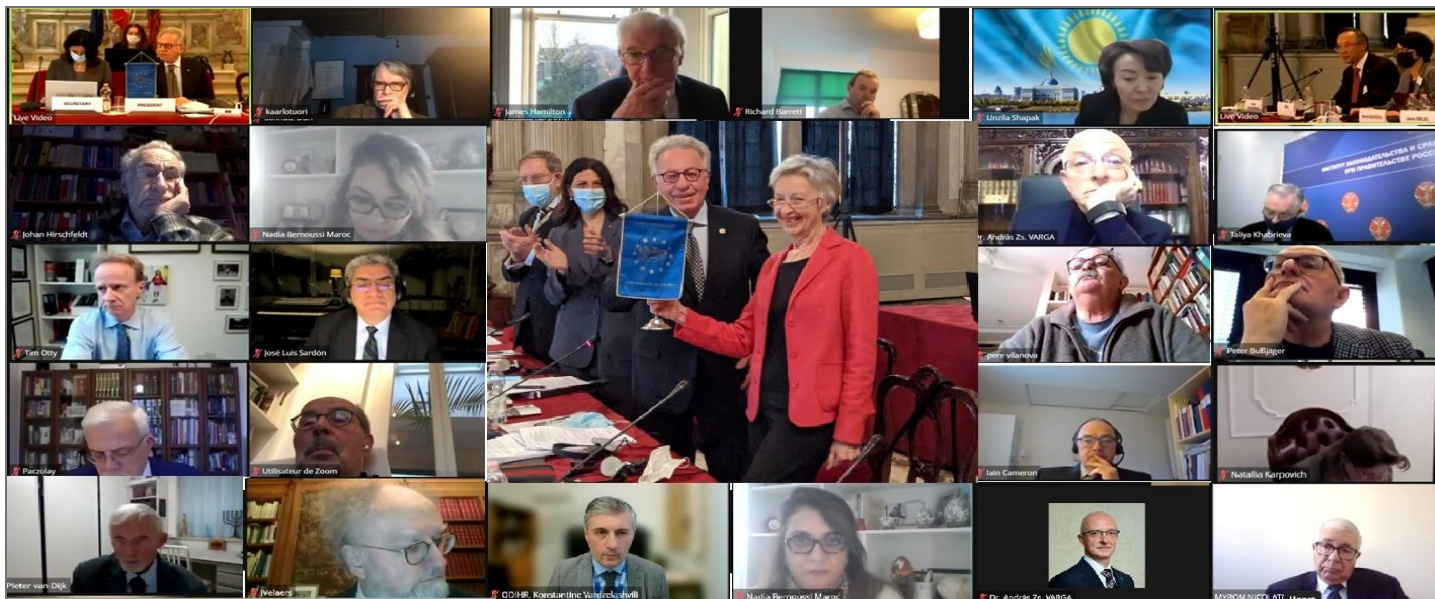


Newsletter

Issue 4/2021



DECEMBER 2021 PLENARY

Page 2

The 129th plenary took place on 10-11 December 2021 in a hybrid form: partly in Venice and online, as it became customary in 2021.

The Commission adopted nine opinions, endorsed two urgent opinions on Serbia and elected new President as well as members of the Bureau and chairs of sub-commissions.

The Commission decided to hold the 130th plenary session on 18-19 March 2022 in hybrid form.

RECENT EVENTS

Page 3

Brief description of some recent events in the major fields of action of the Venice Commission:

- constitutional assistance;
- elections, referendums and political parties;
- constitutional justice;
- neighbourhood policies.

WORK IN PROGRESS

Pages 4 - 5

• In December 2022, Ms Claire Bazy Malaurie, the French member, was elected President of the Venice Commission for the term of two years.

• In the year 2021 the Commission adopted 50 texts for 23 countries, including 11 opinions according to the urgent procedure and 3 *amicus curiae* briefs.

• Information on new requests, opinions' country visits and more.



129th PLENARY SESSION OF THE VENICE COMMISSION OF THE COUNCIL OF EUROPE (10 – 11 December 2021) - MAIN DECISIONS

Venice, Scuola Grande di San Giovanni Evangelista - Due to the Covid-19 pandemic, the 129th Plenary Session was held in a hybrid form, in Venice and online, as it became customary, on 10-11 December 2021. The Venice Commission:

- adopted the following nine opinions on :

- [Albania - Opinion on the Extension of the Term of Office of the Transitional Bodies in charge of the re-evaluation of Judges and Prosecutors](#)
- [Cyprus - Opinion on three Bills reforming the Judiciary](#)
- [Hungary - Opinion on the compatibility with international human rights standards of Act LXXIX amending certain Acts for the protection of children](#)
- [Kazakhstan - Opinion on the draft law "On the Commissioner for Human Rights",](#)
- [Kosovo - Opinion on the draft amendments to the Law on the prosecutorial Council of Kosovo](#)
- [Republic of Moldova:](#)
 - [Amicus curiae Brief for the Constitutional Court on the constitutional Implications of the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence \(Istanbul Convention\);](#)
 - [Joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law \(DGI\) of the Council of Europe on some measures related to the selection of candidates for administrative positions in bodies of self-administration of judges and prosecutors and the amendment of some normative acts;](#)
 - [Opinion on the amendments of 24 August 2021 to the law on the prosecution service](#)
- [Ukraine - Joint Opinion of the Venice Commission and the OSCE/ODIHR on the draft law "On improving the procedure for establishing the impossibility of holding national and local elections, all-Ukrainian and local referenda in certain territories and polling stations",](#)

- endorsed two Urgent opinions on Serbia: [Urgent opinion on the revised draft Law on the Referendum and the People's Initiative](#) and [Urgent opinion on the revised draft constitutional amendments on the judiciary.](#)

- Following the proposals made by the Committee of Wise Persons, the Commission elected for a term of two years its [President, members of the Bureau and chairs of the sub-commissions.](#)

[All the decisions of the December 2021 plenary](#)

RECENT EVENTS

Constitutional assistance



Conference of the Ministers of Justice - "Crime and criminal justice – the role of restorative justice in Europe" 13 - 14/12/2021

Venice, Scuola Grande San Giovanni Evangelista – The Special Representative of the Venice Commission Mr Gianni Buquicchio participated in the Conference of the Ministers of Justice "Crime and criminal justice – the role of restorative justice in Europe". The event was organised in the framework of the Italian Presidency of the Committee of Ministers. [Read more](#)

Elections, referendums and political parties



European cooperation network on elections - Videoconference 24/01/2022

A representative of the Venice Commission participated in a meeting of the European cooperation network on elections, organised by the European Commission, Directorate-General for Justice and Consumers. He intervened on the electoral standards during pandemics.

► [Agenda](#)

Constitutional justice



CHILE – "Who should defend the Constitution?" - Seminar on constitutional courts 27/01/2022

The Constitutional Court of Chile held an online seminar on the system of constitutional justice and the relevance of constitutional courts in defending democracy and the rule of law entitled "Who should defend the Constitution?".

Neighbourhood policy



TUNISIA - Towards strengthening the quality of regulation and legislation - workshop - 02/12/2021

Tunis – In the framework of the "Project for the Improvement, Functioning, Performance and Access to Justice in Tunisia" (AP-JUST) - a joint EU-Council of Europe programme, the Commission and the Centre for Legal and Judicial Studies (CEJJ) under the aegis of the Tunisian Ministry of Justice, organised a training workshop on the quality of regulation and legislation in Tunisia for the benefit of members of the CEJJ and executives of the Ministry of Justice.

Work in progress

In the year 2021 the Commission adopted 50 texts for 23 countries, including 11 opinions according to the urgent procedure and 3 *amicus curiae* briefs.

- [Opinions in the pipeline](#)
- [Forthcoming events](#)



«EMERGENCY SITUATIONS: challenges of legal regulation in modern world» - XI International Congress of Comparative Law - 01/12/2021

Moscow/online - The Institute of Legislation and Comparative Law under the Government of the Russian Federation organised the XI International Congress of Comparative Law entitled «Emergency situations: challenges of legal regulation in modern world». Vice President of the Venice Commission Ms Claire Bazy Malaurie represented the Commission and delivered a report at the plenary session of the Congress on the “Key Issues and Problems of Emergencies in the View of the Venice Commission”.

▸ Programme



Presidential Committee of the PACE - exchange of views with the Enlarged Bureau of the Venice Commission - 11/12/2021

Venice/online – During the 129th plenary session the Enlarged Bureau of the Venice Commission held an exchange of views with the Presidential Committee of the Parliamentary Assembly of the Council of Europe.

The participants discussed the cooperation between two institutions.



New President of the Venice Commission meets the Secretary General of the Council of Europe - 12/01/2022

Strasbourg, Council of Europe – The newly elected President of the Venice Commission, Ms Claire Bazy Malaurie, paid a working visit to the Council of Europe on 12 January 2022. In the course of the visit the President met with the Secretary General of the Council of Europe, Ms Marija Pejčinović Burić. The dignitaries exchanged views on current democratic challenges faced by the Council of Europe’s member States and the assistance the Commission is providing to them.



Recent requests for opinions:

- **Armenia** - the draft laws amending the Judicial Code and the Constitutional Law on the Constitutional Court - the Minister of Justice;
- **Azerbaijan** - Media Law - PACE
- **Chile** - Opinion on certain questions related to the constitutional reform – President of the Senate;
- **Croatia** – the draft law amending the Courts Act (the renewal of the security vetting of judges) - the Minister of Justice and Public of Administration;
- **Georgia** - December 2021 amendments to the Organic Law on Common Courts - PACE
- **Romania** - Opinion on the draft law Dismantling the Section for the Investigation of Offences committed within the Judiciary in Romania - PACE
- **Russia** - amendments to the Federal Law “On the Bar and the Legal Profession” - the Chairperson of the PACE Monitoring Committee;
- **Tunisia** - Opinion on the draft Code on national property, law on confiscation of assets, establishment of an Agency in charge of the confiscation and management of confiscated assets;
- **Ukraine** –
 - *amicus curiae* Brief relating to the constitutional petition of 50 People's Deputies on the constitutionality of the Law "On Introducing Amendments to Article 80 of the Constitution of Ukraine" - Acting President of the Constitutional Court;
 - *amicus curiae* Brief on the limits of subsequent (a posteriori) review of Constitutional amendments by the Constitutional Court – Acting President of the Constitutional Court.



Ms Claire Bazy Malaurie, member of France’s Constitutional Council since 2010, elected new Venice Commission President - 10/12/2021

Venice – Ms Claire Bazy Malaurie, member of the Constitutional Council of France since 2010, today was elected President of the Venice Commission, succeeding Gianni Buquicchio, who has been President since 2009. Her two-year term begins today, and she would be eligible for re-election in 2023. She has been a member of the Venice Commission since 2014.

A graduate of the National School of Administration in France (1978-1980), Madame Bazy Malaurie has held many varied positions in the French government, from Senior Public Auditor of the French Court of Audit (1990-1994) to Director of Hospitals at the French Ministry of Health and Social Affairs (1995-1998). She was member of the Commission for the compensation of victims' losses due to anti-Semitic legislation established during the Nazi Occupation of France (1999-2002) and mediator for collaboration with the academic community on a decree modifying the status of professors (2009). Honours she has received include Officier de la Légion d'honneur (2009) and Officier de l'Ordre national du Mérite (2005). Gianni Buquicchio will continue working with the Venice Commission as “Special Representative”.

† Curriculum vitae of Ms Claire Bazy Malaurie (in French only)