



Strasbourg, 6 March 2023

**CDL-PL-OJ(2023)001ann-rev**  
Or. Engl.

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

**134th PLENARY SESSION**

**VENICE**

**Scuola Grande di San Giovanni Evangelista**

**Friday 10 March 2023 (9:30-18:00)**  
**Saturday 11 March 2023 (9:30-12:30)**

**REVISED DRAFT ANNOTATED AGENDA**

**Friday 10 March 2023**

09:30-11:00      *Adoption of the Agenda  
Communications  
Co-operation  
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\(2023\)009](#)).

**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 9 March 2023.

**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 Erik Laursen, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Denmark to the Council of Europe, and Ms Nina Nordström, Ambassador, Extraordinary and Plenipotentiary, Permanent Representative of Finland to the Council of Europe.

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

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

The draft joint opinion of the Venice Commission and OSCE/ODIHR on the Law on Political Parties of Azerbaijan, falls into the framework of co-operation with the Parliamentary Assembly (see Item 10).

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

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

Ms Annalisa Bisson, Director of International Relations and European Affairs of the Regione del Veneto, will address the Commission.

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

The Commission will be informed on follow-up to the following opinions / texts (see document [CDL\(2023\)010](#)).

- Georgia - Joint opinion of the Venice Commission and the OSCE/ODIHR on draft amendments to the Election Code and the Law on Political Associations of Citizens ([CDL-AD\(2022\)047](#));

- Kosovo - Follow-up opinion to the opinion on the draft law N°08/L-121 on the State Bureau for verification and compensation of unjustified assets ([CDL-AD\(2022\)052](#));
- Luxembourg - Opinion on the proposed revision of the Constitution ([CDL-AD\(2019\)003](#));
- Mexico - Opinion on the draft constitutional amendments concerning the electoral system of Mexico ([CDL-AD\(2022\)031](#));
- Montenegro – Urgent opinion on the Law on amendments to the Law on the President of Montenegro ([CDL-AD\(2022\)053](#));
- Serbia - Opinion on three draft laws implementing the constitutional amendments on Judiciary ([CDL-AD\(2022\)030](#));
- Serbia - Opinion on two draft laws implementing the constitutional amendments on the prosecution service ([CDL-AD\(2022\)042](#));
- Serbia - Follow-up Opinion on three revised draft Laws implementing the constitutional amendments on the Judiciary of Serbia ([CDL-AD\(2022\)043](#));
- Comments on Recommendation 2235 (2022) of the Parliamentary Assembly of the Council of Europe on challenges to security in Europe: What role for the Council of Europe? In view of the reply of the Committee of Ministers ([CDL-AD\(2022\)036](#)).

## **10. Ukraine / Georgia / Republic of Moldova – Interim opinions on (draft) laws on oligarchs**

*1. Ukraine - draft interim Opinion on the law on the prevention of threats to national security, associated with excessive influence of persons having significant economic or political weight in public life (oligarchs)*

The Commission is invited to hold an exchange of views with a representative from Ukraine, and to examine, with a view to adoption, the draft interim opinion ([CDL\(2023\)007](#)) (Sc/TvD/ML/DV/is) on the law on prevention of threats to national security, associated with excessive influence of persons having significant economic or political weight in public life (oligarchs) ([CDL-REF\(2021\)086](#)), drawn up on the basis of comments by Mr Maiani, Ms Nussberger, Mr Pinelli and Ms Grainne McMorrow (former substitute member for Ireland, expert). This opinion was requested by the Chairman of the Verkhovna Rada of Ukraine by letter of 10 September 2021 and by the Monitoring Committee of the Parliamentary Assembly on 30 January 2023. The Sub-Commissions on Democratic Institutions, Fundamental Rights and the Rule of Law will examine this draft opinion at their joint meeting on 9 March 2023.

*2. Georgia – draft interim Opinion on the draft law on de-oligarchisation*

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 interim opinion ([CDL\(2023\)005](#)) (Sc/DV/is) on the draft law on de-oligarchisation ([CDL-REF\(2023\)010](#)), drawn up on the basis of comments by Mr Maiani, Ms Nussberger, Mr Pinelli and Ms Grainne McMorrow (former substitute member, expert). This opinion was requested by the Chairman of the Parliament of Georgia on 1 December 2022. The Sub-Commissions on Democratic Institutions, Fundamental Rights and the Rule of Law will examine this draft opinion at their joint meeting on 9 March 2023.

The opinion was prepared under the [Quick Response Mechanism \(QRM\)](#) 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	Coffee break
11:30-13:00	Discussion and adoption of opinions on individual countries

## Item 10 continued

### 3. Republic of Moldova - Draft interim opinion on the draft law on limiting excessive influence in the economic and public life (de-oligarchisation)

The Commission is invited to hold an exchange of views with Ms Veronica Mihailov-Moraru, Minister of Justice of the Republic of Moldova, and to examine, with a view to adoption, the draft interim opinion ([CDL\(2023\)006](#)) (DV/Sc/is) on the draft Law on limiting excessive influence in the economic and public life (de-oligarchisation) ([CDL-REF\(2023\)011](#)), drawn up on the basis of comments by Mr Maiani, Ms Nussberger, Mr Pinelli and Ms Grainne McMorrow (former substitute member, expert). This opinion was requested by the former Minister of Justice of the Republic of Moldova on 13 February 2023. The Sub-Commissions on Democratic Institutions, Fundamental Rights and the Rule of Law will examine this draft opinion at their joint meeting on 9 March 2023.

## 11. Georgia

### *Draft follow-up Opinion on four opinions on the amendments to the Organic Law on Common Courts*

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 follow-up opinion ([CDL\(2023\)002](#)) (TP/ba) on four opinions on the amendments to the Organic Law on Common Courts ([CDL-REF\(2023\)006](#) and [CDL-REF\(2023\)007](#)), drawn up on the basis of comments by Mr Atar, Mr Holmøyvik and Mr Sørensen. This opinion was requested by the Chairperson of the Parliament of Georgia on 22 November 2022.

The opinion was prepared under the [Quick Response Mechanism \(QRM\)](#) 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.

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

## 12. Republic of Moldova

### 1. Draft opinion on the draft law on the Intelligence and Security Service , as well as on the draft law on counter-intelligence and external intelligence activity

The Commission is invited to hold an exchange of views with Mr Alexandru Musteata, Director of the Intelligence Service from the Republic of Moldova, and to examine, with a view to adoption, the draft opinion ([CDL\(2023\)004](#)) (MS/sch) on the draft law the Intelligence and Security Service, as well as on the draft law on counter-intelligence and external intelligence activity ([CDL-REF\(2023\)001](#) and [CDL-REF\(2023\)002](#)), drawn up on the basis of comments by Mr Barrett, Ms Kiener and Mr Vermeulen. This opinion was requested by the Speaker of Parliament of the Republic of Moldova on 18 November 2022.

The opinion was prepared under the [Quick Response Mechanism \(QRM\)](#) 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.

*2. Draft joint Opinion on the draft Law on the external assessment of judges and prosecutors (vetting)*

The Commission is invited to hold an exchange of views with Ms Veronica Mihailov-Moraru, Minister of Justice of the Republic of Moldova, 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\(2023\)013](#)) (TP/ob) on the draft Law on the external assessment of judges and prosecutors (vetting) ([CDL-REF\(2023\)015](#)), drawn up on the basis of comments by Mr Dimitrov, Mr Gaspar, Mr Alexander Baramidze (former substitute member for Georgia, Venice Commission expert) and Mr Đuro Sessa (DGI Expert). This opinion was requested by the former Minister of Justice of the Republic of Moldova on 13 February 2023.

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

*1. Draft amicus curiae brief on the question of the appellate review in the Court of Bosnia and Herzegovina*

The Commission is invited to examine, with a view to adoption, the draft *amicus curiae* brief ([CDL\(2023\)012](#)) (RG/ob) on the question of the appellate review in the Court of Bosnia and Herzegovina, drawn up on the basis of comments by Mr Carozza, Ms Cartabia and Mr Kaarlo Tuori (Honorary President, expert). This *amicus curiae* brief was requested by the President of the Constitutional Court of Bosnia and Herzegovina on 12 September 2022.

The opinion was prepared under the [Expertise Co-ordination Mechanism](#) in the framework of the joint European Union and Council of Europe programme "[Horizontal Facility](#) for the Western Balkans and Türkiye".

15:45-16:00

Coffee break

16:00-18:00

Discussion and adoption of opinions on individual countries

*2. Draft Opinion on the draft law on the courts*

The Commission is invited to hold an exchange of views with Ms Sanela Latić, Head of the Department for Cooperation with Domestic and International Judicial Bodies and Comparative Law at the Ministry of Justice of Bosnia and Herzegovina, and to examine, with a view to adoption, the draft opinion ([CDL\(2023\)011](#)) (VD/ob) on the draft law on the courts in Bosnia and Herzegovina ([CDL-REF\(2022\)045](#)), and ([CDL-REF\(2023\)017](#)) drawn up on the basis of comments by Mr Carozza, Ms Cartabia and Mr Kaarlo Tuori (Honorary President, expert). This opinion was requested by the former Minister of Justice of Bosnia and Herzegovina on 7 September 2023.

The follow-opinion was prepared under the [Expertise Co-ordination Mechanism](#) in the framework of the joint European Union and Council of Europe programme "[Horizontal Facility](#) for the Western Balkans and Türkiye".

### **14. Montenegro**

*Draft follow-up opinion on the opinion on the draft amendments to the law on the Judicial Councils and Judges of Montenegro*

The Commission is invited to examine, with a view to adoption, the follow-up opinion ([CDL\(2023\)016](#)) (DV/rdp) on the opinion on the draft amendments to the law on the Judicial Council and Judges of Montenegro, drawn up on the basis of comments by Ms Cartabia and Mr Dimitrov. This follow up opinion was requested by the Minister of Justice of Montenegro on 22 February 2023.

The opinion was prepared under the [Expertise Co-ordination Mechanism](#) in the framework of the joint European Union and Council of Europe programme “[Horizontal Facility](#) for the Western Balkans and Türkiye”.

19:00	Departure by bus from Piazzale Roma
19:30	Dinner at Restaurant “Park Ristorante da Odino”, Quarto d’Altino
22:30	Return to Venice (Piazzale Roma)

### Saturday 11 March 2023

9:30-11:00	<i>Discussion and adoption of opinions</i>
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## 15. Azerbaijan

Draft Joint opinion on the Law on Political Parties in Azerbaijan

The Commission is invited to examine, with a view to adoption, the draft joint opinion of the Venice Commission and OSCE/ODHIR ([CDL\(2023\)001](#)) (MJ/sch) on the Law on Political Parties in Azerbaijan ([CDL-REF\(2023\)012](#)), drawn up on the basis of comments by Ms Bílková, Ms Deskoska, Mr Velaers, Ms Lolita Čigāne (OSCE/ODIHR, expert) and Mr Fernando Casal Bértoa (OSCE/ODIHR, expert). This opinion was requested by the Monitoring Committee of the Parliamentary Assembly on 15 December 2022. The Council for Democratic Elections will examine this draft joint opinion at its meeting on 9 March 2023.

## 16. Kyrgyzstan

*Draft opinion on the Regulations of the Jogorku Kenesh and on Amendments to the Law on the Regulations of the Jogorku Kenesh of the Kyrgyz Republic*

The Commission is invited to examine, with a view to adoption, the draft opinion ([CDL\(2023\)008](#)) (SK/har) on the Regulations of the Jogorku Kenesh and on Amendments to the Law on the Regulations of the Jogorku Kenesh of the Kyrgyz Republic ([CDL-REF\(2023\)003](#), [CDL-REF\(2023\)004](#) ([CDL-REF\(2023\)008](#)) and [CDL-REF\(2023\)009](#)), drawn up on the basis of comments by Ms Bílková, Mr Carozza and Ms Hermanns. This opinion was requested by the Minister of Justice of Kyrgyzstan on 17 January 2023.

## 17. Ukraine

*Draft amicus curiae brief on certain questions related to the procedure for appointing to office and dismissing the Director of the National Anti-Corruption Bureau of Ukraine and the Director of the State Bureau of Investigation*

The Commission is invited to examine, with a view to adoption, the draft *amicus curiae* brief ([CDL\(2023\)003](#)) (SJ/ba) on certain questions related to the procedure for appointing to office and dismissing the Director of the National Anti-Corruption Bureau of Ukraine and the Director of the State Bureau of Investigation, drawn up on the basis of comments by Mr Kuijer, Ms Nussberger,

Mr Ojanen and Mr Vargas Valdez. This *amicus curiae* brief was requested by the acting President of the Constitutional Court of Ukraine on 12 December 2022.

11:00-11:30	<i>Coffee Break</i>
11:30-12:30	<i>Report of the meeting of the Sub-Commission on Working Methods</i> <i>Report of the joint meeting of the Sub-Commissions on Democratic Institutions, Fundamental Rights and the Rule of Law</i> <i>Report of the meeting of the Council for Democratic Elections</i> <i>General matters</i>

### **18. Report of the Meeting of the Sub-Commission on Working Methods (9 March 2023)**

The Commission will be invited to examine, with a view to adoption, the proposals of the sub-Commission on the Working Methods, following up to the meeting held on 9 March 2023. In particular, the Commission will be invited to adopt the Principles of Conduct for Members, substitute members and experts of the Venice Commission ([CDL\(2023\)018](#)), and to adopt the amendments to the Commission's Rule of Proceedings ([CDL\(2023\)020](#)).

[Link to annotated agenda](#)

### **19. Report of the Joint Meeting of the Sub-Commissions on Democratic Institutions, Fundamental Rights and the Rule of Law (9 March 2023)**

The Chair of the joint meeting might inform the Commission on the results and conclusions of the meeting held on 9 March 2023.

[Link to annotated agenda](#)

### **20. Adoption of the Annual Report of Activities 2022**

The Commission is invited to examine with a view to adoption the draft Annual Report of Activities 2022 ([CDL\(2023\)017](#)).

### **21. Information on Conferences and Seminars**

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

- 20th meeting of the Joint Council on Constitutional Justice of the Venice Commission and mini-conference on the topic "Measures taken by States in response to the COVID-19 crisis and their impact on constitutional justice – constitutional case-law on emergency situations" in Sofia on 24 and 25 April 2023;
- Conference on the European Constitutional Heritage – Strasbourg, 4 and 5 May 2023;
- PACE Conference on Elections in Times of Crisis – Challenges and Opportunities – in Bern on 9 and 10 May 2023;
- International Conference on Cybersecurity and Elections in Madrid from 10 to 12 May 2023.

### **22. Report of the meeting of the Council for Democratic Elections (9 March 2023)**



The President of the Council will inform the Commission on the results and conclusions of the meeting held on 9 March 2023 (see also document [CDL\(2023\)019](#)).

The draft joint opinion of the Venice Commission and OSCE/ODIHR on the Law on Political Parties of Azerbaijan, is dealt with under item 15.

[Link to annotated agenda](#)

### **23. World Conference on Constitutional Justice**

The Commission will be informed on the meeting of the Bureau of the World Conference on Constitutional Justice which will take place in Venice on Saturday 11 March 2023.

### **24. Other business**

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

135 <sup>th</sup> Plenary Session	9-10 June 2023
136 <sup>th</sup> Plenary Session	6-7 October 2023
137 <sup>th</sup> Plenary Session	15-16 December 2023

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