

VENICE COMMISSION NEWSLETTER

No. 02/2023

REYKJAVÍK
SUMMIT
Council of Europe



SOMMET DE
REYKJAVÍK
Conseil de l'Europe

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I. MEMBERSHIP / NOMINATIONS



MEMBERSHIP / NOMINATIONS

PORTUGAL

Mr António Henriques GASPAR (reappointed)

Judge Councillor, Supreme Court of Justice, Former President of the Supreme Court and of the High Judicial Council

Mr Rui Filipe Serra SERRÃO PATRÍCIO (Substitute member)

Partner, Morais Leitão, Galvão Teles, Soares da Silva & Associados



DENMARK

• **Mr Jørgen Steen SØRENSEN** (reappointed)

Supreme Court Judge

• **Mr Thomas RØRDAM** (Substitute member)

Former President, Supreme Court



SAN MARINO

Mr Fabio GIOVAGNOLI

Deputy Head, National Court of the Republic of San Marino



SLOVAKIA – REAPPOINTED:

• **Ms Jana BARICOVÁ**

Judge, Constitutional Court

• **Mr Peter MOLNAR** (Substitute member)

Judge, Constitutional Court



GERMANY

Ms Angelika NUSSBERGER (reappointed)

Vice-President of the Venice Commission, Former Vice-President of the European Court of Human Rights, Professor, University of Cologne, Director, Institute for Eastern European Law

Mr Andreas PAULUS (Substitute member)

Fmr. Justice of the Federal Constitutional Court, Director, Institute of International and European Law, University of Göttingen



REPUBLIC OF KOREA:

• **Mr Kiyoungh KIM**

Justice, Constitutional Court



II. MARCH 2023 PLENARY SESSION - MAJOR DECISIONS

The 134th plenary session was held on 10-11 March 2023 in Venice at the Scuola Grande di San Giovanni Evangelista. The Commission:

- **Held one minute of silence** in commemoration of the victims of the earthquake in **Türkiye** and **Syria**;
- **Adopted the following opinions on:**
 - the Law on Political Parties of Azerbaijan (jointly with OSCE/ODHIR);
- **Bosnia and Herzegovina:**
 - the draft law on the courts;
 - the question of the appellate review in the Court of Bosnia and Herzegovina (*amicus curiae* brief);
- **Georgia:**
 - the draft law on "de-oligarchisation" (interim opinion);
 - follow-up to four previous opinions on the amendments to the Organic Law on Common Courts;
- the Regulations of the Jogorku Kenesh and on amendments to the Law on the Regulations of the Jogorku Kenesh of the Kyrgyz Republic;
- **Republic of Moldova:**
 - the interim opinion on the draft law on limiting excessive influence in the economic and public life ("de-oligarchisation"),
 - the draft law on the external assessment of judges and prosecutors (full vetting) (jointly with the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe);
 - the draft law the Intelligence and Security Service, as well as on the draft law on counter-intelligence and external intelligence activity;
- follow-up to its previous opinion on the draft amendments to the Law on the Judicial Council and Judges of Montenegro;
- certain questions related to the procedure for appointing to office and dismissing the Director of the National Anti-Corruption Bureau and the Director of the State Bureau of Investigation of Ukraine (*amicus curiae* brief).



The Commission also adopted:

- the **Principles of Conduct** for Members, substitute members and experts of the Venice Commission, and amendments to the Commission's **Rules of Procedure**;
- **Annual Report of Activities 2022**.

It was announced that the Chairman of the parliament of **Georgia** had requested to **withdraw its recent request for an opinion** on the draft laws on the "Transparency of Foreign Influence" and on the "Registration of Foreign Agents" of Georgia, and that a decision as to whether to accept such withdrawal would be taken once the relevant domestic parliamentary procedure is concluded.

ALL DECISIONS OF MARCH 2023 PLENARY SESSION

III. OPINIONS UNDER PREPARATION (1/2) (BY ORDER OF REGISTRATION)



1055/2021 - 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

1118/2022 - GEORGIA

- **Final Joint Opinion on the draft law on de-oligarchisation**
- **Request:** Chairman of Parliament - 01/12/2022
- **Adoption:** June 2023

1123/2023 - UKRAINE

- **Opinion on the Law on the National Minorities (communities)**
- **Request:** PACE Monitoring Committee - 30/01/2023
- **Adoption:** June 2023

1125/2023 - REPUBLIC OF MOLDOVA

- **Final Opinion on the draft law on limiting excessive economic and political influence in public life (de-oligarchisation)**
- **Request:** Minister of Justice - 13/02/2023
- **Adoption:** June 2023

1127/2023 - GERMANY

- **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**
- **Request:** Parliamentary Assembly, President - 03/03/2023
- **Adoption:** June 2023

1130/2023 - FRANCE

- **Opinion on the Article 49.3 of the Constitution 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**
- **Request:** Parliamentary Assembly, Monitoring Committee - 28/04/2023
- **Adoption:** June 2023

1131/2023 - FRANCE

- **Opinion on the Superior Council of Magistracy and the status of the judiciary as regards nominations, mutations, promotions and disciplinary procedures**
- **Request:** Parliamentary Assembly, Monitoring Committee - 28/04/2023
- **Adoption:** June 2023

1132/2023 - BOSNIA AND HERZEGOVINA

- **Joint Opinion of the Venice Commission and OSCE/ODIHR on the draft law of Republika Srpska on the Special Registry and Transparency of the Work of Non-Profit Organisations**
- **Request:** OSCE/ODIHR, Director - 24/04/2023
- **Adoption:** June 2023

III. OPINIONS UNDER PREPARATION (2/2)

(BY ORDER OF REGISTRATION)



1133/2023 - REPUBLIC OF MOLDOVA

- **Follow-up opinion to the opinion on the draft law on the external assessment of judges and prosecutors**
- **Request:** Minister of Justice - 15/05/2023
- **Adoption:** June 2023

1134/2023 - KYRGYZSTAN

- **Opinion on the Draft Law "On the Mass Media"**
- **Request:** Minister of Justice - 19/05/2023
- **Adoption:** October 2023

1135/2023 - UKRAINE

- **Follow-up opinion on draft law no. 9322 of 25 May 2023 "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"**
- **Request:** Chairman of Parliament - 25/05/2023
- **Adoption:** June 2023

IV. 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
- **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:** UPDATE OF THE [REPORT OF 2010](#)
- **INDEPENDENCE OF THE JUDICIARY: PART II – PROSECUTORS:** UPDATE OF THE [REPORT OF 2010](#)
- **COMPOSITION OF THE CONSTITUTIONAL COURTS - UPDATE OF THE [REPORT OF 1997](#)**

- COMPILATIONS

- **CONSTITUTIONAL AMENDMENTS** ([UPDATE](#) JUST PUBLISHED)
- **COURTS AND JUDGES** (UPDATE)
- **QUALIFIED MAJORITIES AND ANTI-DEADLOCK MECHANISMS** (UPDATE)
- **BICAMERALISM**
- **BAR ASSOCIATIONS**

- PUBLICATIONS



- **E-BULLETIN ON CONSTITUTIONAL CASE-LAW - ISSUE 2022/3**

RECENT ACTIVITIES OF THE PRESIDENT



ACTIVITIES OF THE PRESIDENT

COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE - PRESENTATION OF THE 2022 ANNUAL REPORT OF ACTIVITIES OF THE COMMISSION - 19/04/2023

Council of Europe, Strasbourg - The President of the Venice Commission, Ms Claire Bazy Malaurie, presented the 2022 Annual Report of Activities of the Commission to the Committee of Ministers of the Council of Europe.

The presentation was followed by an exchange of views with the Ambassadors of the member and observer States of the Council of Europe.

- [2022 Annual Report of Activities](#)



UKRAINE – THE PRESIDENT OF THE VENICE COMMISSION MEETS WITH THE PRESIDENT OF UKRAINE

04/05/2023 - 05/05/2023

Kyiv - As part of an official visit to Ukraine on 4 and 5 May 2023 to discuss the reform of the Constitutional Court of Ukraine, legislation on de-oligarchisation and on national minorities, a delegation led by the President of the Venice Commission, Ms Claire Bazy Malaurie, met with the President of Ukraine, Mr Volodymyr Zelensky.

During her visit to Kyiv, the President of the Venice Commission, accompanied by the Secretary of the Venice Commission, Ms Simona Granata-Menghini, the Vice-President of the Venice Commission, Ms Angelika Nussberger, and members of the Venice Commission, Mr Philip Dimitrov and Mr Jan Velaers, also met with the Speaker of the Verkhovna Rada, the Minister of Foreign Affairs, the Deputy Prime Minister for European and Euro-Atlantic Integration and the Minister of Justice. In addition, the delegation held meetings with the acting President of the Constitutional Court, representatives of civil society and several members of the diplomatic community in Kyiv.

Discussions focused on the close cooperation between the Venice Commission and Ukraine in ensuring effective reforms in line with European standards.

4TH SUMMIT OF THE COUNCIL OF EUROPE

16/05/2023 - 17/05/2023

Reykjavik, Iceland - Ms Claire Bazy Malaurie, President of the Venice Commission, accompanied by Ms Simona Granata-Menghini, Director, Secretary of the Venice Commission, participated in the 4th Summit of the Council of Europe. In the [Final Declaration of the Summit](#), the Heads of State expressed their support for the Venice Commission:

*"We will also ensure the diligent respect for the rule of law, benefitting every citizen and building a European legal community of shared values and dialogue between the jurisdictions of its member States, **including by raising the profile of, and strengthening the Venice Commission**, by for example giving more visibility and status to its Rule of Law Checklist and exploring ways the Organisation can better support the implementation of its recommendations."*



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



- **Lisbon /PORTUGAL** - 15/03/2023

UNIDEM MED - MODERNISATION OF THE PUBLIC ADMINISTRATION IN THE SOUTHERN MEDITERRANEAN - 8TH COORDINATION MEETING AND LAUNCHING EVENT OF THE 5TH PHASE OF THE SOUTH PROGRAMME

The aim of holding the coordinators' meeting at the same time as the launch of the fifth phase of the Southern Programme was to create new synergies between the coordinators and the beneficiaries of the other components of the Southern Programme, as well as to exchange and disseminate Council of Europe standards and conventions to our partners in the region.

- **Sophia /BULGARIA** - 24-25/04/2023

20TH MEETING OF THE JOINT COUNCIL ON CONSTITUTIONAL JUSTICE (JCCJ) AND MINI-CONFERENCE

The aim of holding the coordinators' meeting at the same time as the launch of the fifth phase of the Southern Programme was to create new synergies between the coordinators and the beneficiaries of the other components of the Southern Programme, as well as to exchange and disseminate Council of Europe standards and conventions to our partners in the region.



- **Madrid/SPAIN** - 10-12/05/2023

“CYBERSECURITY AND ELECTIONS: GUARANTEES AGAINST INFORMATION DISORDERS IN THE DIGITAL ARENA - DEMOCRACY, RIGHTS AND ELECTIONS” - IIIRD INTERNATIONAL CONFERENCE

High level civil servants, academics, electoral and cybersecurity experts and journalists from Spanish speaking countries participated in the event. Such international partners as IFES, International IDEA also shared their expertise.

- **Samarkand / UZBEKISTAN** - 25-26/05/2023

MODELS OF CONSTITUTIONAL COMPLAINTS IN CENTRAL ASIAN COUNTRIES - INTERNATIONAL CONFERENCE

The conference gathered high-level representatives from the Constitutional Courts of Uzbekistan, Kazakhstan, Kyrgyzstan, and Tajikistan. Venice Commission experts from France, Austria, Bosnia and Herzegovina and Georgia contributed to the exchanges on best practices with their Central Asian counterparts on the models of constitutional review of legislation. Debates also focused on the individual constitutional complaint as an effective mechanism for the protection of fundamental rights.



FORTHCOMING

- **Venice /ITALY** - 09-10/06/2023

135TH PLENARY SESSION OF THE VENICE COMMISSION

- **Mexico City/MEXICO & online** - 20-21/06/2023

“DIGITAL TECHNOLOGIES: DEMOCRACY AND REGULATION IN EUROPE AND AMERICA” - INTERNATIONAL CONGRESS



The European Commission
for Democracy through Law

-

The Venice Commission of
the Council of Europe

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