

# **Federal Constitution of the Transylvanian Confederation**

*(based on the Federal Constitution of the Swiss Confederation)*

## **Preamble**

In the name of Almighty God!

*The Transylvanian People and the Regions,*

- mindful of their responsibility towards creation,
  - resolved to renew their alliance so as to strengthen liberty, democracy, independence and peace in a spirit of solidarity and openness towards the world,
  - determined to live together with mutual consideration and respect for their diversity,
  - conscious of their common achievements and their responsibility towards future generations,
  - and in the knowledge that only those who use their freedom remain free, and that the strength of a people is measured by the well-being of its weakest members;
- adopt the following Constitution:*

## **Title One: General Provisions**

### **Art. 1 The Transylvanian Confederation**

The People and the Regions of [...] form the Transylvanian Confederation.

### **Art. 2 Aims**

- 1 The Transylvanian Confederation shall protect the liberty and rights of the people and safeguard the independence and security of the country.
- 2 It shall promote the common welfare, sustainable development, internal cohesion and cultural diversity of the country.
- 3 It shall ensure the greatest possible equality of opportunity among its citizens.
- 4 It shall be committed to the long term preservation of natural resources and to a just and peaceful international order.

### **Art. 3 Regions**

The Regions are autonomous except to the extent that their autonomy is limited by the Federal Constitution. They shall exercise all rights that are not vested in the Confederation.

### **Art. 4 National languages**

The National Languages are Romanian Hungarian, German, Romanes, [*English*]

### **Art. 5 Rule of law**

- 1 All activities of the state shall be based on and limited by law.
- 2 State activities must be conducted in the public interest and be proportionate to the ends sought.
- 3 State institutions and private persons shall act in good faith.
- 4 The Confederation and the Regions shall respect international law.

### **Art. 5a Subsidiarity**

The principle of subsidiarity must be observed in the allocation and performance of state tasks.

### **Art. 6 Individual and collective responsibility**

All individuals shall take responsibility for themselves and shall, according to their abilities, contribute

to achieving the tasks of the state and society.

## **Title Two: Fundamental Rights, Citizenship and Social Goals**

### **Chapter One: Fundamental Rights**

#### **Art. 7 Human dignity**

Human dignity must be respected and protected.

[...]

#### **Art. 36 Restrictions on fundamental rights**

1 Restrictions on fundamental rights must have a legal basis. Significant restrictions must have their basis in a federal act. The foregoing does not apply in cases of serious and immediate danger where no other course of action is possible.

2 Restrictions on fundamental rights must be justified in the public interest or for the protection of the fundamental rights of others.

3 Any restrictions on fundamental rights must be proportionate.

4 The essence of fundamental rights is sacrosanct.

[...]

## **3rd Title: Confederation, Regions and Communes**

### **Chapter 1: Relations between the Confederation and the Regions**

#### **Section 1: Duties of the Confederation and the Regions**

##### **Art. 42 Duties of the Confederation**

1 The Confederation shall fulfil the duties that are assigned to it by Federal Constitution.

##### **Art. 43 Duties of the Regions**

The Regions shall decide on the duties that they must fulfil within the scope of their powers.

##### **Art. 43a Principles for the allocation and fulfilment of state tasks**

1 The Confederation shall only undertake tasks that the Regions are unable to perform or which require uniform regulation by the Confederation.

2 The collective body that benefits from a public service shall bear the costs thereof.

3 The collective body that bears the costs of a public service may decide on the nature of that service.

4 Universally provided services must be made available to everyone in a comparable manner.

5 State tasks must be fulfilled economically and in accordance with demand.

#### **Section 2: Cooperation between the Confederation and the Regions**

##### **Art. 44 Principles**

1 The Confederation and the Regions shall support each other in the fulfilment of their duties and shall generally cooperate with each other.

2 They owe each other a duty of consideration and support. They shall provide each other with administrative assistance and mutual judicial assistance.

3 Disputes between Regions or between Regions and the Confederation shall wherever possible be resolved by negotiation or mediation.

##### **Art. 45 Participation in federal decision-making**

1 In the cases specified by the Federal Constitution, the Regions shall participate in the federal decision making process, and in particular in the legislative process.

2 The Confederation shall inform the Regions of its intentions fully and in good time. It shall consult the Regions where their interests are affected.

#### **Art. 46 Implementation of federal law**

1 The Regions shall implement federal law in accordance with the Federal Constitution and federal legislation.

2 The Confederation and the Regions may together agree that the Regions should achieve specific goals in the implementation of federal law and may to this end conduct programmes that receive financial support from the Confederation.

3 The Confederation shall allow the Regions all possible discretion to organise their own affairs and shall take account of regional particularities.

#### **Art. 47 Autonomy of the Regions**

1 The Confederation shall respect the autonomy of the Regions.

2 It shall leave the Regions sufficient tasks of their own and respect their organisational autonomy. It shall leave the Regions with sufficient sources of finance and contribute towards ensuring that they have the financial resources required to fulfil their tasks.

#### **Art. 48 Interregional agreements**

1 The Regions may enter into agreements with each other and establish common organisations and institutions. In particular, they may jointly undertake tasks of regional importance together.

2 The Confederation may participate in such organisations or institutions within the scope of its powers.

3 Agreements between Regions must not be contrary to the law, to the interests of the Confederation or to the rights of other Regions. The Confederation must be notified of such agreements.

4 The Regions may by interregional agreement authorise interregional bodies to issue legislative provisions that implement an interregional agreement, provided the agreement:

- a. has been approved under the same procedure that applies to other legislation;
- b. determines the basic content of the provisions.

5 The Regions shall comply with interregional law.

#### **Art. 48a Declaration of general application and requirement of participation**

1 At the request of interested Regions, the Confederation may declare interregional agreements to be generally binding or require Regions to participate in interregional agreements in the following fields:

- a. the execution of criminal penalties and measures;
- b. school education in the matters specified in Article 62 paragraph 4;
- c. regional institutions of higher education;
- d. cultural institutions of supra-regional importance;
- e. waste management;
- f. waste water treatment;
- g. urban transport;
- h. advanced medical science and specialist clinics;
- i. institutions for the rehabilitation and care of invalids.

2 A declaration of general application shall be made in the form of a federal decree.

3 The law shall specify the requirements for a declaration of general application and for a participation requirement and regulate the procedure.

#### **Art. 49 Precedence of and compliance with federal law**

- 1 Federal law shall take precedence over any conflicting provision of regional law.
- 2 The Confederation shall ensure that the Regions comply with federal law.

### **Section 3: Communes**

#### **Art. 50**

- 1 The autonomy of the communes shall be guaranteed in accordance with regional law.
- 2 The Confederation shall take account in its activities of the possible consequences for the communes.
- 3 In doing so, it shall take account of the special position of the cities and urban areas as well as the mountain regions.

### **Section 4: Federal Guarantees**

#### **Art. 51 Regional constitutions**

- 1 Each Region shall adopt a democratic constitution. This requires the approval of the People and must be capable of being revised if the majority of those eligible to vote so request.
- 2 Each regional constitution shall require the guarantee of the Confederation. The Confederation shall guarantee a constitution provided it is not contrary to federal law.

#### **Art. 52 Constitutional order**

- 1 The Confederation shall protect the constitutional order of the Regions.
- 2 It shall intervene when public order in a Region is disrupted or under threat and the Canton in question is not able to maintain order alone or with the aid of other Regions.

#### **Art. 53 Number and territory of the Regions**

- 1 The Confederation shall protect the existence and territory of the Regions.
- 2 Any change in the number of Regions requires the consent of the citizens and the Regions concerned together with the consent of the People and the Regions.
- 3 Any change in territory between Regions the consent both of the Regions concerned and of their citizens as well as the approval of the Federal Assembly in the form of a Federal Decree.
- 4 Inter-regional boundary adjustments may be made by agreement between the Regions concerned.

[...]

### **Section 3: Education, Research and Culture**

#### **Art. 61a Transylvanian Education Area**

- 1 The Confederation and the Regions shall, within the scope of their powers, jointly ensure the high quality and accessibility of the Transylvanian Education Area.
- 2 They shall coordinate their efforts and ensure their cooperation through joint administrative bodies and other measures.
- 3 They shall ensure in the fulfilment of their duties that general and vocational courses of study achieve equal recognition in society.

#### **Art. 62 School education**

- 1 The Regions shall be responsible for the system of school education.
- 2 They shall ensure the provision of an adequate primary school education that is available to all children. Primary school education shall be mandatory and be managed or supervised by the state. At state schools it shall be free of charge.
- 3 The Regions shall ensure that adequate special needs education is provided to all children and young people with disabilities up to the age of 20.
- 4 Where harmonisation of school education is not achieved by means of coordination in the areas of

school entry age and compulsory school attendance, the duration and objectives of levels of education, and the transition for one level to another, as well as the recognition of qualifications, the Confederation shall issue regulations to achieve such harmonisation.

5 The Confederation shall regulate the start of the school year.

6 The Regions shall participate in the drafting of federal legislation on school education that affects regional responsibilities, and special account shall be taken of their opinions.

[...]

#### **Art. 64 Research**

1 The Confederation shall promote scientific research and innovation.

2 It may make its support conditional in particular on quality assurance and coordination being guaranteed.

3 It may establish, take over or run research institutes.

#### **Art. 64a Continuing education and training**

1 The Confederation shall specify principles governing continuing education and training.

2 It may promote continuing education and training.

3 The law shall specify the fields of and the criteria for such promotion.

#### **Art. 65 Statistics**

1 The Confederation shall compile the necessary statistical data on the status and trends in the population, the economy, society, education, research, the land and the environment in Switzerland.

2 It may issue regulations on the harmonisation and maintenance of official registers in order to reduce the cost of compiling data.

[...]

#### **Art. 69 Culture**

1 Cultural matters shall be a regional responsibility.

2 The Confederation may support cultural activities of national interest as well as art and music, in particular in the field of education.

3 In the fulfilment of its duties, it shall take account of the cultural and linguistic diversity of the country.

#### **Art. 70 Languages**

1 The official languages of the Confederation shall be Romanian, Hungarian, German, Romanes, [*English*].

2 The Regions shall decide on their official languages. In order to preserve harmony between linguistic communities, the Regions shall respect the traditional territorial distribution of languages and take account of indigenous linguistic minorities.

3 The Confederation and the Regions shall encourage understanding and exchange between the linguistic communities.

4 The Confederation shall support the plurilingual Regions in the fulfilment of their special duties.

5 The Confederation shall support measures by the Regions to preserve and promote minority languages.

#### **Art. 71 Cinema**

- 1 The Confederation may encourage Transylvanian film production and film culture.
- 2 It may issue regulations to promote the diversity and the quality of the cinematographic works that are offered.

#### **Art. 72 Church and state**

- 1 The regulation of the relationship between the church and the state shall be the responsibility of the Regions.
- 2 The Confederation and the Regions may within the scope of their powers take measures to preserve public peace between the members of different religious communities.

### **Section 4: Environment and Spatial Planning**

#### **Art. 73 Sustainable development**

The Confederation and the Regions shall endeavour to achieve a balanced and sustainable relationship between nature and its capacity to renew itself and the demands placed on it by the population.

#### **Art. 74 Protection of the environment**

- 1 The Confederation shall legislate on the protection of the population and its natural environment against damage or nuisance.
- 2 It shall ensure that such damage or nuisance is avoided. The costs of avoiding or eliminating such damage or nuisance shall be borne by those responsible for causing it.
- 3 The Regions shall be responsible for the implementation of the relevant federal regulations, except where the law reserves this duty for the Confederation.

#### **Art. 75 Spatial planning**

- 1 The Confederation shall lay down principles on spatial planning. These principles shall be binding on the Regions and serve to ensure the appropriate and economic use of the land and its properly ordered settlement.
  - 2 The Confederation shall encourage and coordinate the efforts of the Regions and shall cooperate with them.
  - 3 Confederation and Regions shall in the fulfilment of their duties take account of the requirements of spatial planning.
- [...]

#### **Art. 76 Water**

- 1 The Confederation shall within the scope of its powers ensure the economic use and the protection of water resources and provide protection against the harmful effects of water.
- 2 It shall lay down principles on the conservation and exploitation of water resources, the use of water for the production of energy and for cooling purposes, as well as on other measures affecting the water-cycle.
- 3 It shall legislate on water protection, on ensuring appropriate residual flow, on hydraulic engineering and the safety of dams, and on measures that influence precipitation.
- 4 The Regions shall manage their water resources. They may levy charges for the use of water, subject to the limits imposed by federal legislation. The Confederation has the right to use water for its transport operations subject to payment of a charge and compensation.
- 5 The Confederation, in consultation with the Regions concerned, shall decide on rights to international water resources and the charges for them. If Regions are unable to agree on rights to interregional water resources, the Confederation shall decide.
- 6 The Confederation shall in the fulfilment of its duties take account of the concerns of the Regions where the water originates.

**Art. 77 Forests**

- 1 The Confederation shall ensure that the forests are able to fulfil their protective, commercial and public amenity functions.
- 2 It shall lay down principles on the protection of the forests.
- 3 It shall encourage measures for the conservation of the forests.

**Art. 78 Protection of natural and cultural heritage**

- 1 The protection of natural and cultural heritage shall be the responsibility of the Regions.
- 2 In the fulfilment of its duties, the Confederation shall take account of concerns for the protection of natural and cultural heritage. It shall protect the countryside and places of architectural, historical, natural or cultural interest; it shall preserve such places intact if required to do so in the public interest.
- 3 It may support efforts made for the protection of natural and cultural heritage and acquire or preserve properties of national importance by contract or through compulsory purchase.
- 4 It shall legislate on the protection of animal and plant life and on the preservation of their natural habitats and their diversity. It shall protect endangered species from extinction.
- 5 Moors and wetlands of special beauty and national importance shall be preserved. No buildings may be built on them and no changes may be made to the land, except for the construction of facilities that serve the protection of the moors or wetlands or their continued use for agricultural purposes.

**Art. 79 Fishing and hunting**

The Confederation shall lay down principles on fishing and hunting and in particular on the preservation of the diversity of fish species, wild mammals and birds.

**Art. 80 Protection of animals**

- 1 The Confederation shall legislate on the protection of animals.
- 2 It shall in particular regulate:
  - a. the keeping and care of animals;
  - b. experiments on animals and procedures carried out on living animals;
  - c. the use of animals;
  - d. the import of animals and animal products;
  - e. the trade in animals and the transport of animals;
  - f. the slaughter of animals.
- 3 The enforcement of the regulations shall be the responsibility of the Regions, except where the law reserves this to the Confederation.

[...3 The enforcement of the regulations shall be the responsibility of the Regions, except where the law reserves this to the Confederation.]

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