



Strasbourg, 27 November 2020

CDL-PL-OJ(2020)004
Or. Engl

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

125th PLENARY SESSION

STRASBOURG | KUDO (ONLINE)

Friday 11 December 2020 (9h30-17h00)
Saturday 12 December 2020 (10h00-12h00)

DRAFT ANNOTATED AGENDA

THIS PLENARY SESSION WILL BE HELD EXCLUSIVELY ONLINE

***MEMBERS WILL PARTICIPATE THROUGH THE KUDO PLATFORM
THE LINKS WILL BE SENT ON MONDAY 7 DECEMBER 2020***

THE USUAL GUESTS WILL NOT BE INVITED TO PARTICIPATE IN THE PLENARY

Friday 11 December 2020

9:30-10:30

*Adoption of the Agenda
Communication by the President
Communication by the Enlarged Bureau
Election of the Chair and Vice-Chair of the Sub-commission on Gender Equality
Communication by the Secretariat
Follow-up to earlier opinions
Endorsement of urgent opinions*

1. Adoption of the Agenda**2. Communication by the President**

The President will present his recent activities (see document [CDL\(2020\)042](#)).

3. Communication from the Enlarged Bureau

The Commission will be informed on the discussions which took place at the online meeting of the Enlarged Bureau of 10 December 2020.

4. Election of the Chair and Vice-Chair of the Sub-Commission on Gender Equality

The Commission will be invited to elect the Chair and the Vice-Chair of the Sub-Commission on Gender Equality, upon the proposal of the Enlarged Bureau in consultation with the Wise Persons elected in 2019. This election had been postponed in December 2019; the mandates will expire in December 2021.

5. Communication by the Secretariat**6. Follow-up to earlier Venice Commission opinions (see document [CDL\(2020\)047](#))**

The Commission will be informed on follow-up to the following opinions:

Hungary – Opinion on the Draft Law on the Transparency of Organisations receiving support from abroad ([CDL-AD\(2017\)015](#));

Kazakhstan – Opinion on the Draft Code of Administrative Procedures ([CDL-AD\(2018\)020](#));

Principles on the Protection and Promotion of the Ombudsman Institution ("The Venice Principles"), ([CDL-AD\(2019\)005](#)).

7. Bulgaria

The Commission is invited to endorse the Urgent Interim Opinion ([CDL-PI\(2020\)016](#)) on the draft new Constitution of Bulgaria, ([CDL-REF\(2020\)070](#)), drawn up on the basis of comments by Mr Frenco, Mr Holmøyvik, Ms Kiener, Mr Kuijjer, and Mr James Hamilton (Expert). This urgent interim opinion was issued on 20 November 2020 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)). The President will declare that this opinion has been endorsed if no objection is raised by members before 4 December 2020.

The Commission will be informed on the constitutional developments in Bulgaria following the issuing of the urgent opinion.

8. Kyrgyzstan

The Commission is invited to endorse the urgent *amicus curiae* brief ([CDL-PI\(2020\)015](#)) relating to postponement of elections motivated by constitutional reform of the Kyrgyz Republic ([CDL-REF\(2020\)076](#) and [CDL-REF\(2020\)077](#)), drawn up on the basis of comments by Mr Barrett, Ms Cartabia and Ms Hanna Suchocka (Honorary President of the Commission). This urgent *amicus curiae* brief was issued on 18 November 2020 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)). The President will declare that this urgent *amicus curiae* brief has been endorsed if no objection is raised by members before 4 December 2020.

The Commission will be informed on the constitutional developments in Kyrgyzstan following the issuing of the urgent *amicus curiae* brief.

9. Republic of Moldova

The Commission is invited to endorse the urgent joint *amicus curiae* brief by the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) ([CDL-PI\(2020\)014](#)) on specific legal questions concerning the mandate of members of constitutional bodies of the Republic of Moldova ([CDL-REF\(2020\)071](#)), drawn up on the basis of comments by Mr Barrett, Mr Gaspar, Mr Alexander Baramidze (Venice Commission Expert and (DGI Expert)) and Ms Nina Betetto (DGI Expert, President of the CCJE). This urgent joint *amicus curiae* brief was issued on 17 November 2020 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)). The President will declare this joint *amicus curiae* brief has been endorsed if no objection is raised by members before 4 December 2020.

The Commission will be informed on the constitutional developments in the Republic of Moldova following the issuing of the urgent *amicus curiae* brief.

10:30-11:00 Kosovo – draft opinion on the draft law on the government

10. 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\(2020\)045](#)) on the draft Law on the Government of the Republic of Kosovo ([CDL-REF\(2020\)072](#)), drawn up on the basis of comments by Ms Bernoussi, Mr Dimitrov, Mr Hunt, Mr Maiani and Mr Mathieu. This activity falls within the framework of the Expertise Co-ordination Mechanism, which is part of the European Union/Council of Europe Joint Programme “Horizontal Facility for the Western Balkans and Turkey - Phase II”.

11:00-11:30 – coffee break

11:30-12:00 Ukraine – recent constitutional developments

11. Ukraine

The Commission is invited to endorse the Urgent Joint Opinion([CDL-PI\(2020\)018](#)) on the legislative situation regarding anti-corruption mechanisms following judgment no. 13-r/2020 of the Constitutional Court of Ukraine of 27 October 2020 ([CDL-REF\(2020\)078](#)) and ([CDL-REF\(2020\)079](#)), drawn up on the basis of comments by Mr Esanu, Mr Kuijer, Ms Hanna Suchocka (Honorary President of the Venice Commission, Mr Duro Sessa, (DGI expert) and Mr Gerhard Reissner (DGI expert) and the Urgent Opinion on the reform of the Constitutional Court of Ukraine ([CDL-PI\(2020\)019](#)), drawn up on the basis of comments by Mr Carozza, Ms Cartabia, Mr Darmanovic and Mr Grabenwarter.

The Commission is further invited to hold an exchange of views with the representatives of Ukraine about future reforms.

12:00-13:00 Albania – draft joint opinion on Electoral law (amendments to the Constitution of 30 July 2020 and to the Electoral Code of 5 October 2020)

12. Albania

The Commission is invited to hold an exchange of views with the representatives of the Albanian authorities and to examine with a view to adoption the draft joint opinion of the Venice Commission and OSCE/ODIHR ([CDL\(2020\)044](#)) on the Electoral law (amendments to the Constitution of 30 July 2020 and to the Electoral Code of 5 October 2020) ([CDL-REF\(2020\)073](#), [CDL-REF\(2020\)074](#) and [CDL-REF\(2020\)075](#)), drawn up on the basis of comments by Mr Holmøyvik, Mr Kask, and Ms Pabel. This activity falls within the framework of the Expertise Co-ordination Mechanism, which is part of the European Union/Council of Europe Joint Programme “Horizontal Facility for the Western Balkans and Turkey - Phase II”.

The Council for Democratic Elections will examine this draft opinion at its meeting on 10 December 2020.

13:00-15:00 – lunch break

*15:00-17:00 Revised Joint Guidelines on Political Parties
Principles for a fundamental rights-compliant use of digital technologies in electoral processes
Information on constitutional developments in observer states
Information on constitutional developments in other countries*

13. Revised Joint Guidelines on Political Parties

The Commission is invited to adopt the draft Revised Joint Guidelines on Political Party Regulation 2nd Edition ([CDL\(2020\)025](#)) of the Venice Commission and the OSCE/ODIHR, drawn up on the basis of comments by Mr Castella, Mr Eşanu, Mr Vermeulen, Mr Pieter van Dijk (Expert) and the OSCE/ODIHR Core Group of Experts on Political Parties.

14. Principles for a fundamental rights-compliant use of digital technologies in electoral processes

The Commission is invited to adopt the draft Principles for a fundamental rights-compliant use of digital technologies in electoral processes ([CDL\(2020\)043](#)), drawn up on the basis of comments by Mr Barrett, Ms Kjerulf Thorgeirsdottir, Mr Rubio Nuñez and Mr Vargas Valdez.

The Council for Democratic Elections will examine this draft Report at its meeting on 10 December 2020.

15. Information on constitutional developments in observer States

Representatives of observer States are invited to inform the Commission on recent constitutional developments in their countries.

16. Information on constitutional developments in other countries

Chile

Mr Gonzalo Garcia Pino will inform the Commission on recent constitutional developments in Chile.

Peru

Mr Sardon will inform the Commission on recent constitutional developments in Peru.

USA

Mr Carozza will inform the Commission on recent developments in the USA.

Saturday 11 December

10:00-12:00

Constitutional developments on Observer states (continued)
Constitutional developments in other states (continued)
Report on Individual access to constitutional justice
Compilation on stability of electoral law
Report Council for Democratic Elections
Closing

15. (continued) Information on constitutional developments in observer States

Representatives of observer States are invited to inform the Commission on recent constitutional developments in their countries.

16. (continued) Information on constitutional developments in other countries

Italy

Ms Cartabia will inform the Commission on recent constitutional developments in Italy.

17. Individual access to constitutional justice

The Commission is invited to adopt the draft revised report on Individual access to constitutional justice ([CDL\(2020\)041](#)), drawn up on the basis of comments by Ms Nussberger, and Mr

Harutyunyan and Mr Peter Paczolay (Honorary President of the Commission).

18. Compilation on stability of electoral law

The Commission is invited to endorse the draft compilation of Venice Commission opinions and reports on the stability of electoral law (CDL(2020)040).

19. Report of the meeting of the Council for Democratic Elections (10 December)

The President of the Council will inform the Commission on the results and conclusions of the online meeting held on 10 December 2020.

The draft opinion on Albania and the draft principles for a fundamental rights-compliant use of digital technologies, are dealt with under Items 12 and 14 above.

20. Dates of the next sessions

The schedule of sessions for 2021 is confirmed as follows:

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

21. Other business

N.B.

Ms Jayne Aparicio, Jayne.Aparicio@coe.int and Ms Brigitte Aubry, Brigitte.Aubry@coe.int, are the assistants responsible for the practical organisation of the Plenary Session. Should you have any queries, do not hesitate to contact them.

From 10 to 12 December you can call or text these numbers +33603517214 (Ms Aparicio) +33670034069 (Ms Aubry)