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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**UNIDEMCAMPUS TRIESTE
SEMINAR**

“THE QUALITY OF LAW”

Trieste, Italy

**Palazzo del Ferdinando,
MIB School of Management
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14 – 17 June 2010

SYNOPSIS

The UNIDEM Campus Trieste is the Venice Commission's programme of legal training for civil servants. The third seminar in 2010 took place in Trieste from 14 to 17 June 2010 on the topic "**The quality of law**".

The seminar brought together 24 civil servants from parliaments, ministries and administration of the President from 16 European countries¹ (financed by the Region Friuli-Venezia Giulia) and from 3 Central Asia countries² (financed by the Joint Programme "Rule of Law Initiative in Central Asia" between the Venice Commission and the European Commission). The event aimed at raising the participants' awareness regarding the quality of law and promoting exchange of good practices on the matter.

During the training, the participants heard lectures given by leading European experts in this field and explored various aspects of the quality of law through specific workshops.

The seminar began with an introductory lecture on good law-making principles. Special attention was paid to decision making processes by the Parliament and the Government and some suggestions how to improve cooperation concerning drafting within these two institutions. In particular, it was pointed out that in every chamber of the Parliament a special office responsible for the drafting of the legislation should be created and a common handbook of drafting rules binding for both the Government and the Parliament prepared. The lecture was followed by a workshop on the quality of law under the European Convention on human rights where terms of "law", "lawfulness", "prescribed by law" and others used by the European Court of human rights were analysed.

It continued with a lecture on harmonisation of national legislation with the *acquis communautaire* and a workshop on harmonisation of national legislation with the EU directive. Both aimed at explaining what is required from national legislators (either the Parliament or the Government) when harmonizing domestic legislation with the legal norms of the EU legal order.

On the second day, the seminar addressed topics such as legislative drafting process as well as the development of legislative drafting process and quality of legal texts. The lecturer explained in detail what steps legislative drafting consists of in general and how it is organised in Finland, in particular. The participants also heard a lecture on constitutional holders of legislative initiative. The lecture was followed by a workshop on legislative initiative of citizens where it was pointed out that although this is an element strengthening democratic participation of the people in theory, it may not always work in practice.

The seminar also addressed the question of the impact of international law instruments on national legislation, notably the issues of fragmentation of international law, restrictions of state sovereignty by international law, dispute resolution and the role of international tribunals.

The morning session of the third day was devoted to national presentations during which a number of participants had the opportunity to present the specific experience of their respective countries, i.e. Bosnia and Herzegovina, Kyrgyzstan and Azerbaijan.

The seminar continued with the lecture on good practices in the area of law drafting technique and legislative procedures. Special attention was paid to the analysis of the methodology based on the analytical sequences of the legislative process and the problem solving cycle as well as internal consultation procedure applied in Switzerland. The lecture was followed by a workshop on interaction between the government and the parliament in the law-making process.

¹ Armenia, Azerbaijan, Albania, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, "the former Yugoslav Republic of Macedonia", Georgia, Moldova, Montenegro, Slovenia, Romania, Russian Federation, Serbia and Ukraine.

² Kazakhstan, Kyrgyzstan and Tajikistan.

The seminar also addressed the topic of the relation between primary and secondary legislation, and in particular, such issues as controls over practice of subordinate legislation and safeguards against abuse as well as emergency legislation and executive decrees. The workshop that followed the lecture was an opportunity to discuss in some detail the interaction between the quality of legislation and good administration.

The written reports related to the lectures will be available shortly on the Venice Commission's web site.