

VENICE COMMISSION NEWSLETTER

No. 01/2023

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COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

I. MEMBERSHIP, NOMINATIONS



MEMBERSHIP

ALGERIA :

M. Omar BELHADJ
President, Constitutional Court
Mme Leila ASLAOUI (Substitute member)
Judge, Constitutional Court



AUSTRIA – REAPPOINTED:

- **Mr Christoph GRABENWARTER**
President, Constitutional Court
- **Ms Katharina PABEL (Substitute member)**
Professor, Vienna University of Economics and Business



LIECHTENSTEIN – REAPPOINTED:

Mr Peter BUSSJÄGER
Judge, Constitutional Court
Mr Wilfried HOOP (Substitute member)
Partner, Hoop & Hoop



UNITED KINGDOM – REAPPOINTED:

- **Mr Timothy OTTY**
Barrister at Law
- **Mr Murray HUNT (Substitute member)**
Director, Bingham Centre for the Rule of Law



II. DECEMBER 2022 PLENARY - MAJOR DECISIONS



The Venice Commission held its 133d plenary session in Venice, at the Scuola Grande di San Giovanni Evangelista, on 16-17 December 2022, and **adopted the following opinions on:**

- [the amendments to the Judicial Code of Armenia](#), jointly with the DGI;
- [certain questions related to the Law of Armenia on Forfeiture of Assets of Illicit Origin](#) (*amicus curiae* brief);
- [draft amendments to the Election Code and the Law on Political Associations of Citizens of Georgia](#), jointly with the OSCE/ODHIR;
- [the draft law of Kosovo N°08/L-121 on the State Bureau for verification and compensation of unjustified assets](#) (a follow-up opinion);
- [declaring a political party unconstitutional](#) (the *amicus curiae* brief for the Constitutional Court of the **Republic of Moldova**);
- [the draft law on the Supreme Court of Justice of the Republic of Moldova](#) (joint follow-up opinion with the DGI);
- [the draft amendments to the Law on the Judicial Council and Judges of Montenegro](#);
- legislation of **Serbia**, namely, on:
 - two draft laws implementing the constitutional amendments on [the prosecution service](#),
 - three revised draft laws implementing the constitutional amendments on [the Judiciary](#),
 - the constitutional and legal framework governing the functioning of democratic institutions - [Electoral law and electoral administration](#);
- the 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 on a competitive basis](#).

The Commission **endorsed:**

- the **urgent opinions** on [three laws concerning the justice system of Romania](#) and on the amendments to the draft law on [amendments to the Law on the President of Montenegro](#);
- the **compilation** of Venice Commission opinions and reports on [vetting of judges and prosecutors](#).

The Commission held an exchange of views with:



- Ms Věra Jourová, Vice-President of the European Commission and Commissioner for Values and Transparency;
- Mr Zühtü Arslan, President of the Constitutional Court of Türkiye;
- Mr Tiny Kox, President of the Parliamentary Assembly of the Council of Europe;
- representatives of the Committee of Ministers and the Congress of Local and Regional Authorities of the Council of Europe.

[ALL DECISIONS OF THE DECEMBER 2022 PLENARY](#)

III. OPINIONS UNDER PREPARATION (BY ORDER OF REGISTRATION)



1103/2022 - BOSNIA AND HERZEGOVINA

- **Amicus curiae brief on the functioning on the State Court**
- **Request:** Constitutional Court, Head of Constitutional Case-Law Section - 13/09/2022
- **Adoption:** March 2023

1104/2022 - BOSNIA AND HERZEGOVINA

- **Opinion on the draft law on courts**
- **Request:** Minister of Justice - 30.08.2022
- **Adoption:** March 2023

1117/2022 - REPUBLIC OF MOLDOVA

- **Urgent Opinion on the draft laws on the intelligence and security service and on counterintelligence and intelligence activity**
- **Request:** Speaker of Parliament - 18.11.2022
- **Adoption:** March 2023

1118/2022 - GEORGIA

- **Joint Opinion on the draft law on de-oligarchisation**
- **Request:** Chairman of Parliament - 01.12.2022
- **Adoption:** March 2023

1119/2022 - GEORGIA

- **Follow-up Opinion on amendments to the Organic Law on Common Courts**
- **Request:** Chairman of Parliament - 22.11.2022
- **Adoption:** March 2023

1120/2022 - AZERBAIJAN

- **Joint Opinion on the Law on Political Parties (with OSCE/ODIHR)**
- **Request:** PACE, Monitoring Committee - 15.12.2022
- **Adoption:** March 2023

1121/2022 - UKRAINE

- **Amicus curiae brief related to draft constitutional amendments relating to the appointment and dismissal of the Director of the National Anti-Corruption Bureau and the State Bureau of Investigation**
- **Request:** Acting President of the Constitutional Court - 12.12.2022
- **Adoption:** March 2023

1122/2023 - KYRGYZSTAN

- **Opinion on the Regulations of the Jogorku Kenesh and on Amendments to the Law on the Regulations of the Jogorku Kenesh**
- **Request :** Minister of Justice - 17.01.2023
- **Adoption:** March 2023

1123/2023 - UKRAINE

- **Opinion on the Law on the National Minorities (communities)**
- **Request:** PACE Monitoring Committee - 30.01.2023
- **Adoption:** June 2023

1124/2023 - UKRAINE

- **Opinion on the Law on "Prevention of threats to national security related to excessive influence of persons with significant economic or political weight in public life (oligarchs)"**
- **Request:** PACE Monitoring Committee - 30.01.2023
- **Adoption:** June 2023

IV. ACTIVITIES (CO-)ORGANISED BY THE VENICE COMMISSION



- 14-15/11/2022 - Strasbourg, FRANCE

19TH EMBS CONFERENCE “ARTIFICIAL INTELLIGENCE AND ELECTORAL INTEGRITY”

By linking the concepts of artificial intelligence and electoral integrity, the 19th EMBS Conference addressed:

1. the impact of the use of AI systems in the organisation and conduct of electoral processes,
2. the impact of the AI systems on the work of electoral administrations, and
3. the lessons to be learned.

- [Conclusion of the 19th EMBS Conference](#)
- [Website of the EMBS](#)



- 22-24/11/2022 - Rabat, MOROCCO

16TH UNIDEM SEMINAR "THE DIGITAL TRANSFORMATION OF PUBLIC ADMINISTRATION"

Around 70 international experts and senior public officials from the Southern Mediterranean (Egypt, Jordan, Morocco, Palestine* and Tunisia) were invited to present their experience and exchange views during the seminar. This seminar was an opportunity to present the standards and the work of the Council of Europe in these areas like as well as the OECD framework for digital talent and skills in the public sector (see links below).

- [Final report and recommendations](#)



- 8-9/12/2022 - Astana, KAZAKHSTAN

“ADVERSARIAL TRIAL AND EQUALITY OF ARMS IN CRIMINAL PROCEEDINGS”

The conference was held in a hybrid format and was opened by the Chairman of the Supreme Court of the Republic of Kazakhstan, Mr Zhakyp Asanov. This event saw the participation of high-level representatives from the Venice Commission (Estonia, Georgia, Ireland, Moldova and UK), Kazakhstan and other Central Asian countries (Kyrgyzstan, Tajikistan and Uzbekistan).

[Learn more about the event](#)



WCCJ - NEW MEMBERS

On 27 December 2022 the Supreme Court of The Gambia and on 9 January 2023 the Federal Supreme Court of Iraq joined the World Conference on Constitutional Justice which now has 120 members.

[Website of the WCCJ](#)

IV. PRESIDENT'S ACTIVITIES



- **MONTENEGRO – The Constitutional Court should become operational with no further delay - Statement by the President - 23/11/2022**

Paris – On 23 November 2022 the President of the Venice Commission, Ms Claire Bazy Malaurie, has made the following statement:

"Constitutional courts are the guardians of constitutions.

It is essential and urgent that the Constitutional Court of Montenegro be allowed to exercise its role at this time of deep institutional crisis in the country.

I therefore call on all the political forces sitting on the parliament of Montenegro to show their commitment to the democratic functioning of the institutions of the state and to elect without any further delay the four missing judges of the

Constitutional Court by a qualified majority, as stipulated by the Constitution in order to ensure a pluralist composition of the Court.

The implementation of the Constitution requires the loyal cooperation among all state institutions. "

[All statements by the Commission and its Presidents](#)

EUROPEAN UNION – EXCHANGE OF VIEWS - 05/12/2022

Brussels - The President of the Venice Commission Claire Bazy Malaurie and Vice-President Michael Frendo met with European Parliament President **Roberta Metsola** and discussed how to strengthen the synergy between the two institutions. On the same day, they exchanged views with European Commission Vice President **Věra Jurová** on the current rule of law challenges in Europe.



- **UKRAINE – Follow-up to the Opinion adopted in December 2022**

On 25 January 2023, Ms Claire Bazy-Malaurie, President of the Venice Commission, sent a letter to Mr Ruslan Stefanchuk, Chairman of the Verkhovna Rada of Ukraine, concerning follow-up to the opinion CDL-AD(2022)054 adopted by the Venice Commission at its 133rd plenary session (Venice, 16-17 December 2022).

- [Letter on the follow-up to the opinion CDL-AD\(2022\)054](#)
- [Text of the opinion CDL-AD\(2022\)054](#)

V. FORTHCOMING REPORTS, STUDIES AND COMPILATIONS & PUBLICATIONS



REPORTS AND STUDIES

- **LEGAL FRAMEWORK AND PRACTICES OF EU MEMBER STATES DURING THE COVID-19 CRISIS AND THEIR IMPACT ON DEMOCRACY, THE RULE OF LAW AND FUNDAMENTAL RIGHTS – FINAL REPORT**
Request: President of the European Parliament
- **FOSTERING HEALTHY DEMOCRACY IN EUROPE - STUDY**
- **KEY PRINCIPLES OF DEMOCRACY IN UNION GOVERNANCE, IN PARTICULAR THE SEPARATION OF POWERS, ACCOUNTABILITY AND CHECKS AND BALANCE - STUDY**
Request: President of the European Parliament
- **FEDERALISM AND BICAMERALISM - STUDY**
- **INDEPENDENCE OF THE JUDICIARY: PART I – JUDGES: PART II – PROSECUTORS**
REPORT (UPDATE)
- **COMPOSITION OF THE CONSTITUTIONAL COURTS - REPORT (UPDATE)**

COMPILATIONS

- **CONSTITUTIONAL JUSTICE (UPDATE)**
- **PROTECTION OF NATIONAL MINORITIES (UPDATE)**

PUBLICATIONS



- **E-BULLETIN ON CONSTITUTIONAL CASE-LAW - [ISSUE 2022/1](#)**



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