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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

**QUESTIONNAIRE ON FEDERAL
AND REGIONAL STATES**

Preliminary remarks

The following terms are used in this questionnaire: central State on the one hand, "entities" (to refer to Lander, cantons, regions, etc.) on the other hand.

I. Basic aspects

1.a. Is there a federal or regional system in operation?

1.b. If so, indicate the reasons for its adoption. If not, indicate why such a system was not provided for, and whether the question of its introduction has been recently discussed.

1.c. How is the matter of local (as opposed to regional) autonomy provided for?

2. Which norm is the basis of the existence of the entities?

- in general, does the Constitution or another Act provide for their existence?

- does the Constitution or another Act provide for the existence of each entity?

3. Are the entities equal, or is federalism/regionalism asymmetric (in particular in so far as their powers and participation in the decision-making process of the Central State are concerned)?

4. How could the territorial basis or the number of the entities be modified?

- is a merger between entities possible, and by which process?

- is a partition possible, and by what means?

- can the borders of the entities be modified, and by what means?

II. Distribution of powers

1. Which text distributes powers between the Central State and the entities? Does this text contain one or two lists of powers? Does the residual power belong to the Central State or to the entities?

2. Various types of powers of the Central State and the entities

Which types of powers of the Central State and the entities are provided for? Are there exclusive powers, concurring powers, and/or powers limited to the adoption of framework legislation? For each type of power, explain the respective role of the Central State and the entities.

Is it possible to delegate powers from the Central State to the entities, and vice versa?

3. The scope of the various types of powers

a. Powers in the field of international relations

- Conclusion of international treaties

- Participation in the decision-making process of the European Union
 - Domestic implementation of international treaties and European Union law
- b. Internal powers
- in general: highlight the areas where there are exclusive, concurring powers, etc. of the Central State and of the entities
 - is the distribution of powers the same for the legislative, executive and judicial branch? Please indicate which organs are competent to apply the law of the Central State.

4. Tax matters

- a. What is the distribution of powers between the Central States and the entities in tax matters?
- b. What are the various kinds of taxes of the Central State and of the entities?
- c. Are they provided for by the Constitution/by Statute/(by other legislation)?
- d. How are tax revenues divided between the Central State and the entities?
- e. What proportion of the tax revenues of the Central State is transferred to the entities and vice versa?
- f. Are there compensatory mechanisms between the most and the least developed entities or between the Central State and the entities? How do they work? Point out the importance of the transfer of funds carried out on this basis.

III. The State organs/the political system

1.
 - a. Are the entities free to adopt a political system of their choice?
 - b. Are the entities competent to adopt their Constitution, or is it adopted by the Central State?
 - c. If the entities are competent to adopt their Constitution, what are the limits set by the Central State regarding its contents?
2. Do the entities have legislative, executive and judicial organs of their own?
3. What are the political systems of the Central State and of the entities (presidential, parliamentary, etc.)?

IV. Participation of the entities in the decision-making process of the Central State

1. Direct participation
 - a. with adoption and revision of the Constitution

b. in legislative power (referendum, legislative initiative)

2. Indirect participation

a. What is the procedure for the designation of the Second Chamber?

b. How are the entities represented within the second chamber?

c. Powers of the Second Chamber

- in constitutional matters
- in legislative matters

V. Cooperative federalism/regionalism

Is there provision for cooperation between entities or between entities and the Central State and what are the constitutional rules in this field? Which bodies have been created in this context, and how do they work?

VI. Reciprocal control between the Central State and the entities

1. Control of the Central State over the entities

2. Control of the entities over the Central State

The following points should be examined:

- whether this control is exercised by legislative, executive or judicial bodies
- whether it takes place *ex officio* or at the request of another body.
- emphasise in particular the control of the respect for the distribution of powers by the judicial bodies of the Central State.