



Venice, 9 March 2004

Restricted  
**CDL-JU(2004)014**  
**Or. Engl.**

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**PROPOSALS BY THE WORKING GROUP  
FOR AMENDMENTS TO VERSION 15  
OF THE SYSTEMATIC THESAURUS**

as adopted by the Joint Council on Constitutional Justice  
(Venice, 10 March 2004)

- 1 Constitutional Justice – new footnote **"This chapter – as the Systematic Thesaurus in general - should be used restrictively, as the keywords in it should only be used if a relevant question is raised. This chapter is thus not used to establish statistical data; rather, the Bulletin reader or user of the CODICES database should only find decisions under this chapter when the subject of the keyword is an issue in the case."**
- 2.1 Sources of constitutional law –Categories: add footnote :**"Only for issues concerning applicability and not simple application"**.
- 3.21 General principles - Equality: in footnote 44 delete sentence ~~"Also refers to the principle of non-discrimination on the basis of nationality as it is applied in Community law."~~. This EU principle should be dealt with together with similar issues under the chapter 5.2.2.4 Fundamental Rights - Equality - Criteria of distinction - Citizenship.
- 4.7.4.3 Institutions - Judicial bodies - Organisation – Prosecutors / State counsel: new footnote: **"Notwithstanding the question to which to branch of state power the prosecutor belongs"**
- 4.8.6.1.1 Institutions - Federalism, regionalism and local self-government - Institutional aspects - Deliberative assembly - **Status of members.**
- 5.1.3 Fundamental Rights - General questions - Limits and restrictions: add footnote **"The criteria of the limitation of human rights (legality, legitimate purpose/general interest, proportionality) are indexed in chapter 3."**
- 5.1.3 Fundamental Rights - General questions - Limits and restrictions – **Non-derogable rights.**
- 5.1.3 Fundamental Rights - General questions - Limits and restrictions - **General/special clause of limitation.**
- 5.1.3 Fundamental Rights - General questions - Limits and restrictions - **Subsequent review of limitation.**
- 5.1.4 Fundamental Rights- General questions: add to footnote 97 **"Includes questions of the suspension of rights"**.
- 5.2.2.4 Fundamental Rights- Equality- Criteria of distinction – Citizenship **or nationality.**
- 5.3.13.13 Fundamental Rights - Civil and political rights - Procedural safeguards, rights of the defence and fair trial - Trial within reasonable time - Trial / **decision** within reasonable time – this addition allows to cover also civil and administrative decisions;
- 5.3.13.14 Fundamental Rights- Civil and political Rights - Independence and 5.3.13.15 Fundamental Rights - Civil and political Rights – Impartiality: add footnote: **"Including challenging of a judge."**
- 5.3.16 Fundamental Rights - Civil and political rights - **Principle of the application of the more lenient law.**