



Strasbourg, 6 December 2021

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Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

129th PLENARY SESSION
VENICE | ZOOM online

Friday 10 December 2021 (10:00-17:00)
Saturday 11 December 2021 (10:00-12:30)

DRAFT ANNOTATED AGENDA

THIS PLENARY SESSION WILL BE HELD IN A HYBRID FORMAT

***MEMBERS WILL PARTICIPATE IN VENICE
(SCUOLA GRANDE SAN GIOVANNI EVANGELISTA)
OR
ONLINE THROUGH ZOOM
(THE LINKS WILL BE SENT IN DUE COURSE)***

Friday, 10 December 2021

10:00-11:30 *Adoption of the Agenda
Communication by the President
Communication by the Enlarged Bureau
Election of the President of the Venice Commission
Communication by the Secretariat
Co-operation with Council of Europe organs
Address by the High Commissioner on National Minorities
Follow-up to earlier Venice Commission opinions*

1. Adoption of the Agenda

2. Communication by the President

The President will present his recent activities ([CDL\(2021\)054](#)).

3. Communication from the Enlarged Bureau

The Commission will be informed on the discussions which took place at the meeting of the Enlarged Bureau on 9 December 2021.

The election of the President of the Commission will take place on Friday morning. The Group of Wise Persons will inform the Commission on its proposals for the elections to the Commission's other positions, to take place on Saturday 11 December 2021.

4. Election of the President of the Venice Commission

The Commission will elect its new President.

5. Communication by the Secretariat

6. Co-operation with the Committee of Ministers

Within the framework of its co-operation with the Committee of Ministers, the Commission will hold an exchange of views with Ambassador Jean-Cédric Janssens de Bisthoven, Permanent Representative of Belgium with the Council of Europe.

7. Co-operation with the Parliamentary Assembly

The Commission is invited to hold an exchange of views with Ms Alexandra Louis, of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE), on co-operation with the Assembly.

The draft opinion on the compatibility with international human rights standards of Act LXXIX amending certain Acts for the protection of children in Hungary falls into the framework of co-operation with the Parliamentary Assembly (see Item 12).

8. Co-operation with the Congress of Regional and Local authorities of the Council of Europe

The Commission is invited to hold an exchange of views with Ms Gudrun Mosler-Törnström, Chair of the Monitoring Committee of the Congress, on co-operation with the Congress.

8b. Address by the OSCE High Commissioner on National Minorities

Mr Kairat Abdrakhmanov, OSCE High Commissioner on National Minorities, will address the Commission.

9. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to the following opinions (see document [\(CDL\(2021\)047\)](#)):

- Armenia: Urgent joint opinion of the Venice Commission and the OSCE/ODIHR on amendments to the Electoral Code and related legislation ([CDL-AD\(2021\)025](#))
- Georgia: Joint Opinion of the Venice Commission and the OSCE/ODIHR on amendments to the Election Code, the Law on Political Associations of Citizens and the Rules of Procedure of the Parliament ([CDL-AD\(2021\)008](#))
- Serbia: Follow-up to the Urgent opinion on the draft law on the referendum and the people's initiative ([CDL-AD\(2021\)033](#))
- Uzbekistan: Follow-up to the OSCE/ODHIR joint opinion on the draft law on freedom of conscience and religious organisations ([CDL-AD\(2020\)002](#))

11:30-11:45 Coffee break

11:45-12:30 Discussion and adoption of opinions on individual countries

10. Albania

Extension of the term of office of the vetting bodies for judges and prosecutors in Albania

The Commission is invited to hold an exchange of views with Ms Klotilda Bushka Head of the Committee of Legal Affairs, Public Administration and Human Rights, Parliament of Albania, and to examine with a view to adoption the draft opinion ([CDL\(2021\)046](#)) (SGM/ja) on the extension of the term of office of the vetting bodies for judges and prosecutors in Albania ([CDL-REF\(2021\)096](#)), drawn up on the basis of comments by Mr Kask, Mr Kuijer, Ms Nussberger, Mr Pinelli, Ms Suchocka and Mr Tuori. This opinion was requested by the Speaker of the Parliament of Albania on 5 November 2021.

The opinion was prepared under the [Expertise Co-ordination Mechanism](#) in the framework of the joint European Union and Council of Europe programme "Horizontal Facility for the Western Balkans and Turkey 2019-2022".

11. Cyprus

Three Bills reforming the Judiciary in Cyprus

The Commission is invited to hold an exchange of views with Ms Stephie Dracos Minister of Justice and Public Order of Cyprus (online), and to examine with a view to adoption the draft opinion ([CDL\(2021\)052](#)) (Sc/is) on three Bills reforming the Judiciary in Cyprus ([CDL-REF\(2021\)091](#)), ([CDL-REF\(2021\)092](#)) and ([CDL-REF\(2021\)093](#)), drawn up on the basis of comments by Mr Frenco, Mr Knežević and Mr Kuijer. This opinion was requested by the Minister of Justice and Public Order of Cyprus on 22 September 2021.

12:30-14:30

Lunch break

14:30-17:00

Discussion and adoption of opinions on individual countries

12. Hungary

Compatibility with international human rights standards of Act LXXIX amending certain Acts for the protection of children

The Commission is invited to hold an exchange of views with Mr Csaba Hende, Deputy Speaker of the Hungarian National Assembly, and to examine with a view to adoption the draft opinion ([CDL\(2021\)048](#)) (SJ/rdp) on the compatibility with international human rights standards of Act LXXIX amending certain Acts for the protection of children ([CDL-REF\(2021\)088](#)), ([CDL-REF\(2021\)089](#)) and ([CDL-REF\(2021\)090](#)), drawn up on the basis of comments by Ms Kiener, Mr Velaers, Mr Vermeulen and Mr Christian Ahlund (expert). This opinion was requested by the Committee on Equality and Non-Discrimination of the Parliamentary Assembly of the Council of Europe on 24 September 2021.

13. Kosovo

Draft amendments to the law on the Prosecutorial Council

The Commission is invited to hold an exchange of views with Ms Albulena Haxhiu, Minister of Justice of Kosovo and to examine with a view to adoption the draft opinion ([CDL\(2021\)045](#)) (GiD/rdp/ba) on the draft amendments to the law on the Prosecutorial Council ([CDL-REF\(2021\)083](#)), drawn up on the basis of comments by Mr Gaspar, Mr Nicolatos and Mr James Hamilton (former member, expert). This opinion was requested by the Minister of Justice of Kosovo on 26 October 2021. The Sub-Commissions on the Rule of Law and on the Judiciary will examine this draft opinion at their joint hybrid meeting on 9 December 2021.

The opinion was prepared under the [Expertise Co-ordination Mechanism](#) in the framework of the joint European Union and Council of Europe programme “Horizontal Facility for the Western Balkans and Turkey 2019-2022”.

14. Republic of Moldova

Amicus curiae brief on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

The Commission is invited to examine with a view to adoption, the draft *amicus curiae* brief ([CDL\(2021\)050](#)) (BK/ba) on the ratification of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), drawn up on the basis of comments by Ms Kjerulf-Thorgeirsdottir, Ms Otálora Malassis, Mr Voyatzis, and Mr Pieter van Dijk (former member, expert). This *amicus curiae* brief was requested by the President of the Constitutional Court of the Republic of Moldova on 27 October 2021.

Amendments of 24 August 2021 to the Law on the Prosecution Service

The Commission is invited to hold an exchange of views with Ms Angela Motuzoc, President of the Supreme Prosecutorial Council, and Mr Sergiu Litvinenco, Minister of Justice of the Republic of Moldova, and to examine with a view to adoption the draft opinion ([CDL\(2021\)044](#)) (GiD/ha) on the amendments of 24 August 2021 to the Law on the Prosecution Service, ([CDL-REF\(2021\)084](#)) and ([CDL-REF\(2021\)094](#)), drawn up on the basis of comments by Ms Deskoska, Ms Suchocka and Mr José Manuel Santos País (expert). This opinion was requested by the Prosecutor General and the President of the Superior Council of Prosecutors of the Republic of Moldova on 23 September 2021. The Sub-Commissions on the Rule of Law and on the Judiciary will examine this draft opinion at their joint hybrid meeting on 9 December 2021.

Draft law 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

The Commission is invited to hold an exchange of views with Mr Sergiu Litvinenco, Minister of Justice of the Republic of Moldova, and to examine with a view to adoption the joint draft opinion ([CDL\(2021\)053](#)) (SGM/vl) of the Venice Commission and DGI, on the draft law 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, ([CDL-REF\(2021\)095](#)) and ([CDL-REF\(2021\)097](#)) drawn up on the basis of comments by Mr Barrett, Mr Gaspar, Mr Alexander Baramidze (expert) and Ms Nina Betetto (DGI expert). This opinion was requested by the Minister of Justice on 17 November 2021.

17:00-19:00 *Aperitif at the Scuola Grande San Giovanni Evangelista*

Saturday 11 December 2021

8:30-9:30 *Exchange of views between the Enlarged Bureau and the Presidential Committee of the Parliamentary Assembly of the Council of Europe*

10:00-10:20 *Elections to the Commission's positions*

10:20-11:00 *Discussion and adoption of opinions on individual countries*

4. contd. Election of the 3 Vice-Presidents and 4 members of the Bureau as well as Chairs and Vice-Chairs of the Sub-Commissions

14a. Meeting between the Enlarged Bureau of the Venice Commission and the Presidential Committee of the Parliamentary Assembly

The Commission will be informed on the results and conclusions of the meeting between the Enlarged Bureau of the Venice Commission and the Presidential Committee of the Parliamentary Assembly held on 11 December.

15. Ukraine

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 Service

The Commission is invited to hold an exchange of views with Mr Andrii Andriiovych Klochko, Chair of the Committee on the Organization of State Power, Local Self-Government, Regional

Development and Urban Planning of the Verkhovna Rada and to examine with a view to adoption the draft joint opinion of the Venice Commission and the OSCE/ODIHR ([CDL\(2021\)049](#)) (MJ/PG/tcf), on the draft law on improving the procedure for establishing the impossibility of holding national and local elections, all-Ukrainian and local referendums in certain territories and polling stations (CDL-REF(2021)077), drawn up on the basis of comments by Mr Barrett, Ms Biglino Campos and Ms Marla Morry, (Expert, OSCE/ODHIR). This opinion was requested by the Chairman of the Committee on the Organisation of State Power, Local Self-Government, Regional Development and Urban Planning of the Parliament of Ukraine on 24/27 September 2021. The Sub-Commissions on the Rule of Law and on the Judiciary will examine this draft opinion at their joint hybrid meeting on 9 December 2021.

The opinion was 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.

11:00-11.30	Coffee break
11:30-12.30	Discussion and adoption of opinions on individual countries Information on constitutional developments in observer States Other business

16. Kazakhstan

Draft law on the Commissioner for Human Rights

The Commission is invited to hold an exchange of views with Mr Shakirov, Deputy Chairman Senate of the Parliament of Kazakhstan, and to examine with a view to adoption the draft opinion ([CDL\(2021\)051](#)) (CM/SK/vm) on the draft law on the Commissioner for Human Rights of Kazakhstan ([CDL-REF\(2021\)087](#)), drawn up on the basis of comments by Mr Helgesen, Mr Sørensen and Mr Dimitris Christopoulos (expert). This opinion was requested by the Deputy Chairman of the Senate of the Parliament of Kazakhstan on 23 September 2021.

17. Serbia

Draft revised constitutional amendments on the judiciary

The Commission is invited to endorse the revised Urgent Opinion of the Venice Commission ([CDL-PI\(2021\)0019rev](#)) (SGM/is) on the draft revised constitutional amendments on the judiciary ([CDL-REF\(2021\)085](#)), drawn up on the basis of comments by Ms Kiener, Mr Kuijer, Ms Nussberger, Mr Scholsem, Mr Tuori and Mr Vilanova Trias. This urgent opinion was requested the Speaker of the National Assembly of Serbia, on 26 October 2021 and was issued on 24 November 2021 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

The draft opinion 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.

Revised draft Law on the Referendum and the People's Initiative

The Commission is invited to endorse the Urgent Opinion of the Venice Commission ([CDL-PI\(2021\)018](#)) (PG/TP/sch/vl) on the revised draft Law on the Referendum and the People's Initiative ([CDL-REF\(2021\)078](#)), drawn up on the basis of comments by Mr Castellà Andreu, Mr Kask and Ms Kiener. This urgent opinion was requested by the Minister of Public

Administration and Local Self-Government of Serbia on 8 October 2021 and was issued on 9 November 2021 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

The draft opinion 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.

18. Information on constitutional developments in observer States

Representatives of observer States are invited to inform the Commission on recent constitutional developments in their countries.

19. Other business

20. Dates of the next Sessions

130 th Plenary Session	18-19 March 2022
131 st Plenary Session	17-18 June 2022
132 nd Plenary Session	21-22 October 2022
133 rd Plenary Session	16-17 December 2022

Please note that the sub-commissions meetings will take place on the day before the Plenary Session.

N.B. Ms Jayne Aparicio, Jayne.Aparicio@coe.int and Mrs Vicky Lee Victoria.Lee@coe.int are the Assistants responsible for the practical organisation of the Plenary Session. Should you have any queries, do not hesitate to contact them.

*Mme Aparicio can be contacted between 9 and 11 December on the following number:
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