



# EUROPEAN CONSTITUTIONAL LAW REVIEW

## 2016 VOLUME 12 ISSUE 1

### CONTENTS

#### *Guest Editorial*

Olivier DUHAMEL – Terrorism and Constitutional Amendment in France – 1

#### *Articles*

Luigi CORRIAS – Populism in a Constitutional Key: Constituent Power, Popular Sovereignty and Constitutional Identity – 6

Oddný Mjöll ARNARDÓTTIR – Rethinking the Two Margins of Appreciation – 27

Stefan GRAZIADEI – *Democracy v Human Rights?* The Strasbourg Court and the Challenge of Power Sharing – 54

Geert DE BAERE & Tina VAN DEN SANDEN – Interinstitutional Gravity and Pirates of the Parliament on Stranger Tides: the Continued Constitutional Significance of the Choice of Legal Basis in Post-Lisbon External Action – 85

#### *Case Notes*

Hanneke VAN EIJKEN & Jan Willem VAN ROSSEM – Prisoner disenfranchisement and the right to vote in elections to the European Parliament: Universal suffrage key to unlocking political citizenship? – Court of Justice of the European Union – Case C-650/13, request for a preliminary ruling from the tribunal d'instance de Bordeaux, made by decision of 7 November 2013, in the proceedings in *Thierry Delvigne v. Commune de Lesparre-Médoc and Préfet de la Gironde*, 6 October 2015, ECLI:EU:C:2015:648 – 114

Bastian MICHEL – Thresholds for the European Parliament Elections in Germany Declared Unconstitutional Twice – Bundesverfassungsgericht – Judgment of 9 November 2011, 2 BvC 4/10, 5% threshold – Judgment of 26 February 2014, 2 BvE 2/13, 2 BvR 2220/13, 3% threshold – 133

Hubert SMEKAL & Ladislav VYHNÁNEK – Equal voting power under scrutiny: Czech Constitutional Court on the 5% threshold in the 2014 European Parliament Elections – Czech Constitutional Court 19 May 2015, Pl. ÚS 14/14 – 148

Giovanni PICCIRILLI – Maintaining a 4% Electoral Threshold for European Elections, in order to clarify access to constitutional justice in electoral matters – Italian Constitutional Court – Judgment of 14 May 2015 No. 110 – 164

Chiara BERGONZINI – The Italian Constitutional Court and Balancing the Budget – Judgment of 9 February 2015, no. 10 – Judgment of 10 March 2015, no. 70 – 177

#### *Review Essay*

Xenophon CONTIADES & Alkmene FOTIADOU – The Determinants of Constitutional Amendability: amendment models or amendment culture? – 192

Cambridge Journals Online

For further information about this journal please  
go to the journal website at:  
[journals.cambridge.org/ecl](http://journals.cambridge.org/ecl)



MIX  
Paper from  
responsible sources  
FSC® C007785

CAMBRIDGE  
UNIVERSITY PRESS