



Strasbourg, 19 December 2022

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

133rd PLENARY SESSION

Venice, 16-17 December 2022

SYNOPSIS

The Venice Commission:

- Held an exchange of views with Mr Artyom Sujyan, Adviser to the Minister of Justice of **Armenia**, and adopted the 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 amendments to the Judicial Code of Armenia, previously examined by the Sub-Commissions on the Rule of Law and the Judiciary at their joint meeting on 15 December 2022;
- Adopted the *amicus curiae* brief for the Constitutional Court of Armenia on certain questions related to the Law on Confiscation of Property of Illicit Origin;
- Held an exchange of views with Mr Givi Mikanadze, Head of the Electoral Reform Working Group, First Deputy of the Georgian Dream Party, and adopted the joint opinion of the Venice Commission and OSCE/ODHIR on draft amendments to the Election Code and the Law on Political Associations of Citizens of **Georgia**, previously approved by the Council on Democratic Elections at its meeting on 15 December 2022;
- Held an exchange of views with Ms Albulena Haxhiu, Minister of Justice of **Kosovo**, and adopted the **follow-up opinion** to the opinion on the draft law of Kosovo on the State Bureau for verification and compensation of unjustified assets;
- Held an exchange of views with Mr Marko Kovač, Minister of Justice of **Montenegro**, and adopted the opinion on the draft amendments to the Law on the Judicial Council and Judges of Montenegro, previously examined by the Sub-Commissions on the Rule of Law and the Judiciary at their joint meeting on 15 December 2022;
- Endorsed the urgent opinion on the amendments to the draft law on amendments to the Law on the President of Montenegro, previously issued on 9 December 2022, in accordance with the Protocol on the preparation of Venice Commission urgent opinions;
- Adopted the *amicus curiae* brief for the Constitutional Court of the **Republic of Moldova** on declaring a political party unconstitutional, previously approved by the Council for Democratic Elections at its meeting on 15 December 2022;
- Held an exchange of views with Ms Veronica Mihailov-Moraru, Secretary of State of the Ministry of Justice of the Republic of Moldova, and adopted the **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 to the joint opinion on the draft Law on the Supreme Court of Justice of the Republic of Moldova;
- Endorsed the urgent opinion on three laws concerning the justice system of **Romania**, previously issued on 15 November 2022 in accordance with the Protocol on the preparation of Venice Commission urgent opinions;
- Held an exchange of views with Ms Maja Popović, Minister of Justice of **Serbia**, and adopted:
 - o the opinion on two draft Laws implementing the constitutional amendments on the prosecution service of Serbia, previously examined by the Sub-Commissions on the Rule of Law and the Judiciary at their joint meeting on 15 December 2022; and
 - o the **follow-up opinion** on three revised draft laws implementing the constitutional amendments on the Judiciary (the draft Law on the Organisation of the Courts, the draft Law on Judges, and the draft Law on the High Judicial Council) of Serbia;
- Held an exchange of views with Ms Elvira Kovács, Vice-President of the National Assembly of

Serbia, and adopted the joint opinion of the Venice Commission and ODIHR on the constitutional and legal framework governing the functioning of democratic institutions in Serbia - Electoral law and electoral administration, previously approved by the Council on Democratic Elections at its meeting on 15 December 2022;

- Adopted the 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;
- Endorsed the **compilation of Venice Commission opinions and reports on vetting of judges and prosecutors**;
- Was informed on **follow-up** to the following opinions:
 - o Opinion on the draft constitutional law "On the Commissioner for Human Rights" of **Kazakhstan**;
 - o Joint opinion on the draft electoral code of the Republic of Moldova;
 - o Joint *amicus curiae* Brief relating to the offence of illicit enrichment for the Constitutional Court of the Republic of Moldova ;
 - o *Amicus curiae* Brief for the Constitutional Court of Ukraine on the limits of subsequent (*a posteriori*) review of constitutional amendments;
- Held an exchange of views with Ms Věra Jourová, **Vice-President of the European Commission and Commissioner for Values and Transparency**;
- Held an exchange of views with Mr Zühtü Arslan, President of the Constitutional Court of **Türkiye**;
- Held an exchange of views with Mr Tiny Kox, **President of the Parliamentary Assembly of the Council of Europe**;
- Held an exchange of views with representatives of the **Committee of Ministers** and the **Congress of Local and Regional Authorities** of the Council of Europe;
- Was informed on constitutional developments in **Palestine*** and in **Japan**;
- Was informed on the results and conclusions of the International Symposium on "**Rule of Law and the judiciary**" (Gatineau, 26-28 October 2022); of the 19th European Conference of Electoral Management Bodies on "**Artificial Intelligence and its potential impact on electoral processes**" (Strasbourg, 14-15 November 2022); of the 16th UniDem Med seminar "on the **Digital transformation of public administration**" (Rabat, 23 and 24 November 2022); 6th **Congress of African Constitutional Courts** (Rabat, 23 and 24 November 2022); the International Symposium on "**The right of citizens to access constitutional justice in the light of comparative systems**" (Algiers, 5-6 December 2022);
- Was informed on the 20th Joint Council on Constitutional Justice and mini-conference on "**Measures taken by States in response to the COVID-19 crisis and their impact on constitutional justice – constitutional case-law on emergency situations**", to be held in Sofia, Bulgaria, on 23-24 April 2023;
- Was informed on the results and conclusions of the meeting of the **Sub-Commission on Working Methods**, held on 15 December 2022, following the recommendations of the **Evaluation Report** of the Venice Commission prepared by the Council of Europe Department of Internal Oversight;
- Was informed on the results and conclusions of the joint meeting of the **Sub-Commissions on the Judiciary and on the Rule of Law** held on 15 December 2022;
- Was informed on the results and conclusions of the meeting of the **Council for Democratic**

Elections on 15 December 2022;

- Was informed on the activities of the **Association of Former Members of the Venice Commission**;
- Was informed that the dates of the **next Plenary Sessions** will be as follows: 10-11 March 2023; **9-10 June 2023**; 6-7 October 2023; 15-16 December 2023.

* This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of Council of Europe member States on this issue.

The opinion for Serbia on two draft Laws implementing the constitutional amendments on the prosecution service of Serbia 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. The amicus curiae brief for the Constitutional Court of Armenia as well as the opinions for Georgia and the Republic of Moldova were 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.