



Luxembourg, 5 December 2001

Press Release

Case E-5/01 *EFTA Surveillance Authority v Liechtenstein*

The EFTA Court in Luxembourg on 5 December 2001 gave judgment in a direct action case against Liechtenstein. The EFTA Surveillance Authority filed an application for a declaration that Liechtenstein had failed to fulfil its obligations under the EEA Agreement by failing to adopt, within the time-limit prescribed, the national provisions necessary to comply with Articles 3(1), 4, 6 and 7 of Council Directive 87/344/EEC of 22 June 1987 on the coordination of laws, regulations and administrative provisions relating to legal expenses insurance.

The Court ruled that Liechtenstein was obliged to adopt national provisions necessary to comply with the Directive not later than 1 May 1995, and that, on 15 June 1998, the date on which the time-limit given in the reasoned opinion of the EFTA Surveillance Authority expired, Liechtenstein had still not adopted national measures necessary to comply with the reasoned opinion.

The Court stated that Article 3 of the EEA Agreement imposes upon the Contracting Parties the general obligation to take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of the Agreement. Furthermore, the Court held that the Contracting Parties are obliged to implement all acts referred to in the Annexes to the EEA Agreement, as amended by decisions of the EEA Joint Committee.

The Court concluded that, by failing to adopt, within the time-limit prescribed, the national provisions necessary to comply with Articles 3(1), 4, 6 and 7 of the Directive, Liechtenstein had failed to fulfil its obligations under the Directive and Article 7 of the EEA Agreement.

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.