The Constitutional Boundaries of European Fiscal Federalism

This book bridges the study of European constitutionalism with the study of ‘fiscal federalism’ — the subfield of public economics concerned with structuring public finances between different levels of government in federal states. On one axis, this book delves into European Union and Member State constitutional law from all twenty-eight current and former EU Member States in order to investigate and identify the existence of permanent constitutional boundaries that will impinge upon the selection of proposed models for EU fiscal federalism. On the second axis, it engages the study of fiscal federalism in order to determine which institutional configurations known to that field remain legally and economically implementable within those boundaries. It provides a far-reaching investigation of which models of fiscal federalism are compatible with the constitutional boundaries of the European legal order.

Brady Gordon is an Adjunct Professor at the University of British Columbia, and a barrister and solicitor at Blake, Cassels & Graydon LLP in Canada. He obtained his PhD from Trinity College, the University of Dublin, where he was an Irish Research Council postdoctoral scholar at the School of Law.
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*Artegodan GmbH v. Commission and Germany* Case C-221/10 P EU: C:2012:216

*Artegodan GmbH v. Commission and Germany* Case C-221/10 P EU: C:2011:744 (Opinion of AG Bot)

*Associação Sindical dos Juízes Portugueses v. Tribunal de Contas* Case C-64/16 [2016] OJ C 156/32

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*Associação Sindical dos Juízes Portugueses v. Tribunal de Contas* Case C-64/16 EU:C:2018:117

*Athinaiki Techniki v. Commission* Case C-521/06 P [2008] ECR I-5829; EU: C:2008:422


*Belgium v. Commission (Gaming Recommendation)* Case C-16/16 P EU: C:2017:959 (Opinion of AG Bobek)

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United Video Properties Case C-57/15 EU:C:2016:611
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Viking Line ABP C-438/05 [2007] ECR I-10779; EU:C:2007:772
Von Storch and Others v. ECB Case C-64/14 P EU:C:2016:846
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Lisbon I (Austria), Case SV 2/08 (30 September 2008); ECLI:AT:VFGH:2008:SV2.2008 Verfassungsgerichtshof (Constitutional Court)
Lisbon III (Austria), Case SV 1/10–09) (12 June 2010); ECLI:AT:VFGH:2010:SV1.2020 Verfassungsgerichtshof (Constitutional Court)
Natural Mineral Water (Austria), Case QZ V 136/94 (12 December 1995) Verfassungsgerichtshof (Constitutional Court) in Oppenheimer, The Cases (Vol I) 133
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  Verfassungsgerichtshof (Constitutional Court) in Oppenheimer, The Cases (Vol I) 135

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Blaise et al. (Belgium) [1988] I Pas269 Cour de Cassation (Court of Cassation)
Bressol (Belgium) Case 89/2011 (31 May 2011) Cour constitutionnelle
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Cie. Osram v. Procurator-General of the Brussels Court of Appeal et al. [1926] ILR 339 Cour de Cassation (Court of Cassation)
Diaz Trujillo v. ONPTS [1984] I Pas953 Cour de Cassation (Court of Cassation)
European School v. Hermans-Jacobs and Heuvelmans-van Iersel, Case 12/94
  (3 February 1994) Cour d’arbitrage (Court of Arbitration) translated in Oppenheimer, The Cases (Vol II) 155
Minister for Economic Affairs v. SA Fromagerie Fanco-Suisse (Le Ski) (Belgium),
Money Laundering (Belgium) Case 10/2008 (23 January 2008) Cour constitutionnelle (Constitutional Court)
Orfinger v. Belgium (Minister for Civil Service) (Belgium), Case 62/922; [1997] Journal des Tribunaux 254 Conseil d’Etat (Council of State) translated in:
  Oppenheimer, The Cases (Vol II) 162
Rottiers [1988] I Pas 269 Cour de Cassation (Court of Cassation)
Treaty on Stability, Coordination and Governance (Belgium) Case 62/2016
  (28 April 2016) Cour constitutionnelle (Constitutional Court)
Treaty of Maastricht (Belgium), Case 76/94 (18 October 1994) available at:
  www.const-court.be accessed 15 July 2014 Cour d’arbitrage (Court of Arbitration)
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Decision 3/2003 Form of State Structure and Government (Bulgaria) of 10 April 2003, SG No 36 of 18 April 2013, Конституционен съд (Constitutional Court)
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Decision 7/2018 on Mixed EU Treaties (Bulgaria) of 17 April 2018, SG No 36 of 27 April 2018, Конституционен съд (Constitutional Court)

Canada

Hodge v. The Queen (1883), 9 App Cas 117; [1883] UKPC 59; (Privy Council)
Multiple Access v. McCutcheon [1982] 2 SCR 161; 138 DLR (3d) 1 (Supreme Court of Canada)
Smith v. The Queen, [1960] SCR 776, 25 DLR (2d) 225 (Supreme Court of Canada)

Croatia

Referendum on Definition of Marriage (Croatia) SUS – 1/2013
(14 November 2013) Ustavni sud (Constitutional Court)
Referendum on Amendment to the Roads Act (Croatia) U-VIIR-1158/2015
(21 April 2015) Ustavni sud (Constitutional Court) English summary accessible at: www.usud.hr accessed 15 June 2020

**Cyprus**


**Czech Republic**

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Bankruptcy Trustee (Czech Republic), Pl ÚS 36/01 (25 June 2002) Ústavní Soud (Constitutional Court) English version available at: www.usoud.cz accessed 12 July 2019

Competition Law Fines (Czech Republic), Pl ÚS III 31/97 (29 May 1997) Ústavní Soud (Constitutional Court) available at: www.usoud.cz accessed 12 July 2019


European Arrest Warrant (Czech Republic), Pl ÚS 66/04 (2 May 2006); [2007] 3 CMLR 24 Ústavní Soud (Constitutional Court)

Melčák (Czech Republic) Pl ÚS 27/09 (10 September 2009) Constitutional Court of the Czech Republic (Ústavní Soud)


Sugar Quotas III (Czech Republic), Pl ÚS 50/04 (8 March 2006) [2006] 3 CMLR 15 Ústavní Soud (Constitutional Court)


Denmark

Aggergren v. The Queen and the Prime Minister (Denmark), [1973] CMLR 5 Østre Landsret (Eastern Court of Appeal)

Carlsen v. Rasmussen (Denmark) (Case I 361/1997); [1999] 3 CMLR 854 Højesteret (Supreme Court)

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Tegen v. The Prime Minister (Denmark) [1973] CMLR 1 Østre Landsret (Eastern Court of Appeal)
Estonia

Constitutionality of the Local Government Council Election Act and the Political Parties Act (Estonia), Case 3–4–1–1–05 (19 April 2005) Riigikohus põhiseaduslikkuse järelevalve kolleegium (Supreme Court Constitutional Review Chamber) available in English at www.riigikohus.ee/en/constitutional-judgment-3-4-1-1-05 accessed 1 December 2020

ESM (Estonia), Case 3–4–1–6–12 (12 July 2012) Riigikohus Üldkogu (Supreme Court en banc) available in English at www.riigikohus.ee/en/constitutional-judgment-3-4-1-6-12 accessed 1 December 2020

Hadleri Toidulisandite AS (Estonia), Case 3–3–1–33–06 (5 October 2006) Riigikohus Halduskeleegium (Supreme Court Administrative Chamber) available in English at www.riigikohus.ee/en/constitutional-judgment-3-3-1-33-06 accessed 1 December 2020

Interpretation of the Constitution (Estonia), Case 3–4–1–3–06 (11 May 2006) Riigikohus põhiseaduslikkuse järelevalve kolleegium (Supreme Court Constitutional Review Chamber) available in English at www.riigikohus.ee/en/constitutional-judgment-3-4-1-3-06 accessed 1 December 2020


Outdoor Political Advertising (Estonia), Case 3–4–1–33–09 (1 July 2020) Riigikohus Üldkogu (Supreme Court en banc) available in English at www.riigikohus.ee/en/constitutional-judgment-3-4-1-33-09 accessed 1 December 2020

Finland

Opinion on the Constitutional Treaty (Finland), PeVL 36/2006 vp, Perustuslakivaliokunnan (Constitution Committee)

Opinion on the ERM (Finland), PeVL 3/1996 vp, Perustuslakivaliokunnan (Constitution Committee)

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United Distillers France v. Agent Judiciaire du Trésor Public (France) [1990] IV Bull Civ 50, Cour de Cassation (Court of Cassation) translated in Oppenheimer, The Cases (Vol 2) 195

Germany

Aid Measures for Greece and the Euro Rescue Package (Germany) (Cases 2 BvR 987/10, 1485/10 & 1099/10): BVerfGE 129,124 Bundesverfassungsgericht (Constitutional Court), available in English at: www.bundesverfassungsgericht.de accessed 23 July 2020

Anti-terror Database (Germany) (Case 1 BvR 1215/07): BVerfGE 1, 1 Bundesverfassungsgericht (Constitutional Court), available in English at www.bundesverfassungsgericht.de accessed 18 June 2014

Banana Market (Germany) (Case 2 BvL 1/97): BVerfGE 102, 147 Bundesverfassungsgericht (Constitutional Court), available in English at www.bundesverfassungsgericht.de accessed 18 June 2014

Brunner v. EU Treaty (Germany) (Cases 2 BvR 2134/92 & 2159/92): BVerfGE 89, 155; [1994] 1 CMLR 57 Bundesverfassungsgericht (Constitutional Court)
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**Bundesverfassungsgericht** (Constitutional Court), available in English at: [www.bundesverfassungsgericht.de](http://www.bundesverfassungsgericht.de) accessed 22 May 2016

ESM Treaty and Fiscal Compact I (Germany) (Case 2 BvR 1390/12); [2013] 2 CMLR 3 **Bundesverfassungsgericht** (Constitutional Court)

ESM Treaty and Fiscal Compact II (Germany) (Case 2 BvR 1390/12); [2014] 2 CMLR 42 **Bundesverfassungsgericht** (Constitutional Court)

European Arrest Warrant (2 BvR 2236/04) (Germany) (Case 2 BvR 2236/04)

**Bundesverfassungsgericht** (Constitutional Court) available in English at: [www.bundesverfassungsgericht.de](http://www.bundesverfassungsgericht.de) accessed 24 May 2015

Finanzausgleich II (Germany) (Cases 2 BvF 1/88, 2/88, 1/89, 1/90) BVerfGE 86, 148 **Bundesverfassungsgericht**

Gauweiler Order for Reference (Germany) Order of 14 January 2015 (Case 2 BvR 2728/13); ECLI:DE:BVerfG:2014:rs20140114.2bvr272813

**Bundesverfassungsgericht** (Constitutional Court) available in English at: [www.bundesverfassungsgericht.de](http://www.bundesverfassungsgericht.de) accessed 23 July 2020

Gauweiler et al. v. Bundestag (Germany) (Cases 2 BvR 2728/13, 2 BvE 13/13, 2 BvR 2731/13, 2 BvR 2730/13, 2 BvR 2729/13); ECLI:DE:BVerfG:2016:rs20160621.2b-vr272813 **Bundesverfassungsgericht** (Constitutional Court) available in English at: [www.bundesverfassungsgericht.de](http://www.bundesverfassungsgericht.de) accessed 23 July 2020

Honeywell (Germany) (Case 2 BvR 2551/06): BVerfGE 126, 286; [2011] 1 CMLR 33 **Bundesverfassungsgericht** (Constitutional Court)

Internationale Handelsgesellschaft MbH (Solange I) (Germany) (Case 2 BvL 52/71): BVerfGE 37, 272; [1974] 2 CMLR 540 **Bundesverfassungsgericht** (Constitutional Court)

Parliamentary Rights to Information (ESM and Euro Plus Pact) (Germany) (Case 2 BvE 4/11): BVerfGE 131, 151 **Bundesverfassungsgericht** (Constitutional Court) available in English at: [www.bundesverfassungsgericht.de](http://www.bundesverfassungsgericht.de) accessed 24 May 2020

R v. Oberlandesgericht (Germany) (Case 2 BvR 2735/14) ECLI:DE: BVerfG:2015:rs20151215.2bwr273514; [2017] 2 CMLR 2, **Bundesverfassungsgericht** (Constitutional Court)


Treaty of Lisbon (Case 2 BvE 2/08): BVerfGE 123, 267; [2010] 3 CMLR 13 **Bundesverfassungsgericht** (Constitutional Court)

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rs202005052bvr085915, Bundesverfassungsgericht (Constitutional Court), available in English at: www.bundesverfassungsgericht.de accessed 22 July 2020


Greece

Athens Paper SA (Greece), Decision 161/2010, ECLI:EL:
COS:2010:0115A16101E3166, Συμβούλιο της Επικρατείας (Council of State)


Banana Market (Greece), Case 815/1984 in Oppenheimer, The Cases (Vol I) 576, Συμβούλιο της Επικρατείας (Council of State)

Jus Soli (Greece), Decision 260/2013; ECLI:EL:
COS:2013:0204A46010E6342, Συμβούλιο της Επικρατείας (Council of State)

Karella v. Minister of Industry (Greece), Case 3312/1989 in Oppenheimer, The Cases (Vol I) 584, Συμβούλιο της Επικρατείας (Council of State)

Katsarou v. DI.KATSIA (Greece), Case 3458/1998 in Oppenheimer, The Cases (Vol II) 300, Συμβούλιο της Επικρατείας (Council of State)

Michaniki (Greece), Decision 3470/2011; ECLI:EL:
COS:2011:1104A347002E7710, Συμβούλιο της Επικρατείας (Council of State)

Mineral Rights Discrimination (Greece), Case 2152/1986 in Oppenheimer, The Cases (Vol I) 581, Συμβούλιο της Επικρατείας (Council of State)

Real Property Acquisition (Greece), Case 43/1990 in Oppenheimer, The Cases (Vol I) 589, Συμβούλιο της Επικρατείας (Council of State)

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Article E(2) of the Fundamental Law (Hungary), Re, Decision 22/2016 (XII 5) AB
Magyarország Alkotmánybírósága (Constitutional Court) English version available at: www.mkab.hu accessed 3 June 2020

Constitutionality of the Fourth Amendment (Hungary) Decision 12/2013 (V 24)
Magyarország Alkotmánybírósága (Constitutional Court)

Europe Agreement, Decision 30/1998 (VI25) Magyarország
Alkotmánybírósága (Constitutional Court) English version available at: www.mkab.hu accessed 3 June 2015

Fourth Amendment, Constitutionality of (Hungary), Decision 12/2013 (V. 24)
Magyarország Alkotmánybírósága (Constitutional Court)

Lisbon (Hungary), Decision 143/2010 (VII14) Magyarország
Alkotmánybírósága (Constitutional Court) English version available at: www.mkab.hu accessed 3 June 2015

On Call Duty (Hungary), Decision 72/2006 (XII.15) Magyarország
Alkotmánybírósága (Constitutional Court) English version available at: www.mkab.hu accessed 3 June 2015


India
Kesavananda Bharati v. Kerala (India), AIR 1973 SC 1461 (Supreme Court of India)

Ireland
Abortion Information (Ireland) [1995] IESC 9; [1995] 1 IR 1 (Supreme Court)
Attorney General v. X (Ireland) [1992] IESC 1; [1992] 1 IR 1; [1992] 2 CMLR 277 (Supreme Court)
Byrne v. Ireland (Ireland) [1972] IR 241 (Supreme Court)
Collins v. Minister for Finance [2013] IEHC 530; [2013] 11 JIC 2601 (High Court)
Crotty v. An Taoiseach (Ireland) [1987] IESC 4; [1987] IR 713 (Supreme Court)
Dowling v. Minister of Finance [2013] IESC 27
Greene v. Minister for Agriculture [1990] 2 IR 17; [1990] ILRM 364 (High Court)
Lawlor v. Minister for Agriculture [1987] IEHC 4; [1990] 1 IR 356 (High Court)
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**Italy**

*Corte costituzionale* (Constitutional Court) in Oppenheimer, *The Cases* (Vol 1) 643.
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(23 November 2016) *Corte costituzionale* (Constitutional Court)  
**MAS and MB (Taricco II Judgment) (Italy)**, Judgment 115/2018 (31 May 2018)  
*Corte costituzionale* (Constitutional Court)  
**President of Council of Ministers v. Umbrian Region (Italy)** Case 384/94  
(10 November 1995) *Corte costituzionale* (Constitutional Court) in *Oppenheimer, The Cases* (Vol II) 366  
**President of Council of Ministers v. Sardianan Region (Sardinian Taxes)**  
**Sardinian Taxes Reference (Italy)** Order 103/2008 (13 February 2008)  
available at: www.cortecostituzionale.it accessed 18 May 2016 *Corte costituzionale* (Constitutional Court)  
**Talamucci v. Minister of Health (Italy)** Case 1512/98 (13 February 1998) *Corte di Cassazione* (Court of Cassation) in *Oppenheimer, The Cases* (Vol II) 388  
**UN Convention (Italy)**, Judgment 238/2014 (22 October 2014) available at: www.cortecostituzionale.it accessed 22 June 2016 *Corte costituzionale* (Constitutional Court)  
**Urgent Measures for the Recovery of Public Finances (Italy)**, Judgment 348/2007  
available at: www.cortecostituzionale.it accessed 18 May 2016 *Corte costituzionale* (Constitutional Court)  

**Latvia**  
**2011 State Budget Subprogram 23.00.00 (Latvia)**, Case 2011–11–01  
**Convention on International Marine Traffic (Latvia)**, Case 2004–01–06  
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Lithuania

On applying to the Court of Justice of the European Communities (Lithuania) Case No 47/04 (8 May 2007) English version available at: www.lrkt.lt/en accessed 3 July 2016 (Konstitucinis Teismas)


### Luxembourg

Bellion et al. v. Minister for the Civil Service (Luxembourg) [1983] Pas Lux 175
Conseil d’État Comité du Contentieux (Council of State Litigation Committee) in Oppenheimer, The Cases (Vol 1) 668
Chambres des Métiers v. Pagani (Luxembourg) [1954] Pas Lux 150 Cour de Cassation (Court of Cassation) in Oppenheimer, The Cases (Vol 1) 671
Soares Teixeira v. Le Foyer SA (Luxembourg) [1988] Pas Lux, 458 Cour d’Appel (Court of Appeal) in Oppenheimer, The Cases (Vol II) 395

### Malta

Bugeja v. Attorney General (Malta) (9 December 2009) Qorti Kostituzzjonali (Constitutional Court)
Mintoff v. Olivier (Malta) (5 November 1970) Qorti Kostituzzjonali (Constitutional Court)
Mintoff in the name of Alternattiva Demokratika v. Broadcasting Authority (Malta) (31 July 1996) Qorti Kostituzzjonali (Constitutional Court)
Untours Insurance Agency Limited v. Victor Micallef (Malta) 25 January 2013 Qorti Kostituzzjonali (Constitutional Court)
Vasallo v. Prime Minister (Malta) (27 February 1978) Qorti Kostituzzjonali (Constitutional Court)
Vssallo and Sons Ltd. v. Attorney General (Malta) (11 September 2011) Qorti Kostituzzjonali (Constitutional Court)
Netherlands

Bosch GmbH and Another v. De Geus en Uitdenbogerd (Netherlands), Case 13/61 [1965] NILR 318 Hoge Raad (Supreme Court) in Oppenheimer, The Cases (Vol I) 672

Metten v. Minister van Financiën (Netherlands) [1995] NJB-katern 545 (7 July 1996) Afdeling Gschillen van Bestuur Raad van State (Administrative Disputes Division, Council of State) in Oppenheimer, The Cases (Vol 2) 401

Poland

Brussels Regulation (Poland), SK 45/09 (6 November 2011) in Biblioteka Trybunału Konstytucyjnego, Selected Rulings (Vol LI) 247 Trybunał Konstytucyjny (Constitutional Tribunal)

Constitutional Tribunal Act (Poland), K 39/16 (11 August 2016) Trybunał Konstytucyjny (Constitutional Tribunal)

Constitutionality of the Accession Treaty (Poland), K 18/04 (11 May 2005) in Biblioteka Trybunału Konstytucyjnego, Selected Rulings (Vol LI) Trybunał Konstytucyjny (Constitutional Tribunal)

European Arrest Warrant (Poland), P 1/05 (27 April 2005) in Biblioteka Trybunału Konstytucyjnego, Selected Rulings (Vol LI) 41 Trybunał Konstytucyjny (Constitutional Tribunal)

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Lisbon Treaty (Poland), K 32/09 (24 November 2010) in Biblioteka Trybunału Konstytucyjnego, Selected Rulings (Vol LI) 80 Trybunał Konstytucyjny (Constitutional Tribunal)

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40 Hour Work Week (Portugal), Cases 935/12 and 962/13 (Judgment 794/2013) Tribunal Constitucional (Constitutional Court)
Cadima (Portugal), Case 12 381–36 053 (30 July 1986) Tribunal de Relação de Coimbra (Court of Appeal of Coimbra) in Oppenheimer, The Cases (Vol 1), 675

Dismissal of public employees (Portugal), Case 625/2014 (Judgment 602/2014) Tribunal Constitucional (Constitutional Court)

European Regional Development Fund (ERDF) (Portugal), Case 184/89 (Judgment 184/89) Tribunal Constitucional (Constitutional Court) in Oppenheimer, The Cases (Vol 1) 407

Labour Code (Portugal), Case 531/12 (Judgment 602/2013) Tribunal Constitucional (Constitutional Court)

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Personal Income Surtax 2010 (Portugal), Case 523–524/10 (Judgment 399/2010) Tribunal Constitucional (Constitutional Court)

Public Workers Requalification (Portugal), Case 754/13 (Judgment 474/2013) Tribunal Constitucional (Constitutional Court)

RSI Residency Requirement (Portugal), Case 136/2014 (Judgment 141/2015) Tribunal Constitucional (Constitutional Court)

Solidarity Contribution 2014 (Portugal), Cases 386/2014 and 389/2014 (Judgment 572/2014) Tribunal Constitucional (Constitutional Court)

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State Budget 2011 (Portugal), Case 72/11 (Judgment 396/2011) Tribunal Constitucional (Constitutional Court)

State Budget 2012 (Portugal), Case 40/12 (Judgment 353/2012) Tribunal Constitucional (Constitutional Court)


State Budget 2014 (Portugal), Case 14/2014 (Judgment 413/2014) Tribunal Constitucional (Constitutional Court)
Romania

Decision 148/2003 On the legislative proposal to amend the Constitution (Romania), Monitorul Oficial al României (Official Gazette) No 317 of 16 April 2003 Curtea Constituțională (Constitutional Court)


Decision 137/2010 (Romania) Monitorul Oficial al României (Official Gazette) No 182 of 22 March 2010, Curtea Constituțională (Constitutional Court)

Decision 871/2010 (Romania) Monitorul Oficial al României (Official Gazette) No 871 of 25 June 2010, Curtea Constituțională (Constitutional Court)

Decision 1249/2010 (Romania) Monitorul Oficial al României (Official Gazette) No 764 of 16 November 2010, Curtea Constituțională (Constitutional Court)

Decision 668/2011 (Romania) Monitorul Oficial al României (Official Gazette) No 487 of 8 July 2011, Curtea Constituțională (Constitutional Court)

Decision 1039/2012 (Romania) Monitorul Oficial al României (Official Gazette) No 161 of 20 January 2012, Curtea Constituțională (Constitutional Court)


Decision 440/2014 Data Retention II (Romania) Monitorul Oficial al României (Official Gazette) No 653 of 4 September 2014, Curtea Constituțională (Constitutional Court)

Slovak Republic

Constitutional Treaty (Slovakia) II ÚS 171/05 (27 February 2008) Ústavný Súd (Constitutional Court)

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## Spain

- **Belmonte v. Fels Werker SA (Spain)** DTC 41/2001 (25 February 2002); ECLI:EC:TC:2002:41 Tribunal Constitucional (Constitutional Court)
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SO Buss i Sollentuna AB (Sweden), Case 2195/95 (23 December 1997); RA 1997 ref 82 Regeringsrätten (Supreme Administrative Court) available at: https://lagennu/dom/ra/1997:82 accessed 4 July 2016

VAT Issue (Sweden), Cases 8788–8790, 8793, 10339, 10731/2015 (1 July 2016) Förvaltningsrätten (Administrative Court)

VK (Church Tax) (Sweden), Case 2471/94 (3 January 1997); RA 1997 ref 56 Regeringsrätten (Supreme Administrative Court) available at: https://lagennu/dom/ra/1997:6 accessed 4 July 2016

Switzerland


United Kingdom


G1 v. Secretary of State for the Home Department (UK), [2013] QB 1008; [2012] EWCA Civ 867; [2012] 3 CMLR 36 (Court of Appeal)

HS2 Action Alliance Ltd. v. Secretary of State for Transpork (UK) [2014] UKSC 3; [2014] 1 WLR 324; [2014] 2 All ER 109 (Supreme Court)

Macarthys Ltd v. Smith (UK), [1980] EWCA Civ 7; [1981] QB 180; [1979] 3 All ER 325 (Court of Appeal)

Pham v. Secretary of State for the Home Department (UK), [2015] UKSC 19; [2015] 2 CMLR 1414 (Supreme Court)

R (EM (Eritrea) v. Secretary of State for the Home Department (UK), [2014] UKSC 12; [2014] 2 WLR 409 (Supreme Court)

R (Miller) v. Secretary of State for Exiting the European Union (UK), [2017] UKSC 5; [2018] AC 61 (Supreme Court)

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Thoburn v. Sunderland City Council (UK), [2002] EWHC 195 (Admin); [2003] QB 151; [2002] 3 WLR 247 (Queen’s Bench)

United States
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United States v. Butler, 297 US 1 (1936) (US Supreme Court)
United States v. Darby, 312 US 100 (1941) (US Supreme Court)
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**Intergovernmental Treaties, Agreements, Conventions, Charters and Protocols**

Agreement of 9 February 1970 Setting up a System of Short-term Monetary Support Among the Central Banks of the Member States of the EEC, in *Compendium of Community Monetary Texts* (Monetary Committee, 1986) 55

Agreement of 10 April 1972 between the Central Banks of the Member States of the EEC on the narrowing of the margins of fluctuation between Community currencies (Basel Accord), in *Compendium of Community Monetary Texts* (Monetary Committee, 1974) [1974] EC Bulletin Supplement

Agreement of 13 March 1979 between the central banks of the Member States of the EEC laying down the operating procedures for the European Monetary System, in *Compendium of Community Monetary Texts* (Monetary Committee of the EC, 1986) 47


EFSF, ‘Amendment Agreement Relating to the Loan Facility Agreement’ (EFSF, 26 June 2013)

European Stability Mechanism 'Issue of EURO 12,000,000,000 Floating Rate Notes due December 2015 under the Debt Issuance Programme' (ESM, Final Terms dated 7 December 2012) available at: www.esm.europa.eu/assistance/spain/index.htm accessed 5 November 2015

Loan Facility Agreement between the Member States whose Currency is the Euro and KfW acting with the benefit of the guarantee of the Federal Republic of Germany (as Lenders) and The Hellenic Republic (as Borrower) (8 May 2010)


The Intercreditor Agreement between Belgium, Germany, Ireland, Spain, France, Italy, Cyprus, Luxembourg, Malta, the Netherlands, Austria, Portugal, Slovenia, the Slovak Republic and Finland (8 May 2010)


Treaty Establishing the European Stability Mechanism DRAFT revised text as agreed by the Eurogroup on 14 July 2019

Treaty Instituting the European Coal and Steel Community, Paris, 18 April 1951, 261 UNTS 140

Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG) Brussels, 2 March 2012, ITS (2013) 13

**Primary EU Law**

Declaration (No 6) on Article 100 of the TEC [2001] OJ C 80/78

Protocol (No 4) on the Statute of the ESCB and of the ECB [2012] OJ C 326/320


Single European Act [1987] OJ L 169/1

The Consolidated Version of the Treaty on European Union (TEU) [2016] OJ C 202/1


Treaty Establishing the European Economic Community (Treaty of Rome), 25 March 1957, 298 UNTS 250
## EU Secondary Legislation

### Council Directives


### Council Regulations

- Council Regulation (EC) No 1467/97 of 7 July 1997 on the speeding up and clarifying the implementation of the excessive deficit procedure [1997] OJ L 209/6
- Council Regulation (EC) No 1056/05 on speeding up and clarifying the implementation of the excessive deficit procedure [2005] OJ L 174/5
positions and the surveillance and co-ordination of economic policies [2011] OJ L 306/12

Council Decisions
Council Decision 2010/320/EU of 10 May 2010 addressed to Greece with a view to reinforcing and deepening fiscal surveillance and giving notice to Greece to take measures for the deficit reduction judged necessary to remedy the situation of excessive deficit [2010] OJ L 145/6
Council Decision 2011/199/EU of 25 March 2011 amending Article 136 of the TFEU with regard to a stability mechanism for Member States whose currency is the euro [2011] OJ L 91/1

**Council Implementing Decisions**

Council Implementing Decision 2011/77/EU of 7 December 2010 on granting Union financial assistance to Ireland [2011] OJ L 30/34
Council Implementing Decision 2013/313/EU of 21 June 2013 amending
Council Implementing Decision 2011/77/EU on granting financial
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Council Implementing Decision 2013/323/EU of 21 June 2013 amending
Council Implementing Decision 2011/344/EU on granting Union
financial assistance to Portugal [2013] OJ L 175/47
Council Implementing Decision 2013/463/EU of 13 September 2013 on
approving the macroeconomic adjustment programme for Cyprus
Council Implementing Decision of 17 July 2015 on granting short-term
Union financial assistance to Greece (NLE) 2015/0157

Council Recommendations

Council Recommendation (EC) No 95/326/EC of 10 July 1995 on the
broad guidelines of the economic policies of the Member States and of
the Community [1995] OJ L 191/24
Council Recommendation of 10 July 2012 on the National Reform
Programme 2012 of Italy and delivering a Council opinion on the
Council Recommendation of 9 July 2013 on the National Reform
Programme 2013 of Italy and delivering a Council opinion on the
Council recommendation of 8 July 2014 on the National Reform
Programme 2014 of Ireland and delivering a Council opinion on the
Council Recommendation of 8 July 2014 on the National Reform
Programme of 2014 of Italy and delivering a Council opinion on the
Council Recommendation of 14 July 2015 on the 2015 National Reform
Programme of Ireland and delivering a Council opinion on the 2015
Stability Programme of Ireland [2015] OJ C 272/12
Council Recommendation of 14 July 2015 on the 2015 National Reform
Programme of Italy and delivering a Council opinion on the 2015
Stability Programme of Italy [2015] OJ C 272/16
Council Recommendation of 14 July 2015 on the 2015 National Reform
Programme of the United Kingdom and delivering a Council opinion
on the 2015 Stability Programme of the United Kingdom [2015] OJ
C 272/06
Council of the EU Conclusions

Council of the EU, ECOFIN Council Conclusions of 25 November 2003
14492/1/03 REV 1 (en) (Presse 320) 15–19

European Council Conclusions, Resolutions and Opinions

European Council, Conclusions of 12 February (2002) EUCO 6108/02
European Council, Conclusions of 16–17 December 2010 (2010) EUCO 30/1/10
European Council, Conclusions of 25–26 March (2010) EUCO 7/10
European Council, European Council Conclusions of 28–29 October 2010 (Brussels, 20 November 2010) EUCO 25/1/10 Rev 1
European Council, Conclusions of 13–14 December (2012) EUCO 205/12
European Council, Conclusions of 18–19 February (2016) EUCO 1/16

European Central Bank Decisions and Opinions

ECB, Opinion of the European Central Bank of 17 March 2011 on a draft European Council Decision amending Art. 136 of the Treaty on the Functioning of the European Union with regard to a stability mechanism for Member States whose currency is the euro (CON/2011/24)

**European Parliament Resolutions**

European Parliament resolution of 23 March 2011 on the draft European Council decision amending Art. 136 of the Treaty on the Functioning of the European Union with regard to a stability mechanism for Member States whose currency is the euro (C7-0014/2011 – 2010/0821 (NLE))
European Parliament Resolution of 15 December 2011 on the Scoreboard for the surveillance of macroeconomic imbalances: envisaged initial design’ P7_TA(2011)0424

**Commission Communications**

Commission of the EC, ‘Completing the Internal Market’ (White Paper) COM(85) 310 final
Commission of the EC, ‘Resuming progress towards convergence of economic policies and performances in the Community’ (Communication) SEC(91) 1291 final
Commission of the EEC, ‘Memorandum and proposals to the Council on the establishment by stages of economic and monetary union’ (Memorandum) (Barre Report III) COM(70) 1250
Commission of the EEC, Memorandum on the action programme of the Community for the second stage (Memorandum) COM(62) 300
Commission of the EEC, ‘Memorandum to the Council on the Coordination of Economic Policies and Monetary Cooperation Within the Community’ (Memorandum) (Barre Report I) COM(69) 150 [1969] EC Bulletin Supplement No 3
Commission of the EEC, ‘Memorandum to the Council on the preparation of a plan for the phased establishment of an economic and monetary union’ (Memorandum) (Barre Report II) COM(70) 300
Commission of the EEC, ‘Economic and Monetary Union’ (Communication) SEC (90) 1659 (21 August 1990)
Commission of the EC, ‘Proposal for a Council Regulation (EC) on the strengthening of the surveillance and coordination of budgetary positions’ (Proposal) COM(96) 496 final
European Commission, ‘Strengthening economic governance and clarifying the implementation of the Stability and Growth Pact’ (Communication) COM(2004) 581 final
European Commission, ‘Reinforcing economic policy coordination’ (Communication) COM(2010) 250 final
European Commission, ‘Opinion on the draft European Council Decision Amending Article 136 of the Treaty on the Functioning of the European Union with regard to a stability mechanism for Member States whose currency is the euro’ (Communication) COM(2011) 70 final
European Commission, ‘Common principles on national fiscal correction mechanisms’ (Communication) COM(2012) 342 final
European Commission, ‘A blueprint for a deep and genuine economic and monetary union’ (Communication) COM(2012) 777 final
European Commission, ‘Strengthening the Social Dimension of the Economic and Monetary Union’ COM(2013) 690 final
European Commission, Reflection paper on the Deepening of the Economic and Monetary Union COM(2017) 291 final
European Commission, ‘New Budgetary instruments for a Stable Euro Area’ COM(2017) 822 final

Commission Recommendations and Decisions
### Commission Recommendation for a Council Decision giving notice to France
Commission Recommendation for a Council Decision giving notice to France, in accordance with Art. 104(9) of the EC Treaty, to take measures for the deficit reduction judged necessary in order to remedy the situation of excessive deficit (Recommendation) SEC (2003) 1121 final

### Commission Recommendation for a Council Decision giving notice to Germany
Commission Recommendation for a Council Decision giving notice to Germany, in accordance with Art. 104(9) of the EC Treaty, to take measures for the deficit reduction judged necessary in order to remedy the situation of excessive deficit (Recommendation) SEC (2003) 1317 final

### Commission Recommendation for a Council Recommendation on the 2014 National Reform Programme of Ireland and delivering a Council opinion on the 2015 Stability Programme of Ireland

### National Legislation

#### Austria
Federal Constitutional Law on the Accession of Austria (Federal Law Gazette 1994/744)
Austrian Federal Constitutional Law (version dated 1 January 2010)
   - English version available at: [www.ris.bka.gv.at](http://www.ris.bka.gv.at) accessed 6 June 2019

#### Belgium

#### Bulgaria
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## Canada

- Constitution Act, 1982, being Schedule B to the Canada Act 1982 (UK), 1982 c. 11 (UK)
- Balanced Budget Act, C.Q.L.R. 2001 c. E-12.00001 (Quebec)
- Balanced Budget and Ministerial Accountability Act, S.B.C. 2001, c. 28 (British Columbia)
- British North America Act 1867 (UK) 30 & 31 Vict, c. 3 [1985] RSC App II, No 5 (UK)
- Budget Transparency and Accountability Act, S.B.C. 2000, c. 23 (British Columbia)
- Federal-Provincial Fiscal Arrangements Act, R.S.C. 1985 c. F-8 (Canada)
- Finance Act, S.N.S. 2010, c. 2 (Nova Scotia)
- Fiscal Planning and Transparency Act, S.A. 2015, c. F-14.7 (Alberta)
- The Fiscal Responsibility and Taxpayer Protection Act, C.C.S.M. 2018 c. F84 (Manitoba)
- Fiscal Sustainability, Transparency and Accountability Act, S.O. 2019, c. 7 (Ontario)
- Fiscal Transparency and Accountability Act, S.N.B. 2014, c. 63 9 (New Brunswick)

## Croatia


## Cyprus

The Fifth Amendment of the Constitution, Law 127(I) of 2006 (English Translation, Office of the Law Commissioner) ΓΕΝ (Α) - Λ.94

Constitution of the Republic of Cyprus (Πρόεδρος της Κυπριακής Δημοκρατίας, President of the Republic of Cyprus, 2019)

## Czech Republic

Denmark

Estonia
The Constitution of the Republic of Estonia Amendment Act RT I 2003, 64, 429

Finland
Act 1540/94 of the Statutes of Finland (Act of Accession of Finland to the EU)

France
Declaration of the Rights of Man and the Citizen of 26 August 1789 (France), English translation available at: www.refworld.org/docid/3ae6b52410.html accessed 21 July 2020

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Portugal
Constitution of the Portuguese Republic (7th Revision, Tribunal Constitucional, 2005) available in English at: www.tribunalconstitucional.pt accessed 6 June 2018

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<td>Constitution of Slovenia (Official Gazette of the Republic of Slovenia Nos. 33/91-I, 42/97, 66/2000, 24/03, 69/04, 68/06, and 47/13) available in English at: <a href="http://www.us-rs.si">www.us-rs.si</a> accessed 10 July 2019</td>
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<td>Switzerland</td>
<td>Federal Constitution of the Swiss Confederation of 18 April 1999 (Status as of 1 January 2020), English translation available at: <a href="http://www.admin.ch">www.admin.ch</a> accessed 2 January 2020</td>
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United States

American Recovery and Reinvestment Act of 2009 (ARRA), Pub L 111–5; 122 Stat 115


Federal Reserve Act of 1913, ch 6, 38 Stat. 251, codified at 12 USC. ch. 3
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<th>AAA</th>
<th>Act on the Accession of Austria to the European Union</th>
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<td>ACIR</td>
<td>Advisory Commission on Inter-governmental Relations</td>
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<td>AG</td>
<td>Advocate General</td>
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<tr>
<td>AGS</td>
<td>Annual Growth Survey</td>
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<td>AMR</td>
<td>Alert Mechanism Report</td>
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<td>APP</td>
<td>Asset Purchase Programme</td>
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<td>ARRA</td>
<td>American Recovery and Reinvestment Act</td>
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<td>AT</td>
<td>Austria</td>
</tr>
<tr>
<td>BBR</td>
<td>balanced-budget rule</td>
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<td>BE</td>
<td>Belgium</td>
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<tr>
<td>BEPS</td>
<td>broad economic policy guidelines</td>
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<td>BG</td>
<td>Bulgaria</td>
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<tr>
<td>BGLF</td>
<td>Bilateral Greek Loan Facility</td>
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<tr>
<td>BIS</td>
<td>Bank for International Settlements</td>
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<tr>
<td>BL</td>
<td>(German) Basic Law</td>
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<tr>
<td>BNA Act</td>
<td>British North America Act</td>
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<tr>
<td>BoG</td>
<td>(ESM) Board of Governors</td>
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<td>BoP</td>
<td>balance of payments</td>
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<tr>
<td>bps</td>
<td>basis points</td>
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<tr>
<td>BVerfG</td>
<td>Bundesverfassungsgericht (German Federal Constitutional Court)</td>
</tr>
<tr>
<td>CAC</td>
<td>Collective Action Clause</td>
</tr>
<tr>
<td>CAP</td>
<td>Corrective Action Plan</td>
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<tr>
<td>CAR</td>
<td>Capital Adequacy Ratio</td>
</tr>
<tr>
<td>CEAA</td>
<td>Constitution of the Republic of Estonia Amendment Act</td>
</tr>
<tr>
<td>CEPS</td>
<td>Centre for European Policy Studies</td>
</tr>
<tr>
<td>CHT</td>
<td>Canada Health Transfer</td>
</tr>
<tr>
<td>CJEU</td>
<td>Court of Justice of the European Union</td>
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<th>Abbreviation</th>
<th>Full Form</th>
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<td>CRD</td>
<td>Capital Adequacy Directive</td>
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<td>CST</td>
<td>Canada Social Transfer</td>
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<tr>
<td>CY</td>
<td>Cyprus</td>
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<tr>
<td>CZ</td>
<td>Czechia/Czech Republic</td>
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<tr>
<td>DG</td>
<td>Directorate-General (of the EU Commission)</td>
</tr>
<tr>
<td>DK</td>
<td>Denmark</td>
</tr>
<tr>
<td>ECCL</td>
<td>Enhanced conditions credit line</td>
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<tr>
<td>ECFIN</td>
<td>Directorate-General for Economic and Financial Affairs</td>
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<tr>
<td>ECJ</td>
<td>European Court of Justice</td>
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<tr>
<td>ECOFIN</td>
<td>Economic and Financial Affairs Council</td>
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<tr>
<td>ECSC</td>
<td>European Coal and Steel Community</td>
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<td>ECU</td>
<td>European Currency Unit</td>
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<td>EDP</td>
<td>Excessive Deficit Procedure</td>
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<tr>
<td>EE</td>
<td>Estonia</td>
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<td>EESC</td>
<td>European Economic and Social Committee</td>
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<tr>
<td>EFB</td>
<td>European Fiscal Board</td>
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<tr>
<td>ESRI</td>
<td>Economic and Social Research Institute</td>
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<tr>
<td>EFSF</td>
<td>European Financial Stability Facility</td>
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<td>EFSM</td>
<td>European Financial Stabilisation Mechanism</td>
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<td>EIB</td>
<td>European Investment Bank</td>
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<td>EIP</td>
<td>Excessive Imbalance Procedure</td>
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<tr>
<td>EL</td>
<td>Greece</td>
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<td>EMCF</td>
<td>European Monetary Cooperation Fund</td>
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<td>EMS</td>
<td>European Monetary System</td>
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<td>EMU</td>
<td>(European) Economic and Monetary Union</td>
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<td>EPP</td>
<td>Economic Partnership Programme</td>
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<td>EPU</td>
<td>European Payments Union</td>
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<td>ERM</td>
<td>Exchange Rate Mechanism</td>
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<tr>
<td>ES</td>
<td>Spain</td>
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<tr>
<td>ESA</td>
<td>European System of Accounts</td>
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<td>ESDRF</td>
<td>European Sovereign Debt Restructuring Framework</td>
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<td>ESM</td>
<td>European Stability Mechanism</td>
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<td>ESRB</td>
<td>European Systemic Risk Board</td>
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<tr>
<td>EURIBOR</td>
<td>Euro InterBank Offered Rate</td>
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<tr>
<td>FGFF</td>
<td>First Generation Fiscal Federalism</td>
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<td>FI</td>
<td>Finland</td>
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<td>FPT</td>
<td>Federal-Provincial Territorial Collaboration</td>
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<td>FR</td>
<td>France</td>
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<tr>
<td>FRSI</td>
<td>Fiscal Rule Strength Index</td>
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<td>FSP</td>
<td>Fiscal Stabilization Program</td>
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<th>Abbreviation</th>
<th>Description</th>
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<td>GDP</td>
<td>Gross Domestic Product</td>
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<tr>
<td>HR</td>
<td>Croatia</td>
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<td>HTS</td>
<td>Harmonized Technical Standard</td>
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<td>HU</td>
<td>Hungary</td>
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<td>IADB</td>
<td>Inter-American Development Bank</td>
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<tr>
<td>IDR</td>
<td>In-depth Review</td>
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<tr>
<td>IGC</td>
<td>(Maastricht) Inter-governmental Conference</td>
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<td>IE</td>
<td>Ireland</td>
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<td>IEO</td>
<td>(IMF) Independent Evaluation Office</td>
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<td>IFI</td>
<td>Independent fiscal institution</td>
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<td>IMF</td>
<td>International Monetary Fund</td>
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<td>ISB</td>
<td>Independent Standards Body</td>
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<td>Italy</td>
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<td>LiA</td>
<td>Lending into Arrears</td>
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<td>Lithuania</td>
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<td>Luxembourg</td>
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<td>Latvia</td>
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<td>MIP</td>
<td>Macroeconomics Imbalance Procedure</td>
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<td>MLSA</td>
<td>Minimum linear structural adjustment</td>
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<td>MoU</td>
<td>Memorandum of Understanding</td>
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<td>MSP</td>
<td>Multilateral Surveillance Procedure</td>
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<td>MT</td>
<td>Malta</td>
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<td>MTO</td>
<td>Medium-Term Objective</td>
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<td>NASBO</td>
<td>National Association of State Budget Officers</td>
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<tr>
<td>NBER</td>
<td>National Bureau of Economic Research</td>
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<tr>
<td>NEER</td>
<td>Nominal Effective Exchange Rate</td>
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<td>NL</td>
<td>Netherlands</td>
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<td>NRP</td>
<td>National Reform Programme</td>
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<td>NSI</td>
<td>National Statistical Institute</td>
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<tr>
<td>OCA</td>
<td>Optimum Currency Area (theory)</td>
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<tr>
<td>OECD</td>
<td>Organisation for Economic Co-operation and Development</td>
</tr>
<tr>
<td>OJ</td>
<td>Official Journal (of the European Union)</td>
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<tr>
<td>OMC</td>
<td>Open Method of Coordination</td>
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<td>OMT</td>
<td>Outright Monetary Transactions</td>
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<tr>
<td>PCCL</td>
<td>Precautionary credit line</td>
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<td>PIIGS</td>
<td>Portugal, Ireland, Italy, Greece, Spain</td>
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<td>PL</td>
<td>Poland</td>
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<td>PPP</td>
<td>Public-private partnership</td>
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<td>pps</td>
<td>Percentage points</td>
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PSPP  Public Sector Purchase Programme
PT   Portugal
QMV  Qualified Majority Vote
REER Real Effective Exchange Rate
RO   Romania
RWA  Risk-Weighted Assets
S&P  Standard & Poor’s
SCPs Stability and Convergence Programmes
SE   Sweden
SGFF Second Generation Fiscal Federalism
SGP  Stability and Growth Pact
SI   Slovenia
SK   Slovakia
SMP  Securities Markets Programmes
SPV  Special-purpose vehicle
SSHD Secretary of State for the Home Department
SST  Secretary of State for Transport
TEU  Treaty on European Union
TFP  Total Factor Productivity
TFEU Treaty on the Functioning of the European Union
TSCG Treaty on Stability, Coordination and Governance
UK   United Kingdom
US   United States
VfGH Verfassungsgerichtshof (Austrian Constitutional Court)