



ROYAL NORWEGIAN MINISTRY
OF LABOUR AND SOCIAL AFFAIRS

EFTA Surveillance Authority
Rue Belliard 35
B-1040 Brussels

Your ref

Our ref

Date

14/1590-

20.09.2016

The Authority's reasoned opinion of 8 July 2015 and the advisory opinion of the EFTA Court of 26 July 2016

Reference is made to the Authority's letter of 31 August 2016, Case No 73930, Doc No 816069.

The Ministry of Labour and Social Affairs has duly taken note of the advisory opinion of the EFTA Court of 26 July in case E-28/15 *Yankuba Jabbi v Staten v/Utlendingsnemnda*. The Ministry is currently in the process of assessing the EFTA Court's opinion. However, due to the fact that it raises important and complex legal issues, in addition to the fact that it was made public during the general summer holiday in Norway, the Ministry needs more time to further analyse the impact of the advisory opinion.

The Ministry notes that the EFTA Court interprets EU law to the effect that Directive 2004/38/EC does not confer a derived right of residence on a third country national who is a family member of an EEA national, see paragraphs 65-66 of the EFTA Court's opinion. The EFTA Court finds, however, that the Directive should have a broader scope within the EEA to provide such a derived right on third country nationals. The Court applies the rights and conditions under Article 7(1)(b) of the Directive by analogy where the EEA national returns with the family member to his or her home state.

The EFTA Court's opinion concerns important and complex matters and needs to be further analysed.

As regards the pending case before Oslo District Court, the Ministry can inform the Authority that the hearing is still to be scheduled.

The Ministry will be happy to discuss the matter further with the Authority, preferably in a meeting, if that is found appropriate. The Package Meeting in Oslo at the end of October might be a suitable occasion.

Yours sincerely,

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