

Subject: Public consultation of the information submitted by Liechtenstein under the Services Directive

Introduction

The information provided below refers to legal provisions adopted or modified pursuant to the implementation of the Services Directive as well as to legal provisions which Member States have indicated as being applicable to service providers in the areas covered by the directive. The information below has been provided by Liechtenstein in the context of the implementation of the Directive and of the mutual evaluation process. It does not represent a legal analysis or a position of the EFTA Surveillance Authority in respect of compliance with EU law in general or with the Directive in particular.

Below a summary of the legislation that was notified by Liechtenstein is provided. For references to the relevant legislative acts in specific sectors, please contact the Authority at services@eftasurv.int.

In Liechtenstein, requirements covered by the Directive are laid down in legislation adopted at national level. In some cases regulations under such legislation is elaborated on the local level. Such decision include advertising activities on public grounds.

Main changes to Liechtenstein legislation

The Act aimed at implementing the Directive is currently pending before the Liechtenstein Parliament. It is expected that it can be passed in the autumn of 2010 and enter into force on 1 January 2011.

In order to comply with the provisions of the Directive, Liechtenstein abolished the residence requirements for lawyers, patent lawyers, auditors and trustees. Furthermore the residence requirement for persons or undertakings trading with animals was abolished, as well as the prohibition for veterinaries to establish a legal entity.

Examples of authorisation schemes imposed on service providers established in Liechtenstein

In Liechtenstein the Trade Act provides that all commercial services which are not regulated in other national legislation must be authorised. This includes nearly all wholesale and retail business. Specialised authorisation schemes exist for architects and engineers, working site coordinators, electricians, veterinaries, lawyers, patent lawyers, trustees, auditors, private employment services, universities and schools and child care services.

Examples of other types of requirements imposed on service providers established in Liechtenstein

Rules relating to the shareholding for law firms, patent law firms, auditing companies and trustees.

An obligation to take a specific legal form for universities.

Examples of requirements on multidisciplinary activities of the regulated professions or in the area of certification, accreditation, technical monitoring and testing services

Only qualified lawyers can be employed in law firms.

Law firms may not provide other services than legal assistance and representation.

Examples of requirements which apply to service providers established in other Member States and providing services in Liechtenstein

Providers of cross-border auditing services must be authorised. In other sectors notification to the Liechtenstein Government is required. Fields covered by a specific notification obligation include lawyers and patent lawyers, trustees and veterinaries.