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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

GUIDELINES FOR THE VENICE FORUM

Guidelines for the Venice forum

By virtue of a decision taken at the 13th meeting of the Sub-Commission on Constitutional Justice with the Liaison Officers (Brussels, 1997), the Venice Commission established an Internet Forum which is open to the liaison officers in order to discuss questions arising during the work of the participating courts and to request information from the other courts about such issues. Usually, the liaison officer from the requesting court sends an e-mail to the Secretariat of the Venice Commission which is in turn forwarded all other liaison officers. The responses are then sent to the requesting liaison officer. Such requests should be in conformity with the following guidelines:

1. Subject of the requests

Requests usually concern issues of material constitutional law but questions concerning the procedure also have been put forward. Requests relating to other issues of interest to the courts, like the budget of the court or the relations with the media, might be asked via the Venice Forum. The Venice Forum could even be used to inform the other courts about undue pressure exerted on the courts and to seek advice on how to deal with it.

If there is a need to make announcements concerning activities of the courts, the Secretariat is prepared to set up a billboard on the web site of the Venice Commission for this purpose. This is preferable to using the Venice Forum. Changes in the composition of the Court are now reflected in the "Courts" section of the Commissions' special site for liaison officers ("<http://venice.coe.int/ju>"). Such changes could, in addition, be announced via a billboard as well.

2. Preliminary research

The requesting liaison officer is kindly invited to try to find the answer to the request in the CODICES database before turning to the other liaison officers. The Secretariat of the Commission may be able to help in this respect.

3. Formulation of requests - description of circumstances

Requests should be formulated clearly and include elements which allow the other liaison officers to put the request into perspective. A few sentences explaining the circumstances of the case may be useful in this respect.

4. Languages

The request should be formulated in one of the official languages of the Council of Europe (English or French - a majority of the liaison officers use the English language). For the sake of a quick circulation of the requests but also for budgetary reasons, the requests cannot be translated by the Secretariat. The responses can also be sent in one of these languages. Usually the requesting liaison officer may be able to find ways to use responses in the language, which he or she does not know personally. If this not the case, the requesting liaison officer should indicate for example "please send replies only in English " (or French). Obviously this may result in a lower number of responses.

5. Deadline

The request should indicate a deadline until which responses are to be sent. Often requests relate to a particular case before the requesting court. Once the decision has been handed down, responses from other court are of limited value. Therefore, the other liaison officers should know that from a certain point in time onwards their research effort for the preparation of a response would be in vain.

6. Sending the request

Requests should be sent to the Secretariat of the Venice Commission to the address Schnutz.Durr@coe.int with the subject "Urgent: Request to the Venice Forum". A copy of the request should be sent to the central mailbox of the Commission Venice@coe.int. This will allow other members of the Secretariat of the Commission to handle requests in the absence of Schnutz Drr. The request should also indicate the e-mail address and/or fax number of the requesting liaison officer to which reponses should be sent

7. Distribution of the request

After having verified the above-mentioned formal elements, the Secretariat will forward the request as soon as possible to the other liaison officers. The Secretariat may add he results of its own research in the CODICES database to the request. This will avoid liaison officers to provide the same information.

8. Responses

If the answer to a request can be found in CODICES, the responding liaison officer may refer to a prcis or full texts contained in the database by indicating the relevant identification number(s).

In order to save time, the response should be sent directly to the requesting liaison officer to the address indicated in the request. A copy should be sent to the Secretariat of the Commission in Strasbourg. The subject line should indicate the requesting and

responding country, e.g. "Venice Forum - LTU: HUN" for a reply from Hungary to a request from Lithuania.

9. Reference document

Often the responses given are of high general interest and may be of use not only for the requesting court but also for the other courts. Therefore, the Secretariat produces once a year a documents with the replies given via the Venice Forum. This document will be classified as "confidential" in order to maintain a climate of openness and trust within the Forum.

The Venice Commission would like to thank all liaison officers from constitutional courts and equivalent bodies who have responded to the requests in the Venice Forum and hopes that this tool will continue to be of great use for the participating courts.