
TABLE OF CONTENTS

<i>Foreword</i>	<i>v</i>
<i>Acknowledgements</i>	<i>vii</i>
Introduction	1
1. The Development of the Role of the Venice Commission	8
I. The Transition to Democracy and Rule of Law in Central and Eastern Europe.....	8
II. The Take-Off of the Activity of the Venice Commission.....	10
III. Rule of Law and Separation of Powers	13
IV. Forms of Government.....	15
V. Judicial Review	18
2. European Conditionality, Living Constitution and Constitutional Drafting	21
I. The Many Faces of Conditionality.....	21
II. From the Council of Europe to the EU – The Living Constitution	24
III. Accession of New Member States to the EU	27
IV. Post-Accession Conditionality and Compliance	29
V. Constitutional and Legislative Drafting.....	31
3. The European Constitutional Heritage as a Yardstick for the New Democracies	33
I. The Research of a Parameter	33
II. Paradoxes and History of the Concept of the European Constitutional Heritage.....	34
III. Comparing Western and Eastern Europe Traditions.....	38
IV. The Impact of the Western Tradition	42
4. The Epiphany of the International Constitutional Law	43
I. Constitutionalism and International Law	43
II. International Law, Transnational Law and National Law.....	45
III. The Making of International Constitutional Law: The Role of the Venice Commission	47
IV. Precedents and Examples.....	51
5. International Constitutional Law: Sources and Materials	57
I. International Law and Transnational Law.....	57
II. The Research of the Historical Roots	60

III.	The Dubious Contribution of the Central and Eastern European Countries.....	63
IV.	Conclusions	65
6.	The Venice Commission's Contribution to the Internationalisation of Constitutional Law Regarding States' Judicial Organisation	69
I.	Introduction: The Separation of Powers and Its Implementation.....	69
II.	Judicial Councils and Other Solutions.....	74
III.	The Functions of Judicial Councils.....	79
IV.	Budgetary and Financial Matters.....	81
V.	The Prosecution Service.....	82
VI.	Crises and Difficulties of the Mediterranean Model.....	83
VII.	Corruption, Miscarriages and Vetting Procedures.....	86
VIII.	Conclusions	88
7.	Constitutional Justice in the Frame of the Rule of Law	91
I.	Setting the Scene	91
II.	Institutional Position and Composition of Constitutional Courts	93
III.	Jurisdiction and Functions	96
IV.	Effects of the Decisions of the Constitutional Courts.....	98
V.	Tensions between Constitutional Courts and Other Branches of the State	99
VI.	Constitutional Justice, Rule of Law and Dialogue between the Courts.....	103
8.	Conclusions and Perspectives	106
I.	The Conclusions of the Research.....	106
II.	Tensions in the European Union and Symptoms of Backsliding	108
III.	The Reaction of the European Judges	111
IV.	International Constitutional Law: Principles, Norms or Standards?.....	113
V.	European or Universal Perspectives?	117
Appendix 1: Monitoring Committee and Venice Commission: 27 Years of Growing Interaction.....		119
Appendix 2: Comparative Constitutional Law – An Indispensable Tool for the Creation of Transnational Law		123
<i>Index</i>		<i>133</i>