

**MEMORANDUM OF UNDERSTANDING FOR
ESTABLISHMENT OF THE BALKAN CONSTITUTIONAL
COURTS FORUM**

The Constitutional Court of the Republic of Albania,
The Constitutional Court of the Republic of Bulgaria,
The Constitutional Court of the Republic of Kosovo,
The Constitutional Court of Montenegro,
The Constitutional Court of the Republic of North Macedonia,
The Constitutional Court of the Republic of Türkiye,
hereinafter referred to as "the Parties",

recognizing the mutual commitment to upholding constitutional values, the rule of law, and human rights protection,

desiring to strengthen legal cooperation and judicial dialogue among the Constitutional Courts of the Balkan region,

expressing their intention to establish the Balkan Constitutional Courts Forum (hereinafter referred to as "the Forum") to facilitate regular interaction and joint initiatives among them,

acknowledging that the organizational structure, funding, membership, and other matters related to the establishment of the Forum shall be determined through a separate agreement,

have reached the following understandings:

Article 1

ESTABLISHMENT OF THE BALKAN CONSTITUTIONAL COURTS FORUM

The Parties agree to collaborate to establish the Balkan Constitutional Courts Forum (hereinafter referred to as "the Forum") as a permanently functioning body for fostering judicial dialogue and enhancing cooperation and exchange of experience in the area of constitutional justice in the Balkan region.

Article 2

OBJECTIVES

The primary objectives of the Forum shall include but not be limited to:

- a. Facilitating regular and structured dialogue among the participating Constitutional Courts.
- b. Enhancing the exchange of legal expertise, best practices, and jurisprudence among the Constitutional Courts.
- c. Supporting capacity building and professional development of judges and court staff in the field of constitutional law.
- d. Supporting capacity building in the field of communication with the public.
- e. Strengthening stakeholders networking.
- f. Enabling dissemination of analytical results through scientific periodicals.
- g. Establishing and safeguarding of the rule of law in the Balkan region.

Article 3

ACTIVITIES

The Forum members shall convene in annual meetings.

The Forum shall organize periodic conferences, seminars, trainings, and workshops to facilitate discussions on constitutional law, constitutional adjudication, and new challenges in constitutional jurisprudence.

The Forum may establish thematic working groups or expert committees to focus on specific areas of constitutional law and share research, analysis, and opinions.

The Forum may issue reports, studies, and recommendations on matters of constitutional significance within the Balkan region.

The Forum may conduct moot courts for students and candidate magistrates on various topics related to constitutional justice.

Article 4

ORGANIZATIONAL STRUCTURE

The Parties shall collectively determine the organizational structure of the Forum. The composition, structure, decision-making procedures and mechanisms for hosting meetings and conferences shall be further defined through a subsequent agreement or statute.

The seat of the Secretariat of the Forum shall be in Sofia, Bulgaria, at the Constitutional Court of the Republic of Bulgaria.

Article 5

FUNDING

The Parties shall explore various funding sources, including voluntary contributions from the participating Constitutional Courts, international organizations, and other relevant stakeholders, in the form of membership fees, grants, donations, and any other form of monetary contributions, to ensure the financial sustainability of the Forum.

Article 6

MEMBERSHIP AND OBSERVERS

The Parties to the Memorandum shall be considered Member jurisdictions of the Forum and shall have all rights and obligations stipulated in any statutes or by-laws that shall be further agreed upon and adopted by the Parties.

Observer status shall be granted at the Members' discretion to constitutional jurisdictions which share the values and objectives of the Forum but have not committed to membership. The scope of the rights that observer status shall entail shall be further stipulated in the legal framework adopted by the Members.

Article 7

COMMUNICATION

Communication between Parties under this Memorandum of Understanding is assigned to their respective Secretariats and will be conducted in English as the official working language.

Article 8

EFFECT OF MEMORANDUM

This Memorandum of Understanding serves as a record of the Parties' intentions and does not create legally binding rights or obligations.

Article 9

ENTRY INTO FORCE, AMENDMENTS AND TERMINATION

This Memorandum will enter into force on the date of its signature by the representatives of the Parties.

Amendments to this Memorandum will be made based on mutual written consent between the Parties.

This Memorandum may be terminated by mutual agreement of the participating Constitutional Courts or by a written notification from any participating Constitutional Court at least two months prior the intended date of termination. The termination will not affect any ongoing commitments or undertakings that might have been formalized prior to termination of this Memorandum, unless otherwise decided.

Article 10

FINAL PROVISIONS

This Memorandum is originally signed in six identical copies – one for each Party, in Sofia, Bulgaria on October 27th, 2023, in English language.

For the Constitutional Court of the Republic of Albania

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President Holta Zaçaj

For the Constitutional Court of the Republic of Bulgaria

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President Pavlina Panova

For the Constitutional Court of the Republic of Kosovo

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President Gresa Caka-Nimani

For the Constitutional Court of Montenegro

.....

President Budimir Šćepanović

For the Constitutional Court of the Republic of North Macedonia

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President Dobrila Kacarska

For the Constitutional Court of the Republic of Türkiye

.....

Vice President Hasan Tahsin Gökcan