Request for an Advisory Opinion from the EFTA Court by Borgarting lagmannsrett dated 21 May 2012 in the case of Staten v/Arbeidsdepartementet v Stig Arne Johnsson

(Case E-3/12)

(2012/C 324/10)

A request has been made to the EFTA Court by a letter of 21 May 2012 from Borgarting lagmannsrett (Borgarting Court of Appeal), which was received at the Court's Registry on 29 May 2012, for an Advisory Opinion in the case of Staten v/Arbeidsdepartementet v Stig Arne Johnsson, on the following question:

When national legislation requires, inter alia, actual stay in the State in order to be entitled to unemployment benefits, is it then compatible with Article 71(1)(b) of Council Regulation (EEC) No 1408/71 to require continued stay in the competent State (the State of last employment) in order to be granted such benefits from this State, also in the case of a wholly unemployed person who, during his/her last employment, has stayed there as a 'non-genuine' frontier worker?

Is it relevant to the answer to this question whether:

1. the unemployed person lives in a country near the competent State (the State of last employment), so that it is possible in practice for that person to appear at the employment office in that State even if he/she does not stay there?

2. the unemployed person, after having returned to the State of residence, registers as a job seeker with the employment service and also applies for unemployment benefits in that State?