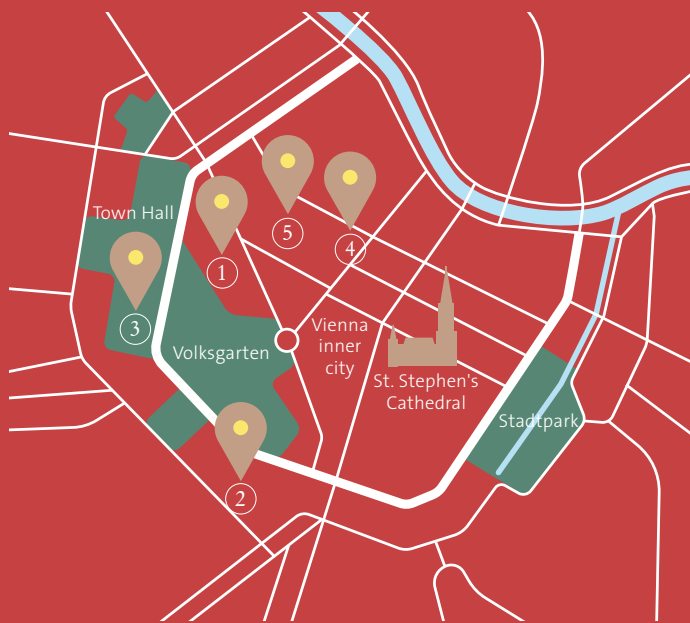


Things to Know: The Locations of the Constitutional Court – a Short History



Pursuant to Article 5 of the Constitution (Bundes-Verfassungsgesetz, B-VG), the bodies of Austria's highest authorities at federal level, including the Constitutional Court, are located in Vienna, Austria's capital. The Constitutional Court has been situated in Vienna's first district, at Freyung 8, for ten years. Where was the Constitutional Court previously located, including its precursor during the Habsburg Monarchy, the Imperial Court (Reichsgericht)?

- 1 Bankgasse 10
- 2 Hotel Britannia, Schillerplatz 4
- 3 Parliament, Rathausplatz 6
- 4 The Bohemian Court Chancellery, Judenplatz 11
- 5 Freyung 8

Established as the final act of the Cisleithanian Constitution of 1867, the Imperial Court began activities in the building at Bankgasse 10 in 1869. Originally, space was used that had previously been occupied by the Presidential Chancellery of the Council of Ministers. Public hearings of the Imperial Court were held in the building housing the Lower Austrian Government Offices at Herrengasse 11. Beginning in 1876, the Imperial Court was located at Schillerplatz 4, in the former Hotel Britannia. This edifice, originally built for the 1873 World Fair, was purchased by the state in 1874. Departments of the Ministry of Justice were housed here temporarily as was the Supreme Court, and later the Imperial Court was also located here permanently (on the first floor).

The Imperial Court's powers included decisions on jurisdictional disputes between courts and administrative authorities as well as between autonomous regional authorities of the Länder or regional authorities and the supreme government authorities (Kompetenzgerichtsbarkeit) and decisions on pecuniary claims against and between territorial authorities (Kausalgerichtsbarkeit). Additionally, the Imperial Court reviewed decisions by administrative bodies and courts (Sonderverwaltungsgerichtsbarkeit). As part of the latter, the Imperial Court ruled on alleged violations of political rights stipulated in the Constitution, providing important case law in the field of the protection of fundamental rights. When the Republic of German-Austria was established on 30 October 1918,

the Imperial Court was adapted to reflect the republican legal system as a first step. The provisional National Assembly passed the Act Establishing the German-Austrian Constitutional Court (Gesetz über die Errichtung des deutschösterreichischen Verfassungsgerichtshofes) on 25 January 1919, transferring to it the responsibilities of the former Imperial Court. Almost one month later, on 24 February 1919, the new judges officially took over duties.

The Constitutional Court was continuously located at Schillerplatz 4 until May 1923, when it moved into the Parliament building. Because of the strict austerity measures specified in the Geneva Protocols, including a reduction of public

administration buildings and civil servants, the former location could no longer be retained, while adequate space was apparently available in the Parliament building. The Constitutional Court was located on premises on the first and second floors of the wing of Parliament now adjacent to the park in front of the City Hall (Rathauspark). The address was known as Karl-Lueger-Platz 6 until 1926 and then later as Rathausplatz 6.



① Hotel Britannia, Schillerplatz 4



② Parliament, Rathausplatz 6



③ Plan of the Parliament building showing the space occupied by the Constitutional Court

The Wiener Zeitung newspaper described the relocation on 16 May 1923 as follows (p. 3):

Das neue Heim des Verfassungsgerichtshofes. Die Übersiedlung des Verfassungsgerichtshofes in das Parlamentsgebäude ist in den letzten Tagen vollzogen worden. Der Eingang ist ausschließlich am Dr. Karl Lueger-Platz 6. Die Räume des Verfassungsgerichtshofes bilden für sich ein abgeschlossenes Ganzes und ein Übertritt in andere Räume des Parlamentsgebäudes ist durch Absperrung, teilweise durch Vermauerung der Verbindungstüren unmöglich gemacht worden. Im zweiten Stode befindet sich der frühere Empfangsalon für den ehemaligen Kaiser und die zirka 20.000 Bände zählende Bibliothek des Verfassungsgerichtshofes. Über eine Wendeltreppe gelangt man vom zweiten Stode in die Räume des Präsidiums und zweier ständiger Referenten. Der Präsident, der Vizepräsident und die vier ständigen Referenten haben eigene Amtsräume. Die Einrichtungsgegenstände sämtlicher Kanzleien und Amtsräume wurden dem Verfassungsgerichtshof aus den Beständen einer der früheren Zentralen zur Verfügung gestellt. Die nächste Verhandlungssession im Verfassungsgerichtshof findet im Juni statt.

“The new home of the Constitutional Court. Relocation of the Constitutional Court to the Parliament building has been completed in the past few days. The Court’s only entrance is located at Dr. Karl Lueger-Platz 6. The premises occupied by the Constitutional Court have been designed as a separate unit and it is no longer possible to access other rooms of the Parliament building, as connecting doors have been either permanently barricaded or walled in. The room previously used as a reception salon by the former Emperor and the Constitutional Court library, containing some 20,000 volumes, are located on the second floor. A spiral staircase leads from the second floor to rooms occupied by the presidium and two judge-rapporteurs. The president, the vice-president and the four judge-rapporteurs have separate offices. All of the chambers and offices have been furnished with items made available to the Constitutional Court from the inventories of previous central public institutions. The next hearing session of the Constitutional Court will be held in June.”

The 1934 Constitution did not provide for a separate Constitutional Court. The Administrative Court and the Constitutional Court were merged under a newly established High Federal Court (Bundesgerichtshof). A dedicated Constitutional Senate of the High Federal Court was then tasked with rudimentary responsibilities falling under constitutional jurisdiction. The Constitutional Senate continued to have its offices in the Parliament building.

When the Republic of Austria was restored in 1945, the Constitutional Court was reinstated, initially on a provisional basis between late 1945 and early 1946, and then permanently by mid-1946. The Constitutional Court was ‘temporarily’ located in the former Bohemian-Austrian Court Chancellery at Judenplatz 11 (postal address: Wipplingerstraße 7).

The stately baroque palace, designed by well-known architect Johann Bernhard Fischer von Erlach, was mainly used by the Administrative Court, which had also been recently reinstated. The High Federal Court, without the Constitutional Senate, had already moved into the palace in October 1936. Thus, after being embedded in a common organization during the High Federal Court period (1934–1938), the two courts now shared a common building. The post-WWII era presented new challenges. Without any means of appropriate heating, the rooms could not be used in winter. Initially, the Constitutional Court desired as a “permanent solution [...] renewed residence [...] in the Rathauspark wing

of the Parliament building.” The “rooms in that wing of Parliament” were “most suitable, as if designed especially for the Constitutional Court.” This request, though frequently repeated in activity reports until 1948, remained unheard. Consistently growing space needs were initially met through (shared) use of an additional building in Jordangasse, and in the end through renting flats on the street known as Tiefer Graben. The temporary location at Judenplatz was to last 67 years.

Only after a tedious search was a new location identified in Vienna’s historic centre. In August 2012, the Constitutional Court found a new home at Freyung 8.

The building was erected between 1916 and 1921, based on a neoclassical design by popular architects Ernst Gotthilf and Alexander Neumann. The original purpose was to house a major bank, the “Österreichische Creditanstalt für Handel und Gewerbe” (in short: Creditanstalt) and today the ground floor houses an art gallery: the “Bank Austria Kunstforum Wien”. The two architects were also responsible for other well-known bank buildings that still dominate Vienna’s city centre, including Wiener Bankverein (Schottengasse 6–8), known today as “Haus am Schottentor/Interspar” and N.Ö. Eskompte-Gesellschaft (Am Hof 4), now Hotel Park Hyatt.

Passing the main entrance of the building now housing the Constitutional Court, visitors are greeted by a grand staircase leading up to the first floor,

with chambers of historic value that are listed as architectural heritage. Here the President and the Vice-President of the Constitutional Court as well as other officials have their offices. The main courtroom where the Court holds public hearings is also located on this floor. The upper floors house the offices of judges, constitutional court clerks and administrative staff. The library as well as an event centre, used for gatherings including conferences, are located on the fifth floor.

Since the autumn of 2020, the Constitutional Court building has displayed – in addition to the flags of the European Union and the Republic of Austria – the flag of the Austrian federal state (Land) currently chairing the Federal Council (Bundesrat). This is intended to symbolically express, at the seat of the Constitutional Court, its special status as a joint body of the Federation and the Länder (“the link joining the dual structures of the Federation and the Länder into a higher unit”; AB 991 BlgKNV).



④ The Bohemian Court Chancellery at Judenplatz 11



⑤ Freyung 8 with Constitutional Court