



Strasbourg, 4 December 2015

CDL-PL-OJ(2015)004ann
Or. Engl.

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

105th PLENARY SESSION
Venice, Scuola Grande di San Giovanni Evangelista
Friday, 18 December 2015 (9.00 a.m.-6.00 p.m.) -
Saturday, 19 December 2015 (9.00 a.m.-1.00 p.m.)

DRAFT ANNOTATED AGENDA

Friday, 18 December 2015

9h00-10h45

*Opening session**Election of the President, 3 Vice-Presidents and 4 members of the Bureau as well as Chairs of the Sub-Commissions**Co-operation with Council of Europe organs**Follow-up to earlier Venice Commission Opinions***1. Adoption of the Agenda****2. Communication by the President**

The President will present his recent activities (see document [CDL\(2015\)055](#)).

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 17 December 2015.

4. Election of the President, 3 Vice-Presidents and 4 members of the Bureau as well as Chairs of the Sub-Commissions

The terms of office of the President, the Vice-Presidents, the members of the Bureau as well as the Chairs and Vice-Chairs of the Sub-Commissions expire. At its October session the Commission elected the Committee of Wise Persons to prepare the elections.

The Committee of Wise Persons suggests the following amendment to Article 17a.2 of the Rules of Procedure to provide for more flexibility:

“Article 17a
Scientific Council

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2. The Commission shall decide every two years upon the composition of the Scientific Council. The First Vice-President may be elected as Chair of the Scientific Council.”

Replacing : *“2. The Commission shall decide every two years upon the composition of the Scientific Council, which will be chaired by the First Vice-President.”*

The Commission is invited to approve this modification to the Rules of Procedure.

In addition the Committee of Wise Persons will present the proposed list of candidates for the various offices. The election itself will take place on Saturday morning.

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 Luis Javier Gil Catalina, Permanent Representative of Spain to the Council of Europe, with Ambassador Eva Tomič, Permanent Representative of Slovenia to the Council of Europe and with Ambassador Jari Vilén, Head of the European Union Delegation to the Council of Europe.

7. 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 Law of Ukraine on the condemnation of the communist and Nazi totalitarian regimes (see item 16) falls into the framework of co-operation with the Parliamentary 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 Andreas Kiefer, Secretary General of the Congress and with Mr Alain Delcamp, former Chair of the Group of Independent Experts, the Congress' adviser on constitutional matters.

9. Co-operation with the Council of Europe Development Bank

Mr Rolf Wenzel, Governor of the Council of Europe Development Bank will address the Commission.

10. Follow-up to earlier Venice Commission opinions

The Commission will be informed on follow-up to:

First Opinion on the draft amendments to the Constitution (Chapters 1 to 7 and 10) of the Republic of Armenia ([CDL-AD\(2015\)037](#)) and Second Opinion on the draft amendments to the Constitution (in particular to Chapters 8, 9, 11 to 16) of the Republic of Armenia ([CDL-AD\(2015\)038](#));

Amicus Curiae Brief on the Compatibility with the non-Discrimination Principle of the Selection of the Republic Day of the Republika Srpska ([CDL-AD\(2013\)027](#));

Opinion on the draft Law on the Constitutional Court of Montenegro ([CDL-AD\(2014\)033](#));

Opinion on the draft Laws on courts and on rights and duties of judges and on the Judicial Council of Montenegro ([CDL-AD\(2014\)038](#));

Opinion on the draft institutional law on the Constitutional Court of Tunisia ([CDL-AD\(2015\)024](#)).

10h45-11h00	Coffee break
11h00-13h00	Discussion and adoption of opinions on individual countries

11. Albania

The Commission is invited to hold an exchange of views with Mr Kristaq Traja, Chair of the High Level Expert Group on the Amendment of the Constitution of Albania and to examine, with a view to adoption, the draft interim opinion ([CDL\(2015\)052](#)) on the draft constitutional amendments focusing on the judiciary of Albania ([CDL-REF\(2015\)038](#); see also documents [CDL-REF\(2015\)043](#) and [044](#)) drawn up on the basis of comments by Mr Bartole, Ms

Suchocka, Mr Hamilton (Venice Commission expert) and Mr Vardzelashvili (Venice Commission expert). The Sub-Commission on the Judiciary will examine the draft interim opinion at its meeting on 17 December 2015.

12. Montenegro

The Montenegrin authorities informed the Commission that the draft law on freedom of religion is currently being revised. The Bureau has therefore decided to postpone the examination of the opinion on the draft law on freedom of religion of Montenegro to the March 2016 session.

13. “The former Yugoslav Republic of Macedonia”

The Commission is invited to hold an exchange of views with the representative of the Ministry of Justice and to examine, with a view to adoption, the draft opinion ([CDL\(2015\)053](#)) on the Legislation on the disciplining and dismissal of judges and their professional evaluation of “the former Yugoslav Republic of Macedonia” ([CDL-REF\(2015\)046](#)) drawn up on the basis of comments by Mr Barrett, Mr Neppi Modona, Mr Ribicic and Mr Varga. The Sub-Commission on the Judiciary will examine the draft opinion at its meeting on 17 December 2015.

13h00-14h30	Lunch
14h30-16h00	Exchange of views with the OSCE High Commissioner for National Minorities
	Discussion and adoption of Opinions on individual countries (Continued)

14. Exchange of views with the OSCE High Commissioner for National Minorities

Ms Astrid Thors, High Commissioner for National Minorities will address the Commission.

15. Tunisia

Mr Scholsem will inform the Commission on progress of work on the draft law on the authority on good governance and the fight against corruption of Tunisia.

16. Ukraine

The Commission is invited to hold an exchange of views with Ms Hanna Hopko, Chair of the Committee on Foreign Affairs, Parliament of Ukraine and with Ms Nataliia Novak, Member of Parliament, Chair of the Committee on Legal Policy and Justice, and to examine, with a view to adoption, the draft joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL\(2015\)050](#)) on the Law of Ukraine on the condemnation of the communist and Nazi totalitarian regimes ([CDL-REF\(2015\)045](#)) drawn up on the basis of comments by Mr Bartole, Ms Bilkova, Ms Kiener and Ms Suchocka as well as OSCE/ODIHR experts. The Sub-Commission on Fundamental Rights will examine the draft opinion at its meeting on 17 December 2015.

Mr Oleksiy Filatov, Deputy Head of the Presidential Administration of Ukraine, Secretary of the Constitutional Commission is invited to inform the Commission on the progress of constitutional reform in Ukraine. The Commission is invited to take note of the Secretariat Memorandum ([CDL\(2015\)057](#)) on the compatibility of the proposed Amendments to the Constitution of Ukraine regarding the Judiciary as submitted by the President to the Verkhovna Rada on 25 November 2015 ([CDL-REF\(2015\)047](#)) with the final opinion adopted by the Venice Commission at the October 2015 session ([CDL-AD\(2015\)027](#)).

16h00-16h15	<i>Coffee Break</i>
16h15-18h00	<i>Reports and Studies</i> <i>Compilations on Venice Commission opinions and reports</i> <i>Constitutional developments in Observer States</i>

17. Draft summary report on voters residing de facto abroad

The Commission is invited to examine, with a view to adoption, the draft summary report ([CDL\(2015\)049](#)) on voters residing de facto abroad drawn up on the basis of comments by Ms Alanis Figueroa, Mr Esanu, Mr Tanchev, Mr Iure Ciocan (expert Republic of Moldova), Mr Mohamed Krir (expert Tunisia) and Ms Christina Binder (expert Austria). This draft summary report will be examined by the Council for Democratic Elections at its meeting on 17 December 2015.

18. Compilations of Venice Commission opinions and reports

The Commission is invited to endorse the Compilations of Venice Commission opinions and reports on constitutional amendment ([CDL\(2015\)056](#)) and on thresholds in the electoral field ([CDL\(2015\)054](#)).

19. Constitutional Developments in Observer States

Representatives of observer States are invited to inform the Commission on recent constitutional developments in their countries.

19h15 Departure by bus from Venice (Piazzale Roma)

20h00 Dinner at Trattoria dall'Amelia, Mestre

<http://www.dallamelia.it/>

22h30 Return to Venice

Saturday, 19 December 2015

9h00-10h30	<i>Co-operation with other countries</i> <i>Information on constitutional developments in other countries</i> <i>Co-operation with the Inter-American Court of Human Rights</i> <i>Co-operation with the International Ombudsman Institute</i> <i>Elections (Continued)</i>
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20. Co-operation with other countries

21. Information on constitutional developments in other countries

Poland

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

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

The Commission is invited to hold an exchange of views with Mr Roberto Caldas, Vice-President of the Inter-American Court of Human Rights.

23. Co-operation with the International Ombudsman Institute

The Commission is invited to hold an exchange of views with Mr Rafael Ribo, Chairman of the European Chapter of the International Ombudsman Institute.

4. Contd. Election of the President, 3 Vice-Presidents and 4 members of the Bureau as well as Chairs of the Sub-Commissions

The Commission is invited to elect its President, three Vice-Presidents and four members of the Bureau for a period of 2 years. The Commission is also invited to elect the Chairs and the Vice-Chairs of its Sub-Commissions for a period of 2 years.

10h30-10h45

Coffee Break

10h45-12h45

Award by the International Centre for Parliamentary Studies

Conference on "The Constitutional Protection of Vulnerable Groups: a Judicial Dialogue" and meeting of the Sub-Commission on Latin America

Reports of the Sub-Commission meetings

Association of former Venice Commission members

24. Award by the International Centre for Parliamentary Studies (ICPS)

The Commission will be informed about the International Centre for Political Studies (ICPS) Electoral Awards Ceremony at which it received the International Institutional Engagement Award.

25. Conference on "The Constitutional Protection of Vulnerable Groups: a Judicial Dialogue" and meeting of the Sub-Commission on Latin America (Santiago, 4-5 December 2015)

The Commission will be informed on the results and conclusions of the Conference on "The Constitutional Protection of Vulnerable Groups: a Judicial Dialogue" and the meeting of the Sub-Commission on Latin America which took place in Santiago, Chile on 4-5 December 2015.

26. Report of the meeting of the Council for Democratic Elections (17 December 2015)

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 17 December 2015.

[Link to annotated agenda](#)

The draft summary report on voters residing de facto abroad is dealt with under item 17 above.

27. Report of the meeting of the Sub-Commission on the Rule of Law (17 December 2015)

The Chair of the Sub-Commission will inform the Commission on the results and conclusions of the meeting held on 17 December 2015.

[Link to annotated agenda](#)

28. Information on the Association of former Venice Commission members

The Commission will be informed on the activities of the Association of former Venice Commission members and substitute members.

12h45-13h00	Closing session
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29. Other business

30. Dates of the next sessions

The schedule of sessions for 2016 is confirmed as follows:

106 th Plenary Session	11-12 March 2016
107 th Plenary Session	10-11 June 2016
108 th Plenary Session	14-15 October 2016
109 th 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](#)