

Strasbourg, 19 May 1998
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CDL-JU (98) 10
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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

**POWERS OF CONSTITUTIONAL COURTS
AND EQUIVALENT BODIES**

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I PREVENTATIVE REVIEW

1. CONSTITUTIONAL PROVISIONS

Moldova, Switzerland - as regards to the canton constitutions

2. INTERNATIONAL AGREEMENTS

Albania, Algeria, Andorra, Armenia, Azerbaidjan, Belarus, Bulgaria, Burkina Faso, Buryatia / Russia, Chad, Chile, Congo, Dagestan / Russia, Estonia, France, Gabon, Georgia, Germany, Guatemala, Hungary, Ivory Coast, Karelia / Russia, Kazakhstan, Lithuania, Madagascar, Mali, Moldova, Poland, Russia, Senegal, Slovenia, Spain, Tadjikistan, Tunisia, Ukraine

3. STATUTES

Afghanistan, Algeria, Austria - as regards to the acts of federal entities, Belarus, Burkina Faso, Cambodia, Central African Republic, Chad, Chile, Comoros, Congo, Costa Rica, Cyprus, Finland, France, Gabon, Germany, Guatemala, Hungary, Indonesia, Ireland, Italy, Ivory Coast, Kazakhstan, Madagascar, Mali, Mauritius, Morocco, Namibia, Namibia, Northern Ossetia / Russia, Peru, Poland, Portugal, Romania, Russia, Senegal, South Africa, Spain, Syria, Thailand, Tucuman / Argentina, Tunisia, Turkey, Venezuela

4. REGULATIONS

Belarus, Gabon, Madagascar, Namibia, Northern Ossetia / Russia, Portugal, Tucuman / Argentina

5. ACTS OF THE PRESIDENT OF THE STATE

Algeria, Madagascar

6. ACTS OF THE TERRITORIAL UNITS

South Africa

7. OTHER REGULATIONS: BUDGET ACTS, PARLIAMENTARY INTERNAL REGULATIONS

Belarus, Cyprus, France, Madagascar, Romania

II REPRESSIVE (A *POSTERIORI*) REVIEW

1. ABSTRACT REVIEW

a) Constitution-Constitutional amendments-basic Constitutional provisions

Brazil, Costa Rica, Cyprus, Kyrgyzstan, Cuba, Russia - of federal entities, Turkey, Ukraine, Uzbekistan (conformity of the Constitution of the Republic of Karakalpakstan with the Constitution of Uzbekistan), FRY (conformity of the Constitution of Member States with the Constitution of the Federal State), Baden-Wuerttemberg / Germany, Rheinland-Pfalz / Germany, Saarland / Germany, Dagestan / Russia (constitutions of administrative units)

b) International agreements (inc. agreements between the federal State and federal entities)

Adigea / Russia, Afghanistan, Austria, Azerbaidjan, Bashkiria / Russia, Costa Rica, Greece, Kabardino-Balkar Republic / Russia, Latvia, Liechtenstein, Lithuania, Madagascar, Mauritania, Moldova, Philippines, Russia, Tatarstan / Russia, Tuba / Russia, Uzbekistan, Yakutia / Russia

c) Statutes

Adigea / Germany, Afghanistan, Albania, Algeria, Angola, Argentinean Province Tucuman, Armenia, Austria, Azerbaidjan, Baden-Wuerttemberg / Germany, Bashkiria / Russia, Bayern / Germany, Belgium, Benin, Berlin / Germany, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Buryatia / Russia, Cambodia, Chile, Colombia, Comoros, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic (+subsidiary power of the Supreme Court), Dagestan / Russia, Ecuador, Egypt, Equatorial Guinea, Eritrea, Estonia, Ethiopia, FRY, "The former Yugoslav Republic of Macedonia", Georgia, Germany, Greece, Guatemala, Hamburg / Germany, Hessen / Germany, Hungary, Irkutsk Oblast / Russia, Italy, Kabardino-Balkar Republic / Russia, Karelia / Russia, Koma / Russia, Kuwait, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Madagascar, Malawi, Malaysia, Mauritania, Mauritius, Moldova, Mongolia, Montenegro / FRY, Mozambique, Namibia, Niedersachsen / Germany, Nordrhein-Westfalen / Germany, Northern Ossetia / Russia, Palestina, Panama, Paraguay, Peru, Philippines, Poland, Rheinland-Pfalz / Germany, Russia, Saarland / Germany, Serbia / FRY, Serbian Republic of Bosnia, Slovakia, Slovenia, South Africa, South Korea, Spain, Sri Lanka, Sudan, Syria, Tadjikistan, Taiwan, Tatarstan / Russia, Tuba / Russia, Turkey, Uganda, Ukraine, Uruguay, Uzbekistan, Venezuela, Yakutia / Russia, Yemen, Zaire

c1) Resolutions of the Parliament

Latvia

d) Regulations

Adigea / Russia, Afghanistan, Albania, Angola, Armenia, Austria, Azerbaidjan, Buryatia / Russia, Czech Republic, Dagestan / Russia, Ecuador, Egypt, Eritrea, FRY, Georgia, Guatemala, Hungary, Irkutsk Oblast / Russia, Kabardino-Balkar Republic / Russia, Karelia / Russia, Koma / Russia, Kuwait, Latvia, Liechtenstein, Lithuania, Madagascar, Mauritania, Moldova, Mongolia, Montenegro / FRY, Mozambique, Northern Ossetia / Russia, Philippines, Poland,

Russia, Serbia / FRY, Serbian Republic of Bosnia, Slovakia, Slovenia, South Africa, Tadjikistan, Tatarstan / Russia, Tucuman / Argentina, Ukraine, Uzbekistan, Yakutia / Russia, Yemen

e) Acts of the President of the State

Adigea / Russia, Algeria, Argentinean Province Tucuman, Armenia, Azerbaidjan, Bashkiria / Russia, Bulgaria, Buryatia / Russia, Georgia, Latvia, Lithuania, Madagascar, Moldova, Mongolia, Northern Ossetia / Russia, Philippines, Russia, Tadjikistan, Tatarstan / Russia, Ukraine, Uzbekistan, Yakutia / Russia, Yemen

f) Rules and other acts of the national administrative units (federal member states, (autonomous) provinces, local communities, etc.)

Azerbaidjan, Bashkiria / Russia, Buryatia / Russia, Cyprus, Dagestan / Russia, FRY, Georgia, Irkutsk Oblast / Russia, Karelia / Russia, Koma / Russia, Latvia, Northern Ossetia / Russia, Russia, Serbia / FRY, Slovakia, Slovenia, Spain, Tadjikistan, Ukraine, Uzbekistan, Yakutia / Russia

g) Proclaimed regulatory measures of the statutory authorities

Slovenia

h) Other rules

Austria, Bolivia, Congo, Croatia, "The former Yugoslav Republic of Macedonia", Hungary, Kabardino-Balkar Republic / Russia, Madagascar, Mali, Northern Ossetia / Russia, Philippines, Poland, Serbia / FRY, Slovakia, Slovenia, Tadjikistan, Turkey, Uganda

i) Conformity of the national legal norms with the international agreements

Albania, Bulgaria, Czech Republic, FRY, Hungary, Latvia, Poland, Slovakia, Slovenia

j) Regional agreements/agreements of Member State closed with the Federal State

Buryatia / Russia, Dagestan / Russia, Irkutsk Oblast / Russia, Kabardino-Balkar Republic / Russia, Karelia / Russia, Koma / Russia

2. CONCRETE REVIEW - SPECIALIZED CONSTITUTIONAL/JUDICIAL REVIEW BODIES REQUESTED BY THE ORDINARY COURTS

Adigea / Russia, Austria, Azerbaidjan, Bashkiria / Russia, Bayern / Germany, Bremen / Germany, Bulgaria, Buryatia / Russia, Cambodia, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Dagestan / Russia, Estonia, Ethiopia, Gabon, Georgia, Germany, Hamburg / Germany, Hungary, Iran, Italy, Karelia / Russia, Kazakhstan, Koma / Russia, Kyrgyzstan, Lithuania, Madagascar, Malaysia, Malta, Niedersachsen / Germany, Panama, Paraguay, Poland, Romania, Russia, Slovenia, South Korea, South Africa, Spain, Taiwan, Thailand, Uruguay, Yakutia / Russia

III INTERPRETATION OF THE RULE (the interpretative function)

1. CONSTITUTION

Adigea / Russia, Albania, Azerbaidjan, Bashkiria / Russia, Bulgaria, Buryatia / Russia, Cambodia, Dagestan / Russia, Eritrea, Ethiopia, Gabon, Germany. Uganda, Hungary, Irkutska Oblast / Russia, Kazakhstan, Koma / Russia, Kyrgyzstan, Madagascar, Moldova, Namibia, Papua New Guinea, Russia, Slovakia, Sri Lanka, Sudan, Taiwan, Uzbekistan, Yakutia / Russia, Zaire

2. STATUTES AND OTHER RULES

Azerbaidjan, Cambodia, Dagestan / Russia (in relation to the federal legislation), Egypt, Equatorial Guinea, France, Indonesia, Madagascar, Palestina, Poland, Sudan, Taiwan, Uzbekistan

IV IMPLEMENTATION OF THE RULE - decision-making on matters relating to the conformity of its implementation with the Constitution

Bashkiria / Russia, Ecuador, Irkutska Oblast / Russia, Kabardino-Balkar Republic / Russia, Philippines, Rheinland-Pfalz / Germany, Russia, Tuba / Russia

V OMISSION OF THE (STATUTORY) REGULATIONS - LEGAL GAPES

Brazil, Hungary, Italy, Portugal, Uganda

VI (CITIZEN'S) LEGISLATIVE INITIATIVE

1. Citizen's Initiative

Austria, Hungary, Romania, Spain

2. Own (the Constitutional Court) Initiative

Adigea / Russia, Bashkiria / Russia, Buryatia / Russia, Dagestan / Russia, Kabardino-Balkar Republic / Russia, Karelia / Russia, Koma / Russia, Northern Ossetia / Russia, Tatarstan / Russia, Tuba / Russia, Yakutia / Russia

VII JURISDICTIONAL DISPUTES

1. BETWEEN TOP GOVERNMENT BODIES

Adigea / Russia, Albania, Azerbaidjan, Baden-Wuerttemberg / Germany, Bashkiria / Russia, Bayern / Germany, Berlin / Germany, Bremen / Germany, Bulgaria, Buryatia / Russia, Dagestan / Russia, FRY, "The former Yugoslav Republic of Macedonia", Gabon, Georgia, Germany, Hamburg / Germany, Hessen / Germany, Irkutska Oblast / Russia, Italy, Kabardino-Balkar Republic / Russia, Karelia / Russia, Kazakhstan, Koma / Russia, Madagascar, Mali, Mongolia, Mozambique, Niedersachsen / Germany, Nordrhein-Westfalen / Germany, Peru, Poland, Russia, Saarland / Germany, Serbian Republic of Bosnia, Slovakia, Slovenia, South Korea, South Africa, Spain, Tadjikistan, Taiwan, Tatarstan / Russia, Ukraine

2. BETWEEN THE STATE AND REGIONAL OR LOCAL UNITS

Adigea / Russia, Albania, Austria, Bashkiria / Russia, Bosnia and Herzegovina, Brazil, Bulgaria, Buryatia / Russia, Czech Republic (+subsidiary power of the Supreme Court), Dagestan / Russia, FRY, "The former Yugoslav Republic of Macedonia", Germany, Hungary, India, Irkutska Oblast / Russia, Italy, Karelia / Russia, Koma / Russia, Madagascar, Malaysia, Mexico, Montenegro / FRY, Nigeria, Pakistan, Russia, Serbian Republic of Bosnia, Slovenia, South Korea, South Africa, Spain, Switzerland, Tatarstan / Russia, Ukraine, Yakutia / Russia

3. BETWEEN LOCAL OR REGIONAL UNITS

Austria, Bashkiria / Russia, Bolivia, Bosnia and Herzegovina, Brazil, Buryatia / Russia, FRY, Germany, Irkutska Oblast / Russia, Italy, Karelia / Russia, Koma / Russia, Mexico, Montenegro / FRY, Nigeria, Peru, Russia, Slovenia, South Africa, South Korea, Spain, Switzerland, Tatarstan / Russia, Tucuman / Argentina, Ukraine

4. BETWEEN THE COURTS AND OTHER GOVERNMENT BODIES

Austria, Egypt, Greece, Montenegro / FRY, Serbia / FRY, Slovenia, Thailand, Tucuman / Argentina

5. OTHER SPECIFIC JURISDICTIONAL DISPUTES

Austria, Croatia, Cyprus, Hungary, Tucuman / Argentina, Ukraine, Yakutia / Russia, Yemen

6. BETWEEN THE CONSTITUTIONAL COURTS OF THE MEMBER STATES OF FEDERATION

FRY

VIII POLITICAL PARTIES - decision-making related to matters of unconstitutional acts and activity

Albania, Armenia, Azerbaidjan, Bashkiria / Russia, Bulgaria, Burkina Faso, Chile, Croatia, Czech Republic, FRY, "The former Yugoslav Republic of Macedonia", Georgia, Germany,

Moldova, Montenegro / FRY, Poland, Portugal, Romania, Russia, Serbia / FRY, Serbian Republic of Bosnia, Slovakia, Slovenia, South Korea, Yakutia / Russia

IX REFERENDUM, decision-making regarding its conformity with the Constitution

Algeria, Armenia, Austria, Berlin / Germany, Burkina Faso, Chile, Congo, Croatia, Ethiopia, France, Gabon, Georgia, Greece, Hessen / Germany, Hungary, Ivory Coast, Kazakhstan, Madagascar, Mali, Mauritania, Moldova, Mongolia, Montenegro / FRY, Mozambique, Nordrhein-Westfalen / Germany, Portugal, Romania, Saarland / Germany, Senegal, Slovakia, Zaire

X ELECTIONS, decision-making regarding the conformity of (election) proceedings with the Constitution and the Statute

Albania, Algeria, Armenia, Austria, Baden-Wuerttemberg / Germany, Bayern / Germany, Berlin / Germany, Bulgaria, Burkina Faso, Cambodia, Chad, Comoros, Congo, Croatia, Cyprus, Czech Republic, Djibouti, Ecuador, Equatorial Guinea, France, FRY, Gabon, Georgia, Germany, Greece, Hamburg / Germany, Ivory Coast, Kazakhstan, Kyrgyzstan, Lithuania, Madagascar, Mali, Malta, Mauritania, Mauritius, Moldova, Mongolia, Montenegro / FRY, Morocco, Mozambique, Namibia, Niedersachsen / Germany, Nigeria, Nordrhein-Westfalen / Germany, Portugal, Rheinland-Pfalz / Germany, Romania, Saarland / Germany, Senegal, Serbia / FRY, Slovakia, Syria, Togo, Tucuman / Argentina, Yemen, Zaire

XI CONFIRMING OF ELECTION DEPUTIES

Austria, Baden-Wuerttemberg / Germany, Bayern / Germany, Berlin / Germany, Bulgaria, Chile, France, Georgia, Germany, Greece, Hamburg / Germany, Kazakhstan, Mongolia, Niedersachsen / Germany, Nordrhein-Westfalen / Germany, Saarland / Germany, Slovakia, Slovenia, Ukraine

XII PROTECTION OF HUMAN RIGHTS (the constitutional complaint and similar constitutional remedies)

1. HUMAN RIGHTS' PROTECTION

Adigea / Russia, Albania, Andorra, Austria, Azerbaidjan, Bashkiria / Russia, Bayern / Germany, Benin, Berlin / Germany, Brazil, Bremen / Germany, Buryatia / Russia, Colombia, Croatia, Cyprus, Czech Republic, Dagestan / Russia, FRY, "The former Yugoslav Republic of Macedonia", Georgia, Germany, Hessen / Germany, Hungary, Israel, Kabardino-Balkar Republic / Russia, Karelia / Russia, Koma / Russia, Kyrgyzstan, Liechtenstein, Mali, Malta, Mauritius, Moldova, Mongolia, Montenegro / FRY, Papua New Guinea, Poland, Russia, Saarland / Germany, Senegal, Slovakia, Slovenia, South Korea, South Africa, Spain, Sudan, Switzerland, Syria, Taiwan, Tucuman / Argentina, Ukraine, Uzbekistan

2. CONSTITUTIONAL COMPLAINT REQUESTED BY THE COMMUNE

Baden-Wuerttemberg / Germany, Czech Republic, Germany, Nordrhein-Westfalen / Germany

3. CITIZEN'S LEGISLATIVE INITIATIVE

Saarland / Germany, Spain

4. NATIONALISATION

Rheinland-Pfalz / Germany, Saarland / Germany

XIII CAPACITY FOR OFFICES

1. PRESIDENT OF THE STATE

Adigea / Russia, Algeria, Armenia, Azerbaidjan, Bashkiria / Russia, Bulgaria, Croatia, Cyprus, Equatorial Guinea, France, Kazakhstan, Kyrgyzstan, Lithuania, Mauritania, Moldova, Mozambique, Poland, Portugal, Romania, Yakutia / Russia

2. OTHER STATE REPRESENTATIVES

Bulgaria, Cyprus, France, Russia, Yakutia / Russia

XIV IMPEACHMENT

1. PRESIDENT OF THE STATE/OF THE MEMBER STATE OF FEDERATION

Adigea / Russia, Albania, Algeria, Armenia, Austria, Azerbaidjan, Bashkiria / Russia, Bolivia, Bulgaria, Buryatia / Russia, Chile, Colombia, Croatia, Czech Republic, Dagestan / Russia, Eritrea, "The former Yugoslav Republic of Macedonia", Georgia, Germany, Hungary, Irkutsk Oblast / Russia, Italy, Ivory Coast, Karelia / Russia, Kazakhstan, Koma / Russia, Madagascar, Mongolia, Montenegro / FRY, Namibia, Russia, Senegal, Slovakia, Slovenia, Tatarstan / Russia, Turkey, Ukraine, Yakutia / Russia

2. OTHER STATE REPRESENTATIVES

Austria, Baden-Wuerttemberg / Germany, Bayern / Germany, Bolivia, Bremen / Germany, Bulgaria, Comoros, Dagestan / Russia, Georgia, Italy, Karelia / Russia, Koma / Russia, Lithuania, Mongolia, Niedersachsen / Germany, Nordrhein-Westfalen / Germany, Rheinland-Pfalz / Germany, Saarland / Germany, Slovenia, South Korea, Taiwan, Tucuman / Argentina, Turkey, Ukraine

XV POWERS OF SPECIAL CHARACTER (violations of international law, decision-making on matters relating to the appointment of the constitutional judges and their immunity, opinions relating to the declaration of martial law, implementation of decisions taken by the international Courts, proposal for the amendment of the Constitution, consultative function, etc.)

Afghanistan, Algeria, Armenia, Austria, Berlin / Germany (membership in the *Richterwahlausschuss*), Bulgaria, Cambodia, Chad, Cuba, Cyprus, Czech Republic, Ecuador, Egypt, France, Germany, Hamburg / Germany (Deputies Rights), Ivory Coast, Mauritania, Moldova, Russia, Spain, Uzbekistan (dissolution of the Parliament, approval of the President decision)

XVI OTHER TASKS which the Court is charged with by the Constitution or the Statute

Adigea / Russia, Azerbaidjan, Baden-Wuerttemberg / Germany, Bashkiria / Russia, Bayern / Germany, Berlin / Germany, Chile, Croatia, Dagestan / Russia, Ecuador, "The former Yugoslav Republic of Macedonia", Georgia, Germany, Hamburg / Germany, Hessen / Germany, Koma / Russia, Montenegro / FRY, Niedersachsen / Germany, Nordrhein-Westfalen / Germany, Portugal, Rheinland-Pfalz / Germany, Slovenia, South Africa, Spain, Tadjikistan, Tuba / Russia, Turkey, Ukraine, Uzbekistan