



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

GUIDELINES FOR THE “CLASSIC” VENICE FORUM

* This document will not be distributed at the meeting. Please bring this copy.

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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 for discussion. This Forum is open to the liaison officers to discuss questions that arise in the participating courts' work and to request information from one another on relevant 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 to all other liaison officers. The replies are then sent to the requesting liaison officer. This system is called the 'classic' (e-mail based) Venice Forum, which is open to all liaison officers in the Joint Council on Constitutional Justice. In addition, the Venice Commission has set up the Venice Forum Newsgroup, which is also open to courts that co-operate with the Venice Commission on a regional basis (ACCPUF, SAJC, UACCC, CICJ, Asia etc.). The user's guide for the Newsgroup can be found in document CDL-JU(2006)010.

Requests made to the classic Venice Forum should follow these guidelines:

1. Subject of the requests

Requests usually concern material constitutional law issues, but questions concerning procedural issues have also been asked. Requests relating to other issues of interest to courts, such as the budget of the court or the relations with the media, may be made via the Venice Forum. The Venice Forum may even be used to inform the other courts about undue pressure exerted on the courts and to seek advice on how to deal with the situation.

For announcements concerning activities of the courts which do not need a reply by the other courts (pending decision, recent decision, appointments) can be posted on the Newsgroup. Changes in the composition of the Court notified to the Secretariat can also be found in the "Courts" section of the Commissions' restricted site for liaison officers ("<http://venice.coe.int/ju>").

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 assist the liaison officer 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 made in one of the official languages of the Council of Europe (English or French - the majority of the liaison officers use the English language). In order to facilitate the quick circulation of the requests, but also for budgetary reasons, the requests cannot systematically be translated by the Secretariat. The replies should also be sent in one of the official languages. Usually, the requesting liaison officer finds a solution in order to understand the replies given to him or her in either of the official languages, even if he or she does not understand this language. If this is not the case, the requesting liaison officer should indicate for example to "please send replies only in English" (or French). This may, of course, result in a lower number of replies.

5. Deadline

The request should provide a deadline for replies. Requests often refer to a particular case that is currently in front of the requesting court. Once the decision has been handed down, replies from other courts are of limited use. Therefore, the other liaison officers should be aware that once the deadline has passed, their research efforts for the preparation of a reply might be in vain. For this reason, it is important for liaison officers to include in their requests an indication of whether replies sent after the given deadline are still useful.

Some requests provide for long deadlines and in case such a deadline exceeds 14 days, the Secretariat will try to send a "reminder" e-mail shortly before the deadline is reached.

Liaison officers are also invited, where possible, to send the final decisions or the comparative case-file they have produced with the information they have received through the Venice Forum.

6. Sending the request

Requests should be sent to the Secretariat of the Venice Commission, to the following address: tanja.gerwien@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 Tanja Gerwien's absence. The request should also indicate the e-mail address of the requesting liaison officer to which replies 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 results of its own search in the CODICES database to the request. This will avoid liaison officers from providing the same information.

8. Replies

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

In order to save time, the reply should be sent directly to the requesting liaison officer's e-mail 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 countries, e.g. "Venice Forum - LTU: HUN" for a reply from Hungary to a request from Lithuania.

9. Availability of previous requests on the restricted web-site

The replies received are often of a high general interest and may be useful not only to the requesting court, but also to other courts. The Secretariat therefore encourages the liaison officers to consult the restricted web-site, where all previous requests are available (<http://www.venice.coe.int/JU/VeniceForum>).

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