



Strasbourg, 18 October 2021

**CDL-PL-PV(2021)003syn**  
Or. Engl.

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

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

**Venice and online, 15-16 October 2021**

**SYNOPSIS**

Due to the Covid-19 pandemic, the 128<sup>th</sup> Plenary Session was held in a hybrid form, in Venice and online.

The Venice Commission:

- Adopted the amicus curiae Brief for the Constitutional Court of **Albania** on the competence of the Constitutional Court regarding the validity of the local elections held in Albania on 30 June 2019, previously approved by the Council for Democratic Elections at its hybrid meeting on 14 October 2021;
- Held an exchange of views with Mr Arman Tatoyan, Ombudsman of **Armenia**, and Mr Vache Khalashyan, Acting Head of the Civil Service Office in the Prime Minister's Office (online), and adopted the opinion on the legislation related to the Ombudsman's staff;
- Held an exchange of views with Mr Oszkár Ökrös, State Secretary in the Ministry of Justice of **Hungary** (online), and adopted the opinion on the Act on the Organisation and Administration of Courts and the Act on the Legal Status and Remuneration of Judges, as adopted by the Hungarian Parliament in December 2020;
- Held an exchange of views with Mr Csaba Hende, Deputy Speaker of the Hungarian National Assembly (online), Chairman of the Committee on Legislation, and:
  - decided not to grant the request to postpone consideration of the joint opinion of the Venice Commission and OSCE/ODIHR on the 2020 amendments to electoral legislation of Hungary and adopted such joint opinion, which had previously been approved by the Council for Democratic Elections at its hybrid meeting on 14 October 2021; and
  - adopted the opinion on the amendments to the Act on Equal Treatment and Promotion of Equal Opportunities and the Act on the Commissioner for Fundamental Rights of Hungary, as adopted by the Hungarian parliament in December 2020;
- Held an exchange of views with Ms Judit Tielen and Mr Pieter Omzigt, Members of the House of Representatives of **the Netherlands** (online), and adopted the opinion on the legal protection of citizens in the Netherlands, previously examined by the Sub-Commissions on Democratic Institutions and on the Rule of Law at their joint hybrid meeting on 14 October 2021;
- Held an exchange of views with Mr Bojan Marichikj, Minister of Justice of **North Macedonia** (online), and adopted the opinion on the draft Law on the State of Emergency;
- Held an exchange of views with Mr Ivica Dacić, Speaker, National Assembly of **Serbia** and with Ms Maja Popović, Minister of Justice, and adopted the opinion on the draft constitutional amendments on the judiciary and on the draft constitutional law for the implementation of the constitutional amendments, previously examined by the Sub-Commissions on Democratic Institutions and on the Rule of Law at their joint hybrid meeting on 14 October 2021;
- Endorsed the Urgent Opinion on the draft Law on the Referendum and the People's Initiatives of Serbia;
- Authorised the preparation of an Urgent Opinion on the revised draft Law on the Referendum and the People's Initiatives of Serbia, to be issued prior to the next Plenary Session;
- Held an exchange of views with Ms Mária Kolíková, Minister of Justice of the **Slovak Republic** (online), and adopted the opinion on two questions regarding the organisation of the legal profession in the Slovak Republic and the role of the Supreme Administrative

courts in the disciplinary proceedings against lawyers;

- Asked the President of the Commission to follow closely the situation concerning the Public Prosecutor of the **Republic of Moldova**;
- Held an exchange of views with Mr Ihor Yaremenko, Deputy Minister for European Integration at the Ministry for Reintegration of the Temporarily Occupied Territories of **Ukraine** (online), and adopted the Opinion on the draft law “On the principles of state policy of the transition period” of Ukraine;
- Held an exchange of views with Mr Rob Behrens, Parliamentary and Health Service Ombudsman of the **United Kingdom** and Mr William Vineall, Director, NHS Quality, Safety, Investigations, Department of Health and Social Care (online), and adopted the opinion on the possible exclusion of the Parliamentary Commissioner for administration (the parliamentary Ombudsman) and Health Service Commissioner from the “safe space” provided for by the Health and Care Bill of the United Kingdom;
- Was informed on **follow-up** to the following opinions:
  - **Georgia** - Three opinions on electoral matters: Urgent Joint Opinion of the Venice Commission and the OSCE/ODIHR on the revised amendments to the Election Code (CDL-AD(2021)026); Urgent Joint Opinion on Draft Amendments to the Election Code (CDL-AD(2021)022) and the Joint Opinion of the Venice Commission and the OSCE/ODIHR on draft article 79-1 of the Election Code (CDL-AD(2021)009); as well as the urgent opinion on the amendments to the organic law on common courts (CDL-AD(2021)020);
  - **Republic of Moldova** – Joint opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the draft law on amending and supplementing the constitution with respect to the Superior Council of Magistracy (CDL-AD(2020)001); Joint Opinion on the revised draft provisions on amending and supplementing the Constitution, with respect to the Superior Council of Magistracy (CDL-AD(2020)007); Urgent joint Amicus Curiae Brief on three legal questions concerning the mandate of members of Constitutional Bodies (CDL-AD(2020)033);
  - **Poland** - Urgent Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on amendments to the Law on the Common courts, the Law on the Supreme court and some other Laws (CDL-AD(2020)017);
  - **Ukraine** - two opinions in the field of the Judiciary: Urgent Joint Opinion of the Venice Commission and the Directorate General of Human Rights and the Rule of Law (DGI) of the Council of Europe 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 -AD(2021)018); Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the draft amendments to the Law “on the Judiciary and the Status of Judges” and certain Laws on the activities of the Supreme Court and Judicial Authorities (draft Law no. 3711) (CDL-AD(2020)022);
  - the **Report on Term Limits - Part I – Presidents** (CDL-AD(2018)010).
- Held an exchange of views with representatives of the **Committee of Ministers**, of the **Parliamentary Assembly** and of the **Congress of Local and Regional Authorities** of the Council of Europe;
- Held an exchange of views with Mr Cristiano Corazzari, Minister of Culture of the **Veneto Region**;
- Was informed by the **Group of Wise Persons** on the preparation of the elections to the

Commission's offices to take place in December 2021;

- Decided to establish a new **Sub-Commission on Ombudsman Institutions**;
- Confirmed the dates of the **next Plenary Sessions** as follows: 10-11 December 2021 (in a hybrid form), 18-19 March 2022; 17-18 June 2022; 21-22 October 2022, 16-17 December 2022.

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*The amicus curiae Brief for Albania and opinions for Serbia and North Macedonia were 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. The opinion for Ukraine 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.*