



XVI^e Congrès de la Conférence des Cours constitutionnelles européennes
XVIth Congress of the Conference of European Constitutional Courts
XVI. Kongress der Konferenz der Europäischen Verfassungsgerichte
XVI Конгресс Конференции европейских конституционных судов

Synthèse / Summary / Kurzfassung / резюме

**PRINCIPAUTÉ DU LIECHTENSTEIN / PRINCIPALITY OF LIECHTENSTEIN /
FÜRSTENTUM LIECHTENSTEIN / КНЯЖЕСТВО ЛИХТЕНШТЕЙН**

**The State Court of the Principality of Liechtenstein
Staatsgerichtshof des Fürstentums Liechtenstein**

Anglais / English / Englisch / английский

XVI. Congress of the Conference of European Constitutional Courts
Cooperation of Constitutional Courts in Europe -
Current Situation and Perspectives

Summary of the National Report by the State Court of the Principality of Liechtenstein

The legal system of the Principality of Liechtenstein is interconnected with European law in many ways: not only has Liechtenstein been a member of the European Convention on Human Rights and Fundamental Freedoms (ECHR) since 1982 and of the Agreement on the European Economic Area (EEA) since 1995, it also has to apply the Schengen and Dublin acquis. Accordingly, there are many cases in which the State Court has to address European law or Liechtenstein law originating from European law.

A special role in the State Court's practice on fundamental rights is played by the ECHR, which has de facto constitutional status in Liechtenstein. The State Court interprets the Liechtenstein fundamental rights in the light of the comparable provisions of the ECHR, frequently referring to the practice of the ECHR explicitly. Since more extensive guarantees of the Liechtenstein charter of fundamental rights are not given up, the ECHR forms a minimum standard for the protection of fundamental rights, which is in many cases exceeded by the Liechtenstein charter of human rights. The result is a dialogue of fundamental rights levels, which in turn leads to convergence in the protection of fundamental rights without giving up standards that have already been reached.

As far as the State Court has to apply European law, the State Court also considers the practice of the ECJ and of the EFTA Court.

The Charter of Fundamental Rights of the European Union only applies in the European Union and does not have any direct legal effects in the EEA. However, it cannot be excluded that it will "radiate" also onto the practice of the State Court. The future practice of the EFTA Court will also play a role in this.

Since the Liechtenstein legal system adopted and still adopts Austrian or Swiss law in many fields, it is obvious that the State Court will frequently refer to the practice of the highest courts in these countries. But the practice of the State Court - which often includes aspects of comparative law - also refers to judgments of the Austrian Constitutional Court, the Swiss Federal Court, or the German Federal Constitutional Court quite generally on a frequent basis.

In summary, it can be noted that the State Court is open to the practice of the European high courts and to the constitutional courts of German-speaking countries without the peculiarities of the Liechtenstein legal system being forgotten in the process.