

## IN FOCUS

In February 2016, a consortium led by the German Foundation for International Legal Cooperation (IRZ) and comprising the Constitutional Court of the Republic of Lithuania and the School of German Law at Warsaw University as members, started implementation of the EU funded project "Support to the Constitutional Court of the Republic of Moldova" (EuropeAid/136903/DH/SER/MD).

First Newsletter of the project was published in October 2016. This 2<sup>nd</sup> Newsletter, covering the period of October 2016 – February 2017 outlines the key activities implemented and also provide with the information on activities to be organised from March till July 2017.

Moreover:

- The Project continued to improve analytical and research processes within CCM through continuous training and development of human resources;
- Access to legal databases was provided, the project now ensured the sustainability of the research activity and continued to work on the preparation of the library catalogue. Project team prepared a comparative analysis to identify the best ways of organising Case Law materials with a view toward optimising access;
- Trainings under the title *Human Rights in the Constitutional Law* were conducted mainly for the judges and the staff of the Legal Directorate – Record Office, Legal Expertise Division, Research and Analysis Division, and specifically the judicial assistants;
- Consultations with CCM Judges and legal professionals on a daily/weekly basis on pending cases were held, underlying theories, comparative constitutional aspects, ECtHR case-law etc., so as the assistance in drafting and delivering well-founded, justified CCM judgments;
- During the reporting period, the expert team was working on assisting the authorities for the further elaboration of new legislation on CCM;
- The project has supported the beneficiary institution in conducting awareness raising campaign by organising different press-conferences, media opportunities and briefings. Joint trainings for CCM, journalists and NGO representatives were conducted.
- 4 newspaper articles were published in the pre-selected newspapers and new video material regarding the CCM was produced.
- Language training in English for staff and judges is ongoing and will be continued.



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DEUTSCHE STIFTUNG FÜR  
INTERNATIONALE RECHTLICHE  
ZUSAMMENARBEIT E.V.



Szkoła Prawa Niemieckiego  
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This project is implemented by  
Deutsche Stiftung für internationale rechtliche Zusammenarbeit e.V. (IRZ)  
in consortium with  
Constitutional Court of the Republic of Lithuania and  
Uniwersytecka Fundacja "Szkoła Prawa Niemieckiego w Warszawie"  
(School of German Law in Warsaw)

## IMPLEMENTED ACTIVITIES

### Information visit to the Council of Europe and German Constitutional Court

On 6-11 November 2016, the EU funded Project “Support to the Constitutional Court of the Republic of Moldova” organised the information visits for the judges and the staff of the CCM to the Council of Europe and the Federal Constitutional Court of Germany.

During the three working days in Strasbourg, the delegation held meetings with the Secretary General of the Council of Europe, heads of various structures of this intergovernmental pan-European organisation, as well as with the staff members responsible for the Republic of Moldova’s files in different structures of the Council of Europe, including the European Court of Human Rights. The meeting with the Permanent Representative of the Republic of Moldova to the CoE was also organised. Furthermore, the delegation took part in the official opening ceremony of the World Forum of Democracy 2016 that took place in the premises of the Council of Europe.



On 10 November, the delegation visited the Federal Constitutional Court of Germany and held fruitful meetings with the judges of the court and representatives of the registry. The discussions and exchange of views focused on different aspects of Courts’ operation and management. The content of the cases, as well as the organisational and practical aspects of the functioning of the two judicial institutions were reviewed and analysed. The information on the best practices in both Courts were exchanged.

### Training of prosecutors, lawyers and judges

On 30 November 2016, the EU funded project “Support to the Constitutional Court of the Republic of Moldova”, in co-operation with the Constitutional Court organised a joint training for lawyers, prosecutors and judges of the common jurisdiction courts on the “Exception of Unconstitutionality, Impact of Constitutional Jurisdiction on Justice”. The training sessions were conducted by the Presidents of the Constitutional Courts of the Republic of Moldova and the Republic of Lithuania, as well as by the former President of the Georgian Constitutional Court and invited expert from the University of Wroclaw, Poland.



The training sessions focused on: the conditions under which the exception of unconstitutionality may be raised before the ordinary courts; the procedure for resolving complaints on the exception of unconstitutionality by the Constitutional Court; non-retroactivity and the binding character of Constitutional Court decisions.

The workplan of the project envisages further organisation of similar training events for the target groups in question.

### International Conference “The Role of Constitutional Courts in solving constitutional crises”

On 2 December 2016, the project supported the organisation of an international conference on the role of Constitutional Courts in solving constitutional crises. Mr Alexandru Tanase - President of the CCM, Mr Reinhard Gaier - Former Justice of the German Federal CC, Mr Dainius Žalimas - President of the Lithuanian CC and Mr George Papuashvili - Former President of the Georgian CC participated in the Conference.



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The conference was attended by the representatives of local authorities, academia and diplomatic missions, as well as lawyers and former CCM justices.



The aim of this conference was to share the experience of other Constitutional Courts regarding the resolution of conflicts between authorities, restoring institutional balance and controlling the competences of State authorities, in order to ensure the rule of law.

## Open Doors Day for Diplomats

On 10 February 2017, the EU funded project "Support to the Constitutional Court of the Republic of Moldova" supported the organisation of CCM Open Doors Day event for the representatives of foreign diplomatic and consular missions accredited to the Republic of Moldova.



Up to 30 guests attended the event, during which, apart of visiting the premises of the Constitutional Court, foreign diplomats had the possibility to exchange the views with Mr Alexandru Tanase, President of the Constitutional Court.

The informal discussions were chaired by President Tanase and Ambassador Tapiola, EU Ambassador to the Republic of Moldova.

The EU funded project shall continue supporting the CCM in organisation of similar events for different target groups. Next event is planned for the representatives of local authorities of the Republic of Moldova.

## A Direct Dialogue: Constitutional Court of the Republic of Moldova – Court of Justice of the European Union

The 23 February marked the 22<sup>nd</sup> anniversary of the Constitutional Court of the Republic of Moldova (CCM) and on this occasion a videoconference with the Judge of the Court of Justice of the European Union (CJEU), Egidijus Jarašiūnas, was held on the "Relations of constitutional courts with the CJEU. The influence of the jurisprudence of CJEU on the development of constitutional doctrine."



The President of CCM, Alexandru Tănase, mentioned in the opening message that the event marked the 22<sup>nd</sup> anniversary since CCM has been established in 1995, and that the topic of the conference helped in becoming acquainted with European law, in particular given Moldova is implementing the Association Agreement with the EU.

The discussions during the conference were focused on the impact the caselaw of the CJEU has on the constitutional doctrine of the CCM.

The event was attended by current and former judges of CCM, representatives of the Government, Union of Lawyers, civil society and academia. The conference was broadcasted live and the viewers were given the opportunity to address questions in real time.

## International Conference under the Auspices of CCM: "Evolution of Constitutional Control in Europe: Lessons Learned and New Challenges"

On 2 March 2017, the International Conference on the evolution of constitutional control in Europe was held with the support of the EU funded project. The event was attended by 80 international high officials, including presidents and members of over 20 Constitutional Courts, representatives of the General Court of the EU, as well as the President of the Venice Commission, Gianni Buquicchio.

Alexandru Tănase, the President of CCM, in his opening speech underscored that throughout its existence CCM was the key institution in solving the most difficult institutional issues and most pressing institutional conflicts.



Gianni Buquicchio, the President of the Venice Commission, in his speech mentioned that in a state governed by the rule of law, the judgments of the Constitutional Court must be implemented and not be made the subject of a vote, whether in parliament or by the people.

Andrian Candu, the Speaker of Parliament, stated that the independence of constitutional courts must be protected from any political interference and that the rulings of constitutional courts have to be treated with respect. According to the Speaker, "using the Constitution for political or group interests is tempting for some, but I would like to assure you that an analysis of the caselaw of the Constitutional Court of the Republic of Moldova proves that this is not possible. And this is a reason for joy."

## Project team:

**Mr Volkmar THEOBALD**, Team Leader, Key Expert on Constitutional Law;

**Prof. Dr Toma BIRMONTIENĖ**, Key Expert on Constitutional Court;

**Prof. Dr. Gábor Attila TÓTH**, Key Expert on Constitutional Jurisprudence;

**Ambassador Mamuka JGENTI**, Key Expert on ECtHR Jurisprudence;

**Dr Ana ROTARI**, Project Officer;

**Ms Olesea GARBUIZ**, Local Project Assistant.

## Delegation of the European Union to the Republic of Moldova:

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## Highlighted Events Planned for March 2016 – July 2017

Title of the Event	Date, Venue/City	Contact Person	E-mail
Moldova Constitutional Case-Law in European Comparison. Series of trainings for the CCM	April—June 2017 Chisinau, premises of the Constitutional Court of the Republic of Moldova	Mr Gábor Attila Tóth (KE3)	gabor.attila.toth@ccm-euproject.com
English language trainings for the staff of the CCM	March—July 2017 Chisinau, premises of the Constitutional Court of the Republic of Moldova	Mr Volkmar Theobald (TL/KE1)	volkmar.theobald@ccm-euproject.com
Open Door Day events of the Constitutional Court of the Republic of Moldova for different target groups	March—July 2017 Chisinau, premises of the Constitutional Court of the Republic of Moldova	Mr Mamuka Jgenti (KE4)	mamuka.jgenti@gmail.com
Compatibility study of CCM jurisprudence with the case-law of the ECtHR	21—24 March 2017 Chisinau	Mr Mamuka Jgenti (KE4)	mamuka.jgenti@gmail.com
Publication of Compendium of the CCM case-law	April 2017	Ms Toma Birmontienė (KE2)	toma.birmontiene@ccm-euproject.com
Trainings of judges of courts of ordinary jurisdiction, prosecutors, journalists and NGO representatives	April—June 2017 Chisinau	Mr Mamuka Jgenti (KE4) Ms Toma Birmontienė (KE2)	mamuka.jgenti@gmail.com toma.birmontiene@ccm-euproject.com
Information visits of the CCM judges and staff to the Constitutional Court of the Republic of Lithuania	April 2017 Vilnius, Republic of Lithuania	Mr Mamuka JGENTI (KE4) Ms Toma Birmontienė (KE2)	mamuka.jgenti@gmail.com toma.birmontiene@ccm-euproject.com
Participation in the Europe Day event	May 2017 Chisinau	Mr Volkmar Theobald (TL/KE1)	volkmar.theobald@ccm-euproject.com
Public perception survey on the CCM	May—June 2017 Republic of Moldova	Mr Mamuka Jgenti (KE4)	mamuka.jgenti@gmail.com
Summer School on Constitutional and HR Law	June 2017 Republic of Moldova	Mr Mamuka Jgenti (KE4)	mamuka.jgenti@gmail.com
Student Olympiad in Constitutional Law	June 2017 Chisinau	Mr Mamuka Jgenti (KE4)	mamuka.jgenti@gmail.com
The Contest “Constantin Stere” for legal professionals.	July 2017 Chisinau	Mr Mamuka Jgenti (KE4)	mamuka.jgenti@gmail.com
Publication of the Second Bulletin of the Constitutional Court of the Republic of Moldova	April 2017 Chisinau	Ms Toma Birmontienė (KE2) Mr Gábor Attila Tóth (KE3)	toma.birmontiene@ccm-euproject.com gabor.attila.toth@ccm-euproject.com

The views expressed in this publication do not necessarily reflect the views of the European Union.