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## **Outline of the Oral Hearing of the Second Senate of the Federal Constitutional Court on 16 February 2016**

A. Introductory Statements (5 to 10 minutes each)

B. Admissibility

I. Constitutional Complaints

1. Challenged Acts

- OMT Decision
- Acts and Omissions of German State Organs

2. Standing to Lodge a Constitutional Complaint

- *Ultra Vires*-Review
- Identity Review

II. *Organstreit* Proceedings [proceedings relating to disputes between constitutional organs]

C. Merits of the Case

I. The Mandate of the European Central Bank with Regard to Monetary Policy

1. Requirements Following from the Order of the Senate of 14 January 2014
2. Judgment by the Court of Justice of the European Union of 16 June 2015
3. Implementation of the OMT Programme

II. Prohibition of Monetary Financing

1. Requirements Following from the Order of the Senate of 14 January 2014
2. Judgment by the Court of Justice of the European Union of 16 June 2015
3. Implementation of the OMT Programme

### III. Consequences under Constitutional Law

1. *Ultra Vires* Acts
2. Overall Budgetary Responsibility
  - Volume of the OMT Programme
  - Risks for the Federal Budget (Loss of Revenue, Obligation to Recapitalise)
3. Democratic Legitimation of the European Central Bank
  - Independence and the Principle of Democracy
  - Competences of the European Central Bank

### IV. Legal Consequences

1. Legality (*Gesetzmäßigkeit*) and Responsibility with Respect to Integration (*Integrationsverantwortung*)
  - The *Bundestag*'s and the Federal Government's Obligations to React
  - The Constitutional Organs' Obligation to Monitor Further Developments (*Beobachtungspflicht*)
2. Consequences for the German *Bundesbank*

### D. Concluding Statements