



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

Strasbourg, 27 May 2008

**CDL-JU-OJ(2008)001ann.\***  
Or. Engl.

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

**7<sup>th</sup> meeting of the Joint Council  
on Constitutional Justice**

**Tirana, 26 June 2008, 2 p.m. - 6 p.m.**

**27 June 2008, 9 a.m. - 6 p.m.**

**(Training session for Liaison Officers on the use of  
CODICES on Thursday, 26 June  
(from 11.30 a.m. to 1 p.m.)**

**DRAFT ANNOTATED AGENDA**

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*\*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 6<sup>th</sup> meeting on how to streamline the meetings of the Joint Council and to avoid extensive parts of information by the Secretariat, the present draft annotated agenda is more detailed and contains much of the information presented orally in the past. During the meeting, the Secretariat will only refer to this information without repeating it.*

### 1. Adoption of the Agenda

### 2. Election of a liaison officer as Co-President of the Joint Council on Constitutional Justice

The liaison officers are kindly requested to indicate nominations for the co-presidency to the Secretariat before the meeting.

### 3. Communication by the Secretariat

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

GEORGIA	Mr Kartlos Kipiani <sup>1</sup>	Constitutional Court	26/07/2007
JAPAN	Mr Akira TAKANO <sup>2</sup>	Supreme Court	2/09/2007
UNITED KINGDOM	Sir Anthony CLARKE <sup>3</sup> Mr John SORABJI	Royal Court of Justice	1/10/2007
SOUTH AFRICA	Ms Willene Janse van RENSBURG <sup>4</sup>	Constitutional Court	1/10/2007
POLAND	Mr Jakub KRÓLIKOWSKI <sup>5</sup>	Constitutional Tribunal	25/10/2007
ESTONIA	Ms Kristi AULE + Ms Gea SUUMANN <sup>6</sup>	Supreme Court	06/12/2008
NETHERLANDS	Mrs Mariam CHEBTI <sup>7</sup>	Court of Cassation	11/01/2008
AUSTRIA	Ms Britta WAGNER <sup>8</sup>	Constitutional Court	21/01/2008
MOROCCO	Mme Amina HASSOUNI <sup>9</sup>	Conseil constitutionnel	January 2008
PORTUGAL	Mme Manuela BAPTISTA LOPES <sup>10</sup>	Tribunal constitutionnel	January 2008

<sup>1</sup> Replaces Mr M. Chikobava

<sup>2</sup> Replaces Mr Y. Fuke

<sup>3</sup> Replaces Mr M. Kay

<sup>4</sup> Replaces Mr Michael Bishop

<sup>5</sup> Replaces Mr Marcin Wiacek

<sup>6</sup> Replaces Ms Katrin Saaremaël

<sup>7</sup> Replaces Mr Jan Spaans

<sup>8</sup> Replaces Mrs R. Huppmann

<sup>9</sup> NOUVEAU

<sup>10</sup> 2ème agent pour le Portugal

FINLAND	Ms Päivi PIETARINEN <sup>11</sup>	Supreme Administrative Court	6/2/2008
BELARUS	Mr Sergey P. CHIGRINOV <sup>12</sup>	Constitutional Court	5/03/2008
IRELAND	Ms Sophia PURCELL <sup>13</sup>	Supreme Court	12/03/2008
CZECH REPUBLIC	Mr Tomas LANGASEK <sup>14</sup>	Constitutional Court	17/03/2008
FINLAND	Ms Satu-Maarit TARKKANEN <sup>15</sup>	Supreme Administrative Court	27/03/2008
DENMARK	Ms Stine Tolstrup CHRISTENSEN <sup>16</sup>	Supreme Court	10/04/2008
BOSNIA AND HERZEGOVINA	Mr Zdravko DJURICIC <sup>17</sup>	Constitutional Court	11/04/2008
MONTENEGRO	Ms Jadranka NOVAKOVIC <sup>18</sup>	Constitutional Court	18/04/2008

#### 4. Updating of data on the participating courts

The liaison officers will be invited to inform the Secretariat – if possible before the meeting - of any changes to data contained in the list of constitutional courts ([http://www.venice.coe.int/site/dynamics/N\\_Courts\\_ef.asp?L=E](http://www.venice.coe.int/site/dynamics/N_Courts_ef.asp?L=E)), the list of liaison officers ([http://www.venice.coe.int/site/dynamics/N\\_LO\\_officers\\_ef.asp?L=E](http://www.venice.coe.int/site/dynamics/N_LO_officers_ef.asp?L=E)) 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](http://www.venice.coe.int/site/dynamics/N_Court_Links_ef.asp?L=E)).

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

The Secretariat will report on the exchanges having taken place 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](http://www.venice.coe.int/ju/VeniceForum) - user guide CDL-JU(2008)001).

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\\_C\\_C](#)

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](#)

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<sup>11</sup> Replaces Ms Anne Niemi

<sup>12</sup> Replaces Ms Rimma Filipchik

<sup>13</sup> Replaces Ms Elisha D'Arcy

<sup>14</sup> Replaces Mr Vlastimil Göttinger

<sup>15</sup> Replaces Ms Päivi Pietarinen

<sup>16</sup> Replaces Ms Ane Maria Roddik Christensen

<sup>17</sup> Replaces Mr Zvonko Mijan

<sup>18</sup> Replaces Ms Svetlana Budisavljevic

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](#)

The Secretariat will report on the use of the Forum Newsgroup (<http://www.extraweb.coe.int/team10/veniceforum/Lists/Newsgroup/AllItems.aspx>) - user guide CDL-JU (2006)010).

Newsforum / Groupe de discussion - Microsoft Internet Explorer

Address: <http://www.extraweb.coe.int/team10/veniceforum/Lists/Newsforum/AllItems.aspx>

Council of Europe  
www.coe.int

80 Europeans 47 member states

VENICE FORUM / FORUM DE VENISE  
Newsgroup / Groupe de discussion

Select a View  
Threaded  
Sorted by date

Actions  
Add to My Links  
Alert me  
Modify settings and columns  
Print View

Subject	Replies	Posted By	Modified
Tunisie, membre de la Commission	0	BERTEGI Brahim	5/24/2008 8:09
Photo, 20ème anniversaire du Conseil constitutionnel tunisien	0	BERTEGI Brahim	5/5/2008 9:42
perstastion de serment	0	YOUSSOUF Mohamed ali	4/1/2008 8:40
Comores - Nouvelles décisions de la Cour Constitutionnelle	0	DURR Schnutz	3/18/2008 10:39
Germany - important new decided and pending cases	0	DURR Schnutz	3/11/2008 13:54
Constitutional court - Kyrgyz Republic	0	GOREY Ana	2/22/2008 15:20
Romanian Constitutional Court decision, CNSAS Law ruled as unconstitutional	0	SABAREANU Ruxandra	2/18/2008 12:18
Révision constitutionnelle France	0	GARAYALDE Valrie	2/11/2008 11:12
Conférence des chefs d'institution de l'ACPUF	0	GARAYALDE Valrie	1/17/2008 10:48
radiation de 2 magistrats	0	YOUSSOUF Mohamed ali	1/17/2008 9:18
Le Conseil constitutionnel tunisien fête son 20ème anniversaire	0	DURR Schnutz	12/13/2007 14:14
Important new cases at the Federal Constitutional Court of Germany in the first six months of 2007	0	BÖCKEL Margret	8/22/2007 10:04
Nouveau secrétaire général du Conseil constitutionnel français	0	GARAYALDE Valrie	6/21/2007 12:04
BEL - Constitutional Court / Cour constitutionnelle	0	RYCKEBOER Rik	6/14/2007 11:13
Dissolution of Political Parties	2	SIREGAR Fritz	6/6/2007 9:34
Séminaire des correspondants nationaux de l'ACPUF	0	GARAYALDE Valrie	5/18/2007 10:57
Important appeals / saisines importantes	0	DURR Schnutz	4/16/2007 0:55
Recent decisions / décisions récentes	1	DURR Schnutz	5/10/2007 9:51
Appointments of presidents, judges / Nominations des présidents, juges	1	DURR Schnutz	3/23/2007 8:20

The liaison officers are invited to comment on their experiences with the Classic Forum and the Newsgroup.

## 6. Opinions of the Venice Commission

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

On Constitution, including 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](#)

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

The Secretariat will report on co-operation with the Conference of European Constitutional Courts (see also point 9.b below).

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

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

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

The Secretariat will inform the participants about the programme of co-operation between the Southern African Judges Commission and the Venice Commission.

**7.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 the Conference of the Constitutional Control Organs of the Countries of Young Democracy and the Venice Commission.

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

The Secretariat will inform the participants about co-operation with the network of Constitutional Courts of Asia (Cambodia, Indonesia, Republic of Korea, Mongolia, Philippines) and the Venice Commission.

**7.f Co-operation with the Ibero-American Conference of Constitutional Justice**

The Secretariat will inform the participants about co-operation with the Ibero-American Conference of Constitutional Justice.

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

The Secretariat will inform the participants about co-operation with the Union of Arab Constitutional Courts and Councils.

### 7.h World Conference of Constitutional Justice

The Secretariat will inform the participants about the progress of the organisation of the World Conference on Constitutional Justice in Cape Town on 23-24 January 2009.

### 8. Seminars with Constitutional Courts (CoCoSem)

The Secretariat will inform the participants about seminars held since the last meeting and the programme of future CoCoSem seminars.

<b>2007</b>	
12.6.2007	VIIth World Congress of Constitutional Law, Athens, establishment of a Constitutional Judges' interest group
05-06.7.2007	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
06-07.9.2007	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?", Tallin
04-06.10.2007	XII Yerevan International Conference in co-operation with the Constitutional Court of Armenia on "International experience of the cooperation 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 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 <sup>nd</sup> 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
<b>2008</b>	
3.4.2008	Conference in co-operation with the Constitutional Court of the Slovak Republic on "Constitutional Justice in the Vishegrad 4 countries" at the occasion of the 15 <sup>th</sup> 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	CoCoSem.UKR, Conference 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
02-07.6.2008	Participation in the XIVth Congress of the Conference of European Constitutional Courts on "Problems of Legislative Omission in Constitutional Jurisprudence" (working doc on legal omissions, on Monaco doc), 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 <sup>th</sup> Joint Council on Constitutional Justice, Tirana
<b>Future</b>	
14-15.7.2008	Conference in co-operation with the Constitutional Court of Azerbaijan on the occasion of the 10 <sup>th</sup> Anniversary of the Court
1-4.9.2008	Preparatory meeting of regional bodies for the World Conference at the sidelines of the 20 <sup>th</sup> Anniversary of the Constitutional Court of the Republic of Korea
3-4.10.2008	XII Yerevan International Conference in co-operation with the Constitutional Court of Armenia on "Constitutional fundamental principles and public practice"
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"
5.12.2008	Conference in co-operation with the Constitutional Council of Kazakhstan on "60 years of the UN Human Rights Declaration", Astana
<b>23-24.1.2009</b>	<b>First 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</b>

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

The Secretariat will recall the availability of the Interim Bulletin site: <http://www.venice.coe.int/JU/Bulletin>.

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### 9.a Regular issues of the *Bulletin*

*Bulletin* 2007/2 will be presented to the participants.

### 9.b Special *Bulletins*

The Secretariat will present the special Bulletins on "Basic Texts 7" and the working documents on "Problems of Legislative Omission in Constitutional Case-Law", prepared for the Conference of European Constitutional Courts. The Secretariat will propose the end of October 2008 as the deadline for any modification of the working document before its publication as a special bulletin.



The Secretariat will inform the participants on the progress of the Special Bulletin on "Leading Cases 2".

The participants will be invited to decide on their readiness to prepare a working document and later a special Bulletin on the topic to be chosen by the Circle of Presidents of the Conference of European Constitutional Courts for the XV<sup>th</sup> Congress.

## **10. CODICES database**

### **10.a Presentation of a new version of CODICES**

The Secretariat will present version 5.2 2007/2 of CODICES.

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

The liaison officers will be invited to inform the Secretariat of necessary changes in the texts of constitutions, laws on the courts and descriptions as compared to the texts contained in CODICES.

The Secretariat will inform the participants about the progress of indexing of the constitutions and laws on the courts on an article by article basis (see also state of updating in document CDL-JU(2008)006).

### **10.c Data input mask**

The liaison officers will be reminded to use input masks for their contributions (for off-line version Microsoft Access required, mask available on CD-ROM and downloadable at [www.venice.coe.int/ju/mask1\\_9.mdb](http://www.venice.coe.int/ju/mask1_9.mdb) and the Internet mask at [www.venice.coe.int/ju/codices](http://www.venice.coe.int/ju/codices) ).

## **11. Documentation Centre on Constitutional Justice / Library**

The Secretariat will express its gratitude to the participating courts for providing their publications to the Documentation Centre. The updated list of documents remains available at [www.venice.coe.int/site/dynamics/N\\_cocentre\\_ef.asp](http://www.venice.coe.int/site/dynamics/N_cocentre_ef.asp).

## **12. Version 20 of the Systematic Thesaurus**

The participants will be invited to approve the proposals by the Working Group on the Systematic Thesaurus for version 20 of the Systematic Thesaurus (CDL-JU(2008)008 - document to be produced after the meeting of the Working Group on 26 June 2008) on the basis of proposals in document CDL-JU(2008)007).

## **13. Other business**

#### **14. Date and place of the next meeting**

The next meeting of the Joint Council on Constitutional Justice could take place in May or June 2009 upon the kind invitation of a participating court. The participating courts are invited to consider hosting the Commission and to make a proposal for future venues.

**'Mini-conference'  
on Social rights  
Tirana, 27 June 2008, 9 a.m. -1 p.m.**

#### **Opening**

##### **Introductory presentations (15 minutes max.)**

- Ms van Roosmalen (Council of State of the Netherlands)
- Ms Baptista Lopes (Constitutional Court of Portugal)
- Ms Stresec (Constitutional Court of Croatia)

#### **Discussion**

#### **Closure**