



Strasbourg 22 February 2013

CDL-OJ(2013)002ann
Or. Engl

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

94th PLENARY SESSION
Venice, Friday, 8 March 2013 (9.00 a.m.) -
Saturday, 9 March 2013 (1.00 p.m.)

DRAFT ANNOTATED AGENDA

Friday, 8 March 2013

9h00-10h45

*Opening session
Co-operation with Council of Europe bodies
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 his recent activities (see document [CDL\(2013\)011](#)).

3. Communication by the Secretariat**4. 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 Ambassador Alain Cools, Permanent Representative of Belgium to the Council of Europe and with Ambassador Charles-Edouard Held, Permanent Representative of Switzerland to the Council of Europe.

5. Co-operation with the Parliamentary Assembly

The Commission is invited to hold an exchange of views with Mr Mevlüt Çavuşoğlu, Former President of the Parliamentary Assembly and with Mr Christopher Chope, Member of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, on co-operation with the Assembly.

The opinions on Georgia as well as the draft report on the relationship between political and criminal ministerial responsibility (see items 9 and 12) fall into the framework of co-operation with the Parliamentary Assembly.

6. Co-operation with the Congress of Local and Regional Authorities of the Council of Europe

The Commission is invited to hold an exchange of views with Mr Lars O. Molin, Chair of the Monitoring Committee of the Congress.

7. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to:

- Joint opinion on the law amending certain legislative acts of Ukraine in relation to the prevention of abuse of the right to appeal by the Venice Commission and the Directorate of Co-operation within the Directorate General of Human Rights and Legal Affairs of the Council of Europe ([CDL-AD\(2010\)029](#));
- Opinion on Act CLXII of 2011 on the Legal Status and Remuneration of Judges and Act CLXI of 2011 on the Organisation and Administration of Courts of Hungary ([CDL-AD\(2012\)001](#)) and the Opinion on Act CCVI of 2011 on the right to freedom of conscience and religion and the legal status of churches, denominations and religious communities of Hungary ([CDL-AD\(2012\)004](#)).

8. Moldova

The Commission is invited to examine, with a view to adoption, the draft Joint Opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2013\)002](#)) on Draft legislation of the Republic of Moldova pertaining to financing Political Parties and Electoral campaigns ([CDL-REF\(2012\)037](#) and [038](#)), drawn up on the basis of comments by Mr Hamilton and Mr Vollan (expert, Norway) as well as OSCE/ODIHR experts. See also the Electoral Code in force as of 17 January 2012 ([CDL-REF\(2012\)039](#)) and the Law on Political Parties of the Republic of Moldova as amended by Law 192 of 12 July 2012 ([CDL-REF\(2013\)007](#)). The Council for Democratic Elections will examine this draft opinion at its meeting on 7 March 2013.

10h45-11h00	Coffee break
11h00-13h00	Studies and Reports Address by the President of the Federal Constitutional Court of Germany Discussion and adoption of opinions on individual countries (Continued)

9. Report on “the relationship between political and criminal ministerial responsibility”

The Commission is invited to examine, with a view to adoption the draft report on “the relationship between political and criminal ministerial responsibility” ([CDL\(2013\)003](#)) drawn up on the basis of comments by Messrs Chagnollaud, Hamilton, Ms Palma, Messrs Sejersted and Tuori. The Sub-Commission on Democratic Institutions will examine this draft report at its meeting on 7 March 2013.

10. Address by the President of the Federal Constitutional Court of Germany

Mr Andreas Vosskuhle, President of the Federal Constitutional Court of Germany will address the Commission on the topic “co-operation of national and international courts in Europe”.

8.Contd Moldova

The Commission is invited to examine, with a view to adoption, the draft joint *amicus curiae* brief by the Venice Commission and the OSCE/ODIHR ([CDL\(2013\)006](#)) on Law 192 of 12 July 2012 of Moldova on the prohibition of the Use of Communist Symbols ([CDL-REF\(2013\)007](#), [008](#) and [009](#)), drawn up on the basis of comments by Mr Bartole, Ms Bilkova, Mr Grabenwarter, Ms Suchocka and the OSCE/ODIHR expert.

The Commission is invited to examine, with a view to adoption, the draft *amicus curiae* brief ([CDL\(2013\)007](#)) for the Constitutional Court of Moldova on the Immunity of Judges, drawn up on the basis of comments by Messrs Hamilton, Mendes, Neppi Modona and Papuashvili (see also document [CDL-REF\(2013\)011](#)). The Sub-Commission on the Judiciary will examine this draft opinion at its meeting on 7 March 2013.

13h00-14h30	Lunch
14h30-16h00	Discussion and adoption of opinions on individual countries (Continued)

11. Iceland

The Commission is invited to endorse the draft opinion ([CDL\(2013\)005](#)) on the Constitutional Bill for a new Constitution for the Republic of Iceland ([CDL-REF\(2013\)001](#)), drawn up on the

basis of comments by Ms de Guillenchmidt, Messrs Helgesen, Hoffmann-Riem, Scholsem and Sørensen. In accordance with the decision taken at the 93rd Plenary Session the draft opinion has already been sent to the Icelandic authorities. See also Expert Memorandum on the Bill for a new Constitution of Iceland ([CDL-REF\(2013\)010](#)).

12. Georgia

The Commission is invited to hold an exchange of views with the representatives of Georgia and to examine, with a view to adoption, the draft opinion ([CDL\(2013\)008](#)) on the draft Amendments to the Organic Law of Georgia on Courts of General Jurisdiction ([CDL-REF\(2012\)045](#)) drawn up on the basis of comments by Messrs Esanu, Hamilton and Sørensen. The Sub-Commission on the Judiciary will examine this draft opinion at its meeting on 7 March 2013.

The Commission is invited to hold an exchange of views with the representatives of Georgia and to examine, with a view to adoption, the draft opinion ([CDL\(2013\)009](#)) on the Provisions relating to Political Prisoners in the Amnesty Law of Georgia ([CDL-REF\(2013\)003](#)) drawn up on the basis of comments by Messrs Esanu, Hamilton and Sanchez Navarro. The Sub-Commission on Democratic Institutions will examine this draft opinion at its meeting on 7 March 2013.

16h00-16h15	Coffee Break
16h15-18h00	Discussion and adoption of opinions on individual countries (Continued) Ukraine

13. Russian Federation

The Commission is invited to hold an exchange of views with the representatives of the Russian Federation and to examine¹, with a view to adoption, the draft opinion ([CDL\(2013\)013](#)) on Federal Law no. 65-FZ of 8 June 2012 of the Russian Federation amending Federal Law no. 54-FZ of 19 June 2004 on assemblies, meetings, demonstrations, marches and picketing and the Code of Administrative Offences ([CDL-REF\(2012\)028](#) and [029](#)) drawn up on the basis of comments by Mr Clayton, Ms Flanagan, and Mr Hoffmann-Riem (see also document [CDL-REF\(2013\)012](#)).

14. Serbia

The Commission is invited to hold an exchange of views with the representative of Serbia and to examine, with a view to adoption, the draft opinion on draft amendments to laws on the Judiciary ([CDL\(2013\)010](#)) drawn up on the basis of comments by Messrs Hirschfeldt and Vardzelashvili and the draft opinion on the draft amendments to the law on Public Prosecution of Serbia ([CDL\(2013\)014](#)) drawn up on the basis of comments by Messrs Esanu and Hamilton, (see draft amendments to the Law on Judges of Serbia ([CDL-REF\(2013\)005](#)), the draft law amending the law on the Organisation of Courts of Serbia ([CDL-REF\(2013\)006](#)) and the draft amendments to the Law on Public Prosecution of Serbia ([CDL-REF\(2013\)004](#))). The Sub-Commission on the Judiciary will examine these draft opinions at its meeting on 7 March 2013.

¹ Due to the fact that the translation of the relevant parts of the judgment of the Constitutional Court of the Russian Federation of 14 February 2013 will only be available after the deadline for issuing documents, the draft opinion will be sent out at a later date.

15. Ukraine

The Commission will be informed on the visit of the President of the Commission to Ukraine on 5 February 2013.

Ms Stavnychuk is invited to inform the Commission on the progress of the work of the Constitutional Assembly.

19h30 Departure of bus from Piazzale Roma
20h00 Dinner at Restaurant "[Park Ristorante da Odino](#)", Quarto d'Altino
22h30 Return to Venice (Piazzale Roma)

Saturday, 9 March 2013

9h00-11h00	<i>Studies and reports (Continued)</i> <i>Bulgaria</i> <i>Address by the President of the Constitutional Court of Jordan</i> <i>Address by the President of the Constitutional Court of Montenegro</i>
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16. Study on Children's Rights in Constitutions

Mr Helgesen will inform on the progress of work on the preparation of the study on Children's rights in Constitutions.

17. Study on "the role of extra-institutional actors in the democratic system"

The Commission is invited to examine, with a view to adoption, the study on "the role of extra-institutional actors in the democratic system" ([CDL\(2013\)012](#)) drawn up on the basis of comments by Mr Haenel, Ms Haller, Mr Maiani, Ms Peters and Mr Raj Chari (expert).

18. Joint Guidelines by the Venice Commission and the OSCE/ODIHR on Freedom of Association

The Commission will be informed on the progress of work on the Joint Guidelines by the Venice Commission and the OSCE/ODIHR on Freedom of Association.

19. Bulgaria

Ms Diana Kovacheva, Minister of Justice of Bulgaria will inform the Commission on the reform of the judiciary in Bulgaria.

20. Address by the President of the Constitutional Court of Jordan

Mr Taher Hikmat, President of the Constitutional Court of Jordan will address the Commission.

21. Address by the President of the Constitutional Court of Montenegro

Mr Milan Markovic, President of the Constitutional Court of Montenegro will address the Commission.

11h00-11h15	Coffee break
11h15-12h45	Other constitutional developments Report of the Meeting of the Scientific Council Report of the meeting of the Council for Democratic Elections Adoption of the Annual report of activities 2012

22. Other constitutional developments

Morocco

The Commission will be informed on recent developments in Morocco.

Tunisia

The Commission will be informed on recent developments in Tunisia (see documents [CDL\(2012\)083](#) and [CDL\(2013\)015](#)).

Turkey

The Commission will be informed on the participation of the President in the EU-Turkey Joint Parliamentary Committee meeting in Ankara on 14-15 February 2013.

Mr Özbudun is invited to inform the Commission on the progress of constitutional reform.

23. Report of the meeting of the Scientific Council (7 March 2013)

The President of the Scientific Council will inform the Commission on the results and conclusions of the meeting held on 7 March 2013.

24. Report of the meeting of the Council for Democratic Elections (7 March 2013)

The President of the Council will inform the Commission on the results and conclusions of the meetings held on 15 December 2012 and on 7 March 2013.

[Link to annotated agenda](#)

The draft joint opinion of the Venice Commission and the OSCE/ODIHR on Moldova will be dealt with under item 8 above.

25. Adoption of the annual report of activities 2012

The Commission is invited to examine with a view to adoption the draft annual report of activities 2012 ([CDL\(2013\)001](#)).

12h45-13h00	Closing session
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26. Other business

27. Dates of the next sessions

The schedule of sessions for 2013 is confirmed as follows:

95 th Plenary Session	14-15 June 2013
96 th Plenary Session	11-12 October 2013
97 th Plenary Session	6-7 December 2013

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

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

[Link to list of meetings](#)

[Link to table plan](#)