



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 29 September 2008

CDL-JU-PV(2008)001 *
Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**7th MEETING OF THE JOINT COUNCIL
ON CONSTITUTIONAL JUSTICE**

Tirana, 26 – 27 June 2008

R E P O R T

**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.*

Note : Following discussions at the 6th meeting on how to streamline the meetings of the Joint Council and to avoid extensive parts of information being presented by the Secretariat, the draft annotated agenda of the meeting (CDL-JU-OJ(2008)001) was more detailed and contained much of the information that was presented orally in the past. During the meeting, the Secretariat only referred to this information without repeating it. Nonetheless, this information is reproduced in the present report in order to provide a complete picture of the information provided to the participants.

Before the meeting, a training session took place in which the Secretariat presented the restricted web-site of the Commission for the liaison officers (www.venice.coe.int/JU) and the database CODICES.

The meeting was opened by Mr V. Kristo, President of the Constitutional Court of Albania, who kindly hosted the meeting of the Joint Council. He underlined the excellent co-operation between his Court and the Venice Commission as well as the importance of the work done by the Joint Council and the liaison officers.

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

The liaison officers elected Mr Jentgen, Vice-President of the Constitutional Court of Luxemburg as co-president for the liaison officers.

3. Communication by the Secretariat

Mr Dürr informed the participants that the Co-president for the Venice Commission, Mr van Dijk, was unable to participate in the meeting due to severe weather conditions, which had prevented his flight from leaving for Tirana.

The participants were informed about new appointments of liaison officers as set out below:

SERBIA	Ms PLAVSIC	Constitutional Court	18/05/2007
GEORGIA	Mr Kartlos Kipiani ¹	Constitutional Court	26/07/2007
JAPAN	Mr Akira TAKANO ²	Supreme Court	2/09/2007
UNITED KINGDOM	Sir Anthony CLARKE ³ Mr John SORABJI	Royal Court of Justice	01/10/2007
SOUTH AFRICA	Ms Willene Janse van RENSBURG ⁴	Constitutional Court	01/10/2007
POLAND	Mr Jakub KRÓLIKOWSKI ⁵	Constitutional Tribunal	25/10/2007
ESTONIA	Ms Kristi AULE + Ms Gea SUUMANN ⁶	Supreme Court	06/12/2008
NETHERLANDS	Mrs Mariam CHEBTI ⁷	Court of Cassation	11/01/2008

¹ Replaces Mr M. Chikobava

² Replaces Mr Y. Fuke

³ Replaces Mr M. Kay

⁴ Replaces Mr Michael Bishop

⁵ Replaces Mr Marcin Wiacek

⁶ Replaces Ms Katrin Saaremaël

⁷ Replaces Mr Jan Spaans

AUSTRIA	Ms Britta WAGNER ⁸	Constitutional Court	21/01/2008
MOROCCO	Mme Amina HASSOUNI	Conseil constitutionnel	January 2008
PORTUGAL	Mme Manuela BAPTISTA LOPES ⁹	Tribunal constitutionnel	January 2008
FINLAND	Ms Päivi PIETARINEN ¹⁰	Supreme Administrative Court	06/2/2008
BELARUS	Mr Sergey P. CHIGRINOV ¹¹	Constitutional Court	05/03/2008
IRELAND	Ms Sophia PURCELL ¹²	Supreme Court	12/03/2008
CZECH REPUBLIC	Mr Tomas LANGASEK ¹³	Constitutional Court	17/03/2008
FINLAND	Ms Satu-Maarit TARKKANEN ¹⁴	Supreme Administrative Court	27/03/2008
DENMARK	Ms Stine Tolstrup CHRISTENSEN ¹⁵	Supreme Court	10/04/2008
BOSNIA AND HERZEGOVINA	Mr Zdravko DJURICIC ¹⁶	Constitutional Court	11/04/2008
MONTENEGRO	Ms Jadranka NOVAKOVIC ¹⁷	Constitutional Court	18/04/2008
ALBANIA	Mr Denar BIBA	Constitutional Court	26/05/2008

Judge Peter Paczolay, liaison officer for the Constitutional Court of Hungary, had recently been elected as the President of the Court.

The Secretariat informed the participants about the current activities of the Venice Commission. Since the last meeting of the Joint Council, the Commission had adopted a number of reports, *inter alia*, on video surveillance in private places ([http://www.venice.coe.int/docs/2007/CDL-AD\(2007\)027-e.asp](http://www.venice.coe.int/docs/2007/CDL-AD(2007)027-e.asp)) and on the democratic control of armed forces ([http://www.venice.coe.int/docs/2008/CDL-AD\(2008\)004-e.asp](http://www.venice.coe.int/docs/2008/CDL-AD(2008)004-e.asp)). It was working on a Code of Good Practice on Political Parties and adopted opinions on constitutional reforms in Montenegro ([http://www.venice.coe.int/docs/2007/CDL-AD\(2007\)047-e.asp](http://www.venice.coe.int/docs/2007/CDL-AD(2007)047-e.asp)) and Ukraine ([http://www.venice.coe.int/docs/2008/CDL-AD\(2008\)015-e.asp](http://www.venice.coe.int/docs/2008/CDL-AD(2008)015-e.asp)). It also made evaluations of the Constitutions in force in Bulgaria ([http://www.venice.coe.int/docs/2008/CDL-AD\(2008\)009-e.asp](http://www.venice.coe.int/docs/2008/CDL-AD(2008)009-e.asp)) and Finland ([http://www.venice.coe.int/docs/2008/CDL-AD\(2008\)010-e.asp](http://www.venice.coe.int/docs/2008/CDL-AD(2008)010-e.asp)). Recently, the Constitutional Court of Kyrgyzstan had requested opinions on the legislation concerning the Court itself and the ordinary judiciary.

Mr Dürr insisted that the Venice Commission was at the service of all its member states, not only of those in Central and Eastern Europe. Some time ago when it had requested opinions, the Government of Luxembourg had made this point with the other European governments and only recently Finland has asked the Commission for an evaluation of its Constitution.

⁸ Replaces Mrs R. Huppmann

⁹ 2nd liaison officer for Portugal

¹⁰ Replaces Ms Anne Niemi

¹¹ Replaces Ms Rimma Filipchik

¹² Replaces Ms Elisha D'Arcy

¹³ Replaces Mr Vlastimil Göttinger

¹⁴ Replaces Ms Päivi Pietarinen

¹⁶ Replaces Ms Ane Maria Roddik Christensen

¹⁶ Replaces Mr Zvonko Mijan

¹⁷ Replaces Ms Svetlana Budisavljevic

4. Updating of data on the participating courts

Mr Dürr invited the liaison officers to inform the Secretariat of any changes to the data contained in the list of constitutional courts (follow link at <http://www.venice.coe.int/JU>), the list of liaison officers (follow link at <http://www.venice.coe.int/JU>) and the list of web sites of constitutional courts and equivalent bodies (http://www.venice.coe.int/site/dynamics/N_Court_Links_ef.asp?L=E). The liaison officers should report all changes as they occur and, at the very latest, when they contribute to the Bulletin. Therefore, liaison officers should also send in their reply forms for the contributions to the Bulletin even if they have no cases to report – as even negative replies are important.

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

The Secretariat pointed out that there was a high number of requests via the classic Venice Forum (available via the restricted web-site for the replies to the e-mail Venice Forum (www.venice.coe.int/ju/VeniceForum - user guide [CDL-JU\(2008\)001](#)) as set out below):

Request(s) from ALB

Request - [2007 10 04 ALB responsabilité pénale du juge criminal liability of a judge](#)

Request -

[2008 03 06 ALB Organisation and functioning of the CC L'organisation et le fonctionnement de la CC](#)

Request - [2008 04 03 ALB Expiry of term of office and open cases](#)

Request(s) from AZE

Request - [2007 09 13 AZE Do judges have to wear uniforms in your country](#)

Request - [2007 09 26 AZE Legal assistance and representation of parties](#)

Request(s) from BIH

Request - [2007 09 21 BIH Immunity of CC judges](#)

Request(s) from BLR

Request - [2008 03 04 BLR Audiovideo recording of meetings with officials](#)

Request(s) from CZE

Request - [2007 11 13 CZE Constitutional complaints against detention](#)

Request - [2007 11 16 CZE Locus standi](#)

Request - [2008 01 14 CZE European Arrest Warrant Mandat d'arrêt européen](#)

Request - [2008 02 21 CZE Passport confiscation](#)

Request - [2008 02 25 CZE Personal status](#)

Request - [2008 03 13 CZE Article 234 EC Treaty](#)

Request(s) from GER

Request - [2008 01 10 GER Ne bis in idem Non bis in idem](#)

Request(s) from IRL

Request - [2007 10 25 IRL Research facilities Installations de recherche](#)

Request - [2007 10 25 IRL Sanctions against judges for misconduct](#)

Request(s) from ISR

Request - [2007 09 30 ISR Representation before the court](#)

Request(s) from KOR

Request - [2007 10 25 KOR Punishment of adultery Puniton de l'adultère](#)

Request - [2008 02 09 KOR Foetal sex screening Echographie et sexe de l'enfant](#)

Request(s) from LAT

Request - [2007 07 02 LAT Appointment of judges and social guarantees](#)

Request - [2008 03 13 LAT Foreign languages](#)

Request(s) from LTU

Request - [2008 04 14 LTU Pension for disabled persons](#)

Request(s) from MDA

Request - [2007 09 10 MDA Conformity of Constitution with Statute of Rome ICC](#)

Request(s) from MKD

Request - [2007 10 25 MKD religious education in public primary schools](#)

Request(s) from NED

Request - [2008 03 03 NED Decisions reasoning Décisions motivation](#)

Request - [2008 03 25 NED Facial covering](#)

Request(s) from POL

Request - [2007 10 09 POL Immunity of judges of ordinary courts](#)

Request - [2007 11 09 POL offence of unfair imputation or insult of Nation or State](#)

Request - [2008 01 04 POL social insurance sécurité sociale](#)

Request - [2008 01 23 POL Interference with vested rights](#)

Request - [2008 01 24 POL Old age pensions](#)

Request - [2008 02 21 POL National Council of the Judiciary or equivalent body](#)

Request - [2008 04 24 POL liberal independent profession / profession libérale](#)

Request(s) from SLO

Request - [2007 09 05 SLO Council Regulation \(EC\) No. 13482000](#)

Request - [2007 10 09 SLO appointment of professors](#)

Request - [2008 01 11 SLO Constitutional judge oath](#)

Request - [2008 01 28 SLO Sanctions for vexatious action](#)

Request - [2008 03 20 SLO Restitutio in integrum](#)

Request - [2008 04 22 SLO Security service at the Constitutional Court](#)

Several liaison officers complained that some of the requests did not relate to the case-law of the courts, but only concerned legislation. They also insisted that the Secretariat ensure that its French translation of the requests was more clear - even if some of the requests were already unclear in the English original version.

The participants decided that requests via the classic Venice Forum should relate to the case-law or activity (e.g. the procedure before the Court, the budget of the Court, relations with the media) of the participating courts only. The Secretariat should distribute only questions which are sufficiently clear.

The Secretariat was instructed to make the necessary changes in the Guidelines on the classic Forum (CDL-JU(2008)001rev).

As concerns the Forum Newsgroup (<http://www.extraweb.coe.int/team10/veniceforum/Lists/NewsGroup/AllItems.aspx>), the Secretariat pointed out that, contrary to the classic Forum, it was open also to courts, which co-operated with the Venice Commission on a regional basis (ACCPUF, Arab courts, etc). A number of these courts, but also Courts in member states of the Venice Commission (Germany, Romania), had already posted messages on the Newsgroup.

The Secretariat pointed out that the liaison officers should establish alerts in the Newsgroup in order to be informed about new messages posted (see user guide [CDL-JU\(2006\)010](#)).

6. Opinions of the Venice Commission

The Secretariat informed the participants about the opinions of the Venice Commission on laws on constitutional courts and *amicus curiae* opinions given since the last meeting of the Joint Council as set out below:

On whole Constitutions, including the Constitutional Court:

CDL-AD(2007)047 [Opinion on the Constitution of Montenegro adopted by the Venice Commission at its 73rd Plenary Session \(Venice, 14-15 December 2007\)](#)

On Constitutional Court legislation:

CDL-AD(2007)039 [Comments on the Draft Law on the Constitutional Court of the Republic of Serbia endorsed by the Venice Commission at its 72nd Plenary Session \(Venice, 19-20 October 2007\)](#)

CDL-AD(2007)036 [Opinion on Draft Amendments to the Law on the Constitutional Court, the Civil Procedural Code and the Criminal Procedural Code of Azerbaijan adopted by the Venice Commission at its 72nd Plenary Session \(Venice 19-20 October 2007\)](#)

Amicus curiae opinions:

CDL-AD(2007)038 [Comments on the conformity of certain provisions of the Statute of the International Criminal Court with the Constitution of Moldova endorsed by the Commission at its 72nd plenary session \(Venice, 19-20 October 2007\)](#)

CDL-AD(2007)029 [Amicus Curiae Opinion on the Law on Legalisation, Urban Planning and Integration of Unauthorised Buildings of the Republic of Albania](#)

Only recently, the Constitutional Court of Kyrgyzstan had requested an opinion on the laws governing its work. This opinion should be adopted in October 2008.

7. Co-operation activities

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

The Secretariat informed the participants that the Commission participated in the XIVth Conference of European Constitutional Courts. Upon request by the Lithuanian Presidency, the Commission prepared a working document (CDL-JU(2008)014) on the Supreme Court of Monaco which had asked for – and obtained – membership with the Conference. Also upon request by the Presidency of the Conference, the Commission prepared a working document on the topic of the XIVth Conference – legal omissions (see also point 9.b below).

Most importantly from the point of view of the Venice Commission, the Conference adopted a Resolution welcoming and seeking to strengthen the co-operation with the Venice Commission (http://www.lrkt.it/conference/2008/SKMBT_C25008063013561.pdf).

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

The Secretary General of ACCPUF, Ms Meininger, informed the participants about the development of the relations between ACCPUF and the Venice Commission. ACCPUF and the Venice Commission had jointly organised a seminar for the national correspondents of

ACCPUF in Strasbourg (28-29 November 2007). The objective of this seminar was to train the ACCPUF liaison officers (correspondents) in the preparation of contributions to the CODICES database. In three workshops, the correspondents prepared précis, which were later integrated into CODICES. In addition, the correspondents had a fruitful discussion on the topic "Communication and Transparency of Constitutional Courts". On 8-13 July 2008, ACCPUF organised a Conference of Heads of Institutions of its member courts on the topic of "Proportionality" in Libreville, Gabon.

Mr Dürr underlined the excellent co-operation with ACCPUF, as witnessed by the joint seminar for ACCPUF correspondents in Strasbourg. The co-operation with ACCPUF and the International Organisation of the Francophonie (OIF) was also the topic of the presentation of the Venice Commission at the recent Meeting of Representatives of Institutional Networks of the OIF, which took place in Bucharest, Romania, from 19 to 21 June 2008.

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

The Secretariat informed the participants that the Commission had organised, together with the Constitutional Court of South Africa and the Southern African Judges Commission (SAJC), a seminar for registrars of the member courts of the SAJC, which allowed them to exchange information on issues such as case and docket management, budget, IT matters and other similar issues between them or with registrars from various courts in South Africa (Johannesburg, 6-7 December 2007).

The co-operation programme of the Venice Commission with the SAJC was funded by the Irish Government, however the Secretariat was seeking further funding from Ireland or other donors for the continuation of the programme after the end of the present one.

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

Mr Dürr reported that, in co-operation with the Constitutional Court of Armenia, which held the presidency of the Conference of the Constitutional Control Organs of the Countries of Young Democracy, the Commission organised the XIIth Yerevan International Conference on "International experience of the co-operation between constitutional courts and Ombudsmen in the field of ensuring of and protecting human rights" (5-6 October 2007). The Commission saw the promotion of the relationship between constitutional courts and ombudsmen as one of its priorities.

For the XIIIth International Yerevan Conference in 2008, the following topic will be discussed: "Fundamental Constitutional Principles and Public Practice" (3-4 October 2008).

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

The Secretariat informed the participants about the intention of the network of Constitutional Courts of Asia (Cambodia, Indonesia, Republic of Korea, Mongolia, Philippines) to formally establish itself as an association. In addition to the Constitutional Court of Korea and the Constitutional Council of Cambodia (via ACCPUF), the Constitutional Court of Indonesia and the Supreme Court of the Philippines had already started to contribute to the CODICES database. The Constitutional Court of Mongolia's linguistic problems had to be overcome. The participation of the Venice Commission in the celebration of the 20th anniversary of the Constitutional Court of Korea (Seoul, 1-4 September 2008) would certainly allow for discussions on the pursuit of these efforts.

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

The Secretariat informed the participants that a co-operation agreement with the Ibero-American Conference was signed on the sidelines of the Conference of European Constitutional Courts in Vilnius. As with similar agreements entered into with other regional bodies, this agreement provided for the inclusion of the case-law of the CIJC member courts to the CODICES database. These contributions should be made in English or French, as for other courts, but the Systematic Thesaurus should be added in the Spanish and Portuguese languages. It was now up to the CIJC courts to appoint liaison officers and for the Secretariat General of CIJC and the Constitutional Tribunal of Portugal to provide the Spanish and Portuguese translations of the Systematic Thesaurus so that they may be included in CODICES.

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

The Secretariat informed the participants that the co-operation with the Union of Arab Constitutional Courts and Councils is off to a good start. On 24 June, an agreement was signed with the Union, which provided for contributions of the members' courts and councils of the Union to the CODICES database. In addition, joint seminars were provided for. This programme was financed through a voluntary contribution of the Norwegian Government.

The Commission's publication "Models of Constitutional Jurisdiction" was translated into Arabic ([http://venice.coe.int/docs/1993/CDL-STD\(1993\)002-ar.asp](http://venice.coe.int/docs/1993/CDL-STD(1993)002-ar.asp)) and the next events will be a seminar on the introduction of a constitutional court, organised with the Ministry of Justice of the Palestinian National Authority (Ramallah, 25-26 October 2008), a Colloquy with the Constitutional Council of Algeria on "Constitutional Interpretation" (Algiers, 30-31 October) and participation in the fifth Plenary of the UACCC Scientific Symposium on constitutional principles securing fair trial (Sanaa, Yemen, 10-12 November 2008).

On 11 May 2008, the Committee of Ministers of the Council of Europe accepted the request made by Tunisia to become a full member of the Venice Commission and granted special co-operation status to the Palestinian National Authority.

7.h World Conference on Constitutional Justice

Mr Dürr informed the participants that all members of the regional bodies co-operating with the Venice Commission were invited to the World Conference on Constitutional Justice in Cape Town on 23-24 January 2009. The topic of the Conference was "Influential Constitutional Justice - its influence on society and on developing a global jurisprudence on human rights". However, the Secretariat encountered difficulties with the contact details of some presidents of the courts to which the invitation was addressed. The liaison officers were asked to kindly check with their Presidents whether they had received the invitation.

The plan for the Conference is that, following an introductory plenary session, the regional groups meet in workshops and report back to the plenary with conclusions that they have reached (www.venice.coe.int/WCCJ).

8. Seminars with Constitutional Courts (CoCoSem)

The Secretariat informed the participants about the seminars held since the last meeting and the programme for future CoCoSem seminars, as set out below:

2007	
5-6.7.2007	Conference in co-operation with the Constitutional Court of Georgia on "The Jurisdiction of the Constitutional Court and the European Court of Human Rights in Conflict Zones", Batumi
6-7.9.2007	Conference in co-operation with the Supreme Court of Estonia on "Political questions in constitutional review: what is the dividing line between interference with policy-making and routine constitutional review?", Tallinn
4-6.10.2007	XII th Yerevan International Conference in co-operation with the Constitutional Court of Armenia on "International experience of the co-operation between constitutional courts and ombudsmen in the field of ensuring and protection of Human Rights"
12-13.10.2007	Conference on "Constitutional Review, the Constitutional Principle of the Social State and its application by the Constitutional Courts" in co-operation with the Institute for Public Law and Policy and under the auspices of the Constitutional Court of Russia, Moscow
19-20.10.2007	Mini-conference on "Limits of Constitutional Control" with the member courts of the Union of Arab Constitutional Courts and Councils in the framework of the 72 nd Plenary Session of the Venice Commission, Venice
6-7.11.2007	Conference in co-operation with the Constitutional Court of Georgia on "Interaction between national courts and the European Court of Human Rights", Batumi
16-17.11.2007	Lisbon Forum 2007 in co-operation with the North South Centre of the Council of Europe on "National human rights institutions – the cornerstone of the protection and promotion of human rights" (special emphasis on relations between ombudsmen and constitutional courts)
28-30.11.2007	Seminar of ACCPUF correspondents on preparation of contributions for CODICES and relations with the media, Strasbourg
6-8.12.2007	Seminar for SAJC Registrars, Johannesburg
2008	
3.4.2008	Conference in co-operation with the Constitutional Court of the Slovak Republic on "Constitutional Justice in the Vishegrad 4 countries" on the occasion of the 15 th Anniversary of the Court, Kosice
23-24.4.2008	Conference in co-operation with the Constitutional Court of Belarus on "The use of international instruments for protecting individual rights, freedoms and legitimate interests through national legislation and the right to legal defence in Belarus: challenges and outlook", Minsk
16-17.5.2008	Conference in co-operation with the Constitutional Court of Ukraine on "the Constitutional Court in the System of State Bodies: Crucial Problems, Ways of their Solution", Kyiv
27-28.5.2008	Conference in co-operation with the Constitutional Court of Kyrgyzstan on "The Rule of Law and Independence of the Judiciary as the Guarantees of Sustainability of Democratic Institutions", Bishkek
2-7.6.2008	Participation in the XIV th Congress of the Conference of European Constitutional Courts on "Problems of Legislative Omission in Constitutional Jurisprudence" (working document on legal omissions and on the Supreme Court of Monaco), Preparatory meeting of regional bodies for the World Conference on Constitutional Justice, Vilnius
19-20.6.2008	Conference in co-operation with the Constitutional Court of Georgia and GTZ on "Constitutional Justice and Rule of Law in the South Caucasus", Batumi
20-21.6.2008	Conference on "Constitutional values" in co-operation with the Institute for Public Law and Policy and under the auspices of the Constitutional Court

	of Russia, Moscow
26-27.6.2008	Mini-conference on "Social Rights" in the framework of the 7 th Joint Council on Constitutional Justice, Tirana
Future conferences and seminars	
14-15.7.2008	Conference in co-operation with the Constitutional Court of Azerbaijan on the occasion of the 10 th Anniversary of the Court
1-4.9.2008	Preparatory meeting of regional bodies for the World Conference on the sidelines of the celebration of the 20 th Anniversary of the Constitutional Court of the Republic of Korea, Seoul
3-4.10.2008	XII Yerevan International Conference in co-operation with the Constitutional Court of Armenia on "Constitutional fundamental principles and public practice"
30-31.10.2008	Colloquy in co-operation with the Constitutional Council of Algeria on "Constitutional Interpretation and " and preparatory meeting of regional bodies for the World Conference, Algiers
10-11.11.2008	Lisbon Forum 2008 in co-operation with the North-South Centre of the Council of Europe on "The principle of universality of human rights and its implementation at international and regional level"
28.11.2008	Conference in co-operation with the Constitutional Council and the Ombudsman of Kazakhstan on "60 years of the UN Human Rights Declaration", Astana
23-24.1.2009	World Conference on Constitutional Justice on the "Influence of Constitutional Justice on Society and the Development of a Global Human Rights Jurisprudence", Cape Town – all participating Courts are invited to this Conference

Note: since the meeting the following events have been at least tentatively scheduled:

Early 2009	Conference in co-operation with the Constitutional Court of Serbia on the Individual complaint
18-19.6.2009	8th meeting of the Joint Council on Constitutional Justice, Tallinn
1-2.10.2009	4th Conference of Secretaries General of Constitutional Courts and Equivalent Bodies, Ankara
23.11.2009	Conference in co-operation with the Constitutional Court of Hungary on the occasion of the 20th anniversary of the Court.

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

Given that in the past a number of courts had called for the establishment of a system of rapid exchange between the courts on recent case-law, the Secretariat recalled that the contributions to the Bulletin are already available as of their reception on the restricted Interim Bulletin site: <http://www.venice.coe.int/JU/Bulletin>. This site allows each liaison officer to follow the editing and translation process of his or her contribution and to consult the contributions of other courts. This site is therefore a tool for a rapid exchange between the courts. Together with the Venice Forum Newsgroup (see point 5 above), the courts have the possibility to quickly inform other courts about important cases and to consult recently adopted cases of other courts. Liaison officers are strongly encouraged to make these tools known in their courts.

9.a Regular issues of the *Bulletin*

Bulletin 2007/2 was presented to the participants. *Bulletin* 2007/3 was to be published in the autumn and if possible 2008/1 towards the end of the year.

Mr Dürr raised the issue of the publication of the decision of the Constitutional Court of **Belarus** in the Bulletin. Following the constitutional events at the end of 1996, the Commission had suspended the publication of the decisions from Belarus. In 2002, in the light of a request for full membership with the Conference of European Constitutional Courts, the Conference had asked the Venice Commission to resume co-operation with the Court and to report to the Conference. The Commission had organised seminars with the Court in Minsk in 2003, 2004 and most recently in April 2008. It had reported on this co-operation to the Circle of Presidents of the Conference at the XIIIth Conference in Nicosia, especially about the establishment of a sort of individual complaint by the Court itself. At the Nicosia Conference, the Constitutional Court of Belarus was not admitted to full membership but maintained associate member status since then.

Since 2002, the decisions of the Constitutional Court of Belarus were published not in the Bulletin but in an annex. On the sidelines of the European Conference in Vilnius, the Belarus Court had shown an interest in reintegrating this separate publication into the regular Bulletin. Mr Dürr had discussed this issue with some of the liaison officers present in Vilnius

Mr Tschümperlin pointed out that it was important to normalise contacts with the Constitutional Court of Belarus and that co-operation on technical issues should resume, such as the publication of the decisions of the Courts. Mr Jentgen agreed with Mr Tschümperlin on this issue.

9.b Special Bulletins

The Secretariat presented the special Bulletin on “Basic Texts 7”, which contained constitutions (extracts) and the laws on the courts from Argentina, Kazakhstan, Kyrgyzstan, the Republic of Korea and South Africa,

The working documents on “Problems of Legislative Omission in Constitutional Case-Law” (CDL-JU(2008)009) had been welcomed by the Conference of European Constitutional Courts. The Secretariat proposed end of October 2008 as the deadline for any modification.

<p>The participants agreed upon the end of October 2008 for any further changes to the working documents on “Problems of Legislative Omission in Constitutional Case-Law” before its publication as a special bulletin.</p>
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The Secretariat informed the participants on the preparation of the Special Bulletin on “Leading Cases 2” which contained contributions from Belgium, France, Hungary, Luxembourg, Romania and the USA. This Bulletin would be published in autumn 2008.

The participants noted that the topic for the XVth Congress was to be chosen by the Circle of Presidents of the Conference of European Constitutional Courts at its meeting in October 2009. The Joint Council could discuss the preparation of the working document for the Conference at its next meeting in June 2009.

10. CODICES database

10.a Presentation of a new version of CODICES

Mr Dürr presented version 5.2 2007/2 of CODICES. Apart from the new data available, the structure of the database had changed little. The element most visible was that now the last (and probably most telling) element of the keywords of the Systematic Thesaurus were presented in bold rather than the first element, which only indicated the main chapter entry.

He presented a trial variant of the base which took into account Mr Ryckeboer's suggestion at last year's meeting that, after a query, the view of available records should automatically be reduced to the results of the search. Mr Ryckeboer and Ms Alberini welcomed this change. Mr Dürr promised to implement this feature in future regular versions of CODICES.

Mr Dürr also reported that the company FAST, which commercialised the Folio Views and NXT software had been bought by Microsoft and it was not sure whether these products would be maintained. Messrs Elkuch and Singer suggested that alternatives be sought while the software was still operational. The most important element was the continued availability of the database.

Ms Purcell questioned the utility of the CD-ROM version. Mr Dürr pointed out that a number of courts, especially those in other continents often still had bad Internet access and that the CD-ROM was useful to them. In addition, the agreement with ACCPUF would have to be re-negotiated because it provided for a CD-ROM version.

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

The Secretariat informed the participants that most constitutions and laws had been indexed on an article by article basis (see state of updating in document CDL-JU(2008)006). This was not yet the case for courts in countries which had joined the Venice Commission more recently. In addition, a major upcoming task would be the indexing of amended articles of the constitutions and laws.

10.c Data input mask

Mr Dürr informed the participants that it would soon be necessary to abandon the Access mask because of the high costs of its maintenance. However, the Internet mask at www.venice.coe.int/ju/codices will remain available to the liaison officers. Its use facilitates the work of the Secretariat because it ensures the formal correctness of the contributions sent in.

11. Documentation Centre on Constitutional Justice / Library

Following the removal of the offices of the Secretariat of the Venice Commission to the new Agora building in Strasbourg, the documentation Centre had finally appropriate space and facilities in order to present the documents conveniently. The Secretariat expressed its gratitude to the participating courts for providing their publications to the Documentation Centre. The list of documents is available at www.venice.coe.int/site/dynamics/N_cocentre_ef.asp.

12. Version 20 of the Systematic Thesaurus

The Secretariat presented the proposals by the Working Group on the Systematic Thesaurus for version 20 of the Systematic Thesaurus (CDL-JU(2008)008), which contains only minor changes. A number of proposals by the Secretariat for deletions in Chapter 1 had been withdrawn in order to make sure that these keywords might not be needed for the indexing of the legislation on the courts.

The participants approved the proposals by the Working Group on the Systematic Thesaurus for version 20 of the Systematic Thesaurus (CDL-JU(2008)008). Version 20 of the Systematic Thesaurus appears in document CDL-JU(2008)031 and will be applicable as from Bulletin 2008/3.

13. Other business

None

14. Date and place of the next meeting

The Secretariat recalled that the Joint Council usually meets in a three year cycle for two years at the invitation of a participating court and every third year in Venice just before or after a plenary session of the Commission.

Note: After the meeting, the Supreme Court of Estonia invited the Joint Council to hold its meeting in Tallinn on 18-19 June 2009. The Constitutional Court of Turkey will invite the Secretaries General to their 4th Conference on 1 and 2 October 2009.

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