



Strasbourg, 7 October 2022

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Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

132nd PLENARY SESSION

VENICE

Scuola Grande di San Giovanni Evangelista

Friday 21 October 2022 (9:00-18:00)

Saturday 22 October 2022 (9:30-12:30)

DRAFT ANNOTATED AGENDA

Friday 21 October 2022

09:00-11:00

*Adoption of the Agenda
Communication by the President
Communication by the Enlarged Bureau
Communication by the Secretariat
Co-operation with Council of Europe organs
Exchange of views with the Regione del Veneto
Follow-up to earlier Venice Commission opinions
Discussion and adoption of opinions on individual countries*

1. Adoption of the Agenda**2. Communication by the President**

The President will present her recent activities ([CDL\(2022\)042](#)).

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 20 October 2022.

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 Ambassador Gilberto Jerónimo, Permanent Representative of Portugal and Ambassador Mårten Ehnberg, Permanent Representative of Sweden to the Council of Europe.

6. Co-operation with the Parliamentary Assembly

The Commission is invited to hold an exchange of views with Mr Rik Daems, Former President of the Parliamentary Assembly, and with Mr Constantinos Efstathiou, Representative 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 final opinion “on constitutional reform of Belarus and its compliance with Council of Europe standards” and the urgent joint opinion “on the draft amendments to the Turkish Penal Code regarding the provision on “false or misleading information” fall into the framework of co-operation with the Parliamentary Assembly (see Items 18 and 20).

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 Regione del Veneto

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

9. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to the following opinions (see document [\(CDL\(2022\)030\)](#)).

- Cyprus: Follow-up to the Opinion on three Bills reforming the Judiciary ([CDL-AD\(2021\)043](#));

- Bulgaria: Follow-up to the Urgent Interim Opinion on the draft new Constitution is followed up by 1098/2022 Bulgaria – judicial inspectorate (anti-corruption) ([CDL-AD\(2020\)035](#));

- Kazakhstan: Follow up to the Opinion on the draft law on the Commissioner for Human Rights is followed-up by 1099/2022 ([CDL-AD\(2021\)049](#));

- Norway: Follow up to the Joint opinion on the electoral legislation ([CDL-AD\(2010\)046](#)).

10. Andorra

The Commission is invited to hold an exchange of views with Mr Joan Forner Rovira, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Andorra to the Council of Europe, and to examine, with a view to adoption, the draft opinion ([CDL\(2022\)029](#)) (DV/Sc/ha) “on the law on the creation and functioning of the Ombudsman” ([CDL-REF\(2022\)032](#)), drawn up on the basis of comments by Ms Barić, Ms Fura and Mr Voyatzis. This opinion was requested on behalf of the Government of Andorra by the Permanent Representative of Andorra to the Council of Europe on 15 July 2022.

11. Bulgaria

11.1 Draft opinion on the draft amendments to the Judicial System Act concerning the Inspectorate to the Supreme Judicial Council

The Commission is invited to hold an exchange of views with Mr Krum Zarkov, Minister of Justice of Bulgaria, and to examine, with a view to adoption, the draft opinion ([CDL\(2022\)040](#)) (SJ/GID/ob) “on the draft amendments to the Judicial System Act concerning the Inspectorate to the Supreme Judicial Council” ([CDL-REF\(2022\)025](#)), drawn up on the basis of comments by Mr Barrett, Ms Kiener, Mr Kuijer and Mr Qerimi. This opinion was requested by the Minister of Justice of Bulgaria on 11 August 2022.

11:00-11:30

Coffee break

11:30-13:00

Discussion and adoption of opinions on individual countries

11.2 Draft opinion on the draft amendments to the Criminal Procedure Code

The Commission is invited to hold an exchange of views with Mr Krum Zarkov, Minister of Justice of Bulgaria, and to examine, with a view to adoption, the draft opinion ([CDL\(2022\)031](#)) (TP/GiD/se) on the draft amendments to the Criminal Procedure Code and the Judicial System Act ([CDL-REF\(2022\)028](#), [CDL-REF\(2022\)029](#) and [CDL-REF\(2022\)030](#)) drawn up on the basis of comments by Mr Barrett, Mr Hamilton, Ms Pabel and Mr Qerimi. This opinion was requested by the previous Minister of Justice of Bulgaria on 27 July 2022. The Sub-Commission on the Judiciary will examine this draft opinion at its meeting on 20 October 2022.

12. Kazakhstan

The Commission is invited to hold an exchange of views Ms Elvira Azimova, Commissioner for Human Rights of Kazakhstan, and to examine, with a view to adoption, the draft opinion ([CDL\(2022\)039](#)) (ML/SK/vm) “on the draft Constitutional Law on the Commissioner for Human

Rights “ ([CDL-REF\(2022\)035](#)), drawn up on the basis of comments by Mr Sørensen, Mr Dimitris Christopoulos (Expert, Venice Commission) and Mr Jan Helgesen (former member, Norway). This opinion was requested by the Commissioner for Human Rights of Kazakhstan on 11 August 2022. The Sub-Commissions on Democratic Institutions and Ombudsman Institutions will examine this draft opinion at their joint meeting on 20 October 2022.

13. Republic of Moldova

13.3 Draft opinion on amendments to the Audiovisual Media Services Code

The Commission is invited to hold an exchange of views with Ms Olesea Stamate, Chairperson of the Committee on legal affairs, appointments and immunities of the Parliament of the Republic of Moldova, Party of Action and Solidarity (PAS) parliamentary faction and Mr Vlad Bătrîncea, Vice-President of the Parliament of the Republic of Moldova, Block of Communists and Socialists (BCS) parliamentary faction, and to examine, with a view to adoption, the draft opinion ([CDL\(2022\)043](#)) (MJ/se) “on the amendments to the Audiovisual Media Services Code and to some normative acts including the ban on symbols associated with and used in military aggression actions” ([CDL-REF\(2022\)026](#) and [CDL-REF\(2022\)027](#)), drawn up on the basis of comments by Ms Bilkova, Mr Grabenwarter and Mr Velaers. This opinion was requested by the Bloc of Communists and Socialists, a Parliamentary Faction in the Parliament of the Republic of Moldova, and transmitted to the Commission by the Permanent Representation of the Republic of Moldova to the Council of Europe.

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.

13.4 Draft amicus curiae brief on amicus curiae Brief on the clarity of provisions on combating extremist activity

The Commission is to examine, with a view to adoption, the draft *amicus curiae* brief ([CDL\(2022\)033](#)) (MJ/RG/se) “on the clarity of provisions on combating extremist activity”, drawn up on the basis of comments by Ms Bilkova, Mr Grabenwarter and Mr Velaers. This *amicus curiae* brief was requested by the President of the Constitutional Court of the Republic of Moldova on 4 August 2022.

The draft *amicus curiae* brief 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.

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

13. Republic of Moldova

13.1 Draft joint opinion on the draft Law on the Supreme Court of Justice

The Commission is invited to hold an exchange of views with Ms Veronica Mihailov-Moraru, Secretary of state, Ministry of Justice of 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\(2022\)034](#)) (MS/CF/rdp) “on the draft Law on the Supreme Court of Justice” ([CDL-REF\(2022\)033](#)), drawn up on the basis of comments by Mr Dimitrov, Mr Gaspar, Mr Alexander Baramidze (Expert, Venice Commission) and Ms Nina Betetto (Expert, DGI). This opinion was requested by the Minister of Justice of the Republic of Moldova on 22 August 2022. The Sub-Commission on the Judiciary will examine this draft opinion at its meeting on 20 October 2022.

The draft joint 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.

13.2 Draft joint opinion on the draft electoral code

The Commission is invited to hold an exchange of views with Ms Olesea Stamate, Chairperson of the Committee on legal affairs, appointments and immunities of the Parliament of the Republic of Moldova, Party of Action and Solidarity (PAS) parliamentary faction, to examine, with a view to adoption, the draft joint opinion of the Venice Commission of the Council of Europe and ODIHR ([CDL\(2022\)036](#)) (PG/MJ/vl) "on the draft electoral code", ([CDL-REF\(2022\)036](#)) drawn up on the basis of comments by Mr Barrett, Mr Holmøyvik and Ms Milašiūtė, as well as Mr Vasil Vashchanka and Ms Wiktorija Wislowska (Experts, OSCE/ODIHR). This opinion was requested by the Speaker of the Parliament of the Republic of Moldova on 27 July 2022.

The draft joint 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.

13.5 Draft joint amicus curiae brief relating to the offence of illicit enrichment

The Commission is to examine, with a view to adoption, the draft joint *amicus curiae* brief with ODIHR ([CDL\(2022\)038](#)) (TvD/is) "relating to the offence of illicit enrichment", drawn up on the basis of comments by Ms Nussberger, Ms Otálora Malassis, Mr Pinelli and Mr Andrew Dornbierer, Ms Tetiana Khutor and Mr Jeremy McBride (Experts, ODIHR). This *amicus curiae* brief was requested by the President of the Constitutional Court of the Republic of Moldova on 27 July 2022.

The draft *amicus curiae* brief 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.

14. Mexico

The Commission is invited to hold an exchange of views with Mr Lorenzo Cordova Vianello, Councillor President of the National Electoral Institute (INE), and to examine, with a view to adoption, the draft opinion ([CDL\(2022\)035](#)) (SK/PG/sch) "on the draft constitutional amendments concerning the electoral system of Mexico" ([CDL-REF\(2022\)031](#)), drawn up on the basis of comments by Ms Biglino, Mr Darmanović, Mr Frendo and Mr Kask. This opinion was requested by the Councillor President of the National Electoral Institute (INE) of Mexico on 28 June 2022.

16.00 -16:15

Coffee break

16:15-18:00

Discussion and adoption of opinions on individual countries

15. Serbia

The Commission is invited to hold an exchange of views with Ms Maja Popović, Minister of Justice of Serbia, and to examine, with a view to adoption, the draft opinion ([CDL\(2022\)037](#)) (GiD/ba) "on three draft laws implementing the constitutional amendments on the Judiciary (on Judges, on Courts and on the High Judicial Council)" ([CDL-REF\(2022\)040](#)), ([CDL-REF\(2022\)041](#)) and ([CDL-REF\(2022\)042](#)), drawn up on the basis of comments by Ms Kiener, Mr Kuijer, Mr Scholsem and Mr Kaarlo Tuori (Honorary President). This opinion was requested by the Minister of Justice of Serbia on 12 September 2022. The Sub-Commission on the Judiciary will examine this draft opinion at its meeting on 20 October 2022.

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.

16. Ukraine

16.1 Draft joint amicus curiae brief on certain questions related to the election and discipline of the members of the High Council of Justice of Ukraine

The Commission is invited to examine, with a view to adoption, the draft joint *amicus curiae* brief of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe ([CDL\(2022\)041](#)) (Sc/ms) "on certain questions related to the election and discipline of the members of the High Council of Justice of Ukraine", drawn up on the basis of comments by Mr Kuijjer, Mr Nicolae Eșanu (Former Member, Republic of Moldova), Mr Gérard Reissner (Expert, DGI) and Ms Hanna Suchocka (Honorary President). This draft joint *amicus curiae* brief was requested by the Acting President of the Constitutional Court of Ukraine on 1 July 2022.

19:15	Departure by bus from Piazzale Roma
19:45	Dinner at Restaurant Four Points at Mestre
22:30	Return to Venice (Piazzale Roma)

Saturday 22 October 2022

9:30-11:00	Exchange of views Discussion and adoption of opinions Endorsement of opinions
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17. Exchange of views with the Attorney General of Ireland

Mr Paul Gallagher, Attorney General of Ireland, will address the Commission.

18. Belarus

Following the urgent interim opinion, issued on 21 February 2022 and endorsed in March 2022, the Commission is invited to examine, with a view to adoption, the final opinion ([CDL\(2022\)028](#)) (TP/ob) "on constitutional reform and its compliance with Council of Europe standards" ([CDL-REF\(2022\)034](#)), drawn up on the basis of comments by Mr Alivizatos, Mr Dimitrov, Mr Mathieu, Mr Petrov and Mr Kaarlo Tuori (Honorary President). This opinion was requested by the President of the Parliamentary Assembly on 26 August 2021. The Sub-Commissions on Democratic Institutions and Ombudsman Institutions will examine this draft opinion at their joint meeting on 20 October 2022.

19. Georgia

The Commission is invited to endorse the urgent opinion ([CDL-PI\(2022\)028](#)) (TP/GID/sch) "on the Amendments to the Criminal Procedure Code adopted by the Parliament of Georgia on 7 June 2022" ([CDL-REF\(2022\)024](#)), drawn up on the basis of comments by Ms Kiener, Mr Varga and Mr James Hamilton (Former Member, Venice Commission). This urgent opinion was requested by the President of Georgia on 1 July 2022 and was issued on 1 August 2022 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

The urgent 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.

20. Türkiye

The Commission is invited to endorse the urgent joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe ([CDL-PI\(2022\)032](#)) (MS/sch) "on the draft amendments to the Turkish Penal Code regarding the provision on "false or misleading information"" ([CDL-REF\(2022\)038](#), [CDL-REF\(2022\)039](#) and [CDL-REF\(2022\)043](#)), drawn up on the basis of comments by Mr Langášek, Ms Kjerulf-Thorgeirsdottir, and Ms Deirdre Kevin (Expert, DGI). This urgent opinion was requested by the Chair of the Monitoring Committee of PACE on 14 September 2022 and was issued on 7 October 2022 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

16. Ukraine

16.2 Draft urgent joint opinion on the draft law on local referendum in Ukraine

The Commission is invited to endorse the urgent joint opinion of the Venice Commission and OSCE/ODIHR ([CDL-PI\(2022\)001](#)) (SK/sch) "on the draft law on local referendum in Ukraine" ([CDL-REF\(2022\)002](#)) drawn up on the basis of comments by Mr Alivizatos, Mr Maiani, Mr Josep Maria Castellà Andreu (Former Member), and Ms Eirini Maria Gounari (Expert, ODIHR/OSCE). This urgent joint opinion was requested by the Speaker of the Parliament of Ukraine on 25 August 2022 and was issued on 10 February 2022 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

11:00-11:30	<i>Coffee Break</i>
11:30-12:30	<i>Studies and reports</i>
	<i>Information on Conferences and Seminars</i>
	<i>Report of the Meeting of the Sub-Commission on the Judiciary</i>
	<i>Report of the Joint Meeting of the Sub-Commission on Democratic Institutions and the Ombudsman Institutions</i>
	<i>Report of the meeting of the Council for Democratic Elections</i>
	<i>Other business</i>
	<i>Dates of the next sessions</i>

21. Recommendation 2235 (2022) of the Parliamentary Assembly of the Council of Europe: elements for the reply by the Committee of Ministers

The Commission is invited to examine, with a view to adoption, the draft comments ([CDL\(2022\)032](#)) (PG/vl) on Recommendation 2235 (2022) of the Parliamentary Assembly of the Council of Europe: "Recent challenges to security in Europe: what role for the Council of Europe?" In view of the reply of the Committee of Ministers, drawn up by Mr Alivizatos and Mr Cameron.

22. Information on Conferences and Seminars

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

- European Conference of Prosecutors, held in Palermo on 4 and 5 May 2022 ([CDL-PI\(2022\)033](#));
- International Seminar on Bicameralism: phenomenology, evolution, and current challenges of a "contested" institution, held in Madrid on 4 and 5 July 2022.

- Conference on the Judiciary as Guardian of Democracy, held in Yerevan on 8 and 9 July 2022;
- International Round Table on civil society: empowerment and accountability, held in Strasbourg and online on 13 September 2022.
- Congress of the World Conference on Constitutional Justice (WCCJ) on “Constitutional Justice and Peace”, held in Bali from 4 to 7 October 2022.

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

- 19th European Conference of Electoral Management Bodies on “Artificial Intelligence and its potential impact on electoral processes”, to be held in Strasbourg on 14 and 15 November 2022;
- 16th UniDem Med seminar “on the Digital transformation of public administration”, to be held in hybrid format in Rabat, Morocco on 23 and 24 November 2022.

23. Information on constitutional developments in other countries

The Commission will be informed on constitutional developments in the Netherlands, in Tunisia and in the United Kingdom.

24. Report of the Meeting of the Sub-Commission on the Judiciary (20 October 2022)

The Chair of the meeting will inform the Commission on the results and conclusions of the meeting held on 20 October 2022.

25. Report of the Joint Meeting of the Sub-Commissions on Democratic Institutions and on the Ombudsman Institution (20 October 2022)

The Chairs of the meeting will inform the Commission on the results and conclusions of the meeting held on 20 October 2022.

26. Report of the meeting of the Council for Democratic Elections (20 October 2022)

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 20 October 2022.

The draft joint opinion of the Venice Commission and the ODIHR “on the draft electoral code of the Republic of Moldova” ([CDL\(2022\)036](#)) (PG/MJ/vl), the draft opinion ([CDL\(2022\)035](#)) (SK/PG/sch) “on the draft constitutional amendments concerning the electoral system of Mexico” and the draft comments ([CDL\(2022\)032](#)) (PG/vl) on Recommendation 2235 (2022) of the Parliamentary Assembly of the Council of Europe: Recent challenges to security in Europe: what role for the Council of Europe? are dealt with under items 13, 14 and 21.

27. Other business

28. Dates of the next sessions

133 rd Plenary Session	16-17 December 2022
134 th Plenary Session	9-11 March 2023
135 th Plenary Session	29 June-1 July 2023
136 th Plenary Session	5-7 October 2023
137 th 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.