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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

STUDY ON THE ESTABLISHMENT OF A
DOCUMENTATION CENTRE ON
CONSTITUTIONAL CASE LAW

by R. Ryckeboer and P. Vandernoot

INTRODUCTION

1. The authors of this report were invited by the Secretary General of the Council of Europe to study the practical side of setting up a "Documentation Centre on Constitutional Case Law", with particular reference to criteria for the selection of decisions, a key word thesaurus, co-operation with existing centres and the possible computerisation of the centre.

This mission follows the initiative of the European Commission for Democracy through Law to establish such a centre. The report is based on the initial groundwork done by the Working Party on Constitutional Justice and adopted by the Commission on 12 September 1991 (Annex 1). Its aim is to take this groundwork a step further by providing some practical pointers on how to put the scheme into practice.

2. The general approach adopted in this report is essentially a pragmatic one. The authors are not unaware of the methodological problems associated with legal documentation, particularly in comparative law. This text sketches a number of proposals relevant to the basic structure of the Documentation Centre, its purpose and the organisation of relations between the Centre and the Courts.

The following questions are addressed :

- I. content of the data bank (Nos. 1 to 11) ;
- II. selection of data for summary (Nos. 12 and 13) ;
- III. tables (thesaurus, index, etc.) (Nos. 14 to 19) ;
- IV. co-operation with existing centres (Nos. 20 and 21) ;
- V. computerisation of the Centre (Nos. 22 to 27) ;
- VI. organisational structure of the Centre and its relations with the Courts (No. 28).

The conclusion offers some closing remarks and lists the main questions that remain to be solved (No. 29).

I. THE CONTENT OF THE DATA BANK

3. A data bank must be as exhaustive as possible. Care should be taken, however, not to fall into the trap of smothering the proposed Centre under a surfeit of documentation. The aim should therefore be to provide the Centre and the Courts concerned with access to sufficient relevant information without exposing them to time-consuming work or excessive costs.

4. The documentation assembled should comprise :

- decisions (see Nos. 5 and 6) ;
- summaries (see Nos. 7 to 9) ;
- tables (see No. 10) ;
- a brief explanatory note on each country (see No. 11).

A. Decisions

5. The first thing a Documentation Centre on court decisions requires is the decisions themselves. They may take the form of decrees, sentences, orders, etc. If the decisions are accompanied by the facts of the case, the case file, reports, opinions or any other relevant information, these should also be forwarded. Committal procedures, summonses and the like, on the other hand, should not be communicated.

The decisions should include not only those which finalise a case but also interim or interlocutory decisions on different points, investigative measures, applications for stay of proceedings, etc. It is for the Courts themselves to decide whether they should also communicate the preliminary decisions they pronounce on admissibility, jurisdiction, manifest lack of grounds for trial and the like.

6. Subject to these reservations, therefore, it is essential to keep a full collection of all decisions pronounced, including past decisions, so that users are sure of finding any decision to which they may wish to refer. This particular aim, which is no small matter, should not require too much investment of financial or human resources. Decisions would be forwarded within a fortnight of being pronounced, in the original language (or languages). At the end of the year a list of all the decisions pronounced would be sent to the Centre so it could check that it had the full collection.

The Courts participating in the scheme will be requested to estimate the volume of documentation that communicating all their decisions to the Centre would entail.

B. Summaries

7. The principle task of the Documentation Centre is to make Constitutional Court decisions accessible to as many people as possible in the simplest possible way. This obviously means devising ways of identifying the decisions, summarising them, classifying key words and consulting them. This can be done by establishing summaries of each decision.

8. It should be stressed here that summaries should be established only for the most important decisions or extracts of decisions pronounced in key cases, and that one summary should be established for each decision or pertinent passage of a decision. A selection therefore has to be made, not only amongst the decisions, but also within them. The selection criteria are discussed in Nos. 12 and 13 below. The summaries should be drawn up by the Courts and forwarded to the Centre within a month of the decision being pronounced.

To complete the picture it would be necessary to make summaries of the main decisions of the past, and in view of the workload involved the selection criteria would certainly need to be stricter.

9. The structure of the summaries is shown in appendix 2.

The identification data, which should be as detailed as possible, require no particular comment.

The abstract gives a concise account of the general gist of the decision or the relevant passage. In so far as is possible it should reflect the concrete facts and distinctive features of the case. The rules of law affected need not always be quoted, but when this does prove necessary they should be summarised rather than quoted in full. The abstract ends with a reference to the passage concerned, in case the user should feel the need to consult it further.

Abstracts may be drafted in the language or languages in which the decision was pronounced, but we strongly recommend that the Courts also provide abstracts in either English or French, which the Centre could then have translated into French or English as appropriate. Failing this the practical usefulness of the documentation could be seriously undermined.

Key words should be listed in the language or languages of the original decision and in French or English, the secretariat of the Centre being responsible for translating them into the other official language of the Council of Europe. They are then

entered in a systematic thesaurus and an alphabetical index, further details of which are given below (Nos. 14 to 18).

The summary also contains an optional section for any further information that may be of interest, essentially in situating the case in its context and in the context of prior and subsequent decisions, and pointing out its relative importance and any nuances or changes and so on. This section may be completed later, as new developments in case law come about.

C. The tables

10. These were mentioned briefly above. As well as the *systematic thesaurus* and the *alphabetical index*, which we expand on below in Nos. 15 to 18, other tables may be envisaged, based on the identification data from the summaries, or even on the abstracts, such as a chronological table, a table of reference numbers of decisions for each State, etc. Progress in documentary data processing has brought these possibilities within reach (see Nos. 22 to 27 below), although it might be premature to develop them from the very start.

D. The explanatory note

11. Constitutional case law cannot be isolated from the legal and institutional context in which it has developed. It would therefore be useful for each Court participating in the scheme to provide a brief statement of the constitutional system in force in the State concerned, with particular reference to :

- the powers of public institutions and how they operate (Head of State, Parliament, executive, legislative, judiciary, etc.), including machinery for delegating powers to the various regional, federal, provincial and other local bodies ;

- rights and freedoms (national and international sources) ;

- the system by which Constitutional law is controlled and interpreted, the role of the Constitutional Court, its powers, how cases are referred to it, what incidence its decisions have, etc.

The text of the Constitution should be appended, together with any other reference laws used by the Constitutional Court and its own founding texts, all in the original language or languages, and wherever possible in French and/or English also.

While this information is not the most urgent feature of the proposed Centre, it should nevertheless be transmitted within a reasonable time (three months, say) after the Centre opens. The information should of course be updated regularly.

II. SELECTION OF SUMMARY DATA

12. As we established earlier, summaries should be established only for the most significant decisions. There is a risk, however, that those responsible for selecting the relevant decisions in different countries might fail to spot the potential interest value of certain decisions for other States, or on the contrary, that they might concentrate on aspects of domestic case law that are of little interest in an international context of comparative law. It is also important not to confine the Courts to too restricted a field of action.

The proposed system respects this need for autonomy by adopting the principle that the Courts are free to decide which summaries to send in. For the sake of coherency, however, they are all requested to send in summaries on any major decisions or passages concerning the questions listed in the proposed *systematic thesaurus*. This does not mean that all decisions related to key words in the thesaurus should be sent, but rather those which are significant because of the objectives pursued or because of their innovative value, the particular place they occupy in the pattern of case law, the way they have marked legal thinking, the institutions they analyse, etc. The Courts will be invited to bear in mind that certain decisions which may seem relatively insignificant in the national context may be more meaningful on an international level. A decision that is often repeated may be of interest not because of the point of law considered but precisely because of the consistency of the decision ; remarks to this effect might be entered in the section of the summary reserved for *further information*.

The existence of the systematic thesaurus should not prevent the Courts from submitting data that does not fit into the prescribed format, which can be adjusted where necessary as described below.

The Courts will be requested to estimate the volume of documentation involved.

13. As far as possible the persons in charge of the Centre will be responsible for the overall coherency of the data bank, in form and substance.

In the interest of coherency they may correct elements in the summary that do not match, or are incompatible with, the prescribed format.

New key words may be added to the systematic thesaurus and the alphabetical index subject to the approval of the management of the Centre (see No. 28 below).

The organisational structure of the Centre, in which all the Courts should be represented, is commented on below (No. 28)

III. TABLES

14. As stated above, the tables serve a dual purpose :

- they provide easy access to basic data ;
- they provide a ready-made format for the selection of decisions.

Remember also that it is easy, thanks to new documentary data processing technology, to design a variety of tables based on different decision identification data. Initially, however, it seems advisable to limit ourselves to a systematic thesaurus (A), an alphabetical index (B) and a chronological table of decisions and summaries (C).

A. The systematic thesaurus

15. Each Court has its own filing system for decisions. It is for the Centre to design a table of its own for classifying all the documentation it receives according to subject matter or the rules of constitutional contentious proceedings.

16. This systematic thesaurus should be tree-like in structure, using sequences of key words going from the general to the specific. Each summary would therefore present a series of key words, the first of which would refer to the broadest category of information, the second to a sub-division thereof, the third to a further subdivision and so on. For practical purposes the sequence should be limited to four steps, but if a summary covers several notions, several sequences of key words may be devised accordingly.

If the author of the summary wishes to refer to information more specialised than that contained in the first four levels, he can use the alphabetical index (see No. 18 below).

The key words simply mention the subject concerned, the question raised, the notion covered, without any mention in principle of the judgment that was pronounced, this information being given in the abstract. Key words should be kept as abstract as possible and make allowance for the comparative law context in which the information collected is placed ; it is plausible that a concept known under a specific name in national law may be listed under a different name in the data bank.

The terms used should be as simple as possible. Any abbreviations should be agreed upon in advance (Eg. E.C.H.R. for European Human Rights Court, Commission or Convention).

17. As for the adoption procedure for the systematic thesaurus, the following method is suggested :

- Appendix 3 contains a preliminary draft thesaurus which although not exhaustive, illustrates the general approach and provides an initial basis for critical examination.

- On the basis thereof a fuller draft version could be drawn up.

- The final version could then be adopted.

- As soon as the Centre opens the Courts send in their summaries containing the first series of key words for the thesaurus. The Centre checks that all the information is presented in the proper form, and that the key words match the content of the abstract, making any corrections it considers necessary. When the corrections affect the substance, of course, the Centre consults the Court concerned.

- If key words other than those in the basic systematic thesaurus are proposed, the Centre checks whether they can be replaced by existing key words, and if this is not the case the new key words are considered for inclusion in the basic list.

- Finally, to maintain the coherency of the whole, a periodical progress report on the thesaurus is drawn up, stating what changes have been made, which key words have been added or removed, what difficulties or structural problems have arisen, and making suggestions. The body in charge of scientific questions for the Centre (the Scientific Committee), on which all the Courts involved are represented, (see No. 28 below) deals with any points raised in the report.

B. The alphabetical index

18. The reasoning behind the alphabetical index is essentially pragmatic. Its first purpose is to provide access to the data base via a single key word corresponding to an ordinary legal concept or institution, without having to go through the systematic thought process required by the thesaurus. It will also offer a wider range of concepts than the thesaurus, through key words covering notions or institutions not to be found in the thesaurus because they are defined differently or correspond to a level of information more specialised than that offered by the four levels of the thesaurus, or because they refer to the branches of law concerned by the decision or define the control mechanism, or for any other reason. Unlike those in the systematic thesaurus, the key words in the alphabetical index are all on the same level, with no hierarchical structure.

As in the case of the thesaurus, it would be helpful to compile a list of key words for use by the Courts in establishing the alphabetical index section of the summaries they send in. The list could be updated as required.

Certain key words may of course appear in both the alphabetical index and the thesaurus, but the Courts have greater freedom of choice in the alphabetical index. Notions specific to individual States may be included in the index, with a system of notes referring the user to comparable notions in other legal systems.

C. Chronological tables

19. Chronological tables of decisions and summaries will be compiled to enable users to locate the decisions or summaries they wish to consult.

IV. CO-OPERATION WITH EXISTING CENTRES

A. The European Commission and Court of Human Rights and the Court of Justice of the European Communities

20. The interaction between national constitutional case law and that generated by the control organs of the European Convention on Human Rights is evident. Both in Strasbourg and in Luxembourg data banks on the case law of the Commission and the two European Courts have been established. It would be an excellent thing if the constitutional case law Documentation

Centre and these data banks made arrangements for each to have privileged access to the others ; this would give them access to relevant information without encroaching on their respective autonomy (in Belgium, for example, the "Celex" data bank, which covers the case law of the Court of Justice, is accessible via a national computerised legal data bank).

And eventually the same sort of co-operation could be envisaged with the U.S. Supreme Court.

B. Research Centres

21. Constitutional law is a flourishing branch of law thanks, amongst other things, to the development of constitutional justice. It includes its fair share of case law, in terms of quality as well as quantity, and is studied in prestigious teaching and research centres all over Europe.

It would be a shame to ignore them. On the contrary, co-operation with them should be a matter of priority. At this stage in preparations for the Documentation Centre, it is difficult to determine exactly how this might best be achieved, especially since it depends largely on the readiness and the ability of the institutions themselves to co-operate. It is therefore suggested that the Courts participating in the scheme make the necessary contacts in their countries to examine the various possibilities.

The Centre can in no way take the place of the research Centres in the specific role which is theirs, but it can be of great assistance to them, particularly in providing them with privileged access to documentation. This could be arranged fairly quickly. Particular attention will, of course, be given to the suggestions made during these consultations.

In the longer term, the Centre could collect, record and perhaps collate and disseminate works, theses, articles, seminar or conference proceedings, papers, etc. related to constitutional law. This would help to publicise the important work being done in this field by researchers in Europe.

V. COMPUTERISATION OF THE CENTRE

A. The advantages of computerisation

22. The Centre will certainly have to collect and store a considerable volume of documentation : some 10,000 pages per year at a rough estimation.

The physical storage of so many texts on paper could eventually cause problems. These difficulties could be avoided by storing the data in a computer.

The storage capacity of computer memories has expanded so fast in recent years that a 300-page book can now be stored on a disk smaller even than a compact disk (a 3 1/2" floppy disk has a capacity of 1.44 Mb). Storage capacities from 300 Megabytes (hard disk) to 600 Megabytes (CD-ROM) are already quite common and financially accessible (750 ECUS) ; and they take up no more room than a car radio (1 Mb = 200 pages).

New automatic data management techniques not only considerably simplify the storage and filing of texts, but also make a range of new services possible.

Even with a small staff the Centre will be able to establish very quickly from its collection of decisions and summaries which Court pronounced a decision on which subject and when, in every field of constitutional law and contentious proceedings. This opens up new prospects for information and research in comparative law.

23. From the point of view of the services provided, ease of use and finance, computerisation is strongly recommended. Otherwise much too large a staff would be needed to provide a comparable service. What is more, the cost of such equipment has decreased substantially in recent years.

Experience has shown too that if computerisation, while inevitable, were to be postponed to a later date, the result would be considerable practical complications.

A note on the more technical aspects of computerisation is attached (see Appendix No. 4).

The following initial approach is suggested :

a) The decisions :

- In principle they are typed on paper.
- In principle they are sent by post or through any other conventional channel.
- If the Courts have a data processing system of their own compatible with that of the Centre, the decisions may be recorded and transmitted electronically.

- The computerisation of decisions by the Centre is not a priority.

b) The summaries :

- They may be typed on paper.
- In principle they are transmitted by post or through any other conventional channel.
- Computer storage of summaries by the different Courts is strongly recommended. They may be transmitted electronically if the Courts and the Centre have the proper equipment, but this is not a priority.
- In any event the summaries will be processed electronically at the Centre.

Needless to say, all the documentation collected will nevertheless remain available on paper, at least in the start-up phase.

B. Modalities of computerisation

Data input

24. It will not be possible to input all texts into the computer system from the outset. The electronic processing of texts is not yet general practice in a number of countries, and even where it is, transferring the data to the Centre would often require complex conversion processes.

The existing possibilities of electronic data processing and transmission should not be underestimated, however ; they should be exploited to the full (e.g. floppy disks, CD-Rom, fax, modem, etc.). It should nevertheless be possible for those Courts that are not yet equipped with such equipment to send in their texts on paper through the post.

Automatic processing of the full texts of all decisions should be feasible within a relatively short space of time (five years, say) in view of recent progress in optical character recognition and scanners. These machines "read" typewritten texts and digitalise them, i.e. convert them into digital information a computer can understand, which avoids operators having to re-type them.

Data output

25. As for data output or the transmission of information to users who consult the data bank, the financial and technical constraints are still too great, and the best solution seems to be to send the information by post.

This by no means precludes the possibility of bilateral agreements between the Centre and the Courts to transmit the data electronically.

Consultation of the data bank

26. Efficient text retrieval from a data bank of the type and format described above (which will no doubt contain hundreds of thousand of documents) requires the user to be perfectly familiar with the structure (e.g. the thesaurus) and the content (language, decision identification system, etc.), as well as with the software used (including search procedures that are often complex, and how findings can be classified and retrieved). It seems advisable for the time being to leave this task to the experts at the Centre.

The network

27. An international network of computers is perhaps a rather ambitious goal at present, technically and financially.

VI. ORGANISATIONAL STRUCTURE OF THE CENTRE AND RELATIONS WITH THE COURTS

28. Care must be taken to ensure the continuity and coherency of the Centre's activities as well as its close co-operation with the Courts concerned.

With this aim in mind, the following structure is proposed :

- The Centre shall be an offshoot of the *European Commission for Democracy through Law*, to which it shall report regularly and whenever the Commission shall so request.

- It shall be placed under the *high patronage* of the presidents of the Constitutional Courts.

- The European Commission for Democracy through Law shall appoint a *Scientific Committee* responsible for the general design and organisation of the Centre and its relations with the Commission, to which it shall make regular progress reports.

- The Constitutional Courts shall appoint correspondents to represent them on a *Committee of Correspondents*, chaired by a member of the Scientific Committee. It shall make suggestions to the Scientific Committee regarding the smooth running of the Centre, its organisation, the documentation system, relations with member Courts, co-operation with research Centres, amendments to the systematic thesaurus and so on.

- The day-to-day running of the Centre shall be the responsibility of the *Management*, made up of two *Managers* (whose status remains to be established) appointed by the Scientific Committee. One shall be a high-level jurist specialised in constitutional law and familiar with legal documentation management, and the other a computer expert. The Management shall be responsible for implementing the decisions of the Commission, the Patronage Committee, the Scientific Committee and the Committee of Correspondents, to whom it shall be able to make suggestions concerning the design and organisation of the data bank. It shall be responsible in particular, as described above and in close concertation with member Courts, for making sure that the summaries sent in are in the proper format and coherently drafted, and that key words faithfully reflect the content of abstracts, for keeping the tables up to date, keeping the data processing system in good working order and generally handling everyday management matters, including personnel management.

- In terms of staff it would seem advisable to begin on a modest basis. The proposed structure is as follows :

- * Management : 2 persons (see above) ;
- * Documentation (library) : 1 person ;
- * Data input, retrieval, output and system maintenance : 2 persons ;
- * Secretariat : 2 persons ;
- * Reception, telephone, in-house distribution, photocopies, etc. : 1 person.

CONCLUSION

29. As stated above, this is essentially an introductory report ; its aim is not to propose a definitive solution. One or two questions are left unanswered. If necessary the proposals contained herein may be reviewed in the light of the observations they will no doubt engender.

Amongst the questions in abeyance is that of the human and material aspects involved in setting up such a Centre. It will be for the European Commission for Democracy through Law to make the necessary provisions regarding the staff, budget, premises, etc. of the Centre... And it will also need a name !

If it should be decided to follow the broad lines set forth in this report, it would also be advisable to pursue studies on the prior compilation of a systematic thesaurus and alphabetical index. Further consideration would also need to be given to the technical aspects of computerising the Centre. In preparation for this, we have drawn up a questionnaire designed to provide a basis on which to work (see Appendix No. 5). This questionnaire is also open to suggestions. The answers it brings in will also require systematic analysis.

Beyond these essentially technical problems, the authors of this report were well aware of the great benefits that could be gained from the institution of a documentation Centre on constitutional case law.

Today Europe is pushing back its geographical and intellectual frontiers. Constitutional law is discovering new horizons. A source of clear and reliable information would doubtless help to forge the tools required to face up to these new challenges. This report is just one modest contribution.

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- Appendices :
1. Report on the meeting of the Working Party on Constitutional Justice on 12 September 1991.
 2. Model summary.
 3. Preliminary draft systematic thesaurus.
 4. Appendix to section V on computerisation.
 5. Questionnaire.

**Study on the establishment of a
Documentation Centre on
Constitutional Case Law**

(European Commission for Democracy through Law)

S U M M A R Y

1. The report makes some practical proposals in connection with the Documentation Centre on constitutional case law which the European Commission for Democracy through Law plans to establish. They concern the content of the data bank, the collection, selection, processing and transmission of data, co-operation with existing centres, and the computerisation and structure of the proposed Centre.

2. The authors propose collecting all the **decisions** of the Courts concerned, with the exception, perhaps, of preliminary rulings.

A particularly useful feature of the Centre lies in the fact that **summaries** of the most important court decisions will be provided. Each Court will be invited to prepare these summaries following a pre-established format (identification, key words, abstract, additional information). It will be for the Courts to decide which decisions to summarise in this way, bearing in mind that they should at least send in summaries of important decisions concerning the legal concepts and institutions covered in the systematic thesaurus.

Key words will be compiled into **tables**. One of these is the **systematic thesaurus**, a model of which is submitted for discussion. The second is an **alphabetical index**, the initial content of which remains to be compiled. These two tables would be updated as and when required. **Chronological tables** of decisions and summaries should also be drawn up.

Finally, to provide a picture of the different national situations, an **explanatory note** would be prepared on the Constitution and its legal context in each State.

3. **Co-operation** with existing information and research Centres should be a priority. Without encroaching on their autonomy, arrangements could be made with the European Court of Human Rights and the Human Rights Commission providing each with privileged access to the documentation systems of the others. As for research centres, as well as allowing them privileged access to its data bank, the Centre could perhaps help them to disseminate the findings of research on constitutional law and contentious proceedings.

4. The **computerisation** of the Centre is recommended, but the Courts would still be free to send in information by post or through other traditional channels. Those Courts equipped with electronic data processing facilities would be encouraged to store and transmit their decisions and summaries electronically. Technical information on data input, consultation and retrieval is also provided.

5. Finally, in view of the need to reconcile continuity and coherency of the Centre on the one hand and close co-operation with member Courts, some suggestions are made with regard to the **structure** of the Centre and its **relations** with the Courts. The proposed structure, under the aegis of the European Commission for Democracy by Law, would comprise a patronage Committee made up of Constitutional Court presidents, a Scientific Committee, a Committee of Correspondents and, of course, the management and staff.

6. In **conclusion**, a number of outstanding questions are mentioned, including the staff, budget and premises of the Centre, the compilation of the official systematic thesaurus and alphabetical index, and the technical aspects of computerisation. A draft questionnaire has been prepared, particularly with a view to gathering useful information on this last point.

This report is a contribution to the information process needed in view of the changes affecting constitutional law and contentious proceedings in Europe today.

A P P E N D I X I

Strasbourg, 26 September 1991
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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

Working Party on Constitutional Justice
(Venice, 12 September 1991)

Meeting Report

1. On 12 September 1991 the Working Party met in Venice with Mr Steinberger in the Chair. Liaison Officers from Constitutional Courts and other equivalent bodies had also been invited in order to discuss the modalities for the setting up and functioning of a documentation centre on Constitutional case law.

A list of participants is reproduced in Appendix I hereto.

2. The participants had at their disposal the document CDL-JU (91). 2 drawn up by the Secretariat, listing the practical issues to be discussed.

3. Summing up a first general discussion on the advisability of setting up such a Centre, the Chairman concluded that there was general support for the idea. A Centre endowed with statutory stability and continuity would not overlap existing initiatives that are of high scientific value but are dependant on individual researchers. It goes without saying that the Centre would seek an active co-operation with any similar centres already in existence.

Decisions to be collected

nature - the participants agreed that each Constitutional Court or equivalent body should be left free to chose the decisions that it wishes to communicate to the Centre. As a general guideline, decisions should be capable of interesting foreign jurisdictions because of the nature of the questions dealt with (e.g. human rights, competence and functioning of the organs of a democratic State, role of international and EEC law, locus standi before the Court, etc.).

Decisions dealing with matters specific to the country in question or merely recalling previous decisions would not need to be communicated.

time - a majority of participants considered that the collection should start with present and future decisions, since existing publications give already sufficient information on past years' case law.

Furthermore, an obligation to communicate past decisions would constitute too heavy a burden on those Courts that have been in existence for many decades.

However, Courts should be left free to communicate certain past decisions of particular importance, if they so wish.

format and languages - decisions should be communicated in extenso in the original language or languages in which they have been adopted. Courts should be encouraged to accompany the decision with a summary drafted in English or French (to be translated by the Secretariat of the Centre into the other language), and some key words.

As a first step, an interested Court would only obtain a copy of the decision it requires in the original language and would have to translate it into its own language if necessary.

In the long run, the Secretariat of the Centre could be asked to provide the translation in English and French of the full text of the decisions, thus ensuring high standard and consistency of translations.

At a later stage one could envisage the possibility of having decisions translated also in other languages (e.g. Spanish or German).

Modalities of communication and circulation of decisions

At the beginning of the operation of the Centre, the Courts could communicate their decisions to the Centre on paper and on diskette of the standard to be communicated by the Council of Europe. The Centre in turn would transmit the requested texts by the same methods.

In the long run the computerisation of the whole system could be envisaged, whereby the data bank of the Centre could be fed and questioned directly by computer.

Users and costs

Access to the Centre's data bank should be granted to Constitutional Courts and other equivalent bodies of interested States in Europe and North America, which would have free access to the data bank in consideration of their feeding the bank.

Access could also be granted to other users such as Ministries of Justice, Parliaments, lower Courts, Universities, etc. These users could be asked to pay a fee meant to cover the costs.

In the first period of operation of the Centre it is unlikely that yearly budgetary contributions would be needed.

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Follow-up

The Chairman undertook to report to the plenary Commission meeting scheduled for 13 September on the proposals of the Working Party; it would then be for the Commission to decide whether to endorse these proposals and to forward them to the competent organs of the Council of Europe for approval.

The Working Party considered that it should then convene once more, together with the Liaison Officers from the Courts, in order to consider certain questions still open, such as:

- elaboration of common guidelines for the choice of decisions to be transmitted;
- procedure for the elaboration of a Thesaurus of key words in English and French;
- modalities of co-operation with existing research centres which publish collections of Constitutional case law and doctrine;
- modalities of the future possible computerisation of the Centre.

A P P E N D I X I

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS

MEMBERS OF THE EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW/
MEMBRES DE LA COMMISSION EUROPEENNE POUR LA DEMOCRATIE
PAR LE DROIT

FINLAND/FINLANDE :

Mr Antti SUVIRANTA, President of the Supreme Administrative Court

FRANCE :

M. Jacques ROBERT, Membre du Conseil constitutionnel

GERMANY/ALLEMAGNE :

Mr. Helmut STEINBERGER, Director of the Max-Planck Institute,
Professor at the University of Heidelberg (Rapporteur)

ITALY/ITALIE :

Mr Antonio LA PERGOLA, Member of the European Parliament
(President of the European Commission for Democracy through Law)

NORWAY/NORVEGE :

Mr Jan HELGESEN, Professor at the University of Oslo

PORTUGAL :

M. José Menéres PIMENTEL, Juge à la Cour Suprême de Justice
M. José Manuel MARTINS MEIRIM DA SILVA, Assesseur du Cabinet du
Procureur Général

SWITZERLAND/SUISSE :

M. Giorgio MALINVERNI, Professeur à l'Université de Genève

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AUSTRIA/AUTRICHE :

Mme. Anneliese ELHENICKY, Conseillère à la Cour constitutionnelle,
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M. Pierre VANDERNOOT, Référéndaire à la Cour d'Arbitrage
M. Rik RYCKEBOER, Référéndaire à la Cour d'Arbitrage

GERMANY/ALLEMAGNE :

Mrs. Sabine STUTH, Assistant to the President,
Bundesverfassungsgericht

HUNGARY/HONGRIE :

Mr Péter PACZOLAY, Chief Counsellor, Constitutional Court

ITALY/ITALIE :

M. Giovanni CATTARINO, Correspondant de la Cour constitutionnelle
M. Nicola SANDULLI, Correspondant de la Section de droit comparé de
la Cour constitutionnelle
Mme Elisa BIANCHI, Correspondant de la Section de droit comparé de
la Cour constitutionnelle

NETHERLANDS/PAYS-BAS :

M. W.H.B. den Hartog Jager, Chef du Cabinet du Procureur
Général, Cour de Cassation

POLAND/POLOGNE :

Mrs Halina PLAK, Head of the Library and Information Centre,
Constitutional Court

PORTUGAL :

M. Miguel LOBO ANTUNES, Responsable du Service de Documentation,
Tribunal Constitutionnel

SPAIN/ESPAGNE :

M. Pedro BRAVO GALA, Directeur du Service de la Bibliothèque

SWEDEN/SUEDE :

Mr Johan MUNCK, Supreme Court of Justice

SWITZERLAND/SUISSE :

Mr Paul TSCHÜMPER, Director of Administration, Federal Court

TURKEY/TURQUIE :

Mr Mehmet TURHAN, Reporter, Constitutional Court

YUGOSLAVIA/YOUGOSLAVIE :

Dr Arne MAVCIC, Head of the Legal Information Centre, Constitutional
Court

SECRETARIAT

Giovanni BUQUICCHIO
Roberto LAMPONI
Helen MONKS

APPENDIX 2

MODEL OF SUMMARY

ZONE A	(Maximum 3 lines)		IDENTIFICATION (1)
ZONE B	(Maximum 8 lines)	B1 B2	KEY WORDS OF THE THESAURUS (2) KEY WORDS OF THE ALPHABETICAL INDEX (2)
ZONE C	(Maximum 15 lines)		SUMMARY (3)
ZONE D	(Maximum 4 lines)		FURTHER INFORMATION (4)

- (1) IDENTIFICATION: Country / Name of the jurisdiction / Possible chamber / Date of the decision (s) / Number of the decision / Number of the role / Possible title of the decision (short) / Possible publications.
Languages: French or English

- (2) KEY WORDS OF THE SYSTEMATIC THESAURUS (B1):

- See the report n° 14 to 17.
- Series of key words (maximum 3 series) separated by dashes (from general to specific - see pre-established thesaurus).
- Language: French or English.

KEY-WORDS OF THE ALPHABETICAL INDEX (B2):

- See the report, n° 14 and 18.
- 10 key words maximum.
- Language: French or English.

- (3) SUMMARY

- See the report, n° 8.
- A summary, passage by passage, of relevant decisions.
- Summarize the general information in the passage.
- At the end: return to the relevant passage.
- Language(s) of the decision + (very strongly wished) French or English.

- (4) FURTHER INFORMATION

- See the report, n° 9, in fine.
- Eg.: 'isolated judgement', 'constant jurisprudence', 'decision made before such modification of the Constitution', 'sudden change of jurisprudence: comp. with such and such decision', 'first judgement after such modification of the Constitution', 'decision made in the framework of such a litigation', 'see however', 'In the same sense:', etc.

APPENDIX 3

PRELIMINARY DRAFT SYSTEMATIC THESAURUS

COMPETENCES DE LA JURIDICTION

GENERALITES

NORMES DE REFERENCE

- Généralités
- Constitution

1. Généralités
2. Force obligatoire de la Constitution
3. Procédure d'élaboration ou de modification de la Constitution
4. Droit à la vie
5. Interdiction de la torture et des traitements inhumains ou dégradants
6. Egalité
7. Liberté de mouvement
8. Interdiction de l'esclavage et de la servitude
9. Droit à la sécurité
10. Liberté de conscience (liberté religieuse, liberté d'opinion)
11. Liberté d'expression
12. Liberté de la presse
13. Liberté des cultes
14. Liberté d'association
15. Liberté de réunion
16. Liberté de l'enseignement
17. Droit à l'enseignement
18. Droit à l'honneur et à la réputation
19. Droit à la vie privée
20. Droit à la vie familiale
21. Inviolabilité du domicile
22. Secret de la correspondance

JURISDICTIONAL COMPETENCES

GENERALITIES

REFERENCE NORMS

- Generalities
- Constitution

- Generalities
- Binding effect of the Constitution
- Procedure for elaborating or amending the Constitution
- Right to life
- Prohibition of torture and inhuman or degrading treatment
- Equality
- Freedom of Movement
- Prohibition of slavery and servitude
- Right to security
- Freedom of Conscience (freedom of religion, freedom of opinion)
- Freedom of expression
- Freedom of the press
- Freedom of worship
- Freedom of association
- Freedom of assembly
- Freedom of education
- The right to education
- Right to honour and integrity of character
- Right to private life
- Right to family life
- Right to respect for one's home
- Secrecy of correspondence

23.	Non-rétroactivité de la loi pénale	Non-retroactivity of criminal law
24.	Droit de propriété	The right to property
25.	Liberté de l'emploi des langues	Freedom of the choice of language
26.	Droit à un procès équitable	Right to fair trial
27.	Droits civil et politiques des étrangers	Civil and political rights of foreigners
28.	Droits des minorités	Minority rights
29.	Droit au travail	Right to work
30.	Droit au logement	Right to housing
31.	Droit à la sécurité sociale	Right to social security
32.	Droit aux conditions de travail justes et favorables	Right to equitable and decent conditions of work
33.	Droit à un niveau de vie suffisant	Right to a satisfactory standard of living
34.	Droit à la santé	Right to health
35.	Droit à la culture	Right to culture
36.	Etc.	Etc.
37.	Séparation des pouvoirs	Separation of powers
38.	Souveraineté nationale	National sovereignty
39.	Transferts de compétence à des institutions internationales	Transfer of competence to International Institutions
40.	Chef de l'Etat	Head of State
41.	Composition des assemblées législatives	Composition of legislative assemblies
42.	Compétences du législateur	Powers of the legislator
43.	Contrôle du législateur	Control of the legislator
44.	Régionalisation	Regionalisation
45.	Organes exécutifs	Executive organs
46.	Fonctionnement des organes exécutifs	Functioning of the executive organs
47.	Compétences des organes exécutifs	Power of the executive organs
48.	Contrôle des organes exécutifs	Control of the executive organs
49.	Décentralisation (pouvoirs locaux)	Decentralisation (local authorities)

50.	Organisation des juridictions	Organisation of the jurisdictions
51.	Fonctionnement des juridictions	Functioning of the jurisdictions
52.	Ministère public	Public Prosecutor
53.	Finances publiques	Public finances
54.	Armée	Army
55.	Police	Police
56.	Etc.	Etc.
Lois à valeur quasi-constitutionnelles		Quasi-constitutional laws
Principes fondamentaux de l'ordre juridique		Fundamental principles of the legal system
Textes internationaux ou supranationaux		International or supranational texts
1.	Généralités	Generalities
2.	Charte O.N.U.	U.N. Charter
3.	Pacte O.N.U. relatif aux droits civils et politiques	U.N. Covenant relating to civil and political rights
4.	Pacte O.N.U. relatif aux droits économiques, sociaux et culturels	U.N. Covenant relating to economic, social and cultural rights
5.	Convention européenne des droits de l'homme	European Convention on human rights
6.	Charte sociale européenne	European Social Charter
7.	Traités des Communautés européennes et droit dérivé (Règlements, directives, ...)	European Community treaties and resulting law (Regulations, Directives)
8.	Etc.	Etc.
Lois et autre normes ayant force de loi		Laws and other norms having the force of law
Principes généraux du droit		General principles of law
1.	Généralités	Generalities
2.	Souveraineté nationale	National sovereignty
3.	Continuité du service public	Continuity of public services
4.	Droits de la défense	Right to defence
5.	Séparation des pouvoirs	Separation of powers

- | | | |
|----|------------------------------------|-------------------------------|
| 6. | Indépendance du pouvoir judiciaire | Independence of the judiciary |
| 7. | Etc. | Etc. |

Coutume

Custom

Etc.

Etc.

NORMES CONTROLEES

NORMS CONTROLLED

- | | | |
|----|--|--|
| 1. | Généralités | Generalities |
| 2. | Traités internationaux | International treaties |
| 3. | Constitution | Constitution |
| 4. | Lois à valeur quasi-constitutionnelle | Quasi-constitutional laws |
| 5. | Lois et autres normes ayant force de loi | Laws and other norms having the force of law |
| 6. | Règlements de l'exécutif | Executive regulations |
| 7. | Règlements à valeur quasi-législative ou législative | Legislative or quasi-legislative regulations |
| 8. | Etc. | Etc. |

OBJET DE LA SAISINE DE LA JURIDICTION

REASON FOR SEIZING JURISDICTION

- | | | |
|----|--|---|
| 1. | Généralités | Generalities |
| 2. | Avis | Opinions |
| 3. | Annulation | Annulment |
| 4. | Suspension | Suspension |
| 5. | Constatation de constitutionnalité ou d'inconstitutionnalité | Determination of constitutionality or unconstitutionality |
| 6. | Etc. | Etc. |

MODES DE SAISINE DE LA JURIDICTION

METHODS OF SEIZING JURISDICTION

GENERALITES

GENERALITIES

RECOURS ABSTRAIT

APPEAL "IN ABSTRACTO"

Généralités

Generalities

Recours (ou demande) émanant d'une personne publique

Appeal (or demand) originating from a public body

- | | | |
|----|---------------------|--------------------|
| 1. | Généralités | Generalities |
| 2. | Organes législatifs | Legislative organs |
| 3. | Organes exécutifs | Executive organs |

4.	Organes d'autorités régionalisées	Organs of regional authority
5.	Organes d'autorités décentralisées	Organs of decentralised authorities
6.	Etc.	Etc.
	Recours (ou demande) émanant d'une personne privée	Appeal (or demand) originating from a private body
1.	Généralités	Generalities
2.	Personne physique	Natural person
3.	Personne morale à but non lucratif	Non-profit making corporate body
4.	Personne morale à but lucratif	Profit making corporate body
5.	Etc.	Etc.
	Demande de suspension	Request for suspension
1.	Généralités	Generalities
2.	Conditions de forme	Formal conditions
3.	Conditions de fond	Substantive conditions
4.	Etc.	Etc.
	CONTROLE CONCRET (Demande émanant d'une juridiction)	CONCRETE CONTROL (Request issuing from a jurisdiction)
1.	Généralités	Generalities
2.	Portée de l'obligation de saisir la juridiction	Scope of the obligation to seize the jurisdiction
3.	Reformulation de la question	Reformulation of the question
4.	Pertinence de la question	Pertinence of the question
5.	Etc.	Etc.
	FONCTIONNEMENT DES INSTITUTIONS PUBLIQUES	FUNCTIONING OF PUBLIC INSTITUTIONS
	EXERCICE DE LA SOUVERAINETE	EXERCISE OF SOVEREIGNTY
1.	Généralités	Generalities
2.	Equilibre des pouvoirs	Balance of powers
3.	Séparation des pouvoirs	Separation of powers
4.	Transfert de compétences à des institutions internationales	Transfer of competences to international institutions
5.	Etc.	Etc.

ORGANES LEGISLATIFS

1. Généralités
2. Contentieux électoral
3. Compétences
4. Procédure d'élaboration des lois
5. Garanties d'exercice du pouvoir
6. Relations avec les organes exécutifs
7. Relations avec les juridictions
8. Responsabilité
9. Etc.

LEGISLATIVE ORGANS

- Generalities
- Electoral disputes
- Powers
- Procedure for elaborating laws
- Guarantees for exercise of power
- Relationship with executive organs
- Relationship with jurisdictions
- Liability
- Etc.

ORGANES EXECUTIFS

1. Généralités
2. Hiérarchie
3. Compétence
4. Composition
5. Organisation
6. Relations avec les organes législatifs
7. Relations avec les juridictions
8. Décentralisation territoriale (pouvoirs locaux)
 - * Généralités
 - * Provinces
 - * Municipalités
 - * Tutelle
 - * Etc.
9. Décentralisation par services
10. Fonction publique
11. Etc.

EXECUTIVE ORGANS

- Generalities
- Hierarchy
- Powers
- Composition
- Organisation
- Relationship with legislative organs
- Relationship with jurisdictions
- Territorial decentralisation (local authorities)
- Generalities
- Provinces
- Municipalities
- Supervision
- Etc.
- Administrative decentralisation
- Civil service
- Etc.

JURIDICTIONS

1. Généralités
2. Organisation générale
3. Garanties de procédure

JURISDICTIONS

- Generalities
- General organisation
- Procedural guarantees

	<ul style="list-style-type: none">* Généralités* Droits de la défense* Procès équitable* Publicité des débats* Publicité des jugements* Délai raisonnable* Indépendance* Impartialité* Langues* Détention préventive* Etc.	<ul style="list-style-type: none">GeneralitiesRight to defenceFair trialPublic hearingsPublic judgmentsReasonable time limitsIndependenceImpartialityLanguagesPreventive detentionEtc.
4.	Juridictions judiciaires	Judicial jurisdictions
	<ul style="list-style-type: none">* Généralités* Organisation* Compétences* Procédure* Juridiction suprême* Juridictions civiles* Juridictions pénales* Juridictions à compétence spéciale* Magistrature assise* Ministère public* Greffe* Statut des magistrats* Discipline* Auxiliaires de la justice* Etc.	<ul style="list-style-type: none">GeneralitiesOrganisationPowersProceedingsSupreme jurisdictionCivil jurisdictionsPenal jurisdictionsJurisdictions of special competenceThe BenchPublic prosecutorCourt RegistrarRegulations governing judgesDisciplineAuxiliaries of justiceEtc.
5.	Juridictions administratives	Administrative jurisdictions
	<ul style="list-style-type: none">* Généralités* Organisation* Compétences* Procédure* Juridiction suprême* Juges* Ministère public* Greffe* Statut des magistrats* Discipline* Auxiliaires* Etc.	<ul style="list-style-type: none">GeneralitiesOrganisationPowersProceedingsSupreme jurisdictionJudgesPublic prosecutorCourt RegistrarRegulations governing judgesDisciplineAuxiliariesEtc.
6.	Juridictions militaires	Military jurisdictions
	<ul style="list-style-type: none">* Généralités* Organisation* Compétences* Procédure* Juridiction suprême* Juges* Ministère public* Greffe* Statut des magistrats* Discipline* Auxiliaires* Etc.	<ul style="list-style-type: none">GeneralitiesOrganisationPowersProceedingsSupreme jurisdictionJudgesPublic prosecutorCourt RegistrarRegulations governing judgesDisciplineAuxiliariesEtc.
7.	Juridictions d'exception	Special jurisdictions
	<ul style="list-style-type: none">* Généralités* Organisation* Compétences* Procédure	<ul style="list-style-type: none">GeneralitiesOrganisationPowersProceedings

* Juridiction suprême	Supreme jurisdiction
* Juges	Judges
* Ministère public	Public prosecutor
* Greffe	Court Registrar
* Statut des magistrats	Regulations governing judges
* Discipline	Discipline
* Auxiliaires	Auxiliaries
* Etc.	Etc.
8. Barreau	The Bar
* Généralités	Generalities
* Organisation	Organisation
* Compétences des organes	Powers of organs
* Rôle des avocats	Role of lawyers
* Statut des avocats	Regulations governing lawyers
* Discipline	Discipline
* Etc.	Etc.
9. Etc.	Etc.

FEDERALISME ET REGIONALISME

FEDERALISM AND REGIONALISM

1. Généralités	Generalities
2. Principes de base	Basic principles
3. Aspects institutionnels	Institutional aspects
* Généralités	Generalities
* Assemblées délibératives	Deliberative assembly
* Exécutif	Executive
* Juridictions	Jurisdictions
* Autorités administratives	Administrative authorities
* Etc.	Etc.
4. Aspects budgétaires et financiers	Budgetary and financial aspects
* Généralités	Generalities
* Financement	Financing
* Budget	Budget
* Mécanismes de solidarité	Mechanisms of solidarity
* Etc.	Etc.
5. Répartition des compétences	Distribution of powers
* Généralités	Generalities
* Système	System
* Contrôle	Control
* Coopération	Cooperation
* Etc.	Etc.

LIBERTES

FREEDOMS

GENERALITES

GENERALITIES

DROITS CIVILS ET POLITIQUES

CIVIL AND POLITICAL RIGHTS

1. Généralités

Generalities

2.	Droit à la vie	Right to life
	* Généralités	Generalities
	* Légitime défense	Legitimate defence
	* Peine de mort	Death penalty
	* Etc.	Etc.
3.	Interdiction de la torture et des traitements inhumains ou dégradants	Prohibition of torture and inhuman or degrading treatment
4.	Egalité	Equality
	* Généralités	Generalities
	* Notion	Conception
	* Critères objectifs	Objective criteria
	* But poursuivi	Objective pursued
	* Proportionnalité	Proportionality
	* Etc.	Etc.
5.	Liberté de mouvement	Freedom of movement
	* Généralités	Generalities
	* Restrictions	Restrictions
	* Détention préventive	Preventive detention
	* Etc.	Etc.
6.	Liberté de conscience	Freedom of conscience
	* Généralités	Generalities
	* Liberté d'opinion	Freedom of opinion
	* Liberté religieuse	Religious freedom
	* Restrictions	Restrictions
	* Etc.	Etc.
7.	Liberté d'expression	Freedom of expression
	* Généralités	Generalities
	* Restrictions	Restrictions
	* Etc.	Etc.
8.	Liberté de la presse	Freedom of the press
	* Généralités	Generalities
	* Presse écrite	Press
	* Presse audiovisuelle	Audiovisual media
	* Autres médias	Other medias
	* Conditions	Conditions
	* Restrictions	Restrictions
	* Etc.	Etc.
9.	Liberté des cultes	Freedom of worship
	* Généralités	Generalities
	* Restrictions	Restrictions
	* Etc.	Etc.
10.	Liberté d'association	Freedom of association
	* Généralités	Generalities
	* Conditions	Conditions
	* Restrictions	Restrictions
	* Etc.	Etc.

11.	Liberté de réunion	Freedom of public meeting
	* Généralités	Generalities
	* Conditions	Conditions
	* Restrictions	Restrictions
	* Etc.	Etc.
12.	Droit à l'honneur et à la réputation	Right to honour and integrity of character
13.	Droit à la vie privée	Right to private life
	* Généralités	Generalities
	* Restrictions	Restrictions
	* Etc.	Etc.
14.	Droit à la vie familiale	Right to family life
	* Généralités	Generalities
	* Restrictions	Restrictions
	* Etc.	Etc.
15.	Inviolabilité du domicile	Right to respect of one's home
	* Généralités	Generalities
	* Restrictions	Restrictions
	* Etc.	Etc.
16.	Secret de la correspondance	Secrecy of correspondence
	* Généralités	Generalities
	* Restrictions	Restrictions
	* Etc.	Etc.
17.	Non-rétroactivité de la loi pénale	Non-retroactivity of criminal law
18.	Droit de propriété	Right to property
	* Généralités	Generalities
	* Restrictions	Restrictions
	* Etc.	Etc.
19.	Liberté de l'emploi des langues	Linguistic freedom
	* Généralités	Generalities
	* Restrictions	Restrictions
	* Etc.	Etc.
20.	Droits civils et politiques des étrangers	Civil and Political rights of foreigners
21.	Etc.	Etc.
DROIT ECONOMIQUES, SOCIAUX ET CULTURELS		ECONOMIC, SOCIAL AND CULTURAL RIGHTS
1.	Généralités	Generalities
2.	Liberté de l'enseignement	Freedom of education
	* Généralités	Generalities
	* Droit de l'enseignement	Right to instruction
	* Egalité	Equality
	* Conditions	Conditions

* Organisation	Organisation
* Etc.	Etc.
3. Droit au travail	Right to work
4. Droit au logement	Right to housing
5. Droit à la sécurité sociale	Right to social security
6. Droit aux conditions de travail justes et favorables	Right to just and fair working conditions
7. Droit à un niveau de vie suffisant	Right to a sufficient standard of living
8. Droit à la santé	Right to health
9. Droit à la culture	Right to culture
10. Droits économiques, sociaux et culturels des étrangers	Economic, social and cultural rights of foreigners
11. Etc.	Etc.

DROITS COLLECTIFS

COLLECTIVE RIGHTS

1. Généralités	Generalities
2. Droits des minorités	Minority rights
3. Droit à l'environnement	Right to the environment
4. Droit au développement	Right to development
5. Droit à la paix	Right to peace
6. Etc.	Etc.

POLICE

POLICE

RESTRICTIONS GENERALES

GENERAL RESTRICTIONS

ETC.

ETC.

HIERARCHIE DES NORMES

HIERARCHY OF NORMS

GENERALITES

GENERALITIES

RAPPORT ENTRE LE DROIT INTERNATIONAL ET LE DROIT INTERNE

RELATIONSHIP BETWEEN INTERNATIONAL AND DOMESTIC LAW

1. Généralités	Generalities
2. Applicabilité directe (Généralités et détailler selon la norme en cause, ex: Réfugiés)	Direct applicability (Generalities and detail according to the norm in question, eg. Refugees)
3. Rapports entre la Constitution et le droit international	Relation between the Constitution and international law

	(Généralités et détailler selon la norme en cause, ex: Réfugiés)	(Generalities and detail according to the norm in question; eg. Refugees)
4.	Rapports entre le droit international et les lois et autres normes à valeur équivalente (Généralités et détailler selon la norme en cause, ex: Réfugiés)	Relation between international law and laws and other norms of equivalent value (Generalities and detail according to the norm in question, eg. Refugees)
5.	Rapports entre le droit international et les actes et règlements des organes exécutifs et des autorités décentralisées (Généralités et détailler selon la norme en cause, ex: Réfugiés)	Relation between international law and the acts and regulations of the executive organs and local authorities (Generalities and detail according to the norm in question; eg. Refugees)
RAPPORTS ENTRE LA CONVENTION EUROPEENNE DES DROITS DE L'HOMME (C.E.D.H.) ET LE DROIT INTERNE		RELATION BETWEEN THE EUROPEAN CONVENTION OF HUMAN RIGHTS (E.H.R.C.) AND DOMESTIC LAW
1.	Généralités	Generalities
2.	Applicabilité directe (Généralités et détailler selon la norme en cause, ex. Droit à la vie privée)	Direct applicability (Generalities and detail according to the norm in question, eg. Right to private life)
3.	Rapports entre la Constitution et la C.E.D.H. (Généralités et détailler selon la norme en cause, ex. Droit à la vie privée)	Relation between the Constitution and the E.H.R.C. (Generalities and detail according to the norm in question, eg. Right to private life)
4.	Rapports entre la C.E.D.H. et les lois et autres normes à valeur équivalente (Généralités et détailler selon la norme en cause, ex. Droit à la vie privée)	Relation between the E.H.R.C. and laws and other norms of equivalent value (Generalities and detail according to the norm in question, eg. Right to private life)
5.	Rapports entre la C.E.D.H. et les actes et règlements du pouvoir exécutif et des autorités décentralisées (Généralités et détailler selon la norme en cause, ex. Droit à la vie privée)	Relation between the E.C.H.R. and the acts and regulation of executive power and local authorities (Generalities and detail according to the norm in question, eg. Right to private life)
6.	Autorité des arrêts de la Cour européenne des droit de l'homme (Généralités et détailler selon la norme en cause, ex. Droit à la vie privée)	Authority of the judgments of the European Court of human rights (Generalities and detail according to the norm in question, eg. Right to private life)
7.	Etc.	Etc.

RAPPORTS ENTRE LE DROIT DES COMMUNAUTES
EUROPEENNES ET LE DROIT INTERNE

RELATION BETWEEN EUROPEAN
COMMUNITY LAW AND DOMESTIC LAW

- | | | |
|----|--|--|
| 1. | Généralités | Generalities |
| 2. | Applicabilité directe | Direct applicability |
| | * Généralités | Generalities |
| | * Traités | Treaties |
| | * Règlements | Regulations |
| | * Directives | Directives |
| | * Recommandations | Recommendations |
| | * Décisions | Decisions |
| | * (Détailler selon la norme en cause
ex. circulation des travailleurs) | (Detail according to the norm
in question eg. free movement
of workers) |
| | * Etc. | Etc. |
| 3. | Ordre juridique européen | European legal order |
| 4. | Rapports entre la Constitution et le
droit des Communautés européennes

(Généralités et détailler selon la norme
en cause ex. égalité des sexes) | Relation between the
Constitution and European
Community law
(Generalities and detail
according to the norms in
question eg. sexual equality) |
| 5. | Rapports entre le droit des Communautés
européennes et les lois et autre normes
à valeur équivalent

(Généralités et détailler selon la norme
en cause ex. égalité des sexes) | Relation between European
Community law and laws and
other norms of equivalent
value
(Generalities and detail
according to the norms in
question eg. sexual equality) |
| 6. | Rapports entre le droit des Communautés
européennes et les actes et règlements
du pouvoir exécutif et des autorités
décentralisées
(Généralités et détailler selon la norme
en cause ex. égalité des sexes) | Relation between European
Community law and acts and
regulations of executive
power and local authorities
(Generalities and detail
according to the norms in
question eg. sexual equality) |

RAPPORTS ENTRE LES LOIS (ET NORMES A VALEUR
EQUIVALENTE) ET LES REGLEMENTS

RELATION BETWEEN LAWS (AND
NORMS OF EQUIVALENT VALUE) AND
THE REGULATIONS

RAPPORTS ENTRE LES NORMES REGLEMENTAIRES

RELATION BETWEEN REGULATORY
NORMS

PROCEDURE DEVANT LA JURIDICTION
CONSTITUTIONNELLE

PROCEDURE BEFORE THE
CONSTITUTIONAL JURISDICTION

GENERALITES

GENERALITIES

DELAI D'INTRODUCTION DE L'AFFAIRE

TIME LIMITS FOR ADMISSION OF
THE CASE

1. Généralités
2. Délai de droit commun
3. Délais exceptionnels

- Generalities
- Regular time limits
- Exceptional time limits

4.	Réouverture du délai	Re-opening of time limits
5.	Etc.	Etc.
ACTE INTRODUCTIF		INITIATING ACT
1.	Généralités	Generalities
2.	Décision d'agir	Decision to take action
3.	Signature	Signature
4.	Formes	Forms
	* Généralités	Generalities
	* Mentions obligatoires	Obligatory mentions
	* Exposé des faits	Statement of facts
	* Exposé des moyens	Statement of grounds
	* Etc.	Etc.
5.	Annexes	Appendices
6.	Notification	Notification
7.	Etc.	Etc.
MOYENS		GROUND
1.	Généralités	Generalities
2.	Délais	Time limits
3.	Forme	Procedure
4.	Etc.	Etc.
PIECES EMANANT DES PARTIES (MEMOIRES, CONCLUSIONS, NOTES, ETC.)		DOCUMENTS ORIGINATING FROM THE PARTIES (STATEMENTS, CONCLUSIONS, NOTES, ETC.)
1.	Généralités	Generalities
2.	Délais	Time limits
3.	Décision de déposer la pièce	Decision to lodge the document
4.	Signature	Signature
5.	Forme	Procedure
	* Généralités	Generalities
	* Mentions obligatoires	Obligatory references
	* Exposé des faits	Statement of facts
	* Exposé des moyens	Statement of grounds
	* Etc.	Etc.
6.	Annexes	Appendices
7.	Notification	Notification
8.	Etc.	Etc.

INSTRUCTION DE L'AFFAIRE

1. Généralités
2. Réception par la juridiction
3. Notifications et publications
4. Délais
5. Procédure préliminaire
6. Avis
7. Rapports
8. Mesures d'instruction
9. Etc.

PARTIES

1. Généralités
2. Qualité
3. Intérêt
4. Représentation
 - * Généralités
 - * Barreau
 - * Etc.
5. Etc.

INCIDENTS

1. Généralités
2. Intervention
4. Inscription de faux
5. Reprise d'instance
6. Résistement
7. Connexité
8. Récusation
9. Etc.

AUDIENCE

1. Généralités
2. Déroulement
3. Rapport
4. Avis

PRELIMINARY INVESTIGATION OF THE CASE

- Generalities
- Registration by the Court
- Notifications and publication
- Time limits
- Preliminary procedure
- Opinion
- Reports
- Investigatory measures
- Etc.

PARTIES

- Generalities
- Capacity
- Interest
- Representation
- Generalities
- the Bar
- Etc.
- Etc.

POINT OF LAW, INCIDENTAL PLEAS

- Generalities
- Intervention
- Plea of forgery
- Resumption of proceedings
- Opposition
- Connection
- Challenge
- Etc.

COURT HEARING

- Generalities
- Progress
- Report
- Opinion

5. Exposés oraux des parties
6. Etc.

Oral statements of the parties
Etc.

REOUVERTURE DES DEBATS

REOPENING OF HEARINGS

DECISION

DECISION

1. Généralités
2. Délibéré
3. Forme
4. Signature
5. Prononcé
6. Publication
7. Notification
8. Rectification
9. Exécution
10. Effets
 - * Généralités
 - * Etendue
 - * Effet absolu
 - * Effet relatif
 - * Effet rétroactif
 - * Limitation à l'effet rétroactif
 - * Etc.
11. Etc.

Generalities
Deliberation of Judges
Procedure
Signature
Delivery
Publication
Notification
Rectification
Enforcement
Effects
Generalities
Scope
Absolute effect
Relative effect
Retroactive effect
Limitation to the retroactive effect
Etc.
Etc.

Appendix No. 4

APPENDIX TO SECTION V ON COMPUTERISATION

A. Technical specification and estimated cost of minimum configuration

1. I.B.M. - p.c. clone
 - type AT 386 or 486 (INTEL-CPU)
 - minimum 32 Mhz clock speed
 - 8 Mb RAM internal memory
 - bi-floppy, 1.2 and 1.44 Mb (5.25" and 3.5")
 - 300 Mb hard disk
 - serial/parallel ports
 - EGA or VGA adapter
 - real-time clock
 - 102 enhanced keyboard
 - 14" monochrome monitor
 - mouse
 - MS-DOS 5.0estimated price : 5,000 - 6,000 ECUS
2. LASER PRINTER
 - minimum 8 pages per minute
 - sheetfeederestimated price : 2,000 ECUS
3. MODEM
estimated price : 5,000 ECUS
4. SCANNER
estimated price : 2,000 ECUS
5. SOFTWARE
 - TEXT PROCESSING (Wordperfect ; MS-Word ; Wordstar ; Display Write, ...)
estimated price : 600 ECUS
 - TEXT RETRIEVAL program
estimated price : 1,200 ECUS
 - OPTICAL CHARACTER RECOGNITION
estimated price : 3,000 ECUS
 - facilities (windows 3.0 - norton utilities 6.0 or PC-tools Deluxe 7.1 - soft-fonts and sundry)
estimated cost : 600 ECUS

TOTAL ESTIMATED COST : 15,000 ECUS

B. The need for an efficient text retrieval system

If the Centre is to provide a quality service it is essential to choose an efficient text-DBMS (text-DataBase Management System).

Perhaps the following information will contribute to a better understanding of the needs of the Centre, which should help the technicians to select the most suitable package.

- Type of information to be processed

The Centre will centralise the decisions of Constitutional Courts and their equivalent. From the technical point of view these are plain texts (successions of words), varying in length, simple in structure and containing very few figures. Conventional data base softwares such as dBase III and IV or Foxbase, Clipper, Reflex, Rbase, etc. are therefore not suitable.

It must be possible to retrieve the full texts of the decisions concerned. Text processing programmes provide for this function. It should be borne in mind, however, that the data bank will eventually store many thousands of documents dozens of pages long, so full text retrieval will be a time-consuming business.

Furthermore, the information is not devoid of structure : most of the data will be classified on the basis of a thesaurus and key words. The key words should refer the user to **summaries** of the main decisions comprising approximately 1500 characters (1/2 page A4 paper (21 x 29,7 cm) - 150 10-letter words). So it is more complex than just searching for particular words in full texts, which means that conventional word processing packages like Wordperfect, Microsoft Word, Wordstar, Display Write, etc. are insufficient.

Note also that a single decision may generate several summaries, and each summary may be accessible via several key words. These relatively variable fields should therefore be able to comprise sub-fields and also be "repeatable".

Finally, it should not be forgotten that the information contained in the data bank may be stored in a number of different languages.

- Feeding information into the data bank

The program must include extensive editing facilities comparable to those found in an efficient word processing package. The characters to be processed cannot be limited to the 7-ascii-set. At the very least the IBM-extended-character-set is needed (to cope, for example, with the large number of different languages, some of which use different characters).

Speedy interaction with widely used word processing programs is also required, as is the possibility, after data input, of processing worksheets and field definitions.

- Data search and retrieval capability

It should be possible to consult the data bank using the key words in the systematic thesaurus and in the alphabetical index, and even words used in the summaries or in the actual texts of the decisions. To save time, therefore, the program should contain a list of words which cannot be used to consult the data bank (e.g. conjunctions, prepositions, etc.).

It is important that the index should be quick and simple to create, alter and update. It should be possible to use Boolean selection criteria (and - or - not) with the key words.

Proximity searching, truncation (left, right and using wildcards), phonetic searching and specific character searching should also be possible.

It should also be possible, if necessary, to limit the search to definable fields or sub-fields, or to certain numerical data such as dates of decisions or texts.

Search strategy and findings must be easy to adapt to individual needs, and the programme must be able to cope with adjustments or refinements of the search strategy (cascade effect).

Finally the output capacity (screen, memory and printer) must be as large as possible.

- Other considerations

- * Handling should be left to the experts : a powerful, flexible program is more important than one that is easy to use.
- * The following is a non-exhaustive list of existing programs that more or less match the required profile :

CAIRS ; STATUS ; TINMAN ; TINlib (U.K.)
BRS/Search ; INMAGIC ; MARCON ; TEXTBANK (U.S.A.)
MICRO-QUESTEL ; TEXTO (France)
VUBIS ; FREEBASE (Netherlands - Belgium)
CSD-ISIS (Unesco).

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ANNEX No. 5

Q U E S T I O N N A I R E

1. NUMBER OF DECISIONS

- a) How many decisions are pronounced each year ?
- b) What is the total number of decisions the Court has pronounced since it came into being ?
- c) What is the average number of pages per decision ?
- d) What is the approximate total number of pages of all the decisions the Court has pronounced ?
- e) Approximately how many pages does a "long" decision contain ?
- f) Do you foresee any significant increase or reduction in the number of decisions in the near future (2 to 4 years) ?

2. TYPE OF DECISION

- a) Is it necessary to distinguish different types of decision, according, for example, to the type of case (direct control - abstract control), the Court chambers involved (and their respective spheres of competence), content (decisions to dismiss the case following a preliminary investigation or decision), etc. ?
- b) If so, please state the number of decisions of each type pronounced every year.

3. DECISION STRUCTURE

- a) Please give a brief description of how decisions are generally structured (e.g. : 1. identification ; 2. the facts ; 3. the proceedings ; 4. the substance). (For each type of decision if necessary)
- b) How are the sub-divisions of a decision indicated ? (e.g. by underlined headings, headings in special characters, numbering, etc.)

4. IDENTIFICATION OF DECISIONS

- a) What are the different elements by which a decision can be identified ? (name of Court, Chamber, number, date, type of decision, etc.)

- b) How is a decision generally incorporated in national legal theory ?

5. PUBLICATION OF DECISIONS

- a) Are decisions available : -
- typed on paper (format) ?
 - printed on paper (format - form) ?
 - microfiche (format - form - type of hardware) ?
 - floppy disk (format - software used) ?
 - other supports ?
- b) Please explain how decisions are published (by the court itself or by another body ? ; full text or extracts ? ; all decisions or only some of them ? etc.).

6. PROCESSING OF DECISIONS

- a) Does the court already make summaries of its decisions ? On what basis ? (some/all decisions ; done by the Court itself or through another body ; etc.)
- b) Is there any specific thesaurus or any other filing system to help people consult the case law of the Court ?
- c) Does the Court already have a computerised data bank of its case law ? (if possible, state the hardware and software used and the centres equipped if other than the Courts themselves).

7. LANGUAGES

- a) In what language(s) are the decisions :
- written ?
 - pronounced ?
 - published ?
- b) Are the decisions and/or summaries available in or translated into French and/or English ?
How soon are these translations available ?

8. COMMUNICATION WITH THE DOCUMENTATION CENTRE

- a) Who would be the Centre's contact at the Court ?
(Name(s) - function - service - address - telephone and fax number - languages spoken)
- b) By what means could decisions be transmitted to the Centre ? (on paper/floppy disk by post (format) ; by fax ; by computer link (modem))