



Strasbourg, 31 August 2006

Restricted
CDL-JU-PV(2006)001
Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**5TH MEETING OF THE JOINT COUNCIL
ON CONSTITUTIONAL JUSTICE**
(Budapest, 15 – 16 June 2006)

REPORT

1. Adoption of the agenda

The agenda was adopted unchanged.

2. Election of a liaison officer as Co-President of the Joint Council on Constitutional Justice in respect of the liaison officers

Mr Dürr reminded the participants that the Secretariat had asked liaison officers for nominations for the co-presidency of the Joint Council in respect of the liaison officers before the meeting. He informed the Joint Council that the Secretariat had received one candidacy, from Mr Philippe Singer from the Court of Justice of the European Communities.

The Joint Council elected Mr Philippe Singer as Co-President by acclamation.

3. Communication by the Secretariat

Mr Dürr informed the participants about new appointments of liaison officers and welcomed those present. The newly appointed liaison officers were from: Chile, Croatia, Denmark, Estonia, France, Germany, Ireland, Japan, Korea, Monaco, Netherlands, Norway, Sweden, USA and the Inter-American Court of Human Rights. He also welcomed a delegation from the Constitutional Council of Algeria.

Mr Dürr informed the Joint Council about the plenary session of the Venice Commission in Venice a week ago, where, *inter alia*, two opinions in the field of constitutional practice were adopted: one on the possible constitutional and legislative improvements to ensure uninterrupted functioning of the Constitutional Court of Ukraine and the other on the amendment of the Law on the Constitutional Court of Armenia (see also under item 6 below).

Mr Dürr also explained that, upon a request from Romania and the Parliamentary Assembly, the Venice Commission was studying the issue of remedies in respect of the excessive length of proceedings before national courts. This study could be adopted during the next plenary session of the Venice Commission.

He also referred to the adoption by the Venice Commission of the declaration on women's participation in elections, the report on the participation of political parties in elections, the revised guide for the evaluation of elections, the report on electoral law and electoral administration in Europe and the joint Venice Commission – OSCE/ODHIR opinions on the electoral legislation of Armenia, Georgia and “The former Yugoslav Republic of Macedonia”.

Mr Dürr informed the Joint Council that the Sub-Commission on Constitutional Justice also had met in Venice the week before, to discuss an overview of past opinions in the field of constitutional justice called *vademecum* (CDL-JU(2006)029). He explained that it was a work in progress and that its purpose was to be a document for: (1) consultation by the Commission's members in the preparation of opinions in order to avoid, as far as possible, any contradiction with previous opinions; (2) inspiration, a tool for drafters of constitutions and laws on constitutional courts; (3) easy access/reference to opinions for researchers in this field. The Sub-Commission had approved the idea of the *vademecum* and had suggested some amendments.

Mr Dürr also informed the Joint Council that the Venice Commission had decided to restructure its sub-commissions, resulting in the abolition of the Sub-Commission on Constitutional Justice,

which had in practice rarely met, as issues of constitutional justice were usually dealt with by the Joint Council. He explained that, if need be, a meeting of the Venice Commission members of the Joint Council may still be organised on an *ad hoc* basis.

With respect to budgetary issues, Mr Dürr informed the Joint Council that the Venice Commission and the Council of Europe in general were facing serious budgetary constraints and that documents will therefore be sent only electronically after this meeting, with the exception of the Systematic Thesaurus for which the use of a paper copy is impractical. Towards that end, he invited all liaison officers to provide the Secretariat with their e-mail addresses, if they had not already done so, in order to allow them to continue receiving CDL-JU documents.

Mr Dürr also informed the Joint Council that the document entitled “Services provided by the Venice Commission to Constitutional Courts and Equivalent Bodies” (CDL-JU (2006)027rev), which sets out all the activities concerning constitutional matters, will be made into a brochure. He explained that judges were often unaware of these services and therefore urged the liaison officers to circulate this document within their respective courts.

In that respect, Mr Rik Ryckeboer explained that the document was the result of his suggestion made at the last meeting and that he hoped that this document will prove to be very useful.

The Joint Council was informed:

- about the new appointments of liaison officers and current activities of the Venice Commission;
- about the restructuring of the Venice Commission’s sub-commissions;
- that CDL-JU documents will only be sent by e-mail after this meeting.

The Joint Council asked the liaison officers to circulate document CDL-JU(2006)027rev in their respective courts.

4. Updating of data on the participating courts

Mr Dürr requested the liaison officers to consult the restricted web site – www.venice.coe.int/ju - on a regular basis (best together with the contribution to the Bulletin and CODICES) and to keep the Secretariat updated on any changes to be made to:

- the list of constitutional courts (CDL-JU (2006)007);
- the list of liaison officers (CDL-JU (2006)008);
- the list of web sites of constitutional courts and equivalent bodies (CDL-JU (2006)009).

Mr Dürr suggested that photographs of the liaison officers might be added to the list of liaison officers on the Venice Commission’s restricted web site.

The Joint Council asked the liaison officers to inform the Secretariat about changes in the composition of the courts, their addresses and the courts’ web sites.

Liaison officers were invited to send electronic photographs of themselves for inclusion on the restricted web site.

5. Venice Forum – e-mail based and Newsgroup

5.a “Classic” e-mail based Venice Forum

Mr Dürr presented the restricted web site for the replies of the Venice Forum. He explained that the Venice Forum was a means for requesting and exchanging information between courts. The underlying idea was that one court would make a request, often related to constitutional case-law, send it to the Secretariat, which checks for relevant information in the database and then sends it on to all liaison officers for replies.

The participants agreed that it was a very useful tool. They pointed out, however, that the number of questions asked had multiplied recently and were not always relevant to constitutional law and sometimes provided very short deadlines for replies that were difficult to meet. The Secretariat explained that such short deadlines were often due to the fact that questions arose while a matter was before the court and the deadline depended on the necessity to provide information in view of the hearing of a case. The liaison officers might, however, try to anticipate questions and ask them at an earlier stage.

Some participants questioned the usefulness of sending an answer to a query after the deadline had passed. The general feeling was that it was still intellectually interesting to send an answer, as it could be used for future reference and could be accessed on the restricted site <http://www.venice.coe.int/ju/VeniceForum/>. However, they agreed that questions should be limited to issues concerning constitutional matters.

It was therefore concluded that the Venice Forum should be used essentially for constitutional related questions, that the questions should be formulated clearly and that the deadline for replies should be reasonable, where possible.

The Joint Council agreed that the “classic” e-mail based Venice Forum was a useful tool , but that a certain restraint should be exercised by users when sending questions, notably that:

- questions should focus on issues concerning constitutional matters;
- questions should be formulated clearly;
- short deadlines for replies should be avoided, as far as this was possible.

5.b. Venice Forum Newsgroup

Mr Dürr informed the Joint Council that the recently established Venice Forum Newsgroup (<http://www.team10.coe.int/veniceforum/Lists/Newsgroup/AllItems.aspx>) had not been widely used and that it could be shut down by the Council of Europe Information Department in the event that the situation remained unchanged. So far, one liaison officer had posted a message on this Newsgroup site. Several liaison officers showed an interest and agreed that it was premature to decide on whether or not it was a useful tool.

The Secretariat also asked the Joint Council whether they would be interested in a restricted web page containing news on constitutional courts (fed via RFE/RL news).

The Joint Council agreed that it was premature to decide whether or not the Venice Forum Newsgroup was a useful tool. The liaison officers were encouraged to try the Newsgroup and to post a message on it (even test messages only).

The Joint Council expressed an interest in a page with news on the courts.

6. Opinions of the Venice Commission on constitutional court legislation and *amicus curiae* opinions for Constitutional Courts

The Venice Commission had adopted five opinions in the field of constitutional justice since the Joint Council's last meeting in Azerbaijan:

The “*Amicus Curiae* opinion (Proceedings before the European Court of Human Rights) on the nature of the proceedings before the Human Rights Chamber and the Constitutional Court of Bosnia and Herzegovina” (Proceedings before the European Court of Human Rights) adopted by the Venice Commission. Bosnia and Herzegovina had a complicated constitutional structure and semi-international structures had been introduced into the national system by the General Framework Agreement for Peace in Bosnia and Herzegovina of 1995 (Dayton Peace Agreement). The European Court of Human Rights had asked the Venice Commission whether Annexes 4 and 6 to this Agreement were international treaties, to which the Venice Commission replied in the positive. The Court's question with respect to whether proceedings before the Constitutional Court and Human Rights Chamber were “domestic” within the meaning of paragraph 1 of Article 35 of the European Convention on Human Rights or whether it amounted to “another international procedure” within the meaning of Article 35.2.b, was answered in the negative by the Venice Commission. In its admissibility decision (*Jeličić v. Bosnia and Herzegovina*, Chamber hearing of the European Court of Human Rights, 28 June 2005), the Court had followed the approach suggested by the Venice Commission.

An opinion was adopted by the Venice Commission in March 2006 concerning two draft laws amending Law no. 47/1992 on the Organisation and Functioning of the Constitutional Court of Romania. These draft amendments provided that candidates, who were members of a political party or had a relative who is a member of such a party during the past five years, could not become a judge, which was deemed to be too restrictive. Furthermore, the introduction by these amendments of the requirement for a candidate to have practiced as a judge or prosecutor for twelve years prior to his or her candidacy, excludes important groups of qualified people and might even be unconstitutional. In respect of the challenging of a judge of the Constitutional Court, the amendments required the introduction of special provisions rather than the application of the Code of Civil Procedure and clarification was needed with respect to the fact that such a challenge should only be applicable in procedures where an individual interest of a party was at stake and the occurrence of *non liquet* situations in the Court must be prevented.

Two further opinions were adopted at the beginning of June 2006: one concerned the amendments to the Law on Constitutional Court of Armenia, notably the involvement of Parliament and the President in the termination of membership of judges of the Court after the Court had made a decision on the issue as well as the issue of investigation committees in electoral issues led by a judge and composed, *inter alia*, of representatives of political parties. Before adoption of the opinion, a number of recommendations made by the rapporteurs had been taken on board.

The other opinion concerned the uninterrupted functioning of the Constitutional Court of Ukraine, which dealt with the situation concerning the end of the term of office of judges and the resulting lack of a quorum because these judges were not replaced. Appointments of judges were made by the President (1/3), Parliament (1/3) and the Congress of Judges (1/3) – all of which had made nominations, except for Parliament. In addition Parliament had not taken the oath of the judges appointed by the other authorities. This had created a deadlock because the number of remaining judges had fallen below the quorum. In December 2005 the Commission

had adopted a declaration together with the Lithuanian Presidency of the Conference of European Constitutional Courts urging Parliament to appoint the judges and to swear them in (see also item 7a. below). In its June 2006 opinion, requested by the Ukrainian Minister of Justice, the Venice Commission had suggested that (1) a judge should stay in office until a successor entered into office; (2) taking the oath should be simplified e.g. in written form; (3) power of appointment be devolved from the body that did not appoint to another body.

The Secretariat reminded the Joint Council that the Venice Commission was available for any requests by Constitutional Courts for opinions on laws on the courts as well as for *amicus curiae* opinions. In its replies to the latter, the Commission would limit itself to questions of comparative law and constitutional law and to opinions on draft laws.

7. Co-operation activities

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

The Secretariat informed the Joint Council that the Venice Commission had made a declaration in December 2005, on the non-appointment of judges at the Constitutional Court of Ukraine (see also item 6 above). The Lithuanian Presidency of the Conference of European Constitutional Courts joined the Venice Commission in this declaration, however, it lacked a clear mandate for this declaration and had therefore prepared a proposal for an amendment to the Statute of the Conference, providing for such a basis.

Another proposal made concerned the introduction of the possibility for the Conference to conclude agreements with international bodies. This amendment could be of interest for the Venice Commission.

The Circle of Presidents of the Conference will meet in Vilnius on 7 September 2006 and discuss, *inter alia*, these proposals (see also point 9.b below).

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

The newly appointed Secretary General of ACCPUF, Ms Marie-Christine Meininger, informed the Joint Council that the Venice Commission and ACCPUF had developed close co-operation. She explained that since the meeting of the Joint Council in Azerbaijan, a number of developments had occurred and that the next congress of ACCPUF will take place from 13 to 15 November 2006, in Paris and that it would be an opportunity for the Venice Commission to present its activities to ACCPUF. She invited Mr Dürr to present the CODICES database on this occasion.

Ms Meininger said that the Bureau of ACCPUF had recently met in Niger and in Paris to discuss constitutional working methods. She informed the Joint Council that a “Bulletin” on political parties was going to be prepared, that the Bucharest Conference proceedings will soon be published and that a revised web site of ACCPUF will be up and running by September 2006.

The Joint Council took good note of the progress of co-operation and noted that ACCPUF’s next meeting will take place from 13 to 15 November in Paris, France.

7.c Co-operation with the Southern African Judges Commission

The Venice Commission had started a programme of co-operation with the Southern African Judges Commission, financed at the outset by the Swiss Government and then successively by the Governments of Norway, Italy and Ireland.

The Venice Commission had co-organised a number of seminars for Chief Justices in that region and had offered the courts there a similar co-operation to that of ACCPUF, notably contributing to the CODICES database (in English).

A meeting of the Southern African Judges Commission in Windhoek, Namibia in August 2005 had dealt with the question of independence and accountability and produced a report on the training of judges. In March 2006, the Southern African Judges Commission was invited to hold an exchange of views with the Venice Commission in Venice to discuss the topic of constitutional review in common law countries and by specialised constitutional courts. The Venice Commission also invited them to Strasbourg to discuss Convention rights with the judges of the European Court of Human Rights. At an internal meeting, also held in Strasbourg, the Southern African Judges Commission prepared guidelines for assisting courts under pressure.

The next meeting of the Southern African Judges Commission will take place in August 2006 in Maputo, Mozambique.

The Joint Council took good note of this co-operation and noted that the Southern African Judges Commission's next meeting will take place in August 2006 in Maputo, Mozambique.

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

The CCCOCYD unites constitutional courts in countries that became independent after the collapse of the USSR. The Armenian Constitutional Court acts as the Secretariat of the CCCOCYD.

The Constitutional Court of Armenia publishes a legal journal and organises annual conferences in October in Yerevan, Armenia both on behalf of the CCCOCYD. The last conference, also co-organised with the International Association of Constitutional Law (IACL), dealt with the topic of principles of law and political reality in implementing constitutional control. In October 2006, it will be discussing the control of elections by the Constitutional Court, again in co-operation with the Venice Commission.

The Joint Council took good note of the co-operation with the CCCOCYD and noted that its next meeting will take place in October 2006 in Yerevan, Armenia.

7.e Co-operation with the Network of Constitutional Courts of Asia

The Secretariat informed the Joint Council about the co-operation of the Venice Commission with the Network of Constitutional Courts of Asia, which covers Cambodia, Indonesia, Republic of Korea, Mongolia, Philippines and Thailand. Mr Dürr participated in the meeting that took place in Mongolia in September 2005 where he had offered to the Network a similar co-

operation to that of the ACCPUF with the Venice Commission. The Network, which was very interested in co-operating with European courts, had accepted this offer .

The next meeting of this Network will depend on the German Konrad Adenauer Stiftung and should take place in the Philippines.

The Joint Council took good note of the Network's co-operation with the Venice Commission.

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

Mr Ignacio Borrajo Iniesta informed the Joint Council that the Ibero-American Conference of Constitutional Justice gathers together the Constitutional Courts of Latin America and those of Portugal, Spain and now also Andorra. The latter had recently joined the Conference.

In October 2005, a meeting took place in Seville in which the possibility of turning the Conference into a permanent institution was discussed. The next meeting will take place in October 2006 in Santiago, Chile, in which the Conference's Statute should be approved.

Mr Borrajo Iniesta told the Joint Council that future co-operation with the Venice Commission was possible.

Mr Dürr explained that during the plenary session of the Venice Commission in Venice, Mr Léon de la Torre Kraiss, Assessor, Cabinet of the Presidency, Constitutional Tribunal of Spain, briefly introduced the activities of this Conference and said that he looked forward to a future co-operation between the Conference and the Venice Commission.

The Joint Council took good note of the possibility of co-operation with the Ibero-American Conference on Constitutional Justice.

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

The Secretariat welcomed the delegation from the Constitutional Council of Algeria representing the Union of Arab Constitutional Courts. Mr Boualam Bessaïh, the President of the Constitutional Council of Algeria, had met the Venice Commission at its meeting in March 2006 and had proposed co-operation between the Union and the Venice Commission. In April, a delegation of the Commission had visited Algeria to discuss possible modalities of co-operation, in particular contributions to the CODICES database such as those by ACCPUF on the basis of a co-operation agreement to be drafted. In addition, Algeria was seeking bilateral relations with the Venice Commission.

Mr Mohamed Habchi, Counsellor [at the](#) Constitutional Council of Algeria, explained that the Union of Arab Constitutional Courts and Councils will make a decision on co-operation with the Venice Commission at the next General Assembly of the Union in 2007.

The Joint Council took good note of the possibility of co-operation with the Union of Arab Constitutional Courts and Councils.

8. Series of seminars with Constitutional Courts (CoCoSem)

Mr Dürr informed the Joint Council that, since June 2005, a number of events had taken place, notably:

- 30 June - 1 July 2005: International Conference on Law and Fact in Constitutional Justice in co-operation with the Constitutional Court of Lithuania (Vilnius, Lithuania);
- 12-13 August 2005: General Meeting of the Southern African Judges Commission (Windhoek, Namibia);
- 3rd Conference of Secretary Generals of Constitutional Courts and Equivalent Bodies discussing, *inter alia*, the working document on the Status and Function of Secretary Generals (Bled, Slovenia);
- international Conference on “Legal Principles and Political Reality in the Exercise of Constitutional Control”, on the occasion of the 10th anniversary of the Constitution and the Constitutional Court of Armenia in co-operation with the latter, the International Association of Constitutional Law and the Conference of Constitutional Control Organs of the Countries of Young Democracy (Yerevan, Armenia);
- 14 October 2005: Conference on the Influence of the Case-Law of the European Court of Human Rights on National Constitutional Case-Law in co-operation with the Constitutional Court of Ukraine (Kiev, Ukraine);
- 14-15 November 2005: Seminar on the Limits of Constitutional Control of Decisions made by Ordinary Courts in Constitutional Proceedings in co-operation with the Constitutional Court of the Czech Republic (Brno, Czech Republic);
- 11-12 November 2005: Conference on the occasion of the 10th Anniversary of the Constitution of Azerbaijan, on the Role of the Constitution in Building a State governed by the Rule of Law (Baku, Azerbaijan);
- 10-11 February 2006: Conference on Electoral Rights and the Right to Political Associations in co-operation with the Constitutional Court of Georgia (Tbilisi, Georgia);
- 17-20 March 2006: exchange of views with the Southern African Judges Commission and the European Court of Human Rights (Venice, Italy / Strasbourg, France);
- 10-11 April 2006: International Round Table on the Relationship between Constitutional Law and European Law in the European Union Member States in co-operation with the Constitutional Court of Hungary (Budapest, Hungary);
- 1-2 June 2006: Seminar on the Review by the Constitutional Courts of Proceedings before Ordinary Courts applying Community law in co-operation with the Constitutional Court of Slovakia (Kosice, Slovakia).

Still to come:

- August 2006: SAJC meeting on Financial and Administrative Autonomy of the Courts and the Delicate Balance between National Security and Human Rights (Maputo, Mozambique);
- September 2006: Conference on Sovereignty in Multiethnic States (Chisinau, Moldova);
- October 2006: Conference on The Common Legal Space of Europe (Moscow, Russia);
- November 2006: Seminar on the Relationship between Constitutional Courts and Ordinary Courts (Baku, Azerbaijan);
- December 2006:
 - Seminar on the Protection of Constitutional Values (Riga, Latvia);
 - Study Visit of Registrars of the Courts of the Southern African Judges Commission to Ireland;

- Seminar on the Independence of the Courts (Bucharest, Romania)

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

9.a Regular issues of the *Bulletin*

The Secretariat presented Bulletin 2005/2 to the Joint Council, currently in print, and informed them that Bulletin 2005/3 would be available, in principle, in Autumn 2006.

The Secretariat briefly reported on the replies received to the questionnaire on the Bulletin (CDL-JU(2006)017). Two questionnaires were sent out on the Bulletin: (1) in November 2005 to the liaison officers and to the readers with the aim of obtaining comments and suggestions in order to improve the quality of the information, its presentation and its clarity; (2) in February 2006 a similar questionnaire was sent out specifically regarding the CD-Rom and internet versions of CODICES with the aim of reinforcing replies received to the earlier questionnaire and to shed some light on the search facilities.

The proposals made to improve the Bulletin included:

- to divide the “summary” into facts and points of law (already now corresponds to the optional sub-parts I and II of the summary);
 - to draft the legal background of judgments more accurately;
 - to insert a reference to the web site where the full text of the decisions/judgments could be found (reference has to be stable over time);
 - to envisage publishing in full in each issue of the Bulletin one or two decisions that are particularly significant for the country concerned;
 - to publish not only cases on the merits but also important admissibility decisions;
 - to print the Bulletin in a smaller more compact version.
-
- As concerns CODICES, to simplify the search engine of the database e.g. like HUDOC and to increase the use of PDF documents.

Mr Dürr explained that the proposals were very useful, but that budgetary constraints were going to make it difficult to meet some of them. One of the criticisms that had been made regarding the Bulletin was that it could be published faster, the Secretariat had taken internal steps to speed up its production (reduction of deadlines within the Secretariat, merging of different steps of processing, splitting of large contributions into smaller files).

Consequently, the Secretariat asked whether liaison officers could send the case-law of their respective Constitutional Courts before the currently set deadlines, as this would also help in speeding up production of the Bulletins. Liaison officers replied that this was difficult due to the fact that courts took a certain amount of time to produce their judgments and that the number of cases tended to increase at certain times of the year and this had been a problem that had already been identified at the outset of the Bulletin. The Secretariat offered also to send the invitation to contribute two weeks before the end of the reference period.

The Secretariat pointed out that, due to budgetary difficulties, it was agreed that the quantities of Bulletins produced in English and in French could be reduced from ten to five copies per country per language.

The Joint Council also agreed with the Secretariat to add a serial number to the Bulletin to facilitate its sale in bookstores – in order to simplify dealings with the subscribers.

The Joint Council decided that:

- the Secretariat intended to speed up the publication of the Bulletins;
- liaison officers would strive to provide contributions in the middle of the month following the reference period. Consequently, the Secretariat would send out invitations to contribute already two weeks before the end of the reference period;
- quantities of Bulletins in English and French would be reduced from 10 to 5.

The Joint Council agreed for the Secretariat to add a serial number to the Bulletin to facilitate its sale.

9.b Special Bulletins

The Secretariat informed the Joint Council that there were currently four Special Bulletins in preparation in print, namely: the special Bulletin on Limitations to Human Rights, requested by the then Cypriot Presidency of the Conference of European Constitutional Courts; the special Bulletin on the “Status and Functions of the Secretary General”; “Leading Cases 2” and “Basic Texts 7”. For the latter, there were seven basic texts concerning non-European courts, which were far advanced and translations were ready. For the special Bulletin on “Leading Cases 2”, more time was needed in order to finalise it, as further leading cases were received only recently.

The preparatory meeting of the Conference of European Constitutional Courts will take place on 7 September 2006 in Vilnius, Lithuania, to decide on the topic for its XIVth Congress in 2008. In line with the Joint Council’s tradition to support the European Conference, the Joint Council approved the Secretariat’s proposal to prepare a special Bulletin on that topic to be known in September.

The Secretariat proposed that the English version of the Bulletin be published before the French version, as three-quarters of the contributions were sent to the Secretariat in English. The disadvantage of such an option was that the Secretariat might discover errors in the time between the publication of the English and French versions, creating a discrepancy between the two versions. However, the participants insisted that both the English and French versions be published at the same time.

The Secretariat informed the Joint Council that discussions were ongoing with the International Organisation of the Francophone on a co-operation agreement which might include *inter alia* some financial support for the translation of the Bulletin into French.

The Joint Council took note of:

- the upcoming Bulletins;
- **Joint Council decided to prepare a Special Bulletin on the topic to be chosen by the Preparatory Meeting of the Conference of European Constitutional Courts, which will take place on 7 September 2006, in Vilnius, Lithuania.**

10. CODICES database

10.a Presentation of a new version of CODICES

The Secretariat reminded the Joint Council that there were two versions of CODICES: (1) CD-Rom and (2) the Internet. The developments that occurred since the last meeting in Azerbaijan related mostly to the internal structuring of the data. The indexing of constitutions and laws was now kept in separate tables, which applied both to the English and French version of these texts.

In addition, the Interim Bulletin, which could be accessed on the restricted web site (<http://venice.coe.int/ju/bulletin>), had been improved.

Furthermore, the web version now allowed to include full texts of decisions of non-Latin fonts (e.g. Bulgarian).

The Joint Council welcomed the improvement of the CODICES database.

10.b Updating and indexing of constitutions and laws in CODICES

Mr Dürr invited liaison officers to inform the Secretariat of any changes in their constitutions, laws on the courts and descriptions that should be introduced in CODICES.

He informed the Joint Council about the progress that was made on the project of indexation of the constitutions and laws on the courts, article by article (see document CDL-JU(2006)012).

10.c Data input mask

Mr Dürr provided an overview of the CD-Rom input mask, explaining that it was also available on the restricted web site from which it may be downloaded. The Internet mask is available at (<http://venice.coe.int/ju/codices/>). The use of these masks allows the Secretariat to introduce the liaison officers' contributions into the database more rapidly.

11. Documentation Centre on Constitutional Justice / Library

The Secretariat warmly thanked the Courts for generously sending their publications to the Documentation Centre in Strasbourg and informed the Joint Council that there was a slight backlog with respect to the updating of the list of books on the web site.

12. Version 18 of the Systematic Thesaurus

The amendments proposed by the Working Group on the Systematic Thesaurus for version 18 of the Systematic Thesaurus were approved by the Joint Council (CDL-JU(2006)013).

The Secretariat informed the Joint Council that Version 18 of the Systematic Thesaurus should be used as from Bulletin 2006/2.

The amendments to the Systematic Thesaurus were approved by the Joint Council.

Version 18 of the Systematic Thesaurus will be used as from Bulletin 2006/2 (CDL-JU(2006)031).

13. Other business

None.

14. Date and place of the next meeting

The next meeting of the Joint Council on Constitutional Justice will probably take place in Venice in June 2007 and the Secretariat invited the constitutional courts to propose a venue for the Joint Council's meeting in 2008.

LIST OF PARTICIPANTS**ALBANIA / ALBANIE**

M. Luan PIRDENI, Responsable du Dépt. des relations internationales, Cour constitutionnelle, TIRANA

ARMENIA / ARMÉNIE

Mr Gregor Vahanyan, Adviser, Constitutional Court, YEREVAN

AUSTRIA / AUTRICHE

Mrs Reinhild HUPPMANN, Co-president of the Joint Council on Constitutional Justice, Chief of Protocol at the Constitutional Court, WIEN

BELGIUM / BELGIQUE

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

Mme Anne RASSON ROLAND, Référendaire à la Cour d'arbitrage, BRUXELLES

BOSNIA AND HERZEGOVINA / BOSNIE-HERZÉGOVINE

Mr Dušan KALEMBER, Secretary General, Constitutional Court, SARAJEVO

BULGARIA / BULGARIE

M. Kiril MANOV, Secretary General, Constitutional Court, SOFIA

CROATIA / CROATIE

Ms Mirjana STRESEC, Adviser, Constitutional Court, ZAGREB

CZECH REPUBLIC / RÉPUBLIQUE TCHÈQUE

Ms Soňa MATOCHOVÁ, Foreign Department, Constitutional Court, BRNO

ESTONIA / ESTONIE

Ms Katrin SAARELÄEL-STOILOV, Adviser to the Constitutional Review Chamber, Supreme Court, TARTU

FRANCE

Mme Marie-Christine MEININGER, Secrétaire général, Association des Cours constitutionnelles ayant en Partage l'Usage du Français (ACCPUF), Conseil constitutionnel, PARIS

Mlle Valérie GARAYALDE, Chargée de mission, Service des relations extérieures, Conseil constitutionnel, PARIS, Association des Cours constitutionnelles ayant en Partage l'Usage du Français (ACCPUF)

GERMANY / ALLEMAGNE

Ms Margret BÖCKEL, Head of Protocol, Federal Constitutional Court, KARLSRUHE

HUNGARY / HONGRIE

Mr Peter PACZOLAY, Member of the Venice Commission, Judge, Constitutional Court, BUDAPEST

Ms Krisztina KOVACS, Counsellor, Constitutional Court, BUDAPEST

ISRAEL / ISRAËL

Mr. Yigal MERSEL, Registrar, Supreme Court, JERUSALEM

LUXEMBOURG

M. Jean JENTGEN, Vice-Président de la Cour Supérieure de Justice et Conseiller, Cour constitutionnelle, Luxembourg

Mme Lily WAMPACH, Secrétaire Général, Cour constitutionnelle, Luxembourg

NORWAY / NORVÈGE

Ms Cecilie OSTENSEN NOSS, Deputy Head of the Juridical Secretariat, Supreme Court, OSLO

POLAND / POLOGNE

Mr Marcin WIACEK, Constitutional Tribunal, WARSZAWA

ROMANIA / ROUMANIE

Mme Gabriela DRAGOMIRESCU, Magistrat-assistant, Cour constitutionnelle, BUCAREST

SLOVAKIA / SLOVAQUIE

Ms Gabriela FET'KOVA, Legal Adviser, Constitutional Court, KOŠICE

SLOVENIA / SLOVÉNIE

Mr Arne MAVCIC, Director, Head of the Analysis and International Co-operation Department, Constitutional Court, LJUBLJANA

SPAIN / ESPAGNE

M. Ignacio BORRAJO INIESTA, Référendaire – Chef du Service de doctrine constitutionnelle et de l'informatique, Tribunal Constitucional, MADRID

SWEDEN / SUÈDE

Ms Charlotta LOKRANTZ, Rapporteur, Supreme Administrative Court, STOCKHOLM

SWITZERLAND / SUISSE

Mme Juliane ALBERINI-BOILLAT, Chef du Service de documentation, Tribunal fédéral, LAUSANNE

TURKEY/TURQUIE

Mr Bekir SÖZEN, Reporter, Constitutional Court, ANKARA

UNITED KINGDOM / ROYAUME UNI

Mr Maurice KAY, Lord Justice, Court of Appeal – Royal Courts of Justice, LONDON

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

M. Ph. SINGER, Chef de Division, Cour de justice des Communautés européennes, Luxembourg

SPECIAL GUEST / INVITÉ SPÉCIAL

ALGERIA / ALGÉRIE

M. Khaled DHINA, Conseiller, Conseil constitutionnel, ALGER HYDRA

M. Mohamed HABCHI, Conseiller, Conseil constitutionnel, ALGER HYDRA

SECRETARIAT

VENICE COMMISSION / COMMISSION DE VENISE

Mr Schnutz Rudolf DÜRR

Ms Tanja GERWIEN

Ms Ana GOREY

INTERPRETERS / INTERPRETES

Ms Barbara GRUT

Mr Derrick WORSDALE