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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

in co-operation with the
Constitutional Court of Moldova

**CONFERENCE CELEBRATING THE
15TH ANNIVERSARY OF
THE CONSTITUTIONAL COURT OF MOLDOVA**

ON

**“GUARANTEEING THE CONSTITUTION’S SUPREMACY,
BASIC FUNCTION OF THE CONSTITUTIONAL COURT”**

CHISINAU, MOLDOVA, 25-26 FEBRUARY 2010

SYNOPSIS

The Constitutional Court of Moldova organised, in co-operation with the Venice Commission, the German Foundation for International Legal Co-operation (IRZ) and UNDP Moldova, a conference to celebrate the 15th anniversary of the Constitutional Court of Moldova, on the topic "*Guaranteeing the Constitution's supremacy, basic function of the Constitutional Court*" in Chisinau, Moldova on 25-26 February 2010.

The Conference gathered together around 100 participants and was opened by the President of the Constitutional Court, Mr Pulbere and by the Prime Minister, Mr Filat. The conference included a meeting with the Acting President of the Republic, Mr Ghimpu. Participants to the conference included the Minister of Justice, judges from the Constitutional Court of Moldova, presidents and judges from the constitutional courts of Albania, Azerbaijan, Belarus, Bulgaria, Croatia, Kyrgyzstan, Poland, Romania, Russia, Slovakia, Ukraine; presidents of the International Commercial Arbitration Court, the Chamber of Commerce and Industry of Moldova, the Supreme Court, the Court of Appeal, ordinary courts, representatives of the Security and Information Service, the General Prosecutor's Office, the Public Prosecutor's Office and the Mayor of Chisinau; representatives of the Centre for Human Rights, the Lawyers' Union of Moldova, law professors from Belgium, Germany and Moldova; representatives from the OSCE and the EU delegation to Moldova.

The participants discussed, among others, how the caseload in front of their respective constitutional courts had increased over the years. For instance, the Constitutional Court of Romania used to have 300 cases per year and now has over 9000 a year; the German Constitutional Court receives over 5000 complaints a year and the Russian Constitutional Court receives over 20 000 complaints a year.

Participants also referred to the theories of monism and dualism and the relationship between international treaties and constitutions and how the Vienna Convention on the Law of Treaties of 1969 provides no guidelines on this issue as it does not mention constitutions. Discussions also covered preliminary rulings in front of the European Court of Justice and the case-load of that Court.

Participants also debated on the pros and cons of Belarus' system of mandatory preliminary control of constitutionality of all draft laws (passed by Parliament, but not yet signed by the President). Discussions also turned to the issue of human dignity and criminal law and how, over the years, the individual had become a subject of international law thanks to the fact that states are bound by human rights conventions.

The proceedings of the conference will be published by the Constitutional Court of Moldova and accessible to the public on its website.