

Ms Aino Leppik Von Wirén
Ambassador Extraordinary and
Plenipotentiary
Permanent Representation of Estonia
to the Council of Europe

Ref ► J.Dem.332 – SGM/sm

Strasbourg, 24 June 2025

Dear Ambassador,

May I draw your attention to the provisions of Article 2 of the Statute of the European Commission for Democracy through Law (Venice Commission) adopted by the Committee of Ministers on 21 February 2002 (copy attached for ease of reference), according to which the term of office of the independent experts appointed as members of the Commission is four years and is renewable. The term of office of the member and of the substitute member starts running on the day following the expiry of the term of the previous member (Article 1.2 of the Rules of Procedure).

Article 2 further provides that member states of the Enlarged Agreement should appoint (only) one substitute member for the same term of office of four years.

Article 2 of the Commission's Statute also determines the requirements to become a member (and a substitute member) of the Commission:

- Independence and impartiality,
- Eminence,
- Experience in democratic institutions or contribution to the enhancement of law and political science,
- Capacity and availability to serve on the Commission.

Venice Commission members and substitute members must be fluent in one of the Commission's official working languages (English or French), and possibly have a working knowledge of the other official language.

Further, pursuant to the Recommendation No. R(81)6 of the Committee of Ministers on the participation of women and men in an equitable proportion in committees and other bodies set up in the Council of Europe (<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016804ffbfb>), the governments of member states should, as far as possible:

- a. ensure participation of women and men in an equitable proportion in the committees and other bodies set up under the Statute of the Council of Europe or under a treaty drawn up in that organisation; [...].

I should inform you in this respect that currently the number of female Commission members is significantly lower than that of male members. To the extent possible, your authorities should therefore favour the appointment of a female member.

Pursuant to Article 1.3a of the Commission's Rules of Procedure, the member may continue to exercise his or her functions after the expiry of the mandate until the appointment of the new member, or his or her reappointment.

Finally, I should inform you that the election to any position at the Venice Commission (President, vice-presidents, members of the Bureau, chairs and vice-chairs of the Sub-Commissions) is carried out by the Commission every two years on a personal basis (see Article 4 of the Statute and Article 6 of the Rules of Procedure): it follows that should the current member hold one of these positions, should your authorities appoint a new member, this position will become vacant and won't be passed on to the new member.

The term of office of the member Mr Lauri Mälksoo, and of the substitute member Mr Oliver Kask nominated by your country is due to expire on 13 September 2025.

In order to ensure the smooth functioning of the Commission, I should be grateful if you could inform me as soon as practicable of the decision of your authorities either to reappoint the incumbent member and substitute member or to replace them, and in this latter case, to provide me with the name, address and working language of the new member and substitute member.

I would like to underline that pursuant to Article 3a, 1bis of the Rules of Procedure, Venice Commission members and substitute members are required to commit to abide by the Venice Commission's Principles of conduct ([https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2023\)013-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2023)013-e)).

You are kindly reminded that the curriculum vitae of the member and substitute member should be provided to the Secretariat, "setting forth in particular all offices and functions exercised by them which may be deemed relevant for the work of the Commission. This curriculum vitae shall be made public" (Article 3a of the Rules of procedure).

I am at your disposal should you wish to meet to discuss this matter more in detail.

Yours sincerely,



Simona Granata-Menghini
Director, Secretary of the Venice Commission