



Strasbourg 7 March 2014

CDL-PL-OJ(2014)001ann
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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

98th PLENARY SESSION
Venice, Scuola Grande di San Giovanni Evangelista
Friday, 21 March 2014 (9.00 a.m.) -
Saturday, 22 March 2014 (1.00 p.m.)

DRAFT ANNOTATED AGENDA

Friday, 21 March 2014

9h00-10h45

*Opening session
Co-operation with Council of Europe organs
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\(2014\)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 Theodora Constantinidou, Permanent Representative of Cyprus to the Council of Europe, with Ambassador Drahoslav Štefánek, Permanent Representative of the Slovak Republic to the Council of Europe and with Ambassador Manuel Jacoangeli, Permanent Representative of Italy to the Council of Europe.

5. Co-operation with the Parliamentary Assembly

The Commission is invited to hold an exchange of views 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.

The opinion on the NGO law of the Federation of Russia (see item 10) 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 and with Mr Alain Delcamp, former Chair of the Group of Independent Experts, the Congress' advisor on constitutional matters.

7. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to:

Opinion on two Sets of draft Amendments to the Constitutional Provisions relating to the Judiciary of Montenegro ([CDL-AD\(2012\)024](#));

Opinion on the Draft Law on the Courts of Bosnia and Herzegovina ([CDL-AD\(2013\)015](#));

Amicus Curiae Brief in the cases of Sejdić and Finci v. Bosnia and Herzegovina ([CDL-AD\(2008\)0027](#)).

8. Tunisia

The Commission is invited to hold an exchange of views with Mr Mustapha Ben Jaafar, President of the National Constituent Assembly of Tunisia¹ on the adoption of the new Constitution of Tunisia and on possibilities of future co-operation (see documents ([CDL-AD\(2013\)032](#) and [CDL-REF\(2014\)010](#)).

9. Ukraine

The Commission is invited to hold an exchange of views with Mr Ruslan Knyazevych, Member of Parliament, Head of the Special Commission for the preparation of the Draft Law on amendments to the Constitution of Ukraine, on constitutional reform in Ukraine.

The Commission is invited to hold an exchange of views with Mr Pavlo Petrenko, Minister of Justice of Ukraine¹ and to examine with a view to adoption, the draft opinion ([CDL\(2014\)019](#)) on the constitutionality of the decision taken by the Supreme Council of the Autonomous Republic of Crimea in Ukraine to organise a referendum, requested by the Secretary General of the Council of Europe.

10. Russian Federation

The Commission is invited to examine, with a view to adoption, the draft opinion ([CDL\(2014\)020](#)) on the compatibility of the draft Federal Constitutional Law of the Russian Federation on "amending the Federal Constitutional Law on the Procedure of Admission to the Russian Federation and creation of a new subject of the Russian Federation in its Composition" with international law ([CDL-REF\(2014\)011](#)), requested by the Secretary General of the Council of Europe.

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](#)).

10h45-11h00	<i>Coffee break</i>
11h00-13h00	<i>Discussion and adoption of opinions on individual countries (Continued)</i> <i>Co-operation with the European Court of Human Rights</i> <i>Discussion and adoption of studies and reports</i>

11. Romania

The Commission is invited to hold an exchange of views with the representative of Romania and to examine, with a view to adoption, the draft opinion ([CDL\(2014\)013](#)) on the draft law on the review of the Constitution of Romania ([CDL-REF\(2014\)004](#); see also document [CDL-REF\(2014\)005](#)) drawn up on the basis of comments by Mr Bartole, Ms de Guillenchmidt, Mr Hamilton, Ms Suchocka, Mr Tanchev, Mr Tuori and Mr Malinverni (Expert). The Sub-Commission on Democratic Institutions will examine this draft opinion at its meeting on 20 March 2014.

¹ Participation in the session subject to final confirmation.

12. Co-operation with the European Court of Human Rights

The Commission is invited to examine, with a view to adoption, the draft *amicus curiae* brief for the European Court of Human Rights ([CDL\(2014\)009](#)) on specific questions concerning parliamentary investigation committees (Case of Rywin v. Poland) drawn up on the basis of comments by Mr Frendo, Mr Scholsem and Mr Sejersted. The Sub-Commission on Fundamental Rights will examine this draft *amicus curiae* brief at its meeting on 20 March 2014.

13. Report on the scope and lifting of Parliamentary Immunities

The Commission is invited to examine, with a view to adoption, the draft report on the scope and lifting of parliamentary immunities ([CDL\(2014\)002](#); see also document [CDL\(2014\)006](#)) drawn up on the basis of comments by Mr Hamilton, Ms Palma, Mr Sejersted and Mr Sorensen, in co-operation with Mr Yves-Marie Doublet (GRECO expert). The Sub-Commission on Democratic Institutions will examine this draft report at its meeting on 20 March 2014.

14. Report on Children's rights in Constitutions

The Commission is invited to examine, with a view to adoption, the draft report on Children's rights in Constitutions ([CDL\(2014\)014](#)) drawn up on the basis of comments by Mr Grabenwarter, Mr Helgesen, Ms Peters and Ms Thorgeirsdottir, in co-operation with Ms Kilkelly and Mr O'Mahony (DGII experts) and Ms Anne Lindboe, Children's Ombudsman, Norway (see also document [CDL-REF\(2014\)009](#)). The Sub-Commission on Fundamental Rights will examine this draft report at its meeting on 20 March 2014.

15. Albania

The Commission will be informed on the results of the visit to Tirana in February 2014 to discuss the reform of the Judiciary in Albania.

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

16. Armenia

The Commission is invited to examine, with a view to adoption, the draft joint opinion by the Venice Commission and the Human Rights Directorate of the Directorate General of Human Rights and Rule of Law (DGI) ([CDL\(2014\)007](#)) on the draft Law on making amendments and supplements to the judicial code of the Republic of Armenia (Evaluation system for Judges) ([CDL-REF\(2013\)060](#)) drawn up on the basis of comments by Mr Hamilton, Mr Hirschfeldt, Mr Vardzelashvili and Mr Reissner (DGI Expert).

The Commission will be informed on the results of the visit to Yerevan in February 2014 to discuss the reform of the Constitution of Armenia as well as on the meeting held in Venice on 20 March 2014.

17. Bosnia and Herzegovina

The Commission is invited to hold an exchange of views with Mr Bariša Čolak, Minister of Justice of Bosnia and Herzegovina and to examine, with a view to adoption, the draft opinion ([CDL\(2014\)008](#)) on the draft law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina ([CDL-REF\(2014\)008](#)) drawn up on the basis of comments by Ms Bilkova, Mr Hamilton and Mr Vardzelashvili.

The Commission will be informed on progress of work on the opinion on the reform of the Constitution of the Federation of Bosnia and Herzegovina.

18. Bulgaria

The Commission is invited to adopt the draft joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2014\)001](#)) on the draft Election Code of Bulgaria ([CDL-REF\(2013\)059](#)), drawn up on the basis of comments by Mr Kask, Mr Vermeulen, Mr Vollan (Venice Commission expert) and Mr Pilgrim (OSCE/ODIHR expert). In accordance with the decision taken at the 97th Plenary Session, the draft opinion has already been sent to the Bulgarian authorities. The Council for Democratic Elections will examine this draft opinion at its meeting on 20 March 2014 with a view to adoption.

16h00-16h15	<i>Coffee Break</i>
16h15-18h00	<i>Discussion and adoption of opinions on individual countries (Continued) Working Methods</i>

19. Georgia

The Commission will be informed of the results of the President's visit to Tbilisi in January 2014 and on co-operation with the State Constitutional Commission.

The Commission is invited to examine, with a view to adoption, the draft *amicus curiae* brief for the Constitutional Court of Georgia ([CDL\(2014\)012](#)) on individual access of public broadcasters to the Constitutional Court, drawn up on the basis of comments by Mr Hoffmann Riem, Mr Knezevic and Mr Sanchez Navarro.

20. Republic of Moldova

The Commission is invited to hold an exchange of views with Mr Andrian Candu, Deputy Speaker, Parliament 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\(2014\)005](#)) on the draft law amending the electoral legislation of the Republic of Moldova ([CDL-REF\(2014\)001](#); see also document [CDL-REF\(2012\)039](#)), drawn up on the basis of comments by Ms Biglino, Mr Darmanovic, Mr Gonzalez Oropeza and Ms Deriaz (OSCE/ODIHR Expert). The Council for Democratic Elections will examine this draft opinion at its meeting on 20 March 2014 with a view to adoption.

The Commission is invited to examine, with a view to adoption, the draft joint opinion by the Venice Commission and the Human Rights Directorate of the Directorate General of Human Rights and Rule of Law (DGI) ([CDL\(2014\)015](#)) on the draft law on amending legislative acts concerning the law on intelligence service and the law on special investigative activities of the Republic of Moldova ([CDL-REF\(2014\)003](#); see also document [CDL-REF\(2014\)007](#)), drawn up on the basis of comments by Mr Cameron as well as Mr Leigh and Mr Lyngbo (DGI experts).

The Commission is invited to examine, with a view to adoption, the draft joint opinion by the Venice Commission, the Human Rights Directorate of the Directorate General of Human Rights and Rule of Law (DGI) and the OSCE/ODIHR ([CDL\(2014\)010](#)) on the draft law on disciplinary liability of judges of the Republic of Moldova ([CDL-REF\(2014\)002](#)), drawn up on the basis of comments by Mr Hamilton, Ms Suchocka, Mr Vardzelashvili, Mr Engstad (DGI expert) and Mr Hadirca (OSCE/ODHIR expert).

21. Working Methods

The Chair of the Sub-Commission on Working Methods will inform the Commission on the results and conclusions of the meeting of a working group held in Vienna on 21 February 2014.

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, 22 March 2014

9h00-11h00 *Discussion and adoption of opinions on individual countries (Continued)*
Studies and reports (Continued)
Co-operation with other countries
Information on constitutional developments in other countries

22. Kosovo*

The Commission is invited to examine, with a view to adoption, the draft opinion ([CDL\(2014\)017](#)) on the draft law amending the law on freedom of religion in Kosovo* ([CDL-REF\(2013\)057](#); see also document [CDL-REF\(2014\)006](#)) drawn up on the basis of comments by Ms Flanagan, Mr Sorensen, Mr Velaers and Mr Vermeulen. The Sub-Commission on Fundamental Rights will examine this draft opinion at its meeting on 20 March 2014.

23. Report on Freedom of Assembly

Ms Peters will present to the Commission the [comparative study on Freedom of Assembly](#) drawn up by the Max Planck Institute.

24. Co-operation with other countries

Kazakhstan

Mr Kairat Mami, Chairman of the Supreme Court of the Republic of Kazakhstan will inform the Commission on recent constitutional developments in Kazakhstan.

Libya

The Commission will be informed on the exchange of views with the General National Congress of Libya on the constitutional process which took place in Tripoli on 8-9 January 2014.

Morocco

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

* All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

25. Information on constitutional developments in other countries

Turkey

The Commission will be informed on recent Constitutional developments in Turkey.

11h00-11h15	<i>Coffee Break</i>
11h15-12h45	<i>Co-operation with the Bingham Centre for the Rule of Law</i> <i>Report of the meeting of the Council for Democratic Elections</i> <i>Report of the meeting of the Sub-Commission on Fundamental Rights</i> <i>Report of the meeting of the Sub-Commission on Democratic Institutions</i> <i>Adoption of the Annual Report of Activities 2013</i>

26. Co-operation with the Bingham Centre for the Rule of Law

Professor Sir Jeffrey Jowell KCMG QC, Director of the Bingham Centre for the Rule of Law will inform the Commission on the possibilities for future co-operation with the Centre.

27. Report of the meeting of the Council for Democratic Elections (20 March 2014)

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 20 March 2014.

[Link to annotated agenda](#)

The draft opinions on the Electoral Code of Bulgaria and the electoral legislation of the Republic of Moldova are dealt with under items 18 and 20.

28. Report of the meeting of the Sub-Commission on Fundamental Rights (20 March 2014)

The Chair of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 20 March 2014, in particular concerning the draft revised Joint Guidelines by the Venice Commission and the OSCE/ODIHR on Freedom of Religion ([CDL\(2014\)016](#)).

[Link to annotated agenda](#)

The report on Children's rights in Constitutions, the draft *amicus curiae* brief for the European Court of Human Rights and the draft opinion on the draft law on freedom of religion in Kosovo* are dealt with under items 14, 12 and 22.

29. Adoption of the annual report of activities 2013

The Commission is invited to examine with a view to adoption the draft annual report of activities 2013 ([CDL\(2014\)004](#)).

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

31. Dates of the next sessions

The schedule of sessions for 2014 is confirmed as follows:

99 th Plenary Session	13-14 June 2014
100 th Plenary Session	10-11 October 2014 (Rome) dates subject to final confirmation from the Italian authorities
101 st 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](#)