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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**6th MEETING OF THE SUB-COMMISSION ON
DEMOCRATIC INSTITUTIONS
(Venice, 10 December 1998 at 9.00 a.m.)**

MEETING REPORT

1. Adoption of the Agenda

The participants adopted the agenda as set out in document CDL-DEM (98) 6.

2. Study on the prohibition of political parties and analogous measures

- *Guidelines for the prohibition of political parties*

M. Steinberger (Chairman of the Sub-Commission) reminded the members of the Sub-commission that the Venice Commission has adopted a report on the Prohibition of political parties and analogous measures (CDL-INF (98) 14) at its 35th Plenary meeting.

The Secretariat recalled that the Secretary General of the Council of Europe expressed his interest in this study during the 36th Plenary meeting. Subsequently, the Venice Commission decided to draft guidelines on the issue.

The participants of the meeting were also informed that the Parliamentary Assembly of the Council of Europe was to consider a motion for a resolution concerning the threat posed to democracy by extremist parties (Doc. 8263) during its plenary session in January 1999.

Mr Steinberger proposed to wait until the Parliamentary Assembly takes a clear position on the issue and to start the work on guidelines in early 1999.

The Sub-Commission decided to consider, at its next meeting in March 1999 draft guidelines on the prohibition of political parties and analogous measures to be prepared by the Secretariat under the guidance of Messrs Pullicino, Tuori, Farkas and Lundum. The Secretariat was further asked to forward relevant documentation to all interested members of the Sub-Commission.

- *Preliminary discussion on the study on the financing of political parties*

The Secretariat presented the activities of different bodies of the Council of Europe and other institutions concerning the financing of political.

The Chairman of the Sub-Commission proposed to request the Secretariat to send out a short questionnaire in order to receive additional information from member countries. When most replies are received the Secretariat could prepare the draft report that could be by next meeting of the Sub-Commission.

The Sub-commission decided to:

- **send a short questionnaire on the financing of political parties to the members of the Venice Commission;**
- **request the Secretariat to prepare a draft report on the financing of political parties on the basis of the replies to the questionnaire.**

A P P E N D I X

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS

GERMANY/ALLEMAGNE:

Mr Helmut STEINBERGER, (Chairman), Professor at the University of Heidelberg, Director of the Max-Planck Institute

ALBANIA/ALBANIE

Mr Luan OMARI, Vice-President of the Sciences Academy of Albania, Tirana

FINLAND/FINLANDE:

Mr Kaarlo TUORI, Professor of Administrative law, Department of Public Law, Helsinki University

LITHUANIA/LITUANIE:

Mr Kestutis LAPINSKAS, Judge at the Constitutional Court

NETHERLANDS/PAYS-BAS:

Mr Godert W. MAAS GEESTERANUS, Former Legal Adviser to the Minister of Foreign Affairs

PORTUGAL:

Mme Maria de Jésus SERRA LOPES, Conseiller d'Etat, ancienne Bâtonnière de l'Ordre des avocats

ROMANIA/ROUMANIE:

Mr Alexandru FARCAS, Adviser, Permanent Mission of Romania in Geneva

SWEDEN/SUEDE

Mr Hans Heinrich VOGEL, Professor of Public Law, University of Lund

UKRAINE:

Mr Serhiy HOLOVATY, Member of Parliament, President of the Ukrainian Legal Foundation

ASSOCIATE MEMBERS/MEMBRES ASSOCIES

ARMENIA/ARMENIE :

M. Khatchig SOUKIASSIAN, Président du Centre arménien du droit

SECRETARIAT

M. Christos GIAKOUMOPOULOS

M. Sergueï KOUZNETSOV