



Strasbourg, 13 May 2019

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Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**18th Meeting of the Joint Council
on Constitutional Justice**

Thursday, 23 May 2019, 2 p.m. – 6 p.m.

Friday, 24 May 2019, 9 a.m. – 6 p.m.

(Training session:

Thursday, 23 May 2019, from 10 a.m. to 12.30 p.m.)

DRAFT ANNOTATED AGENDA

Thursday, 23 May 2019

A. Training session**(10 a.m. – 12 p.m.)**

The Secretariat will present the *Guidelines for the presentation of contributions to the Bulletin on Constitutional Case-law and Codices* and functions of Los and the various IT- tools at the disposal of the liaison officers:

- a) Public and restricted Web-site of the Venice Commission (with password reset procedure), regional and linguistic groups, the World Conference on Constitutional Justice, opinions and reports;
- b) Venice Forum, including Newsgroup, classic Venice Forum and the Constitutional Constitutional Justice Observatory, as well as the including the list of courts/presidents, secretaries general, and liaison officers;
- c) CODICES database.

B. Joint Council meeting**(2.30 p.m. – 6 p.m.)****1. Opening**

- **Ms Marta Cartabia, Vice-President of the Constitutional Court of Italy**
- **Mr Gianni Buquicchio, President of the Venice Commission**

Family photo**2. Adoption of the Agenda****3. Communication by the Secretariat**

The Secretariat will inform the participants about the current activities of the Venice Commission.

4. Updating data on the participating courts

Liaison officers are invited to let the Secretariat know whether the information regarding their Courts is correct (available in the Venice Forum

<https://cs.coe.int/team21/veniceforum/Lists1/Forms/AllItems.aspx>, under “Lists”).

5. Venice Forum

The Venice Forum includes the “Classic” Venice Forum, the Newsgroup, the Constitutional Justice Observatory and the Interim Bulletin.

Link: <https://cs.coe.int/team21/veniceforum>

5.a. “Classic” Venice Forum

Link: <https://cs.coe.int/team21/veniceforum/SitePages/Classic%20Venice%20Forum.aspx>

Year	Number of questions received (in total)	Number of answers received (in total)
2018	35	512 (between 3 and 25 replies per question)
2019 (up to 6 March)	4	67
TOTAL	39	579

5.b. Venice Forum Newsgroup

Link: <https://cs.coe.int/team21/veniceforum/default.aspx>

The Newsgroup enables courts to actively share information with each other, e.g. to make on-line announcements on changes to their composition, on recent key judgments and to make various requests for general information.

The Newsgroup is also used by the Secretariat to inform liaison officers about accessions to the World Conference on Constitutional Justice (WCCJ) and appointments of Presidents to Courts.

Liaison officers are alerted every Friday at 3 p.m. CET about new items that are added to the Newsgroup.

Liaison officers, who are new or who have not received these alerts or who cannot access the Venice Forum, are invited to contact the Secretariat.

5.c. Observatory

Link: <https://cs.coe.int/team21/veniceforum/SitePages/Observatory.aspx>

The Observatory is sent in the form of an e-mail to members and liaison officers who have subscribed and presents information on news agency dispatches and press articles relating to constitutional courts and equivalent bodies.

The information presented is the result of an Internet search in English and in French and does not purport to provide a complete picture of any decision or development of constitutional justice in general. Although the Venice Commission cannot vouch for the accuracy of the information sent, it can add any information provided by the court concerned or remove an article, upon request.

Liaison officers may register for weekly Observatory messages.

In 2018, the Secretariat published 822 articles in the Observatory.

6. Opinions and studies of the Venice Commission

Participants will be informed about opinions and reports on constitutional justice, adopted by the Venice Commission since the last meeting of the JCCJ on 27-28 June 2018, held in Lausanne, Switzerland.

Georgia	<i>Amicus curiae</i> brief for the Constitutional Court of Georgia on the effects of Constitutional Court decisions on final judgments in civil and administrative cases (CDL-AD(2018)012).
Malta	Opinion on the constitutional arrangements and separation of powers and the independence of the judiciary and law enforcement bodies of Malta (CDL-AD(2018)028).

Report	Report on separate opinions of constitutional courts (CDL-AD(2018)030).
Ukraine	<i>Amicus curiae</i> brief for the Constitutional Court of Ukraine on separate appeals against interim measures of first instance courts (not yet adopted).

Follow up to previous opinions:

Armenia	Opinion on the draft Constitutional Law on the Constitutional Court (CDL-AD(2017)011)
Serbia	Opinion on the draft amendments to the constitutional provisions on the judiciary (CDL-AD(2018)011)
European Court of Human Rights	<i>Amicus curiae</i> brief for the European Court of Human Rights in the case of Berlusconi v. Italy on the minimum procedural guarantees which a State must provide in the framework of a procedure of disqualification from holding an elective office (CDL-AD(2017)025).

7. Co-operation activities

7.a. Co-operation with the Conference of European Constitutional Courts (CECC)

Participants will be informed about the Venice Commission's co-operation with the Conference of European Constitutional Courts (CECC).

13-14 June 2018	Prague, Czech Republic – XVIII th Congress of the Conference of European Constitutional Courts.
26-29 May 2020	Prague, Czech Republic – XVIII th Congress on the topic " <i>Human Rights and Fundamental Freedoms: The Relationship of International, Transnational and National Catalogues in the 21st Century</i> ".

7.b Co-operation with the Association of Constitutional Courts using the French Language (ACCPUF)

Participants will be informed about the Venice Commission's co-operation with the Association of Constitutional Courts using the French Language (ACCPUF).

30 April-3 May 2019	Montréal, Canada – 8 th Congress of ACCPUF on the "Constitution and legal certainty".
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7.c. Co-operation with the Southern African Chief Justices Forum (SACJF)

Participants will be informed about the Venice Commission's co-operation with the Southern African Chief Justices Forum (SACJF) and the support that it extended to the Supreme Court of the Seychelles.

7.d. Co-operation with the Conference of the Constitutional Control Organs of the Countries of New Democracy (CCCOCND)

Participants will be informed about the Venice Commission's co-operation with the Conference of the Constitutional Control Organs of the Countries of New Democracy (CCCOCND).

28 August 2018	Astana, Kazakhstan – International Conference "A Constitution: the Embodiment of the Values of the Rule of Law, Civil Society and the modern State", dedicated to the Day of the Constitution of the Republic of Kazakhstan and meeting of the Conference of Constitutional Control Organs of the Countries of New Democracy (CCCOCND).
30-31 May 2019	Minsk, Belarus – Meeting of the CCCOCND.

7.e. Co-operation with the Association of Asian Constitutional Courts and Equivalent Institutions (AACC)

Participants will be informed about the Venice Commission's co-operation with the Association of Asian Constitutional Courts and Equivalent Institutions (AACC).

29 May – 1 st June 2018	Seoul, Korea – First Research Conference of the Association of Asian Constitutional Courts and Equivalent Institutions Secretariat for Research and Development (AACC SRD) on the topic <i>“Jurisdictions and Organisation of AACC members”</i> .
2-5 September 2018	Seoul, Korea – international conference on the topic <i>“Constitutional Justice and Democracy”</i> .
August 2019	Putrajaya, Malaysia – 4 th Congress of the AACC.
November 2019	Indonesia – International Symposium.
2021	Jakarta and Bandung – Joint event bringing together the AACC and the CCJA on the topic <i>“Constitutionalism and Constitutional Justice”</i> .

7.f. Co-operation with the Ibero-American Conference of Constitutional Justice (CIJC)

Participants will be informed about the Venice Commission's co-operation with the Ibero-American Conference of Constitutional Justice (CIJC).

16-19 May 2018	Panama City, Panama – XII th meeting of the CIJC on <i>“Relations between constitutional and ordinary jurisdiction: evolution since the meeting of Seville of 2005”</i> .
10-13 July 2018	Montevideo, Uruguay – Seminar on <i>“Courts and constitutional courts as guarantors of the electoral processes”</i> .
3-4 December 2018	Antigua, Guatemala – Seminar on the <i>“Balance of two decades of dialogue between Courts”</i> .
May 2020	Colombia – XIII th Conference of the CIJC

7.g. Co-operation with the Union of Arab Constitutional Courts and Councils (UACCC)

Participants will be informed about the Venice Commission's co-operation with the Union of Arab Constitutional Courts and Councils (UACCC).

7.h. Co-operation with the Conference of Constitutional Jurisdictions of the Portuguese-speaking Countries (CJCPLP)

Participants will be informed about the Venice Commission's co-operation with the Conference of Constitutional Jurisdictions of the Portuguese-speaking Countries (CJCPLP).

7.i. Co-operation with the Conference of Constitutional Jurisdictions of Africa (CCJA)

Participants will be informed about the Venice Commission's co-operation with the Conference of Constitutional Jurisdictions of Africa (CCJA).

30-31 January 2019	Johannesburg, South Africa – 10 th session of the Executive Board of the CCJA.
10-13 June 2019	Luanda, Angola – 5 th Congress of the CCJA.

7.j. Commonwealth Courts

Participants will be informed about the Venice Commission's co-operation with the Commonwealth Courts.

8. World Conference on Constitutional Justice (WCCJ)

Since the WCCJ's Statute entered into force on 24 September 2011, 114 Constitutional Courts, Constitutional Councils and Supreme Courts exercising constitutional justice have acceded to the WCCJ. The updated list of members is available at: www.venice.coe.int/WCCJ.

8 February 2019	Santo Domingo, Dominican Republic – 14 th meeting of the WCCJ Bureau and the First Training of liaison officers.
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9. Seminars and conferences with Constitutional Courts (CoCoSem)

Participants will be informed about the Venice Commission's participation in seminars/conferences since the last Joint Council meeting as well as the programme for future CoCoSem seminars.

2018 – completed events since the last JCCJ meeting	
6 July	Baku, Azerbaijan – International Conference on “ <i>The State Governed by the Rule of Law and the Constitutional Justice: values and priorities</i> ” organised in celebration of the 20 th anniversary of the Constitutional Court of the Republic of Azerbaijan.
12-14 July	Andorra la Vella – Participation in the Conference on “ <i>Constitutional Courts guarantors of the democratic quality of societies?</i> ” organised on the occasion of the 25 th anniversary of the Constitutional Court of Andorra.
2-5 September	Seoul, Korea – Participation in the International Conference in commemoration of the 30 th anniversary of the Constitutional Court of Korea, organised by the Constitutional Court of the Republic of Korea.
10 September	Kyiv, Ukraine – International Conference “ <i>The Individual Constitutional Complaint to the Constitutional Court of Ukraine</i> ”.
25 October	Pristina, Kosovo – Participation in the Opening of the 9 th Judicial Year of the Constitutional Court of Republic of Kosovo.
1-2 November	Yerevan, Armenia – Participation in the International Conference on “ <i>The New Millennium Constitutionalism</i> ” organised by the “Constitutional Culture” International Analytical Center of the Constitutional Court of Armenia.
4 December	Amman, Jordan – Seminar on “ <i>Legal stability and the case for reversing precedent</i> ” organised by the Constitutional Court of Jordan together with the Venice Commission and funded by the Council of Europe and the European Union under the Joint South Programme III (2018-2020) entitled “ <i>Ensuring Sustainable Democratic Governance and Human Rights in the Southern Mediterranean</i> ”.
7 December	Sucre, Bolivia – Conference on “ <i>Constitutional Justice and the Principle of Proportionality</i> ” organised by the Constitutional Court of Bolivia and the Venice Commission.
14-16 December	Istanbul, Turkey – Participation in the First International Conference of the Constitutional/Supreme Courts of the OIC Member Countries on the “ <i>Role of the higher judiciary in protecting the rule of law and fundamental rights</i> ”.
2019 – completed events	
7-8 February	Santo Domingo, Dominican Republic – Training session for liaison officers and 14 th meeting of the WCCJ Bureau.
8 March	Budapest, Hungary – Participation in the International Conference on “ <i>Constitutional EU identity 2019 Unity in Diversity – Common and Particular Values</i> ” organised by the Constitutional Court of Hungary.

30 April-3 May	Montréal, Canada – 8 th Congress of ACCPUF on “ <i>Constitution and legal certainty</i> ”.
2019 – upcoming events	
30-31 May	Minsk, Belarus – International Conference on “ <i>Modern Constitutional Development: the Role of Constitutional Review in Constitutionalisation of Law</i> ” celebrating the 25 th anniversary of the Constitutional Court of Belarus.
9-13 June	Luanda, Angola – 5 th Congress of the CCJA on “ <i>Constitutional Courts / Councils as Guarantors of the Constitution and Fundamental Rights and Freedoms</i> ”.
August	Putrajaya, Malaysia – 4 th Congress of the AACC.

10. Publication of the *e-Bulletin on Constitutional Case-Law*

The Secretariat will invite liaison officers to discuss any issues concerning the preparation of contributions to the e-Bulletin: headnotes, indexing, cross-references, etc.

As the Bulletin is now fully electronic form, liaison officers are invited to share their experience and suggestions for improvement.

11. CODICES database

11.a Upgrading of the CODICES database

Participants will be informed about progress made in upgrading CODICES.

11.b Updating and indexing of constitutions, laws and descriptions in CODICES

Participants will be informed about the progress made in updating constitutions, laws on and descriptions of courts (see document CDL-JU(2019)009).

12. Documentation Centre on Constitutional Justice / Library

The Secretariat will thank the participating Courts for their contributions to the Documentation Centre. The list of documents is available at:

<http://www.venice.coe.int/WebForms/cocentre/default.aspx>

13. Other business

14. Date and place of the next meeting

The 19th meeting of the JCCJ will be hosted by the Constitutional Court of Croatia in Zagreb in 2020.

Friday, 24 May 2019

PROGRAMME

MINI-CONFERENCE

*“Independence of the Judiciary,
the role of constitutional courts”*

Friday, 24 May 2019 (9 a.m. – 5:20 p.m.)

MINI-CONFÉRENCE

*« L’Indépendance du Judiciaire, le
rôle des Cours constitutionnelles »*

vendredi, 24 mai 2019 (9h – 17h20)

MORNING SESSION		SÉANCE MATINALE	
9 – 9:10 a.m.	OPENING Tanja Gerwien, Legal Officer, Division on Constitutional Justice of the Venice Commission	9h – 9h10	OUVERTURE Tanja Gerwien, Juriste, Division de la Justice constitutionnelle de la Commission de Venise
9:10 – 9:40 a.m.	“The Independence of Judiciary: Case Law from the Italian Constitutional Court” Umberto Zingales, Vice Secretary General, Constitutional Court, Italy	9h10 – 9h40	« L’indépendance du Judiciaire : la jurisprudence de la Cour constitutionnelle italienne » Umberto Zingales, Secrétaire Général-adjoint, Cour constitutionnelle, Italie
9:40 – 10:10 a.m.	“The Independence of the Judiciary – Case Law of the Irish courts” Sarahrose Murphy, Senior Executive Legal Officer to the Chief Justice, Supreme Court, Ireland, and Patrick Conboy, Legal Officer, Supreme Court, Ireland	9h40 – 10h10	« L’indépendance du Judiciaire : la jurisprudence des cours irlandaises » Sarahrose Murphy, Cadre juridique supérieur auprès du Président, Cour suprême, Irlande et Patrick Conboy, juriste, Cour suprême, Irlande
10:10 – 10:25 a.m.	Discussions	10h10 – 10h25	Discussions
10:25 – 10:55 a.m.	Coffee break	10h25 – 10h55	Pause-café
10:55 – 11:25 a.m.	“When judges speak about judges: How the Greek Council of State views judicial independence” Theodora Ziamou, Associate judge, Council of State, Greece	10h55 – 11h25	« Quand les juges parlent des juges : Comment le Conseil d’État grec envisage l’indépendance judiciaire » Theodora Ziamou, Maître de requêtes, Conseil d’Etat, Grèce

11:25 – 11:55 a.m.	<p>“Independent judge, objective judge and some other topics related to these issues in the European, Inter-American, and Peruvian scenarios”</p> <p>Eloy Espinosa-Saldaña, Judge, Constitutional Tribunal, Peru, Substitute member of the Venice Commission for Peru</p>	11h25 – 11h55	<p>« Juge indépendant, juge objectif et autres sujets liés à ces questions dans les scénarios européen, interaméricain et péruvien »</p> <p>Eloy Espinosa-Saldaña, Juge, Tribunal constitutionnel, Pérou, membre suppléant de la Commission de Venise pour le Pérou</p>
11:55 – 12:25 p.m.	<p>“A review constitutional jurisprudence on the independence of judges. The cases of the Chilean Constitutional Court”</p> <p>Manuel Puccio Wulkau, Study Director, Lawyer, Constitutional Court, Chile</p>	11h55 – 12h25	<p>« Un examen de la jurisprudence constitutionnelle sur l'indépendance des juges. Les affaires de la Cour constitutionnelle chilienne »</p> <p>Manuel Puccio Wulkau, Directeur d'étude, Avocat, Cour constitutionnelle, Chili</p>
12:25 – 12:40 p.m.	Discussions	12h25 – 12h40	Discussions
12:40 – 2:30 p.m.	LUNCH	12h40 – 14h30	DÉJEUNER
AFTERNOON SESSION		SÉANCE DE L'APRÈS-MIDI	
2:30 – 3 p.m.	<p>“The Independence of the Judiciary in the Case Law of the Constitutional Court of the Republic of Bulgaria”</p> <p>Valentin Georgiev, Secretary General, Constitutional Court, Bulgaria</p>	14h30 – 15h	<p>« L'indépendance du Judiciaire dans la jurisprudence de la Cour constitutionnelle de la Bulgarie »</p> <p>Valentin Georgiev, Secrétaire Général, Cour constitutionnelle, Bulgarie</p>
3 – 3:30 p.m.	<p>“The Court of Justice of the European Union and the respect for the principle of the independence of the national judge”</p> <p>Celestina Iannone, Head of Unit, Research and documentation Department, Court of Justice of the European Union</p>	15h – 15h30	<p>« La Cour de justice de l'Union européenne et le respect du principe de l'indépendance du juge national »</p> <p>Celestina Iannone, Chef d'unité, département de Recherche et de documentation, Cour de Justice de l'Union Européenne</p>
3:30 – 3:45 p.m.	Discussions	15h30 – 15h45	Discussions
3:45 – 4:15 p.m.	Coffee break	15h45 – 16h15	Pause-café

4:15 – 4:45 p.m.	“The European Court of Human Rights’ case-law on the independence of the judiciary” Ana Vilfan Vospernik, Senior Lawyer, Jurisconsult’s Directorate, European Court of Human Rights	16h15 – 16h45	« La jurisprudence de la Cour européenne des droits de l’homme sur les questions relatives à l’indépendance du pouvoir judiciaire » Ana Vilfan Vospernik, Avocat, Direction du Jurisconsulte, Cour européenne des droits de l’homme
4:45 – 5:15 p.m.	“A few examples from the case law of the Constitutional Court of the Republic of Croatia regarding challenges to the independence of the judiciary” Mirjana Stresec, Senior Legal Adviser, Constitutional Court, Croatia	16h45 – 17h15	« Quelques exemples tirés de la jurisprudence de la Cour constitutionnelle de la République de Croatie concernant les atteintes à l’indépendance du pouvoir judiciaire » Mirjana Stresec, Conseiller juridique principal, Cour constitutionnelle, Croatie
5:15 – 5:45 p.m.	“Judicial independence in Mexico: appointment, safeguards and legal responsibilities” José Luis Vargas Valdez, Judge, Federal Electoral Tribunal, Mexico	17h15 – 17h45	« L’indépendance judiciaire au Mexique : nomination, garanties et responsabilités juridiques » José Luis Vargas Valdez, Juge, Tribunal électoral fédéral, Mexique
5:45 – 6 p.m.	DISCUSSIONS AND CLOSING	17h45 – 18h	DISCUSSIONS ET CLÔTURE