

Superior Courts Network

Annual Report 2017

***Consolidating the position of the SCN
in the Convention landscape***

January 2018

I Introduction

1. The Superior Courts Network (“SCN”) has been operational for eighteen months, a period which has seen its significant expansion, both in terms of membership and the exchanges taking place within the Network.

The SCN in numbers

Membership

The number of member courts almost tripled in 2017. At the beginning of 2017 the SCN had 23 member courts from 17 States and it now comprises 64 courts from 34 States (Annex 1 and Annex 2). 20 Registry lawyers, mainly from the Directorate of the Jurisconsult, act as Focal Points for these member courts (Annex 3).

Case-law information shared by Court

Case-law information continued to be regularly shared with SCN members on the secured website. This included 52 Case-law Updates (analyses by the Jurisconsult of new judgments shared on the date of delivery) and 44 Weekly Tables (a selection by the Jurisconsult of the noteworthy judgments delivered that week).

Formal requests by SCN members

The Court received 4 formal requests in 2017 from the member courts (Rules 15-18 of the SCN [Operational Rules](#)). The Directorate of the Jurisconsult answered all requests, providing a detailed list of relevant case-law. Five more formal requests have already been received and replied to in January 2018. The replies are shared with all members.

SCN contributions to comparative work

Further to feedback of the member courts in 2017, their contributions were requested only for a selected number of important comparative law research topics (of the 22 comparative law reports prepared in 2017, the SCN member courts contributed to 9). For those 9 reports, the SCN members contributed 55 % of the comparative material (Annex 4).

The response rate of SCN members to the requests was high: of the 199 contribution requests sent to member courts, the Court received 176 replies (namely, a response rate of 88 %, Annex 5). As foreseen in 2016, additional SCN members per State helped the process.

II. Further indicators of the development of the SCN

2. The First SCN Focal Points Forum, held in the Court in June 2017, was a key moment for the SCN. The Forum brought together Focal Points from forty-four superior courts, their opposite numbers in the Registry as well as ECHR Judges and Registrars. The high level of participation is indicative of the real demand for the exchanges offered by the Network. The discussions were also positive and useful and, in particular, included a valuable stocktaking exercise as well as an important exchange on the future of the SCN, all in a convivial and open atmosphere.

3. Many key suggestions made during the Forum by the member courts have been duly taken into consideration and put into action. Adapting the comparative work requests of the Strasbourg Court to the resources of the member courts, as well as preparing the compilation¹ and sharing of their comparative contributions with all member courts, are worth mentioning.

4. Furthermore, among additional SCN services tailored to the needs of the superior courts, the first online HUDOC training will take place in spring 2018.

5. Other factors testify to the fulfilment by the Network of its core mission of dialogue. Most importantly, many member courts now translate and regularly disseminate the case-law information provided by the Directorate of the Jurisconsult. Certain member courts have adapted their own research structures with a view to optimising the information provided by the Network. The SCN has also triggered dialogue between the member courts of the same State, those exchanges taking place on the SCN secure website. Finally, SCN members are beginning to post information (national law and other Convention related matters) for the benefit of all other SCN members.

6. Mutually useful links are being developed with certain Council of Europe (CoE) bodies and, notably, with the Human Rights and Rule of Law Directorate General (DG1) and with the Forum of the Venice Commission. The Court was grateful for the financial contribution of DG1 to the organisation of the SCN Focal Points Forum and we are exploring means of cooperating usefully on certain DG1 projects including the HELP and Harmonisation projects². The SCN Team³ has also noted that the SCN has become more visible outside of the Council of Europe⁴.

¹ This process will be shortly put in place.

² Link to [HELP](#) and short link to [Athens Agenda](#)

³ The President of the Court has delegated the management of the SCN to the Court's Jurisconsult, who is assisted by the Deputy Jurisconsult, by the SCN Coordinator (Onur Andreotti) and by two administrative assistants (Rodica Gonta and Nur Vantland).

⁴ Articles have been devoted to the SCN in law reviews; the SCN has been solicited to share its experiences in the context of designing an African judicial network; and the President of France praised the SCN's role in ensuring dialogue during his visit to the Court in October 2017.

III Conclusion and looking to the future

7. The SCN will continue to focus on its primary objective of ensuring regular and useful exchanges on ECHR case-law and related national law on an operational level and bilaterally between the Strasbourg and superior courts⁵. The SCN Team has taken, and will continue to take, concrete steps to enhancing these core exchanges and, in so doing, provide further assistance to the superior courts, further disseminate the Court's case-law and, thereby, deepen the dialogue.

Developing the Court's ability to respond to specific case-law questions of the SCN member courts ("Formal Requests") will be a particular challenge given the human resources limitations of the Court, but it is on the SCN's agenda for 2018. We believe this is an important resource for superior courts and a form of precursor to the more distinct, judicial process envisaged by Protocol No. 16 which may enter into force in 2018.

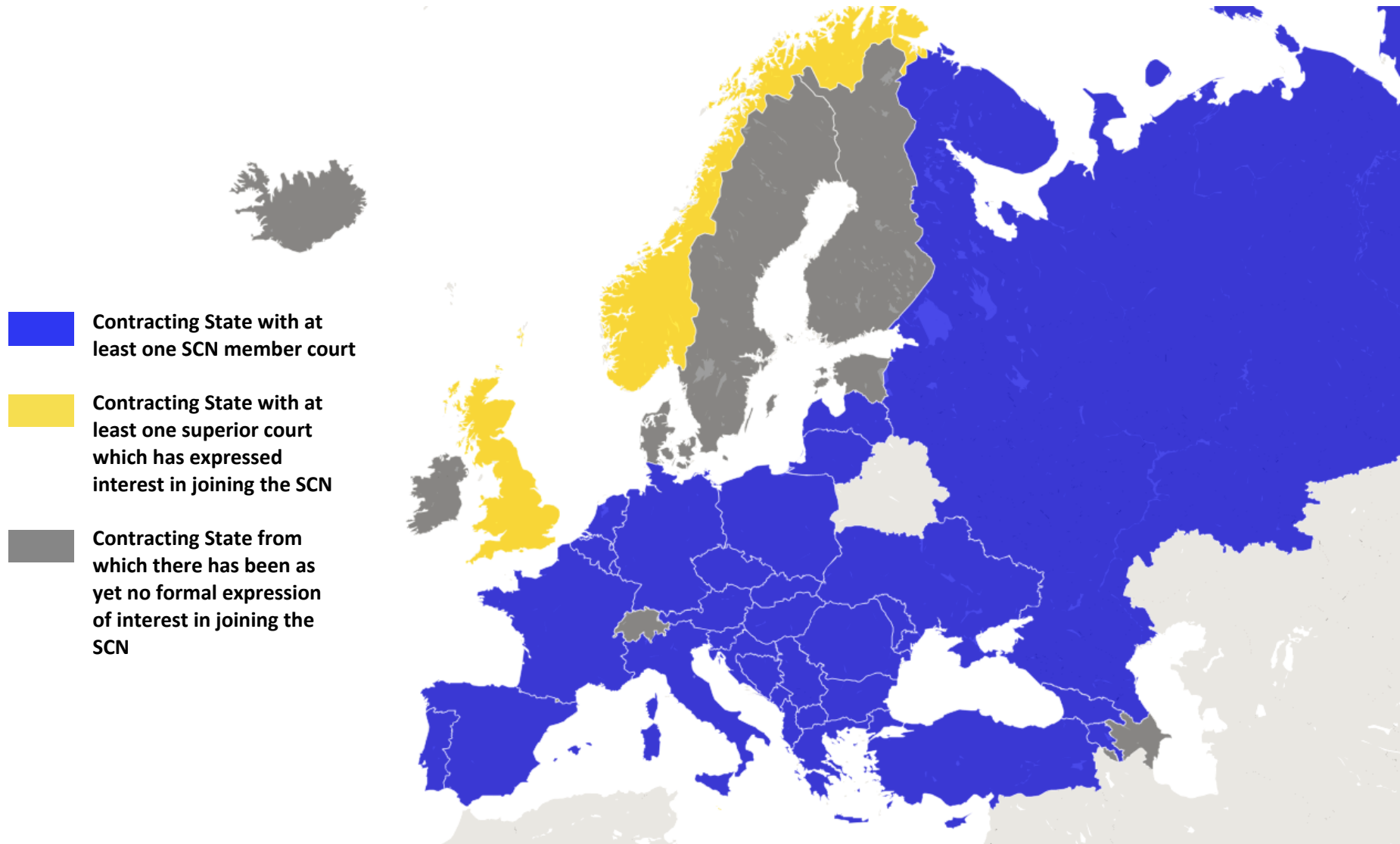
Equally, the Court is grateful that the growth in membership has led to an increasingly high participation of SCN members to the Courts' comparative law work, a pattern it is hoped will continue.

8. The SCN Team will continue to explore opportunities to coordinate with relevant external actors, notably with CoE bodies and other European judicial networks, highlighting the unique mission of the SCN for the benefit of its member courts.

9. In conclusion, 2017 saw an important expansion of the SCN and its work. The focus during the coming year will be on consolidating the place of the SCN in the Convention landscape.

⁵ Certain multilateral exchanges (namely, exchanges open to or between member courts) now take place within the SCN structure and any further movement in that direction will be developed in accordance with the SCN core principles, bearing in mind its limited resources.

Membership of the SCN (year-end 2017)



SCN Member Courts and their Focal Points (year-end 2017)

ALBANIA -> Ana Vilfan-Vospernik

- [Supreme Court](#) - Ms Emirjam Ahmetaga, Head of External Affairs and Research
- [Constitutional Court](#) - Ms Elsa Toska, Adviser to the President

ARMENIA -> Onur Andreotti

- [Constitutional Court](#) - Mr Samvel Arakelyan, Head of the Legal Advisory Department
- [Court of Cassation](#) - Ms Anna Vardapetyan, First Deputy Head of the Judicial Department of Republic of Armenia

AUSTRIA -> Ekaterina Bykhovskaya

- [Federal Administrative Court](#) - Dr Christian Filzwieser, President of Chamber A, Coordinator for migration and asylum affairs, Judge

BELGIUM -> Adrien Raif-Meyer

- [Constitutional Court](#) - Mr Jan Theunis, Référéndaire à la Cour Constitutionnelle
- [Council of State](#) – Frédéric Gosselin, Conseiller d'État

BOSNIA AND HERZEGOVINA -> Aida Grgic

- [Court of Bosnia and Herzegovina](#) - Ms Emira Hodzic, Legal Adviser

BULGARIA -> Toomas Sillaste

- [Constitutional Court](#) - Mr Valentin Georgiev, Secretary General

CROATIA -> Aida Grgic

- [Constitutional Court](#) - Ms Mirjana Stresec, Senior legal adviser
- [Supreme Court](#) – Mr Marin Mrčela, Judge

CYPRUS -> Onur Andreotti

- [Supreme Court](#) – Ms Maria Kyriacou, Senior Legal Officer

CZECH REPUBLIC -> Natalia Brady

- [Supreme Court](#) – Mr Dušan Sulitka, Head of Department of Analytics and Comparative Law

FRANCE -> Guillem Cano-Palomares

- [Cour de Cassation](#) - M. Fabrice Burgaud, chef du Bureau du droit européen, Service de documentation, des études et du rapport
- [Conseil d'État](#) - M. Mattias Guyomar, président de chambre au Conseil d'État (section du contentieux)
- [Conseil constitutionnel](#) - Ms Marie-Laure Layus, Chargée de mission droit comparé

GEORGIA -> Natalia Brady

- [Constitutional Court](#) - Ms Irina Khakhutaishvili, Head of the International and Public Relations Department
- [Supreme Court](#) – Ms Nino Shonia, Head of Secondary Structural Unit

GERMANY -> Axel Muller-Elschner

- [Federal Administrative Court](#) - Dr Susanne Rublack, Judge
- [Federal Court of Justice](#) - Mr Rüdiger Pamp, Judge
- [Federal Fiscal Court](#) - Dr Anette Kugelmüller-Pugh, Judge
- [Federal Labour Court](#) - Mr Sebastian Roloff, Judge

GREECE-> Afroditi Gkagkatsi

- [Council of State](#) - Mr Michail Pikramenos, Jr Judge
- [Court of Audit](#) - Ms Theologia Gnardelli, Judge Counselor

HUNGARY -> Rita Bonnen

- [Curia of Hungary](#) (Supreme Court) - Dr. Lipót Hölztl, Head of the International Relations and European Legal Office of the Kúria
- [Constitutional Court](#) - Dr. Tamás Antal Tóth, Chief counsellor

ITALY -> Stefano Piedimonte

- [Supreme Court of Cassation](#) - Ms Valeria Piccone, Magistrate in charge of the office Massimario
- [Council of State](#) – Mr Dario Simeoli, State Counselor
- [Corte dei Conti](#) – Ms Patrizia Ferrari, Counsellor

LATVIA -> Juris Rudevskis

- [Constitutional Court](#) – Ms Laila Jurcēna, Advisor to the President

LITHUANIA -> Juris Rudevskis

- [Supreme Administrative Court](#) - Ms Audronė Gedmintaitė, Head of the Legal Research and Information Department
- [Supreme Court](#) - Ms Renata Juzikienė, Director of the Department of Legal Research and Review

LUXEMBOURG -> Adrien Raif-Meyer

- [Superior Court of Justice](#) - Ms Mylène Regenwetter, Advisor at the Superior Court of Justice
- [Administrative Court](#) - Mr Lynn Spielmann, Advisor at the Administrative Court
- [Constitutional Court](#) - Mr Nico Edon, Member of the Constitutional Court

MOLDOVA -> Dragos Cucoreanu

- [Constitutional Court](#) - Ms Rodica Secrieru, Secretary General
- [Supreme Court of Justice](#) - Mr Tudor Papuc, Judicial Assistant

MONACO -> Adrien Raif-Meyer

- [Supreme Court](#) - Mr Didier Ribes, Full member of the Supreme Court
- [Court of Revision](#) - Mr Jean-François Renucci, Vice-Président de la Cour de révision de Monaco

MONTENEGRO -> Ana Vilfan-Vospernik

- [Constitutional Court](#) – Ms Zorka Karadžić, Advisor
- [Supreme Court](#) - Ms Tijana Badnjar, Advisor

NETHERLANDS -> Peter Kempees

- [Council of State](#) - Dr Marjolein van Roosmalen, Secretary to the Constitutional Law Committee of the Dutch Council of State
- [Supreme Court](#) - Ms Petra de Mos, Judicial Assistant
- [Administrative High Court for Trade and Industry](#) - Ms Péronne Beishuizen, Law clerk
- [Administrative High Court](#) – Ms Aranka Kovács, Judge’s Assistant

POLAND -> Juris Rudevskis

- [Supreme Court](#) - Ms Małgorzata Wąsek-Wiaderek, Member of the Research and Analyses Office
- [Constitutional Tribunal](#) – Mr Marcin Koman, Director of the Presidential Department
- [Supreme Administrative Court](#) – Ms Marta Kulikowska, Head of Domestic and Foreign Relations

PORTUGAL -> Guillem Cano-Palomares

- [Supreme Court of Justice](#) - Mr Nuno Coelho, Judge Advisor at the Supreme Court of Justice
- [Constitutional Court](#) - Dr António Abrantes, Legal adviser, Documental Support and Legal Information Unit

ROMANIA -> Crina Kaufman

- [Constitutional Court](#) – Ms Claudia Margareta Krupenschi, Assistant-Magistrate-in-chief, Director of the Office of the President

RUSSIAN FEDERATION -> Olga Chernishova

- [Supreme Court](#) - Mr Sergey Kryukov, Head of Information and Communication Department

SAN MARINO -> Stefano Piedimonte

- [Court of San Marino](#) – Aurora Filippi, Uditore Commissariale

SERBIA -> Ana Vilfan-Vospernik

- [Supreme Court of Cassation](#) - Ms Vanja Rodić, Senior legal adviser for European integrations and international projects

SLOVAK REPUBLIC -> Natalia Brady

- [Supreme Court](#) - Ms Barbara Babáková, Legal Researcher at the Department of Documentation, Analytics and Comparatistics

SLOVENIA -> Ana Vilfan-Vospernik

- [Supreme Court](#) - Ms Tamara Igličar, Judge (Registry Department)
- [Constitutional Court](#) - Ms Tina Prešeren, Head of Analysis and International Cooperation Department

SPAIN -> Guillem Cano-Palomares

- [Constitutional Court](#) - Mr Luis Pomed Sanchez, Head of Division

**“THE FORMER YUGOSLAV
REPUBLIC OF MACEDONIA” -> Aida Grgic**

- [Supreme Court](#) - Ms Lidija Taseva, President of the Department of Judicial Practice
- [Constitutional Court](#) – Ms Tatjana Janjic Todorova, State Adviser for International Cooperation

TURKEY -> Ayşegül Uzun Marinkovic

- [Constitutional Court](#) - Dr Mücahit Aydın, Rapporteur Judge
- [Court of Cassation](#) - Dr Mustafa Saldırım, Deputy Secretary General

UKRAINE -> Victoria Cherniychuk

- [Supreme Court](#) - Mr Mykhailo Bazhenov, Assistant of the President
- [Constitutional Court](#) - Ms Marta Spodaryk, Constitutional Court of Ukraine

Total: 64 courts from 34 States

– Annex 3 –

Registry lawyers acting as SCN Focal Points (year-end 2017)

1	Andreotti, Onur	Armenia, Cyprus
2	Bonnen, Rita	Hungary
3	Brady, Natalia	Slovak Republic, Georgia
4	Bykhovskaya, Ekaterina	Austria
5	Cano-Palomares, Guillem	France, Spain, Portugal
6	Chernishova, Olga	Russia
7	Cherniychuk, Victoria	Ukraine
8	Cucereanu, Dragos	Republic of Moldova
9	Gkagkatsi, Afroditi	Greece
10	Grgic, Aida	Bosnia and Herzegovina, Croatia, “The Former Yugoslav Republic of Macedonia”
11	Kaufman, Crina	Romania
12	Kempees, Peter	The Netherlands
13	Kondak, Ireneusz	Poland
14	Muller-Elschner, Axel	Germany
15	Piedimonte, Stefano	Italy
16	Raif-Meyer, Adrien	Belgium, Monaco, Luxembourg
17	Rudevskis, Juris	Lithuania, Poland, Latvia
18	Sillaste, Toomas	Bulgaria
19	Uzun, Aysegul	Turkey
20	Vilfan-Vospernik, Ana	Albania, Slovenia, Serbia, Montenegro

– Annex 4 –

**SCN and Registry contributions
to nine comparative reports in 2017**

Number of contributions for comparative law research							
	Order no.	SCN	Registry	Total	SCN contribution	Registry contribution	
	1	01_2017	11	28	39	28%	72%
	2	02_2017	14	20	34	41%	59%
	3	03_2017	18	20	38	47%	53%
	4	04_2017	19	15	34	56%	44%
	5	05_2017	17	19	36	47%	53%
	6	06_2017	20	13	33	61%	39%
	7	07_2017	25	9	34	74%	26%
	8	08_2017	26	9	35	74%	26%
	9	09_2017	26	12	38	68%	32%
	Total		176	145	321	55%	45%

Number of Comparative requests covered by SCN member courts

