

2002

Resolution I

The Circle of Presidents, convened in Brussels on 13 and 16 May 2002 on the occasion of the XIIth Conference of European Constitutional Courts,

Having regard to Articles 4, 9, 11 and 12 of the Statute of the Conference of European Constitutional Courts concerning the measures to be taken in connection with the organization of the Conference,

Has decided the following:

1° the preliminary budget of the XIIth Conference, as was sent by the Court of Arbitration of the Kingdom of Belgium to the members of the Conference of European Constitutional Courts at the end of April 2002, and the manner of distribution of the costs of the organization of this Conference proposed therein, are approved,

2° the costs of the meals of observers and guests at the Conference as listed in the programme brochure of the XIIth Conference shall be included in the general costs and shall be distributed proportionally among the full members,

3° the proceedings of the Congress shall be published in book form; the general report, the reports of the European Court of Human Rights and the Court of Justice of the European Communities and the final conclusions shall be published in French and in English; the national reports shall be published in French or in English, depending on which language they were drawn up in; ten copies shall be printed for each member of the Conference; members who require more copies shall notify the Court of Arbitration of the Kingdom of Belgium thereof before the end of the Congress; the costs of publication shall be included in the general costs of the XIIth Conference,

4° the session chairpersons, as proposed by the Court of Arbitration of the Kingdom of Belgium, shall preside over the sessions of the Congress; the debates shall be organized on the basis of the questions that were prepared by the general reporters and that shall be handed out to the participants at the start of the congress; interventions in the debates shall in principle take place on the basis of written requests submitted to the session chairperson; the interventions shall in principle be limited to five minutes per member,

5° the website of the Conference shall, as a medium of permanent communication between the members of the Conference, be further completed, updated and managed by the Court of Arbitration of the Kingdom of Belgium, without prejudice to the right of each organizing member, in accordance with Article 13 of the Statute, to take over the management thereof at any time and, in any case, to determine the contents thereof that are connected with the Conference for which the organizing member in question is responsible.

Brussels, 16 May 2002

A. ARTS
President

M. MELCHIOR
President

F. MEERSSCHAUT
Secretary-General

Resolution II

The Circle of Presidents, convened in Brussels on 13 and 16 May 2002 on the occasion of the XIIth Conference of European Constitutional Courts,

Having regard to Article 9 of the Statute of the Conference of European Constitutional Courts concerning the choice of venue for the next Conference,

Whereas no written offers have come in from members before the start of the Conference to host the XIIIth Conference of European Constitutional Courts,

Having regard to the offer of the Supreme Court of the Republic of Cyprus to act as organizing member, which was submitted verbally at the start of the proceedings to the Chairman of the XIIth Conference by Mr Georghios Pikis, President of the aforesaid Court,

Having heard the President of the Supreme Court of the Republic of Cyprus in his verbal justification of this offer,

1° has unanimously accepted the offer of the Supreme Court of the Republic of Cyprus to act as organizer of the XIIIth Conference of European Constitutional Courts,

2° has decided that the preparatory meeting of the XIIIth Conference shall take place in October 2003,

3° has already suggested the following subjects as possible theme of the XIIIth Conference:

- a) the relationship between the constitutional courts and the European supranational judicial institutions
- b) the principle of equality
- c) human dignity as source of basic rights
- d) access of individuals to the constitutional courts

and has taken note of several interventions in favour of a subject that is not too broad, that relates to the common concerns of the constitutional courts, and that tends to be more oriented towards substantive law.

Brussels, 16 May 2002

A. ARTS
President

M. MELCHIOR
President

F. MEERSSCHAUT
Secretary-General

Resolution III

The Circle of Presidents, convened in Brussels on 13 and 16 May on the occasion of the XIIth Conference of European Constitutional Courts,

Having regard to the Statute of the Conference of European Constitutional Courts, several provisions of which require the elaboration of Conference regulations,

Having regard to Article 9, second heading, indent (h), authorizing the Circle of Presidents to draw up the Conference regulations,

Having regard to the draft prepared by Mr Paul Tschümperlin, Secretary-General of the Federal Tribunal of the Swiss Confederation, as amended on 1 February 2002, in consultation with the Chairman of the XIIth Conference and President Ludwig Adamovich of the Constitutional Court of the Republic of Austria,

Having regard to the written amendments by President Cesare Ruperto of the Constitutional Court of the Republic of Italy and by President Manuel Jiménez de Parga y Cabrera of the Constitutional Tribunal of the Kingdom of Spain,

Having heard the opinion of the ad hoc working group, composed of the Presidents of the Constitutional Courts of the Republic of Austria, the Kingdom of Belgium, the Republic of

Cyprus, the Russian Federation and the Swiss Confederation, delivered by the Chairman, Mr Ludwig Adamovich, and having regard to the amended draft regulations that were submitted,

Having heard the interventions of the different members, in particular with regard to Article 12 of the draft, relating to the languages used during the proceedings of the Conference,

Has decided the following:

the regulations of the Conference of European Constitutional Courts, as attached to the present resolution, have been unanimously approved.

Brussels, 16 May 2002

A. ARTS
President

M. MELCHIOR
President

F. MEERSSCHAUT
Secretary-General

Resolution IV

The Circle of Presidents, convened in Brussels on 13 and 16 May 2002 on the occasion of the XIIth Conference of European Constitutional Courts,

Having regard to the application by the Constitutional Court of the Republic of Belarus for full membership of the Conference of European Constitutional Courts,

Having heard Mr Grigory A. Vasilevich, President of the Constitutional Court of the Republic of Belarus, and the report of the ad hoc working group, delivered by the Chairman, Mr Ludwig Adamovich, at the meeting of the Circle of Presidents on 13 May 2002,

Having regard to Articles 4, 6 and 9, seventh heading, of the Statute of the Conference of European Constitutional Courts,

Having regard to the vote, at which twenty-nine members were present, so that the quorum was attained, and where sixteen members voted in favour of granting full membership to the Constitutional Court of the Republic of Belarus,

Having established that the requisite two-thirds majority, in pursuance of Article 9, seventh heading, indent (a), was not attained,

Has decided the following:

1° the Constitutional Court of the Republic of Belarus shall not be granted full membership.

2° the European Commission for Democracy through Law, also known as the Venice Commission, is invited to re-establish contact with the Constitutional court of the Republic of Belarus and to report on that matter on the occasion of the Preparatory Meeting of the XIIIth Conference in Cyprus.

Brussels, 16 May 2002

A. ARTS
President

M. MELCHIOR
President

F. MEERSSCHAUT
Secretary-General

Resolution V

The Circle of Presidents, convened in Brussels on 13 and 16 May 2002 on the occasion of the XIIth Conference of European Constitutional Courts,

Having regard to the application by the Constitutional Court of the Grand Duchy of Luxembourg for full membership of the Conference of European Constitutional Courts,

Having heard Mr Georges Kill, Vice-President of the Constitutional Court of the Grand Duchy of Luxembourg, and the report of the ad hoc working group, delivered by the Chairman, Mr Ludwig Adamovich, at the meeting of the Circle of Presidents on 13 May 2002,

Having regard to Articles 4, 6 and 9, seventh heading, of the Statute of the Conference of European Constitutional Courts,

Having regard to the vote, at which twenty-nine members were present, so that the quorum was attained, and where twenty-eight members voted in favour of granting full membership to the Constitutional Court of the Grand Duchy of Luxembourg,

Having established that the requisite two-thirds majority, in pursuance of Article 9, seventh heading, indent (a), was attained,

Has decided the following:

the Constitutional Court of the Grand Duchy of Luxembourg shall be granted full membership.

Brussels, 16 May 2002

A. ARTS
President

M. MELCHIOR
President

F. MEERSSCHAUT
Secretary-General

Resolution VI

The Circle of Presidents, convened in Brussels on 13 and 16 May 2002 on the occasion of the XIIth Conference of European Constitutional Courts,

Having regard to the request by the Circle of Presidents of 21 October 2000 to invite the Constitutional Court of the Federal Republic of Yugoslavia to the XIIth Conference of European Constitutional Courts,

Having regard to the necessity of establishing the status of the aforesaid Constitutional Court in the context of the Conference of European Constitutional Courts,

Having heard Mr Momčilo Grubač, President of the Constitutional Court of the Federal Republic of Yugoslavia, and the report of the ad hoc working group, delivered by the Chairman, Mr Ludwig Adamovich, at the meeting of the Circle of Presidents on 13 May 2002,

Having regard to Articles 4, 6 and 9, seventh heading, of the Statute of the Conference of European Constitutional Courts,

Whereas in November 2000 the Federal Republic of Yugoslavia was accepted by the General Assembly of the United Nations as a new member by Resolution 55/12 and that, under conventions concluded under the auspices of international organizations, none of the constituents of the former Socialist Federal Republic of Yugoslavia can claim to be the sole legal successor of that State,

Whereas the Constitutional Court of the Federal Republic of Yugoslavia cannot be regarded as the legal successor, within the Conference of European Constitutional Courts, of the Constitutional Court of the former Socialist Federal Republic of Yugoslavia, that was one of the co-founders of this Conference,

Having regard to the internal constitutional developments that have taken place in the Federal Republic of Yugoslavia since 2000 and that shall take place in the near future in

accordance with the Agreement on Principles of 14 March 2002, notably in connection with the eventual organic regulation of a new Constitutional Court, for which reasons this Constitutional Court cannot be granted, as yet, the status of full member or associated member.

Has decided the following:

the Constitutional Court of the Federal Republic of Yugoslavia shall be granted the status of observer.

Brussels, 16 May 2002

A. ARTS
President

M. MELCHIOR
President

F. MEERSSCHAUT
Secretary-General