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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

CONSTITUTIONAL REVIEW DECISIONS AND THEIR EXECUTION

SYNOPTIC TABLES OF THE REPLIES TO THE QUESTIONNAIRE

B to F

A	B	C	D	E	F
State	Court performing constitutional review	Type and subject of constitutional review			
		Review of normative acts			
		Preliminary review (Q.1.A.1.a)	Abstract or principal review (Q.1.A.1.b)	Concrete or incidental review (Q.1.A.1.c)	Acts excluded from constitutional review (Q.1.A.1.d)
Albania	Constitutional Court	International treaties; referendums	Conformity of legislation with the Constitution and international treaties	Yes (referral of preliminary question) See column G	None
Andorra	Constitutional Tribunal	Yes	No (in respect of promulgated legislation); yes, prior review (see column C)	Yes (referral of preliminary question) See column G	None (the tribunal gives decisions concerning laws and legislative decrees)
Armenia	Constitutional Court	International treaties	Yes	No	None; but acts not adopted by parliament or the government are not submitted to the court
Austria	Constitutional Court	Yes, but only questions of jurisdiction	Yes	Yes (referral of preliminary question)	None
Azerbaijan	Constitutional Court	International treaties	Yes	Yes (Supreme Court through the intermediary of the competent courts)	None
Bosnia and Herzegovina	Constitutional Court	No	Yes	Yes (referral of preliminary question) See column G	None; even normative acts adopted by the High Representative are subject to constitutional review
Bulgaria	Constitutional Court	International treaties	Yes	Yes (referral of preliminary question by the Supreme Court)	None

A	B	C	D	E	F
State		Type and subject of constitutional review			
		Review of normative acts			
		Preliminary review (Q.1.A.1.a)	Abstract or principal review (Q.1.A.1.b)	Concrete or incidental review (Q.1.A.1.c)	Acts excluded from constitutional review (Q.1.A.1.d)
Canada	Supreme Court (diffuse review)	Yes, references for opinion	Yes, petitions for a declaration of unconstitutionality and references for opinion	Yes (diffuse review)	None
Czech Republic	Constitutional Court	No	Yes	Yes (constitutional complaint)	No
Estonia	Supreme Court	Yes (laws and treaties)	Yes (prior review - see column C - and <i>ex post facto</i> review (unilateral normative acts))	Yes (referral of preliminary question)	None
Finland	Supreme Court (diffuse review)	No	No (subject to the review performed by the Constitutional Committee of Parliament)	Yes (diffuse review)	Constitutional review of laws only concerns obvious cases of unconstitutionality
France	Constitutional Council	Yes	Yes (prior review)	No	None ; the Constitutional Council has jurisdiction to review laws except constitutional and referendum laws; regulatory instruments come within the jurisdiction of the Conseil d'Etat
Germany	Constitutional Court	Only laws ratifying international treaties	Yes	Yes (referral of preliminary question) + See column G	None

A	B	C	D	E	F
Type and subject of constitutional review					
Review of normative acts					
State	Court performing constitutional review	Preliminary review (Q.1.A.1.a)	Abstract or principal review (Q.1.A.1.b)	Concrete or incidental review (Q.1.A.1.c)	Acts excluded from constitutional review (Q.1.A.1.d)
Greece	Court of Cassation / Council of State / Audit Court - Special Supreme Court in the event of conflicting decisions (diffuse review)	No	No (except regulatory instruments, which are reviewed by the Council of State)	Yes (diffuse review)	None
Hungary	Constitutional Court	Yes, only on the initiative of the President of the Republic	Yes	Yes (referral of preliminary question) see column G	None; constitutional reforms are reviewed only as to formal requirements
Iceland	Supreme Court (diffuse review)	No	No	Yes (diffuse review)	None
Ireland	Supreme Court (diffuse review)	Yes (Supreme Court)	Yes (High Court then Supreme Court)	Yes (High Court then Supreme Court)	Amendments to the Constitution; legislation passed under emergency powers procedure
Israel	Supreme Court	Yes	Yes	Yes	None
Italy	Constitutional Court	Yes, only legislation adopted by the regions and the provinces of Trento and Bolzano	Yes	Yes (referral of preliminary question)	None; acts of below statute rank are only submitted to the Constitutional Court in the event of a dispute as to jurisdiction
Japan	Supreme Court (diffuse review)	No	No	Yes (diffuse review)	None
Korea (Republic)	Constitutional Court	No	No	Yes	None
Latvia	Constitutional Court	No	Yes	No, but should be introduced shortly (referral of preliminary question)	None

A	B	C	D	E	F
Type and subject of constitutional review					
Review of normative acts					
State	Court performing constitutional review	Preliminary review (Q.1.A.1.a)	Abstract or principal review (Q.1.A.1.b)	Concrete or incidental review (Q.1.A.1.c)	Acts excluded from constitutional review (Q.1.A.1.d)
Lithuania	Constitutional Court	International treaties	Yes	Yes (referral of preliminary question)	None
Luxembourg	Constitutional Court	No (subject to the review performed by the Conseil d'Etat)	No	Yes (referral of preliminary question)	International treaties
Malta	Constitutional Court (in general diffuse review)	No	No	Yes (diffuse review)	None
Moldova	Constitutional Court	No	Yes	Yes (referral of preliminary question)	Acts predating the Constitution
Netherlands	Supreme Court / Council of State (diffuse review of acts below statute rank)	Only Council of State for preliminary opinions	No	Yes (diffuse review of acts below statute rank)	Statutes - acts of lower rank may be reviewed
Poland	Constitutional Tribunal	No	Yes	Yes (referral of preliminary question)	None
Portugal	Constitutional Court	Yes	Yes	Yes (diffuse review)	None
Slovakia	Constitutional Court	No	Yes	Yes (referral of preliminary question) see column G	None
Slovenia	Constitutional Court	International treaties	Yes	Yes (referral of preliminary question) See column G	None (excepts acts giving concrete effect to constitutional law)

A	B	C	D	E	F
Type and subject of constitutional review					
Review of normative acts					
State	Court performing constitutional review	Preliminary review (Q.1.A.1.a)	Abstract or principal review (Q.1.A.1.b)	Concrete or incidental review (Q.1.A.1.c)	Acts excluded from constitutional review (Q.1.A.1.d)
Spain	Constitutional Court	International treaties	Yes	Yes (referral of preliminary question) See column G	The Constitutional Court only gives decisions concerning statutes, except in the event of an appeal for protection of constitutional rights or a dispute as to jurisdiction between territorial bodies
Sweden	Supreme Court (diffuse review)	No	No	Yes (diffuse review)	Review of parliamentary or government legislation only concerns obvious cases of unconstitutionality
Switzerland	Federal Court (diffuse review)	No	Yes (cantonal legislation)	Yes (diffuse review)	Federal laws and implementing legislation simply reiterating those laws; the constitutions of the cantons are subject to review by the Federal Assembly
Turkey	Constitutional Court	No	Yes	Yes (referral of preliminary question)	Specific reform laws, normative acts adopted under the National Security Council regime
Ukraine	Constitutional Court	Yes	Yes	Yes (referral of preliminary question)	None
United States	Supreme Court (diffuse review)	No	No	Yes (diffuse review)	None
Uruguay	Supreme Court	No	Yes	Yes (referral of preliminary question)	None; acts other than laws and regional government legislation comes within the jurisdiction of the Administrative Tribunal

G to L

A	G	H	I	J	K	L
State	Type and subject of constitutional review (continued)					
	Decisions concerning protection of constitutional rights (Q.1.A.3)	Review of unconstitutional omission of legislation (Q.1A.2)	Other powers (Q.1.A.4)			
			Conflicts between state entities	Constitutional validity/ dissolution of political parties	Elections and voting	Other
Albania	Yes	No	Yes, including disputes between central and local government authorities	Yes, and other political entities	Disputes concerning presidential or parliamentary elections, constitutionality of referendums and verification of referendum results	
Andorra	Yes	No	Yes, including municipalities ("paroisses")			
Armenia	Yes, but such cases are dealt with by the ordinary courts	No	No	Yes	Referendum results	

A	G	H	I	J	K	L
Type and subject of constitutional review (continued)						
State	Decisions concerning protection of constitutional rights (Q.1.A.3)	Review of unconstitutional omission of legislation (Q.1A.2)	Other powers (Q.1.A.4)			
			Conflicts between state entities	Constitutional validity/ dissolution of political parties	Elections and voting	Other
Austria	Yes	No	Yes, including disputes between the federation and Länder, between Länder and between courts	No	Disputes concerning elections and voting	Election/dismissal of members of the organs of statutory professional associations; indictment of members of federal and Land authorities; disputes over interpretation of the law between the federal government or a minister and the Ombudsman's office; pecuniary claims against the federation, Länder or local or regional authorities
Azerbaijan	No	No	Yes (legislative, executive and judicial bodies)	Yes, including other public associations		
Bosnia and Herzegovina	Yes	Yes	Disputes between Bosnia and Herzegovina and the entities, between the entities and between institutions			

A	G	H	I	J	K	L
Type and subject of constitutional review (continued)						
State	Decisions concerning protection of constitutional rights (Q.1.A.3)	Review of unconstitutional omission of legislation (Q.1A.2)	Other powers (Q.1.A.4)			
			Conflicts between state entities	Constitutional validity/ dissolution of political parties	Elections and voting	Other
Bulgaria	No	No	Yes, including with organs of local self-government	Yes, including other political associations	Lawfulness of election of the President and Vice-President and of parliamentary elections	Impeachment of the President or Vice-President by the National Assembly
Canada	Yes (diffuse review)	Yes	No			
Czech Republic	Yes, including rights guaranteed by international treaties on human rights	No	Yes, including local and regional authorities	Yes	Election results	Implementation of decisions by international courts; impeachment of the President of the Republic, etc.
Estonia	No	No			Validity of referendums on parliamentary bills, constitutionality of text	
Finland	Yes, (diffuse review)	No	Yes, disputes between central government and the Åland islands			
France	No	No	No		Disputes concerning presidential or parliamentary elections and referendums	Opinions requested by the President of the Republic (emergency powers, etc.)

A	G	H	I	J	K	L
Type and subject of constitutional review (continued)						
State	Decisions concerning protection of constitutional rights (Q.1.A.3)	Review of unconstitutional omission of legislation (Q.1A.2)	Other powers (Q.1.A.4)			
			Conflicts between state entities	Constitutional validity/ dissolution of political parties	Elections and voting	Other
Germany	Yes	Yes, especially under constitutional complaint procedure (column G) and in disputes between state entities (column I)	Yes, both between federal entities and between the federation and the Länder	Yes	Elections to the Bundestag	Public-law disputes where no other judicial recourse exists; impeachment of the Federal President, of judges, etc.
Greece	Yes (diffuse review)	Yes (claims for damages; in theory failure to adopt a regulatory instrument can be challenged directly; where possible, direct application of constitutional provisions)	Disputes between courts or between judicial and administrative authorities: Special Supreme Court		Disputes concerning elections and voting; disqualification or removal from office of members of parliament: Special Supreme Court	
Hungary	Yes (plea of unconstitutionality)	Yes	Yes, including local government authorities		Appeals against decisions of the National Electoral Commission concerning the admissibility of questions put to referendum and referendum results	

A	G	H	I	J	K	L
Type and subject of constitutional review (continued)						
State	Decisions concerning protection of constitutional rights (Q.1.A.3)	Review of unconstitutional omission of legislation (Q.1A.2)	Other powers (Q.1.A.4)			
			Conflicts between state entities	Constitutional validity/ dissolution of political parties	Elections and voting	Other
Iceland	Yes (diffuse review)	No, in principle. However, the courts may in practice decide concrete cases of violation of constitutional rights through omissions; claims for damages	No, the only solution is an appeal to the ordinary courts	No, the only solution is an appeal to the ordinary courts	No, the only solution is an appeal to the ordinary courts	No
Ireland	Yes (diffuse review)	No, but the courts may note omissions	No		Complaints concerning elections and voting	
Israel	Yes (diffuse review)	Yes			Court of first and last instance concerning elections to the Knesset	
Italy	No, this is a matter for the ordinary courts	Yes, under an established court practice	Yes; disputes between state bodies and between central and regional government bodies (but, in this case, solely in administrative and judicial matters)		Conformity with the constitution of proposals for abrogative referendums	
Japan	Yes (diffuse review)	Yes (claims for damages)	Yes			

A	G	H	I	J	K	L
	Type and subject of constitutional review (continued)					
State	Decisions concerning protection of constitutional rights (Q.1.A.3)	Review of unconstitutional omission of legislation (Q.1A.2)	Other powers (Q.1.A.4)			
			Conflicts between state entities	Constitutional validity/ dissolution of political parties	Elections and voting	Other
Korea (Republic)	Yes (primarily concerning administrative decisions)	Yes (where parliament has a specific obligation under the Constitution)	Yes (including disputes involving local authorities)	Yes		Impeachment
Latvia	No, but should be introduced in the near future	No	No	No	No	No
Lithuania	No	No	No		Breaches of electoral law concerning presidential or parliamentary elections	Incapacity of the President of the Republic, measures taken by persons against whom impeachment proceedings have been instituted
Luxembourg	No	No	No	No	No	No
Malta	Yes (diffuse review)	No			Electoral disputes (first and last instance)	
Moldova	No	No			Confirms results of parliamentary and presidential elections and of referendums	Decides on proposals to reform the constitution; ascertains circumstances warranting dissolution of parliament, removal of the President from office, etc.

A	G	H	I	J	K	L
Type and subject of constitutional review (continued)						
State	Decisions concerning protection of constitutional rights (Q.1.A.3)	Review of unconstitutional omission of legislation (Q.1A.2)	Other powers (Q.1.A.4)			
			Conflicts between state entities	Constitutional validity/ dissolution of political parties	Elections and voting	Other
Netherlands	Yes (diffuse review)	No				
Poland	Yes	No; the Constitutional Tribunal may nevertheless draw attention to the omission	Yes	Yes		Incapacity of the President of the Republic
Portugal	Yes (diffuse review)	Yes	No	Yes	Constitutionality and lawfulness of referendums	
Slovakia	Yes	No	Yes, central government bodies		Results of elections and referendums	Rules on a charge of treason proffered against the President of the Republic
Slovenia	Yes	No	Yes, including disputes involving municipalities	Yes	Appeals against confirmation in office of members of parliament; rules on requests from the National Assembly to hold a referendum	Charges brought against the President of the Republic, the Prime Minister or a minister; complaints by local authorities
Spain	Yes	No	Yes	No	No	No
Sweden	Yes (diffuse review)	No	No			
Switzerland	Yes (diffuse review)	No	Yes (between the Confederation and the cantons or between cantons)	No specific jurisdiction	Yes (disputes concerning elections and voting)	No (in constitutional matters)

A	G	H	I	J	K	L
Type and subject of constitutional review (continued)						
State			Other powers (Q.1.A.4)			
			Conflicts between state entities	Constitutional validity/ dissolution of political parties	Elections and voting	Other
Turkey	No	No	No	Yes	No	No
Ukraine	No	Yes	No	No	No	Review of constitutional amendments; impeachment procedure
United States	Yes (diffuse review)	No	Yes (separation of powers between branches of federal government; distribution of powers between federal and state government entities)			
Uruguay	Yes	No				

M to Q

A	M	N	O	P	Q
State	Effects of decisions				
	Normative acts		Effect on other authorities (Q.1.B.1 c/f)	Protection of constitutional rights (Q.1.B.2)	Force (res judicata inter partes, erga omnes, etc.) (Q.1.B.1 e & 1.B.3)
	In general (Q.1.B.1 a/b/d)	Over time: concrete cases (Q.1.B.1 a/b/d - continued)			
Albania	Annulment with immediate effect	No	No, except where the court determines the authority competent in a specific case	Sent back to lower authority for a new ruling	Erga omnes, force of law, publication in official gazette
Andorra	Annulment with immediate effect	Possibility of favourable retrospective effect	No	Sent back to lower authority for a new ruling	Erga omnes, of greater force than statute law, publication in official gazette
Armenia	Null and void, with immediate effect (on publication of the decision)	No		Not applicable	Erga omnes, force of law, publication in official gazette
Albania	Annulment with immediate effect on publication, not retrospective	The effects of a finding of unconstitutionality may be deferred for a maximum of 18 months	The federal government is required to publish the decision declaring an act unconstitutional	Sent back to lower authority for a new ruling	Erga omnes for constitutional review of a normative act; inter partes for review of decisions by administrative authorities; decisions on distribution of powers have force of law; publication in official gazette
Azerbaijan	Null and void, with immediate effect	No		Not applicable	Erga omnes, publication in official gazette

A	M	N	O	P	Q
State	Effects of decisions				
	Normative acts			Protection of constitutional rights (Q.1.B.2)	Force (res judicata inter partes, erga omnes, etc.) (Q.1.B.1 e & 1.B.3)
	In general (Q.1.B.1 a/b/d)	Over time: concrete cases (Q.1.B.1 a/b/d - continued)	Effect on other authorities (Q.1.B.1 c/f)		
Bosnia and Herzegovina	Decisions finding an act unconstitutional give the body which adopted the act a time-limit within which the situation must be brought into line with the Constitution	Annulment with immediate effect is also provided for; the decision may be effective ex tunc	Yes, where a time-limit is imposed (for instance on parliament) within which the situation must be brought into line with the Constitution	The court may decide on the merits itself or refer the case back	Res judicata: erga omnes or inter partes according to the nature of the decision; the court is not bound by its earlier decisions; publication in the official gazettes of Bosnia and Herzegovina and the entities
Bulgaria	The act becomes inapplicable, with immediate effect	No	No	Not applicable	Erga omnes; published in official gazette
Canada	The act is invalidated to the extent necessary to cure the unconstitutionality (total or partial invalidation)	Postponement possible to allow parliament to amend unconstitutional provisions (time-limit set by Supreme Court)	No	The court may decide on the merits itself or refer the case back	Decisions are binding on the parties and on lower authorities; force of law; publication in Supreme Court Reports
Czech Republic	Annulment with immediate effect	The court can decide on the decision's date of effect	No	Sent back to lower authority for a new ruling	Erga omnes, except perhaps in cases of concrete review; decisions are binding on the court itself; publication in Collection of Laws and in Collection of Constitutional Court Judgments

A	M	N	O	P	Q
State	Effects of decisions				
	Normative acts			Protection of constitutional rights (Q.1.B.2)	Force (res judicata inter partes, erga omnes, etc.) (Q.1.B.1 e & 1.B.3)
	In general (Q.1.B.1 a/b/d)	Over time: concrete cases (Q.1.B.1 a/b/d - continued)	Effect on other authorities (Q.1.B.1 c/f)		
Estonia	No enactment (preliminary review); otherwise the impugned act becomes null and void	The Supreme Court has postponed the effect of a decision in one instance	No	Not applicable	Erga omnes; force of law in practice; publication in official gazette
Finland	The act is not annulled	No	No		Inter partes; no effect apart from in the concrete case concerned
France	Promulgation not permitted to the extent necessary to cure the unconstitutionality (total or partial invalidity)	Not applicable	No	Not applicable	Erga omnes; publication in official gazette
Germany	Declaration that the act is null and void (ab initio) or unconstitutional	Where an act is deemed unconstitutional, it may remain in force for a transitional period	Where an act is deemed unconstitutional, the Constitutional Court may lay down specific rules governing the transitional period and order parliament to amend the law in question; proceedings may be reopened in cases where a criminal court gave judgment on the basis of an unconstitutional law; other decisions must not be executed; also see column R	As a general rule, the case is sent back to the lower court; in some cases the Constitutional Court gives a final decision itself	Erga omnes, the Court is not bound by its own precedents; force of law; decisions on the constitutionality of laws are published

A	M	N	O	P	Q
State	Effects of decisions				
	Normative acts			Protection of constitutional rights (Q.1.B.2)	Force (res judicata inter partes, erga omnes, etc.) (Q.1.B.1 e & 1.B.3)
	In general (Q.1.B.1 a/b/d)	Over time: concrete cases (Q.1.B.1 a/b/d - continued)	Effect on other authorities (Q.1.B.1 c/f)		
Greece	Special Supreme Court: annulment with immediate effect	The Special Supreme Court may give decisions with retroactive effect			Special Supreme Court: erga omnes, plus publication in official gazette High courts: inter partes
Hungary	Decisions have the effect of creating or altering rights or status. Annulment with effect from the date of publication of the decision.	Ex tunc effect, where necessary to ensure certainty of the law or to safeguard the parties' interests. The court may also decide that a decision will have effect at a future date.	The court may order parliament to pass legislation. In the event of a finding of unconstitutionality concerning criminal law, the court orders the re-opening of criminal proceedings in cases where penalties were imposed, which continue to have negative consequences.	Except in criminal matters, it is for the parties to re-submit their case to the ordinary courts.	Erga omnes, force of law in practice; possibility of departure from precedents; publication in official gazette
Iceland	In practice an unconstitutional act ceases to have effect (see column Q)	No, except for the fact that parliament may take some time to amend legislation	No, apart from execution in the concrete case	Court judgments: the Supreme Court decides the case itself; administrative decisions: parties must lodge a new request with the relevant authority	Inter partes in theory, but erga omnes in practice (force of precedent); the court is in principle not bound by its earlier decisions; publication in the Supreme Court Reports

A	M	N	O	P	Q
State	Effects of decisions				
	Normative acts			Protection of constitutional rights (Q.1.B.2)	Force (res judicata inter partes, erga omnes, etc.) (Q.1.B.1 e & 1.B.3)
In general (Q.1.B.1 a/b/d)	Over time: concrete cases (Q.1.B.1 a/b/d - continued)	Effect on other authorities (Q.1.B.1 c/f)			
Ireland	The act is declared null and void, in whole or in part, with retrospective effect (but see column N)	The effects of invalidation of an act may be purely prospective; possibility of, retrospective effect solely for plaintiffs from the date of institution of proceedings	The High Court may order another body to act	As a rule, the case is sent back to the lower authority	Erga omnes, for a finding of invalidity (see column N); the court is not bound by its decisions; most decisions with constitutional implications are published
Israel	Null and void with immediate effect	The Supreme Court may postpone the effect of a decision		The court decides the case itself	Erga omnes; decisions are binding on the court itself; publication in official gazette
Italy	In cases of preliminary review the act is not promulgated; in other cases the act loses legal force the day after publication of the decision; the court may take a decision which, in practice, adds new elements to legislation	No, in principle, but in practice the court has sometimes varied the date of effect of a decision	The court may ask parliament to amend legislation	Not applicable	Erga omnes (declaration of unconstitutionality), publication in official gazette
Japan	The act does not become null and void as a matter of course	No	Other authorities are required to act upon decisions (for instance, by repealing legislation), but the court cannot order them to do so	The case may be sent back to the lower authority	Inter partes: no effect apart from in the concrete case; departure from a precedent requires a decision by the Grand Bench

A	M	N	O	P	Q
State	Effects of decisions				
	Normative acts			Protection of constitutional rights (Q.1.B.2)	Force (res judicata inter partes, erga omnes, etc.) (Q.1.B.1 e & 1.B.3)
	In general (Q.1.B.1 a/b/d)	Over time: concrete cases (Q.1.B.1 a/b/d - continued)	Effect on other authorities (Q.1.B.1 c/f)		
Korea (Republic)	Annulment with immediate effect	The Constitutional Court can postpone the effects of the decision	The Constitutional Court may order parliament to amend legislation	The relevant authority is required to act in accordance with the Constitutional Court's decision	Erga omnes, the court cannot redecide a case, publication of important decisions
Latvia	Null and void with immediate effect	The Constitutional Court decides on the date of effect	No	Not applicable	Decisions by the Constitutional Court are binding on all authorities; publication in the official gazette
Lithuania	An act deemed unconstitutional becomes inapplicable with immediate effect in all cases	No	Measures taken on the basis of an unconstitutional act must be revoked, and decisions based on such acts must not be executed	Not applicable	Erga omnes, force of law, publication in official gazette
Luxembourg	Declaratory effect (conformity or failure to conform with the Constitution); immediate effect in all cases, but only inter partes	No	No	Not applicable	Inter partes: referral of a preliminary question not necessary where the issue of a provision's constitutionality has already been settled by the Constitutional Court; publication in the Mémorial (official gazette)

A	M	N	O	P	Q
State	Effects of decisions				
	Normative acts			Protection of constitutional rights (Q.1.B.2)	Force (res judicata inter partes, erga omnes, etc.) (Q.1.B.1 e & 1.B.3)
	In general (Q.1.B.1 a/b/d)	Over time: concrete cases (Q.1.B.1 a/b/d - continued)	Effect on other authorities (Q.1.B.1 c/f)		
Malta	The act immediately ceases to have effect		An authority is not required to amend an unconstitutional act; the court may give such orders as are necessary to ensure the effective enforcement of its decisions		Erga omnes where the decision concerns the constitutionality of a normative act (according to prevailing opinion among legal writers); otherwise inter partes; the court is not bound by its own decisions
Moldova	Null and void with immediate effect	The court may decide that the decision will have effect on the date of publication or another date	An unconstitutional act or decision must be amended by the authority which adopted it		Erga omnes, force of constitutional law; publication in official gazette
Netherlands	No annulment: ex nunc effect	No	It is for the competent authority to amend an unconstitutional act	The rule is that the case is sent back to the lower authority	Inter partes; parliament may exceptionally be granted a time-limit within which to remedy the unconstitutionality
Poland	Annulment with effect from the date of publication of the decision	The Constitutional Tribunal may postpone the effects of its decisions for a maximum of 18 months for laws and 12 months for other regulatory acts	Where a decision has financial consequences not foreseen in the budget, the court consults the government to determine the date of effect of its decision	Proceedings may be resumed before the lower authority	Erga omnes; decisions are published in the publication in which the impugned act was promulgated or in the official gazette

A	M	N	O	P	Q
State	Effects of decisions				
	Normative acts			Protection of constitutional rights (Q.1.B.2)	Force (res judicata inter partes, erga omnes, etc.) (Q.1.B.1 e & 1.B.3)
	In general (Q.1.B.1 a/b/d)	Over time: concrete cases (Q.1.B.1 a/b/d - continued)	Effect on other authorities (Q.1.B.1 c/f)		
Portugal	Abstract review: the act immediately ceases to have effect	In principle a decision has retrospective effect, but the Constitutional Court may decide that it will have ex nunc effect; cases protected by the res judicata principle generally constitute an exception	Concrete review: the originating court must comply with the Constitutional Court's decision	The case is sent back to the lower authority	Erga omnes for abstract review; the Constitutional Court is bound by its own decisions, which have force of law; inter partes for concrete review, but abstract review is possible where an act has been deemed unconstitutional three times in concrete review proceedings; publication in official gazette
Slovakia	The unconstitutional act becomes inapplicable		Parliament must bring legislation into line with the Constitution within six months of the Constitutional Court's decision	Sent back to lower authority for a new ruling	Erga omnes; inter partes for decisions on protection of constitutional rights

A	M	N	O	P	Q
State	Effects of decisions				
	Normative acts			Protection of constitutional rights (Q.1.B.2)	Force (res judicata inter partes, erga omnes, etc.) (Q.1.B.1 e & 1.B.3)
	In general (Q.1.B.1 a/b/d)	Over time: concrete cases (Q.1.B.1 a/b/d - continued)	Effect on other authorities (Q.1.B.1 c/f)		
Slovenia	In principle, annulment with immediate effect (on the day after publication of the decision); declaratory effect where abrogation does not make it possible to cure the unconstitutionality	The Constitutional Court may decide that a decision will have retrospective effect in the event of annulment of acts below statute rank adopted with a view to exercising public authority; the date of effect may be postponed in the case of a declaratory decision; in the first case, measures implementing the annulled act may themselves be cancelled	The Constitutional Court determines the authority or authorities required to implement the decision and, if necessary, designates one to do so	In principle, the case is sent back to the lower authority but the Constitutional Court may exceptionally decide it itself	Erga omnes for abstract review; in principle, inter partes for concrete review; publication in the official gazette; implementing measures cancelled (see column N)
Spain	The impugned act becomes null and void with immediate effect	The Constitutional Court may postpone the effect of its decisions; they have retrospective effect as regards criminal and administrative penalties (lex mitior)	The court may decide which authority is required to implement the decision	The court may send the case back to the lower authority or decide on the merits itself	Erga omnes, but exceptionally inter partes for decisions on protection of constitutional rights. However, the Constitutional Court's interpretation is binding on other courts. A departure from the case-law must be approved by the plenary court. Publication in official gazette

A	M	N	O	P	Q
State	Effects of decisions				
	Normative acts			Protection of constitutional rights (Q.1.B.2)	Force (res judicata inter partes, erga omnes, etc.) (Q.1.B.1 e & 1.B.3)
In general (Q.1.B.1 a/b/d)	Over time: concrete cases (Q.1.B.1 a/b/d - continued)	Effect on other authorities (Q.1.B.1 c/f)			
Sweden	An act deemed unconstitutional becomes inapplicable	No	It is for parliament to amend laws	The court may decide the case itself or send it back to the original authority	Inter partes; the court is not bound by its earlier decisions; decisions are published, in full or in condensed form, in official law reports, but not in the official gazette
Switzerland	Annulment with immediate effect (ex nunc)	No	In some rare cases, the Federal Court may order another authority to take a positive measure (for instance, release of a detainee)	The effect of the Federal Court's judgment is to set aside the contested decision; in practice, the case is sent back to the lower authority	Relative erga omnes effect: the courts and other authorities must take account of precedents established by the Federal Court; there must be serious grounds for a reversal of precedent; a section of the Federal Court may depart from the case-law of another section only with that section's approval
Turkey	Annulment with immediate effect	The Constitutional Court may postpone the effect of a decision for a maximum of one year	No	Not applicable	Erga omnes, publication in official gazette
Ukraine	Annulment with immediate effect	No	The Constitutional Court may make state authorities responsible for enforcing its decisions	Not applicable	Erga omnes, force of law (according to legal writers), publication in official gazette

A	M	N	O	P	Q
State	Effects of decisions				
	Normative acts			Protection of constitutional rights (Q.1.B.2)	Force (res judicata inter partes, erga omnes, etc.) (Q.1.B.1 e & 1.B.3)
	In general (Q.1.B.1 a/b/d)	Over time: concrete cases (Q.1.B.1 a/b/d - continued)	Effect on other authorities (Q.1.B.1 c/f)		
United States	Null and void with immediate effect (total or partial)	The courts - in particular the Supreme Court - may allow a period of time for curing an unconstitutionality	The courts may order other authorities to end an unconstitutionality	A case may be sent back for a new ruling	Erga omnes, the court is not bound by its earlier decisions, publication in an official reporter
Uruguay			No	Sent back to the lower authority for a new ruling	Inter partes

R to U

A	R	S	T	U
State	Execution of decisions			
	Means of ensuring execution (Q II)	Consequences of failure to execute (Q III)	Recent cases of failure to execute (Q IV)	Recent cases of unsatisfactory execution (Q V)
Albania	Decisions are executed by the Council of Ministers through the intermediary of the relevant bodies and state authorities; the Constitutional Court may designate a body responsible for execution (in one instance it designated the public prosecution service) and, where necessary, stipulate how the decision is to be executed.	The President of the Constitutional Court may impose a fine	No	No
Andorra	Decisions are binding on all authorities	The problem has not arisen	No	No
Armenia	Decisions are binding on all authorities	Legal penalties	No, but some authorities have made public their disagreement with decisions	No
Austria	Enforcement by the Federal President or under his authority; by way of exception, the ordinary courts are responsible for executing decisions on pecuniary claims		No	No, but postponement of the date of effect of decisions taken by the Constitutional Court may lead to an unsatisfactory state of affairs
Azerbaijan	Decisions are binding; the court monitors execution of its own decisions	The President of the Constitutional Court brings the matter before the plenary court, which decides on the measures to be taken; criminal penalties	No	No

A	R	S	T	U
State	Execution of decisions			
	Means of ensuring execution (Q II)	Consequences of failure to execute (Q III)	Recent cases of failure to execute (Q IV)	Recent cases of unsatisfactory execution (Q V)
Bosnia and Herzegovina	In the event of failure to execute a decision, the matter is referred to the governments of the federation and the entities	The problem has not arisen	No	No
Bulgaria	No rules in such matters	The problem has not arisen	No	No
Canada	Decisions have self-executing effect	Not applicable	No	No
Czech Republic	The Constitutional Court's decisions have self-executing effect and are binding on all authorities and legal entities		Yes, such cases arose during the first few years of the court's functioning; lower courts failed to comply with the Constitutional Court's decisions; these problems now seem to have been resolved	No
Estonia	No rules in such matters	The law does not make provision for such cases	In cases where a question of unconstitutionality is referred by a lower court, the viewpoints of the Supreme Court and the lower court may differ	In one instance an annulled act continued to be implemented for a very brief period because the decision became effective as of promulgation, not publication
Finland	Decisions relate to concrete cases, so there is no need for specific rules on execution	Not applicable	No	No
France	Decisions by the Constitutional Council (operative provisions and reasons for the decision) are binding on all authorities	The problem has not arisen	No	No

A	R	S	T	U
State	Execution of decisions			
	Means of ensuring execution (Q II)	Consequences of failure to execute (Q III)	Recent cases of failure to execute (Q IV)	Recent cases of unsatisfactory execution (Q V)
Germany	The Constitutional Court may determine who is to execute its decisions and how	This is left to the court's discretion	Certain decisions concerning tax law have not been implemented within a reasonable time (for political, administrative or financial reasons). This concerned mere declarations of unconstitutionality (not decisions that an act was null and void).	See column T
Greece	Special means of recourse exist in the event of failure to execute decisions of the Special Supreme Court or the high courts	The government sometimes proposes reforming the law but an unconstitutional law can remain in force in some cases (for political or budgetary reasons, because of inertia or where a reversal of precedent is likely)	No	The public authorities sometimes continue to apply acts which the high courts have found to be unconstitutional (for political or budgetary reasons or because of inertia)
Hungary	No rules in such matters	The undesirable consequences of a legal vacuum may prompt parliament to act	Yes, the passing of legislation in conformity with the Constitution has been delayed for political reasons, but the laws were passed in the end	Yes, until 1999 there was no legal obligation to re-open judicial proceedings where a finding of unconstitutionality had been made on an individual appeal
Iceland	Ordinary system of execution of judgments (execution by the administrative authorities)	Possibility of further court action; penalties for abuse of power	No, but claims resulting from a declaration of unconstitutionality may	No

A	R	S	T	U
State	Execution of decisions			
	Means of ensuring execution (Q II)	Consequences of failure to execute (Q III)	Recent cases of failure to execute (Q IV)	Recent cases of unsatisfactory execution (Q V)
Ireland	The High Court can make any order necessary to ensure that its decisions are executed	Criminal and civil penalties	See column U	The authorities have not always been ready to accept the full implications of decisions and have persisted with unconstitutional practices (in particular for financial reasons)
Israel	No rules in such matters	The problem has not arisen	No	No recent cases
Italy	No specific rules in such matters, apart from the rules of procedure of the houses of parliament concerning follow-up action to constitutional review decisions; decisions are binding on the authorities; for instance, the Public Prosecutor must take steps to have a prisoner released where that person was sentenced under a criminal law declared unconstitutional.		Parliament is sometimes slow to pass legislation in conformity with the Constitution; the Court of Cassation has expressed disagreement with Constitutional Court decisions rejecting a question or a complaint.	No
Japan	No rules in such matters	The problem has not arisen; the competent authorities repeal or amend unconstitutional acts	No	No

A	R	S	T	U
State	Execution of decisions			
	Means of ensuring execution (Q II)	Consequences of failure to execute (Q III)	Recent cases of failure to execute (Q IV)	Recent cases of unsatisfactory execution (Q V)
Korea (Republic)	No rules in such matters; the competent authorities usually cancel unconstitutional provisions or measures as a matter of course	No rules	Yes, there has been one instance of failure to pass legislation necessary to remedy an unconstitutional situation (for political and financial reasons); in another instance the Supreme Court knowingly applied unconstitutional provisions (dispute between the two courts)	There have been instances where unconstitutional provisions continued to be applied or where legislation necessary to remedy an unconstitutional omission was not passed rapidly
Latvia	No rules in such matters	No rules, and the problem has not arisen	No	No
Lithuania	Decisions have force of law: regulatory instruments found to be unconstitutional must be revoked, and decisions based on an unconstitutional law must not be enforced	No rules in such matters	No	No
Luxembourg	No rules in such matters	No rules in such matters		
Malta	The court may make any order necessary to ensure enforcement of its decisions	In the event of failure to amend a law deemed unconstitutional, the ordinary courts would no longer apply the legislation in question	There have been instances where, although legislation had been deemed unconstitutional, it was not repealed; however, all courts would be obliged to refuse to apply the legislation in question	No

A	R	S	T	U
State	Execution of decisions			
	Means of ensuring execution (Q II)	Consequences of failure to execute (Q III)	Recent cases of failure to execute (Q IV)	Recent cases of unsatisfactory execution (Q V)
Moldova	The court's decisions are transmitted to parties to proceedings and to the various authorities; the court is kept informed about execution of its decisions (or opinions) under the conditions laid down therein	Fines for failure to execute decisions	No	Problems of execution may arise for financial reasons
Netherlands	No rules in such matters	The normal remedies are available to parties	No	If an act deemed unconstitutional is not repealed, it may continue to be applied
Poland	The decision specifies the body competent for amending an unconstitutional act; also see column O.	The problem has not arisen	No, regarding budgetary questions see column O	No
Portugal	There is no specific rule; for instance, it is for parliament to refrain from enacting legislation deemed unconstitutional under a preliminary review decision or for the courts not to apply such legislation following a concrete review	Possibility of further action before the Constitutional Court; claims for compensation if damages were caused by failure to execute	There have been a few cases; the parties concerned appealed again to the Constitutional Court, which confirmed its earlier decision. Reasons for non-compliance were ignorance of the court's decision, lack of clarity of the decision, unwillingness of the ordinary courts to acknowledge the court's authority to review their decisions	No
Slovakia	No rules in such matters; however, public prosecutors may enforce decisions under their ordinary powers, but not in respect of parliament	Responsibility of bodies which fail to apply a Constitutional Court decision	Parliament has occasionally failed to comply with a decision within the constitutional six-month time-limit	No

A	R	S	T	U
State	Execution of decisions			
	Means of ensuring execution (Q II)	Consequences of failure to execute (Q III)	Recent cases of failure to execute (Q IV)	Recent cases of unsatisfactory execution (Q V)
Slovenia	The Constitutional Court itself decides which body is to implement a decision and in what manner	The Constitutional Court may call on parliament to comply with a decision	Delays in amending unconstitutional legislation	No
Spain	The Constitutional Court may determine who is required to execute the decision and resolve any incidents arising during execution, for instance by issuing a warning. Otherwise it is for the relevant authority to cure an unconstitutionality.	The problem has not arisen	No	No
Sweden	It is for parliament to amend laws	See column R, no remedy against parliament's failure to act	No	No
Switzerland	The cantons are required to execute decisions, and where they fail to do so an appeal may be lodged with the federal government.	The problem has not really arisen; but see column R	No, in one instance execution was delayed	No
Turkey	Not applicable, the impugned act becomes null and void	Not applicable	No	No
Ukraine	If need be, the Constitutional Court may stipulate the procedure and conditions of execution in its decision and make the relevant authorities responsible for enforcing it	In practice, no consequences so far	Yes, in particular regarding the court's ruling that a person may not simultaneously hold office as head of the local executive and mayor	Yes, the death penalty continues to apply in time of war (for political reasons)
United States	The courts will order the losing party to take the appropriate measures to execute the decision	The federal government may intervene, including by use of force	No	In practice, conduct prescribed in a decision may sometimes not be adopted, in particular because monitoring compliance is difficult.

A	R	S	T	U
State	Execution of decisions			
	Means of ensuring execution (Q II)	Consequences of failure to execute (Q III)	Recent cases of failure to execute (Q IV)	Recent cases of unsatisfactory execution (Q V)
Uruguay	The problem does not really arise because decisions have inter partes effect	See column R	No	Parliament is required to repeal legislation found to be unconstitutional, but where it fails to do so the legislation may be applied nonetheless