



Recommendation 1542 (2001)¹

Composition of the European Commission for Democracy through Law

Parliamentary Assembly

1. The Assembly welcomes the increasing importance given to the work of the European Commission for Democracy through Law (the “Venice Commission”) which, since it was established eleven years ago, has become an authority in Europe and beyond.
2. The Assembly has frequently taken the opportunity to seek the Venice Commission’s opinion, not only on matters concerning the accession and monitoring procedures but also on general issues, and has always appreciated the quality of its opinions.
3. The Assembly always ensures that it is represented at the Venice Commission’s plenary meetings.
4. As a result of these close working relations, the Assembly is convinced that the maximum must be done to maintain the high standard of the commission’s work. It therefore believes that the utmost care must be taken to ensure that the criteria set out in the commission’s statute concerning its composition, in particular the independence, experience and impartiality of its members, are respected. The moral and intellectual authority of the commission depends on this.
5. The Assembly believes that, although the majority of members meet these criteria, there are some exceptions and that this may erode the commission’s moral authority.
6. In order to ensure that these criteria are fully met, the Assembly proposes that, instead of designating their own candidate, the governments of the states party to the Venice Commission should submit a list proposing three candidates, to be forwarded to a select committee on which the Assembly would be represented and which would be responsible for choosing the most suitable candidate.
7. The Assembly notes that, in response to the concern it has expressed, the Venice Commission has itself undertaken the revision of its statute, in particular the method by which its members are appointed.
8. Consequently, the Assembly recommends that the Committee of Ministers review the statute of the Venice Commission as regards the method by which its members are appointed, by setting up a committee composed of three members of the Parliamentary Assembly and three members of the Venice Commission, to select the members from a list presenting three candidates and explaining how they meet the requirements of independence, expertise and impartiality laid down in the statute.

1. *Text adopted by the Standing Committee*, acting on behalf of the Assembly, on 8 November 2001 (see [Doc. 9266](#), report of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Jurgens).

