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Or. Engl.

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

**PRINCIPLES OF CONDUCT**

**FOR MEMBERS, SUBSTITUTE MEMBERS AND EXPERTS  
OF THE EUROPEAN COMMISSION FOR DEMOCRACY  
THROUGH LAW  
(VENICE COMMISSION)**

**Adopted by the Venice Commission  
at its 134th Plenary Session  
(Venice, 10-11 March 2023)**

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## I. Introduction

1. This document has been developed based on the Revised Statute<sup>1</sup> and the [Revised Rules of Procedure](#)<sup>2</sup> of the European Commission for Democracy through Law (Venice Commission) and on Council of Europe regulations covering issues of ethical conduct, conflict of interest and confidentiality of information, in consultation with the Ethics Officer of the Council of Europe; it has been adopted by the Venice Commission at its 134<sup>th</sup> Plenary Session (10-11 March 2023, Venice) and is henceforth applicable to all Venice Commission's activities.
2. In exercising their duties stemming from their Venice Commission capacity, Venice Commission Members and Substitute Members (hereinafter "Members") as well as consultants hired by the Venice Commission and acting in their capacity as Venice Commission experts (hereafter "experts") are expected to abide by the Principles of Conduct as described within the main body of the present document, as well as to uphold the values of the Council of Europe and respect the standards of its [Code of Conduct](#) to the extent that they are applicable to them.
3. By accepting their role as Venice Commission Members and experts, they agree to respect and follow the requirements set out in this document.
4. When taking up their functions, Venice Commission Members and Substitute Members shall make the following solemn declaration:

*"I solemnly declare that I will carry out the duties entrusted to me as a Member/Substitute Member of the Council of Europe's Venice Commission loyally and conscientiously, respecting the confidence placed in me. In discharging these duties and in my official conduct, I will have regard exclusively to the mission of the Commission. I will not seek or receive any instructions in connection with the exercise of my functions from any government, authority, organisation or person outside the Commission. I will refrain from any action which might reflect upon my position as a (Substitute) Member of the Commission or which might be prejudicial morally or materially to the Venice Commission and to the Council of Europe. I will abide by the Principles of Conduct for Members, Substitute members and experts of the Venice Commission."*

## II. Professionalism and general values

5. The Venice Commission is composed of one member and one substitute in respect of each of its member States (Article 2 §1,2 of the Revised Statute). The Commission may be assisted by consultants (experts) whenever it considers it necessary (Article 5 of the Revised Statute).
6. Throughout the entirety of their term, Venice Commission Members and experts represent the Council of Europe and the Venice Commission and are thus expected to demonstrate the utmost professionalism, integrity and credibility, including by complying with national laws or regulations as well as with domestic legal and financial obligations.
7. Venice Commission Members shall have the capacity and availability to serve on the Commission (Article 2.2 of the Revised Statute). As part of their duties, they shall contribute to the work of the Commission by participating in Sub-commission meetings, in Plenary

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<sup>1</sup> **Revised statute of the European Commission for Democracy through Law**, adopted by the Committee of Ministers on 21 February 2002 at the 784<sup>th</sup> meeting of the Ministers' Deputies (**Resolution Res (2002) 3; CDL(2002)027**).

<sup>2</sup> Adopted by the Venice Commission at its 134<sup>th</sup> Plenary Session (Venice, 10-11 March 2023)/

Sessions, in the preparation of general reports and country-specific opinions as rapporteurs, in country visits, on-line meetings and conferences and in other activities on behalf of the Commission.

8. Venice Commission Members and experts are expected to use their experience and expertise in carrying out their duties on behalf of the Venice Commission.

9. Venice Commission Members and experts should inform the Secretary of the Commission (hereafter “the Secretary”) of any specific needs to be taken into account for the exercise of their duties.<sup>3</sup>

10. The Council of Europe upholds certain fundamental values and principles such as democracy, the rule of law and respect for human rights, as well as gender equality, non-discrimination, inclusiveness, prohibition of sexual and other forms of harassment, prohibition of ill-treatment of human beings. These should be adhered to at all times by Venice Commission Members and experts. It is recalled that Venice Commission Members and experts as well as the members of the Secretariat themselves enjoy protection against any form of harassment.<sup>4</sup>

### **III. Independence**

11. Venice Commission Members and experts shall be independent, shall serve in their individual capacity, and shall not receive or accept any instructions (Article 2 of the Revised Statute). They shall act in a manner that is and is seen to be independent, impartial and objective with respect to any issue examined by the Commission (Article 3a of the Revised Rules of Procedure).

12. In the exercise of their functions, Venice Commission Members and experts shall be independent of any public national or international institution, body or authority or any private entity. They shall keep themselves free from undue influence of any kind, whether external or internal, direct or indirect. They shall refrain from any activity, expression and association, shall refuse to follow any external instruction (for instance from their employing institution or from any government or any other domestic or foreign institution), and shall avoid any situation that may be considered to interfere with their function for the Venice Commission and to affect adversely public confidence in their independence.

13. Attempts to influence the work of Venice Commission Members and experts, including in the form of pressure and intimidation, shall be reported to the Secretary.

### **IV. Impartiality and objectivity**

14. Venice Commission Members and experts shall act in an impartial manner, and be seen to be doing so, during the exercise of their duties. They shall assess the information and facts presented to them in the context of exercising their duties objectively, without bias or prejudice, or political affiliation. They shall not be involved, either as rapporteurs or in any other capacity, in dealing with an opinion in which they have a conflict of interest.

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<sup>3</sup> For instance, mobility problems, disabilities etc.

<sup>4</sup> [Policy on Respect and Dignity in the Council of Europe](#) (1 January 2023). Extract: “2.3. The Policy applies to [...] all persons involved in the Organisation’s activities, wherever they may be held; all consultants and other contractors; [...]” See *inter alia* Section 4. on “Disrespectful behaviour” covering among other issues harassment.

## V. Conflicts of interest and incompatibilities

15. When taking up their role, Venice Commission Members shall disclose any potential conflict of interest<sup>5</sup> or incompatibility<sup>6</sup> that may hamper or be seen as hampering their role. They shall notify the President through the Secretary of any potential conflict of interest, i.e. any circumstance which influences or might appear to influence their impartial and objective consideration of any issue examined by the Commission, in particular but not limited to any task, remunerated or not, entrusted to them by a government (Article 3a of the Revised Rules of Procedure). The requirement applies also at any later stage of their term should any change in situation occur, for instance if the Member or expert is offered a consultancy contract by, or in any of the Venice Commission member States. Such declarations shall be made to the Secretary as soon as a conflict of interest arises (ad hoc).

16. In such a case, when opening a discussion on a relevant agenda item, the President shall, if he or she considers that there is a conflict of interest, announce to the Commission that the Member shall not take part in the vote. The Member concerned may take part in the debate but in doing so shall declare his or her interest in the matter being discussed (Articles 3a.4 and 13.1 of the Revised Rules of Procedure).

17. Members shall not take part in the vote on opinions specifically relating, both directly and indirectly, to the state having appointed them or of which they are citizens (Article 13.1 of the Revised Rules of Procedure). They shall not take part in the debate but may provide information and clarifications concerning the constitutional and legal system of that country.

18. When offered a contract, experts shall disclose any potential conflict of interest or incompatibility that may hamper or be seen as hampering their role. Should the Secretary consider that such a conflict of interest exists, the Secretary shall not enter into a consultancy contract with the expert.

19. During the preparation of an opinion of the Commission in respect of a member State Venice Commission Members and experts shall not engage in any legal assistance or other activities with the authorities of this member State. This rule shall apply to any type of activity, whether provided for a fee or on a *pro bono* basis. This rule shall not apply to academic or research activities.

20. Ahead of any participation in a Venice Commission activity, Venice Commission Members and experts shall sign a written declaration confirming their knowledge and obligation to respect the present Principles and the absence of a conflict of interest. The present Principles will be sent to Venice Commission Members and experts with the declaration to be signed. The aforementioned declarations shall be collected and kept by the Secretary and made available to the Bureau of the Commission upon its request. The declaration to be signed by the Venice Commission Members and experts is appended to these Principles.

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<sup>5</sup> This is to be understood broadly and as referring to any material and other interest of a personal or private nature (including those of spouses / partners and close relatives\* of the Member or expert), which they may have in relation to a member State of the Venice Commission other than the home jurisdiction of the (Substitute) Member or expert. Since this is not limited to purely material interests, a conflict may also arise, for instance, from membership in an organisation or club pursuing the objective of developing political / commercial and other relations with or in a member State of the Venice Commission.

\* Based on the Council of Europe's [Staff Regulations and Staff Rules](#), footnote 2, "close relatives" shall be understood to include spouses, partners, ex-spouses or former partners; parents, children and siblings, including through marriage or partnership; grandparents, grandchildren, aunts, uncles and cousins.

<sup>6</sup> For instance, a Member or expert being hired by a national authority or institution or by a private party on a similar issue.

21. Venice Commission Members and experts who accept to participate in any activity, remunerated or not, not organised by the Venice Commission but carried out in the capacity as Member or expert of the Venice Commission, shall inform the Secretary.

## **VI. Personal benefits and gifts, honours and decorations**

22. The capacity as Venice Commission Members and experts shall not be used to pursue personal benefits. Venice Commission Members and experts shall not promote (vis-à-vis State authorities or institutions) their professional, academic and other personal activities when acting in their official capacity as representatives of the Venice Commission, Venice Commission Plenary Sessions or other types of meetings.

23. As a rule, gifts or other forms of advantages shall not be accepted in relation to Venice Commission activities. Work-related conventional gifts or hospitality benefits may be accepted.<sup>7</sup> The Secretary shall be informed and may provide advice if such situations occur.<sup>8</sup>

24. As a rule, honours and decorations awarded by the authorities of a member State shall not be accepted in relation to Venice Commission activities and functions, unless this is compatible with the independence, impartiality, objectivity and neutrality of the representative of the Venice Commission, and in line with Council of Europe standards. The Secretary shall be informed and may provide advice before any such offer is accepted.

## **VII. Discretion and confidentiality**

25. Venice Commission Members and experts shall be prudent when commenting in public, including to the media or through social media, on decisions of and texts adopted by the Commission (Article 3a.5 of the Revised Rules of Procedure).

26. Confidentiality of information related to Venice Commission activities must be preserved throughout the term of the Members' mandate and experts' contractual engagement and following their completion. This applies to information submitted via the Secretariat, information obtained during missions, the assessment process, the various versions of draft opinions, studies or reports, and other restricted documents or information. The content of any country-specific opinion, follow-up opinion, general report or any other document adopted by the Venice Commission can only be referred to in public once it has become public. This practice equally applies to other Venice Commission documents in preparation. Venice Commission Members and experts shall thus exercise discretion in dealing with such material overall.

27. Discussions with governmental or public bodies, representatives of private sector or from the civil society during Venice Commission Plenary Sessions, any types of meetings or missions, shall remain confidential.

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<sup>7</sup> Benefits (such as travel, transportation, accommodation, meals, political, social, sporting or cultural events, etc.) the costs of which are borne by the authorities are excluded from the declaration requirement on condition that these benefits are expressly mentioned in the official programme of the meeting, visit or mission. For instance, attendance of an official event, an official diner etc.

<sup>8</sup> For instance, the Council of Europe's [Staff Regulations and Staff Rules](#), provision no. 180.2, stipulate that "Staff members who are not involved in procurement or grant awards may exceptionally accept gifts, the value of which is reasonably estimated at 50 Euros or less, where the giving of a gift is consistent with normal practice and it would be impolite to refuse. Where a tangible gift, the value of which is reasonably estimated at more than 50 Euros, is offered, it shall be refused or, where this is not possible, immediately returned. [...]."

28. No personal data shall be publicly disclosed and Venice Commission Members and experts shall abide by Council of Europe data protection requirements, as applicable.

29. The obligations contained in this document are not intended to override or supersede any existing obligations that Venice Commission Members and experts may already be subject to concerning the handling of information or conflicts of interest, as a result of their employment with a national authority or an international organisation.

30. These requirements are in addition to any obligations that may specifically apply to rapporteurs when their comments are solicited by the Secretariat of the Commission in the course of preparing draft opinions and reports.<sup>9</sup>

### **VIII. Specific precautions**

31. The Secretary shall inform the Venice Commission Members and experts about specific precautions that may need to be taken in relation to Venice Commission meetings or missions.

32. Venice Commission Members and experts should promote awareness and respect for the work of the Venice Commission and the Council of Europe and remain alert at all times during missions – including on the margins of official work – about possible reputational and other consequences of intentional and unintentional actions for themselves and for the image of the Venice Commission and the Council of Europe, especially in case of statements to the media and on social media. In particular, alertness is called for in respect of activities that are or may be illegal, risks of political instrumentalisation, and dubious solicitations and offers in the country visited.<sup>10</sup>

33. In the exercise of their academic or scientific activities, Venice Commission Members and experts are required to specify as appropriate that their views are personal and do not engage the Venice Commission.

### **IX. Adherence to the Principles of conduct**

34. Venice Commission Members and experts, by taking up their duties, are expected to respect and comply with the requirements set out in this document in their capacity as Venice Commission representatives. Guidance (including on a confidential basis) may be sought at any time from the Secretary.

35. In case of an alleged serious breach of any of the duties set out in the present Principles, the Bureau of the Commission may ask the Member to provide justification and/or remedy it. These proceedings shall remain confidential.

36. Should the Member fail to do so, or should he or she commit subsequent serious breaches, the Commission may declare, pursuant to Article 2.3 of the Revised Statute and to Article 1.3 c of the Revised Rules of Procedure, after hearing the Member and on the proposal of the Bureau of the Commission, by a majority of two thirds, that the Member is no longer qualified to exercise his or her functions. The Secretary will inform the authorities of the state which has appointed the Member in question of the decision of the Commission and invite them to appoint another Member.

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<sup>9</sup> Members and experts shall comply with their obligations regarding intellectual property rights as agreed individually with the Council of Europe

<sup>10</sup> This also includes behaviour of Venice Commission Members and experts during their private time all along official missions, visits etc.

37. In case of a serious breach of the present Principles committed by an expert, the latter shall not be offered any further contractual engagement by the Secretary.

38. It is also recalled that, in accordance with the Council of Europe's own anti-corruption policy (Rule on investigation<sup>11</sup>), the Council of Europe "is committed to the proper use of funds and resources entrusted to it and the protection of its reputation and interests."<sup>12</sup> Members of the Secretariat have a duty to report any reasonable suspicion of fraud or corruption. The provisions of the rule apply also to officials and persons who participate in Venice Commission's activities (wherever they may be held) and who are encouraged to report a suspicion directly to the Secretary. Every reporting person has the right to effective protection against retaliatory action.

## **X. Guidance and support**

39. Venice Commission Members and experts shall receive guidance and support in exercising their duties throughout their mandate by the Secretary. Proper liaison between all the parties involved in Venice Commission Plenary Sessions, other meetings and missions is essential to ensure a smooth outcome. Whenever a Venice Commission Member or expert has a dilemma on issues related to the aforementioned Principles, her/his duties, rules and procedures, she/he should feel free to raise it with the Secretary. The Secretary shall endeavour to provide all the necessary guidance and support. Members, experts and the Secretariat of the Venice Commission may request advice and confidential counselling from the Ethics Officer of the Council of Europe in respect the interpretation of these Principles in the context of the ethics framework of the Council of Europe.

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<sup>11</sup> [Rule on investigation](#) as of 1 January 2023 signed by Marija PEJČINOVIĆ BURIĆ, Secretary General of the Council of Europe, on 22 December 2022.

<sup>12</sup> *Ibid.*, paragraph 1.



**XI. Appendix – Declaration of interests**

**Declaration of interests of Venice Commission Members, Substitute Members and Experts candidates to Venice Commission’s activities<sup>13</sup>**

Regarding the following activity: .....

I hereby declare the following interests in connection with the country concerned by this activity or which might influence the performance of my duties in the Venice Commission as Member, Substitute Member or expert taking part in the aforementioned activity.

*Please strike out this section if not applicable. Otherwise, please specify the nature of the actual or potential conflict of interest:*

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I hereby declare that I have no actual or potential economic, commercial, financial or other interests on a professional, personal or family level in connection with the country concerned by this activity, or which might influence the performance of my duties in the Venice Commission. This declaration concerns me directly, as well as the members of my family, directly or indirectly related, and/or with whom I am in regular contact.

*Please strike out this section if not applicable.*

I hereby confirm that I have taken notice of and undertake to respect the Principles of Conduct for Venice Commission Members and Experts all along my engagement with the Venice Commission regarding the aforementioned activity.

I note that this declaration will be made available by the Secretary of the Venice Commission to the Bureau of the Commission upon request.

Name: .....

Date: .....

Signature:

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<sup>13</sup> As rapporteurs on a country -specific opinion; as representatives of the Venice Commission in activities such as meetings, country visits, election observation missions etc. (non-exhaustive list).