

Réponses au questionnaire sur la régulation économique  
*Responses to the questionnaire on economic regulation*

# COUR INVITEE/**GUEST COURT**

**Norvège**  
**Tribunal fédéral**

***Norvège***  
***Supreme Court***

Dear Ms. Aurélie De Poortère,

Reference is made to your e-mail 13 March 2014 to Justice Liv Gjølstad. Justice Gjølstad has asked me to answer your request.

As for your questions, Norway is not a member of the EU, but has access to EU's internal market through the European Economic Area Treaty (the EEA Treaty). As a consequence, Norway is not bound by decisions given by the Court of Justice of the European Union. To monitor the implementation of the EEA provisions, the EFTA Court has been set up. The EFTA Court decisions are formally no more than advisory opinions on the interpretation of the EEA Agreement. In this respect, the legal standing of the EFTA Court differs from that of the Court of Justice of the European Union. Another important difference between the EU and EEA law is that the latter does not have direct effect in domestic law. For an EEA provision to be enforceable by Norwegian courts, and thus establish rights and obligations for individuals, it is a necessary requirement that the provision is implemented into domestic law by an explicit decision by the relevant authorities.

However, according to an unwritten principle, Norwegian courts are obliged to interpret national law in a way that does not conflict with our obligations under international law. In this manner, the Supreme Court jurisprudence will in fact be greatly influenced by the jurisprudence of the EFTA Court and the Court of Justice of the European Union. This entails that Norwegian courts must take into consideration both treaty provisions and international case-law when Norwegian law is being applied in specific cases. The Supreme Court of Norway often refers to international sources of law, including treaty provisions and jurisprudence from the European courts. And the decisions show very clearly that the aim of the Norwegian Supreme Court - just as is the case for the EFTA Court - is to ensure that the EEA treaty is interpreted in accordance with the EU Court's understanding of EEA law.

Please let me know if I could be of any further assistance.

Yours sincerely,

Chirsti Erichsen Hurlen  
Acting Deputy Secretary-General  
The Supreme Court of Norway