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Judgment in Case E-1/25 *Valair v Amt für Volkswirtschaft*

REGULATION 1008/2008 CONTAINS AN EXHAUSTIVE SET OF CONDITIONS FOR THE GRANTING OF AN OPERATING LICENCE

In a judgment delivered today, the Court answered questions referred by the Liechtenstein Board of Appeal for Administrative Matters (*Beschwerdekommision für Verwaltungsangelegenheiten*) (“the Board of Appeal”) regarding the interpretation of Article 4 of Regulation No 1008/2008 on common rules for the operation of air services in the Community,¹ which sets out the conditions for the granting of an operating licence. The primary matter in the case at hand was whether Liechtenstein may refuse to grant such a licence for fixed-wing aircraft on the ground that appropriate infrastructure is lacking within its territory.

The central question referred by the Board of Appeal was whether Article 4 of Regulation 1008/2008 contains an exhaustive set of conditions for the granting of an operating license. The Court noted that it is by referring to the relevant provisions of the regulation concerned that it may be determined whether they prohibit, require or allow EEA States to adopt certain measures supplementing that regulation. The Court concluded that the issue of an operating licence is exhaustively harmonised by Regulation 1008/2008. Accordingly, maintaining or adopting conditions for granting an operating licence other than those expressly provided for in Article 4 of the Regulation must be regarded as incompatible with that provision.

The advisory opinion is a step in the proceedings pending before the national court. The Board of Appeal will now resume its proceedings and decide the case pending before it in light of the Court’s interpretation of the Regulation.

The full text of the judgment is available on the Court’s website: <https://eftacourt.int/cases/e-01-25/>

This press release is an unofficial document and is not binding upon the Court.

¹ 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.