



Strasbourg 27 September 2013

**CDL-OJ(2013)004ann**  
Or. Engl

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

**96<sup>th</sup> PLENARY SESSION**  
**Venice, Scuola Grande di San Giovanni Evangelista**  
**Venice, Friday, 11 October 2013 (9.00 a.m.) -**  
**Saturday, 12 October 2013 (1.00 p.m.)**

**DRAFT ANNOTATED AGENDA**

**Friday, 11 October 2013**

9h00-10h45

*Opening session  
Co-operation with Council of Europe organs  
Co-operation with the Parliamentary Assembly of the OSCE  
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\(2013\)044](#)).

**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 Gea Rennel, Permanent Representative of Estonia to the Council of Europe, Ambassador Peter Gunning, Permanent Representative of Ireland to the Council of Europe and with Ambassador Luisella Pavan-Woolfe, Head of the European Union delegation to the Council of Europe.

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

The Commission is invited to hold an exchange of views with Mr Christopher Chope, Chairperson 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 opinion on the Russian Federation (see item 15) falls 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. Co-operation with the Parliamentary Assembly of the OSCE**

The Commission is invited to hold an exchange of views with Mr Ranko Krivokapic, President of the Parliamentary Assembly of the OSCE.

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

The Commission will be informed on follow-up to:

- Opinion on the Draft Law on the Courts of Bosnia and Herzegovina ([CDL-AD\(2013\)015](#));
- Opinion on the Fourth Amendment to the Fundamental Law of Hungary ([CDL-AD\(2013\)012](#));

- Opinion on the Draft New Constitution of Iceland ([CDL-AD\(2013\)010](#));
- *Amicus curiae* brief on the Immunity of Judges for the Constitutional Court of Moldova ([CDL-AD\(2013\)008](#));
- Opinion on the draft law on the amendments to the Constitution, strengthening the independence of Judges and on changes proposed by the Constitutional Assembly to the Constitution of Ukraine ([CDL-AD\(2013\)014](#)).

The draft opinions on Montenegro and Ukraine as well as the discussions on Romania (see items 9, 10 and 14) are a follow-up to previous opinions adopted by the Commission on these countries.

## 9. Montenegro

The Commission is invited to endorse the draft opinion ([CDL\(2013\)033](#)) on draft amendments to three Constitutional Provisions relating to the Constitutional Court, the Supreme State Prosecutor and the Judicial Council of Montenegro ([CDL-REF\(2013\)033](#)), drawn up on the basis of comments by Messrs Hamilton, Neppi Modona and Tuori. In accordance with the decision taken at the 95<sup>th</sup> Plenary Session, the draft opinion has already been sent to the Montenegrin authorities.

10h45-11h00

*Coffee break*

11h00-13h00

*Discussion and adoption of opinions on individual countries (Continued)*

## 10. Ukraine

The Commission is invited to hold an exchange of views with Mr Viktor Pshonka, Prosecutor General of Ukraine, with Mr Andriy Portnov, Adviser to the President of Ukraine and with Mr Valeriy Pysarenko, Chairman, Committee on Judicial Policy, Verkhovna Rada of Ukraine, and to endorse the joint draft opinion ([CDL\(2013\)039](#)) by the Venice Commission and the Directorate for Human Rights, on the Law of Ukraine on the Public Prosecutor's Office ([CDL-REF\(2013\)041](#) and [043](#)), drawn up on the basis of comments by Mr Esanu, Mr Paczolay, Ms Suchocka and Mr Tuori as well as Mr McBride, Mr Svanidze, Ms Bachmaier Winter and Mr Lyngbo (Consultants, Directorate for Human Rights). In accordance with the decision taken by the Bureau, the draft opinion has already been sent to the Ukrainian authorities.

The Commission is invited to hold an exchange of views with Ms Olena Lukash, Minister of Justice of Ukraine and to examine, with a view to adoption, the draft Joint opinion ([CDL\(2013\)037](#)) by the Venice Commission and the OSCE/ODIHR on draft amendments to the law on the election of people's deputies of Ukraine and other related laws ([CDL-REF\(2013\)039](#) and [042](#)) drawn up on the basis of comments by Mr Paczolay and Mr Pilgrim (OSCE/ODIHR expert).

## 11. Azerbaijan

The Commission is invited to hold an exchange of views with the representatives of Azerbaijan and to examine, with a view to adoption, the draft opinion ([CDL\(2013\)041](#)) on the draft law on Protection from Defamation of Azerbaijan ([CDL-REF\(2013\)022rev](#)), drawn up on the basis of comments by Mr Clayton, Mr van Dijk, Ms Palma and Ms Thorgeirsdottir as well as Mr Millar (Consultant, Media Department, Information Society and Action against Crime Directorate).

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

## 12. Kyrgyzstan

The Commission is invited to examine, with a view to adoption, the draft joint interim opinion ([CDL\(2013\)049](#)) by the Venice Commission and the OSCE/ODIHR on the draft law amending the Law on Non-commercial Organisations and other Laws of the Kyrgyz Republic ([CDL-REF\(2013\)044](#), [045](#), [046](#) and [047](#)) drawn up on the basis of comments by Ms Bilkova, Mr Paczolay, Mr Sorensen, Ms Thorgeirsdottir and Mr Velaers. As the request was received on 25 September 2013, the draft opinion will only be distributed a few days before the session.

## 13. Bosnia and Herzegovina

The Commission is invited to examine, with a view to adoption, the draft *amicus curiae* brief for the Constitutional Court of Bosnia and Herzegovina ([CDL\(2013\)046](#)) on the compatibility with the non-discrimination principle of the selection of the Republic Day of the Republika Srpska, drawn up on the basis of comments by Ms Bilkova, Mr Huseynov and Mr Tuori.

16h00-16h15	Coffee Break
16h15-18h00	Discussion and adoption of opinions on individual countries (Continued) Report of the meeting of the Sub-Commission on working methods

## 14. Romania

The Commission will be informed of the results of the visit to Bucharest in July 2013 to discuss the draft amendments to the Constitution of Romania.

## 15. Russian Federation

The Commission will be informed on progress of work on the draft opinion on Federal law No. 7-FZ of January 12, 1996 on non-profit organisations of the Russian Federation, as amended on 11 February 2013 ([CDL-REF\(2013\)037](#)) as well as on the draft opinion on the Federal law on making amendments to the Criminal Code of the Russian Federation and Article 151 of the Code of Criminal Procedure of the Russian Federation adopted on 23 October 2012 ([CDL-REF\(2013\)036](#)), following the Rapporteurs' visit to Moscow on 16-18 September 2013.

## 16. Report of the meeting of the Sub-Commission on Working Methods (10 October 2013)

The Chair of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 10 October 2013. The Commission may be invited to adopt amendments to the Rules of Procedure and to take other decisions (see document [CDL\(2013\)050](#)).

[Link to annotated agenda](#)

\*\*\*\*\*

19h45

Dinner at Hotel Papadopoli Venezia, Venice

[Link to Hotel Papadopoli Venezia web site](#)

**Saturday, 12 October 2013**

9h00-11h00

*Information on Constitutional developments in other countries  
Discussion and adoption of opinions on individual countries (Continued)*

**17. Information on constitutional developments in other countries**

*Armenia*

The Commission will be informed on constitutional developments in Armenia.

*Kazakhstan*

The Commission will be informed on legal developments in Kazakhstan.

**18. Tunisia**

In the presence of Mr Pier Antonio Panzeri, Chair of the Delegation for relations with the Maghreb countries and the Arab Maghreb Union, European Parliament, the Commission is invited to hold an exchange of views with the representatives of Tunisia and to examine, with a view to adoption, the observations ([CDL\(2013\)034](#)) on the final draft Constitution of the Republic of Tunisia ([CDL-REF\(2013\)032](#)), drawn up on the basis of comments by Ms Banic, Mr Bartole, Mr Colliard, Ms Flanagan, Mr Frendo, Ms de Guillenchmidt, Mr Neppi Modona, Mr Scholsem, Ms Thomassen and Mr Vermeulen as well as Mr Behrendt (Expert, Congress of Local and Regional Authorities). In accordance with the decision taken at the 95<sup>th</sup> Plenary Session, the draft opinion has already been sent to the Tunisian authorities. Due to the political situation, the draft Constitution has not yet been adopted.

11h00-11h15

*Coffee break*

11h15-12h45

*Discussion and adoption of opinions on individual countries (Continued)  
Co-operation with other countries  
Information on forthcoming events  
Report of the meeting of the Joint Council on Constitutional Justice  
Report of the meeting of the Scientific Council  
Report of the meeting of the Sub-Commission on Fundamental Rights*

**19. Georgia**

Ms Tinatin Khidasheli, Member of Parliament of Georgia, is invited to inform the Commission on the constitutional developments in Georgia. The Commission is invited to endorse the draft opinion ([CDL\(2013\)038](#)) on the draft constitutional laws amending two constitutional laws amending the Constitution of Georgia ([CDL-REF\(2013\)040](#)), drawn up on the basis of comments by Messrs Scholsem and Tanchev. In accordance with the decision taken by the Bureau, the draft opinion has already been sent to the Georgian authorities.

**20. Co-operation with other countries**

*Jordan*

Mr Taher Hikmat, President of the Constitutional Court of Jordan will inform the Commission on the setting up of the Constitutional Court and possible co-operation with the Commission in the field of constitutional justice.

*Morocco*

The Commission will be informed on recent activities in Morocco.

**21. Information on forthcoming events**

The Commission will be informed on the organisation of an International Conference on "Political Parties – key factors in the political development of democratic societies" which will take place in Bucharest on 18-19 October 2013 and to which representatives from countries in the Southern Neighbourhood will be invited.

The Commission will be informed on the organisation of an International Congress on "the implementation of international human rights treaties in national legislation" as well as on the meeting of the Sub-Commission on Latin America which will take place in Mexico City on 23-25 October 2013.

The Commission will be informed on the organisation of a Conference on Constitutional and judicial reform in Turkey in co-operation with the Turkish Think Tank TESEV which will take place in Strasbourg on 29 October 2013.

**22. Report of the meeting of the Joint Council on Constitutional Justice (8-9 October 2013)**

The Chair of the Joint Council will inform the Commission on the results and conclusions of the meeting held on 8-9 October 2013.

[Link to annotated agenda](#)

**23. Report of the meeting of the Scientific Council (10 October 2013)**

The President of the Scientific Council will inform the Commission on the results and conclusions of the meeting held on 10 October 2013.

The Commission is invited to take note of the compilations of Venice Commission opinions concerning Freedom of Religion and belief ([CDL\(2013\)042](#)) and concerning Political Parties ([CDL\(2013\)045](#)).

**24. Report of the meeting of the Sub-Commission on Fundamental Rights (10 October 2013)**

The Chair of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 10 October 2013, in particular concerning the preparation of a study on Children's rights in Constitutions.

[Link to annotated agenda](#)

12h45-13h00	<i>Closing session</i>
-------------	------------------------

**25. Other business**

**26. Dates of the next sessions**

The remaining session for 2013 is confirmed as follows:

97<sup>th</sup> Plenary Session                      6-7 December 2013

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

The schedule of sessions for 2014 is confirmed as follows:

98 <sup>th</sup> Plenary Session	21-22 March 2014
99 <sup>th</sup> Plenary Session	20-21 June 2014
100 <sup>th</sup> Plenary Session	17-18 October 2014
101 <sup>st</sup> Plenary Session	12-13 December 2014

Sub-Commission meetings as well as the 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](#)