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Press Release

Judgments in Cases E-4/00 *Brändle*, E-5/00 *Mangold* and E-6/00 *Tschannet*

The EFTA Court today delivered three judgments, rendering advisory opinions to the Verwaltungsbeschwerdeinstanz des Fürstentums Liechtenstein (Administrative Court of the Principality of Liechtenstein) concerning the scope of Article 31 of the EEA Agreement, which deals with the freedom of establishment.

The disputes before the national court concern provisions of the Liechtenstein Regulation on medical professions providing that physicians and dentists seeking a licence to practise in Liechtenstein may not operate more than one practice, regardless of location (the “single practice rule”).

The complainants in the three cases are all Austrian nationals with an established medical or dental practice in Austria. Their requests for the grant of a licence to set up and operate a medical or a dental practice in Liechtenstein had been refused by the Liechtenstein authorities on the basis of the single practice rule. The complainants initiated proceedings before the national court contesting the compatibility of the single practice rule with the EEA Agreement, and the national court decided to submit requests for an advisory opinion to the EFTA Court.

The EFTA Court found in each case that the single practice rule constitutes a restriction on the freedom of establishment within the meaning of Article 31 EEA. The Court did not accept the submissions of the Government of Liechtenstein that the single practice rule is justified by overriding reasons based on the general interest, in particular the maintenance of the financial equilibrium of the Liechtenstein social security system, the sustainability of a health care system accessible to all, and the maintenance of the high quality of medical services provided in Liechtenstein. The Court held that, in the circumstances of each case, this restriction was neither suitable nor necessary to achieve the objectives pursued by the Government of Liechtenstein.

The EFTA Court concluded that national provisions such as those in question in these cases are incompatible with Article 31 EEA.

The full text of the judgment may be found on the Internet at: www.efta.int.

The EFTA Court is composed of the Judges Thór Vilhjálmsson (President), Carl Baudenbacher and Per Tresselt. This press release is an unofficial document. Please note that no comments on the case itself may be given.