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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

**POWERS OF CONSTITUTIONAL COURTS
AND EQUIVALENT BODIES**

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Powers of the Constitutional Courts

Update 2. October 1997 (containing Constitutional Court of federal entities)

*** the powers of Member States/Provincial Constitutional Court are marked in bold.**

I PREVENTATIVE REVIEW

1. CONSTITUTIONAL PROVISIONS

(France, Moldavia, Switzerland - as regards to the canton constitutions);

2. INTERNATIONAL AGREEMENTS

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

3. STATUTES

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

4. REGULATIONS

(Belarus, Gabon, Portugal, Madagascar, Namibia, **Tucuman/Argentina, Northern Ossetia/Russia**);

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

(Cyprus, Romania, France, Belarus, Madagascar);

II REPRESSIVE (*A POSTERIORI*) REVIEW

1. ABSTRACT REVIEW

a) Constitution-Constitutional amendments-basic Constitutional provisions (Brazil, Costa Rica, Cyprus, Kyrgyzia, 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) (Afghanistan, Austria, Philippines, Costa Rica, Greece, Lithuania, Madagascar, Mauritania, Moldavia, Russia, Liechtenstein, Uzbekistan, **Yakutia/Russia, Bashkiria/Russia**, Azerbaidjan, Latvia, **Adigea/Russia, Kabardino-Balkar Republic/Russia, Tatarstan/Russia, Tuba/Russia**);

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

c1) Resolutions of the Parliament (Latvia);

d) Regulations (Afghanistan, Albania, Angola, Austria, Czech Republic, Egypt, Ecuador, Philippines, Guatemala, South Africa, Lithuania, Hungary, Madagascar, Mauritania, Moldavia, Mongolia, Mozambique, Poland, Russia, Slovakia, Slovenia, Ukraine, Yemen, Kuwait, Georgia, Liechtenstein, Tadjikistan, **Serbian Republic of Bosnia**, Uzbekistan, Azerbaidjan, Armenia, **Yakutia/Russia**, Eritrea, Latvia, **Tucuman/Argentina**, FRY, **Serbia/FRY, Montenegro/FRY, Adigea/Russia, Buryatia/Russia, Tatarstan/Russia, Northern Ossetia/Russia, Dagestan/Russia, Irkutsk Oblast/Russia, Karelia/Russia, Kabardino-Balkar Republic/Russia, Koma/Russia**);

e) Acts of the President of the State (Algeria, **Argentinean Province Tucuman**, Bulgaria, Philippines, Lithuania, Madagascar, Moldavia, Mongolia, Russia, Ukraine, Yemen, Georgia, Tadjikistan, Uzbekistan, Azerbaidjan, **Yakutia/Russia, Bashkiria/Russia**, Armenia, Latvia, **Adigea/Russia, Buryatia/Russia, Northern Ossetia/Russia, Tatarstan/Russia**);

f) Rules and other acts of the national administrative units (federal member states, (autonomous) provinces, local communities, *etc.*) (Cyprus, Slovakia, Slovenia, Spain, Russia, Ukraine, Georgia, Tadjikistan, Uzbekistan, **Yakutia/Russia, Bashkiria/Russia**, Azerbaidjan, Latvia, FRY, **Serbia/FRY, Buryatia/Russia, Dagestan/Russia, Irkutsk Oblast/Russia, Karelia/Russia, Koma/Russia, Northern Ossetia/Russia**);

g) Proclaimed regulatory measures of the statutory authorities (Slovenia);

h) Other rules (Austria, Bolivia, Philippines, Croatia, Congo, Madagascar, Hungary, FYROM, Mali, Poland, Slovakia, Slovenia, Turkey, Uganda, Tadjikistan, **Serbia/FRY, Kabardino-Balkar Republic/Russia, Northern Ossetia/Russia**);

i) Conformity of the national legal norms with the international agreements (Latvia, Slovenia, Albania, Bulgaria, Hungary, Czech Republic, Slovakia, FRY)

j) Regional agreements/agreements of Member State closed with the Federal State (**Buryatia/Russia, Dagestan/Russia, Irkutsk Oblast/Russia, Karelia/Russia, Kabardino-Balkar Republic/Russia, Koma/Russia**).

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

(Austria, Bulgaria, Cyprus, Czech Republic, Estonia, Ethiopia, Gabon, Croatia, Italy, South Africa, South Korea, Kyrgyzia, Costa Rica, Cuba, Lithuania, Madagascar, Hungary, Malaysia, Malta, Panama, Paraguay, Poland (indirect request by ordinary Court transmitted through the privileged petitioner - government body), Romania, Russia, Slovenia, Spain, Thailand, Taiwan, Uruguay, Germany, Iran, Georgia, Kazakhstan, Cambodia, Azerbaidjan, **Yakutia/Russia, Bashkiria/Russia, Bayern/Germany, Bremen/Germany, Hamburg/Germany, Niedersachsen/Germany, Buryatia/Russia, Adigea/Russia, Dagestan/Russia, Karelia/Russia, Koma/Russia**);

III INTERPRETATION OF THE RULE (the interpretative function)

1. CONSTITUTION

(Albania, Bulgaria, Ethiopia, Gabon, Kyrgyzia, Hungary, Madagascar, Moldavia, Namibia, Papua New Guinea, Russia, Slovakia, Sudan, Sri Lanka, Taiwan, Zaire, Germany. Uganda, Kazakhstan, Cambodia, Uzbekistan, Azerbaidjan, Eritrea, **Yakutia/Russia, Bashkiria/Russia, Adigea/Russia, Buryatia/Russia, Dagestan/Russia, Irkutsk Oblast/Russia, Koma/Russia**);

2. STATUTES AND OTHER RULES

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

IV IMPLEMENTATION OF THE RULE - decision-making on matters relating to the conformity of its implementation with the Constitution (Ecuador, Philippines, Russia, **Bashkiria/Russia, Rheinland-Pfalz/Germany, Irkutsk Oblast/Russia, Kabardino-Balkar Republic/Russia, Tuba/Russia**);

V VALIDITY OF THE RULE (Germany);

VI OMISSION OF THE (STATUTORY) REGULATIONS - LEGAL GAPES (Brazil, Italy, Hungary, Portugal, Uganda);

VII (CITIZEN'S) LEGISLATIVE INITIATIVE

1. CITIZEN'S INITIATIVE

(Austria, Hungary, Romania, Spain);

2. OWN (THE CONSTITUTIONAL COURT) INITIATIVE

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

VIII JURISDICTIONAL DISPUTES

1. BETWEEN TOP GOVERNMENT BODIES

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

2. BETWEEN THE STATE AND REGIONAL OR LOCAL UNITS

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

3. BETWEEN LOCAL OR REGIONAL UNITS

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

4. BETWEEN THE COURTS AND OTHER GOVERNMENT BODIES

(Austria, Egypt, Greece, Slovenia, Thailand, **Tucuman/Argentina, Serbia/FRY, Montenegro/FRY**);

5. OTHER SPECIFIC JURISDICTIONAL DISPUTES

(Austria, Cyprus, Croatia, Hungary, Ukraine, Yemen, **Yakutia/Russia, Tucuman/Argentina**);

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

(FRY)

IX POLITICAL PARTIES - decision-making related to matters of unconstitutional acts and activity (Albania, Bulgaria, Burkina Faso, Czech Republic, Chile, Croatia, South Korea, FYROM, Moldavia, Poland, Portugal, Romania, Russia, Slovakia, Slovenia, Germany, Georgia, **Serbian Republic of Bosnia, Azerbaidjan, Armenia, Yakutia/Russia, Bashkiria/Russia, FRY, Serbia/FRY, Montenegro/FRY**);

X REFERENDUM, decision-making regarding its conformity with the Constitution (Algeria, Austria, Burkina Faso, Chile, Ethiopia, France, Gabon, Greece, Croatia, Congo, Madagascar, Hungary, Mali, Mauritania, Moldavia, Mongolia, Mozambique, Portugal, Romania, Senegal, Ivory Coast, Slovakia, Zaire, Georgia, Kazakhstan, Armenia, **Montenegro/FRY, Berlin/Germany, Hessen/Germany, Nordrhein-Westfalen/Germany, Saarland/Germany**);

XI ELECTIONS, decision-making regarding the conformity of (election) proceedings with the Constitution and the Statute (Albania, Algeria, Austria, Bulgaria, Burkina Faso, Cyprus, Chad, Czech Republic, Djibouti, Ecuador, Equatorial Guinea, France, Gabon, Greece, Croatia, Kyrgyzia, Comoros, Lithuania, Congo, Madagascar, Mali, Malta, Mauritania, Mauritius, Moldavia, Mongolia, Morocco, Mozambique, Namibia, Nigeria, Portugal, Romania, Senegal, Syria, Ivory Coast, Slovakia, Togo, Zaire, Germany, Yemen, Georgia, Kazakhstan, Cambodia,

Armenia, Tucuman/Argentina, FRY, Serbia/FRY, Montenegro/FRY, Baden-Wuerttemberg/Germany, Bayern/Germany, Berlin/Germany, Hamburg/Germany, Niedersachsen/Germany, Nordrhein-Westfalen/Germany, Rheinland-Pfalz/Germany, Saarland/Germany);

XII CONFIRMING OF ELECTION DEPUTIES (Austria, Bulgaria, Chile, Greece, Mongolia, Slovakia, Slovenia, Ukraine, Germany, Georgia, Kazakhstan, **Baden-Wuerttemberg/Germany, Bayern/Germany, Berlin/Germany, Hamburg/Germany, Niedersachsen/Germany, Nordrhein-Westfalen/Germany, Saarland/Germany**);

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

1. HUMAN RIGHTS' PROTECTION

(Albania, Andorra, Austria, Benin, Brazil, Cyprus, Czech Republic, **Montenegro/FRY**, Croatia, South Africa, South Korea, Kyrgyzia, Colombia, Hungary, FYROM, Mali, Malta, Mauritius, Moldavia, Mongolia, Papua New Guinea, Russia, Senegal, Syria, Slovakia, Slovenia, Sudan, Spain, Switzerland, Taiwan, Ukraine, FRY, Germany, Israel, Georgia, Liechtenstein, Azerbaidjan, Uzbekistan, **Bashkiria/Russia, Tucuman/Argentina, Buryatia/Russia, Adigea/Russia, Bayern/Germany, Berlin/Germany, Bremen/Germany, Hessen/Germany, Saarland/Germany, Kabardino-Balkar Republic/Russia, Dagestan/Russia, Karelia/Russia, Koma/Russia**);

2. CONSTITUTIONAL COMPLAINT REQUESTED BY THE COMMUNE

(Czech Republic, **Germany, Baden-Wuerttemberg/Germany, Nordrhein-Westfalen/Germany**);

3. CITIZEN'S LEGISLATIVE INITIATIVE

(Spain, **Saarland/Germany**);

4. NATIONALISATION

(**Rheinland-Pfalz/Germany, Saarland/Germany**);

XIV CAPACITY FOR OFFICES

1. PRESIDENT OF THE STATE

(Algeria, Bulgaria, Cyprus, Equatorial Guinea, Croatia, Kyrgyzia, Lithuania, Mauritania, Moldavia, Mozambique, Portugal, Romania, Kazakhstan, Azerbaidjan, Armenia, **Yakutia/Russia, Bashkiria/Russia, Adigea/Russia**);

2. OTHER STATE REPRESENTATIVES

(Bulgaria, Cyprus, Russia, **Yakutia/Russia**);

XV IMPEACHMENT

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

(Albania, Algeria, Austria, Bulgaria, Bolivia, Czech Republic, Chile, Croatia, Italy, Colombia, Madagascar, Hungary, FYROM, Mongolia, Namibia, Russia, Senegal, Ivory Coast, Slovakia, Slovenia, Turkey, Ukraine, Germany, Georgia, Kazakhstan, Azerbaidjan, Armenia, Eritrea, **Yakutia/Russia, Bashkiria/Russia, Montenegro/FRY, Adigea/Russia, Buryatia/Russia, Dagestan/Russia, Irkutsk Oblast/Russia, Karelia/Russia, Koma/Russia, Tatarstan/Russia**);

2. OTHER STATE REPRESENTATIVES

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

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

XVII OTHER TASKS which the Court is charged with by the Constitution or the Statute (Chile, Ecuador, Croatia, South Africa, FYROM, Portugal, Slovenia, Spain, Turkey, Ukraine, Germany, Georgia, Tadjikistan, Uzbekistan, Azerbaidjan, **Bashkiria/Russia, Montenegro/FRY, Baden-Wuerttemberg/Germany, Bayern/Germany, Berlin/Germany, Hamburg/Germany, Hessen/Germany, Niedersachsen/Germany, Nordrhein-Westfalen/Germany, Rheinland-Pfalz/Germany, Adigea/Russia, Dagestan/Russia, Koma/Russia, Tuba/Russia**).