



COUNCIL OF EUROPE  
CONSEIL DE L'EUROPE

Strasbourg, 6 January 2002

<cdl\doc\2002\oj-pv-synopsis\cdl-dem-pv16.e>

Restricted  
CDL-DEM (2002) PV16

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

**16<sup>th</sup> MEETING OF THE SUB-COMMISSION  
ON DEMOCRATIC INSTITUTIONS  
(Venice, 12 December 2002 at 10 a.m.)**

**R E P O R T**

The Sub-Commission on Democratic Institutions met in Venice on 12 December 2002 with Mr Tuori (Finland) as acting Chairman.

**1. Adoption of the agenda**

The agenda was adopted as it appears in document CDL-DEM(2002)OJ16.

**2. Possible Venice Commission Guidelines on the Law of Political Parties**

The Chairman noted that Mr Vogel, who had drafted a document “Guidelines on Legislation on Political Parties: Preliminary remarks” (CDL-PP(2002)1) as a basis for the present discussion, came to the conclusion that, in order to enable the Commission to prepare and adopt such guidelines, a questionnaire had to be prepared first. Some indications as to the content of such a questionnaire appeared in the document.

Several speakers supported the proposal to prepare a questionnaire and suggested to include the following elements, in addition or further defining the elements in Mr Vogel’s paper:

- Does the Constitution refer to political parties?

- Is there a clear legal distinction between political parties and other associations?
- State control of political parties insofar as they receive public funds;
- Questions concerning membership, the possibility to be member in more than one party, guarantees against exclusion from membership;
- Questions of internal democracy: who designates the leaders and the candidates for elections?
- Questions concerning the registration of political parties.

As regards the contents of possible guidelines, it was pointed out that it would be easier to provide negative rules, i.e. on what should not be done, than positive rules. A distinction might have to be made between countries having specific legislation on political parties and countries treating parties like other associations.

**The Sub-Commission agreed to ask Messrs Vogel and Tuori to prepare in co-operation with the Secretariat a draft questionnaire for adoption at its next meeting.**

### **3. Other business**

The Secretariat recalled that on several occasions proposals were made within the Commission to study questions related to the organisation of the judiciary. The Chairman of a new Council of Europe body, the Consultative Council of European Judges, would be invited to the next plenary session in March. This would provide an opportunity to discuss with him possible future activities in this field.

\* \* \*

**LIST OF PARTICIPANTS**

**ALBANIE:**

M. Luan Omari

**ANDORRE:**

M. François Luchaire

**ARMENIA:**

Mr Gaguik Harutunian (Apologised)

**BELGIQUE:**

M. Jean-Claude Scholsem (**Président**) (Excusé)

**CZECH REPUBLIC:**

Mr Cyril Svoboda (Apologised)

Ms Eliska Wagnerova

**ESTONIA:**

Mr Peter Roosma (Apologised)

**FINLAND:**

Mr Kaarlo Tuori (Acting Chairman)

**FRANCE:**

M. Olivier Dutheillet de Lamothe (Excusé)

**IRELAND:**

Mr James Hamilton (Apologised)

**ITALY:**

Mr Sergio Bartole

**LATVIA:**

Mr Aivars Endzins

**LIECHTENSTEIN:**

M. Gerard Batliner

**LITHUANIA:**

Mr Kestutis Lapinkas

**PORTUGAL:**

Mr Vital Moreira (Apologised)

Ms Maria de Jesus Serra Lopes (Apologised)

**ROMANIA:**

Mr Alexandru Farcas (Apologised)

**SLOVENIA:**

Mr Peter Jambrek (Apologised)

**SLOVAKIA:**

Mr Jan Klucka (Apologised)

Mr Péter Kresak

**SPAIN:**

Ms Carmen Iglesias Cano (Apologised)

**SWEDEN:**

Mr Rune Lavin

**SUISSE :**

M. Giorgio Malinverni (Excusé)

**«l'ex-République yougoslave de Macédoine» :**

M. Tito Belicanec

**TURKEY :**

Mr Ergun Özbudun

**UNITED KINGDOM:**

Mr Jeffrey Jowell (Apologised)

\* \* \*

**Secretariat:**

M. Gianni Buquicchio

Mr Thomas Markert