

EFTA COURT

Action brought on 4 December 2012 by the EFTA Surveillance Authority against the Principality of Liechtenstein

(Case E 14/12)

An action against the Principality of Liechtenstein was brought before the EFTA Court on 4 December 2012 by the EFTA Surveillance Authority, represented by Xavier Lewis, Clémence Perrin and Catherine Howdle, acting as Agents, Rue Belliard 35, B-1040 Brussels.

The EFTA Surveillance Authority requests the EFTA Court to declare that:

- 1. By maintaining in force a legislation which imposes on persons resident in Liechtenstein who are responsible for a temporary work agency the obligation to supply a guarantee of 50 000 Swiss francs, whereas the guarantee of 100 000 Swiss francs is imposed upon persons performing a similar function who are resident outside of Liechtenstein, and on agencies seeking to deliver temporary employment services cross-border, the Principality of Liechtenstein (“Liechtenstein”) has failed to fulfil its obligations under Article 31 and Article 36 of the Agreement on the European Economic Area.**
- 2. The Principality of Liechtenstein bears the costs of these proceedings.**

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

- The EFTA Surveillance Authority submits that Liechtenstein has failed to comply with a reasoned opinion delivered by the EFTA Surveillance Authority on 25 January 2012 on a failure to fulfil its obligation under Article 31 and 36 of the EEA Agreement in the field of temporary work and employment services.
- The Liechtenstein measures at issue are Articles 25 and 26 of Verordnung vom 11. Juli 2000 zum Gesetz über die Arbeitsvermittlung und den Personalverleih (Regulation of 11 July 2000 concerning job placement and temporary employment services).

The EFTA Surveillance Authority submits that by these measures, Liechtenstein’s national legislation imposes on persons resident in that country who are responsible for a temporary work agency the obligation to supply a guarantee of 50 000 Swiss francs. By the same legislation, an obligation to supply a guarantee of 100 000 Swiss francs when delivering temporary work services is imposed upon persons performing a similar function who are resident outside of Liechtenstein. A guarantee of 100 000

Swiss francs is also required from temporary work agencies established outside of Liechtenstein who seek to provide such services cross-border.

- The EFTA Surveillance Authority submits that by maintaining in force its legislation, as it currently stands, Liechtenstein is in breach of its obligations under Articles 31 and 36 EEA.