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Or. Eng. & Fr.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

**PROPOSALS FOR AMENDMENT
OF VERSION 10 OF THE SYSTEMATIC THESAURUS**

Note by the Secretariat

I – LANGUAGE CHANGES

#	ENGLISH	FRENCH
1.1.1.1.2	<u>Organic law</u>	Loi organique
1.1.1.1.4	Rules of procedure	<u>Règlement intérieur</u>
1.1.1.2	<u>Independence</u>	Autonomie
1.1.2.8	Staff	<u>Personnel</u>
1.2.1.3	Organs of regional authorities	Organes d'autorités <u>régionales</u>
1.2.1.6 & 7	... <u>European Communities</u>	... <u>des Communautés européennes</u>
<i>fn 8</i>	<u>Referrals of preliminary questions in particular</u>	<i>Notamment les questions préjudicielles</i>
1.3.2, 1.3.3	/	[fn n° at <u>end</u> of line]
1.3.5.5	Elections of officers <u>in professional bodies</u>	Élections professionnelles
1.3.5.6, 1.3.6, <i>fn 12</i> : <u>Referenda</u>		/
1.3.7.3	Removal from <u>parliamentary office</u>	Déchéance <u>du mandat parlementaire</u>
1.4.14	<u>Government Acts</u>	Actes de gouvernement
1.4.15	Failure to <u>act or</u> pass legislation	Carence d'acte <u>ou de législation</u>
1.5.5.5	<u>Service</u>	Notification
1.5.9.1	<i>Locus standi</i>	Qualité <u>pour agir</u>
1.5.10	Interlocutory proceedings	Incidents <u>de procédure</u>
1.5.11.1	Composition of the court	Composition <u>de l'instance</u>
1.5.14	Costs	<u>Frais de procédure</u>
1.5.14.1	Waiver of court fees	<u>Exonération des frais de justice</u>
1.5.14.2	Legal aid or assistance	<u>Aide judiciaire, assistance</u>
1.5.14.3	Party costs	<u>Dépens des parties</u>
1.6.1.1	Composition <u>of the court</u>	Composition <u>de l'instance</u>
1.7.1	Scope	<u>Champ d'application</u>
1.7.5.2	<u>Limitation</u> on retrospective effect	Limitation à l'effet rétroactif
1.7.8.1	Ongoing cases	Incidence sur <u>des</u> procès en cours
1.7.8.2	Decided cases	Incidence sur <u>des</u> procès terminés
2.1.1.10	Convention on the <u>Rights</u> of the Child of 1989	/

2.1.1.11	European Charter of Local <u>Self-Government</u> of 1985	/
2.1.1.12	Vienna Convention on the <u>Law</u> of Treaties of 1969	/
2.2.1	Hierarchy as between national and non-national sources	Hiérarchie entre sources <u>nationales et non nationales</u>
2.2.1.5	European Convention on Human Rights and domestic <u>non-constitutional</u> legal instruments	Convention européenne des Droits de l'Homme et actes de droit interne non constitutionnels
2.2.1.9	Subordinate Community law and domestic <u>non-constitutional</u> legal instruments	Droit communautaire dérivé et actes de droit interne non constitutionnels
3.11	Vested <u>and/or acquired</u> rights	Droits acquis
4.1.5	<u>Liability</u>	Responsabilité
<i>fn 30</i>	<i>... exemption from <u>prosecution</u> ...</i>	<i>... privilèges de juridiction ...</i>
4.3.11.1.2	<u>Criminal</u>	Pénal
4.4.6.3	Assize courts	<u>Cours d'assises</u>
<i>fn 36</i>	<i>Eg <u>Auditor-General</u></i>	<i>Par exemple la Cour des Comptes</i>
4.9.7	Relations with the <u>auditing</u> bodies	Relations avec les institutions de contrôle <u>financier</u>
5.1.2.2.1	... applicants for refugee status	... <u>demandeurs du statut de réfugié</u>
5.2.9.5	Right to be informed <u>of</u> the decision	Droit à la notification de la décision
5.2.16	... mass communication	... communication <u>de masse</u>
5.2.25.2	Succession	<u>Succession</u>
5.2.34.2	Right to <u>stand for election</u>	Éligibilité
5.3.13	Right to just and decent working conditions	Droit à des conditions de travail justes et <u>convenables</u>

II – SUBSTANTIVE CHANGES

PROPOSAL BY THE CJCE

4.11.1.4 **Institutions** – European Union – Institutional structure – Court of Justice and Court of First Instance.

PROPOSALS BY THE SECRETARIAT

- 1.1 **Constitutional justice** – Constitutional jurisdiction
 - * Add footnote: *Constitutional Court or equivalent body (Constitutional Tribunal or Council, Supreme Court etc)*
- 1.1.2 **Constitutional justice** – Constitutional jurisdiction – Powers
- 1.3.11 **Constitutional justice** – Types of litigation – Litigation in respect of constitutional amendments
- 1.3.12 **Constitutional justice** – Types of litigation – Conflict of laws
- 3.11 **General principles** – Legitimate expectations
- 4.1 **Institutions** – Head of State
 - 4.1.1 Status
 - 4.1.1.1 Qualifications required
 - 4.1.1.2 Disqualifications
 - 4.1.1.3 Immunities
 - 4.1.2 Powers
 - 4.1.2.1 Veto
 - 4.1.3 Appointment or election
 - 4.1.4 Duration of office
- 4.2 **Institutions** – Legislative bodies
 - 4.2.2 Powers
 - 4.2.2.1 Limitations
 - 4.2.3 Composition
 - 4.2.3.1 Members elected by direct representation
 - 4.2.3.2 Members elected by proportional representation
[NB Phrased this way because often mixed]
 - 4.2.5 Seat

- 4.2.6 Sessions
 - 4.2.6.1 Public access
 - 4.2.6 Elections
 - 4.2.6.1 Validity
 - 4.2.6.2 Term of office
 - 4.2.6.3 Dissolution
 - ~~4.2.13 Political parties~~
[Deal with under "Composition"]
 - 4.2.14 Status of members of legislative bodies
 - 4.2.14.1 Election
 - 4.2.14.2 Disqualifications
 - 4.2.14.3 Immunities
 - 4.2.14.4 Loss of office
- 4.3 Institutions – Executive bodies**
 - 4.3.6 ~~Relations with the legislative bodies~~
Relations with the Head of State
 - 4.3.8 Territorial administrative decentralisation
 - 4.3.8.3 Elections
 - 4.3.10 The civil service
 - 4.3.11.1 Entry requirements
 - 4.3.11.2 Remuneration
 - [...]
- 4.4 Institutions – Jurisdictional bodies**
 - 4.4.1 Jurisdiction
 - 4.4.1.1 Exclusive
 - 4.4.1.2 Conflicts
 - 4.4.1.2.1 Geographical distribution
 - 4.4.1.2.2 Distribution according to subject-matter
 - 4.4.4.1 Members
 - 4.4.4.1.3 Irremovability
 - 4.4.5 Relations with international jurisdictional bodies
 - 4.4.12 Non-judicial bodies [fn: *Eg bodies of arbitration.*]
- 4.5 Institutions – Federal and regional structures**
 - 4.5.2 Institutional aspects
 - 4.5.2.1 Legislative or deliberative assemblies
 - 4.5.4 Distribution of powers

4.5.4.1 Principles and methods

4.5.4.1.1 Equality of powers of entities

4.5.4.1.2 Asymmetric system

4.5.5 Languages

4.7 **Institutions** – Armed forces, police forces and intelligence services

4.7.3 Intelligence services

4.7.3.1 Functions

4.7.3.2 Structure

4.9 **Institutions** – Ombudsman

4.9.2 Guarantees of independence

4.9.2.1 Duration of office

4.9.2.2 Incompatibilities

4.9.2.3 Financial independence of the institution

4.10 **Institutions** – State symbols and State representatives

4.10.1 Flag

4.10.2 Coat of arms

4.10.3 Anthem

4.10.4 Diplomats

4.10.4.1 Status

4.10.4.2 Immunities

5.1.2 **Fundamental Rights** – General questions – Entitlement to rights

5.1.2.1 Natural persons

5.1.2.1.1 Nationals

5.1.2.1.1.1 Nationals living abroad

5.1.2.1.2 Foreigners

5.1.2.1.2.1 Refugees and applicants for refugee status

5.1.2.1.3 Minors

5.1.2.1.4 Legally incapacitated persons

5.1.2.1.5 Prisoners and other detained persons

5.1.2.2 Legal persons

5.1.2.2.1 Private law

5.1.2.2.2 Public law

5.2.4 **Fundamental Rights** – Civil and political rights – Equality

5.2.4.2 Criteria of distinction

5.2.4.2.2 Sexual orientation

5.2.4.2.3 Marital status

5.2.5 **Fundamental Rights** – Civil and political rights – Individual liberty

5.2.5.1 Deprivation of liberty

- 5.2.5.1.1 Arrest or remand in custody
- 5.2.5.1.2 Detention pending trial
- 5.2.5.1.3 Non-penal measures

5.2.9 **Fundamental Rights** – Civil and political rights – Procedural safeguards and fair trial

5.2.9.1 Scope

- 5.2.9.2.2 Disciplinary procedures

5.2.9.2 Access to courts

- 5.2.9.2.2 Right to be heard

5.2.9.23 Right to counsel

- 5.2.9.23.1 Duties of officially appointed counsel

5.2.9.24 Witnesses

- 5.2.9.24.1 Right to call and examine
- 5.2.9.24.2 Anonymous

5.2.9.25 Jury

- 5.2.9.25.1 Right to trial by jury
- 5.2.9.25.2 Jury selection
- 5.2.9.25.3 Instructions by judge to jury [fn: *Common law trials*]

5.2.9.26 Right to be present at hearing

[fn: *In particular the right not to be tried in absentia*]

5.2.9.27 Punishment proportional to the crime

5.2.16 **Fundamental Rights** – Civil and political rights – Rights in respect of the audiovisual media and other means of mass communication

5.2.16.1 Licensing requirements

5.2.31 **Fundamental Rights** – Civil and political rights – Non-retrospective effect of law

5.2.31.1 Constitution

5.2.32 **Fundamental Rights** – Civil and political rights – Right to property

5.2.32.5 Right to peaceful enjoyment of property

5.2.32.6 Rights of non-owners [fn: *Eg lessees, mortgagees*]

5.3.3 **Fundamental Rights** – Economic, social and cultural rights – Right to work

5.3.3.1 Unfair dismissal

5.3.12 **Fundamental Rights** – Economic, social and cultural rights – Right to social security

5.3.12.1 Right to pension

5.3.15 **Fundamental Rights** – Economic, social and cultural rights – Right to dispose of own income