

# COUNCIL OF EUROPE

## COMMITTEE OF MINISTERS

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RESOLUTION (90) 6

### ON A PARTIAL AGREEMENT ESTABLISHING THE EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

*(Adopted by the Committee of Ministers on 10 May 1990  
at its 86th Session)*

The representatives in the Committee of Ministers of Austria, Belgium, Cyprus, Denmark, Finland, France, Greece, Ireland, Italy, Luxembourg, Malta, Norway, Portugal, San Marino, Spain, Sweden, Switzerland and Turkey,

Having regard to the resolution adopted by the Conference for the constitution of the Commission for Democracy through Law (Venice, 19-20 January 1990) which created the European Commission for Democracy through Law for a transitional period of two years;

Considering that the participants in the conference invited the competent bodies of the Council of Europe to examine, in consultation with the commission, proposals aimed at specifying and developing institutional links between the latter and the Council of Europe;

Welcoming the fact that a large number of member states has already expressed the intention of participating in the work of the commission;

Considering that the commission will constitute a fundamental instrument for the development of democracy in Europe;

Having regard to the decision of 23 April 1990 whereby the Committee of Ministers unanimously authorised the member states who so wish to pursue these objectives within the Council of Europe by means of a partial agreement,

Resolve to establish the European Commission for Democracy through Law, governed by the statute appended hereto;

Agree to re-examine before 31 December 1992 the institutional links between the European Commission for Democracy through Law and the Council of Europe in the light of the experience acquired, in particular with a view to strengthening them, if appropriate, by the incorporation of the activities of the commission into the intergovernmental programme of activities of the Council of Europe.

**Statute of the European Commission  
for Democracy through Law**

*Article 1*

1. The European Commission for Democracy through Law shall be a consultative body which co-operates with the member states of the Council of Europe and with non-member states, in particular those of Central and Eastern Europe. Its own specific field of action shall be the guarantees offered by law in the service of democracy. It shall fulfil the following objectives :

- the knowledge of their legal systems, notably with a view to bringing these systems closer ;
- the understanding of their legal culture ;
- the examination of the problems raised by the working of democratic institutions and their reinforcement and development.

2. The commission shall give priority to work concerning :

- a. the constitutional, legislative and administrative principles and technique which serve the efficiency of democratic institutions and their strengthening, as well as the principle of the rule of law ;
- b. the public rights and freedoms, notably those that involve the participation of citizens in the life of the institutions ;
- c. the contribution of local and regional self-government to the development of democracy.

*Article 2*

1. Without prejudice to the competence of the organs of the Council of Europe, the commission may carry out research on its own initiative and, where required, may outline laws, recommendations and international agreements. Any proposal of the commission can be discussed and adopted by the statutory organs of the Council of Europe.

2. The commission shall supply opinions upon request submitted through the Committee of Ministers in its composition limited to the member states of the partial agreement (hereafter referred to as the Committee of Ministers) by the Parliamentary Assembly, by the Secretary General or by any member state of the Council of Europe.

3. Any non-member state as well as any intergovernmental organisation may benefit from the activities of the commission by making a request to the Committee of Ministers with a view to obtaining its consent.

4. In the course of its work, the commission shall co-operate with the International Institute for Democracy created under the auspices of the Strasbourg Conference on Parliamentary Democracy.

5. Furthermore, the commission may establish links with documentation, study and research institutes and centres.

*Article 3*

1. The commission shall be composed of independent experts who have achieved international fame through their experience in democratic institutions or by their contribution to the enhancement of law and political science.

2. The experts, members of the commission, shall be appointed, one in respect of each country, by the member states of the Council of Europe members of the partial agreement. They shall hold office for a four-year term and may be reappointed. The President of the Parliamentary Assembly and the President of the *Giunta* of the Region Veneto or their representatives may attend the work of the commission.

3. The Committee of Ministers may unanimously decide to admit any European non-member state of the Council of Europe to participate in the work of the commission. After consultations with the commission, the state concerned may appoint either an associate member or an observer to sit on the commission.

4. Any other state may be invited under the same modalities to appoint an observer.

5. Any state which appointed a member or an associate member may appoint a substitute. The modalities by which substitutes may participate in the work of the commission shall be determined in the rules of procedure of the commission.

#### *Article 4*

1. The commission shall elect from among its members a bureau, composed of the president, three vice-presidents and four other members. The term of office of the president, the vice-presidents and the other members of the bureau shall be two years; however, the term of office of one of the vice-presidents and two of the other members of the bureau appointed in the first election, to be chosen by lot, shall expire at the end of one year. The president, the vice-presidents and the members of the bureau may be re-elected.
2. The president shall preside over the work of the commission and shall represent it externally. The vice-presidents shall replace the president whenever he is unable to take the Chair.
3. The commission shall be convened in plenary session whenever necessary by the president, who shall decide the venue of the meeting. The commission may also set up restricted chambers in order to deal with specific questions.
4. The commission shall establish its procedures and working methods in the rules of procedure and shall decide on the publicity to give to its activities. The working languages of the commission shall be English and French.

#### *Article 5*

1. Whenever it considers it necessary, the commission may be assisted by consultants particularly competent in the law or the institutional practice of the country or countries concerned.
2. The commission may also hold hearings or invite to participate in its work, on a case by case basis, any qualified person or non-governmental organisation active in the fields of competence of the commission and capable of helping the commission in the fulfilment of its objectives.

#### *Article 6*

1. Expenditure relating to the implementation of the programme of activities and common secretariat expenditure shall be covered by a partial agreement budget funded by the member states of the partial agreement and governed by the same financial rules as foreseen for the other budgets of the Council of Europe.
2. In addition, the commission may accept voluntary contributions, which shall be paid into a special account opened under the terms of Article 4.2 of the Financial Regulations of the Council of Europe. Other voluntary contributions can be earmarked for specific research.
3. The Region Veneto shall put a seat at the disposal of the commission free of charge. Expenditure relating to the local secretariat and the operation of the seat of the commission shall be borne by the Region Veneto and the Italian Government, under terms to be agreed between these authorities.
4. Travel and subsistence expenses of each member of the commission shall be borne by the state which appointed him.

#### *Article 7*

Once a year, the commission shall forward to the Committee of Ministers a report on its activities containing also an outline of its future activities.

#### *Article 8*

1. The commission shall be assisted by the Secretariat General of the Council of Europe, which shall also provide a liaison with the staff seconded by the Italian authorities at the seat of the commission.
2. The staff seconded by the Italian authorities at the seat of the commission shall not belong to the staff of the Council of Europe.
3. The seat of the commission shall be based in Venice.

#### *Article 9*

1. The Committee of Ministers may adopt amendments to this statute by the majority foreseen at Article 20.d of the Statute of the Council of Europe, after consulting the commission.
2. The commission may propose amendments to this statute to the Committee of Ministers, which shall decide by the above-mentioned majority.