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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

**Cooperation with the Association ACCPUF
(Association of Constitutional Courts
using the French language)**

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Note by the Secretariat

The Secretary General of the Association of Constitutional Courts using the French Language (ACCPUF), Ms. Remy Granger, who is also liaison officer with the Venice Commission in respect of the French Constitutional Council addressed a letter (CDL-JU (98) 18) to the Secretary of the Commission proposing a co-operation between the two bodies.

The ACCPUF has been created in 1997 and tries to foster co-operation between the francophone constitutional courts, constitutional councils, supreme courts or parliamentary constitutional supervisory bodies in the world. One of the aims of the Association is to publish a Bulletin on constitutional case-law and to set up a database which is to give access to the case-law of the participating courts.

A number of courts participate both in the endeavours of the Venice Commission and in the ACCPUF (Belgium, Bulgaria, Canada, France, Moldova, Romania, Switzerland). As these courts are to contribute to both Bulletins / databases, they have an interest in harmonising the summaries (precis) which they deliver to both bodies and their indexation.

The Sub-Commission on Constitutional Justice and the liaison officers have gained considerable experience in the publication of the *Bulletin on Constitutional Case-Law* and CODICES. Feedback from readers of the Bulletin and users of CODICES show the high esteem that these products enjoy in Europe and abroad. The ACCPUF is interested to gain from this experience acquired.

In particular Ms. Granger proposes to use the existing Systematic Thesaurus for the future bulletin and database of the Association. She acknowledges that the sole right to make modifications to the Thesaurus would remain with the Sub-Commission and the liaison officers. Thus a unified access to the publications/ databases of both bodies would be guaranteed. Should the Association see a need to complement the Thesaurus, it would propose such a modification to the meeting of the Sub-Commission with the liaison officers via one of the liaison officers who are represented in both organisations. A new version would always be adopted by the Sub-Commission meetings and would then apply to both bodies in its unique form.

The Association further proposes to make both Bulletins and databases available to all participating courts and equivalent bodies free of charge. That is to say that the Bulletin and CODICES would be sent to courts and constitutional supervisory bodies of the ACCPUF while the courts participating in the Sub-Commission works would receive the corresponding publications of ACCPUF.

The Secretariat is of the opinion that such a co-operation could be beneficial also to the Sub-Commission and the participating courts represented by the liaison officers. Access to the publications provided by the ACCPUF would be facilitated for participating courts as well as for the readers of the Bulletin / CODICES if there the same search logic were used.

The European standards of democracy and human rights which are reflected in the decisions of the participating constitutional courts are of high interest for extra-european countries. The courts could make their decisions known also in a wider geographical area, especially also in countries which are yet progressing on the way towards these standards. The availability of the Bulletin and CODICES could encourage to take further steps in this direction in such countries.

As the most interesting contributions to the Bulletin from constitutional courts in observer States to the Venice Commission show, information about decisions from non-European countries considerably enrich also our publications. Often similar constitutional problems come up in several countries at the time. Mutual information on how these problems have been resolved elsewhere can only be beneficial. The only drawback in this would be that the ACCPUF as is geared towards French speaking courts and will publish only in French. This could hamper access to these publications for some courts.

Taken together, the advantages seem to outweigh the inconvenients.

Therefore, the Secretariat proposes to decide to give it a mandate to elaborate a formal agreement between the Venice Commission (also on behalf of the liaison officers) and ACCPUF. Such an agreement would need to safeguard the following points:

1. ACCPUF would have the right to use the Systematic Thesaurus in the version valid at the time of publication by ACCPUF.
2. ACCPUF would have the right to use the structure of the Bulletin (zones) in its bulletin / database.
3. The right of author and of modification of the Thesaurus and the bulletin structure would remain with the Sub-Commission and the liaison officers.
4. When using the Thesaurus and the structure of the Bulletin in the bulletin and database of the ACCPUF, indication needs to be made of its origin. This should be done by mentioning "In co-operation with the Venice Commission and liaison officers from Constitutional Courts" together with the logo of the Venice Commission (lion) on the cover page of the bulletin / CD-ROM. A footnote near the top of the Thesaurus inside the bulletin should mention this as well.
5. Modalities for mutually making available the Bulletins and databases to the participating courts or equivalent bodies of both bodies should be part of the agreement.

The agreement would be submitted to the next meeting of the Sub-Commission with the liaison officers for approval. Following this, it could be concluded between the two Secretariats. In the meantime informal co-operation in establishing the necessary organisational structures (file transfer etc.) could go ahead.