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Synthèse / Summary / Kurzfassung / резюме

**RÉPUBLIQUE D'AZERBAÏDJAN / REPUBLIC OF AZERBAIJAN /
REPUBLIK ASERBAIDSCHAN / РЕСПУБЛИКА АЗЕРБАЙДЖАН**

**The Constitutional Court of the Republic of Azerbaijan
Azərbaycan Respublikasının Konstitusiyə Məhkəməsi**

Anglais / English / Englisch / английский

THE CONSTITUTIONAL COURT OF THE REPUBLIC OF AZERBAIJAN

Short summary of the national report to the XVI Congress of the Conference of European Constitutional Courts

The Constitution of the Republic of Azerbaijan implements connection of national legal system with modern international law.

The constitutional principles of the state sovereignty, independence and self-sufficiency of the state in implementation of domestic and foreign policy are the main priorities of the modern state.

In the first place in the presented Report there is noted the legal obligation of the Constitutional Court of the Republic of Azerbaijan according to which the Constitutional Court at implementation of the constitutional control should take into account the European law, and, in particular, mentioned the Article 2 of the Law of the Republic of Azerbaijan “On Constitutional Court” on the basis of which the international agreements which the Republic of Azerbaijan is a party to is one of the legal basis of Constitutional Court’s activity. Also the examples of references to international sources of law are given and provisions of a constitutional law which legally bind to take into consideration the decisions of the European Court of Human Rights were stated.

In the report the role of jurisprudence of European courts and its effect on practice of the Constitutional Court was noted.

Some decisions where the Constitutional Court in its jurisprudence refers to the decisions of the European Court of Human Rights, indicate that not only the European Convention, but also the jurisprudence of the European Court in a certain measure already becomes as one of the components of legal system of the Republic of Azerbaijan.

The Constitutional Court of the Republic of Azerbaijan, when adopting the decisions, undertakes all possible measures in order to avoid the contradictions with decisions of the European Court of Human Rights on similar issues. However, the only exception when there can be a contradiction is a situation when the divergences in opinion of the European and Constitutional courts are caused directly by provisions of the Constitution which possesses a primacy with regard to international treaty.

In the report there are given the examples of interaction between the constitutional and European justice, the taking into consideration by the European Court in its activity of practice of bodies of the constitutional control that is caused by various factors, including the direct need of appeal to the decisions of bodies of the

constitutional control for settlement of concrete case or with the purpose of reasoning of the conclusions.

The analysis of practice of the Plenum of the Constitutional Court also indicates that the Constitutional Court of the Republic of Azerbaijan in the reasoning part of the decisions addressed to the case-law not only of the European Court of Human rights, but also to the practice of foreign courts in the field of the public, criminal and tax legislation. The review of decisions of foreign bodies of the constitutional justice admits to certify that in some cases the decisions of the Constitutional Court of the Republic of Azerbaijan are directly or indirectly taken into account in the decisions of some courts of the East European countries.

It is an important fact that the Partnership and Cooperation Agreement is the basis for the relationship between the Republic of Azerbaijan and the European Union.

The Court of the European Union possesses the binding jurisdiction with respect to EU member states but Azerbaijan is not a member of this international organization. In this regard, the case-law of the Court of the European Union and Constitutional Court of the Republic of Azerbaijan have no considerable influence on each other.