



Strasbourg, 3 December 2024

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Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

141st PLENARY SESSION
VENICE
Scuola Grande di San Giovanni Evangelista
Friday 6 December 2024 (9:30-18:00)
Saturday 7 December 2024 (9.30-12:30)

REVISED DRAFT ANNOTATED AGENDA

Friday 6 December 2024

09:30-11:00

*Adoption of the Agenda
Communications
Co-operation
Exchange of views*

1. Adoption of the Agenda

2. Communication by the President

The President will present her recent activities ([CDL\(2024\)043](#)).

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 5 December 2024.

4. Communication by the Secretariat

The Secretary of the Commission will provide information on the session.

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 Ms Heike Thiele, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of Germany to the Council of Europe, and Mr Sandy Moss, Ambassador Extraordinary and Plenipotentiary, Permanent Representative of the United Kingdom to the Council of Europe.

6. Co-operation with the Parliamentary Assembly

(see item below on Saturday morning)

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 Thibaut Guignard, President of the Monitoring Committee, on co-operation with the Congress.

8. Report of the meeting of the Council for Democratic Elections (5 December 2024)

The chair of the meeting will inform the Commission on the results and conclusions of the meeting held on 5 December 2024.

The draft final Opinion on possible legislative solutions to conduct future electoral processes of Haiti, the draft *amicus curiae* brief for the European Court of Human Rights in the case of *Staderini and Others v. Italy* on the stability of electoral legislation and some features of a mixed electoral system; the draft interpretative declaration to the Code of good practice in electoral matters on digital technologies and artificial intelligence; and the draft report on electoral observers as human rights defenders are dealt under Items 15, 19, 21 and 20.

[Link to annotated agenda](#)

9. Exchange of views with the Regione del Veneto

The Commission is invited to hold an exchange of views with Mr Luca Zaia, President of the Regione del Veneto.

10. Exchange of views with the Attorney General of the United Kingdom

The Commission is invited to hold an exchange of views with the Rt Hon Lord Hermer KC, Attorney General of the United Kingdom, on possible democratic responses to the current challenges to the rule of law.

11. Exchange of views with the Secretary General of the Organization of American States

The Commission is invited to hold an exchange of views with Mr Luis Almagro, Secretary General of the Organization of American States, on developments in the Americas and co-operation with Commission.

12. Recent constitutional and electoral developments in the Republic of Moldova

The Commission is invited to hold an exchange of views with Mr Stanislav Secieru, National Security Advisor, representative of the President of the Republic of Moldova, on constitutional developments and the recent presidential elections in the Republic of Moldova.

13. Electoral observation missions

The Commission will be informed about the participation of the Venice Commission in electoral observation missions of the Parliamentary Assembly of the Council of Europe in the function of providing legal advice.

- Republic of Moldova, presidential election and constitutional referendum, 20 October 2024 and 3 November 2024;
- Georgia, parliamentary elections, 26 October 2024;
- Bulgaria, early parliamentary elections, 27 October 2024.

11.00-11:30

Coffee break

11:30-13:00

Discussion and adoption of Opinions on individual countries

14. Albania

Draft Opinion on the implementation by Parliament of Constitutional Court decisions

The Commission is invited to hold an exchange of views with Ms Elisa Spiropali, Speaker of Parliament of Albania, and to examine, with a view to adoption, the draft Opinion ([CDL\(2024\)041](#)) (PG/LG/msc) on the implementation by Parliament of Constitutional Court decisions in Albania, drawn up by Mr Dimitrov, Mr Kuijer and Ms Scânteï. This Opinion was requested by the Speaker of the Parliament of Albania on 13 September 2024. The Sub-Commissions on Constitutional Justice, Democratic Institutions and Latin America will examine this draft Opinion at their joint meeting on 5 December 2024.

15. Haiti

Draft final opinion on possible constitutional and legislative solutions to conduct future electoral processes

Following the adoption of the interim opinion on possible constitutional and legislative solutions to conduct future electoral processes in Haiti ([CDL-AD\(2024\)017](#)) (SGM/PG/ew), the Commission is invited to hold an exchange of views with Dr Frinel Joseph, Counselor-President, member of the Presidential Transitional Council of the Republic of Haiti, Mr Enex Jean-Charles, President of the Steering Committee on the National Conference on Constitutional Reform, Mr Patrick Saint-Hilaire, President of the Provisional Electoral Council and Mr Luis Almagro, Secretary General of the Organization of American States, and to examine, with a view to adoption, the draft final opinion ([CDL\(2024\)049](#)) (SGM/PG/ew) on possible constitutional and legislative solutions to conduct future electoral processes in Haiti, drawn up on the basis of comments by Mr Frendo, Mr Holmøyvik, Mr Séners, Mr Vilanova Trias and Ms Janine Otálora Malassis (Expert, former Substitute Member, Mexico). This opinion was requested by the Secretary General of the Organization of American States on 4 March 2024. The Sub-Commissions on Constitutional Justice, Democratic Institutions and Latin America will examine this draft Opinion at their joint meeting on 5 December 2024. The Council for Democratic Elections will examine the draft Opinion at its meeting on 5 December 2024.

13:00-14:30

Lunch break

14:30-15:45

Discussion and adoption of Opinions on individual countries

16. Poland

Draft Opinion on the draft constitutional amendments concerning the Constitutional Tribunal and two laws on the Constitutional Tribunal

The Commission is invited to hold an exchange of views with Mr Dariusz Mazur, Deputy Minister of Justice of Poland, and to examine, with a view to adoption, the draft Opinion ([CDL\(2024\)039](#)) (TvD/TP/es) on the draft constitutional amendments concerning the Constitutional Tribunal and two laws on the Constitutional Tribunal of Poland ([CDL-REF\(2024\)036](#)), ([CDL-REF\(2024\)037rev](#)) and ([CDL-REF\(2024\)038rev](#)), drawn up by Mr Frendo, Mr Grabenwarter, Ms Nussberger, Mr Séners and Mr Kaarlo Tuori (Honorary President, Expert). This Opinion was requested by the Minister of Justice on 3 September 2024. The Sub-Commissions on Constitutional Justice, Democratic Institutions and Latin America will examine this draft Opinion at their joint meeting on 5 December 2024.

17. Serbia

Draft Opinion on the draft Law on the Judicial Academy and draft amendments to the Law on Judges and the Law on the Public Prosecutor's Office

The Commission is invited to hold an exchange of views with Ms Maja Popović, Minister of Justice of Serbia, and to examine, with a view to adoption, the draft Opinion ([CDL\(2024\)042](#)) (TP/ARP/mg) on the draft Law on the Judicial Academy and draft amendments to the Law on Judges and the Law on the Public Prosecutor's Office of Serbia ([CDL-REF\(2024\)041](#)), ([CDL-REF\(2024\)042](#)) and ([CDL-REF\(2024\)043](#)), drawn up by Ms Kiener, Ms Suchocka (Honorary President, Expert) and Mr Kaarlo Tuori (Honorary President, Expert.). This Opinion was requested by the Minister of Justice on 12 September 2024. The Sub-Commissions on the Judiciary and the Rule of Law will examine this draft Opinion at their joint meeting on 5 December 2024.

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

15.45-16:00

Coffee break

16:00-17:30

Discussion and adoption of Opinions on individual countries
Reports

18. Türkiye

Draft Opinion on the composition of the Council of Judges and Prosecutors and the procedure for the election of its members

The Commission is invited to hold an exchange of views with Mr Ozan Muzaffer Köstü, Deputy Head of the Human Rights Department of the Ministry of Justice of Türkiye, and to examine, with a view to adoption, the draft Opinion ([CDL\(2024\)031](#)) (MS/NS/sd) on the composition of the Council of Judges and Prosecutors and the procedure for the election of its members ([CDL-REF\(2024\)029](#)) and ([CDL-REF\(2024\)031](#)), drawn up by Mr Barrett, Ms Betetto, Mr Gaspar and Ms Kiener. This Opinion was requested by the Monitoring Committee of the Parliamentary Assembly of the Council of Europe on 18 April 2024. The Sub-Commissions on the Judiciary and the Rule of Law will examine this draft Opinion at their joint meeting on 5 December 2024.

19. European Court of Human Rights

1. *Draft amicus curiae brief in the case of Staderini and Others v. Italy on the stability of electoral legislation and some features of a mixed electoral system*

The Commission is invited to examine, with a view to adoption, the draft *amicus curiae* brief ([CDL\(2024\)040](#)) (MJ/PG/mg) in the case of *Staderini and Others v. Italy* on the stability of electoral legislation and some features of a mixed electoral system, drawn up on the basis of comments by Mr Kask, Mr Langášek and Ms Pabel. This *amicus curiae* brief was requested by the European Court of Human Rights on 9 July 2024. The Council for Democratic Elections will examine the draft *amicus curiae* brief at its meeting on 5 December 2024.

2. *Draft amicus curiae brief in the case of Shevchuk v. Ukraine on standards on the disciplinary rules concerning presidents and judges of constitutional courts*

The Commission is invited to examine, with a view to adoption, the draft *amicus curiae* brief ([CDL\(2024\)046](#)) (ML/TvD/as) in the case of *Shevchuk v. Ukraine* on standards on the disciplinary rules concerning presidents and judges of constitutional courts, drawn up on the basis of comments by Mr Holmøyvik and Ms Omejec. This *amicus curiae* brief was requested by the European Court of Human Rights by letter dated 13 September 2024 and received by the Venice Commission 24 October 2024. The Sub-Commissions on Constitutional Justice, Democratic Institutions and Latin America will examine this *amicus curiae* brief at their joint meeting on 5 December 2024.

20. Draft report on electoral observers as human rights defenders

The Commission is invited to examine and may be invited to adopt the draft report ([CDL\(2024\)047](#)) (ARP/MJ/as) on electoral observers as human rights defenders, drawn up on the basis of comments by Mr Kask, Ms Pabel, Mr Vilanova Trias, Mr Jan Erik Helgesen (Expert, former Member, Norway) and Ms Janine Otálora Massis (Expert, former Substitute Member, Mexico). This report was requested by the Secretary General of the Organization of American States on 4 March 2024. The Council for Democratic Elections will examine the draft report at its meeting on 5 December 2024.

17:30-18:00

Photo slideshow 2024

19:30

*Dinner at la Scuola Grande di San Giovanni Evangelista***Saturday 7 December 2024**

9:30-11:00

*Discussion on reports
Exchange of views
Report of the Sub Commission Meetings
Information on Conferences and Seminars***21. Draft interpretative declaration to the Code of good practice in electoral matters on digital technologies and artificial intelligence**

The Commission is invited to examine, with a view to adoption, the draft Interpretative declaration to the Code of good practice in electoral matters on digital technologies and artificial intelligence, ([CDL\(2024\)048](#)) (ARP/MS/sm), drawn up on the basis of comments by Mr Kask, Ms Kjerulf Thorgeirsdottir, Mr Kuijer, Mr Pinelli, Mr Rafael Rubio (Expert, former Substitute Member, Spain) and Mr José Luis Vargas Valdez (Expert, former Member, Mexico). The Council for Democratic Elections will examine the draft interpretative declaration at its meeting on 5 December 2024.

22. Draft report on a rule of law and human rights compliant regulation of spyware

The Commission is invited to examine, with a view to adoption, the draft report ([CDL\(2024\)050](#)) (DV/NS/tp) on a rule of law and human rights compliant regulation of spyware (see also the questionnaire ([CDL-PI\(2024\)014](#))), drawn up on the basis of comments by Mr Cameron, Mr Kaye, Mr Ojanen, Mr Otty and Ms Tamar Kaldani (Venice Commission Expert). This report was requested by the former President of the Parliamentary Assembly of the Council of Europe on 6 December 2023.

23. Association of Former Members

The Commission is invited to hold an exchange of views with representatives of the Association of Former Members, in particular on the update of the Rule of Law Checklist ([CDL-AD\(2016\)007](#)).

25. Report of the Joint Meeting of the Sub-Commissions on Constitutional Justice, Democratic Institutions and Latin America (5 December 2024)

The Chair of the meeting might inform the Commission on the results and conclusions of the meeting held on 5 December 2024.

[Link to the annotated agenda](#)

26. Report of the Joint Meeting of the Sub-Commissions on the Judiciary and on the Rule of Law (5 December 2024)

The Chair of the meeting might inform the Commission on the results and conclusions of the meeting held on 5 December 2024.

[Link to the annotated agenda](#)

27. Information on Conferences and Seminars

The Commission will be informed on the results and conclusions of past conferences and seminars and informed about forthcoming ones ([CDL\(2024\)051](#)).

11.00-11:30	<i>Coffee Break</i>
11:30-12:30	<i>Information on constitutional developments in observer States</i> <i>Exchange of views with the Parliamentary Assembly</i> <i>General matters</i>

24. Information on constitutional developments in observer States

The Commission will be informed on constitutional developments in Japan.

6. Co-operation with the Parliamentary Assembly

The Commission is invited to hold an exchange of views with Mr Theodoros Rousopoulos, President of the Parliamentary Assembly and Mr Sergiy Vlasenko, Representative of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe. The Presidential Committee of the Parliamentary Assembly and the Bureau of the Venice Commission will hold their regular meeting on Saturday 7 December 2024, after the Plenary Session.

The draft Opinion on the composition of the Council of Judges and Prosecutors and the procedure for the election of its members in Türkiye; and the draft report on a rule of law and human rights compliant regulation of spyware fall into the framework of co-operation with the Parliamentary Assembly (see Items 18 and 22).

28. Other business

29. Dates of the next sessions

142nd plenary session	14-15 March 2025
143rd plenary session	13-14 June 2025
144th plenary session	10-11 October 2025
145th plenary session	12-13 December 2025

12:30-16:30	<i>Annual working lunch and meeting between the Presidential Committee of the Parliamentary Assembly of the Council of Europe and the Bureau of the Venice Commission</i>
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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 Session.