



Strasbourg, 27 June 2011

CDL-JU(2011)005\*

Or. Engl.

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT CO-OPERATION AGREEMENT**

**BETWEEN**

**THE CONFERENCE OF CONSTITUTIONAL COURTS  
OF PORTUGUESE SPEAKING COUNTRIES**

**AND**

**THE VENICE COMMISSION**

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*\*This document has been classified restricted on the date of issue. Unless the Venice Commission decides otherwise, it will be declassified a year after its issue according to the rules set up in Resolution CM/Res(2001)6 on access to Council of Europe documents.*

Noting that, since its foundation, the Venice Commission has established co-operation with Constitutional Courts and Equivalent Bodies in order to enhance their capacity to strengthen constitutionalism;

Considering that through the CODICES database the Commission enables regular exchanges of information between Courts, which are conducive to mutual inspiration and “cross-fertilisation” between the Courts with a view to promote democracy, the protection of human rights and the rule of law;

Noting that the Constitutional Courts and Equivalent Bodies from Portuguese speaking countries meet since 2008 [...] and that in 2010 they have established the Conference of Constitutional Courts of Portuguese Speaking Countries (hereinafter “the Conference”) in order to enhance constitutional justice in their countries;

Considering that the Conference of Constitutional Courts of Portuguese speaking Countries participates in the Bureau of the World Conference on Constitutional Justice and that the courts members of the Conference met both at the First and the Second Congresses of the World Conference on Constitutional Justice, which were co-organised by the Venice Commission (Cape Town, 22-24 January 2009 and Rio de Janeiro, 16-18 January 2011);

In view of this shared interest and in order to initiate a productive exchange on the subject of constitutional justice, the Conference and the Venice Commission enter into the following co-operation agreement:

#### **Article 1 – Contributions to CODICES**

The Constitutional Courts and Equivalent Bodies (hereinafter “the Courts”), which are members of the Conference are invited to contribute to the CODICES database of the Venice Commission. For this purpose, they can appoint liaison officers, who shall submit their institutions’ leading constitutional case-law as full texts in the original language and as summaries (précis) in English or French for inclusion in the CODICES database three, times a year.

Each Court shall ensure that these contributions are consistent in form and indexed in accordance with the Commission’s Systematic Thesaurus so they can be added to the database without further processing.

The Commission will maintain the Systematic Thesaurus in the Portuguese language in the CODICES database.

The valuable contribution of the Conference shall be acknowledged in the database.

#### **Article 2 – Exchange of publications**

The Courts members of the Conference shall, if they so wish, receive free of charge publications of the Venice Commission (in the Science and Technique of Democracy series), together with the Commission’s *Bulletin on Constitutional Case-Law* and the CODICES database on CD-ROM.

Courts members of the Conference are invited to send their publications to the Venice Commission’s multilingual Documentation Centre on Constitutional Justice in Strasbourg.

### **Article 3 – Venice Forum Newsgroup**

The Venice Commission provides access to its Venice Forum Newsgroup to the liaison officers appointed by the Courts.

### **Article 4 - Participation in meetings**

A representative of the Conference shall be invited to attend the Commission's meetings, in particular that of its Joint Council on Constitutional Justice.

A representative of the Commission shall be invited to attend the meetings of the Conference.

### **Article 5 – Length and termination of the agreement**

The present agreement shall apply for an indeterminate period. It shall enter into force once it has been approved by the appropriate bodies of the two parties and signed by representatives of the Conference and the Commission.

The agreement may be terminated by any of the parties, by written notification.

Done in Portuguese and English

at ... on ....