

INDEX

A

- abolition of nobility. *See* nobility
- absolute protection of constitutional identity, 342
- abstract review, 124, 139, 258
- Accession Treaty, 244, 251, 252, 259
- administrative courts, 46, 47, 64, 149
- Ajos* Judgment, 115, 116, 117, 121, 126, 127, 128, 131, 132
- Article 4(2) TEU, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 41, 43, 46, 49, 50, 51, 54, 56, 57, 58, 70, 72, 106, 107, 114, 115, 117, 119, 121, 126, 128, 131, 132, 135, 216, 222, 223, 224, 226, 227, 229, 237, 239, 240, 241, 254, 259, 267, 268, 269, 280, 281, 283, 298, 314, 326, 328, 330, 345, 347, 348, 350, 351, 353, 354, 359, 360, 361, 362, 363, 367, 368, 369, 370
- Article 79(3) Basic Law (GER), 153, 156, 157, 159, 160, 161, 162, 166, 167, 168, 171, 172, 175, 271
- asylum, 79, 132, 148, 150, 331
- autonomous legal order, 276, 356
- axiological convergence, 255, 259
- axiological identity, 247, 255

B

- balance of powers, 262
- Basic Principles of the Austrian Constitution, 41, 44
- basic rights, 157, 291
- bill of rights, 286, 287, 292, 293
- Brexit, 7, 284, 301, 317

- budgetary stability, 271
- Bundeszwang*, 280

C

- Catalan Regional Parliament, 282
- Catalan Secessionist Movement. *See* secessionism
- Catalonia, 280, 281
- CETA, 59, 145
- Charter of Fundamental Rights of the EU, 70, 237, 239
- checks and balances, 48, 262
- child benefits, 129
- children, 129
- church, 233, 235
- citizens, 14, 18, 20, 36, 37, 45, 54, 55, 59, 74, 75, 77, 79, 81, 89, 102, 112, 116, 123, 126, 129, 130, 152, 163, 165, 176, 179, 229, 231, 234, 236, 244, 270, 309, 352
- citizenship, 117, 118, 128, 132, 163, 352
- civil law, 79
- Cold War, 51, 337
- colonial, 183, 224, 229, 234, 322
- common law, 286, 290, 292, 293, 294, 296, 311
- Common Security and Defence Policy, 51, 117
- confederation, 367
- conservative, 135, 236
- constituent power, 123, 125, 143, 146, 150, 197, 198, 343
- constituted power, 198, 343
- Constitutional Adjudication, 136, 138, 139, 140, 151, 220

- Amendment, 18, 42, 49, 58, 62, 96, 97, 98, 124, 154, 155, 156, 157, 173, 182, 184, 185, 186, 188, 191, 193, 225, 244, 249, 280, 282, 312, 322, 334, 336, 337, 339, 344
- Change, 96, 98, 185, 249
- Complaint, 176, 179, 247, 258, 259
- Conflicts, 27, 136, 298, 305
- Core, 43, 169
- Crisis, 260, 263, 280
- Dialogue, 116, 117, 118, 133
- Pluralism, 12, 265, 356, 357, 358, 359–60
- Principles, 92, 99–100, 156, 158, 173, 174, 187, 193, 294, 327, 340
- Reform, 78, 231, 280, 293
- Review, 62, 63, 64, 66, 137, 138, 140, 173, 257, 258, 260, 261, 262, 263, 264, 315, 316
- Standards, 3, 72, 73, 84, 245, 258
- Statutes, 288, 290, 292, 293, 294, 300, 301, 311, 320
- Supremacy, 259, 276, 316, 317
- Traditions, 152, 202, 215, 216, 217, 218, 219, 220, 224, 240, 256, 275, 308
- Values, 60, 69, 78, 79, 83, 87, 208, 227, 240, 254, 319
- Constitutional Court
- Bundesverfassungsgericht*, 69, 85, 134, 151, 214, 269, 279, 299
- Conseil constitutionnel*, 69, 134, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 150, 151
- Trybunał Konstytucyjny*, 69
- Verfassungsgerichtshof* (AUT), 58
- constitutionalism, 3, 5, 7, 8, 11, 12, 100, 108, 111, 133, 151, 153, 216, 219, 220, 221, 227, 256, 266, 284, 301, 308, 325, 334, 348, 349, 351, 353, 356, 357, 359, 360, 361, 362, 363, 364, 366, 370, 371
- consultation of the people, 45
- contextual analysis, 323
- contextualism, 321
- Council of Europe, 262, 325
- criminal matters, 119, 122
- cultural identity, 223, 246–47
- cultural matters, 129
- currency, 5, 210, 252, 325
- D**
- delegation of competences, 249, 251
- democracy, 44, 45, 75, 78, 80, 84, 89, 91, 102, 103, 104, 108, 125, 126, 127, 156, 160, 161, 163, 164, 165, 166, 172, 174, 175, 194, 196, 199, 200, 203, 207, 226, 254, 255, 256, 260, 262, 263, 295, 299, 312, 324, 325, 331, 335, 346, 352
- democratic
- form of government, 122, 125, 126, 127, 133
- legitimacy, 36, 53, 128, 240, 370
- society, 239
- derogation clause, 32
- devolution, 26, 28, 74, 297, 298, 320
- direct democracy, 45, 196, 199, 335
- diversity, 5, 10, 36, 79, 148, 152, 205, 365
- dynamic interpretation, 120, 131
- E**
- economic and financial downturn, 270
- Economic and Monetary Union, 117
- education, 54, 76, 122, 129, 164
- effectiveness of EU law, 26, 33, 70, 150, 258
- elections, 98, 104, 109, 123, 125, 130, 161, 172, 203, 211, 224, 260, 265, 270
- electors, 116, 123, 124
- elites, 77, 95, 109, 111, 204, 211
- environment, 53, 99, 122, 128, 130, 150, 319, 321, 324, 325, 338, 368
- environmental issues, 122
- equality, 4, 54, 55, 79, 81, 92, 128, 129, 130, 148, 149, 150, 222, 229, 247, 259, 310, 324, 331, 361
- Eternity Clause, 18, 73, 87, 88, 89, 90, 91, 92, 93, 94, 96, 97, 98, 99, 100–1, 103, 105, 106, 107, 108, 110, 112, 124, 156, 162, 163, 308, 309, 310, 324, 327, 333, 336, 339, 342, 343

- EU-friendliness, 283, 361, 362
 EU membership, 266, 274, 281, 283, 286, 287, 312, 320
 European
 Arrest Warrant, 30, 101, 102, 143–44, 166, 174, 238, 244, 276, 338
 Coal and Steel Community, 59, 186
 Community law, 274
 Convention on Human Rights, 110, 215, 217, 239, 268, 296, 300
 Court of Human Rights, 70, 144, 217, 257, 268, 277
 Court of Justice, 10, 22, 23, 24, 25, 29, 30, 32, 33, 34, 35, 36, 41, 46, 54, 55, 58, 59, 61, 62, 63, 65, 67, 70, 71, 108, 111, 115, 116, 117, 121, 131, 133, 153, 154, 166, 169, 171, 173, 180, 181, 202, 213, 214, 215, 216, 217, 218, 219, 220, 221, 243, 245, 251, 258, 259, 267, 268, 272, 275, 276, 277, 279, 283, 299, 314, 316, 324, 328, 338, 339, 340, 341, 343, 354, 355, 361, 363, 368
 Integration, 4, 6, 9, 11, 36, 41, 56, 59, 85, 101, 102, 103, 104, 108, 134, 135, 148, 149, 151, 152, 153, 157, 160, 172, 175, 176, 177, 182, 183, 191, 198, 199, 202, 203, 207, 210, 211, 212, 214, 215, 219, 221, 243, 273, 308, 314, 316, 319, 321, 322, 324, 328, 329, 332, 337, 342, 353, 369
 Legal space, 350, 370
 Stability Mechanism, 138, 165, 192, 193, 252
 Union, 3, 9, 59, 66, 85, 99, 100, 101, 103, 104, 109, 117, 118, 119, 126, 134, 135, 136, 139, 140, 145–46, 151, 161, 162, 170, 175, 177, 201, 228, 240, 242, 243, 247, 248, 253, 254, 255, 256, 259, 265, 267, 289, 305, 313, 314, 331, 333, 348, 368
 Eurosceptic, 59, 212
 Eurozone, 178, 192, 212, 219, 252
 evolutive interpretation, 102, 322
 exclusive competence, 46, 142, 145, 146, 221, 250, 342
- F**
 federation, 46, 47, 48, 52, 73, 74, 86, 211, 156, 352
 financial policy, 132
 Fiscal Stability Treaty, 60, 65, 66, 68, 72, 82, 316
 foreign affairs, 189
 foreign policy, 39, 188, 191, 192, 332
 foreign relations, 190, 192, 195
 free dental care, 129
 free health care, 129
 free movement, 129
 Freedom of
 Assembly, 127
 Association, 127, 164
 Expression, 71, 79, 81, 84, 233
 Religion, 235
 Speech, 127
 the Press, 80, 164
- G**
 globalisation, 103, 129, 300, 352
- H**
 head of state, 45, 201
 heritage, 128, 210, 215, 216, 220, 319
 hierarchy of norms, 268
 home affairs, 51, 118, 119
 home rule, 128
 human rights, 83, 89, 94, 96, 97, 98, 108, 125, 151, 159, 160, 224, 226, 229, 237, 255, 256, 262, 290, 331
- I**
 Identity
 Clause, 9, 10, 11, 13, 14, 15, 16, 17, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 70, 71, 72, 360
 Content, 15, 20, 21, 22, 23, 27, 31, 35, 330, 331, 337
 Lock, 69, 70, 71, 72, 84, 301, 302, 345
 Review, 10, 71, 134, 136, 141, 142, 144, 145, 151, 152, 169, 171, 173, 174, 175, 180, 181, 326, 341, 342, 362, 363, 369

immigrant, 223, 229
 immigration, 79, 109, 132, 139, 223, 228,
 229, 236, 332
 implied repeal, 292, 293, 294, 300, 301,
 311, 316, 320
 inalienable competences, 253, 254, 255
 independence, 31, 53, 76, 77, 109, 183,
 184, 199, 224, 262, 264, 266, 300,
 323, 334
 independent state, 122, 125, 126, 127,
 132, 281, 332
 individual derogations by Member
 States, 32, 34, 363
 intangibility clause, 271, 272, 277, 278,
 281, 283, 310
 internal enlargement theory, 281
 international law, 3, 51, 63, 67, 136, 138,
 139, 163, 237, 240, 241, 253, 271,
 272, 281, 317, 351
 international organisation, 241, 249,
 250, 251, 255, 270, 278, 300, 336,
 351, 352, 353
 international relations, 66, 187, 189,
 190, 194
 interpretation, 7, 8, 10, 11, 15, 20, 21, 30,
 31, 32, 35, 44, 58, 85, 89, 93, 100,
 101, 102, 106, 108, 112, 114, 119, 120,
 127, 128, 132, 153, 154, 158, 159,
 169, 171, 179, 180, 189, 194, 217, 221,
 236, 239, 240, 244, 256, 258, 263,
 264, 272, 276, 280, 282, 283, 298,
 302, 313, 314, 318, 319, 320, 322,
 332, 336, 337, 338, 339, 341
Inzidentkontrolle, 58

J

joint decision-making, 355, 365
 judicial
 activism, 259
 independence, 91, 238, 264
 minimalism, 35, 36
 powers, 115, 121, 125, 153, 154, 189
 reforms, 267
 review, 50, 116, 142, 153, 187, 224, 225,
 296, 316, 317
 self-constraint, 259
 judicialisation of politics, 264

L

labour market, 129, 130
 language, 23, 55, 73, 74, 75, 84, 88, 149,
 164, 204, 205, 214, 215, 219, 220,
 232, 291, 308, 329
 Legal
 Certainty, 47, 115, 117, 125, 126, 127,
 131, 215, 226, 227, 331, 364
 Constitutional Identity, 109
 Method, 120
 legality, 67, 166, 244
 Legislative
 Powers, 26, 45, 48, 115, 121, 125, 127,
 172, 255, 257
 Process, 32, 47, 156, 292, 299, 308,
 355, 369, 370
 legitimacy, 152, 156, 197, 240
 level of protection, 91, 97, 257,
 279, 343
 liberal democracy, 90, 92, 93
 Lisbon Treaty. *See* Treaty of, Lisbon
 lords of the Treaties. *See* masters of the
 Treaties
 loyal cooperation, 171, 180, 245, 257,
 258, 259, 267, 361, 365

M

Maastricht Treaty. *See* Treaty of,
 Maastricht
 margin of appreciation, 31, 178, 239
 masters of the Treaties, 268, 348
 Member State prerogative. *See* prerogative
 of the Member States
 methodology, 148, 314, 321
 migrants. *See* immigrant
 migration. *See* immigration
 minority, 81, 149, 246
 monarchy, 42, 76, 77, 79, 205,
 224, 225
 monetary policy, 128, 139, 332
 multilevel constitutionalism.
 See constitutionalism
 mutual interdependence, 354,
 359, 370
 mutual respect, 33, 152, 232, 241, 359,
 361, 363

N

National

- Democracy. *See* democracy
- Identity, 10, 14, 15, 16, 18, 20, 21, 24, 37, 54, 60, 61, 68, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 84, 106, 107, 114, 117, 119, 120, 128, 130, 135, 161, 203, 204, 205, 214, 222, 223, 224, 227, 229, 234, 238, 247, 254, 259, 267, 272, 273, 280, 314, 316, 328, 329, 330, 345, 367
- Security, 222
- Socialism, 52
- Sovereignty, 80, 112, 138, 139, 182, 183, 184, 187, 193, 195, 198, 199, 246, 248, 253, 266, 326, 332
- neutrality, 50, 51, 53, 79, 337
- Nice Treaty. *See* Treaty of, Nice
- nobility, 46, 54, 55
- noble titles. *See* nobility

O

- Objectives of the State (AUT), 50, 56, 57, 331

P

Parliamentary

- democracy. *See* democracy
- elections. *See* elections
- sovereignty, 263, 288, 289, 291, 311, 316, 323, 334
- partial revision, 43, 45, 336
- political community, 14, 18, 20, 90, 263, 329
- popular constitutional identity, 95, 96, 109, 110, 111
- popular sovereignty, 91, 182, 183, 184, 185, 186, 187, 193, 194, 198, 323, 333, 334. *See also* Parliamentary, Sovereignty
- populism, 221, 223, 229, 230, 232
- postnational democracy. *See* democracy
- preliminary reference, 66, 117, 131, 144, 202, 213, 214, 215, 363, 368

- preliminary ruling, 58, 59, 65, 86, 141, 166, 171, 174, 180, 218, 221, 276, 279, 283, 341, 355, 368
 - prerogative of the Member States, 10–11, 21, 22, 32, 327, 328, 331
 - primacy of EU Law, 4, 5, 6, 10, 34, 35, 56, 57, 61, 84, 88, 101, 107, 108, 134, 135, 142, 154, 169, 223, 227, 238, 239, 242, 244, 254, 258, 272, 273, 275, 282, 283, 319, 325, 326, 343, 344, 353
 - Primary Law (EU), 134, 137, 138, 139, 159, 161, 271
 - Principle of
 - Conferral, 29, 170, 171, 180, 181, 239, 249, 259, 275
 - Generality of Law, 99
 - Legal Certainty. *See* Legal, Certainty
 - Legality, 47, 49, 215, 216–17, 218, 221, 290, 291, 293, 294
 - Proportionality, 27, 28
 - Separation of Powers, 25, 44, 47, 48, 49, 126, 127, 331
 - Subsidiarity, 28, 164, 170, 254, 279, 368
 - the Rule of Law, 44, 47, 48, 49, 115, 121, 256
 - procedural identity, 333
 - public order, 222, 239
- R**
- referendum, 43, 45, 53, 57, 80, 116, 117, 118–19, 123, 131, 152, 182, 184–85, 186, 193, 195, 205, 222, 249, 289, 290, 334, 335–36, 344
 - regional and local self-government, 4, 9, 10, 16, 25, 72, 114, 128, 222, 224, 330
 - relative limitations to EU Integration. *See* European, Integration
 - relative protection of Constitutional Identity, 343, 344–45
 - representative democracy. *See* democracy
 - Republican Principle, 23, 44, 45, 46

- Responsibility for Integration
 (*Integrationsverantwortung*),
 175, 176, 177, 178, 179
- Right to
 a Fair Trial, 245, 256, 257, 258, 259
 Vote, 130, 172, 176, 231
- Rule of Law. *See* Principle of, the Rule
 of Law
- S**
- Sayn-Wittgenstein* Judgment, 4, 22, 25,
 29, 35, 42, 46, 49, 54, 55, 70
- secessionism, 272, 281
- Second World War. *See* World War II
- Secondary Law (EU), 10, 30, 32, 34, 134,
 136, 140, 142, 363, 370
- self-conception, 49, 58, 306, 334, 370
- self-determination, 79, 281, 352
- separation of powers. *See* Principle of,
 Separation of Powers
- shared normativity, 12, 13, 359
- social policy, 122, 129, 164
- social rights, 236, 255
- Solange* clause, 107–8, 158, 159, 160, 161,
 169, 170, 279
- solidarity, 232, 234, 236, 237, 266, 361,
 363, 365, 366, 367, 368
- sovereign powers, 7, 61–62, 123, 126,
 128, 157, 158, 160, 161, 164, 167, 168,
 170, 175, 198, 353
- sovereignty, 15, 24, 67, 89, 90, 91, 95, 100,
 102, 103, 108, 112, 115, 116, 118, 121,
 123, 131, 166, 175, 182, 183, 184, 188,
 189, 190, 192, 193, 194, 195, 196, 197,
 198, 199, 210, 212–13, 244, 248, 250,
 254, 255, 263, 268, 273, 279, 282,
 286, 287, 292, 293, 323, 326, 332,
 334, 341, 346, 351, 352, 353, 356
- Staatenverbund*, 273, 348, 349, 350,
 352, 353
- Subsidiarity. *See* Principle of,
 Subsidiarity
- Subsidiarity Principle. *See* Principle of,
 Subsidiarity
- substantive core, 91, 92, 93, 94, 95, 100,
 106, 112, 193
- Supplementary EU Law, 57
- supranational structure, 3, 62, 157, 158,
 161, 168, 191, 194, 201, 213, 241,
 244, 268, 348, 353
- supremacy of democracy.
See democracy
- supremacy of EU Law, 62, 63, 64, 68,
 72, 99, 213, 214, 215, 284, 285, 286,
 287, 289, 297
- supremacy of national constitutions,
 254, 314
- T**
- territorial integrity, 78, 222, 281, 283
- textual analysis, 87, 321, 322
- total revision, 43, 44, 45, 46, 48, 57,
 335–36, 344
- Treaty of
 Lisbon, 64, 85, 93, 102–3, 106, 161,
 177, 222, 223, 239, 240, 243, 251,
 253, 254, 255–56, 266, 268, 298,
 308, 314, 332–33
 Maastricht, 117, 124, 127, 157, 160, 173,
 174, 240, 270, 274, 275, 278
 Nice, 138
- U**
- ultra vires* review, 151, 245, 326
- unitary state, 89, 90, 225
- V**
- Verbundnorm*, 10, 12, 22, 24, 25, 29, 37,
 351, 360, 362
- Verfassungsidentität*, 28, 56, 161, 164,
 307
- Verfassungsverbund*, 24, 153, 349, 351,
 353, 354, 356, 357
- W**
- welfare system, 128, 129
- World War II, 78, 80, 93, 107, 205
- X**
- xenophobia, 266