



Luxembourg, 24 January 2003

## **PRESS RELEASE 03/03**

### **Judgment in Case E-1/02 *EFTA Surveillance Authority v Norway***

#### **Reservation of academic positions for women**

In a judgment delivered today, the EFTA Court dealt with an application from the EFTA Surveillance Authority against the Kingdom of Norway concerning the reservation of academic positions for women at the University of Oslo. The EFTA Court found that such reservation is incompatible with the EEC Directive on the Equal Treatment of men and women.

The EFTA Court held that Norway, by maintaining in force a rule which permits the reservation of a number of academic posts exclusively for members of the underrepresented gender, has failed to fulfil its obligations under Articles 7 and 70 of the EEA Agreement and Articles 2(1), 2(4) and 3(1) of Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions as referred to in point 18 of Annex XVIII to the EEA Agreement.

The EFTA Court noted that the Directive is based on the recognition of the right to equal treatment as a fundamental right of the individual. National rules and practices derogating from that right can only be permissible when they show sufficient flexibility to allow a balance between the need for the promotion of the underrepresented gender and the opportunity for candidates of the opposite gender to have their situation objectively assessed. There must, as a matter of principle, be a possibility that the best-qualified candidate obtains the post.

However, the Court also pointed to the importance of the criteria for assessing the qualifications of candidates and stressed that in such an assessment, there appears to be room for considering those factors that, on empirical experience, tend to place female candidates in a disadvantaged position in comparison with male candidates. In this context, the Court held that directing awareness to such factors and giving weight to the possibility that in numerous academic disciplines female life experience may be relevant to the determination of the suitability and capability for, and performance in, higher academic positions, could enhance the equality of men and women.

The full text of the judgment may be found on the Internet at: [www.efta.int](http://www.efta.int).

The EFTA Court is composed of the Judges Carl Baudenbacher (President), Per Tresselt and Dóra Guðmundsdóttir (ad hoc).

This press release is not an official document. Please note that the Court may not comment on the case.