

XVIth Congress of the Conference of European Constitutional Courts in 2014

## **Cooperation of Constitutional Courts in Europe – Current Situation and Perspectives**

### **Questionnaire for the national reports**

#### **I. Constitutional courts between constitutional law and European law**

1. Is the constitutional court obliged by law to consider European law in the performance of its tasks?
2. Are there any examples of references to international sources of law, such as
  - a) the European Convention on Human Rights,
  - b) the Charter of Fundamental Rights of the European Union,
  - c) other instruments of international law at European level,
  - d) other instruments of international law at international level?
3. Are there any specific provisions of constitutional law imposing a **legal** obligation on the constitutional court to consider decisions by European courts of justice?
4. Is the jurisprudence of the constitutional court influenced **in practice** by the jurisprudence of European courts of justice?
5. Does the constitutional court in its decisions regularly refer to the jurisprudence of the Court of Justice of the European Union and/or the European Court of Human Rights? Which are the most significant examples?
6. Are there any examples of divergences in decisions taken by the constitutional court and the European courts of justice?
7. Do other national courts also consider the jurisprudence of European courts of justice as a result of the constitutional court taking it into consideration in its decisions?
8. Are there any examples of decisions by European courts of justice influenced by the jurisprudence of national constitutional courts?

## **II. Interactions between constitutional courts**

1. Does the constitutional court in its decisions refer to the jurisprudence of other European or non-European constitutional courts?
2. If so, does the constitutional court tend to refer primarily to jurisprudence from the same language area?
3. In which fields of law (civil law, criminal law, public law) does the constitutional court refer to the jurisprudence of other European or non-European constitutional courts?
4. Have decisions of the constitutional court noticeably influenced the jurisprudence of foreign constitutional courts?
5. Are there any forms of cooperation going beyond the mutual acknowledgement of court decisions?

## **III. Interactions between European courts in the jurisprudence of constitutional courts**

1. Do references to European Union law or to decisions by the Court of Justice of the European Union in the jurisprudence of the European Court of Human Rights have an impact on the jurisprudence of the constitutional court?
2. How does the jurisprudence of constitutional courts influence the relationship between the European Court of Human Rights and the Court of Justice of the European Union?
3. Do differences between the jurisprudence of the European Court of Human Rights, on the one hand, and the Court of Justice of the European Union, on the other hand, have an impact on the jurisprudence of the constitutional court?

