

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

**Report of the 6th Meeting of the Sub-Commission on
Constitutional Justice
with Liaison Officers from Constitutional Courts
and other equivalent bodies**

(Venice, 9-10 November 1994)

The Sub-Commission on Constitutional Justice held its 6th meeting in Venice with liaison officers from Constitutional Courts and other equivalent bodies on 9-10 November 1994 under the chairmanship of Mr J. Robert.

A list of participants appears in Appendix I.

1. Adoption of the Agenda

The participants adopted the agenda set out in Appendix II.

2. Publication of the Bulletin on Constitutional Case-Law and Conditions of Subscription

The participants confirmed the publication schedule for 1995:

- Period from 1 September to 31 December 1994

Last date for contributions : 31 January 1995
Publication date of Bulletin : 1 March 1995

- Period from 1 January to 30 April 1995

Last date for contributions : 31 May 1995
Publication date of Bulletin : 1 July 1995

- Period from 1 May to 31 August 1995

Last date for contributions : 30 September 1995
Publication date of Bulletin : 1 November 1995

- Period from 1 September to 31 December 1995

Last date for contributions : 31 January 1996
Publication date of Bulletin : 1 March 1996

The Sub-Commission discussed the possibility of making the Bulletin payable. This would allow for its distribution in book shops which only offer publications which have a fixed price.

During the discussion it was emphasised that subscribers in the New Democracies might not be able to afford to pay for the Bulletin and that they should continue to receive the Bulletin free of charge. It was also pointed out that libraries had already set up their budget for 1995 and probably might not be in a position to use funds to buy the Bulletin.

The Sub-Commission fixed the price for the subscription of the Bulletin at 200 FF per year. The Secretariat was charged to continue to distribute the Bulletin free of charge to subscribers who would not be able to afford this price, especially in the New Democracies.

3. Improvements in the presentation of the Bulletin on Constitutional Case Law

The participants discussed possible improvements in the presentation of the Bulletin on the basis of the "Study on the possibilities for improving and developing the Bulletin on Constitutional Case-Law and on establishing a computerised data bank on its case-law" prepared by MM. Ryckeboer and Vandernoot (Doc. CDL-JU (94) 2) and the supplementary Note of the Secretariat (Doc. CDL-JU (94) 3).

The participants considered again the question whether decisions addressing several subjects (f.e. questions of admissibility, interpretation of several fundamental rights) should be the object of one or several summaries. During the 5th meeting of the Working Party on Constitutional Justice, it had been decided that each significant passage of a decision should have one summary (cf. CDL-JU-PV (93) 4, Appendix II, p. 11). Having proved that this decision had rarely been followed in practice, a majority of participants found it preferable to have only one summary for each judgment reported. This solution avoids unnecessary repetitions and makes the Bulletin more readable. There was agreement that it should, however, be possible to limit research on the data base to specific subjects. The Secretariat was charged to make the necessary arrangements when entering the summaries into the data base.

Furthermore, it was discussed whether keywords of the Systematic Thesaurus concerning procedural questions should be included for every reported decision or only where the judgment contains relevant information on these questions (for instance when the court takes a decision

on a new procedural problem or revises its previous case-law). A majority of participants favoured the second alternative.

As far as the formal presentation of summaries is concerned, the participants agreed in principle with the proposals contained in the study by Messrs Ryckeboer and Vandernoot. A majority of participants were in favour of an additional Zone 6 as it had been proposed by the Secretariat (Doc. CDL-JU (94) 3). In addition to the succinct headnotes given in Zone 5, this Zone would contain a brief description of the main facts of the case, the procedure followed, the main legal reasoning (*ratio decidendi*) and the decision taken. It was felt that the user of the Bulletin who will in most cases be restricted to the information contained in the Bulletin itself, should be given additional information in order to understand the reported decision.

It was emphasised that the linguistic quality of the contributions must be improved. At present, the Secretariat spends considerable time improving the style and intelligibility of contributions. It was suggested that the liaison officers who are not using their mother tongue should, wherever possible, have their contributions checked by professional translators before sending them to Strasbourg. The resulting financial burden for the courts of Eastern and Central Europe might be borne by the income generated from the selling of the Bulletin.

The participants adopted the following decisions:

- to have only one summary for each decision reported;
- to maintain an introductory part for each contribution, containing general information on the respective court's activity during the reference period;
- to include keywords of the Systematic Thesaurus concerning procedural questions only when the reported decision contains relevant information on these questions;
- to follow, as far as the formal presentation of contributions is concerned, the guidelines established in the Study by Messrs Ryckeboer and Vandernoot (Appendix I); in addition to Zone 5 containing a succinct summary of the main legal points of the decision, there should be included a Zone 6 which may contain a brief description of the factual background of the case, the procedure followed, the main legal reasoning and the decision taken (Zones 6, 7 and 8 will become accordingly Zones 7, 8 and 9);
- to entrust the Secretariat with the task of establishing detailed guidelines on the presentation of summaries (these are contained in Appendix III).

4. Systematic Thesaurus and Alphabetical Index

The participants held an exchange of views on the modifications and additions proposed by liaison officers and the Secretariat (Doc. CDL-JU (94) 5). Several participants emphasised the practical utility of the Systematic Thesaurus. There was agreement that repetitions of identical entries in different parts of the Thesaurus should be avoided. In addition, the view was

expressed that the Systematic Thesaurus should be considerably enlarged in order to cover not only constitutional law, but all branches of the law. Other participants suggested that this would be the function of the Alphabetical Index.

The participants decided to set up a working party composed of Ms Elhenicky (Austria), Messrs Ryckeboer and Vandernoot (Belgium), Ms Sale_ić (Croatia), Ms Remy-Granger and M. Cottin (France), and M. Hartwig (Germany). The Working Party will consider the proposals included in Doc. CDL-JU (94) 5 and prepare a revised version of the Systematic Thesaurus. It will also establish guidelines for the use of the Alphabetical Index. The revised Systematic Thesaurus and the guidelines for the use of the Alphabetical Index will be submitted for final adoption to the next meeting of the Sub-Commission.

At the invitation of the Court of Arbitration the Working Party will meet in January 1995 in Brussels.

5. Special Bulletin

The participants considered whether a new special issue of the Bulletin could be envisaged. The Secretariat proposed to publish, in view of the Council of Europe campaign against racism, antisemitism, xenophobia and intolerance, a selection of judgments concerning this subject. A majority of participants preferred, however, to prepare a Special Bulletin which should contain a compilation of all national legislation regulating the powers and procedures of the participating courts.

The participants decided to send to the Secretariat, in the original language or, if available, in English or French, the texts of laws and regulations concerning the participating courts and to resume consideration of this point at their next meeting.

6. The setting-up of a data base on Constitutional Case-Law

Due to the credit balance for 1994, the Secretariat is in a position to take the first steps in view of installing a computerised data base on constitutional case-law. Two programmes which are used to run juridical data bases were demonstrated.

Mr. Cottin from the French Conseil Constitutionnel made a presentation of the info-base programme Folio Views for Windows. To demonstrate the use of this programme with the data in question, decisions of already published Bulletins were used. Folio Views for Windows is a standard programme which allows full-text search.

Mr. Vandernoot presented the programme JUDIT which contains Belgian court decisions and legal doctrine. This DOS-based programme was specially designed for this purpose by the publishing house Kluwer.

In the ensuing discussion the participants showed a preference for the use of Folio Views for the establishment of the data base on constitutional case-law by the Venice Commission.

The participants took note of the high quality of both programmes and charged the Secretariat to take the necessary steps to implement the data base as soon as possible in co-operation with the Computer Division of the Council of Europe.

7. Co-operation with the Conference of European Constitutional Courts

Mr Zlinsky informed the participants about the results of the preparatory meeting of the Tenth Conference of the European Constitutional Courts which was held in Budapest on 27-28 September 1994. It is envisaged to invite the Venice Commission to the next conference which will be held in 1996 in Budapest. The meeting discussed the work of the Venice Commission in the field of constitutional justice. It supported the objectives outlined in a report by the French delegation, namely to attain the cooperation of all Constitutional Courts and equivalent bodies in sending the decisions to Strasbourg and to enlarge the dissemination of the Bulletin. The Conference took notice of the planned information centre of the Venice Commission. The Constitutional Courts decided to send liaison officers to the meetings of the Commission and continue to exchange information with it.

The participants took note of the information provided.

8. Co-operation with the European Court of Human Rights

Mr Petzold, Acting Registrar of the European Court of Human Rights, informed the participants about the work and publications of this Court. He expressed an interest to participate in the publication of the Bulletin on Constitutional Case-Law and promised to designate a liaison officer. Since the European Court of Human Rights is currently considering to set up a new data base, Mr Petzold intends to send one representative to the meeting of the Working Party on the Systematic Thesaurus and Alphabetical Index.

The participants took note of the information provided and welcomed the participation of the European Court of Human Rights.

9. Date of the next meetings

The Court of Arbitration in Bruxelles and the Federal Court in Lausanne offered to host a meeting of the liaison officers and the Sub-Commission.

The participants decided that in view of the setting up of a data base a special meeting should be envisaged for spring 1995. The Secretariat was entrusted with the task of organising such a meeting which might be held at the Court of Arbitration in Bruxelles or the Federal Court in Lausanne. The next regular meeting of the liaison officers from Constitutional Courts and other equivalent bodies with the Sub-Commission on Constitutional Justice would take place in Venice during a future meeting of the European Commission for Democracy through Law at the end of 1995.

A P P E N D I X I

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS

MEMBERS OF THE EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW MEMBRES DE LA COMMISSION EUROPEENNE POUR LA DEMOCRATIE PAR LE DROIT

BULGARIA/BULGARIE

M. Alexandre DJEROV, Président de la Commission législative de l'Assemblée Nationale (Apologised/Excusé)

Mme Ana MILENKOVA, Membre de l'Assemblée nationale (Apologised/Excusé)

CYPRUS/CHYPRE :

Mr Michael TRIANTAFYLIDIS, Attorney General of the Republic

DENMARK/DANEMARK :

Mr Asbjørn JENSEN, Attorney General (Apologised/Excusé)

FINLAND/FINLANDE :

Mr Antti SUVIRANTA, Former President of the Supreme Administrative Court

FRANCE :

M. Jacques ROBERT, Membre du Conseil constitutionnel (Acting Chairman/Président en exercice)

GERMANY/ALLEMAGNE :

Mr Helmut STEINBERGER, Professor at the University of Heidelberg, Director of the Max-Planck Institute (Apologised/Excusé)

HUNGARY/HONGRIE :

M. Janos ZLINSZKY, Judge at the Constitutional Court

IRELAND/IRLANDE :

Mr Matthew RUSSELL, Senior Legal Assistant to the Attorney General of Ireland (Chairman/Président) (Apologised/Excusé)

Ms Finola FLANAGAN, Office of the Attorney General

ITALY/ITALIE :

Mr Antonio LA PERGOLA, Judge at the Court of Justice of the European Communities, President of the European Commission for Democracy through Law (Apologised/Excusé)

LIECHTENSTEIN :

M. Gerard BATLINER, Président du Conseil Scientifique du Liechtenstein Institut
(Apologised/Excusé)

LITHUANIA/LITUANIE :

Mr Kestutis LAPINSKAS, Professor, Judge of the Constitutional Court

LUXEMBOURG :

M. Gérard REUTER, Président de la Chambre des Comptes (Apologised/Excusé)

MALTA/MALTE :

Mr Joseph SAID PULLICINO, Judge (Apologised/Excusé)

POLAND/POLOGNE :

Mr Zdzislaw KEDZIA, Senior Advisor to the Higher Commission for Human Rights, United Nations, Geneva (Apologised/Excusé)

PORTUGAL :

M. José MENERES PIMENTEL, Médiateur (Apologised/Excusé)

ROMANIA/ROUMANIE

Mr Petru GAVRILESCU, Specialist, Human Rights Division, Ministry of Foreign Affairs

SWEDEN/SUEDE :

Mr Hans RAGNEMALM, Justice of the Supreme Administrative Court (Apologised/Excusé)

TURKEY/TURQUIE :

Mr Ergun ÖZBUDUN, Professor at the University of Ankara, Vice-President of the Turkish Foundation for Democracy (Apologised/Excusé)

LIAISON OFFICERS/AGENTS DE LIAISON

AUSTRIA/AUTRICHE :

Mme Anneliese ELHENICKY, Conseillère à la Cour constitutionnelle, Service de la documentation

BELGIUM/BELGIQUE :

M. Rik RYCKEBOER, Référéndaire à la Cour d'Arbitrage

M. Pierre VANDERNOOT, Référéndaire à la Cour d'Arbitrage

BULGARIA/BULGARIE :

Mr Kiril MANOV, Secretary General of the Constitutional Court (Apologised/Excusé)

CYPRUS/CHYPRE :

Mr Ioannis PAPADOPOULOS, Justice, Supreme Court (Apologised/Excusé)

CZECH REPUBLIC/REPUBLIQUE TCHEQUE :

Mrs Ivana JANU, Constitutional Court of Justice

FINLAND/FINLANDE :

Justice Per LINDHOLM, Supreme Court Judge (Apologised/Excusé)

FRANCE :

Mme Dominique REMY-GRANGER, Attachée auprès du Président du Conseil constitutionnel
M. Stéphane COTTIN, Service de documentation, Conseil constitutionnel

GERMANY/ALLEMAGNE :

Mr Matthias HARTWIG, Bundesverfassungsgericht

GREECE/GRECE :

Mr K. MENOUDAKOS, Member of the Council of State (Apologised/Excusé)

HUNGARY/HONGRIE :

Mr Peter PACZOLAY, Counsellor at the Constitutional Court (Apologised/Excusé)

ICELAND/ISLANDE :

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IRELAND/IRLANDE :

Mr James COMERFORD, Registrar of the Supreme Court (Apologised/Excusé)

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M. Giovanni CATTARINO, Correspondant de la Cour constitutionnelle (Apologised/Excusé)
M. Nicola SANDULLI, Correspondant de la Section de droit comparé de la Cour constitutionnelle (Apologised/Excusé)
Mme Elisa BIANCHI, Correspondant de la Section de droit comparé de la Cour constitutionnelle (Apologised/Excusé)

LUXEMBOURG :

M. Roger EVERLING, Vice-Président de la Cour supérieure de justice et conseiller à la Cour de cassation du Grand-Duché de Luxembourg (Apologised/Excusé)

NETHERLANDS/PAYS-BAS :

Mrs mr. A.C.M. HÖPPENER, Assistant to the Chief Justice

NORWAY/NORVEGE :

Ms Birgit BERG, Law Clerk at the Supreme Court

POLAND/POLOGNE :

Mrs Halina PLAK, Head of the Library and Documentation Centre

PORTUGAL :

M. Miguel LOBO ANTUNES, Service de documentation, Tribunal Constitutionnel

ROMANIA/ROUMANIE :

M. Ion STOICA, Secrétaire en chef de la Cour constitutionnelle

SLOVAK REPUBLIC/REPUBLIQUE SLOVAQUE :

Mr Jan DRGONEC, Judge at the Constitutional Court (Apologised/Excusé)

SLOVENIA/SLOVENIE :

Mr Arne MAVCIC, Head of the Legal Information Centre, Constitutional Court

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M. Pedro BRAVO-GALA, Conseiller Service de Bibliothèque et Documentation, Tribunal Constitutionnel (Apologised/Excusé)

SWEDEN/SUEDE :

Mr Bengt-Ake ENGSTROM, Administrative Director, Supreme Court

SWITZERLAND/SUISSE :

Mme Juliane ALBERINI, Cheffe du Service de Documentation, Tribunal fédéral

TURKEY/TURQUIE :

Mr Mehmet TURHAN, Reporter, Constitutional Court

ALBANIA/ALBANIE :

Mr Hilmi DAKLI, Member of the Constitutional Court (Apologised/Excusé)

CROATIA/CROATIE :

Mrs Marija SALECIC, Legal Adviser of the Constitutional Court

RUSSIA/RUSSIE :

M. S. BOBOTOV, Conseiller à la Cour constitutionnelle (Apologised/Excusé)

CANADA :

Ms Louise MEAGHER, Deputy Registrar, Supreme Court (Apologised/Excusé)

KYRGYZSTAN :

Apologised/Excusé

U.S.A. :

Mr Harvey RISHIKOS, Administrative Assistant to the Chief Justice
(Apologised/Excusé)

ESTONIA/ESTONIE :

Mr Heiki LOOT, Assistant to the Chairman, National Court

SECRETARIAT

M. Giovanni BUQUICCHIO
M. Christos GIAKOUMOPOULOS
M. Jörg POLAKIEWICZ
M. Rudolf DÜRR
Mlle Helen MONKS
Mlle Brigitte AUBRY
Mme Josiane GRUNENWALD

INTERPRETERS/INTERPRETES

M. Roland HERRMANN
Mme Danielle HEYSCH

APPENDIX II

AGENDA

1. Adoption of the Agenda
2. Publication of the Bulletin on Constitutional Case-Law
3. Improvements in the presentation of the Bulletin on Constitutional Case-Law
4. Systematic Thesaurus and Alphabetical Index
5. Special Bulletin
6. The setting-up of a data base on Constitutional Case-Law
7. Co-operation with the Conference of European Constitutional Courts
8. Co-operation with the European Court of Human Rights
9. Date of the next meetings

APPENDIX III

Presentation of summaries

The Sub-Commission on Constitutional Justice decided at its 6th meeting to include three new Zones as suggested by Messrs Ryckeboer and Vandernoot in CDL-JU(94) 2. Another Zone, as suggested by the secretariat in CDL-JU(94) 3, has been added, giving a total of 9 Zones.

This appendix contains a merger of these proposals taking into account the future use of a special data entry programme offering an entry mask.

The nine Zones are:

- Zone 1¹: Identification number of the summary (one number per summary): this Zone is left blank by the liaison officers; it is filled in by the Secretariat in Strasbourg.
- Zone 2²: References of the decision divided into seven Sub-Zones, labelled **a)** to **g)**.
- Zone 3³: Keywords of the Systematic Thesaurus.
- Zone 4⁴: Keywords of the Alphabetical Index.
- Zone 5⁵: Headnotes (Leitsätze, Massime) of the reported decision.
- Zone 6⁶: Summary of the decision containing reasoning, circumstances etc.
- Zone 7⁷: Supplementary information (optional).
- Zone 8⁸: Possible cross-references (to be left vacant for the moment).
- Zone 9⁹: Languages (of the official decision - possibly the languages of translations approved by the court).

In view of the future use of an entry programme that uses an entry mask the use of special characters as suggested in CDL-JU (94)2 does not appear necessary as yet.

The first Zone contains an identification number that will be added by the Secretariat. Its

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- ¹ New zone.
 - ² Former zone 1.
 - ³ Former zone 2.
 - ⁴ Former zone 3.
 - ⁵ Former zone 4.
 - ⁶ New zone
 - ⁷ Former zone 5.
 - ⁸ New zone.
 - ⁹ New zone.

composition is explained in appendix I of CDL-JU (94)2. This definition will not be repeated here as the liaison agents do not have to fill in Zone 1.

Zone 2

Zone 2, which contains the references necessary for the identification of the decision presented, is divided into seven sub-Zones, not all of which will necessarily have to be completed by all liaison officers:

- a) country;
- b) name of the court;
- c) chamber (if appropriate);
- d) date of decision;
- e) number of decision;
- f) title (if appropriate) of decision;
- g) Official publications (in the Court's collection of decisions or in the Official Gazette) and unofficial publications. Official publications by the court would be included without brackets, whereas other publications should be given in square brackets. References of later publications should be communicated to the Secretariat to be included in the database.

Sub-Zones a, b and d must always be completed.

The date, appearing under **d**, is given in three parts separated by a stop: the first gives the day of the month (for example "06"), the second the month of the year (for example "10" for "October") and the third the year in full (for example "1993"), which for a decision of 6 October 1993, gives the entry "**d** 06.10.1993".

The indication, under **e**, of the number of the decision should be limited to this number only, not preceded by anything else, such as "Decision". The entry should simply be limited to, for example, "**e** 2 BvR 2134/92".

Thus for example, Zone 2 for decision 2 BvR 2134/92 of 12 October 1993 of the Federal Constitutional Court of Germany¹⁰, will be as follows:

¹⁰ The example represents an extraordinarily complex case. It was used because reference was made to it during the discussion on Venice. Its presentation has, however, been changed according to the new guidelines.

a) Federal Republic of Germany b) Federal Constitutional Court c) Second Chamber d) 12.10.1993 e) 2 BvR 2134/92 and 2 BvR 259/92 f) Maastricht g) to be published in the official digest of the Federal Constitutional Court; [ILM 33 (1994), 388; EuGRZ 1993, 429].

Zone 3

Zone 3 gives the keywords of the Systematic Thesaurus, respecting the latter's tree structure and logic. The Sub-Commission decided that keywords with reference to procedural questions should only be included if the procedural point is of interest. For example:

Constitutional Justice - The subject of review - International Treaties.

Constitutional Justice - Constitutional Proceedings - Types of claim - Claim by a private body or individual.

Institutions - Principles of State organisation - Sovereignty.

Institutions - Principles of State organisation - Democratic make-up of the State.

Fundamental rights - Civil and Political Rights - Electoral Rights.

For each keyword the whole tree structure has to be given from its beginning. Therefore, the following 'shortcut' **would not be permissible**:

Institutions - Principles of State organisation - Sovereignty -

Democratic make-up of the State.

Zone 4

Zone 4 contains the keywords of the Alphabetical Index. The liaison agents are free to add new keywords to the Alphabetical Index. A repetition of key words of the systematic thesaurus should be avoided. Keywords may consist of more than one word but their total length must not exceed 40 characters including spaces between words.

Example:

Democracy / Transfer of sovereign powers / International Organisations

The keyword:

Transfer of sovereign powers to International Organisations

would be too long.

Zone 5

Zone 5 contains the short summary with the headnotes (Leitsätze, Massime) of the decision. It is recalled that the contributions should always be accompanied by the full text of the judgments in its original language.

If there is more than one topic of interest, each is to be treated in a separate paragraph. Each topic has to be wholly contained in one paragraph even if this leads to longer paragraphs.

The short summary should not contain extracts of the decision, but a summary of the main contents of it. This information should be general and not contain any reference to the particular contents of the case. It should only indicate the content of legal norms, not their citation (e.g. article, section, subsection etc.).

Example:

The constitutionally protected right to vote and to stand for elections forbids a transfer of duties and responsibilities of the Federal Parliament, such as to weaken the legitimation of State power gained through an election, and the influence of the people on the exercise of such power, to the extent that the principle of democracy is violated.

Germany is not prohibited from becoming a member of a supranational intergovernmental community, provided that the legitimation and influence which derives from the people will be preserved within an alliance of States.

The programme of integration and the rights assigned to a supranational Community must be precisely specified.

The sovereignty of a community of States must be legitimated through the member States' national parliaments. It is important that the democratic

foundation upon which the European Union is based is extended concurrently with the process of integration, and that a living democracy is maintained in the member States while integration proceeds.

The Federal Constitutional Court and the European Court of Justice exercise jurisdiction in a "co-operative relationship".

Zone 6

For this Zone the liaison officers provide a summary of the decision which should briefly describe the main facts of the case, the procedure followed, the decision taken, dissenting opinions and the main legal reasoning (ratio decidendi) without repeating the headnotes.

Example:

The case was brought as a result of constitutional complaints filed by two classes of complainants - a) a group of politicians and professors and b) several German members of the European Parliament belonging to the Green Party. The complaints challenged the constitutionality of the Treaty on European Union (Maastricht Treaty). This Treaty provides for closer integration within the European Communities by, inter alia, setting various economic goals, introducing a single currency and a European Central Bank, implementing a common foreign and security policy, and introducing a Union citizenship that gives Union citizens the right to vote and stand in European and local elections in all Member States. The complainants alleged inter alia that the Treaty would lead to an unconstitutional transfer of powers which would result in the elimination of the constitutional order set forth in the German Constitution.

The Court found that only one complaint, relating to the diminution of democracy in the European Union, was admissible, but that it was not well-founded.

The Court ruled that an individual claim may be based on electoral rights, that is to say the right to vote and to stand for election (Article 38 of the Constitution), in respect of a treaty conferring sovereign rights on a supranational organisation. The electoral right prohibits the national Parliament from being deprived of its democratic functions by the transfer of powers to a supranational organisation to the extent that the principle of democracy, which is declared inviolable by the Constitution, is violated. The principle of democracy does not, however, prevent Germany from becoming a

member of a supranational community provided that the legitimation and influence which derive from the people will be preserved.

The electoral right is also violated if a national statute which opens up the national order to the direct application of the acts of a supranational organisation is not sufficiently clear. This means that essential subsequent changes to the Union Treaty will not be covered by the original statute of ratification.

The Court emphasised that the obligations of the German State deriving from the Maastricht Treaty remained foreseeable. The Treaty confirmed the principle of limited individual powers previously applied to the European Communities. It established a "community of States" (Staatenverbund), not a State. Germany did not subject itself to an uncontrollable, unforeseeable process that will lead inexorably towards monetary union. The assignment of tasks and powers to European institutions left the German Federal Parliament with sufficient tasks and powers of substantial political import.

The Court reserved the right to control acts of European organs with respect to the limits of their competences. The acts of a supranational organisation may affect the fundamental rights guarantees in Germany and are therefore subject to the jurisdiction of the Constitutional Court whose tasks are not limited to protecting fundamental rights vis-à-vis organs of the German State. However, the Constitutional Court exercises its jurisdiction on the application of secondary community law in a relationship of "co-operation" with the European Court of Justice.

The Court concluded that the Treaty established a new level of European integration without the corresponding intensification and extension of the principles of democracy.

Zone 7

Zone 7 contains additional information that, in contrast to Zone 6, is not part of the decision itself. This Zone is optional and may be used to put the reported cases in context, for example by using such entries as "settled case-law" or "compare with such and such a decision". Liaison officers might also wish to give information about the general political context of a decision.

Example:

Former decisions concerning the relationship between national and community law: Entscheidungen des Bundesverfassungsgerichts (decisions of the Constitutional Court) (BVerfGE), Vol. 37, p. 271; 58, p. 1; 73, p. 376. The decision constitutes a departure from BVerfGE, Vol. 58, p. 1 as far as the possibility to challenge acts of a supranational organisation affecting fundamental rights is concerned.

The Federal President delayed the signature of the instrument of ratification in order for the Federal Constitutional Court to be able to pronounce on the constitutionality of the treaty.

Zone 8

The purpose of Zone 8 has not yet been determined. It may later be used for cross-references to judgments by other Courts which are summarised in the Bulletin or to legal doctrine.

Zone 9

Here the languages of the official decision could be given if this information is of interest (for example for Belgium or Switzerland).

Example (for a Belgian case):

Dutch and French