



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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ADDENDUM TO THE
RULES OF COURT
RELATING TO THE PROVISIONAL APPLICATION
OF CERTAIN PROVISIONS OF PROTOCOL No. 14 TO THE EUROPEAN
CONVENTION ON HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

(1 July 2009)

REGISTRY OF THE COURT

STRASBOURG

Note by the Registry

1. The following Rules shall apply in proceedings before the Court in respect of those High Contracting Parties which have expressed their consent to apply on a provisional basis the provisions of Protocol No. 14 to the Convention relating to (i) the single Judge formation and (ii) three-Judge Committees.
2. A High Contracting Party may express such consent in three ways: (a) by accepting the Agreement adopted on the occasion of the session of the Committee of Ministers held in Madrid on 12 May 2009 on the provisional application of certain procedures contained in Protocol No. 14 to the Convention; (b) by ratifying Protocol No. 14 *bis* followed by its entry into force in respect of that Party in accordance with its Article 6; or (c) by accepting the provisional application of Protocol No. 14 *bis* immediately on signature or ratification in accordance with its Article 7.
3. Reference to Articles 24 - 28 of the Convention in these Rules shall be taken to refer to the text of these Articles as amended by Protocol No. 14 *bis*, as well as the corresponding provisions in Protocol No. 14 (Articles 24 - 28) regulating the single-judge formation and the new Committee procedure.

The European Court of Human Rights,

Having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto,

Having regard to the adoption of the Agreement reached on the occasion of the session of the Committee of Ministers held in Madrid on 12 May 2009 on the provisional application of certain procedures contained in Protocol No. 14 to the Convention,

Having regard to Protocol No. 14 *bis* to the Convention,

Makes the present additional or modified Rules in respect of those High Contracting Parties which have expressed their consent to apply on a provisional basis the provisions of Protocol No. 14 relating to (i) the single Judge formation and (ii) three-Judge Committees.

Rule 1

The following additional or modified definitions shall be inserted in Rule 1:

Rule 1¹ (Definitions)

A "the term "Convention" means the Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto and reference to Articles 24 - 28 of the Convention in these Rules shall be taken to refer to the text of these Articles as amended by Protocol No. 14 *bis*, as well as the corresponding provisions in Protocol No. 14 (Articles 24 - 28) regulating the single-judge formation and the new Committee procedure.

B the term "Committee" means a Committee of three judges set up in pursuance of Article 27 § 1 of the Convention and the expression "President of the Committee" means the judge presiding over such a "Committee";

C the expression "single-judge formation" means a single judge sitting in accordance with Article 27 § 1 of the Convention;

D the term "Court" means either the plenary Court, the Grand Chamber, a Section, a Chamber, a Committee, a single judge or the panel of five judges referred to in Article 43 § 2 of the Convention;

E the term "non-judicial rapporteur" means a member of the registry charged with assisting the single-judge formations provided for in Article 25 § 2 of the Convention.

1. As amended by the Court on 7 July 2003 and 29 June 2009.

Rule 2

The wording “including the legal secretaries” shall be deleted in Rule 18 § 3, which shall read as follows:

Rule 18¹
(Organisation of the Registry)

3. The officials of the Registry, but not the Registrar and the Deputy Registrars, shall be appointed by the Secretary General of the Council of Europe with the agreement of the President of the Court or of the Registrar acting on the President’s instructions.

Rule 3

A new Rule 18 A shall be inserted, which shall read as follows:

Rule 18A²
(Non-judicial rapporteurs)

1. When sitting in a single-judge formation, the Court shall be assisted by non-judicial rapporteurs who shall function under the authority of the President of the Court. They shall form part of the Court’s Registry.

2. The non-judicial rapporteurs shall be appointed by the President of the Court on a proposal by the Registrar.

Rule 4

Rule 27 § 4 shall be re-worded and shall read as follows:

Rule 27³
(Committees)

4. The President of the Committee shall be the member having precedence in the Section.

1. As amended on 13 November 2006

2. Inserted by the Court on 29 June 2009

3. As amended on 13 November 2006.

Rule 5

A new Rule 27 A shall be inserted, which shall read as follows:

Rule 27A¹ (Single-judge formation)

1. A single-judge formation shall be introduced in pursuance of Article 27 § 1 of the Convention. After consulting the Bureau, the President of the Court shall decide on the number of single judges to be appointed and the period of their appointment and shall appoint them. The President shall draw up a list of Contracting Parties and assign the judge or judges having principal responsibility for examining applications against each Contracting Party.
2. The President of the Court and the Presidents of the Sections may be exempted from sitting as single judges. Single judges shall continue to carry out their other duties within the Sections of which they are members in accordance with Rule 25 § 2.
3. Pursuant to Article 25 § 2 of the Convention, when deciding, each single judge shall be assisted by a non-judicial rapporteur.

Rule 6

Rule 28 § 5 shall be amended by the addition of the wording “a judge’s acting as a single judge or participation in a Committee”. Rule 28 § 5 shall read as follows:

*Rule 28*² (Inability to sit, withdrawal or exemption)

5. The provisions above shall apply also to a judge’s acting as a single judge or participation in a Committee, save that the notice required under paragraph 1 or 3 shall be given to the President of the Section.

1. Inserted by the Court on 29 June 2009.

2. As amended by the Court on 17 June, 8 July 2002, 13 December 2004 and 29 June 2009.

Rule 7

Rule 33 § 4 shall be amended to read as follows:

Rule 33¹
(Public character of documents)

4. Decisions and judgments given by a Chamber shall be accessible to the public. Decisions and judgments given by a Committee, including decisions covered by the proviso to Rule 53 § 5, shall be accessible to the public. The Court shall periodically make accessible to the public general information about decisions taken by single-judge formations pursuant to Rule 52 A § 1 and by Committees in application of Rule 53 § 5.

Rule 8

Rule 45 shall be amended in order to mention the competence of a “Committee”. Rule 45 shall read:

Rule 45
(Signatures)

2. Where an application is made by a non-governmental organisation or by a group of individuals, it shall be signed by those persons competent to represent that organisation or group. The Chamber or Committee concerned shall determine any question as to whether the persons who have signed an application are competent to do so.

Rule 9

Rule 49 shall be amended in order to refer to the role of the single judge and the Committee. Rule 49 shall read as follows:

Rule 49²
(Individual applications)

1. Where the material submitted by the applicant is on its own sufficient to disclose that the application is inadmissible or should be struck out of the list, the application shall be considered by a single-judge formation unless there is some special reason to the contrary.

2. Where an application is made under Article 34 of the Convention and its examination by a Chamber or a Committee exercising the functions attributed to it under Rule 53 § 2 seems justified, the President of the Section to which the case has been assigned shall designate a judge as Judge Rapporteur, who shall examine the application.

1. As amended by the Court on 17 June and 8 July 2002, 7 July 2003, 4 July 2005, 14 May 2007 and 29 June 2009.

2. As amended by the Court on 17 June and 8 July 2002, 4 July 2005, 14 May 2007 and 29 June 2009.

3. In their examination of applications Judge Rapporteurs

(a) may request the parties to submit, within a specified time, any factual information, documents or other material which they consider to be relevant;

(b) shall, subject to the President of the Section directing that the case be considered by a Chamber or a Committee, decide whether the application is to be considered by a single-judge formation, by a Committee or by a Chamber;

(c) shall submit such reports, drafts and other documents as may assist the Chamber or the Committee or the respective President in carrying out their functions.

Rule 10

A new Rule 52A shall be inserted, which shall read as follows:

Rule 52A¹
(Procedure before a single judge)

1. In accordance with Article 28 of the Convention, a single judge may declare inadmissible or strike out of the Court's list of cases an application submitted under Article 34, where such a decision can be taken without further examination. The decision shall be final. The applicant shall be informed of the decision by letter.

2. In accordance with Article 27 § 2 of the Convention, a single judge may not examine any application against the Contracting Party in respect of which that judge has been elected.

3. If the single judge does not take a decision of the kind provided for in the first paragraph of the present Rule, that judge shall forward the application to a Committee or to a Chamber for further examination.

1. Inserted by the Court on 29 June 2009.

Rule 11

Rule 53 shall be amended in order to reflect the procedure before Committees. Rule 53 shall read as follows:

Rule 53¹
(Procedure before a Committee)

1. In accordance with Article 28 § 4 (a) of the Convention, the Committee may, by a unanimous vote and at any stage of the proceedings, declare an application inadmissible or strike it out of the Court's list of cases where such a decision can be taken without further examination.
2. If the Committee is satisfied, in the light of the parties' observations received pursuant to Rule 54 § 2 (b), that the case falls to be examined in accordance with the procedure under Article 28 § 4 (b) of the Convention, it shall, by a unanimous vote, adopt a judgment including its decision on admissibility and, as appropriate, on just satisfaction.
3. If the judge elected in respect of the High Contracting Party concerned is not a member of the Committee, the Committee may at any stage of the proceedings before it, by a unanimous vote, invite that judge to take the place of one of its members, having regard to all relevant factors, including whether that Party has contested the application of the procedure under Article 28 § 4 (b) of the Convention.
4. Decisions and judgments under Article 28 § 4 of the Convention shall be final.
5. The applicant, as well as the Contracting Parties concerned where these have previously been involved in the application in accordance with the present Rules, shall be informed of the decision of the Committee pursuant to Article 28 § 4 (a) of the Convention by letter, unless the Committee decides otherwise.
6. If no decision or judgment is adopted by the Committee, the application shall be forwarded to the Chamber constituted under Rule 52 § 2 to examine the case.
7. The provisions of Rules 79-81 shall apply, as appropriate, to judgments and decisions adopted by a Committee.

1. As amended by the Court on 17 June, 8 July 2002, 4 July 2005 and 14 May 2007.

Rule 12

Rule 74 §§ 1, 1(a) and 2 shall be amended in order to take account of judgments adopted by Committees. These provisions shall read as follows:

Rule 74¹
(Contents of the judgment)

1. A judgment as referred to in Articles 28, 42 and 44 of the Convention shall contain
 - (a) the names of the President and the other judges constituting the Chamber or the Committee concerned, and the name of the Registrar or the Deputy Registrar;
2. Any judge who has taken part in the consideration of the case by a Chamber or by the Grand Chamber shall be entitled to annex to the judgment either a separate opinion, concurring with or dissenting from that judgment, or a bare statement of dissent.

Rule 13

Rule 75 §§ 1, 2 and 3 shall be amended in order to refer to rulings on just satisfaction by Committees. Rule 75 §§ 1, 2 and 3 shall read as follows:

Rule 75²
(Ruling on just satisfaction)

1. Where the Chamber or the Committee finds that there has been a violation of the Convention or the Protocols thereto, it shall give in the same judgment a ruling on the application of Article 41 of the Convention if a specific claim has been submitted in accordance with Rule 60 and the question is ready for decision; if the question is not ready for decision, the Chamber or the Committee shall reserve it in whole or in part and shall fix the further procedure.
2. For the purposes of ruling on the application of Article 41 of the Convention, the Chamber or the Committee shall, as far as possible, be composed of those judges who sat to consider the merits of the case. Where it is not possible to constitute the original Chamber or Committee, the President of the Section shall complete or compose the Chamber or Committee by drawing lots.
3. The Chamber or the Committee may, when affording just satisfaction under Article 41 of the Convention, direct that if settlement is not made within a specified time, interest is to be payable on any sums awarded.

1 As amended by the Court on 29 June 2009.

2. As amended by the Court on 13 December 2004 and on 29 June 2009.

Rule 14

Rule 77 §§ 1 and 2 shall be amended in order to refer to signature and notification of judgments adopted by Committees. Rule 77 §§ 1 and 2 shall read as follows:

Rule 77¹

(Signature, delivery and notification of the judgment)

1. Judgments shall be signed by the President of the Chamber or the Committee and the Registrar.
2. The judgment adopted by a Chamber may be read out at a public hearing by the President of the Chamber or by another judge delegated by him or her. The Agents and representatives of the parties shall be informed in due time of the date of the hearing. Otherwise, and in respect of judgments adopted by Committees, the notification provided for in paragraph 3 of this Rule shall constitute delivery of the judgment.

1. As amended by the Court on 29 June 2009.