



Strasbourg, 6 December 2023

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Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

137th PLENARY SESSION
VENICE
Scuola Grande di San Giovanni Evangelista

Friday 15 December 2023 (10:00-18:00)
Saturday 16 December 2023 (9:30-11:30)

DRAFT ANNOTATED AGENDA

Friday 15 December 2023

10:00-11:00

*Adoption of the Agenda
Communications
Co-operation
Report of the meeting of the Council for Democratic Elections
Follow-up to earlier Venice Commission Opinions
Discussion and adoption of Opinions on individual countries*

1. Adoption of the Agenda

2. Communication by the President

The President will present her recent activities ([CDL\(2023\)067](#)).

3. Communication from the Enlarged Bureau

The Commission will be informed on the discussions which took place at the meeting of the Enlarged Bureau on 14 December 2023.

4. Election of the President of the Venice Commission, 3 Vice-Presidents and 4 members of the Bureau, as well as Chairs and Vice-Chairs of the Sub-Commissions

The terms of office of the President, the Vice-Presidents, the members of the Bureau, as well as the Chairs and Vice-Chairs of the Sub-Commissions, expire in December 2023. At its October session, the Commission elected the Committee of Wise Persons to prepare the elections for the next mandate for 2023/2025.

The Committee of Wise Persons will present the proposed list of candidates for the various offices. The election itself will take place on Saturday morning.

5. Communication by the Secretariat

The Secretary of the Commission will provide information on the session.

6. Co-operation with the Committee of Ministers

The Commission will hold an exchange of views with a representative from the Committee of Ministers within the framework of their co-operation.

7. Co-operation with the Parliamentary Assembly
(see item below on Saturday morning)

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

The Commission is invited to hold an exchange of views with Mr Mathieu Mori, Secretary General of the Congress, on co-operation with the Congress.

9. Report of the meeting of the Council for Democratic Elections (14 December 2023)

The Chair of the meeting will inform the Commission on the results and conclusions of the meeting held on 14 December 2023.

The draft joint Opinion of the Venice Commission and ODIHR on the draft amendments to the Election Code and to the Rules of Procedure of the Parliament of Georgia; the draft joint follow-up Opinion of the Venice Commission and ODIHR to the joint Opinion on amendments to the Electoral Code and other related laws concerning ineligibility of persons connected to political parties declared unconstitutional of the Republic of Moldova; the draft *amicus curiae* brief on the ineligibility of persons connected to political parties declared unconstitutional of the Republic of Moldova and the draft *amicus curiae* brief relating to additional sanctions for committing an administrative offence in Ukraine are dealt with under Items 14.1, 16.1, 16.2 and 17.

[Link to annotated agenda](#)

10. Exchange of views with the Regione del Veneto

Mr Francesco Calzavara, Regional Minister for Planning, Budget and Assets, General Affairs and Local Government and Ms Annalisa Bisson, Director of International Relations and European Affairs of the Regione del Veneto (tbc) will address the Commission.

11. Follow-up to earlier Venice Commission Opinions

The Commission will be informed on follow-up to its previous Opinions (see document [\(CDL\(2023\)061\)](#)).

- Bosnia and Herzegovina – Joint Opinion of the Venice Commission and the OSCE/ODIHR on the draft law of Republika Srpska on the Special Registry and Publicity of the Work of Non-Profit Organizations ([CDL-AD\(2023\)016](#));
- Cyprus – Opinion on three Bills reforming the Judiciary ([CDL-AD\(2021\)043](#));
- Republic of Moldova – Joint follow-up Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law of the Council of Europe to the Opinion on the Draft Law on the Supreme Court of Justice ([CDL-AD\(2022\)049](#));
- Republic of Moldova – Joint follow-up Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law of the Council of Europe to the joint opinion on the draft Law on the external assessment of Judges and Prosecutors ([CDL-AD\(2023\)035](#));
- North Macedonia – Opinion on the draft Law on the Judicial Council ([CDL-AD\(2019\)008](#));
- Ukraine – Urgent follow-up Opinion to the Opinions on the Law “On Amendments to certain legislative acts of Ukraine to clarify the provisions on the competitive selection of candidates for the position of judge of the Constitutional Court of Ukraine” ([CDL-AD\(2023\)042](#)).

Two follow-up opinions will be examined under Item 15 and Item 16.

The Commission will be informed about follow-up activities held since the last session.

12. Electoral observation missions

The Commission will be informed about the participation of the Venice Commission in electoral observation missions of the Parliamentary Assembly of the Council of Europe in the function of providing legal advice.

- Poland, parliamentary elections, 15 October 2023;
- Serbia, early parliamentary elections, 17 December 2023.

Family photo

Members, substitute members and secretariat members are kindly invited to join the photo shoot by an official photographer.

11.00-11:15
11:15-13:00

Coffee break
Discussion and adoption of Opinions on individual countries

13. Armenia

Draft 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 Concept Paper concerning the reform of the Ethics and Disciplinary Committee of the General Assembly of Judges

The Commission is invited to hold an exchange of views with a representative of Armenia and to examine, with a view to adoption, the draft joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe ([CDL\(2023\)059](#)) (TP/es) on the Concept Paper concerning the reform of the Ethics and Disciplinary Committee of the General Assembly of Judges of Armenia ([CDL-REF\(2023\)053](#)), drawn up on the basis of comments by Ms Cartabia, Mr Mälksoo, Mr Sørensen and Mr Gerhard Reissner (DGI Expert). This joint Opinion was requested by the Minister of Justice of Armenia on 26 September 2023. The Joint Sub-Commission on the Judiciary and on the Rule of Law will examine this draft joint Opinion at their meeting on 14 December 2023.

The Opinion was prepared under the [Quick Response Mechanism \(QRM\)](#) in the framework of the EU/CoE joint programme [Partnership for Good Governance](#), co-funded by the Council of Europe and the European Union and implemented by the Council of Europe.

14. Georgia

1. Draft joint Opinion of the Venice Commission and ODIHR on the draft amendments to the Election Code and to the Rules of Procedure of the Parliament of Georgia

The Commission is invited to hold an exchange of views with a representative of Georgia and to examine, with a view to adoption, the draft joint Opinion of the Venice Commission and ODIHR ([CDL\(2023\)058](#)) (MJ/PG/sd) on the draft amendments to the Election Code and to the Rules of Procedure of the Parliament of Georgia ([CDL-REF\(2023\)050](#)), drawn up on the basis of comments by Mr Alivizatos, Mr Frendo and Ms Pabel, as well as by Ms Marla Morry (ODIHR expert). This Opinion was requested by the Chairman of the Parliament of Georgia on 22 September 2023. The Council for Democratic Elections will examine this draft joint Opinion at its meeting on 14 December 2023.

The joint Opinion was prepared under the [Quick Response Mechanism \(QRM\)](#) in the framework of the EU/CoE joint programme [Partnership for Good Governance](#), co-funded by the Council of Europe and the European Union and implemented by the Council of Europe.

2. Draft Opinion on the Law on the Special Investigation Service and on the provisions of the Law on Personal Data Protection concerning the Personal Data Protection Service

The Commission is invited to hold an exchange of views with a representative of Georgia and to examine, with a view to adoption, the draft Opinion ([CDL\(2023\)065](#)) (VD/MS/es) on the Law on the Special Investigation Service and on the provisions of the Law on Personal Data Protection

concerning the Personal Data Protection Service of Georgia ([CDL-REF\(2023\)054](#)) and ([CDL-REF\(2023\)055](#)), drawn up on the basis of comments by Mr Cameron, Mr Holmøyvik, Ms O'Toole, Mr Pieter Van Dijk (former Member, Expert) and Ms Waltraut Kotschy (Expert). This Opinion was requested by the Chairman of the Parliament of Georgia on 22 September 2023. The Sub-Commission on Democratic Institutions will examine this draft Opinion at its meeting on 14 December 2023.

The Opinion was prepared under the [Quick Response Mechanism \(QRM\)](#) in the framework of the EU/CoE joint programme [Partnership for Good Governance](#), co-funded by the Council of Europe and the European Union and implemented by the Council of Europe.

13:00-14:30

Lunch break

14:30-15:45

Discussion and adoption of Opinions on individual countries

14. Georgia (cont.)

3. Draft Opinion on the provisions of the Law on the Fight against Corruption concerning the Anti-Corruption Bureau

The Commission is invited to hold an exchange of views with a representative of Georgia and to examine, with a view to adoption, the draft Opinion ([CDL\(2023\)066](#)) (TvD/ML/kb) on the provisions from the Law on the Fight against Corruption on the Anti-Corruption Bureau of Georgia ([CDL-REF\(2023\)056](#)), drawn up on the basis of comments by Mr Holmøyvik, Ms Nussberger, Mr Ojanen and Mr Voyatzis. This Opinion was requested by the Chairman of the Parliament of Georgia on 22 September 2023. The Sub-Commission on Democratic Institutions will examine this draft Opinion at its meeting on 14 December 2023.

The Opinion was prepared under the [Quick Response Mechanism \(QRM\)](#) in the framework of the EU/CoE joint programme [Partnership for Good Governance](#), co-funded by the Council of Europe and the European Union and implemented by the Council of Europe.

15. Kosovo

Draft follow-up Opinion on the previous Opinions concerning amendments to the Law on the Kosovo Prosecutorial Council

The Commission is invited to hold an exchange of views with a representative of Kosovo and to examine, with a view to adoption, the draft follow-up Opinion ([CDL\(2023\)060](#)) (RG/TvD/is) on the previous opinions concerning amendments to the Law on the Kosovo Prosecutorial Council ([CDL-REF\(2023\)036](#)), drawn up on the basis of comments by Mr Gaspar, Mr Vilanova Trias and Mr James Hamilton (former Member, Expert). This follow-up Opinion was requested by the President of the Assembly of Kosovo on 28 July 2023. The Joint Sub-Commissions on the Judiciary and on the Rule of Law will examine this draft follow-up Opinion at their meeting on 14 December 2023.

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

16. Republic of Moldova

1. Draft joint follow-up Opinion of the Venice Commission and ODIHR to the joint Opinion on amendments to the Electoral Code and other related laws concerning ineligibility of persons connected to political parties declared unconstitutional

The Commission is invited to hold an exchange of views with a representative from the Republic of Moldova and to examine, with a view to adoption, the draft joint follow-up Opinion of the Venice Commission and ODIHR ([CDL\(2023\)062](#)) (PG/DV/sd) to the joint Opinion on amendments to the Electoral Code and other related laws concerning ineligibility of persons connected to political parties declared unconstitutional of the Republic of Moldova ([CDL-REF\(2023\)052](#)), drawn up on the basis of comments by Mr Darmanović, Mr Frendo, Ms Otálora Malassis and Mr Kaarlo Tuori (Honorary President, Expert) as well as Ms Smaranda Sandulescu and Ms Barbara Jouan Stonestreet (experts, ODIHR). This joint follow-up Opinion was requested by the Chairman of the Parliament of the Republic of Moldova on 27 October 2023. The Council for Democratic Elections will examine this draft joint follow-up Opinion at its meeting on 14 December 2023. The Sub-Commission on Democratic Institutions will examine this draft follow-up Opinion at its meeting on 14 December 2023.

The joint follow-up Opinion was prepared under the [Quick Response Mechanism \(QRM\)](#) in the framework of the EU/CoE joint programme [Partnership for Good Governance](#), co-funded by the Council of Europe and the European Union and implemented by the Council of Europe.

15.45-16:15	<i>Coffee break</i>
16:15-18:00	<i>Discussion and adoption of Opinions on individual countries Advisory Group of Experts in Ukraine Association of Former Members</i>

2. Draft joint amicus curiae brief of the Venice Commission and ODIHR on the ineligibility of persons connected to political parties declared unconstitutional

The Commission is invited to examine, with a view to adoption, the draft joint *amicus curiae* brief of the Venice Commission and ODIHR ([CDL\(2023\)063](#)) (PG/DV/sd) on the ineligibility of persons connected to political parties declared unconstitutional of the Republic of Moldova (cf. [CDL-REF\(2023\)052](#)), drawn up on the basis of comments by Mr Darmanović, Mr Frendo, Mme Otálora Malassis and Mr Kaarlo Tuori (Honorary President, Expert) as well as Ms Smaranda Sandulescu and Ms Barbara Jouan Stonestreet (experts, ODIHR). This joint *amicus curiae* brief was requested by the President of the Constitutional Court of the Republic of Moldova on 3 November 2023. The Council for Democratic Elections will examine this draft *amicus curiae* brief at its meeting on 14 December 2023.

The joint *amicus curiae* brief was prepared under the [Quick Response Mechanism \(QRM\)](#) in the framework of the EU/CoE joint programme [Partnership for Good Governance](#), co-funded by the Council of Europe and the European Union and implemented by the Council of Europe.

17. Ukraine

Draft amicus curiae brief relating to additional sanctions for committing an administrative offence

The Commission is invited to examine, with a view to adoption, the draft *amicus curiae* brief ([CDL\(2023\)064](#)) (PG/DV/kb), relating to additional sanctions for committing an administrative offence, drawn up on the basis of comments by Mr Darmanović, Ms Milašič, Ms Otálora Malassis, Mr Kaarlo Tuori (Honorary President, Expert) and Mr Ben Vermeulen (former member, Expert). This *amicus curiae* brief was requested by the Acting Chair of the Constitutional Court of

Ukraine on 17 October 2023. The Council for Democratic Elections will examine this draft *amicus curiae* at its meeting on 14 December 2023.

18. Advisory Group of Experts in Ukraine

Ms Hanna Suchocka, Honorary President of the Venice Commission, will inform the Commission of recent developments regarding the Advisory Group of Experts in Ukraine.

19. Association of Former Members

The Commission is invited to hold an exchange of views with the Association of Former Members.

19:30

Dinner at la Scuola Grande di San Giovanni Evangelista

Saturday 16 December

9:30-11:00

*Elections to the Commission's positions
Studies and reports
Information on constitutional developments in observer States
Reports of the Sub Commission Meetings
Information on Conferences and Seminars
General matters
Cooperation*

4. (Cont). Election of the the President, 3 Vice-Presidents and 4 members of the Bureau, as well as the Chairs and Vice-Chairs of the Sub-Commissions

The Commission is invited to elect its President, 3 Vice-Presidents and 4 members of the Bureau for a period of 2 years. The Commission is also invited to elect the Chairs and the Vice-Chairs of its Sub-Commissions for a period of two years.

20. The use of digital technologies and artificial intelligence during electoral processes: towards an interpretative declaration to the Code of Good Practice in Electoral Matters?

The Commission will be informed about progress in the preparation of a possible update of electoral standards in relation to the use of digital technologies and artificial intelligence during electoral processes.

21. Report on Bicameralism

The Commission will be informed about the progress of the preparation of the report on Bicameralism, which will be drawn up on the basis of comments by Ms Bernoussi, Mr Bustos Gisbert, Mr Langášek, Ms Otálora Malassis, Mr Newman, Ms Nussberger and Mr Zoltan Szente (Expert) (questionnaire ([CDL-PI\(2023\)009](#)) and the compilation ([CDL-PI\(2023\)011](#))). This report is being prepared upon an initiative by the Venice Commission.

22. Information on constitutional developments in observer States

The Commission will be informed on constitutional developments in the Holy See and Japan.

23. Report of the Meeting of the Sub-Commission on Democratic Institutions (14 December 2023)

The Chair of the meeting might inform the Commission on the results and conclusions of the meeting held on 14 December 2023.

[Link to annotated agenda](#)

24. Report of the Joint Meeting of the Sub-Commissions on the Judiciary and on the Rule of Law (14 December 2023)

The Chair of the meeting might inform the Commission on the results and conclusions of the meeting held on 14 December 2023.

[Link to annotated agenda](#)

25. Information on Conferences and Seminars

Please see the Venice Commission's [website](#) for information on our conferences and seminars.

26. Other business

27. Dates of the next sessions

138th plenary session	15-16 March 2024
139th plenary session	21-22 June 2024
140th plenary session	11-12 October 2024
141st plenary session	6-7 December 2024

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

7. Co-operation with the Parliamentary Assembly

The Commission is invited to hold an exchange of views with Mr Tiny Kox, President of the Parliamentary Assembly, and with Mr Constantinos Efstathiou, Representative of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe and on co-operation with the Assembly. The Presidential Committee of the Parliamentary Assembly and the Enlarged Bureau of the Venice Commission will hold their regular meeting, on Saturday 16 December 2023, after the Plenary Session.

11:00-11:30

Coffee

11:30-15:30

Annual meeting and working lunch between the Presidential Committee of the Parliamentary Assembly of the Council of Europe and between the Enlarged Bureau of the Venice Commission