

## Working Group II

### **12 September 2003 – Informal Meeting**

The mandate is presented. The Working Group decides to talk about the incorporation of constitutional laws and constitutional provisions in the new Federal Constitution – charter of the constitution – in the first stage. As preparation, Univ.-Prof. Dr. Ewald Wiederin and Univ.-Prof. Dr. Theo Öhlinger will work out material concerning the mandate until the end of the year which will serve the Working Group as the basis for discussions in January. Mag. Andrea Martin is requested as expert to compile the bulk of constitutional provisions in ordinary laws in an IT-readable format. The results of this will serve the Working Group as basis for their work as of January.

### **22 November 2003 – Inaugural Meeting**

The Working Group is inaugurated and unanimously elects Univ.-Prof. Dr. Ewald Wiederin as vice-chairman. They welcome Dr. Elfriede Mayrhofer as new member. The Working Group unanimously decides to consult Mag. Andrea Martin as permanent expert. Based on a speech of Univ.-Prof. Dr. Ewald Wiederin about the “internal legal structure of the new constitution” the Working Group discusses questions resulting thereof.

### **20 January 2004 – 2<sup>nd</sup> Meeting**

The Working Group continues to discuss the structure of the future constitution and the constitutional provisions. Afterwards they start to work through the existing formal (adjective) constitutional law based on the work of Mag. Andrea Martin.

### **11 February 2004 – 3<sup>rd</sup> Meeting**

The Working Group continues its discussion on the constitutional provisions outside the Austrian Constitution and finishes the analysis of about 84 of these provision. Afterwards they start to debate ordinary laws with constitutional parts.

### **6 March 2004 – 4<sup>th</sup> Meeting**

The Working Group finishes a text proposal for "Austria within the EU". Afterwards they formulate a paper on the norms regarding the national borders and the federal provinces. Finally the Working Group continues its debate on ordinary laws with constitutional parts.

**15 March and 18 March 2004 – 5<sup>th</sup> and 6<sup>th</sup> Meeting**

The Working Group discusses the content of a constitution based on a paper of Univ.-Prof. Dr. Theo Öhlinger. Afterwards they continue the debate on ordinary laws with constitutional parts as it is not always clear why these laws have constitutional status.

**26 March 2004 – 7<sup>th</sup> Meeting**

The Working Group starts to analyse the third part of the expert paper presented by Mag. Andrea Martin regarding state treaties having constitutional status and constitutional provisions in state treaties.

**30 March 2004 – 8<sup>th</sup> Meeting**

The Working Group finishes the analysis of the third part of the expert paper. Afterwards the members discuss content and structure of a constitution based on a paper of Univ.-Prof. Dr. Theo Öhlinger and a consecutive paper of Univ.-Ass. Dr. Klaus Poier. The aim is to present a working paper to the Praesidium. Then the Working Group starts to debate the borders of the national state and the provinces based on presented papers. Finally the chairman presents a draft of the partial report.

**22 and 26 April 2004 – 9<sup>th</sup> and 10<sup>th</sup> Meeting**

The Working Group discusses content and structure of a constitution based on a paper of Dr. Ewald Wiederin. Afterwards the members hear Dr. Harald Dossi as expert on the connection between state treaties and constitutional law. Then they continue the debate on the borders of the national state and the provinces based on a paper of Prof. Theo Öhlinger and discuss again the historical constitutional laws which will be placed outside the constitution. Finally the Working Group debates the partial report presented by the chairman.

**10 May 2004 – 11<sup>th</sup> Meeting**

The Working Group discusses the question concerning the borders of the national state and the provinces and debates the partial report presented by the chairman. Afterwards the members speak about provisions to keep the Constitution clearly structured. Then they debate state symbols and a uniform monetary, economic and customs area.

#### **24 May 2004 – 12<sup>th</sup> Meeting**

Based on an expert paper of Mag. Andrea Martin, the Working Group debates separate rules. Afterwards they continue the discussion on the borders of the national state and the provinces and on the partial report. Then the members speak about provisions to keep the Constitution clearly structured. Finally they debate state symbols and a uniform monetary, economic and customs area.

#### **1 July 2004 – 13<sup>th</sup> Meeting**

The Working Group continues the discussion on the borders of the national state and the provinces. Afterwards they discuss some chapters of the vice-chairman's partial report regarding state treaties in constitutional law and constitutional provisions in state treaties. Finally the chairman explains the second addition to the mandate of which individual items are discussed.

#### **6 July 2004 – 14<sup>th</sup> Meeting**

The Working Group debates the legal fate of individual constitutional provisions in agreements pursuant to Clause 15a. Afterwards they discuss whether it shall be possible in future to raise Clause 15a provisions to constitutional status. Then the members lead a final discussion on the draft of the report based on three text modules.

### **Additional Mandate**

#### **20 September 2004 – 15<sup>th</sup> Meeting**

The Working Group discusses the additional mandate.

**12 October 2004 – 16<sup>th</sup> Meeting**

The Working Group discusses constitutional provisions in university law based on an expert paper of Univ.-Prof. Dr. Gabriele Kucsko-Stadlmayer and the implementing statute regarding income limits based on a paper of Dr. Clemens Mayr.

**5 November 2004 – 17<sup>th</sup> Meeting**

The Working Group continues the discussion of the expert paper on constitutional regulations regarding safeguarding of property. Afterwards they discuss constitutional provisions in university law. Then they continue the debate on an implementing statute regarding income limits and on implementing Austria's UN membership in the constitution. Then, the members discuss whether a referendum is necessary in case of a complete reorganisation of the Constitution and how the law on the abolition of the nobility, the law regarding the House of Hapsburg-Lorraine and the prohibition of national socialist activity should be attached to the Constitution. In the end, they discuss the participation of the National Council and the participation of the provinces based on a paper of Dr. Matthias Germann.

**12 and 13 November 2004 – 18<sup>th</sup> Meeting**

The Working Group discusses the answers of the other Working Groups regarding the assignments of constitutional provisions. Then, they debate again individual provisions outside the Constitution (such as the Convention on the Prevention and Punishment of the Crime of Genocide). Finally they speak about problems regarding the approval of state treaties.

**26 November 2004 – 19<sup>th</sup> Meeting**

The Working Group discusses further text proposals on safeguarding of property in the electricity supply industry, on the obligation to incorporate constitutional laws in the Constitution and on restrictions for the collective ratification of laws. The members agree to include the results of this meeting in the draft report on the additional mandate and to send this draft to the members of the Working Group.