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**Rapport national / National report / Landesbericht /
национальный доклад**

GÉORGIE / GEORGIA / GEORGIEN / ГРУЗИЯ

The Constitutional Court of Georgia
Sakartvelos Sakonstitutsio Sasamartlo

Anglais / English / Englisch / английский

Cooperation of Constitutional Courts in Europe –

Current Situation and Perspectives

Questionnaire for the national reports

I. Constitutional courts between constitutional law and European law

1. Constitutional Court of Georgia is not statutory obliged to consider European law in the performance of its tasks, as Georgia is not member state of European Union.
2. There are some examples of references to international sources of law, such as European Convention of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, The Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters.
3. As far as Georgia is not EU member state, there are no specific provisions of Constitutional law imposing a legal obligation on the constitutional court of Georgia to consider decisions by European Courts of Justice.
4. There are no signs of influence in practice by the jurisprudence of European Courts of Justice.
5. Constitutional Court of Georgia regularly refers to the jurisprudence of the European Court of Human Rights. The most significant example is the case of conscience objection to the military service. The court declared right to conscience objection constitutionally protected and referred to the Grand Chamber case of the European Court of Human Rights (BAYATYAN v. ARMENIA, Application no. 23459/03).
6. There are no examples of divergences in decisions taken by the constitutional court of Georgia and the European Courts of Justice.
7. There is no practice of the Constitutional court taking into consideration the jurisprudence of the European Court of justice. Therefore, there is no example of the other national courts to consider the jurisprudence as a result.
8. There is no example of decisions by ECJ influenced by the jurisprudence of Constitutional Court of Georgia.

II. Interactions between constitutional courts

1. Constitutional Court of Georgia regularly refers to the jurisprudence of other European constitutional courts (e.g. Federal Constitutional Court of Germany) and non-European courts (e.g. US Supreme Court).
2. State language in Georgia is Georgian; there is no other jurisdiction which uses the same language.
3. Constitutional Court of Georgia refers to the jurisprudence of other Constitutional Courts in all the fields of law (civil law, criminal law, public law).

4. We do not have any information about the influence of decisions of Constitutional Court of Georgia on the jurisprudence of foreign constitutional courts.
5. There is no precedent of cooperation going beyond the mutual acknowledgement of court decisions.

III. Interactions between European courts in the jurisprudence of constitutional courts

1. The references of European Union law and decisions by the Court of Justice of the European Union in the jurisprudence of the European Court of Human Rights have not explicit impact on the jurisprudence of the Constitutional court of Georgia.
2. Georgia is not EU member state; Constitutional Court of Georgia has no legal obligation to take into consideration EU Law or to refer cases to the ECJ. Therefore, there is no example of the influence of Constitutional Court of Georgia to the relationship between European Court of Human Rights and the Court of Justice of the European Union.
3. Georgia is not EU member state; Constitutional Court of Georgia has no legal obligation to take into consideration EU Law or to refer cases to the ECJ. Therefore, differences between the jurisprudence of the European Court of Human Rights, on the one hand, and the Court of Justice of the European Union, on the other hand, have not significant impact on the jurisprudence of the Constitutional Court of Georgia.