



Strasbourg, 29 June 2021

CDL-PL-OJ(2021)002ann-rev  
Or. Engl

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

**127<sup>th</sup> PLENARY SESSION**

**VENICE | ZOOM (online)**

**Friday 2 July 2021 (10:00-17:00)**  
**Saturday 3 July 2021 (10:00-12:00)**

**DRAFT ANNOTATED AGENDA**

***THIS PLENARY SESSION WILL BE HELD IN A HYBRID FORMAT***

***MEMBERS WILL PARTICIPATE IN VENICE  
(SCUOLA GRANDE SAN GIOVANNI EVANGELISTA)***

***OR***

***ONLINE THROUGH ZOOM  
(THE LINKS WILL BE SENT IN DUE COURSE)***

**Friday 2 July 2021**

10:00-11:00

*Adoption of the Agenda  
Communication by the President  
Communication by the Enlarged Bureau  
Election of a Committee of Wise Persons  
Communication by the Secretariat  
Co-operation with Council of Europe organs*

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

The President will present his recent activities (see document ([CDL\(2021\)029](#))).

**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 1 July 2021.

**4. Election of a Committee of Wise Persons**

In accordance with Article 6, paragraph 1bis of the Revised Rules of Procedure, the Commission is invited to elect the Committee of Wise Persons proposed by the Enlarged Bureau, who will prepare the elections which will be held during the December 2021 session. Every member may thereafter put forward his or her candidature for any vacant position to the wise persons.

**5. Communication by the Secretariat****~~6. Co-operation with the Committee of Ministers~~**

~~Within the framework of its cooperation with the Committee of Ministers, the Commission will hold an exchange of views with a representative of the Committee of Ministers.~~

**7. Co-operation with the Parliamentary Assembly**

The Commission is invited to hold an exchange of views with Mr Constantinos Efstathiou, Representative of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe.

The draft Opinion on the constitutional amendments in Hungary; the draft opinion on the Compatibility with international human rights standards of a series of Bills introduced to the Russian State Duma between 10 and 23 November 2020, to amend laws affecting so-called "foreign agents" of the Russian Federation; and the draft opinion on the compatibility with international human rights standards of Law no. 7262 on the Prevention of Financing of the Proliferation of Weapons of Mass Destruction recently passed by Turkey's National Assembly, amending, *inter alia*, the Law on Associations (No. 2860) and Law on Aid Collection (No. 5253) on Turkey, fall into the framework of co-operation with the Parliamentary Assembly. Please see Items 14, 15 and 16.

## 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 Ms Gudrun Mosler-Törnström, Chair of the Congress Monitoring Committee, on co-operation with the Congress.

### 8bis. Exchange of views with the Financial Action Task Force

The Commission is invited to hold an exchange of views with Ms Elisa de Anda Madrazo, Vice-President of the Financial Action Task Force (FATF) about the respective work.

11:00-11:30

*Coffee break*

11:30-13:00

*Follow-up to earlier Venice Commission opinions*

*Endorsement of urgent opinions*

## 9. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to the following opinions (see document [\(CDL\(2021\)025\)](#)):

- Armenia: Follow-up to the amicus curiae brief for the Constitutional Court of Armenia relating to Article 300.1 of the Criminal Code ([CDL-AD\(2020\)005](#))
- Bulgaria: Law supplementing the Criminal Procedure Code concerning the special prosecutor
- Hungary: Follow-up to the Opinion on the draft law on the transparency of organisations receiving support from abroad ([CDL-AD\(2017\)015](#))
- Malta: Follow-up to the Opinion on Constitutional arrangements and separation of powers and the independence of the judiciary and law enforcement ([CDL-AD\(2018\)028](#))
- Kyrgyzstan: Draft Constitution of the Kyrgyz Republic ([CDL-AD\(2021\)007](#))

## 10. Armenia

The Commission is invited to endorse the Urgent Joint Opinion of the Venice Commission and the OSCE/ODIHR ([CDL-PI\(2021\)006](#)) (GMM/SK/no) on draft amendments to the Electoral Code and related legislation of Armenia ([CDL-REF\(2021\)018](#)), ([CDL-REF\(2021\)019](#)), ([CDL-REF\(2021\)020](#)), ([CDL-REF\(2021\)021](#)), ([CDL-REF\(2021\)022](#)) ([CDL-REF\(2021\)026](#)), ([CDL-REF\(2021\)029](#)) and ([CDL-REF\(2021\)032](#)), drawn up on the basis of comments by Mr Barrett, Ms Biglino Campos, Mr Holmøyvik, Mr Kask and Ms Eirin-Maria Gounari (Expert, OSCE/ODHIR). This urgent joint opinion was requested by Mr Ararat Mirzoyan, President of the National Assembly of Armenia on 4 March 2021 and was issued on 22 April 2021 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

The opinion was prepared under the [Quick response Mechanism](#) 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.

## 11. Georgia

### *Amendments to the Election Code of Georgia*

The Commission is invited to endorse the Urgent Joint Opinion of the Venice Commission and the OSCE/ODIHR ([CDL-PI\(2021\)005](#)) (MJ/PG/MS/tcf/vl) on the amendments to the Election Code of Georgia ([CDL-REF\(2021\)031](#)), drawn up on the basis of comments by Mr Alivizatos, Mr Frendo and Ms Pabel. This urgent joint opinion was requested by Mr Archil Talakvadze, Chairman of the Parliament of Georgia, on 9 March 2021 and was issued on 30 April 2021 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

The opinion was prepared under the [Quick response Mechanism](#) 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.

### *Revised draft amendments to the Election Code of Georgia*

The Commission is invited to endorse the Urgent Joint Opinion of the Venice Commission and the OSCE/ODIHR ([CDL-PI\(2021\)011](#)) (MJ/SK/PG/tcf) on revised draft amendments to the Election Code of Georgia ([CDL-REF\(2021\)043rev](#)), drawn up on the basis of comments by Mr Alivizatos, Mr Frendo and Ms Pabel. This urgent joint opinion was requested by Mr Kakha Kutchava, Chairman of the Parliament of Georgia, on 21 May 2021, and was issued on 18 June 2021 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

The opinion was prepared under the [Quick response Mechanism](#) 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.

### *Amendments to the Organic Law on Common Courts*

The Commission is invited to endorse the Urgent Opinion ([CDL-PI\(2021\)007](#)) (TG/Sc/ew) on the amendments to the Organic Law on Common Courts of Georgia ([CDL-REF\(2021\)033](#)), drawn up on the basis of comments by Mr Atar, Mr Barrett, Mr Eşanu and Mr Sørensen. This urgent opinion was requested by Mr Archil Talakvadze, Chairman of the Parliament of Georgia, on 8 April 2021, and was issued on 28 April 2021 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

The opinion was prepared under the [Quick response Mechanism](#) 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.

## 12. Ukraine

### *Draft Law amending provisions of the Code of Administrative Offenses and the Criminal Code of Ukraine regarding the liability of public officials for inaccurate asset declaration (no. 4651, of 27 January 2021)*

The Commission is invited to endorse the Urgent Joint Opinion of the Venice Commission and the Directorate General of Human Rights and the Rule of Law of the Council of Europe (DGI) ([CDL-PI\(2021\)010](#)) (GiD/SW/ad) on the draft Law amending provisions of the Code of Administrative Offenses and the Criminal Code of Ukraine regarding the liability of public officials for inaccurate asset declaration (no. 4651, of 27 January 2021), ([CDL-REF\(2021\)034](#)) drawn up on the basis of comments by Mr Eşanu, Ms Hanna Suchocka (Honorary President of the Venice Commission) and Mr Jure Škrbec (DGI expert). This urgent joint opinion was requested by Mr Dmytro Razumkov, Chairperson of the Verkhovna Rada of Ukraine, on 15 March 2021 and

was issued on 6 May 2021 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

*Draft law on amendments to certain legislative acts concerning the procedure for electing (appointing) members of the High Council of Justice (HCJ) and the activities of disciplinary inspectors of the HCJ (draft law no. 5068)*

The Commission is invited to endorse the Urgent Joint Opinion of the Venice Commission and the Directorate General of Human Rights and the Rule of Law of the Council of Europe (DGI) ([CDL-PI\(2021\)004](#)) (Sc/GiD/is) on the draft law on amendments to certain legislative acts concerning the procedure for electing (appointing) members of the High Council of Justice (HCJ) and the activities of disciplinary inspectors of the HCJ (draft law no. 5068) ([CDL-REF\(2021\)030](#)), drawn up on the basis of comments by Mr Eşanu, Mr Kuijer and Ms Hanna Suchocka (Honorary President) and Mr Gerhard Reissner (Expert, DGI). This urgent joint opinion was requested Mr Dmytro Razumkov, Chairperson on the Verkhovna Rada of Ukraine, on 15 March 2021, and was issued on 5 May 2021 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

The Commission may be further invited to hold an exchange of views with Mr Dmytro Razumkov, Chairperson of the Verkhovna Rada of Ukraine, on the on-going reforms in the field of the judiciary in Ukraine (tbc).

13:00-15:00

*Lunch break*

15:00-15:45

*Discussion and adoption of Opinions on individual countries*

### **13. Bosnia and Herzegovina**

The Commission is invited to hold an exchange of views with Ms Ines Krtalić, Head of Cabinet, and to examine with a view to adoption the draft Opinion ([CDL\(2021\)032](#)) (GiD/tcf) on the draft Law on preventing conflict of interests in the institutions of Bosnia and Herzegovina ([CDL-REF\(2021\)041](#)), drawn up on the basis of comments by Mr Kask, Mr Tuori and Mr Quentin Reed (Expert). This opinion was requested by the Minister of Justice of Bosnia and Herzegovina, on 28 April 2021.

The opinion was prepared under the [Expertise Co-ordination Mechanism](#) in the framework of the EU/CoE joint programme “[Horizontal Facility II](#)”, co-funded by the Council of Europe and the European Union and implemented by the Council of Europe.

### **14. Russian Federation**

The Commission is invited to hold an exchange of views with Mr Andrey Klishas, Chairman of the Committee on Constitutional Legislation and State Construction of the Federation Council, and to examine with a view to adoption the draft opinion ([CDL\(2021\)022](#)) (SG/Sc/SW/ba/rdp) on the compatibility with international human rights standards of a series of bills introduced to the Russian State Duma between 10 and 23 November 2020, to amend laws affecting so-called “foreign agents” ([CDL-REF\(2021\)047](#)), ([CDL-REF\(2021\)048](#)), ([CDL-REF\(2021\)049](#)), ([CDL-REF\(2021\)050](#)), ([CDL-REF\(2021\)051](#)) and ([CDL-REF\(2021\)052](#)), drawn up on the basis of comments by Ms Bilkova, Ms Kjerulf-Thorgeirsdottir, Ms Nussberger, and Mr Velaers. This opinion was requested by the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe on 18 December 2020. The Sub-Commissions on Democratic Institutions and on Fundamental Rights will examine this draft opinion at their joint hybrid meeting on 1 July 2021.

15:45-16:15	Coffee break
16:15-17:00	Discussion and adoption of Opinions on individual countries (cont.)

## 15. Hungary

The Commission is invited to hold an exchange of views with Ms Anikó Raisz, State Secretary for the Ministry of Justice and Mr Gergely Ekler, State Secretary for the Ministry of Family Affairs, and to examine with a view to adoption the draft opinion ([CDL\(2021\)028](#)) (MS/SK/vm) on the constitutional amendments adopted by the Hungarian parliament in December 2020 ([CDL-REF\(2021\)045](#) and [CDL-REF\(2021\)046](#)), drawn up on the basis of comments by Mr Carozza, Ms Kiener and Mr Vermeulen. This opinion was requested by Mr Michael Aastrop Jensen, Chairman of the Monitoring Committee of the Parliamentary Assembly of the Council of Europe, on 5 January 2021. The Sub-Commissions on Democratic Institutions and on Fundamental Rights will examine this draft opinion at their joint hybrid meeting on 1 July 2021.

## 16. Turkey

The Commission is invited to hold an exchange of views with the representative of Turkey, and to examine with a view to adoption the draft opinion ([CDL\(2021\)031](#)) (SJ/PG/SK/tcf) on the compatibility with international human rights standards of Law no. 7262 on the Prevention of Financing of the Proliferation of Weapons of Mass Destruction recently passed by Turkey's National Assembly, amending, *inter alia*, the Law on Associations (No. 2860) and Law on Aid Collection (No. 5253) ([CDL-REF\(2021\)035](#), [CDL-REF\(2021\)036](#) and [CDL-REF\(2021\)037](#)), drawn up on the basis of comments by Ms Kjerulf-Thorgeirsdottir, Mr Pinelli and Mr Pieter van Dijk (Former member, Expert). This opinion was requested by Mr Boriss Cilevičs, Chairperson of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe on 1 February 2021. The Sub-Commissions on Democratic Institutions and on Fundamental Rights will examine this draft opinion their joint hybrid meeting on 1 July 2021.

<b>20:00</b>	<b>Dinner at Hôtel Papadopoli Venezia</b>
--------------	---

[Link to Hotel Papadopoli Venezia web site](#)

## **Saturday 3 July 2021**

10:00-12:00	Discussion and adoption of opinions on individual countries (cont.) Endorsement of urgent opinions Information on conferences and seminars
-------------	--

## 17. Romania

The Commission is invited to hold an exchange of views with Mr Stelian-Cristian ION, Minister of Justice of Romania, and to examine with a view to adoption the draft opinion ([CDL\(2021\)027](#)) (TG/Sc/ew) on the draft Law for dismantling the section for the investigation of offences committed within the judiciary of Romania ([CDL-REF\(2021\)042](#)), drawn up on the basis of comments by Mr Hirschfeldt, Mr Scholsem, Mr Tuori and Ms Hanna Suchocka (Honorary President of the Venice Commission). This opinion was requested by Mr Stelian-Cristian ION, Minister of Justice of Romania, on 29 March 2021. The Sub-Commissions on Democratic

Institutions and on Fundamental Rights will examine this draft opinion at their joint hybrid meeting on 1 July 2021.

## **18. Malta**

The Commission is invited to endorse the Urgent Opinion ([CDL-PI\(2021\)009](#)) (SGM/sch) on the reform of fair trial requirements in relation to substantial administrative fines in Malta ([CDL-REF\(2021\)038](#)) and ([CDL-REF\(2021\)039](#)) drawn up on the basis of comments by Mr Barrett, Mr Cameron, Mr Eşanu and Ms Omejec. This urgent opinion was requested by Mr Edward Zammit, Minister for Justice, Equality and Governance of Malta, on 29 March 2021, and was issued on 1 June 2021 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

## **19. Montenegro**

The Commission is invited to endorse the Urgent Opinion ([CDL-PI\(2021\)008](#)) (SGM/GiD/ba) on the revised draft amendments to the Law on the State Prosecution Service in Montenegro ([CDL-REF\(2021\)040](#)), drawn up on the basis of comments by Mr Gaspar, Mr Nicolatos and Mr James Hamilton (Former Member, Expert). This urgent opinion was requested by Mr Dritan Abazović, Deputy Prime Minister of Montenegro, on 26 April 2021, and was issued on 10 May 2021 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

The opinion was prepared under the [Expertise Co-ordination Mechanism](#) in the framework of the EU/CoE joint programme “[Horizontal Facility II](#)”, co-funded by the Council of Europe and the European Union and implemented by the Council of Europe.

## **19bis. Constitutional developments in member and associate member states**

The Commission will be informed of the work of the Constitutional Commission of Belarus.

The Commission will be further informed of the work of the Inter-Agency Working Group established in order to prepare amendments to the Constitution and to the electoral law of Bosnia and Herzegovina.

## **20. Information on conferences and seminars**

Mr Grabenwarter will inform the Commission about his participation in a hearing of the Institutional Affairs Committee of the Belgian Senate on three special bills amending the special law on the Belgian Constitutional Court relating to the composition of the Court, on 21 May 2021.

Mr Alivizatos will inform the Commission about his participation in the High-Level Conference on Rule of Law in Europe in the context of the Covid-19 pandemic, organised by the LIBE Democracy, Rule of Law and Fundamental Rights Monitoring Group (DRFMG) of the European Parliament, which took place online on 17 and 18 May 2021.

## **21. Other business**

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

128 <sup>th</sup> Plenary Session	14-16 October 2021
129 <sup>th</sup> Plenary Session	9-11 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 Jayne Aparicio, [Jayne.Aparicio@coe.int](mailto:Jayne.Aparicio@coe.int) and Mrs Vicky Lee, [Victoria.Lee@coe.int](mailto: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.*

*They can be contacted on the following numbers between 30 June and 3 July on the following numbers: +33 6 03 51 72 14 (Ms Aparicio) or + 33 6 83 67 21 71 (Mrs Lee).*

[List to the provisional list of participants](#)

[Link to the list of meetings](#)

[Link to the table plan](#)