



Strasbourg, 22 March 2023

**CDL-AD(2023)013**  
Or. Engl.

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

**REVISED RULES OF PROCEDURE<sup>1</sup>**

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<sup>1</sup> Rules of procedure as adopted by the Venice Commission at its 50th Plenary Session (Venice, 8-9 March 2002) and amended at its 53rd Plenary Session (Venice, 13-14 December 2002); at its 61st Plenary Session (Venice, 2-3 December 2004); at its 96th Plenary Session (Venice, 11-12 October 2013); at its 101st Plenary Session (Venice, 12-13 December 2014); at its 105th Plenary Session (Venice, 18-19 December 2015); at its 116th Plenary Session (Venice, 19-20 October 2018) and at its 134<sup>th</sup> Plenary Session (Venice, 10-11 March 2023).

The European Commission for Democracy through Law (hereinafter “the Commission”),

Having regard to the Statute of the Commission, in particular to Article 4.4,

Adopts the following Rules of Procedure:

## **Article 1<sup>2</sup>**

### *Appointment, Term*

1. Any State which appoints a member or an associate member shall inform the Secretary of his or her name, address and working languages together with the name, address and working languages of the substitute. Not later than 8 weeks before the expiry of the term of office, the Secretary shall invite the State concerned to proceed with the appointments for the new term.
2. The term of office of a newly appointed member or associate member shall start on the day following the expiry of the term of the previous member or, if the State appoints a member for the first time, on the day of the accession of the State to the Enlarged Agreement.
3. The term of office of a member or associate member shall expire
  - a. at the end of the regular term of four years, it being understood that he or she may continue to exercise his or her functions until the appointment of the new member;
  - b. on the day a letter of resignation signed by the member is received by the Secretariat;
  - c. the day the Commission notes, on the proposal of the Bureau, by a majority of two-thirds of its members that the member concerned is no longer able or qualified to exercise his or her functions, including on account of serious breaches of the duties set out in the Commission’s Principles of Conduct.<sup>3</sup>

## **Article 2**

### *Associate members and observers*

1. An associate member or an observer shall have no right to vote.
2. With the President's permission, an associate member or an observer may make oral or written statements on the subjects under discussion.
3. States authorised to appoint an observer shall inform the Secretariat of his or her name, address and working languages.

## **Article 3**

### *Substitutes*

1. These Rules of Procedure shall apply *mutatis mutandis* to substitutes.
2. The term of office of a substitute shall coincide with the term of office of the member. If the term of office of the member ends for the reasons set forth in Article 1.2.b) or c), the

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<sup>2</sup> Article 1 was amended at the 96<sup>th</sup> and at the 134<sup>th</sup> Plenary Sessions of the Commission.

<sup>3</sup> See [CDL-AD\(2023\)013](#).

substitute shall exercise the functions of the member until the appointment of the new member.

### **Article 3a<sup>4</sup>**

#### *Independence and impartiality of members*

1. Members 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.

1bis. Upon taking up their duties, members shall commit to abide by the Venice Commission's Principles of Conduct.

2. Members shall provide a curriculum vitae setting forth in particular all offices and functions exercised by them which may be deemed relevant for the work of the Commission. This curriculum vitae shall be made public.

3. Members shall notify the President through the Secretary of any potential conflict of interest, i.e. any circumstance which 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.

4. When entering into a relevant agenda item the President shall, if he or she considers that there is a potential 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.

5. Members shall not take part in the debate on opinions relating, both directly and indirectly, to the state having appointed them or of which they hold citizenship but may provide information and clarifications concerning the constitutional and legal system of that country.

6. Members shall be prudent when commenting in public, including to the media or through the social media, on decisions of and texts adopted by the Commission.

### **Article 4<sup>5</sup>**

#### *Sessions*

1. As a general rule, the Commission shall hold four sessions per year. The dates of the sessions shall be fixed by the Commission at the latest at the last session of the previous years.

2. The dates of the meetings of the Sub-Commissions and working groups shall be fixed by the Secretary, upon instruction from the respective Chair.

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<sup>4</sup> Article 3a was added at the 61<sup>st</sup> Plenary Session of the Commission and amended at its 134<sup>th</sup> Plenary Session.

<sup>5</sup> Article 4 was amended at the 134<sup>th</sup> Plenary Session of the Commission.

**Article 5***Convocation*

1. Upon instruction of the President the Secretary shall convene the session by letter addressed to the members, associate members and observers.
2. A copy of the letter of convocation addressed to the members and associate members shall be sent to the substitutes. It will be for each member or associate member to decide whether he or she will attend the meeting in person or be replaced by his or her substitute.
3. Substitutes who prepared an opinion which will be discussed at a session shall also be invited to the session.

**Article 6<sup>6</sup>***Bureau*

1. The President, the Vice-Presidents and the other members of the Bureau shall be elected for a term of two years, by a majority of the votes cast. They shall be eligible for re-election.

1bis.<sup>7</sup> The elections will be prepared by a "Committee of Wise Persons" elected by the Commission, on the proposal of the Enlarged Bureau, at the latest during the Plenary Session preceding the one at which elections must take place. The Wise Persons shall propose to the Enlarged Bureau for its approval the procedure to be followed for the elections and will inform the members about it in due course. Every member may put forward his or her candidature for any vacant position to the wise persons. The lists of candidates for each vacant position shall be communicated by the Committee of Wise Persons to the Commission at the latest at the beginning of the Plenary Session at which the elections must take place.

2. The President shall direct the work of the Commission. Outside Plenary sessions, he or she shall take decisions on behalf of the Commission, where appropriate in consultation with the Bureau.
3. Whenever the President is absent or stands down or requests it, he or she shall be replaced by a Vice-President.
4. The Bureau may meet as an Enlarged Bureau together with the Presidents of the Sub-Commissions.

**Article 7***Secretariat*

The Commission shall have a Secretariat serving under the authority of the Commission. The Commission shall be invited to give an opinion on the appointment of the Secretary and Deputy Secretary.

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<sup>6</sup> Article 6 was amended at the 96<sup>th</sup> and at the 134<sup>th</sup> Plenary Sessions of the Commission.

<sup>7</sup> Paragraph 1bis was added at the 101<sup>st</sup> Plenary Session of the Commission.

## **Article 8<sup>8</sup>**

### *Agenda*

1. The agenda shall be adopted at the beginning of each session on the basis of a draft prepared by the Secretariat taking into account possible proposals by members and, where appropriate, in accordance with the instructions of the Bureau. The agenda shall be annexed to the letters of convocation.
2. If appropriate, the rapporteurs on an opinion being prepared will be given the opportunity to make effective representation to the Bureau, prior to the Secretariat finalising the draft agenda.
3. If no consensus is reached, the issue of the inclusion of the draft opinion in the agenda shall be put before the Plenary Session for decision.

## **Article 9<sup>9</sup>**

### *Documents*

1. The Secretariat is in charge of preparing and making available all the documents intended to be examined by the Commission. The documents should, as a general rule, be made available at least two weeks before the opening of the session.
2. All opinions and reports, once adopted by the Commission shall be public. Draft opinions and reports shall be classified as "restricted". Other documents issued by the Commission shall be public unless classified as "restricted". Documents classified "restricted" shall become public after one year, unless the Commission decides otherwise. The rules applicable to access to documents within the Council of Europe shall apply *mutatis mutandis* to the documents of the Commission.

## **Article 10<sup>10</sup>**

### *Languages*

1. The working languages of the Commission shall be English and French.
2. Interpretation into the official languages shall be provided at each plenary session of the Commission. Members may speak in either working language. The Commission may decide that interpretation shall be provided also in a language other than the working languages.
3. The working documents will be made available insofar as possible in English and French. The Commission's founding documents as well as adopted opinions and reports and other important documents shall be published in English and French. Any document to be considered by the Commission submitted in a language other than one of the working languages shall be addressed to the Secretariat together with a translation into one of the working languages.

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<sup>8</sup> Article 8 was amended at the 101<sup>st</sup> Plenary Session of the Commission.

<sup>9</sup> Article 9 was amended at the 134<sup>th</sup> Plenary Session of the Commission.

<sup>10</sup> Article 10 was amended at the 134<sup>th</sup> Plenary Session of the Commission.

**Article 11<sup>11</sup>***Privacy of sessions*

1. Sessions shall be held in private unless the Commission decides otherwise. Representatives of States or organisations co-operating with the Commission may, as appropriate, be invited to sessions. The President may invite guests to attend a session.
2. With a view to adopting country-specific opinions, a representative of the country concerned and/or representatives of interested institutions from that country may be invited to participate in the plenary sessions where the issue is discussed with the right to speak. The President may ask these representatives to leave the room before a vote is taken.

**Article 12***Quorum*

There shall be a quorum if a majority of the members are present.

**Article 13<sup>12</sup>***Voting*

1. Subject to the provisions of Article 2.5 of the Statute each member shall have one vote. Members shall not take part in the vote on opinions specifically relating, directly or indirectly, to the state having appointed them or of which they are citizens or if the President notes that there is a potential conflict in respect of a member's interest, in line with the Principles of Conduct.<sup>13</sup>
2. Subject to any provision of these Rules of Procedure requiring a different majority for a specific decision, the Commission shall adopt its decisions by a majority of its members.
3. Each member may request that his opinion be recorded in the session report.

**Article 14<sup>14</sup>***Rapporteurs and working groups*

1. General reports and country-specific opinions of the Commission are prepared by one or more rapporteurs appointed by the President. The criteria for the choice of the rapporteurs may include substantive expertise, knowledge of the country, linguistic skills, political autonomy and sensitivity, gender balance, and availability.<sup>15</sup> Members who currently occupy political positions cannot act as rapporteurs on country-specific opinions.
2. For specific issues working groups of members of the Commission may be established to which outside experts may be added as advisers.

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<sup>11</sup> Article 11 was amended at the 134<sup>th</sup> Plenary Session of the Commission.

<sup>12</sup> Article 13 was amended at the 134<sup>th</sup> Plenary Session of the Commission.

<sup>13</sup> See document [CDL-AD\(2023\)012](#).

<sup>14</sup> Article 14 was amended at the 53<sup>rd</sup>, at the 96<sup>th</sup> and at the 134<sup>th</sup> Plenary Sessions of the Commission.

<sup>15</sup> See Criteria for the appointment of Rapporteurs, [CDL-WM\(2018\)001](#).

### **Article 14a<sup>16</sup>**

#### *Urgent opinions*

1. In exceptional cases, when the requesting authorities or body may justify that waiting for the next Plenary Session would not be appropriate, with the authorisation of the Commission or of the Bureau, in consultation with the rapporteurs, an urgent opinion may be issued and published prior to its consideration by the Commission at a Plenary session.
2. Prior to its issuing and publication, the urgent opinion shall be submitted to the Bureau and the Chairs and Vice-Chairs of the Sub-Commissions. On occasion, the Commission may at a Plenary session give specific directions for a planned urgent opinion.
3. Such urgent opinion shall be submitted to the Commission at its next session. The Commission may, depending on the circumstances,
  - take note of the urgent opinion;
  - endorse the urgent opinion;
  - adopt an (ordinary) opinion based on the urgent opinion; or
  - decide to postpone consideration of the opinion to a forthcoming session.

### **Article 14b<sup>17</sup>**

#### *Follow-up opinions*

When it is asked to assess a legal text in relation to which it has issued previous opinions, The Commission may prepare a follow-up opinion taking into account its previous analysis and recommendations.

### **Article 14c<sup>18</sup>**

#### *Joint opinions and reports*

1. The Commission may prepare general reports and country-specific opinions jointly with other services of the Council of Europe or with other international organisations. Such joint opinions and reports shall be submitted to the Commission for adoption.
2. Opinions can have several of the above attributes, they can be a combination of the urgent, follow-up or joint. They can also be referred to as interim opinions when the Commission considers that its assessment of the topic requires further developments.

### **Article 15**

#### *Reconsideration of a decision*

When a decision has been taken on any particular matter, such matter shall not be re-opened except at the request of a member approved by a two-thirds majority of the votes cast.

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<sup>16</sup> Article 14a was added at the 53<sup>rd</sup> Plenary Session of the Commission and amended at the 116<sup>th</sup> and at the 134<sup>th</sup> Plenary Sessions.

<sup>17</sup> Article 14b was added at the 134<sup>th</sup> Plenary Session of the Commission.

<sup>18</sup> Article 14c was added at the 134<sup>th</sup> Plenary Session of the Commission.

**Article 16<sup>19</sup>***Session Reports*

A session report shall be drawn up and circulated by the Secretariat after each Plenary Session; the participants in the relevant session may request amendments within 7 days of circulation of the report.

**Article 17<sup>20</sup>***Meetings of Sub-Commissions*

1. The Commission shall elect every two years the chairs and the vice-chairs of the Sub-Commissions.
2. The provisions of these Rules of Procedure shall apply, *mutatis mutandis*, to the meetings of the Sub-Commissions.
3. The Chair of the Sub-Commission or a person designated by him or her shall report at the subsequent plenary session on the activities of the Sub-Commission and present any proposed text for adoption.

**Article 17a<sup>21</sup>***Scientific Council*

1. The Scientific Council shall contribute to the high quality and the consistency of the Commission's studies and opinions.
2. The Commission shall elect every two years the Chair and the Vice-Chair of the Scientific Council.
3. The Chair of the Scientific Council or a person designated by him or her shall report at the subsequent Plenary Session on its activities.

**Article 18***Joint Council on Constitutional Justice*

1. The Joint Council on Constitutional Justice shall be composed of one representative (liaison officer) from each of the courts co-operating with the Commission in the member and observer states and the members of the Sub-Commission on Constitutional Justice.
2. The Chair of the Sub-Commission on Constitutional Justice acts as one of the two co-Presidents of the Joint Council. The liaison officers represented in the Joint Council elect every two years the other co-President.

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<sup>19</sup> Article 16 was amended at the 134<sup>th</sup> Plenary Session of the Commission.

<sup>20</sup> Article 16 was amended at the 134<sup>th</sup> Plenary Session of the Commission.

<sup>21</sup> Article 17a was added at the 96<sup>th</sup> Plenary Session and amended at the 105<sup>th</sup> and at the 134<sup>th</sup> Plenary Sessions of the Commission.



**Article 18a<sup>22</sup>**

*Council for Democratic Elections*

Every two years, the Venice Commission shall appoint four members and four substitute members of the Council for Democratic Elections and make proposals for a candidate for its presidency or vice-presidency, in line with the Council's [Rules of procedure](#).

**Article 19**

*Amendments*

Amendments to these Rules shall be adopted by a two-thirds majority of the members of the Commission.

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<sup>22</sup> Article 18a was added at the 134<sup>th</sup> Plenary Session of the Commission.