

EFTA COURT

JUDGMENT OF THE COURT

of 3 May 2006

in Case E-3/05

EFTA Surveillance Authority v The Kingdom of Norway

(Failure of a Contracting Party to fulfil its obligations — free movement of workers — social security for migrant workers with family members residing in an EEA State other than the State of employment — regional residence requirement for family benefits — Article 73 of Regulation EEC 1408/71 — Article 7(2) of Regulation EEC 1612/68 — discrimination — justification on grounds of promoting sustainable settlement)

(2006/C 297/18)

In Case E-3/05, EFTA Surveillance Authority v the Kingdom of Norway –APPLICATION for a declaration that the Kingdom of Norway has failed to fulfil its obligations pursuant to Article 73 of the Act referred to at point 1 of Annex VI to the EEA Agreement (Council Regulation EEC No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community), as adapted to the EEA Agreement by Protocol 1 thereto; alternatively by maintaining the same requirement, failed to fulfil its obligations pursuant to Article 7(2) of the Act referred to at Point 2 of Annex V (Council Regulation EEC No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community), as adapted to the EEA Agreement by Protocol 1 thereto, the Court, composed of: Carl Baudenbacher, President, Henrik Bull and Thorgeir Örlýgsson (Judge-Rapporteur), Judges, gave judgment on 3 May 2006, the operative part of which is as follows:

1. **Dismisses the application.**
 2. **Orders the EFTA Surveillance Authority to pay the costs of the Defendant.**
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