

**ORDER OF THE PRESIDENT OF THE COURT**

11 February 1998

(Withdrawal of a request for an Advisory Opinion)

In Case E-5/97,

**European Navigation Inc v Star Forsikring AS under offentlig administrasjon  
(under public administration)**

With respect to a request for an Advisory Opinion by Høyesteretts kjæremålsutvalg (the Interlocutory Appeal Committee of the Supreme Court) by order of that court of 16 September 1997 in the case *European Navigation Inc v Star Forsikring AS under offentlig administrasjon* (under public administration),

THE PRESIDENT OF THE COURT

makes the following

ORDER

A request was made to the EFTA Court by an order of 16 September 1997 by Høyesteretts kjæremålsutvalg, which was received at the Court Registry on 19 September 1997, for an Advisory Opinion in the case of *European Navigation Inc v Star Forsikring AS under offentlig administrasjon* (under public administration), on the following questions:

1. Is it incompatible with Article 4 EEA for a national procedural rule to empower a Norwegian court to decide, at the request of a defendant, that a company with its place of business (domicile) in another EEA country than Norway must provide security for costs when it brings an action against a company with its place of business (domicile) in Norway, when such provision of security cannot be required from legal persons with their place of business (domicile) in Norway?
2. If such a requirement is not, as a starting proposition, compatible with the EEA Agreement, is Article 4 EEA nonetheless to be interpreted to the effect that a requirement for provision of security for costs can be justified (proportional) on the basis of the intended purposes and objective foundation?

On 9 February 1998, after the appellant before the national court had withdrawn its appeal, Høyesteretts kjæremålsutvalg notified the Court that it withdrew its request for an Advisory Opinion.

Costs have not been claimed or incurred before the EFTA Court.

On those grounds,

THE PRESIDENT OF THE COURT

hereby orders:

**Case E-5/97 is removed from the Register.**

Luxembourg, 11 February 1998

Per Christiansen  
Registrar

Bjørn Haug  
President