



Strasbourg, 19 April 2023

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Or. Engl.

## EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW (VENICE COMMISSION)

### 20<sup>th</sup> Meeting of the Joint Council on Constitutional Justice (JCCJ)

Hyatt Regency Sofia,  
Sofia, Bulgaria

Monday, 24 April 2023

**Training session:**  
from 10 a.m. to 12.30 a.m

**JCCJ Meeting:**  
from 2 p.m. to 5.30 p.m.

## REVISED DRAFT ANNOTATED AGENDA

**Monday, 24 April 2023**

**A. Training session**

**(10 a.m. – 12.30 a.m.)**

The Secretariat will present the preparations for a new CODICES database, the *Guidelines for the presentation of contributions to the Bulletin on Constitutional Case-law*, the functions of liaison officers and the various IT- tools at the disposal of liaison officers:

- a) Public and restricted web-site of the Venice Commission (with password reset procedure), regional and linguistic groups, the World Conference on Constitutional Justice, opinions and reports;
- b) Venice Forum, including Newsgroup, classic Venice Forum, as well as the lists of courts/presidents, secretaries general, and liaison officers;
- c) CODICES database.

**B. Meeting of the Joint Council on Constitutional Justice (JCCJ)**

**(2 p.m. – 5.30 p.m.; Coffee break at 3.30 p.m.)**

**1. Opening**

- Ms Pavlina Panova, President of the Constitutional Court of Bulgaria
- Video address by Ms Claire Bazy Malaurie, President of the Venice Commission

***Group photo***

**2. Adoption of the Agenda**

**3. Communication by the Secretariat**

The Secretariat will inform the participants about the current activities of the Venice Commission.

**4. Updating data on the participating courts**

Liaison officers are invited to let the Secretariat know whether the information regarding their Courts is correct (available in the Venice Forum <https://cs.coe.int/team21/veniceforum/Lists1/Forms/AllItems.aspx>, under “Lists”).

**5. Venice Forum**

The Venice Forum includes the “Classic” Venice Forum, the Newsgroup and the Interim Bulletin. Link: <https://cs.coe.int/team21/veniceforum>

**a. “Classic” Venice Forum**

The Secretariat encourages liaison officers to actively use the classic Venice Forum. The Secretariat will present the guidelines and inform the participants about Venice Forum requests. Liaison officers are invited to share the outcomes of the cases on which Venice Forum requests

have been made.

Link: <https://cs.coe.int/team21/veniceforum/SitePages/Classic%20Venice%20Forum.aspx>

<b>Year</b>	<b>Number of questions received (in total)</b>
2019	25
2020	17
2021	19
2022	28

**b. Venice Forum Newsgroup**

Link: <https://cs.coe.int/team21/veniceforum/default.aspx>

The Newsgroup enables courts to actively share information with each other, e.g. to make on-line announcements on changes to their composition, on recent key judgments and to make various requests for general information.

The Newsgroup is also used by the Secretariat to inform liaison officers about accessions to the World Conference on Constitutional Justice (WCCJ) and appointments of Presidents to Courts.

Liaison officers are alerted every Friday at 4 p.m. CET about new items that are added to the Newsgroup.

Liaison officers, who are new or who have not received these alerts or who cannot access the Venice Forum, are invited to contact the Secretariat.

**c. Constitutional Justice Media Observatory**

Link: <https://cs.coe.int/team21/veniceforum/SitePages/Observatory.aspx>

The Constitutional Justice Media Observatory is sent in the form of an e-mail to members and liaison officers who have subscribed and presents information on news agency dispatches and press articles relating to constitutional courts and equivalent bodies.

The information presented results from an Internet search in English and in French and does not purport to provide a complete picture of any decision or development of constitutional justice in general. Although the Venice Commission cannot vouch for the accuracy of the information sent, it can add any information provided by the court concerned or remove an article, upon request.

Liaison officers may register for the e-mails from the Observatory.

**6. CODICES database**

**a. Upgrading the CODICES database**

Participants will be informed about progress made in replacing the CODICES database with new software.

**b. Updating and indexing constitutions, laws and descriptions in CODICES**

Participants will be informed about the progress made in updating constitutions, laws on and descriptions of courts.

## 7. Publication of the e-Bulletin on Constitutional Case-Law

### a. *Special Bulletin on “Forms and Limits of Judicial Deference: The Case of Constitutional Courts”*

As for previous congresses, Resolution III of the Circle of Presidents of the Conference of European Constitutional Courts (Chisinau/online 25 May 2022) requested the Venice Commission to prepare a special Bulletin for the XIXth Congress of the Conference of European Constitutional Courts (CECC) in May 2024 on the topic “Forms and Limits of Judicial Deference: The Case of Constitutional Courts”. Even if these special bulletins are requested by the CECC, they always cover all member and observer states of the Venice Commission. Therefore, all liaison officers of the JCCJ are invited to contribute *précis* that are relevant to the topic. The Venice Commission Secretariat will make a selection of cases that already exist in CODICES first. It will subsequently ask the liaison officers to confirm this choice and to either amend these *précis* or possibly to provide additional *précis*.

This contribution of *précis* to the Venice Commission is not to be mixed with the national reports from CECC members that are to be submitted to the Presidency of the CECC (the Constitutional Court of the Republic of Moldova) by 11 August 2023. The deadline for the JCCJ liaison officers will be 30 September 2023.

### b. *Regular e-Bulletins*

The Secretariat will invite liaison officers to discuss any issues concerning the preparation of contributions to the e-Bulletin: headnotes, indexing, cross-references, etc.

Liaison officers are invited to share their experience and suggestions for improvement.

## 8. Documentation Centre on Constitutional Justice / Library

The Library of the Documentation Centre on Constitutional Justice (CoCentre), which is composed exclusively of donations, mostly from constitutional courts and equivalent bodies can no longer receive paper bulletins from Courts, which exist on-line, as it no longer has the room to store them. The library can continue to accept individual monographs and periodicals that do not exist on-line (please inform the Secretariat when this is the case). Where available, the Secretariat would prefer to receive PDF versions of books, which do not take up space and can be made available on-line.

The Secretariat of the Venice Commission is grateful to those who have contributed to the library over the years. The list of documents is available at:

<http://www.venice.coe.int/WebForms/cocentre/default.aspx>

## 9. Opinions and studies of the Venice Commission

Participants will be informed about opinions and reports on constitutional justice and the ordinary judiciary, adopted by the Venice Commission since the last meeting of the JCCJ in September 2021, held on-line.

2021
<b>CDL-AD(2021)032</b> English 18/10/2021 - Public <a href="#">Serbia - Opinion on the draft Constitutional Amendments on the Judiciary and draft Constitutional Law for the Implementation of the Constitutional Amendments, adopted by the Venice Commission at its 128th Plenary Session (Venice and online, 15-16 October 2021)</a>
<b>CDL-AD(2021)043</b> English 13/12/2021 - Public

<a href="#">Cyprus - Opinion on three Bills reforming the Judiciary, adopted by the Venice Commission at its 129th Plenary session (10-11 December 2021, Venice and online)</a>
<b>CDL-AD(2021)048</b> English 13/12/2021 - Public <a href="#">Serbia - Urgent opinion on the revised draft constitutional amendments on the judiciary, issued pursuant to Article 14a of the Venice Commission's Rules of Procedure on 24 November 2021, endorsed by the Venice Commission at its 129th Plenary Session (Venice and online, 10-11 December 2021)</a>
<b>2022</b>
<b>CDL-AD(2022)004</b> English 18/03/2022 - Public <a href="#">Chile - Opinion on the drafting and adoption of a new Constitution, adopted by the Venice Commission at its 130th Plenary Session (Venice and online, 18-19 March 2022)</a>
<b>CDL-AD(2022)002</b> English 21/03/2022 - Public <a href="#">Armenia - 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 laws on making amendments to the Constitutional Law in the Judicial Code and to the Constitutional Law on the Constitutional Court, adopted by the Venice Commission at its 130th Plenary Session (Venice and online, 18-19 March 2022)</a>
<b>CDL-AD(2022)008</b> English 06/04/2022 - Public <a href="#">Belarus - Urgent interim opinion on the Constitutional Reform, issued on 21 February 2022 pursuant to Article 14a of the Venice Commission's Rules of Procedure, endorsed by the Venice Commission at its 130th Plenary Session (Venice and online, 18-19 March 2022)</a>
<b>CDL-PI(2022)023</b> English 26/04/2022 - Public <a href="#">Compilation of Venice Commission opinions and reports concerning prosecutors</a>
<b>CDL-PI(2022)026</b> English 27/05/2022 - Public <a href="#">Tunisia - Urgent Opinion "on the constitutional and legislative framework on the referendum and elections announcements by the President of the Republic, and in particular on the decree-law n°22 of 21 April 2022 amending and completing the Organic law on the independent High Authority for Elections (ISIE)", issued on 27 May 2022 pursuant to Article 14a of the Venice Commission's Rules of Procedure</a>
<b>CDL-AD(2022)011</b> English 20/06/2022 - Public <a href="#">Kosovo - Opinion on the Concept Paper on the Vetting of Judges and Prosecutors and draft amendments to the Constitution, adopted by the Venice Commission at its 131st Plenary Session (Venice, 17-18 June 2022)</a>
<b>CDL-AD(2022)012</b> English 20/06/2022 - Public <a href="#">Ukraine - Amicus Curiae brief on the limits of subsequent (a posteriori) review of constitutional amendments by the Constitutional Court, adopted by the Venice Commission at its 131st Plenary Session (Venice, 17-18 June 2022)</a>
<b>CDL-AD(2022)020</b> English 20/06/2022 - Public <a href="#">Lebanon - Opinion on the draft law on the independence of judicial courts, adopted by the Venice Commission at its 131st Plenary Session (Venice, 17-18 June 2022)</a>
<b>CDL-AD(2022)029</b> English 24/10/2022 - Public <a href="#">Republic of Moldova - Joint amicus curiae Brief of the Venice Commission and the OSCE/ODIHR relating to the offence of illicit enrichment, adopted by the Venice Commission at its 132nd Plenary session (Venice, 21-22 October 2022)</a>
<b>CDL-PI(2022)046</b> English 23/11/2022 - Public <a href="#">Ukraine – Urgent Opinion on the draft 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”, issued on 23 November 2022, pursuant to Article 14a of the Venice Commission's Rules of Procedure.</a>
<b>CDL-PI(2022)050</b> English 06/12/2022 - Public <a href="#">Updated Compilation of Venice Commission opinions, reports and studies on constitutional justice</a>
<b>CDL-AD(2022)054</b> English 19/12/2022 - Public <a href="#">Ukraine – Opinion on the draft law "On Amendments to Certain Legislative Acts of Ukraine</a>

<a href="#">on improving the procedure for the selection of candidates for the position of judge of the Constitutional Court of Ukraine on a Competitive Basis", adopted by the Venice Commission at its 133rd Plenary session (Venice, 16-17 December 2022).</a>
<b>CDL-AD(2022)051</b> English 19/12/2022 - Public <a href="#">Republic of Moldova - Amicus curiae brief on declaring a political party unconstitutional, adopted by the Venice Commission at its 133rd Plenary Session (Venice, 16-17 December 2022)</a>
<b>CDL-AD(2022)048</b> English 19/12/2022 - Public <a href="#">Armenia - Amicus curiae Brief for the Constitutional Court of Armenia on certain questions relating to the Law on the Forfeiture of Assets of Illicit Origin, adopted by the Venice Commission at its 133rd Plenary Session (Venice, 16-17 December 2022)</a>
<b>2023</b>
<b>CDL-PI(2023)002</b> English 25/01/2023 - Public <a href="#">Ukraine - Follow-up to the Opinion CDL-AD(2022)054</a>
<b>CDL-AD(2023)001</b> English 13/03/2023 - Public <a href="#">Kyrgyzstan - Opinion on the amendments to the Law on the Rules of procedure of the parliament of the Republic of Kyrgyzstan, adopted by the Venice Commission at its 134th Plenary Session (Venice, 10-11 March 2023)</a>
<b>CDL-AD(2023)002</b> English 14/03/2023 - Public <a href="#">Bosnia and Herzegovina - Amicus curiae Brief on the question of the appellate review in the Courts of Bosnia and Herzegovina, adopted by the Venice Commission at its 134th Plenary Session (Venice, 10-11 March 2023)</a>
<b>CDL-AD(2023)004</b> English 14/03/2023 - Public <a href="#">Ukraine - Amicus curiae Brief relating 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, adopted by the Venice Commission at its 134th Plenary Session (Venice, 10-11 March 2023)</a>

## 10. Co-operation activities

Participants will be informed about the Venice Commission's co-operation with the:

- Conference of European Constitutional Courts (CECC);
- Association of Francophone Constitutional Courts (ACCF);
- Southern African Chief Justices Forum (SACJF);
- Eurasian Association of Constitutional Review Bodies (EACRB);
- Association of Asian Constitutional Courts and Equivalent Institutions (AACC);
- Ibero-American Conference of Constitutional Justice (CIJC);
- Union of Arab Constitutional Courts and Councils (UACCC);
- Conference of Constitutional Jurisdictions of the Portuguese-speaking Countries (CJCPLP);
- Conference of Constitutional Jurisdictions of Africa (CCJA);
- Commonwealth Courts.

## 11. World Conference on Constitutional Justice (WCCJ)

Since the WCCJ's Statute entered into force on 24 September 2011, 121 Constitutional Courts, Constitutional Councils and Supreme Courts exercising constitutional justice have acceded to the WCCJ. The updated list of members is available at: [www.venice.coe.int/WCCJ](http://www.venice.coe.int/WCCJ).

On 4-7 October 2022, the WCCJ held its 5<sup>th</sup> Congress in Bali, Indonesia, hosted by the Constitutional Court of Indonesia, on the topic "Constitutional Justice and Peace", in which a total of 94 delegations from constitutional courts and equivalent institutions took part.

**12. Other business**

**13. Date and place of the next meeting**

Participating courts are invited to inform the Secretariat if they wish to host the 21<sup>st</sup> meeting of the JCCJ in 2024.

**Tuesday, 25 April 2023**

**MINI-CONFERENCE**

**“Measures taken by States in response to the COVID-19 crisis and their impact on constitutional justice – constitutional case-law on emergency situations”**

Tuesday, 25 April 2023 (9:30 a.m. – 4:15 p.m.)

**MINI-CONFÉRENCE**

**« Mesures prises par les Etats en réponse à la crise COVID-19 et leur impact sur la justice constitutionnelle - jurisprudence constitutionnelle sur les situations d'urgence »**

Mardi, 25 avril 2023 (9h30 – 16h15)

**PROGRAMME**

<b>MORNING SESSION</b>		<b>SÉANCE DU MATIN</b>	
9:30 – 9:45 a.m.	<p><b>OPENING</b></p> <p>Ms Pavlina Panova, President of the Constitutional Court of Bulgaria Mr Zlatko Knežević, member of the Venice Commission, Vice-president of the Constitutional Court of Bosnia and Herzegovina</p>	9h30 – 9h45	<p><b>OUVERTURE</b></p> <p>Mme Pavlina Panova, Présidente de la Cour constitutionnelle de Bulgarie, M Zlatko Knežević, membre de la Commission de Venise, Vice-président de la Cour constitutionnelle de Bosnie-Herzégovine</p>
9:45 – 10:00 a.m.	<p><b>“The challenges of the state of emergency in the COVID-19 era - some responses of the Constitutional Court of Serbia”</b></p> <p>Mr Vladan Petrov, Judge of the Constitutional Court of Serbia</p>	9h45 – 10h00	<p><b>« Les défis de l'état d'urgence à l'ère du COVID-19 - quelques réponses de la Cour constitutionnelle de Serbie »</b></p> <p>M. Vladan Petrov, Juge à la Cour constitutionnelle de Serbie</p>
10:00 – 10:10 a.m.	<p><b>Discussion</b></p>	10h00 – 10h10	<p><b>Débat</b></p>
10:10 – 10:25 a.m.	<p><b>“The Court of Justice of the European Union to tackle the health crisis”</b></p> <p>Ms Sally Jansen, Head of the Research and Documentation Department of the Court of Justice of the European Union</p>	10h10 – 10h25	<p><b>« La Cour de justice de l'Union européenne face à la crise sanitaire »</b></p> <p>Mme Sally Jansen, Cheffe de Service de recherche et de documentation de la Cour de justice de l'Union européenne</p>
10:25 – 10:35 a.m.	<p><b>Discussion</b></p>	10h25 – 10h35	<p><b>Débat</b></p>



10:35 – 10:50 a.m.	<p><b>“Rule of Law Must Not Stop during the COVID-19 Pandemic: Croatian Constitutional Court’s case law”</b></p> <p>Ms Mirjana STRESEC, liaison officer, Constitutional Court of Croatia</p>	10h35 – 10h50	<p><b>« L’État de droit ne doit pas s’arrêter pendant la pandémie de COVID-19 : Jurisprudence de la Cour constitutionnelle croate »</b></p> <p>Mme Mirjana STRESEC, agente de liaison, Cour Constitutionnelle de la Croatie</p>
10:50 – 11:00 a.m.	<b>Discussion</b>	10h50 – 11h00	<b>Débat</b>
11:00 – 11:30 a.m.	<b>Coffee break</b>	11h00 – 11h30	<b>Pause-café</b>
11:30 – 11:45 a.m.	<p><b>“COVID-19 v. Constitutional guarantees. A drama in three acts”</b></p> <p>Mr Luis POMED, liaison officer, Constitutional Court of Spain</p>	11h30 – 11h45	<p><b>« COVID-19 c. garanties constitutionnelles. Un drame en trois actes »</b></p> <p>M. Luis POMED, agent de liaison, Cour Constitutionnelle de l’Espagne</p>
11:45 – 11:55 a.m.	<b>Discussion</b>	11h45 – 11h55	<b>Débat</b>
11:55 a.m. – 12:10 p.m.	<p><b>“Covid -19 and the Latvian Constitutional Court: from gambling to YouTube”</b></p> <p>Mr Kristaps TAMUŽS, liaison officer, Constitutional Court of Latvia</p>	11h55 – 12h10	<p><b>« Covid -19 et la Cour constitutionnelle de Lettonie : des jeux d’argent à YouTube »</b></p> <p>M. Kristaps TAMUZS, agent de liaison, Cour constitutionnelle de Lettonie</p>
12:10 – 12:20 p.m.	<b>Discussions</b>	12h10 – 12h20	<b>Débat</b>
12:20 – 12:35 p.m.	<p><b>“The COVID-19 Case Law of the Belgian Constitutional Court”</b></p> <p>Mr Jan THEUNIS, liaison officer, Constitutional Court of Belgium</p>	12h20 – 12h35	<p><b>« La jurisprudence COVID-19 de la Cour constitutionnelle belge »</b></p> <p>Mr Jan THEUNIS, agent de liaison, Cour constitutionnelle de Belgique</p>
12:35 – 12:45 p.m.	<b>Discussions</b>	12h35 – 12h45	<b>Débat</b>
12:45 – 2:30 p.m.	<b>Lunch</b>	12h45 – 14h30	<b>Déjeuner</b>

AFTERNOON SESSION		SÉANCE DE L'APRES-MIDI	
2:30 – 2:45 p.m.	<p><b>“The powers of the Government in a state of emergency and the constitutionality of lockdown measures ”</b></p> <p>Mr António Manuel ABRANTES, liaison officer, Constitutional Court of Portugal</p>	14h30 – 14h45	<p><b>« Les pouvoirs du gouvernement en cas d'état d'urgence et la constitutionnalité des mesures de confinement »</b></p> <p>M. António Manuel ABRANTES, agent de liaison, Cour constitutionnelle du Portugal</p>
2:45 – 2:55 p.m.	<b>Discussions</b>	14h45 – 14h55	<b>Débat</b>
2:55 – 3:10 p.m.	<p><b>“Better safe than sorry? The case of Israel's response to COVID-19”</b></p> <p>Ms Moran YAHAV, liaison officer, Supreme Court of Israel</p>	14h55 – 15h10	<p><b>« Mieux vaut prévenir que guérir ? Le cas de la réponse d'Israël au COVID-19 »</b></p> <p>Mme Moran YAHAV, agente de liaison, Cour suprême d'Israël</p>
3:10 – 4:15 p.m.	<b>DISCUSSIONS AND CLOSING</b>	15h10 – 16h15	<b>DISCUSSIONS ET CLÔTURE</b>