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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**6TH MEETING OF THE JOINT COUNCIL
ON CONSTITUTIONAL JUSTICE
(VENICE, 29 – 30 MAY 2007)**

REPORT

**This document has been classified restricted at the date of issue. Unless the Venice Commission decides otherwise, it will be declassified a year after its issue according to the rules set up in Resolution CM/Res(2001)6 on access to Council of Europe documents.*

1. Adoption of the agenda

The agenda was adopted unchanged.

2. Communication by the Secretariat

The Joint Council was informed about the appointment of a number of new liaison officers¹ and about Morocco's accession to the Venice Commission as well as on the intention of Algeria to deposit a request for accession.

Mr Dürr told the Joint Council that the 71st Plenary Session of the Venice Commission would take place on the coming Friday and Saturday (1-2 June 2007) and discuss, *inter alia*, the following topics:

- the *amicus curiae* Opinion for the Constitutional Court of Albania on the Law on legalisation, urban planning and integration of unauthorised buildings in Albania;
- the Opinion on the draft Croatian Law on the State register of voters;
- the President of the Supreme Administrative Court of Finland will discuss the evaluation of the Finnish Constitution to be undertaken by the Venice Commission;
- the Opinion on the possible reform of the ombudsman institution in Kazakhstan;
- the Opinion on the draft Law on political parties in Moldova;
- the interim Opinion on the draft Constitution of Montenegro;
- the Opinion on video-surveillance by private operators in the public and private spheres and by public authorities in the private sphere and human rights protection;
- the Opinion on the draft Law on the People's advocate of Kosovo;
- the Opinion on the draft Law on the parliamentary opposition in Ukraine;
- the Opinion on the legislation on early elections in Ukraine;
- the Opinion on the Law on amendments to certain laws concerning the status of Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea and of Local Councils of Ukraine (introducing an "imperative mandate").

The Venice Commission will also adopt a number of general reports: on the democratic control of security services in Council of Europe member states and on media coverage of election campaigns.

3. Updating of data on the participating courts

Mr Dürr reminded the liaison officers to regularly consult the restricted website (www.venice.coe.int/ju) and to keep the Secretariat updated on any changes to be made to the data contained in:

- the list of constitutional courts (CDL-JU (2007)005);
- the list of liaison officers (CDL-JU (2007)006);
- the list of websites of constitutional courts and equivalent bodies (CDL-JU (2007)007).

Given that the Secretariat cannot regularly check the web sites of the participating courts, liaison officers were requested to send the relevant changes to the Secretariat directly and informed that a reference to a website link on which the changes can be found is better than no information at all.

¹ In chronological order: Mr Göttinger, Czech Republic; Ms Dunnington, Sweden; Mr Spaic, Montenegro; Mr Minear, United States of America; Ms van Roosmalen, Netherlands; Ms Kazee and Mr Bishop, South Africa; Ms Roddik Christensen, Denmark; Ms Janjic Todorova, "The former Yugoslav Republic of Macedonia"; Ms Budisavljevic, Montenegro; Ms Sterbet, Moldova; Ms O'Grady, Ireland; Mr Cordero, Chile and Ms Plavsic, Serbia.

4. Venice Forum – Classic (e-mail based) and Newsgroup

Ms Gerwien informed the participants about the exchange of information that took place via the Classic Venice Forum and thanked the liaison officers for their work in answering the queries sent to the Forum. She told them that, since the Joint Council's last meeting in Budapest in June 2006, the Venice Forum has received 18 requests from 11 different courts and a total of 38 requests since the beginning of 2006. Each question received between 10 to 18 replies.

The pattern of questions received for 2006 and 2007 was as follows:

| | Number of questions received 2006 | Number of questions received 2007 |
|---------------------------------|--------------------------------------|--------------------------------------|
| January | 2 | 4 |
| February | 1 | 2 |
| March | 4 | 3 |
| April | 4 | 1 |
| May | 5 | 1 |
| June | 2 | |
| July | 0 | |
| August | 3 | |
| September | 2 | |
| October | 3 | |
| November | 0 | |
| December | 1 | |
| Sub-total | 27 | 11 |
| TOTAL since January 2006 | 38 | |

The topics of the questions covered such areas as social protection in old age, private executors, supervising political party financing, positive discrimination/affirmative action, state pension for judges and the rehabilitation of victims of political repression.

Ms Gerwien reminded the liaison officers to avoid short deadlines where this was possible. The liaison officers agreed that they should include, in their questions to the Classic Venice Forum, whether replies after the deadline has passed, were still useful. They also agreed that a "reminder" e-mail should be sent out the day of the deadline for replies, if the initial deadline was of at least 14 days.

Liaison officers explained that they found the replies they received to questions addressed to the Classic Venice Forum useful, however due to the limited number of replies (between 10 to 18 per question) it was often difficult to obtain a representative overview of the situation on a particular issue in Europe. Nevertheless, they found that replies received were useful and it was a fast means of obtaining information on sometimes very complex issues that would be difficult for liaison officers to research on their own.

The conclusion reached was that liaison officers should strive to answer the questions addressed to the Classic Venice Forum, even to merely say that they do not have any relevant case-law on the subject.

Discussions then revolved around whether constitutional courts and equivalent bodies refer to the case-law of other foreign constitutional courts. A number of liaison officers explained that, although courts often had access to a comparative law file, they do not officially do so and although, in some instances, courts have referred to the European Convention on Human Rights and the case-law of the European Court of Human Rights, it is still rare for courts to expressly refer to the case-law of foreign constitutional courts.

Mr Dürr reported on the Forum Newsgroup and explained that there was very little activity on this site over the past year (www.team10.coe.int/veniceforum/Lists/Newsgroup/AllItems.aspx). He reminded the participants that he already informed them at the last meeting in Budapest that the Forum will have to be shut down if not used. However, there are partners, such as ACCPUF, constitutional courts in Asia and soon the Union of Arab Constitutional Courts and Latin American courts, that do not have access to the Classical Venice Forum and for whom the Newsgroup would be very useful. For this reason, the Secretariat believes that it is still too soon to condemn the Newsgroup site. Nevertheless, if by the next meeting of the Joint Council, the Newsgroup has still not seen any activity, it will be definitely shut down.

Mr Dürr informed the Joint Council about a recent request by the Secretary General of the Constitutional Court of Germany for a tool to quickly exchange information about upcoming or recently handed down decisions which are likely to be of interest to other courts. He had replied that the Venice Forum Newsgroup was an ideal tool for such exchanges.

Mr Dürr explained that a new accounts system was created and that passwords will be distributed to the participants that will allow them to access both the restricted website of the Venice Commission for liaison officers (www.venice.coe.int/JU) and the Venice Forum Newsgroup. He explained that a procedure of initialisation will be put in place and that passwords will no longer be attributed by the Secretariat, but initialised directly via the special website. He reminded participants that only liaison officers with functioning e-mails can receive passwords. He informed liaison officers that the same password will soon also be applicable to the JU restricted website (www.venice.coe.int/JU).

Liaison officers were reminded to:

- **avoid short deadlines where this was possible;**
- **strive to answer the questions addressed to the Classic Venice Forum;**
- **include in their queries to the Forum, whether replies after the deadline were still useful;**
- **to use the Forum Newsgroup.**

Liaison officers were informed that:

- **a new accounts system was created;**
- **passwords will be distributed that will allow access to both the restricted website for liaison officers (www.venice.coe.int/JU) and the Venice Forum Newsgroup.**

5. Opinions of the Venice Commission

Mr Dürr informed the participants about the follow up to previous opinions and new opinions adopted on laws on constitutional courts and *amicus curiae* opinions since the last meeting of the Joint Council.

The opinions are the following:

- Opinion on amendments to the Law on the Constitutional Court of Armenia ([CDL-AD\(2006\)017](http://www.coe.int/t/t07/AD/AD(2006)017)).

This Opinion was adopted in June 2006, the President of the Court, Mr Harutyunian, said that the adoption of the Court's rules of procedure (the Charter) had helped resolve two of the issues raised in the Opinion.

The Charter now stated that any appeal against a decision denying an individual application, which had been the subject of a ruling by the Court's staff, would not only be examined by the Constitutional Court's President, but also by the judges.

Another point concerned the establishment of committees to gather evidence in the case of disputes relating to the results of referendums and in the case of electoral disputes. These investigatory committees consisted of one member of the Constitutional Court (who acted as chair) and members from the electoral commissions, as well as Members of Parliament and local and international observers, which could create problems with regard to the separation of powers. Under the Charter adopted by the Court, it was not the committees that reported to the Court, but only the participating Constitutional Court judge. The other participants could then present the Court with their own individual opinions, but separately from the judge's report.

- Opinion on the two draft laws amending Law N° 47/1 992 on the organisation and functioning of the Constitutional Court of Romania ([CDL-AD\(2006\)006](#)).

In March, the Commission had adopted an Opinion on two draft laws amending the Law on the Constitutional Court of Romania. Under these amendments, candidates for the position of Constitutional Court judge, who were or had been members of a political party or whose family members were or had been leaders of political parties in the past five years, could not become judges. This was found to be an excessively restrictive clause. Furthermore, all candidates were required to have served as a judge or prosecutor for twelve years prior to applying for the post, which greatly reduced the pool of suitable individuals and might even be unconstitutional. As far as challenging a Constitutional Court judge was concerned, the adoption of special provisions would be required rather than the application of the Code of Civil Procedure provided for by the amendments. These provisions must make it clear that any such challenge was applicable only in procedures where an individual interest of a party was at stake and must also prevent the occurrence of *non liquet* situations in the Court.

Following the Commission's Opinion, the two draft amendments to the Law on the Constitutional Court criticised by the Commission had not been further pursued by Parliament.

- Opinion on possible constitutional and legislative improvements to ensure the uninterrupted functioning of the Constitutional Court of Ukraine ([CDL-AD\(2006\)016](#)).

Following Parliament's failure to appoint and swear in several judges, the number of serving judges had been insufficient to form a quorum and the Court had been rendered inoperative. In December 2005, the Commission had adopted a declaration inviting Parliament to appoint the judges and to swear them in together with the Lithuanian Presidency of the Conference of European Constitutional Courts.

In its Opinion on ways of ensuring the uninterrupted functioning of the Court, adopted in June 2006, the Commission held that: 1) a judge should remain in office until his/her successor took office, 2) the swearing-in procedure should be simplified, for example by allowing judges to take the oath in written form, and 3) an authority which failed to exercise its power of appointment should face the devolution of that power to the remaining appointing authorities.

Following the parliamentary elections, the political stalemate had been resolved and Parliament had taken the necessary steps to ensure that the vacancies in the Court were filled. The Court was therefore once again operational.

The presidential National Commission for Strengthening Democracy and the Rule of Law, had informed the Commission that it was preparing a draft law on this matter.

The *amicus curiae* opinions are the following:

- an *amicus curiae* opinion on the Law on the legalisation and urbanisation of illegal constructions in Albania. This concerns a law which regularises wide scale illegal

construction on property expropriated by the communist state and not (yet) returned. Previous owners claim that regularisation amounts to expropriation (to be adopted at the Plenary Session on 1-2 June 2007).

- an *amicus curiae* opinion on political parties in Armenia.

The Venice Commission received a request from the Constitutional Court of Azerbaijan on the draft amendments prepared by the Court itself, which will be presented by Mr Abdullayev at the Plenary Session on 1-2 June 2007.

Mr Dürr presented the Commission's *vademecum* on constitutional justice (CDL-JU(2007)012), which gives an overview of past opinions of the Venice Commission by providing citations of key elements of the Commission's opinions in this field. Its aims are to serve as a source of reference i.e. precedents and a means of keeping the memory alive, for drafters of constitutions and of laws on constitutional courts, for researchers and for Venice Commission members who are preparing comments or for opinions of the Venice Commission.

6. Co-operation activities

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

Mr Dürr reported on the co-operation with the Conference of European Constitutional Courts, explaining that a preparatory meeting took place in Vilnius, Lithuania, in September 2006. He explained that such preparatory meetings serve to allow the entrance of new members and to discuss and decide on the topic of the next congress of the Conference, which meets every three years.

He informed the participants that there would be no modification of the statute of the Conference, which would have allowed for a co-operation agreement with other bodies and created a mechanism to support courts under pressure. This mechanism would have provided for a statutory basis for a declaration such as the one made by the Lithuanian Presidency of the Conference (with the Venice Commission), but was rejected even in the light of the situation in Ukraine last year, when the Constitutional Court was facing difficulties.

However, the Conference adopted Resolution XX on friendly co-operation, which states that the Conference would continue its friendly co-operation with the Venice Commission. In this way, the Venice Commission will continue to provide working documents for the Conference. Furthermore, the Venice Commission plans to invite the Conference to join the Venice Commission in a dual publication of the general reports in a special issue of the Bulletin. This is currently being discussed with the presidency and there should be no obstacle to such a publication going ahead.

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

Ms Meininger, Secretariat of ACCPUF, reminded the participants that ACCPUF and the Venice Commission have been co-operating for years and that this positive co-operation keeps moving forwards. She said that the bureau of ACCPUF met in November 2006 followed by the 4th Triennial Congress of ACCPUF on the topic of the competences of the constitutional courts and the General Assembly in which the Venice Commission participated (Paris).

She informed the participants that ACCPUF has two new members: the Constitutional Council of Mozambique and the Constitutional Court of Hungary (as an observer). The latter will become a full member by 2008.

Ms Garayalde-Gourrier informed the participants that ACCPUF's website is now fully operational at www.accpuf.org. She briefly explained how the website was set up, showed the participants its content and explained that it also provides a link to CODICES and to the Newsgroup of the Venice Commission.

With respect to ACCPUF's publications, Ms Meininger explained that Bulletin 6 on the status, financing and the role of political parties: a challenge for democracy and Bulletin 7 on the independence of judges and the judiciary, were published. Bulletin 8 on the methods of work of constitutional courts and equivalent bodies and the proceedings of the 4th Triennial Congress of ACCPUF will be published in the second half of this year.

Ms Meininger informed the participants that ACCPUF's President, Mr Traoré, attended the seminar organised by the *Organisation internationale de la Francophonie* (OIF) in Yaoundé, Cameroon in December 2006 on the collection, administration and dissemination of law at which the Venice Commission was also present. A training had been held for a delegation from the Constitutional Court of Gabon on the CODICES database, in February 2007.

The Gabonese Court offered to help ACCPUF in the proof-reading of summaries of decisions from the member Courts of ACCPUF and is to train the courts so that they can produce *précis* that are correctly indexed according to the Systematic Thesaurus before sending them to ACCPUF, which will then transmit them to the Venice Commission.

There will be a further training session, co-organised with the Venice Commission, for the correspondents of ACCPUF (*liaison officers*) in Strasbourg in November 2007, with the aim of teaching a maximum number of courts how to index and write *précis* on their own judgments and to use the CODICES database.

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

Ms Gerwien informed the participants about the programme of co-operation between the Southern African Judges Commission and the Venice Commission funded by the Irish Government. The participants learned that four activities had taken place in which the SAJC had participated. These were as follows:

- The 4th meeting of the SAJC took place in Maputo, Mozambique on 10-11 August 2006 on the financial and administrative autonomy of the courts and the delicate balance between human rights and national security. Chief Justices and their representatives from Angola, Botswana, Kenya, Lesotho, Malawi, Mauritius, Namibia, the Seychelles, South Africa, Swaziland, Tanzania and Uganda participated in the meeting. Mr Hamilton, Director of Public Prosecutions of Ireland, contributed to the second topic from a European viewpoint on behalf of the Venice Commission. The SAJC also adopted its "Guidelines on Addressing Issues of Concern among Member States of the Southern African Judges Commission", which are to enable the SAJC to assist courts under undue pressure from other state powers.
- The Lisbon Forum took place on 28 to 29 November 2006 on the topic of « *Constitutionalism: the key to democracy, human rights and the rule of law* », organised by the North-South Centre and the Venice Commission, under the auspices of the San Marino Chairmanship of the Committee of Ministers. The Chief Justices from Lesotho and Mauritius were present at this event that gathered together 100 participants. Discussions revolved around the role of different actors in reinforcing constitutional democracies and in ensuring the balance between powers, the protection of freedoms and the promotion of democratic values.
- A study visit was organised for registrars of the SAJC to Dublin, in December 2006. Participants from: Botswana, Malawi, Mauritius, Mozambique, South Africa, Swaziland, Tanzania, Uganda, Zambia took part in the visit. The Court Service of Ireland arranged

for meetings with judges and registrars/clerks of courts of all layers of the Irish judicial system: District, Circuit, High and Supreme Courts.

- The SAJC organised, in co-operation with the Venice Commission, a conference on “Constitutionalism: the key to democracy, human rights and the rule of law” followed by its general meeting on 31 March – 1 April 2007 in Maseru, Lesotho. The key objective was for judges of Southern and Eastern Africa to share the experience of their respective jurisdictions. During the SAJC’s meeting, the Chief Justices discussed the recent situation concerning a judges’ “strike” in Uganda and the threat to the independence of the judiciary following the arrest of suspects inside the High Court after having been released on bail. The SAJC re-emphasised that it has a responsibility and must engage support from other countries in this serious and grave event.

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

Mr Dürr informed the participants on the progress made with the co-operation between the Venice Commission and the Conference of the Constitutional Control Organs of the Countries of Young Democracy. He explained that there are yearly seminars that are called Yerevan International Conferences to which the member courts of the CCCOCYD are invited. On 6-7 October 2006, the Constitutional Court of Armenia organised the XIth Annual Conference on the topic “The role of constitutional courts in guaranteeing democratic elections”, which was organised in co-operation with the Venice Commission, the American Bar Association and USAID.

The XIIth Yerevan International Conference is going to take place on 4-6 October 2007 and will be dealing with the topic “International experience of the co-operation between constitutional courts and ombudsmen in the field of ensuring and protecting human rights.”

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

Mr Bo-Yoon Bae, from the Constitutional Court of Korea, informed the participants that the 4th Conference of Asian Constitutional Court Judges took place on 29-30 November 2006 in Manila on “Constitutional Jurisdiction between State, Culture and Religion”, in which participated the Constitutional or Supreme courts from Cambodia, Indonesia, Republic of Korea, Mongolia, Philippines and Thailand.

This conference was organised by the Konrad Adenauer Foundation and a joint delegation of the Presidency of the Conference of European Constitutional Courts (President Kuris) and the Lithuanian member of the Venice Commission, Mr Jarasiunas, were present at this event.

Mr Bae informed the participants that the 5th Conference will take place in Seoul on 4-6 November 2007 on “Standards of constitutional review: in civil society and economics”, which the Secretariat of the Venice Commission will attend.

Mr Dürr explained that the Venice Commission values its co-operation with Asia and that the Venice Commission believes it has a duty to facilitate contact and co-operation and that Europe is ready to share and receive knowledge from countries outside Europe.

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

Mr Dürr informed the participants that he took part in the 5th Ibero-American Conference of Constitutional Justice in Santiago, Chile in October 2006, where a possible co-operation between the Venice Commission and the Ibero-American Conference of Constitutional Justice was discussed and welcomed. Such a co-operation could be based on the ACCPUF model.

Mr Dürr informed the participants that, in principle, such a co-operation should not become a burden on the Venice Commission, as the preparation of the précis and their proof-reading are to be carried out by the Secretariat of the Conference.

The draft co-operation agreement (CDL-JU(2007)015), which is similar to the one with ACCPUF, will be discussed at the 6th Ibero-American Conference of Constitutional Justice that will be held in Cartagena, Colombia in November 2007.

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

Mr Dürr explained that the Venice Commission and more generally the Council of Europe's wish is to create an inter-cultural dialogue. This could provide a window of opportunity for constitutional courts that exist in Arab countries that are in transition. These activities ought to be funded by voluntary contributions and not by the ordinary budget of the Venice Commission. The Venice Commission will go on a fact-finding mission to visit the High Court of Palestine, to see how the Venice Commission can provide assistance (see draft Co-operation Agreement – CDL-JU(2007)016).

While Mr Singer pointed out that some of these courts may lack democratic legitimacy, Mr Dürr insisted that it is important also to share the values of democracy, human rights and the rule of law with countries which have yet to build democratic institutions. By assisting and strengthening constitutional courts and councils in these countries, the Venice Commission hopes to influence indirectly other state powers, even if it is clear that this will take time and progress will vary from one country to the next. Within these various regional bodies, the courts who wish to co-operate with the Venice Commission are those who want to embrace these values and will probably benefit most from such assistance.

6.h World Conference of Constitutional Justice

Mr Dürr informed the participants that a World Conference on Constitutional Justice will be organised in early 2009, bringing together all the courts co-operating directly with the Venice Commission or via a regional body. The location of this conference is not fixed yet, as the inviting court will have to bear a certain financial burden and will therefore probably need governmental support. The year 2009 was chosen in order to give time to consolidate co-operation with the new partners in Latin America and the Arab world.

7. Seminars with Constitutional Courts (CoCoSem)

Mr Dürr informed the participants that, since its last meeting in June 2006, a number of events had been co-organised:

- 4th General Meeting of the Southern African Judges Commission, Maputo, Mozambique, 10-12 August 2006 (CDL-JU(2006)052syn).
- Conference on "Constitutional aspects of sovereignty in the State structure of multiethnic states," Chisinau, Moldova, 22-23 September 2006 (CDL-JU(2006)041syn).
- IXth International Forum on Constitutional Justice on the occasion of the 15th anniversary of the Constitutional Court of the Russian Federation on "Common legal space of Europe and practice of constitutional justice," Moscow, Russia, 26-28 October 2006 (CDL-JU(2006)051syn).
- Seminar on "Interrelations between Constitutional Court and Ordinary Courts," Baku, Azerbaijan, 9-10 November 2006 (CDL-JU(2006)014syn).

- International seminar on “Guarantees for the independence of constitutional judges,” Bucharest, Romania, 23-24 November 2006 (CDL-JU(2006)058syn).
- Joint organisation with the Irish Courts Service of a Study Visit for Registrars from the courts members of the Southern African Judges Commission, Dublin, Ireland, 27 November-1 December 2006 (CDL-JU(2006)057syn).
- Lisbon Forum 2006 on “Constitutionalism – the Key to Democracy, Human Rights and the Rule of Law,” Lisbon, Portugal, 28-29 November 2006 (CDL-JU(2006)055syn).
- Seminar on “Communicating the Decisions of the Constitutional Court to the Public,” Tbilisi, Georgia, 2-3 December 2006.
- Conference dedicated to the 10th anniversary of the Constitutional Court of Latvia on “The role of a constitutional court in the protection of values fixed in the Constitution : Experience of the last decade and the prospect for development in Europe,” Riga, Latvia, 8 December 2006 (CDL-JU(2007)003syn).
- Training seminar on the preparation of précis by member courts of ACCPUF for the CODICES database, Strasbourg, France, 19-21 February 2007.
- Conference of the Southern African Judges Commission (SAJC) on “Constitutionalism: the key to democracy, human rights and the rule of law”, Maseru, Lesotho, 30 March-1 April 2007 (CDL-JU(2006)011syn).

The programme of future CoCoSem seminars include:

In July 2007:

- Conference on "The Jurisdiction of the Constitutional Court and the European Court of Human Rights in Conflict Zones", Batumi, Georgia.

In September-October 2007:

- Seminar on “Political questions in constitutional review: what is the dividing line between interference with policy-making and routine constitutional review?” Tallinn, Estonia;
- Seminar on “Constitutional Complaint and Realising the Rights before the European Court of Justice”, Podgorica, Montenegro;
- Seminar on “10 years of appeal jurisdiction of the CCBH”, Bosnia and Herzegovina;
- XIIth Yerevan International Conference on “International experience of the co-operation between constitutional courts and Ombudsmen in the field of ensuring and protection of Human Rights,” Yerevan, Armenia;
- Participation in the 5th Conference of Asian Constitutional Court Judges, Seoul, Korea;
- Conference on « Constitutional Review, the Constitutional Principle of the Social State and its application by the Constitutional Courts » with Institute for Public Law and Policy under the auspices of CC RUS, Moscow, Russia;
- Participation in the 6th Ibero-American Conference of Constitutional Justice, Cartagena, Colombia.

In November 2007:

- “International Conference on the Constitutional Court in the System of State Power: Burning Problems, Ways of their Solution”, Ukraine;
- ACCPUF correspondents’ meeting on preparation of précis and indexing for CODICES, Strasbourg, France;

- Lisbon Forum 2007 on “National human rights institutions – the cornerstone of the protection and promotion of human rights”, Lisbon, Portugal;
- Conference with newly appointed Constitutional Court of Serbia in the Framework of the Serbian Presidency of the Committee of Ministers.

In 2008:

- Participation by the Secretariat in XIVth Congress of the Conference of European Constitutional Courts on “Problems of Legislative Omission in Constitutional Jurisprudence”, Vilnius, Lithuania;
- Conference on “60 years UN Human Rights Declaration”, Astana, Kazakhstan.

In 2009:

- World Conference on Constitutional Justice.

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

8.a Regular issues of the *Bulletin*

Mr Dürr presented Bulletin 2006/2 to the participants and informed them that it was finalised the week before and will be sent to them in the coming weeks. The backlog that appeared over the past few years was now overcome due to three factors: (1) the liaison officers send their contributions two weeks earlier than the previous deadline; (2) stricter internal deadlines for the Secretariat have been introduced, however there still is the problem of contributions arriving simultaneously, and (3) the Secretariat hired a consultant, a lawyer based in London, to help with the workload.

The liaison officers learned that the Secretariat has started work on Bulletin 2007/1 and reminded them that they can check the state of advancement of their contributions on the restricted website under “Interim Bulletin”. This also allows liaison officers to consult the latest contributions from other constitutional courts.

8.b Special *Bulletins*

The Secretariat informed the participants on the progress made with the Special Bulletins on “Leading Cases 2”, “Basic Texts 7” and on “Problems of Legislative Omission in Constitutional Case-Law”, prepared for the Conference of European Constitutional Courts.

With respect to the Special Bulletin on “Problems of Legislative Omission in Constitutional Case-Law”, Mr Dürr explained that at its preparatory meeting for the XIVth Conference in Vilnius in September 2006, the Presidency of the Conference of European Constitutional Courts invited the Venice Commission to prepare a working document on this topic chosen by the Conference of European Constitutional Courts for its Congress in June 2008. Even before knowing this topic, the Joint Council had already approved such a request at its 5th meeting in Budapest in June 2006, and decided to produce a working document for the Conference, which is later to be published in the form of a Special Bulletin.

Liaison officers were invited to confirm or change the selection of cases made by the Secretariat for this publication. Therefore, this publication is currently facing three possibilities: (1) the amendment of précis already included, but that liaison officers might like to revisit and revise or provide more information; (2) taking out irrelevant cases or (3) submitting new ones.

Mr Dürr asked the liaison officers to discuss the issue of the selection of the cases with the person in their court in charge of preparing the national report for the Conference (the national report itself is to be addressed directly to the Supreme Court of Lithuania). In this way, the national reports and the selection of case-law should have a certain coherence.

The deadline for new contributions "Legislative Omission" is **15 July 2007**. Mr Singer proposed that the General Report of the Conference be published together with the Special Bulletin. The Secretariat promised to make such a request to the Lithuanian Presidency of the Conference.

Mr Dürr explained that "Leading Cases 2", which had been delayed due to other more urgent publications, will be published this year and will contain contributions from Belgium, France, Hungary, Luxembourg, Romania and the United States. He reminded the participants that "Leading Cases 1" had covered the key case-law of six courts prior to 1993, the founding year of the Bulletin.

Ms Gerwien explained that "Basic Texts 7" was on the verge of being finalised and regroups extracts of the constitutions and laws on constitutional courts from seven countries most of which have joined the Venice Commission not so long ago: Argentina, Israel, Kazakhstan, Kyrgyzstan, Korea, South Africa and the US. The extracts from Israel and Kyrgyzstan still need to be translated into French and the special Bulletin should be ready for publication this autumn.

The Joint Council took note of the status of the publications of the Special Bulletins and noted that for "Legislative Omission", contributions must reach the Secretariat by 15 July 2007.

9. CODICES database

9.a Presentation of a new version of CODICES

Mr Dürr introduced the liaison officers to version 5.2 2006/2 of CODICES and informed them that the internet and CD-ROM versions of CODICES have the exact same content, but that the CD-ROM was easier to use than the internet version.

He also informed them that there was a certain overlap between the content of the Systematic Thesaurus and the Alphabetical Index and that the Secretariat was currently looking into resolving this problem.

Mr Ryckeboer, Ms Rasson Roland and Ms Alberini-Boillat pointed out that they had noticed this overlap and that it was important to draw a firm difference between the Systematic Thesaurus and the Alphabetical Index.

Mr Ryckeboer suggested that after a query the view of available records should automatically be reduced to the results of the search. Mr Dürr took note of the problem and will look into resolving it.

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

The liaison officers were encouraged to inform the Secretariat of any changes made to constitutions, laws on the courts and descriptions in order to keep CODICES up-to-date.

The Secretariat informed the participants on the progress made in indexing the constitutions and laws on the courts article by article (see state of updating in document (CDL-JU(2007)008). The indexing has moved forward, but has slowed down due to a lack of manpower to deal with this work.

9.c Data input mask

Mr Dürr showed the liaison officers how to use the input mask and reminded them to use it for their contributions, as this facilitated both the work of the liaison officers and the treatment of contributions by the Secretariat.

However, he pointed out that in order to be able to use the input mask, liaison officers needed Microsoft Access, that the mask was available on CD-ROM and that liaison officers could also download it at www.venice.coe.int/ju/mask1_8.mdb and the internet mask at www.venice.coe.int/ju/codices.

Mr Dürr informed the liaison officers that he is currently looking into eliminating the requirement for liaison officers to enter a second password for the Internet mask.

10. Documentation Centre on Constitutional Justice / Library

Mr Dürr informed the liaison officers that since the move of the offices of the Secretariat, the latter disposed of a special room for the library and thanked the participating courts for sending their publications to the Documentation Centre. The updated list of documents remains available at: www.venice.coe.int/site/dynamics/N_cocentre_ef.asp.

He explained that the Documentation Centre was currently still in boxes, since the Venice Commission was relocated to a new building in April. He encouraged the liaison officers to continue to send their publications and informed them that an updated list of the Documentation Centre's content is available once again on the menu of the website.

The Secretariat invited the Joint Council to continue sending publications for the Venice Commission's Documentation Centre.

11. Version 19 of the Systematic Thesaurus

The Secretariat presented the proposals made by the Working Group on the Systematic Thesaurus for version 19 of the Systematic Thesaurus (CDL-JU(2007)009), explaining that most of the changes made concerned electoral law. This was due to the fact that the Venice Commission also co-operates with electoral management bodies and the Venice Commission has set up a separate database for them, called VOTA (www.venice.coe.int/VOTA). This database will make reference to CODICES and towards that end, a few changes needed to be made to CODICES in order to simplify references in chapters 4.9 and 5.3.41 on elections.

The participants approved the proposals made by the Working Group for version 19 of the Systematic Thesaurus (CDL-JU(2007)023).

12. Other business

Mr Dürr suggested that the agenda for the next meeting of the Joint Council could be slightly shortened, with which the participants agreed.

Suggestions were made that the Mini-conference take place in the morning rather in the afternoon and that rapporteurs raise questions that they would like to discuss during the conference, which could generate a debate.

13. Date and place of the next meeting

The next meeting of the Joint Council on Constitutional Justice will probably take place in May or June 2008 upon the kind invitation of a participating court. The participating courts are invited to consider hosting the Joint Council's meeting next year and to make a proposal for future venues.

Liaison officers have until the beginning of September 2007 to let the Secretariat know whether they would be able to host the next meeting.

The Secretariat also invited the participants to come up with a topic for next year's mini-Conference.

'Mini- conference' on the Principle of Proportionality (held in the afternoon).

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