

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1982 Nr. 188

A. TITEL

*Verdrag tot bescherming van de rechten van de mens en de fundamentele
vrijheden;
Rome, 4 november 1950*

B. TEKST

De tekst van het Verdrag is geplaatst in *Trb.* 1951, 154. Zie voor de ondertekeningen ook *Trb.* 1961, 8, *Trb.* 1964, 163, *Trb.* 1970, 81, *Trb.* 1974, 215 en *Trb.* 1979, 150.

C. VERTALING

Zie *Trb.* 1951, 154, *Trb.* 1961, 8 en *Trb.* 1979, 150.

D. PARLEMENT

Zie *Trb.* 1954, 151 en *Trb.* 1961, 8.

E. BEKRACHTIGING

Zie *Trb.* 1954, 151, *Trb.* 1956, 5, *Trb.* 1961, 8, *Trb.* 1964, 163, *Trb.* 1970, 81, *Trb.* 1974, 215 en *Trb.* 1979, 150¹⁾.

Behalve de aldaar genoemde Staten heeft nog de volgende Staat, overeenkomstig artikel 66, eerste lid, van het Verdrag een akte van bekrachtiging nedergelegd bij de Secretaris-Generaal van de Raad van Europa:

Liechtenstein²⁾ 8 september 1982

1) De Regering van Zwitserland heeft bij brief van 26 januari 1982 medege-deeld, dat zij het bij de bekrachtiging van het Verdrag op 28 november 1974 gemaakte voorbehoud met betrekking tot artikel 5 van het Verdrag met ingang van 1 januari 1982 intrekt.

2) Bekrachtiging van het Verdrag zoals gewijzigd bij het Derde en het Vijfde Protocol bij het Verdrag. De bekrachtiging geschiedde onder de volgende voor-behouden:

Réserve portant sur l'article 2

Conformément à l'article 64 de la Convention, la Principauté de Liechtenstein émet la réserve que le principe de la légitime défense, prévu par l'article 2, paragraphe 2, alinéa (a) de la Convention, s'appliquera dans la Principauté de Liechtenstein aussi à la défense des biens et de la liberté en conformité avec les principes qui trouvent actuellement leur expression dans l'article 2, alinéa (g) du Code Pénal liechtensteinois du 27 mai 1852.

Réserve portant sur l'article 6

Conformément à l'article 64 de la Convention, la Principauté de Liechtenstein émet la réserve que le principe de la publicité des audiences et du prononcé des jugements, contenu dans l'article 6, paragraphe 1 de la Convention, ne s'appliquera que dans les limites dérivées des principes qui trouvent actuellement leur expression dans les lois liechtensteinoises suivantes:

Loi du 10 décembre 1912 sur la procédure civile, LGB1. 1912 no. 9/1.

Loi du 10 décembre 1912 sur l'exercice de la juridiction et la compétence des tribunaux en causes civiles, LGB1. 1912 no. 9/2.

Loi du 31 décembre 1913 concernant l'introduction d'un code de procédure pénale, LGB1. 1914 no. 3.

Loi du 21 avril 1922 sur la procédure gracieuse, LGB1. 1922 no. 19.

Loi du 21 avril 1922 sur la justice administrative nationale, LGB1. 1922 no. 24.

Loi du 5 novembre 1925 sur la Haute Cour, LGB1. 1925 no. 8.

Loi du 30 janvier 1961 sur les impôts nationaux et communaux, LGB1. 1961 no. 7.

Loi du 13 novembre 1974 sur l'acquisition de biens fonciers, LGB1. 1975 no. 5.

Les dispositions légales de la procédure pénale en matière de délinquance juvénile, contenues dans:

- le Code Pénal du 27 mai 1852, recueil officiel des lois et règlements liechtensteinois jusqu'à l'année 1863;

- la loi du 7 avril 1922 sur l'organisation des tribunaux, LGB1. 1922 no. 16;

- la loi du 1er juin 1922 concernant l'amendement de la loi pénale, du code de procédure pénale et de leurs lois additionnelles et accessoires, LGB1. 1922 no. 21;

- la loi du 23 décembre 1958 sur la protection de la jeunesse et l'assistance sociale pour celle-ci, LGB1. 1959 no. 8.

Réserves portant sur l'article 8

Conformément à l'article 64 de la Convention, la Principauté de Liechtenstein

émet la réserve que le droit au respect de la vie privée, garanti dans l'article 8 de la Convention, s'exercera, en ce qui concerne l'homosexualité, en conformité avec les principes qui trouvent actuellement leur expression dans les paragraphes 129 et 130 du Code Pénal liechtensteinois du 27-mai 1852.

Conformément à l'article 64 de la Convention, la Principauté de Liechtenstein émet la réserve que le droit au respect de la vie familiale, garanti dans l'article 8 de la Convention, s'exercera, en ce qui concerne la situation de l'enfant illégitime, en conformité avec les principes qui trouvent actuellement leur expression dans les dispositions du troisième chapitre de la première partie et du treizième chapitre de la deuxième partie du Code Civil liechtensteinois du 1er juin 1811, et en ce qui concerne la situation de la femme dans le droit matrimonial et familial, en conformité avec les principes qui trouvent actuellement leur expression dans les dispositions du cinquième chapitre de la deuxième partie de la loi sur le mariage du 13 décembre 1973 (LGB1. 1974 no. 20) et du quatrième chapitre de la première partie du Code Civil liechtensteinois.

Conformément à l'article 64 de la Convention, la Principauté de Liechtenstein émet la réserve que le droit au respect de la vie familiale, garanti dans l'article 8 de la Convention, s'exercera, en ce qui concerne les étrangers, en conformité avec les principes qui trouvent actuellement leur expression dans les dispositions de l'ordonnance du 9 septembre 1980 (LGB1. 1980 no. 66).

G. INWERKINGTREDING

Zie *Trb.* 1954, 151, *Trb.* 1956, 5, *Trb.* 1970, 81 en *Trb.* 1979, 150.

H. TOEPASSELIJKVERKLARING

Zie *Trb.* 1954, 151, *Trb.* 1956, 5, *Trb.* 1964, 163, *Trb.* 1969, 223, *Trb.* 1979, 150 en *Trb.* 1981, 13.

Het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland heeft bij nota's van 30 september 1981 en 2 december 1981 medegedeeld dat het Verdrag niet meer van toepassing is op de volgende gebieden, welke onafhankelijk zijn geworden:

Belize, met ingang van 21 september 1981.

Antigua, met ingang van 1 november 1981.

I. OPZEGGING

Zie *Trb.* 1970, 81.

J. GEGEVENS

Zie *Trb.* 1951, 154, *Trb.* 1954, 151, *Trb.* 1956, 5, *Trb.* 1961, 8, *Trb.* 1964, 163, *Trb.* 1969, 223, *Trb.* 1970, 81, *Trb.* 1974, 215, *Trb.* 1979, 150 en *Trb.* 1981, 13.

Voor het op 16 september 1963 te Straatsburg tot stand gekomen Vierde Protocol bij het onderhavige Verdrag zie ook *Trb.* 1982, 102.

Europese Commissie voor de rechten van de mens

Behalve de verklaringen genoemd in eerdere Tractatenbladen (laatstelijk *Trb.* 1981, 13) zijn door de volgende Staten, overeenkomstig artikel 25 van het Verdrag, verklaringen afgelegd tot erkenning van de bevoegdheid van de Europese Commissie voor de rechten van de mens om verzoekschriften in ontvangst te nemen:

- Luxemburg 6 juni 1981
Verlenging voor vijf jaar, te rekenen vanaf 28 april 1981.
- Spanje 11 juni 1981
Voor twee jaar, te rekenen vanaf 1 juli 1981.
- de Bondsrepubliek Duitsland 26 juni 1981
Verlenging voor vijf jaar, te rekenen vanaf 1 juli 1981.
- Italië 21 juli 1981
Verlenging voor drie jaar, te rekenen vanaf 1 augustus 1981.
- het Verenigd Koninkrijk van Groot-
Brittannië en Noord-Ierland 19 augustus 1981
Voor Anguilla voor vijf jaar, te rekenen vanaf 14 januari 1981
Voor Belize, Bermuda, de Cayman-eilanden, de Falkland-eilanden, Gibraltar, de Turks- en Caicos-eilanden, het Baljuwschap Guernsey en St. Helena verlenging voor vijf jaar, te rekenen vanaf 14 januari 1981.
- Frankrijk 2 oktober 1981
Voor vijf jaar, te rekenen vanaf 2 oktober 1981.
- het Verenigd Koninkrijk van Groot-
Brittannië en Noord-Ierland 4 december 1981
Voor het Baljuwschap Jersey verlenging voor vijf jaar, te rekenen vanaf 14 januari 1981.
- Denemarken 22 maart 1982
Verlenging voor vijf jaar, te rekenen vanaf 6 april 1982.
- Oostenrijk 1 juni 1982
Verlenging voor drie jaar, te rekenen vanaf 3 september 1982.
- Noorwegen 18 juni 1982
Verlenging voor vijf jaar, te rekenen vanaf 29 juni 1982.

België 30 juni 1982
 Voor vijf jaar, te rekenen vanaf 30 juni 1982.

Liechtenstein 15 augustus 1982
 Voor drie jaar, te rekenen vanaf 8 september 1982.

De Europese Commissie voor de rechten van de mens heeft overeenkomstig artikel 36 van het onderhavige Verdrag haar huishoudelijk reglement vastgesteld.

De Engelse tekst van dat reglement, zoals bijgewerkt op 15 mei 1980, luidt als volgt:

Rules of Procedure of the European Commission of Human Rights

The Commission,

Having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms and Protocols hereinafter called the Convention;

Pursuant to Article 36 of the Convention,

Adopts the present Rules:

TITLE I

ORGANISATION OF THE COMMISSION

Chapter I

Members of the Commission

Rule 1

1. The duration of the term of office of members of the Commission elected on 18 May 1954 shall be calculated as from this date. Similarly, the duration of the term of office of any member elected as a consequence of a State becoming a Party to the Convention after 18 May 1954 shall be calculated as from his election.

2. However, when a member is re-elected on the expiry of his term of office or is elected to replace a member whose term of office has expired or is about to expire, the duration of his term of office shall, in either case, be calculated as from the date of such expiry.

3. In accordance with Article 22, paragraph 5, of the Convention, a member elected to replace a member whose term of office has not expired shall hold office for the remainder of his predecessor's term.

4. For the purpose of Article 22, paragraph 6, of the Convention, a member replaced shall continue to deal with any application in respect of which:

a. he has taken part in the considerations of admissibility; until a final decision is made upon the admissibility of the application;

b. he has attended meetings of the Commission for the purpose of carrying out its tasks under Article 28 of the Convention or has participated in the preparation by the Commission of its report; until the adoption by the Commission of its report on the application, provided that he may be appointed a delegate of the Commission before the Court.

Rule 2

Before taking up his duties each member of the Commission shall, at the first meeting of the Commission at which he is present after his election, make the following solemn declaration:

"I solemnly declare that I will exercise all my powers and duties honourably and faithfully, impartially and conscientiously and that I will keep secret all Commission proceedings."

Rule 3

1. Members of the Commission shall take precedence after the President and Vice-Presidents according to the length of time they have been in office.

2. Members having the same length of time in office shall take precedence according to age.

3. Re-elected members shall take precedence having regard to the duration of their previous terms of office.

Article 4

Resignation of a member shall be notified to the President who shall transmit it to the Secretary General of the Council of Europe. Subject to the provisions of Rule 1, paragraph 4, it shall constitute vacation of office.

Chapter II

Presidency of the Commission

Rule 5

1. The Commission shall elect the President and a first and second

Vice-President as soon as possible after the date of the entry into office of members elected at periodical elections of part of the Commission in accordance with Article 22, paragraph 1, of the Convention.

2. If the President or a Vice-President, before the normal expiry of his term of office as President or Vice-President, ceases to be a member of the Commission or resigns his office, the Commission shall elect a successor to hold office for the remainder of the said term.

3. The elections referred to in this Rule shall be by secret ballot; only the members present shall take part. Election shall be by an absolute majority of the members of the Commission.

4. If no member receives such majority, a second ballot shall take place. The member receiving the most votes shall then be elected. In the case of equal voting the member having precedence under Rule 3 shall be elected.

Rule 6

1. The President shall direct the work and preside at the meetings of the Commission.

2. The term "President" shall in these Rules, where appropriate, include also any member acting as president.

Rule 7

1. The first Vice-President shall take the place of the President if the latter is unable to carry out his duties or if the office of President is vacant. The second Vice-President shall replace the first Vice-President if the latter is prevented from carrying out his duties or if the office of first Vice-President is vacant.

2. The President may delegate certain of his functions to either Vice-President.

Rule 8

If the President and Vice-Presidents are at the same time unable to carry out their duties or if their offices are at the same time vacant, the duties of President shall be carried out by another member according to the order of precedence laid down in Rule 3.

Rule 9

No member of the Commission shall preside in a case to which the High Contracting Party, of which he is a national or in respect of which he was elected, is a party.

Rule 10

Where the President of the Commission for some special reason considers that he should not act as President in a particular case, he shall be replaced in accordance with the provisions of Rule 7, paragraph 1, and Rule 8.

Chapter III

Secretariat of the Commission

Rule 11

The Secretariat of the Commission shall consist of the Secretary and other staff members appointed under Article 37 of the Convention.

Rule 12

The Secretary of the Commission shall, under the general direction of the President, be responsible for the work of the Secretariat and, in particular:

- a. shall assist the Commission and its members in the fulfilment of their duties;
- b. shall be the channel for all communications concerning the Commission;
- c. shall have custody of the archives of the Commission.

Rule 13

A special register shall be kept at the Secretariat in which shall be entered the date of registration of each application and the date of the termination of the relevant proceedings before the Commission.

Chapter IV

The functioning of the Commission

Rule 14

1. The seat of the Commission shall be in Strasbourg.
2. The Commission may decide, at any stage of the examination of an application, that it is necessary that an investigation or any other of its functions be carried out elsewhere by it or one or more of its members.

Rule 15

1. The Commission shall, at the last session of each year at the latest, fix its sessions for the following year. It shall meet at other times by decision of the President as circumstances may require. It shall also meet if at least one third of the members so request.

2. Members who are prevented by illness or other serious reason from attending all or part of any session of the Commission or from fulfilling any other duty shall, as soon as possible, give notice thereof to the Secretary who shall inform the President.

Rule 16

1. A quorum of the Commission shall be ten members.

2. However seven members shall constitute a quorum when the Commission examines an application submitted under Article 25 of the Convention and:

a. decides to act as provided in Rule 42, paragraph 2, or

b. declares the application inadmissible or decides to strike it off its list of cases, provided that notice of the application has not been given to the High Contracting Party concerned under Rule 42, paragraph 2.b.

3. Seven members shall also constitute a quorum when the Commission acts in pursuance of the Addendum to the present Rules (Legal aid).

Rule 17

1. All deliberations of the Commission shall be and shall remain confidential. Only the Secretary to the Commission, members of its Secretariat, interpreters, and persons providing technical or secretarial assistance to the Commission may be present at its meetings, unless the Commission decides otherwise.

2. The contents of all case-files, including all pleadings, shall be confidential. However, the decisions of the Commission on admissibility shall be available to the public, provided that the name or other means of identification of an applicant shall not be indicated unless the Commission decides otherwise.

3. At any stage in the examination of an application, the Secretary may communicate information to the press to an extent compatible with the legitimate interests of the parties and subject to any special directions by the Commission.

Rule 18

1. After any deliberations and before a vote is taken on any matter in the Commission, the President may request members to state their opinions thereon, in the order of precedence laid down in Rule 3, starting with the junior member. The vote may also be taken in the same manner.

2. In decisions on the admissibility of an application or in expressing an opinion on a breach of the Convention, members shall not abstain without special reasons to be stated before the vote is taken.

3. If the voting is equal, a roll call vote shall then be taken as provided in paragraph 1 of this Rule and the President shall have a casting vote.

Rule 19

1. The records of deliberations shall be limited to a record of the subject of the discussions, the votes taken, the names of those voting for and against a motion and any statements expressly made for insertion therein.

2. The records of hearings shall contain the names of the members present and of any persons appearing; they shall give a brief account of the course of the hearing and of any decision taken.

3. The draft minutes of the Commission's sessions shall be circulated to members and if no comments are received within a prescribed time-limit they shall be deemed to be adopted. Any such comments will be taken up at the next session.

Rule 20

The Secretary shall be responsible for the publication of:

- the decisions of the Commission,
- minutes of the Commission's sessions,
- any other document

insofar as their publication in the official languages or in any other languages is considered useful by the President.

Rule 21

1. A member shall not take part in the examination of an application before the Commission, where he:

- a. has any personal interest in the case;
- b. has participated in any decision on the facts on which the

application is based as adviser to any of the parties or as a member of any tribunal or body of enquiry.

2. If, in any case of doubt with regard to paragraph 1 of this Rule or in any other circumstances which might appear to affect the impartiality of a member in his examination of an application, he or the President considers that he should not take part, the Commission shall decide.

Rule 22

When, for any special reason other than under Rule 21, a member considers that he should not take part or continue to take part in the examination of a case he shall inform the President. If the President and the said member disagree, the Commission shall decide.

Rule 23

Any member who, under the provisions of Rule 21 or Rule 22, does not take part in the examination of an application, shall not form part of the quorum during such examination.

TITLE II

PROCEDURE

Chapter 1

General Rules

Rule 24

1. The official languages of the Commission shall be English and French.

2. The President may authorise a member to speak in an other language.

3. The President may permit the use by a party or a person representing that party of a language other than English or French, either in hearings or documents. Any such document shall be submitted in an original and at least two copies.

4. The Secretary is authorised, in correspondence with an applicant, to employ a language other than English or French.

Rule 25

The High Contracting Parties shall be represented before the Commission by their agents who may have the assistance of advisers.

Rule 26

1. Persons, non-governmental organisations, or groups of individuals, may present and conduct applications under Article 25 of the Convention on their own behalf or through a representative appointed under paragraph 2 of this Rule.

2. Any such applicant may appoint, and be represented in proceedings before the Commission by, a lawyer or any person, resident in a Convention country, unless the Commission at any stage decides otherwise.

3. Any such applicant or representative shall appear in person before the Commission:

a. to present the application in an oral hearing fixed by the Commission; or

b. for any other purpose, if invited by the Commission.

4. In the other provisions of these Rules the term "applicant" shall where appropriate include representative.

Rule 27

The Commission shall deal with applications in the order in which they become ready for examination. It may, however, decide to give precedence to a particular application.

Rule 28

1. The Commission may, *proprio motu* or at the request of a party, take any action which it considers expedient or necessary for the proper performance of its duties under the Convention.

2. The Commission may delegate one or more of its members to take any such action in its name, and in particular to hear witnesses or experts, to examine documents or to visit any locality. Such member or members shall duly report to the Commission.

3. In case of urgency when the Commission is not in session, the President or, if he is unable to act, one of the Vice-Presidents, may take any necessary action on behalf of the Commission. As soon as the Commission is again in session, the President or the Vice-President concerned shall report to it on any action which he has taken under this paragraph.

Rule 29

The Commission may, if it considers necessary, order the joinder of two or more applications.

Rule 30

1. Hearings before the Commission shall be held in camera. Unless the Commission decides otherwise, no person shall be admitted, other than:

- a. persons representing the parties in accordance with Rule 25 or 26;
- b. the individual applicant;
- c. any person being heard by the Commission as a witness;
- d. the persons referred to in Rule 17, paragraph 1.

2. If the applicant is a non-governmental organisation or group of individuals, the Commission shall ensure that those appearing are entitled to represent it.

3. When it considers it in the interest of the proper conduct of a hearing, the Commission may limit the number of the parties' representatives or advisers who may appear.

4. The parties shall inform the Commission at least ten days before the date of the opening of the hearing of the names and functions of the persons who will appear on their behalf at the hearing.

5. The provisions of the present Rule shall apply *mutatis mutandis* to hearings before delegates of the Commission.

Rule 31

In an oral hearing:

- a. the Commission may put questions through the President to the parties;
- b. any member may also put questions to the parties with the leave of the President.

Rule 32

1. Any individual applicant, expert or other person whom the Commission decides to hear as a witness, shall be summoned by the Secretary. The summons shall indicate:

- a. the parties to the application;
- b. the facts or issues regarding which the person concerned will be heard;
- c. the arrangements made, in accordance with Rule 35 bis, paragraph 1 or 2, to reimburse the person concerned for any expenses incurred by him.

2. Any such person may if he has not sufficient knowledge of English or French, be authorised by the President to speak in any other language.

Rule 33

1. After establishing the identity of the witnesses or experts the President or the principal delegate mentioned in Rule 28, paragraph 2, shall request them to take the following oath:

a. for witnesses: "I swear that I will speak the truth, the whole truth and nothing but the truth."

b. for experts: "I swear that my statement will be in accordance with my sincere belief."

2. Instead of taking the oath in the terms set out in paragraph 1 of this Rule, the witnesses or experts may make the following declaration:

a. for witnesses: "I solemnly declare upon my honour and conscience that I will speak the truth, the whole truth and nothing but the truth."

b. for experts: "I solemnly declare upon my honour and conscience that my statement will be in accordance with my sincere belief."

Rule 34

1. The President, or the principal delegate, shall conduct the examination of any persons heard. Any member may put questions to them with the leave of the President or the principal delegate.

2. A party may, with the permission of the President or of the principal delegate, also put questions to any person heard.

Rule 35

1. The Secretary shall be responsible for the production of verbatim records of hearings before the Commission.

2. The parties or, where appropriate, their representatives shall receive a draft verbatim record of their submissions in order that they may propose corrections to the Secretary within a time-limit laid down by the President. After necessary corrections, if any, the text shall constitute certified matters of record.

Rule 35 bis

1. The expenses incurred by any person who is heard by the Commission as a witness at the request of a party shall be borne either by that party or by the Council of Europe, as the Commission may decide. Where it is denied that the expenses shall be borne by the Council

of Europe, the amount shall be fixed by the President of the Commission.

2. The expenses incurred by any such person whom the Commission hears *proprio motu* shall be fixed by the President and be borne by the Council of Europe.

3. Where the Commission decides to obtain written expert opinions, the costs, as agreed by the President, shall be borne by the Council of Europe.

4. Where the Commission decides to obtain written evidence, any costs incurred by the party who submits it shall be borne either by that party or by the Council of Europe, as the Commission may decide. Where it is decided that the costs shall be borne by the Council of Europe, the amount shall be agreed by the President of the Commission.

Rule 36

The Commission, or where it is not in session, the President may indicate to the parties any interim measure the adoption of which seems desirable in the interest of the parties or the proper conduct of the proceedings before it.

Chapter II

Institutions of proceedings

Rule 37

1. Any application made under Articles 24 or 25 of the Convention shall be submitted in writing and shall be signed by the applicant or his representative.

2. Where an application is submitted by a non-governmental organisation or by a group of individuals, it shall be signed by those persons competent to represent such organisation or group. The Commission shall determine any question as to whether the persons who have signed an application are competent to do so.

Rule 38

1. Any application under Article 25 of the Convention shall set out:

- a. the name, age, occupation and address of the applicant;
- b. the name, occupation and address of its representative if any;
- c. the name of the High Contracting Party against which the application is made;

d. as far as possible, the object of the application and the provision of the Convention alleged to have been violated;

e. a statement of the facts and arguments;

f. any relevant documents and in particular any judgment or other act relating to the object of the application.

2. The applicant shall provide information enabling it to be shown that the conditions laid down in Article 26 of the Convention have been satisfied.

3. The date of introduction of the application shall in general be considered to be the date of the first communication from the applicant setting out, even summarily, the object of the application. The Commission may nevertheless for good cause decide that a different date be considered to be the date of introduction.

4. The applicant shall keep the Commission informed of any change of his address.

Chapter III

Proceedings on Admissibility

Rule 39

1. Where, pursuant to Article 24 of the Convention, an application is brought before the Commission by a High Contracting Party, the President of the Commission shall give notice of such application to the High Contracting Party against which the claim is made and shall invite it to submit to the Commission its observations in writing on the admissibility of such application. The observations so obtained shall be communicated to the High Contracting Party which brought the application and it may submit written observations in reply.

2. The Commission shall designate one or more of its members to submit a report on admissibility. Rule 40, paragraph 3, is, by analogy, applicable to this report.

3. Before deciding upon the admissibility of the application the Commission may invite the parties to submit further observations, either in writing or at an oral hearing.

Rule 40

1. Any application submitted pursuant to Article 25 of the Convention shall be referred to a member of the Commission who, as rapporteur, shall examine the application and submit a report to the Commission on its admissibility.

2. The rapporteur, in his examination of the application:

a. may request relevant information on matters connected with the application, from the applicant or the High Contracting Party concerned; and

b. shall communicate any information so obtained from the High Contracting Party to the applicant for comments.

3. The report of the rapporteur on the admissibility of the application shall contain:

a. a statement of the relevant facts, including any information or comments obtained under paragraph 2 of this Rule;

b. a summary of any written or oral observations obtained from the parties under Rule 42, paragraphs 2 and 3;

c. an indication of the issues arising under the Convention in the application;

d. a proposal on admissibility and on any other action to be taken, as the case may require.

Rule 41

In case of urgency, the Secretary of the Commission may, without prejudice to the taking of any other procedural steps, inform a High Contracting Party concerned in an application, by any available means, of the introduction of the application and of a summary of its objects.

Rule 42

1. The Commission shall consider the report of the rapporteur and may declare at once that the application is inadmissible or to be struck off its list.

2. Alternatively, the Commission may:

a. request relevant information on matters connected with the application from the applicant or the High Contracting Party concerned. Any information so obtained from the High Contracting Party shall be communicated to the applicant for comments;

b. give notice of the application to the High Contracting Party against which it is brought and invite that Party to present written observations to the Commission on the application. Any observations so obtained shall be communicated to the applicant for any written observations which he may wish to present in reply.

3. Before deciding upon the admissibility of the application, the Commission may invite the parties:

- a. to submit further observations in writing;
- b. to submit further observations orally at a hearing on issues of admissibility and at the same time, if the Commission so decides, on the merits of the applications.

4. Time-limits shall be fixed by the rapporteur for any information and comments requested under Rule 40, paragraph 2, and by the Commission for any information, observations or comments requested under paragraphs 2 and 3 above.

Rule 43

1. The decision of the Commission shall be communicated by the Secretary of the Commission to the applicant and to the High Contracting Party or Parties concerned. However, in the case provided for in paragraph 1 of Rule 42 or where information has been obtained from the applicant only, the decision shall be communicated to the High Contracting Party or Parties concerned only at their request and provided that the Commission does not decide otherwise.

2. The decision of the Commission shall be accompanied or followed by reasons.

Rule 44

1. Unless it considers that any reason of a general character affecting the observance of the Convention justifies further examination of an application, the Commission may strike it out of its list of cases:

- a. where the applicant states that he wishes to withdraw his application; or

- b. where the circumstances, in particular the applicant's failure to provide information requested or to observe time-limits set, lead to the conclusion that he does not intend to pursue his application.

2. The Commission may decide to restore an application on its list of cases if it considers that the circumstances justify such a course.

Chapter IV

Procedure after the admission of an application

Rule 45

1. After deciding to admit an application, the Commission shall decide on the procedure to be followed:

a. for the examination of the application under Article 28.a of the Convention;

b. with a view to securing a friendly settlement under Article 28.b of the Convention.

2. In order to accomplish its tasks under Article 28.a of the Convention the Commission may invite the parties to submit further evidence and observations.

3. The Commission shall decide in each case whether observations should be submitted in writing or orally at a hearing.

4. The President shall lay down the time-limits within which the parties shall submit evidence and written observations.

Rule 46

1. The Commission shall appoint one of its members as rapporteur.

2. The rapporteur may at any stage of the examination of an application under Article 25 of the Convention invite the parties to submit further written evidence and observations.

3. The rapporteur shall:

a. draft such memoranda as may be required by the Commission for its consideration of the case before it;

b. draft a report for the Commission in accordance with Rule 50, Rule 53 or Rule 54, as the case may be.

Rule 47

The Commission may, when it sees fit, deliberate with a view to reaching a provisional opinion on the merits of the case.

Rule 48

Where the Commission decides to reject an application under Article 29 of the Convention, its decision shall be accompanied by reasons. The Secretary shall communicate the Commission's decision to the parties.

Rule 49

1. The provisions of Rule 44, paragraph 1, shall apply to applications admitted by the Commission.

2. Nevertheless, no such application may be struck out of the list of cases without consultation of the High Contracting Party concerned.

Chapter V

The Report of the Commission

Rule 50

1. The Report provided for in Article 30 of the Convention shall contain:

- a. a description of the parties, their representatives and advisers;
- b. a statement of the facts;
- c. the terms of the settlement reached.

2. The Report shall also contain the names of the President and members participating in its adoption, and shall be signed by the President and the Secretary. It shall be sent to the High Contracting Party or Parties concerned, to the Committee of Ministers and to the Secretary General of the Council of Europe for publication. It shall also be sent to the applicant.

When the Commission has found that no friendly settlement in accordance with Article 28.b of the Convention can be reached, it shall consider a draft Report drawn up by the Rapporteur under Rule 46, paragraph 3.b, on the basis of any provisional opinion reached by the Commission in its deliberations under Rule 47. Where the Commission has been divided in its provisional opinion, the draft Report shall include alternative opinions.

Rule 52

1. When the Commission considers the draft Report referred to in Rules 46, paragraph 3.b, and 51, it shall adopt in the first place the parts of the Report in which it establishes the facts and sets out the submissions of the parties.

2. It shall then deliberate and vote on whether the facts found disclose any violation by the State concerned of its obligations under the Convention.

3. In the absence of a special decision by the Commission, only those members who have participated in the deliberations and vote provided for in the second paragraph of this Rule shall be entitled to express their separate opinion in the Report.

Rule 53

1. The Report provided for in Article 31 of the Convention shall contain:

- a. a description of the parties, their representatives and advisers;
- b. a statement of the proceedings followed before the Commission;
- c. a summary of the submissions of the parties;
- d. a statement of the facts established;
- e. the opinion of the Commission, with an indication of the number of members forming the majority, as to whether or not the facts found disclose any breach by the State concerned of its obligations under the Convention;
- f. the reasons upon which that opinion is based;
- g. any separate opinion of a member of the Commission;
- h. any proposal, which the Commission may consider appropriate for submission to the Committee of Ministers under Article 31, paragraph 1, of the Convention.

2. The Report shall contain the names of the President and the members participating in the deliberations and vote provided for in Rule 52, paragraph 2. It shall be signed by the President and by the Secretary. It shall be sent through the Secretary General of the Council of Europe to the Committee of Ministers and to the High Contracting Party or Parties concerned.

Rule 54

1. Where the Commission decides to strike off its list of cases an application which it has accepted, it shall draw up a Report which shall contain:

- a. a description of the parties, their representatives and advisers;
- b. a statement of the facts;
- c. a brief account of the proceeding;
- d. the terms of the decision striking out the application together with the reasons therefor.

2. The Report shall contain the names of the President and members who participated in the decision striking out the application. It shall be signed by the President and by the Secretary. It shall be communicated to the Committee of Ministers of the Council of Europe for information and to the parties. The Commission may publish it.

Rule 55

1. After adopting a Report drawn up under Article 31 of the Convention, the Commission shall decide whether or not bring the

case before the European Court of Human Rights under Article 48.a the Convention.

2. Where the Commission decides to bring the case before the Court, it shall file its request with the Registry of the Court within three months after the transmission of the Report to the Committee of Ministers. It shall also inform the Committee of Ministers and the parties to the application.

3. Where the Commission decides not to bring the case before the Court, it shall so inform the Court, the Committee of Ministers and the parties to the application.

TITLE III

RELATIONS OF THE COMMISSION WITH THE COURT

Rule 56

1. The Commission shall assist the European Court of Human Rights in any case brought before the Court. For this purpose and in accordance with Rule 29, paragraph 1, of the Rules of Court, the Commission shall as soon as possible appoint, at a plenary session, one or more of its members to take part, as a delegate, in the consideration of the case before the Court. These delegates may be assisted by any person appointed by the Commission. In discharging their functions they shall act in accordance with such directives as they may receive from the Commission.

2. Until delegates have been appointed, the President may, if consulted by the Court, express his views upon the procedure to be followed before the Court.

Rule 57

1. When, in pursuance of Article 48.a of the Convention, the Commission decides to bring a case before the Court, it shall, in accordance with Rule 31, paragraph 2, of the Rules of Court, draw up a request indicating in particular:

- a. the parties to the proceedings before the Commission;
- b. the date on which the Commission adopted its Report;
- c. the date on which the Report was transmitted to the Committee of Ministers;
- d. the names and addresses of its delegates.

2. The Secretary of the Commission shall transmit to the Registry of

the Court forty copies of the request referred to in paragraph 1 of this Rule.

Rule 58

When, in pursuance of Article 48.b, c or d of the Convention, a High Contracting Party brings a case before the Court, the Secretary of the Commission shall communicate to the Registry of the Court as soon as possible:

- a. the names and addresses of the Commission's delegates;
- b. any other information which the Commission may consider appropriate.

Rule 59

The Secretary of the Commission shall, as soon as he has transmitted the request referred to in Rule 57, paragraph 2, above, or has received the communication mentioned in Rule 32, paragraph 1 c, of the Rules of Court, file with the Registry of the Court an adequate number of copies of the Commission's Report.

Rule 60

The Commission shall communicate to the Court, at its requests, any memorial, evidence, document or information concerning the case, with the exception of documents relating to the attempt to secure a friendly settlement in accordance with Article 28.b of the Convention. The communication of those documents shall be subject in each case to a decision of the Commission.

Rule 61

1. When a case brought before the Commission in pursuance of Article 25 of the Convention is subsequently referred to the Court, the Secretary of the Commission shall immediately notify the applicant. Unless the Commission shall otherwise decide, the Secretary shall also communicate to him the Commission's report.

2. The delegates of the Commission may request the applicant or his representative to submit any written observations on the case and decide what action, if any, shall be taken in respect of these observations.

FINAL TITLE

Rule 62

1. Any Rule may be amended upon motion made after notice when

such motion is carried at a session of the Commission by a majority of all the members of the Commission. Notice of such a motion shall be delivered in writing to the Secretary of the Commission at least two months before the session where it is to be discussed. On receipt of such notice of motion the Secretary shall be required to inform all members of the Commission at the earliest possible moment.

2. Any Rule may be suspended upon motion made without notice, provided that this decision is taken unanimously. The suspension of a Rule shall in this case be limited in its operation to the particular purpose for which such suspension has been sought.

ADDENDUM TO RULES OF PROCEDURE

LEGAL AID

Rule 1

The Commission may, either at the request of an applicant lodging an application under Article 25 of the Convention or *proprio motu*, grant free legal aid to that applicant in connection with the representation of his case:

- a. where observations in writing on the admissibility of that application have been received from the High Contracting Party concerned in pursuance of Rule 42, paragraph 2.b, or where the time-limit for their submission has expired, or
- b. where the application has been declared admissible.

Rule 2

Free legal aid shall be granted where the Commission is satisfied:

- a. that it is essential for the proper discharge of the Commission's duties;
- b. that the applicant has not sufficient means to meet all or part of the costs involved.

Rule 3

1. In order to determine whether or not the applicant has sufficient means to meet all or part of the costs involved, the Commissions shall require him to complete a form of declaration stating his income, capital assets and any financial commitments in respect of dependants, or any

other financial obligations. Such declaration shall be certified by the appropriate domestic authority or authorities.

2. Before making a grant of free legal aid, the Commission shall request the High Contracting Party concerned to submit its comments in writing.

3. The Commission shall, after receiving the information mentioned in paragraphs 1 and 2 above decide whether or not to grant free legal aid and shall inform the parties accordingly.

4. The President shall fix the time-limits within which the parties shall be requested to supply the information referred to in this Rule.

Rule 4

1. Fees shall be payable only to a barrister-at-law, solicitor or professor of law or professionally qualified person of similar status. Fees may, where appropriate, be paid to more than one such lawyer as defined above.

2. Legal aid may be granted to cover not only lawyers' fees but also travelling and subsistence expenses and other necessary out-of-pocket expenses incurred by the applicant or appointed lawyer.

Rule 5

1. On the Commission deciding to grant legal aid, the Secretary shall, by agreement with the appointed lawyer, fix the rate of fees to be paid to him.

2. The Secretary shall as soon as possible notify the Secretary General of the Council of Europe of the rate of fees so agreed.

Rule 6

The Commission may, at any time, if it finds that the conditions set out in Rule 2 above are no longer satisfied, revoke its grant of free legal aid to an applicant, in whole or in part, and shall at once notify the parties thereof.

Rule 7

In case of urgency when the Commission is not in session, the President, or if he is unable to act, one of the Vice-Presidents, may exercise the powers conferred on the Commission by this Addendum, provided that he shall report thereon to the Commission at its next session.

Europese Hof voor de rechten van de mens

Behalve de verklaringen genoemd in eerdere Tractatenbladen (laatstelijk *Trb.* 1981, 13) zijn door de volgende Staten, overeenkomstig artikel 46 van het Verdrag, verklaringen afgelegd tot aanvaarding van de rechtsmacht van het Europese Hof voor de rechten van de mens:

- Zweden 30 april 1981
Verlenging voor vijf jaar, te rekenen vanaf 13 mei 1981, en op voorwaarde van wederkerigheid
- Luxemburg 6 juni 1981
Verlenging voor vijf jaar, te rekenen vanaf 28 april 1981.
- de Bondsrepubliek Duitsland 26 juni 1981
Verlenging voor vijf jaar, te rekenen vanaf 1 juli 1981.
- Italië 21 juli 1981
Verlenging voor drie jaar, te rekenen vanaf 1 augustus 1981.
- het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland 19 augustus 1981
Voor Anguilla voor vijf jaar, te rekenen vanaf 14 januari 1981, en op voorwaarde van wederkerigheid, voor alle zaken welke te rekenen vanaf 14 januari 1981 zich mochten voordoen en betrekking hebben op de interpretatie of toepassing van het Verdrag zoals het tot Anguilla is uitgebreid.
Voor Belize, Bermuda, de Cayman-eilanden, de Falkland-eilanden, Gibraltar, de Turks- en Caicos-eilanden, het Baljuwschap Guernsey en St. Helena verlenging voor vijf jaar te rekenen vanaf 14 januari 1981, en op voorwaarde van wederkerigheid.
- het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland
Voor het Baljuwschap Jersey verlenging voor vijf jaar, te rekenen vanaf 14 januari 1981 en op voorwaarde van wederkerigheid.
- Griekenland 14 januari 1982
Verlenging voor drie jaar, te rekenen vanaf 31 januari 1982.
- Denemarken 22 maart 1982
Verlenging voor vijf jaar, te rekenen vanaf 6 april 1982.
- Oostenrijk 1 juni 1982
Verlenging voor drie jaar, te rekenen vanaf 3 september 1982.
- Noorwegen 18 juni 1982
Verlenging voor vijf jaar, te rekenen vanaf 29 juni 1982.

- België 29 juni 1982
 Voor vijf jaar, te rekenen vanaf 29 juni 1982.
- Liechtenstein 15 augustus 1982
 Voor drie jaar, te rekenen vanaf 8 september 1982.
- Spanje 24 september 1982
 Verlenging voor drie jaar, te rekenen vanaf 15 oktober 1982.

Het Europees Hof voor de rechten van de mens heeft overeenkomstig artikel 55 van het onderhavige Verdrag zijn reglement vastgesteld. De Engelse tekst van dat reglement, zoals gewijzigd op 29 mei 1970, luidt als volgt:

Rules of Court of the European Court of Human Rights

The European Court of Human Rights,

Having regard to the Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto¹);

Makes the present Rules:

Rule 1¹)

Definitions

For the purposes of these Rules:

- a. the term "Convention" means the Convention for the Protection of Human Rights and Fundamental Freedoms and the Protocols thereto;
- b. the expression "Protocol No. 2" means Protocol No. 2 to the Convention conferring upon the European Court of Human Rights competence to give advisory opinions;
- c. the expression "plenary Court" means the European Court of Human Rights sitting in plenary session;
- d. the term "Chamber" means any Chamber constituted in pursuance of Article 43 of the Convention;
- e. the term "Court" means either the plenary Court or the Chambers;
- f. the expression "ad hoc judge" means any person, other than an elected judge, chosen by a Contracting Party in pursuance of Article 43 of the Convention to sit as a member of a Chamber;

¹) As amended by the Court on 29th May 1970.

g. the term "judge" or "judges" means the judges elected by the Consultative Assembly of the Council of Europe or *ad hoc* judges;

h. the term "Parties" means those Contracting Parties which are the Applicant and Respondent Parties;

i. the term "Commission" means the European Commission of Human Rights;

j. the expression "delegates of the Commission" means the member or members of the Commission delegated by it to take part in the consideration of a case before the Court;

k. the expression "report of the Commission" means the report provided for in Article 31 of the Convention;

l. the expression "Committee of Ministers" means the Committee of Ministers of the Council of Europe.

TITLE I

ORGANISATION AND WORKING OF THE COURT

Chapter I

Judges

Rule 2

Calculation of term of office

1. The duration of the term of office of an elected judge shall be calculated as from his election. However, when a judge is re-elected on the expiry of his term of office or is elected to replace a judge whose term of office has expired or is about to expire, the duration of his term of office shall, in either case, be calculated as from the date of such expiry.

2. In accordance with Article 40 § 5¹⁾ of the Convention, a judge elected to replace a judge whose term of office has not expired shall hold office for the remainder of his predecessor's term.

3. In accordance with Article 40 § 6²⁾ of the Convention, elected judges shall hold office until replaced. After having been replaced, they shall continue to deal with any case, or any part of a case, or any particular point, in connection with which hearings have begun before them.

¹⁾ and ²⁾ instead of 40 § 3 and 40 § 4 respectively. Alteration consequent upon the entry into force of Protocol No. 5 to the Convention (20th December 1971).

Rule 3¹⁾*Oath or solemn declaration*

1. Before taking up his duties, each elected judge shall, at the first sitting of the plenary Court at which he is present after his election or, in case of need, before the President, take the following oath or make the following solemn declaration:

“I swear” – or “I solemnly declare” – “that I will exercise my functions as a judge honourably, independently and impartially and that I will keep secret all deliberations.”

2. This act shall be recorded in minutes.

Rule 4

Obstacle to the exercise of the functions of judge

A judge may not exercise his functions while he is a member of a Government or while he holds a post or exercises a profession which is likely to affect confidence in his independence. In case of need the Court shall decide.

Rule 5

Precedence

1. Elected judges shall take precedence after the President and the Vice-President according to their seniority in office; in the event of re-election, even if it is not an immediate re-election, the length of time during which they previously exercised their functions shall be taken into account.

2. Elected judges having the same seniority in office shall take precedence according to age.

3. *Ad hoc* judges shall take precedence after the elected judges according to age.

Rule 6

Resignation

Resignation of a judge shall be notified to the President who shall transmit it to the Secretary General of the Council of Europe. Subject

1) As amended by the Court on 27th August 1974.

to the provisions of Rule 2 § 3 resignation shall constitute vacation of office.

Chapter II

Presidency of the Plenary Court

Rule 7

Election of the President and Vice-President

1. The President and Vice-President of the Court shall, in accordance with Article 41 of the Convention, be elected for a period of three years, provided that such period shall not exceed the duration of their term of office as judges. They may be re-elected.

2. The plenary Court shall elect the President and Vice-President following the entry into office of the judges elected at periodical elections of part of the Court in accordance with Article 40 § 1 of the Convention. The President and Vice-President shall continue to exercise their functions until the election of their respective successors.

3. If the President or Vice-President ceases to be a member of the Court or resigns his office before its normal expiry, the plenary Court shall elect a successor for the remainder of the term of that office.

4. The elections referred to in this Rule shall be by secret ballot; only the elected judges who are present shall take part. If no judge receives an absolute majority, a ballot shall take place between the two judges who have received most votes. In the case of equal voting, preference shall be given to the judge having precedence in accordance with Rule 5.

Rule 8

Functions of the President

The President shall direct the work and administration of the Court; he shall preside at plenary sessions.

Rule 9

Functions of the Vice-President

The Vice-President shall take the place of the President if the latter is unable to carry out his functions or if the office of President is vacant.

Rule 10

Replacement of the President and Vice-President

If the President and Vice-President are at the same time unable to carry out their functions or if their offices are at the same time vacant, the office of President shall be assumed by another elected judge in accordance with the order of precedence provided for in Rule 5.

Chapter III

The Registry

Rule 11¹⁾*Election of the Registrar*

1. The plenary Court shall elect its Registrar after the President has in this respect obtained the opinion of the Secretary General of the Council of Europe. The candidates must possess the legal knowledge and the experience necessary to carry out the duties of the post and must have an adequate working knowledge of the two official languages of the Court.

2. The Registrar shall be elected for a term of seven years. He may be re-elected.

3. The elections referred to in this Rule shall be by secret ballot; only the elected judges who are present shall take part. If no candidate receives an absolute majority, a ballot shall take place between the two candidates who have received most votes. In the case of equal voting, preference shall be given to the oldest candidate.

4. Before taking up his duties, the Registrar shall take the following oath or make the following solemn declaration before the plenary Court or, if it is not in session, before the President:

“I swear” – or “I solemnly declare” – “that I will exercise loyally, discreetly and conscientiously the functions conferred upon me as Registrar of the European Court of Human Rights.”

This act shall be recorded in minutes.

¹⁾ As amended by the Court on 27th August 1974.

Rule 12¹⁾*Election of the Deputy Registrar*

1. The plenary Court shall also elect a Deputy Registrar according to the conditions and in the manner and for the term prescribed in Rule 11. It shall first obtain the opinion of the Registrar.

2. Before taking up his duties, the Deputy Registrar shall take an oath or make a solemn declaration before the plenary Court, or, if it is not in session, before the President, in similar terms to that prescribed in respect of the Registrar. This act shall be recorded in minutes.

Rule 13²⁾*Other officials of the Registry*

The President, or the Registrar on his behalf, shall request the Secretary General of the Council of Europe to provide the Registrar with the staff, permanent or temporary, equipment and facilities necessary for the Court.

The officials of the Registry, other than the Registrar and the Deputy Registrar, shall be appointed by the Secretary General, with the agreement of the President or the Registrar.

Rule 14

Duties of the Registrar

1. The Registrar shall be the channel for all communications and notifications made by, or addressed to, the Court.

2. The Registrar shall ensure that the date of despatch and receipt of any communication or notification may be easily verified. Communications or notifications addressed to the agents of the Parties or to the delegates of the Commission shall be considered as having been addressed to the Parties themselves or the Commission itself. The date of receipt shall be noted on each document received by the Registrar who shall transmit to the sender a receipt bearing this date and the number under which the document has been registered.

3. The Registrar shall, subject to the discretion attaching to his duties, reply to all requests for information concerning the work of the Court,

¹⁾ As amended by the Court on 27th August 1974 and 29th April 1976.

²⁾ As amended by the Court on 26th September 1969.

in particular, from the Press. He shall announce the date and time fixed for the hearings in open Court.

4. General instructions drawn up by the Registrar and sanctioned by the President shall provide for the working of the Registry.

Chapter IV

The Working of the Court

Rule 15¹⁾

Seat of the Court

The seat of the European Court of Human Rights shall be at the seat of the Council of Europe at Strasbourg. The Court may, however, if it considers it expedient, exercise its functions elsewhere in the territories of the member States of the Council of Europe.

Rule 16

Sessions of the plenary Court

The plenary sessions of the Court shall be convened by the President and the Court shall be so convened at least once annually.

Rule 17²⁾

Quorum

1. The quorum of the plenary Court shall be twelve judges.
2. If there is no quorum, the President shall adjourn the sitting.

Rule 18

Public character of the hearings

The hearings shall be public, unless the Court shall in exceptional circumstances decide otherwise.

¹⁾ As amended by the Court on 24th September 1973.

²⁾ As amended by the Court on 17th May 1979.

Rule 19

Deliberations

1. The Court shall deliberate in private. Its deliberations shall be and shall remain secret.

2. Only the judges shall take part in the deliberations. The Registrar or his substitute shall be present. No other person may be admitted except by special decision of the Court.

3. Each judge present at such deliberations shall state his opinion and the reasons therefor.

4. Any question which is to be voted upon shall be formulated in precise terms in the two official languages and the text shall, if a judge so requests, be distributed before the vote is taken.

5. The minutes of the private sittings of the Court for deliberations shall be secret; they shall be limited to a record of the subject of the discussions, the votes taken, the names of those voting for and against a motion and any statements expressly made for insertion in the minutes.

Rule 20

Majority required

1. The decisions of the Court shall be taken by the majority of judges present.

2. The votes shall be cast in the inverse order to the order of precedence provided for in Rule 5.

3. If the voting is equal, the President shall have a second and casting vote.

Chapter V

The Chambers

Rule 21¹⁾*Composition of the Court when constituted in a Chamber*

1. When a case is brought before the Court either by the Commission or by a Contracting Party having the right to do so under Article 48 of

¹⁾ As amended by the Court on 25th October 1961, 29th September 1965, 3rd May 1966, 5th May 1971 and 7th November 1972.

the Convention, the Court shall be constituted in a Chamber of seven judges.

2. On the reference of a case to the Court, the Registrar shall notify all the judges that such a Chamber is to be constituted. If any judge, upon receiving such notification, believes that for one of the reasons set out in Rule 24 he will be unable to sit, he shall so inform the Registrar. The President shall then draw up the list of judges available to constitute the Chamber.

3. There shall sit as members *ex officio* of the Chamber:

a. in accordance with Article 43 of the Convention, every judge who has the nationality of a State which is Party to the case;

b. the President of the Court or failing him the Vice-President, provided that they do not sit by virtue of the preceding sub-paragraph.

4. The other judges named on the list provided for in paragraph 2 of this Rule shall be called upon to complete the Chamber, as members or as substitutes, in the order determined by a drawing of lots effected by the President of the Court in the presence of the Registrar.

5. The President of the Chamber shall be the judge sitting by virtue of paragraph 3.b of the present Rule or, failing one, a judge appointed under paragraph 4 as a member of the Chamber, in accordance with the order of precedence provided for in Rule 5.

If, after the constitution of the Chamber, the President of the Chamber is unable to attend or withdraws, he shall be replaced according to the same order by a judge appointed under paragraph 4 as a member of the Chamber.

6. If the President of the Court finds that two cases concern the same Party or Parties and relate wholly or in part to the same Article or Articles of the Convention, he may refer the second case to the Chamber already constituted, or in the course of constitution, for the consideration of the first case or, if there is none, proceed to the constitution of one Chamber to consider both cases.

Rule 22¹⁾

Substitute judges

1. The substitute judges shall be called upon, in the order determined by the drawing of lots, to replace the judges appointed as members of the Chamber by virtue of paragraphs 3.b and 4 of Rule 21.

¹⁾ As amended by the Court on 25th October 1961, 19th May 1969, 5th May 1971 and 7th November 1972.

2. Judges who have been replaced shall cease to be members of the Chamber.

3. The substitute judges shall be supplied with the documents relating to the proceedings. The President may convoke one or more of them, according to the above order of precedence, to attend the hearings and deliberations without taking part therein.

Rule 23¹⁾

Ad hoc judges

1. If the Court does not include an elected judge having the nationality of a Party or if the judge called upon to sit in that capacity is unable to sit or withdraws, the President of the Court shall invite the agent of the Party concerned to inform him within thirty days whether his Government wishes to appoint to sit as judge either another elected judge or, as an *ad hoc* judge, any other person possessing the qualifications required under Article 39 § 3 of the Convention and, if so, to state at the same time the name of the person so appointed. The same rule shall apply if an *ad hoc* judge is unable to sit or withdraws.

2. If a reply has not been received within thirty days, the Government concerned shall be presumed to have waived such right of appointment and, if the seat falls vacant during the proceedings, a substitute judge shall be called upon to fill that vacancy, according to the order in which such judges have been chosen by lot.

3. An *ad hoc* judge shall, at the opening of the first sitting fixed for the consideration of the case for which he has been appointed, take the oath or make the solemn declaration provided for in Rule 3. This act shall be recorded in minutes.

Rule 24²⁾

Inability to attend, withdrawal or exemption

1. Any judge who is prevented by illness or other serious reasons from taking part in sittings for which he has been convoked shall, as soon as possible, give notice thereof to the President of the Chamber.

2. A judge may not take part in the consideration of any case in which he has a personal interest or in which he has previously acted either as the agent, advocate or adviser of a Party or of a person having an interest in the case, or as member of a tribunal or commission of enquiry, or in any other capacity.

1) As amended by the Court on 7th November 1972 and 27th August 1974.

2) As amended by the Court on 25th October 1961 and in May 1964.

3. If a judge considers that he should withdraw from consideration of a particular case or if the President considers such withdrawal to be desirable, the President and the judge shall consult together. In case of disagreement, the President shall decide.

4. Similarly, any judge who has been called upon to sit on one or more previous cases may, at his request, be exempted from sitting on a new case provided his services can be dispensed with.

Rule 25

Common interest

1. If several Parties have a common interest, they shall for the purposes of the provisions of this Chapter, be deemed to be one Party. The President of the Court shall invite them to agree to appoint a single elected judge or *ad hoc* judge in accordance with Article 43 of the Convention. If the Parties are unable to agree, the President shall choose by lot, from among the persons proposed as judges by these Parties, the judge called upon to sit *ex officio*. The names of the other judges and substitute judges shall then be chosen by lot by the President of the Court from among the elected judges who are not nationals of any of these Parties.

2. In the case of dispute as to the existence of a common interest, the plenary Court shall decide.

TITLE II

PROCEDURE

Chapter 1

General Rules

Rule 26

Possibility of particular derogations

The provisions of this Title shall not prevent the Court from derogating from them for the consideration of a particular case with the agreement of the Party or Parties and after having obtained the opinion of the delegates of the Commission.

Rule 27¹⁾*Official languages*

1. The official languages of the Court shall be French and English.
2. The Court may authorise any Party to use a language other than French or English. In that event, the Party concerned shall attach to the original of each document submitted by it a translation into French or English; it shall be responsible for the interpretation into French or English of the oral arguments or statements made by its agents, advocates or advisers and shall, to the extent which the Court may determine in each case, bear the other extra expenses involved in the use of a non-official language.
3. The Court may authorise any person assisting the delegates under Rule 29 § 1 to use, at the oral hearing, a language other than English or French. In such case, the Court shall be responsible for the interpretation into English or French of that person's statements.
4. Any witness, expert or other person appearing before the Court may use his own language if he does not have sufficient knowledge of either of the two official languages. The Court shall, in that event, make the necessary arrangements for the interpretation into French or English of the statements of the witness, expert or other person concerned.
5. All decisions of the Court shall be given in French and English and the Court shall state which of the two texts shall be authentic.

Rule 28

Representation of the Parties

The Parties shall be represented by agents who may have the assistance of advocates or advisers.

Rule 29²⁾*Relations between the Court and the Commission and release of the report of the Commission*

1. The Commission shall delegate one or more of its members to take part in the consideration of a case before the Court. The delegates may, if they so desire, have the assistance of any person of their choice.

¹⁾ As amended by the Court on 27th September 1968 and 29th September 1975.

²⁾ As amended by the Court on 14th May 1975.

2. The Court shall, whether a case is referred to it by a Contracting Party or by the Commission, take into consideration the report of the latter.

3. The said report, excluding any particulars relating to the attempt to reach a friendly settlement, may be made public through the Registrar on the constitution of the Chamber.

Rule 30

Communications, notifications and summonses addressed to persons other than the agents of the Parties or the delegates of the Commission

1. If, for any communication, notification or summons addressed to persons other than the agents of the Parties or the delegates of the Commission, the Court considers it necessary to have the assistance of the Government of the State on whose territory such communication, notification or summons is to have effect, the President shall apply directly to that Government in order to obtain the necessary facilities.

2. The same rule shall apply when the Court desires to make or arrange for the making of an investigation on the spot in order to establish the facts or to procure evidence or when it orders the appearance of a person resident in, or having to cross, that territory.

Chapter II

Institution of Proceedings

Rule 31¹⁾

Filing of the application or request

1. Any Contracting Party which intends to bring a case before the Court in accordance with the provisions of Article 48 of the Convention shall file with the Registry an application, in forty copies, indicating:

- a. the parties to the proceedings before the Commission;
- b. the date on which the Commission adopted its report;
- c. the date on which the report was transmitted to the Committee of Ministers;
- d. the object of the application;
- e. the name and address of the person appointed as agent.

¹⁾ As amended by the Court on 5th May 1971 and 7th November 1972.

2. If the Commission intends to bring a case before the Court in accordance with the provisions of Article 48 of the Convention, it shall file with the Registry a request, in forty copies, signed by its President and containing the particulars indicated in sub-paragraphs a, b, c and d of paragraph 1 of this Rule together with the names and addresses of the delegates of the Commission.

Rule 32¹⁾

Communication of the application or request

1. On receipt of an application or request, the Registrar shall immediately transmit a copy thereof:

- a. to the President, Vice-President and judges;
- b. to any Contracting Party mentioned in Article 48 of the Convention which has not brought the application before the Court;
- c. to the President and members of the Commission if the Commission has not brought the case before the Court.

He shall also inform the Committee of Ministers, through the Secretary General of the Council of Europe, of the filing of the application or request.

2. The communications mentioned in sub-paragraphs a and b of paragraph 1 of this Rule shall include a copy of the report of the Commission.

3. When making the communications provided for in paragraph 1, sub-paragraphs b and c, of this Rule, the Registrar shall invite:

- a. the Contracting Party against which the complaint has been lodged before the Commission to supply him within two weeks with the name and address of its agent;
- b. any other Contracting Party which appears to have the right, under Article 48 of the Convention, to bring a case before the Court and which has not availed itself of that right, to inform him within two weeks whether it wishes to appear as a Party to the case of which the Court has been seised and, if so, to supply him at the same time with the name and address of its agent;
- c. the Commission to supply him as soon as possible with the names and addresses of its delegates.

¹⁾ As amended by the Court on 7th November 1972.

Rule 32 bis¹⁾*Question whether a Contracting Party has the right to bring a case before the Court*

In case of doubt or dispute as to whether a Contracting Party has the right under Article 48 of the Convention to bring a case before the Court, the President shall submit that question to the plenary Court for decision.

Rule 33

Notice of composition of the Chamber

As soon as a Chamber has been constituted for the consideration of a case, the Registrar shall communicate its composition to the judges, to the agents of the Parties and to the President of the Commission.

Rule 34

Interim measures

1. Before the constitution of a Chamber, the President of the plenary Court may, at the request of a Party, of the Commission, of any person concerned or *proprio motu*, bring to the attention of the Parties any interim measure the adoption of which seems desirable. The Chamber, when constituted, or, if the Chamber is not in session, its President, shall have the same right.

2. Notice of these measures shall be immediately given to the Committee of Ministers.

Chapter III

Examination of Cases

Rule 35²⁾*Written procedure*

1. After the Chamber has been constituted, the President of the Chamber shall, after ascertaining the views of the agents of the Parties

1) Added to the Rules by the Court on 7th November 1972.

2) As amended by the Court on 3rd May 1966, 19th May 1969, 5th May 1971 and 7th November 1972.

and the delegates of the Commission or, if they have not yet been appointed, the President of the Commission, upon the procedure to be followed, direct whether, and if so within what time-limits, memorials and other documents are to be filed.

2. If, in pursuance of Rule 21 § 6, a Chamber is seized of two cases, its President may, in the interest of the proper administration of justice and after having obtained the opinion of the agents of the Parties and the delegates of the Commission, order that the proceedings in both cases be conducted simultaneously, without prejudice to the decision of the Chamber on the joinder of the cases.

3. Memorials and documents annexed thereto shall be filed with the Registry in forty copies. The Registrar shall transmit copies of all these documents to the judges, to the agents of the Parties and to the delegates of the Commission.

Rule 36¹⁾

Fixing of the date of the opening of the oral proceedings

When the case is ready for hearing, the President of the Chamber shall, after consulting the agents of the Parties and the delegates of the Commission, fix the date of the opening of the oral proceedings.

Rule 37

Conduct of the hearings

The President of the Chamber shall direct the hearings. He shall prescribe the order in which the agents, the advocates or advisers of the Parties and the delegates of the Commission, as well as any other person appointed by them in accordance with Rule 29 § 1, shall be called upon to speak.

Rule 38

Enquiry, expert opinion and other measures for obtaining information

1. The Chamber may, at the request of a Party or of the delegates of the Commission or *proprio motu*, decide to hear as a witness or expert or in any other capacity any person whose evidence or statements seem likely to assist it in the carrying out of its task.

2. The Chamber may, at any time during the proceedings, depute one

¹⁾ As amended by the Court on 22nd November 1966 and 14th May 1975.

or more of its members to conduct an enquiry, to carry out an investigation on the spot or to obtain information in any other manner.

3. The Chamber may entrust any body, office, commission or authority of its choice with the task of obtaining information, expressing an opinion, or making a report, upon any specific point.

4. Any report prepared in accordance with the preceding paragraphs shall be addressed to the Registrar.

Rule 39

Convocation of witnesses, experts and other persons; expenses of their appearance

1. Witnesses, experts or other persons whom the Chamber decides to hear shall be summoned by the Registrar. If they are called by a Party, the expenses of their appearance shall be taxed by the President and, unless the Chamber shall otherwise decide in pursuance of Rule 50 § 1 k, shall be borne by that Party. In other cases, such expenses shall be fixed by the President and borne by the Council of Europe.

2. The summons shall indicate:

- the names of the Party or Parties;
- the object of the enquiry, expert opinion or any other measure for obtaining information as ordered by the Chamber;
- any provisions for the payment of the sum due to the person summoned.

Rule 40

Oath or solemn declaration by witnesses and experts

1. After the establishment of his identity and before giving evidence, every witness shall take the following oath or make the following solemn declaration:

“I swear” – or “I solemnly declare upon my honour and conscience” – “that I will speak the truth, the whole truth and nothing but the truth.”

2. After the establishment of his identity and before carrying out his task, every expert shall take the following oath or make the following solemn declaration:

“I swear” – or “I solemnly declare” – “that I will discharge my duty as expert honourably and conscientiously.”

This oath may be taken or this declaration made before the President of the Chamber or before a judge or local authority nominated by the President.

Rule 41

Objection to a witness or expert; hearing of a person for purpose of information

The Chamber shall decide in the case of any dispute arising from an objection to a witness or expert. Nevertheless, it may, if it considers it necessary, hear for the purpose of information a person who cannot be heard as a witness.

Rule 42

Questions put during the hearings

1. The President of the Chamber or any judge may put questions to the agents, advocates or advisers of the Parties, to the witnesses and experts, to the delegates of the Commission, and to any other persons appearing before the Chamber.

2. The witnesses, experts and other persons referred to in Rule 38 § 1 may, subject to the control of the President who has power to decide as to the relevance of the questions put, be examined by the agents, advocates or advisers of the Parties, by the delegates of the Commission, and by any person appointed by them in accordance with Rule 29 § 1.

Rule 43

Failure to appear or false evidence

When, without good reason, a witness or any other person who has been duly summoned fails to appear or refuses to give evidence, the Registrar shall, on being so required by the President, inform that Contracting Party to whose jurisdiction such witness or other person is subject. The same provisions shall apply when a witness or expert has, in the opinion of the Chamber, violated the oath or solemn declaration mentioned in Rule 40.

Rule 44

Minutes of hearings

1. Minutes shall be made of each hearing and shall be signed by the President and the Registrar.

2. These minutes shall include:
 - the names of the judges present;
 - the names of the agents, advocates and advisers and of the delegates of the Commission present;
 - the surname, first names, description and residence of the witnesses, experts or other persons heard;
 - the declarations expressly made for insertion in the minutes on behalf of the Parties or of the Commission;
 - a summary record of the questions put by the President or other judges and of the replies made thereto;
 - any decision by the Chamber delivered during the hearing.
3. Copies of the minutes shall be given to the agents of the Parties and to the delegates of the Commission.
4. The minutes shall constitute certified matters of record.

Rule 45

Shorthand note of hearings

1. The Registrar shall be responsible for the making of a shorthand note of each hearing.
2. The agents, advocates and advisers of the Parties, the delegates of the Commission and the witnesses, experts and other persons mentioned in Rules 29 § 1 and 38 § 1 shall receive the shorthand note of their arguments, statements or evidence, in order that they may, subject to the control of the Registrar or of the Chamber, make corrections within the time-limits laid down by the President.

Rule 46

Preliminary objections

1. A preliminary objection must be filed by a Party at the latest before the expiry of the time-limit fixed for the delivery of its first pleading.
2. If a Party raises a preliminary objection, the Chamber shall after having received the replies or comments of every other Party and of the delegates of the Commission, give its decision on the objection or join the objection to the merits.

Rule 47¹⁾*Striking out of the list*

1. When the Party which has brought the case before the Court notifies the Registrar of its intention not to proceed with the case and when the other Parties agree to such discontinuance, the Chamber shall, after having obtained the opinion of the Commission, decide whether or not it is appropriate to approve the discontinuance and accordingly to strike the case out of its list. In the affirmative, the Chamber shall give a reasoned decision which shall be communicated to the Committee of Ministers in order to allow them to supervise, in accordance with Article 54 of the Convention, the execution of any undertakings which may have been attached to the discontinuance by the order or with the approval of the Chamber.

2. When, in a case brought before the Court by the Commission, the Chamber is informed of a friendly settlement, arrangement or other fact of a kind to provide a solution of the matter, it may, after having obtained the opinion, if necessary, of the delegates of the Commission, strike the case out of its list.

3. The Chamber may, having regard to the responsibilities of the Court in pursuance of Article 19 of the Convention, decide that, notwithstanding the notice of discontinuance, friendly settlement, arrangement or other fact referred to in the two preceding paragraphs, it should proceed with the consideration of the case.

Rule 47 bis²⁾*Question of the application of Article 50 of the Convention*

1. If proposals or observations on the question of the application of Article 50 of the Convention have not been presented to the Court in the document instituting proceedings, they may be presented by a Party or by the Commission at any stage of the written or oral procedure.

2. The Chamber may at any time invite any Party and the Commission to present observations on this question.

1) As amended by the Court on 27th August 1974.

2) Added to the Rules by the Court on 8th November 1972.

Rule 48

Relinquishment of jurisdiction by the Chamber in favour of the plenary Court

1. Where a case pending before a Chamber raises a serious question affecting the interpretation of the Convention, the Chamber may, at any time, relinquish jurisdiction in favour of the plenary Court. The relinquishment of jurisdiction shall be obligatory where the resolution of such question might have a result inconsistent with a judgment previously delivered by a Chamber or by the plenary Court. Reasons need not be given for the decision to relinquish jurisdiction.

2. The plenary Court, having been seised of the case, may either retain jurisdiction over the whole case or may, after deciding on the question of interpretation, order that the case be referred back to the Chamber which shall, in regard to the remaining part of the case, recover its original jurisdiction.

3. Any provisions governing the Chambers shall apply, *mutatis mutandis*, to the proceedings before the plenary Court.

4. When the Court has been seised, in accordance with paragraph 1 above, of a case pending before a Chamber, any *ad hoc* judge who is a member of that Chamber shall sit as a judge of the plenary Court.

Chapter IV

Judgments

Rule 49

Procedure by default

Where a Party fails to appear or to present its case, the Chamber shall, subject to the provisions of Rule 47, give a decision in the case.

Rule 50¹⁾*Contents of the judgment*

1. The judgment shall contain:

a. the names of the President and the judges constituting the Chamber and the name of the Registrar;

¹⁾ As amended by the Court on 8th November 1972, 23rd April 1977 and 17th May 1979.

- b. the date on which it was delivered at a hearing in public;
- c. a description of the Party or Parties;
- d. the names of the agents, advocates or advisers of the Party or Parties;
- e. the names of the delegates of the Commission;
- f. a statement of the proceedings;
- g. the submissions of the Party or Parties, and, if any, of the delegates of the Commission;
- h. the facts of the case;
- i. the reasons in point of law;
- j. the operative provisions of the judgment;
- k. the decision, if any, in regard to costs;
- l. the number of judges constituting the majority;
- m. a statement as to which of the two texts, French or English, is authentic.

2. Any judge who has taken part in the consideration of the case shall be entitled to annex to the judgment either a separate opinion, concurring with or dissenting from that judgement, or a bare statement of dissent.

3. Where the Chamber finds that there is a breach of the Convention, it shall give in the same judgment a decision on the application of Article 50 of the Convention if that question, after being raised under Rule 47 bis, is ready for decision; if the question is not ready for decision, the Chamber shall reserve it in whole or in part and shall fix the further procedure. If, on the other hand, this question has not been raised under Rule 47 bis the Chamber shall fix the time within which it may be raised by any Party or by the Commission.

4. When the judgment finding a breach has been delivered under Rule 48 and does not contain a decision on the application of Article 50 of the Convention, the plenary Court may decide, without prejudice to the provisions of paragraph 3 above, to refer the question back to the Chamber.

5. If the Chamber is informed that an agreement has been reached between the injured party and the Party liable, it shall verify the equitable nature of such agreement.

Rule 51

Signature, delivery and communication of the judgment

1. The judgment shall be signed by the President and by the Registrar.
2. The judgment shall be read by the President at a public hearing in one of the two official languages. It shall not be necessary for all the other judges to be present. The agents of the Parties and the delegates of the Commission shall be informed in due time of the date of delivery of judgment.
3. The judgment shall be sent by the President to the Committee of Ministers for the purposes of the application of Article 54 of the Convention.
4. The original copy, duly signed and sealed, shall be placed in the archives of the Court. The Registrar shall send certified copies to the Party or Parties, to the Commission, to the Secretary General of the Council of Europe and to any other person directly concerned.

Rule 52¹⁾*Publication of judgments, decisions and other documents*

1. The Registrar shall be responsible for the publication of:
 - judgments and other decisions of the Court;
 - documents relating to the proceedings including the report of the Commission but excluding any particulars relating to the attempt to reach a friendly settlement;
 - reports of public hearings;
 - any document the publication of which is considered as useful by the President of the Court.

Publication shall take place in the two official languages in the case of judgments and other decisions, applications or introductory requests for proceedings and the Commission's reports; the other documents shall be published in the official language in which they occur in the proceedings.

2. Documents deposited with the Registrar and not published shall be accessible to the public unless otherwise decided by the President of the Court either on his own initiative, or at the request of a Party, of the Commission or of any other person concerned.

¹⁾ As amended by the Court on 24th October 1961.

Rule 53¹⁾*Request for interpretation of a judgment*

1. A Party or the Commission may request the interpretation of a judgment within a period of three years following the delivery of that judgment.

2. The request shall state precisely the point or points in the operative provisions of the judgment on which interpretation is required. It shall be filed with the Registry in forty copies.

3. The Registrar shall communicate the request to any other Party and, where appropriate, to the Commission, and shall invite them to submit, in forty copies, any written comments within a period fixed by the President of the Chamber.

4. The request for interpretation shall be considered by the Chamber which gave the judgment and which shall, as far as possible, be composed of the same judges. Those judges who have ceased to be members of the Court shall be recalled in order to deal with the case in accordance with Article 40 § 6²⁾ of the Convention. In case of death or inability to attend, they shall be replaced in the same manner as was applied for their appointment to the Chamber.

5. The Chamber shall decide by means of a judgment.

Rule 54¹⁾*Request for revision of a judgment*

1. A Party or the Commission may, in the event of the discovery of a fact which might by its nature have a decisive influence and which, when a judgment was delivered, was unknown both to the Court and to that Party or the Commission, request the Court, within a period of six months after that Party or the Commission, as the case may be, acquired knowledge of such fact, to revise that judgment.

2. The request shall mention the judgment of which the revision is requested and shall contain the information necessary to show that the conditions laid down in paragraph 1 of this Rule have been complied with. It shall be accompanied by the original or a copy of all supporting documents. The request and supporting documents shall be filed with the Registry in forty copies.

¹⁾ As amended by the Court on 8th May 1973.

²⁾ Instead of 40 § 4. Alteration consequent upon the entry into force of Protocol No. 5 to the Convention (20th December 1971).

3. The Registrar shall communicate the request to any other Party and, where appropriate, to the Commission, and shall invite them to submit, in forty copies, any written comments within a period fixed by the President.

4. The request for revision shall be considered by a Chamber constituted in accordance with Article 43 of the Convention, which shall decide in a first judgment whether the request is admissible or not under paragraph 1 of this Rule. In the affirmative, the Chamber shall refer the request to the Chamber which gave the original judgment or, if in the circumstances that is not reasonably possible, it shall retain the request and give a judgment upon the merits of the case.

5. The Chamber shall decide by means of a judgment.

Chapter V¹⁾

Advisory opinions

Rule 55

In proceedings in regard to advisory opinions the Court shall, in addition to the provisions of Protocol Nr. 2, apply the provisions which follow. It shall also apply the other provisions of these Rules to the extent to which it considers this to be appropriate.

Rule 56²⁾

The request for an advisory opinion shall indicate in precise terms the question on which the opinion of the Court is sought. It shall be filed with the Registry in forty copies.

The request shall also indicate:

a. the date on which the Committee of Ministers adopted the decision referred to in Article 1 § 3 of Protocol No. 2;

b. the names and addresses of the person or persons appointed by the Committee of Ministers to give the Court any explanations which it may require.

The request shall be accompanied by all documents likely to elucidate the question.

Rule 57

1. On receipt of a request, the Registrar shall immediately transmit a

1) Added to the Rules by the Court on 29th May 1970.

2) As amended by the Court on 5th May 1971.

copy thereof to the President, Vice-President and judges, as well as to the Commission.

2. He shall inform the Contracting Parties that the Court is prepared to receive their written observations. The President may decide that, by reason of the nature of the question, a similar invitation is to be sent to the Commission.

Rule 58

1. The President shall lay down the time-limits for the filing of written observations or other documents.

2. Written observations or other documents shall be filed with the Registry in forty copies. The Registry shall transmit copies thereof to the judges, to the Committee of Ministers, to each of the Contracting Parties and to the Commission.

Rule 59

After the closure of the written procedure the President shall decide whether the Contracting Parties or the Commission which have submitted written observations are to be given an opportunity to develop them at an oral hearing held for the purpose.

Rule 60

If the Court considers that the request for an advisory opinion is not within its consultative competence as defined in Article 1 of Protocol No. 2, it shall so declare in a reasoned decision.

Rule 61¹⁾

1. Advisory opinions shall be given by majority vote of the plenary Court. They shall mention the number of judges constituting the majority.

2. Any judge may, if he so desires, attach to the opinion of the Court either a separate opinion, concurring with or dissenting from the advisory opinion, or a bare statement of dissent.

Rule 62

The advisory opinion shall be read by the President at a public hearing in one of the two official languages, prior notice having been given to

¹⁾ As amended by the Court on 17th May 1979.

the Committee of Ministers, to each of the Contracting Parties and to the Commission.

Rule 63

The original of the opinion, duly signed and sealed, shall be placed in the archives of the Court. The Registrar shall send certified copies to the Committee of Ministers, to the Contracting Parties, to the Commission and to the Secretary General of the Council of Europe.

Uitgegeven de *tweede* december 1982.

De Minister van Buitenlandse Zaken,
H. VAN DEN BROEK