



Strasbourg, 18 December 2023

CDL-PL-PV(2023)004syn
Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

137th PLENARY SESSION

Venice, 15-16 December 2023

SYNOPSIS

The Venice Commission:

- observed a minute of silence in memory of late Mr László Sólyom, former member in respect of Hungary, Mr Ergun Özbudun, former member in respect of Türkiye, Mr Aivars Endzins, former member in respect of Latvia, Mr Khalid Naciri, former member in respect of Morocco, and Mr Owen Masters, former Venice Commission expert;
- 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 Concept Paper concerning the reform of the Ethics and Disciplinary Committee of the General Assembly of Judges of **Armenia**, previously examined by the Sub-Commissions on the Judiciary and on the Rule of Law at their joint meeting on 14 December 2023;
- held an exchange of views with Mr Levan Makhashvili, Head of Cabinet of the Chairman of the parliament of **Georgia**, and adopted:
 - o the joint Opinion of the Venice Commission and ODIHR on the draft amendments to the Election Code and to the Rules of Procedure of the Parliament of Georgia, previously approved by the Council for Democratic Elections at its meeting of 14 December 2023;
 - o the Opinion on the Law on the Special Investigation Service and on the provisions of the Law on Personal Data Protection concerning the Personal Data Protection Service of Georgia, previously examined by the Sub-Commission on Democratic Institutions at its meeting on 14 December 2023;
 - o the Opinion on the provisions of the Law on the Fight against Corruption concerning the Anti-Corruption Bureau of Georgia, previously examined by the Sub-Commission on Democratic Institutions at its meeting on 14 December 2023;
- held an exchange of views with Ms Albulena Haxhiu, Minister of Justice of **Kosovo**, and adopted the follow-up Opinion to the previous Opinions concerning amendments to the Law on the Kosovo Prosecutorial Council, previously examined by the Sub-Commissions on the Judiciary and on the Rule of Law at their joint meeting on 14 December 2023;
- held an exchange of views with Mr Mihail Popșoi, Vice-President of the Parliament of the **Republic of Moldova**, and adopted:
 - o the joint follow-up Opinion of the Venice Commission and ODIHR to the joint Opinion on amendments to the Electoral Code and other related laws concerning ineligibility of persons connected to political parties declared unconstitutional, previously approved by the Council for Democratic Elections at its meeting of 14 December 2023 and examined by the Sub-Commission on Democratic Institutions at its meeting on 14 December 2023;
 - o the joint amicus curiae Brief of the Venice Commission and ODIHR for the Constitutional Court of the Republic of Moldova on the ineligibility of persons connected to political parties declared unconstitutional, previously approved by the Council for Democratic Elections at its meeting of 14 December 2023 and examined by the Sub-Commission on Democratic Institutions at its meeting on 14 December 2023;
- adopted the amicus curiae Brief for the Constitutional Court of **Ukraine** relating to additional sanctions for committing an administrative offence;
- was informed on the work of the **Advisory Group of Experts** in Ukraine;
- was informed on the results and conclusions of the conference on the **Stability of Electoral law**, co-organised with the University of Barcelona (Barcelona, 3 November 2023), and on the

preparation of a possible new interpretative declaration of the Code of Good Practice on Electoral matters in this respect;

- was informed on the results and conclusions of the conference on “Money and Democracy: an uneasy relationship”, co-organised with the Academy for European Human Rights Protection (Cologne, 6-7 December 2023), and was requested by the President of the Parliamentary Assembly to prepare a **checklist on the influence of money on democracy**;
- was informed on progress of work towards a possible interpretative declaration of the Code of Good Practice on Electoral Matters concerning the **use of digital technologies and artificial intelligence during electoral processes**;
- was informed on progress of work on the **report on bicameralism**;
- was informed of the President’s participation in the hearing organised by the Parliamentary Assembly of the Council of Europe (Rome, 4 December 2023), on “The role of the Council of Europe in conflict prevention”, and recalled that the Venice Commission stands and calls for peace through democracy, the rule of law, and respect for human rights;
- was informed on the annual general meeting of Southern and Eastern African Chief Justices’ Forum and the conference on “the role of national judiciaries in dispute resolution under the African continental free trade area (AfCFTA): application of modern technologies for high efficiency in justice dispensation” (Arusha, 23-26 October 2023) and on the conference organised at the occasion of the 20th Anniversary of the Guarantors’ Panel for the Constitutionality of the Laws in San Marino (18 November 2023);
- was informed on constitutional developments in **Japan**;
- following the proposals made by the Committee of Wise Persons, **elected for a term of two years**:

C. Bazy Malaurie (France) as President;

V. Bílková (Czech Republic), M. Cartabia (Italy) and M. Kuijer (Netherlands) as Vice-Presidents;

Z. Knezević (Bosnia and Herzegovina), E. Holmøyvik (Norway), W. Newman (Canada) and A. Nussberger (Germany) as members of the Bureau;

The **Chairs of the Sub Commissions** as follows (with right of participation in the Enlarged Bureau):

Fundamental Rights: J. Velaers (Belgium)

Federal State and Regional State: P. Carozza (United States)

International Law: I. Cameron (Sweden)

Protection of National Minorities: J. Omejeć (Croatia)

Judiciary: N. Alivizatos (Greece)

Democratic Institutions: P. Dimitrov (Bulgaria)

Working methods: M. Frendo (Malta)

Latin America: J.I. Vazquez Marquez (Chile)

Mediterranean Basin: N. Bernoussi (Morocco)

Rule of law: S. Holovaty (Ukraine)

Non-discrimination: T. Otty (United Kingdom)

Ombudsman institutions: R. Barrett (Ireland)

Constitutional Justice: C. Grabenwarter (Austria)¹

¹ The Chair of the Sub-Commission on Constitutional Justice acts as Co-President of the Joint Council on Constitutional Justice.

Scientific Council: B. Mathieu (Monaco)

The **Vice-Chairs of the Sub Commissions** as follows:

Fundamental Rights: V. Petrov (Serbia)
Federal State and Regional State: P. Vilanova Trias (Andorra)
International Law: L. Malksoo (Estonia)
Protection of National Minorities: Q. Qerimi (Kosovo)
Judiciary: R. Deskoska (North Macedonia)
Democratic Institutions: A. Lavins (Latvia)
Working methods: D. Meridor (Israel)
Latin America: R. Bustos (Spain)
Mediterranean Basin: Y. Atar (Turkey)
Rule of law: T. Ojanen (Finland)
Non-discrimination: H. Kjerulf Thorgeirsdottir (Iceland)
Ombudsman institutions: A.Z. Varga (Hungary)
Constitutional Justice: I. Rogov (Kazakhstan)
Scientific Council: P. Bussjäger (Liechtenstein)

The **members and substitute members of the Council for Democratic Elections** as follows:

Members:

Mr S. Darmanović (Montenegro), Vice-President of the Council for Democratic Elections (with right of participation in the Enlarged Bureau)

Mr R. Barrett (Ireland)

Mr E. Holmøyvik (Norway)

Mr P. Vilanova Trias (Andorra)

Substitute members:

Mr O. Kask (Estonia)

Ms I. Milašiūtė (Lithuania)

Ms J. Otálora Malassis (Mexico)

Ms K. Pabel (Austria)

- held an exchange of views with Mr Tiny Kox, **President of the Parliamentary Assembly**;
- was informed of the request of the President of the Parliamentary Assembly on 8 December 2023 to prepare a study on “the rule of law requirements that an amnesty should fulfil”, and of the request on 13 December 2023 of the Senate of **Spain** to prepare an urgent opinion on the parliamentary bill “on amnesty for the institutional, political and social normalisation of Catalonia”, and decided to prepare its opinion on these matters at the latest for the plenary session of March 2024;
- was informed of the request by the Chair of the Monitoring Committee of the Parliamentary Assembly on 11 December 2023 to prepare an opinion on the legislative package on the defense of the national sovereignty of **Hungary**, and decided to prepare its opinion for the plenary session of March 2024;
- held an exchange of views with the representatives of the Parliamentary Assembly and of the **Congress of Local and Regional Authorities** of the Council of Europe;
- held an exchange of views with Mr Francesco Calzavara, Regional Minister of the **Regione Veneto**;
- was informed on the results and conclusions of the meeting of the **Council for Democratic Elections** on 5 October 2023;
- held an exchange of views with Mr Francisco Guerrero, Secretary for Strengthening of Democracy at the **Organisation of American States (OAS)**, and with Mr Gerardo de Icaza,

Director of the Department of Electoral Cooperation and Observation, on the developments and trends in electoral matters in Latin America and the Caribbeans;

- was informed on the Venice Commission's participation as legal advisor in electoral observation missions of the Parliamentary Assembly of the Council of Europe;
- was informed of the adoption by the Committee of Ministers of the **Council of Europe Programme and Budget 2024-2027** and expressed its appreciation for the increase in the Venice Commission's budget;
- was informed that the annual meeting between the Commission's Enlarged Bureau and the **Presidential Committee of the Parliamentary Assembly** of the Council of Europe would be held on 16 December 2023;
- was informed of the meeting of the **Association of Former Members of the Venice Commission**;
- confirmed the dates of the **next Plenary Sessions** as follows: 15-16 March 2024; 21-22 June 2024; 11-12 October 2024; 6-7 December 2024.

The opinion for Kosovo 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 opinions for Armenia, 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.