

Presidents' Meeting

Warsaw, May 16 and 17, 1999

**The Statute
of the Conference
of European Constitutional Courts**

- May 17, 1999 -

The Statute of the Conference of European Constitutional Courts

A. Preamble

The Presidents of European Constitutional Courts and other similar European institutions exercising constitutional jurisdiction declare their intention to organise, in accordance with the practice hitherto established, regular specialised conferences with a view to sharing experience as regards constitutional practice and jurisprudence in a general European context and to maintaining regular contacts between these courts and institutions, on the basis of mutual respect and with due regard to the principle of judicial independence.

B. Provisions of the Statute

Section I. General Provisions

Art. 1

Name and Seat

The name of the conference shall be "The Conference of European Constitutional Courts".

Art. 2

Legal Status

The Conference derives its existence from the common declaration of intention of the Presidents of the European Constitutional Courts and similar institutions. It shall not produce any legally binding effects outside the Conference.

Art. 3

Aims

The Conference shall hold at regular intervals a Congress. It shall promote the exchange of information on the working methods and constitutional case-law of member courts together with the exchange of opinions on institutional, structural and operational issues as regards public-law and constitutional jurisdiction. In addition, it shall take steps to enhance the independence of constitutional courts as an essential factor in guaranteeing and implementing democracy and the rule of law, in particular with a view to securing protection of human rights. It shall support efforts to maintain regular contacts between the European Constitutional Courts and similar institutions. There shall be the following categories of members:

Art. 4

Membership

1. Full members

Full members shall be fully entitled to participate in all matters related to the Conference. In accordance with the provisions of the Statute and the Conference Regulations they shall bear in equal parts the costs of organising the meetings of the Congress.

2. Associate members

Associate members shall be generally entitled to submit proposals, to participate in the Congress and elaborate and present a national

report on particular themes on the Congress programme.

Associate members shall not be subject to any general obligation to participate in costs.

The Conference Regulations shall make more detailed provision in this respect.

Art. 5
Observers and guests

The Conference may admit observers and guests to the events. The Conference Regulations shall make more detailed provision in this respect.

Section II. Obtention and loss of membership

Art. 6
Obtention of membership

- 1.(a) The status of a full member may be granted only to European Constitutional Courts and similar European institutions which exercise constitutional jurisdiction, in particular reviewing the conformity of legislation and which conduct their judicial activities in accordance with the principle of judicial independence, being bound by the fundamental principles of democracy and the rule of law and the duty to respect human rights. In this respect the Conference shall follow the practice established in previous conferences and by the Council of Europe.
- (b) The status of associate member may be granted to European Constitutional Courts and similar institutions that do not seek full membership or that do not (yet) satisfy the criteria for full membership.
2. Only one institution from each country may be granted the status of a full or associate member.
3. There shall be no right to be admitted to the Conference.
4. A written application to be admitted to the Conference should be addressed to the "Circle of Presidents" and submitted to the President of the "Circle of Presidents".
5. In so far as possible the following documents should accompany an application:
 - (a) legal instruments governing the establishment and composition of the candidate institution and the appointment and status of judges;
 - (b) the texts establishing the nature and scope of its jurisdiction;
 - (c) documents demonstrating jurisdiction actually exercised.

Art. 7
Loss of Membership

1. Any member may at any time declare its intention to withdraw from the Conference. This declaration shall be in writing.

Where a member defaults, without good reason, on its obligation to contribute to the joint financing of the Conference or where there is another important reason for concluding that effective co-operation in good faith between the Conference and a member is no longer possible, a member may be declared to have lost its membership.

In the event of suspension for failure to respect financial obligations, the suspension will in principle cease on payment of the relevant amounts.

Section III Organs

Art. 8
Organs

The organs of the Conference shall be:

1. The "Circle of Presidents";
2. The Congress.

Art. 9
"Circle of Presidents"

1. Composition

The "Circle of Presidents" shall be composed of the Presidents of the Courts and the institutions with full member status. The Presidents shall be accompanied by their Secretary General, or, where appropriate, a member of their court or institution or of its secretariat.

2. Competence

The "Circle of Presidents" is the central decision-making body and has competence in the following matters:

- (a) admission, suspension and expulsion of members;
- (b) admission and expulsion of observers and guests;
- (c) fixing the date and venue of the meetings of the Congress to be held at regular intervals; the selection of topics and choice of Conference languages;
- (d) approval of the Conference budget;
- (e) fixing the financial contributions to the Congress;
- (f) approving financial gifts from a third party;
- (g) adoption of the final declaration of the Congress;
- (h) drawing up the Conference regulations;
- (i) amending the Statute;
- (j) dissolving the Conference.

3. Chairmanship

The President of the Court which is to host the next Congress shall preside over the "Circle of Presidents". When dealing with a matter which has no direct link to the preparations for the next Congress, the "Circle of Presidents" may designate one of its other members to preside over it.

4. Meetings

The "Circle of Presidents" shall in so far as possible hold at least one meeting between the Congress dates and, in principle, on the day preceding the opening of the Congress.

The invitation in writing shall be accompanied by an agenda for the meeting.

5. Venue of meetings

The "Circle of Presidents" shall, as a rule, meet at the seat of the court responsible for organising the next Congress. In a particular case, the "Circle of Presidents" may fix another venue.

6. Quorum

- (a) The "Circle of Presidents" shall be empowered to take decisions if at least half of the members of the Circle are present at the meeting or are represented.

A judge, the Secretary General or another designated staff member of the court concerned may represent the President in meetings and vote on his/her behalf.

7. Voting regulations:

The "Circle of Presidents" shall take decisions by a majority of two thirds of members present at a meeting.

- (b) Abstentions shall be counted as negative votes.

- (c) Each member shall have one vote only.

Art. 10 **Congress**

Composition:

The following shall be entitled to participate in the Congress: full members, associate members and observers and guests. The Conference Regulations shall make detailed provision in this respect.

Section IV. Financing

Art. 11
Principles of financing

The general rules on the sharing of costs

The Conference shall be financed primarily by the equal contributions of full members. National financial and budget regulations shall apply.

2. Other costs and their financing

- (a) The equal contributions of full members shall be fixed to cover the costs of organising the Congress (in particular the hire of premises, printing, translation and interpretation costs, the administrative overheads and the cost of transport to the venues of the main and preparatory meetings).
- (b) The "Circle of Presidents" may require associate members and observers to pay a fee to contribute to the costs of organising the Congress. This fee shall be fixed in the light of the costs incurred in respect of the services provided by the Conference to associate members and observers, taking into account the contribution paid by full members.
The Conference Regulations shall make detailed provision in this respect.
- (c) The acceptance of all types of financial gifts from third parties shall be subject to prior approval by The "Circle of Presidents".

3. Conference Budget

The Court organising the Congress shall draw up, in so far as possible not later than one year before the opening of the Congress, a budget for the Congress which shall be submitted for the approval of the "Circle of Presidents".

4. Final settlement of accounts

The final settlement is effected on the basis of a final statement of accounts drawn up by the organising Court after the end of the Congress.

- 1. The "Circle of Presidents" may at the conclusion of the Congress adopt a final declaration indicating the constitutional courts and institutions represented at the Congress, describing the course of the conference and setting out the main conclusions reached as a result of the discussions of the plenary assembly.
- 2. The Congress proceedings shall not be open to the public.
- 3. The President of the Conference - accompanied if appropriate by other members of the "Circle of Presidents" - shall make public the final declaration at a press conference and shall provide additional information to the representatives of the media (press, radio, television).

Art. 12
Final declaration and public access

Art. 13
Secretariat

The Secretariat of the Conference shall be Secretariat provided by the Court organising the next Congress

Section V. Final Provisions

Art. 14
Entry into force

This Statute shall enter into force on the day of its adoption by the assembly of Presidents. It shall be drawn up in French, English, German and Russian.

The French version shall be authentic.

Unanimously adopted at the final vote of the "Circle of Presidents"
on May 17, 1999 at Warsaw