

European Court of Human Rights

Operational Rules of the Superior Courts Network

13 April 2018

Further to the official launch of the Superior Courts Network (“the Network”) on 5 October 2015 in Strasbourg;

Taking note of the Network’s Cooperation Charter setting out the general principles agreed for the management and development of the Network;

Taking into account the respective resources of the European Court of Human Rights (“the European Court”) and the Network’s member courts;

Building on the lessons learned from the test phase following the launch of the Network, the Jurisconsult has drawn up the following Operational Rules:

I. Focal Points

1. Each of the Network’s member courts shall designate a person to act as its Focal Point and shall set up a dedicated email address. Superior courts from the same State may appoint a single Focal Point to represent them.

The European Court shall designate a Focal Point for each State represented in the Network.

2. The Focal Points must be proficient in at least one of the European Court’s two official languages.

3. The Focal Points shall communicate via a restricted-access website (the Network’s Intranet site).

II. Principal activities of the Network

4. With a view to ensuring effective exchanges within the Network, the European Court and the Network’s member courts shall provide the Network with relevant information and respond to formal requests for information made by the European Court and the member courts.

III. Provision of information to the Network

Information from the European Court

5. One of the Network’s main activities is the provision by the Jurisconsult of information on the European Court’s case-law, Convention law and practice and related matters via the Network’s Intranet site.

6. Information posted by the Jurisconsult on the Network’s Intranet site shall be drafted in one of the two official languages of the European Court.

Information from the superior courts

7. Information submitted by the superior courts does not need to be translated into one of the European Court's official languages (it should be presented under a descriptive heading indicating the subject in English or French), with the exception of responses to formal requests, and information made available by a national court for dissemination among all of the Network's member courts (see below).

IV. Formal requests for information

8. Formal requests for information shall be made in one of the two official languages. To ensure their efficient management, they shall be produced using templates and shall consist of concise, numbered questions. Where necessary, they shall be accompanied by brief factual information to assist the understanding of the request.

9. Responses shall likewise be drafted in one of the two official languages.

Requests from the European Court

10. The European Court attaches considerable importance to contributions to its comparative-law research from the national courts belonging to the Network.

11. Requests from the Court to this effect shall be transmitted to the Network's member courts individually. Where more than one court from the same State is a member, the courts concerned shall decide which of them is to submit the response.

12. No request may be sent to the courts of the State against which the case giving rise to the European Court's comparative study has been brought.

13. Each contribution from the national courts belonging to the Network shall be the sole responsibility of the department producing it and shall not be binding on the court concerned in the context of its judicial activities.

14. It is not necessary to translate into one of the official languages any official domestic law instruments appended to the contribution.

15. The Jurisconsult will periodically provide the Network member courts with a compilation of their contributions to the European Court's comparative law research.

Requests submitted to the European Court

16. National courts may also submit requests for information to supplement the material already posted on the Network's Intranet site.

17. Formal requests of this nature to the European Court must be limited to questions concerning the European Court's case-law or practice, where the Jurisconsult's contribution offers added value in relation to external sources. Since the Jurisconsult does not have the resources to satisfy all such requests, he shall decide which ones to deal with.

18. The European Court's responses shall not be binding on the Court in the context of its judicial activities and shall be the sole responsibility of the Jurisconsult.

19. No request shall be made to the European Court concerning a case currently pending before it.

V. Dissemination of information

20. Information shall be disseminated via the Intranet site, access to which is restricted to the Network's member courts.

21. Documents made available by the Jurisconsult shall be accessible to all of the Network's member courts.

22. Since exchanges between the superior courts of a particular State and the European Court are in principle not open to other national courts belonging to the Network, contributions for comparative-law surveys are initially submitted to the European Court on an exclusively bilateral basis between the national court producing them (and any other superior courts from the same State) and the European Court. Following the delivery of the relevant decision/judgment of the European Court to which the comparative contributions relate, a compilation of those contributions can be provided, in accordance with Rule 15 above, to member courts.

National courts may submit any information they consider particularly relevant to their Focal Point at the European Court with a proposal to disseminate it among all members of the Network.

23. While it is not the Network's role to manage communication between national courts, the contact details of all of the Network's member courts and their Focal Points shall be accessible on the Network's Intranet site to all of the Network's member courts.

24. The superior courts' Focal Points shall be the custodians of the documents exchanged. They shall be responsible for circulating information within their respective institutions.

Before any documents exchanged by the Network's member courts are disseminated externally, the information must undergo additional processing in accordance with the precautionary principle.