



Strasbourg, 4 December 1995

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CDL-JU-PV (95) 8

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

Report of the 8th Meeting of the Sub-Commission on Constitutional Justice with the Liaison Officers from Constitutional Courts and other equivalent bodies

(Venice, 22 November 1995)

The Sub-Commission on Constitutional Justice held its 8th meeting with liaison officers from Constitutional Courts and other equivalent bodies in Venice, on 22 November 1995, with Mr Matthew Russell in the Chair. A list of participants will be found in Appendix I.

1. Adoption of the Agenda

The participants adopted the agenda set out in Appendix II.

2. Communication by the Secretariat

a. Publication of the *Bulletin on Constitutional Case-Law*

The publishing of *Bulletin* no. 2/95 is forecast for January 1996.

The Secretariat is currently preparing the next issues of the *Special Bulletins* which will contain extracts of constitutions as well as laws (or, in the case of equivalent bodies, law extracts) relative to courts contributing to the *Bulletin*. The Secretariat has received laws from 34 countries. The laws relative to two courts are still missing. For practical reasons, the laws will be published in several *Special Bulletins*. The first one which will be published in March 1996 will contain contributions from the following countries: Andorra, Bulgaria, Canada, Croatia, Finland, France, Germany, Portugal, Romania, Russia, United States.

So far, there has only been about a hundred subscriptions to the *Bulletin*, mostly from the United States. The Secretariat, in co-operation with SEDDOC, will proceed with its advertising campaign, in particular through the sending of advertising leaflets.

The Participants confirmed the publication schedule for 1995/1996 with the following dates:

- **Period from 1 September to 31 December 1995**
Last date for contributions : 31 January 1996
Publication date of *Bulletin* : May 1996
- **Period from 1 January to 30 April 1996**
Last date for contributions : 31 May 1996
Publication date of *Bulletin* : September 1996
- **Period from 1 May to 31 August 1996**
Last date for contributions : 30 September 1996
Publication date of *Bulletin* : January 1997

The Liaison Officers are invited to communicate to the Secretariat addresses of legal journals which might inform their readers about the *Bulletin*.

b. Copyright for *Bulletin on Constitutional Case-Law*

The Secretariat informed the participants of its intention to deposit the *Bulletin on Constitutional Case-Law* at the National Library in Paris in order to ask for the attribution of an ISSN Number. Then, the participants discussed the request of the Legal Journal EMP to publish translations of summaries printed in the *Bulletin*.

The participants charged the Secretariat to inform the Legal Journal EMP which had asked to be allowed to reproduce parts of the *Bulletin* translated to Czech and Slovak that no general permission could be given. However, EMP will receive a list of Liaison Officers with a view to asking them individually for permission to reproduce their respective summaries.

3. Progress of the Database on Constitutional Case-Law (CODICES)

a. Distribution of a preliminary version of CODICES

A preliminary version of CODICES in English was presented to the participants and distributed to them on diskette for testing and comments. The database contains all the summaries that have been published so far in the *Bulletin*, adapted to the new guidelines for presentation and version 7 of the Systematic Thesaurus.

CODICES contains summaries of decisions of the *Bulletins* 1-3/93, 1-3/94 and 1/95, together with version 7 of the systematic thesaurus and the full text of two decisions. These two decisions have been added in order to show the possibility of the inclusion of full texts of decisions.

The preliminary testing version of CODICES consists of three parts:

- Summaries of decisions
- Thesaurus
- Full text examples

Liaison Officers were kindly requested to test this preliminary version of CODICES with a view to find

- a) Errors or possible improvements as to the presentation of the database.
- b) Possible improvements of the summaries of decisions of their jurisdiction.

The summaries of all the *Bulletins* have been reindexed by the Secretariat according to the version 7 of the Thesaurus. Document CDL-JU (95) 17 prov. which was distributed with the diskettes contains instructions for installation and use of CODICES. The database **requires 8 Megabytes** of central memory to run properly.

The participants welcomed the speedy progress of the database and charged the Secretariat to complete the French version CODICES as soon as possible.

- b. Inclusion of full texts of judgments into the CODICES database

Liaison Officers are invited to transmit on diskette to the Secretariat full texts of the judgments summarised in the *Bulletin*, which are available on magnetic storage media, for their inclusion in CODICES.

Liaison Officers who wish to do so may index according to the Systematic Thesaurus other important decisions which are not summarised for the *Bulletin* and send those references to the Secretariat for inclusion into the database.

4. Improving the Documentation Centre on Constitutional Justice

The Secretariat is grateful to the following courts which regularly send copies of their official digests:

- Constitutional Court (Belarus)
- Court of Arbitration (Belgium)
- Supreme Court (Canada)
- Constitutional Court (Czech Republic)
- Constitutional Court (Lithuania)
- Constitutional Tribunal (Poland)
- Constitutional Court (Romania)
- Constitutional Court (Slovenia)

On the basis of a study prepared by a French information student the participants discussed

possibilities of improving the Documentation Centre on Constitutional Justice.

The participants decided to give priority to the *Bulletin* and the database CODICES. The participating Courts are invited to send their official digests to the Documentation Centre.

The Secretariat was asked to recruit within budgetary allocations a full-time information manager for the Centre who should also give guidance for the use of the database.

5. Possibilities of use of Internet for the distribution of CODICES

The University of Chicago had offered to the Venice Commission the establishment of a link for the CODICES database to the Internet with the financial support of the Soros Foundation.

The participants decided to complete the database before further considering possibilities for linking CODICES to the Internet.

6. Supplement for the Systematic Thesaurus as far as the institutions of the European Union are concerned

Mr Singer, the liaison officer of the Court of Justice of the European Communities proposed a draft set of keywords (CDL-JU (95) 13). The participants decided to add a chapter 4.11 on the Institutions of the European Union to the Systematic Thesaurus.

The participants adopted several modifications of the Systematic Thesaurus and charged the Secretariat to fix in co-operation with Messrs Ryckeboer and Vandernoot the final form of necessary changes. Version 8 of the thesaurus appears in CDL-JU (95) 18.

7. Date and place of the next meeting

The participants decided to hold the next meeting of the Sub-Commission at the seat of one of the participating courts before summer 1996.

APPENDIX I

LIST OF PARTICIPANTS / LISTE DES PARTICIPANTS

**SUB-COMMISSION ON CONSTITUTIONAL JUSTICE/
SOUS-COMMISSION JUSTICE CONSTITUTIONNELLE**

IRELAND/IRLANDE

Mr Matthew RUSSELL, Former Senior Legal Assistant to the Attorney General of Ireland
(Chairman/Président)

ARMENIA/ARMENIE

Mr Chahen AVAKIAN, Director, Dept. of Legal Affairs, Ministry of Foreign Affairs

BULGARIA/BULGARIE

Mme Ana MILENKOVA, Membre de l'Assemblée nationale

CYPRUS/CHYPRE

Mr Michael TRIANTAFYLLIDES, Chairman of the Council of the University of Cyprus,
Former President of the Supreme Court and Former Attorney General of the Republic
(Apologised/Excusé)

DENMARK/DANEMARK

Mr Asbjørn JENSEN, Attorney General (Apologised/Excusé)

FINLAND/FINLANDE

Mr Antti SUVIRANTA, Former President of the Supreme Administrative Court

FRANCE

M. Jacques ROBERT, Membre du Conseil constitutionnel (Apologised/Excusé)

GERMANY/ALLEMAGNE

Mr Helmut STEINBERGER, Professor at the University of Heidelberg, Director of the
Max-Planck Institute (Apologised/Excusé)

HUNGARY/HONGRIE

M. Janos ZLINSZKY, Judge at the Constitutional Court

ITALY/ITALIE

M. Antonio LA PERGOLA, Président de la Commission européenne pour la démocratie par le
droit, Avocat général, Cour de Justice des Communautés européennes (Apologised/Excusé)

LIECHTENSTEIN

M. Gerard BATLINER, Président du Conseil Scientifique du Liechtenstein Institut
(Apologised/Excusé)

LITHUANIA/LITUANIE

Mr Kestutis LAPINSKAS, Professor, Judge of the Constitutional Court, (also Liaison Officer)

LUXEMBOURG

M. Gérard REUTER, Président de la Chambre des Comptes (Apologised/Excusé)

MALTA/MALTE

Mr Joseph SAID PULLICINO, Chief Justice (Apologised/Excusé)

MOLDOVA

Mr Boris NEGRU, Chef de la Section pour les problèmes de la législation, Parlement de Moldova

POLAND/POLOGNE

Mrs Hanna SUCHOCKA, Member of Parliament (Apologised/Excusée)

PORTUGAL

Mme Maria de Jesus SERRA LOPES, Ancienne Batonnière de l'ordre des Avocats
(Apologised/Excusée)

M. Armando MARQUES GUEDES, Ancien Président du Tribunal constitutionnel
(Apologised/Excusé)

ROMANIA/ROUMANIE

Mr Petru GAVRILESCU, Conseiller, Ambassade de Roumanie, BRUXELLES

SWEDEN/SUEDE

Mr Hans RAGNEMALM, Judge, Court of Justice of the European Communities
(Apologised/Excusé)

TURKEY/TURQUIE

Mr Ergun ÖZBUDUN, Professor at the University of Ankara, Vice-President of the Turkish Foundation for Democracy (Apologised/Excusé)

LIAISON OFFICERS/AGENTS DE LIAISON

ALBANIA/ALBANIE

Mr Franc JAKOVA, Member of the Constitutional Court, TIRANA

ARGENTINA/ARGENTINE

M. Héctor MASNATTA, Ambassadeur, Directeur du Centre d'études constitutionnelles et politiques, BUENOS AIRES

AUSTRIA/AUTRICHE

Mme Anneliese ELHENICKY, Conseillère à la Cour constitutionnelle, Service de la documentation, WIEN (Apologised/Excusée)

BELARUS

Prof. Mikhail PASTUKHOV, Judge, Constitutional Court, MINSK (Apologised/Excusé)

BELGIUM/BELGIQUE

M. Pierre VANDERNOOT, Référendaire à la Cour d'Arbitrage, BRUXELLES

M. Rick RYCKEBOER, Référendaire à la Cour d'Arbitrage, BRUXELLES

BULGARIA/BULGARIE

Mr Kiril MANOV, Secretary General of the Constitutional Court, SOFIA (Apologised/Excusé)

CANADA

Ms Louise MEAGHER, Deputy Registrar, Supreme Court of Canada, OTTAWA (Apologised/Excusée)

**COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES/
COUR DE JUSTICE DES COMMUNAUTÉS EUROPEENNES**

M. Ph. SINGER, Juriste, Division Recherche et Documentation, Cour de justice des Communautés européennes, LUXEMBOURG

CROATIA/CROATIE

Mrs Marija SALE_I_, Legal Adviser, Constitutional Court, ZAGREB

CYPRUS/CHYPRE

Mr Yiannakis CHRYSOSTOMIS, Supreme Court of Cyprus, NICOSIA (Apologised/Excusé)

CZECH REPUBLIC/REPUBLIQUE TCHEQUE

Mrs Ivana JAN_, Constitutional Court, BRNO (Apologised/Excusée)

DENMARK/DANEMARK

Ms Solveig BLOCH ANDERSEN, Head of Section of the Ministry of Justice, COPENHAGEN (Apologised/Excusée)

ESTONIA/ESTONIE

Mr Heinrich SCHNEIDER, Adviser to the Constitutional Review Chamber, National Court, TARTU (Apologised/Excusé)

**EUROPEAN COURT OF HUMAN RIGHTS/
COUR EUROPEENNE DES DROITS DE L'HOMME**

M. Nicolas SANSONETIS, Conseil de l'Europe (Apologised/Excusé)

FINLAND/FINLANDE

Mr Per LINDHOLM, Judge, Supreme Court, HELSINKI (Apologised/Excusé)

Mr Tapio KUOSMA, Judge, Supreme Administrative Court, HELSINKI (Apologised/Excusé)

FRANCE

M^{me} Dominique REMY-GRANGER, Chargée de Mission auprès du Président du Conseil constitutionnel, PARIS

M. Stéphane COTTIN, Service de documentation, Conseil constitutionnel, PARIS

GERMANY/ALLEMAGNE

Mr Matthias HARTWIG, Bundesverfassungsgericht, KARLSRUHE (Apologised/Excusé)

Mr Karl-Georg ZIERLEIN, Bundesverfassungsgericht, KARLSRUHE (Apologised/Excusé)

GREECE/GRECE

Mr Konstantinos MENOUDAKOS, Supreme Court, Council of State, ATHENS

HUNGARY/HONGRIE

Mr Peter PACZOLAY, Constitutional Court, BUDAPEST

IRELAND/IRLANDE

Mr James COMERFORD, Registrar, Supreme Court, DUBLIN (Apologised/Excusé)

ITALY/ITALIE

M. Giovanni CATTARINO, Secrétariat Général, Cour constitutionnelle, ROME

M. Nicola SANDULLI, Directeur, Directeur de la Section de droit comparé, Cour constitutionnelle, ROME

M^{me} Elisa BIANCHI FIGUEREDO, Correspondant de la Section de droit comparé de la Cour constitutionnelle, ROME

LUXEMBOURG

M. Roger EVERLING, Cour supérieure de Justice, LUXEMBOURG (Apologised/Excusé)

NETHERLANDS/PAYS-BAS

Mrs Alice C.M. HÖPPENER, Assistant to the Chief Justice, Supreme Court of the Netherlands, THE HAGUE

NORWAY/NORVEGE

Mrs Anne M. SAMUELSON, The Norwegian Supreme Court, OSLO

POLAND/POLOGNE

Mrs Halina PLAK, Head of the Library and Documentation Centre, Constitutional Tribunal, WARSZAWA

PORTUGAL

M. Miguel LOBO ANTUNES, Service de Documentation, Tribunal constitutionnel, LISBONNE (Apologised/Excusé)

M. Antonio DUARTE SILVA, Tribunal constitutionnel, LISBONNE (Apologised/Excusé)

ROMANIA/ROUMANIE

M. Gheorghe IANCU, Secrétaire en chef à la Cour constitutionnelle, BUCAREST

RUSSIA/RUSSIE

M. Eugène G. PYRICKOV, Head of the International Relations Department, Constitutional Court, MOSCOW

SLOVAKIA/SLOVAQUIE

Mr Ján DRGONEC, Judge at the Constitutional Court, KOŠICE (Apologised/Excusé)

SLOVENIA/SLOVENIE

Mr Arne MAV_I_, Constitutional Court, LJUBLJANA

SOUTH AFRICA/AFRIQUE DU SUD

Ms Justine WHITE, Judges' Chambers, Constitutional Court, BRAAMFONTEIN

SPAIN/ESPAGNE

M. Pedro BRAVO GALA, Conseiller, Bibliothèque et Documentation, Tribunal constitutionnel, MADRID

SWEDEN/SUEDE

Mr Leif LINDSTAM, Supreme Administrative Court Judge, STOCKHOLM (Apologised/Excusé)

Mr Johan MUNCK, Supreme Court Judge, STOCKHOLM (Apologised/Excusé)

SWITZERLAND/SUISSE

M. Paul TSCHÜMPERLIN, Secrétaire Général, Tribunal fédéral, LAUSANNE

Mme Juliane ALBERINI-BOILLAT, Chef du service de documentation, Tribunal fédéral, LAUSANNE (Apologised/Excusée)

TURKEY/TURQUIE

Mr Mehmet TURHAN, Reporter, Constitutional Court, Ankara

UNITED STATES/ETATS-UNIS

Mr Alexander WOHL, Judicial Fellow, Supreme Court, WASHINGTON (Apologised/Excusé)

SECRETARIAT

DIRECTORATE OF LEGAL AFFAIRS/DIRECTION DES AFFAIRES JURIDIQUES

M. Gianni BUQUICCHIO

M. Christos GIAKOUMOPOULOS

M. Jörg POLAKIEWICZ

M. Rudolf DÜRR

Mlle Helen MONKS

Mme Agnès READING

INTERPRETERS/INTERPRETES

Mme Mireille ARDITI

Mme Maria FITZGIBBON

APPENDIX II

DRAFT ANNOTATED AGENDA

1. Adoption of the Agenda

2. Communication by the Secretariat

a. Publication of the *Bulletin on Constitutional Case-Law*

The Secretariat will provide information concerning the publications of the most recent *Bulletins*. Publication of *Bulletin* no. 2/95 is envisaged for December 1995.

Participants are invited to confirm the publication schedule for 1995/1996 in order to ensure that the *Bulletin* is published on a regular basis. The Secretariat proposes the following dates:

- Period from 1 September to 31 December 1995

Last date for contributions : 31 January 1996
Publication date of *Bulletin* : April 1996

- Period from 1 January to 30 April 1996

Last date for contributions : 31 May 1996
Publication date of *Bulletin* : August 1996

- Period from 1 May to 31 August 1996

Last date for contributions : 30 September 1996
Publication date of *Bulletin* : December 1996

b. Copyright for *Bulletin on Constitutional Case-Law*

The *Bulletin on Constitutional Case-Law* is not yet copyright protected. Law journals have already asked the Secretariat for permission to reproduce summaries (see CDL-JU (95) 9). In order to ensure the protection of the *Bulletin*, the Liaison Officers being its authors, might wish to charge the Secretariat with registering their rights.

3. Progress of the Database on Constitutional Case-Law (CODICES)

a. Distribution of a preliminary version of CODICES

The Secretariat has prepared a preliminary test version of CODICES as presented at the meeting in Lausanne. It will be distributed to participants on diskette for testing and comments. The Secretariat will also inform about progress in the installation of the software (Access and Folio Views) on the Council of Europe network.

b. Inclusion of full texts of judgments into the CODICES database

Up to now only the summaries prepared by the Liaison Officers are published in the *Bulletin*. In future the possibility of including the full text of judgments in the CODICES database will be considered. The Liaison Officers are requested to inform the Sub-Commission whether it is possible to send the full text of judgments on diskette to Strasbourg (apart from technical problems, legal obstacles may exist when courts have ceded their copyright exclusively to a certain editor).

4. Improving the Documentation Centre on Constitutional Justice

During her internship at the Secretariat of the Commission, a French information student prepared a study on improving the Documentation Centre on Constitutional Justice. The study was based on questionnaires returned by Liaison Officers, librarians and other readers of the *Bulletin*. The main conclusions of the study are summarised in CDL-JU (95) 10.

The participants are invited to an exchange of views on possible improvements in the running of the Documentation Centre in Strasbourg.

5. Possibilities of use of Internet for the distribution of CODICES

At the 7th meeting of the Sub-Commission on Constitutional Justice with Liaison Officers from Constitutional Courts and other equivalent bodies, Prof. Lessig of the University of Chicago Law School informed the Sub-Commission about a project to connect Constitutional Courts in Central and Eastern Europe to the Internet (CDL-JU (95) 3). To conform with the decision taken at that meeting, the Secretariat has prepared a note on the implications of a connection of the Venice Commission's database (CODICES) to the Internet (CDL-JU (95) 11).

Participants are invited to take a formal decision on whether the database CODICES should be made available on the Internet and whether the Secretariat should accept the offer of co-operation by the University of Chicago Law School.

6. Supplement for the Systematic Thesaurus as far as the institutions of the European Union are concerned

At the 7th meeting of the Sub-Commission on Constitutional Justice with Liaison Officers from Constitutional Courts and other equivalent bodies, a new version of the Systematic Thesaurus was adopted (CDL-JU (95) 8). It was decided to add a chapter 4.11 on the Institutions of the European Union. Mr Singer, the liaison officer of the Court of Justice of the European Communities has prepared a draft set of keywords (CDL-JU (95) 13).

Participants are invited to decide on the necessary modifications of the Systematic Thesaurus.

7. Date and place of the next meeting

Given the great success of this year's meeting at the Federal Court in Lausanne, it might be envisaged to hold another meeting of the Sub-Commission at the seat of one of the participating courts. In order to evaluate progress on the database the meeting should be held before the summer.