

Press release

Europolis: ESM now before the European Court of Justice

New Constitutional Complaint by Europolis hints at the pending preliminary ruling requested by the Irish Supreme Court and its consequences for the Karlsruhe procedure

Berlin, 13 August 2012

In the proceedings concerning the temporary injunction against the European Stability Mechanism (ESM) and Fiscal Compact, the German Federal Constitutional Court has given itself until September 12th to decide on the complaints which have been so far submitted.

After an in-depth examination of the arguments presented until now, and in the light of the preliminary ruling on ESM addressed to the European Court of Justice by the Irish Supreme Court, the Complainants of *Europolis* Group have decided to file a constitutional independent request comprising an injunction, which will be submitted as of today and cover the following aspects:

-since the Fiscal Compact and ESM infringe the European Treaties, the Court of Karlsruhe is requested to refer the matter to the European Union Court of Justice. As long as the ECJ will not have ruled on the inconsistencies between the TFUE and the provisions, neither the Constitutional Court nor the German President should allow the act of ratification to become law. In the light of the preliminary judgement of the ECJ in the case *Pringle and the Government of Ireland*, the German Constitutional Court has no choice but to refer to the ECJ.

-ESM additionally to other rescue measures involves high financial risks both irreversible and unsustainable for Germany. Its public debt could indeed increase of up to 3.7 Trillion Euros and put the country in a state of budgetary strangulation.

EuropolIS

-EU Regulation 1176/2011 on "prevention of macroeconomic and competitiveness imbalances" is based on no legal basis. It penalizes the success of German exports and should attract the full attention of the Court.

According to attorney Prof. Markus C. Kerber, "this complaint does not only decide on the currency. It also concerns the right to fiscal self-determination of the German people and the perpetuity of German democracy".

Pressekontakt

Solène Droy
Hackescher Markt 4
10178 Berlin
Tel.: 030 – 48 31 41 36
Fax: 030 – 48 31 41 37
E-Mail: sek@officemck.de
Web: www.europolis-online.org