

Strasbourg, 4 June 1998

<s:\cdl\doc\98\cdl-ju\18.e.>

Restricted
CDL-JU (98) 18
Or. Eng.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

**Co-operation with the Association
of Constitutional Courts using the
French Language (ACCPUF)**

* * *

Letter from the Secretary General of the ACCPUF

The Secretary General

Paris, 12 May 1998

Dear Sir

The Association of Constitutional Courts using the French Language was founded in April 1997 on the initiative of Roland DUMAS, President of the Constitutional Council. It groups together thirty-six courts.

The proceedings of the ACCPUF's first congress have been published and a copy was sent to you.

The ACCPUF Bureau has identified a number of objectives for the Association. They include the publication of a case-law Bulletin and, in the longer term, the development of a database that can be accessed on-line via the Association's own Internet site, which is now being set up.

A quarter of the courts represented in the Association are also members of the Venice Commission, which they serve by drawing up summaries and codifying the decisions with codes based on the CODICES thesaurus. From the point of view of these courts, it would make sense for decisions published on paper in the Bulletin and in electronic format in the database to be presented in the same way and be accessible for consultation purposes by compatible or comparable means. The other members of the Commission and the Association would also benefit from such an approach.

I should therefore like to request your permission for the Commission's thesaurus to be made available to all members of the Association, initially so that they can codify decisions and, subsequently, so that the same coding system can be used in the Association's own database.

The constitutionality review systems used by ACCPUF members are based on three different models:

A European model, found in various parts of Africa, as well as Europe;

A mixed model, like the Irish system, of a Supreme Court invested with constitutional powers, found in parts of the world influenced by French and English-speaking countries;

A few systems are still based on a centralised model of reviews conducted within parliament (Guinea Bissau, São Tomé e Príncipe and the French-speaking countries of the Far East).

In the case of the first two models, the thesaurus developed by the Venice Commission should not pose any insurmountable problems regarding application.

I realise that the thesaurus updates and related amendments will remain the sole responsibility of the Venice Commission. One of the members serving both on the Commission and in the Association could be given the task of notifying the Commission, at one of its meetings, of any suggestions made by members of the Association.

I am also aware that the practical details regarding data interchanges carried out between members of the two groups on a no charge basis will have to be defined, in particular once the Association's own database has been set up and made available.

The benefits of such a co-ordinated approach are obvious.

The intellectual capital represented by the thesaurus, which I have actively helped to develop, will be greatly enhanced by opening the field of case-law exchanges to another geographical area of constitutional development.

I should like to thank you in advance for considering this request. I think it would best if the Commission submitted an official reply, perhaps at the next meeting in Ljubljana.

Yours faithfully,

Dominique REMY-GRANGER

Mr G BUQUICCHIO
Secretary of the Venice Commission
Council of Europe
67075 STRASBOURG CEDEX