



Strasbourg 30 September 2016

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

108th PLENARY SESSION
Venice, Scuola Grande di San Giovanni Evangelista
Friday, 14 October 2016 (9.00 a.m.-6.00 p.m.) -
Saturday, 15 October 2016 (9.00 a.m.-1.00 p.m.)

DRAFT ANNOTATED AGENDA

Friday, 14 October 2016

9h00-10h45

*Opening session
Co-operation with Council of Europe organs
Co-operation with the European Union Agency for Fundamental Rights
Follow-up to earlier Venice Commission Opinions and Reports
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\(2016\)035](#)).

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 13 October 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 Onno Elderenbosch Permanent Representative of the Netherlands to the Council of Europe, with Ambassador Ágnes Kertész, Permanent Representative of Hungary to the Council of Europe and with Ms Amy P. Westling, Consul General, Deputy Permanent Observer of the United States of America to the Council of Europe.

6. Co-operation with the Parliamentary Assembly

The Commission is invited to hold an exchange of views 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 Turkey, Azerbaijan and “the former Yugoslav Republic of Macedonia” (see items 13, 16 and 20), 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. Co-operation with the Council of Europe Development Bank

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

9. Co-operation with the Commissioner for Human Rights

Mr Nils Muižnieks, Commissioner for Human Rights, will address the Commission.

10. Co-operation with the European Union Agency for Fundamental Rights

Mr Michael O’Flaherty, Director of the European Union Agency for Fundamental Rights, will address the Commission.

11. Follow-up to earlier Venice Commission opinions and reports

The Commission will be informed on follow-up to:

Rule of Law Checklist ([CDL-AD\(2016\)007](#));

Final Opinion on the revised draft constitutional amendments on the Judiciary (15 January 2016) of Albania ([CDL-AD\(2016\)009](#));

Amicus Curiae Brief for the Constitutional Court of the Republic of Moldova on the Right of Recourse by the State against Judges ([CDL-AD\(2016\)015](#));

Joint Opinion on the draft law on changes to the electoral code of the Republic of Moldova ([CDL-AD\(2016\)021](#)); (see also [CDL-REF\(2016\)053](#));

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](#));

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](#)).

The draft opinions on Poland and Armenia (see items 12 and 15) are a follow-up to previous opinions adopted on these countries.

12. 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\(2016\)029](#)) on the Act on the Constitutional Tribunal of Poland ([CDL-REF\(2016\)052](#)), drawn up on the basis of comments by Ms Cleveland, Mr Frenco, Mr Grabenwarter, Mr Scholsem and Mr Tuori. This draft opinion is a follow-up to the Opinion on amendments to the Act of 25 June 2015 on the Constitutional Tribunal of Poland adopted at the 106th Plenary Session ([CDL-AD\(2016\)001](#)). The Sub-Commission on Constitutional Justice will examine the draft opinion at its meeting on 13 October 2016.

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

13. 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\(2016\)033](#)) on the suspension of Article 83 of the Constitution of Turkey (Parliamentary inviolability) ([CDL-REF\(2016\)056](#); see also document [CDL-REF\(2016\)055](#)), drawn up on the basis of comments by Mr Frenco, Mr

Meridor, Ms Omejec, Mr Scholsem and Mr Tuori. The Sub-Commission on Democratic Institutions will examine the draft opinion at its meeting on 13 October 2016.

14. Albania

The Commission is invited to examine, with a view to adoption, the draft amicus curiae brief ([CDL\(2016\)031](#)) for the Constitutional Court of Albania on the restitution of property ([CDL-REF\(2016\)049](#)), drawn up on the basis of comments by Mr Aurescu, Mr Grabenwarter and Ms Hermanns.

15. Armenia

The Commission is invited to endorse the second preliminary joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL-PI\(2016\)008](#)) on the draft electoral code of Armenia as amended on 30 June 2016 ([CDL-REF\(2016\)044](#); see also documents [CDL-REF\(2016\)042](#) and [043](#)), 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 107th Plenary Session, the preliminary opinion has already been issued. The Commission endorsed the first preliminary joint opinion on the draft electoral code of Armenia as of 18 April 2016 at its 107th Plenary Session ([CDL-AD\(2016\)19](#)).

Ms Arpine Hovhannisyanyan, Minister of Justice of Armenia, will inform the Commission on further developments with regard to the electoral code.

16. Azerbaijan

In the presence of Mr Shahin Aliyev, Head of Department of Legislation and Legal Expertise, Office of the President of the Republic of Azerbaijan, the Commission is invited to endorse the preliminary opinion ([CDL-PI\(2016\)010](#)) on the Referendum proposing Amendments to the Constitution of Azerbaijan ([CDL-REF\(2016\)054](#)), drawn up on the basis of comments by Mr Alivizatos, Ms Bazy-Malaurie, Mr Gonzalez Oropeza, Mr Hoffmann-Riem, Mr Kang and Mr Tuori. The Bureau authorised this preliminary opinion to be issued under the responsibility of the rapporteurs.

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

17. Bosnia and Herzegovina

The Commission is invited to examine, with a view to adoption, the draft amicus curiae brief ([CDL\(2016\)032](#)) for the Constitutional Court of Bosnia and Herzegovina on the mode of election of delegates in the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina ([CDL-REF\(2016\)050](#)), drawn up on the basis of comments by Mr Barrett, Mr Scholsem and Mr Vilanova Trias. The Sub-Commission on Democratic Institutions will examine the amicus curiae brief at its meeting on 13 October 2016.

18. Kyrgyz Republic

The Commission is invited to endorse the preliminary joint opinion by the Venice Commission and the OSCE/ODIHR ([CDL-PI\(2016\)009](#)) on the introduction of amendments and changes to the Constitution of the Kyrgyz Republic ([CDL-REF\(2016\)051](#)), drawn up on the basis of comments by Mr Endzins, Mr Esanu, Mr Harutyunyan and Ms Khabrieva. The Bureau authorised this preliminary opinion to be issued under the responsibility of the rapporteurs.

16h00-16h15	<i>Coffee Break</i>
16h15-18h00	<i>Discussion and adoption of Opinions on individual countries (Continued)</i> <i>Reports and studies</i> <i>Report of the meeting of the Council for Democratic Elections</i>

19. Spain

The Bureau decided to postpone examination of the draft opinion on amendments to the Organic law on the Constitutional Tribunal of Spain to a forthcoming session.

20. “The former Yugoslav Republic of Macedonia”

The Commission is invited to examine, with a view to adoption, the draft joint opinion ([CDL\(2016\)030](#)) by the Venice Commission and the OSCE/ODIHR on the Electoral Code of “the former Yugoslav Republic of Macedonia” as amended on 9 November 2015 ([CDL-REF\(2016\)020](#)), drawn up on the basis of comments by Mr Darmanovic, Mr Kask, Mr Vilanova Trias and Mr Donald Bisson (OSCE/ODIHR expert).

21. Publication of lists of voters having participated in elections

The Commission is invited to examine, with a view to adoption the draft interpretative declaration of the Code of good practice in electoral matters on the publication of lists of voters having participated in elections ([CDL\(2016\)034](#)).

22. Report of the meeting of the Council for Democratic Elections (13 October 2016)

The President of the Council will inform the Commission on the results and conclusions of the meeting held on 13 October 2016.

[Link to annotated agenda](#)

The opinions on Armenia, and “the former Yugoslav Republic of Macedonia” as well as the interpretative declaration on the publication of lists of voters having participated in elections are dealt with under items 15, 20 and 21 above.

19h45 Dinner at Hotel Papadopoli Venezia, Venice

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

Saturday, 15 October 2016

9h00-10h30	<i>Discussion and adoption of Opinions on individual countries (Continued)</i> <i>Co-operation with other countries</i>
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23. 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 joint opinion ([CDL\(2016\)036](#)) by the Venice Commission, the Directorate of Human Rights (DGI) and the OSCE/ODIHR on Draft Law N°

3587 on guarantees for freedom of peaceful assembly and Draft Law N° 3587-1 on guarantees for freedom of peaceful assembly in Ukraine ([CDL-REF\(2016\)046](#)), drawn up on the basis of comments by Ms Bazy-Malaurie, Mr Esanu and Mr Huseynov as well as DGI and OSCE/ODIHR experts.

24. Co-operation with other countries

Japan

Mr Shinsuke Shimizu, Ambassador, Consul General of Japan, is invited to inform the Commission on co-operation with Japan.

Morocco

The Commission will be informed on progress of work on the implementation of the organic Moroccan laws on the High Judicial Council and on the status of judges.

10h30-10h45

Coffee Break

10h45-12h45

Information on constitutional developments in other countries

Compilations of Venice Commission opinions and reports

25. Information on constitutional developments in other countries

Georgia

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

Greece

Mr Alivizatos will inform the Commission on recent constitutional developments in Greece.

Monaco

Mr Didier Linotte, President of the Supreme Tribunal of Monaco, is invited to inform the Commission on recent modifications to the organisation and functioning of the Supreme Tribunal of the Principality of Monaco.

Slovak Republic

Mr Ján Mazák, Adviser to the President of the Slovak Republic, is invited to inform the Commission on issues relating to the appointment of judges of the Constitutional Court of the Slovak Republic.

United Kingdom

Mr Clayton will inform the Commission on recent constitutional developments in the United Kingdom.

26. Compilations of Venice Commission opinions and reports

The Commission is invited to endorse the draft Compilation of Venice Commission opinions and reports on Freedom of expression ([CDL\(2016\)037](#)).

12h45-13h00

Closing session

27. Other business

28. Dates of the next sessions

The final session for 2016 is confirmed as follows:

109th Plenary Session 9-10 December 2016

The schedule of sessions for 2017 is confirmed as follows:

110th Plenary Session 10-11 March 2017

111th Plenary Session 16-17 June 2017

112th Plenary Session 6-7 October 2017

113th Plenary Session 8-9 December 2017

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