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ORDE VAN
VLAAMSE
BALIES

Ms Marialena Tsirli
Registrar of the ECHR
European Court of Human Rights, Council of Europe
67075 Strasbourg Cedex, France

/ Datum
16/11/2023

/ Amendment to Rule 39 of the Rules of Court

Dear Ms Tsirli,

The Flemish Bar Association (Orde van Vlaamse Balies (OVB)) has taken note with interest of your letter dated November 13, 2023 concerning the provisionally adopted amendments to Rule 39 of the Rules of Court.

The OVB observes that the modifications formalise the Court's practice directions regarding the requests for interim measures and its long-standing case-law on Rule 39 by adding the condition of "imminent risk of irreparable harm to a Convention right".

In the current reading of the new Rule however, the OVB considers the addition of the wording "*on account of its nature*" / "*en raison de sa nature*" to be either superfluous (not adding anything) or in need of further explanation. We would therefore respectfully suggest to remove these words or clarify their intention.

The OVB thanks the Court and Registrar for taking this recommendation into consideration.

Yours faithfully,

Nicolaas Vinckier
Director

/OVB