



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

Strasbourg, 9 June 2005

Restricted
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Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

4th meeting of the Joint Council on Constitutional Justice

**(Baku, 16 June, 2005, 2 p.m. – 6 p.m.
17 June 2005, 9 a.m.-6 p.m.)**

DRAFT ANNOTATED AGENDA

1. Adoption of the Agenda

2. Communication by the Secretariat

The Secretariat will inform the participants about new appointments of liaison officers and current activities of the Venice Commission.

The participants will be invited to approve document CDL-JU(2005)011 on the tasks of liaison officers, which will be sent to new liaison officers together with the welcome letter from the Secretary of the Commission.

3. Updating of data on the participating courts

3.a Composition, addresses

The liaison officers will be invited to inform the Secretariat of any changes to data contained in the list of constitutional courts (CDL-JU(2005)001), the list of liaison officers (CDL-JU(2005)002) and the list of web sites of constitutional courts and equivalent bodies (CDL-JU(2005)003).

3.b Updating of Constitutions, Laws on the Courts and Descriptions

The liaison officers will be invited to inform the Secretariat of necessary changes in constitutions, laws on the courts and descriptions as compared to the texts contained in CODICES (see also state of updating in document CDL-JU(2005)007).

4. Co-operation between Constitutional Courts on the Internet: Venice Forum

The participants will be invited to take note of the confidential document CDL-JU(2005)004 on requests via the Venice Forum and replies given by other liaison officers.

The Secretariat will inform the liaison officers about the project to establish, in addition to the current e-mail based system of information exchange, a restricted web-site allowing for more informal discussion between the liaison officers.

5. Availability of the Venice Commission to act as *amicus curiae* for Constitutional Courts

The Secretariat will inform the participants about the Venice Commission's *amicus curiae* opinions and opinions on draft legislation on constitutional courts given since the last meeting of the Joint Council.

6. Co-operation activities

6.a Series of seminars with Constitutional Courts (CoCoSem)

The Secretariat will inform the participants about seminars held since the last meeting (CDL-JU(2005)005) and the programme of future CoCoSem seminars.

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

The Secretariat of ACCPUF will be invited to inform the participants about the development of the relations between ACCPUF and the Venice Commission.

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

The Secretariat will inform the participants about the programme of co-operation between the Southern African Judges Commission (constitutional and supreme courts of the Southern African Region) and the Venice Commission funded by the Norwegian government.

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

The Secretariat will inform the participants on the progress of co-operation with Conference of the Constitutional Control Organs of the Countries of Young Democracy and the Venice Commission and the Venice Commission.

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

The Secretariat will inform the participants about possible co-operation between the Network of Constitutional Courts of Asia (Cambodia, Republic of Korea, Indonesia, Mongolia, Thailand) and the Venice Commission.

6.f Co-operation with other courts

The Secretariat will inform the participants about contacts and possibilities of co-operation with other constitutional courts and equivalent bodies, which are not part of a regional group.

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

7.a Regular issues of the *Bulletin*

Bulletin 2004/1 will be presented to the participants. *Bulletins* 2004/2 and 2004/3 are under preparation.

The Secretariat will propose to apply the rule of the maximum of 1200 words for the length of a précis only to the text parts of the précis (Headnotes, Summary, Supplementary information, Cross-references).

The Secretariat will also propose to introduce an optional separation of facts and arguments advanced by parties on the one hand (I) and the presentation of the decision by the Court (II) on the other, within the Summary zone.

7.b Special *Bulletins*

The working document on limitations to human rights, requested by the Cypriot Presidency of the Conference of European Constitutional Courts was made available to the XIIIth Congress on 16-19 May 2005. The Secretariat will report about the reception of the document by the Conference. **If necessary, the liaison officers may send final changes by the end of July 2005.**

The Secretariat will inform the participants on the progress of special *Bulletins* on the “Status and Functions of the Secretary General”, “Leading Cases 2” and “Basic Texts 7”.

8. CODICES database

8.a Presentation of a new version of CODICES

The Secretariat will present version 4.5 2004/1 of CODICES and the draft version 5.0.

8.b Inclusion of full texts of decisions into the CODICES database

Document CDL-JU(2005)006 shows updated statistics on available full texts in CODICES sorted by language and by country.

8.c Indexing of constitutions and laws in CODICES

The Secretariat will inform the participants about the progress of the project of indexation of the constitutions and laws on the courts article by article (document CDL-JU(2005)007).

8.d Data input mask

The Secretariat will inform the liaison officers about the Access and Internet data input masks. Henceforth, the CD-ROM version will be delivered without an Access run-time version and requires an existing installation of Access. For the Internet version Access is not necessary.

9. Documentation Centre on Constitutional Justice / Library

The liaison officers will be invited to assist the Secretariat in obtaining digests or other publications published by the Courts for the Documentation Centre. The list of documents is available at www.venice.coe.int/site/dynamics/N_cocentre_ef.asp.

10. Version 17 of the Systematic Thesaurus

The participants will be invited to approve the proposals by the Working Group on the Systematic Thesaurus for version 17 of the Systematic Thesaurus (CDL-JU(2005)009 - document to be produced after the meeting of the Working Group on 16 June 2005) on the basis of proposals in document CDL-JU(2005)008).

11. Other business**12. Date and place of the next meeting**

The next meeting of the Joint Council on Constitutional Justice could take place in May or June 2006 upon the kind invitation of a participating court or in Venice. Liaison officers from courts wishing to do so are invited to inform the Secretariat.

**‘Mini-conference’
on the Role of Comparative Research
for Constitutional Courts
Baku 17 June 2005, 2.30 p.m. -6 p.m.**

Opening

Presentations:

- Mr. P. Vandernoot, State Counsellor, Belgium, former liaison officer for the Court of Arbitration of Belgium
- S. D. Kim, Constitutional Research Officer, liaison officer for the Constitutional Court of the Republic of Korea: The Influence of Foreign and International Constitutional Law on the Korean Constitutional Jurisprudence by (CDL-JU(2005)019)
- Mr. Ph. Singer, Head of Division, liaison officer for the Court of Justice of the European Communities
- Mr. A. Mavcic, Head of the Analysis and International Co-operation Department, liaison officer for the Constitutional Court of Slovenia: The Role of Comparative Research for the Courts – the Influence of Foreign and International Case-Law on the Decisions of the Courts - The Case of Slovenia (CDL-JU(2005)018).

Discussion

Closure