

VENICE COMMISSION'S NEWSLETTER

No. 03/2023

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- Opinions under preparation
- Reports & studies, compilations & publications
- Activities (co)organised by the Venice Commission



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

I. MEMBERSHIP, NOMINATIONS (IN CHRONOLOGICAL ORDER)



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:

(both reappointed)

• Ms Jana BARICOVÁ

Judge, Constitutional Court

• Mr Peter MOLNAR (Substitute member)

Judge, Constitutional Court

GERMANY:

Ms Angelika NUSSBERGER (reappointed)

Former Vice-President of the European Court of Human Rights, Professor, Univ. 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



GREECE:

(both reappointed)

• Mr Nicos C. ALIVIZATOS

Professor of Constitutional Law, Athens Law School

• Mr Panayotis VOYATZIS (Substitute member)

Lawyer, General Court of the European Union

REPUBLIC OF KOREA:

Mr Kiyoung KIM

Justice, Constitutional Court

Ms Noh Kong LEE (Substitute member)

Vice Minister of Justice, Ministry of Justice



PERU:

• Mr Gustavo GUTIÉRREZ TICSE

Judge, Constitutional Court

• Mr Manuel MONTEAGUDO VALDEZ (Substitute member)

Judge, Constitutional Court



JUNE 2023 PLENARY - MAJOR DECISIONS



The Venice Commission held its **135th plenary session** in Venice, at the Scuola Grande di San Giovanni Evangelista, on 9-10 June 2023.

The Commission adopted opinions on:

- draft law of Republika Srpska (**Bosnia and Herzegovina**) on the Special Registry and Publicity of the Work of Non-Profit Organisations (jointly with OSCE/ODIHR);
- Article 49.3 of the Constitution of **France** (interim opinion);
- the Superior Council of Magistracy and the status of the judiciary as regards nominations, mutations, promotions and disciplinary procedures of **France** (jointly with the DG-I of the Council of Europe);
- draft law of **Georgia** on de-oligarchisation (final opinion);
- the amendments to the **German** Federal Election Act and their compliance with Council of Europe standards (jointly with OSCE/ODIHR);
- **Republic of Moldova**:
 - draft law on limiting excessive influence in the economic and public life (de-oligarchisation) (the final opinion), and
 - draft law on the external assessment of judges and prosecutors (joint follow-up opinion with DG-I of the Council of Europe);
- **Ukraine**:
 - Law on Prevention of Threats to National Security, Associated with Excessive Influence of Persons Having Significant Economic or Political Weight in Public Life (oligarchs);
 - draft law on amending some legislative Acts regarding improving the procedure for selecting candidate judges of the Constitutional Court of Ukraine on a competitive basis (the follow-up opinion);
 - draft law on national minorities (communities).

The Commission decided to make a **public statement in support of the Constitutional Court of Bosnia and Herzegovina** (issued on 16/06/2023);

During the 135th Plenary Session information on the following issues was shared:

- **Belarus** has withdrawn from its status of associate member of the Venice Commission as of 22 March 2023;
- the results and conclusions of the **Fourth Summit of Heads of State and Government of the Council of Europe** (Reykjavík, Iceland, 16-17 May 2023);
- the **case law of the European Court of Human Rights** relating to the Venice Commission's Code of Good Practice in Electoral Matters;
- the **three-year contract with the Regione del Veneto** on the structural funding of the Venice Commission.

The Commission held an exchange of views with:

- Mr Thomas Godmez, Secretariat General of the Government of France, and Ms Isabelle Jegouzo, Private Office of the Minister of Justice of **France**,
- Mr Till Steffen, Member of Parliament of **Germany**,
- Mr Reyes Rodriguez Mondragon, President of the Electoral Tribunal of the Federal Judiciary of Mexico;
- Ms Veronica Mihailov Moraru, Minister of Justice of the **Republic of Moldova**,
- Mr Denys Maliuska, Minister of Justice of Ukraine and Mr Viktor Yelenskyi, Head of the State Service of **Ukraine** for Ethnic Affairs and Freedom of Conscience,
- Ms Dunja Mijatović, Commissioner for Human Rights of the Council of Europe and representatives of the Committee of Ministers, the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe;

In addition, the participants of the Plenary were informed on recent events coorganised by the Commission and on the follow-up to previously adopted opinions.

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III. OPINIONS UNDER PREPARATION (1/3) (BY ORDER OF REGISTRATION)



1134/2023 - KYRGYZSTAN

Opinion on the draft law "On the Mass Media"

- Request: Minister of Justice - 19/05/2023
- Adoption: October 2023

1136/2023 - POLAND

Urgent Opinion on the Law on the State Commission to Investigate Russian Influence on Internal Security in the Republic of Poland between 2007 and 2022 and on the draft law amending that Law

- Request: PACE Monitoring Committee - 21/06/2023
- Publication: 26/07/2023 ([CDL-PI\(2023\)021](#)) Endorsement: October 2023

1137/2023 - GEORGIA

Follow-up Opinion to previous opinions concerning the Organic Law on Common Courts

- Request: PACE Monitoring Committee - 23/06/2023
- Adoption: October 2023

1138/2023 - THE NETHERLANDS

Joint Opinion of the Venice Commission and Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Judicial Act and the independence of the judiciary

- Request: PACE Monitoring Committee - 02/06/2023
- Adoption: October 2023

1139/2023 - LEBANON

Opinion on the draft law on the administrative judiciary

- Request: Minister of Justice - 23/06/2023
- Adoption: December 2023

1140/2023 - ARMENIA

Joint Opinion of the Venice Commission and the OSCE/ODIHR on the draft amendments to the Electoral Code and related legislation

- Request: Minister of Justice - 12/07/2023
- Adoption: October 2023

1141/2023 - UKRAINE

Joint Opinion of the Venice Commission and the OSCE/ODIHR on the draft law amending certain legislative acts of Ukraine which restrict the participation in the state power of persons associated with political parties whose activities are prohibited by law

- **Request:** PACE Monitoring Committee - 28/04/2023
- **Adoption:** October 2023

III. OPINIONS UNDER PREPARATION (2/3) (BY ORDER OF REGISTRATION)



1142/2023 - UKRAINE

Opinion on the draft law on amendments to Article 51 of the Rules of Procedure of the Verkhovna Rada on political liability of Members of Parliament of Ukraine associated with political parties whose activities have been suspended

- **Request:** Speaker - 26/05/2023
- **Adoption:** October 2023

1143/2023 - REPUBLIC OF MOLDOVA

Follow-up Opinion to the Opinion on the draft law on the Intelligence and Security Service, as well as on the draft law on counterintelligence and external intelligence activity

- **Request:** Speaker - 17/07/2023
- **Adoption:** October 2023

1144/2023 - KYRGYZSTAN

Opinion on the draft constitutional law on the Ombudsman

- **Request:** Ombudsman - 30/06/2023
- **Adoption:** October 2023

1145/2023 - REPUBLIC OF MOLDOVA

Joint Opinion of the Venice Commission and the OSCE/ODIHR on amendments to the Electoral Code of the Republic of Moldova and other related laws concerning ineligibility of persons connected to political parties declared unconstitutional

- **Request:** Speaker - 24/07/2023
- **Adoption:** October 2023

1146/2023 - REPUBLIC OF MOLDOVA

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 draft law on the anti-corruption judicial system and on amending of some normative acts

- **Request:** President of the Republic - 02/08/2023
- **Adoption:** October 2023

1147/2023 - UKRAINE

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 amendments to the Law “On the Judiciary and the Status of Judges” and certain laws on the activities of the Supreme Court and judicial authorities ([CDL-AD\(2020\)022](#))

- **Request:** Chairman of the High Council of Justice - 04/08/2023
- **Adoption:** October 2023

III. OPINIONS UNDER PREPARATION (3/3) (BY ORDER OF REGISTRATION)



1148/2023 - BULGARIA

Opinion on the draft amendments to the Constitution

- Request: Minister of Justice - 04/08/2023
- Adoption: October 2023

1149/2023 - KOSOVO

Follow up opinion to the previous opinions concerning the Law on the Prosecutorial Council

- Request: Speaker - 28/07/2023
- Adoption: December 2023

1150/2023 - MONTENEGRO

Opinion on the draft law on the Government

- Request: Minister of Public Administration - 27/07/2023
- Adoption: October 2023

1151/2023 - CHILE

Opinion on the 2023 process of constitutional reform

- Request: President of the Senate - 09 and 22/08/2023
- Adoption: October 2023

1152/2023 - UKRAINE

Follow-up Opinion to the Opinion on the Law on National Minorities (communities) (draft law #9610)

- Request: Speaker of Parliament - 05/09/2023
- Adoption: October 2023

1153/2023 - REPUBLIC OF MOLDOVA

Joint follow-up of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe to the previous Opinions on the draft Law on the external assessment of Judges and Prosecutors

- Request: Minister of Justice - 08/09/2023
- Adoption: October 2023

1154/2023 - UKRAINE

Urgent Follow-up Opinion to the Opinions on the 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”

- Request: Speaker of Parliament - 05/09/2023
- Publication: 25/09/2023 (CDL-PI(2023)022) Endorcement: October 2023

IV. REPORTS & STUDIES, COMPILATIONS & PUBLICATIONS



• REPORTS AND STUDIES UNDER PREPARATION

- 995/2020 - 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
- 1116/2022 - KEY PRINCIPLES OF DEMOCRACY IN UNION GOVERNANCE, IN PARTICULAR THE SEPARATION OF POWERS, ACCOUNTABILITY AND CHECKS AND BALANCES - STUDY
Request: President of the European Parliament
- 1128/2023 - BICAMERALISM - REPORT
- 1130/2023 - ART. 49.3 OF THE FRENCH CONSTITUTION - REPORT
- JUDICIAL APPOINTMENTS - REPORT (UPDATE OF THE [REPORT OF 2007](#))

• COMPILATIONS

ISSUED ON 18/07/2023:

- COURTS - [CDL-PI\(2023\)020](#)
- JUDGES - [CDL-PI\(2023\)019](#)
- QUALIFIED MAJORITIES AND ANTI-DEADLOCK MECHANISMS - [CDL-PI\(2023\)018](#)

FORTHCOMING:

- BICAMERALISM
- BAR ASSOCIATIONS

• PUBLICATIONS

- “UNIDEM CAMPUS FOR THE SOUTHERN MEDITERRANEAN COUNTRIES”

Legal capacity-building seminars for high level public officials of the region organised by the Venice Commission (brochure)

English, French, Arabic



- E-BULLETIN ON CONSTITUTIONAL CASE-LAW

**Issue 2022/3 - published on 5/07/2023;
Issue 2023/1 - under preparation**

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V. ACTIVITIES (CO-)ORGANISED BY THE COMMISSION



- Mexico City/MEXICO - 20-21/06/2023

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



- Issyk-Kul/KYRGYZ REPUBLIC- 21-22/06/2023

“THE CONSTITUTION AS A FOUNDATION FOR BUILDING A DEMOCRATIC STATE UNDER THE RULE OF LAW” - INTERNATIONAL CONFERENCE



- Astana/ KAZAKHSTAN - 07/09/2023

“CONSTITUTIONAL JUSTICE: DIGNITY, FREEDOM AND JUSTICE FOR ALL” - CONFERENCE



- Madrid/ SPAIN- 14-15/09/2023

“CONSTITUTIONS AND WAR” - INTERNATIONAL SEMINAR



- Rome/ ITALY - 21-22/09/2023

“THE ROLE OF THE OMBUDSMAN IN THE WORLD: BETWEEN REALITY AND POSSIBILITIES” - INTERNATIONAL CONFERENCE

FORTHCOMING

- 136th Plenary Session of the Venice Commission - 6-7 October 2023, Venice, Italy
- Conference on “Stability of Electoral Law” (co-organised with the University of Barcelona) - 3 November 2023, Barcelona, Spain
- Conference on “Money and Democracy – an Uneasy Relationship” (co-organised with the Academy for European Human Rights Protection) - 7-8 December 2023, Cologne, Germany

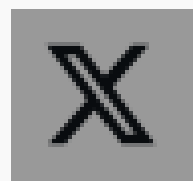


European Commission
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