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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

**Secretariat Memorandum
concerning Special Bulletins
on important decisions in
European Constitutional Case-Law**

**Special Bulletins
on landmark decisions in
European Constitutional Case-Law**

The special edition of basic texts relating to constitutional courts and other equivalent institutions, of which two volumes have already appeared, will probably be completed in the course of 1997, once again raising the question of the subject of the new special edition.

The special editions are useful and, indeed, essential additions to the case-law regularly published in the Bulletin, because they help understand the actual dimension of the decisions selected, bearing in mind the powers of the court rendering them and its procedures. The material contained in the special editions also enriches the CODICES database.

Consistent with the objectives of the special editions, it is proposed to devote the next special editions of the Bulletin to the publication of abstracts of landmark decisions in European constitutional case-law. Although the material of the Bulletin and of the CODICES database provides sufficient information about current activities in constitutional courts, the publication and inclusion in CODICES of important case-law from before 1993 would surely make the Bulletin and CODICES better working and research tools. In practice, the goal is to publish in the Bulletin, using the same form of presentation as for new decisions, all landmark decisions which courts cooperating with the Bulletin delivered prior to 1993 (or prior to the date on which such cooperation began).

The Secretariat is aware that this will be a major and long-term effort which could be a burden on liaison officers, and it is therefore proposed to proceed in the following fashion:

1. The liaison officers would provide the Secretariat of the Venice Commission with copies (in the original language or in translation, where such a translation exists) of decisions whose publication is desired, on paper and if possible in electronic form (diskette, E-mail) in order to include them in CODICES as well;
2. The Secretariat would prepare the précis of the decisions in question, depending on available human and language resources making use of trainees, persons on study trips or, where appropriate, temporary staff;
3. The abstracts would then be submitted for approval to the liaison officers before being published in a Special Bulletin. *Alternatively*, the Secretariat might be given full responsibility for their publication.

If the proposal to publish the landmark decisions of European constitutional case-law were adopted, implementation would be spread out over a number of volumes of the special Bulletin and would probably take several years. The liaison officers would need to decide the order in which the case-law of the courts concerned will be presented. This would also enable the Secretariat to make the appropriate estimates with regard to language requirements for staff involved in this effort.