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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT CO-OPERATION AGREEMENT

BETWEEN

**THE INTERNATIONAL ASSOCIATION
OF CONSTITUTIONAL LAW (IACL)**

AND

**THE EUROPEAN COMMISSION
FOR DEMOCRACY THROUGH LAW
OF THE COUNCIL OF EUROPE
(VENICE COMMISSION)**

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The International Association of Constitutional Law (IACL) (hereinafter “the Association”) and the European Commission for Democracy through Law - Venice Commission (hereinafter “the Commission”) being the parties to this Agreement (hereinafter “the Parties”);

Drawing on their common commitment to the principles of constitutionalism, democracy, human rights and the rule of law, which are the bases of the activity of the Council of Europe and the Commission and which are shared by the Association;

Seeking opportunities to foster co-operation between the members of both parties who are renowned experts in the field of constitutional law;

Having regard to their shared interest in developing an international and regional approach to exchanges in the field of constitutional law;

Agree as follows:

Article 1

The purpose of this Agreement is to facilitate an exchange of knowledge, ideas and experience in the field of constitutional law between the members of the Association and those of the Commission.

Article 2

The Parties confirm their interest in collaborating with each other in the organisation of constitutional law conferences and seminars and in other projects of a constitutional nature, that are of mutual relevance. Any such collaboration is subject to financial arrangements that are mutually satisfactory to the parties.

Article 3

The Commission undertakes to provide to the Association its publications in the field of constitutional law free of charge, in particular the series Science and Technique of Democracy, the Bulletin on Constitutional Case-Law and the database CODICES.

The Association shall provide its publications free of charge to the Venice Commission.

Each body shall create a reciprocal link on its website to the website of the other, to disseminate information about documents and future activities. .

Article 4

To better facilitate co-operation and collaboration, the Commission undertakes to invite a representative of the Association to its plenary sessions. The Association undertakes to invite a representative of the Commission to the meetings of its Council and Executive Committee.

Article 5

This Agreement is entered into for an unspecified period and shall lose its force if one of the Parties ceases to exist. This Agreement can be terminated by either of the Parties by giving notice in writing.

Article 6

In accordance with Article 21 of the General Agreement on Privileges and Immunities of the Council of Europe, any dispute concerning the application of this Agreement that cannot be settled amicably between the Parties shall be submitted to arbitration under Rule No. 481 of the Secretary General, approved by the Committee of Ministers, which is appended to and forms part of this Agreement.

Article 7

This amendment shall come into force after it has been approved by the competent authorities of both Parties and signed by the representatives of the Association and the Commission.

Done at *, on *

ANNEX

RULE No. 481

The Secretary General of the Council of Europe,

Having regard to the Statute of the Council of Europe, of 5 May 1949, and in particular its Articles 11 and 40,

Having regard to the General Agreement on Privileges and Immunities of the Council of Europe signed on 2 September 1949, and in particular its Articles 1, 3, 4 and 21, as well as the Special Agreement relating to the seat of the Council of Europe signed on 2 September 1949,

Considering that it is appropriate to determine the arbitration procedures for any disputes between the Council and private persons regarding supplies furnished, services rendered or immovable property purchased on behalf of the Council,

Having regard to the decision of the Committee of Ministers of the Council of Europe at the 253rd meeting of the Deputies,

Decides

Article 1

Any dispute relating to the execution or application of a contract covered by Article 21 of the General Agreement on Privileges and Immunities of the Council of Europe shall be submitted, failing a friendly settlement between the parties, for decision to an Arbitration Board composed of two arbitrators each selected by one of the parties, and of a presiding arbitrator, appointed by the other two arbitrators ; in the event of no presiding arbitrator being appointed under the above conditions within a period of six months, the President of the Tribunal de Grande Instance of Strasbourg shall make the appointment.

Article 2

However, the parties may submit the dispute for decision to a single arbitrator selected by them by common agreement or, failing such agreement, by the President of the Tribunal de Grande Instance of Strasbourg.

Article 3

The Board referred to in Article 1 or, where appropriate, the arbitrator referred to in Article 2 shall determine the procedure to be followed.

Article 4

If the parties do not agree upon the law applicable the Board or, where appropriate, the arbitrator shall decide *ex aequo et bono* having regard to the general principles of law and to commercial usage.

Article 5

The arbitral decision shall be binding upon the parties and there shall be no appeal from it.

Strasbourg, 27 February 1976
Georg KAHN-ACKERMANN
Secretary General