

# Table of contents

	<i>The Republic of Austria</i>	I
I.	THE AUSTRIAN STATE	3
1.	Country, people, government	3
2.	A few essential points from Austrian constitutional history	6
II.	THE GENERAL FEATURES OF AUSTRIAN CONSTITUTIONAL LAW	12
1.	Introduction	12
2.	The Constitution	13
3.	Statutes	17
4.	Ordinances	18
5.	Standing orders	18
6.	Unwritten constitutional law	19
7.	Case law	19
8.	International agreements	19
9.	The hierarchy of norms in Austrian constitutional law	20
III.	THE AUSTRIAN SYSTEM OF GOVERNMENT	22
1.	The federal President	22
2.	The Federal Government	25
3.	The Federal Parliament	30
4.	The Austrian Parliamentary System	35
5.	Legislation	38
6.	The federal budget	40
7.	Parliamentary scrutiny of government policy	41
8.	Treaty making powers	42
9.	Austria and the European Union	44
IV.	COURTS AND OTHER JUDICIAL ORGANS	47
1.	Introduction	47
2.	The ordinary courts	47
3.	The independent administrative tribunals	48
4.	The Administrative Court (Verwaltungsgerichtshof – VwGH)	50
5.	The Federal Asylum Court (Asylgerichtshof- AsylGH)	51
6.	The Constitutional Court (Verfassungsgerichtshof – VfGH)	52
V.	LÄNDER, DISTRICTS, MUNICIPALITIES	55
1.	Introduction	55
2.	Länder	55
3.	Districts	58
4.	Municipalities	59

VI.	FUNDAMENTAL RIGHTS	60
VII.	LITERATURE LIST	62
	<i>Belgium</i>	63
I.	CONSTITUTIONAL HISTORY, TERRITORY, PEOPLE	65
1.	From a unitary state to belgian federalism: a constitutional history	65
2.	State territory	70
3.	The population	71
II.	SOURCES OF CONSTITUTIONAL LAW	72
1.	Principles of constitutional law	72
2.	Formal sources of constitutional law	76
3.	International and European law	78
4.	Other sources of constitutional law	79
5.	Hierarchy of legal rules	81
III.	FORM OF GOVERNMENT	83
1.	Head of State: the Belgian monarchy	83
2.	The federal government	84
3.	The Parliament	86
4.	The parliamentary system	90
5.	Legislative procedures	93
6.	Executive powers	96
7.	Agencies of state control	97
IV.	THE JUDICIARY	99
1.	Organization	99
2.	Position and status of judges	100
3.	Judicial review	101
4.	The Constitutional Court	102
V.	STATE STRUCTURE: THE BELGIAN FEDERAL STATE	106
1.	The allocation of competences	106
2.	Cooperation between federal and sub-national authorities and federal loyalty	108
3.	Participation and blocking instruments	109
4.	Internal structure of the communities and regions	109
5.	Decentralization: provinces and municipalities	112
VI.	FUNDAMENTAL RIGHTS AND LIBERTIES	114
1.	General rules and principles	114
2.	Civil and political rights	116
3.	Social, economic and cultural rights	116
4.	Fundamental rights in treaties and eu law	117
VII.	BIBLIOGRAPHY	119

*The Republic of Bulgaria*

121

I.	CONSTITUTIONAL HISTORY, TERRITORY AND PEOPLE	123
II.	SOURCES OF CONSTITUTIONAL LAW	127
1.	System	127
2.	Constitutional amendment	127
3.	Main principles	128
4.	EU law and international treaties	131
5.	Other domestic legislative sources	132
6.	Decisions of the courts	133
7.	Local legislative acts	134
III.	SYSTEM AND FORM OF GOVERNMENT	135
1.	Main features of the contemporary Bulgarian form of government and model of democracy	135
2.	The President of the Republic	138
3.	The Government	143
4.	The Parliament	149
IV.	THE JUDICIARY	164
1.	The Judicial Power	164
2.	Constitutional Court	170
V.	THE STATE AND ITS SUBDIVISIONS	176
1.	Territorial decentralization of power. The region and the regional governor	176
2.	Local self-government	176
VI.	FUNDAMENTAL RIGHTS AND LIBERTIES	181
1.	General rules and principles	181
2.	Civil and political rights	182
3.	Social, economic and cultural rights	187
4.	Constitutional duties	188
VII.	SHORT BIBLIOGRAPHY	190

*Republic of Croatia*

191

I.	CONSTITUTIONAL HISTORY, TERRITORY, PEOPLE	193
1.	Introduction	193
2.	Constitutional foundations of the republic of Croatia	193
II.	SOURCES OF CONSTITUTIONAL LAW	195
1.	The significance of the constitution and the rule of law	195
2.	Constitutional and organic laws	196
3.	Procedures for amending the constitution	196
4.	Revisions of the constitution	197

5.	The preamble of the constitution	201
6.	Basic principles of the constitution	202
7.	European Union law	209
8.	International relations	211
III.	THE SYSTEM OF GOVERNMENT	212
1.	The parliament: framer of the constitution, legislature, and supervisor of the executive	212
2.	Referenda as the most important form of a direct democracy	214
3.	The president of the Republic of Croatia: non-partisan chief of state, commander-in-chief, guarantor of government stability and a participant in policy formulation	215
4.	The Government	217
5.	The state administration executes laws, enacts regulations and decides on rights	219
IV.	THE JUDICIARY	220
1.	Basic provisions	220
2.	The national judicial council	221
3.	The office of the public prosecutor is authorized to proceed against perpetrators of punishable offences	221
4.	The people's ombudsman represents citizens before governmental bodies and bodies of local and regional self-government	222
5.	The constitutional court: the guardian of constitutionality and legality	223
V.	LOCAL AND REGIONAL SELF-GOVERNMENT	225
VI.	PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS	227
1.	General provisions: the prohibition of discrimination in the enjoyment of rights and freedoms	227
2.	National rights and the protection of national minorities	227
3.	Legal limitations to rights and freedoms	228
4.	"The safeguard of the republic shall be the supreme law": restricting rights and freedoms in situations of public danger	229
5.	"Without the means of its protection, there is no right to speak of": the right to an appeal and to a fair decision rendered in reasonable time	231
6.	Personal rights and freedoms	232
7.	Economic rights	240
8.	Social rights	242
9.	Cultural rights	245
10.	Ecological rights	245
II.	International guarantees of human rights and domestic law	246
VII.	SELECTED LITERATURE	247

*The Republic of Cyprus*

249

I.	HISTORICAL INTRODUCTION	251
1.	General	251
2.	The Treaty of Establishment	251
3.	The drafting of the Constitution	251
4.	The two communities comprising the people of Cyprus	252
5.	Sharing of power between the two communities	252
6.	The crisis	253
7.	The preservation of the state	253
8.	The law of necessity	254
9.	Territory	254
II.	THE SOURCES AND GENERAL PRINCIPLES OF CONSTITUTIONAL LAW	255
1.	The sources of Constitutional Law	255
2.	General constitutional principles	268
III.	FORM OF GOVERNMENT	277
1.	Head of State	277
2.	The government	284
3.	The House of Representatives	287
4.	The independent officers of the Republic	298
5.	The independent collective organs established by the Constitution	300
IV.	THE JUDICIARY	301
1.	General	301
2.	The president and judges of the Supreme Court	301
3.	The jurisdiction of the court	302
V.	DECENTRALIZATION	307
1.	General	307
2.	Legal basis of local government	307
VI.	FUNDAMENTAL RIGHTS AND LIBERTIES	308
1.	General	308
2.	The particular rights safeguarded by the Constitution	308
3.	Aliens	315
4.	Other constitutional provisions	315
5.	Case law of the Supreme Court	315
VII.	EMERGENCY POWERS	317
VIII.	BIBLIOGRAPHY	319





	<i>Czech Republic</i>	321
I.	CONSTITUTIONAL HISTORY, TERRITORY, PEOPLE	323
1.	Concise description of constitutional history and developments in the form of government	323
2.	State territory	333
3.	State population, demographic data, citizenship	334
II.	SOURCES OF CONSTITUTIONAL LAW	336
1.	The Constitution of the Czech Republic, the constitutional order and fundamental constitutional principles	336
2.	Legislation of constitutional importance	338
3.	Standing orders/subordinate rules	339
4.	International law and EU law in the constitution	339
5.	Case law as a source of law	342
6.	Unwritten law, general principles of law and constitutional conventions	342
7.	Hierarchy of legal norms, their interpretation and codification	343
III.	SYSTEM AND FORM OF GOVERNMENT	345
1.	Head of State	345
2.	Government	352
3.	Parliament	355
4.	Parliamentary system (relationship between government and parliament)	361
5.	Legislative procedure	363
6.	Executive powers and their application	366
7.	Agencies of state control	370
IV.	THE JUDICIARY	372
1.	Judicial organization in general	372
2.	The position and status of judges and courts	373
3.	Judicial review of statutes and other legal regulations	374
4.	Judicial review of the administration	374
5.	The Constitutional Court	375
V.	THE STATE AND ITS SUBDIVISIONS	379
1.	Unitary state and territorial self-government	379
2.	Independent and delegated competence of territorial self-governing units	379
3.	Cooperation between the state and territorial self-governing units	380
4.	Supervisory powers of the state	381
5.	Internal structure of territorial self-governing units	381
VI.	FUNDAMENTAL RIGHTS AND FREEDOMS	383
1.	General rules and principles	383
2.	Civil and political rights	385
3.	Economic, social and cultural rights	387
4.	Fundamental rights in treaties and EU law	389
VII.	SELECTED BIBLIOGRAPHY	391

## *The Kingdom of Denmark* 395

I.	THE STATE	397
1.	Brief constitutional history	397
2.	Brief characterization	398
3.	Nationality	399
4.	Territory	400
II.	SOURCES OF CONSTITUTIONAL LAW	401
1.	The Grundlov (GL)	401
2.	Amendment of the Constitution	401
3.	Other sources of constitutional law	402
III.	SYSTEM OF GOVERNMENT	405
1.	General profile	405
2.	Head of state	408
3.	Prime minister; ministers; ministries	409
4.	Folketing	411
5.	Relation between government and parliament	413
6.	Enactment of generally binding regulations	417
7.	Advisory bodies	418
8.	Finances, budget, government accounts	418
IV.	THE JUDICIARY	420
V.	STRUCTURE OF THE STATE	423
1.	Regionalization, decentralization, deconcentration	423
VI.	FUNDAMENTAL RIGHTS	425
1.	General profile	425
2.	Fundamental rights	425
3.	Legal protection against the government	434
4.	Parliamentary ombudsman	436
5.	Public access to information	437
VII.	BIBLIOGRAPHY	438

## *The Republic of Estonia* 441

I.	HISTORY, TERRITORY, PEOPLE	443
1.	The development of the Constitution	443
2.	The territory	448
3.	The people	448
II.	SOURCES OF CONSTITUTIONAL LAW	449
1.	General	449
2.	The Constitution	449
3.	Statutes and referendum laws	454
4.	Regulations, decrees and orders	455

5.	International agreements and EU law	456
6.	Case law	457
7.	Unwritten law	457
III.	SYSTEM AND FORM GOVERNMENT	459
1.	Head of State	459
2.	The Government	468
3.	Parliament	475
4.	The relationship between government and parliament	484
5.	Foreign affairs	487
6.	Emergency state powers	489
7.	The high organs of state	491
IV.	THE COURTS	494
1.	General	494
2.	Ordinary and administrative courts	494
3.	The Supreme Court	498
V.	THE STATE AND ITS SUBDIVISIONS	501
1.	General	501
2.	Counties	501
3.	Local government	502
4.	Cooperation	502
5.	Supervision	503
VI.	FUNDAMENTAL RIGHTS	504
1.	General rules and principles	504
2.	Civil and political rights	505
3.	Economic, social and cultural rights	505
4.	Fundamental rights and EU law	506
VII.	BIBLIOGRAPHY	507
	<i>The Republic of Finland</i>	509
I.	INTRODUCTION	511
II.	A BRIEF HISTORY	513
1.	Finland before 1809	513
2.	Finland as a grand duchy of Russia	514
3.	Finland as an independent republic	516
III.	THE SOURCES OF FINNISH CONSTITUTIONAL LAW	522
1.	The constitution	522
2.	Statutes and lower regulations	523
3.	Case law	523
4.	Unwritten law	524
5.	EU legislation	524
6.	International agreements	524
7.	Hierarchy of norms	525



IV.	THE HEAD OF STATE	527
V.	THE CABINET	531
VI.	CHANCELLOR OF JUSTICE AND OMBUDSMAN	536
1.	The Chancellor of Justice	536
2.	The ombudsman	537
VII.	PARLIAMENT	539
1.	General	539
2.	Political parties	540
3.	Working methods	540
4.	Duties	543
5.	Finnish representation in international organizations	550
VIII.	FUNDAMENTAL RIGHTS	552
1.	Historical development	552
2.	Relative protection of fundamental rights	552
3.	Content of the fundamental rights	553
4.	Special matters	555
5.	Treaties on human rights	557
IX.	THE JUDICIARY	559
X.	PROVINCES AND DISTRICTS	561
XI.	SELF-GOVERNING ENTITIES	562
1.	Local self-government	562
2.	Religious and other forms of self-government	563
XII.	THE ÅLAND DISTRICT	564
1.	History	564
2.	Government, parliament and Åland legislation	565
XIII.	BIBLIOGRAPHY	567
	<i>The French Republic</i>	569
I.	HISTORY, TERRITORY, PEOPLE	571
1.	The development of the Constitution	571
2.	The territory	575
3.	The people	575
II.	THE SOURCES OF CONSTITUTIONAL LAW	576
1.	General	576
2.	The Constitution of 4 October 1958	576
3.	The organic laws and <i>ordonnances</i>	579
4.	The standing orders	579
5.	Unwritten law	579

6.	Case law	580
7.	International agreements	580
III.	THE HEAD OF STATE	581
1.	General	581
2.	A. The organ	581
2.	B. Powers	583
IV.	THE GOVERNMENT	590
1.	General	590
2.	A. The organ	590
2.	B. Powers	592
3.	The administration	595
V.	PARLIAMENT	596
1.	General	596
2.	A. The organ	596
2.	B. Powers	602
3.	Legislation	603
VI.	THE RELATIONSHIP BETWEEN GOVERNMENT AND PARLIAMENT	610
1.	The formation of a government	610
2.	Scrutiny by Parliament	611
3.	The right of dissolution	613
VII.	THE HIGH ORGANS OF STATE; PERMANENT ADVISORY BODIES	615
1.	The Economic, Social and Environmental Council	615
2.	The Council of State	615
3.	The Constitutional Council	616
VIII.	THE COURTS	618
1.	General	618
2.	The Constitutional Council	618
3.	The ordinary courts	621
4.	The administrative courts	624
5.	Haute cour	627
6.	Cour de justice de la republique	627
7.	Conseil supérieur de la magistrature	627
8.	The " <i>défenseur des droits</i> "	628
IX.	DECENTRALIZATION AND DECONCENTRATION	629
1.	General	629
2.	The regions	629
3.	The departments	630
4.	The communes	630
5.	Cooperation	630
6.	Supervision	631
X.	FOREIGN POLICY	632
1.	General	632

2.	The establishment of treaties and agreements	632
3.	Treaties and agreements that are contrary to the Constitution	632
4.	The position of treaties and agreements in national law	633
5.	The European Union	633
XI.	FUNDAMENTAL RIGHTS	635
1.	Sources	635
2.	Rules concerning fundamental rights	636
XII.	EMERGENCY POWERS OF THE STATE	637
1.	General	637
2.	Article 16, Constitution	637
3.	Martial law	638
4.	The <i>état d'urgence</i>	638
XIII.	CONCISE BIBLIOGRAPHY	639
	<i>The Federal Republic of Germany</i>	643
I.	CONSTITUTIONAL HISTORY, TERRITORY, PEOPLE	645
1.	Constitutional history	645
2.	German unification	647
3.	Composition of the Federal Republic of Germany	648
4.	Citizenship	648
II.	THE SOURCES OF GERMAN CONSTITUTIONAL LAW	650
1.	General	650
2.	The Constitution. fundamentals of constitutional law	651
3.	International law and EU law	653
III.	THE SYSTEM OF GOVERNMENT AT FEDERAL LEVEL	657
1.	The Federal President	657
2.	The Bundestag	659
3.	The Bundesrat	665
4.	Federal Government, Federal Chancellor, Federal Ministers	667
5.	The relationship between government and Bundestag	669
6.	The legislative process	671
7.	Political parties	673
8.	Advisory bodies	674
9.	Emergency powers legislation	675
IV.	THE FEDERAL REPUBLIC OF GERMANY AS A FEDERAL STATE	678
1.	Bases of federalism	678
2.	Division of powers between federation and Länder	680
3.	The financial relationships within the federation	682
4.	The internal structure of the Länder	683
5.	Municipalities	684

V.	ADMINISTRATION OF JUSTICE AND SAFEGUARDING OF LEGAL RIGHTS	687
1.	The judiciary and remedies	687
2.	The federal constitutional court	691
VI.	FUNDAMENTAL RIGHTS	696
VII.	BIBLIOGRAPHY	701
1.	Printed works	701
2.	Internet	702
	<i>The Hellenic Republic</i>	703
I.	CONSTITUTIONAL HISTORY, TERRITORY, PEOPLE	705
1.	Constitutional history	705
2.	Citizenship	709
II.	SOURCES OF CONSTITUTIONAL LAW	711
1.	The Constitution	711
2.	Constitutional Acts of the executive and Resolutions of Parliament	713
3.	Standing Orders of Parliament	713
4.	Statutes	714
5.	Administrative regulations	715
6.	Presidential decrees with the force of statutes	716
7.	Case law	716
8.	Unwritten law	717
9.	European Union law	718
10.	International law	720
11.	The challenge of codification and simplification of legal rules	721
III.	SYSTEM AND FORM OF GOVERNMENT	722
1.	Head of State	722
2.	The Government	725
3.	The Parliament	729
4.	The relation between Parliament and Government	734
5.	The legislative process	737
6.	Executive powers	739
7.	Advisory councils and supervisory agencies	742
IV.	THE JUDICIARY	744
1.	The constitutional framework of judicial organization	744
2.	Status of judges	746
3.	Judicial review of the constitutionality of laws	747
V.	THE STATE AND ITS SUBDIVISIONS	750
1.	Decentralization	750
2.	Local self-government	751
VI.	FUNDAMENTAL RIGHTS AND LIBERTIES	754
1.	General aspects: the liberal reading of the Constitution	754



2.	The constitutionalization of jurisprudential interpretative rules on fundamental rights	756
3.	Cornerstones of the individual rights system: Human dignity, liberty, and equality	758
4.	Freedoms	760
5.	Political rights	765
6.	Social rights	766
7.	Protection of the environment	768
VII.	SELECTED LITERATURE	771
	<i>Hungary</i>	773
I.	HISTORY, TERRITORY, PEOPLE	775
1.	Elements of Hungarian constitutional history	775
2.	Territory and people. Citizenship. National minorities	779
II.	SOURCES AND GENERAL PRINCIPLES OF CONSTITUTIONAL LAW	783
1.	Introduction	783
2.	The Fundamental Law	784
3.	The Transitory Provisions	789
4.	Historical Constitution	790
5.	Laws	791
6.	House Rules of the Parliament	794
7.	International treaties and European Union law	794
8.	Constitutional Court decisions	795
III.	THE PARLIAMENT	796
1.	Introduction	796
2.	Election and parliamentary term	796
3.	Parliamentary competences	801
IV.	THE PRESIDENT OF THE REPUBLIC	807
1.	Presidential Election Procedure	807
2.	Presidential competences	808
V.	THE GOVERNMENT	811
VI.	THE JUDICIARY	814
1.	Administration of justice	814
2.	The Prosecution Office	817
VII.	THE CONSTITUTIONAL COURT	818
1.	"The Original Position"	818
2.	Curtailing the Court	820
3.	The Fundamental Law	821
VIII.	FUNDAMENTAL RIGHTS	823
1.	The System of Rights	823

2.	The Catalogue of Rights	824
3.	Duties	827
4.	Institutional System for the Protection of Fundamental Rights	827
IX.	RELATIONS WITH OTHER STATES AND INTERNATIONAL ORGANIZATIONS	830
X.	EMERGENCIES	832
XI.	BIBLIOGRAPHY	834

## *Ireland* 837

I.	THE COUNTRY, THE PEOPLE, THE HISTORY AND THE SOURCES OF IRISH CONSTITUTIONAL LAW	839
1.	Political history of Ireland up to 1916	839
2.	From the Easter Rising of 1916 to the Constitution of 1937	842
3.	The Constitution of 1937	847
4.	The Northern Ireland question	853
II.	THE SYSTEM OF GOVERNMENT	857
1.	The President	857
2.	The government	861
3.	The Oireachtas (the national parliament)	869
4.	The public service and advisory bodies	879
III.	THE LEGAL SYSTEM	882
1.	Organization of the judiciary	882
2.	Legal protection against the government	885
3.	Review of legislation	887
IV.	DECENTRALIZATION	890
V.	FUNDAMENTAL RIGHTS	894
VI.	BIBLIOGRAPHY	898
VII.	LIST OF IRISH WORDS	901

## *The Italian Republic* 903

I.	THE FOUNDATIONS OF CONSTITUTIONAL LAW	905
1.	Political and Historical Context	905
II.	SOURCES OF CONSTITUTIONAL LAW	913
1.	The Constitution	913
2.	Constitutional laws	914
3.	European and international law	915
4.	Other "intermediate" norms	918

III.	THE SYSTEM OF GOVERNMENT	919
1.	Parliament	919
2.	Direct democracy	927
3.	The President of the Republic	928
4.	The government	932
5.	Supreme and auxiliary bodies of the Republic	939
IV.	ADMINISTRATION OF JUSTICE	942
1.	The duties of the courts	942
2.	The organization of the judiciary	942
3.	Administrative justice	944
4.	Special judicial bodies	945
5.	The Constitutional Court	946
6.	The Supreme Council of the Judiciary	949
7.	The public prosecution service	949
V.	A NON-CENTRALIZED STATE	951
1.	The development of regional autonomy	951
2.	The regions since the constitutional amendment of 2001	953
3.	Provinces and municipalities	956
VI.	FUNDAMENTAL PRINCIPLES, RIGHTS AND OBLIGATIONS	957
1.	Classic fundamental rights	957
2.	Fundamental social rights	962
VII.	SOURCES FOR FURTHER STUDY	963
	<i>The Republic of Latvia</i>	967
I.	HISTORY, TERRITORY, PEOPLE	969
1.	The development of the Constitution – The <i>Satversme</i>	969
2.	The territory	973
3.	The people	974
II.	THE SOURCES OF CONSTITUTIONAL LAW	979
1.	The <i>Satversme</i>	979
2.	General principles of law	980
3.	Case law	980
4.	International agreements	981
III.	SYSTEM AND FORM OF GOVERNMENT	982
1.	The State President	982
2.	The government	984
3.	Parliament – the <i>Saeima</i>	989
4.	The relationship between the <i>Saeima</i> , the State President and the cabinet	1000
5.	Emergency state powers	1003

IV.	THE JUDICIARY	1005
1.	General	1005
2.	Administrative courts	1005
3.	Courts of general jurisdiction	1006
4.	Constitutional Court	1010
V.	THE STATE AND ITS SUBDIVISIONS	1014
1.	Composition	1014
2.	Powers	1015
VI.	FUNDAMENTAL RIGHTS	1017
VII.	LITERATURE	1022
	<i>The Republic of Lithuania</i>	1025
I.	CONSTITUTIONAL HISTORY, TERRITORY, PEOPLE	1027
1.	The Grand Duchy of Lithuania and the Commonwealth of Two Nations	1027
2.	The first written constitution	1027
3.	Birth of the modern state	1028
4.	The Soviet occupation	1028
5.	The 1992 Constitution	1029
6.	The territory and population	1030
II.	THE 1992 CONSTITUTION AND THE SOURCES OF CONSTITUTIONAL LAW	1032
1.	Introduction	1032
2.	Amendment of the Constitution	1034
3.	The 2004 Constitutional Act on the Membership to the EU	1035
III.	SYSTEM AND FORM OF GOVERNMENT	1038
1.	The sovereign power	1038
2.	Political regime and form of government	1039
3.	Separation between the state and church	1040
4.	The head of state	1043
5.	The government (Vyriausybė)	1051
6.	The parliament (Seimas)	1053
7.	Agencies of state control	1059
IV.	THE CONSTITUTIONAL COURT ( <i>KONSTITUCINIS TEISMAS</i> )	1061
1.	Selection and appointment of the justices	1061
2.	The right to address the Constitutional Court	1061
3.	Competence of the Lithuanian Constitutional Court	1062
4.	Style and method of reasoning of the Constitutional Court	1065
5.	Effect of a ruling of the Constitutional Court declaring all or part of a legal act unconstitutional	1066
6.	Decisions of the Constitutional Court	1067



V.	THE JUDICIARY (TEISMAS)	1069
1.	The ordinary courts	1070
2.	Administrative courts ( <i>Administraciniai teismai</i> )	1072
VI.	THE STATE AND ITS SUBDIVISIONS	1075
1.	Administrative division of the country and devolution	1075
2.	Local government ( <i>Vietos savivalda</i> )	1075
VII.	FUNDAMENTAL RIGHTS	1078
1.	The concept of human rights	1078
2.	Catalogue of human rights in the Lithuanian Constitution	1079
VIII.	BIBLIOGRAPHY	1083
	<i>The Grand Duchy of Luxembourg</i>	1085
I.	CONSTITUTIONAL DEVELOPMENT	1087
1.	The 1841 <i>Constitution of estates</i>	1088
2.	The liberal Constitution of 1848	1088
3.	The <i>Coup d'état</i> of 1856	1089
4.	The 1868 Constitution	1090
5.	The 1919 amendment	1091
6.	The 1948 amendments	1091
7.	The 1956 amendments	1092
8.	The 26 amendments adopted since 1972	1092
9.	The general revision proposal of 21 April 2009	1094
II.	THE CONSTITUTION	1096
1.	Substantive superiority	1096
2.	Formal superiority	1097
3.	Judicial review of constitutionality	1097
4.	constitutional law beyond the written constitution	1099
III.	BASIC CONSTITUTIONAL PRINCIPLES AND VALUES	1100
A.	Representative Democracy	1100
B.	Rule of law ( <i>etat de droit</i> )	1101
C.	Separation of powers	1102
IV.	FUNDAMENTAL RIGHTS	1104
V.	THE GRAND DUKE	1107
1.	Succession	1107
2.	Inviolability of the sovereign	1109
3.	Powers of the grand duke	1109
VI.	THE CHAMBER OF DEPUTIES	1113
1.	Elections	1113
2.	Deputies	1114

3.	Political parties	1116
4.	Powers of the Chamber of Deputies	1119
VII.	THE GOVERNMENT	1125
1.	Composition and organization	1125
2.	The formation of government	1125
3.	The legal position of ministers	1126
4.	Ministerial responsibility	1126
5.	Government powers and procedure	1128
6.	The council of ministers	1128
7.	Government stability	1129
VIII.	THE ADVISORY ORGANS	1130
A.	Council of State ( <i>Conseil d'Etat</i> )	1130
B.	The Social and Economic Council ( <i>Conseil Economique et Social</i> )	1133
C.	The commercial and professional chambers ( <i>Chambres professionnelles</i> )	1133
IX.	THE ADMINISTRATION OF JUSTICE	1135
A.	The ordinary Courts	1135
B.	The administrative courts	1138
C.	The Constitutional Court	1139
X.	DECENTRALIZATION	1141
A.	Territorial decentralization	1141
B.	Administrative decentralization	1143
XI.	BIBLIOGRAPHY	1144
	<i>The Republic of Malta</i>	1147
I.	INTRODUCTION	1149
1.	Country and legal system	1149
2.	Some basic features of the Constitution	1150
II.	HISTORICAL BACKGROUND	1154
III.	SOURCES OF CONSTITUTIONAL LAW	1159
IV.	ORGANIZATION OF GOVERNMENT	1161
1.	The government	1161
2.	The President of the Republic	1166
3.	The parliament	1167
V.	THE ELECTORAL SYSTEM	1176

VI.	JUDICIARY AND HUMAN RIGHTS	1179
VII.	THE OMBUDSMAN	1182
VIII.	THE COMMISSIONS	1183
IX.	BIBLIOGRAPHY	1184
X.	THE CONSTITUTION OF MALTA - APPENDIX	1185

### *The Kingdom of the Netherlands* 1187

I.	INTRODUCTION: CONSTITUTIONAL DEVELOPMENT IN THE NETHERLANDS	1189
1.	Constitutional development	1189
2.	A brief constitutional history	1191
3.	Perennial controversies	1201
II.	THE SOURCES OF CONSTITUTIONAL LAW	1203
1.	Hierarchy of norms	1203
2.	Some formal characteristics of the sources	1206
III.	FORM OF GOVERNMENT	1211
1.	The head of state as a hereditary office	1211
2.	The government	1212
3.	Parliament	1215
4.	Parliamentary system of government	1217
5.	Legislature	1219
6.	Executive powers	1220
7.	Independent bodies and agencies	1221
IV.	THE JUDICIARY	1225
1.	Judicial organization	1225
2.	Access to justice: division of judicial competence	1225
3.	Constitutional review	1226
4.	The role of courts in the separation of powers	1227
V.	THE STATE AND ITS SUBDIVISIONS	1230
1.	The Kingdom and its countries	1230
2.	Decentralization within the Netherlands	1231
VI.	FUNDAMENTAL RIGHTS	1234
1.	Rights	1234
2.	Restricting the exercise of rights	1235
3.	Justiciability	1235
4.	International human rights	1236
5.	Horizontal effect and collision of rights	1237
VII.	BIBLIOGRAPHY	1240

	<i>The Republic of Poland</i>	1243
I.	POLISH CONSTITUTIONAL HISTORY, TERRITORY AND PEOPLE	1245
1.	Brief constitutional history	1245
2.	Country and people	1249
II.	SOURCES OF POLISH CONSTITUTIONAL LAW	1250
1.	Constitution	1250
2.	The "closed" nature of the system of sources of law	1254
3.	Statutes	1256
4.	International law and EU Law	1257
5.	Decree-laws	1260
6.	Ordinances	1260
7.	Acts of local law	1261
8.	Acts of an internal nature	1262
9.	Other sources of law	1262
III.	SYSTEM AND FORM OF GOVERNMENT	1264
1.	The Head of State	1264
2.	The Council of Ministers	1268
3.	Parliament	1272
4.	The relationship between government and parliament	1276
5.	Legislative procedure	1280
6.	Agencies of state control	1282
IV.	THE JUDICIARY	1286
1.	Courts	1286
2.	Tribunals	1288
3.	The National Council of the Judiciary	1289
V.	THE STATE AND ITS SUBDIVISIONS	1290
1.	General	1290
2.	Communes	1291
3.	Districts	1292
4.	Provinces	1292
5.	Supervision	1293
VI.	FUNDAMENTAL RIGHTS AND LIBERTIES	1294
VII.	BIBLIOGRAPHY	1298

	<i>The Portuguese Republic</i>	1299
--	--------------------------------	------

I.	CONSTITUTIONAL HISTORY, TERRITORY, PEOPLE	1301
1.	Introduction	1301
2.	Constitutional history	1302
3.	Territory	1303
4.	People	1304



II.	SOURCES OF LAW	1305
1.	Constitutional law	1305
2.	International law	1307
3.	EU law	1308
4.	Legislation	1308
5.	Case law	1312
6.	Customary law, conventions, technical norms and private norms	1312
III.	FORM OF GOVERNMENT	1314
1.	Introduction	1314
2.	President of the Republic	1315
3.	Government	1318
4.	Assembly of the Republic (parliament)	1319
5.	Executive power	1326
6.	Agencies of State Control	1327
IV.	THE JUDICIARY	1330
1.	Judicial organization	1330
2.	Independence of the judiciary	1331
3.	Public Prosecutor's Office (Ministério Público)	1331
4.	Constitutional court (Tribunal Constitucional)	1332
V.	THE STATE AND ITS SUBDIVISIONS	1339
VI.	FUNDAMENTAL RIGHTS AND LIBERTIES	1342
1.	General rights and principles	1342
2.	Rights, Freedoms and Guarantees	1343
3.	Economic, social and cultural rights	1344
4.	Fundamental rights in international agreements and EU law	1346
VII.	EMERGENCY POWERS	1347
VIII.	BIBLIOGRAPHIC RESOURCES ON PORTUGUESE CONSTITUTIONAL LAW	1348

### *Romania*

1351

I.	THE EVOLUTION OF THE CONSTITUTIONAL ORGANIZATION OF THE ROMANIAN STATE	1353
1.	Historical roots of the modern constitutional regime in Wallachia and Moldavia (1831-1866)	1353
2.	The democratic constitutions (1866 and 1923 constitutions)	1355
3.	The authoritarian regimes (1938-1944)	1356
4.	Failure of the attempts to return to a democratic political regime (1944-1947)	1356
5.	Constitutional changes after the revolution of December 1989	1358
II.	THE ROMANIAN STATE, TERRITORY, PEOPLE	1360
1.	Characteristics of the Romanian state	1360
2.	Territory	1361
3.	Governing form	1361

4.	The relations between the state and the citizen	1362
5.	The people	1363
III.	SOURCES OF CONSTITUTIONAL LAW	1364
1.	The constitution	1364
2.	Statutes	1365
3.	Parliamentary standing orders	1366
4.	Government ordinances	1366
5.	International agreements	1366
6.	General constitutional principles	1366
7.	Case law	1366
8.	Unwritten law	1367
IV.	IMPACT OF EUROPEAN UNION LAW ON ROMANIAN CONSTITUTIONAL LAW	1368
1.	Implications for national sovereignty sphere	1368
2.	Relation between national law and EU law	1368
3.	Implications for the role of Parliament and Government in European affairs.	1369
V.	SYSTEM AND FORM OF GOVERNMENT	1372
1.	The President of Romania	1372
2.	Government and ministries	1380
3.	The parliament	1385
VI.	LOCAL PUBLIC ADMINISTRATION	1406
VII.	THE COURTS	1408
1.	General	1408
2.	Forms of jurisdiction	1408
3.	General principles for administration of justice	1409
4.	System of the courts of justice	1410
5.	The public ministry	1410
6.	The superior council of magistracy	1411
7.	The statute of magistrates	1412
8.	Deontological code of the magistrates	1413
9.	Place and role of the constitutional court	1413
10.	Organization of the constitutional court and judges' status	1414
11.	Competence of the constitutional court	1416
12.	Acts of the constitutional court	1422
VIII.	FUNDAMENTAL RIGHTS AND FREEDOMS	1423
1.	The constituent assembly's conception of citizens' rights and freedoms	1423
2.	Classification of citizens' rights and freedoms	1424
3.	People's advocate (ombudsman)	1424

*The Slovak Republic*

1427

I.	HISTORY	1429
1.	Development of the Constitution	1429
2.	Territory	1432
3.	People	1432
II.	SOURCES OF CONSTITUTIONAL LAW	1433
1.	The Constitution of the Slovak Republic of 1992	1433
2.	Constitutional acts, ordinary laws	1434
3.	International treaties	1435
4.	Unwritten law	1436
5.	Case law	1436
6.	Legal doctrine	1436
III.	SYSTEM AND FORM OF GOVERNMENT	1437
1.	National Council of the Slovak Republic	1437
2.	Referendums	1442
3.	Head of state	1443
4.	Government of the Slovak Republic	1446
5.	Relationship between the government and the National Council	1448
6.	Agencies of state control	1449
IV.	THE JUDICIARY	1452
1.	The Constitutional Court	1452
2.	Other courts and Administration of Justice	1455
3.	The Public Prosecutor's Office	1457
V.	THE STATE AND ITS SUBDIVISIONS	1458
VI.	FUNDAMENTAL RIGHTS AND FREEDOMS	1459
VII.	BIBLIOGRAPHY	1461

*The Republic of Slovenia*

1463

I.	HISTORY, TERRITORY, PEOPLE	1465
1.	Constitutional history	1465
2.	Territory	1467
3.	People	1467
II.	SOURCES OF CONSTITUTIONAL LAW	1468
1.	General	1468
2.	The 1991 Constitution	1468
3.	Constitutional laws	1472
4.	Ordinary laws	1472
5.	Decrees with the binding force and effect of law	1472

6.	Rules of procedure	1473
7.	Regulations	1473
8.	Administrative regulations and orders	1473
9.	Autonomous regulations	1474
10.	Case law	1475
11.	Treaties	1475
12.	Unwritten law	1476
III.	THE HEAD OF STATE	1478
1.	Powers	1478
2.	Election	1479
3.	Accountability of the President of the Republic	1479
IV.	THE GOVERNMENT	1481
1.	General	1481
2.	Composition, organization and process of formation	1481
3.	Legal status	1482
4.	Powers	1482
5.	Responsibility	1484
V.	THE PARLIAMENT	1485
1.	General	1485
2.	Bodies of political representation and the representative form of government	1485
3.	The National Assembly as a general representative and legislative body	1486
4.	The rights and duties of deputies	1487
5.	A general overview of the legislative procedure	1488
6.	The rules of quorum and majority	1490
7.	The mandatory interpretation of a law	1491
8.	The public nature of the activities of the National Assembly	1491
9.	The parliamentary inquiry	1491
VI.	THE NATIONAL COUNCIL	1492
1.	General	1492
2.	Composition	1492
3.	Elections	1493
4.	Parliamentary immunity and incompatibility of office	1493
5.	Powers	1493
6.	Voting in the National Council	1494
VII.	THE RELATIONSHIP BETWEEN GOVERNMENT AND PARLIAMENT	1495
1.	The formation of a government	1495
2.	Rights and duties of the government	1495
3.	Scrutiny by parliament	1496
4.	The right of dissolution	1497

VIII.	THE HIGH ORGANS OF STATE; PERMANENT ADVISORY BODIES	1499
1.	The Strategic Council for Economic Development	1499
2.	The Strategic Council for Culture, Education and Science	1499
IX.	THE JUDICIARY	1500
1.	General	1500
2.	Courts	1500
3.	Composition and organization	1505
4.	Powers	1506
X.	DECENTRALIZATION AND DECONCENTRATION	1508
1.	General	1508
2.	The system in force	1508
3.	Internal structure	1508
4.	Financing	1509
5.	Distribution of powers between the state and municipalities	1509
6.	Supervision	1510
XI.	FOREIGN AFFAIRS	1511
1.	Treaty-making power	1511
2.	Powers of the parliament	1511
3.	Powers of the National Council	1512
4.	Powers of the President of the Republic	1512
5.	Powers of the judiciary	1512
6.	Powers of the ministry of foreign affairs	1512
XII.	FUNDAMENTAL RIGHTS	1513
1.	General	1513
2.	Content	1513
3.	The temporary suspension or restriction of rights	1514
4.	The system of protection	1515
XIII.	EMERGENCY POWERS	1517
XIV.	SELECTED BIBLIOGRAPHY	1519

### *The Kingdom of Spain*

I.	THE SPANISH STATE	1523
1.	Country, people, government	1523
2.	A few essential points from Spanish constitutional history	1528
II.	THE SOURCES OF SPANISH CONSTITUTIONAL LAW	1534
1.	Introduction	1534
2.	The Constitution	1534
3.	Laws	1538
4.	Standing orders	1538



5.	Unwritten constitutional law	1539
6.	Case law	1539
7.	International treaties	1539
III.	THE KING	1540
1.	Introduction	1540
2.	Some rules concerning the Crown	1541
3.	The powers of the king	1542
IV.	THE GOVERNMENT	1544
1.	Introduction	1544
2.	The composition of the government	1544
3.	Government formation	1546
4.	The powers of the government	1548
5.	The administrative apparatus	1550
6.	The council of state	1551
7.	The social and economic council	1551
V.	THE PARLIAMENT	1552
1.	Introduction	1552
2.	Rules common to both houses	1553
3.	The congress	1555
4.	The senate	1556
VI.	THE WORKING RELATIONSHIP BETWEEN GOVERNMENT AND PARLIAMENT	1558
1.	Introduction	1558
2.	Political parties	1558
3.	The confidence of the Congress in the government: <i>investidura, moción de censura, cuestión de confianza, disolución</i>	1560
4.	Legislation	1562
5.	Parliamentary scrutiny of government policy	1567
VII.	THE COURTS AND OTHER JUDICIAL ORGANS	1568
1.	Introduction	1568
2.	The judiciary	1568
3.	The constitutional court	1571
VIII.	REGIONAL, PROVINCIAL AND LOCAL GOVERNMENT	1575
1.	Introduction	1575
2.	The autonomous communities	1576
3.	Ceuta en Melilla	1579
4.	The provinces	1580
5.	The municipalities	1580
IX.	FUNDAMENTAL RIGHTS	1582
1.	Introduction	1582
2.	The fundamental rights in the 1978 Constitution	1582
X.	LITERATURE	1586

*The Kingdom of Sweden*

1589

I.	CONSTITUTIONAL HISTORY, TERRITORY AND PEOPLE	1591
1.	General	1591
2.	From the Middle Ages until the 1809 Constitution	1591
3.	From the 1809 Instrument of Government to World War II	1593
4.	Towards a general revision of the constitution	1593
5.	Territory and people	1596
6.	Acquiring and losing Swedish nationality	1596
II.	SOURCES AND BASIC PRINCIPLES OF SWEDISH CONSTITUTIONAL LAW	1598
1.	Sources of constitutional law	1598
2.	Basic principles of Swedish constitutional law	1598
3.	Amendment of the constitution	1599
4.	International treaties	1600
III.	THE PARLIAMENT	1601
1.	General	1601
2.	Number of seats and parliamentary term	1601
3.	Suffrage	1602
4.	Electoral system	1602
5.	Alternate members	1604
6.	Incompatibilities	1604
7.	Legal status of <i>riksdag</i> members	1604
8.	Organization and procedures of the <i>riksdag</i>	1605
IV.	THE HEAD OF STATE	1608
1.	General	1608
2.	Powers of the king restricted to representative duties	1608
3.	Succession to the throne	1610
V.	THE GOVERNMENT	1611
1.	General	1611
2.	Formation of the government	1611
3.	Organizational structure of the government	1614
4.	Independent administrative authorities	1616
VI.	RELATION BETWEEN PARLIAMENT AND GOVERNMENT	1618
1.	General	1618
2.	Political responsibility of the government towards the <i>riksdag</i>	1618
3.	Supervision by the Commission on the Constitution	1620
4.	Parliamentary ombudsmen and the chancellor of justice	1621
5.	The auditors of the <i>riksdag</i>	1622
VII.	LEGISLATIVE AND REGULATORY PROCESS	1623
1.	General	1623
2.	Legislative field of the <i>riksdag</i>	1624
3.	Rule-making power of the government	1624

4.	Legislative procedure	1625
5.	Constitutional review	1627
VIII.	THE RIKSDAG AND PUBLIC FINANCE	1629
1.	General	1629
2.	Taxation	1629
3.	Budget	1629
4.	Other financial powers of the <i>riksdag</i>	1630
IX.	ADMINISTRATION OF JUSTICE	1631
1.	General	1631
2.	The ordinary judiciary	1631
3.	The administrative judicial system	1632
X.	DECENTRALIZATION	1634
1.	General	1634
2.	Development of counties and municipalities in a historical perspective	1635
3.	Organizational structure of counties and municipalities	1635
XI.	INTERNATIONAL RELATIONS	1638
1.	General	1638
2.	Making treaties	1638
3.	The effect of treaties in domestic law	1638
4.	Transfer of powers to international organizations	1639
XII.	FUNDAMENTAL RIGHTS	1640
1.	General	1640
2.	Fundamental social rights	1640
3.	Freedom rights	1641
4.	Restriction of freedom rights	1643
5.	The fundamental laws on the freedom of the press and the freedom of expression	1645
XIII.	STATE AND CHURCH	1647
XIV.	BRIEF BIBLIOGRAPHY	1648
	<i>The United Kingdom of Great Britain and Northern Ireland</i>	1649
I.	GENERAL CHARACTERISTICS	1651
1.	British constitutional history	1652
2.	EU membership	1654
3.	The Commonwealth	1655
4.	Some principles of UK constitutional law	1656
5.	Sovereignty of Parliament	1656

II.	SOURCES OF CONSTITUTIONAL LAW	1658
1.	Acts of Parliament	1658
2.	Delegated / subordinate legislation	1658
3.	Case law	1658
4.	Custom	1659
5.	Conventions	1659
6.	Legal scholarship	1660
III.	SYSTEM AND FORM OF GOVERNMENT	1662
1.	The head of state	1662
2.	The government	1664
3.	Parliament	1669
4.	The relationship between government and parliament	1677
5.	Legislation	1678
IV.	THE COURTS	1681
1.	Organization and jurisdiction	1681
2.	Selection and appointment of judges	1682
3.	Judicial independence	1682
4.	Tribunals and judicial review	1683
5.	The highest courts	1683
V.	THE STATE AND ITS SUBDIVISIONS	1685
1.	Complexities	1685
2.	The English question	1686
3.	Local government	1687
VI.	FUNDAMENTAL RIGHTS	1689
VII.	LITERATURE	1692
	INDEXES	1695