

ADDITIONAL COMMENTS ON THE CONSTITUTION OF UKRAINE

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ADDENDUM II

The President is allowed to suspend Crimean normative legal acts for reasons of their nonconformity with the Constitution of Ukraine and the Laws of Ukraine, with a simultaneous appeal to the Constitutional Court (Article 137).

The Verkhovna Rada of the Autonomous Republic of Crimea can appeal to the Constitutional Court too (Article 150).

B It is not clear if Crimea has a reserved sphere of competence (look at Articles 137 and 138). The power of Crimea of submitting a claim to the Constitutional Court against the central authorities should imply an affirmative answer to this question.

B But if the Crimean autonomy is limited by the national legislation, we could draw the conclusion that national and Crimean legislation can conflict even in the space covered by the issues listed in Articles 137-138 because national legislation is allowed to provide even for those issues.

B To avoid differences and conflicts which could destroy the Crimean autonomy, the limit of national legislation could be read in three different ways:

- 1) We can say that the Crimean authorities have to respect the national legislation which deals with issues which are in the national competence and do not coincide with the issues listed in Articles 137-138.
- 2) We can say that the national legislation is competent to state the principles of law which have to be implemented by the Crimean authorities providing for a detailed regulation of the issues listed in Articles 137-138.
- 3) We can say that the national legislation can deal with the issues listed in Articles 137-138 when national interests are at stake.

The last alternative is more flexible but it can favour an enlargement of the national competence when the Constitutional Court accepts the State policies about the definition of national interests. In any case it could imply a large scope of differences and conflicts.