



COUNCIL OF EUROPE CONSEIL DE L'EUROPE

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**2nd MEETING
OF THE SUB-COMMISSION
ON THE JUDICIARY**

Venice, 15 March 2007

MEETING REPORT

Under the Chair of Ms Suchoka, the Sub-Commission on the Judiciary pursued its discussion on the discussion paper on judicial appointments (CDL-JD(2007)001), which the Secretariat had revised on the basis of the results of the last meeting of the Sub-Commission (report CDL-JD-PV(2007)001).

Messrs Neppi Modona and Endzins approved of the paper and suggested that it be submitted to the Plenary Session for adoption. Mr. Endzins pointed out that this paper was very topical and most relevant for a number of countries, especially in Eastern Europe.

Mr. Van Dijk pointed out that the recommendation that elections of judges by parliament should be avoided applied not only to new democracies but also to old ones. Different standards for East and West should be avoided.

Mr. Mihai endorsed the paper but pointed out that the participation of active lawyers in the judicial council could lead to incompatibilities. Civil society should however be represented. In order to avoid incompatibilities, Mr. Bianku suggested that membership in the judicial council should be incompatible with the active exercise of other professions except for teaching.

The Sub-Commission adopted the position paper on judicial appointments with amendments and decided to propose it to Plenary Session for adoption. Before its publication, members should however have an occasion to correct possible factual errors with respect to their country.

The Sub-Commission invited Ms Suchocka to present its position paper at the 3rd European Conference of Judges on the topic "Which Councils for Justice?" (Rome, 26-27 March 2007) and contribute its contents to the Working Group of the Consultative Council of European Judges (CCJE) in view to contributing to the CCJE's opinion on the structure and role of the Judicial Service Commission (Rome, 28-29 March 2007).