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Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**OVERVIEW OF CO-OPERATION
WITH CONSTITUTIONAL COURTS**

FUNCTIONS OF LIAISON OFFICERS

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*This document will not be distributed at the meeting. Please bring this copy.
<http://www.venice.coe.int>*

1. Introduction – restricted web-site

Together with constitutional courts and courts of equivalent jurisdiction (constitutional councils, supreme courts) in its member and observer states, the Venice Commission has established a network of liaison officers with the aim of producing the *Bulletin on Constitutional Case-Law* and the CODICES database.

The Joint Council on Constitutional Justice of the Venice Commission, which is composed of members of the Venice Commission and the liaison officers, meets once a year at the seat of the Commission in Venice or, at the invitation of a court, at the seat of the latter, in order to discuss the editing of the *Bulletin*, the progress made with the production of the CODICES database and the exchange of information on the 'classic' Venice Forum and the Venice Forum Newsgroup.

Upon appointment, liaison officers receive a number of documents, including the report of the last meeting of the Joint Council on Constitutional Justice and a general description of the activities of the Venice Commission. In addition, the Internet site of the Commission provides information on its members and links to participating constitutional courts (www.venice.coe.int). A special site with restricted access for liaison officers is also available: www.venice.coe.int/ju. On this site, you will find the material available on the public site together with the list of courts, the list of liaison officers, the entry mask and the restricted documents for the liaison officers.

2. Password for restricted site and Venice Forum Newsgroup

The login / username both for the restricted site for liaison officers (www.venice.coe.int/ju) and the Venice Forum Newsgroup (see below, <https://cwsn.coe.int/team21/veniceforum>) is the liaison officers' e-mail address. The password can be obtained via the 'reset' process. Enter your e-mail address at <http://www.dit.coe.int/SiteManager/WebForms/ResetPassword.aspx>. You will then receive a message from noreply-SiteManager@coe.int, which contains a link "reset". Click on this link and you will receive another message with the new password. **Attention, the password expires after two month and needs then to be reinitialized.** Please contact the Secretariat (Ms Jordan) if you have problems with this procedure.

3. "Classic" Venice Forum

In 1997, the Venice Commission established an Internet Forum for the liaison officers to discuss questions that arise in the work of the participating courts and to request information from the other courts on such questions. Usually, the liaison officer from the requesting court will send an e-mail to the Secretariat of the Venice Commission which, in turn, will forward it to all the other liaison officers for reply (guidelines in document CDL-JU(2008)001). The requests should relate to the case-law of the courts rather than inquiries about the legislative situation in other countries.

4. Venice Forum Newsgroup

In 2006, the Venice Forum Newsgroup website was set up to facilitate the direct exchange of information between the courts, without the need for the Secretariat of the Venice Commission to intervene, unlike the "classic" Venice Forum.

The Venice Forum Newsgroup is a restricted website that provides a less formal setting for the exchange of information between liaison officers. It gives liaison officers the opportunity to

exchange messages, make announcements (appointments at the courts, important recent or upcoming decisions, etc.), and to up or download documents (Doclib) and photos that can be accessed by all users. While the classic Venice Forum is open to liaison officers in the Venice Commission's member and observers states only, the Newsgroup is open also to the courts members of the regional or linguistic groups, which co-operate with the Venice Commission (French speaking, Arab, Asian, Ibero-American, Southern African, etc.). Please use the Newsgroup actively to keep the other courts informed about major events at your court.

The address of the Newsgroup site is: <https://cwsml.coe.int/team21/veniceforum>.

5. Amicus curiae opinions (briefs)

On request by a court, the Venice Commission also provides *amicus curiae* opinions (or briefs), which present aspects of comparative law with respect to specific cases pending before a participating court. If need be, such *amicus curiae* opinions can also be given within a relatively short period of time, at least in a preliminary form. The Commission usually invites one or two rapporteurs to provide their individual comments first. These comments are then sent to the requesting court, after which a consolidated opinion based on these comments is discussed at one of the plenary sessions of the Commission, which take place four times a year.

The Venice Commission has also given a number of opinions on legislation on constitutional courts.

6. Bulletin on Constitutional Case-law

Three times a year, liaison officers are requested to send summaries (*précis*) of important decisions in English or French to the Secretariat of the Venice Commission. These *précis* are adapted, formatted and translated into either English or French and finally published in the *Bulletin on Constitutional Case-Law* by the Secretariat. Document CDL-JU (2001) 5 contains **guidelines on how to draft the *précis***. Liaison officers are kindly invited to use the data input mask at www.venice.coe.int/ju/codices. Document CDL-JU (2004)036 contains the user's guide on how to use the input mask. If this proves to be too difficult, you can also use standard word-processing software (Word) for entering the *précis*.

The general **schedule for the preparation of the *précis*** is the following:

- **Issue 1: Period from 1 January to 30 April**
 - Deadline for contributions : 15 May
 - Publication date of the *Bulletin* : February/March of the following year
- **Issue 2: Period from 1 May to 31 August**
 - Deadline for contributions : 15 September
 - Publication date of the *Bulletin* : June/July of the following year
- **Issue 3: Period from 1 September to 31 December**
 - Deadline for contributions : 15 January
 - Publication date of the *Bulletin* : September/October of the following year

7. Choice of decisions to contribute in the form of *précis*

The concept of constitutional cases published in the Bulletin is a wide one. It goes well beyond institutional issues and includes human rights issues (e.g. on fair trial) but also electoral cases. The **choice of decisions** to be published in the *Bulletin* lies with either the liaison officer or the Court. A criterion for the selection of decisions could be the interest they raised in other countries, which will in most cases be one of constitutional law. Important cases, which have a major political impact in the country, may of course feature in the *Bulletin* as well. This fact should be pointed out in the "Supplementary information" zone of the *précis* concerned. Due to the great volume of contributions that are sent to the Secretariat, editorial modifications will only be sent to liaison officers if major changes were made to the text. However, liaison officers may consult the state of advancement of the editing of their contributions on the interim site for the Bulletin at www.venice.coe.int/ju/Bulletin (accessible by password) at any time.

7. Full texts of decisions

In addition to the *précis*, the Secretariat would be grateful if liaison officers could send the **full texts** of the summarised decisions in the original language(s) and, if available, their translation into any other languages. The full texts need to reach the Secretariat in text processing format (Word, etc.) in order to be integrate database. For technical reasons, we cannot include PDF files into CODICES.

8. Library

If your Court publishes its decisions in a printed official collection, we are happy to include this collection or any other publication of your Court in our multilingual Documentation Centre on Constitutional Justice. A list of the documents available there can be found at www.venice.coe.int/site/dynamics/N_cocentre_ef.asp.

9. Special Bulletins

In addition to the three regular issues of the Bulletin, the Venice Commission published a number special issues on various topics chosen by the Joint Council on Constitutional Justice:

The Special *Bulletin* on "**Descriptions**" of the participating courts, first published in 1994 and re-published in 1999, has been integrated into the CODICES database and is updated there.

Another series of Special *Bulletins*, the "**Basic Texts**", contains the laws governing the work of the participating courts together with extracts of the constitutions concerning the courts. Seven *Bulletins* have been published in this series so far and have been integrated into the CODICES database. The special *Bulletin* "Basic Texts 8" is being prepared.

The *Bulletins* published in the series "**Leading cases**" present the case-law of several courts decided prior to participation in the *Bulletin*.

- "Leading Cases 1" contains decisions from Czech Republic, Denmark, Japan, Norway, Poland, Slovenia, Switzerland and Ukraine (2002)
- "Leading Cases 2" contains decisions from Belgium, France, Hungary, Luxembourg,

- Romania, and the United States (2008)
- “Leading cases of the European Court of Human Rights” comes in two volumes and presents a selection of the most important cases of the Courts since its creation until the Court started to publish its important cases in the regular issues of the *Bulletin*.

Another series of special Bulletin has been requested by and prepared for the successive presidencies of the **Conference of European Constitutional Courts** at the occasion of the Conferences’ triennial congresses:

- “Freedom of Religion and Beliefs” (requested by the Polish Presidency of the XIth Conference of European Constitutional Courts) (published 1999)
- “The relations between Constitutional Courts and other national courts, including the interference in this area of the action of European Courts” (requested by the Belgian Presidency of the XIIth Conference of European Constitutional Courts) (published 2003)
- “The Criteria for Limitation of Human Rights in the Practice of Constitutional Justice” (requested by the Cypriot Presidency of the XIIIth Conference of European Constitutional Courts) (published 2006)
- “Legislative Omissions” (requested by the Lithuanian Presidency of the XIVth Conference of European Constitutional Courts) (published 2008)

A special Bulletin on “**Secretaries General**” presents a study on their status and functions as a result of the conferences of secretaries general organised by the Venice Commission (2006).

With the exception of “Secretaries General” (to follow), all special Bulletins have been included into the corresponding parts of the CODICES database where they are fully searchable and where they are updated.

10. CODICES Database

The regular and Special *Bulletins* together with the full texts of the decisions, which have been received, were included in the **CODICES** database and published on **CD-COM**. CODICES is publicly available at the following address: www.codices.coe.int.

11. Contributions

Liaison officers will receive an e-mail (sample extract below), three times a year and 15 days after the expiry of a reference period, inviting them to contribute to the current *Bulletin* and requesting certain information updates.

1. ☐ Case-Law for Bulletin 2009/1 (January-April 2009)
2. ☐ No Case-Law for Bulletin 2009/1
3. ☐ Case-Law not ready for Bulletin 2009/1 will be published in the following Bulletin 2009/2
4. ☐ Amendments to the Constitution (as compared to the version published in CODICES)
5. ☐ Amendments to the Law on the Constitutional Court (as compared to the version published in CODICES)

6. ☐ Publications of the Court (for the multilingual library of the Centre on Constitutional Justice; to be sent under separate cover)
7. ☐ Changes in the composition of the Court (as compared to the list available at <http://www.venice.coe.int/ju>)
8. ☐ Changes in your address or that of your Court (as compared to this list available at <http://www.venice.coe.int/ju>)

Liaison officers are kindly requested to reply, even if there was no relevant case-law, because the Secretariat will publish a note in this respect in the *Bulletin*. Please also inform us should there be any relevant case-law which you were unable to contribute within the set deadline and which you intend to send us for the next reference period. In addition, please send us the full text of the decisions, possible updates of the description of the Court, amendments to the Constitution or the Law on the Court and any publication by the Court (official digest, legal journal, proceedings, brochure etc.) for the multilingual documentation Centre of the Venice Commission (Library) (www.venice.coe.int/site/dynamics/N_cocentre_ef.asp).

12. Sending of contributions

In order to include all the above-mentioned texts in the CODICES database, please send them by e-mail to Mrs Ana Gorey (ana.gorey@coe.int).

13. Financial arrangements

The expenses incurred for the journey to the place of the meetings of the Joint Council on Constitutional Justice are borne by the Court which has nominated the liaison officer. The Venice Commission cannot, unfortunately, financially contribute to the valuable work the liaison officers provide and for which the Venice Commission is most grateful.

14. Contact

Mr Schnutz Rudolf DÜRR, Head of the Constitutional Justice Division is at your disposal for any further questions (Tel. +33 3 88 41 39 08 / Fax +33 3 90 21 42 17 / e-mail: Schnutz.Durr@coe.int).

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There is a list of liaison officers' addresses on the restricted website for liaison officers (www.venice.coe.int/ju, which is protected by a password that is sent to the liaison officers with their welcoming letter). If, in addition, you agree to have your address or any element of it included in the public CODICES database, you are kindly invited to indicate this in the corresponding form, to sign and return it to the Secretariat.

15. Relevant documents

- Annual Report of Activities 2008
- Report of the last meeting of the Joint Council on Constitutional Justice [CDL-JU-PV(2008)001]
- Systematic Thesaurus version 20 [CDL-JU(2008)031]
- Précis guidelines [CDL-JU(2005)062]
- CoCoSem Guidelines [CDL-JU(2009)002]
- Venice Forum Guidelines [CDL-JU(2008)007]
- CODICES CD-ROM with User's Guide [CDL-JU(2005)012] and Simplified Users' Guide [CDL-JU(2003)001]
- Data input mask (included in \package sub-directory of the CODICES CD-ROM) with User's Guide [CDL-JU(2004)036]
- Fax reply form for the release of personal data into CODICES