



Strasbourg 27 May 2016

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Or. Engl

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

107th PLENARY SESSION
Venice, Scuola Grande di San Giovanni Evangelista
Friday, 10 June 2016 (9.00 a.m.-6.00 p.m.) -
Saturday, 11 June 2016 (9.00 a.m.-1.00 p.m.)

DRAFT ANNOTATED AGENDA

Friday, 10 June 2016**9h00-10h45***Opening session**Co-operation with Council of Europe organs**Elections**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\(2016\)026](#)).

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 9 June 2016.

4. Communication by the Secretariat**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 Ambassador Katrin Kivi, Permanent Representative of Estonia to the Council of Europe and Chair of the Ministers' Deputies, with Ambassador Zoran Popović, Permanent Representative of Serbia to the Council of Europe and with Ambassador Erdoğan İçsan, Permanent Representative of Turkey to the Council of Europe.

6. Co-operation with the Parliamentary Assembly

The Commission is invited to hold an exchange of views with Ms Anne Brasseur, former President of the Parliamentary Assembly of the Council of Europe and with Mr Philippe Mahoux, 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 Poland, the Russian Federation, Turkey and Ukraine (see items 10, 11, 12 and 17) fall into the framework of co-operation with the Parliamentary Assembly.

7. 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 and with Mr Alain Delcamp, former Chair of the Group of Independent Experts, the Congress' adviser on constitutional matters.

8. Elections

The Commission is invited to elect a Vice-President following the non-renewal of the term of office of Ms Suchocka. The Bureau invited Messrs Bartole, Gonzalez Oropeza and Scholsem to act again as Wise Persons and propose a candidate to the plenary.

9. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to:

Opinion on amendments to the Act of 25 June 2015 on the Constitutional Tribunal of Poland ([CDL-AD\(2016\)001](#));

Opinion on the draft Act to amend and supplement the Constitution (in the field of the Judiciary) of the Republic of Bulgaria ([CDL-AD\(2015\)022](#));

Joint opinion on amendments to the Election Code of Georgia as of 8 January 2016 ([CDL-AD\(2016\)003](#));

Final Opinion on the Law on Government Cleansing (Lustration Law) of Ukraine as would result from the amendments submitted to the Verkhovna Rada on 21 April 2015 ([CDL-AD\(2015\)012](#));

Joint Interim Opinion on the Draft Law amending the Law on Non-commercial Organisations and other Legislative Acts of the Kyrgyz Republic ([CDL-AD\(2013\)030](#)).

10. Poland

The Commission is invited to hold an exchange of views with the representative of Poland and to examine, with a view to adoption, the draft opinion ([CDL\(2016\)019](#)) on the draft Amendments to the Law on the Police and other Laws of Poland ([CDL-REF\(2016\)036](#)) drawn up on the basis of comments by Mr Cameron, Ms Kiener and Mr Vermeulen. The Sub-Commission on Fundamental Rights will examine the draft opinion at its meeting on 9 June 2016.

10h45-11h00	<i>Coffee break</i>
11h00-13h00	<i>Discussion and adoption of opinions on individual countries (Continued)</i>

11. Russian Federation

The Commission is invited to hold an exchange of views with Mr Andrey Klishas, Chair of the Committee on Constitutional Legislation and State Construction of the Federation Council of the Russian Federation, and to examine, with a view to adoption, the draft final opinion ([CDL\(2016\)018](#)) on Amendments to the Constitutional Law on the Constitutional Court of the Russian Federation ([CDL-REF\(2016\)006](#) and [007](#); see also [CDL-REF\(2016\)033](#)) drawn up on the basis of comments by Mr Aurescu, Mr Bartole, Mr Cameron, Mr Craig, Mr Hoffmann-Riem and Mr Kuijer. The Commission adopted an interim opinion at its 106th Plenary Session ([CDL-AD\(2016\)005](#)).

The Commission is invited to hold an exchange of views with Mr Andrey Klishas, Chair of the Committee on Constitutional Legislation and State Construction of the Federation Council of the Russian Federation, and to examine, with a view to adoption, the draft opinion ([CDL\(2016\)025](#)) on the Law “on undesirable activities of foreign and international organisations” of the Russian Federation ([CDL-REF\(2016\)037](#)) drawn up on the basis of comments by Ms Bilkova, Ms Kjerulf Thorgeirsdottir and Mr Paczolay.

12. Turkey

The Commission is invited to hold an exchange of views with the representative of Turkey and to examine, with a view to adoption, the draft opinion ([CDL\(2016\)016](#)) on the Law of Turkey on regulation of publications on the internet and combating crimes committed by means of such publication ([CDL-REF\(2016\)026](#) and [027](#)) drawn up on the basis of comments by Mr Clayton, Ms Kjerulf Thorgeirsdottir as well as by Mr Wolfgang Benedek, Mr Pieter van Dijk and Ms Karmen Turk (Venice Commission experts). The Sub-Commission on Fundamental Rights will examine the draft opinion at its meeting on 9 June 2016.

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

12. Turkey (Continued)

The Commission is invited to hold an exchange of views with Mr Basri Bağcı, Deputy Undersecretary, Ministry of Justice, and to examine, with a view to adoption, the draft opinion ([CDL\(2016\)017](#)) on the Legal Framework for curfews in Turkey ([CDL-REF\(2016\)028](#)) drawn up on the basis of comments by Mr Correia, Mr Jeribi, Ms Suchocka and Mr Velaers. The Sub-Commission on Fundamental Rights will examine the draft opinion at its meeting on 9 June 2016.

13. Armenia

The Commission is invited to endorse the preliminary joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL-PI\(2016\)004](#)) on the draft electoral code of Armenia as of 18 April 2016 ([CDL-REF\(2016\)030](#)), drawn up on the basis of comments by Mr Barrett, Ms Biglino, Mr Tanchev and Mr Vollan (Venice Commission expert) as well as OSCE/ODIHR experts. In accordance with the decision taken at the 106th Plenary Session, the preliminary opinion has already been sent to the Armenian authorities.

Ms Arpine Hovhannisyan, Minister of Justice of Armenia, will inform the Commission on the adopted text of the electoral code.

14. Kazakhstan

The Commission is invited to hold an exchange of views with Mr Kairat Mami, President of the Supreme Court, and to examine, with a view to adoption, the draft opinion ([CDL\(2016\)015](#)) on the draft code on Judicial Ethics of Kazakhstan ([CDL-REF\(2016\)023](#)) drawn up on the basis of comments by Ms Bazy Malaurie, Mr Esanu and Mr Hirschfeldt.

15. Republic of Moldova

The Commission is invited to examine, with a view to adoption, the draft *amicus curiae* brief ([CDL\(2016\)014](#)) for the Constitutional Court of the Republic of Moldova on the right to recourse action by the state against judges ([CDL-REF\(2016\)029](#)), drawn up on the basis of comments by Mr Bartole, Mr Hirschfeldt, Mr Holmøyvik, Mr Kutris and Ms McMorrow.

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

15. Republic of Moldova (Continued)

The Commission is invited to hold an exchange of views with the representative of the Republic of Moldova and to examine, with a view to adoption, the draft joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2016\)021](#)) on the draft Amendments to the Electoral Code of the Republic of Moldova ([CDL-REF\(2016\)031](#) and [032](#)) drawn up on the basis of comments by Mr Gonzalez Oropeza and Mr Kask as well as OSCE/ODIHR experts. This draft joint opinion will be examined by the Council for Democratic Elections at its meeting on 9 June 2016.

16. Montenegro

The Commission is invited to take note of the Secretariat Memorandum ([CDL\(2016\)27](#)) on the compliance of the revised draft law on amendments to the Law on Minority Rights and Freedom of Montenegro ([CDL-REF\(2016\)039](#)) with the Venice Commission's opinion on the draft law amendments to the Law on Minority Rights and Freedoms of Montenegro ([CDL-AD\(2015\)033](#)), prepared at the request of the Montenegrin authorities.

17. Ukraine

The Commission is invited to hold an exchange of views with the representative of Ukraine and to examine, with a view to adoption, the draft opinion ([CDL\(2016\)024](#)) on the Amendments to the Law of Ukraine on election of people's deputies regarding the exclusion of candidates from party lists ([CDL-REF\(2016\)024](#); see also document [CDL-REF\(2016\)040](#)) drawn up on the basis of comments by Mr Frenco, Mr Paczolay and Mr Vilanova Trias. This draft opinion will be examined by the Council for Democratic Elections at its meeting on 9 June 2016.

The Commission will be informed on the results and conclusions of the Conference on "Elections in Ukraine in the context of European democratic standards" which took place in Kyiv on 26-27 May 2016.

19h45 Dinner
 Restaurant F30
 Stazione FS
 Fondamenta Santa Lucia
 Venezia
 Tel: +39 041 5256154

[Link to F30 web site](#)

[Link to map showing situation of F30](#)

Saturday, 11 June 2016

9h00-10h30

Discussion and adoption of Opinions on individual countries (Continued)
Co-operation with other countries
Information on constitutional developments in other countries
Co-operation with the Inter-American Court of Human Rights

18. Georgia

In the presence of Ms Tea Tsulukiani, Minister of Justice and Ms Eka Besalia, Chair of the Human Rights Committee, Parliament of Georgia the Commission is invited to endorse or adopt the preliminary opinion ([CDL-PI\(2016\)005](#)) on the Amendments to the Organic Law on the Constitutional Court of Georgia and on the Law on Constitutional Legal Proceedings of Georgia ([CDL-REF\(2016\)38](#)) drawn up on the basis of comments by Mr Grabenwarter, Mr Gstöhl and Mr Tanchev. The Bureau authorised the Secretariat to send this preliminary opinion to the Georgian authorities under the responsibility of the rapporteurs.

19. Co-operation with other countries*Tunisia*

The Commission will be informed on co-operation with Tunisia.

20. Information on constitutional developments in other countries*Algeria*

Mr Mourad Medelci, President of the Constitutional Council of Algeria, is invited to inform the Commission on recent constitutional developments in Algeria.

Georgia

Mr George Papuashvili, President of the Constitutional Court of Georgia, is invited to inform the Commission on recent constitutional developments in Georgia.

Italy

Mr Bartole will inform the Commission on recent constitutional developments in Italy.

Turkey

Mr Can will inform the Commission on recent constitutional developments in Turkey.

21. Co-operation with the Inter-American Court of Human Rights

Mr Roberto Caldas, President of the Inter-American Court of Human Rights, is invited to inform the Commission on the activities of the Court.

10h30-10h45	<i>Coffee Break</i>
10h45-12h45	<i>Report of the meeting of the Joint Council on Constitutional Justice</i> <i>Report of the meeting of the Council for Democratic Elections</i> <i>Report of the meeting of the Scientific Council</i>

22. Report of the meeting of the Joint Council on Constitutional Justice (7-8 June 2016)

The Co-Chair of the Joint Council on Constitutional Justice will inform the Commission on the results and conclusions of the meeting held on 7-8 June 2016.

[Link to annotated agenda](#)

23. Report of the meeting of the Council for Democratic Elections (9 June 2016)

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 9 June 2016.

[Link to annotated agenda](#)

The opinions on Armenia, Republic of Moldova and Ukraine are dealt with under items 13, 15 and 17 above.

24. Report of the meeting of the Scientific Council (9 June 2016)

The President of the Scientific Council will inform the Commission on the results and conclusions of the meeting held on 9 June 2016.

[Link to annotated agenda](#)

The Commission is invited to endorse the compilations of Venice Commission opinions and reports on Gender Equality ([CDL\(2016\)023](#)) and on Media and Elections ([CDL\(2016\)022](#)).

12h45-13h00	<i>Closing session</i>
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25. Other business

The Commission will be informed on preparation of the International Conference on “Global Constitutional Discourse and Transnational Constitutional Activity” organised by the Venice Commission in co-operation with IACL and International Idea, which will take place in Venice on 7 December 2016. [Link to Programme](#)

The Commission will be informed on the recent publication on the Venice Commission issued by the Institute for Legislation and Comparative Law of the Russian Federation.

26. Dates of the next sessions

The schedule of sessions for 2016 is confirmed as follows:

108 th Plenary Session	14-15 October 2016
109 th Plenary Session	9-10 December 2016

The Commission is invited to confirm the schedule of sessions for 2017 as follows:

110 th Plenary Session	10-11 March 2017
111 th Plenary Session	9-10 June 2017
112 th Plenary Session	6-7 October 2017
113 th Plenary Session	8-9 December 2017

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](#)