

## EFTA COURT

**Request for an Advisory Opinion from the EFTA Court by Fürstliches Obergericht dated 19 May 2010 in the case of Dr. Joachim Kottke v Präsidial Anstalt and Sweetlye Stiftung**

**(Case E-5/10)**

A request has been made to the EFTA Court by a letter of 19 May 2010 from Fürstliches Obergericht (Princely Court of Appeal), which was received at the Court Registry on 27 May 2010, for an Advisory Opinion in the case of *Dr. Joachim Kottke v Präsidial Anstalt and Sweetlye Stiftung*, on the following questions:

**1. Does the Agreement on the European Economic Area, which entered into force in Liechtenstein on 1 May 1995, constitute a (multilateral) treaty which, as a result of the prohibition of discrimination contained particularly in Article 4 thereof, prohibit an obligation to provide security for costs from being imposed on claimants who reside in another EEA Member State if claimants who reside in Liechtenstein are not obliged to provide such security for costs?**

**In the event that the first question is answered in the negative:**

**2. Is the provision contained in Section 57(2) point 1 of the Liechtenstein Zivilprozessordnung (Code of Civil Procedure), whereby a waiver of the obligation on claimants who reside in another State to provide security is made conditional upon the possibility of enforcement in the country of residence, compatible with the EEA Agreement, in particular with the general prohibition of discrimination under Article 4 thereof, insofar as it applies to claimants who reside in an EEA Member State?**