

**PREPARATORY MEETING OF THE CIRCLE OF PRESIDENTS**  
**OF THE XIII CONFERENCE OF EUROPEAN**  
**CONSTITUTIONAL COURTS**

**RESOLUTION I**

The Circle of Presidents of the Conference of European Constitutional Courts held the Preparatory Meeting to the XIII Conference of European Constitutional Courts at Nicosia on the 16<sup>th</sup> - 17<sup>th</sup> October, 2003. The Circle of Presidents has taken the following decisions:

1. The XIII Conference shall take place at Nicosia between the 15<sup>th</sup> – 19<sup>th</sup> May, 2005.
  
2. The theme of the XIII Conference shall be “The Criteria of the Limitation of Human Rights in the Practice of Constitutional Justice”.
  
3. The Supreme Court of Cyprus shall draw up a questionnaire designed to elicit the response of members in their national reports, to the various aspects of the theme of the Conference with particular emphasis on the following three aspects of the subject.

- (a) Juridical amenity to limit the application of human rights, the identification of the rights that may be subject to limitation or suspension, the prerequisites that must be satisfied before imposing permissible limitations and the duration of such limitations.
  
- (b) The jurisprudence (case law), of European Constitutional Courts on the subject of limitation of human rights.
  
- (c) Jurisprudence (case law) of supranational European Courts and its impact on national constitutional jurisdictions.

The questionnaire shall be drawn up by the Supreme Court of Cyprus and it shall be circulated by the 29<sup>th</sup> of February 2004. It shall be drawn up in the official languages of the Conference. Members shall draw up their national reports in their language as well as in French or in English and submit them to the Supreme Court of Cyprus by the end of November 2004. For the facilitation of the submission of national reports the Venice Commission has undertaken to submit a report on the jurisprudence of the European Court of Human Rights and European Constitutional Courts (to the extent known) on the subject to be debated.

4. The reports of the members will be circulated in hard copy and made public on the website of the Court of Arbitration of Belgium; for this purpose the members shall send their report, written in the chosen languages, in electronic format to the Supreme Court of Cyprus.

5. Following the submission of the questionnaire the organizing court shall seek from members of the Conference nominations for:

- (a) A General Rapporteur.
- (b) Chairpersons who will preside over debates of the subtopics of the theme of the Conference.
- (c) Rapporteurs to report on the deliberations on specific parts of the subject at the Conference.

Following the submission of nominations or expression of interest on behalf of members to act as Rapporteurs or Chairpersons at the Conference, the organizers will, subject to the approval of members, decide upon the persons who shall act in the aforementioned capacities.

6. Observers and guests as well as representatives of the highest jurisdictional authority of the United Kingdom of Great Britain and Northern Ireland, shall be invited to attend the XIII Conference. Moreover distinguished jurists in the field of constitutional law may be invited in their personal capacity as guests by the host Court.

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**RESOLUTION II**

The Circle of Presidents of the Conference of European Constitutional Courts held the Preparatory Meeting to the XIII Conference at Nicosia on the 16<sup>th</sup> and 17<sup>th</sup> October, 2003.

The Circle of Presidents approved the financial statement for the Preparatory Meeting submitted by the Chief Registrar of the Supreme Court of Cyprus. It decided that costs other than costs that the organizing court has offered to bear and costs of translation in Italian and Spanish that will be borne by the respective courts as decided by the Circle of Presidents in accordance with Resolution III taken at the XII Conference in Brussels, will be borne by the full members of the Conference. Pursuant to the provisions of Article 11, paragraph 2(a), of the Statute of the Conference of European Constitutional Courts and Article 15 of the Conference Regulations, the costs shall be apportioned equally among full members.

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**RESOLUTION III**

The Circle of Presidents of the Conference of European Constitutional Courts held the Preparatory Meeting to the XIII Conference at Nicosia on the 16<sup>th</sup> – 17<sup>th</sup> October, 2003.

Having regard to the application by the Supreme Court of the Republic of Ireland for full membership of the Conference of European Constitutional Courts;

Having heard Justice Hugh Geoghehan, of the Supreme Court of Ireland and the recommendations of the *ad hoc* Committee delivered by the Chairman, Mr. Pikis, at the meeting of the Circle of Presidents on 17<sup>th</sup> October, 2003,

Has decided as follows:

The Supreme Court of the Republic of Ireland is granted full membership of the Conference of European Constitutional Courts.

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**RESOLUTION IV**

The Circle of Presidents of the Conference of European Constitutional Courts held the Preparatory Meeting to the XIII Conference at Nicosia on 16<sup>th</sup> – 17<sup>th</sup> October, 2003.

Having regard to the application by the Supreme Court of the Kingdom of Norway for full membership of the Conference of European Constitutional Courts;

Having heard Justice Karl Arne Utgand of the Supreme Court of Norway and the recommendations of the *ad hoc* Committee delivered by the Chairman, Mr. Pikis, at the meeting of the Circle of Presidents on 17<sup>th</sup> October, 2003,

Has decided as follows:

The Supreme Court of the Kingdom of Norway is granted full membership of the Conference of European Constitutional Courts.

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**RESOLUTION V**

The Circle of Presidents of the Conference of European Constitutional Courts held the Preparatory Meeting of the XIII Conference at Nicosia on the 16<sup>th</sup> – 17<sup>th</sup> October, 2003.

Having regard to the application by the Supreme Court of the Republic of Estonia for full membership of the Conference of European Constitutional Courts;

Having heard Chief Justice Uno Lohmus, of the Supreme Court of Estonia and the recommendations of the *ad hoc* Committee delivered by the Chairman, Mr. Pikis, at the meeting of the Circle of Presidents on 17<sup>th</sup> October, 2003,

Has decided as follows:

The Supreme Court of the Republic of Estonia is granted full membership of the Conference of European Constitutional Courts.

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**RESOLUTION VI**

The Circle of Presidents of the Conference of European Constitutional Courts held the Preparatory Meeting to the XIII Conference at Nicosia on the 16<sup>th</sup> – 17<sup>th</sup> October, 2003.

Having regard to the renewal of the application by the Supreme Court of Israel to join the conference as a full member of the Conference of European Constitutional Courts;

Having regard to Resolution III, of the Circle of Presidents taken at the Preparatory Meeting of the XII Conference of European Constitutional Courts in Brussels;

Having regard to the material placed before the Circle of Presidents by the letters of Mr. Barak, President of the Supreme Court of Israel dated 31<sup>st</sup> August, 2000 and 20<sup>th</sup> May, 2003;



Has decided as follows:

It is not possible to admit the Supreme Court of Israel to the Conference of European Constitutional Courts. Article 6(1)(a) of the Statute of the Conference plainly confines membership only to Constitutional Courts and similar European institutions exercising constitutional jurisdiction. The Circle of Presidents arrived at this conclusion notwithstanding the good relations that exist between members of the Conference of European Constitutional Courts and the Supreme Court of Israel based on the similarity in jurisdictional culture and devotion to an effective legal protection of fundamental rights and liberties. The Supreme Court of Israel has already been admitted as a guest to the Conference and in that capacity shall be able to participate at the XIII Conference.

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**RESOLUTION VII**

The Circle of Presidents of the Conference of European Constitutional Courts held the Preparatory Meeting of the XIII Conference at Nicosia on the 16<sup>th</sup> – 17<sup>th</sup> October, 2003.

Having regard to the application made by the Federal Constitutional Court of the Federal Republic of Yugoslavia on behalf of the Federal Constitutional Court of the Federal State of Serbia and Montenegro, to be established under the new Constitution of the Federation that came into force on 4<sup>th</sup> February, 2003 for full membership of European Constitutional Courts;

Having heard Justice Alexander Simic, of the Federal Constitutional Court of the Federal State of Serbia and Montenegro who informed the Circle of Presidents inter-alia that it is presently unknown when the new Constitutional Court will become operational and having heard the recommendations of the *ad hoc* Committee delivered by the Chairman, Mr. Pikis, at the meeting of the Circle of Presidents on 17<sup>th</sup> October, 2003.

Having regard to the fact that the Court to be established has not yet come into being.

Has decided as follows:

The application must be dismissed on the ground that it does not derive from the Court seeking to become a member of the Conference of European Constitutional Courts.

It is noted that the Court on whose behalf the application is made is not yet in existence.

As and when the Federal Court of the Federal State of Serbia and Montenegro comes into existence and becomes operational it may apply for membership, which will be duly considered on its merits.

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**RESOLUTION VIII**

The Circle of Presidents of the Conference of European Constitutional Courts held the Preparatory Meeting of the XIII Conference at Nicosia on the 16<sup>th</sup> – 17<sup>th</sup> October, 2003.

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 the Chairman of the Constitutional Court of the Republic of Belarus and having duly considered the report of the delegation of the Venice Commission that visited Belarus in June 2003;

Having heard the oral report of Mr. Schnutz Rudolf Dürr, Head of the Constitutional Justice Division of the Venice Commission on the Status, jurisdictional basis and the framework within which the Constitutional Court of the Republic of Belarus operates;

Having heard the recommendations of the *ad hoc* Committee delivered by the Chairman, Mr. Pikis, at the meeting of the Circle of Presidents on 17<sup>th</sup> October, 2003;

Noted:

The commendable progress made by the Constitutional Court of the Republic of Belarus towards the attainment of the goals of the Constitutional judiciary set out in Article 6(1) of the Statute, deems it best appropriate to postpone taking a decision on the application for full membership to the next meeting of the Circle of Presidents that will precede the XIII Conference.

The postponement would provide further opportunity for strengthening the structure of the Courts within the institutional framework of the Republic of Belarus.