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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

REPUBLIC OF MOLDOVA

AMICUS CURIAE BRIEF FOR THE CONSTITUTIONAL COURT OF THE REPUBLIC OF MOLDOVA

ON THE AMENDMENTS TO THE LAW ON THE PROSECUTOR'S OFFICE

Adopted by the Venice Commission
At its 121st Plenary Session
(Venice, 6-7 December 219)

on the basis of comments by:

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I. Introduction

1. By letter of 7 October 2019, Mr Vladimir Turcan, President of the Constitutional Court of the Republic of Moldova requested an *amicus curiae* brief of the Venice Commission (hereinafter – the Brief) for a pending case concerning the constitutionality of some provisions of the Law on the Prosecutor's Office.

2. Mr Richard Barrett, Mr Jørgen Steen Sørensen, Mr Murray Hunt and Mr András Zs. Varga acted as rapporteurs for this Brief.

3. This Brief is based on the English translation of Law no. 3/2016 on the Prosecutor's Office (as in force before the July 2019 Amendments - CDL-REF(2019)41); Law no. 187 of 19 July 2019 ("the July amendments" - CDL-REF(2019)042), and Law no. 128 of September 2019 (the "September amendments" - CDL-REF(2019)043), provided by the authorities. Errors may occur in this *amicus curiae* brief as a result of an inaccurate translation.

4. This Brief was drafted on the basis of comments by the rapporteurs. It was adopted by the Venice Commission at its 121st Plenary Session (Venice, 6-7 December 2019).

II. Background

A. Constitutional framework

5. The case pending before the Constitutional Court was introduced in September 2019 by a group of MPs who contested the constitutionality of the 2019 July and September amendments to the Law on the Prosecutor´s Office. Those amendments essentially concern the process of appointment of the Prosecutor General (the PG) and the role of the Superior Council of Prosecutors (the SCP) in this process (for more detailed description of those amendments see below). The constitutional framework of this case may be summarised as follows.

6. According to the Constitution of the Republic of Moldova (Article 124, "Prosecutor's Office", § 1), the Prosecutor's Office is an "autonomous public institution within the judicial authority". Under Article 125 § 1 and 2 of the Constitution, the PG is both appointed and dismissed by the President of the Republic of Moldova, upon the proposal of the SCP. Under Article 125(1) § 1, the SCP's role is to be "the guarantor of the independence and impartiality of individual prosecutors"; it is "composed, according to the law, of the prosecutors elected from prosecutor's offices of all levels, and of the representatives of other authorities, public institutions or civil society". Under the Constitution, the prosecutors "shall hold a substantial part" within the SCP (§ 2 of the same Article). Other matters related to the organisation and functioning of the SCP are to be regulated by law (§ 4).

B. Procedure of appointing/dismissing the Prosecutor General (the PG) before and after the 2019 amendments

7. The Law on the Prosecutor's Office, as it stood before the 2019 amendments, provided that the SCP consisted of 12 members. The SCP included 4 *ex officio* members: the PG, the chief prosecutor of Gagauzia, the President of the Superior Council of Magistracy and the Minister of Justice. Five members of the SCP were prosecutors elected by the General Assembly of Prosecutors. Three members of the SCP were appointed through competition from among representatives of the civil society, as follows: one by the President of the Republic, one by Parliament and one by the Academy of Sciences of Moldova.

8. Under the previous version of the law, the SCP played a central role in the process of appointment and dismissal of the PG. The law did not provide at the time for the possibility to appoint an interim PG.

9. On 11 July 2019 the PG resigned, and the position became vacant. Later in July 2019, amendments to the Law on the Prosecutor's Office were adopted by Parliament introducing a new procedure for the appointment of an *interim* PG pending the selection of a permanent one. Under the July amendments, within 3 days of their entry into force the SCP should propose a candidate to the President of the Republic. If it does not happen, or if the President rejects the candidate, an interim PG shall be appointed by a decree of the President at the proposal of Parliament, with the opinion of the SCP.

10. These amendments came into force on 23 July 2019. The SCP failed to select a candidate according to the new rules (for want of the quorum), so that on 30 July 2019, Parliament proposed a candidate to the President, who appointed this person as interim PG on 31 July 2019. On 9 August 2019 the SCP announced a public contest for the selection of the candidate to the still vacant position of the permanent PG. Several candidates applied.

11. On 16 September 2019 Parliament adopted Law no. 128 modifying the Law on the Prosecutor's Office. These amendments changed the composition of the SCP and introduced a new procedure for both the appointment and the dismissal of the PG. The most material amendments are summarised below.

12. First, as regards the composition of the SCP, the number of its members was increased from 12 to 15. The number of *ex officio* members was changed from four to six; the two additional *ex officio* members are the President of the Bar Association and the Ombudsman. Four (instead of three) members of the SCP are appointed from amongst civil society representatives: one selected by the President of the Republic, one by Parliament, one by the Government and one by the Academy of Sciences.

13. Second, the September amendments introduced a pre-selection procedure by a Committee under the Ministry of Justice (hereinafter – the "MoJ Committee"), which will now suggest to the SCP a list of candidates for the position of the PG.[1] The MoJ Committee shall be composed of the Minister, one former prosecutor or one former judge, one international expert, a reputable expert or tenured professor in law, one representative of the civil society, and one additional reputable national expert appointed by the Speaker of Parliament. The MoJ Committee shall pre-select, "depending on candidates' professional background and skills, integrity and other abilities/personal traits", by a reasoned decision, at least two candidates and submit the shortlist to the SCP. The SCP may, by a reasoned decision, return the list to the MoJ Committee if at least one candidate does not manifestly comply with the eligibility criteria. The MoJ Committee may decide to resume the pre-selection of candidates and, after removing the infringements objected to, shall then submit to the SCP the same or another list of candidates. The MoJ Committee can reject the decision of the SCP rejecting the list of candidates if the SCP does not invoke reasons based on the eligibility criteria, "or if the list is returned repeatedly". So, in essence the SCP cannot refuse to accept the list proposed by the MoJ Committee otherwise than on formal grounds.[2] When the SCP accepts the list of candidates from the MoJ Committee, it shall evaluate and interview the candidates, and propose the candidate receiving the highest score to the President of the Republic for appointment as the PG.

14. Third, the September amendments introduced a special procedure for removing the PG on broadly defined grounds, including for illegal interference with the lower prosecutors' activities, illegal interference with any public authorities, or conduct having a serious impact on the image

[1] See New Article 17 (8) of the Law on the Prosecutor's Office, as amended in September
[2] See New Article 17 (9)

of the Prosecutor's Office, by a Committee composed under the same rules as provided for the MoJ Committee, which makes a proposal to the SCP.[3]

15. Fourth, some of the eligibility criteria for candidates to the position of the PG were changed. Instead of 10 years of professional experience in the legal field, out of which 5 years in the position of a prosecutor, the amendments now require 10 years of professional experience in the legal field, out of which at least 5 years in the position of a prosecutor or a judge, or 8 years as a lawyer or a criminal investigation officer.

16. Following the adoption of the September amendments the pending procedure of selection of the permanent PG, started by the SCP in August 2019, was terminated, and a new procedure, based on the amended provisions, was started. New candidates (some of whom had participated in the previous procedure) applied, and four of them were pre-selected by the MoJ Committee; the list of these candidates was submitted to the SCP on 18 November 2019.

17. In early November 2019 the Government submitted to Parliament further legislative amendments to the process of selection of the PG and declared that they were a question of confidence. However, the amendments were not adopted, and the government fell.

III. Analysis

18. The Constitutional Court of the Republic of Moldova put before the Venice Commission three questions formulated as follows:

> *Question no.1*: "Are the recently adopted legislative amendments regarding the preselection, the appointing and the removal of the interim General Prosecutor or of a new General Prosecutor apt to affect the competence of the Superior Council of Prosecutors as a constitutional authority which guarantees the principle of independence and impartiality of the prosecutors?"
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> *Question no.2*: "Is it dangerous to change the composition of the Superior Council of Prosecutors by the existence of a majority of its members who are not prosecutors, for the principle of self-administration of prosecutors? Is it desirable that the Minister of Justice is a member of the Superior Council of Prosecutors?"
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> *Question no.3 :* "Is it compatible with the European good practices to stop a pending contest organized by the Superior Council of Prosecutors for proposing a General Prosecutor through a law and to organize a new contest based on the new rules established by this law?"

A. The first question

19. Both amendments – those of July and those of September – affected the role of the SCP in the process of selection of the PG. As regards the interim PG (the July amendments), it now belongs to the Parliament, if the SCP fails to propose a candidate within a tight time-frame, to do so. As to the permanent PG, the September amendments introduced a pre-selection procedure controlled by the MoJ Committee. This effectively changes the role of the SCP in the process of

[3] See New Article 58 (1) of the Law on the Prosecutor's Office, as amended in September: it gives to the Committee composed under the same rules as provided for the MoJ Committee the power to "propose to the Superior Council of Prosecutors dismissal of the Prosecutor General". According to new p. 9, the SCP "may reject *once* [emphasis added] the Committee's proposal to evaluate the work of the Prosecutor General, if the Committee's assessment took place in breach of the legal provisions, or if the arguments put forward by the Committee in the report are not cogent/conclusive/convincing for the dismissal of the Prosecutor General. In both cases, the Superior Council of Prosecutors will provide a detailed argument in favour of the rejection of the report."

appointment of the PG, both interim and permanent. The Constitutional Court has to assess whether it is constitutional.

1. International standards

20. The 2019 amendments may be analysed from two points of view: whether they are compatible with the international standards, and whether they are constitutionally acceptable. On the first point, as it will be shown below (see the answer to Question no .2), there is no international standard requiring a country to have a prosecutorial council (even though this model is sometimes recommended to ensure the autonomy of the prosecution service). So, from this perspective, it is immaterial whether the prosecutorial council appoints the PG single-handedly or other bodies are involved in this process.

21. The Venice Commission has consistently recommended that excessive politicisation of the nomination of the PG should be avoided through provision for a professional and non-political input as to the assessment of the professional qualifications of the candidate.[4] In the Republic of Moldova, such input is provided in principle by the SCP. The mere involvement of an expert body such as the MoJ Committee before the SCP does not necessarily bring an unacceptable element of politicisation.

2. National constitutional perspective

22. While in this area international standards are not strictly prescriptive, the domestic constitutional framework appears to impose a rather strict rule regulating the powers of the SCP in the process of appointment of the PG, which goes beyond what is strictly required. The Venice Commission reiterates that it cannot analyse the constitutionality of the proposed model, but it can give some useful examples or propose a line of reasoning which may be useful for the Constitutional Court of the Republic of Moldova to resolve the case.

23. In its Opinion of October 2019 on the Republic of Moldova, the Venice Commission examined a similar reform concerning the Supreme Council of Magistracy (the SCM). While under Article 123 of the Constitution, the SCM "ensures […] imposing of the disciplinary sentences against judges", the draft law under examination in the October 2019 Opinion put the decision-making power on disciplinary issues in the hands of an Evaluation Committee, not provided by the Constitution.[5]

24. In this regard the Venice Commission opined: "According to Article 123 of the Constitution, '[t]he Superior Council of Magistracy shall ensure the appointment, transfer, removal from office, upgrading and imposing of disciplinary sentences against judges. It therefore clearly belongs to the Superior Council of Magistracy to decide on disciplinary matters. Until and unless Article 123.1 is amended as was planned in 2018,[6] the Venice Commission and the Directorate do not

[4] For example, the Venice Commission have dealt with this as follows in their Opinion on the regulatory concept of the Constitution of the Hungarian Republic: "It is important that the method of selection of the general prosecutor should be such as to gain the confidence of the public and the respect of the judiciary and the legal profession. Therefore, professional, non-political expertise should be involved in the selection process. However, it is reasonable for a Government to wish to have some control over the appointment, because of the importance of the prosecution of crime in the orderly and efficient functioning of the state, and to be unwilling to give some other body, however distinguished, carte blanche in the selection process. It is suggested, therefore, that consideration might be given to the creation of a commission of appointment comprised of persons who would be respected by the public and trusted by the Government" (CDL(1995)073rev, Opinion on the Regulatory concept of the Constitution of the Hungarian Republic, chapter 11, pp. 6 – 7).

[5] CDL-AD(2019)020, Joint Interim Opinion of the Venice Commission and the Directorate of Human Rights (DHR) and Rule of Law (DGI) of the Council of Europe on the draft law on the reform of the Supreme Court of Justice and the Prosecutor's Office of the Republic of Moldova, §§ 52-56,61

[6] CDL-AD(2018)003, Opinion on the law on amending and supplementing the Constitution of the Republic of Moldova (Judiciary), §§ 63-65.

find that the decision may be delegated to other specialized bodies such as the Evaluation Committee."[7]

25. In a 2015 Opinion on North Macedonia, the Venice Commission examined a similar situation – a new body was created at the legislative level which assumed a part of the functions of the Judicial Council in the disciplinary field. Again, the Commission suggested that such redistribution of powers may need a constitutional amendment.[8]

26. These two examples show that any redistribution of decision-making powers which substantially affects the constitutional mandate of a given body requires a constitutional amendment. Otherwise the purpose of creating such a body at the constitutional level would be compromised.

27. That does not mean that the law cannot regulate procedures and make institutional arrangements within the boundaries set by the Constitution. In the Republic of Moldova, the Constitution does not regulate in detail the organisation and the functioning of the SCP (see Article 125 § 4). This means that the Law on the Prosecutors' Office may in principle leave space for other bodies, panels, committees, etc. which contribute to the work of the SCP or to which the SCP may delegate a part of its powers. A special body involved in the process of selection of candidates to the prosecutorial positions can be constitutional if it does not usurp the substantive decision-making power of the SCP. As regards the process of removal of the PG from office, the issue of "dilution" of the constitutional powers of the SPC appears very relevant here as well, and broadly the same principles apply to the analysis of constitutionality of this procedure.

28. If an external body had an advisory role or, for example, carried out some screening of the candidates based on their professional qualifications to ensure the transparency and the integrity of the recruitment process, it would not interfere substantially with the constitutional mandate of the SCP.

29. It belongs to the Constitutional Court of the Republic of Moldova to decide whether the involvement of Parliament in the appointment of the *interim prosecutor*, and of the MoJ Committee in the appointment of a *permanent* one is in line with Article 125 of the Moldovan Constitution.

B. The second question

30. The second question put by the Constitutional Court of the Republic of Moldova concerns firstly the new composition of the SCP: after the September amendments, the proportion of prosecutors elected by their peers in this body was reduced, because of the addition of new *ex officio* members and members representing the civil society. The second limb of this question is about the role of the Minister of Justice as a member of the SCP. Again, this situation may be examined from the national constitutional perspective or in the light of the international standards.

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[7] CDL-AD(2019)020, Joint Interim Opinion of the Venice Commission and the Directorate of Human Rights (DHR) and Rule of Law (DGI) of the Council of Europe on the draft law on the reform of the Supreme Court of Justice and the Prosecutor's Office of the Republic of Moldova, § 61

[8] CDL-AD(2015)042, Opinion on the Laws on the Disciplinary Liability and Evaluation of Judges of "The Former Yugoslav Republic of Macedonia" § 12: "Second, the Venice Commission observes that creation of the CDF represents a radical change compared to the previously existing institutional scheme. In essence, that new body received the exclusive right to initiate disciplinary proceedings against judges, the power which previously belonged to the members of the Judicial Council itself and to some other parties. Under Article 105 of the existing Constitution it is the Judicial Council which "decides on the disciplinary accountability of judges". The Venice Commission is not in a position to assess constitutionality of the new institutional arrangement involving the CDF in this process – it is the prerogative of the Macedonian Constitutional Court. However, it would be more prudent to legitimise the creation of the CDF at the constitutional level as well. […]"

1. National constitutional perspective

31. Looking at it from the national constitutional perspective, the question is whether 7 out of 15 members constitute a "substantial" part of the SCP – as required by Article 125(1) § 2. It seems difficult to dispute that this is the case. This would appear so even if the *ex officio* members were not counted (whereby the number of prosecutors would be reduced to 5). The Constitution does not say that substantial part of the SCP should be prosecutors *elected by their peers*, but just "prosecutors". This is for the Constitutional Court to decide.

32. Another question is whether the SCP, in this new composition, will be able to be the "guarantor of the independence and impartiality" of the prosecutors, as defined by Article 125(1) § 1. The addition of three new members to the SCP (the President of the Bar Association, the Ombudsman and a member of the civil society proposed by the Government) does not seem to threaten the independence of the prosecutors, because the composition of the SCP remains sufficiently pluralistic, the prosecutors still representing a relative majority there. The same concerns the presence of the Minister of Justice as an *ex officio* member of the SCP. For a further analysis of this question it may be useful to analyse the international standards in this field.

2. International standards

33. As to the international perspective, there is an important difference between standards regarding judges and prosecutors. As regards courts and judges, their independence is guaranteed by all major international conventions, by the case-law of the ECtHR and by the relevant instruments of the Committee of Ministers of the Council of Europe.[9] There are different possible ways of guaranteeing the independence of the judiciary: the model recommended by the Council of Europe bodies,[10] including the Venice Commission,[11] involves a judicial council which enjoys sufficient powers and where at least half of members are judges elected by their peers.[12]

34. By contrast, it is recognised that the autonomy of the prosecution service is not a principle of the same normative force as the principle of the independence of the judiciary. The key standard is that sufficient autonomy must be ensured to shield prosecutorial authorities from undue political influence.[13] Hence, while there is a clear trend in international standards recognising the importance of prosecutors being independent of political interference, there are no standards prescribing the existence of a council of prosecutors.[14] Where such Council exists, which appears more and more widespread, there is no requirement that it should necessarily include a majority of prosecutors. There is a delicate balance to be struck between the need to include a significant number of prosecutors, and on the other hand the need to ensure that the body does not become an instrument of corporate self-government.[15]

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[9] See Recommendation CM/Rec(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities

[10] See Magna Carta of Judges (Fundamental Principles), by the Consultative Council of European Judges (CCJE), p. 13: https://www.coe.int/en/web/ccje/ccje-opinions-and-magna-carta

[11] See the Venice Commission Rule of Law Checklist (CD-AD(2016)007), § 81

[12] Although the Venice Commission is mindful of the fact that the judicial council model is not a panacea, and that the proper balance between accountability and independence of the judiciary cannot be achieved solely by creating this institution.

[13] Rule of Law Checklist, § 91.

[14] See the summary of the European standards in Opinion No.9 (2014) of the Consultative Council of European Prosecutors "On European norms and principles concerning prosecutors", https://rm.coe.int/168074738b

[15] The prosecutorial council "cannot be an instrument of pure self-government but derives its own democratic legitimacy from the election of at least a part of its members by Parliament" CDL-AD(2010)040, Report on European Standards as regards the Independence of the Judicial System: Part II - the Prosecution Service, § 41

35. For example, in an opinion on Georgia the Venice Commission noted with approval that prosecutors elected by their peers represented four out of nine members of the prosecutorial council.[16] Another composition of a council, where prosecutors have a slight majority, is also legitimate.[17] "The balance proposed for the Council, in which prosecutors have a slight majority but which contains a significant minority of eminent lawyers […] seems appropriate".[18] By contrast, in its Opinion on Bulgaria (Opinion on the Drafts Amendments to the Criminal Procedure Code and the Judicial System Act concerning criminal investigations against top magistrates, CDL-AD(2019)031), the Venice Commission noted that over-representation of prosecutors in the Prosecutorial Chamber of the Supreme Council for Magistracy of Bulgaria, combined with the subordination of all prosecutors to the Prosecutor General, may be problematic since it creates a *de facto* immunity for the Prosecutor General in certain situations (see also the ECtHR judgment in the case of *Kolevi v. Bulgaria*).[19] Turning back to the situation in Moldova, the balance of power proposed in the September 2019 amendments appears to be in line with the previous recommendations of the Venice Commission.

36. As to the issue of the Minister of Justice being a member of the SCP, no strict European standards against the direct involvement of the Minister of Justice as a member of the SCP exists. Previously, the Venice Commission observed that as long as the role of the executive representative is not decisive, his/her presence in a prosecutorial council would not be inconsistent with best practices; it may even "facilitate dialogue among the various actors in the system".[20] That being said, the Venice Commission recommended replacing the MoJ with a representative of the Ministry,[21] or not giving the right to vote to the Minister in questions related to the transfer of judges and disciplinary measures against judges.[22] It is worth noting that the SCP in the Republic of Moldova does not take decisions concerning judges. The Minister of Justice is only one of 15 members of the Council. Only one other member of the SCP owes their membership of the Council to the Government: the one of the four civil society representatives who is elected by the Government under the September 2019 amendments.[23] The MoJ's participation would therefore not put the SCP under the control of the Government. In such circumstances, the presence of the MoJ in the SCP would not seem objectionable.

C. The third question

37. The third question concerns the effects which the September 2019 amendments had on the procedure of selection of the PG. The question before the Constitutional Court is whether a pending procedure, initiated by a constitutional body (the SCP) may be interrupted by way of a legislative interference introducing new rules of selection of candidates.

38. Legislation which interferes with ongoing *judicial* proceedings, for example by changing the law in a way which determines the outcome of that litigation, may be in breach of the right of access to court for the determination of civil rights and obligations guaranteed by Article 6 of the

[16] CDL-AD(2015)039, Joint Opinion of the Venice Commission, the Consultative Council of European Prosecutors (CCPE) and OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), on the draft Amendments to the Law on the Prosecutor's Office of Georgia, §§ 33, 35 and 36
[17] CDL-AD(2010)040, Report on European Standards as regards the Independence of the Judicial System: Part II - the Prosecution Service, § 41
[18] CDL-AD(2014)042, Interim Opinion on the Draft Law on the State Prosecution Office of Montenegro, § 38
[19] Case of *Kolevi v*. *Bulgaria,* application no. 1108/02, 5 November 2009.
[20] CDL-AD(2018)011, Opinion on the draft amendments to the constitutional provisions on the judiciary of Serbia, § 63
[21] CDL-AD(2014)042, Interim Opinion on the Draft Law on the State Prosecution Office of Montenegro, § 38
[22] CDL-AD (2018)011, Opinion on the draft amendments to the constitutional provisions on the judiciary of Serbia §63
[23] Article 69(4) as amended.

European Convention on Human Rights.[24] However, that is clearly not this case, since no judicial proceedings were engaged. Legislation which pre-empts an ongoing selection procedure for a public appointment does not seem to determine anyone' civil rights and Article 6 of the ECHR is therefore not applicable. Looking at the situation from a broader human rights perspective, it is difficult to identify which human right of the participants (guaranteed at the national, European or international level) was affected by the interruption of the competition. Until the process is finished the candidates are not elected. If the whole process is stopped mid-way for good reasons, it can be unpleasant for the participants, but it is difficult to conclude that the participants had a legitimate expectation (amounting to a "right") to see the process carried through, or, *a fortiori*, to be selected (primarily because of the uncertainties associated with this process). Probably, the participants of the competition may ask to be reimbursed for the expense and inconvenience of making an application which is later overtaken by a legislative intervention, but their entitlement should certainly not go beyond that.

39. From an institutional perspective, there do not seem to exist clear international standards which would help answering this question. From the national perspective, the answer is not evident either. On the one hand, Article 125(1) § 4 of the Constitution entitles Parliament to define, in a law, general procedures to be followed by the SCP. The duty of the SCP is to follow those procedures. On the other hand, the SCP also has a role under the Constitution which should not be usurped by Parliament – this is the role of composing a list and selecting one candidate, to be proposed to the President of the Republic for appointment. The SCP should follow the law, and the legislator should not exceed its law-making power to prevent the SCP from exercising its constitutional mandate.

40. If a legislative amendment was adopted in order to prevent the SCP from nominating a particular candidate, or in order to ensure that certain specific persons may or may not participate in the new competition, or for any improper reasons, this could impinge on the constitutional "division of labour" between the legislator (whose main task is to adopt rules of general application) and the SCP (whose main task, in this context, is to select appropriate candidates for the prosecutorial positions). This would come close to *ad hominem* legislation previously criticised by the Venice Commission.[25]

41. The Venice Commission acknowledges, at the same time, that a legislator may have good reasons to intervene in a pending recruitment procedure which is grossly unfair, inefficient, discriminatory etc. By redefining eligibility criteria and redesigning procedural rules the new legislation may exclude certain candidates from the competition or open the way to new ones who otherwise were not eligible or raise/reduce their chances of success. So, the question whether such legislative intervention into a pending procedure is constitutionally permissible does not have a simple and categorical answer. Most likely, to answer this question the Constitutional Court of the Republic of Moldova will have to decide whether the legislative intervention was justified by weighty considerations of public interest or pursued ulterior reasons.

42. The Venice Commission remains at the disposal of the Constitutional Court for any further assistance in this matter.

[24] Case of *Stran Greek Refineries SA and Stratis Andreadis v. Greece*, application no. 13427/87, 9 December 1994.
[25] See CDL-AD(2016)037, Turkey - Opinion on Emergency Decree Laws N°s 667-676 adopted following the failed coup of 15 July 2016, § 92