



Strasbourg, 5 June 2020

**CDL-PL-OJ(2020)002ann**  
Or. Engl

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

**123<sup>rd</sup> PLENARY SESSION**  
**Thursday, 18 June and Friday, 19 June 2020**

**DRAFT ANNOTATED AGENDA**

**Thursday, 18 June 2020**

In accordance with the decision by the Bureau, the session will be held by a written procedure.

**1. Adoption of the Agenda**

The agenda is considered adopted unless a member objects by 15 June 2020. In this case the Enlarged Bureau will determine the agenda at its meeting of 17 June 2020.

**2. Follow-up to Venice Commission opinions**

The Secretariat will inform in writing on follow-up to (see document [CDL\(2020\)015](#)):

Albania - Opinion on the draft law on the finalisation of transitional ownership processes ([CDL-AD\(2019\)023](#));

Georgia - Urgent Opinion on the selection and appointment of Supreme Court judges ([CDL-AD\(2019\)009](#));

Republic of Moldova - *Amicus Curiae* Brief for the Constitutional Court of the Republic of Moldova on the amendments to the Law on the Prosecutor's Office ([CDL-AD\(2019\)034](#));

Republic of Moldova - *Amicus Curiae* brief for the Constitutional Court of the Republic of Moldova on the criminal liability of constitutional court judges ([CDL-AD\(2019\)028](#)); see also document [CDL-REF\(2020\)027](#));

Romania – Opinion on Emergency Ordinances GEO N° 7 and GEO N° 12 amending the Laws of Justice ([CDL-AD\(2019\)014](#)) and Opinion on draft amendments to Law No. 303/2004 on the Statute of Judges and Prosecutors, Law No. 304/2004 on Judicial Organisation, and Law No. 317/2004 on the Superior Council for Magistracy ([CDL-AD\(2018\)017](#)).

The opinion on Republic of Moldova (see item 15) is a follow-up to a previous opinion adopted on this country.

**3. Poland - Amendments to the Law on Common Courts, the Law on the Supreme Court and some other Laws**

The Commission is invited to endorse the urgent Joint Opinion ([CDL-PI\(2020\)002](#)) by the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on amendments to the Law on Common Courts, the Law on the Supreme Court and some other Laws ([CDL-REF\(2020\)001](#)), drawn up on the basis of comments by Mr Barrett, Ms Bazy Malaurie, Mr Carozza, Mr Dimitrov, Ms Kiener Mr Tuori and Mr Mats Melin (DGI Expert). The President will note that the Opinion has been endorsed if no objection has been raised by a member by 18 June 2020 at noon Venice time. In accordance with the Protocol on the preparation of Venice Commission urgent opinions adopted in October 2018 ([CDL-AD\(2018\)019](#)), this urgent opinion has already been issued.

**4. Republic of Moldova - Draft Law on amending the Law No. 947/1996 on Superior Council of Magistracy**

The Commission is invited to endorse the urgent Joint Opinion ([CDL-PI\(2020\)001](#)) by the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the draft Law on amending the Law No. 947/1996 on Superior Council of

Magistracy ([CDL-REF\(2020\)002](#), [CDL-REF\(2020\)003](#), [CDL-REF\(2020\)004](#) and [CDL-REF\(2020\)005](#)), drawn up on the basis of comments by Mr Barrett, Mr Gaspar, Mr Alexander Baramidze (Venice Commission expert) and Ms Nina Betetto (DGI Expert). The President will note that the Opinion has been endorsed if no objection has been raised by a member by 18 June 2020 at noon Venice time. In accordance with the Protocol on the preparation of Venice Commission urgent opinions adopted in October 2018 ([CDL-AD\(2018\)019](#)), this urgent opinion has already been issued.

#### **5. Albania – Draft amendments to law N° 97/2013 on the Audiovisual Media Service**

The Commission is invited to adopt the draft Opinion (CDL(2020)003) as amended on draft amendments to law N° 97/2013 on the Audiovisual Media Service ([CDL-REF\(2020\)007](#) and [CDL-REF\(2020\)018](#)), drawn up on the basis of comments by Mr Frendo, Ms Kjerulf-Thorgeirsdottir and Ms Šimáčková. The President will note that the draft Opinion has been adopted if no objection has been raised by 18 June 2020 at noon Venice time.

#### **6. Armenia – *Amicus curiae* brief for the Constitutional Court of Armenia relating to Article 300.1 of the Criminal Code**

The Commission is invited to adopt the draft *amicus curiae* brief (CDL(2020)014) as amended for the Constitutional Court of Armenia relating to Article 300.1 of the Criminal Code, drawn up on the basis of comments by Ms Hermanns, Mr Meridor, Mr Sardon and Mr Tuori. The President will note that the draft *amicus curiae* brief has been adopted if no objection has been raised by 18 June 2020 at noon Venice time.

#### **7. Latvia - Recent amendments to legislation on education in minority languages**

The Commission is invited to adopt the draft Opinion (CDL(2020)004) as amended on recent amendments to legislation on education in minority languages ([CDL-REF\(2020\)008](#), [CDL-REF\(2020\)009](#), [CDL-REF\(2020\)010](#) and [CDL-REF\(2020\)011](#)), drawn up on the basis of comments by Ms Bílková, Ms Kiener, Mr Velaers, Mr Vermeulen and Mr Rainer Hofmann (DGII expert). The President will note that the draft Opinion has been adopted if no objection has been raised by 18 June 2020 at noon Venice time.

#### **8. Russian Federation - 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**

The Commission is invited to adopt the draft Opinion (CDL(2020)006) as amended on the 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-REF\(2020\)021](#) and [CDL-REF\(2020\)022](#)), drawn up on the basis of comments by Mr Alivizatos, Ms Bazy Malaurie, Mr Cameron, Ms Hermanns and Mr Kuijer. The President will note that the draft Opinion has been adopted if no objection has been raised by 18 June 2020 at noon Venice time.

#### **9. Turkey - Replacement of elected candidates and mayors**

The Commission is invited to adopt the draft Opinion (CDL(2020)010) as amended on the replacement of elected candidates and mayors (see [CDL-REF\(2020\)020](#)), drawn up on the basis of comments by Mr Bußjäger, Mr Carozza, Mr Castella and Mr Otty. The President will note that the draft Opinion has been adopted if no objection has been raised by 18 June 2020 at noon Venice time.

**Friday, 19 June 2020****10. Follow-up to the meeting of the Enlarged Bureau**

The Commission may be invited to confirm decisions taken by the Enlarged Bureau at its meeting by Video Conference on Wednesday, 17 June 2020.

**11. Albania – Appointment of members of the Constitutional Court**

The Commission is invited to adopt the draft Opinion (CDL(2020)016) as amended on the appointment of members of the Constitutional Court, drawn up on the basis of comments by Mr Kask, Mr Kuijer, Ms Nußberger, Mr Pinelli, Mr Tuori and Ms Hanna Suchocka (Honorary President). The President will note that the draft Opinion has been adopted if no objection has been raised by 19 June 2020 at noon Venice time.

**12. Armenia – Three questions in the context of constitutional amendments concerning the judges of the constitutional court**

The Commission is invited to adopt the draft Opinion (CDL(2020)018) as amended on three questions in the context of constitutional amendments concerning the judges of the constitutional court ([CDL-REF\(2020\)025](#)), drawn up on the basis of comments by Mr Dimitrov, Mr Frendo, Mr Grabenwarter and Mr Holmøyvik. The President will note that the draft Opinion has been adopted if no objection has been raised by 19 June 2020 at noon Venice time.

**13. Kosovo – Certain provisions of the draft Criminal Procedure Code**

The Commission is invited to adopt the draft Opinion (CDL(2020)019) as amended on certain provisions of the draft Criminal Procedure Code, namely trial in absentia (Art. 306) and suspension of officials from office (Art. 177) ([CDL-REF\(2020\)023](#)), drawn up on the basis of comments by Mr Gaspar, Mr Kuijer and Mr Pinelli. The President will note that the draft Opinion has been adopted if no objection has been raised by 19 June 2020 at noon Venice time.

**14. Malta - Proposed Legislative Changes**

The Commission is invited to adopt the draft Opinion (CDL(2020)017) as amended on the Proposed Legislative Changes ([CDL-REF\(2020\)024](#)), drawn up on the basis of comments by Ms Kjerulf-Thorgeirsdottir, Mr Kuijer, Mr Nicolatos and Mr Tuori. The President will note that the draft Opinion has been adopted if no objection has been raised by 19 June 2020 at noon Venice time.

**15. Republic of Moldova – Revised draft Law on amending and supplementing the constitution with respect to the Superior Council of Magistracy**

The Commission is invited to adopt the draft joint Opinion by the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe ([CDL\(2020\)021](#)) as amended on the revised draft Law on amending and supplementing the constitution with respect to the Superior Council of Magistracy ([CDL-REF\(2020\)28](#); see also [CDL-REF\(2020\)017](#)), drawn up on the basis of comments by Mr Barrett, Mr Gaspar, Mr Alexander Baramidze (Venice Commission expert) and Ms Nina Betetto (DGI Expert). This draft joint opinion is a follow-up to the opinion adopted at the March 2020 plenary session (see document [CDL-AD\(2020\)001](#)). The President will note that the draft Opinion has been adopted if no objection has been raised by 19 June 2020 at noon Venice time.

## **16. Emergency situations**

The Commission is invited to endorse the Compilation on emergency situations ([CDL-PI\(2020\)003](#)) prepared by the Scientific Council, to take note of the report “Respect for democracy, human rights and the rule of law during states of emergency – reflections” ([CDL-PI\(2020\)005rev](#)), drawn up by Mr Alivizatos, Ms Bílková, Mr Cameron, Mr Kask and Mr Tuori and to decide to prepare an update of the 1995 Study on emergency powers ([CDL-STD\(1995\)012](#)).

## **17. Information on current activities**

The Secretariat will inform in writing on current and recent activities of the Commission (see document CDL(2020)020).

## **18. Dates of the next sessions**

The dates of the next sessions are confirmed as follows:

124 <sup>th</sup> Plenary Session	8-9 October 2020 (Please note that these dates are Thursday and Friday, instead of Friday and Saturday as usual)
125 <sup>th</sup> Plenary Session	11-12 December 2020

Please note that the Ceremony of celebration of the Thirtieth Anniversary which was planned for 8 October 2020 in Palazzo Ducale has been cancelled. We will nevertheless mark the anniversary in the course of the Plenary Session on 8-9 October 2020.

The Commission is invited to confirm the schedule of sessions for 2021 as follows:

126 <sup>th</sup> Plenary Session	19-20 March 2021
127 <sup>th</sup> Plenary Session	18-19 June 2021
128 <sup>th</sup> Plenary Session	15-16 October 2021
129 <sup>th</sup> 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.

## **19. Other business**