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Press Release

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Vice-President Brigitte Bierlein acts as Interim Head of the Constitutional Court

President Gerhart Holzinger left the Constitutional Court on 31 December 2017. Succession is to be decided by the Federal Government.

As of today, 1 January 2018, Vice-President Brigitte Bierlein acts as Interim Head of the Constitutional Court. Following the resignation of President Gerhart Holzinger, the law provides for her to act in this position. Ms. Bierlein has served as Vice-President of the Court since 2003 and, to date, held the function of Permanent Reporter.

Another two positions have become vacant as of the beginning of the year: Like President Holzinger, Eleonore Berchtold-Ostermann, Lawyer, and Rudolf Müller, Senate President, have reached the age limit of 70 years and therefore resigned from their positions as Members of the Constitutional Court.

Thanking the outgoing President and the two Constitutional Court Judges, Ms. Bierlein notes, “Gerhart Holzinger, Eleonore Berchtold-Ostermann and Rudolf Müller served on the Constitutional Court for about 20 years, leaving a decisive imprint in their functions as Permanent Reporters, with Gerhart Holzinger steering the course of the Court as President during the past ten years.”

The new Members to be appointed will be nominated upon proposals by the National Council and/or the Federal Council. The right to propose a candidate for appointment as President of the Court is due to the Federal Government.

However, the proper functioning of the Court and its ability to render decisions is guaranteed. Unless a new President is appointed by the beginning of the next session on 22 February 2018, she will chair the deliberations and proceedings of the Constitutional Court, as she did in the past when representing the President.

If the other members are not nominated, two of its six Substitute Members, appointed to serve – like the Members of the Court – until the age of 70 years, will participate in the Court’s deliberations and proceedings.

Nevertheless, Ms. Bierlein expects the issue of succession to be resolved before long: “I hope that the vacant positions will be filled by the beginning of the next session. Currently, the Constitutional Court is seized with a record number of complaints. This is due, on the one hand, to the cases resulting from the major migration movement in 2015/16 and processed by the competent authorities, and the large number of cases relating to gaming law.”

Ms. Bierlein is confident that – as in the past – optimally qualified jurists will be selected to ensure that the decisions rendered by the Constitutional Court continue to be of the highest possible quality, which is indispensable for the rule of law and, in particular the protection of fundamental rights.