



Strasbourg, 2 December 2022

**CDL-PL-OJ(2022)004ann**  
Or. Engl.

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

**133rd PLENARY SESSION**

**VENICE**

**Scuola Grande di San Giovanni Evangelista**

**Friday 16 December 2022 (9:30-18:00)**

**Saturday 17 December 2022 (9:30-12:30)**

**DRAFT ANNOTATED AGENDA**

**Friday 16 December 2022**

09:30-11:00

*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 the Regione del Veneto  
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\(2022\)044](#)).

**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 15 December 2022.

**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 Mr Ivan Orlić, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Bosnia and Herzegovina to the Council of Europe, and Ms Darragh T. Paradiso, Consul General of the United States of America in Strasbourg, Deputy Permanent Observer to the Council of Europe.

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

(see item further below)

**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 Steward Dickson, Chair of the Monitoring Committee of the Congress, on co-operation with the Congress.

**8. Exchange of views with the Regione del Veneto**

The Commission may be invited to hold an exchange of views with a representative of the Regione del Veneto.

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

The Commission will be informed on follow-up to the following opinions (see document [\(CDL\(2022\)052\)](#)).

- Kazakhstan - Opinion on the draft constitutional law "On the Commissioner for Human Rights" (CDL-AD(2022)028)
- Republic of Moldova – Joint opinion on the draft electoral code (CDL-AD(2022)025)
- Ukraine - *Amicus curiae* brief on the limits of subsequent (*a posteriori*) review of constitutional amendments by the Constitutional Court (CDL-AD(2022)012)

Three draft opinions on the agenda concern the follow-up to earlier opinions:

- Kosovo – Draft follow-up opinion regarding the Amendments on the draft law on the State Bureau for verification and compensation of unjustified assets (item 13)
- Republic of Moldova - Draft follow-up joint opinion to the Joint Opinion on the draft Law on the Supreme Court of Justice (item 14)
- Serbia - Draft follow-up Opinion on the three revised draft Laws implementing the constitutional amendments on the judiciary (item 15)

## 10. Armenia

### 10.1 *Draft joint opinion on the amendments to the Judicial Code*

The Commission is invited to hold an exchange of views with a representative from 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\(2022\)045\)](#) (GID/SGM/rdp/ob) on the amendments to the Judicial Code ([\(CDL-REF\(2022\)052\)](#)), drawn up on the basis of comments by Mr Mathieu, Mr Gerhard Reissner (Expert, DGI), and Ms Hanna Suchocka (Honorary President). This opinion was requested by the Minister of Justice of Armenia on 25 August 2022. The Sub-Commissions on the Rule of Law and the Judiciary will examine this draft opinion at its meeting on 15 December 2022.

### 10.2 *Amicus Curiae Brief on certain questions related to the Law on Confiscation of Property of Illicit Origin*

The Commission is to examine, with a view to adoption, the draft *amicus curiae* brief ([\(CDL\(2022\)051\)](#) (TP/ba) on certain questions related to the Law on Confiscation of Property of Illicit Origin of Armenia ([\(CDL-REF\(2022\)058\)](#)), drawn up on the basis of comments by Ms Nussberger, Ms Otálora Malassis and Mr Pinelli. This *amicus curiae* brief was requested by the President of the Constitutional Court of Armenia on 12 September 2022.

The draft 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.

11:00-11:30  
11:30-13:00

*Coffee break*  
*Discussion and adoption of opinions on individual countries*

## 11. Georgia

The Commission is invited to hold an exchange of views with a representative from Georgia, and to examine, with a view to adoption, the draft joint opinion of the Venice Commission and OSCE/ODHIR ([CDL\(2022\)049](#)) (MJ/har) on draft amendments to the Election Code and the Law on Political Associations of Citizens ([CDL-REF\(2022\)057](#)), drawn up on the basis of comments by Mr Alivizatos, Mr Frenedo, Ms Pabel and Ms Marla Morry (Expert, OSCE/ODHIR). This opinion was requested by the Speaker of Parliament of Georgia on 10 October 2022.

The draft 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. Montenegro

### 12.1 *Opinion on the draft amendments to the Law on the Judicial Council and Judges*

The Commission is invited to hold an exchange of views with a representative from Montenegro, and to examine, with a view to adoption, the draft opinion ([CDL\(2022\)048](#)) (DV/SGM/is) on the draft amendments to the Law on the Judicial Council and Judges ([CDL-REF\(2022\)049](#)) and ([CDL-REF\(2022\)050](#)), drawn up on the basis of comments by Ms Cartabia and Mr Dimitrov. This opinion was requested by the Minister of Justice of Montenegro on 11 October 2022. The Sub-Commissions on the Rule of Law and the Judiciary will examine this draft opinion at its meeting on 15 December 2022.

The draft 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.

### 12.2 *Urgent opinion on the draft law on amendments to the Law on the President of Montenegro*

The Commission is invited to endorse the urgent opinion ([CDL-PI\(2022\)048](#)) (MS/SGM/rdp) on the amendments to the draft law on amendments to the Law on the President of Montenegro ([CDL-REF\(2022\)067](#)) and ([CDL-REF\(2022\)068](#)), drawn up on the basis of comments by Mr Alivizatos, Mr Dimitrov and Mr Kaarlo Tuori (Honorary President). This urgent opinion was requested by the President of Montenegro on 9 November 2022 and should be issued on 9 December 2022 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

13:00-14:30	<i>Lunch break</i>
14:30-15:45	<i>Discussion and adoption of opinions on individual countries</i>

## 6. 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 Mr Rik Daems, Former President of the Parliamentary Assembly (tbc), on co-operation with the Assembly.

The urgent opinion on the three laws concerning the justice system of Romania and the draft opinion on the constitutional and legal framework governing the functioning of democratic institutions in Serbia fall into the framework of co-operation with the Parliamentary Assembly (see Items 15 and 17).

### 13. Kosovo

The Commission is invited to hold an exchange of views with a representative from Kosovo, and to examine, with a view to adoption, the follow-up opinion ([CDL\(2022\)053](#)) (SK/MJ/ld) regarding the amendments on the draft law on the State Bureau for verification and compensation of unjustified assets, drawn up on the basis of comments by Mr Meridor, Ms Nussberger and Mr James Hamilton (Former Member; Expert). This opinion was requested by the President of the Assembly of Kosovo on 18 November 2022.

The draft 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. Republic of Moldova

#### 14.1 *Amicus curiae brief on the prohibition of political parties*

The Commission is to examine, with a view to adoption, the draft *amicus curiae* brief ([CDL\(2022\)054](#)) (RG/ld) on declaring a political party unconstitutional, drawn up on the basis of comments by Ms Pabel, Mr Pinelli, Mr Vermeulen and Mr Peter Van Dijk (former member). This *amicus curiae* brief was requested by the Constitutional Court of the Republic of Moldova on 17 November 2022.

#### 14.2 *Draft follow-up joint opinion to the Joint Opinion on the draft Law on the Supreme Court of Justice*

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 follow-up joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe ([CDL\(2022\)055](#)) (VD/MS/mcf) to the joint opinion on the draft Law on the Supreme Court of Justice ([CDL-REF\(2022\)063rev](#) and [CDL-REF\(2022\)064rev](#)), drawn up on the basis of comments by Mr Dimitrov, Mr Gaspar, Mr Alexander Baramidze (Former substitute member, expert) and Ms Nina Betetto (expert, DGI). This opinion was requested by the Minister of Justice of the Republic of Moldova on 21 November 2022.

The draft 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.

16.00 -16:15	<i>Coffee break</i>
16:15-18:00	<i>Discussion and adoption of opinions on individual countries</i>

### 15. Serbia

#### 15.1 *Draft opinion on the two draft Laws implementing the constitutional amendments on the prosecution service*

The Commission is invited to hold an exchange of views with a representative from Serbia, and to examine, with a view to adoption, the draft opinion ([CDL\(2022\)046](#)) (GID/ob) on two draft Laws implementing the constitutional amendments on the prosecution service ([CDL-REF\(2022\)060](#)) and ([CDL-REF\(2022\)061](#)), drawn up on the basis of comments by Mr Kuijer, Mr Kaarlo Tuori (Honorary President) and Mr James Hamilton (former member, expert). This opinion was requested by the Minister of Justice of Serbia on 12 September 2022. The Sub-

Commissions on the Rule of Law and the Judiciary will examine this draft opinion at its meeting on 15 December 2022.

The draft 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.

### *15.2 Draft opinion on the constitutional and legal framework governing the functioning of democratic institutions*

The Commission is invited to hold an exchange of views with a representative from Serbia, and to examine, with a view to adoption, the draft joint opinion of the Venice Commission and ODIHR ([CDL\(2022\)047](#)) (PG/har) on the constitutional and legal framework governing the functioning of democratic institutions in Serbia - Electoral law and electoral administration - ([CDL-REF\(2022\)051](#)), ([CDL-REF\(2022\)053](#)), ([CDL-REF\(2022\)054](#)), ([CDL-REF\(2022\)055](#)) and ([CDL-REF\(2022\)056](#)), drawn up on the basis of comments by Mr Holmøyvik, Mr Kask and Mr Sánchez Muñoz, as well as Ms Elena Kovalyova (Expert, ODIHR). This opinion was requested by the Monitoring Committee of the Parliamentary Assembly on 16 November 2021.

### *15.3 Draft follow-up Opinion on the three revised draft Laws implementing the constitutional amendments on the judiciary*

The Commission is invited to hold an exchange of views with a representative from Serbia, and to examine, with a view to adoption, the draft follow-up opinion ([CDL\(2022\)050](#)) (SJ/ob) on three revised draft laws implementing the constitutional amendments on the Judiciary on ([CDL-REF\(2022\)062](#)), ([CDL-REF\(2022\)065](#)) and ([CDL-REF\(2022\)066](#)), drawn up on the basis of comments by Ms Kiener, Mr Kuijjer, Mr Scholsem and Mr Kaarlo Tuori (Honorary President). This opinion was requested by the Minister of Justice of Serbia on 15 November 2022.

19:30

*Dinner at la Scuola Grande di San Giovanni Evangelista*

## **Saturday 17 December 2022**

9:30-11:00

*Exchange of views  
Discussion and adoption of opinions  
Endorsement of opinions and compilations  
Information on Conferences and Seminars*

## **16. Exchange of views with the President of the Constitutional Court of Türkiye**

Mr Zühtü Arslan, President of the Constitutional Court of Türkiye, will address the Commission.

## **17. Romania**

The Commission is invited to endorse the urgent opinion ([CDL-PI\(2022\)047](#)) (Sc/ob) on the three laws concerning the justice system of Romania ([CDL-REF\(2022\)046](#)), ([CDL-REF\(2022\)047](#)) and ([CDL-REF\(2022\)048](#)), drawn up on the basis of comments by Mr Cameron, Mr Seners and Ms Hanna Suchocka (Honorary President). This opinion was requested by the Monitoring Committee of the Parliamentary Assembly of the Council of Europe on 12 September 2022. Upon request by the Minister of Justice of Romania it was dealt with under the urgent procedure and it was issued on 15 November 2022 in accordance

with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

## 18. Ukraine

The Commission is invited to endorse the urgent opinion ([CDL-PI\(2022\)046](#)) (ML/SGM/vm) on the draft law on amendments to certain legislative acts of Ukraine on improving the procedure for the selection of candidates for the position of judge of the Constitutional Court of Ukraine on a competitive basis ([CDL-REF\(2022\)059](#)), drawn up on the basis of comments by Mr Carozza, Ms Cartabia, Mr Darmanović and Mr Grabenwarter. This urgent opinion was requested by the Chairman of the Verkhovna Rada on 10 October 2022 and was issued on 23 November 2022 in accordance with the Protocol on the preparation of Venice Commission urgent opinions ([CDL-AD\(2018\)019](#)).

## 19. Compilation on vetting of judges and prosecutors

The Commission is invited to endorse the draft compilation of Venice Commission opinions and reports on vetting of judges and prosecutors (CDL(2022)056).

## 20. Information on Conferences and Seminars

The Commission will be informed on the results and conclusions of:

- 19th European Conference of Electoral Management Bodies on “Artificial Intelligence and its potential impact on electoral processes”, held in hybrid format in Strasbourg on 14 and 15 November 2022;
- 16th UniDem Med seminar “on the Digital transformation of public administration”, held in hybrid format in Rabat, Morocco on 23 and 24 November 2022;
- Conference “Adversarial trial and equality of arms in criminal proceedings”, held in hybrid format in Astana, 8-9 December 2022.

The Commission will be informed on the upcoming conferences and seminars:

- 20th Joint Council on Constitutional Justice and mini-conference on “Measures taken by States in response to the COVID-19 crisis and their impact on constitutional justice – constitutional case-law on emergency situations”, to be held in Sofia, Bulgaria, in the week of 24 April 2023 (exact dates TBC)

11:00-11:30

*Coffee Break*

11:30-12:30

*Report of the Meeting of the Sub-Commission on Working Methods*

*Report of the Joint Meeting of the Sub-Commission on the Rule of Law and the Judiciary*

*Report of the meeting of the Council for Democratic Elections*

*Information on constitutional developments in observer States*

*Other business*

*Dates of the next sessions*

## 21. Information on constitutional developments in observer States

The Commission will be informed on constitutional developments in in Japan.

## 22. Information on constitutional developments in other countries

The Commission will be informed on constitutional developments in in Palestine\*.

\* This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of Council of Europe member States on this issue.

### **23. Report of the Meeting of the Sub-Commission on Working Methods (15 December 2022)**

The Chair of the meeting will inform the Commission on the results and conclusions of the meeting held on 15 December 2022.

### **24. Report of the Joint Meeting of the Sub-Commissions on the Rule of Law and on the Judiciary (15 December 2022)**

The Chairs of the joint meeting will inform the Commission on the results and conclusions of the meeting held on 15 December 2022.

### **25. Report of the meeting of the Council for Democratic Elections (15 December 2022)**

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 15 December 2022.

The draft joint opinion of the Venice Commission and OSCE/ODHIR on draft amendments to the Election Code and the Law on Political Associations of Citizens of Georgia, the draft Amicus curiae brief on declaring a political party unconstitutional in the Republic of Moldova and the draft joint opinion on the constitutional and legal framework governing the functioning of democratic institutions in Serbia are dealt with under items 11, 14 and 15.

### **26. Other business**

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

134 <sup>th</sup> Plenary Session	9-11 March 2023
135 <sup>th</sup> Plenary Session	29 June-1 July 2023
136 <sup>th</sup> Plenary Session	5-7 October 2023
137 <sup>th</sup> Plenary Session	14-16 December 2023

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