



Strasbourg 9 October 2015

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

**104<sup>th</sup> PLENARY SESSION**  
**Venice, Scuola Grande di San Giovanni Evangelista**  
**Friday, 23 October 2015 (9.00 a.m.-6.00 p.m.) -**  
**Saturday, 24 October 2015 (9.00 a.m.-1.00 p.m.)**

**DRAFT ANNOTATED AGENDA**

**Friday, 23 October 2015**

9h00-10h45

*Opening session  
Co-operation with Council of Europe organs  
Follow-up to earlier Venice Commission Opinions  
Discussion and adoption of Opinions on constitutional reforms in individual countries*

**1. Adoption of the Agenda****2. Communication by the President**

The President will present his recent activities (see document [CDL\(2015\)042](#)).

**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 22 October 2015.

**4. Election of a Committee of Wise Persons**

In accordance with Article 6, paragraph 1bis of the Revised Rules of Procedure, the Commission is invited to elect the Committee of Wise Persons proposed by the Enlarged Bureau, who will prepare the elections which will be held during the December 2015 session. Every member may put forward his or her candidature for any vacant position to the wise persons.

**5. Communication by the Secretariat****6. 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 Arnold de Fine Skibsted, Permanent Representative of Denmark to the Council of Europe, with Ambassador Ardiana Hobdari, Permanent Representative of Albania to the Council of Europe and with Ambassador Markus Börlin, Permanent Representative of Switzerland to the Council of Europe.

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

The Commission is invited to hold an exchange of views with Mr Jean-Claude Mignon, Former President of the Parliamentary Assembly of the Council of Europe and with Mr Arcadio Diaz Tejera, 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.

**8. 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 Philippe Receveur, Chair of the Monitoring Committee of the Congress.

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

The Commission will be informed on follow-up to:

Opinion on the Electoral Law of the United Kingdom ([CDL-AD\(2007\)046](#));

Opinion on the draft Amendments to the Media Law of Montenegro ([CDL-AD\(2015\)004](#));

Joint Opinion on the draft law "on introduction of changes and amendments to the Constitution" of the Kyrgyz Republic ([CDL-AD\(2015\)014](#)).

The draft opinions on Armenia, Bulgaria and Ukraine (see items 10, 11 and 12) are a follow-up to previous opinions adopted on these countries.

## 10. Armenia

The Commission is invited to endorse the Preliminary Opinion ([CDL-PI\(2015\)015rev](#)) on the draft Amendments to Chapters 1 to 7 and 10 ([CDL-REF\(2015\)014](#) and [023](#)) and the Second Preliminary Opinion ([CDL-PI\(2015\)019](#)) on the draft Amendments, in particular to Chapters 8, 9 and 11 to 16, of the Constitution of Armenia ([CDL-REF\(2015\)034](#) and [036](#)). Both these opinions were drawn up on the basis of comments by Mr Bartole, Mr Endzins, Mr Grabenwarter, Ms Khabrieva, Mr Tanchev and Mr Tuori.

Mr Galust Sahakyan, Speaker of the National Assembly of Armenia, will inform the Commission on progress in the adoption of the constitutional Amendments.

## 11. Bulgaria

The Commission is invited to hold an exchange of views with Mr Hristo Ivanov, Minister of Justice of Bulgaria and with Mr Dimitar Lazarov, Chairperson of the Ad Hoc Committee for the amendment of the Constitution of Bulgaria and to examine, with a view to adoption, the draft Opinion ([CDL\(2015\)041](#)) on draft Amendments to the Bulgarian Constitution in the sphere of the Judiciary ([CDL-REF\(2015\)025](#)) drawn up on the basis of comments by Mr Gstöhl, Mr Hirschfeldt and Mr Neppi Modona. The Sub-Commission on the Judiciary will examine this draft opinion at its meeting on 22 October 2015.

10h45-11h00	Coffee break
11h00-13h00	Discussion and adoption of opinions on constitutional reform in individual countries (Continued)

## 12. Ukraine

The Commission is invited to endorse the Preliminary Opinion ([CDL-PI\(2015\)016](#)) on the proposed constitutional Amendments regarding the judiciary of Ukraine ([CDL-REF\(2015\)024](#)), and to hold an exchange of views with Mr Volodymyr Groysman, Speaker of the Parliament of Ukraine and with Mr Oleksiy Filatov, Deputy Head of the Presidential Administration, Secretary of the Constitutional Commission of Ukraine, and to examine, with a view to adoption, the draft final Opinion ([CDL\(2015\)039](#)) on the revised draft constitutional Amendments regarding the judiciary of Ukraine proposed by the working group on the judiciary of the Constitutional Commission of Ukraine ([CDL-REF\(2015\)040](#)). Both these opinions were drawn up on the basis of comments by Ms Kiener, Mr Paczolay, Mr Papuashvili, Mr Scholsem, Ms Suchocka, Mr Tanchev and Mr Tuori. The Sub-Commission on the Judiciary will examine the draft final opinion at its meeting on 22 October 2015.

The Commission is invited to endorse the Preliminary Opinion ([CDL-PI\(2015\)008](#)) on the draft constitutional Amendments regarding the Territorial Structure and Local Administration of Ukraine ([CDL-REF\(2015\)021](#)) drawn up on the basis of comments by Ms Suchocka, Mr Tuori and Mr Delcamp (expert of the Congress of Local and Regional Authorities of the Council of Europe) and to take note of the Secretariat Memorandum ([CDL\(2015\)040rev](#)) on the compatibility of the draft constitutional Amendments adopted by the Verkhovna Rada in the first reading ([CDL-REF\(2015\)035rev](#)) with the Preliminary Opinion. In addition, the Commission is invited to hold an exchange of views with Mr Volodymyr Groysman, Speaker of the Parliament of Ukraine and with Mr Oleksiy Filatov, Deputy Head of the Presidential Administration, Secretary of the Constitutional Commission of Ukraine, and to examine, with a view to adoption, the draft Opinion ([CDL\(2015\)037](#)) on the temporal validity of draft transitional provision 18 of the Constitution of Ukraine (see document [CDL-REF\(2015\)035rev](#)) drawn up on the basis of comments by Ms Suchocka, Mr Tuori and Mr Delcamp (Congress expert).

13h00-14h30	<i>Lunch</i>
14h30-16h00	<i>Co-operation with International IDEA Discussion and adoption of Opinions on legislative reforms in individual countries</i>

### **13. Co-operation with International IDEA**

Mr Yves Leterme, Secretary General of International IDEA, will inform the Commission about the main activities of International IDEA of interest to the Commission as well as possible co-operation.

### **12. (Continued) Ukraine**

The Commission is invited to examine, with a view to adoption, the draft joint opinion ([CDL\(2015\)035](#)) by the Venice Commission, the Directorate of Human Rights (DGI) and the OSCE/ODIHR, on the draft amendments to some legislative acts concerning prevention of and fight against political corruption in Ukraine ([CDL-REF\(2015\)031](#)) drawn up on the basis of comments by Mr Frenedo, Mr Paczolay, as well as experts from DGI and the OSCE/ODIHR.

This draft Opinion will be examined by the Council for Democratic Elections at its meeting on 22 October 2015.

The Commission is invited hold an exchange of views with the representative of the Ministry of Justice of Ukraine, and to examine, with a view to adoption, the draft interim Opinion ([CDL\(2015\)046](#)) on the draft Law on Integrity Checking of Ukraine ([CDL-REF\(2015\)033](#)) drawn up on the basis of comments by Mr Bartole, Ms Bilkova and Mr Papuashvili. The Sub-Commissions on Democratic Institutions and on Fundamental Rights will examine this draft opinion at the joint meeting on 22 October 2015.

### **14. Bosnia and Herzegovina**

The Commission is invited to hold an exchange of views with Ms Semiha Borovac, Minister for Human Rights and Refugees, and to examine, with a view to adoption, the draft Opinion ([CDL\(2015\)044](#)) on the draft Law on Ombudsman for Human Rights in Bosnia and Herzegovina ([CDL-REF\(2015\)037](#)) drawn up on the basis of comments by Mr Huseynov, Mr Scholsem and Mr Sorensen.

16h00-16h15	<i>Coffee Break</i>
16h15-18h00	<i>Discussion and adoption of Opinions on legislative reforms in individual countries (Continued)</i>

## **15. Georgia**

The Commission is invited to endorse the Preliminary joint Opinion ([CDL-PI\(2015\)014](#)) by the Venice Commission, the Consultative Council of European Prosecutors (CCPE) and the OSCE/ODIHR on the draft Amendments to the law on the Prosecutor's Office of Georgia ([CDL-REF\(2015\)008](#)) drawn up on the basis of comments by Mr Barrett, Mr Esanu, Mr Kivalov as well as CCPE and OSCE/ODIHR experts. The Commission will be informed on follow-up to the Preliminary Opinion.

## **16. Kyrgyzstan**

The Commission is invited to hold an exchange of views with Ms Chinara Aidarbekova, judge-secretary of the Constitutional Chamber of the Supreme Court of the Kyrgyz Republic, and to examine, with a view to adoption, the draft Opinion ([CDL\(2015\)043](#)) on the Rules of procedure of the Constitutional Chamber of the Kyrgyz Republic ([CDL-REF\(2015\)039](#)) drawn up on the basis of comments by Mr Grosu, Mr Knezevic, Mr Vardzelashvili and Ms Banic (Venice Commission expert).

## **17. Montenegro**

The Commission is invited to hold an exchange of views with the Representative of Montenegro and to examine, with a view to adoption, the draft Opinion ([CDL\(2015\)045](#)) on the draft law on amendments to the Law on Minority rights and Freedoms of Montenegro ([CDL-REF\(2015\)026](#)) drawn up on the basis of comments by Mr Aurescu, Mr Kivalov and Mr Scholsem.

## **18. Tunisia**

The Commission is invited to hold an exchange of views with the Representative of Tunisia and to examine, with a view to adoption, the draft Opinion ([CDL\(2015\)047](#)) on the institutional aspects of the draft law on the specific Committee dealing with the reconciliation process in Tunisia drawn up on the basis of comments by Mr Alivizatos, Ms Bilkova and Ms Kiener. The Sub-Commissions on Democratic Institutions and on Fundamental Rights will examine this draft opinion at the joint meeting on 22 October 2015.

The Commission is invited to endorse the Preliminary Opinion ([CDL-PI\(2015\)018](#)) on the draft organic law on the Constitutional Court of Tunisia ([CDL-REF\(2015\)029](#)) drawn up on the basis of comments by Mr Neppi Modona and Ms Banic (Venice Commission expert).

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19h45

Dinner at Hotel Papadopoli Venezia, Venice

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

**Saturday, 24 October 2015**

9h00-10h30	<i>Discussion and adoption of Opinions on legislative reforms in individual countries (Continued) Studies and Reports</i>
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**19. Albania**

Mr Fatmir Xhafaj, Chair of the ad hoc Parliamentary Committee on judicial system reform of Albania, is invited to present to the Commission the draft constitutional amendments focusing on European integration and the judiciary ([CDL-REF\(2015\)038](#)). The Commission will be invited to examine, with a view to adoption, a draft opinion on these amendments at its December session.

**10. (Continued) Armenia**

The Commission is invited to hold an exchange of views with Mr Karen Andreasyan, Human Rights Defender of the Republic of Armenia, and to examine, with a view to adoption, the draft joint Opinion ([CDL\(2015\)034](#)) by the Venice Commission and the Directorate of Human Rights (DGI), on the draft Amendments to the Law on the Human Rights Defender of Armenia ([CDL-REF\(2015\)028](#)) drawn up on the basis of comments by Ms Err, Mr Sorensen, Mr Tanchev as well as experts from DGI.

**20. Draft joint Guidelines on preventing and tackling the misuse of administrative resources during electoral processes**

The Commission is invited to examine, with a view to adoption, the draft joint Guidelines by the Venice Commission and the OSCE/ODIHR on preventing and tackling the misuse of administrative resources during electoral processes ([CDL\(2015\)038](#)) drawn up on the basis of comments by Mr Barrett, Mr Gonzalez Oropeza, Mr Hirschfeldt, Mr Kask, Mr Kalchenko (Venice Commission expert) and OSCE/ODIHR experts. (See also document [CDL-AD\(2013\)033](#) Report on the misuse of administrative resources during electoral processes)

These draft Guidelines will be examined by the Council for Democratic Elections at its meeting on 22 October 2015.

**21. Report on exclusion of offenders from parliament**

The Commission is invited to examine, with a view to adoption, the draft report on exclusion of offenders from Parliament ([CDL\(2015\)048](#)) drawn up on the basis of comments by Mr Bartole, Mr Kask and Mr Sorensen. This report follows a request by the Albanian authorities, who are drafting legislation dealing in particular with the issue of people with criminal records, who hold or seek to be elected or appointed to a public office. The Commission adopted a preliminary report on this issue at the June plenary session (see document [CDL-AD\(2015\)019](#)).

This draft report will be examined by the Council for Democratic Elections at its meeting on 22 October 2015.

10h30-10h45	<i>Coffee Break</i>
10h45-12h45	<i>Conference on “Past and present day lustration: similarities, differences, applicable standards”</i> <i>Co-operation with the Organisation of Arabic speaking Electoral Management Bodies</i> <i>UniDem-Med Campus</i> <i>Co-operation with other countries</i> <i>Information on constitutional developments in other countries</i> <i>Reports of the Sub-Commission meetings</i>

**22. Conference on “Past and present day lustration: similarities, differences, applicable standards” (Prague, 7 September 2015)**

The Commission will be informed on the results and conclusions of the Conference on “Past and present day lustration: similarities, differences, applicable standards” which took place in Prague on 7 September 2015.

**23. Co-operation with the Organisation of Arabic speaking Electoral Management Bodies**

The Commission is invited to hold an exchange of views with the representatives of the Organisation of Arabic speaking Electoral Management Bodies on co-operation with this Organisation.

**24. UniDem-Med Campus**

The Commission will be informed about the first UniDem-Med Campus Seminar which took place in Rabat on 14-17 September 2015.

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

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

*Italy*

Mr Bartole will inform the Commission on the revision of the Electoral law in Italy and the related constitutional reform.

*Kazakhstan*

The Commission will be informed on recent constitutional developments in Kazakhstan.

*Norway*

Mr Helgesen will inform the Commission on recent constitutional developments in Norway in particular concerning Article 89 of the Constitution.

**27. Report of the meeting of the Council for Democratic Elections (22 October 2015)**

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 22 October 2015.

[Link to annotated agenda](#)

The draft Opinion on the draft law on the financing of political parties of Ukraine, the draft joint Guidelines on preventing and tackling the misuse of administrative resources during electoral processes and the draft report on exclusion of offenders from Parliament are dealt with under items 12, 20 and 21 above.

## **28. Report of the joint meeting of the Sub-Commissions on Democratic Institutions and on Fundamental Rights (22 October 2015)**

The Chair of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 22 October 2015.

[Link to annotated agenda](#)

In particular the organisation of a Conference on the political questioning of the current human rights adjudication framework in Oslo in 2016 will be discussed.

12h45-13h00	<i>Closing session</i>
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## **29. Other business**

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

The final session for 2015 is confirmed as follows:

105<sup>th</sup> Plenary Session            18-19 December 2015

The schedule of sessions for 2016 is confirmed as follows:

106<sup>th</sup> Plenary Session            11-12 March 2016  
107<sup>th</sup> Plenary Session            10-11 June 2016  
108<sup>th</sup> Plenary Session            14-15 October 2016  
109<sup>th</sup> Plenary Session            9-10 December 2016

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](#)