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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**Proposals to the Working Group
for amendments to Version 15
of the Systematic Thesaurus**

Systematic Thesaurus Secretariat proposals for amendments to version 15

(to be discussed by the Working Group
on the Systematic Thesaurus
on 9 March 2004)

- 1 Constitutional Justice – new footnote "**This chapter should be used restrictively, as the keywords in it should only be used if a relevant procedural question is raised. This chapter is thus not used to establish statistical data; rather, the Bulletin reader or user of the CODICES database should only find decisions under this chapter when the subject of the keyword is an issue in the case.**"
- 1.1.1.1.4 Constitutional Justice - Constitutional jurisdiction - Statute and organisation - Sources - ~~Rule issued by the executive.~~ - delete; never used in CODICES
- 1.5.6.4.3 Constitutional Justice - Decisions - Delivery and publication - Publication - ~~Private publication.~~ - delete; never used in CODICES
- 2.1.1.4 Sources of Constitutional Law - Categories - Written rules - International instruments - **Incorporation of international law** new keyword (to be applied to ALB-2002-3-007, ALB-2000-1-001, ALB-1999-3-008, BEL-1994-1-004, BIH-2000-3-003, BIH-1999-2-002, BUL-2002-2-002, BUL-1999-2-003, CRO-1999-3-016, CZE-1997-2-003, DEN-1998-2-001, EST-2002-3-007, FRA-1999-1-002, FRA-1975-C-001, GER-1997-2-007, GER-1993-3-004, HUN-1998-2-007, HUN-1997-1-001, ITA-2001-2-005, ITA-2001-1-003, ITA-1997-1-003, ITA-1997-1-001, KAZ-2000-3-002, LTU-1995-3-008, POL-1994-3-021, POL-1994-3-020, POR-1999-2-005, ROM-2000-1-003, SLO-2001-1-001, SLO-1997-2-008, RSA-2000-1-004, SWE-1996-3-003, SUI-1998-1-001, SUI-1995-1-003, SUI-1991-S-003, SUI-1991-C-002, MKD-2001-3-012, MKD-2000-2-004, MKD-1997-2-004, UKR-2002-1-001, UKR-2001-C-002, UKR-2001-2-006)
- 3.14 General Principles - *Nullum crimen, nulla poena sine lege.* - move to 5.3.15; should figure together with *ne bis in idem* and more lenient law (new, see below 5.3.16) principles
- 3.21 General principles - Equality: in footnote 44 delete sentence "~~Also refers to the principle of non-discrimination on the basis of nationality as it is applied in Community law.~~". This EU principle should be dealt with together with similar issues under the chapter 5.2.2.4 Fundamental Rights - Equality - Criteria of distinction - Citizenship. In CODICES only two précis of the ECJ would be affected ECJ-1997-1-005 and ECJ-1995-3-011.
- 4.7.2 Institutions - Judicial bodies – Procedure - **Challenging of a judge** – new keyword; example of application BEL-1997-2-008, CRO-1997-1-001, ITA-1997-3-009, ITA-1993-3-021, MLT-1998-2-002, NED-1997-2-010, ESP-2000-1-001, ESP-1997-1-001, POL-2003-1-010
- 4.7.4.2 Institutions - Judicial bodies - Organisation - Officers of the court. - new footnote: "**Use in this chapter notwithstanding the question whether the prosecutor is part of the judiciary or part of the executive in a given country**".
- 4.7.15.2.1 Institutions - Judicial bodies - Legal assistance and representation of parties - Assistance other than by the Bar - ~~Legal advisers.~~ - delete; never used in CODICES
- 4.8.6.1 Institutions - Federalism, regionalism and local self-government - Institutional aspects - Deliberative assembly - **Status of members** new keyword; examples of application: ALB-2000-2-004, BEL-1998-1-002, EST-2003-2-005, CRO-1996-3-014, CZE-2000-3-019, ITA-1999-3-010, LTU-2003-2-007, UKR-1999-2-006, ECH-1987-S-001.

- 5.1.2.1 Fundamental Rights - General questions - Effects - ~~Vertical effects~~ - delete; default - only horizontal effects are the exceptions and should be indexed. Four précis concerned: ARG-2000-3-008, NED-1996-2-011, RSA-1996-1-008, USA-1995-1-003.
- 5.1.3 Fundamental Rights - General questions - Limits and restrictions. – [to be developed by the working group according to questionnaire of CECC]
- 5.3.13.13 Fundamental Rights - Civil and political rights - Procedural safeguards, rights of the defence and fair trial - Trial within reasonable time - Trial / **decision** within reasonable time – this addition allows to cover also civil and administrative decisions; example BLR-2002-B-024
- 5.3.16 Fundamental Rights - Civil and political rights - Right to compensation for damage caused by the State - **Principle of the application of the more lenient law** – new; should be grouped together with 5.3.14 and 3.14 (see above) after moving; example USA-1995-1-003, USA-1995-1-003, DEN-1999-1-002, DEN-1999-1-002, EST-2003-2-003, POR-1994-1-007, POR-1994-1-007, POR-1994-1-007, BLR-2002-B-027, POR-1994-1-007.