



Strasbourg, 10 June 2022

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Or. Engl.

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**131<sup>st</sup> PLENARY SESSION**

**VENICE**

**Friday 17 June 2022 (10:00-17:30)**  
**Saturday 18 June 2022 (9:30-12:30)**

**REVISED DRAFT ANNOTATED AGENDA**

**Friday 17 June 2022**

10:00-11:30

*Adoption of the Agenda  
Communication by the President  
Communication by the Enlarged Bureau  
Communication by the Secretariat  
Co-operation with Council of Europe organs  
Exchange of views with the President of the European Court of Human Rights  
Exchange of views with the Director of the OSCE Office for Democratic Institutions and Human Rights  
Exchange of views with the Regione del Veneto (tbc)  
Follow-up to earlier Venice Commission opinions*

**1. Adoption of the Agenda**

**2. Communication by the President**

The President will present her recent activities ([CDL\(2022\)025](#)).

**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 16 June 2022.

**4. Communication by the Secretariat**

The Secretary will *inter alia* inform the Commission on the [report](#) on the Evaluation of the Venice Commission, , conducted by the Centre for Strategy and Evaluation Services (CSES) and the Evaluation Division of the Directorate of Internal Oversight, as well as the management response and action plan.

**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 Ambassador Joan Forner Rovira, Permanent Representative of Andorra to the Council of Europe.

**6. Co-operation with the Parliamentary Assembly**

The Commission is invited to hold an exchange of views with Mr Constantinos Efstathiou, of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, on co-operation with the Assembly.

The Draft Opinion on Media Law in Azerbaijan, the Draft Opinion on December 2021 amendments to the Organic Law on Common Courts in Georgia, and the Draft Joint Opinion of the Venice Commission and the OSCE/ODIHR on the amendments to the electoral legislation of Türkiye fall into the framework of co-operation with the Parliamentary Assembly (see Items 12, 13 and 21).

## **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. Exchange of views with the President of the European Court of Human Rights**

Mr Robert Spano, President of the European Court of Human Rights will address the Commission.

## **9. Exchange of views with the Regione del Veneto**

The Commission may be invited to hold an exchange of views with a representative of the Regione del Veneto.

## **10. Exchange of views with Mr Matteo Mecacci, Director of the OSCE Office for Democratic Institutions and Human Rights**

Mr Matteo Mecacci, Director of the OSCE Office for Democratic Institutions and Human Rights, will address the Commission.

## **11. Follow-up to earlier Venice Commission opinions**

The Commission will be informed on follow-up to the following opinions (see document [\(CDL\(2022\)024\)](#)).

- Croatia: Follow-up to the opinion on the introduction of the procedure of renewal of security vetting through amendments to the Courts Act ([CDL-AD\(2022\)005](#))
- Hungary: 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 ([CDL-AD\(2021\)036](#))
- United Kingdom: Follow-up to the Opinion on the possible exclusion of the Parliamentary Commissioner for Administration (the parliamentary Ombudsman, hereafter the PHSO) and Health Service Commissioner from the “safe space” provided for by the Health and Care Bill ([CDL-AD\(2021\)041](#))
- Republic of Moldova: the draft Joint Opinion on the Draft law on amending some normative acts (Judiciary) ([CDL\(2022\)019](#)), item 17 below, is a follow-up to the 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](#)).

11:30-11:45

*Coffee break*

11:45-13:00

*Discussion and adoption of opinions on individual countries*

## **12. Azerbaijan**

The Commission is invited to examine, with a view to adoption, the draft joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe ([CDL\(2022\)017](#)) (TvD/TG/ew/is) on the Media Law of Azerbaijan ([CDL-REF\(2022\)011](#)), drawn up on the basis of comments by Ms Chaabane, Ms Kjerulf-Thorgeirsdottir, Mr Vermeulen and Ms Krisztina Rozgonyi (DGI Expert). This opinion was requested by Mr Piero Fassino, Chairperson of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe on 2 February 2022.

### 13. Georgia

The Commission is invited to examine, with a view to adoption, the draft opinion ([CDL\(2022\)018](#)) (TG/is) on the December 2021 amendments to the Organic Law on Common Courts of Georgia ([CDL-REF\(2022\)012](#)), drawn up on the basis of comments by Mr Atar, Mr Holmøyvik and Mr Sorensen. This opinion was requested by Mr Piero Fassino, Chairperson of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe on 2 February 2022.

### 14. Lebanon

The Commission is invited to hold an exchange of views with Mr Henri El Khoury, Minister of Justice of Lebanon, on the draft opinion ([CDL\(2022\)026](#)) on the draft Law on the Independence of Judicial Courts of Lebanon ([CDL-REF\(2022\)014](#)) drawn up on the basis of comments by Ms Bernoussi, Mr Frendo and Mr Mathieu. This opinion was requested by the previous Minister of Justice on 6 September 2021. The Sub-Commissions on the Rule of Law, the Judiciary and the Mediterranean Basin will examine this draft opinion at their joint meeting on 16 June 2022.

13:00-14:30	Lunch break
14:30-15:45	Discussion and adoption of opinions on individual countries

### 15. Kosovo

*Draft opinion on the Concept Paper on the Vetting of Judges and Prosecutors and draft amendments to the Constitution*

The Commission is invited to hold an exchange of views with Ms Albulena Haxhiu, Minister of Justice of Kosovo, and to examine, with a view to adoption, the draft opinion ([CDL\(2022\)020](#)) (Sc/GiD/is) on the Concept Paper on the Vetting of Judges and Prosecutors and draft amendments to the Constitution of Kosovo ([CDL-REF\(2022\)023](#)), drawn up on the basis of comments by Ms McMorrow, Mr Pinelli and Mr Vilanova Trias. This opinion was requested by the Minister of Justice of Kosovo on 25 October 2021. The Sub-Commissions on the Rule of Law, the Judiciary and the Mediterranean Basin will examine this draft opinion at their joint meeting on 16 June 2022.

*Draft Opinion on the Draft Law N°08/L-121 on the State Bureau for Verification and Confiscation of Unjustified Assets*

The Commission is invited to hold an exchange of views with Ms Albulena Haxhiu, Minister of Justice of Kosovo, and to examine, with a view to adoption, the draft opinion ([CDL\(2022\)014](#)) (MJ/se) on the Draft Law N°08/L-121 on the State Bureau for Verification and Confiscation of Unjustified Assets of Kosovo ([CDL-REF\(2022\)015](#)) drawn up on the basis of comments by Mr Meridor, Ms Nussberger and Mr James Hamilton (Expert, former Substitute Member). This opinion was requested by the President of the Assembly of Kosovo on 4 March 2022. The Sub-Commissions on Fundamental Rights and the Mediterranean Basin will examine this draft opinion at their joint meeting on 16 June 2022.

The draft opinions for Kosovo have been 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.

### 16. Ukraine

The Commission is invited to examine, with a view to adoption, the draft *Amicus Curiae* Brief ([CDL\(2022\)008](#)) (Sc/SJ/TP/Sch) on the limits of subsequent (a posteriori) review of constitutional amendments by the Constitutional Court ([CDL-REF\(2022\)004](#)), drawn up on the basis of

comments by Ms Nussberger, Mr Vargas Valdez and Mr Velaers. This opinion was requested by Mr Serhiy Holovaty, Acting President, Constitutional Court of Ukraine, on 18 November 2021.

The 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.

15:45-16:00

Coffee break

16:00-17:30

Discussion and adoption of opinions on individual countries

## 17. Republic of Moldova

### *Draft Joint Opinion on the Draft law on amending some normative acts (Judiciary)*

The Commission is invited to hold an exchange of views with a representative from the Republic of Moldova, and to examine, with a view to adoption, the draft joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe ([CDL\(2022\)019](#)) (TP/se) on the draft law on amending some normative acts (Judiciary) of the Republic of Moldova ([CDL-REF\(2022\)017](#)), drawn up on the basis of comments by Mr Barrett, Mr Gaspar, Mr Alexandre Baramidze (Expert) and Ms Nina Betetto (DGI expert). This opinion was requested by the Minister of Justice of the Republic of Moldova on 10 March 2022 and on 11 May 2022. The Sub-Commissions on the Rule of Law, the Judiciary and the Mediterranean Basin will examine this draft opinion at their joint meeting on 16 June 2022.

The 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.

### *Draft amendments to the Law no 3/2016 on the Prosecutor's office*

The Commission is invited to hold an exchange of views with a representative from the Republic of Moldova, and to examine, with a view to adoption, the draft opinion ([CDL\(2022\)023](#)) (GiD/ba) on the draft amendments to the Law n°3/2016 on the Prosecutor's office of the Republic of Moldova ([CDL-REF\(2022\)013](#)) drawn up on the basis of comments by Ms Deskoska, Mr José Manuel Pais (Expert) and Ms Hanna Suchocka (Honorary President). This opinion was requested by the Minister of Justice of the Republic of Moldova on 6 May 2022.

## 18. Tunisia

### *Urgent Opinion on the constitutional and legislative framework*

The Commission is invited to endorse the Urgent Opinion ([CDL-PI\(2022\)026](#)) (SGM/SK/sch) on the constitutional and legislative framework on the referendum and elections announcements by the President of the Republic, and in particular on the decree-law n°22 of 21 April 2022 amending and completing the organic law on the independent high authority for elections of Tunisia (ISIE) ([CDL-REF\(2022\)018](#)) and [CDL-REF\(2022\)019](#)), drawn up on the basis of comments by Ms Biglino, Mr Pinelli, Mr Scholsem and Mr Seners. This urgent opinion was requested by the European External Action Service of the European Commission on 27 April 2022 and was issued on 27 May 2022 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

### *Draft Opinion on the draft Code on national property, law on confiscation of assets, establishment of an Agency in charge of the confiscation and management of confiscated assets*

The Commission is invited to examine, with a view to adoption, the draft opinion ([CDL\(2022\)027](#)) (CM/rdp) on the draft State Property Code of Tunisia ([CDL-REF\(2022\)020](#)), drawn up on the

basis of comments by Ms Kiener, Mr Voyatzis and Mr Sébastien Ferrari (Expert). This opinion was requested by the Minister of State Property and Land Affairs of Tunisia in December 2021. The Sub-Commissions on Fundamental Rights and the Mediterranean Basin will examine this draft opinion at their joint meeting on 16 June 2022.

19:15	Departure by bus from Piazzale Roma
20:00	Dinner at Restaurant "Park Ristorante da Odino", Quarto d'Altino
22:30	Return to Venice (Piazzale Roma)

### Saturday 18 June 2022

9:30-10:45	<i>Exchange of views Discussion and adoption of opinions on individual countries</i>
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#### 19. Exchange of views with the European Commissioner for Justice

Mr Didier Reynders, European Commissioner for Justice, will address the Commission.

#### 20. Mongolia

The Commission is invited to examine, with a view to adoption, the draft joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2022\)021](#)) (SK/sch) on the draft law on political parties of Mongolia ([CDL-REF\(2022\)022](#)), drawn up on the basis of comments by Ms Deskoska, Mr Rubio, Mr Fernando Casal Bértoa (Expert, OSCE/ODIHR) and Mr Richard Katz (Expert, OSCE/ODIHR). This opinion was requested to ODIHR by the Chairman of the Great State Hural of Mongolia on 31 December 2021.

#### 21. Türkiye

The Commission is invited to hold an exchange of views with Mr. Ömer Yılmaz, Deputy Head of Department, Department for Human Rights, Ministry of Justice of Türkiye, and to examine, with a view to adoption, the draft joint opinion by the Venice Commission and the OSCE/ODIHR on the amendments to the electoral legislation of Türkiye by Law no. 7393 of 31 March 2022 ([CDL\(2022\)016](#); see [CDL-REF\(2022\)016cor](#)) (PG/MJ/vl), drawn up on the basis of comments by Ms Bílková, Mr Darmanović, Ms Pabel and Ms Elena Kovalyova (OSCE/ODIHR expert). This opinion was requested by Mr Piero Fassino, Chairperson of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe on 1 April 2022.

10:45-11:00	<i>Coffee Break</i>
11:00-12:15	<i>Studies and reports Information on Conferences and Seminars Report of the Joint Meeting of the Sub-Commission on the Rule of Law, the Judiciary and the Mediterranean Basin Report of the Joint Meeting of the Sub-Commission on Fundamental Rights and the Mediterranean Basin Other business Dates of the next Sessions</i>

#### 22. Explanatory Memorandum – Code of Good Practice on Referendums

The Commission is invited to examine with a view to adoption the Explanatory Report ([CDL\(2022\)022](#)) (PG/SGM/vl) of the Code of Good Practice on Referendums drawn up on the

basis of comments by Mr Alivizatos, Mr Kask, Ms Kiener, Mr Maiani, Mr Vermeulen and Mr Josep Maria Castellà Andreu (Former member, Expert). This report complements the Revised Guidelines on the Holding of Referendums adopted by the Commission at its 124th Plenary Session (8-9 October 2020) ([CDL-AD\(2020\)031](#))

### **23. Information on Conferences and Seminars**

The Commission will be informed on the results and conclusions of:

- International Round Table on Shaping Judicial Councils to meet Contemporary Challenges in Rome on 21 and 22 March 2022 (link to [Conclusions](#));
- European Conference of Prosecutors in Palermo on 4 and 5 May 2022;
- Conference on International Standards of the Venice Commission: a comparative analysis of the Mexican electoral justice system organised by the Electoral Tribunal of the Judicial Power of the Federation of Mexico (TEPJF) on 12 and 13 May 2022;
- 15th UniDem Med seminar on “Public service policies : paradigms for change” on 17 and 18 May 2022, online and in Ramallah (Palestine\*)
- Conference on the Judiciary as Guardian of Democracy in Yerevan on 8 and 9 July 2022;

The Commission will be informed on the upcoming conferences and seminars:

- International Seminar on “Bicameralism: phenomenology, evolution, and current challenges of a ‘contested’ institution” to be held in Madrid on 4 and 5 July 2022.
- 19th European Conference of Electoral Management Bodies on Artificial Intelligence and its potential impact on electoral processes in Strasbourg to be held in November 2022

### **24. Information on constitutional developments in other countries**

Ms Shapak will inform the Commission of constitutional developments in Kazakhstan.

### **25. Report of the Joint Meeting of the Sub-Commissions on the Rule of Law, the Judiciary and the Mediterranean Basin (16 June 2022)**

The Chair of the meeting will inform the Commission on the results and conclusions of the meeting held on 16 June 2022.

### **26. Report of the Joint Meeting of the Sub-Commissions on Fundamental Rights and the Mediterranean Basin (16 June 2022)**

The Chair of the meeting will inform the Commission on the results and conclusions of the meeting held on 16 June 2022.

### **27. Report of the meeting of the Council for Democratic Elections (16 June 2022)**

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 16 June 2022.

The draft joint opinion on the draft law on political parties of Mongolia, the draft joint opinion of the Venice Commission and the OSCE on electoral legislation of Türkiye, the urgent opinion of on the constitutional and legislative framework on the referendum and elections announced by the President of the Republic, and in particular on the decree-law n°22 of 21 April 2022 amending and completing the organic law on the independent high authority for elections (ISIE) of Tunisia as well as the Code of Good Practice on Referendums are dealt with under items 21, 18 and 22.



**28. Other business****29. Dates of the next Sessions**

132 <sup>nd</sup> Plenary Session	21-22 October 2022
133 <sup>rd</sup> Plenary Session	16-17 December 2022
134 <sup>th</sup> Plenary Session	9-11 March 2023
135 <sup>th</sup> Plenary Session	29 June-1 July 2023
136 <sup>th</sup> Plenary Session	5-7 October 2023
137 <sup>th</sup> Plenary Session	14-16 December 2023

Please note that Sub-Commission meetings as well as the meetings of the Council for Democratic Elections will take place on the day before the Plenary Sessions.

*N.B. Ms Jayne Aparicio, [Jayne.Aparicio@coe.int](mailto:Jayne.Aparicio@coe.int) and Ms Emily Walker ([Emily.Walker@coe.int](mailto:Emily.Walker@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.*