

DECLARATION

On the Establishment of the Association of Constitutional Justice of the Countries of the Baltic and Black Sea Regions

The President of the Constitutional Court of Georgia, the President of the Constitutional Court of the Republic of Lithuania, the President of the Constitutional Court of the Republic of Moldova and the Chairman of the Constitutional Court of Ukraine,

UNDERLINING the role of constitutional courts and equivalent institutions in affirming the rule of law and the supremacy of the constitution, respect for human rights and fundamental freedoms, and ensuring the balance between state powers,

UNDERSTANDING the need to respect the independence and sovereignty of states, and the territorial integrity thereof,

CONSCIOUS of the complexity and dynamism of constitutional jurisdiction in a state governed by the rule of law,

REAFFIRMING their adherence and commitments towards European democratic values,

INTENDING to intensify the exchange of experience between the constitutional courts and equivalent institutions in ensuring the constitutionality of laws and other normative acts,

WILLING to enhance and strengthen collaboration in the field of constitutional justice, and coordinate the activities between the members with a view to expanding mutually beneficial multidimensional relations between their respective states,

AFFIRM that this cooperation is open for participation by the constitutional courts and equivalent institutions of other European Union and its Eastern Partnership countries of the Baltic and Black Sea regions willing to recognize and accept this Declaration, and

BY THIS DECLARATION,

Assert their intention to strengthen constitutional justice in the countries of the Baltic and Black Sea regions,

Recognize the need to strengthen the independence of constitutional courts and equivalent institutions as an essential factor in guaranteeing democracy and the rule of law, as well as the supremacy of the constitution,

Share the common goal of promoting the exchange of information regarding the best legal practices in the field of constitutional law,

Agree to facilitate dialogue on all issues concerning institutional, structural and operational aspects of constitutional jurisdiction,

Assert their willingness to use in the most efficient way all the possibilities and opportunities to enlarge and deepen their mutual cooperation in the field of constitutional justice,

Declare that they will take concrete measures to identify, develop and implement, with the participation of competent bodies, projects of common interest,

Express their determination to develop and enhance traditional ties of cooperation established through the participation in various regional and international forums, and

Establish the Association of Constitutional Justice of the Countries of the Baltic and Black Sea Regions, which shall pursue its activities in accordance with the principles proclaimed by this Declaration and the Statute of the Association of Constitutional Justice of the Countries of the Baltic and Black Sea Regions, adopted by the Signatories of this Declaration.

Done in Vilnius, on 26 October 2015

President of the Constitutional Court
of Georgia

GEORGE PAPUASHVILI

President of the Constitutional Court
of the Republic of Moldova

ALEXANDRU TĂNASE

President of the Constitutional Court
of the Republic of Lithuania

DAINIUS ŽALIMAS

Chairman of the Constitutional Court
of Ukraine

YURIY BAULIN

THE STATUTE OF THE ASSOCIATION OF CONSTITUTIONAL JUSTICE OF THE COUNTRIES OF THE BALTIC AND BLACK SEA REGIONS

The President of the Constitutional Court of Georgia, the President of the Constitutional Court of the Republic of Lithuania, the President of the Constitutional Court of the Republic of Moldova and the Chairman of the Constitutional Court of Ukraine, signatories of the Declaration on the Establishment of the Association of Constitutional Justice of the Countries of the Baltic and Black Sea Regions of 26 October 2015,

adopt this Statute:

Title I. General Provisions

Article 1. Name

The name of the Association shall be "The Association of Constitutional Justice of the Countries of the Baltic and Black Sea Regions" (hereinafter referred to as "the Association").

Article 2. Duration

The Association shall be constituted for an unlimited period of time.

Article 3. Working language

English shall be the official working language of the Association. Translation into other languages shall be provided, if necessary, by each member independently.

Title II. Aims and Functions of the Association

Article 4. Aims

The Association shall be constituted to fulfil the following aims:

- to promote the protection of human rights and fundamental freedoms;
- to guarantee democratic principles and values;
- to ensure and implement the principles of the rule of law;
- to promote the independence of constitutional courts and equivalent institutions in the exercise of constitutional justice;
- to enhance cooperation and the exchange of experience among its members.

Article 5. Functions

Given the aims outlined in Article 5, the Association shall have the following functions:

- to organize periodical meetings;
- to organize mutual activities such as conferences, seminars or discussion forums;
- to facilitate the exchange of experience and information in matters of constitutional justice;
- to promote the exchange of views and information related to institutional and structural issues, as well as on matters concerning the management of relations between constitutional courts and other public institutions;
- to strengthen dialogue between the members of the Association;
- to ensure cooperation with international organisations and other institutions sharing the aims of the Association.

Title III. Structure

Article 6. Organs of the Association

The General Assembly and the Secretary General shall be the organs of the Association, through which it carries out its activities.

Article 7. Composition of the General Assembly

1. The General Assembly shall be composed of the Presidents of constitutional courts or equivalent institutions – members of the Association; if necessary, the Presidents may be replaced by their delegated representatives.

2. The Presidents shall be accompanied by their Secretary General, or, where appropriate, a member (other representative) of the constitutional court or equivalent institution.

Article 8. Competences of the General Assembly

1. The General Assembly shall have the following competences:

- to determine the schedule of the activities of the Association;
- to decide on the accession of new members, the loss or suspension of membership, as appropriate;
- to adopt amendments to the Statute;
- to ratify all agreements signed between the Association and other international institutions;
- to discuss, where necessary, any issue submitted by the members of the Association.

2. The General Assembly shall be deliberative in the presence of the majority of the members of the Association. The decisions of the General Assembly shall be adopted by a majority vote of the attending members.

Article 9. Meetings of the General Assembly

The General Assembly shall be convened annually by the President of the Association. The General Assembly may be convened under extraordinary circumstances following a proposal by the President of the Association or by another member of the Association.

Article 10. Presidency of the Association

1. The presidency of the Association shall be held by the President of each member of the Association for a one-year term. The presidency shall rotate on the basis of the alphabetical order of the names of the states represented by the members of the Association.

2. The President of the Association shall be vested with the following powers:

- to represent the Association in its relations with third parties;
- to chair the General Assembly.

Article 11. Secretary General

1. The Secretary General of the Association shall be appointed by the President of the Association.

2. The Secretary General shall be vested with the following powers:

- to ensure, under the supervision of the President of the Association, the administration of the activities of the Association;
- to organize the meetings of the General Assembly, when such are convened by the President of the Association;
- to organize conferences, seminars and discussion forums;
- to prepare the report on the activity of the Association at the end of the mandate of the presidency.

Title IV. Membership of the Association

Article 12. Membership conditions

1. Only a constitutional court or an equivalent institution of a sovereign state – member of the European Union or its Eastern Partnership from the countries of the Baltic and Black Sea regions, which is willing and able to contribute to the promotion of the principles proclaimed in the founding Declaration of the Association and to the achievement of the aims of the Association provided for in Article 5 of this Statute, may become a member of the Association. Membership shall be granted only to one institution per state.

2. In order to become a member of the Association, the candidate shall submit a written request to the President of the Association, accompanied by a motivation letter, both signed by the President of the respective constitutional court or equivalent institution. The President of the Association shall promptly transmit the application to all members of the Association.

Article 13. Loss or suspension of membership

1. Any member of the Association may at any moment declare their intention to withdraw from the Association. Such a declaration shall be made by a written notification addressed to the President of the Association.

2. In cases of failure to comply with the principles proclaimed in the Declaration on the establishment of the Association or with the aims of the Association provided for in Article 5 of this Statute, the General Assembly, by a unanimous vote, at the proposal of one of its members, may take the decision to exclude a member from the Association or to suspend its membership. The member with respect to whom the decision on the loss or suspension of membership is taken shall not take part in the vote.

Article 14. Guests of honour

The President of the Association may invite professors, representatives of state authorities, organisations, foundations, etc., as guests of honour, to the meetings of the General Assembly.

Article 15. Representation in other organizations of constitutional courts and equivalent institutions

The Association shall be represented in the Bureau of the World Conference of Constitutional Justice, the Conference of European Constitutional Courts, as well as other organisations of constitutional courts and equivalent institutions in accordance to their respective rules.

Title V. Financial aspects

Article 16. Operation of the Association

Financial arrangements of the organisation and functioning of the Association shall be made by the member holding the Presidency of the Association.

Article 17. Distribution of expenditure

As a rule, each member shall cover their own transportation and accommodation costs borne in connection with the activities of the Association.

Title VI. Final Provisions

Article 18. First President of the Association

The first presidency shall be held by the President of the Constitutional Court of the Republic of Moldova as the state initiating the Declaration on the Establishment of the Association of Constitutional Justice of the Countries of the Baltic and Black Sea Regions.

Article 19. Dissolution of the Association

The dissolution of the Association may be decided by a unanimous vote of the General Assembly.

Article 20. Entry into force

This Statute shall enter into force on the date of the signing of the Declaration on the Establishment of the Association of Constitutional Justice of the Countries of the Baltic and Black Sea Regions.

Done in Vilnius, on 26 October 2015