



Luxembourg, 29 June 2006

Press Release 07/2006

Case E-5/05, E-6/05, E-7/05, E-8/05 and E-9/05
EFTA Surveillance Authority v Liechtenstein

The EFTA Court in Luxembourg on 29 June 2006 gave judgment in a direct action case against Liechtenstein. The EFTA Surveillance Authority filed an application for a declaration that Liechtenstein had failed to fulfill its obligations under the EEA Agreement by failing to adopt, within the time-limit prescribed, the national provisions necessary to comply with 5 directives relating to telecommunications. The directives are Directive 2002/77/EC on the competition in the markets for electronic communications networks and services, Directive 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive), Directive 2002/20/EC on the authorisation of electronic communications networks and services (Authorisation Directive), Directive 2002/21/EC on a common regulatory framework for electronic communications networks and services (Framework Directive) and Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive).

The Directives were made part of the EEA Agreement by two decisions of the EEA Joint Committee, Decision 153/2003 of 7 November 2003 and by Decision 11/2004 of 6 February 2004. For the EFTA States within the EEA, the time limit for implementation of the directives lapsed on 1 November 2004, the same date as the date of entry into force of the decisions.

In its statement of defence, Liechtenstein described the reasons for the delay in adopting the necessary implementation regulations. The Government did not, however, dispute the order sought by ESA with regard to violation of Article 7 of the EEA Agreement and the directives concerned by not having implemented the directives in time.

The Court stated that Article 7 of the EEA Agreement does not allow for the Contracting Parties to plead provisions, practices or circumstances existing in their internal legal order in order to justify a failure to comply with the obligations and time-limits laid down in a decision by the EEA Joint Committee to add a directive to the EEA Agreement, or laid down in the directive itself as adapted for the purposes of the EEA Agreement.

The Court concluded that, by failing to adopt, within the time-limit prescribed, the national provisions necessary to comply with the directives, Liechtenstein had failed to fulfill its obligations under the directives and Article 7 of the EEA Agreement.

The full text of the judgment may be found on the Internet at: www.eftacourt.lu.

The EFTA Court is composed of the Judges Carl Baudenbacher (President), Thorgeir Örlygsson and Henrik Bull.

This press release is an unofficial document. Please note that no comments on the case itself may be given.