohibition on the hiring-in of workers from temporary work agencies?