

Name of the country: [Liechtenstein](#)

Transposition act = Consolidated legislation - Law on European Works Councils (Gesetz über Europäische Betriebsräte)

1. Presence of legally based administrative or judicial conflict solving procedures for:

		No	Yes	Unclear	brief explanation
A	SNB (including the pre-SNB phase, i.e. requesting the necessary information about the company, staff distribution, etc.)		Yes		Presumed, as the enforcement provisions are very scarce
B	EWC based on Art. 6 agreements		Yes		
C	EWC based on art. 13 agreement			No mention, not explicitly excluded either.	
D	EWC based on subsidiary requirements		Yes		

2. Litigation on different sets of rights: presence of national provisions

		No	Yes	Which authority (e.g., court) is competent ¹
A	Breaches against the provision of information to the SNB as per art. 4 (4) of Directive 2009/38/EC (information on the number of employees)/Failure to establish a SNB		Unclear, as the EWC Act only mentions “1) Disputes arising from this Act shall be decided by the Regional Court, subject to contractual conciliation and arbitration bodies (Art. 38)	Regional Court, subject to contractual conciliation and arbitration bodies ²
B	Operation of the EWC: breaches and compliance with the law (statutes), agreement or Subsidiary Requirements			
C	Challenging management on the use of confidentiality and secrecy/withholding information)	NO		
E	Individual rights of the SNB/EWC members under national EWC legislation			
F	(Others to be filled in)			

3. Capacity to act in court

¹ Material and geographical competence.

² Art. 38 of the EWC Act: 1) Disputes arising from this Act shall be decided by the Regional Court, subject to contractual conciliation and arbitration bodies. Section 1173a Art. 71 para. 3 of the General Civil Code shall apply mutatis mutandis.



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		Brief explanation/ differences for 2A-2F above)
1	Who/which body can start a judicial procedure?	2) Entitled to sue or petition: a) the workforce; b) the employee representation; c) the European Works Council; d) the employer; e) the Liechtenstein Employees' Association ³
2	What legal status (ius standi) is a requirement to start a judicial procedure? (legal personality, capacity to act in courts, other forms?)	
3	What is the legal status of the EWC (legal personality or other capacity to act in court)?	
4	In case of lacking capacity to act in court: how can it be circumvented (think of representation by trade unions)?	
5	Who represents the EWC in law?	
6	What is the capacity to act in court of joint type ('forum' or French-type) EWCs composed of both management and employees' representatives and can it be an obstacle?	No mention in law

4. Starting a procedure and timelines

		Brief explanation
	What court?	Disputes arising from this Act shall be decided by the Regional Court, subject to contractual conciliation and arbitration bodies (Art. 38)
1	Does the law set conditions as to how the EWC can take a valid decision on entering a judicial procedure? Think of voting, quorum, the necessity of a physical meeting to take a decision,...	
1.a	Does the law contain any requirements on the internal rules concerning question 1?	Not exactly, but requirement on voting standard in SR EWC: "Art. 26 Resolutions The decisions of the statutory European Works Council shall be taken by a majority of the votes of the members present, unless otherwise provided for in this Act. (Art. 26)
2	How does one file a case in court? (Who, format, steps)	

³ For the latter, the claim is only for determination. (Art. 38(2) amended by LGBl. 2012 No. 122.)



3	What is the deadline to start a judicial procedure?	
4	Are there other relevant deadlines in the judicial procedure?	
5	What is the role of out of court settlements once a case has been filed?	
6	How long does a judicial procedure typically take?	
7	Is an injunction or a summary procedure possible?	

5. Costs

		Brief explanation
1	What are the court fees for a judicial procedure?	
2	Is legal representation by a lawyer required in a judicial procedure?	
3	Who pays the costs for:	Just a general clause on coverage of costs
	- Legal expert	Expert costs can be limited to one expert
	- Court fees	
	- Other costs (travel/interpretation)	
4	Does a EWC normally have an independent budget and/or an own bank account under a given national legislation?	
5	Can the EWC be sentenced to pay the costs of the other party in the judicial procedure?	
6	Can the EWC <i>members</i> be sentenced to pay the costs of the other party in the judicial procedure?	

6. Sanctions

		Brief explanation
	How is a breach of law classified?	It is not classified; the EWC Act only speaks of 'disputes'
1	What are the sanctions for breaches of EWC laws?	None defined in the EWC Act (maybe they are defined in the General Civil Code?)
2	Can the court rule to stop or reverse the companies' decision-making?	
3	Whom should fines be paid to?	
4	Can a member of management be held personally liable (personal vs. corporate liability)	
5	Can individual EWC members be sentenced to pay fines or be subject to other sanctions?	
6	Can the EWC collectively be sentenced to pay fines or be subject to other sanctions?	

7. Out of court settlements



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		Brief explanation
1.	In general, are alternative conflict resolutions available in a given country can out of court settlements be reached once a case has been filed? Does it happen in practice?	

8. Resources for EWCs

		Brief explanation
1.	Can unions provide legal support or financing for litigation?	
2.	What other resources are available in terms of legal support to EWCs and/or EWC members in your country (e.g., Arbeiterkammer, legal support centres)	Liechtenstein Employees' Association



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