



## **Minutes of the Preparatory Meeting of the Circle of Presidents**

Tirana, 28 February 2025  
(10:00 – 14:00)

### **Summary of the Preparatory Meeting of the Circle of Presidents**

The meeting was opened at 10:00 by the **President of the Constitutional Court of Albania, Ms Holta ZAÇAJ**, who extended a warm welcome to all distinguished presidents and colleagues. She expressed profound honor in hosting the gathering of the Circle of Presidents of the Conference of European Constitutional Courts.

Ms Zaçaj emphasized that the constitutional courts represent not only national institutions but also a collective responsibility to uphold shared values such as human dignity, the rule of law, and democratic values. The role of constitutional courts in strengthening democracy and human rights across Europe and the world was highlighted, with an emphasis on the opportunity for courts to innovate, uphold judicial independence, and enhance fundamental rights.

#### **I. Adoption of the Agenda of the Preparatory Meeting of the Circle of Presidents**

The President initially stated that all have received all the documents, the agenda and the proposal of ranking of the topics. Additionally, she stated that a quorum was confirmed with 32 out of 40 courts represented, which met the requirement of more than half of the members being present as foreseen by Article 9(6) of the Statute of the Conference of European Constitutional Courts.

Furthermore, it was shared that the Constitutional Court of Romania had sent a letter stating that it would not be able to attend the meeting. Therefore, its vote would be cast by the President of the Constitutional Court of Moldova, as per the delegation.

The issue of voting by proxy was raised and discussed. It was concluded that non-present members, in accordance with the conference's statute, could not vote. The Constitutional Court of Montenegro also sent a letter informing that it could not vote on item two of the agenda due to an incomplete composition, but as Montenegro was absent from the meeting, its vote was not considered.

After addressing these procedural matters, the agenda was opened for approval.

**Mr Bojan JOVIC (Serbia)** speaking on behalf of the President of the Constitutional Court of Serbia, objected to item II of the agenda, which concerns Kosovo's application for membership by stating that this item should be removed and as well putting the adoption of the agenda to a halt item by item. He argued that Kosovo's Constitutional Court did not meet the requirements for CECC membership under articles 6.2 and 6.3 of the statute, and that Kosovo's application should be rejected. In addition, he presented the argument that Kosovo is an integral part of Serbia under both international law and United Nations Security Council Resolution 1244, and therefore, Kosovo could not be considered for membership.

**Ms Corinne LUQUIENS (France)**, stated we are now discussing about the approval of the agenda and our colleague has already expressed opinion on the second point of the agenda that is the admission or not of the Kosovo court in our institution. There's no reason why we shouldn't approve the agenda and then we'll discuss, the topic of the admission of Kosovo.

**Mr Christoph GRABENWARTER (Austria)**, agreed with what Ms Corinne said, and reminded that last time in Moldova it was endorsed to have a report and this concerns in particular item II.2 of the agenda. He suggested to approve the agenda as a whole and to include a simple additional word in item II.3 saying: discussion and **possible** approval.

**Ms. Holta ZAÇAJ (Albania)** proposed to approve the agenda as a whole with the only amendment under point II.3 by including the wording "discussion and **possible** approval" and put it to the vote mentioning that decisions can be taken by a majority of two thirds of members present at a meeting. Abstentions shall be counted as negative votes.

*Vote: FOR - more than 2/3 of the members. The agenda has been approved.*

Thus, the original agenda was accepted as it stood, with only a minor clarification made to item II.3.

## **II. Application for admission to the Conference of European Constitutional Courts**

After the agenda was approved, the President of the Constitutional Court of Kosovo, **Mr Nexhmi REXHEPI**, was invited to present Kosovo's application for membership in the Conference of the European Constitutional Courts. Mr. Rexhepi expressed gratitude for being allowed to present Kosovo's case and emphasized the significance of the application, which had been pending since 2011. He highlighted that Kosovo's Constitutional Court meets the criteria laid out in the CECC statute for membership and reaffirmed Kosovo's commitment to the values upheld by the conference.

Mr. Rexhepi was reminded that his presentation should be brief and focused on explaining why Kosovo's Constitutional Court met the criteria for membership. He was asked to keep his remarks within five minutes. He pointed out that the application, which had been pending for over a decade, was now an important issue that needed to be discussed in person. Mr. Rexhepi's presentation was expected to shed light on Kosovo's efforts to align with the values of the CECC. In closing, he emphasized that Kosovo's application is not about seeking political recognition but about joining a legal community devoted to democracy, the rule of law, and human rights. The Constitutional

Court of Kosovo, he affirmed, has proven itself a protector of these values and remains steadfast in its constitutional mission regardless of the outcome of the meeting. The speaker was then thanked and asked to leave the room to allow the session to continue.

Following the meeting after the President of the Constitutional Court of Kosovo left the room, **Ms Holta ZACAJ (Albania)** resumed with agenda item II.2, concerning the committee's report. She explained that seven countries — Italy, Latvia, Belgium, France, Türkiye, Albania, and Monaco — were tasked with assessing Kosovo's eligibility for membership based on Article 6 of the CECC statute. The report was unanimously approved and distributed to members beforehand.

She proceeded to outline the committee's methodology. The assessment covered both formal legal frameworks (Constitution, organic law) and judicial practice, focusing on 30 court decisions submitted by Kosovo. The analysis sought to verify whether constitutional principles were reflected not only in law but also in practice.

The Constitutional Court of Kosovo was found to exercise jurisdiction not only in abstract constitutional review but also over individual complaints and institutional conflicts. Its jurisprudence has shown significant independence, including in decisions against executive institutions like the government and the president. The committee emphasized that this demonstrates genuine judicial independence and courage.

The report also highlighted that the CECC's statute does not condition membership on statehood — a principle rooted in the technical and apolitical nature of the conference. Ms Holta Zacaj rhetorically asked, "Who is delivering constitutional justice to the citizens of Kosovo?" and affirmed that the answer is indeed the Constitutional Court of Kosovo. Therefore, she concluded that the Court should be included in the CECC to enrich mutual constitutional learning and improve access to justice.

The report concludes that Kosovo's Constitutional Court meets all membership criteria under the CECC statute. All seven committee members voted in favor of its inclusion, without any reservations.

With no questions raised about the report, the floor moved to discussions and voting. The first to speak was the representative of the Constitutional Court of Serbia, **Mr Bojan JOVIC**, who read a prepared statement. He acknowledged the difficulty of entirely separating politics from the evaluation of Kosovo's application but insisted that legal principles must ultimately prevail.

Serbia's argument centered on the notion that accepting Kosovo's court based on formal political recognition would deviate from the CECC's founding principles. The Serbian representative claimed that Kosovo's application does not meet Article 6 of the statute and warned that accepting it could undermine the credibility of the conference itself.

Serbia continued its opposition by arguing that membership should be limited to constitutional courts from countries that are members of key international organizations like the United Nations and the Council of Europe. Kosovo, they noted, is a member of neither. Referencing UN Security Council Resolution 1244, Serbia maintained that Kosovo cannot be considered a European

Constitutional Court under international law. The principle of territorial integrity, they argued, must apply equally to all states.

The speaker invoked a historical precedent: after the dissolution of Yugoslavia, Serbia was denied CECC membership until it joined the UN and the Council of Europe – even though it was widely recognized as an independent state. Serbia questioned why Kosovo should now be treated differently. A historical summary followed, highlighting several past rejections or postponements of Kosovo’s application:

- In 2011, the matter was postponed.
- In 2015 and 2017, Kosovo’s request was excluded from the agenda.
- In 2018, it was again unanimously excluded from the draft agenda.
- In 2021, an online vote failed to reach the required two-thirds majority.
- In 2022, Kosovo submitted another application, leading to the October 2023 decision to form the current committee and produce the present report.

**Mr Bojan JOVIC (Serbia)** stated that Kosovo’s Constitutional Court does not meet the legal requirements under Article 6 of the statute and warned against abandoning principle for political expedience. He reiterated the court’s longstanding legal position opposing the application of the "so-called Constitutional Court of Kosovo" for full membership in the CECC. He emphasized that despite multiple attempts over the past decade, the application has never achieved the required two-thirds majority. He recalled that three official votes on the membership and other procedural votes on whether to even include the application on the agenda have consistently failed to pass. The representative argued that no significant change in international status or legal framework has occurred since the last decision on the matter, which was less than nine months ago in Moldova.

Citing the still-valid UN Security Council Resolution 1244 and Kosovo’s non-membership in either the UN or the Council of Europe, the Serbian representative underscored that the core conditions for reconsideration have not changed. He referenced Article 6, Paragraph 1 of the CECC statute, which calls for consistency with prior conference practices, and reiterated the opinion of Spanish Judge Antonio Luis Ramos that recognizing Kosovo’s court would amount to implicit recognition of Kosovo’s statehood—an act that is politically and legally premature according to Serbia.

**Ms Laura DIEZ BUESO (Spain)**, reaffirmed their country’s consistent stance against the inclusion of Kosovo’s court, citing Spain’s non-recognition of Kosovo. Although she acknowledged understanding the rationale and efforts of the report and the broader legal debate, she noted that national policy dictates a vote against the application.

Following Spain’s remarks, **Ms Holta ZAÇAJ (Albania)**, clarified and highlighted several facts from the committee’s report, including the 2010 International Court of Justice advisory opinion stating that Kosovo’s declaration of independence did not violate international law, Kosovo’s membership in the Balkan Forum of Constitutional Courts, and the Council of Europe Parliamentary Assembly’s recommendation that Kosovo be invited to become a member. These facts were reiterated to balance the lengthy legal objections raised by Serbia.

Serbia's delegate responded to the mention of the ICJ opinion by pointing out that the same advisory opinion also stated that Kosovo remains under international administration per UN Resolution 1244. Furthermore, Serbia invoked Article 6, Paragraph 2 of the CECC statute, which states that only one institution per country may be granted full or associate membership. The Serbian representative argued that if Kosovo were admitted, it would effectively result in two institutions from one country—Serbia—being recognized, thus violating the statute.

A committee member, **Ms Corinne LUQUIENS (France)**, intervened by clarifying that the prolonged debate surrounding Kosovo's application is not an argument against Kosovo but rather a testament to its determination to join the CECC. She emphasized that Article 6 does not require recognition by the UN or Council of Europe, but rather assesses whether a court meets constitutional justice standards and upholds the principles of judicial independence. She expressed her confidence in the committee's report, which she supported, stating that Kosovo has met the necessary criteria for membership.

**Mr Christoph GRABENWARTER (Austria)**, recalled the evolution of the debate from its initial appearance on the CECC agenda in 2011 to the current more technical and less emotionally charged discourse. He noted that during the Kishinev session, Kosovo's application received 22 votes in favor and 13 against, a significant development compared to earlier years. He praised the committee for delivering a legally grounded and balanced report that now serves as a robust basis for decision-making. In addition, he referenced the April 17, 2024, Parliamentary Assembly of the Council of Europe decision inviting Kosovo to join, highlighting that today's context is substantially different from 2011. The discussion, they argued, now rests on solid legal foundations, not political emotions.

**Mr Jose JOAO ABRANTES (Portugal)**, aligned with previous speakers who supported Kosovo's inclusion, emphasizing the purely legal and technical nature of the discussion. He praised the committee's report for its clarity, particularly its conclusion that recognition of Kosovo as a state is irrelevant to the admission criteria. He reminded the audience that Kosovo's Constitutional Court is already a full member of the World Conference on Constitutional Justice. Touching on international precedents, he mentioned that Switzerland only joined the United Nations in 2002, showing that UN membership is not a necessary condition for participation in international bodies. He acknowledged Serbia's concerns and complex historical grievances but insisted that these issues should not preclude Kosovo's membership in the CECC.

**Mr Jean-Philippe DEROSIER (Monaco)** speaking on behalf of the Supreme Tribunal of Monaco, offered a brief statement. He aligned with the previous comments made by colleagues from France, Austria, and Portugal, and confirmed that Monaco would approve the membership of the Constitutional Court of Kosovo. This statement was made in the context of the ongoing discussions about Kosovo's eligibility and the criteria necessary for membership. He emphasized that the position taken by Monaco was not personal but rather an official stance from both the Tribunal and the State of Monaco. The representative further clarified that, as a participant in the Committee that prepared the report, they wished to confirm that Kosovo's Constitutional Court fulfilled all the criteria set forth in Article 6 of the Statutes of the Conference. Mr Jean-Philippe Derosier outlined the key criteria:

1. **Is it a European Constitutional Court or a similar European institution?** The answer is yes.
2. **Does it exercise constitutional jurisdiction?** The answer is yes.
3. **Does it review the conformity of legislation?** The answer is yes.
4. **Is it guided by the principle of judicial independence?** The answer is yes.
5. **Is it bound by the fundamental principles of democracy?** The answer is yes.
6. **Is it bound by the rule of law?** The answer is yes.

These criteria, outlined in Article 6, Paragraph 1(a), were confirmed as being fully met by Kosovo's Constitutional Court. Additionally, he noted that Article 6, Paragraph 2, which specifies that only one institution from each country may be granted membership, does not require statehood but simply the status of being a recognized country. Given that the Republic of Kosovo is recognized as a country, this criterion was also satisfied.

The statement concluded with a reminder of the remarks made by **President Grabenwarter (Austria)** and the Resolution of April 7, 2024, which acknowledged Kosovo's invitation to join the Council of Europe. Based on these factors, the Supreme Tribunal of Monaco confirmed its support for the membership application and expressed its intention to approve the Constitutional Court of Kosovo as a member of the Conference.

**Mr Thierry HOSCHEIT (Luxembourg)**, began by emphasizing that the report before them was excellent, showing that the Kosovo Constitutional Court meets all the institutional requirements and fulfills the criteria set by their association. Those who had previously opposed Kosovo's admission were no longer contesting these conclusions, which the speaker found to be an important point. The arguments against Kosovo's membership had been based on interpretations of the statutes and public international law. He expressed that these arguments were unconvincing but acknowledged that the representative from Monaco had already addressed these issues effectively. He introduced an additional point to the discussion: the fundamental purpose of their work. He asked, "Why are we here?" and emphasized that they were there for the people living within their territories. Where there is a court ensuring the rule of law and democratic principles, it is their responsibility to support that court. Public support for such courts is crucial to increase their legitimacy among the people they serve. Mr Hoscheit concluded by reminding everyone that their role was not to serve the interests of states or governments but to serve the people. This, he emphasized, should be the guiding principle in their decision-making.

**Mr Giovanni AMOROSO (Italy)**, expressed thanks to President Zaçaj for her leadership of the committee. Mr Amoroso stated that the objection of the Constitutional Court of Serbia is not futile, and cannot be underestimated. But in the meantime, it's necessary to stress that the purpose of the conference is not political. It's a cultural meeting of constitutional judges in order to stress the dialogue between the judges. So, the decision of admitting the Constitutional Court of Kosovo in the conference does not affect at all the political problem which is outside. Furthermore, he stated that there are different places and tables for discussing. The conference is a place where jurists who are also constitutional judges exchanges experience and method of constitutional review.

**Ms Réka VARGA (Hungary)** announced that, out of respect for neutrality, it would not participate in the vote. The Hungarian delegate emphasized this was not a sign of disrespect but a reflection of its constitutional mandate to remain neutral.

**Mr Bojan JOVIC (Serbia)** reiterated its longstanding position: that Kosovo is not a state and therefore does not meet the requirements under Article 6. He questioned the consistency of the Conference's approach, referring to Switzerland's admission in earlier years when it was already a member of the Council of Europe. Serbia warned about potential complications if constitutional courts from federal entities (e.g., in federations with multiple courts) were to apply in the future, asking rhetorically if such applications would be accepted as well. The Serbian delegate closed by reiterating opposition to the Kosovo Court's membership.

**Ms Holta ZAÇAJ (Albania)**, noted that, if there were no further comments and considering the importance of time, she proposed to proceed with the vote. Regarding the modus operandi for the voting, she proposed going one by one to take notes on how each country votes to ensure a proper counting of votes.

*Vote: FOR - 25 members, AGAINST – 4 members, ABSTAIN – 2 members*

The vote was conducted in a roll-call format to ensure clarity and accuracy. A total of **31 members voted**, with **25 in favor**, **4 against** (Serbia, Azerbaijan, Spain, and Moldova), **2 abstentions** (Slovakia, Poland). Hungary had left the room and did not participate. Based on the results, Kosovo was officially admitted as a full member of the Conference of European Constitutional Courts.

Following the vote, **Ms Zaçaj (Albania)** proposed inviting **Mr Rexhepi (Kosovo)** to join the session as a full member. The session concluded with an invitation for a family photo, a coffee break, and then a return to the remaining agenda items

### **III. Selection of the XX<sup>th</sup> Congress Theme**

**Ms Zaçaj (Albania)** opened the discussion regarding the selection and possible approval of the main theme for the 20th Congress. Albania, as the host country, had compiled and circulated the proposed topics from all participating constitutional courts. Given time constraints, she decided to read the proposals aloud instead of giving the floor to each delegation. Albania suggested several topics, including the rule of law in the era of artificial intelligence, threats to democracy from fake news and electronic democracy, the contribution of constitutional justice to fundamental rights, interpretative limits of constitutional justice, and the defense of democracy by constitutional courts—all under the broader concept of the “new frontier of constitutionalism.” Germany proposed “freedom of expression and freedom of the press,” with social media as a subtopic. Lithuania submitted three topics: artificial intelligence and human rights, sustainability and consistency in constitutional case law, and the tension between national security and human rights. Azerbaijan proposed two themes focused on artificial intelligence in constitutional justice—both as a subject and its procedural applications.

**Mr Ivan FIAČAN (Slovakia)**, was the first to comment, noting that artificial intelligence is undoubtedly a pressing issue but may be premature for detailed discussion in 2027, as many courts,

including theirs, have not yet adjudicated any cases involving AI. Instead, he favored two themes: Albania's proposal on the interpretative limits of constitutional justice and Germany's proposal on freedom of expression, considering them more concrete and conducive to meaningful exchange.

**Ms Ines HÄRTEL (Germany)** expressed strong support for the theme of fake news as a growing threat to democracy, emphasizing how misinformation, especially on social media, undermines elections globally. She proposed merging their topic on freedom of expression with Albania's on fake news, arguing that fake news is an abuse of freedom of expression. Germany even offered to withdraw their original proposal as a stand-alone topic and instead reframe it as a subtopic under a broader theme like "Threats to Democracy."

Latvia, Hungary, Austria, and Portugal echoed support for this combined approach. Latvia emphasized the importance of "Defense of Democracy by Constitutional Courts," suggesting that fake news could be integrated as a subtheme. Hungary stressed that the topics should be focused enough to ensure that courts are discussing the same issues. Austria and Türkiye also supported merging the German and Albanian proposals, noting the importance of addressing freedom of expression in the age of social media.

There was a consensus forming around the need to address fake news, its impact on democracy, and the role of constitutional courts. It was proposed that the Congress concentrate on *freedom of expression* and the *limits of constitutional justice*, particularly through the lens of fake news and its implications for democratic processes. **Ms Holta ZAÇAJ (Albania)** proposed the formulation: "**Freedom of Expression and Fake News as Threats to Democracy**" and put it to a vote.

*Vote: Unanimously. The theme has been approved*

#### **IV. Preparation of the XX<sup>th</sup> CECC Congress**

**Ms Holta ZAÇAJ (Albania)** proposed holding the Congress in Tirana in the first week of May 2027. After discussion, it was proposed to meet on May 3–5, 2027 (Monday to Wednesday). The proposed languages of the meeting are French, English and German, alongside Albanian as the language of the host country. Interpreting into another language can also be arranged, the costs will be incurred by the member requesting translation. Regarding the theme of the XX<sup>th</sup> Congress, a detailed questionnaire will be created and will be circulated to individual member courts; the questionnaire will serve as a basis for the elaboration of the reports of individual constitutional courts - members. The Constitutional Court of Albania will prepare and issue a questionnaire for the XX<sup>th</sup> Congress of the Conference of European Constitutional Courts. The questionnaire will be sent to the member courts for their comments by October 2025. Member courts are requested to submit their comments by December 2025. Following the incorporation of these comments, the final version of the questionnaire will be distributed to the individual member courts for processing no later than February 2026. The completed questionnaires must be returned to the Secretariat of the Conference of European Constitutional Courts by December 2026. Submissions should be made in the national language of the member court, as well as in English or French. It is proposed that the judge of the Constitutional Court of Albania, Ms Marsida Xhaferllari, is appointed the General Rapporteur; the role of the General Rapporteur will be to transform these questionnaires in the final report. As far as the agenda itself is concerned, it is proposed that XX<sup>th</sup>



Congress starts by an opening ceremony and ends by a special meeting of the Circle of Presidents. The Congress will be organized in sessions followed by plenary discussions. A list of observers and guests will be invited to the Congress. The list will be attached to the respective Resolution.

**Ms Pavlina PANOVA (Bulgaria)** proposed inviting the Balkan Constitutional Court Forum as an observer. This forum, founded in Sofia in 2023. She emphasized the strategic importance of the Balkan Constitutional Court Forum, particularly in enhancing regional cooperation among constitutional jurisdictions. She noted that although many Balkan Forum members are already part of the Conference of European Constitutional Courts, the added value of the Forum lies in its regional focus. The aspiration of Balkan countries to be active participants in European legal initiatives was highlighted as a driving motivation.

**Mr Jean-Philippe DEROSIER (Monaco)** proposed to invite the Global Network on Electoral Justice as an observer, describing it as an international organization founded by Mexico's federal electoral tribunal. This network includes CECC member institutions like the French Constitutional Council and Spain's electoral body. He noted its relevance given the upcoming Congress theme of freedom of speech and fake news.

*Vote: FOR - more than 2/3 of the members. All proposals have been approved.*

In addition, The Turkish delegation proposed recognizing a new association, the Conference of Constitutional Jurisdictions of the Turkic World (TURCAI), as an observer within the Congress. The Azerbaijani delegation strongly supported the Turkish proposal, noting their upcoming presidency of TURCAI and expressing hope that the other members would approve this inclusion. The Chair then moved to vote on the proposal, clarifying that the body needed to decide whether TURCAI should be granted observer status. With more than two-thirds of the votes against, the proposal was **not approved**. The Chair suggested it could be reconsidered in the future with more information.

## **V. Approval of the budget of the Preparatory Meeting of the Circle of Presidents**

**Ms Holta ZAÇAJ (Albania)** discussed the budget report and approval of the costs of the meeting of the Circle of Presidents. The general costs related to the organization of the Preparatory meeting of the Circle of Presidents of the Conference of European Constitutional Courts which took place in Tirana on 28 February 2025. These costs will be distributed pro rata among the full members of the Conference of European Constitutional Courts who participated in the meeting of the Circle of Presidents, according to the number of members of each delegation.

All other costs associated with the meeting of the Circle of Presidents of the Conference of European Constitutional Courts held in Tirana on 28 February 2025 and the costs associated with the accompanying program will be borne by the Constitutional Court of Albania.

The Constitutional Court of Albania will present to all the members the preliminary draft budget of the XX<sup>th</sup> Congress of the Conference of European Constitutional Courts by April 2026.

*Vote: Unanimously. The proposal has been approved*

## VI. Proposal submitted by members

**Ms Holta ZAÇAJ (Albania)** presented a proposal regarding the CECC’s website. She began by sincerely thanking the Czech Constitutional Court for its invaluable contribution to archiving and structuring CECC materials on its website. She proposed that the CECC website should be actively updated by the presiding court to reflect current developments and activities, promoting transparency and public access. While the Czech Constitutional Court, which hosts the current website, emphasized technical and cybersecurity concerns, other delegations—such as Hungary, Portugal, and Austria—suggested finding a collaborative solution through a small committee. In response, Albania agreed to withdraw the proposal for now and to work with the Czech Republic and possibly with Hungary to examine the situation and prepare proposals on this topic.

During the meeting, Austria, the Czech Republic, and Slovenia announced they had to leave due to flights departing at 3:00 PM and subsequently left the meeting. The meeting then continued according to the approved agenda with the presence of 30 members instead of 33.

Following the withdrawal of the website management proposal, **Ms Holta ZAÇAJ (Albania)** introduced a new joint proposal from Albania and Türkiye by proposing the creation of CECC-specific bulletins summarizing key decisions across constitutional courts. These bulletins would include concise summaries, thematic keywords, and legal maxims (or *ratio decidendi*) drawn from individual cases. Albania has already implemented a similar system within its own Constitutional Court, producing bilingual bulletins with summaries and core legal principles. The long-term goal would be to build a searchable repository of summarized jurisprudence reflecting the full jurisdiction of constitutional courts, including individual complaints and abstract review of legislation—an area where ECtHR references often fall short. This would be especially useful for younger courts seeking comparative insights beyond the ECtHR framework. She stated that the proposal did not seek immediate adoption. Instead, Albania suggested forming a working group or committee to explore the feasibility and design of this initiative. The results could then be presented for a vote at the next Congress or Circle of Presidents.

Several participants express concerns about the capacity of their courts to contribute to such an initiative, especially in light of existing commitments to databases like CODICES. **Ms VARGA (Hungary)** underscores that their court already contributes to multiple databases and has limited resources to take on additional projects. She suggests building on existing frameworks, such as CODICES, to avoid redundant efforts. She advocates for leveraging these databases to avoid asking courts to repeatedly summarize their decisions. They also recommend that any new initiative be developed based on the existing network to make the process more manageable and sustainable.

This idea is echoed by other members, who stress the importance of careful planning and resource assessment before moving forward. The consensus is that while the idea is promising, its practical implementation must account for the varying capacities of different courts. The Hungarian representative highlights an existing database called the “European Constitutional Communication Network”, which already contains 915 decisions from constitutional courts in Central Europe, including countries like Hungary, Czech Republic, Slovakia, and others. This database is organized by topics such as freedom of expression, protection of property rights, and freedom of religion, among others. The Hungarian court representative suggests that rather than starting from scratch, it would be beneficial to explore whether this or other existing resources can be integrated

or linked to enhance cooperation across courts. They also propose a careful, exploratory approach, advocating for a small working group to evaluate the feasibility of combining existing resources and databases. The goal would be to avoid duplicating efforts and to ensure that the capacity of each participating court is respected. The Hungarian representative offers a video presentation of their website to help others understand how their database works and how it could potentially serve as a model for further collaboration.

Germany also supports the idea but shares concerns regarding the capacity of staff at their court. They emphasize that while the idea is valuable, it might not provide significant added value at the moment. She explained that their court already contributes to CODICES and other networks, and additional efforts may be beyond their current capabilities.

Following the previous contributions, it was suggested setting up a small working group/committee to explore the proposal further, considering the existing resources and databases already in place.

A small committee is proposed to take this initiative forward. The goal is not to immediately vote on the proposal but to start a focused exploration of how the idea could be implemented in a way that respects the capacities of all courts involved. The working group would present their findings at the next meeting for further discussion and potential approval.

*Vote: Unanimously. The proposal has been approved*

The members continued discussions regarding the participation of member courts in the proposed committee. A preliminary list of potential participants included Albania, Türkiye, Poland and Hungary were proposed. The Hungarian delegation expressed provisional agreement, noting that formal confirmation would follow. Austria, the Czech Republic, and Slovenia were also mentioned during the discussion, based on suggestions from the floor. However, it was noted that these delegations had already left the meeting due to scheduled flights at 15:00, and their participation will need to be confirmed directly by the respective courts. The final composition of the committee will be confirmed once all interested members will have the opportunity to respond.

During the meeting, **Mr Bogdan ŚWIĘCZKOWSKI**, President of Poland's Constitutional Tribunal raised concerns about political interference following the 2023 parliamentary elections, which threatens the tribunal's independence. A proposal was made to adopt a resolution expressing solidarity with the Polish tribunal and reaffirming the commitment to judicial independence.

The Circle of Presidents took note of the situation; recognized the complexity of the situation and agreed that it should be addressed through appropriate legal channels. It was widely agreed that no formal action or resolution should be taken at this stage.

The President, Ms Holta Začaj thanked all the attendees for their participation and closed the meeting.

Preparatory Meeting of the Circle of Presidents ended at 14:00.

## **Participants to the Meeting**

### Representatives of the presiding court:

1. Holta Zaçaj, President of the Constitutional Court of Albania
2. Marsida Xhaferllari, Judge of the Constitutional Court of Albania
3. Vilma Premti, Chief of Staff of the Constitutional Court of Albania
4. Anila Alliu, Advisor to the President of the Constitutional Court of Albania

### Heads of present delegations:

1. Joan Manel Abril Campoy, President of the Constitutional Tribunal of Andorra
2. Vahe Grigoryan, Vice President of the Constitutional Court of Armenia
3. Christoph Grabenwarter, President of the Constitutional Court of Austria
4. Farhad Abdullayev, Chairman of the Constitutional Court of Azerbaijan
5. Luc Lavrysen, President of the Constitutional Court of Belgium
6. Pavlina Panova, President of the Constitutional Court of Bulgaria
7. Mato Arlović, Deputy President of the Constitutional Court of Croatia
8. Josef Baxa, President of the Constitutional Court of the Czech Republic
9. Villu Kõve, Chief Justice of the Supreme Court of Estonia
10. Corinne Luquiens, Membre of the Constitutional Council of France
11. Ines Härtel, Justice of the Federal Constitutional Court of Germany
12. Réka Varga, Vice President of the Constitutional Court of Hungary
13. Iseult O'Malley, Justice of the Supreme Court of Ireland
14. Giovanni Amoroso, President of the Constitutional Court of Italy
15. Nexhmi Rexhepi, President of the Constitutional Court of Kosovo
16. Irēna Kucina, President of the Constitutional Court of Latvia
17. Hilmar Hoch, President of the Constitutional Court of Liechtenstein
18. Gintaras Goda, President of the Constitutional Court of Lithuania
19. Thierry Hoscheit, President of the Constitutional Court of the Grand Duchy of Luxembourg
20. Domnica Manole, President of the Constitutional Court of Moldova
21. Jean-Philippe Derosier, Member of the Supreme Tribunal of Monaco
22. Jan Willem Jurg, Head of External Relation of the Supreme Court of the Netherlands
23. Darko Kostadinovski, President of the Constitutional Court of North Macedonia
24. Bergljot Webster, Justice of the Supreme Court of Norway
25. Bogdan Świączkowski, President of the Constitutional Tribunal of Poland
26. Jose Joao Abrantes, President of the Constitutional Court of Portugal
27. Snežana Marković, President of the Constitutional Court of Serbia
28. Ivan Fiačan, President of the Constitutional Court of Slovakia
29. Rok Čeperin, President of the Constitutional Court of Slovenia
30. Laura Diez Bueso, Judge of the Constitutional Tribunal of Spain
31. François Chaix, President of the Federal Court of Switzerland
32. Kadir Özkaya, President of the Constitutional Court of Türkiye

Constitutional courts the representatives of which are not present:

1. Constitutional Court of Bosnia and Herzegovina
2. Supreme Court of Denmark
3. Constitutional Court of Georgia
4. Constitutional Court of Malta
5. Constitutional Court of Montenegro
6. Constitutional Court of the Republic of Cyprus
7. Constitutional Court of Romania
8. Constitutional Court of Ukraine

## **Agenda**

- I. Adoption of the Agenda of the Preparatory Meeting of the Circle of Presidents**  
[Article 9 of the Statute, Article 10 of the Conference Regulations]
- II. Application for admission to the Conference of European Constitutional Courts**
  - II.1 Presentation of the membership application by the President of the Constitutional Court of Kosovo, Mr. Nexhmi Rexhepi
  - II.2 Presentation of the report of the committee established under Resolution III of the Circle of Presidents (22 May 2024, Chisinau), by Ms Holta Zaçaj, Chair of the Committee
  - II.3 Discussion and possible approval of the membership application of the Constitutional Court of Kosovo
- III. Selection of the XX<sup>th</sup> Congress Theme** [Article 9(2), letter (c) of the Statute]
- IV. Preparation of the XX<sup>th</sup> CECC Congress**
  - IV.1 Date and Venue of the Congress [Article 9(2), letter (c), Article 9(5) of the Statute]
  - IV.2 Adoption of conference languages [Article 9(2), letter (c) of the Statute; Article 12 of the Conference Regulations]
  - IV.3 Roadmap and timeline for the questionnaire [Article 3 of the Conference Regulation]
  - IV.4 Date for the submission of national reports [Article 3 of the Conference Regulations]
  - IV.5 Designation of the General Rapporteur (s) [Article 3 of the Conference Regulations]
  - IV.6 Organization of the XX<sup>th</sup> Congress [Article 4 of the Conference Regulations]
  - IV.7 Invitation of the Observers and Guests to the Congress [Article 9(2), letter (b) of the Statute; Article 5(1)(2) of the Conference Regulations]
  - IV.8 Invitation of the Venice Commission to continue its cooperation with the Conference of the European Constitutional Courts and to prepare and present a special bulletin for the XX<sup>th</sup> Congress
- V. Approval of the budget of the Preparatory Meeting of the Circle of Presidents**
- VI. Proposals submitted by the members of the Conference of European Constitutional Courts**
- VII. Miscellaneous**