

Just like to the Austrian Constitutional Court⁷⁹, the State Court opens itself to the practice of the ECtHR and quotes its decisions. In particular, the provisions of the ECHR and their interpretation by the ECtHR substantiate the fundamental rights of the Liechtenstein Constitution, which point in the same direction but came into being in another period of time and frequently with quite open limits.

5. *Does the constitutional court in its decisions regularly refer to the jurisprudence of the Court of Justice of the European Union and/or the European Court of Human Rights? Which are the most significant examples?*

Although Liechtenstein is not a member of the EU, the State Court time and again does refer to judgments of the Court of Justice of the European Union, namely in connection with the interpretation of EEA law⁸⁰ or Schengen law.⁸¹ There is a certain emphasis on the ECJ's practice in the field of fundamental freedoms, in particular the freedom of movement of goods and persons and the freedom of settlement⁸², which are matters of special relevance in the EEA. This also includes jurisprudence on the prohibition of discrimination, which also refers to the practice of the ECJ.⁸³

As far as the ECtHR is concerned, reference can be made to the examples listed above under 2.a). As a result of the described legal situation, which allows complaining parties to call upon the ECHR just like upon the rights granted by the Liechtenstein Constitution, the jurisprudence of the ECtHR is regularly referred to.

This happens particularly frequently in the field of procedural safeguards. As has been explained above, the State Court expressly orients itself at the criteria developed by the

⁷⁹ Grabenwarter, Grundrechte, p. 299.

⁸⁰ As in StGH 2011/155, www.gerichtsentscheide.li, cons. 3.3 with reference to the Akrich judgment of the ECJ.

⁸¹ See StGH 2010/137, where the State Court discusses the question whether the State Court should wait for a decision of the ECJ concerning the question of the applicability of Art. 54 of the Schengen Implementing Convention. StGH 2009/187, cons. 5.6 with reference to various judgments with criteria regulating the exercise of the lawyer profession in the host Member State. See also StGH 2009/145. In contrast to this, the State Court has not yet felt compelled to refer to judgments of the ECJ concerning the right of asylum, which has entered the European level with the Dublin Regulation.

⁸² StGH 2009/179, cons. 3.3 (Lidl Belgium); StGH 2008/141, www.gerichtsentscheide.li, cons. 2.2; StGH 2008/36, cons. 2.4; StGH 2006/94, www.gerichtsentscheide.li, cons. 2.2; StGH 2006/66, cons. 2.2; StGH 2006/5, www.gerichtsentscheide.li, cons. 3.b.

⁸³ StGH 2002/37, www.gerichtsentscheide.li, cons. 4.1.