

III. Interactions between European courts in the jurisprudence of constitutional courts

- 1. Do references to European Union law or to decisions by the Court of Justice of the European Union in the jurisprudence of the European Court of Human rights have an impact on the jurisprudence of the constitutional court?*

As has been explained above (see the examples given above under I. 2.a), the State Court orients its fundamental rights practice also at the practice of the ECtHR. Insofar, references to the law of the European Union may also have some influence on the practice of the State Court. This could happen for example with the interpretation of the constitutional guarantees of Art. 6 and Art. 47 of the Charter of Fundamental Rights of the European Union, which are quite similar.

However, there are no current examples for this, all the more since Liechtenstein is a member of the EEA but not of the EU.

- 2. How does the jurisprudence of constitutional courts influence the relationship between the European Court of Human rights and the Court of Justice of the European Union?*

In the State Court's view, one can speak of a general convergence of fundamental rights protection in Europe. Also due to numerous mutual contacts, a process of cross-fertilisation of jurisprudence can be found. The tendency of this process is towards a harmonisation of jurisprudence in pivotal questions on fundamental.

- 3. Do differences between the jurisprudence of the European Court of Human Rights on the one hand and the Court of Justice of the European Union on the other hand have an impact on the jurisprudence of the constitutional court?*

We are not currently aware of any case where such issues might have played a role before the State Court. However, the State Court would doubtlessly address such a discrepancy if it occurred in a case to be decided.