



Strasbourg, 22 March 2021

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Or. Engl.

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

**126<sup>th</sup> PLENARY SESSION**

**Strasbourg | Kudo (online)**

**19-20 March 2021**

**SYNOPSIS**

Due to the Covid-19 pandemic, the 126<sup>th</sup> Plenary Session was held online.

The Commission:

- Observed one minute of silence in memory of late Mr Alain Lancelot, former substitute member of the Venice Commission in respect of France, Mr Franz Matscher, former member in respect of Austria and Mr Silvano Longhin, former warden of the Scuola Grande di San Giovanni Evangelista;
- Held an exchange of views with Mr Hamazasp Danielyan, Member of Parliament and main Rapporteur on the draft amendments to the Electoral Code of the Republic of **Armenia** and authorized the rapporteurs to prepare an urgent opinion on this matter prior to the next Plenary Session;
- Held an exchange of views with Mr Nikita Belenchenko, Representative of **Belarus** to the Council of Europe, and adopted the opinion on the compatibility with European standards of certain criminal law provisions used to prosecute peaceful demonstrators and members of the “Coordination Council” of Belarus, previously examined by the Sub-Commission on Fundamental Rights at its online meeting on 18 March 2021;
- Held an exchange of views with Mr Josip Grubeša, Minister of Justice of **Bosnia and Herzegovina**, and adopted the opinion on the draft Law on amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina;
- Held an exchange of views with Mr Shalva Papuashvili, First Deputy Chairperson of the Committee of Education, Science and Culture of the Parliament of **Georgia** and adopted:
  - o The joint opinion by the Venice Commission and the OSCE/ODIHR on draft amendments to the Electoral Code, the Law on Political Associations of Citizens and the Rules of Procedure of the Parliament of Georgia, and
  - o The joint opinion by the Venice Commission and the OSCE/ODIHR on draft Article 79.1 of the Electoral Code (revocation of party registration) of Georgia, both previously approved by the Council for Democratic Elections at its online meeting on 18 March 2021;
- Held an exchange of views with Mr Nikoloz Samkharadze, Chairman of the Committee on International Relations of the Parliament of Georgia and with Ms Ekaterine Imedadze, Commissioner, Communications Agency, and adopted the joint opinion of the Venice Commission and the Information Society and Action against Crime Directorate of the Council of Europe (DGI) on recent amendments to the Law on electronic communications and the Law on broadcasting of Georgia;
- Held an exchange of views with Mr Kayrat Mami, Chairman of the Constitutional Council of **Kazakhstan**, and adopted the opinion on the concept paper for improving the legal framework of the Constitutional Council of Kazakhstan;
- Held an exchange of views with Mr Tokon Mamytov, Ombudsman of **Kyrgyzstan**, and adopted the joint opinion by the Venice Commission and the OSCE/ODIHR on the draft Constitution of Kyrgyzstan, previously examined by the Sub-Commission on Democratic Institutions at its online meeting on 18 March 2021;
- Held an exchange of views with Ms Maia Banarescu, People’s Advocate for Children of the **Republic of Moldova**, and adopted the opinion on the draft Law amending some normative acts on the People’s Advocate of the Republic of Moldova;

- Adopted the *amicus curiae* brief on three legal questions concerning constitutional review of law-making procedures in Parliament, requested by the Constitutional Court of the Republic of Moldova;
- Held an exchange of views with Mr Vladimir Leposavić, Minister of Justice, Human and Minority Rights of **Montenegro**, and adopted the opinion on the draft amendments to the Law on the State Prosecution and the draft Law on the Prosecutor's Office for organised crime and corruption of Montenegro;
- Held an exchange of views with Mr Andrey Klishas, Chair of the Federation Council Committee on Constitutional Legislation and State Building of the **Russian Federation**, and with Mr Pyotr Tolstoy, Deputy Chairman of the State Duma of the Federal Assembly, and adopted the interim opinion on constitutional amendments of the Russian Federation, and the procedure for their adoption, previously examined by the Sub-Commission on Democratic Institutions at its online meeting on 18 March 2021;
- Held an exchange of views Ms Cristina Gallach, Secretary of State for Foreign Affairs of **Spain**, and adopted the opinion on the Citizens' security Law of Spain, previously examined by the Sub-Commission on Fundamental Rights at its online meeting on 18 March 2021;
- Held an exchange of views with Mr Andrii Kostin, Chairperson of the Committee on Legal Policy of the Verkhovna Rada (Parliament) of **Ukraine** and with Ms Viktoriia Podgorna, Vice-Chairperson of the Committee on Legal Policy, Chairperson of the Sub-committee on Electronic Democracy, and adopted the joint opinion of the Venice Commission and the OSCE/ODIHR on the draft Law on Political Parties of Ukraine, previously approved by the Council for Democratic Elections at its online meeting on 18 March 2021;
- Held an exchange of views with Mr Andrii Kostin, Chairperson Committee on Legal Policy of the Verkhovna Rada of Ukraine and Ms Olha Sovhyria, Deputy Chairperson of the Committee on Legal Policy, Chairperson of the Sub-committee on Political Reform and Constitutional Law, and adopted the opinion on the draft law on Constitutional Procedure (draft law no. 4533) and alternative draft law on the procedure for consideration of cases and execution of judgments of the Constitutional Court (draft law no. 4533 -1) of Ukraine;
- Held an exchange of views with Mr Olivér Vårhelyi, **European Commissioner for Neighbourhood Policy and Enlargement Negotiation**;
- Authorised the preparation of **two urgent opinions** prior to the next Plenary Session:
  - o On the draft law relating i.a. to the composition of the High Council of Justice of Ukraine and on the draft law concerning the sanctions relating to asset declarations of Ukraine, both requested by the Chairperson of the Verkhovna Rada;
  - o On the draft changes to the electoral legislation of Georgia, requested by the Speaker of the parliament of Georgia;
- Endorsed the Secretariat Memorandum on **Parliamentary Assembly Recommendation 2192(2020)**, "Rights and obligations of NGOs assisting refugees and migrants in Europe";
- Endorsed the **compilation** of Venice Commission opinions and reports concerning **law-making procedures and the quality of law**;
- Adopted the **annual report of activities 2020**;

- Was informed on follow-up to the:
  - o final Opinion on the revised draft constitutional amendments on the Judiciary of **Albania**;
  - o joint opinion of the Venice Commission and the OSCE/ODIHR on draft amendments to the legislation concerning political parties of Armenia;
  - o opinion on the “draft law on amending and supplementing the Law no. 03/I-174 on the Financing of Political Entities (Amended and Supplemented by the Law no. 04/I-058 and the Law no. 04/I-122) and the Law no. 003/I-073 on General Elections (Amended and Supplemented by the Law no. 03/I-256)” of **Kosovo**;
  - o opinion on the suspension of the second paragraph of Article 83 of the Constitution (parliamentary inviolability); opinion on articles 216, 299, 301 and 314 of the Penal Code; opinion on the amendments to the Constitution adopted by the Grand National Assembly on 21 January 2017 and to be submitted to a National Referendum on 16 April 2017 and opinion on the duties, competences and functioning of the criminal peace judgeship of **Turkey**
- Was informed about the assistance which the Council of Europe, including the Venice Commission, is providing to the authorities of Ukraine on **decentralisation**;
- Decided to follow the situation concerning the draft amendments to the Organic law on the **People’s Defender of Armenia**;
- Was informed on the results and conclusions of the online meeting of the **Council for Democratic Elections** held on 18 March 2021, and in particular of the election of Mr Oliver Kask as President of Council for Democratic Elections and Mr Stewart Dickson as vice-President, both for a term of two years;
- Held an exchange of views with representatives of the **Committee of Ministers**, of the **Parliamentary Assembly** and of the **Congress of Local and Regional Authorities of the Council of Europe**;
- Was informed of that the next Plenary Session will be held on **2-3 July 2021** in a **hybrid** form (in Venice with the possibility of participating online);
- Confirmed the dates of the next Plenary Sessions as follows:
  - o 128th Plenary Session                      15-16 October 2021
  - o 129th Plenary Session                      10-11 December 2021