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Or. Engl.

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

**CRITERIA FOR THE APPOINTMENT OF RAPPORTEURS**

**NOTE PREPARED BY THE SECRETARIAT**

**Following the joint meeting of the Sub-Commission on Working  
Methods and the Scientific Council on 7 December 2017**

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*\*This document has been classified restricted on 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.*

1. Article 14 of the Commission's Rules of Procedure provides that "*1 Draft reports and draft opinions of the Commission are as a general rule prepared by one or more rapporteurs appointed by the President. 2. For specific issues working groups of members of the Commission may be established to which outside experts may be added as advisers. Representatives of other institutions or bodies may be invited to participate in such working groups*".

2. As a rule, members are used with priority over experts unless the topic is very technical or specific. Former members are sometimes asked to contribute when members are unavailable or when their specific knowledge and experience on the Commission present an added value.

3. When opinions are prepared jointly with other Council of Europe services or with other international organisations, the latter appoint their expert or experts.

4. Commission members may also volunteer to work on a specific opinion. The Guidelines relating to the working methods of the Venice Commission (CDL-AD(2010)034) established the following procedure for volunteering of rapporteurs (procedure which has been applied ever since):

*"Requests for opinions and studies and the composition of the relevant working groups are communicated to the members of the Commission (including via regular Members' Updates); any member of the Commission may indicate his or her interest in becoming a member of a particular working group, provided that he or she is in a position to actively participate within the relevant time-frame."*

5. Members may not act as rapporteurs in respect of opinions relating to the state that has appointed them or of which they are citizens. Similarly, "[...] members shall not take part in the vote on opinions specifically relating to the state having appointed them or of which they are citizens [...]" (Article 13 of the rules of Procedure).

6. The average number of rapporteurs is three for an opinion on a legislative act, five for a constitutional reform and three to five for general reports.

7. When a request for opinion is received, the Secretariat in consultation with the President discusses a possible list of rapporteurs to be contacted.

8. The general criteria which are applied in the choice of the rapporteurs are as follows:
- Specialisation in the topic and involvement in the Commission's previous works on the topic (if the Commission already adopted an opinion on a previous text from the same country, the rapporteurs of this first opinion will be asked first);
  - Knowledge of the country and – rarely<sup>1</sup> - of the language
  - Coming from a country presenting a similar or pertinent constitutional/legal background (including if similar reforms have been discussed /adopted)
  - Diversity of the legal background of the team of rapporteurs
  - Not coming from a country in conflict or having a specific interest in the issue
  - Professional background (e.g. as judge, constitutional judge, academic, ombudsperson)
  - Gender balance

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<sup>1</sup> If there is a lot of background information available only in the language

9. Specific criteria include:

- Being available to work on the file and to travel to the country concerned in the proposed period (if a sufficient number of rapporteurs is available for the mission, a rapporteur may be accepted despite being unavailable for travelling);
- Not being already rapporteur on several opinions scheduled for the same Plenary session.

10. The appointment of rapporteurs is decided on a case-by-case basis.