

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by the Board of Appeal for Administrative Matters of the Principality of Liechtenstein in the case of Valair AG v Amt für Volkswirtschaft (Amt für Hochbau und Raumplanung (AHR))

(Case E-1/25)

A request has been made to the EFTA Court by the Board of Appeal for Administrative Matters of the Principality of Liechtenstein (*Die Beschwerdekommision für Verwaltungsangelegenheiten des Fürstentums Liechtenstein*), which was received at the Court Registry on 6 February 2025, for an Advisory Opinion in the case of *Valair AG v Amt für Volkswirtschaft (Amt für Hochbau und Raumplanung (AHR))*, on the following questions:

- 1. Does it follow from Article 4 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community or any other EEA provision that the competent licensing authority of a Member State may not impose any further conditions?**
- 2. If the first question is answered with “no”: Is a provision according to which air operator certificates (AOC) and operating licences for flights carrying passengers, cargo and/or mail for remuneration and/or hire are only issued or granted if the intended activities are actually also possible on the basis of the infrastructure existing in Liechtenstein precluded by the objective of establishing an internal aviation market and/or other principles of EEA law?**
- 3. If the second question is answered with “no”: Is Article 9(3) of the Liechtenstein Aviation Act which de facto excludes the issue or granting of air operator certificates (AOC) and operating licences for flights carrying passengers for remuneration and/or hire using fixed-wing aircraft due to the absence of an infrastructure in Liechtenstein, in the sense of airports or airfields, compatible with Article 36 of the EEA Agreement (freedom to provide services)?**