



**Keynote remarks at the Balkan Constitutional
Courts Forum**

Friday 27 October 2023, 10.15-10.30h

Grand Hotel Millennium, Shakespeare Hall
Sofia, Bulgaria

Key Messages

Introduction

- Dear President Panova, dear President Lenaerts, dear Vice-President Bošnjak, dear Deputy Prime Minister Gabriel, dear Minister Slavov, Presidents and judges of the Constitutional jurisdictions, dear participants, Ladies and Gentlemen,
- I am honoured to be here with you in Sofia at this first edition of the Balkan Constitutional Courts Forum.
- **I very much welcome the initiative of our host**, the Constitutional Court of the Republic of Bulgaria, to focus the dialogue on constitutional justice in Southeast Europe and to bring together almost all of the constitutional jurisdictions in this region.
- Today, you will have the opportunity to exchange on access to constitutional justice.
- I am convinced that today's discussions will further strengthen our common rule of law culture, not only within the European Union, but also within those countries aspiring to become part of it. This is the best guarantee for the respect of our values, of which you, as judges, are also the guarantors.

- I am also very pleased to see the presence of President Lenaerts and Vice-President Bošnjak. Both the Court of Justice of the European Union and the European Court of Human Rights have played a key role in **promoting and upholding the values on which the European Union is based, and will continue to do so**. Values like fundamental rights and the rule of law, which will undoubtedly be at the centre of the discussion today.
- These values form the foundations of the Union's political identity and legal order and are moreover common to the Member States, in the legal systems of which they are deeply rooted.
- **The exchanges you will have today are particularly timely and important for a number of reasons.**

On the importance of constitutional justice

- Constitutional justice is **a key component of the checks and balances in a constitutional democracy**.
- Constitutional courts play a crucial role in being the ultimate guardians of fundamental rights and in upholding the fundamental principles that constitute the rule of law.
- In parallel, the rule of law plays a particular role among the values referred to in Article 2 of the Treaty on European Union. It guarantees the protection of all other fundamental values.

- **The rule of law also guarantees the effective application of EU law and mutual trust**, which is the driving force for the proper functioning of the European Union.
- However, in recent years we have been confronted with situations where the rule of law has come under strain, showing that respect for the rule of law can never be taken for granted.

On the key role of constitutional and European courts

- **Constitutional jurisdictions, including at the EU level, play a key role when the rule of law is called into question.** They contribute to giving concrete shape to the fundamental principles that constitute the rule of law.
- This collective work of both national and European courts to uphold the law that we have in common has been very important for the effective protection of rights of individuals within the European Union. It has made our founding text more dynamic and practical in protecting the rights of individuals within the EU.
- **Applying EU law, national courts – including constitutional courts – act as EU courts.** This requires that these courts must be **independent**, since only that independence may guarantee effective judicial protection of EU rights required by the EU Treaties as well as by the European Convention of Human Rights.

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- This is also why the Commission is following closely the developments relating to constitutional justice in the Member States, including in the context of the **EU Justice Scoreboard** and the annual **Rule of Law Reports**.

On the importance of dialogue on the rule of law

- Ladies and gentlemen, it is clear that, in times of crises, constant proactive action is needed to promote and safeguard our common values.
- The Commission is determined to facilitate and encourage discussions about promoting and upholding our shared values, EU law, and common constitutional traditions, both at EU and at national level.
- Structures for such discussions have already been created and have established a certain rhythm and a continuity to these discussions. Each of these structures fulfils a specific role.
- For example, in the General Affairs Council of the European Union, Ministers conduct a '**Rule of Law Dialogue**' at regular intervals, centred around the Commission's annual Rule of Law Report. These exchanges allow for a well-structured and in-depth exchange on the situation of the rule of law within the EU and its 27 Member States.
- Important debates on the rule of law are also regularly taking place in the European Parliament.

- As regards the Commission's annual Rule of Law Report, let me also recall that, as announced by President von der Leyen in her State of the Union address of 2023, **the Commission will open its Rule of Law Reports also to those accession countries** who get up to speed even faster.
- This is an opportunity for accession countries, placing them on an equal footing with Member States early on. It will support and focus their reform efforts and help them to make progress in the accession process and to be ready to maintain high standards after accession.
- The Commission aims to include the first accession countries in the annual rule of law process **as early as next year**.
- Constitutional Courts of countries aspiring to join the European Union – your Constitutional Courts – will have a particularly important role in the process of accession. **Their work is essential to ensure the stability of institutions that guarantee democracy, the rule of law, human rights, and respect for and protection of minorities.**

Conclusion

- Ladies and Gentlemen,
- I would like to emphasise the essential role that your distinguished Courts play in promoting and safeguarding the rule of law.

- I am convinced that your discussions during this conference will be profound and inspiring, and I wish you a very fruitful discussion.
- Thank you for your attention.