APPLICATION OF THE LOYAL COOPERATION PRINCIPLE IN PUBLIC ADMINISTRATION

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Abstract

The aim of this study is to highlight the significance of the loyal cooperation principle in public administration (and not only). In order to achieve the objectives of this approach, using the comparative and logical method, we shall analyse specific legislation, specialized literature, CCR decisions, but also the relevant CJEU case-law.

The analysis shall have as a starting point the principle of separation of powers in the rule of law, a principle with a rich history in the doctrine, and then we shall come to the emergence and development of the increasingly strong concept of „loyal cooperation". Thus, we reach the point where such has been elevated to the rank of principle, first at European level by art. 4 para. (3) TEU, and subsequently the CJEU has developed a constant practice with reference to the application of this principle, often alongside two other principles, that of equivalence and that of effectiveness. In a generally accepted definition, the principle of loyal cooperation has been defined as the Union and the Member States, acting within the limits of their competences, must assist each other in the performance of this task.

At national level, starting from the provisions of art. 1 para. (4) of the Romanian Constitution, according to which the State is organised according to the principle of the separation and balance of the legislative, executive and judicial powers within constitutional democracy, in the CCR case-law, the principle of loyal cooperation has increasingly been outlined, which has been considered as „an extension of the principle of the separation and balance of the legislative, executive and judicial powers within constitutional democracy" (dec. no. 1431/03.11.2010, published in the Official Gazette of Romania, Part I, no. 758/12.11.2010).

Furthermore, with the appearance of the Administrative Code, in Part III, dedicated to local public administration, among the principles applicable to local public administration, art. 75 para. (1) lit. e), the principle of collaboration. Starting from this, a first question naturally arises: why did the legislator feel the need to expressly mention this principle in the situation of local public administration? Should collaboration not be valid in public administration in general? On the other side, the (obviously loyal) cooperation principle would not even need to be expressly regulated, as it is, in my opinion, the very essence of good administration.

In a second view, we shall try to examine whether and to what extent the loyal cooperation principle enshrined in the CCR decisions is also fully valid at the level of public administration, or whether it exclusively refers to the relationship between the three branches of the rule of law (legislative, judicial and executive) and the relationship between them.

Keywords: *separation of powers in the rule of law, CCR, CJEU, loyal cooperation principle, Administrative Code.*

1. The principle of sincere cooperation at the EU level. The CJEU practice

In a common sense, sincere cooperation supposes both mutual trust and the fulfilment in good faith of obligations and compliance with the rules contained in the various legal deeds governing the multitude of legal relationships relevant to each situation.

The principle of sincere cooperation has been a constant element in all Treaties, governing over time relations between Member States, between the Union and them, as well as their actions in pursuit of common objectives. As has been stated in doctrine, the essence of the obligation of sincere cooperation has remained constant over time, *„what has evolved over the course of the amendments to the founding treaties is the general*

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context and the actual situations in which the obligation of sincere cooperation is placed today in the treaties governing the EU"[1].

As early as art. 5 TEC, it was stated that: *The Member States shall take any appropriate measure, general or particular, to ensure fulfillment of the obligations arising out of the Treaties or resulting from the acts of the institutions of the Union. Member States shall facilitate the achievement of the Community's tasks. Member States shall refrain from taking any measures which would jeopardise the attainment of the objectives of this Treaty.*

Nevertheless, it is only in art. 4 (3) TEU, the principle of sincere cooperation is expressly provided for, to the effect that: *„Pursuant to the principle of sincere cooperation, the Union and the Member States shall, in full mutual respect, assist each other in carrying out tasks which flow from the Treaties.*

The Member States shall take any appropriate measure, general or particular, to ensure fulfillment of the obligations arising out of the Treaties or resulting from the acts of the institutions of the Union.

The Member States shall facilitate the achievement of the Union's tasks and refrain from any measure which could jeopardise the attainment of the Union's objectives".

Thus, a difference can be noticed from the first regulation of the principle in the TEC, which was addressed only to the Member States, to the extension of the scope not only to relations between Member States, but also between them and the Union. Thus, from the current perspective of European law, sincere cooperation is represented by two elements: *mutual respect* and *mutual assistance* between the Union and the Member States in the performance of their tasks under the Treaties.

Also, in relation to the subject of this scientific approach, the provisions of art. 13(2) TEU according to which: *„Each institution shall act within the limits of the powers conferred on it in the Treaties, and in conformity with the procedures, conditions and objectives set out in them. The institutions shall practice mutual sincere cooperation".* So, at Union level, we are talking about cooperation and loyalty both between the Member States and the Union and between the Union institutions. On the other hand, it can be seen that the Treaty provides on the one hand a separation of duties between each institution, but also of cooperation while observing the limits of each institution. In this context, it has been noted in the literature that " *sincere cooperation leads us to think of the principle of institutional balance, which comprises the following concepts: separation of powers between the institutions and cooperation among them*"[2].

At the CJEU level, the principle of sincere cooperation is closely linked to the principle of equivalence and effectiveness, which is seen as a real triad. It will be noticed from the cases in which the Court has ruled that the three principles are analysed together. One of the landmark cases which analyses them as a triad, being closely linked, is Case C-200/14[3] in which it was held that *„as meaning that it precludes a Member State from adopting provisions making repayment of a tax held to be contrary to EU law by a judgment of the Court, or whose incompatibility with EU law results from such a judgment, subject to conditions relating specifically to that tax which are less favourable than those that would have applied, in their absence, to such a repayment; it is for the referring court to determine whether that principle has been complied with in the present case. The principle of equivalence must be interpreted as precluding a Member State from providing less favourable procedural rules for actions based on an infringement of EU law than those applicable to similar actions based on an infringement of national law. It is for the referring court to carry out the necessary checks to ensure that that principle is complied with in relation to the rules applicable to the dispute before it. The principle of effectiveness must be interpreted as precluding a system for the reimbursement of amounts due under EU law, the amount of which has been established by enforceable judicial decisions, which provides for the reimbursement of those amounts to be spaced-out over five years and which makes the enforcement of such decisions conditional on the availability of funds collected by virtue of another charge, without the litigant being able to compel the public authorities to fulfil their obligations if they do not do so voluntarily".*

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[1] M.A. Dumitrașcu, O.M. Salomia, *European Union Law II*, University Course, Universul Juridic Publishing House, 2020, Bucharest, p. 11.

[2] *Ibidem*.

[3] CJEU dec. from 20.06.2016, at ***https://curia.europa.eu/juris/document/document.jsf?text=&docid=181104&pageIndex=0&doclang=ro&mode=lst&dir=&occ=first&part=1&cid=864142***; in the same sense is also CJEU dec. from 30.06.2016, ruled in Case C-288/14; CJEU dec. from 14.10.2020, ruled in Case C-677/19.

Moreover, in a recent Communication[4] from the European Commission, the three principles are analysed together in Chapter 2: *General Principles*, so that it is possible to see the importance given to them by raising them to the rank of valid and binding general principle.

With regard to the principle of sincere cooperation, the Commission notes that it *„requires Member States to facilitate the achievement of the Union's tasks* and *requires the Union and the Member States, acting within the limits of their respective competences, to assist each other in achieving those tasks".* The Commission further states that the national courts[5], are also bound by this principle in the sense that they *receive support from the Commission when they apply EU law*[6], but that the Commission also receives support from the national courts in the performance of its task.

It can be noticed that, from the Commission's perspective, the principle of sincere cooperation applies in the relationship between the Union and the Member States, between the Commission and the national courts, between the EU institutions, each acting within the limits of its own competence but helping the other, all in the fulfilment of the EU's tasks.

2. Separation of powers in the State. Decisions of the Constitutional Court. Elevating the duty of loyalty to a principle

An old principle that was one of the main demands of the French Revolution, following which art. 16 of the Declaration of the Rights of Man and of the Citizen, proclaimed on 26.08.1789, stated that *„A society in which the observance of the law is not assured, nor the separation of powers defined, has no constitution at all*", the separation of powers in the State remains the prerogative of Baron de Montesquieu who, in Chapter IV of the work which consecrated it[7], stated that *„in every State there are three kinds of powers: the legislative power, the executive power dealing with those things which depend on the law of nations, the executive power dealing with those issues which depend on civil law"* stressing that " *any accumulation of these powers (two or all of them together) means the annihilation of political freedom".*

Regardless of authors or times, by virtue of this principle, *„the power of the rule of law must be divided into several different compartments, each with its own independent responsibilities and powers. The most commonly used form of separation of powers in the state is the tripartite form, which divides power into legislative power, judicial power, and executive power, all three of which may not be held by the same person or institution. Powers are usually divided between the government, parliament, the civil service and independent judges. This creates a balance of powers, maintained by checks and balances designed to protect citizens from despotic actions by the state"*[8].

The principle was expressly mentioned in the Romanian Constitution until its revision in 2003. Thus, as a starting point we have the provisions of art. 1 para. (4) of the Romanian Constitution, according to which *„The State is organised according to the principle of separation and balance of powers - legislative, executive and judicial"*. Among the powers conferred on the Constitutional Court by the legislator is that of resolving conflicts of a constitutional nature arising among the three branches of government. Thus, according to art. 146(e) of the Constitution, the Court *„resolves legal conflicts of a constitutional nature between public authorities, at the request of the President of Romania, one of the Presidents of the two Chambers, the Prime Minister or the President of the Superior Council of the Magistracy".* In the same sense are the provisions of art. 11 para. (1) letter e) of Law no. 47/1992, according to which the Constitutional Court *„resolves legal conflicts of a constitutional nature between public authorities at the request of the President of Romania, one of the Presidents of the two Chambers, the Prime Minister or the President of the Superior Council of Magistracy.*"

Although in theory things seem clear-cut, the reality is far from ideal. Thus, especially in recent years, there has been an increasing involvement of politics in the relations between the three powers, often leading to real imbalances, which have been found as such by the Constitutional Court, and real constitutional conflicts have arisen as a result of one of the powers in the state overstepping the limits of its competence, especially and above all because of the political factor that decides.

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[4] *https://eur-lex.europa.eu/legal-content/RO/TXT/HTML/?uri=CELEX:52021XC0730(01)&from=RO*.

[5] CJEU dec. from 22.10.2002, *Roquette Frères*, C-94/00, ECLI:EU:C:2002:603, item 31.

[6] CJEU dec. from 11.07.1996, *SFEI & others*, C-39/94, ECLI:EU:C:1996:285, item 50; CJEU dec. from 28.02.1991, *Delimitis/Henninger Bräu*, C-234/89, ECLI:EU:C:1991:91, item 53.

[7] *On the spirit of laws,* Montesquieu, Revolution Antet, Bucharest, 2011, p. 198-209.

[8] *https://www.transparency.org.ro/sites/default/files/download/files/14%20-%20Separarea%20Puterilor%20in%20Stat.pdf*.

Legal conflict of a constitutional nature has been defined by the Constitutional Court since 2005[9], as *„involving concrete deeds or actions by which one or more authorities arrogate to themselves powers, duties or competences which, according to the Constitution, belong to other public authorities, or the omission of public authorities, consisting in a decline of competence or a refusal to carry out certain acts falling within their obligations*". Also, in another decision[10], the Court held that a *„legal conflict of a constitutional nature exists between two or more authorities and may concern the content or scope of their powers under the Constitution, which means that they are conflicts of competence, whether positive or negative, and which may create institutional deadlocks*." Last but not least, more recent decisions of the Court have also ruled that a legal conflict of a constitutional nature means *„concrete deeds or actions by which one or more authorities arrogate to themselves powers, duties or competences which, according to the Constitution, belong to other public authorities, or the omission of some public authorities, consisting in declining competence or refusing to carry out certain deeds falling within their duties „*[11]. What should be noted from the Constitutional Court's case law is that the prerequisites for a conflict of a constitutional nature can only exist in the relationship between the authorities provided for by the Constitution under TITLE III – *Public authorities, i.e.,* Parliament, the President of Romania, the Government and central and local public administration.

In conclusion, legal conflicts of a constitutional nature imply that a public authority wrongfully assigns to itself powers that do not belong to it, creating a conflict of competence that can create an institutional deadlock. This is why the amendment of the Constitution gave the Constitutional Court the role of resolving conflicts of a constitutional nature, the aim being to remove possible institutional deadlocks. It is worth mentioning at this point that in the 2013 draft revision of the Constitution, the principle of sincere cooperation was expressly mentioned in the proposal to amend art. 4 para. (1), which enshrines the separation of powers in the state[12], but this initiative did not materialize. Although the obligation of constitutional loyalty is not expressly enshrined[13] and it seems that the legislator did not want to take steps in this direction, in the jurisprudence of the Constitutional Court of Romania, the principle of sincere cooperation has been increasingly outlined, which has been considered as *„an extension of the principle of separation and balance of powers - legislative, executive and judicial - in the framework of constitutional democracy*)" [14]. As mentioned in the literature, *„the rule of law ensures the supremacy of the Constitution, the consistency of laws and all regulatory acts with it, the existence of the regime of separation of public powers, which must act within the limits of the law (...) one of the conditions for achieving these fundamental objectives of the state is the proper functioning of public authorities, with respect for the principle of separation and balance of powers in the state"*[15].

With reference to the provisions of art. 4 para. (3) TFEU governing the principle of sincere cooperation at EU level, the Constitutional Court ruled in a decision that *„As regards the possibility that art. 4 para. (3) TFEU to be qualified as a rule interposed to the reference rule represented by art. 1 para. (3) of the Constitution, the Court notes that, according to its case-law, the use of a rule of European law in the context of a review of constitutionality as a rule interposed on the reference rule implies, pursuant to art. 148 para. (2) and (4) of the Romanian Constitution, a cumulative condition: on the one hand, that rule must be sufficiently clear, precise and unequivocal in itself or its meaning must have been clearly, precisely and unequivocally established by CJEU and, on the other hand, the rule must be within a certain level of constitutional relevance, so that its normative content supports the possible infringement by the national law of the Constitution - the only direct rule of reference in the context of constitutionality review. However, art. 4(3) TFEU has no constitutional relevance, but is a principle which is exclusively subject to European law, so that it cannot be considered an interposed norm to the reference*

[9] Dec. no. 53/28.01.2005 on the requests for resolution of the legal conflict of constitutional nature between the President of Romania and the Parliament, submitted by the President of the Chamber of Deputies and the President of the Senate, published in the Official Gazette of Romania, Part I, no. 144/17.02.2005.

[10] Dec. no. 97/07.02.2008 on the request made by the President of Romania, Mr. Traian Băsescu, regarding the existence of a legal conflict of a constitutional nature between the Government of Romania and the Supreme Council of National Defence published in the Official Gazette of Romania, Part I, no. 169/05.03.2008.

[11] Dec. no. 26/16.01.2019 on the request for resolution of the legal conflict of constitutional nature between the Public Ministry - Prosecutor's Office of the High Court of Cassation and Justice, the Romanian Parliament, the High Court of Cassation and Justice and the other courts published in the Official Gazette of Romania, Part I, no. 193/12.03.2019.

[12] For details, I. Cochințu, *Constituționalizarea principiului loialității constituționale*, material is available at *https://www.ccr.ro/wp-content/uploads/2021/01/cochintu2013.pdf*.

[13] M. Safta, *Separation of Powers and Constitutional Loyalty*, material available at *https://www.tribunajuridica.eu/arhiva/An3v1/art8.pdf*, p. 171.

[14] Dec. no. 1431/03.11.2010, published in the Official Gazette of Romania, Part I, no. 758/12.11.2010.

[15] *https://www.juridice.ro/wp-content/uploads/2017/05/Interventia-dl.-judector-Daniel-Marius-MORAR.pdf*.

norm represented by art. 1 para. (3) of the Constitution"[16]. Therefore, what the Constitutional Court concluded is that the principle of sincere cooperation is not directly applicable to domestic law, as stated in art. 4 TFEU. The Constitutional Court Judge probably held a kind of national *egoism* with which we do not necessarily agree, especially since at national level, although there was a chance to regulate the principle in the Constitution with its revision, this did not happen.

Nevertheless, the Constitutional Court has, in specific cases in which it has been entrusted with the resolution of conflicts of a constitutional nature, established certain guiding benchmarks on basis of which the public authorities involved can shape their conduct in order to observe the principle of sincere cooperation.

In its case-law, the Court has stressed the importance, for the proper functioning of the rule of law, of cooperation between the powers of the State, which should be conducted in the spirit of the rules of constitutional loyalty, sincere conduct constituting a guarantee of the principle of the separation and balance of powers in the State[17]. The Court also ruled that, in terms of sincere cooperation between State institutions/authorities, *„a first meaning of the concept of the rule of law is observance for the rules of positive law, in force at a given time, which expressly or implicitly regulate the competences, prerogatives, powers, obligations or duties of State institutions/authorities. [...] the loyalty of State institutions/authorities must always be shown to constitutional principles and values, while inter-institutional relations must be governed by dialogue, balance and mutual respect „*[18].

In another decision, *„the Court finds that the emergency ordinance was adopted in violation of art. 61 para. (1) and art. 115 par. (6) of the Constitution by regulating an issue of social relations which falls within the scope of the law and cannot be subject to legislative delegation. The Government has unconstitutionally arrogated to itself the power to extend the term of office of local public administration authorities, disregarding the exclusive competence of Parliament in this area. Contrary to the Government's submissions, the Court points out that Parliament has the discretionary power to reject an emergency ordinance or to repeal, amend or supplement it, as the case may be, in compliance with the principles and provisions of the Constitution, so that there is no question of Parliament itself infringing the Government's delegated power to legislate. Instead, it is the Government which, in exercising this power, must ensure that it does not prejudice the power and role of Parliament. In the present case, the Government has appropriated an exclusive competence of Parliament by redrawing the distribution of competences established by the Constitution by its own will. Consequently, the Court holds that, by issuing GEO no. 44/2020, the Government has infringed the rules of constitutional loyalty derived from art. art. 1 para. (4) and warranted by art. 1 para. (5) from the Constitution*[19]*, which demonstrates that it has disregarded the principle of constitutional loyalty which it was required to show to Parliament".*[20] In view of the rich jurisprudence of the Constitutional Court, it has been appreciated in the literature that *the express establishment of the obligation of constitutional loyalty represents a significant enrichment of the principle of the separation of powers in the State*[21].

From the whole practice of the Constitutional Court, it can be noted that the Constitutional Court has been consistent in retaining the concept of *sincere cooperation* between powers in the rule of law, and has been reluctant to explain why it felt the need to combine the two words: *cooperation* and *loyal*. Can cooperation also be disloyal? Shouldn't relations between the authorities of the rule of law be based on their good faith in the exercise of their powers, without overstepping these limits of competence and on basis of which they can collaborate/cooperate with each other?

[16] Dec. no. 428/2020 on the dismissal of the exception of unconstitutionality of the provisions of art. 2 of Law no. 340/2009 on the making by Romania of a declaration on basis of art. 35(2) TEU, published in the Official Gazette of Romania, Part I, no. 977/22.10.2020.

[17] Dec. no. 972/21.11.2012, published in the Official Gazette of Romania, Part I, no. 800/28.11.2012.

[18] Dec. no. 611/03.10.2017, published in the Official Gazette of Romania, Part I, no. 877/07.11.2017, para. 106 and 112.

[19] Dec. no. 449/06.11.2013, published in the Official Gazette of Romania, Part I, no. 784/14.12.2013, pct. IX.

[20] Dec. no. 240/03.06.2020 on the objection of unconstitutionality of the Law on the approval of GEO no. 44/2020 on the extension of the terms of office of local public administration authorities for the period 2016-2020, some measures for the organization of local elections in 2020, as well as the amendment of GEO no. 57/2019 on the Administrative Code, and of GEO no. 44/2020, published in the Official Gazette of Romania, Part I, no. 504/12.06.2020.

[21] M. Safta, *op. cit.*, p. 172 *et seq.*

3. The principle of sincere cooperation in public administration. The road from Constitutional Court decisions to the Administrative Code

Among the authorities to which the Constitutional Court has imposed an obligation to observe the principle of sincere cooperation are those of central and local public administration.

With the issuance of the Administrative Code, in Part III, dedicated to local public administration, among the principles applicable to local public administration, art. 75 para. (1) letter e), the principle of collaboration. A first question arises as to whether *cooperation* and *collaboration* can be equated. An answer in this regard was provided by the CCR dec. no. 875/2018[22] which, combining the two concepts, ruled that *„The principle of sincere cooperation and collaboration among public institutions implies the intention and the totality of their actions to create together the necessary premises for the execution of their constitutional or legal duties and obligations in a common final sense and objective, that of the good functioning of the State. Inter-institutional cooperation and collaboration must be sincere, i.e., in good faith, in the spirit of observance for the letter and spirit of the law and in the sense of achieving the purpose protected by the law, and not in the opposite sense, of mutually hindering or blocking the activity of a State institution. The Court has consistently emphasised the obligation of principle which all public authorities have, in the exercise of State power, to cooperate for the proper functioning of the State, the Constitution and the laws providing sufficient tools by which institutions can cooperate and collaborate"*. Thus, the Constitutional Court Judge considered it necessary to separate the two concepts, an approach that we do not share, given that, from the perspective of the explanatory dictionary of the Romanian language, the two words are rather synonymous[23], meaning essentially the same thing: *To take part with others in carrying out an action that is carried out jointly* or *To work together with someone, to bring one's contribution.*

On the other hand, the Decision underlines what is meant by *sincere*, *i.e., in good faith*. It follows from this that State institutions must collaborate and/or cooperate sincerely.

In the doctrine[24], it has been rightly considered that as regards inter-institutional cooperation, but especially sincere cooperation, *„it is not sufficiently well understood in the work of public administration, both central and local, but also as regards relations between other institutions, other than those of the executive power",* and it has been pointed out that *„there are permanent hindrances. This is reflected not only in the way in which each public authority operates, where power and opposition practically tear each other apart, but also in the existence of disputes in which the deliberative body acts against the executive body or vice versa, as well as in disputes in which members of deliberative bodies of local self-government take legal action against the collegiate body to which they belong, seeking the annulment of administrative deeds in the adoption of which they did not participate*."

At the level of local public administration, the legislator has felt the need, since the regulation prior to the Administrative Code, namely Law no. 215/2001[25], which in art. 6 para. (1) stated that *„Relations between local public administration authorities in communes, towns and municipalities and public administration authorities at county level are based on the principles of autonomy, legality, responsibility, cooperation and solidarity in solving the problems of the entire county*".

Also, art. 23 of the Framework Law on Decentralisation no. 195/22.05.2006[26] stipulated that *„(1) In exercising shared competences, local public administration authorities at the level of municipalities and cities shall cooperate with public administration authorities at the central or county level, as appropriate, under the conditions established by law. (2) In the exercise of shared competences, the local public administration authorities at county level shall cooperate with the public administration authorities at central level, under the conditions established by law".*

[22] On the request for resolution of the legal conflict of constitutional nature between the President of Romania, on the one hand, and the Government of Romania, represented by the Prime Minister, on the other hand, published in the Official Gazette of Romania, Part I, no. 1093/21.12.2018.

[23] *https://dexonline.ro/definitie/cooperare , https://dexonline.ro/intrare/colabora/11510*.

[24] V. Vedinaș, *Annotated Administrative Code. News. Comparative examination. Explanatory notes*, 3rd ed., revised and added, Universul Juridic Publishing House, Bucharest 2021, p. 106.

[25] Law on Local Public Administration, republished, published in Official Gazette of Romania no. 123/20.02.2007, repealed.

[26] Published in the Official Gazette of Romania no. 453/25.05.2006, repealed by the Administrative Code.

Also, Law no. 90/2001 on the organisation and functioning of the Government of Romania and the Ministries[27] stipulated in art. 11 that: *in the performance of its functions, the Government shall fulfil as its main task cooperation with the social bodies concerned*.

The Administrative Code has come up with a novelty, providing in art. 75 - *Specific principles applicable to local public administration*, expressly the principle of cooperation as a distinct principle at the level of local public administration (lit. e).

At the same time, a reference to the concept of *collaboration* is also found in art. 27 of the Administrative Code - Government relations with autonomous administrative authorities, according to which *the Government is in a collaboration relationship with autonomous administrative authorities*. From this legal text we understand that there is no obligation to cooperate, but only an option, as the autonomous authorities are often subordinate to or under the coordination of Parliament.

This naturally raises a first question: why did the legislator expressly mention this principle in the case of local government? Shouldn't collaboration be specific to public administration in general? On the other hand, it can be seen that originally, in previous regulations, collaboration was established by reference to the decentralisation process at the level of local public administration, as distinct from what the Constitutional Court has ruled by the concept of sincere cooperation or the loyalty of cooperation between public authorities.

4. Conclusions

The principle of sincere cooperation enshrined in the decisions of the Constitutional Court of Romania is also fully valid at the level of public administration and does not refer exclusively to the relationship between the three branches of government (legislative, executive and judicial). On the other hand, we believe that the principle of sincere cooperation does not need to be expressly regulated, which is why we believe that it is at the very heart of the functioning of a good administration and the rule of law in general.

As long as there is cooperation/collaboration between public authorities/institutions, the state will function. Otherwise, the Constitutional Court may even become overburdened with the resolution of legal conflicts of a constitutional nature, often arising from political egos.

Therefore, regardless of whether it is expressly provided for or only in the case law of the Constitutional Court, it is up to political decision-makers to understand that collaboration/cooperation among state authorities/institutions is absolutely necessary for the proper functioning of the State, in which each must exercise its powers within the limits provided by law.

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