



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Strasbourg, 6 June 2005

**Restricted**  
**CDL-JU(2005)011**  
**Or. Engl.**

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**OVERVIEW OF CO-OPERATION  
WITH CONSTITUTIONAL COURTS**

**FUNCTIONS OF LIAISON OFFICERS**

## 1. Introduction – restricted Website

Together with constitutional courts and courts of equivalent jurisdiction, the Venice Commission has established a network of liaison officers with the prime goal of producing the *Bulletin on Constitutional Case-Law* and the database CODICES.

The Joint Council on Constitutional Justice of the Venice Commission, composed of members of the Venice Commission and the liaison officers, meets once a year at the seat of the Commission, in Venice or at the invitation of a court at the seat of the latter, in order to discuss the editing of the *Bulletin* and progress with the production of the CODICES database.

You will receive, under separate cover, some documents, including the report of the last meeting of the Joint Council on Constitutional Justice (CDL-JU-PV(2004)001) and a general description of the activities of the Venice Commission. In addition, the Internet site of the Commission gives information on its members and links to participating constitutional courts([www.venice.coe.int](http://www.venice.coe.int)). A special site with restricted access for liaison officers is available as well: [www.venice.coe.int/ju](http://www.venice.coe.int/ju). There, you will find the material available on the public site together with the list of courts, the list of liaison officers, the entry mask and the restricted documents for the liaison officers.

## 2. Venice forum and amicus curiae opinions

In 1997, the Venice Commission established an Internet Forum which is open to the liaison officers in order to discuss questions arising during the work of the participating courts and to request information from the other courts about such issues. Usually, the liaison officer from the requesting court sends an e-mail to the Secretariat of the Venice Commission which is in turn forwarded all other liaison officers (guidelines in document CDL-JU (2002) 7):

Upon request by the courts, the Venice Commission, composed of independent experts in constitutional law, also provides *amicus curiae* opinions which present aspects of comparative law in relation to specific cases pending before a participating court. If need be, such *amicus curiae* opinions can also be given within a relatively short time, at least in a preliminary form. Typically, the Commission invites one or two rapporteurs to provide their individual comments first. These comments are sent to the requesting court as they become available. A consolidated opinion based on these comments is then discussed at one of the plenary sessions of the Commission, which take place four times a year.

The Venice Commission has also given a number of opinions on legislation on constitutional courts.

## 3. Bulletin on Constitutional Case-law

Three times a year, liaison officers send summaries (*précis*) of important decisions in English or French to the Secretariat of the Venice Commission. These *précis* are adapted, formatted and translated into the other language and finally published in the *Bulletin on Constitutional Case-Law* by the Secretariat. Document CDL-JU (2001) 5 contains **guidelines on how to draft the**

**précis.** You are kindly invited to use the data input mask (included in the \package sub-directory of the CODICES CD-ROM and at [www.venice.coe.int/ju](http://www.venice.coe.int/ju)). Another possibility is the use of the Internet mask at [www.venice.coe.int/ju/codices](http://www.venice.coe.int/ju/codices). Document CDL-JU (2004)036 contains the user's guide on how to use the input mask. If this The general **schedule for the preparation of the précis** is the following:

- Issue 1: Period from 1 January to 30 April  
Deadline for contributions : 31 May  
Publication date of the *Bulletin* : February/March of the following year
  - Issue 2: Period from 1 May to 31 August  
Deadline for contributions : 30 September  
Publication date of the *Bulletin* : June/July of the following year
- Issue 3: Period from 1 September proves to be too difficult, you can also use standard word-processing software (Word) for entering the précis.
- to 31 December  
Deadline for contributions : 31 January  
Publication date of the *Bulletin* : September/October of the following year

#### 4. Choice of decisions to contribute in the form of précis

The **choice of decisions** to be published in the *Bulletin* lies with the liaison officer or with the Court, as you prefer. A criterion for selection can be the interest that may be raised by a decision in other countries, which will in most cases be one of constitutional law. Important decisions which have a major political impact in the country can, of course, feature in the *Bulletin* as well. This fact should be pointed out in the "Supplementary information" zone of the précis concerned due to the heavy volume of contributions sent in. Editorial modifications will be sent to you only in cases of major changes, due to the heavy volume of contributions sent in but you can consult the state of advancement of the editing of your contribution via the interim site for the *Bulletin* at [www.venice.coe.int/ju/Bulletin](http://www.venice.coe.int/ju/Bulletin) at any time.

#### 5. Full texts of decisions

In addition to the précis, we would be grateful if you could send us the **full texts** of the summarised decisions in the original language(s) and, if available, their translation into any other languages. If your Court publishes its decisions in a printed official collection we are happy to include this collection or any other publication of your Court in our Documentation Centre on Constitutional Justice.

#### 6. Special Bulletins

The Special *Bulletin* on **descriptions** of the participating courts, first published in 1994 and re-published in 1999 has been integrated and updated in CODICES. A special issue on the **Status and Function of the Secretary General** is in preparation.

Another series of Special *Bulletins*, the "**Basic Texts**", contains the laws governing the work of

the participating courts together with extracts of the constitutions concerning the Courts. Six *Bulletins* have been published in this series so far and have been integrated into the CODICES database. The special *Bulletin* “Basic Texts 7” is under preparation.

The *Bulletins* published in the series “Leading cases” are:

- “Leading cases of the European Court of Human Rights”
- “Freedom of Religion and Beliefs” (requested by the Polish Presidency of the XI<sup>th</sup> Conference of European Constitutional Courts)
- “The relations between Constitutional Courts and other national courts, including the interference in this area of the action of European Courts” (requested by the Belgian Presidency of the XII<sup>th</sup> Conference of European Constitutional Courts)
- “Leading Cases 1” (presenting the leading case-law of several courts decided prior to participation in the *Bulletin*); “Leading Cases 2” is in preparation

Upon request by the Cypriot Presidency of the XIII<sup>th</sup> Conference of European Constitutional Courts, a special *Bulletin* on “the Criteria for the Limitation of Human Rights in the Practice of Constitutional Justice” is in preparation

## 7. CODICES Database

All the regular and Special *Bulletins* together with the full texts of the decisions have been received on electronic storage media have been included in the database **CODICES**, which has been published on **CD-COM**. Besides CODICES is available at the address [www.codices.coe.int](http://www.codices.coe.int).

## 8. Contributions

Three times a year, always after the expiry of a reference period, you will receive an e-mail or fax message (sample extract below) inviting you to contribute to the current *Bulletin* and requesting certain information updates.

1.  Case-Law for Bulletin 2005/1 (January-April 2005)
2.  No Case-Law for Bulletin 2005/1
3.  Case-Law not ready for Bulletin 2005/1 will be published in the following Bulletin 2005/2
4.  Leading cases (prior to the participation of your Court in the *Bulletin*)
5.  Amendments to the Constitution (as compared to the version published in CODICES)
6.  Amendments to the Law on the Constitutional Court (as compared to the version published in CODICES)

7.  Publications of the Court (for the multilingual library of the Centre on Constitutional Justice; to be sent under separate cover)
8.  Changes in the composition of the Court (as compared to the list available at <http://venice.coe.int/ju>)
9.  Changes in your address or that of your Court (as compared to this list available at <http://venice.coe.int/ju>)

You are kindly requested to reply even if there was no relevant case-law because we will publish a note to this respect in the *Bulletin*. Please inform us also if there was relevant case-law published which you were unable to contribute within the deadline and that you will do so for the next reference period. In addition, please send us the full text of the decisions, possible updates of the description of the Court, amendments to the Constitution or the Law on the Court and any publication by the Court (official digest, legal journal, proceedings, brochure etc.) for the multilingual documentation Centre of the Venice Commission.

## 9. Sending of contributions

In order to allow for their inclusion in CODICES, it would be most helpful if you could send all the previously mentioned texts on diskette or preferably via e-mail to Mrs Ana Gorey ([ana.gorey@coe.int](mailto:ana.gorey@coe.int))

## 10. Financial arrangements

As regards **financial arrangements**, we have to inform you that the expenses incurred by the journey to the place of meetings of the Joint Council on Constitutional Justice are borne by the Court which has nominated the liaison officer. The Venice Commission cannot, unfortunately, provide any financial contribution to the valuable work the liaison officers perform and for which the Venice Commission is most grateful.

## 11. Contact

Mr Schnutz Rudolf DÜRR, Head of the Constitutional Justice Division, who is in charge of the production of the *Bulletin* and CODICES is at your disposal for any further questions (Tel. +33 3 88 41 39 08 / Fax +33 3 90 21 42 17 / e-mail: [Schnutz.Durr@coe.int](mailto:Schnutz.Durr@coe.int)).

Your address will be part of the list of liaison officers on the restricted website for liaison officers ([www.venice.coe.int/ju](http://www.venice.coe.int/ju) protected by a password which is sent to the liaison officers with their welcome letter). If, in addition, you agree to have your address or any element of it included in the public database (codices), you are kindly invited to indicate this in the corresponding form, sign it and return it to the secretariat.

## 12. Documents

- Annual Report of Activities 2007
- Report of the last meeting of the Joint Council on Constitutional Justice [CDL-JU-PV(2008)001]
- Systematic Thesaurus version 20 [CDL-JU(2008)031]
- Précis guidelines [CDL-JU(2005)62]
- CoCoSem Guidelines [CDL-JU(2009)002]
- Venice Forum Guidelines [CDL-JU(2002)7]
- CODICES CD-ROM with User's Guide [CDL-JU(2005)012] and Simplified Users' Guide [CDL-JU(2003)1]
- Data input mask (included in \package sub-directory of the CODICES CD-ROM) with User's Guide [CDL-JU (2004)036]
- Fax reply form for the release of personal data into CODICES