

Strasbourg, 26 February 1998
<s:\cdl\doc\98\cdl-ju\9.e.>

Restricted
CDL-JU (98) 9
Or. fr.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

SUMMARY

**Workshop on "The Budget of the Constitutional Court:
Control and Management"**

Kyiv, Ukraine (19-21 January 1998)

26.01.1998

Title of activity

Workshop on "The budget of the Constitutional Court: control and management"

Field of activity: Constitutional justice - the Venice Commission

Type of activity: EC/COE joint programme - UKR.111.B.2.

Budgetary reference: Sub-head EW 5400 - Visa No. 2154

Country: Kyiv, Ukraine

Date and place: 20-21 January 1998 - Constitutional Court of Ukraine

CoE experts (incl national experts):

1. Mr Vitruk, judge, Constitutional Court, Russian Federation.
2. Mr Varvarovsky, Judge, Constitutional Court, Czech Republic.
3. Mr Mavcic, General Secretary, Constitutional Court, Slovenia.
4. Mr Pottoms, General Secretary, Court of Arbitration (*Cour d'Arbitrage*), Belgium
5. Mr Cattarino, Adviser, General Secretariat, Constitutional Court, Italy.
6. Ms Williame, Head of the Administration and Budget Department, Constitutional Council, France.

Secretariat:

1. Mr Buquicchio, Secretary, Venice Commission
2. Ms Caroline Martin, Administrative Assistant, DAJ

Participants (role/capacity):

Vice-President + judge, Constitutional Court, Georgia;

General Secretary, Constitutional Court, Armenia;

Scientific Consultant, Constitutional Court, Romania

President + Vice-President + judges + senior administrative staff, Constitutional Court, Ukraine;

Vice-President of the Verkhovna Rada of Ukraine;

Director of the "Supremacy of Law" Consortium;

Director of the Institute of Legislation of the Verkhovna Rada of Ukraine;

President + Vice-President, Academy of Legal Sciences of Ukraine.

Press

Total number of participants: 45

Partner institutions/organisations:

Constitutional Court of Ukraine.

Origin/reference to other activities:

This workshop was held as part of the Joint Programme between the European Commission and the Council of Europe for reform of the legal system and local government and the transformation of the law enforcement system in Ukraine. Following a request from the Constitutional Court of Ukraine, the Venice Commission, which has a programme for co-operation with newly established constitutional courts, organised this meeting on a theme chosen by the Constitutional Court.

Objectives:

The aim was to present and discuss with the Constitutional Court of Ukraine all aspects of the budgetary questions facing a court. Practical aspects: the preparation and implementation of a budget, management and control; theoretical aspects: the budget as a factor for independence, independence and financial autonomy as key elements in constitutional stability and the rule of law.

General evaluation: The experts selected by the Venice Commission presented national reports setting out the budgetary questions facing their constitutional courts from the point of view of the need for independence and autonomy.

The pooling of the older and newer constitutional courts' varied experiences made it possible to identify key issues concerning the budgets of these institutions and their autonomy and independence. The presentations of the Ukrainian participants highlighted the topicality of budgetary questions for young constitutional courts in general and for Ukraine in particular.

The presentations concerning the older constitutional courts were extremely interesting and provided a wealth of information. The workshop was an opportunity for frank and fruitful discussions among the participants, all of whom showed a keen interest in the many issues raised by this theme.

The workshop was the subject of several press releases.

Results/Decisions: In the light of the rapporteurs' presentations, the discussions that ensued and the present situation of the Constitutional Court of Ukraine, the participants agreed on the need to change the law governing the Constitutional Court, or to draw up a legal text in order to ensure that its independence in, among others, budgetary matters was respected. The Venice Commission reminded the participants that it was ready to give them all possible help in this field.

The relevance of the issue and the high quality of the contributions led the Constitutional Court of Ukraine to propose that the reports be published in Ukrainian. They might also be published in Russian in order to reach a wider readership.

The Constitutional Court also hoped that some of the topics dealt with in the discussions and reports of this workshop (such as the possibilities and limits of constitutional review, the impact of the Constitutional Court's decisions on society and the guarantees of the independence of the institution and its members) would be the subject of further meetings.

The representatives of the Constitutional Courts of France, Italy and Belgium took advantage of the opportunity offered by this first contact with the Constitutional Court of Ukraine to consider setting up bilateral relations in the near future.