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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with
THE CONSTITUTIONAL COURT OF LATVIA AND THE GERMAN
FOUNDATION FOR INTERNATIONAL CO-OPERATION (IFZ)

CONFERENCE

**The Role of the Constitutional Court
in the protection of the values enshrined in
the Constitution:
experience of the last decade and
the prospect for development in Europe**

Conference celebrating the 10th anniversary of
the Constitutional Court of Latvia

8-9 December 2006
Riga, Latvia

SYNOPSIS

On the occasion of the 10th anniversary of the Constitutional Court of Latvia, the Venice Commission organised, in co-operation with the Constitutional Court of Latvia and the German Foundation for International Co-operation (IFZ), a conference on the "Role of the Constitutional Court in the protection of the values enshrined in the Constitution: experience of the last decade and the prospect for development in Europe" (Riga, 8-9 December 2006).

The participants included representatives from the Constitutional Courts of Armenia, Germany, Hungary, Lithuania, Slovakia and Russia, the Court of Arbitration of Belgium, the Supreme Courts of Estonia and Cyprus, the Supreme Administrative Court of Sweden, the Constitutional Tribunal of Poland and the Max Planck Institute for Comparative Public Law and International Law of Heidelberg. Among the local participants were, inter alia, representatives of Latvia's: Ministry of Justice, the State Chancellery, the Saeima (Parliament), the Constitutional Court, the Supreme Court, several regional and administrative courts and academics as well as Ambassadors from 16 countries.

The conference focused on the experience of and developments made by the constitutional courts in many European countries over the past decade. Notably, the difference in competences between constitutional courts, the criteria as well as the styles chosen to make decisions and the challenges faced in ratifying the European Convention on Human Rights and later, for some, the accession to the EU.

Questions and answers by the participants ranged from such issues as the possibility of introducing a constitutional court in Sweden (unlikely for the moment, as there is a strong opposition by political parties), the possibility for the ECJ to eventually turn into a constitutional court of Europe to the struggle the Russian media face in exercising their freedom of expression.

The Venice Commission's role in supporting the development of the Latvian Constitutional Court was highlighted by the Latvian organisers. As for future developments, the Latvian organisers suggested that any future amendments made to the Law on the Constitutional Court of Latvia should concentrate on the provisions dealing with the decisions on the acceptance and rejection of cases. These decisions are currently made by a panel of three judges (decided by majority) and cannot be appealed. An incoherence has come up where a certain type of case would be accepted by one panel and a similar case would be rejected by another panel. One of the suggestions made to solve this issue was to introduce the possibility for an appeal to be brought against such decisions.

The proceedings of this conference will be published by the Latvian Constitutional Court.