



C/2026/3125

11.6.2026

**Request for an Advisory Opinion from the EFTA Court by the Supreme Court of Norway dated
9 February 2026 in the case of A and B v Norwegian State, represented by the Labour and Welfare
Directorate**

(Case E-1/26)

(C/2026/3125)

A request has been made to the EFTA Court dated 9 February 2026 from the Supreme Court of Norway (*Norges Høyesterett*), which was received at the Court Registry on 9 February 2026, for an Advisory Opinion in the case of A and B v Norwegian State, represented by the Labour and Welfare Directorate (*Staten v/Arbeids- og velferdsdirektoratet*), on the following questions:

- (1) When entitlement to invalidity benefit in the competent State (Norway) is subject to a requirement of a prior period of membership in the social security scheme which inter alia can be acquired through a period of residence in that State, which time period(s) in another EEA State (Spain/Germany) is/are then relevant for aggregation with time periods in the competent State under Article 6 of the Social Security Regulation, and subject to which conditions is the aggregation to take place?
Is account to be taken of:
 - periods of residence in the other State under Article 1(v) of the Social Security Regulation;
 - periods of insurance in the other State under Article 1(t) of the Social Security Regulation; or
 - more/other periods in the other State?
- (2) In the determination of which time period(s) in another EEA State can be aggregated under Article 6 of the Social Security Regulation, can the competent State base itself solely on the responses given by the other State pursuant to the Implementing Regulation on the E 205 form or more recent equivalents, or must the competent State, in situations such as those at issue in the present cases, obtain additional information, including information relating to period of residence and what constitutes a period of insurance/is regarded as equivalent to such a time period in the other State?
- (3) Do Article 6 of the Social Security Regulation, and/or Articles 28 and 29 of the EEA Agreement, impose requirements – and, if so, which ones – as to how a national condition of continuous period of insurance/membership in the national insurance scheme as a condition for acquiring invalidity benefit must be applied in cases such as the present ones, in which there is to be aggregation with time periods from another EEA State?
