

## Information



**vfgg**

Verfassungsgerichtshof  
Österreich

1010 Wien, Freyung 8  
Österreich

**Mag. Christian Neuwirth**  
**Spokesman**

**Austrian Constitutional Court**

Tel ++43 (1) 531 22-1006

Fax ++43 (1) 531 22-499

[christian.neuwirth@vfgg.gv.at](mailto:christian.neuwirth@vfgg.gv.at)

[www.verfassungsgerichtshof.at](http://www.verfassungsgerichtshof.at)

### **Applications against ESM-Treaty: General Information on the Proceedings at the Austrian Constitutional Court**

The Constitutional Court received an individual application by the leader of the Austrian Freedom Party (FPÖ), Heinz-Christian Strache, and an application by the Government of the Province of Carinthia against the ESM Treaty basically arguing that this is an unlawful state treaty. These applications criticize lacking control rights of Parliament as well as the uneven sharing of burdens (guarantees) within the European Union. These guarantees would burden Austrian taxpayers unjustly.

According to its rules of procedure, the Constitutional Court will first initiate preliminary proceedings. In these preliminary proceedings, the federal government will have an opportunity to comment on the application.

Once the preliminary proceedings have been concluded, the 14 constitutional justices can start deliberating the application.

The Constitutional Court must then determine whether the application is formally admissible. If the application is found to be formally admissible, the Constitutional Court will then decide on its merits.

The Constitutional Court's decision on admissibility is generally not published separately. If an application is found admissible, the procedure before the Constitutional Court ends with a decision on the merits.

A public oral hearing will be scheduled if the 14 constitutional justices believe that such hearing is necessary for conducting the proceedings. If this is the case in these proceedings, a date for such hearing will be also published on the Constitutional Court's website in good time.

The fact that a public oral hearing has been scheduled or not does not affect the "chances of success" of a complaint or application.

For the time being, it is impossible to indicate a date when the Constitutional Court will render its decision on this case. The average length of proceedings at the Constitutional Court is approximately nine months. The Constitutional Court will make every effort to bring these proceedings to an end as expediently as possible.

Further information on this case will be published in this section of the website as soon as available.

In conclusion, please note that:

These applications and the proceedings before the Constitutional Court do not mean that the ESM Treaty will be provisionally suspended or not implemented in Austria. The ESM Treaty is a lawfully concluded state treaty for the duration of the proceedings before the Constitutional Court and therefore remains in force.