



Strasbourg, 2 October 2020

CDL-PL-OJ(2020)003-rev
Or. Engl

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

124th PLENARY SESSION

Paris | Kudo (online)

Thursday 8 October 2020 (10:00-18:00)
Friday 9 October 2020 (09:00-11:00)

REVISED DRAFT ANNOTATED AGENDA

***THIS PLENARY SESSION WILL BE HELD EXCLUSIVELY ON-LINE
DUE TO THE COVID-19 CRISIS***

***MEMBERS WILL PARTICIPATE THROUGH THE KUDO PLATFORM
THE LINKS WILL BE SENT ON MONDAY 5 OCTOBER***

NO OTHER GUESTS WILL BE INVITED TO PARTICIPATE IN THE PLENARY

Thursday 8 October 2020

10:00 -10:45

*Adoption of the Agenda
Communication by the President
Communication by the Enlarged Bureau
Communication by the Secretariat
Follow-up to earlier opinions
Endorsement of individual urgent opinions
Report to take note of
Compilations
Report to be adopted*

1. Adoption of the Agenda

2. Communication by the President

The President will present his recent activities (see document [CDL\(2020\)026](#)).

3. Communication from the Enlarged Bureau

The Commission will be informed on the discussions which took place at the meeting of the Enlarged Bureau 7 October 2020.

4. Communication by the Secretariat

5. Follow-up to earlier Venice Commission opinions (see document [CDL\(2020\)036](#))

- Albania - Opinion on the powers of the President to set the dates of elections ([CDL-AD\(2019\)019](#));
- Albania - Opinion on the appointment of judges to the Constitutional Court ([CDL-AD\(2020\)010](#));
- Armenia - Opinion on three legal questions in the context of draft constitutional amendments concerning the mandate of the judges of the Constitutional Court ([CDL-AD\(2020\)016](#));
- Georgia - Draft constitutional amendments as adopted on 15 December 2017 at the second reading by the Parliament of Georgia ([CDL-AD\(2018\)005](#));
- Kyrgyzstan – Joint opinion of the Venice Commission and the OSCE/ODIHR on the amendments to some legislative acts related to sanctions for violation of electoral legislation ([CDL-AD\(2020\)003](#));
- Russian Federation - Opinion on draft amendments to the Constitution (as signed by the President of the Russian Federation on 14 March 2020) related to the execution in the Russian Federation of decisions by the European Court of Human Rights ([CDL-AD\(2020\)009](#));

- *Amicus curiae* brief for the European Court of Human Rights in the case of *Mugemangango v. Belgium* on procedural safeguards which a State must ensure in procedures challenging the result of an election or the distribution of seats ([CDL-AD\(2019\)021](#)).

6. Republic of Moldova

The Commission is invited to endorse the urgent joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL-PI\(2020\)011](#)) on the draft Law no. 263 amending the Electoral Code, the Contravention Code and the Code of Audiovisual Media Services ([CDL-REF\(2020\)045](#) and [CDL-REF\(2020\)046](#)), drawn up on the basis of comments by Mr Barrett, Mr Kask, Mr Holmoyvik and Mr Vasil Vashanka (OSCE/ODIHR Election Expert). This urgent joint opinion was issued on 19 August 2020 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)). The President will declare that this joint opinion has been endorsed as no objection has been raised by members before 30 September 2020.

7. Montenegro

The Commission is invited to endorse the urgent joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL-PI\(2020\)007](#)) on the draft law on elections of members of parliament and councillors ([CDL-REF\(2020\)031](#)), drawn up on the basis of comments by Mr Kask, Ms Pabel and Ms Tatyana Hischer-Bogushevich (Venice Commission Expert), Mr Don Bisson (OSCE/ODIHR Expert) and Ms Elena Kovalyova (OSCE/ODIHR Expert). This urgent joint opinion was issued on 1 July 2020 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)). The President will declare that this joint opinion has been endorsed as no objection has been raised by members before 30 September 2020.

8. Ukraine

The Commission is invited to endorse the urgent joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL-PI\(2020\)009](#)) on draft Law 3612 on democracy through all-Ukraine referendum ([CDL-REF\(2020\)029](#)), drawn up on the basis of comments by Mr Alivizatos, Mr Castella Andreu and Ms Marla Morry (OSCE/ODIHR Expert). This urgent joint opinion was issued on 21 July 2020 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)). The President will declare that this joint opinion has been endorsed as no objection has been raised by members before 30 September 2020.

9. Report on electoral law and electoral administration in Europe

The Commission is invited to take note of the draft Report on electoral law and electoral administration in Europe ([CDL\(2020\)029](#)), prepared by Mr Michael Krennerich (Expert). The President will declare that this report has been taken note of if no objection is raised by members before 30 September 2020.

10. Compilation on separation of powers

The Commission is invited to endorse the draft Compilation of Venice Commission opinions and reports on separation of powers ([CDL\(2020\)024](#)). The President will declare that this compilation has been endorsed as no objection has been raised by members before 30 September 2020.

19. Report on criminal liability for peaceful calls for radical constitutional change from the standpoint of the ECHR

The Commission is invited to adopt the draft report on criminal liability for peaceful calls for radical constitutional change from the standpoint of the ECHR ([CDL\(2020\)005](#)), drawn up on the basis of comments by Ms Bazy-Malaurie, Ms Kjerulf Thorgeirsdottir, Ms Nussberger and Mr Aurescu. This report falls into the framework of the Co-operation with the Parliamentary Assembly.

10:45-11:15

Coffee break

11:15-12:45

*Revised Guidelines on the holding of Referendums
Interim report on the measures taken in the EU member States as a result of the Covid-19 crisis*

22. Revised Guidelines on the holding of Referendums

The Commission is invited to adopt the draft revised Guidelines on the holding of Referendums ([CDL\(2020\)030](#)) drawn up on the basis of comments by Mr Alivizatos, Mr Castellà Andreu, Mr Kask, Ms Kiener, Mr Maiani and Mr Vermeulen. The Council for Democratic Elections will examine these draft revised guidelines at its meeting on 7 October 2020.

20. Interim Report on the measures taken in the EU member States as a result of the Covid-19 crisis and their impact on democracy, the Rule of Law and Fundamental Rights

The Commission is invited to adopt the draft interim report on the measures taken in the EU member States as a result of the Covid-19 crisis and their impact on democracy, the Rule of Law and Fundamental Rights ([CDL\(2020\)023](#)), drawn up at the request of the European Parliament on the basis of comments by Mr Alivizatos, Ms Bilkova, Mr Kask, Mr Rubio, Mr Tuori and Mr Vermeulen.

12:45-13:00

Report on the meeting of the Council for Democratic Elections

23. Report of the meeting of the Council for Democratic Elections (7 October)

The President of the Council will inform the Commission on the results and conclusions of the online meeting held on 7 October 2020.

13:00-15:00

Lunch break

15:00-15:30

*Report on election dispute resolution***21. Report on election dispute resolution**

The Commission is invited to adopt the draft report on election dispute resolution ([CDL\(2020\)031](#)), drawn up on the basis of comments by Mr Kask, Mr Holmøyvik, Mr Vargas Valdez, Ms Pabel, Mr Samuele Dominioni (Expert) and Mr Serhii Kalchenko (Expert). The Council for Democratic Elections examined and approved the draft Report at its online meeting held on 15 June 2020.

15:30-16:00

*Discussion and adoption of the opinion on Georgia***12. Georgia**

The Commission is invited to hold an exchange of views with the representative of Georgia and to examine with a view to adoption the draft opinion ([CDL\(2020\)035](#)) on the draft amendments to the organic Law on Common Courts ([CDL-REF\(2020\)069](#)), drawn up on the basis of comments by Mr Atar, Mr Barrett, Mr Eşanu, Mr Sørensen and Mr Mats Melin (Expert, former Member of the CCJE). This opinion is a follow up to the urgent Opinion on the selection and appointment of Supreme Court judges, endorsed by the Venice Commission at its 119th Plenary Session (Venice, 21-22 June 2019) ([CDL-AD\(2019\)009](#)). This activity falls into the framework of the Quick Response Mechanism (QRM) for Eastern Partnership Countries under the Partnership for Good Governance (PGG).

16:00-16:45

*Discussion and adoption of the opinion on Iceland***13. Iceland**

The Commission is invited to hold an exchange of views with Mr Pall Thorhallsson, Director General of the Office of the Prime Minister of Iceland, and to examine, with a view to adoption the draft opinion ([CDL\(2020\)028](#)) on four draft constitutional 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 ([CDL-REF\(2020\)047](#), [CDL-REF\(2020\)048](#), [CDL-REF\(2020\)049](#) and [CDL-REF\(2020\)050](#)), drawn up on the basis of comments by Ms Bazy Malaurie, Mr Darmanovic, Mr Helgesen, Mr Scholsem and Mr Tanase.

16:45-17:15

*Discussion and adoption of the opinion on Malta***14. Malta**

The Commission is invited to hold an exchange of views with Mr Edward Zammit Lewis, Minister for Justice, Equality and Governance of Malta, and to examine, with a view to adoption the draft opinion ([CDL\(2020\)032](#)) on ten bills implementing the concept for the reforms ([CDL-REF\(2020\)051](#), [CDL-REF\(2020\)052](#), [CDL-REF\(2020\)053](#), [CDL-REF\(2020\)054](#), [CDL-](#)

[REF\(2020\)055](#), [CDL-REF\(2020\)056](#), [CDL-REF\(2020\)058](#), [CDL-REF\(2020\)058](#), [CDL-REF\(2020\)059](#) and [CDL-REF\(2020\)060](#)), drawn up on the basis of comments by Ms Kjerulf-Thorgeirsdottir, Mr Kuijer, Mr Nicolatos and Mr Tuori.

17:15-18:00

Discussion and adoption of the opinion on Turkey

15. Turkey

The Commission is invited to hold an exchange of views with Mr Hacı Ali Açıkgül, Head of Department of Human Rights, Ministry of Justice and to examine with a view to adoption the draft opinion ([CDL\(2020\)027](#)) on the July 2020 amendments to the Attorneyship Law of 1969 ([CDL-REF\(2020\)032](#), [CDL-REF\(2020\)033](#) and [CDL-REF\(2020\)064](#)), drawn up on the basis of comments by Mr Carozza, Mr Esanu, Ms Kiener, Mr Sorensen and Jeremy McBride (Expert, DGI). This draft opinion falls into the framework of co-operation with the Parliamentary Assembly.

Friday 9 October 2020

09:00-09:30

Discussion and adoption of the opinion on Ukraine

16. Ukraine

The Commission is invited to hold an exchange of views with Mr Ruslan Stefanchuk, First Deputy Chairperson of the Verkhovna Rada of Ukraine and Mr Andrii Kostin, Chairperson of the Verkhovna Rada of Ukraine Committee on Legal Policy, and to examine, with a view to adoption the draft opinion ([CDL\(2020\)037](#)) on draft Amendments to the Law 'On the Judiciary and the Status of Judges' and certain laws on the activities of the Supreme Court and Judicial Authorities ([CDL-REF\(2020\)061](#), [CDL-REF\(2020\)067](#) and [CDL-REF\(2020\)068](#)), drawn up on the basis of comments by Mr Esanu, Mr Kuijer, Ms Suchocka (Honorary President) and Mr Gerhard Reissner (Expert).

09:30-10:00

Discussion and adoption of the opinion on Kosovo

17. Kosovo

The Commission is invited to hold an exchange of views with the representative of Kosovo and to examine with a view to adoption the draft opinion ([CDL\(2020\)033](#)) on the draft Law on public gatherings ([CDL-REF\(2020\)062](#)), drawn up on the basis of comments by Mr Dimitrov, Mr Otty, Ms Nussberger and Mr Vermeulen.

10:00-10:30

*Discussion and adoption of the opinion on Uzbekistan***18. Republic of Uzbekistan**

The Commission is invited to hold an exchange of views with the representative of Uzbekistan and to examine with a view to adoption the draft joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2020\)034](#)) on the draft Law on freedom of conscience and religious organisations ([CDL-REF\(2020\)065](#)), drawn up on the basis of comments by Mr Velaers, Mr Vermeulen, the OSCE/ODIHR Panel of Experts on Freedom of Religion or Belief and Mr Silvio Ferrari (OSCE/ODIHR Expert) in consultation with Mr Ahmed Shaheed, the United Nations Special Rapporteur on Freedom of Religion or Belief.

10:30-10:45

*Dates of the next sessions**Other business**Closing session***24. Dates of the next sessions**

The dates of the next sessions are confirmed as follows:

125th Plenary Session

11-12 December 2020

The schedule of sessions for 2021 is confirmed as follows:

126th Plenary Session

19-20 March 2021

127th Plenary Session

18-19 June 2021

128th Plenary Session

15-16 October 2021

129th Plenary Session

10-11 December 2021

Sub-Commission meetings as well as the meetings of the Council for Democratic Elections will take place on the day before the Plenary Sessions.

25. Other business

The Commission will be informed about the publication of the book “Venice Commission. Thirty years of quests for Democracy through Law”.