

EFTA COURT

Action brought on 11 June 2025 by the EFTA Surveillance Authority against Liechtenstein

(Case E-13/25)

An action against Liechtenstein was brought before the EFTA Court on 11 June 2025 by the EFTA Surveillance Authority, represented by Hildur Hjörvar, Sigurbjörn Bernharð Edvardsson, Sigrún Ingibjörg Gísladóttir and Melpo-Menie Joséphidès, acting as Agents of the EFTA Surveillance Authority, Avenue de Arts 19H, B-1000 Brussels, Belgium.

The EFTA Surveillance Authority requests the EFTA Court to:

- 1. Declare that Liechtenstein has failed to fulfil its obligations under the Act referred to at points 7d, 7f and 7m of Annex XIX to the Agreement on the European Economic Area (Directive (EU) 2019/770 of the European Parliament and of the Council of 20 May 2019 on certain aspects concerning contracts for the supply of digital content and digital services), as adapted by Protocol 1 to the EEA Agreement, and under Article 7 of the EEA Agreement, by failing to adopt the measures necessary to implement the Act within the time prescribed, or in any event, by failing to inform the EFTA Surveillance Authority thereof, and**
- 2. Order Liechtenstein to bear the costs of these proceedings.**

Legal and factual background and pleas in law adduced in support:

- By this application, the EFTA Surveillance Authority ('ESA') seeks a declaration from the Court that Liechtenstein has failed to fulfil its obligations under the Act referred to at points 7d, 7f and 7m of Annex XIX to the EEA Agreement, as adapted by Protocol 1 to that Agreement, and under Article 7 EEA, by failing to adopt the measures necessary to implement the Act within the time prescribed, or in any event, by failing to inform ESA thereof.
- ESA sent a letter of formal notice to Liechtenstein on 17 July 2024, inviting Liechtenstein to submit its observations within two months, i.e. by 17 September 2024.

- In a response on 17 September 2024, Liechtenstein stated that it had not yet taken the necessary measures to implement the Act and indicated that the legislative measures necessary to implement the Act were underway.
- ESA delivered a reasoned opinion on 4 December 2024 giving Liechtenstein two months in which to take the measures necessary to comply with the reasoned opinion, i.e. no later than 4 February 2025.
- In its reply of 4 February 2025, Liechtenstein stated that the adoption of measures necessary to implement the Act was underway and indicated that the legislative amendments were expected to enter into force on 1 January 2026.
- When the deadline set in the reasoned opinion expired, ESA had received no notification that Liechtenstein had implemented the Act, nor was it in possession of any other information indicating that the Act had been made part of Liechtenstein's internal legal order.
- Since Liechtenstein had not complied with the reasoned opinion by the deadline set therein, ESA decided to refer the matter to the Court, pursuant to Article 31 SCA.
- ESA has at the point of lodging the present application, not been notified and does not have any other information suggesting that Liechtenstein has implemented the Act into its legal order.