



Strasbourg, 5 March 2021

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Or. Engl

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

126th PLENARY SESSION

STRASBOURG | KUDO (online)

Friday 19 March 2021 (09:30-18:00)

Saturday 20 March 2021 (9:30-12:30)

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 15 MARCH 2020***

Friday 19 March 2021

09:30-10:30	<i>Adoption of the Agenda Communication by the President Communication by the Enlarged Bureau Communication by the Secretariat Co-operation with Council of Europe organs Exchange of views with EU Commissioner for Neighbourhood Policy and Enlargement Negotiation Follow-up to earlier Venice Commission opinions</i>
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1. Adoption of the Agenda**2. Communication by the President**

The President will present his recent activities (see document [CDL\(2021\)008](#)).

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 on 18 March 2021.

4. Communication by the Secretariat**5. Co-operation with the Committee of Ministers**

Within the framework of its co-operation with the Committee of Ministers, the Commission will hold an exchange of views with representatives of the Committee of Ministers.

6. Co-operation with the Parliamentary Assembly

The Commission is invited to hold an exchange of views with Mr Boriss Cilevič, Chair of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe (PACE) on co-operation with the Assembly.

The draft opinion on the compatibility with European standards of certain criminal law provisions used to prosecute peaceful demonstrators and Members of the “Coordination Council” of Belarus; the draft Joint opinion of the Venice Commission and the Information Society and Action against Crime Directorate of the Council of Europe (DGII) on recent amendments to the Law on electronic communications and the Law on broadcasting of Georgia; the draft opinion on constitutional amendments and the procedure for their adoption of the Russian Federation and the draft opinion on the Citizens’ Security Law of Spain fall into the framework of co-operation with the Parliamentary Assembly.

7. 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 Leen Verbeek, Chair of the Congress Monitoring Committee, on co-operation with the Congress.

8. Exchange of views with the EU Commissioner for Neighbourhood and Enlargement Negotiation

The Commission is invited to hold an exchange of views with Mr Olivér Várhelyi, European Commissioner for Neighbourhood Policy and Enlargement Negotiation.

9. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to the following opinions (see document [CDL\(2021\)012](#)):

Albania: Final Opinion on the revised draft constitutional amendments on the Judiciary (15 January 2016) ([CDL-AD\(2016\)009](#));

Armenia: Joint opinion of the Venice Commission and the OSCE/ODIHR on draft amendments to the legislation concerning political parties ([CDL-AD\(2020\)004](#));

Kosovo: Opinion on the “draft law on amending and supplementing the Law no. 03/I-174 on the Financing of Political Entities (Amended and Supplemented by the Law no. 04/I-058 and the Law no. 04/I-122) and the Law no. 003/I-073 on General Elections (Amended and Supplemented by the Law no. 03/I-256)” ([CDL-AD\(2018\)016](#));

Turkey: Opinion on the suspension of the second paragraph of Article 83 of the Constitution (parliamentary inviolability) ([CDL-AD\(2016\)027](#));

Turkey: Opinion on articles 216, 299, 301 and 314 of the Penal Code ([CDL-AD\(2016\)002](#));

Turkey: Opinion on the amendments to the Constitution adopted by the Grand National Assembly on 21 January 2017 and to be submitted to a National Referendum on 16 April 2017 ([CDL-AD\(2017\)005](#));

Turkey: Opinion on the duties, competences and functioning of the criminal peace judgeships ([CDL-AD\(2017\)004](#));

Ukraine: Urgent joint opinion of the Venice Commission and the OSCE/ODIHR on the draft Law 3612 on democracy through all-Ukraine referendum ([CDL-AD\(2020\)024](#)).

10:30-10:45

Coffee break

10:45-11:45

Discussion and adoption of opinions on individual countries:

Spain, Citizens’ Security Law

Belarus, compatibility with European standards of certain criminal law provisions used to prosecute peaceful demonstrators and Members of the “Coordination Council

10. Spain

The Commission is invited to hold an exchange of views with the representative of Spain and to examine with a view to adoption the draft opinion ([CDL\(2021\)004](#), GID/sc) on the Citizens’ security Law of Spain ([CDL-REF\(2021\)011](#), [CDL-REF\(2021\)012](#) and [CDL-REF\(2021\)027](#)), drawn-up on the basis of comments by Mr Barrett, Mr Cameron, Mr Eşanu and Ms Kiener. This opinion was requested by the Committee on Honouring of Obligations and Commitments by member States of the Council of Europe (Monitoring Committee) of the Parliamentary Assembly (PACE) on 9 October 2015. The Sub-Commission Fundamental Rights will examine this draft opinion at its online meeting on 18 March 2021.

11. Belarus

The Commission is invited to hold an exchange of views with the representative of Belarus (tbc) and to examine with a view to adoption the draft opinion ([CDL\(2021\)007](#), TG/ew) on the compatibility with European standards of certain criminal law provisions used to prosecute peaceful demonstrators and members of the “Coordination Council” of Belarus ([CDL-REF\(2021\)004](#)), drawn-up on the basis of comments by Ms Bazy Malaurie, Ms Kjerulf-Thorgeirsdottir and Mr Kuijer. This opinion was requested by the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly (PACE) on 21 December 2020. The Sub-

Commission on Fundamental Rights will examine this draft opinion at its online meeting on 18 March 2021.

11:45-12:00	<i>Coffee break</i>
12:00-12:45	<i>Discussion and adoption of opinions on individual countries (Continued): Kazakhstan, concept paper for improving the legal framework of the Constitutional Council Ukraine, draft Law on political parties</i>

12. Kazakhstan

The Commission is invited to hold an exchange of views with the representative of Kazakhstan and to examine with a view to adoption the draft opinion ([CDL\(2021\)020](#), BK/vm) on the concept paper for improving the legal framework of the Constitutional Council of Kazakhstan ([CDL-REF\(2021\)014](#)), drawn-up on the basis of comments by Ms Bazy Malaurie, Mr Kim and Mr Tanase. This opinion was requested by the President of the Constitutional Council of Kazakhstan on 20 January 2021.

13. Ukraine

The Commission is invited to hold an exchange of views with the representative of Ukraine and to examine with a view to adoption the draft joint opinion of the Venice Commission and the OSCE/ODIHR ([CDL\(2021\)005](#), MJ/sc) on the draft Law on Political Parties of Ukraine ([CDL-REF\(2021\)005](#) and [CDL-REF\(2021\)006](#)), drawn-up on the basis of comments by Mr Castellà Andreu, Mr Frendo, Mr Velaers and Mr Vilanova Trias. This joint opinion was requested by the Chair of the Committee on Legal Policy of the *Verkhovna Rada* (Parliament) of Ukraine on 30 December 2020. The Council for Democratic Elections will examine this draft joint opinion at its online meeting on 18 March 2021.

12:45-14:15	<i>Lunch break</i>
14:15-15:15	<i>Discussion and adoption of opinions on individual countries (Continued): Kyrgyzstan, draft Constitution Bosnia and Herzegovina, Draft amendments to the Law on High Judicial Prosecutorial Council</i>

14. Kyrgyzstan

The Commission is invited to hold an exchange of views with the representative of Kyrgyzstan and to examine with a view to adoption the draft joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2021\)021](#), SK/vm) on the draft Constitution of Kyrgyzstan ([CDL-REF\(2021\)017](#)), drawn-up on the basis of comments by Mr Carozza, Ms Nussberger, Mr Qerimi and Ms Hanna Suchocka (former member, Honorary President of the Commission). This joint opinion was requested by the Director of the ODIHR on 16 February 2021. The Sub-Commission on Democratic Institutions will examine this draft joint opinion at its online meeting on 18 March 2021.

15. Bosnia and Herzegovina

The Commission is invited to hold an exchange of views with the representative of Bosnia and Herzegovina and to examine with a view to adoption the draft opinion ([CDL\(2021\)003](#), MS/ba) on the draft Law on amendments to the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ([CDL-REF\(2021\)001](#) and [CDL-REF\(2021\)007](#)), drawn up on the basis of comments by Ms Bílková, Mr Eşanu and Mr James Hamilton (former member, Expert). This opinion was requested by the Ministry of Justice of Bosnia and Herzegovina on 15 December 2020. This activity is co-funded by the European Union and falls into the framework of the

Expertise Co-ordination Mechanism (ECM), which is part of the European Union/Council of Europe Joint Programme “Horizontal Facility for the Western Balkans and Turkey”.

15:15-15:30	<i>Coffee break</i>
15:30-16:15	<i>Discussion and adoption of opinions on individual countries (Continued): Georgia, draft amendments to the Election Code, the Law on Political Associations of Citizens and the Rules of Procedure of the Parliament Georgia, Draft Article 79¹ of the Electoral Code</i>

16. Georgia

Draft amendments to the Election Code, the Law on Political Associations of Citizens and the Rules of Procedure of the Parliament of 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 joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2021\)010](#), PG/vl) on draft amendments to the Election Code, the Law on Political Associations of Citizens and the Rules of Procedure of the Parliament of Georgia ([CDL-REF\(2021\)003](#), [CDL-REF\(2021\)008](#) and [CDL-REF\(2021\)009](#)), drawn-up on the basis of comments by Mr Alivizatos, Mr Castellà Andreu and Mr Frendo. This joint opinion was requested by the Chairman of the Parliament of Georgia on 24 December 2020. This activity is co-funded by the European Union and falls into the framework of the Quick Response Mechanism (QRM) for Eastern Partnership Countries under the Partnership for good Governance (PGG). The Council for Democratic Elections will examine this draft joint opinion at its online meeting on 18 March 2021.

Draft Article 79¹ of the Electoral Code

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 joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2021\)015](#), GMM/vl) on draft Article 79¹ of the Electoral Code (revocation of party registration) of Georgia ([CDL-REF\(2021\)002](#) and [CDL-REF\(2021\)009](#)), drawn-up on the basis of comments by Mr Alivizatos, Mr Castellà Andreu and Mr Frendo. This joint opinion was requested by the Chairman of the Parliament of Georgia on 24 December 2020. This activity is co-funded by the European Union and falls into the framework of the Quick Response Mechanism (QRM) for Eastern Partnership Countries under the Partnership for good Governance (PGG). The Council for Democratic Elections will examine this draft joint opinion at its online meeting on 18 March 2021.

16:15-16:30	<i>Coffee break</i>
16:30-18:00	<i>Discussion and adoption of opinions on individual countries (Continued): Russian Federation, Constitutional amendments and the procedure for their adoption Ukraine, Procedure for consideration of cases and execution of judgments of the Constitutional Court</i>

17. Russian Federation

The Commission is invited to hold an exchange of views with the representative of the Russian Federation and to examine with a view to adoption the draft interim opinion ([CDL\(2021\)014](#), SC/is) on constitutional amendments and the procedure for their adoption of the Russian Federation ([CDL-REF\(2021\)010](#) and [CDL-REF\(2020\)066](#)), drawn up on the basis of comments by Mr Alivizatos, Ms Bazy Malaurie, Ms Bílková, Mr Cameron, Ms Hermanns and Mr Kuijer. This opinion was requested by the Committee on Honouring of Obligations and Commitments by member States of the Council of Europe (Monitoring Committee) of the Parliamentary Assembly

(PACE) on 27 May 2020. The Sub-Commission on Democratic Institutions will examine the draft interim opinion at its online meeting on 18 March 2021.

13. *bis.* Ukraine

Procedure for consideration of cases and execution of judgments of the Constitutional Court

The Commission is invited to hold an exchange of views with the representative of Ukraine and to examine with a view to adoption the draft opinion ([CDL\(2021\)013](#), SC/is) on the draft law on Constitutional Procedure (draft law no. 4533) and alternative draft law on the procedure for consideration of cases and execution of judgements of the Constitutional Court (draft law no. 4533 -1) ([CDL-REF\(2021\)015](#) and [CDL-REF\(2021\)016](#)), drawn up on the basis of comments by Mr Carozza, Mr Darmanovic and Mr Grabenwarter. This opinion was requested by the Speaker of the *Verkhovna Rada* (Parliament) of Ukraine on 26 January 2021.

Saturday 20 March 2021

09:30-10:30	<p><i>Discussion and adoption of Opinions on individual countries (Continued):</i></p> <p><i>Georgia, recent amendments to the Law on electronic communications and the Law on broadcasting</i></p> <p><i>Republic of Moldova, draft Law amending some normative acts on the People's Advocate</i></p> <p><i>Republic of Moldova, <u>Amicus curiae</u> brief on three legal questions concerning constitutional review of law-making procedures in Parliament</i></p>
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16.*bis* Georgia

Recent amendments to the Law on electronic communications and the Law on broadcasting

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 joint opinion of the Venice Commission and the Information Society and Action against Crime Directorate of the Council of Europe (DGII) ([CDL\(2021\)018](#), SG/rdp) on recent amendments to the Law on electronic communications and the Law on broadcasting of Georgia ([CDL-REF\(2021\)023](#), [CDL-REF\(2021\)024](#) and [CDL-REF\(2021\)025](#)), drawn up on the basis of comments by Mr Frendo, Mr Grabenwarter, Ms Šimáčková and Ms Kristina Rozgonyi (Expert). This opinion was requested by the Committee on Honouring of Obligations and Commitments by member States of the Council of Europe (Monitoring Committee) of the Parliamentary Assembly (PACE) on 17 November 2020.

18. Republic of Moldova

The Commission is invited to hold an exchange of views with the representative of the Republic of Moldova and to examine with a view to adoption the draft opinion ([CDL\(2021\)011](#), CM/ha) on the draft Law amending some normative acts on the People's Advocate of the Republic of Moldova ([CDL-REF\(2021\)013](#)), drawn-up on the basis of comments by Ms Err, Mr Hirschfeldt, Mr Sørensen and Mr Igli Totozani (Expert). This opinion was requested by People's Advocate of the Republic of Moldova on 14 January 2021.

The Commission is invited to examine with a view to adoption, the draft *amicus curiae* brief ([CDL\(2021\)017](#), JP/no) on three legal questions concerning constitutional review of law-making procedures in Parliament of the Republic of Moldova, drawn up on the basis of comments by Mr Dimitrov, Mr Pinelli and Mr Scholsem. This opinion was requested by the Constitutional Court of the Republic of Moldova on 21 December 2020.

10:30-10:45	Coffee break
10:45-12:30	Discussion and adoption of opinions on individual countries (Continued): Montenegro, Draft amendments to the law on the state prosecution office and the law on the Prosecutor's Office for organised crime and corruption Armenia, Preliminary discussion on draft amendments to the Electoral Code Annual report of activities 2020 PACE Recommendation 2192(2020) on the Rights and obligations of NGOs assisting refugees and migrants in Europe Compilation of Venice Commission opinions and reports Report of the meeting of the Council for Democratic Elections Closing items

19. Montenegro

The Commission is invited to hold an exchange of views with the representative of Montenegro and to examine with a view to adoption the draft opinion ([CDL\(2021\)016](#), GiD/rdp) on the draft amendments to the Law on the state prosecution and the draft Law on the Prosecutor's Office for organised crime and corruption of Montenegro ([CDL-REF\(2021\)028](#)), drawn up on the basis of comments by Mr Gaspar, Mr Nicolatos and Mr James Hamilton (former member, Expert). This opinion was requested by the Ministry of Justice and Minority Rights of Montenegro on 16 February 2021.

20. Armenia

The Commission is invited to hold an exchange of views with the representatives of Armenia and a preliminary discussion on the draft amendments to the Electoral Code and other legislation of Armenia (GMM/no) ([CDL-REF\(2021\)018](#), [CDL-REF\(2021\)019](#), [CDL-REF\(2021\)020](#), [CDL-REF\(2021\)021](#), [CDL-REF\(2021\)022](#), and [CDL-REF\(2021\)026](#)) following the request for a joint opinion thereon with the OSCE/ODIHR, made by the President of the National Assembly of Armenia on 4 March 2021. The Commission may authorise the rapporteurs to issue an urgent opinion on these draft amendments prior to the July 2021 Plenary Session.

21. Adoption of the Annual Report of activities 2020

The Commission is invited to examine with a view to adoption the draft annual report of activities 2020 ([CDL\(2021\)006](#)).

22. PACE Recommendation 2192(2020) on the Rights and obligations of NGOs assisting refugees and migrants in Europe

The Commission is invited to endorse the draft Secretariat Memorandum on Parliamentary Assembly Recommendation 2192(2020), "Rights and obligations of NGOs assisting refugees and migrants in Europe" ([CDL\(2021\)009](#), SG/rdp).

23. Compilations of Venice Commission opinions and reports

The Commission is invited to endorse the draft Compilation of Venice Commission opinions and reports concerning law-making procedures and the quality of law ([CDL\(2021\)002](#), GiD/rdp).

24. Report of the meeting of the Council for Democratic Elections (18 March 2021)

The President of the Council will inform the Commission on the results and conclusions of the online meeting held on 18 March 2021.

The opinion on Ukraine as well as the opinions on Georgia are respectively dealt with under Items 13 and 16 above.

25. Other business

26. Dates of the next sessions

Dates of the next session

127th Plenary Session 2-3 July 2021

The schedule of sessions for 2021 is confirmed as follows

128th Plenary Session 15-16 October 2021
129th Plenary Session 10-11 December 2021

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

N.B. Ms Brigitte Aubry, Brigitte.aubry@coe.int and Mrs Vicky Lee, Victoria.lee@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.