



*kopie latvianā : dr. Götzlinger
mgr. Buličeva
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Aa.*

LATVIJAS REPUBLIKAS SATVERSMES TIESA THE CONSTITUTIONAL COURT OF THE REPUBLIC OF LATVIA

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JUDr. Dr.h.c. Pavel Rychetský
President
Constitutional Court of Czech Republic

Dear Mr President!

I would like to express my gratitude for your kind invitation to the preparatory meeting on the XVIIIth Congress of the Conference of European Constitutional Courts that will take place in Prague from 13 to 15 June 2018.

On behalf of the Constitutional Court of the Republic of Latvia I would like to express our appreciation of your work for the preparatory meeting.

In accordance with the existing practice, the decision on the theme of the Congress is adopted at the session of the Circle of Presidents during the preparatory meeting and, in view of the current relevant issues in the field of the constitutional law, I would like to propose "Common European Legal Space – Impact of the Judgments of Constitutional Courts" as the theme of the XVIIIth Congress of the Conference of European Constitutional Courts.

The role of constitutional courts is gaining importance also on the international level. Europe has evolved into an open and united space of legal culture; therefore today the constitutional courts work in a legal environment that is formed by the national, European, and international law. This interaction places a particular obligation on the national constitutional court. In the globalised world, we encounter increasingly more complex challenges. Environmental, security and economic issues have no borders; they cannot be resolved within one state. Today, problems can be solved only through effective and concerted cooperation. Therefore, in the globalised world, the constitutional courts become partners in long-term cooperation. At the same

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time, also legal systems become more interconnected and interdependent, awareness of the unity of international and national law is growing. Thus, today, an effective dialogue between the constitutional courts of various states and international courts, based on unity and diversity, cooperation and independent adjudication, balancing of national and European values, as well as promoting integration, is more than ever important.

Already at the XVIth Congress of the European Constitutional Courts¹, which was held in Vienna in 2014, aspects of cooperation between the constitutional courts were examined, analysing the reciprocal use of case law, as well as the impact of the European courts on the rulings by the constitutional courts. The idea that the rulings by the constitutional courts impacted rulings by the international courts appeared both in some national reports and the materials of the Congress. However, the issue was not studied and analysed from this vantage point. Moreover, the questionnaire of the Congress and, thus, also the national reports were more focused on the informal judicial dialogue, which is implemented intensively and successfully, both by using the case law of foreign constitutional courts and by organising and participating in bilateral and multilateral cooperation).

The informal dialogue remains relevant, however, the legal regulation in this field has changed since the Vienna Congress. Protocol 16 to the European Convention for the Protection of Human Rights and Fundamental Freedoms envisages a new mechanism for the formal dialogue within the system for protecting the human rights included in the Convention; i.e., the possibility for the national supreme courts to request an advisory opinion from the European Court of Human Rights. Hence, a new type of formal dialogue has been introduced alongside the judicial dialogue between the Court of Justice of the European Union and the national courts in the framework of the preliminary ruling procedure, envisaged by Article 267 of the Treaty on the Functioning of the European Union.

In this context, it would be of interest to identify the supra-national impact of rulings by the constitutional courts – both direct and indirect, the scope, as well as more formal tools for taking decisions of other constitutional Courts into account.

Taking this opportunity, please let me express, Mr President, the assurances of my highest consideration.

Sincerely
Prof., Ph.D. Ineta Ziemele
President of the Constitutional Court
of the Republic of Latvia



¹ Topic “The Cooperation of Constitutional Courts in Europe. Current Situation and Perspectives”