

Action brought on 22 June 2009 by the EFTA Surveillance Authority against the Principality of Liechtenstein

(Case E-7/09)

(2009/C 208/06)

An action against the Principality of Liechtenstein was brought before the EFTA Court on 22 June 2009 by the EFTA Surveillance Authority, represented by Bjørnar Alterskjær and Ólafur Jóhannes Einarsson, acting as Agents of the EFTA Surveillance Authority, rue Belliard 35, 1040 Brussels, BELGIUM.

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

1. By failing to adopt, or to notify the Authority of, the measures necessary to implement the Act referred to at point 10e of Annex XXII to the Agreement on the European Economic Area (*Directive 2005/56/EC of the European Parliament and of the Council of 26 October 2005 on cross-border mergers of limited liability companies*), as adapted to the EEA Agreement by Protocol 1 thereto, within the time prescribed, the Principality of Liechtenstein has failed to fulfil its obligations under Article 19 of that Act and under Article 7 EEA;

and

2. The Principality of Liechtenstein bear the costs of these proceedings.

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

- the present case concerns the non-implementation of a directive concerning cross-border mergers of limited liability companies,
 - the EFTA Surveillance Authority pleads that the Principality of Liechtenstein has not provided any indication that it has implemented the directive into Liechtenstein law,
 - the EFTA Surveillance Authority pleads that the Principality of Liechtenstein has not disputed that it has not implemented the directive.
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