Surveillance Authority: Moving against Liechtenstein for Failure to Implement the Conditional Access Directive

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On 17 July 2003, the EFTA Surveillance Authority delivered a reasoned opinion to Liechtenstein for that country's failure to implement the Conditional Access Directive (Directive 98/84/EC of the European Parliament and of the Council of 20 November 1998 on the legal protection of services based on, or consisting of, conditional access see IRIS 2003-6: 4 and IRIS 1998-10: 6).

The Conditional Access Directive seeks to combat the use of illicit devices which give unauthorised access to protected services, such as premium rate television (pay-TV), radio and information society services. The Directive requires that EEA States take the necessary measures to prohibit, inter alia, the manufacture, sale, installation and marketing of equipment or software that provides access to pay-TV services without the authorisation of the service provider. The Directive also requires that the measures taken against such illegal activities be backed by effective and dissuasive sanctions.

Due to delays encountered with the incorporation of the Act into the EEA Agreement, the original compliance date provided for by the Directive was deferred for the EEA EFTA States. Liechtenstein was under an obligation to implement the provisions of the Directive into its national legal order by 1 October 2001, but has hitherto failed to take the necessary measures to ensure compliance with the Act. The EFTA Surveillance Authority had commenced formal infringement procedures against that state at the beginning of 2002.

The purpose of a reasoned opinion is to give the State concerned a last chance to take corrective measures before the Authority decides whether to bring the matter before the EFTA Court. The EFTA Surveillance Authority requested the Government of Liechtenstein to take the necessary measures to comply with the reasoned opinion within three months.

"Liechtenstein fails to implement the Parental Leave Directive and the Conditional Access Directive", Press Release of the EFTA Surveillance Authority PR(03)20, 22 July 2003

http://www.eftasurv.int/information/pressreleases/2003pr/dbaFile4258.html

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