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Press Release

Austrian Constitutional Court starts deliberations on ESM Treaty

Public hearing on 6 March, 10:00 a.m

The 14 judges of the Constitutional Court are about to start their deliberations on the ESM Treaty. Heinz-Christian Strache, Federal Party Chairman of the Austrian Freedom Party (FPÖ), and the Government of the Province of Carinthia have both filed applications against the ESM Treaty. Basically, they argue that the Treaty establishing the European Stability Mechanism (euro-zone bailout fund) is “unlawful and/or anti-constitutional”. They hold, for instance, that sovereign rights have been transferred to international bodies (of the ESM) to an unacceptable extent. Moreover, they consider the assumption of guarantees to run counter to the state’s goal of achieving “sustainably balanced budgets”. They also maintain that the scope of the ESM Treaty had been extended retroactively through an interpretative declaration adopted in the absence of a parliamentary decision.

As part of the ESM proceedings, a **public hearing** will be held on **Wednesday, 6 March, 2013, at 10:00 a.m. (Constitutional Court, courtroom, Freyung 8, 1010 Vienna – entrance at the corner of Renngasse)**. The subject matter of the hearing will be the application filed by the Government of the Province of Carinthia. For the time being, no public hearing has been scheduled regarding the application filed by Heinz-Christian Strache.

General information on public hearings at the Constitutional Court:

As a rule, deliberations at the Constitutional Court start with a public hearing on the case in question. During the public hearing, the parties to the proceedings are given the chance to outline their positions once again. Moreover, the judges of the Court will put questions to the parties.

Please note that video and audio recordings are only permitted at the beginning of the hearing (for a few minutes). During the hearing, video and audio recordings are not allowed.

After the public hearing, the judges of the Constitutional Court will start their deliberations behind closed doors. **Therefore, a decision on the ESM case is not expected to be rendered on the day of the public hearing, i.e. on 6 March.**

For the time being, it is impossible to indicate by when a decision is to be expected, as it largely depends on the course of the public hearing and the subsequent deliberations of the Court. Any news on the further progress of the proceedings will be published on the website of the Constitutional Court at www.verfassungsgerichtshof.at.