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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**REVIEW
OF THE WORKING METHODS
OF THE COMMISSION**

**SECRETARIAT MEMORANDUM
FOR THE ENLARGED BUREAU**

(Meeting in Venice on 16 March 2006)

1. At its last session, the Enlarged Bureau discussed the working methods of the Commission. It was agreed to continue discussions at the present meeting. The Secretariat also received written comments by Mr Sanchez Navarro on this issue.

2. There was agreement that the plenary sessions of the Commission are often overburdened and that it is difficult to find sufficient time for important issues. The following possible steps were discussed:

- As regards the introduction of time limits for interventions at the Plenary Sessions, the wish was expressed to limit in particular the interventions by invitees representing institutions, while respecting also the political and diplomatic needs. The Secretariat would propose to introduce a time limit of seven minutes for such interventions. This time limit should apply to interventions by invited guests in general.
- It was also underlined that presentations of draft opinions should not be too extensive since the reporting members have the opportunity to present their views in the written text. Therefore draft opinions should henceforth be presented by one person only and a general time limit, e.g. seven minutes, should be introduced for these presentations.
- As regards interventions during debates, the Secretariat suggests introducing a time limit in order to enable more speakers to intervene in the debate. This time limit should be shorter than the time limit for invited guests.
- As an additional measure, the annotated agenda for the present plenary session will indicate on a trial basis time slots for groups of agenda items.
- As regards the adoption of draft opinions without debate, it was underlined that there should always be an opportunity to request a debate. Adoption without debate if nobody objects seems nevertheless useful for texts previously discussed by the Council for Democratic Elections or already sent to the authorities concerned. Some adoptions without debate are therefore proposed in the annotated agenda for the present session.

At the present meeting the Bureau should take a decision on the issue of time limits.

3. As regards the proposal to revitalise and restructure the sub-commissions the discussion did not have a clear result. It is already practice to submit particularly important draft opinions to prior examination by a sub-commission (or a joint session of two sub-commissions). This could be done more often without trying to do this systematically for every opinion (one or two opinions per session). This would however imply a restructuring of the sub-commissions in order to ensure that all major working areas of the Commission are within the purview of a sub-commission. On the other hand sub-commissions which rarely meet could be merged or abolished. In particular:

- Sub-commissions on human rights, on judicial power and on Ombudsman issues could be set up;

- The sub-commission on constitutional reform overlaps with the more focused sub-commissions and could be abolished;
- The various sub-commissions on non-European areas could be merged into a sub-commission on external relations;
- The need for sub-commissions on South East Europe and Emergency powers could be questioned and these sub-commissions abolished.

If necessary, plenary sessions could start later on Friday (e.g. at 11 a.m.) to provide time for an additional session of a sub-commission before.

At the present meeting the Bureau should take a decision on the proposal for restructuring the sub-commissions, it being understood that the present composition of the Enlarged Bureau would remain unchanged until the next elections.

4. The proposal to facilitate the task of reporting members and ensure the coherence of Venice Commission positions over time, by preparing *vademecums* of Venice Commission positions in specific areas, received general support. The Secretariat will start submitting draft *vademecums* as of the June session.

5. There was agreement not to follow the proposal that the Venice Commission should raise at its own initiative legal concerns with respect to texts to be adopted by the Council of Europe organs.