

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

**FOURTH MEETING OF THE
WORKING PARTY ON CONSTITUTIONAL JUSTICE
WITH THE LIAISON OFFICERS FROM CONSTITUTIONAL COURTS
AND OTHER BODIES
(Venice, 3 February 1993)**

MEETING REPORT

1. The Working Party on constitutional justice held its fourth meeting with the liaison officers from constitutional courts and equivalent bodies in Venice on 3 February 1993. The meeting was chaired by Mr Matthew Russell. The list of participants is appended to this report.

Examination of the summaries of decisions from the courts or equivalent bodies

2. The participants held an exchange of views on the summaries drafted, following the model in Appendix II to the Ryckeboer-Vandernoot Report, by the liaison officers of constitutional courts and equivalent bodies of Austria, Belgium, Netherlands, Sweden, Switzerland, Slovenia and Italy (CDL-JU(93)1) and addendum).

3. The participants noted that such summaries were useful in view of the large volume of documentation which was to be collected by the Centre. However, the summaries drawn up in accordance with the model sometimes differed widely. In order not to complicate further the work of the liaison officers, whose contribution was vital for the functioning of the Centre, it was therefore decided to adopt a flexible attitude : the liaison officers were requested to follow the model as closely as possible.

4. The participants noted that the model summary used two sets of key words in zones B1 and B2. In this connection, Mr Ryckeboer explained that the purpose of the thesaurus (zone B1)

was to serve as a basis for the uniform presentation of data collected by the Centre and to provide a guide to liaison officers in selecting decisions to send to the Centre. By contrast, the key words (in zone B2) were intended to take into account the particular characteristics of States which could then use expressions or words in the form usual for them but which did not appear in that form in the thesaurus.

Examination of remarks on the draft systematic Thesaurus

5. The participants noted that the thesaurus was to be compiled gradually and would necessarily evolve as the Centre continued to function. They entrusted to MM. Ryckeboer and Vandernoot the preparation of a revised draft of the systematic thesaurus, taking into account the comments made by some liaison officers. (CDL-JU(93)2 and addendum).

Possible operation of an experimental Centre

6. The participants considered that, four meetings having been held since September 1991, the time had come to start up the Centre on an experimental basis. They agreed to propose to the Commission that initially the Centre should function as follows:

- a. Three times a year, liaison officers will send the Centre written contributions in English or French concerning their jurisdictional activities i.e. :
 - number of decisions taken
 - subject matter of important decisions, using the key words in the systematic thesaurus
 - other information.
- b. Where important decisions have been taken during the period concerned, liaison officers will send :
 - the full original text of the decision
 - any available translations in English and/or French
 - a summary in English and/or French, using the key words in the systematic thesaurus.
- c. The Secretariat will undertake the preparation and distribution of a bulletin containing the summaries and sundry information concerning the courts.
- d. The full text of decisions and any translations will be available on request from the Secretariat.
- e. Moreover, liaison officers are requested to send immediately to the Centre all decisions which they consider important for other jurisdictions. The Centre will circulate copies to the other liaison officers.
- f. Wherever possible, the above-mentioned documents should be circulated on 3.5" computer diskettes, if possible in Wordperfect 5.1, otherwise in ASCII format.

- g. Liaison officers are requested to send the Secretariat a brief description of their courts.
- h. A group of experts will assist the Secretariat to prepare the first bulletin : it will consist of Mr Russell, Mrs Elhenicky (subject to confirmation), Mr Ryckeboer, Mr Vandernoot, Mr Cattarino and Mr Mavcic. Any other liaison officers who are interested but were not at the meeting on 3 February could join the group.
- i. The timetable for producing the first bulletin is as follows :
 - period concerned : 1 January 1993 - 31 March 1993 (if there is difficulty in complying with these dates, the liaison officers can adapt them to the pace of work of their courts or publication of decisions)
 - **written contributions from liaison officers must reach the Secretariat by 15 April 1993**
 - meeting of the group of experts : early June 1993
 - publication of the bulletin : by end of June 1993.
- j. Meetings of the working group on constitutional justice with the liaison officers from constitutional courts and equivalent bodies should be held regularly in order to monitor the functioning of the Centre and decide on matters relating to items such as the systematic thesaurus.

7. The participants considered that this period of experimental functioning should not prejudice the future operation of the Centre in accordance with the decisions taken at preceding meetings. They instructed the Secretariat to study possible financing resources to enable the Centre to function as soon as possible.

Date of next meeting

8. The next meeting of the working group on constitutional justice with the liaison officers from constitutional courts and equivalent bodies is scheduled to be held in November 1993 when the Commission holds its plenary meeting.

APPENDIX : LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS

**EUROPEAN COMMISSION FOR DEMOCRACY
THROUGH LAW
COMMISSION EUROPEENNE POUR LA DEMOCRATIE PAR LE DROIT**

MEMBERS/MEMBRES

CYPRUS/CHYPRE :

Mr Michael TRIANTAFYLLIDES, Attorney General of the Republic
Mrs Anny CARILOU, Administrative Officer, Ministry of Justice

IRELAND/IRLANDE :

Mr Matthew RUSSELL, Senior Legal Assistant to the Attorney General of Ireland
(Chairman/Président)

PORTUGAL :

M. José MENERES PIMENTEL, Médiateur

ASSOCIATE MEMBERS/MEMBRES ASSOCIES

CROATIA/CROATIE :

Mr Ivan SIMONOVIC, Assistant Minister
Mr Stanko NICK, Chief Legal Adviser, Ministry of Foreign Affairs

ROMANIA/ROUMANIE

Mr Petru GAVRILESCU, Specialist, Human Rights Division, Ministry of Foreign Affairs

RUSSIA/RUSSIE :

Mr Nicolas VITROUK, Vice-President of the Constitutional Court

SLOVENIA/SLOVENIE :

Mr Peter JAMBREK, President, Constitutional Court
Mr Anton PERENIC, Professor of Law, former Judge of the Constitutional Court

LIAISON OFFICERS/AGENTS DE LIAISON

AUSTRIA/AUTRICHE :

Mme Anneliese ELHENICKY, Conseillère à la Cour constitutionnelle, Service de la documentation

BELGIUM/BELGIQUE :

M. Rik RYCKEBOER, Référendaire à la Cour d'Arbitrage

M. Pierre VANDERNOOT, Référendaire à la Cour d'Arbitrage

M. Pierre MARCHAL, Président de Section, Cour de cassation (Apologised/Excusé)

CYPRUS/CHYPRE :

Mr Ioannis PAPADOPOULOS, Justice, Supreme Court (Apologised/Excusé)

FINLAND/FINLANDE :

Justice Per LINDHOLM, Supreme Court Judge (Apologised/Excusé)

FRANCE :

Mme Dominique REMY-GRANGER, Attachée auprès du Président du Conseil constitutionnel (Apologised/Excusé)

GERMANY/ALLEMAGNE :

Mr Matthias HARTWIG, Bundesverfassungsgericht (Apologised/Excusé)

GREECE/GRECE :

Mr K. MENOUDAKOS, Member of the Council of State

HUNGARY/HONGRIE :

Mr Peter PACZOLAY, Counsellor at the Constitutional Court

ICELAND/ISLANDE :

Ms Gudrun ERLIENSDÓTTIR, President of the Supreme Court (Apologised/Excusé)

IRELAND/IRLANDE :

Mr James COMERFORD, Registrar of the Supreme Court (Apologised/Excusé)

ITALY/ITALIE :

M. Giovanni CATTARINO, Correspondant de la Cour constitutionnelle

M. Nicola SANDULLI, Correspondant de la Section de droit comparé de la Cour constitutionnelle

Mme Elisa BIANCHI, Correspondant de la Section de droit comparé de la Cour constitutionnelle

NETHERLANDS/PAYS-BAS :

Mr Oscar KORTE, Assistant to the Chief Justice

NORWAY/NORVEGE :

Mr Helge ROESTAD, Supreme Court Justice

POLAND/POLOGNE :

Mrs Halina PLAK, Head of the Library and Documentation Centre

PORTUGAL :

M. Miguel LOBO ANTUNES, Service de documentation, Tribunal Constitutionnel

SPAIN/ESPAGNE :

M. Pedro BRAVO-GALA, Conseiller Service de Bibliothèque et Documentation, Tribunal Constitutionnel (Apologised/Excusé)

SWEDEN/SUEDE :

Mr Johan MUNCK, Supreme Court Judge (Apologised/Excusé)

SWITZERLAND/SUISSE :

M. Paul TSCHÜMPERLIN, Directeur administratif

TURKEY/TURQUIE :

Mr Mehmet TURHAN, Reporter, Constitutional Court

ALBANIA/ALBANIE :

Mr Thimjo KONDI, Member of the Constitutional Court (Apologised/Excusé)

RUSSIA/RUSSIE :

Prof S. BOBOTOV, Conseiller à la Cour constitutionnel (Apologised/Excusé)

SLOVENIA/SLOVENIE :

Mr Arne MAVCIC, Head of the Legal Information Centre, Constitutional Court

CANADA :

Ms Louise MEAGHER, Deputy Registrar, Supreme Court (Apologised/Excusé)

U.S.A. :

Mr Robb M. JONES, Administrative Assistant to the Chief Justice (Apologised/Excusé)

SECRETARIAT

M. Giovanni BUQUICCHIO

M. Roberto LAMPONI

M. Régis BRILLAT

Mlle Helen MONKS