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

**Report of the 14th Meeting of the  
Sub-Commission on Constitutional Justice  
with the Liaison Officers from  
Constitutional Courts and other equivalent bodies**

**(Ljubljana, 15 June 1998)**

Upon invitation by the Slovenian Constitutional Court, the Sub-Commission on Constitutional Justice met with the Liaison Officers from Constitutional Courts and other equivalent bodies in Ljubljana on 15 June 1998, with Mr Jambrek and Mr Endzinš in the Chair. A list of participants appears in Appendix I to this report.

The participants of the meeting were welcomed by the President of the Constitutional Court of Slovenia, Mr Šturm.

**1. Adoption of the Agenda**

The participants adopted the agenda as set out in Appendix II.

**2. Communication by the Secretariat**

Following the departure of the President of the Sub-Commission, Mr Russell, the Secretariat informed the participants about the election of Mr Steinberger (Germany) as President of the Sub-Commission on 12 June 1998 by the Plenary Commission. Mr Steinberger had already chaired this Sub-Commission until 1992.

Mr Gavrilesco (Romania) and Mr Suviranta (Finland) had left the Venice Commission. The participants welcomed Mr Tuori (Finland) as a new member of the Sub-Commission.

Since the last meeting, the following new liaison officers had been appointed: Ms Huppmann (Austria), Mr Broberg (Denmark), Mr Elkuch (Liechtenstein), Mr Cotorobai (Moldova), Mr Spirovsky ("the Former Yugoslav Republic of Macedonia") and Mr Krug (USA).

The Secretariat informed the participants about the information documents not related to specific items on the agenda: - List of liaison officers - version 1998 (CDL-JU (98) 2 rev.), Revised list of addresses of the Constitutional Courts - version 1998 (CDL-JU (98) 4), Powers of Constitutional Courts by Arne Mavčič (CDL-JU (98) 10), Model letter for new Liaison Officers - version 1998 (CDL-JU (98) 15) and the List of publications cited in the Bulletin/CODICES (CDL-JU (98) 17).

**The participants invited the liaison officers to check documents (CDL-JU (98) 2 rev., 4 and 17 and to communicate any necessary changes to the Secretariat.**

### **3. Publication of the Bulletin on Constitutional Case-Law**

The participants were informed by the Secretariat that Bulletin 97/3 would be published in a few weeks' time.

The Secretariat also informed the members of the Sub-commission and liaison officers that a letter had been sent to legal journals asking for publication of an advertisement concerning the database and the Bulletin. Some positive responses had been received and over 5 000 leaflets on the database and Bulletin were to be sent to potential customers in autumn 1998.

#### *3.a Revised guidelines*

The participants discussed document CDL-JU (98) 11 which is to replace the previous guidelines for the presentation of précis CDL-JU (96) 14. Special attention was paid to the use of thesaurus and references to Constitutions.

It was pointed out that the précis should not exceed 1200 words. The headnotes should not contain extracts of the decision, but a brief description of the essential contents of it. The summary of the decision should give additional legal reasoning to the main facts of the case, the procedure followed, the decision taken and, if appropriate, information on dissenting opinions. Both headnotes and summary should be written in a simple and clear language and should include references to the articles of the constitution. References to "our Court", "our Constitution" should be avoided. References to the Constitution/Government/Court should not always be followed by "of the XY Republic" or "of XY" when the reference to the country is clear from the context.

**The participants adopted the guidelines for the presentation of précis (CDL-JU (98) 11) with some minor changes.**

#### *3.b Special Bulletin on Basic texts*

The Secretariat informed the participants about the progress of producing volume 5 of the Special Bulletin on Basic Texts which should be ready towards the end of the year or early next year.

#### *3.c Special Bulletins on Leading Cases*

The Secretariat informed the participants that the first edition of the Special Bulletin on Leading Cases of the European Court of Human Rights would be published towards the end of the year. Given its importance, it was also foreseen to translate it into Russian.

The second issue of the Bulletin on the leading cases of the Court of Justice of the European Communities should appear in early 1999.

During the discussion on the future of the Special Bulletin, the decision of the previous meetings of the Sub-commission on Constitutional Justice was reconfirmed. Participants were invited to provide the précis of case-law of their national courts and equivalent bodies before autumn 1999.

#### **4. Publication of CODICES**

##### *4.a Presentation of CODICES*

The Secretariat presented a trial version of CODICES 1997/2 produced with the new version 4.1 of Folio Views. The participants were informed by the Council of Europe that the version 1997/3 of CODICES would still be produced with Folio Views 3.1. The 1998/1 issue will already run under Folio Views 4.1.

**The participants welcomed the use of version 4.1 of Folio Views, which will offer additional research capabilities.**

##### *4.b Inclusion of full texts of decisions into CODICES*

The Secretariat thanked the liaison officers concerned for sending previous full texts of decisions. The Secretariat had so far processed more than 400 full texts received from liaison officers.

**The participants invited the liaison officers to continue providing full texts for current issues of the Bulletin on electronic storage media for their inclusion into CODICES.**

##### *4.c Inclusion of constitutions into CODICES*

The Secretariat informed the participants on the process of including Constitutions into CODICES. Many constitutions have been scanned but they would still need to be integrated into CODICES.

The Secretariat had started to index Constitutions article by article according to the Systematic Thesaurus. The indexation will eventually make it possible to search for all articles in all Constitutions, which relate to a specific keyword of the thesaurus. This process is very cumbersome and will take some time. The Secretariat informed the participants that Mr Vahanian, the liaison officer for the Armenian Constitutional Court, has undertaken to index the Armenian Constitution himself. Liaison officers who so wish are free to do the same.

The Secretariat pointed out that for the indexation of the Constitution new keywords of the Thesaurus might be required (see also point 5 below).

Mr Mavčič provided the Secretariat with an alphabetical index to the Slovenian Constitution, which might be useful for the indexation of the Constitution according to the Systematic Thesaurus. It was

proposed that other participants who disposed of such existing indexes should give copies of them to the Secretariat.

**The participants took note of the progress of the inclusion of Constitutions into CODICES and asked the Secretariat to proceed with the indexation of the Constitutions according to the Systematic Thesaurus.**  
**Participants who disposed of indexes of their Constitutions were asked to provide the Secretariat with a copy.**

#### *4.d Updating of the Constitutions, Laws on the Courts and Descriptions within CODICES*

The Secretariat invited the participants to inform it about any changes of their Constitutions and the law on the Constitutional Court in order to be able to update the database.

The Secretariat informed the participants that the OECD had organised a seminar on Constitutional Control in Istanbul on 22 - 23 May 1998. The Special Bulletin 94 containing descriptions of courts had been used by the OECD as a reference document. Upon request by the OECD several courts had provided new or updated descriptive texts which followed the structure of the Special Bulletin 1994. In view of updating the database and re-editing the Special Bulletin 94, the Secretariat proposed that they should also receive these texts.

**The participants decided to invite the liaison officers to provide new or updated descriptions of their courts according to the structure of the Special Bulletin 1994.**

### **5. Amendments to version 10 of the Systematic Thesaurus**

The Secretariat informed the participants that the proposed changes for version 10 of the Thesaurus were composed of two parts: part one contained linguistic changes while part two contained substantive changes. In case of a unanimous agreement, part one could be adopted at this meeting. Part two could be dealt with by the existing working group on the revision of the Thesaurus.

A brief discussion showed that there were objections even to part one of the proposal.

**The participants decided that a revision of thesaurus version 10 should be discussed during a meeting of the working group that would take place the day before the next meeting of the Sub-Commission with the liaison officers.**

**The participants decided to send any comments and proposals for a revision of version 10 of the Systematic Thesaurus to the Secretariat.**

### **6. Co-operation of Constitutional Courts on the Internet**

The Secretariat informed the participants that the Internet site of CODICES (<http://www.coe.fr/codices>) would soon be closed by password. This password would be sent to the liaison officers in due course.

*6.a Establishment of mutual links between home pages of participating constitutional courts.*

The Secretariat presented document CDL-JU (98) 22 on Internet sites containing information about constitutional courts. The participants were informed that not all of the addresses given represented official home pages of the participating courts.

Mr Cottin proposed that the links should be complemented with brief information about the data available at the site concerned.

**The participants:**

- a) supported the proposal to establish Internet links between different courts having a Web site;
- b) invited the Secretariat to complete the list of links to home pages of participating Courts on the Venice Commission's Web site (<http://www.coe.fr/venice/links.htm>) with short indications about the content of each site (composition, case-law, etc.).

*6.b Discussion forum of the Venice Commission*

The Secretariat informed the participants that it would use the discussion forum via e-mail to pass on information about seminars and other issues related to constitutional courts. The Secretariat proposed that the liaison officers inform other persons in their court (judges, staff) of the forum. Questions on the case-law of other courts could be asked by these persons and the liaison officers in relation to the current issues dealt with by the courts.

**The participants decided to make more frequent use of the discussion forum as a useful way of exchanging information.**

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

Ms Dominique Remy-Granger, Secretary General of the ACCPUF presented the activities of the Association. The aim of ACCPUF is to exchange information between different Constitutional courts and similar bodies (Supreme Courts, Parliamentary bodies) using the French language. In order to facilitate this exchange, ACCPUF was willing to co-operate with the Venice Commission and wanted to use the structure of the Bulletin and the Systematic Thesaurus for its own bulletin and database.

Ms Dominique Remy-Granger considered that this co-operation could be of mutual benefit. The geographical area covered by the ACCPUF project included countries that normally do not have contacts with the Venice Commission. Through co-operation of the two bodies (ACCPUF and the Venice Commission) a wide exchange of information was possible.

The participants agreed that such co-operation was useful and should be encouraged. The values of democracy, human rights and the rule of law as reflected in the decisions of the participating courts could thus be made known in a larger geographical area. Mutual information of courts could only be beneficial. The rights of author of the Sub-Commission and the liaison officers had, however, to be safeguarded. The origin of the Bulletin and the Thesaurus had to be obvious to readers of the

ACCPUF Bulletin and it had to be ensured that only the meetings of the Sub-Commission and the liaison officers had the right to make amendments to the Systematic Thesaurus.

Given the importance of the issue, Mr Tuori suggested submitting the issue of possible co-operation to the Plenary Commission for its approval.

**The participants endorsed co-operation with ACCPUF. The structure of the Bulletin and the Systematic Thesaurus should be made available to the Association. The sole right of amendment had to remain with the Sub-Commission and the liaison officers. ACCPUF would be obliged to mention the origin of the structure and the Thesaurus as outlined in document CDL JU (98) 19.**

**The participants invited the Secretariat to start co-operation on an informal basis and to elaborate an agreement with ACCPUF. A final decision would remain with the Plenary Commission.**

## **8. Series of seminars with Constitutional Courts**

The Secretariat gave a brief presentation of seminars in Baku (CDL-JU (98) 12), Tbilissi (CDL-JU (97) 58), Sarajevo (CDL-JU (98) 13), Kiev (CDL-JU (98) 9) and Bishkek (CDL-JU (98) 14). The liaison officers were also informed about the requests from the Ukrainian and the Armenian Constitutional Courts to organise further seminars. The Secretariat informed the participants about the possibility of organising such seminar with other courts subject to budgetary limitations.

## **9. Presentation of Information Sources of the Legal Information Centre of the Slovenian Constitutional Court**

Mr Mavčič presented the database of the Legal Information Centre of the Slovenian Constitutional Court including links to other Courts (see point 6.a). The Secretariat pointed out that the Slovenian Constitutional Court had been the first to have a home page on the Internet where all decisions are available in Slovenian and translated into English.

**The participants congratulated the Slovenian Constitutional Court on its excellent database and Internet site.**

## **10. Other business**

None

## **11. Date and place of the next meeting**

**The participants decided to hold the next meeting of the Sub-Commission at the seat of the Venice Commission in May/June 1999 or upon the invitation of a participating Court at the seat of the latter.**

**Note: Following the meeting, the State Court of Liechtenstein invited the Sub-Commission and the liaison officers to hold its next meeting in Vaduz on 30 April 1999.**

## **A P P E N D I X I**

### **LIST OF PARTICIPANTS /LISTE DES PARTICIPANTS**

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

##### **ESTONIA/ESTONIE**

Mr Heiki LOOT, Head of the Public Law Division, Ministry of Justice

##### **FINLAND/FINLANDE**

Mr Kaarlo TUORI, Professor of Administrative Law, Department of Public law, Helsinki University

##### **HUNGARY/HONGRIE**

M. János ZLINSZKY, Juge à la Cour constitutionnelle, BUDAPEST (Apologised/Excusé)

##### **LATVIA/LETTONIE**

Mr Aivars ENDZI , Acting Chairman of the Constitutional Court, RIGA

##### **LITHUANIA/LITUANIE**

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

##### **SLOVENIA/SLOVENIE**

Mr Peter JAMBREK, Judge at the Constitutional Court, LJUBLJANA

#### **LIAISON OFFICERS/AGENTS DE LIAISON**

##### **ALBANIA/ALBANIE**

Mr Kristofor PEÇI, Member of the Constitutional Court, TIRANA

##### **AUSTRIA/AUTRICHE**

Mrs Reinhild HUPPMANN, Chief of Protocol at the Constitutional Court, WIEN

##### **BELGIUM/BELGIQUE**

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

##### **BOSNIA AND HERZEGOVINA/BOSNIE ET HERZEGOVINE**

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##### **COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES/**

##### **COUR DE JUSTICE DES COMMUNAUTÉS EUROPEENNES**

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**LUXEMBOURG**

M. Georges KILL, Vice-Président de la Cour constitutionnelle, LUXEMBOURG

**MOLDOVA**

M. Mihai COTOROBAL, Juge à la Cour constitutionnelle, CHI INAU (Apologised/Excusé)

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**L'EX-REPUBLIQUE YOUGOSLAVE DE MACEDOINE"**

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## **A P P E N D I X   I I**

### **AGENDA**

- 1. Adoption of the agenda**
- 2. Communication by the Secretariat**
- 3. Publication of the Bulletin on Constitutional Case-Law**
  - 3.a. Revised guidelines*
  - 3.b. Special Bulletin on Basic Texts*
  - 3.c. Special Bulletins on Leading Cases*
- 4. Publication of CODICES**
  - 4a. Presentation of CODICES*
  - 4b. Inclusion of full texts into CODICES*
  - 4c. Inclusion of constitutions into CODICES*
  - 4d. Updating of the Constitutions, Laws on the Courts and Descriptions within CODICES*
- 5. Amendments to version 10 of the Systematic Thesaurus**
- 6. Co-operation of Constitutional Courts on the Internet**
  - 6.a. Establishment of mutual links between home-pages of participating constitutional courts*
  - 6.b. Discussion forum of the Venice Commission*
- 7. Co-operation with the Association of Constitutional Courts using the French Language (ACCPUF)**
- 8. Series of seminars with Constitutional Courts**
- 9. Presentation of Information Sources of the Legal Information Center of the Slovenian Constitutional Court**
- 10. Other business**
- 11. Date and place of the next meeting**