



Strasbourg, 6 June 2023

**CDL-PL-OJ(2023)002ann-rev**  
Or. Engl.

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

**135th PLENARY SESSION**  
**VENICE**  
**Scuola Grande di San Giovanni Evangelista**  
**Friday 9 June 2023 (9:30-18:00)**  
**Saturday 10 June 2023 (9:00-12:30)**

**REVISED DRAFT ANNOTATED AGENDA**

**Friday 9 June 2023**

09:30-11:00

*Adoption of the Agenda  
Communications  
Co-operation  
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\(2023\)021](#)).

**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 8 June 2023.

**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 Ms Aloisia Wörgetter, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Austria to the Council of Europe, and Mr Arman Khachatryan, Ambassador, Permanent Representative of Armenia 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 Mr Sergiy Vlasenko, 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 draft opinion on the law on the prevention of threats to national security, associated with excessive influence of persons having significant economic or political weight in public life (oligarchs) of Ukraine; the draft opinion on Article 49.3 of the Constitution of France and the established practice, allowing the government to force passage of a bill without a vote unless the Parliament votes a motion of no-confidence of France; the draft opinion on the Superior Council of Magistracy and the status of the judiciary as regards nominations, mutations, promotions and disciplinary procedures of France; the draft joint opinion of the Venice Commission and OSCE/ODIHR on the amendments of the German Federal Election Act and their compliance with Council of Europe standards and the draft opinion on the law on national minorities of Ukraine falls into the framework of co-operation with the Parliamentary Assembly (see Items 12.1, 15, 16 and 17).

**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 Mr Stewart Dickson, Representative of the Monitoring Committee of the Congress, on co-operation with the Congress.

## 8. Preparation of the elections to the Presidency of the Council for Democratic Elections

The Commission will be invited to prepare the candidatures pursuant to Article 4 of the [revised rules of procedure of the Council for Democratic Elections](#):

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

Ms Annalisa Bisson, Director of International Relations and European Affairs of the Regione del Veneto, will address the Commission.

## 10. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to its previous opinions (see document [\(CDL\(2023\)022\)](#)):

- Republic of Moldova – *Amicus curiae* brief on the clarity of provisions on combating extremist activities ([CDL-AD\(2022\)027](#));
- Belarus – Final Opinion on the Constitutional Reform ([CDL-AD\(2022\)035](#)).

In addition, the Commission will be informed about follow-up to:

- Ukraine - 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](#)) and
- Ukraine - Joint *Amicus curiae* brief on certain questions related to the election and discipline of the members of the High Council of Justice ([CDL-AD\(2022\)023](#))

Under item 12, the Commission will be invited to discuss, with a view to adoption the follow-up to two interim opinions :

- Republic of Moldova - Interim opinion on the Draft Law on limiting excessive economic and political influence in public life (de-oligarchisation) ([CDL-AD\(2023\)010](#));
- Georgia - Interim opinion on the draft law on de-oligarchisation ([CDL-AD\(2023\)009](#)).

Under item 17 the Commission may be invited to discuss, with a view to adoption the follow-up to opinion:

- 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 the external assessment of Judges and Prosecutors ([CDL-AD\(2023\)005](#))

Under item 18, the Commission will be invited to discuss, with a view to adoption the follow-up to opinion:

- Ukraine – Opinion on the draft law “On Amendments to Certain Legislative Acts of Ukraine on improving the procedure for the selection of candidates for the position of judge of the Constitutional Court of Ukraine on a Competitive Basis” ([CDL-AD\(2022\)054](#))

The Commission will be informed about follow-up activities held since the last session.

## 11. Electoral observation missions

The Commission will be informed about the participation of the Venice Commission in electoral observation missions of the Parliamentary Assembly of the Council of Europe in the function of providing legal advice.

- Montenegro, Presidential elections, 19 March 2023;
- Bulgaria, Early parliamentary elections, 2 April 2023;
- Türkiye, Early parliamentary and presidential elections, 14 May 2023;
- Türkiye, Presidential election, Second round, 28 May 2023;
- Montenegro, Early parliamentary elections, 11 June 2023

## 12. Ukraine / Georgia / Republic of Moldova – Draft opinions on (draft) laws on oligarchs

### 1. Republic of Moldova - draft final opinion on the draft law on limiting excessive influence in the economic and public life (de-oligarchisation)

Following the adoption of an interim opinion ([CDL-AD\(2023\)010](#)), the Commission is invited to hold an exchange of views with Ms Veronica Mihailov Moraru, Minister of Justice of the Republic of Moldova, and to examine, with a view to adoption, the draft final opinion ([CDL\(2023\)026](#)) (ML/Sc/ob) on the draft law on limiting excessive influence in the economic and public life (de-oligarchisation) ([CDL-REF\(2023\)011](#)), drawn up on the basis of comments by Ms Nussberger, Mr Pinelli, Mr Francesco Maiani (former member, expert) and Ms Grainne McMorrow (former substitute member, expert). This opinion was requested by the former Minister of Justice of the Republic of Moldova on 13 February 2023. The Sub-Commission on Democratic Institutions will examine this draft opinion at its meeting will examine this draft opinion at its meeting on 8 June 2023.

11:00-11:30

Coffee break

11:30-13:00

Discussion and adoption of opinions on individual countries

Exchange with the Commissioner for Human Rights

### Item 12 continued

### 2. Ukraine - draft Opinion on the law on the prevention of threats to national security, associated with excessive influence of persons having significant economic or political weight in public life (oligarchs)

The Commission is invited to hold an exchange of views with Mr Denys Maliuska, Minister of Justice of Ukraine, and to examine, with a view to adoption, the draft final opinion ([CDL\(2023\)025](#)) (TvD/Sc/ob/ad) on the law on prevention of threats to national security, associated with excessive influence of persons having significant economic or political weight in public life (oligarchs) ([CDL-REF\(2021\)086](#)), drawn up on the basis of comments by Ms Nussberger, Mr Pinelli, Mr Francesco Maiani (former member, expert) and Ms Grainne McMorrow (former substitute member, expert). This opinion was requested by the Chairman of the Verkhovna Rada of Ukraine by letter of 10 September 2021 and by the Monitoring Committee of the Parliamentary Assembly on 30 January 2023. The Sub-Commission on Democratic Institutions will examine this draft opinion at its meeting on 8 June 2023.

### 3. Georgia – draft final Opinion on the draft law on de-oligarchisation

Following the adoption of an interim opinion ([CDL-AD\(2023\)009](#)), the Commission is invited to examine, with a view to adoption, the draft final opinion ([CDL\(2023\)023](#)) (DV/Sc/ob) on the draft law on de-oligarchisation ([CDL-REF\(2023\)010](#)) and ([CDL-REF\(2023\)010rev](#)), drawn up on the basis of comments by Ms Nussberger, Mr Pinelli, Mr Francesco Maiani (former member, expert) and Ms Grainne McMorrow (former substitute member, expert). This opinion was requested by the Chairman of the Parliament of Georgia on 1 December 2022 and 13 April 2023. The Sub-Commission on Democratic Institutions will examine this draft opinion at its meeting on 8 June 2023.

## 13. Exchange of views with the Commissioner for Human Rights

Ms Dunja Mijatović, Commissioner for Human Rights, will address the Venice Commission.

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

#### 14. Bosnia and Herzegovina

*Draft joint opinion of the Venice Commission and OSCE/ODIHR on the draft Law of Republika Srpska on the Special Registry and Publicity of the Work of Non-Profit Organizations*

The Commission is invited to hold an exchange of views with a representative of Bosnia and Herzegovina and to examine, with a view to adoption, the draft joint opinion of the Venice Commission and OSCE/ODIHR ([CDL\(2023\)024](#)) (SJ/ob) on the draft Law of Republika Srpska on the Special Registry and Publicity of the Work of Non-Profit Organizations ([CDL-REF\(2023\)024](#)), drawn up on the basis of comments by Ms Kjerulf-Thorgeirsdottir, Ms Hanna Suchocka (Honorary President, expert) and Mr Kaarlo Tuori (Honorary President, expert), Mr Jeremy McBride and Ms Tatiana Glushkova (OSCE/ODIHR experts). This opinion was requested by ODIHR on 24 April 2023.

#### 15. France

1. *Draft interim opinion on Article 49.3 of the Constitution of France and the established practice, allowing the government to force passage of a bill without a vote unless the Parliament votes a motion of no-confidence*

The Commission is invited to hold an exchange of views with a representative of France and to examine, with a view to adoption, the draft interim opinion ([CDL\(2023\)032](#)) (SGM/is) on Article 49.3 of the Constitution ([CDL-REF\(2023\)021](#)), drawn up on the basis of comments by Mr Alivizatos, Mr Barrett, Ms Biglino, Ms Cartabia, Mr Dimitrov, Mr Grabenwarter and Mr Meridor. This opinion was requested by the Monitoring Committee of the Parliamentary Assembly of the Council of Europe on 28 April 2023. The Sub-Commission on Democratic Institutions will examine this draft opinion at its meeting on 8 June 2023.

2. *Draft 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 Superior Council of Magistracy and the status of the judiciary as regards nominations, mutations, promotions and disciplinary procedures*

The Commission is invited to hold an exchange of views with a representative of France 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\(2023\)014](#)) (MS/CM/ha/ms) on the Superior Council of Magistracy and the status of the judiciary as regards nominations, mutations, promotions and disciplinary procedures of France ([CDL-REF\(2023\)022](#)), drawn up on the basis of comments by Mr Cameron, Mr Gaspar, Mr Kuijer, Mr Pinelli, Ms Hanna Suchocka (Honorary President, expert) and Ms Nina Betetto (Venice Commission expert). This opinion was requested by the Monitoring Committee of the Parliamentary Assembly of the Council of Europe on 28 April 2023.

15:45-16:00	Coffee break
16:00-18:00	Discussion and adoption of opinions on individual countries

## 16. Germany

*Draft joint opinion of the Venice Commission and OSCE/ODIHR on the amendments of the German Federal Election Act and their compliance with Council of Europe standards*

The Commission is invited to hold an exchange of views with Mr Till Steffen, Member of Parliament of Germany and to examine, with a view to adoption, the draft joint opinion of the Venice Commission and OSCE/ODHIR ([CDL\(2023\)015](#)) (PG/vl) on the amendments of the German Federal Election Act and their compliance with Council of Europe standards of Germany ([CDL-REF\(2023\)020](#)), drawn up on the basis of comments by Mr Kask, Mr Langášek, Mr Pinelli, Mr Vilanova and Ms Tamara Otiashvili (OSCE/ODIHR expert). This opinion was requested by the President of the Parliamentary Assembly on 3 March 2023. The Council for Democratic Elections will examine this draft joint opinion at its meeting on 8 June 2023.

## 17. Republic of Moldova

*Draft Follow-up joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe to the opinion on the draft Law on the external assessment of Judges and Prosecutors*

The Commission is invited to hold an exchange of views with Ms Veronica Mihailov Moraru, Minister of Justice of the Republic of Moldova, and to examine, with a view to adoption, the draft joint follow-up opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe ([CDL\(2023\)034](#)) to the opinion on the draft Law on the external assessment of Judges and Prosecutors ([CDL-AD\(2023\)005](#)), drawn up on the basis of comments by Mr Dimitrov, Mr Gaspar, Mr Alexander Baradmidze (former Venice Commission substitute member, expert), Mr Duro Sessa (expert). This opinion was requested by the Minister of Justice of the Republic of Moldova on 15 May 2023.

## 18. Ukraine

*1. Follow-up opinion to the opinion on the draft law on amending some legislative Acts of Ukraine regarding improving the procedure for selecting candidate judges of the Constitutional Court of Ukraine on a competitive basis*

The Commission is invited to hold an exchange of views with Mr Denys Maliuska, Minister of Justice of Ukraine and to examine, with a view to adoption, the draft follow-up opinion ([CDL\(2023\)027](#)) (ML/ad/vl) to the opinion on the draft law on amending some legislative Acts of Ukraine regarding improving the procedure for selecting candidate judges of the Constitutional Court of Ukraine on a competitive basis, ([CDL-REF\(2023\)025](#)) drawn up on the basis of comments by Mr Carozza, Ms Cartabia, Mr Darmanović and Mr Grabenwarter. This opinion was requested by the Chairman of the Parliament of Ukraine on 26 May 2023.

*2. Draft opinion on the law on national minorities*

The Commission is invited to hold an exchange of views with Mr Viktor Yelenskyi, Head of the State Service of Ukraine for Ethnic Affairs and Freedom of Conscience and to examine, with a view to adoption, the draft opinion ([CDL\(2023\)031](#)) (PG/ad) on the draft opinion on the law on national minorities ([CDL-REF\(2023\)019](#)), drawn up on the basis of comments by Ms Bílková, Ms Kiener, Ms Otálora-Malassis and Mr Velaers. This opinion was requested by the Monitoring Committee of the Parliamentary Assembly of the Council of Europe on 30 January 2023.

19:30

*Dinner at la Scuola Grande di San Giovanni Evangelista*

**Saturday 10 June 2023**

9:00-11:00

*Exchange of views  
information on reports in preparation*

### **19. Exchange of views with the President of the Mexican Electoral Tribunal**

Mr Reyes Rodriguez Mondragon, President of the Electoral Tribunal of the Federal Judiciary of Mexico, will address the Venice Commission.

### **20. Report on Bicameralism**

The Commission will be informed about the progress of the preparation of the Report on Bicameralism, which will be drawn up on the basis of comments by Ms Bernoussi, Mr Bustos Gisbert, Mr Langášek, Ms Malassis, Mr Newman and Ms Nussberger (questionnaire ([CDL-PI\(2023\)009](#))). This report is being prepared upon initiative by the Venice Commission.

### **21. Code of good practice in electoral matters**

The Commission will be informed about the case law of the European Court of Human Rights relating to the Venice Commission's Code of Good Practice on Electoral matters.

11:00-11:30

*Coffee Break*

11:30-12:30

*Report on the Summit*

*Report of the meeting of the Sub-Commission on Democratic Institutions*

*Report of the meeting of the Sub-Commission on the Protection of National Minorities*

*Information on conferences and seminars*

*Report of the meeting of the Council for Democratic Elections*

*General matters*

### **22. Fourth Summit of Heads of State and Government of the Council of Europe**

The President of the Commission will inform the Commission on the results and conclusions of the Fourth Summit of Heads of State and Government of the Council of Europe, following her participation in the Summit (Reykjavík, Iceland, 16-17 May 2023).

### **23. Report of the Meeting of the Sub-Commission on Democratic Institutions (8 June 2023)**

The Chair of the meeting might inform the Commission on the results and conclusions of the meeting held on 8 June 2023.

[Link to annotated agenda](#)

### **24. Report of the Meeting of the Sub-Commission on the Protection of Minorities (8 June 2023)**

The Chair of the meeting might inform the Commission on the results and conclusions of the meeting held on 8 June 2023.

[Link to annotated agenda](#)

## 25. Information on Conferences and Seminars

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

- 20th meeting of the Joint Council on Constitutional Justice of the Venice Commission and mini-conference on the topic “Measures taken by States in response to the COVID-19 crisis and their impact on constitutional justice – constitutional case-law on emergency situations”, Sofia, 24-25 April 2023;
- Conference on the European Constitutional Heritage, Strasbourg, 4-5 May 2023;
- PACE Conference on Elections in Times of Crisis – Challenges and Opportunities, Bern, 9-10 May 2023;
- International Conference on Cybersecurity and Elections, Madrid, 10-12 May 2023;
- International conference on the Development of Trend Models of the Institute of Constitutional Complaint in Central Asian Countries, Samarkand, 25-26 May 2023;
- Launching event - South Programme V : Conference on "Protecting human rights, rule of law and democracy through shared standards in the Southern Mediterranean" (South Programme V)", Lisbon, 13-14 March 2023

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

- Conference on “Democracy in Europe: How can parliamentarians help safeguard and strengthen democracy and the rule of law?”, Stockholm, 18–19 June 2023
- Congress on “Digital technologies : Democracy and regulation in Europe and America” Mexico, 19-21 June 2023;
- Stockholm Symposium on “Democracy and the Rule of Law”, Stockholm, 21–22 June 2023,
- International conference on “the Constitution as a Foundation for Building a Democratic State under the rule of law”, Issyk Kul, 21-22 June 2023;
- Conference on “Constitutional Justice: dignity, freedom and justice for all”, Astana, 7-8 September 2023;
- Conference on “Constitutions and War”, Madrid, September 2023;
- Conference on Stability of Electoral Law: a Principle of the European Electoral Heritage”, Barcelona, November 2023;
- Conference on “Money and democracy - an uneasy relationship”, Cologne, December 2023;



## **26. Report of the meeting of the Council for Democratic Elections (8 June 2023)**

The chair of the meeting will inform the Commission on the results and conclusions of the meeting held on 8 June 2023.

The draft joint opinion of the Venice Commission and OSCE/ODIHR on the amendments of the German Federal Election Act and their compliance with Council of Europe standards of Germany falls into the framework of co-operation with the Parliamentary Assembly (see Item 16).

[Link to annotated agenda](#)

## **27. Other business**

## **28. Dates of the next sessions**

136 <sup>th</sup> Plenary Session	6-7 October 2023
137 <sup>th</sup> Plenary Session	15-16 December 2023

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