



Strasbourg, 22 April 2026

**CDL-PI(2026)006**

Or. Engl.

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**OF THE COUNCIL OF EUROPE**  
**(VENICE COMMISSION)**

**ICELAND**

**URGENT OPINION**

**ON**

**THE COMPATIBILITY WITH INTERNATIONAL STANDARDS  
OF THE REFERENDUM QUESTION  
ABOUT EU ACCESSION NEGOTIATIONS**

**Issued 22 April 2026 pursuant to Article 14a  
of the Venice Commission's Revised Rules of Procedure**

**on the basis of comments by**

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**Mr Oliver KASK (Substitute member, Estonia)**

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## I. Introduction

1. By letter of 27 March 2026, Mr Pawel Bartoszek, Chair of the Foreign Affairs Committee of the Icelandic Parliament, requested on behalf of the Committee an urgent opinion of the Venice Commission of the Council of Europe on the issue of compatibility with international standards of the draft Parliamentary Resolution providing for a referendum on the basis of three specific questions concerning its clarity, intelligibility and accuracy; its conformity with the principle of legal certainty; and its compliance with international standards.

2. On 31 March 2026, the Bureau of the Venice Commission authorised the preparation of the Opinion through the urgent procedure, pursuant to Article 14a of the Commission's Revised Rules of Procedure.

3. Mr Nicos Alivizatos, Ms Monique Jametti Greiner and Mr Oliver Kask acted as rapporteurs for this opinion.

4. This urgent opinion was prepared in reliance on the English translation of the 2021 Elections Act and of the relevant decisions and information by the Icelandic authorities. The translation may not accurately reflect the original version on all points.

5. This urgent opinion was drafted on the basis of comments prepared by the rapporteurs. Due to the urgency of the matter no meetings could be organised with the authorities during its preparation, but factual information was requested and provided in writing. In line with paragraph 10 of the Venice Commission's Protocol on the Preparation of Urgent Opinions ([CDL-AD\(2018\)019](#)), the draft Urgent Opinion was transmitted to the authorities of Iceland on 17 April 2026 for comments. The Urgent Opinion was then issued on 22 April 2026, pursuant to Article 14a of the Venice Commission's Revised Rules of Procedure. It will be submitted to the Commission for endorsement at its 147<sup>th</sup> Plenary Session (Venice, 12-13 June 2026).

## II. Background

6. In July 2009, the coalition government of Social Democrats and Left Greens submitted an application to join the European Union. On 17 June 2010, the EU granted Iceland candidate status, formally approving the opening of accession negotiations. From the outset, the process was politically contested both within the Parliament and among key political parties, particularly the Independence Party and the Progressive Party, which emphasised the importance of maintaining national sovereignty. Following the 2013 elections, the Progressive Party and the Independence Party formed the Government and suspended accession negotiations to the EU. On 12 March 2015 the Minister of Foreign Affairs informed the EU that the government of Iceland had decided to put the accession negotiations on complete hold and had no intention to resume accession talks.<sup>1</sup> The matter of whether or not the negotiations were actually terminated appears to be disputed in Icelandic society.

7. Following the 2024 elections, the current government was formed by the Social Democratic Alliance, the Reform Party and the People's Party. On 6 March 2026, the Government introduced before parliament (the Althingi) a motion for resolution proposing to hold a referendum on 29 August 2026 on whether or not to continue negotiations on Iceland's accession to the European Union. The coalition platform stated that a referendum on possible reopening of negotiations on the EU accession would be organised before the end of 2027.

8. After the announcement of the referendum in March 2026, the Government engaged in an information campaign promoting the initiative. The official webpage of the Government

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<sup>1</sup> [Iceland - Enlargement and Eastern Neighbourhood - European Commission](#)

provided information about the proposed referendum and informed the voters about the initiative, the previous accession negotiations and the state of affairs at the moment when the negotiations came to a halt.<sup>2</sup> It is stated that “If the outcome of the referendum is a resumption of negotiations, and negotiations are subsequently concluded, there will then be a second referendum putting the question to the Icelandic voter whether Iceland should, in fact, join the EU”.

9. Pursuant to Article 13.1.6 of the Standing Orders of the Althingi,<sup>3</sup> the Foreign Affairs Committee:

*“[...] is responsible for relations with foreign states and international organisations, defence and security, export trade, the affairs of the European Economic Area and international development, as well as foreign and international affairs in general. In addition, the committee shall discuss reports from international committees and the report of the Foreign Minister on foreign and international affairs and EEA affairs.”*

10. The Minister of Foreign Affairs prepared a draft resolution on holding of a referendum, including its subject matter, the wording of the question, and its legal effects that is to be adopted by the Althingi and submitted it to the Foreign Affairs Committee. According to Article 45 of the Standing Orders, such resolution committee cannot be adopted unless it has been approved in two readings.

11. The first reading of the draft resolution on whether to hold a referendum on the continuation of Iceland’s EU accession negotiations took place on 17 March 2026, and the second reading is expected to take place after the local elections to be held on 16 May 2026.

12. The Foreign Affairs Committee has requested the opinion of the Althingi’s Constitutional and Supervisory Committee, which should be provided no later than 27 April 2026. The Committee also issued a call for public comments, with a submission deadline of 7 April 2026. Comments may still be submitted after this date and will be published alongside earlier submissions on the Parliament’s website. According to information received from the authorities, 40 comments had been submitted as of 20 April 2026.

13. On 10 April 2026, the National Electoral Commission submitted its opinion to the Foreign Affairs Committee pursuant to Article 52 para.1 of the Elections Act. The National Electoral Commission expressed the view that the question should be phrased “in a more open manner so that it does not imply a position on the status of Iceland’s negotiations with the European Union”.

14. The Foreign Affairs Committee will invite the stakeholders to appear before it in April 2026. During its assessment of the draft parliamentary resolution, the Foreign Affairs Committee will discuss the proposal and assess the comments and opinions it has received from the different national stakeholders. The Foreign Affairs Committee will prepare the subject for debate in the plenary session and may submit its opinion to the plenary, whether unanimous or reflecting a majority view or a minority view. These opinions can propose the approval of the proposal, amendments to it, or its rejection.

15. In order to comply with the timeframe proposed by the Government, the resolution must be adopted by the Althingi no later than 29 May 2026.<sup>4</sup> During the second reading, an

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<sup>2</sup> [Government of Iceland | The Icelandic Government’s proposed referendum on continued EU accession negotiations](#)

<sup>3</sup> See [Standing Orders of the Althingi | Alþingi](#).

<sup>4</sup> In accordance with Article 2 of the 2021 Elections Act.

amendment to the proposed date can be introduced, should the second reading still be ongoing after 29 May 2026.

### III. The request by the Foreign Affairs Committee and the scope of the opinion

16. The Government has proposed to the Althingi the following referendum question:

*“Should negotiations on Iceland’s accession to the European Union be continued?”*

*Yes, negotiations on Iceland’s accession to the European Union should be continued.*

*No, negotiations on Iceland’s accession to the European Union should not be continued.”*

17. The Foreign Affairs Committee of the Althingi has put the following three interlinked questions to the Venice Commission:

#### 1. *Clarity, Intelligibility and Accuracy*

*Is the proposed referendum question, as currently formulated, sufficiently clear and precise to enable voters to make an informed choice? In the domestic debate, it has been argued that the term “continuing” may affect the clarity of the question, given the period since negotiations were last active. Conversely, the Government maintains that the formulation is clear and accurately reflects the intended process. Does the Commission consider the current wording to meet international standards for clarity and precision?*

#### 2. *Legal certainty*

*Does the proposed wording meet the requirements of legal certainty and foreseeability? Does the question, as formulated, provide a sufficiently clear legal basis for the subsequent actions of the legislative and executive branches?*

#### 3. *Compliance with international standards*

*Does the proposed referendum question comply with the relevant European standards on referendums, in particular the Code of Good Practice on Referendums?*

18. The present Opinion will deal with these three questions and will not address the matter of whether or not Iceland should join the EU.

### IV. International standards

19. International standards relating to referendums, as developed by the Venice Commission in its Code of Good Practice on Referendums, are grounded in the fundamental principle of free suffrage, which requires that voters be able to form and express their opinion freely. Applicable international standards on requirements of referendum questions are provided for in the Revised guidelines on the holding of referendums<sup>5</sup> which are part of the Code of Good Practice on Referendums adopted by the Venice Commission in 2022.<sup>6</sup>

20. The clarity of the question put to the vote constitutes a key requirement for assessing its compatibility with the standards. The question must be clear, precise and not misleading; it

<sup>5</sup> Venice Commission, [CDL-AD\(2020\)031](#), Revised guidelines on the holding of referendums.

<sup>6</sup> Venice Commission, [CDL-AD\(2022\)015](#), Revised Code of good practice on referendums.

must enable voters to understand the subject matter of the referendum as well as the consequences of their choice. In addition, the question must be formulated in a neutral manner and must not suggest or induce a particular answer.<sup>7</sup>

21. According to the Revised guidelines on the holding of referendums, referendum questions must also respect the procedural validity of texts submitted to referendum. These requirements concern the unity of form, content and hierarchical level:

- unity of form: the same question must not combine a specifically worded draft amendment with a generally worded proposal or a question of principle;
- unity of content: except in the case of total revision of a text (constitution, law), there must be an intrinsic connection between the various parts of each question put to the vote, in order to guarantee the free suffrage of the voter, who must not be called to accept or refuse as a whole, provisions without an intrinsic link; the revision of several chapters of a text at the same time is equivalent to a total revision;
- unity of hierarchical level: the same question must not simultaneously apply to legislation of different hierarchical levels.<sup>8</sup>

22. As to the modalities of voting the guidelines provide that:

a. Most questions submitted to referendum will preferably allow replies only by yes, no or a blank vote (binary question).

b. A vote on two or more alternatives is, however, not excluded (multi-option referendum). For example:

i. Parliament may be entitled to put forward a counterproposal to a popular initiative, which will be put to the popular vote at the same time;

ii. Two or more alternatives may be proposed.

In these cases:

i. the voting system should ensure that a text is accepted only if it obtains an absolute majority;

ii. if binary questions on each proposal are possible, it should be possible to vote “yes” or “no” to each of them;

iii. if several options are submitted to the vote simultaneously; voting for the *status quo* should be possible.<sup>9</sup>

23. The Explanatory memorandum to the Code of Good Practice on Referendums further provides that:

“13. The clarity of the question is a crucial aspect of voters’ freedom to form an opinion. The question put to the vote must be clear and comprehensible; it must not be misleading; it must be unbiased, not suggesting any or a specific answer, particularly by mentioning the presumed consequences of approving or rejecting the proposal. Voters must be able to answer the questions asked solely by yes, no or a blank vote. An open question necessitating a more detailed answer must not be asked. Lastly, electors must be informed of the impact of their votes (effect of the referendum), and thus of the legal effects of the referendum (is it legally binding or consultative? does a positive outcome lead to the adoption or repeal of a measure, or is it just one stage in a longer procedure?) It is suitable that the questions follow a fixed format. Multiple-option questions can be envisaged (point I.3.1.c).”

<sup>7</sup> See Venice Commission, [CDL-AD\(2022\)015](#), Revised Code of good practice on referendums, II.3.1.c.

<sup>8</sup> Venice Commission, [CDL-AD\(2020\)031](#), Revised guidelines on the holding of referendums, III.2.

<sup>9</sup> *Idem*, III.5.

24. The conduct of the referendum must also comply with the principle of neutrality of the public authorities. Public authorities must act in an impartial manner throughout the process and must not seek to influence the outcome of the vote. The Code of Good Practice on Referendums provides that “Administrative authorities must observe throughout the campaign period their duty of neutrality, which is one of the means of ensuring that voters can form an opinion freely<sup>10</sup>.” The Code also provides that “an impartial body (see II.4.1 below) must exercise prior scrutiny on the clarity of the question.”

25. Furthermore, equality of opportunity between the proponents and opponents of the proposal must be ensured, including through balanced access to the media and transparency in campaign financing. Voters must be provided with objective and sufficient information to enable them to make an informed choice. The Explanatory Memorandum expresses the view on possible way to provide this opportunity in the following terms:

“15. The best solution is for the authorities to provide voters with an explanatory report setting out not only the viewpoint of the executive and legislative authorities or that of persons sharing it, but also the opposing viewpoint, in a balanced way. Another possibility would be for the authorities to send voters balanced campaign material prepared by the proposal’s supporters and opponents – corresponding, *mutatis mutandis*, to candidates’ election addresses made available to citizens prior to some elections (point I.3.1.e): both supporters and opponents, or each party, would provide a leaflet.”

26. Finally, the organisation of referendums must be entrusted to an impartial body, and effective systems of appeal and judicial review must be available to guarantee the integrity of the process.

27. These principles reflect a common European constitutional heritage and constitute an important reference framework for the assessment of referendum legislation and practice.

## V. Legal framework on referendums in Iceland

28. In Iceland, the national legal framework provides both for binding and consultative referendums.<sup>11</sup> The Constitution of Iceland contains three cases of binding referendums. First, the President of the Republic may be removed from office before his/her term expires pursuant to the third paragraph of Article 11 if approved by a 3/4 supermajority of the members of the Parliament and in a referendum. Second, the President may refuse to confirm a bill pursuant to Article 26, in which case the law will become void if rejected in a referendum. Third, if the Parliament passes an amendment to the status of the Church, such amendment shall be submitted to a referendum pursuant to the second paragraph of Article 79 of the Constitution.

29. The 2021 Elections Act provides that “in the event that the Althingi decides to hold a public referendum by secret ballot on a particular issue or a legislative bill, the conduct thereof shall be governed by this Act”. Under Article 2.2 of the Election Act of 2021, a referendum may be held not only on a legislative bill but also “on a particular issue”. The resumption of the accession negotiations with the EU constitutes such a “particular issue”.

30. In cases when there is an initiative to call a referendum, the Althingi adopts a specific law or resolution determining the holding of a referendum, including its subject matter, the wording of the question, and its legal effects. Such referendums are non-binding in nature. The 2021

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<sup>10</sup> 3.1a.

<sup>11</sup> The 1944 Constitution was adopted following a referendum. Since 1944 no referendums were organised until 2010. Since then, Iceland has organised 4 referendums in 2010, 2011, 2012 and 2023. The four referendums were non-binding.

Elections Act establishes clear procedural rules and timeframes for organising referendums.<sup>12</sup> According to Article 26 of the Elections Act, any referendum under Article 2.2 “shall be held no earlier than three months, and no later than one year, after a parliamentary resolution to such effect has been adopted by the Althingi”.

31. Under Articles 14, 26, 52, 60 and 66 of the same law, the National Electoral Commission is the authority in charge of the administration of the referendum; it gives its opinion on “the wording and presentation” of the question to be put to voters and, above all, organises “an extensive programme to provide information on any matter submitted to a referendum under Article 2.2” (Article 52 para.1).

32. Article 66 provides that “a parliamentary resolution under Article 2.2 shall, after receiving the opinion of the National Electoral Commission, determine the wording and presentation of the question to be put to voters.” In addition, the same article provides that “the ballot paper shall state clearly a question as to whether the voter approves the proposition put to the electorate and shall offer two possible answers: “yes” and “no.”

## VI. Analysis

33. The Venice Commission has been asked to assess the compatibility with the applicable international standards of the proposed referendum question, which reads:

*“Should negotiations on Iceland’s accession to the European Union be continued?*

*Yes, negotiations on Iceland’s accession to the European Union should be continued.*

*No, negotiations on Iceland’s accession to the European Union should not be continued.”*

34. According to the revised Code of Good Practice, “before the vote, the voters should be informed about the proposed follow-up to referendums on questions of principle or generally worded proposals”; “in order to guarantee the freedom of suffrage in referendums, the question put to the vote must be clear and comprehensible; it must not be misleading; it must be unbiased, not suggesting an answer; voters must be informed of the effects of the referendum; voters must be able to answer the questions asked solely by “yes”, “no” or a blank vote.”<sup>13</sup> In a nutshell, the referendum question should be formulated in such a way as to enable an unambiguous answer and to provide clarity about the legal consequences of the decision taken by referendum.<sup>14</sup> The national authorities enjoy a wide margin of appreciation in determining the exact wording of a referendum question, provided that the essential requirements of clarity, neutrality and simplicity are respected.

### A. Clarity, intelligibility and accuracy of the question

35. The first question of the Foreign Affairs Committee relates specifically to the clarity and precision of the referendum question:

*“Is the proposed referendum question, as currently formulated, sufficiently clear and precise to enable voters to make an informed choice? In the domestic debate, it has*

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<sup>12</sup> Previous referendums have been held based on parliamentary decisions. For example, a referendum was held on 20 October 2012 upon recommendation by the Constitutional Assembly, on the six proposals included in a new draft constitution of Iceland.

<sup>13</sup> Venice Commission, [CDL-AD\(2020\)031](#), Revised guidelines on the holding of referendums, I.3.1.c; also [CDL-AD\(2013\)017](#) Opinion on the law on national referendum of Ukraine, paras. 32-33.

<sup>14</sup> See among others, Venice Commission, [CDL-AD\(2017\)029](#), Armenia - Joint Opinion on the Draft Law on Referendum, para 25.

*been argued that the term “continuing” may affect the clarity of the question, given the period since negotiations were last active. Conversely, the Government maintains that the formulation is clear and accurately reflects the intended process. Does the Commission consider the current wording to meet international standards for clarity and precision”*

36. The referendum question must enable voters to understand the subject matter of the referendum as well as the consequences of their choice. The Commission observes that the proposed question refers to a possible “continuation” of the accession negotiations. The actual status of the 2009-2015 negotiations is disputed in Iceland, and some consider that the term “continue” is inaccurate. Irrespective of the accuracy of the chosen term, the question that arises is whether this term could convey to the voters the impression that the outcome of the 2009-2015 negotiations would be maintained, while at any rate it would not be the case, since the socioeconomic and cultural context in Iceland and in Europe has changed so significantly during the period of more than three legislatures, that the questions which would be the object of the negotiations could hardly be the same. To a certain extent, the use of a term such as “pursue” or “reopen” could carry the same wrong impression.

37. In this respect, the Commission wishes to stress that the clarity of the referendum question may not be addressed separately from the duty to inform the voters in detail about the actions taken by the government after the referendum based on its result. The guideline recommends the authorities to explain the factual result in any case, even if the question may be considered clear, because even where the wording of the question is clear, the possible answers may be interpreted in different ways. According to the explanatory memorandum to the Code, “*Where a referendum concerns a question of principle or a generally worded proposal, it may be difficult for voters to know the consequences of their vote. Voters should therefore be informed about the proposed follow-up in advance of the vote (point III.8.b)*”. In its assessment of the constitutional reform processes in 2020, the Opinion of the Venice Commission emphasised that “the Icelandic people should be given transparent, clear and convincing explanations for the Government’s choices.”<sup>15</sup>

38. In the present case, the negotiations on the accession to the EU may lead to a variety of results, in terms both of the content of the possible accession treaty and of the possibility that no agreement will ultimately be reached. Under these circumstances, a positive answer to the referendum question does not guarantee any result other than the continuation of the negotiations. The Government neither should nor can explain that the positive answer would lead to negotiations on the exact same terms applicable in 2015 when the negotiations were suspended. Such outcome cannot be guaranteed. Even if certain issues were not on the table anymore back then, the situation both in the EU and in Iceland has evolved and many issues may be reopened for the discussions. In the absence of a finalised draft accession treaty agreed by all European Union Member States and Iceland, the negotiations possibly resumed based on the 2009-2015 process may be reopened in their entirety, even if some issues may be addressed more expeditiously.

39. It follows, in the Commission’s view, that irrespective of whether the negotiations are formally presented as a continuation of the previous process or as new negotiations, the actions required of the Government and the potential outcomes would not differ in substance. What should be clear to the voters is that there is no possibility that any part of negotiations conducted until 2015 could be treated as final or definitely closed, and that the issues discussed at the time remain subject to renegotiation and new ones would certainly emerge if negotiations were to be pursued. The Negotiating Framework for Iceland, like all other

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<sup>15</sup> See Venice Commission, [CDL-AD\(2020\)020](#), Iceland - Opinion on four constitutional draft bills on the protection of the environment, on natural resources, on referendums and on the president of Iceland, the government, the functions of the executive and other institutional matters, IV.B.

Negotiating Frameworks for enlargement countries, states that “agreements reached in the course of negotiations on specific chapters, even partial ones, may not be considered as final until an overall agreement has been reached for all chapters”.<sup>16</sup>

40. What should also be clear to the voters is that a “yes” vote would not automatically lead to EU accession but only to the opening of a new negotiation process, and that should the new negotiations be successful, a second referendum on the actual accession, based on the result of these new negotiations, would be organized.

41. The Venice Commission acknowledges that these matters are complex, and that the ambiguities could lead to possible misunderstandings by the public. These ambiguities should be eliminated or at least mitigated. In the Commission’s view, if the term “continue” is not replaced, it would therefore at least be necessary to address them through the provision of clear and balanced information regarding both the object and the legal and practical consequences of the possible resumption of the negotiations. Replacing the term “continue” with the term “pursue” or “reopen” would dispel most even if not all ambiguity, and would require additional information too.

42. As the discussions in the Althingi suggest, political parties in Iceland seem to be well informed about the Government’s plans in case the referendum succeeds. The official webpage of the Government dedicated to the referendum<sup>17</sup> informs the voters that in case they approve the continuation of accession negotiations and in case these are concluded “there will be a second referendum putting the question to the Icelandic voters whether Iceland should join the EU.”<sup>18</sup> However, the Commission finds that this information should be complemented by the express indication that this referendum will not lead to automatic accession to the EU and a second referendum on this matter would be based *on the results and under the terms of the treaty that the Government of Iceland and the EU would have agreed at the end of the negotiations stage*. This information would dispel the possible impression that the outcomes of the aborted 2009-2015 negotiations would be preserved and would clarify that the referendum is not on the actual accession to the EU. This extended information should be included in the resolution of the Althingi and should also be included in the official materials disseminated by the National Electoral Commission under Article 52(1) of the Elections Act before the referendum.

43. In conclusion, in reply to the first question the Commission considers that the referendum question, if the term “continue” is maintained, may only be considered to be sufficiently clear and comprehensible if the voters are informed in a clear and balanced manner of the object and of legal and practical consequences of the possible resumption of the accession negotiations.

## **B. Legal certainty and foreseeability**

44. The second question put by the Icelandic parliament refers to legal certainty:

*Does the proposed wording meet the requirements of legal certainty and foreseeability? Does the question, as formulated, provide a sufficiently clear legal basis for the subsequent actions of the legislative and executive branches?*

45. The Venice Commission recalls that legal certainty is a fundamental principle of law, guaranteeing citizens the foreseeability and stability of legal rules.<sup>19</sup> The requirement of

<sup>16</sup> [https://enlargement.ec.europa.eu/negotiating-framework-july-2010\\_en](https://enlargement.ec.europa.eu/negotiating-framework-july-2010_en), § 31.

<sup>17</sup> See [Government of Iceland | The Icelandic Government’s proposed referendum on continued EU accession negotiations](#).

<sup>18</sup> *Idem*.

<sup>19</sup> Venice Commission, [CDL-AD\(2025\)002](#), The Updated Rule of Law Checklist, B1.

accessibility of the information and foreseeability of the legal and factual effects of the citizens' conduct also applies to the referendum, and indeed standards require that voters should be clearly and unambiguously informed of the consequences of their vote. Such information should naturally be provided timely, sufficiently in advance for the voters to form their opinion.

46. The Commission observes that the referendum at issue falls under Article 2 §2 of the Elections Act of 2021 (referendum “on a particular issue”); as to the procedural aspects of the referendum, including the timeframe for its organisation, the Elections Act provides that a referendum shall be held within a defined period following the adoption of the relevant parliamentary resolution. The envisaged timeframe – namely the adoption of the resolution by the Althingi by 29 May 2026 and the holding of the referendum on 29 August 2026 – falls within the margins established by the applicable legislation. As such, it does not appear arbitrary or unforeseeable. The Commission notes however that holding the referendum in summer might have a negative effect on the organisation of the information campaign and on the rate of participation, as has been raised by the National Electoral Commission in its opinion.

47. The current Government's intention – namely to reopen negotiations with the European Union – is reflected in the formulation of the question. In the event of a positive outcome, the Government would be able to proceed with accession negotiations without ambiguity as to its mandate. From this perspective, if it is coupled with clear and balanced information to be conveyed to the voters the proposed wording may provide a sufficiently clear basis for both voters and public authorities as regards the foreseeable consequences of the vote.

48. As the referendum does not concern a draft law, but a general question, the exact legal steps - whether there is a need for additional legislation by the Althingi to allow the Government to open the negotiations or whether the Government may proceed immediately - are not of major relevance. International standards do not require to hold a referendum on EU accession either. Furthermore, since the timeframe of these negotiations cannot be determined unilaterally by the Icelandic authorities, a different formulation of the question could not improve the foreseeability or legal certainty for the voters.

49. As noted in the previous section of this Opinion, the Government has stated that should the negotiation process be approved and successfully concluded, a subsequent referendum on accession would be held. In the Commission's opinion, this information should be complemented (see above), be included in the Althingi resolution and be made available in the information programme.

50. Indeed, Article 52 of the 2021 Elections Act provides that “the National Electoral Commission shall organise an extensive programme to provide information on any matter submitted to a referendum under Article 2.2.” The Electoral Commission will also adopt further rules on the information provision about the referendum of 29 August 2026. Since the information about the referendum and its impact is prepared in co-operation with different State institutions and agencies, it is expected that the National Electoral Commission will provide the voters with the information about further actions to be taken by the Government in case the proposal is approved.

51. In conclusion, in reply to the second question the Commission considers that the international standards on legal certainty and foreseeability may be respected in principle, subject to the complements of information and the due information campaign by the National Electoral Commission in co-operation with the State institutions and agencies.

### **C. Compliance with international standards**

52. The third question put by the Icelandic parliament refers to compliance with international standards in general:

*“Does the proposed referendum question comply with the relevant European standards on referendums, in particular the Code of Good Practice on Referendums?”*

53. The Commission has already examined above the compliance of the referendum question with the standards of clarity, comprehensibility, and accuracy, and with the principle of legal certainty.

54. It observes furthermore that the referendum question does not run counter to the procedural standards of unity of form, content and hierarchical level. As to the modalities of the vote, voters will be able to answer the questions asked solely by “yes”, “no” or a blank vote.

55. To ensure an unbiased management of the referendum process, international standards require that “an impartial body must exercise prior scrutiny on the clarity of the question.”<sup>20</sup> This requirement is particularly important in cases where the wording of the question may give rise to divergent interpretations. In Iceland, this scrutiny is exercised by the National Electoral Commission before the corresponding resolution is adopted by the Althingi. This requirement has therefore been met.

56. In conclusion, in reply to the third question the Venice Commission is of the view that the general standards established in the Code of Good Practice on Referendums are complied with, subject to meeting the recommendations above.

## **VII. Conclusion**

57. The Foreign Affairs Committee of the parliament (Althingi) of Iceland has requested an opinion of the Venice Commission on the compatibility with international standards of the referendum question “Should negotiations on accession to the European Union be continued?” and has put three specific, interlinked questions.

58. International standards relating to referendums, as developed by the Venice Commission in its Code of Good Practice on Referendums, are grounded in the fundamental principle of free suffrage, which requires that voters be able to form and express their opinion freely. In order to guarantee the free formation of the voters’ will, the question put to a referendum must satisfy a number of essential requirements. In particular, it must be clear and comprehensible, must not be misleading, and must be neutral and unbiased, not suggesting a particular answer. The national authorities enjoy a wide margin of appreciation in determining the exact wording of a referendum question, provided that the essential requirements of clarity, neutrality and simplicity are respected. Even where a question is formally clear, particular care must be taken where it relates to an intermediate or procedural step rather than a final decision, to avoid any misunderstanding as to its scope and implications.

59. The first question put by the Foreign Affairs Committee is the following:

*“Is the proposed referendum question, as currently formulated, sufficiently clear and precise to enable voters to make an informed choice? In the domestic debate, it has been argued that the term “continuing” may affect the clarity of the question, given the period since negotiations were last active. Conversely, the Government maintains that the formulation is clear and accurately reflects the intended process. Does the Commission consider the current wording to meet international standards for clarity and precision?”*

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<sup>20</sup> Venice Commission, [CDL-AD\(2022\)015](#), Revised guidelines on the holding of referendums, I.3.1.d., Venice Commission, [CDL-AD\(2017\)029](#), Armenia - Joint Opinion on the Draft Law on Referendum, paras. 25-26.

60. The Venice Commission stresses that the clarity of the referendum question may not be addressed separately from the duty to inform the voters in detail about the actions taken by the government after the referendum based on its result. Irrespective of the accuracy of the term “continue”, what should be clear to the voters is that there is no possibility that any part of negotiations conducted until 2015 could be treated as final or definitely closed, and that the issues discussed at the time remain subject to renegotiation and new ones would certainly emerge if negotiations were to resume. What should also be clear to the voters is that a “yes” vote would not automatically lead to EU accession but only to the opening of a negotiation process, and that should these negotiations be successful, a second referendum on the actual accession would be organized based on the result of the negotiations. Additional information in this respect should be provided both in the Althingi resolution and in the referendum campaign.

61. In reply to the first question, the Commission expresses the view that the proposed referendum question, if the term “continue” is maintained, may only be considered as sufficiently clear and comprehensible if the voters are informed in a clear and balanced manner of the object and of legal and practical consequences of the possible further accession negotiations.

62. The second question put by the Icelandic parliament is the following:

*“Does the proposed wording meet the requirements of legal certainty and foreseeability? Does the question, as formulated, provide a sufficiently clear legal basis for the subsequent actions of the legislative and executive branches?”*

63. The Venice Commission recalls that, as is underlined in the Updated Rule of Law Checklist, legal certainty is a fundamental principle of law, guaranteeing citizens the foreseeability and stability of legal rules; the Commission is convinced that the requirement of accessibility of the information and foreseeability of the legal and factual effects of the citizens’ conduct also applies to the referendum, and indeed standards require that voters should be clearly and unambiguously informed of the consequences of their vote. Such information should naturally be provided timely, sufficiently in advance for the voters to form their opinion.

64. In this respect, the Commission finds that the envisaged timeframe – namely the adoption of the resolution by the Althingi by 29 May 2026 and the holding of the referendum on 29 August 2026 – falls within the margins established by the applicable legislation and as such, it does not appear arbitrary or unforeseeable, even though the chosen date might raise difficulties because of the summer period. The current Government’s intention – namely to reopen negotiations with the European Union – is reflected in the formulation of the question. In the event of a positive outcome, the Government would be able to proceed with accession negotiations without ambiguity as to its mandate. Furthermore, since the timeframe of these negotiations cannot be determined unilaterally by the Icelandic authorities, a different formulation of the question could not improve the foreseeability or legal certainty for the voters in this respect. As to the holding of a second referendum about actual accession, the information currently provided by the Government should be complemented and be made available in the information programme to be run by the National Electoral Commission and in the Althingi resolution itself.

65. In reply to the second question, the Commission considers that the international standards on legal certainty and foreseeability may be respected in principle, subject to the complements of information and the due information campaign by the National Electoral Commission in co-operation with the State institutions and agencies.

66. The third, residual question put by the Icelandic parliament is the following:

*“Does the proposed referendum question comply with the relevant European standards on referendums, in particular the Code of Good Practice on Referendums?”*

67. In addition to the previous findings, the Commission is of the view that the referendum question does not run counter to the procedural standards of unity of form, content and hierarchical level, nor those relating to the modalities of the vote. Furthermore, the scrutiny of the clarity of the question is submitted to an impartial body, the National Electoral Commission.

68. In reply to the third question, the Venice Commission is of the view that the general standards established in the Code of Good Practice on Referendums are complied with, subject to meeting the recommendations above.

69. In conclusion, the Venice Commission is of the view that the proposed referendum question, if the term “continue” is maintained, may only be considered to be compatible with the relevant European standards set out in the Code of Good Practice on Referendums, in particular the requirements of clarity, neutrality and legal certainty, on condition that voters be informed in a clear and balanced manner of the object and of legal and practical consequences of the possible further stage of the accession negotiations. The Commission underlines that the quality and completeness of the information provided to voters will be decisive in ensuring the overall compliance of the referendum process with these standards.

70. The Commission remains at the disposal of the authorities of Iceland for any further co-operation on this matter.