



Strasbourg, 1 October 2021

CDL-PL-OJ(2021)003ann
Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

128th PLENARY SESSION
VENICE | ZOOM online

Friday 15 October 2021 (10:00-17:00)
Saturday 16 October 2021 (10:00-12:30)

DRAFT ANNOTATED AGENDA

THIS PLENARY SESSION WILL BE HELD IN A HYBRID FORMAT

***MEMBERS WILL PARTICIPATE IN VENICE
(SCUOLA GRANDE SAN GIOVANNI EVANGELISTA)
OR
ONLINE THROUGH ZOOM
(THE LINKS WILL BE SENT IN DUE COURSE)***

Friday, 15 October 2021

10:00-11:00	Adoption of the Agenda Communication by the President Communication by the Enlarged Bureau Communication by the Secretariat Co-operation with Council of Europe organs Follow-up to earlier Venice Commission opinions Discussion and adoption of the draft opinion on Albania
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1. Adoption of the Agenda

2. Communication by the President

The President will present his recent activities ([CDL\(2021\)035](#)).

3. Communication from the Enlarged Bureau

The Commission will be informed on the discussions which took place at the meeting of the Enlarged Bureau on 14 October 2021.

The Group of Wise Persons will inform the Commission on the preparation of the elections to the Commission's offices to take place in December 2021.

4. Communication by the Secretariat

5. Co-operation with the Committee of Ministers

Within the framework of its co-operation with the Committee of Ministers, the Commission will hold an exchange of views with Mr Michele Giacomelli, Ambassador, Permanent Representative of Italy to the Council of Europe.

6. Co-operation with the Parliamentary Assembly

The Commission is invited to hold an exchange of views with Ms Alexandra Louis, member of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE), on co-operation with the Assembly.

The draft joint opinion on amendments to electoral legislation; the draft opinion on the amendments on the Act on the Organisation and Administration of Courts of Hungary and the Act on the Legal Status and Remuneration of Judges and the draft opinion on the amendments to the Act on Equal Treatment and Promotion of Equal Opportunities and to the Act on the Commissioner for Fundamental Rights of Hungary, fall into the framework of co-operation with the Parliamentary Assembly, (see Item 14).

7. Co-operation with the Congress of Regional and Local authorities of the Council of Europe

The Commission is invited to hold an exchange of views with Ms Gudrun Mosler-Törnström, Chair of the Monitoring Committee of the Congress, on co-operation with the Congress.

8. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to the following opinions (see document [CDL\(2021\)042](#)):

- Georgia - Three opinions on electoral matters: Urgent Joint Opinion of the Venice Commission and the OSCE/ODIHR on the revised amendments to the Election Code ([CDL-AD\(2021\)026](#)); Urgent Joint Opinion on Draft Amendments to the Election Code ([CDL-AD\(2021\)022](#)) and the Joint Opinion of the Venice Commission and the OSCE/ODIHR on draft article 79-1 of the Election Code ([CDL-AD\(2021\)009](#));
- Republic of Moldova – Joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the draft law on amending and supplementing the constitution with respect to the Superior Council of Magistracy ([CDL-AD\(2020\)001](#)); Joint Opinion on the revised draft provisions on amending and supplementing the Constitution, with respect to the Superior Council of Magistracy ([CDL-AD\(2020\)007](#)); Urgent joint Amicus Curiae Brief on three legal questions concerning the mandate of members of Constitutional Bodies ([CDL-AD\(2020\)033](#));
- Poland - Urgent Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on amendments to the Law on the Common courts, the Law on the Supreme court and some other Laws ([CDL-AD\(2020\)017](#));
- Ukraine - two opinions in the field of the Judiciary: Urgent Joint Opinion of the Venice Commission and the Directorate General of Human Rights and the Rule of Law (DGI) of the Council of Europe on the draft law on amendments to certain legislative acts concerning the procedure for electing (appointing) members of the High Council of Justice (HCJ) and the activities of disciplinary inspectors of the HCJ (Draft law no. 5068) ([CDL-AD\(2021\)018](#)); Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the draft amendments to the Law “on the Judiciary and the Status of Judges” and certain Laws on the activities of the Supreme Court and Judicial Authorities (draft Law no. 3711) ([CDL-AD\(2020\)022](#));
- Report on Term Limits - Part I – Presidents ([CDL-AD\(2018\)010](#)).

9. Albania

The Commission is invited to examine with a view to adoption the draft *amicus curiae* Brief ([CDL\(2021\)019](#)) (GMM/PG) on the competence of the Constitutional Court regarding the validity of the local elections held on 30 June 2019 ([CDL-REF\(2021\)054](#)), drawn up on the basis of comments by Mr Holmøyvik, Mr Kask and Mr Pinelli. This *amicus curiae* Brief was requested by the President of the Constitutional Court of Albania on 9 July 2021.

The draft Brief was prepared under the [Expertise Co-ordination Mechanism](#) in the framework of the EU/CoE joint programme “[Horizontal Facility II](#)”, co-funded by the Council of Europe and the European Union and implemented by the Council of Europe.

11:00-11:30	Coffee break
11:30-11:50	Discussion and adoption of the draft opinion on Slovakia
11:50-12:15	Discussion and adoption of the draft opinion on Ukraine
12:15-13:00	Discussion and adoption/endorsement of one draft opinion and of one urgent opinion on Serbia

10. Slovak Republic

The Commission is invited to hold an exchange of views with Ms Mária Kolíková, Minister of Justice of the Slovak Republic (*tbc*), and to examine with a view to adoption the draft opinion ([CDL\(2021\)034](#)) (GID/SW) on two questions regarding the organisation of the legal profession in the Slovak Republic and the role of the Supreme Administrative Court in the disciplinary proceedings against lawyers ([CDL-REF\(2021\)066](#)), drawn up on the basis of comments by Mr Alivizatos, Ms Hermanns and Ms Veronika Horrer (expert). This opinion was requested by the Minister of Justice of the Slovak Republic on 23 July 2021.

11. Ukraine

The Commission is invited to hold an exchange of views with Mr Oleksii Reznikov, Deputy Prime Minister of Ukraine (*tbc*), and to examine with a view to adoption the draft opinion ([CDL\(2021\)030](#)) (MJ/SC) on the draft law “On the principles of state policy of the transition period” ([CDL-REF\(2021\)055](#)) drawn-up on the basis of comments by Ms Bilková, Mr Kuijer and Ms Nussberger. This opinion was requested by the Deputy Prime Minister of Ukraine on 4 June 2021.

The draft opinion was prepared under the [Quick Response Mechanism](#) in the framework of the EU/CoE joint programme “[Partnership for Good Governance](#)”, co-funded by the Council of Europe and the European Union and implemented by the Council of Europe.

12. Serbia

Draft opinion on constitutional amendments

The Commission is invited to hold an exchange of views with Mr Ivica Dacić, Speaker, National Assembly of Serbia and with Maja Popović, Minister of Justice (*tbc*), and to examine with a view to adoption the draft opinion ([CDL\(2021\)036](#)) (TG/SGM) on draft constitutional amendments ([CDL-REF\(2021\)075](#)) drawn up on the basis of comments by Ms Kiener, Mr Kuijer, Ms Nussberger, Mr Scholsem, Mr Tuori and Mr Vilanova Trias. This opinion was requested by the Speaker of the National Assembly of Serbia on 9 July 2021. It was previously examined by the joint meeting of the Sub-Commissions on Democratic Institutions and on the Rule of Law on Thursday 14 October 2021.

The draft opinion was prepared under the [Expertise Co-ordination Mechanism](#) in the framework of the EU/CoE joint programme “[Horizontal Facility II](#)”, co-funded by the Council of Europe and the European Union and implemented by the Council of Europe.

Opinion on the draft Law on the Referendum and the People’s initiatives

The Commission is invited to endorse the Urgent Opinion ([CDL-PI\(2021\)015](#)) (PG/SW) on the draft Law on the Referendum and the People’s initiatives of Serbia ([CDL-REF\(2021\)059](#)) drawn-up on the basis of comments by Mr Castellà Andreu, Mr Kask and Ms Kiener. The urgent opinion was requested by Ms Marija Obradović, Minister of Public Administration and Local Self-Government of Serbia on 2 August 2021 and was issued on 24 September 2021 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

The draft opinion was prepared under the [Expertise Co-ordination Mechanism](#) in the framework of the EU/CoE joint programme “[Horizontal Facility II](#)”, co-funded by the Council of Europe and

the European Union and implemented by the Council of Europe.

13:00-15:00	Lunch break
15:00-15h30	Discussion and adoption of the draft opinion on the Netherlands
15:30-17:00	Discussion and adoption of three draft opinions on Hungary

13. The Netherlands

The Commission is invited to hold an exchange of views with Ms Judit Tielen, Member of the House of Representatives of the Netherlands, and to examine with a view to adoption the draft opinion ([CDL\(2021\)040](#)) (SC/SGM) on the legal protection of citizens ([CDL-REF\(2021\)073](#) and [CDL-REF\(2021\)076](#)), drawn up on the basis of comments by Mr Barrett, Ms Bazy Malaurie, Mr Holmøyvik and Ms Omejec. This opinion was requested by the Speaker of the House of Representatives of the Netherlands on 25 February 2021. It was previously examined by the Joint Meeting of the Sub-Commissions on Democratic Institutions and on the Rule of Law, on Thursday 14 October 2021.

14. Hungary

Draft joint opinion on the 2020 amendments to electoral legislation

The Commission is invited to hold an exchange of views with Ms Judit Varga, Minister of Justice of Hungary (*tbc*), and to examine with a view to adoption the draft joint opinion ([CDL\(2021\)026](#)) (PG/MS) on the 2020 amendments to electoral legislation ([CDL-REF\(2021\)069](#)), drawn up on the basis of comments by Mr Castellà Andreu, Mr Darmanovic and Mr Dimitrov. This opinion was requested by the Monitoring Committee of the Parliamentary Assembly of the Council of Europe on 5 February 2021.

Draft opinion on the amendments on the Act on the Organisation and Administration of Courts and the Act on the Legal Status and Remuneration of Judges adopted by the Hungarian parliament in December 2020

The Commission is invited to hold an exchange of views with Mr László Kövér, Speaker of the Hungarian National Assembly (*tbc*), and to examine with a view to adoption the draft opinion ([CDL\(2021\)038](#)) (MS/TP) on the Act on the Organisation and Administration of Courts and the Act on the Legal Status and Remuneration of Judges, adopted by the Hungarian Parliament in December 2020 ([CDL-REF\(2021\)056](#), [CDL-REF\(2021\)057](#) and [CDL-REF\(2021\)058](#)), drawn up on the basis of comments by Mr Carozza, Mr Gaspar and Ms Šimáčková. This opinion was requested by the Monitoring Committee of the Parliamentary of the Council of Europe on 5 February 2021.

Draft opinion on the amendments to the Act on Equal Treatment and Promotion of Equal Opportunities and to the Act on the Commissioner for Fundamental Rights as adopted by the Hungarian parliament in December 2020

The Commission is invited to hold an exchange of views with Mr László Kövér, Speaker of the Hungarian National Assembly (*tbc*), and to examine with a view to adoption the draft opinion ([CDL\(2021\)033](#)) (SJ/MS) on the amendments to the Act on Equal Treatment and Promotion of Equal Opportunities and the Act on the Commissioner for Fundamental Rights as adopted by the Hungarian parliament in December 2020 ([CDL-REF\(2021\)060](#), [CDL-REF\(2021\)061](#), [CDL-REF\(2021\)067](#) and [CDL-REF\(2021\)068](#)) drawn up on the basis of comments by Mr Barrett, Mr Dimitrov, Mr Pinelli and Mr Sørensen. This opinion was requested by the Monitoring Committee of the Parliamentary of the Council of Europe on 5 February 2021.

20:00	Dinner at Hotel Salute Palace Dorsoduro 222 Venezia, Fondamenta de Cà Balà
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Saturday 16 October 2021

10:00-10:30	Preparation of the elections to the Commission's offices
10:30-11:00	Discussion and adoption of the draft opinions of Armenia
11:00-11:30	Discussion and adoption of the draft opinions of United Kingdom
11:30-12:00	Discussion and adoption of the draft opinions of North Macedonia
12:00-12:30	Report of the Council for Democratic Elections Other business

15. Preparation of the December 2021 elections

The candidates for the presidency may address the Plenary.

16. Armenia

The Commission is invited to hold an exchange of view with Mr Arman Tatoyan, Ombudsman (*tbc*) and a representative of the of the authorities of Armenia, and to examine with a view to adoption the draft opinion ([CDL\(2021\)037](#)) (CM/SC) on the legislation related to the Ombudsman's staff ([CDL-REF\(2021\)074](#)), drawn up on the basis of comments by Mr Helgesen, Mr Voyatzis and Mr Igli Totozani (*expert*). This opinion was requested by the Office of the Human Rights Defender of Armenia on 17 March 2021.

17. United Kingdom

The Commission is invited to hold an exchange of views with Mr Rob Behrens, Parliamentary and Health Service Ombudsman of the United Kingdom (*tbc*) and a representative of the Health and Care Department (*tbc*), and to examine with a view to adoption the draft opinion ([CDL\(2021\)041](#)) (CM/TG) on the possible exclusion of the Parliamentary Commissioner for administration (the parliamentary Ombudsman) and Health Service Commissioner from the "safe space" provided for by the Health and Care Bill ([CDL-REF\(2021\)071](#)), drawn up on the basis of comments by Mr Helgesen, Mr Sørensen, Mr Hirschfeldt and Ms Monti. This opinion was requested by Parliamentary and Health Service Ombudsman of the United Kingdom on 14 May 2021.

18. North Macedonia

The Commission is invited to hold an exchange of views with Mr Bojan Marichikj, Minister of Justice of North Macedonia, and to examine with a view to adoption the draft opinion ([CDL\(2021\)039](#)) (GID/SK) on the draft Law on the State of Emergency ([CDL-REF\(2021\)072](#)) drawn up on the basis of comments by Mr Cameron, Mr Mathieu and Mr Pieter van Dijk (*former member, expert*). This opinion was requested by the Minister of Justice of North Macedonia, on 6 August 2021.

The draft opinion was prepared under the [Expertise Co-ordination Mechanism](#) in the framework of the EU/CoE joint programme "[Horizontal Facility II](#)", co-funded by the Council of Europe and the European Union and implemented by the Council of Europe.

19. Report of the Council for Democratic Elections (14 October 2021)

The President of the Council will inform the Commission on the results and conclusions of the hybrid meeting held on 14 October 2021.

20. Other business

Dates of the next Sessions

129 th Plenary Session	10-11 December 2021
130 th Plenary Session	16-19 March 2022
131 st Plenary Session	17-18 June 2022
132 nd Plenary Session	21-22 October 2022
133 rd Plenary Session	16-17 December 2022

Please note that the sub-commissions meetings as well as the meeting of the Council for Democratic Elections will take place on the day before the Plenary Session.

N.B. Ms Brigitte Aubry, Brigitte.aubry@coe.int and Ms Jayne Aparicio, Jayne.Aparicio@coe.int are the assistants responsible for the practical organisation of the Plenary Session. Should you have any queries, do not hesitate to contact them.

They can be contacted on the following numbers between 13 and 16 October on the following numbers: + 33 670 034 069 (Ms Aubry) and +33 6 03 51 72 14 (Ms Aparicio)

[List to the provisional list of participants](#)

[Link to the list of meetings](#)

[Link to the table plan](#)